

REPORT III
(PART 1)

International Labour Conference

FIFTY-FOURTH SESSION
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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
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The publication of information concerning the ratification and application of international labour Conventions does not imply any expression of view by the International Labour Office on the legal status of the State having communicated a ratification or declaration, or on its authority over the territories in respect of which such ratification or declaration is made ; in certain cases these may present problems on which the 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 1967 to 30 June 1969, 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. Tables indicating ratifications¹ and, in the case of non-metropolitan territories, declarations of application, appear at the end of the document.

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 laws 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

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

is no longer summarised, but countries which have supplied such data and countries which refer to or repeat information previously reported are listed at the end of the 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 each of these groups. The present summary covers primarily reports on Conventions in the appropriate group ¹ as well as other reports due under the above-mentioned decision: (a) first reports; (b) reports relating to cases in which serious divergences between national law and practice and the provisions of a ratified Convention have been noted by the Committee of Experts or the Conference Committee.

The summaries of reports on the application of Conventions in non-metropolitan territories are printed under each Convention following those concerning metropolitan countries.

At the end 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 1 January 1970. The report of the Committee of Experts on the Application of Conventions and Recommendations, which examines the reports, is communicated separately to the Conference as Report III (Part 4).

¹ Conventions Nos. 2, 4, 6, 10, 12, 16, 17, 18, 19, 22, 23, 24, 25, 29, 34, 41, 42, 44, 48, 52, 53, 55, 56, 63, 65, 69, 71, 73, 74, 77, 78, 79, 81, 82, 85, 88, 89, 90, 92, 94, 95, 96, 101, 104, 105, 113, 114, 115, 117, 118, 121, 124, 125, 126.

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

APPLICATION OF CONVENTIONS (Articles 22 and 35 of the Constitution)

Convention No. 2 : Unemployment, 1919

AUSTRIA

Employment Market Promotion Act of 12 December 1968 (*Bundesgesetzblatt*, 21 Jan. 1969, No. 1, Text 31) (*LS* 1969—Aus. 2).

The above-mentioned Act, which replaces the previous legislation, came into force on 1 January 1969 and entrusts the employment market authorities with important new functions as part of an active employment policy. In particular it introduces measures designed to promote occupational and geographical mobility. It further creates an Employment Market Policy Advisory Board, on which employers and workers are represented, to advise on policy in this field.

In reply to observations made by the Committee of Experts the Government has stated that the new Act provides for the co-ordination on a national scale of the operations of public and private free employment agencies in accordance with Article 2, paragraph 2, of the Convention. Such co-ordination is ensured through the supervisory functions of the Federal Ministry of Social Administration.

COLOMBIA

See under Convention No. 88.

GREECE

Legislative Decree No. 163 of 1969 to ratify the Social Security Convention of 13 September 1966 between Greece and the Netherlands, which contains provisions relating to unemployment insurance (*Ephemeris tes Kyberneseos*, 15 May 1969, No. 91, Vol. A).

Legislative Decree No. 212 of 1969 respecting the organisation and administration of the employment service and measures to deal with unemployment (*ibid.*, 19 June 1969, No. 112, Vol. A).

NICARAGUA

Executive Decree No. 39 of 14 April 1969 (*La Gaceta*, 15 Apr. 1959, No. 81, p. 1053) to amend the Labour Code.

The Government transmitted the text of the above-mentioned decree, which modifies sections 12, 15, 16, 52, 56, 84, 122, 123, 129, 151, 153, 155, 161, 175 and 183 of the Labour Code, concerning which observations had been made by the Committee of Experts in relation both to this Convention and other Conventions.

UNITED KINGDOM

Brunei

Article 1 of the Convention. Unemployed persons seeking employment are registered with the labour exchanges. Unemployment is not a serious problem; the local population being insufficient to meet employment needs, immigrants are recruited by means of a quota system.

Article 2. Labour exchange sections have been established under the direction of the Commissioner of Labour.

Article 3. There is no unemployment insurance system.

Gibraltar

Non-contributory Social Insurance Benefit (Amendment) Ordinance, 1966.

The above-mentioned ordinance, which came into force on 1 January 1968, provides for the payment of unemployment benefit to all insured persons under the contributory social insurance scheme, irrespective of nationality or residence, and replaces the non-contributory scheme under which benefit was payable only to British subjects and persons domiciled in Gibraltar.

Gilbert and Ellice Islands

A detailed statement of employment policy was published in May 1969. A form of employment service is in the process of being established. In this connection see under Convention No. 88.

Hong Kong

A new employment office was opened in November 1967, bringing the total number of such offices to four.

URUGUAY

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

The Manpower and Employment Service is making continuous efforts to extend the national network of employment offices. Complete fulfilment of the Service's aims has been held up by budgetary limitations. Although the Service is nation-wide in character, its activities are in practice confined to the area of Montevideo.

It has not proved possible to bring all the operations of the various employment offices under a single authority. So far, only information services have been centralised.

There exist private employment agencies, some free, some fee-charging, but no steps have been taken to co-ordinate their operations at the national level.

Convention No. 3 : Maternity Protection, 1919

ALGERIA

Article 3 of the Convention. A woman nursing her child is entitled to a rest period of one hour per day, divided into two periods of half an hour each.

Article 4. The maximum period during which a woman may remain absent as a result of illness is fixed at fifteen weeks by the Labour Code (Book I, section 29 (1)).

Convention No. 4 : Night Work (Women), 1919

CAMBODIA (First Report)

Decree of 30 December 1936 to issue regulations governing the conditions of employment, etc. (*Journal Officiel*, 31 Dec. 1936, No. 306, p. 13673) (LS 1936—Fr. 18).

The drafting of a Labour Code was completed in September 1969. The draft Code, which states that as a matter of principle night work of women is forbidden in all undertakings whatever their nature, and which adopts the international definition of the term "night", will shortly be laid before Parliament.

At the present time 2,141 women work in undertakings employing workers during the night. Such undertakings are thus acting in violation of the provisions of the Convention. This development has occurred as a result of changes in the economic and political situation of the country since 1953, together with the introduction of cloth mills, which opened the way to the employment of female labour. The Government is taking steps to bring the situation back to normal in spite of the great difficulties involved. It is planned to hold an information session for all the employers concerned, for the purpose of determining the proper measures required to guarantee the strict application of the Convention.

CAMEROON Eastern Cameroon

Order No. 16/MTLS/DEGRE of 27 May 1969 respecting the employment of women (*Official Gazette*, 1 June 1969, No. 10).

CHAD

Decree No. 58 PR/MTJS/DT-MO-PS of 8 February 1969 respecting the employment of women and of pregnant women.

NICARAGUA

In reply to an observation made by the Committee of Experts the Government has stated that it hopes to be able to adapt its legislation to the terms of the Convention when the country's economic position makes it possible to do so without prejudicing certain sectors.

Convention No. 6 : Night Work of Young Persons (Industry), 1919**CAMBODIA (First Report)**

See under Convention No. 4.

The provisions of the Convention are applied by the decree of 30 December 1936. A draft Labour Code, which will shortly be laid before Parliament, states that as a matter of principle the employment of young persons of less than 18 years of age on night work is prohibited in all undertakings, whatever their nature. The draft Code adopts the international definition of the term "night" and provides that, in special circumstances, exceptions may be made in the case of young persons over 16 years of age by virtue of an order issued by the Minister of Labour.

CAMEROON**Eastern Cameroon**

Order No. 17/MTLS/DEGRE of 27 May 1969 respecting the employment of children (*Official Gazette*, 1 June 1969, No. 10).

HUNGARY

Labour Code (*Magyar Közlöny*, 8 Oct. 1967, No. 67, p. 503) (*LS* 1967—Hun. 2 A).

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

Since most sectors of the national economy do not employ young persons on night work (or at most in very small numbers), it has been possible to include in the new Labour Code a general prohibition in respect of the employment of young persons on night work. However, certain specialised sectors need to be taken into account and for this reason section 38 (4) of the Labour Code provides for an exception to be made in the case of young persons over 16 years of age.

NICARAGUA

See under Convention No. 2.

SWITZERLAND

In reply to a request made by the Committee of Experts the Government has stated that the competent authorities have not yet made use of the powers granted to them under section 64, paragraph 1 (a), of General Ordinance No. 1 of 14 January 1966 (authorising the employment of young persons over 16 years of age on night work for the purpose of vocational training). The Government reserves the right to apply this provision to sectors such as handicrafts and commerce, which are not covered by the Convention. Such exceptions will be few and at present none is considered other than in the case of the paper industry and of chimney-sweeps.

UPPER VOLTA

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

Section 7 of Order No. 539 of 29 July 1954 applies to essential work occurring in cases of *force majeure*. The guarantee given by the Inspectorate of Labour and Social Legislation in this field meets the requirements of the Convention.

Section 3 of the above-mentioned order applies to manual labour in factories, manufacturing establishments, mines, etc. Non-manual employment is thus excluded. The Government is prepared to revise this text to bring it into line with the Convention.

Convention No. 7 : Minimum Age (Sea), 1920

NICARAGUA

See under Convention No. 2.

Convention No. 9 : Placing of Seamen, 1920

COLOMBIA

In reply to an observation made in 1969 by the Committee of Experts the Government has stated that Decree No. 3136 respecting the structure of the Ministry of Labour has established an Employment and Human Resources Division whose functions include organising and operating a free employment service.

Convention No. 10 : Minimum Age (Agriculture), 1921

BULGARIA

Model Rules for workers' co-operative farms (*D'rzhaven Vestnik*, 25 Oct. 1968, No. 83).

The minimum age laid down for co-operative farm workers is 16 years.

UNITED KINGDOM

Gilbert and Ellice Islands

Local Government Ordinance, 1966.

The enactment of the above-mentioned ordinance had the effect of nullifying the regulations made under the Native Governments Ordinance, 1941, including the regulation providing for the attendance at school of children up to the age of 16 years. This means that school attendance up to this age is no longer compulsory on the islands. Active consideration is now being given to the early amendment of the legislation so that the Colony may continue to comply with the requirements of the Convention.

Convention No. 11 : Right of Association (Agriculture), 1921**CAMEROON**

In reply to a direct request made by the Committee of Experts for further information on the provision of the Labour Law excluding from the scope of the law any person who is subject to customary law and works within the traditional framework of the family, which the Committee considered might be taken to mean a curtailment of the rights of association secured by the Convention to all those engaged in agriculture, the Government has stated that this exception does not apply to persons engaged in agriculture, but to those working in small family undertakings.

GHANA (First Report)

Trade Unions Ordinance, 1941, as amended by Decree No. 110 of 1966.
Industrial Relations Act, No. 299 of 1965 (*LS* 1965—Ghana 2).

Article 1 of the Convention. All those engaged in agriculture are secured the same rights of association and combination as those engaged in industry. The provisions of the Trade Unions Ordinance permit the formation and registration of trade unions, which can exercise the right freely to draw up and adopt their own constitutions. The Chief Labour Officer is responsible for the application of the above-mentioned legislation. Application is supervised and enforced by officers of the Labour Department. There have been no decisions by courts or tribunals relating to the application of the Convention.

Convention No. 12 : Workmen's Compensation (Agriculture), 1921**BELGIUM**

See under Convention No. 17.

BRAZIL

Act No. 5316 of 14 September 1967 to extend the social insurance scheme to include insurance against employment accidents, and for other purposes (*Diário Oficial (D.O.)*, 18 Sep. 1967, No. 176, p. 9527) (*LS* 1967—Bra. 3).

Decree No. 61784 of 28 November 1967 to approve the regulations governing the employment accidents social insurance scheme (*D.O.*, Part I, 26 Nov. 1967, No. 226, p. 11985).

BULGARIA

See under Convention No. 25.

COLOMBIA

In reply to a request made by the Committee of Experts the Government has stated that all workers without distinction are entitled to compensation for employment injuries under sections 193 and 199 of the Labour Code.

HUNGARY

Regulation No. 5 of 30 June 1966 of the Central Trade Union Council.

Legislative Ordinance No. 30 of 24 December 1966 to provide for payment of pensions to co-operative farm workers (*Magyar Közlöny*, 24 Dec. 1966) and Ordinance No. 30 of 24 December 1966 (*ibid.*) to apply the Legislative Ordinance.

ITALY

Act No. 235 of 12 March 1968 to improve the financial position of victims of industrial accidents who have already been awarded lump sums or annuities (*Gazzetta Ufficiale*, 28 Mar. 1968, No. 81, p. 1889).

Ministerial Decree of 26 November 1968. Triennial re-appraisal of the compensation payable in the agricultural sector for industrial accidents and occupational diseases (*ibid.*, 10 Jan. 1969, No. 8, p. 157).

Act. No. 153 of 30 April 1969 to revise the provisions respecting pensions and the Social Welfare Regulations (*ibid.*, 30 Apr. 1969, No. 111, Supplement, p. 1).

MALTA

See under Convention No. 42.

NETHERLANDS

See under Convention No. 121.

NICARAGUA

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

Once the social security system is extended to cover agricultural labour, workers in this sector will enjoy equality with other workers as regards compensation for employment injuries.

It is not considered an appropriate moment to revise section 103 of the Labour Code on account of the economic depression in the agricultural sector. Nevertheless, the observations made by the Committee of Experts will be taken into account when circumstances permit.

POLAND

Act of 23 January 1968 respecting universal pension security for workers and their families (*Dziennik Ustaw (D.U.)*, 27 Jan. 1968, No. 3, Text 6) (*LS 1968—Pol. 1 A*).

Act of 23 January 1968 respecting the cash benefits payable in the event of an employment accident (*D.U.*, 27 Jan. 1968, No. 3, Text 8) (*LS 1968—Pol. 1 B*).

The second of these Acts introduced a separate scheme for cash benefit payable in the event of an employment accident. This scheme applies to workers employed in state-owned undertakings.

The new legislation cited above contains provisions respecting the granting of invalidity pensions, survivors' pensions, sickness and temporary incapacity allowances, as well as medical care.

UGANDA

See under Convention No. 17.

UNITED KINGDOM

See under Convention No. 17.

Guernsey

See under Convention No. 17.

Hong Kong

Towards the end of the period under review the drafting was completed of a Workmen's Compensation (Amendment) Bill, which, if it passes into law, will bring agricultural workers within its scope.

Isle of Man

See under Convention No. 17.

URUGUAY

Act No. 13705 to modify the pension contributions of rural workers (*Diário Oficial*, 12 Dec. 1968, No. 17972).

Convention No. 13 : White Lead (Painting), 1921

DAHOMEY

In reply to a direct request made by the Committee of Experts the Government has stated that General Orders Nos. 8822 and 8827 of 14 November 1955 are still applicable in Dahomey.

IRAQ

In reply to a direct request made by the Committee of Experts the Government has stated that Instruction No. 1 of 1966 will be modified in order to ensure the application of Articles 1, 3 and 5 of the Convention.

Convention No. 14 : Weekly Rest (Industry), 1921**CAMEROON**

Order No. 22/MTLS/DEGRE of 27 May 1969 to fix the conditions for the granting of weekly rest (*Official Gazette*, 1 June 1969, No. 10, p. 975).

USSR (First Report)

Constitution of the USSR and the Constitutions of the autonomous federated republics.
Labour Code of the RSFSR (*LS* 1936—Russ. 1) and the Labour Codes of the federated republics.
Decree of 14 March 1967 of the Praesidium of the Supreme Soviet of the USSR respecting the introduction of a five-day working week with two rest days for workers and salaried employees in undertakings (*Vedomosti Verkhovnogo Soveta SSSR*, 15 Mar. 1967, No. 11, p. 135).

The right to rest is guaranteed by article 119 of the Constitution of the USSR. Under the six-day and 41-hour working week the weekly rest period may not be less than 42 hours and must be granted on a Sunday. It may be granted on another day by virtue of a decision of the Council of Ministers. A worker may only be required to work on the weekly rest day in exceptional circumstances and with the agreement of his trade union. One day's compensatory rest must be granted to him within two weeks. The granting of compensation in the form of cash is prohibited. Where the nature of a person's work makes it necessary for him to work on the weekly rest day he must be granted another day of rest which must be fixed in advance.

With the shift to the five-day working week, most workers now have a weekly rest period of between 56 and 64 hours. In some cases the nature of their work may make it necessary for workers to take their two weekly days of rest on days that are not consecutive, but even then the period of uninterrupted rest can never be less than 39 hours.

The observation of the weekly rest provisions is supervised by the state organs entrusted with general supervision of the labour legislation, i.e. the Procurator's Office, the labour inspectorate and the trade unions. There is thus a double system of supervision—by the State and the unions—and this ensures full respect for the legislation.

Convention No. 15 : Minimum Age (Trimmers and Stokers), 1921**CAMEROON****Western Cameroon**

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

Merchant Shipping Code, Ordinance No. OF-30 of 31 March 1962 (*Official Gazette*, 15 Aug. 1962, No. 16, p. 899).

Order No. 130 of 6 September 1962 fixing the conditions for exercising the profession of Cameroon seaman and the terms and conditions governing the issue of professional seamen's cards and books (*ibid.*, 1 Oct. 1962, No. 19, p. 1136.)

See also under Convention No. 6.

Article 1 of the Convention. The provisions of this Article are covered by section 10 of the Merchant Shipping Code.

Article 2. The terms of this Article are reproduced in section 93 (2) of the Labour Code.

Article 3, clause (a). This clause is covered by section 163 of the Merchant Shipping Code.

Clause (b). No exceptions are made for vessels propelled by means other than steam.

Article 4. No provision exists which gives effect to this Article of the Convention.

Article 5. The provisions of this Article are covered by sections 28, 29, 108 and 163 of the Merchant Shipping Code and section 4 of Order No. 130 of 1962.

Article 6. There is no such provision in the documents at present in use.

NICARAGUA

See under Convention No. 2.

Convention No. 16 : Medical Examination of Young Persons (Sea), 1921

CAMEROON Western Cameroon

Merchant Shipping Code, Ordinance No. OF-30 of 31 March 1962 (*Official Gazette*, 15 Aug. 1962, No. 16, p. 899).

See also under Convention No. 6.

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

Article 1 of the Convention. The term "vessel" is defined in section 10 of the Merchant Shipping Code of 1962.

Article 3. Sections 24 and 25 of Ministerial Order No. 17/MTLS/DEGRE of 27 May 1969 provide for the annual renewal of the medical examination of young persons under 18 years of age in the course of employment.

NICARAGUA

See under Convention No. 2.

SWEDEN

Royal Ordinance No. 87 of 14 April 1961 respecting the registration and the signing on and discharge of seamen, as amended in 1968 (*Svensk Författningssamling (S.F.)*, 1968, No. 444) and 1969 (*ibid.*, 1969, No. 311), and the National Swedish Board of Shipping and Navigation's Regulations and Recommendations of 24 April 1963 (*Sjöfartsstyrelsens Meddelanden*, 1963, No. 6) respecting the application of the ordinance.

Royal Decree No. 88 of 14 April 1961 respecting medical certificates for seamen, as amended in 1967 (*S.F.*, 1967, No. 289).

Regulations on the appointment of seamen's medical officers of 12 May 1961 (*Medicinal-författningar*, 1961, No. 92).

National Swedish Board of Health's Circular of 25 September 1961 containing recommendations to seamen's medical officers (*ibid.*, No. 93).

National Swedish Board of Health's Circular of 19 July 1950 concerning checks on colour blindness (*ibid.*, Appendix A).

UNITED KINGDOM

Brunei

Labour Enactment, 1954.

Labour (Amendment) Enactment, 1961.

Article 1 of the Convention. The definition of "ship" contained in section 2 of the Labour Enactment includes any vessel or boat of any nature engaged in navigation whether publicly or privately owned.

Article 2. Under section 82 (1) of the Labour Enactment the employment of any child or young person on any ship shall be subject to the production of a medical certificate attesting fitness for work signed by a duly registered medical practitioner.

Article 3. Section 82 (2) of the Labour Enactment states that the continued employment at sea of any child or young person shall be subject to the repetition of such a medical examination at intervals of not more than one year.

Article 4. In practice, should an urgent case arise, the Commissioner will allow a young person under 18 years of age to embark without having undergone a medical examination, provided that such an examination shall be carried out at the first port at which the ship calls.

URUGUAY

Article 1 of the Convention. See under Convention No. 73, Article 1.

Convention No. 17 : Workmen's Compensation (Accidents), 1925

ARGENTINA

Act No. 18018 (*Boletín Oficial*, 2 June 1969, No. 21594, p. 4) to amend Act No. 9688 respecting employment injuries and occupational diseases.

AUSTRIA

Public Servants' Sickness and Accident Insurance Act of 31 May 1967 (*Bundesgesetzblatt*, 1967, Text 200), as amended by the Act of 21 June 1968 (*ibid.*, 25 July 1968, No. 62, Text 284).

General Social Insurance (Amendment) Act, No. 21 of 15 December 1967 (*ibid.*, 1968, Text 6), as further amended by Act No. 23 of 10 December 1968 (*ibid.*, 17 Jan. 1969, No. 5, Text 17).

The Act of 31 May 1967 set up a public servants' sickness and accident insurance scheme within the framework of the general social insurance scheme. Compensation to which public servants are entitled under this Act corresponds, in general, to that paid by insurance funds coming under the General Social Security Act and includes, as regards employment injuries, medical aid, invalidity pensions, and survivors' allowances and benefit.

The list of occupational diseases given in Appendix I to section 177 of the General Social Insurance (Amendment) Act covers public servants under the Public Servants' Sickness and Insurance Act.

The Act of 15 December 1967 provides for an increase in the daily allowances paid under the sickness insurance scheme. The Act of 21 June 1968 extended the scope of the Public Servants' Sickness and Accident Insurance Act and the Act of 10 December 1968 extended that of the General Social Insurance Act.

BARBADOS

The application of the Convention is not yet governed by the National Insurance and Social Security Act, but the necessary arrangements are being made to this end.

BELGIUM

Royal Decree of 27 March 1969 (*Moniteur Belge*, 4 Apr. 1969, No. 67, p. 3000) to amend the Order of the Regent of 19 October 1944 respecting the granting of allowances to certain classes of persons who have sustained industrial accidents.

Act of 30 June 1969 to amend the legislation respecting industrial injuries (*ibid.*, 8 July 1969, No. 130, p. 6712).

The second of the above-mentioned instruments provides for compensation in the form of a lump sum when the degree of permanent disablement is less than 10 per cent, whereas previously lump sums were awarded only when this was less than 5 per cent.

COLOMBIA

Decree No. 3135 of 26 December 1968 respecting the combination of the social security schemes for the public and private sectors and regulating the scale of benefits for public employees.

Among other things, the above-mentioned decree deals with compensation for industrial accidents and occupational diseases.

CUBA

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

Provision for the suspension of compensation in cases where a beneficiary is serving a prison sentence of more than 30 days and in cases where a beneficiary has been sentenced for an offence of a counter-revolutionary nature has been made in sections 63 (*f*) and 64 of Act No. 1100 of 27 March 1963 respecting social security because such prison sentences are imposed for serious "anti-social" offences against national institutions, including the social security scheme, which provides protection for workers without requiring contributions from them. Persons serving prison sentences are supported by the State. Moreover, the financial situation of members of their family is taken into account and provided for in conformity with "revolutionary practice" in the social welfare field.

FRANCE

Ordinance No. 706 of 21 August 1967 respecting the administrative and financial organisation of the social security scheme (*Journal Officiel*, 22 Aug. 1967).

Ordinance No. 707 of 21 August 1967 (*ibid.*, to amend Book V (Pharmacy) of the Public Health Code, various provisions respecting benefit in the Social Security Code, and Act No. 419 of 18 June 1966 respecting certain employment accidents and occupational diseases.

Decree No. 805 of 19 September 1967 (*ibid.*, 26 Sep. 1967) further to amend Decree No. 1585 of 10 December 1949, as amended, so as to extend to prisoners the provisions of Book IV of the Social Security Code.

Decree No. 1075 of 4 December 1967 (*ibid.*, 9 Dec. 1967) to prescribe rules for the administration of Act No. 419 of 18 June 1966 respecting the compensation payable to certain persons sustaining employment accidents or contracting occupational diseases prior to the entry into force of the new provisions on the subject.

Act No. 943 of 30 October 1968 respecting third party liability in the nuclear power sector (*ibid.*, 31 Oct. 1968).

Act No. 1045 of 29 November 1968 (*ibid.*, 30 Nov. 1968) to amend Act No. 956 of 12 November 1965 respecting third party liability of owners of nuclear vessels.

Act No. 1249 of 31 December 1968 respecting the remuneration of vocational trainees (*ibid.*, 3 Jan. 1969).

French Guiana, Guadeloupe, Martinique, Réunion

See under France.

FEDERAL REPUBLIC OF GERMANY

Act of 23 August 1967 respecting the decentralised administration of the social security scheme (*Bundesgesetzblatt*, 1967, Part I, p. 918).

GUINEA

Decree No. 272/PR 6 of 22 July 1967 to set up a Social Security Fund for the artistes of the Republic of Guinea (*Journal Officiel*, 15 Aug. 1967, p. 196).

IRAQ

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

Article 2 of the Convention. A special technical committee is actively engaged in a general revision of the Labour Act. This revision will take into account the Committee's observations concerning the divergences existing between section 2 (1), clauses (c) and (d), of the present Act and the provisions of this Article.

Articles 5, 7, 8, and 11. The Committee's observations concerning the application of these provisions to workers who are not covered by the Social Security Act have been attentively studied. A Bill has been proposed to extend the scope of this Act, which embodies all the principles laid down in these Articles, to all undertakings, in all provinces of Iraq, employing twenty or more workers and to all government workers, where such workers are not covered by a special social security scheme.

Article 10. The factory manufacturing prosthetic appliances supplies the latter to those in need of them and is responsible for renewing and, where necessary, repairing these appliances. This practice is in complete conformity with the Convention.

LUXEMBOURG

Grand-Ducal Regulation of 25 September 1968 (*Mémorial*, Series A, 7 Oct. 1968, No. 52, p. 1131) to supplement the Grand-Ducal Order of 9 April 1955 providing for compulsory accident insurance.

MALAYSIA
States of Malaya

Employees' Social Security Act, 1969 (*Government Gazette*, 10 Apr. 1969).

In reply to observations made by the Committee of Experts concerning Articles 5, 9, 10 and 11 of the Convention the Government has supplied the following information.

The social security scheme established under the Act of 1969 will give effect to Articles 5, 10 and 11. It will provide for periodical compensation payments, which in case of permanent disability and invalidity will take the form of pensions. The scheme will also provide for the supply and renewal of artificial limbs and appliances. By the very nature of the scheme, payment of compensation is guaranteed. All possible measures have been taken to ensure the solvency of funds under the scheme.

The Act has not yet been put into operation, but appropriate regulations for this purpose are in the course of preparation.

MEXICO

In reply to a request made by the Committee of Experts the Government has stated that, in accordance with section 74 (5) of the revised Act respecting the Mexican Social Security Institute, any worker who is disabled and needs the help of another person as a result of an accident is entitled to an invalidity pension which may be increased by up to 20 per cent.

NETHERLANDS

See under Convention No. 121.

Netherlands Antilles

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

Article 2 of the Convention. The National Decree respecting Accident Insurance is applicable to domestic workers and to apprentices who are engaged in paid employment in an undertaking or enterprise. In accordance with the decree the term "domestic workers" means any person who, in the employment of a householder, performs domestic work in the latter's house.

Articles 7, 8 and 10. The points raised in connection with these Articles are now being studied.

NEW ZEALAND

Workers' Compensation (Amendment) Act, 1967 (*New Zealand Statutes*, 1967, No. 29).

Workers' Compensation Amendment Act, No. 2 of 1968 (*ibid.*, 1968, No. 121).

Employers' Liability Insurance Regulations, 1968 (*Statutory Regulations*, 1968, No. 35).

Workers' Compensation Order, 1963, Amendment No. 3 (*ibid.*, 1968, No. 177).

Workers' Compensation Order, 1969 (*ibid.*, 1969, No. 13).

Employers' Liability Insurance Regulations, 1968, Amendment No. 1 (*ibid.*, 1969, No. 30).

In reply to observations made by the Committee of Experts relating to Article 5 of the Convention the Government has supplied the following information.

A special white paper is in course of preparation which sets out the form in which the workers' compensation scheme, based on principles laid down in the report of the Royal Commission of Inquiry, is expected to operate, together with the main variants or alternatives which might be preferred. This paper will be made available for public study, and groups and institutions affected will be given the opportunity to make submissions; legislation will not be introduced before the interested parties have had a chance to express their views. Therefore, there is no possibility that the legislation will be in effect this year.

POLAND

See under Convention No. 12.

In reply to requests made by the Committee of Experts the Government has stated that, although it retains the power to suspend the receipt of compensation where a claimant receives income from employment or other sources, the new laws and regulations prescribe a wide range of categories where payment of pensions is not suspended or only partially suspended.

RWANDA

In reply to requests made by the Committee of Experts concerning Article 7 of the Convention the Government has stated that a Bill to amend the Social Security Act of 15 November 1962 has been drafted. The Bill provides for extra compensation to be paid to the victim of an industrial accident when he requires the permanent attendance of another person, and it will shortly be laid before the competent authorities with a view to its adoption.

SIERRA LEONE

Workmen's Compensation (Amendment) Act of 9 October 1969.

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

Article 5 of the Convention. Note has been taken of the observation made by the Committee of Experts concerning future action as regards the provisions of this Article.

Article 11. Sections 27 and 28 of the Workmen's Compensation Act give effect to the provisions of this Article. In practice no cases in which the provisions of sections 27 and 28 of the Act have proved to be an inadequate guarantee of payment of compensation in the event of the insolvency of the employer or insurer have been brought to the notice of the Labour Division or before the courts.

SWEDEN

Act of 16 June 1966 (*Svensk Författningssamling*, 1966, No. 350, p. 799) to amend the Public Insurance Act of 25 May 1962 (*ibid.*, 1962, No. 381).

Ordinance of 24 November 1967 (*ibid.*, 1967, No. 737, p. 1567) to amend sections 1 and 3 of the ordinance of 4 June 1954 concerning the provision of medicaments free of charge or at reduced prices (*ibid.*, 1954, No. 519).

In reply to a direct request made by the Committee of Experts in respect of Article 9 of the Convention the Government has stated that the Bill referred to in its previous report was adopted in 1967 but that it did not modify the fundamental rules respecting benefits in case of sickness and invalidity, so that the provisions relating to cost-sharing in respect of medical care expenses by an injured person remain in force. However, in respect of pharmaceutical products, limits to such cost-sharing have been fixed under the ordinance of 24 November 1967 and proposals have been made for the fixing of similar limits in respect of non-institutional medical care.

TUNISIA

Act No. 36 of 29 November 1968 (*Journal Officiel*, 29 Nov.-3 Dec. 1968, No. 51, p. 1262) to amend Act No. 73 of 11 December 1957 respecting the system of compensation for industrial accidents and occupational diseases (*LS 1957—Tun. 1*).

UGANDA

Workmen's Compensation (Amendment) Act, 1969 (*Uganda Gazette*, 28 Mar. 1969, No. 13, Supplement, p. 31).

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

Articles 9 and 10 of the Convention. It has not been possible to obtain the requested information.

Article 11. Under section 26 of the Workmen's Compensation Act, as amended, it is now compulsory for every employer to insure and keep himself insured in respect of any liability which he may incur under this Act.

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, 1968.

Family Allowances and National Insurance Act (Northern Ireland), 1968.

Family Allowances and National Insurance Act (Northern Ireland), No. 2 of 1968.

National Health Service (Charges for Drugs and Appliances) Regulations, 1968 (*Statutory Instruments*, 1968, No. 759).

National Health Service (Charges for Drugs and Appliances) (Amendment) Regulations, 1968 (*ibid.*, 1968, No. 1588).

Health Services (Charges for Drugs and Appliances) Regulations (Northern Ireland), 1968 (*Statutory Rules and Orders*, 1968, No. 138).

Health Services (Charges for Drugs and Appliances) (Amendment) Regulations (Northern Ireland), 1968 (*ibid.*, 1968, No. 243).

Various other legislative texts.

Articles 1 to 8 and 11 of the Convention. By virtue of the new legislation benefits and contributions have been increased.

Articles 9 and 10. A charge of 2s. 6d. for each item of drugs and appliances supplied under the National Health Service was introduced on 10 June 1968 (except for drugs supplied to hospital in-patients or appliances supplied to hospital in-patients

or out-patients). Exemption can be claimed for children under 15 years of age, persons aged 65 years or more and people holding exemption certificates. War and service pensioners are eligible for exemption in respect of charges arising from the treatment of their accepted war or service disablements. Where a charge has actually been paid by an exempt person this is refundable.

People who are not exempt but who need more than twelve items on prescription in six months can limit their expenditure by purchasing a pre-payment certificate at the price of 30s. for six months and 55s. for twelve months.

There is no change in the service regarding artificial limb supply and repair.

British Virgin Islands

Workmen's Compensation Ordinance, 1962, and Amendment No. 1 of 1964.

Guernsey

Social Insurance (Amendment) (Guernsey) Law, 1967.

Social Insurance (Widow's Benefit and Retirement Pensions) (Amendment) (No. 2) (Guernsey) Regulations, 1967 (*Statutory Instruments*, 1967, No. 26).

Social Insurance (Industrial Disablement Benefit) (Amendment) (Guernsey) Regulations, 1968 (*ibid.*, 1968, No. 10).

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

The States Insurance Authority is preparing a report for submission to the States of Guernsey proposing certain improvements in the rate and scope of benefits payable under the Social Insurance (Guernsey) Law, 1964. One of the benefits proposed is a constant attendance allowance.

Isle of Man

National Insurance Order, 1967.

Family Allowances and National Insurance Order, 1968.

National Insurance Order, 1968.

Convention No. 18 : Workmen's Compensation (Occupational Diseases), 1925

AUSTRIA

See under Convention No. 17.

BELGIUM

See under Convention No. 42.

CUBA

See under Convention No. 42.

CZECHOSLOVAKIA

See under Convention No. 42.

DAHOMY

Labour Code, Ordinance No. 33 PR/MFPTT of 28 September 1967 (*Journal Officiel*, 15 Dec. 1967, No. 27, p. 831) (*LS* 1967—Dah. 1).

In reply to observations made by the Committee of Experts the Government has stated that the Labour Code has been adopted and that when legislation is enacted to apply its provisions respecting occupational diseases this will be in conformity with Article 2 of the Convention.

FRANCE

See under Convention No. 42.

French Guiana, Guadeloupe, Martinique, Réunion

See under Convention No. 42, France.

FEDERAL REPUBLIC OF GERMANY

See under Convention No. 42.

ITALY

Act No. 47 of 30 January 1968 (*Gazzetta Ufficiale*, 6 Feb. 1968, No. 42, p. 992) to amend sections 5 and 8 of Act No. 93 of 20 February 1958 respecting the compulsory insurance of medical practitioners against illnesses and injuries caused by X-rays and radioactive substances.

Act No. 153 of 30 April 1969 (*ibid.*, 30 Apr. 1969, No. 111, Supplement, p. 1) to revise the provisions regarding pensions and the Social Welfare Regulations.

LUXEMBOURG

See under Convention No. 42.

MOROCCO

See under Convention No. 42.

NICARAGUA

See under Convention No. 1.

POLAND

See under Convention No. 42.

RWANDA

See under Convention No. 42.

SPAIN

See under Convention No. 42.

TUNISIA

In reply to observations and requests made by the Committee of Experts the Government has stated that the Bill to amend the decree of 20 December 1957 respecting the table of occupational diseases appended to Act No. 73 of 11 December 1957 has not yet been passed owing to the difficulties involved in translating the technical names of occupational diseases into Arabic.

UPPER VOLTA

The observations made by the Committee of Experts have been referred to the Technical Committee for Health and Safety with a view to the revision of the relevant texts.

ZAMBIA

Workmen's Compensation (Amendment) Regulations, No. 2 of 1969 (*Statutory Instruments*, 1969, No. 206; *Government Gazette*, Supplement, 28 Mar. 1969).

In reply to a direct request made by the Committee of Experts the Government has stated that the relevant legislation has been amended so as to extend the list of operations liable to cause anthrax infection; the loading and unloading and the transport of merchandise now fall within the scope of the expanded definition.

Convention No. 19 : Equality of Treatment (Accident Compensation), 1925

AUSTRIA

Agreement of 1969 concluded between Austria and Switzerland (*Bundesgesetzblatt*, 1969, No. 4).

BARBADOS

In reply to a direct request made by the Committee of Experts the Government has stated that arrangements are at present being made to integrate employment injury benefits into the National Insurance and Social Security Scheme.

BRAZIL

Act No. 5316 of 14 September 1967 to extend the social insurance scheme to include insurance against employment accidents, and for other purposes (*Diário Oficial*, 18 Sep. 1967, No. 176, p. 9527) (*LS* 1967—Bra. 3).

See under Convention No. 12.

CAMEROON

The Government will be in a position to comply with the direct requests made by the Committee of Experts concerning equality of treatment without any condition as to residence as soon as the texts applying Act No. LF-8 of 12 June 1967 to organise social insurance have been adopted.

CHINA

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

Article 1 of the Convention. In 1968, when the Worker's Insurance Act was being revised, the legislature did not support the Government's proposal to make it obligatory for foreigners, as well as for nationals, to join the insurance scheme. However, although foreign workers are under no legal obligation to be insured, several fishermen of foreign nationality have joined the scheme. In any case the Minister intends to re-propose amendment of the Act in this sense the next time it comes up for revision.

CUBA

In reply to a direct request made by the Committee of Experts the Government has stated that cash compensation for industrial injuries is granted solely in the form of periodical payments and not as a lump sum, and that payment is made to those persons entitled to it who are resident in the national territory.

CZECHOSLOVAKIA

In reply to direct requests made by the Committee of Experts the Government has stated that its legal experts are examining the question of applying to the nationals of all States which have ratified the Convention the provision of bilateral agreements concluded by Czechoslovakia whereby, on a basis of reciprocity a person resident in a State party to such a bilateral agreement is guaranteed payment of compensation if he suffers a personal injury due to an industrial accident occurring in the territory of Czechoslovakia.

FRANCE

General Agreement of 8 May 1967 between France and the Malagasy Republic (entered into force on 1 March 1968).

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

Act No. 1330 of 26 December 1964 does not form an integral part of the legislation respecting "workmen's compensation" as envisaged by Article 1 of the Convention. This Act constitutes national acceptance of responsibility for French citizens repatriated from Algeria who no longer benefit from any of the assistance (such as allowances to compensate for lack of legal protection at the time the contingency occurred, or increased allowances to mitigate the effects of currency devaluation) which they previously received from the fund covering industrial injuries sustained in Algeria. Only in certain special circumstances does this Act apply to foreigners.

The provisions of Act No. 419 of 18 June 1966, which also concerns the granting of allowances and increases, are again outside the scope of the Convention. Section 9 of this Act, which amends Book IV of the Social Security Code, does, however, apply to nationals of States which have ratified the Convention.

In reply to another direct request made by the Committee of Experts the Government has further stated that instructions have been given to abolish the condition of residence for nationals of States which have ratified the Convention. This condition of residence was laid down in section 2 of Decree No. 1614 of 7 December 1955, respecting grants for vocational retraining and unsecured loans to victims of industrial accidents.

French Guiana, Guadeloupe, Martinique, Réunion

See under France.

FEDERAL REPUBLIC OF GERMANY

Social Security Agreement of 6 November 1964 between the Federal Republic of Germany and Portugal (*Bundesgesetzblatt*, 1964, Part II, pp. 473 *et seq.*) (entered into force on 1 January 1969) (*ibid.*, 1968, Part II, p. 1270).

GUYANA

In reply to a direct request made by the Committee of Experts the Government has stated that, on the death of a worker as a result of an industrial accident, his dependants resident abroad are not deprived of compensation, although the laws of the country make no specific provision in this respect.

HAITI

In reply to a direct request made by the Committee of Experts the Government has stated that the legislation respecting compensation for industrial injuries, in particular the provisions of section 84 of the Act of 28 July 1967 which curtail to some extent a person's right to compensation if he resides or stays outside the country, apply equally to nationals and to foreigners.

IRELAND

Social Security Agreement between Ireland and the United Kingdom (entered into force on 4 November 1968).

ITALY

Agreement of 20 July 1968 between Italy and Spain.

Agreement of April 1969 between Italy and the United Kingdom.

IVORY COAST

Social Insurance Code, Act No. 595 of 20 December 1968 (*Journal Officiel*, 23 Jan. 1969, No. 4, p. 86).

KENYA

Workmen's Compensation (Amendment) Act, No. 10 of 1968.

Section 44 of the Workmen's Compensation Act has been amended to provide for the transfer of funds to beneficiaries resident in any country outside Kenya, Uganda or Tanzania.

LUXEMBOURG

Social Security Agreement of 16 September 1965 between Luxembourg and Brazil (entered into force on 1 August 1967) (*Mémorial*, Series A, 1967, No. 48, p. 778).

Social Security Agreement of 3 June 1967 between Luxembourg and Brazil (ratified on 5 July 1968) (*ibid.*, Series A, 1968, No. 38, p. 598).

NETHERLANDS

In reply to a direct request made by the Committee of Experts the Government has stated that section 3 of the Act of 18 February 1966 applying measures to restrict the provision of workmen's compensation concern only a particular category of foreign seamen. The Government considers that this differential treatment is not contrary to the terms of the Convention as the latter is concerned solely with accidents occurring in the territory of a Member.

NICARAGUA

Multilateral Social Security Agreement of 13 September 1967 between the Central American States (ratified on 8 July 1968).

POLAND

See under Convention No. 12.

RWANDA

In reply to a direct request made by the Committee of Experts the Government has stated that, while there is no discrimination against foreigners in social security matters, measures to bring the legislation formally into line with the Convention cannot be considered by Parliament outside the framework of the general revision which is now taking place.

SENEGAL

In reply to direct requests made by the Committee of Experts the Government has stated that it intends to revise the legislation so as to give the same treatment as it grants to its own nationals to the nationals of all States which have concluded a social security agreement with Senegal or whose legislation guarantees equal rights to Senegal nationals.

SWEDEN

Act No. 916 of 15 December 1967 (*Svensk Författningssamling (S.F.)*, 1967, p. 1995) to amend Act No. 243 of 14 May 1954 respecting insurance against occupational injuries (*S.F.*, 1954, p. 447) (*LS* 1954—Swe. 1).

Social Insurance Agreement of 5 July 1968 between Sweden and Yugoslavia (*S.F.*, 1968, No. 375, p. 843).

Article 1, paragraph 2, of the Convention. The provisions of section 30 of Act No. 243 of 1954, allowing sickness allowances and death benefits payable to foreigners not resident in Sweden to be replaced at any time by a lump sum, have been repealed, and the possibility of waiving these provisions, as was customary where nearly all countries were concerned, no longer exists. However, allowances may still be replaced by a lump sum subject to the agreement of a foreign national insured but not resident in Sweden.

SYRIAN ARAB REPUBLIC

Article 1, paragraph 2, of the Convention. In reply to direct requests made by the Committee of Experts the Government has stated that the Governing Body of the Social Insurance Office has proposed, by virtue of Decision No. 54 of 27 September 1967, that requisite measures should be adopted for the replacement of allowances by a lump sum where such allowances have been cancelled in the event of the beneficiary, whatever his nationality, transferring his residence abroad. This proposal, which has not yet become operative, is to be re-examined.

UGANDA

Workmen's Compensation (Amendment) Act, 1959.

Section 44 of the Workmen's Compensation Act has been amended to provide for the transfer of funds to beneficiaries resident in any country outside Kenya, Uganda or Tanzania.

UNITED KINGDOM

Social Security Agreement between the United Kingdom and Ireland (*Statutory Instruments*, 1968, No. 1655) (entered into force on 4 November 1968).

Social Security Agreement between the United Kingdom and Switzerland (*ibid.*, 1969, No. 384) (entered into force on 1 April 1969).

Guernsey

Social Insurance (Reciprocal Agreement with Italy) (Guernsey) Ordinance, 1968.

Convention No. 22 : Seamen's Articles of Agreement, 1926

BRAZIL

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

Article 3, paragraph 1, of the Convention. A seafarer is signed on in the offices of the shipping company, and the terms of the agreement are made known to him prior to signing.

Article 5, paragraph 2. Since article 330 of the Shipping Regulations is incompatible with this paragraph, the latter, incorporated into national law by virtue of the Convention's ratification and being of higher authority, over-rides the former.

Article 3, paragraph 4, Article 4 and Article 9, paragraph 2. As regards the application of paragraph 4 of Article 3, the conditions prescribed for the signing of articles of agreement are such as to ensure the seafarer's understanding of the meaning of their terms. Application of Article 4 is ensured by virtue of article 150 of the Constitution and, with respect to Article 9, paragraph 2, the Shipping Regulations prescribe that the seafarer, at the time of his leaving the service of the ship, shall produce a signed discharge card. However, the Consolidation of Labour Laws prescribes no particular form for notice of discharge and this may thus be given verbally. Section 55 of the new draft Labour Code prescribes that notice shall be given in writing.

IRAQ (First Report)

Labour Act, No. 1 of 18 January 1958 (*Al-Waqayi'u al-Iraqiya*, 16 Mar. 1958, No. 4115) (*LS* 1961—Iraq 1 B).

Marine Transport Company Labour Regulations of 22 June 1961.

The Marine Transport Company, which is a public corporation, is regarded as the sole undertaking employing seamen covered by the provisions of the Convention. The Company regards seamen as workers or employees engaged on a permanent, not on a contract, basis.

Articles 1 and 3 of the Convention. For the above-mentioned reasons there is no existing national legislation applying these Articles.

Article 5. No such document as is described in this Article exists. However, a draft Maritime Act is at present before the legislature and deals with the question in detail.

Article 6. Section No. 131 of the above-mentioned Act permits an agreement to be made for an indefinite period where the period of service is longer than a year. Other provisions of this Article are covered by section 146 of the draft Act.

Article 9. This Article is applied by sections 147 and 148 of the draft Act. These provide that, where it has proved impossible to find a satisfactory substitute for a seaman terminating his agreement, he may be compelled to continue his work for a period not exceeding three months, in return for which he shall receive higher wages.

Article 11. On this point, article 31 of the above-mentioned Regulations determines the circumstances in which the Company may discharge one of its employees.

Article 12. This Article is applied by article 14 of the above-mentioned Regulations, which permits the worker or employee to request his discharge through notice given in writing to the competent authorities. The latter must come to a decision on the matter within a period not exceeding thirty days.

NICARAGUA

See under Convention No. 2.

NORWAY

Act of 21 February 1969 to amend the Seamen's Act of 17 July 1953.

Royal Decree of 19 June 1969 to issue regulations concerning protective measures for young persons at sea.

PAKISTAN

In reply to an observation made in 1968 by the Committee of Experts, the Government has stated that, pending the adoption of the Merchant Shipping Bill, an Executive Order has been issued laying down that the provisions of the Merchant Shipping Act of 1923 apply to seamen engaged on Pakistani ships outside Pakistan.

Convention No. 24 : Sickness Insurance (Industry), 1927

ALGERIA

Ordinance No. 11 of 6 March 1969 respecting the organisation of a social security scheme in Algeria (*Journal Officiel*, 11 Mar. 1969, No. 22, p. 170).

In reply to observations made by the Committee of Experts concerning section 42 of the Ordinance of 19 October 1959 providing for a waiting period of seven days, the Government has stated that Ordinance No. 11 of 1969 has been promulgated to reduce this period to three days in conformity with the provisions of Article 3 of the Convention.

AUSTRIA

General Social Insurance Act of 9 September 1955 (*Bundesgesetzblatt (BGBl.)*, 30 Sep. 1955, No. 50, Text 189) (*LS* 1955—Aus. 3), as amended by the Acts of 15 December 1967 (*BGBl.*, 1968, Text 6) and 10 December 1968 (*ibid.*, 1969, Text 17).

Article 2, paragraph 2, clause (f), of the Convention. Exemptions provided for by the General Social Insurance Act in respect of the children and spouse of the employer have been repealed as being contrary to the Constitution by two rulings of the Federal Court dated 30 June 1966 and 3 July 1968 and with effect from 1 June 1967 and 1 June 1969 respectively.

Article 3. In pursuance of the above-mentioned Act of 1967 an insured person who has failed for personal or special reasons to make proper notification of his incapacity within the statutory period of one week may still receive compensation calculated from the first day of the incapacity. In addition, the period during which compensation is payable has been increased from 52 to 78 weeks by this Act.

Article 4. As from 1 January 1968, the part the insured person is required to pay towards the cost of medical benefit granted to the members of his family is reduced to 10 per cent.

Article 5. The above-mentioned Act of 1968 authorises the granting of medical benefit to additional persons dependent on the insured person and forming part of his family.

CZECHOSLOVAKIA

Act of 27 June 1968 (*Sbírka Zákonů*, 1 July 1968, No. 27, Text 87) further to amend the Sickness Insurance Act of 30 November 1956.

Notification No. 178 S6 of 17 December 1958 of the Prime Minister to issue instructions of the Central Council of Trade Unions respecting changes in the organisation and implementation of the Workers' Sickness Insurance Scheme.

Under the Sickness Insurance Act, as amended in 1968, any period of membership in an agricultural co-operative, any period during which a mother or the person taking constant care of a child was looking after the child until it was 3 years old and any period during which a citizen was registered for unemployment after the cessation of employment or after leaving school or another educational establishment is considered as a period of employment and is taken into account for the calculation of the sickness benefits.

HAITI

In reply to observations made by the Committee of Experts the Government has stated that the sickness insurance scheme, as notified by the Act of 1967 respecting the organisation of the Ministry of Social Affairs, has not yet entered into force.

LUXEMBOURG

Act of 15 July 1967 to approve the European Social Security Code and the European Protocol on Social Security: ratification (*Mémorial*, Series A, 1968, No. 22, p. 424); entry into force (*ibid.*, 1969, No. 16, p. 340).

Act of 5 July 1968 to approve the Social Security Agreement between the Grand Duchy of Luxembourg and the Swiss Confederation: ratification and entry into force (*ibid.*, 1969, No. 15, p. 330).

Grand-Ducal Regulation of 23 April 1969 to establish a new maximum standard daily wage for the purpose of sickness insurance.

NETHERLANDS

Act of 14 December 1967 to provide for a general insurance scheme against special sickness expenses (*Staatsblad*, 1967, No. 655).

Act of 12 February 1969 (*ibid.*, 1969, No. 70) to amend the Sickness Insurance Funds Act. General Civil Service Regulations.

Under the above-mentioned Act of 1967, which applies to all residents and under which no qualifying period is necessary, persons insured by virtue of the Sickness Insurance Funds Act are henceforth covered against special sickness expenses, including, with effect from 1 January 1968, those involved in the treatment and hospital care of children suffering from partial or total blindness or deafness. In addition, from 1 April 1968, insured persons are entitled to medical care, the provision of medicines and treatment and care in hospitals, in psychiatric establishments and sanatoria (subject to the exception of the first 365 days of treatment), in clinics and in establishments approved for the treatment of mental defectives or persons suffering from total or partial blindness or deafness.

The Act provides that the insured person may be required to pay a part of his medical costs, but up to now this provision has not been applied in the case of persons of less than 65 years of age.

The insurance scheme against special sickness expenses is administered, under the supervision of the Sickness Insurance Funds Council, by the sickness insurance funds, by approved private insurance companies, or by the Civil Service sickness insurance schemes. It is financed through contributions paid by the employer together with funds provided by the State.

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

Article 2, paragraph 2, clause (d), of the Convention. Out-workers who are parties to an employment relationship automatically come under the compulsory insurance scheme. Furthermore, by virtue of the Decree of 27 June 1967, the scheme also covers out-workers whose relationship with the person from whom they receive their work, although not considered as an employment relationship, is to all intents and purposes equivalent thereto. This is the case as regards all work, other than the running of a business or self-employment, carried out for a certain length of time (a minimum of one calendar month) and giving rise to an income which is greater than a specified amount (at least 35 per cent of the statutory minimum average daily wage).

Paragraph 3. Civil servants are not covered by the general scheme. Their right to sickness benefit is governed by the General Civil Service Regulations (articles 35 to 49 inclusive), which provide for full payment of salary during 18 months for an established civil servant and during 12 months for a temporary civil servant, and for the payment of 80 per cent after the expiry of these time limits.

Article 3, paragraph 3. As far as the two cases of withholding cash benefits in accordance with section 42 of the Order of 22 September 1952 are concerned, the Government has stated that when an insured person is in custody, imprisoned, committed to a casual ward, or given into the care of a state establishment for the protection of children, his trade union is authorised to make over all or part of his compensation to his dependants. Those provisions providing for benefit to be withheld in the case of wilful misconduct by the insured person were abrogated as from 1 July 1967 by virtue of the Act of 18 February 1966.

POLAND

Order of 29 February 1968 of the Minister of Health and Social Welfare respecting the certification of temporary incapacity for work for the purpose of granting sickness and maternity benefits (*Dziennik Ustaw*, 14 Mar. 1968, No. 7, Text 42).

Various other orders to extend the sickness insurance scheme to persons employed in the tourist industry, owner-drivers of taxis, and persons employed in state bookshops and bookstalls, and to provide for the granting of medical benefit to pensioners and invalids and the members of their families.

RUMANIA

In reply to requests made by the Committee of Experts concerning paragraph 25 of Resolution No. 880 of 1965 of the Council of Ministers the Government has stated that a new Labour Code, which will amend the legislation and bring it into line with the Convention, is being drafted.

SPAIN

Resolution of 15 April 1968 of the General-Directorate of Social Welfare (*Boletín Oficial*, 6 May 1968, No. 109, p. 6628).

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

Article 2 of the Convention. The above-mentioned resolution grants foreign workers the same treatment as nationals in respect of workmen's compensation.

Article 3. The Government is examining the possibility of bringing the provision laying down a waiting period of seven days before payment of compensation fully into line with the Convention.

UNITED KINGDOM

See under Convention No. 17.

Guernsey

Social Insurance (Amendment) (Guernsey) Law, 1967.

Social Insurance (Amendment) (Guernsey) Law, 1967 (Commencement), Ordinance, 1967.

See also under Convention No. 19.

In reply to requests made by the Committee of Experts the Government has stated that, as indicated in 1967, the States Insurance Authority and the States Board of Health are jointly considering ways and means of introducing a health services scheme. It is hoped that their views on a modified health service will be submitted to the states of Guernsey before the communication of the next report to the ILO.

Convention No. 25 : Sickness Insurance (Agriculture), 1927

AUSTRIA

See under Convention No. 24.

BULGARIA

Order No. 255 of 19 August 1967 of the Council of Ministers to approve regulations governing the social insurance of co-operative farmers (*D'rzhaven Vestnik (D.V.)*, 25 Aug. 1967, No. 67, p. 1) (*LS* 1967—Bul. 2 B).

Instruction No. 1-4 respecting the procedure for paying cash benefits and allowances to co-operative farmers insured under the above-mentioned regulations, and for keeping the accounts relating thereto (*D.V.*, 12 Sep. 1967, No. 72, p. 1).

Instructions respecting the establishment of social insurance committees for co-operative farmers and their terms of reference (*D.V.*, 9 Jan. 1968, No. 2, p. 5).

Under the above-mentioned regulations an insurance scheme covering all contingencies, including sickness, applies to co-operative farmers and to those members of their families who are regularly employed as part of the work force of a co-operative farm and who, at the time the contingency occurred, had been employed for at least 12 out of the previous 30 calendar days.

The co-operative farmers' insurance scheme is administered through committees set up within the co-operative farms themselves.

CZECHOSLOVAKIA

See under Convention No. 24.

HAITI

See under Convention No. 24.

LUXEMBOURG

See under Convention No. 24.

NETHERLANDS

See under Convention No. 24.

POLAND

See under Convention No. 24.

SPAIN

See under Convention No. 24.

UNITED KINGDOM

See under Convention No. 17.

Guernsey

See under Convention No. 24.

Convention No. 26 : Minimum Wage-Fixing Machinery, 1928**MEXICO**

With a view to devoting more attention to the question of minimum wages, the Ministry of Labour and Social Welfare has created a Profit-sharing and Minimum Wages Department responsible for supervising the application of the legislation on this subject.

**Convention No. 27 : Marking of Weight
(Packages Transported by Vessels), 1929****IRAQ (First Report)**

Amendment No. 1, 1969, to the Port Authorities Rules and Regulations, 1949.

The Convention is applied by article 42 (*b*) of the above-mentioned Rules and Regulations, as amended.

The Port Authorities supervise the application of the provisions of the Convention.

NICARAGUA

See under Convention No. 2.

Convention No. 29 : Forced Labour, 1930**ARGENTINA**

In reply to an observation made by the Committee of Experts the Government has stated that the provisions of section 2 of the Civil Defence Service Act (Act No. 17192 of 2 March 1967) have not been applied in practice.

BARBADOS

Independence Order, 1966, containing the Constitution.

Section 14 of the Constitution provides that no person shall be required to perform forced labour.

BULGARIA

Ordinance No. R-27 of the State Labour and Wages Committee and of the Central Council of Trade Unions to apply paragraph 13 of Resolution No. 31 of 20 June 1967 of the Central Committee of the Bulgarian Communist Party, the Council of Ministers and the Central Council of Trade Unions concerning the tightening of labour discipline and the reduction of labour turnover (*D'rzhaven Vestnik*, 25 July 1967, No. 58).

Resolution No. 48 of 20 November 1967 of the Council of Ministers to make certain changes in the procedure for the recruitment and distribution of manpower (*ibid.*, 1968, No. 3).

Resolution No. 48 of 1967 provides for the recruitment of manpower by the undertakings and economic organisations concerned by means of contracts freely entered into and in accordance with the regulations designed to limit migration (paragraph 2).

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

The payment of a sum of money, provided for under section 8 of the Act of 6 February 1958 respecting self-taxation, does not constitute a penalty within the meaning of Article 2, paragraph 1, of the Convention, but is a form of taxation. It is an alternative to the contribution of personal labour. If for any reason a citizen has not complied with one of the alternatives provided for in section 8 of the Act, no penal or civil action is brought against him. Decree No. 325 of 4 August 1962 of the Praesidium of the National Assembly was repealed by section 420 (3) of the new Penal Code, which came into force on 1 May 1968. In accordance with section 30 (2) and section 176 of the Labour Code, the Council of Ministers adopted the following provisions, which are now in force: Chapter II, paragraph 3, of Resolution No. 169 of 8 August 1958 designed to increase efforts for the protection of socialist property and for the improvement of public, administrative, financial, economic and social supervision; sections 2, 12 and 13 of the ordinance respecting the rehabilitation of persons with diminished working capacity, as approved by Resolution No. 128 of 17 December 1963, as amended; and paragraphs 13 and 14 of the above-mentioned Resolution No. 31 of 1967. Instructions of 28 July 1965 concerning the termination of employment or changes in the employment relationship during the organised recruitment of labour and the allocation of young specialists had been adopted by the State Labour and Wages Committee in accordance with paragraph 6 of Resolution No. 11 of 30 January 1962 of the Council of Ministers. In view of the fact that this paragraph was repealed by paragraph 7 of Resolution No. 48 of 29 November 1967, the corresponding provisions in the Instructions should be considered to have been repealed.

The provisional regulations concerning contracts, to which the Committee of Experts referred, have been replaced by the ordinance respecting the purchase and sale of agricultural produce, which came into force on 1 January 1969. In accordance with this ordinance—as under the system governed by the previous regulations—the contracting parties may, on a basis of equality define the rights and obligations conferred upon them by the contract. The dominant characteristic is not compulsion to deliver agricultural produce but the desire to regulate mutual relations in full freedom. It is true that these contracts are concluded on the basis of statutory classification indices under the National Plan (section 1 of the ordinance). This is a general principle of the management of the national socialist economy. In drawing up this classification and defining the indices and quantities in respect, *inter alia*, of co-operative farms, account is taken of the natural resources, the traditions, the degree of specialisation and the standards of technical equipment in each agricultural undertaking. This scheme in no way encourages the introduction of forced labour in the agricultural sector.

CAMBODIA (First Report)

Decree of 21 August 1930 respecting compulsory labour for public purposes in the colonies (*LS* 1930—Fr. 17).

Order of 5 February 1932 to regulate recourse to compulsory labour for public purposes (*LS* 1932—Fr. 7).

Order of 6 February 1932 to issue regulations governing the requisition of workers for the transport industry.

Decree of 30 December 1936 to issue regulations governing the conditions of employment of natives of French Indo-China and persons placed on the same footing (*LS* 1936—Fr. 18).

Act of 17 June 1937 to ratify the Forced Labour Convention, 1930, promulgated by the Decree of 12 August 1937 (in Indo-China by the Decree of 11 October 1937).

The provisions of the Convention are applied by the general decree enacted by France on 30 December 1936 (section 2). However, as a temporary and exceptional measure, recourse could be had to compulsory labour under the conditions laid down in the special regulations (Decree of 21 August 1930 and Orders of 5 and 6 February 1932). Forced or compulsory labour was prohibited by the Act of 17 June 1937. A draft Labour Code, which will shortly be laid before Parliament, reiterates the principle of the prohibition of forced labour and adopts the international definition of "forced or compulsory labour".

Those provisions of the draft Labour Code prohibiting forced labour and listing the types of work which are not covered by the definition of "forced or compulsory labour" will be the subject of an explanatory circular. The regulations to be adopted to give effect to section 12 of the draft Labour Code prohibiting forced labour are being drafted. Recourse to forms of work exempted from the definition of "forced or compulsory labour" may be had with the agreement of local administrative units or their representatives.

According to section 342 of the draft Labour Code infringements of the prohibition of forced labour are punishable by a fine or a prison sentence.

CONGO (KINSHASA)

Constitution of 24 June 1967.

In reply to a direct request made by the Committee of Experts the Government has stated that to date no presidential ordinances have been issued in pursuance of section 2 of the Labour Code of 1967 to prescribe the conditions under which forced labour may be exacted for public purposes as an exceptional and provisional measure.

The Decree of 10 May 1957 on native districts (which permitted forced labour for public works and compulsory cultivation) and the Legislative Ordinance of 11 June 1940 (respecting civil requisitions) have both been repealed.

The Basic Act of 17 June 1960 (respecting civil liberties) and the Ordinance of 20 January 1928 (respecting the prison system in indigenous districts) have been repealed by the Constitution.

Appropriate changes will be made in the provisions under which tax defaulters may be imprisoned and required to perform prison labour by administrative decision (section 160 of Annex 1 to the Act of 10 July 1963 respecting income tax, read together with sections 9 and 64 of Ordinance No. 344 of 1965).

All legislation governing labour relations prior to independence has been repealed and consequently the Decree of 31 July 1920, which permitted the imposition of work on the local population where the majority of the inhabitants of a village or group of villages failed to perform, partially or totally, the dues imposed on them by law, has been repealed.

COSTA RICA

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

Under article 56 of the Constitution work is a right of the individual and a duty to society. Act No. 3550 of 1965 respecting vagrancy obliges a person to engage in an occupation if he has no known means of subsistence, but is not applicable if it is demonstrated that he has any means of subsistence. It does not oblige people to work, but penalises the parasitism on society of persons who have neither means of subsistence nor work.

DAHOMY

In reply to observations made by the Committee of Experts the Government has stated that the question of formally repealing Acts No. 21 of 14 May 1962 and No. 62/PR/MDCR of 29 December 1966, as well as Decree No. 239 of 1 June 1962, will be favourably considered. New prison regulations are being drawn up.

FEDERAL REPUBLIC OF GERMANY

First Penal Law Reform Act of 25 June 1969 (*Bundesgesetzblatt*, Part I, 1969, p. 645).

In reply to a direct request made by the Committee of Experts the Government has stated that under section 21 of the Penal Code, as amended by the above-mentioned Act, convicted persons may, as from 1 April 1970, be employed outside penitentiaries only with their consent.

GREECE

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

Under section 73 of the Code of Private Maritime Law, approved by Act No. 3816 of 1958, an employment contract of indefinite duration may be terminated by a seaman by his giving seven days' notice after one year from the date of his engagement, and even before this if the ship is in a Greek port. Under section 1 of Legislative Decree No. 2652 of 1953 (which is considered as supplementing section 73 of the Code), the contract is prolonged *ipso jure*, if the port of destination of the ship is not in the Mediterranean or in Europe, until a replacement has been found for the seaman, but for not more than six months, or nine months in the case of ports in Australia and the Pacific Ocean. A seaman who leaves his employment before the expiry of his engagement, without reasonable cause, is guilty of a serious disciplinary offence and is liable to penal sanctions under the Penal and Disciplinary Code of the Merchant Navy (codified Act No. 6392 of 1934). The above-mentioned period of prolongation of the contract is the maximum by which the termination of the seaman's contract may be delayed with a view to finding a replacement, and is due to the particular conditions of work on board ship. The shipowner must endeavour to find a replacement, whereupon the contract terminates. When revising the Code of Private Maritime Law, the Ministry of the Merchant Navy envisages reducing the maximum periods by which contracts of indefinite duration may be prolonged.

The penal sanctions for violation of the above-mentioned provisions are not aimed at requiring a seaman to perform forced labour but to remind him of his duty to fulfil the obligations resulting from his contract, having regard to the particularities of the occupation. The legislative provisions in question are considered not to be contrary to the Convention.

HUNGARY

In reply to a direct request made in 1969 by the Committee of Experts the Government has supplied the following information.

Decree No. 37 of 1952 has been repealed. Section 3 of Act No. III of 1967 respecting agricultural produce co-operatives provides that such co-operatives constitute voluntary associations. Consequently, members voluntarily accept the obligations resulting from the association's activities, including sharing in the work. The minimum amount of work that must be done is set by each co-operative in the statutes, which are adopted by the general assembly of members. The co-operative is required to provide its members with regular employment, according to their vocational training. Before a permanent post is allocated or in any way changed, the members concerned must be consulted. Section 60 of the Labour Code, which provides that members may draw up a contract of employment in writing, is also an important guarantee of the voluntary nature of their employment. In order to defend their personal rights, members may have recourse to a special procedure. They may also present their grievances concerning their work to a board made up of the leaders of the co-operative, which is subject to inspection by the competent services of the councils and of the Public Prosecutor. Apart from this, members are free to leave the co-operative.

IRAQ

In reply to a direct request made by the Committee of Experts the Government has stated that section 4 of the Civil Defence Act, 1962, provides that in case of mobilisation certain persons do not have the right to leave their work without the written authorisation of the competent authority. Mobilisation within the meaning of this Act occurs only in cases of emergency, as defined in Article 2, paragraph 2, clause (d), of the Convention. There is therefore no conflict between the Act and the Convention.

IVORY COAST

Decree No. 189 of 14 May 1969 to regulate the prison system and to lay down the conditions for serving sentences of deprivation of liberty (*Journal Officiel*, 29 May 1969, No. 24).

In reply to a direct request made by the Committee of Experts the Government has stated that the above-mentioned decree regulates, *inter alia*, the employment of prison labour by private establishments. Only prisoners who have served a certain amount of their sentence are eligible for such work, which is subject to supervision by the Prison Authority. The conditions of work and remuneration in such cases are negotiated between the prisoner himself and the employer concerned, subject to approval by the Minister of Justice.

JORDAN (First Report)

Constitution of 7 November 1951.

The Constitution prohibits forced or compulsory labour. The national legislation contains no provisions which are incompatible with the Convention.

KENYA

In reply to a direct request made by the Committee of Experts the Government has stated that the provisions of sections 13 to 18 of the Native Authority Act, permitting the call-up of able-bodied males between 18 and 45 years of age in connection with the conservation of natural resources, are used for minor communal services of an ephemeral nature which fall within the scope of Article 2, paragraph 2, clause (e), of the Convention.

MALAYSIA
Sarawak

In reply to a direct request made by the Committee of Experts the Government has stated that compulsory portage is not being practised, and that no recourse has been had to the provisions of section 30 (37) of the Local Authority Ordinance requiring cultivation of land.

MOROCCO

In reply to a direct request made by the Committee of Experts the Government has stated that a draft Royal Decree enacting general regulations for the administration of penitentiaries is to be promulgated shortly.

The dahirs of 10 August 1915 on requisitions for military needs, of 25 March 1918 on civil requisitions and of 15 June 1946 are still in force.

The draft Labour Code includes provisions to prohibit forced or compulsory labour and to punish the illegal exaction of forced or compulsory labour.

NETHERLANDS

In reply to a direct request made by the Committee of Experts the Government has stated that it is proposed to abolish the penal sanctions pertaining to section 6 of the Extraordinary Labour Relations Decree of 1945. A draft Bill to revise the Municipal Corporations Act is now being prepared, and the repeal or amendment of the provisions relating to local services is contemplated.

NORWAY

Act of 6 June 1969 to amend the Provisional Act of 21 June 1956 respecting compulsory service of dentists.

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

The above-mentioned Provisional Act of 1956 providing for compulsory service for dentists was prolonged for two years by the Act of 6 June 1969. The period of service, however, has been reduced from 18 to 12 months.

In the parts of the country where the public dental service still constitutes the main source of dental services available to the population, the various efforts made until now for increasing the supply of such services have not yet been sufficient to take the place of the measures provided for by the Provisional Act.

PAKISTAN

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

The Defence of Pakistan Ordinance, 1965, has been repealed. The Control of Employment Ordinance, 1965 (as amended by the Control of Employment (Amendment) Ordinance, 1969) is now being used only to facilitate the reinstatement of persons inducted into the armed forces in their original civil employment on release.

The Pakistan Essential Services (Maintenance) Act, 1952, the West Pakistan Essential Services (Maintenance) Act, 1958, and the East Pakistan Essential Services (Maintenance) Ordinance, 1958, are enabling Acts and are not used indiscriminately or ordinarily in normal peacetime. However, enabling Acts are deemed necessary to meet emergent situations leaving no time for the detailed process of law-making.

The Bengal Troops Transport and Travellers' Assistance Regulations, 1806, are obsolete and, although there is no urgency about their repeal, this is being considered.

PERU

Agrarian Reform Act No. 17716 of 24 June 1969.

In reply to a direct request made by the Committee of Experts the Government has stated that sections 182 and 188 of the new Agrarian Reform Act have abolished the anti-social systems of labour and exploitation of the land.

RUMANIA

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

As regards the compulsory delivery of certain agricultural products, the compulsory supply of meat was abolished by Decree No. 72 of 12 February 1968. The provisions of Decree No. 131 of 1952, which instituted criminal liability in certain cases, have been repealed, together with the former Penal Code, and accordingly the provisions of section 268 (7), (8), (10) and (11) of this Code have ceased to be enforced. Under the new Penal Code (Act No. 15 of 21 June 1968) acts covered by these provisions are not considered to be of a criminal nature.

SWITZERLAND

In reply to a direct request made by the Committee of Experts concerning certain cantonal laws and regulations under which a person may be compelled by an administrative order to work in a labour establishment, the Government has stated that it has been in communication with various federal offices with a view to finding the best way of investigating the matter.

TOGO

In reply to a direct request made by the Committee of Experts concerning Article 2, paragraph 2, clause (c), of the Convention the Government has stated that a draft ordinance to approve a Criminal Procedure Code, now under consideration by it, would repeal Order No. 488 of 1 September 1933 respecting the prison system. Under the draft Criminal Procedure Code persons in preventive detention would not be required to work, and it would not be possible to place convicted persons at the disposal of private individuals.

TUNISIA

Article 2, paragraph 2, clause (c), of the Convention. In reply to a direct request made by the Committee of Experts the Government has stated that rehabilitation through work is imposed under Act No. 17 of 15 August 1962 by a judicial committee presided over by a judge. Section 5 of the Penal Code has been amended by Acts Nos. 34 of 2 July 1964 and 63 of 5 July 1966, which introduce rehabilitation through work as an ancillary penalty.

The Decree of 17 December 1942 respecting the employment of penal labour outside penitentiaries will be amended to ensure that convicts may not be placed at the disposal of private individuals.

UNITED KINGDOM

Fiji

Rotuma (Lands Cultivation) (Revocation) Regulations, 1968.

Rotuma (Personal Services) (Revocation) Regulations, 1968.

Rotuma (Communal Services) (Revocation) Regulations, 1968.

In reply to a direct request made by the Committee of Experts the Government has stated that Rotuma Regulations Nos. 15, 17 and 18 (concerning compulsory cultivation, compulsory labour for chiefs and communal services) have been repealed by the above-mentioned Regulations.

Gilbert and Ellice Islands

Local Government Ordinance, 1966 (Amendment of the First Schedule) Order, 1969.

See also under Convention No. 10.

Minor communal works may be provided for by local government councils by virtue of section 45 of the Local Government Ordinance, 1966, and paragraph 12 (i) of the First Schedule thereto. By-laws may be made for this purpose under section 50 of the ordinance, and must be approved by the Resident Commissioner (section 51). Such by-laws have been enacted by eleven of the twenty-five local government councils.

Hong Kong

Employment Ordinance, No. 38 of 1968.

UPPER VOLTA

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

The mobilisation of labour for economic development under Act No. 6/AN of 12 February 1963 (as amended by Ordinance No. 45/PRES of 30 October 1966) is not analogous to forced labour, since it concerns all citizens without distinction of origin.

Sections 91 and 99 of the Order of 4 December 1950 to enact the Prisons Regulations have been implicitly amended by section 2, paragraph C, of the Labour Code (issued by Act No. 26 of 7 July 1962), which provides for the employment of prisoners only on works of public interest. Moreover, since Independence, prisoners are not employed in private undertakings. The above-mentioned provisions may be explicitly amended in the near future.

The Government deems that citizens liable to taxation who are not able to meet their fiscal obligations in cash may be invited to discharge them by means of work. This measure, which is rarely applied, cannot be considered to be an infringement of the Convention. During the long dry season, when the majority of the population are unemployed, many persons seek work in the public sector in order to free themselves of this obligation.

NAURU (Non-Member)

Constitution of 29 January 1968.

No form of forced or compulsory labour exists apart from the exceptions set out in article 6 (2) of the Constitution.

Convention No. 32 : Protection against Accidents (Dockers) (Revised), 1932

ARGENTINA

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

The text entitled "Safety Measures for Dockers" is a preliminary draft prepared by the Ministry of Transport as a basis for the enactment of relevant legislation.

Some of the provisions of the Convention are applied by means of the Port Authority's regulations, the National Maritime Prefecture's safety instructions, new labour rules in docks, etc.

MEXICO

In reply to an observation made in 1969 by the Committee of Experts the Government has stated that the Congress of the Union has not yet approved the new Federal Labour Act, with the result that the question of the incorporation of the provisions of Articles 4, 6, 11 and 13 of the Convention in the national legislation is still pending.

Convention No. 35 : Old-Age Insurance (Industry, etc.), 1933**POLAND**

Order of 11 June 1968 of the Chairman of the Labour and Wages Committee respecting the types of employment which, when carried out on a temporary basis, do not incur suspension of pension entitlements (*Dziennik Ustaw*, 10 Oct. 1968, No. 42, Text 294).

Order of 20 November 1968 of the Chairman of the Labour and Wages Committee to determine the period of invalidity giving entitlement to an invalidity pension (*ibid.*, 10 Dec. 1968, No. 44, Text 321).

Order of 12 December 1968 of the Chairman of the Labour and Wages Committee to lay down the procedure to be followed in connection with pension benefits and to make rules for the payment of such benefits (*ibid.*, 31 Dec. 1968, No. 48, Text 347).

Order of 9 January 1969 of the Council of Ministers to provide for the cases in which pension entitlements are not suspended (*ibid.*, 29 Jan. 1969, No. 3, Text 16).

See also under Convention No. 24.

New provisions have come into force, with effect from 1 February 1969, which mitigate the severity of prior regulations respecting those cases in which old-age pensions, invalidity pensions and family allowances might be partially or totally suspended.

Convention No. 36 : Old-Age Insurance (Agriculture), 1933**POLAND**

See under Convention No. 35.

Convention No. 37 : Invalidity Insurance (Industry, etc.), 1933**POLAND**

See under Convention No. 35.

Convention No. 38 : Invalidity Insurance (Agriculture), 1933**POLAND**

See under Convention No. 35.

Convention No. 39 : Survivors' Insurance (Industry, etc.), 1933**POLAND**

See under Convention No. 35.

Convention No. 40 : Survivors' Insurance (Agriculture), 1933**POLAND**

See under Convention No. 35.

Convention No. 41 : Night Work (Women) (Revised), 1934**HUNGARY**

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

The rights and facilities granted to workers have been constantly increasing over the last few decades and this has meant that the employment of women during the night has been progressively reduced. Year by year, legal and social measures have been taken to mitigate the harmful effects of such night work as still exists. For example provisions made in 1969 to increase the leave of absence granted for the care of children resulted in the abolition of night work for mothers of families for the duration of such leave.

Night work is performed by barely more than 6 or 7 per cent of the population. The proportion of women employed on night work is only 1.5 to 2 per cent. Up to 1967, when a 48-hour working week was in force, women spent only 16 weeks of the year on night work (30 per cent. of their annual hours of work).

The Government is still concerned with improving the working conditions of women employed in three shifts or according to a continuous work plan, and is continuing its efforts to reduce the number of women engaged in such work.

Convention No. 42 : Workmen's Compensation (Occupational Diseases) (Revised), 1934**AUSTRIA**

See under Convention No. 17.

BARBADOS

Workmen's Compensation (Amendment) Act, 1968.

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

Arrangements are being made under the guidance of an ILO expert to incorporate provision for employment injury benefits in the national insurance and social security scheme. Part IV of the Workmen's Compensation Act, 1964, has not yet been brought into force.

BELGIUM

Act of 3 July 1967 respecting compensation for injuries due to employment accidents, accidents occurring on the way to or from work and occupational diseases in the public sector (*Moniteur Belge*, 10 Aug. 1967).

Act of 24 December 1968 (*ibid.*, 28 Dec. 1968, No. 250, p. 12578) to amend the Act of 24 December 1963 respecting the compensation payable for, and the prevention of, occupational diseases.

Royal Orders of 28 March 1969 (*ibid.*, 4 Apr. 1969, No. 67, p. 3002) and 28 May 1969 (*ibid.*, 3 June 1969, No. 105, p. 5561) respecting the list of occupational diseases.

Royal Order of 11 July 1969 to issue the list of industries, occupations or categories of undertakings in which a person suffering from an occupational disease is presumed to have been exposed to the risk of contracting such a disease (*ibid.*, 15 July 1969, No. 135, p. 6945).

The above-mentioned Act of 24 December 1968 does not apply to certain classes of wage earners who are covered by the special scheme set up under the Act of 3 July 1967.

In reply to a direct request made in 1968 by the Committee of Experts the Government has stated that both the new list of occupational diseases issued under the Royal Orders of 28 March and 28 May 1969 and the list of industries, occupations or categories of undertakings issued under the Royal Order of 11 July 1969 have taken the views of the Committee into account.

BRAZIL

Act No. 5316 of 14 September 1967 to extend the social insurance scheme to include insurance against employment accidents and for other purposes (*Diário Oficial (D.O.)*, 18 Sep. 1967, No. 176, p. 9527) (*LS* 1967—Bra. 3).

Decree No. 61784 of 28 November 1967 to approve the regulations governing the social insurance scheme against employment accidents (*D.O.*, 26 Nov. 1967, Part I, No. 226, p. 11985).

Under these new laws and regulations an occupational disease is considered to be any disease inherent in employment in certain branches of activity and scheduled by decision of the Minister of Labour and Social Welfare and also any disease arising out of the special or exceptional conditions in which the work is done. Under section 5 of the above-mentioned Act an occupational disease shall be placed on the same footing as an employment accident and also a worker contracting an occupational disease shall be placed on the same footing as a worker sustaining an employment accident. As the new schedule of occupational diseases has not yet been approved, the earlier provisions in this field continue to be applied.

CUBA

In reply to a direct request made in 1968 by the Committee of Experts the Government has stated that the questions raised by the Committee are being studied by the national manpower, public health and social security authorities with a view to the adoption of appropriate measures.

CZECHOSLOVAKIA

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

As far as compensation in respect of anthrax is concerned, the established practice of the Executive is in conformity with the Convention. The frequency of anthrax is very exceptional (two to three cases per year), and all cases notified have been compensated as occupational diseases.

Otherwise the observations of the Committee are being kept under consideration.

FRANCE

Decree No. 769 of 23 August 1968 to prescribe the special procedures for the application to occupational silicosis and asbestosis of Book IV of the Social Security Code, and to make the decree applicable to occupational siderosis (*Journal Officiel*, 30 Aug. 1968, No. 204, p. 8299).

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

As regards anthrax infection, the legal obligation of establishing whether an insured person has been exposed to the risk of occupational disease falls on the insurance scheme. If such exposure cannot be established, the insured person may bring the matter before the appropriate court. However, a worker suffering from one of the forms of "occupational anthrax" listed in Schedule No. 18 may not benefit, as a general rule, from the assumption that his disease is of occupational origin unless it has been established that he has been employed on the loading and unloading or transport of merchandise which may have been contaminated by animals or animal carcasses infected with anthrax. After detailed analysis of the provisions relating to anthrax in Conventions Nos. 42 and 121 the Government has pointed out that under the terms of national legislation the mere likelihood of such contamination is sufficient proof and that as a result the protection afforded is in conformity with that prescribed by Convention No. 42.

As regards the restrictive nature of the provisions relating to pathological manifestations, the Government continues to keep this problem in view, but has no new information to supply. Inquiries made to date have shown that compensation has never been withheld, as a result of the above-mentioned limitations, in cases of occupational disease. Such inquiries give further weight to the Government's opinion that the practical application of the national laws and regulations is in conformity with the Convention.

As regards the other matters which have been the subject of observations made by the Committee of Experts, technical inquiries are continuing and the Government has confirmed that their results will be laid before the Industrial Health Commission.

French Guiana, Guadeloupe, Martinique, Réunion

See under France.

FEDERAL REPUBLIC OF GERMANY

Ordinance No. 7 of 20 June 1968 respecting occupational diseases (*Bundesgesetzblatt*, 1 July 1968, Part I, p. 720).

In reply to a request made by the Committee of Experts the Government has stated that Ordinance No. 6 respecting the extension of accident insurance to cover occupational diseases has been replaced by the above-mentioned ordinance as from 1 July 1968.

The schedules of occupational diseases appearing in both ordinances have been dealt with in a previous report.

GUYANA

In reply to a direct request made by the Committee of Experts the Government has stated that the committee appointed by it to ascertain the existing or probable occupational hazards likely to arise from industrialisation is still conducting its investigations.

IRELAND

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

In so far as poisoning by the halogen derivatives of hydrocarbons of the aliphatic series, anthrax infection and disorders due to radiation are not prescribed as occupational diseases, they are considered to be covered by the Occupational Injuries Act as occupational injuries due to accident. The forms of the diseases mentioned have not so far been scheduled because there is no reason to believe that they have occurred in Ireland. On the occasion of the next review of the schedule the point raised by the Committee will receive special consideration.

Poisoning by lead alloys and the amalgams of mercury are covered by the regulations. These forms of poisoning are regarded as poisoning itself, provided that the infection in question is not caused by the action of some other element in the compounds, alloys or amalgams. In the same way, any poisoning due to a phosphorus compound is regarded as phosphorus poisoning.

ITALY

See under Convention No. 18.

LUXEMBOURG

In reply to observations made by the Committee of Experts the Government has stated that poisoning by lead and its compounds and by mercury and its compounds are listed on the schedule of occupational diseases and corresponding trades covered by compulsory accident insurance. The expression "all undertakings" has a wider application than that given it by the Convention.

MALTA

National Insurance (Amendment) Act, No. IV of 31 January 1968 (*Government Gazette*, 2 Feb. 1968, No. 12111, Supplement, p. A 26).

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

As regards tuberculosis in association with asbestosis and pneumoconiosis, it is United Kingdom practice, if pneumoconiosis is accompanied by tuberculosis, to treat the effects of the latter, for the purposes of the legislation dealing with workmen's compensation, as if they were the effects of pneumoconiosis. The same practice is followed in Malta. As silicosis has to be an essential factor in causing incapacity or death, tuberculosis alone should not therefore be prescribed. In addition, asbestosis is not epidemiologically associated with tuberculosis as a rule, but when they do occur together it is practically impossible to separate the effects due to each. In practice, for this reason, such manifestations are considered as a whole.

As regards poisoning by the alloys of lead and the amalgams of mercury, an alloy is a mixture of metals and an alloy of lead is not a lead compound but a mixture of lead and other metals. The lead in the alloy largely retains its physical and chemical properties. Poisoning by the alloy is hence due to the presence of lead, and benefit may therefore be claimed under the Act. The same applies in the case of an amalgam, which is defined as a mixture of a metal with mercury.

As regards poisoning by the inorganic compounds of phosphorus, the legislation covers poisoning by phosphorus, phosphine, the organo-phosphorus insecticides and tri-cresyl phosphate and tri-phenyl phosphate. However, no mention is made in United Kingdom legislation of poisoning by the inorganic compounds of phosphorus, presumably because almost all living matter contains some phosphorus and there would be a very real danger that conditions might be included which could not reliably be related to the effects of any employment. The toxic compounds of phosphorus are, moreover, extremely numerous. The United Kingdom Department of Health and Social Security considers that the inclusion of the inorganic compounds of phosphorus in the schedule would give far too wide a coverage. Maltese medical experts are inclined to agree with this stand. Any true poisoning by an inorganic compound of phosphorus has been dealt with under the accident provisions of the Act.

MEXICO

The Federal Labour Bill contains a more complete schedule of occupational diseases than the current Act, and recognises all the diseases listed in section 513. This Bill is now under discussion in Congress and will probably be passed in the near future.

MOROCCO

Order No. 100 of 20 May 1968 of the Minister of Labour and Social Affairs (*Bulletin Officiel*, 22 May 1968, No. 2899, p. 503), made under the dahir of 31 May 1943 to extend the legislation governing compensation for employment accidents to occupational diseases.

Order No. 101 of 20 May 1968 of the Minister of Labour and Social Affairs to make special rules for the application of the legislation governing compensation for occupational diseases to occupational pneumoconioses (*ibid.*, 28 May 1968, No. 2899, p. 519).

The Minister of Labour and Social Affairs and the Minister of Commerce, Industry, Mines and the Merchant Marine in one case, and these two Ministers together with the Minister of Public Health in the other, have issued two complementary orders to establish the list of occupations exposed to the inhalation of industrial dusts and to prescribe the procedure whereby certain workplaces may be certified as not being exposed to the risk of silicosis.

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

The order of 20 May 1968 has completely revised the schedules of occupational diseases previously in force and the field covered by the legislation has been extended by setting up indicative and non-restrictive lists of diseases. The waiting period in respect of some of these diseases has been increased.

As far as diseases caused by X-rays and other radioactive substances are concerned, the corresponding provisions of the national legislation will include, from now on, the expression "other pathological manifestations". This corresponds to the wording of Article 2 of the Convention.

NETHERLANDS

Netherlands Antilles

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

As regards *anthrax infection*, section 2 of the decree respecting occupational diseases prescribes that the term "accident" shall be taken to include physical injuries caused by contact with animals suffering from splenic fever or other infectious diseases. The loading, unloading and transport of goods are included in work causing exposure to such risks.

As regards *primary epitheliomatous cancer of the skin*, a worker who comes into contact with tar, bitumen, soot, pitch, mineral oils, etc., must prove that the disease was caused by his occupational activity.

NEW ZEALAND

See under Convention No. 17.

POLAND

Act of 23 January 1968 respecting the cash benefits payable in the event of an employment accident (*Dziennik Ustaw (D.U.)*, 27 Jan. 1968, No. 3, Text 8) (*LS 1968—Pol. 1 B*), and order of 18 June 1968 of the Council of Ministers to extend the provisions of the Act to occupational diseases (*D.U.*, 3 July 1968, No. 22, Text 145) (*LS 1968—Pol. 1 C*).

Order of 18 June 1968 of the Council of Ministers to issue a schedule of the occupational diseases conferring entitlement to benefit in the event of a worker's disability or death (*D.U.*, 3 July 1968, No. 22, Text 147) (*LS 1968—Pol. 1 D*).

RWANDA

In reply to requests made by the Committee of Experts the Government has stated that the final text concerning the schedule of occupational diseases has not yet been made public because the Bill to amend the Act of 15 November 1962 has still not been promulgated. The new text concerning occupational diseases contains provisions that are more progressive and favourable than those of Convention No. 42 in that they are in conformity with the provisions of the most recent Convention in the field, i.e. Convention No. 121.

SPAIN

In reply to a request made by the Committee of Experts the Government has stated that the point raised is probably due to a mistaken interpretation of Spanish law, and that in fact there is no discrepancy between the provisions of the national legislation and those of the Convention. Nevertheless, if the Committee should raise any further objections, these will be carefully studied and taken into account when the time comes to pass new legislation on the subject.

With regard to the kinds of work where there is a risk of poisoning by benzene, its homologues or nitro- and amido-derivatives—Nos. 15 and 16 of the schedule of occupational diseases appended to the Decree of 13 April 1961—which faced the Committee with the problem of how to interpret this schedule, it should be pointed out that the schedule is not exhaustive but open. In other words, if an occupation or disease is not in the schedule, it is to be supposed that there is no risk; but if a risk is established, then the schedule can be amended. Thus, for example, bagassosis was added to the schedule by the Order of 2 March 1965.

With regard to occupations involving a risk of anthrax, it is pointed out that No. 19 of the schedule appended to the Decree of 13 April 1961 seems fully to meet the requirements of the Convention.

SWEDEN

Employment Injury Insurance Act of 1954, as amended by the Acts of 15 December 1967 (*Svensk Författningssamling*, 1967, No. 916, p. 1995) and 6 December 1968 (*ibid.*, 1968, No. 629, p. 1696).

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

The requirements respecting evidence of a connection between an occurrence at work and an employment injury have been relaxed. Under the rule previously applied (section 7 of the Employment Injury Insurance Act), where there appeared to be arguments both supporting and conflicting with the assumption of such a connection, a causal connection was deemed to exist unless there were overwhelming reasons against this. A causal connection is now assumed to exist unless the arguments against a connection are substantially more cogent than those in favour thereof. In considering whether an occupational disease caused by a toxic substance has been contracted, an inquiry is made as to whether the injured person has been employed on work where exposure to such a substance may be deemed to exist. If this is the case, an occupational disease is virtually always assumed to have been contracted.

UNITED KINGDOM

National Insurance Act, 1967 (*Public General Acts and Measures of 1967*, Ch. 73, p. 1385).

National Insurance (Industrial Injuries) (Prescribed Diseases) Amendment Regulations, 1967 (*Statutory Instruments*, 1967, No. 1187).

Pneumoconiosis, Byssinosis and Miscellaneous Diseases Benefits (Amendment) Scheme, 1967 (*ibid.*, 1967, No. 1205).

Pneumoconiosis, Byssinosis and Miscellaneous Diseases Benefits (Amendment) (No. 2) Scheme, 1967 (*ibid.*, 1967, No. 1233).

National Insurance (Industrial Injuries) (Prescribed Diseases) Amendment Regulations, 1969 (*ibid.*, 1969, No. 619).

Pneumoconiosis, Byssinosis and Miscellaneous Diseases Benefits (Amendment) Scheme, 1969 (*ibid.*, 1969, No. 722).

Various other legislative texts.

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

With regard to anthrax infection and poisoning by the halogen derivatives of hydrocarbons of the aliphatic series, the hopes expressed by the Committee have been noted but the outcome of the comprehensive legislative review undertaken cannot yet be foreseen.

The observations of the Committee in respect of item No. 25 in the schedule of occupational diseases have been also noted. It is recalled that it is a basic principle that compensation shall be payable only for known conditions which have been established as attributable to occupation. There is no evidence that the current provisions are failing to provide protection in respect of all radiations known to be due to occupation, and machinery exists for amending these provisions should any further disorders become identified as being so caused. Workers are further protected by the accident provisions of the Industrial Injuries Act, which provide for the award of compensation at the same rate as for diseases where an injury or disease not included in the schedule occurs as a result of one or more specific circumstances.

Bermuda

In reply to requests made by the Committee of Experts the Government has stated that there is no legislation on work carried out in contact with animals infected with anthrax since no one is exposed to this risk (no tanning, no imported hides). All animals brought to the island undergo a thorough examination by the health inspectors.

British Honduras

Workmen's Compensation (Scheduled Diseases) (Amendment) Order, 1968 (*Statutory Instruments*, 1968, No. 47).

In reply to a direct request made in 1968 by the Committee of Experts the Government has stated that the sequelae of the poisonings covered by the Convention have been added to the second schedule of the Workmen's Compensation Ordinance, No. 9 of 1959, by the above-mentioned order.

British Virgin Islands

See under Convention No. 17.

Brunei

In reply to a request made in 1968 by the Committee of Experts the Government has stated that it aims to amend the provisions of the schedule to the Workmen's Compensation Enactment, 1957.

Hong Kong

Towards the end of the period under review the drafting was completed of the Workmen's Compensation (Amendment) Bill, which revises and extends the scope of the existing legislation, including the qualifying period for entitlement to compensation in the case of incapacity due to occupational disease.

In reply to a direct request made in 1968 by the Committee of Experts the Government has stated that no case of anthrax infection has been notified and that it is currently examining the possibility of amending the Workmen's Compensation Ordinance to bring it fully into line with the Convention.

Convention No. 44 : Unemployment Provision, 1934

CYPRUS

Social Insurance Law, 1964, as amended by Laws No. 28 of 1968 (*The Statute Laws of Cyprus*, 22 Mar. 1968, No. 643, Supplement 1**) and No. 48 of 1969.

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. The national legislation does not provide for benefit or an allowance in cases of partial unemployment. However, at the present stage

of economic development it is not felt that the legislation should be amended to provide for such benefit or allowance.

Article 10, paragraph 1, clause (a). The Social Insurance Law does not provide specifically that employment shall not be deemed to be suitable in the circumstances described in this clause. In practice, employment is deemed to be suitable irrespective of the district, provided that adequate transport facilities are available or that hardship would not be caused to the employee concerned.

Article 11. It is impossible, at least for the present, to give unemployment protection to the extent required. However, as the national economy grows and the finances of the Fund improve, full consideration will be given to the possibility of providing unemployment benefit in accordance with this Article.

Article 12, paragraph 1. In practice, where a married woman is actually the breadwinner, unemployment benefit is paid to her, irrespective of her needs. Having regard to the scarceness of job opportunities for women and the additional financial burden which would be imposed on the Fund, it is not considered advisable, at least at present, to extend this benefit to all married women.

Article 15, paragraph 1. Section 49 of the Social Insurance Law, which provides that a person shall be disqualified for receiving unemployment benefit for any period during which he is absent from Cyprus, is applicable to everyone, whether regularly resident or not.

CZECHOSLOVAKIA

Notification of 9 August 1967 of the State Committee on Finance, Prices and Wages, the State Planning Committee, the State Social Security Office and the Central Council of Trade Unions to provide for the release, placement and material security of workers affected by the abolition of inefficient operations and other measures for the rationalisation of work (*Sbírka Zákonů* (S.Z.), 24 Aug. 1967, Text 86) (LS 1967—Cz. 1), as amended and supplemented by the notification of 16 September 1968 of the Ministry of Labour and Social Affairs (S.Z., 30 Sep. 1968, No. 37, Text 132).

In reply to observations made by the Committee of Experts concerning the adoption of a scheme guaranteeing to persons who are involuntarily unemployed benefit or an allowance in accordance with the provisions of the Convention, the Government has drawn attention to the above-mentioned legislation.

FRANCE

Ordinance No. 580 of 13 July 1967 to guarantee an income for unemployed workers (*Journal Officiel* (J.O.), 19 July 1967, No. 116, p. 7239) (LS 1967—Fr. 1 B).

Decree No. 806 of 25 September 1967 to lay down conditions for the grant of public assistance allowances to unemployed workers (J.O., 26 Sep. 1967, No. 224, p. 9474).

Articles 1 and 2 of the Convention. Since Ordinance No. 580 of 1967 has abolished the unemployment funds of the communes and made the granting of public assistance the sole responsibility of the State, every involuntarily unemployed person may henceforth, irrespective of his place of residence, receive public assistance if he complies with the prescribed requirements.

As regards unemployment allowances the ordinance, without altering the private status of the scheme run by the various associations belonging to the National Inter-occupational Union for Persons Employed in Industry and Commerce, has enabled all branches in the private sector (apart from agriculture and domestic service) to belong to this scheme as from 1 January 1968.

The right to unemployment allowances, under the same conditions regarding their granting and calculation as apply in the private sector, has also been extended by the ordinance to unestablished employees of the State, of local authorities and of public administrative establishments, as well as to employees of given public and semi-public undertakings, of public establishments of an industrial or commercial nature run by local authorities and of undertakings in which the majority of shares are held by local authorities.

Article 3. Agreements have been concluded between employers' and workers' associations for the granting of supplementary compensation in the case of partial unemployment. These agreements have been approved by the Ministry of Labour and hence made obligatory for all workers in the industries concerned, and they now apply to the vast majority of industries. They have had the effect of approximately doubling the hourly unemployment allowance accorded by the State itself.

Article 9. While earlier legislation providing that a person receiving an unemployment allowance might be required to provide an equivalent amount of labour in return has not been repealed, this practice has fallen into abeyance as being contrary to the spirit of the 1967 ordinance, which intended this assistance to be regarded as a measure of national solidarity rather than as something for which a return had to be made.

Article 12. Benefit is now payable during the first three months irrespective of the needs of the claimant.

Article 15. As far as the scheme run by the associations of persons employed in industry and commerce is concerned, a codicil, approved by the Ministry of Labour, grants frontier workers the right to receive unemployment benefit. Accordingly French undertakings include the frontier workers employed by them in this scheme, but in return such workers may not claim any unemployment allowance. As a reciprocal measure, a French national working in a foreign undertaking close to the border is entitled, on losing his employment, to receive an allowance from his local association for persons employed in industry and commerce even though he has not paid any contributions to the scheme.

IRELAND

Social Welfare (Overlapping Benefits) (Amendment) (No. 2) Regulations, 1967.

Social Welfare (Absence from the State) Regulations of 1 May 1967 (*Statutory Instruments*, 1967, No. 97).

Social Welfare (Miscellaneous Provisions) Acts, 1967 and 1968.

Social Welfare (Modifications of Insurance) (Amendment) (No. 2) Regulations, 1967 and 1968.

Social Welfare (Disability, Unemployment and Marriage Benefit) (Amendment) Regulations, 1967 and 1968.

Social Welfare (Insurance Inclusions and Exclusions) Regulations, 1968.

Article 8 of the Convention. Section 8 of the Social Welfare (Miscellaneous Provisions) Act, 1967, debarred a person from unemployment benefit for a period of up to six weeks for refusal or failure to avail himself of a suitable opportunity of attending a course of training provided in accordance with the Industrial Training Act, 1967.

Article 10. Section 8 of the Act also modifies the trade dispute disqualification imposed by section 17 (2) of the Social Welfare Act, 1952. As a consequence a person

who would have been disqualified hitherto may now escape disqualification if he can show that neither he himself nor anyone else in his grade or class at his place of employment is participating in or financing or directly interested in the dispute which caused a stoppage of work.

Article 11. Section 5 of the Act provides for the extension of the maximum duration of unemployment benefit from the existing 156 days' limit to 312 days, i.e. from six to twelve months, in the case of persons over the age of 18 years other than married women. The extension will, however, apply to a married woman who is living apart from and unable to obtain financial assistance from her husband, or who is entitled to an increase of benefit for a dependent child or dependent husband.

ITALY

Act No. 1115 of 5 November 1968 to extend the facilities of the Wages Equalisation Fund, the Unemployment Insurance Scheme and the Family Allowances Fund, and to make provisions in favour of older dismissed workers (*Gazzetta Ufficiale*, 5 Nov. 1968, No. 282, p. 6610).

Under section 8 of the above-mentioned Act workers in industries other than the building industry who have been dismissed because the undertaking employing them has closed down, who are neither seasonal workers, temporary workers, nor redundant, and who can prove that they have been working for the same employer for at least thirteen weeks or three months, have the right to special benefit payable over a period of 180 days and equivalent to two-thirds of the wages they received during their last month of employment.

NETHERLANDS (First Report)

Unemployment Insurance Act of 9 September 1949 (*Staatsblad (Sb.)*, 1949, No. J. 423) (*LS* 1949—Neth. 2), as amended by the Acts of 19 February 1953 (*Sb.*, 1953, No. 325) (*LS* 1953—Neth. 1), 10 December 1964 (*Sb.*, 1964, No. 484) and 20 July 1967 (*Sb.*, 1967, No. 396), and enacted as it now reads by virtue of the decision of 14 August 1967 of the Acting Minister of Justice (*Sb.*, 1967, No. 421) (*LS* 1967—Neth. 1).

Unemployment Assistance Act of 10 December 1964 (*Sb.*, 1964, No. 485).

Decree of 27 June 1967 (*Sb.*, 1967, No. 342) to make regulations under, in particular, section 5 (cases in which a person is deemed to be party to an employment relationship) of the Unemployment Act, as amended in 1953.

Decree of 27 June 1967 (*Sb.*, 1967, No. 343) to make regulations under, in particular, section 3 (3) and (4) (extension and restriction of categories of persons insured) of the Unemployment Act.

Article 1 of the Convention. A scheme is maintained which meets the requirements of this Article, consisting of a compulsory insurance scheme combined with a complementary assistance scheme.

Article 2, paragraph 1. The relevant national legislation applies to all workers, and persons considered on the same footing, regardless of whether they are employed in the private or the public sector.

Paragraphs 2 and 3. The scheme does not apply to workers over 65 years of age.

Article 3. Persons who are partially unemployed receive benefit and allowances calculated according to the degree of their unemployment.

Article 4, clause (a). This clause is applied.

Clauses (b) and (c). The right to receive benefit or an allowance is made subject to compliance by the claimant with the following conditions: that he has registered at a local labour office as being available for employment; that he has kept up this registration during the entire period of his unemployment; that he has complied with every notice to present himself at the local labour office; that, on the first day of his unemployment, he has presented the competent authorities with a written request for compensation submitted in the proper form; and that he co-operates in an inquiry into his aptitude for employment, to be carried out by a physician, a vocational guidance counsellor, or a psychologist.

Article 5. Apart from the conditions and disqualifications provided for in Articles 6 to 12 of the Convention, the right to receive benefit or an allowance is made subject to the following conditions and disqualifications:

1. Benefits and allowances are suspended—
 - (a) when the claimant has committed any act injurious to the scheme;
 - (b) while the claimant is on holiday;
 - (c) while the claimant is residing or staying abroad;
 - (d) while the claimant is on military service;
 - (e) while the claimant is in the custody of the law.
2. Benefits and allowances are not paid for Saturdays or Sundays, national holidays, or public or religious holidays that are generally observed at the place concerned.

Article 6. The qualifying period comprises thirty days of employment during the six weeks previous to unemployment, or sixty-five days of employment during the twelve months previous to unemployment.

Article 7. There is no waiting period.

Article 8. This Article is applied. The allowance may be reduced or suspended if the claimant does not attend a course of instruction or vocational retraining that has been offered to him.

Article 9. The right to receive benefit or an allowance is made conditional upon the acceptance of employment on relief work organised by the "Aid through Work" scheme, provided that this employment is considered to be suitable for the claimant. The allowance is reduced or suspended if the claimant refuses suitable employment offered to him in conformity with the regulations on social employment.

Article 10, paragraph 1. This provision is applied. There is no legal definition of the term "suitable employment", but the courts have ruled that employment may be defined as suitable if due attention has been paid to the nature of the work and the conditions under which it is to be carried out, to the remuneration given for it, to the claimant's aptitude for the work, and to his personal situation, taken together with the situation in the labour market generally.

Paragraph 2, clause (a). Benefit or an allowance is not granted to an employee who loses his job as a result of a strike or a lockout. However, as regards benefit, the administrative committee of the scheme may limit this disqualification to a certain period of time. In particular, in the case of unemployment following a strike, the courts have ruled that benefit may not be withheld unless the strike is the direct cause of the unemployment.

Clause (b). The claimant is disqualified for the receipt of benefit when he has lost his employment as a result of any act or negligence of his that he was aware would lead to his dismissal; when he has voluntarily left his employment without just cause; and when he has been summarily dismissed. He is disqualified for the receipt of full allowance when he has lost his employment through his own misconduct.

Clause (c). The claimant is disqualified for the receipt of benefit when he has acted in a manner prejudicial to the administrative committee of the scheme, or to the unemployment fund. An allowance is suspended or reduced if the claimant does not supply information requested by the administrative committee.

Clause (d). Benefit is suspended if the claimant fails, without just cause, to comply with a notice to present himself at a labour office; if he remains unemployed because he has made no adequate effort to obtain employment; if he does not obtain or does not keep employment through his own misconduct. An allowance is suspended or restricted if the claimant fails to comply with a notice to present himself before the administrative committee of the scheme or at a labour office.

Paragraph 3. A claimant is disqualified for the receipt of benefit or an allowance while he is continuing to receive his full wages.

Article 11. Benefit is granted for 130 days in the year (five-day working week). An allowance is payable over a maximum of two years.

Article 12. Benefit and allowances are payable irrespective of the needs of the claimant.

Article 13. Benefit and allowances are payable in cash.

Article 14. All questions arising on applications for benefit or an allowance are determined, in the first instance, by conciliation tribunals and, on appeal, by the Central Appeals Council.

Article 15, paragraph 1. This provision is applied.

Paragraph 2. Frontier workers are covered by a special scheme governed by the bilateral agreements concluded between the Netherlands and neighbouring countries.

Article 16. As regards benefit, no distinction is made between nationals and non-nationals. As far as allowances are concerned, when they come from funds to which the claimant has made no contribution, equality of treatment of non-nationals is subject to the condition that they have been legally resident in the Netherlands for the nine weeks immediately preceding their unemployment. This condition is waived for nationals of countries with which the Netherlands has made supranational arrangements or concluded bilateral agreements.

The unemployment insurance scheme is administered by approved occupational associations set up within each economic or employment sector by one or more of the larger employers' and workers' associations. The administrative committee of the association is appointed by the employers' and workers' associations, each of which send an equal number of representatives to it, and have equal voting rights at the general assembly. Supervision of the work of the associations is entrusted to the Social Insurance Council. This is a tripartite body whose members are appointed in equal numbers by the Minister of Social Affairs, the employers' associations, and the workers' associations.

The unemployment allowance scheme is administered by the local authorities.

NORWAY

Act No. 33 of 13 June 1969 (*Norsk Lovtidend*, 23 July 1969, No. 18, p. 364) to amend the Unemployment Insurance Act, No. 4 of 28 May 1959.

Royal Decree of 26 September 1969.

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

Article 11 of the Convention. The incorporation of the unemployment insurance scheme into the national insurance scheme will take place not earlier than 1 January 1971. However, by virtue of the above-mentioned Royal Decree of 1969 persons over 65 years of age will obtain further extension of their right to receive daily cash benefit under the unemployment insurance scheme.

SWITZERLAND

Federal Act of 5 October 1967 (*Recueil des Lois fédérales (R.L.F.)*, 19 Jan. 1968, No. 3, p. 90) (*LS* 1967—Swi. 1) (entered into force on 1 January 1968) to amend the Disability Insurance Act.

Order of 13 January 1969 to extend the application of the national agreement on compensation for unemployment caused by inclement weather.

Order of 23 June 1969 of the Federal Council (*R.L.F.*, 4 July 1969, No. 25, p. 457) (entered into force on 1 August 1969) to amend the Administrative Regulations made under the Federal Act of 22 June 1951 respecting unemployment insurance (*LS* 1951—Swi. 1).

UNITED KINGDOM

National Insurance Act, 1967.

National Insurance Act (Northern Ireland), 1967.

National Insurance (Unemployment and Sickness Benefit) Regulations, 1967.

National Insurance (Increase of Benefit and Miscellaneous Provisions) Regulations, 1967.

National Insurance (Increase of Benefit and Miscellaneous Provisions) Regulations (Northern Ireland), 1967.

National Insurance, etc., Act, 1969.

National Insurance, etc., Act (Northern Ireland), 1969.

National Insurance (Unemployment and Sickness Benefit) Amendment Regulations, 1969.

National Insurance (Unemployment and Sickness Benefit) Amendment Regulations (Northern Ireland), 1969.

Isle of Man

See under Convention No. 17.

Convention No. 48 : Maintenance of Migrants' Pension Rights, 1935

HUNGARY

In reply to an observation and a direct request made by the Committee of Experts the Government has stated that the justification for requiring the conclusion of bilateral agreements between the States concerned before applying the Convention

resides in the fact that these States, with one exception, are all, or were all at the time of ratification, countries of emigration. Persons who emigrated to Israel following the events of the Second World War may not be classed as migrant workers.

ISRAEL

In reply to a direct request made by the Committee of Experts the Government has stated that persons who immigrated to Israel before attaining the age of 60 years have, on reaching 65 years of age, completed the qualifying period of five years' insurance coverage required under the national legislation for the granting of an old-age pension. There is no need, as prescribed by the Convention, to take into consideration any prior period of insurance coverage in the territory of another Member.

No progress has been made following contacts with the governments of several Members for the application of the Convention as regards persons who have been insured under schemes operating in the States concerned.

NETHERLANDS

Act of 20 July 1967 (*Staatsblad (Sb.)*, 1967, No. 396) to amend the General Old-Age Act (*L.S.* 1956—Neth. 2), the General Widows and Orphans Act (*L.S.* 1959—Neth. 3) and the Incapacity Insurance Act (*L.S.* 1966—Neth. 2).

Acts of 24 April 1968 (*Sb.*, 1968, No. 226) and of 12 February 1969 (*Sb.*, 1969, No. 70) to amend the General Old-Age Act and the General Widows and Orphans Act.

Royal Decrees of 17 October 1969 (*Sb.*, 1969, Nos. 449, 451 and 452).

In reply to requests and an observation made by the Committee of Experts, the Government has stated that under two of the Royal Decrees of 17 October 1969 nationals of member States parties to the Convention are placed on the same footing as Netherlands nationals as regards the granting of transitional pensions under the General Old-Age Act and the General Widows and Orphans Act. Under a third Royal Decree of 17 October 1969 nationals of such member States are placed on the same footing as Netherlands nationals as regards the payment abroad of transitional pensions under the General Widows and Orphans Act.

SPAIN

In reply to an observation made by the Committee of Experts the Government has stated that the term "conventions" used in section 7 (4) of the General Social Security Act applies to Convention No. 48, with the effect that nationals of countries which have ratified this Convention are placed on the same footing as Spanish nationals, as is expressly prescribed in the case of nationals of the countries of Spanish America, Andorra, the Philippines, Portugal and Brazil.

Convention No. 50 : Recruiting of Indigenous Workers, 1936

CAMEROON

Western Cameroon

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

Ministerial Order No. 19 of 22 July 1968.

Ministerial Orders Nos. 17/MTLS/DEGRE and 23/MTLS/DEGRE of 27 May 1969.

The provisions of the Convention are applied by certain sections of the Labour Code and the decrees and orders made thereunder.

There are no organised governmental schemes for recruiting indigenous workers but placement operations are undertaken by the National Labour Employment Service. Workers' and employers' organisations are also permitted under the Code to engage in placement operations. No licences for recruiting are issued by the Administration.

The Department of Labour is responsible for the application of the legislation in this field.

Convention No. 52 : Holidays with Pay, 1936

ARGENTINA

Act No. 18138 of 4 September 1969 respecting holidays with pay.

BURMA

In reply to observations made by the Committee of Experts the Government has stated that these will be taken into account in amending the Leave and Holiday Act of 1 January 1951.

CHAD

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 possibility is being examined of making legislative provision to ensure that one week's holiday is taken annually in cases where holidays are being accumulated.

Article 3. Employers would find it difficult to agree to provide the cash equivalent of workers' remuneration in kind. Nevertheless, the Government hopes, in a future report, to be able to state the measures that have been taken in this respect.

Article 7. Provisions will be made respecting the keeping of records.

CUBA

In reply to an observation made by the Committee of Experts the Government has stated that annual holidays may be postponed only for brief periods in exceptional cases and on the Ministry of Labour's authorisation; that social security legislation provides for up to one year's paid sick leave; and that paragraph O of the Ministry of Labour's Resolution No. 111 of 1965 concerning the cancellation of a worker's entitlement to paid holidays upon "definite separation from the workplace" applies to dismissals for reasons imputable to the worker.

CZECHOSLOVAKIA

In reply to a direct request made by the Committee of Experts the Government has stated that a group of experts has been given the task of examining the question of according annual holidays in cases of absenteeism.

FRANCE

Act No. 434 of 16 May 1969 to increase to four weeks the minimum amount of annual holidays with pay (*Journal Officiel*, 17 May 1969, No. 115, p. 4926).

French Guiana, Guadeloupe, Martinique, Réunion

See under France.

GUINEA

General Order No. 10844 of 17 December 1956 to establish a scheme of annual holidays with pay (*Journal Officiel de l'Afrique Occidentale Française*, 29 Dec. 1956, p. 2569).

Decree No. 266/AN/PRG of 11 June 1969 (*Journal Officiel*, 1 Oct. 1969, p. 207).

Section 11 of the above-mentioned General Order provides that when the annual holiday is divided into parts, one part must consist of at least twelve consecutive working days. Under the above-mentioned decree all workers, with the exception of teaching staff, are entitled to one month's annual holiday. This holiday is obligatory and may not be accumulated.

HUNGARY

Labour Code, Act No. 11 of 8 October 1967 (*Magyar Közlöny (M.K.)*, 8 Oct. 1967, No. 67, p. 503) (*L.S.* 1967—Hun. 2 A).

Decrees of 8 October 1967: No. 34 for the application of the Labour Code (*M.K.*, 8 Oct. 1967, No. 67, p. 512) (*LS* 1967—Hun. 2 B), No. 6 respecting certain questions related to hours of work and rest (*M.K.*, 8 Oct. 1967, No. 67, p. 540) (*LS* 1967—Hun. 2 D) and No. 7 respecting certain questions related to remuneration of work (*M.K.*, 8 Oct. 1967, No. 67, p. 543) (*LS* 1967—Hun. 2 E).

In reply to a direct request made by the Committee of Experts the Government has stated that the new Labour Code repeals section 54 of the former Code, which allowed the annual holiday to be withheld when a person had been absent from his employment without just cause.

IVORY COAST

Decree No. 265 of 2 June 1967 to consolidate the regulations made under Part V of the Labour Code (*Journal Officiel*, 30 Apr. 1968, No. 22, p. 705).

In reply to a direct request made by the Committee of Experts the Government has stated that the payment of compensation in lieu of an annual holiday is prohibited, and that the division of the annual holiday into parts is authorised only for a period of more than twelve consecutive working days.

KUWAIT

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

Article 1 of the Convention. In any future amendment of the Labour Law the divergence with the Convention will be removed.

Articles 3, 4 and 6. These Articles are applied in practice; reference is also made to sections 38 and 94 of the Labour Law.

LEBANON

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

Article 1 of the Convention. Under Decree No. 6110 of 10 February 1961 (government services) and Order No. 78 of 31 May 1961, as amended by Order No. 98 of 4 April 1967 (municipality of Beirut), temporary workers and day-labourers in Beirut are entitled to an annual holiday provided that they have carried out work equivalent to a minimum number of working days (180 or 300 days) in the year. Similar provisions have been made for other towns and villages. The Civil Service Commission is considering consolidating these regulations.

Article 2, paragraph 4, and Article 7. Government services, in particular the labour inspectorate (and also occupational associations as regards the division of the holiday into parts), supervise the application of these provisions.

Article 3. Full wages, in the legal sense of the term, include the cash equivalent of an employee's remuneration in kind, if any.

MALAGASY REPUBLIC

In reply to a direct request made by the Committee of Experts the Government has stated that section 85 of the Labour Code permits workers to accumulate their holidays but that neither the regulations nor the employer may make this obligatory. A worker who requests permission to accumulate his holiday is not debarred from taking a part of it annually.

MEXICO

In reply to an observation made by the Committee of Experts the Government has stated that the provisions of section 210 of the present Federal Labour Act, which exclude small firms from the general regulations concerning holidays, do not figure in the Federal Labour Bill now before Congress.

MOROCCO

In reply to a direct request made by the Committee of Experts the Government has stated that, in compliance with the Committee's observations, the draft Labour

Code includes a provision laying down that the accumulation of leave or its division into parts shall not reduce the amount of holiday taken annually to a period of less than six working days taken between two weekly days of rest.

PERU

In reply to a direct request made by the Committee of Experts the Government has stated that the courts consider that sick leave may not be treated as a holiday and has drawn attention to Decree No. 17 and Act No. 13724 of 1961 respecting a social insurance scheme for salaried employees.

SYRIAN ARAB REPUBLIC

In reply to a direct request made by the Committee of Experts the Government has stated that a draft amendment to section 88 of the Labour Code is at present under examination with a view to bringing the provisions of that section into line with Article 1, paragraph 3, clause (a), of the Convention.

TUNISIA

In reply to a direct request made by the Committee of Experts the Government has stated that the list contained in section 2 (1) of the Labour Code is not exhaustive and that it is intended to cover building work. Consequently, the provisions whereby the workers in question are guaranteed the protection referred to in Conventions Nos. 4, 6, 14, 52, 87, 89, 90, 95 and 98 are those contained in the Labour Code.

Convention No. 53 : Officers' Competency Certificates, 1936

BELGIUM

Royal Order of 3 June 1969 (*Moniteur Belge*, 24 June 1969) to amend the basic regulations of 21 May 1958.

BULGARIA

Regulations respecting the work of the State Inspectorate of Shipping (*D'rzhaven Vestnik*, 29 Apr. 1969, No. 34, p. 2).

In reply to a direct request made in 1968 by the Committee of Experts the Government has stated that the organisation and supervision of the examinations mentioned in Article 4, paragraph 2, clause (b), of the Convention are entrusted to the State Inspectorate of Shipping by virtue of section 1 (1) of the above-mentioned Regulations. Other provisions on the matter are contained in sections 16 and 17 of the Regulations.

In accordance with the provisions set down in Chapters I to III of the Regulations the State Inspectorate of Shipping is also entrusted with supervising the application of the provisions of the Convention.

Section 18 (c) and (d) of the Regulations prescribes the penalties and disciplinary measures applicable in respect of the matters dealt with in the Convention.

CHINA

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 Ministry of Communications has made recommendations to the Ministry of Examinations concerning the minimum age requirement for the granting of various certificates of competency.

Article 5. According to instructions given to the port authorities in Keelung, Kaohsiung and Hualien by the Ministry of Communications, the port authority shall inspect vessels registered in China and may detain vessels on account of a breach of the provisions of the Convention. In the case of such a breach on the part of a vessel registered in the territory of another Member which has also ratified the Convention, the port authority shall, according to the above instructions, communicate with the consul of that Member.

NEW ZEALAND

Shipping and Seamen Act, 1952, as amended in 1968 (section 19) and 1969 (section 17 (3)).

NORWAY

Navigators' Act of 10 October 1958, as amended by the Acts of 21 December 1967 and 3 May 1968.
Ships' Engineers Act of 2 June 1960, as amended by the Act of 21 December 1967.

PERU

In reply to a direct request made by the Committee of Experts concerning the application of Article 6, paragraph 2, clauses (a) and (b) of the Convention, the Government has stated that any shipowner, captain or agent infringing these conditions will be fined.

SYRIAN ARAB REPUBLIC

Law No. 60 of 1961 respecting masters, deck officers and marine engineer officers of the merchant marine.

Ministerial Order No. 2883 of 31 December 1961.

Ministerial Ordinance No. 1900 of 30 September 1962.

Order No. 18 of 1968.

Article 1 of the Convention. Order No. 18 of 1968 governs the conditions under which competency certificates are granted.

Article 2. The definitions of the terms and expressions used in section 1 of Law No. 60 of 1961 are in conformity with the definitions given by the Convention.

Article 3. Section 2 of Law No. 60 defines the nature of the marine competency certificates and the functions that the holder of any one of these certificates may fulfil. The same section provides for recognition of foreign competency certificates. Section 5 of Law No. 60 provides for exceptions which may be made to the provisions of section 2 in cases of *force majeure*.

Article 4. Ministerial Order No. 2883 prescribes the minimum age, the length of service and the nature of the professional experience required for the issue of competency certificates. Ministerial Order No. 1900 prescribes the examinations to be passed for each certificate.

Article 5. The inspection of ships to check the competency certificates of the officers is carried out in conformity with section 9 of Law No. 60 of 1961.

Article 6. Section 10 of Law No. 60 prescribes the penalty of a prison sentence and a fine for any shipowner, agent or master who infringes any of the above-mentioned provisions.

The port authorities are entrusted with supervising the application of this legislation.

Convention No. 55 : Shipowners' Liability (Sick and Injured Seamen), 1936

LIBERIA

In reply to a request made by the Committee of Experts concerning Article 1, paragraph 2, Article 2, paragraph 1, and Article 6, paragraph 2, clause (*d*), of the Convention the Government has supplied the following information.

The national legislation applies all the provisions of the Convention. Section 80 of the Foreign Relations Law provides that the Convention is the law of the land. Therefore, in the absence of any legislation to further emphasise the terms of the Convention, until challenged the terms of the Convention are enforceable.

MOROCCO

In reply to requests made by the Committee of Experts concerning the application of Article 8 of the Convention the Government has stated that the draft Code respecting maritime trade, whose provisions comply with those of the Convention, is now at the stage of examination by the various ministries. The Code will be promulgated when this procedure is completed.

As regards that part of the request concerning the application of the legislation in the area covered by the former Spanish Protectorate and the province of Tangier, see under Convention No. 4.

UNITED STATES

Act of 13 August 1964 to amend the Public Health Service Act (42 *United States Code (U.S.C.)* 249) so as to include persons owning registered, enrolled, or licensed vessels under the maritime laws of the United States engaged in commercial fishing operations and in substantial part performing services comparable to seamen.

Act of 5 December 1967 (Partnership for Health Amendments of 1967) to amend the Public Health Service Act, *inter alia*, so as to assure eligibility for Public Health Service medical services to seamen trainees while participating in maritime training programmes to develop or enhance their employability in the maritime industry.

Death on the High Seas Act (46 U.S.C. 761-767).

American Samoa

Workmen's Compensation Act, Public Law 10-15, approved by the Secretary of the Interior on 1 July 1968.

In reply to requests made by the Committee of Experts the Government has stated that the above-mentioned Act includes seamen as employees for whom extra-territorial coverage is provided while away from the territory (section 34.0107).

Guam, Puerto Rico, Virgin Islands

See under United States.

Convention No. 56 : Sickness Insurance (Sea), 1936

BELGIUM

Act of 12 December 1968 (*Moniteur Belge (M.B.)*, 24 Dec. 1968, No. 248, p. 12451) to amend the Legislative Order of 7 February 1945 (*L.S.* 1945—Bel. 10) respecting social security for seamen in the mercantile marine (raising the level of contributions).

Royal Order of 24 December 1968 (*M.B.*, 9 Jan. 1969, No. 6, p. 152) to amend the Royal Order of 24 October 1936 amending and consolidating the by-laws of the Aid and Provident Fund for seamen sailing under the Belgian flag.

In reply to requests made by the Committee of Experts concerning the provision made by section 125 of the order of 7 January 1958 to suspend compensation where an insured person has been guilty of using abusive language to, or assaulting, any person in the employ of the insurance scheme, the Government has stated that the anticipated repeal of this provision has not yet been carried out as it comes within the framework of a projected total revision of the legislation on sickness insurance. However, the provision concerned has never been invoked for the application of any penalty.

FRANCE

Decree No. 1100 of 19 December 1967 to fix the rate of contributions to the French Seafarers' General Provident Fund (*Journal Officiel*, 20 Dec. 1967, No. 295, p. 12389).

Decree No. 1091 of 27 November 1968 respecting the appeals procedure in social security matters relating to seamen (*ibid.*, 4 Dec. 1968, No. 285, p. 11411).

Article 3 of the Convention. As far as rating an insured person for the purpose of calculating the sickness benefit due to him is concerned, seamen and their dependants are now covered by those provisions of the General Social Security Scheme which apply to persons entitled to supplementary allowances from the National Solidarity Fund and to other insured persons. These provisions also cover the procedure for exempting insured persons from such ratings in cases where treatment is long and expensive.

Article 10. Appeals committees for dealing with disputes involving seamen are set up in conformity with Decree No. 1091 of 1968.

French Guiana, Guadeloupe, Martinique, Réunion

See under France.

UNITED KINGDOM

See under Convention No. 17.

Guernsey

See under Convention No. 24.

In reply to a direct request made in 1968 by the Committee of Experts the Government has stated that the States Insurance Authority is preparing a report on improvements in the rate and scope of benefits payable under the law. One of the benefits proposed is maternity benefit.

Convention No. 62 : Safety Provisions (Building), 1937

BELGIUM

Royal Order of 21 October 1968 (*Moniteur Belge*, 8 Nov. 1968, No. 217, p. 11051).

The above-mentioned Royal Order makes general provision for the use of safety belts.

MEXICO

Decree No. 8471 of 30 December 1968.

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

Federal District.

The committee entrusted with the revision of the building regulations for the Federal District has been reinstated and it is now engaged in a further study of the incorporation of the provisions of Articles 11 to 15 and 17 of the Convention in the above-mentioned regulations. Meanwhile, the Prevention of Industrial Accidents Regulations give effect to some of the provisions of Articles 11 to 15.

States of the Republic.

The building regulations (Decree No. 8741 of 1968) for the municipality of Guadalajara have been adopted.

Convention No. 63 : Statistics of Wages and Hours of Work, 1938**AUSTRALIA**

Sample surveys of weekly earnings and hours are continued on an annual basis and the results are published. However, it is probable that special surveys of the composition of weekly earnings, similar to the October 1965 survey, may have to replace these surveys in some years.

Estimates of average weekly hours worked relating to all employed persons are obtained from quarterly labour force surveys and are published. However, it was expected that a series of estimates for wage and salary earners only would be available by the end of 1969.

BARBADOS

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

Article 5 of the Convention. The relevant statistics now cover building and construction.

Article 6. Statistics of earnings include taxes deducted by the employer, and exclude bonuses paid to the employee.

Article 9. Statistics of average earnings are now being compiled. In future hours actually worked will be shown.

Article 12. Sufficient data are not yet available to compile the index numbers in question.

BURMA

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

Articles 5 and 12 of the Convention. Efforts have been made towards the compilation and early publication of statistics relating to the building and construction industries, statistics relating to a representative sample of the other industries mentioned, and statistics relating to hours actually worked, together with data showing the general movement of earnings.

CUBA

In reply to an observation made by the Committee of Experts the Government has stated that the organisation of a national system of statistics is being continued but that so far no official statistics on wages and hours of work, as described in the Convention, have been published.

CZECHOSLOVAKIA

In reply to an observation made by the Committee of Experts the Government has indicated that statistics of hours actually worked are published in full in the series on statistical information. Since statistics of earnings are compiled and published

periodically, data on wage rates and annual index numbers of wage rates have not yet been worked out, because they would not give a true picture of trends in wages and their calculation would be very intricate and expensive. Nevertheless, the Federal Office of Statistics will re-examine the possibility of meeting the requirements of the Convention on this point and will subsequently give its opinion on the question.

DENMARK

In reply to a request made by the Committee of Experts the Government has stated that the question of the compilation of statistics on the number of hours actually worked is being considered by a commission set up by the Department of Statistics, which will make proposals on the subject within the next twelve months.

GUATEMALA

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

Article 5 of the Convention. The measures referred to have been suspended on account of the transfer of the Department of Statistics; manual tabulation of the statistics with a view to publication was initiated in 1969.

Article 12. The application of this clause is envisaged by the Department of Statistics.

Articles 13 and 14. It was hoped that funds would be available from January 1970 to permit the publication of the statistics which are now supplied on request to public or private agencies.

Article 21. See under Article 5; measures will be resumed in 1970.

KENYA

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

All data compiled in pursuance of this Convention are published with the minimum possible delay. Statistics of annual average earnings in the main sectors of employment have been compiled but statistics of wages in the agricultural sector and statistics on hours of work have not yet been compiled. Systematic statistics of wage rates for piece work and of normal hours of work are not compiled. Relevant information may, however, be found in various collective agreements, industrial court awards and regulation of wages orders.

NORWAY

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

Article 12 of the Convention. No index numbers of wages are calculated covering all industries for which statistics of wages are compiled. The average wage per man

year has been computed for industry as a whole and for certain important industries separately on the basis of information about the total sums of man-years actually worked and wages paid per year.

SYRIAN ARAB REPUBLIC

In reply to an observation made by the Committee of Experts the Government has stated that statistics of average earnings and hours actually worked were published for 1967 and that similar information will be published for 1968.

UNITED KINGDOM

Article 5 of the Convention. In reply to a direct request made by the Committee of Experts the Government has stated that statistics of hours actually worked in coal mining are still not available.

Brunei

In reply to a request made by the Committee of Experts the Government communicated data concerning the rates of time-based wages and figures on normal working hours of government employees compiled and published in the *Labour Data Book* of the Department of Labour. Wages in certain private undertakings are based on the same scale.

Gilbert and Ellice Islands

Employment (Return) Regulations, 1969.

Data collected under the above-mentioned Regulations should in due course permit the application of Parts II and IV of the Convention.

PART III. STATISTICS OF TIME RATES OF WAGES AND OF NORMAL HOURS OF WORK IN MINING AND MANUFACTURING INDUSTRIES

In reply to a direct request made by the Committee of Experts the Government has stated that statistics furnished by the employers are still in the course of analysis and will be published and sent to the ILO as soon as possible.

URUGUAY

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

PART II. STATISTICS OF AVERAGE EARNINGS AND OF HOURS ACTUALLY WORKED IN MINING AND MANUFACTURING INDUSTRIES

The mining industry, apart from quarrying, is of little importance in Uruguay. As regards statistics of average earnings in manufacturing industries, the data and personnel necessary for their compilation are limited, but a methodological study is at present being carried out to obtain figures that may be compared with those of other countries. Information on the number of hours actually worked in the manufacturing industries of the Department of Montevideo is given in the publication *Encuesta de Hogares*.

Convention No. 64 : Contracts of Employment (Indigenous Workers), 1939**CAMEROON****Western Cameroon**

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

Ministerial Order No. 8/MTLS/DEGRE of 17 June 1968.

Presidential Decrees Nos. 251, 252, 254 and 255 of 10 July 1968.

Ministerial Order No. 19/MTLS/DEGRE of 22 July 1968.

Ministerial Order No. 17/MTLS/DEGRE of 17 May 1969.

Ministerial Order No. 23/MTLS/DEGRE of 27 May 1969.

The provisions of the Convention are applied by Book III of the Labour Code and decrees and orders made thereunder.

Under section 30 of the Labour Code the maximum period of service for a contract of specified duration may not exceed two years for a worker hired in Cameroon or three years in the case of a worker hired elsewhere. Such a contract may not be renewed more than once with the same undertaking. Under section 2 of Presidential Decree No. 254 leave may not be deferred for a period of more than two years of effective service.

Convention No. 67 : Hours of Work and Rest Periods (Road Transport), 1939**URUGUAY**

The Government supplied the text of a ruling by the Attorney-General concerning an action brought by taxi-owners contesting the constitutional nature of decrees promulgated by the government of Montevideo to regulate their working hours. The tenor of the ruling in question is that, according to a decision taken by the International Court of Justice in 1926, the ILO is competent to draw up regulations which may apply, *inter alia*, to the personal work of an employer; when a country ratifies an international convention the latter acquires the force of law within that country; a convention which establishes a specific statute becomes applicable immediately, whereas instruments which merely contain statements of principle require the promulgation of legislation before they can actually be applied.

Convention No. 69 : Certification of Ships' Cooks, 1946**FRANCE**

Order No. 24 of 29 May 1969 to amend the order of 20 March 1961 respecting the granting of a certificate of qualification for the post of ship's cook.

The above-mentioned order of 1969 prescribes a minimum period of 24 months' service at sea for holders of the certificates listed, and of 36 months' service in all other cases.

French Guiana, Guadeloupe, Martinique, Réunion

See under France.

GHANA

In reply to a request made by the Committee of Experts respecting the application of Article 4 of the Convention, the Government supplied information concerning arrangements for the training of ships' cooks at the Atlantic Hotel, Takoradi.

Convention No. 71 : Seafarers' Pensions, 1946

BULGARIA

Penal Code of 16 March 1968 (*D'rzhaven Vestnik*, 2 Apr. 1968, No. 26, p. 1).

Order No. 179 of the Council of Ministers concerning the suspension of pension payments to persons serving prison sentences (*ibid.*, 17 May 1968, No. 39, p. 1).

Section 21 of the former Penal Code, which made vague and general provision for the loss of rights by persons found guilty of a crime, has been replaced by section 37 of the new Penal Code, which stipulates clearly the various cases in which rights may be withheld; it makes no provision for loss of pension rights.

Section 21 (*a*) of the regulations governing the application of the Pensions Act, which provided that pensions should be suspended in the event of loss of pension rights resulting from a definitive ruling, has been amended by Order No. 179. According to the terms of this order, pensions may be suspended when the pensioner is undergoing a term of imprisonment for a period of more than one month and has no dependants. If the pensioner has one or more dependants, all or part of the pension is paid, according to the number of dependants.

FRANCE

Decree No. 292 of 21 March 1968 to consolidate legislation and regulations governing the retirement pensions scheme of French merchant seamen, fishermen, seafarers on pleasure craft, and the general duties personnel on board ship (*Journal Officiel*, 31 Mar. 1968, No. 77, p. 3357).

Decrees Nos. 417 and 418 of 30 April 1968 to provide for the application in French Polynesia of the French Seafarers' Retirement Pensions Code (*ibid.*, 11 May 1968, No. 110, p. 4763), issued under Government Order No. 1348 of 17 May 1968.

French Guiana, Guadeloupe, Martinique, Réunion

See under France.

NORWAY

Act of 20 December 1968 (*Norsk Lovtidend*, 31 Dec. 1968, No. 47, p. 1557) to amend the Seamen's Pension Act of 3 December 1948 (*L.S.* 1948—Nor. 5).

The effect of the amendment is to limit pension insurance for seamen in future to the provision of old-age pensions up to the age of 70, since the need for such pensions after this age and for widow's and children's pensions will be covered by the national insurance scheme.

Article 2, paragraph 2, clause (a) (v), of the Convention. Authority to exempt from pension insurance employees on vessels in ferry or harbour traffic, etc., has been extended to apply also to other vessels of under 200 gross register tons.

Article 3. The retirement age remains 60 years, except for persons commencing service at sea after 1 January 1969, for whom it is raised by one month for every two months by which they have failed to attain 120 months' service on reaching 40 years of age.

The date of commencement of the old-age pension has been changed in such a way that it is paid from and including the month in which the right to a pension becomes operative.

The minimum number of months of service required in order to obtain the right to a pension has been reduced by the number of pension-giving months worked by the employee in the period 1 September 1939-31 December 1945.

The provision that an old-age pension can be paid only when an employee has terminated his service at sea no longer applies to those who have reached 65 years of age.

The basic pension right has been increased.

Convention No. 73 : Medical Examination (Seafarers), 1946

NORWAY

Regulations of 2 October 1953 concerning the medical examination of seamen, as amended by the announcement of 4 July 1968 concerning the medical examination of seamen serving on board ships which transport liquid chemicals in bulk and by the announcement of 18 December 1968 concerning the period of validity of the health certificate for boys engaged for an initial voyage after having attended a compulsory training course for initial-voyage boys and for students who have attended an adult training course for the vocational training of seamen.

URUGUAY

Decree No. 439 of 12 September 1969 to approve the regulations governing merchant seamen's health cards (*Diário Oficial*, 12 Sep. 1969, No. 18149, p. 629A).

In reply to a direct request made by the Committee of Experts the Government supplied the text of the above-mentioned decree, which applies to all national merchant vessels, in accordance with Article 1 of the Convention. Section 17 of the decree is in accordance with Article 8 of the Convention.

Convention No. 74 : Certification of Able Seamen, 1946

UNITED KINGDOM

Merchant Shipping (Certificates of Competency as A.B.) (Amendment) Regulations, 1967.

Gilbert and Ellice Islands

Legislation on the engagement of seamen, which is being prepared, will contain provisions covering the certification of able seamen.

Convention No. 77 : Medical Examination of Young Persons (Industry), 1946**FRANCE**

Decree No. 623 of 13 June 1969 (*Journal Officiel*, 18 June 1969, No. 141, p. 9092; erratum: *ibid.*, 26 June 1969, No. 149, p. 6517), to repeal and replace Decree No. 1263 of 27 November 1952 (*L.S.* 1952—Fr. 3), and Circular No. 34 of 20 June 1969 to apply Decree No. 623.

The above-mentioned decree consolidates several provisions of the decree of 27 November 1952 and replaces some of them by new provisions intended to ensure better conditions for the operation of industrial medical services.

French Guiana, Guadeloupe, Martinique, Réunion

See under France.

French Territory of the Afars and the Issas

Order No. 1011 of 3 July 1968 (*Journal Officiel*, 28 July 1968).

This order makes it compulsory for the medical examinations provided for under the order of 26 March 1956 to include a radiological examination of the lungs. The same order provides for more frequent periodical examinations in certain occupations, as well as for vaccination free of charge against tuberculosis.

GUATEMALA

In reply to an observation and a direct request made in 1968 by the Committee of Experts the Government has stated that a Labour Procedure Code is still before Congress. As regards the legislation by which the Convention is applied to public industrial undertakings, the Government has requested the necessary information.

ITALY

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

Article 1 of the Convention. There are no laws or regulations which prescribe a more favourable system in respect of the employment of children and young persons in public undertakings. Practically no children or young persons are employed in these undertakings.

Article 6. The centres for physical and occupational rehabilitation are so far those attached to the National Board for the Prevention of Industrial Accidents.

Article 7. Under section 8 of Act No. 977 of 17 October 1967 a workbook with a special medical certificate attached thereto must be kept at all times by the employer in the workplace for purposes of examination by the labour inspectors. As regards minors employed in industrial activities involving health risks, it is the practice at all times of the medical inspectors to instruct the employer to take the greatest care in keeping records of the results of medical examinations, and in filing them in a suitable manner at the workplace.

URUGUAY

In reply to an observation made by the Committee of Experts the Government has stated that a draft revision of the Children's Code of 1934 is under consideration by a special committee.

Convention No. 78 : Medical Examination of Young Persons (Non-Industrial Occupations), 1946

FRANCE

See under Convention No. 77.

In reply to an observation made by the Committee of Experts the Government has stated that, as regards the conditions for the medical examination of persons under 18 years of age in domestic service, the decree to apply the ordinance of 27 September 1967 is at present being considered by the departments concerned.

French Guiana, Guadeloupe, Martinique, Réunion

See under Convention No. 77, France.

French Territory of the Afars and the Issas

See under Convention No. 77.

GUATEMALA

See under Convention No. 77.

IRAQ

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. The Labour Code, which has not yet been adopted, will take into account the observations made by the Committee of Experts.

ITALY

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

Article 7, paragraph 2, clause (a), of the Convention. Sections 121 to 128 and 224 to 247 of the Consolidated Public Safety Acts give the administrative authorities wide powers to regulate engagement in itinerant trading, etc. In practice, the provisions of the Consolidated Acts and those of Act No. 977 of 17 October 1967 respecting the protection of children and young persons taken together ensure the observance of the Convention in this connection.

URUGUAY

See under Convention No. 77.

Convention No. 81 : Labour Inspection, 1947

AUSTRIA

The Government communicated the following comments on the application of the Convention made by the Austrian Chambers of Workers and Employees.

Article 10 of the Convention, under which the number of labour inspectors must be sufficient to secure the effective discharge of the duties of the inspectorate, cannot be regarded as being complied with in Austria since—as has been repeatedly stressed by chiefs of sections at labour inspectorate conferences—the number of inspectors is not sufficient to permit the regular inspection of undertakings at reasonable intervals.

BARBADOS

Article 13, paragraph 2, clause (b), and paragraph 3, of the Convention. In reply to a direct request made by the Committee of Experts the Government referred to section 8 (2) of the Factories Act, 1956, under which, where a complaint has been made by an inspector that the use of any part of a factory or the carrying on of any process or the doing of any thing in that factory involves imminent risk of serious bodily injury, the court may make an interim order prohibiting the use or carrying on or doing in question until the earliest opportunity for hearing and determining the complaint.

BRAZIL

Decree No. 60381 of 11 March 1967 to invest inspectors and welfare officers of the National Social Insurance Institution with the necessary powers to discharge their duties as labour inspectors, and for other purposes (*Diário Oficial*, 16 Mar. 1967).

Order No. 3141 of 2 May 1968 (*ibid.*, 8 May 1968, p. 3731).

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

Article 6 of the Convention. The merging of the services of the labour inspectorate with those of the Social Insurance Institution, in accordance with the above-mentioned decree, has enabled four times the former number of officers to be entrusted with supervisory duties and has made it possible for this supervision to be carried out according to systematic criteria adopted each year at the federal level.

Article 13, paragraph 2, clause (b), and paragraph 3. The authorities competent to issue orders in the event of imminent danger are the police, the public health services, the fire brigade and others, as the case may be.

Article 17, paragraph 2. The desire to allow inspectors a certain degree of freedom of action and at the same time to ensure the necessary discipline and the supervision by the central authorities of the inspectors' activities has resulted in the fixing of systematic criteria in respect of supervision, the standard-making and impersonal nature of which guarantees the complete independence of the labour inspectors.

BULGARIA

Model regulations of 19 August 1967 respecting the rights and obligations of occupational safety services in ministries, committees and other central departments, central co-operatives and social organisations, state economic associations, administrations and state, co-operative and social undertakings and farms (*D'rzhaven Vestnik*, 31 Oct. 1967, No. 86).

In reply to an observation made by the Committee of Experts the Government supplied the report of the labour inspectorate for the year 1967.

CAMEROON

Western Cameroon

Orders Nos. 17, 18, 20 and 23/MTLS/DEGRE of 27 May 1969.

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

Article 3, paragraph 2, of the Convention. The number of inspectors has been increased from seven in 1966 to twelve in 1969 and an additional assistant labour inspector is being recruited. Two additional offices were also opened at the beginning of 1969.

Article 11. Transport is available for travelling to all areas in government vehicles and inspecting officers are entitled to the reimbursement of travelling and incidental expenses necessarily incurred in the performance of their duties in accordance with the rates scheduled in Decree No. 159/COR of 19 October 1964, which is applicable to all civil servants.

Article 13. This Article is applied by sections 103 and 114 (1) of the Labour Code and Part III of Order No. 23 of 27 May 1969.

Articles 19 to 21. This Article is applied by section 111 (b) of the Labour Code. It is also the practice of labour inspectors to submit reports on all inspection units to the Central Administration in Yaoundé, some monthly and others quarterly.

CHAD

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

Article 3, paragraph 2, and Article 10 of the Convention. Measures are now being taken to increase the number of labour inspectors. These measures include sending trainees to the International Public Administration Institute in Paris and to the Free University of Brussels.

Article 7, paragraph 3. Officials not belonging to the labour inspectorate but who, in accordance with section 24 of the Labour Code, may be delegated as labour inspectors or supervisors, are generally officials of the central administration (prefects, sub-prefects, etc.). They do not receive any suitable training for the performance of their new duties but, if a dispute arises in their area, they generally approach the nearest labour inspectorate, which is required to supply them with all the necessary advice and information. Moreover, they have all the relevant social regulations at their disposal.

Article 11, paragraph 2. Labour inspectors, as travelling officers, receive a lump-sum allowance after each journey.

Article 12, paragraph 2. In accordance with section 16 of the Labour Code labour inspectors must inform employers when they are about to make an inspection.

Article 13, paragraph 2, clause (b), and paragraph 3. In the event of imminent danger to the health or safety of the workers, inspectors may order the taking of measures with immediate executory force by issuing a summons to the offending employer. Should this summons be disregarded, a report is drawn up and sent to the Public Prosecutor.

Articles 20 and 21. An annual report on the activities of the labour inspectorate is sent to the Labour Directorate, which studies it and issues any necessary instructions. The Government has taken note of the request made by the Committee of Experts and will supply some of these reports in due course.

CHINA

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

Article 13, paragraph 2, clause (b), and paragraph 3, of the Convention. Where immediate alterations are necessary in connection with safety and sanitation, the legislation duly provides that the inspector shall have the factory or mine make such alterations. No problem has yet been encountered in this regard.

Article 20. The Government has already taken action in order to comply fully with the provisions of the Convention concerning the publication and communication of the annual report on the work of the inspection service.

COSTA RICA

Decree No. 1 of 2 January 1967, to promulgate general occupational safety and health regulations (*La Gaceta*, 24 Jan. 1967, No. 19) (*L.S.* 1967—C.R.1).

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

Article 13, paragraph 2, clause (b), and paragraph 3, of the Convention. Section 105 of the above regulations provides that, in case of seriously unsafe or unhealthy conditions constituting a menace to workers' safety, health or morals, the General Inspectorate of Labour may order a total or partial temporary stoppage of work. In the few cases where such measures have been necessary, the General Inspectorate has not met with any serious difficulties, since the firms have respected the stoppage order and quickly taken the measures necessary to remedy the situation.

Article 21. Steps are being taken to publish and distribute annual reports containing all the information required by this Article.

CUBA

In reply to a direct request made by the Committee of Experts respecting Articles 6 and 7 of the Convention the Government has supplied the following information.

Under section 51 of the Civil Service Act of 1909, officials may be discharged from the service only when there is just cause or a post is abolished. The only exceptions to this security of tenure are departmental heads and persons occupying positions of trust as defined by the Act of 1959.

Section 38 of the Civil Service Act provides that in order to enter the civil service a candidate must satisfy the following conditions: he must be a citizen of Cuba; be not less than 18 and not more than 40 years of age; supply evidence of good character; be in full possession of, and never have been deprived of, his civil rights; have passed the examinations prescribed by the law; be physically capable of carrying out the duties of the position for which he is applying; and serve a probationary period of six months.

GHANA

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

Articles 20 and 21 of the Convention. The 1963-64 report of the Department of Labour has been published and a copy has been sent to the ILO. The 1965-67 report is being printed and a copy will be supplied as soon as it is published. The 1967-68 report is in course of preparation.

GREECE

Legislative Decree No. 186 of 10 May 1969.

In reply to an observation made by the Committee of Experts the Government has stated that it is not yet possible to bring national legislation into line with Article 12, paragraph 1, of the Convention.

Apart from this the employers' and workers' organisations concerned have made observations concerning the establishment of labour inspectorates in areas where they do not as yet exist, as well as concerning the appointment of more inspectors and assistants.

GUATEMALA

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

Articles 20 and 21 of the Convention. It is hoped that the labour inspectorate will shortly be able to submit its annual reports for 1968 and 1969 for purposes of publication. It is thought that statistics of occupational diseases will become available under the new sickness programme of the Guatemalan Social Security Institute.

The Government has also stated that the National Congress is now examining a Bill to revise the Labour Code.

HAITI

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

Article 7 of the Convention. The recruitment of labour inspectors is subject to the production of a secondary school-leaving certificate, an aptitude test and an inquiry into the candidate's character. As regards training, labour inspectors, on entry into the service, follow a theory course covering labour inspection, social legislation, safety measures and methods of carrying out an inquiry. Following this they undergo a period of practical training in undertakings under the supervision of experienced labour inspectors. Their training is further continued by means of courses organised by experts from the Department or from the ILO, or with the help of grants for study abroad.

Article 13. During inspection visits, inspectors take note of all defects observed in machinery or workplaces constituting a threat to the health or safety of workers. They then make a report to the competent authority, which issues instructions to have these defects remedied immediately.

JAPAN

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

Article 13, paragraph 2, clause (b), and paragraph 3, of the Convention. Under sections 55 (1) and 103 of the Labour Standards Law and sections 60 and 66 of the Law concerning organisations for the prevention of labour accidents, when a failure to observe the standards of safety and health produces an imminent threat to the workers, the Labour Standards Inspector is authorised to order measures with immediate executory force, such as the stopping or altering of the use of part or all of the building, the dormitory or other annex, the installation or the material.

Under section 61 of the latter Law the Chief of the Labour Standards Inspection Office may also exercise the same powers when an emergency exists in other cases than that provided for in section 55 of the Labour Standards Law.

The report also contained statistics on the number of orders issued under the above-mentioned provisions.

KENYA

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

Article 13, paragraph 2, clause (b), and paragraph 3, of the Convention. No legislation exists at present to ensure that measures with immediate executory force are taken in the event of imminent danger. But inspectors can apply to the competent authorities and the courts can order the necessary remedial measures at comparatively short notice.

Article 15, clause (c). The Employment Bill has now been completed to give effect to this Article. The Bill will be laid before the competent authority in due course.

Article 20. Copies of the Ministry of Labour's annual reports for 1964 and 1965 were enclosed with the report.

KUWAIT

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

Article 12 of the Convention. The inspectors apply paragraph 1 of this Article in practice. It is intended to bring section 95 of the Labour Law into conformity with the provisions of this Article when the text of the Law is amended.

Article 13, paragraph 2, clause (b), and paragraph 3. When the next amendment to legislation is made the Government will try to bring the law into conformity with the provisions of the Convention in respect of urgent cases.

The texts of the Civil Servants Law and of the legal oath taken by labour inspectors and a summary of the Annual Report on the activities of the Ministry of Labour were attached to the Government's report.

LEBANON

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

Articles 3 and 10 of the Convention. The Ministry of Labour and Social Affairs is at present preparing a reorganisation of its services, among them the Labour Inspectorate. It is hoped to increase the number of inspectors and to free them from all extraneous activities. As they have already in fact been largely freed from these activities, a considerable improvement has already taken place.

Article 12. The precise duties of inspectors are very carefully laid down in the reorganisation scheme referred to above.

Article 13, paragraph 2, clause (b), and paragraph 3. The observations of the Committee of Experts have been noted and an improvement of the procedure is being studied. Under the law as it stands, emergency measures are provided for by sections 107 and 108 of the Labour Code as amended by the Act of 17 September 1962, by virtue of which a very short warning (for example one hour) may be given, after which the establishment may be closed by order of the Director-General of the Ministry. If the infraction is persisted in after the closure period, the establishment is automatically closed again.

Article 15, clauses (a) and (b). Before assuming their functions labour inspectors must, by virtue of section 5 of Decree No. 14900, take an oath not to divulge any manufacturing or commercial secrets of which they become aware in the course of their duties.

Clause (c). Whenever a complaint relates to a breach of the regulations concerning general conditions of work, over and above any contractual obligations, inspectors are instructed to conform strictly to the provisions of this clause.

Articles 20 and 21. The review of the Ministry of Labour, which contains an annual report on the activities of the labour inspectorate, is regularly sent to ILO headquarters as well as to the regional office in Beirut. In future the Ministry will arrange for a copy to be sent to the International Labour Standards Department.

LUXEMBOURG

Article 13, paragraph 2, clause (b), and paragraph 3, of the Convention. In reply to a direct request made by the Committee of Experts the Government has stated that section 18 of the Grand-Ducal Order of 26 March 1945 makes provision for measures with immediate executory force in the event of imminent danger to the health or safety of the workers and specifies which persons have the right to take such measures. The situation envisaged by this Article rarely arises in practice.

MALAWI

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

Article 3, paragraph 1, clause (b), of the Convention. In the course of their duties, in particular whilst investigating complaints, labour officers give technical information and advice concerning the most effective means of complying with legal provisions.

Article 13. Inspectors do not have immediate executory powers. Their authority can be enforced only by a decision of a court of law. If an inspector considered that a practice or defect involved imminent danger of a type not covered by labour legislation, then action could be taken through the police under provisions of the Penal Code.

Articles 20 and 21. The views of the Committee have been noted.

MALAYSIA

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

States of Malaya

The New Factories and Machinery Act is not yet in operation, since appropriate regulations are still being drafted.

Sabah

Article 15, clause (c), of the Convention. Labour inspectors are still required to treat the source of any complaint as absolutely confidential.

States of Malaya, Sabah and Sarawak

Article 13, paragraph 2, clause (b), and paragraph 3. Under section 40 of the new Factories and Machinery Act, 1967, where the inspector is of the opinion that a defect in machinery is likely to cause immediate danger to life or property, he is empowered to prohibit forthwith the use of the machinery. The inspector may also order immediate executory measures under section 39 of the Act. Provisions relating to these measures are contained in sections 14 and 15 of the existing Machinery Ordinance, 1953. No problems have been encountered in the application of these provisions.

Articles 20 and 21. The request of the Committee of Experts has been noted and every effort will be made to include in the reports of the labour inspectorate the information required by Article 21 of the Convention.

MALTA

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

Article 13, paragraph 2, clause (b), and paragraph 3, of the Convention. Labour inspectors have all facilities, including rapid contact, in view of the proximity of everyone and everything on the Island, for getting in touch with the competent authority and ensuring that immediate steps are effectively taken in the event of imminent danger. No problems have been encountered in this connection.

Article 21. The information required in clauses (a) to (e) of this Article is given in the report of the Department of Labour and Immigration. As the number of industrial diseases in Malta is very limited, no special statistics seem necessary. However, the four cases which occurred in 1965 were mentioned and analysed in the report of the Department of Social Service for that year.

MOROCCO

In reply to a direct request made by the Committee of Experts the Government has stated that the Labour Code being drafted at present makes express provision for the publication of annual inspection reports and that the methods of compiling these reports will be studied with a view to their providing a source of useful information for government services and occupational associations.

The inspection reports for 1967 and 1968, in typescript, were appended to the Government's report.

NETHERLANDS

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

Article 13, paragraph 2, clause (b), of the Convention. The labour officials are authorised to report any defects which they discover in undertakings to the district chief, who may require that the law should be observed within a specified time. Moreover, the district chief or another official to be designated by the Minister is authorised, in the event of an impending danger, to order work to be stopped or to prohibit the presence of workers in certain rooms. If necessary, the aid of the police may be sought to enforce the observance of the order. If such an order is disobeyed, this is considered to be a criminal offence.

Article 20. The report of the Inspector-General of Mines for 1967 was stated to have been sent to the ILO.

NEW ZEALAND

The Government mentioned a number of Acts or orders making minor amendments to the existing legislation enforceable by the labour inspectorate.

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

Article 13, paragraph 2, clause (b), of the Convention. Under section 9 of the Labour Department Act and section 5 of the Factories Act, labour inspectors are empowered to "take any necessary action" to ensure fulfilment of the obligations placed upon any employer or other person. This action includes the use of any legal procedure and, if necessary, every inspector may "take with him a constable to assist him in the execution of his duty".

Article 21, clauses (b) and (g). Regarding the list of staff of the Labour Inspection Service, steps have been taken to provide information in all future annual reports (the first of which will be for the year ended 31 March 1969). As regards statistics of occupational diseases, they are not the responsibility of the Department of Labour and they are to be found in the annual report of the Department of Health.

NORWAY

Royal Decree of 7 July 1967.

Act No. 2 of 10 May 1968 (*Norsk Lovtidend*, 10 June 1968, No. 19, p. 579) (LS 1968—Nor. 1) to amend the Act of 7 December 1956 respecting the protection of workers and certain other Acts.

The above-mentioned Act has established a Board for the Labour Inspection Services, including representatives of the general Confederation of Trade Unions in Norway and the Norwegian Employers' Confederation. This measure aims at increasing the efficiency of labour inspection and new posts have been established in the Directorate for the same purpose. Moreover, in conformity with the above-mentioned Royal Decree, the inspection system in the mines is now under the responsibility of the State Labour Inspectorate and the former mining inspectors are henceforth exempted from their duties as labour inspectors.

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

Article 3 of the Convention. Activities aiming at the prevention of accidents and injury to health in industry are considered to be the main task of the Labour Inspection Services. Besides, the following tasks are also under their responsibility: supervising and regulating hours of work; safeguarding the legal status of employees in such matters as dismissal, payment of wages, etc.

No directives have been given concerning the manner in which the Labour Inspection Services shall perform their various tasks or allocate their working time to each of the three above-mentioned fields of activity.

In certain circumstances trade unions may enter into agreements concerning normal hours of work. This has somewhat diminished the task of regulating hours of work, which takes up much of the time of the State Labour Inspection Services. It has thus become possible to devote more time to the other tasks.

Article 6. The communal labour inspection services form part of the national Labour Inspection Services, which are under the direction of the Board. Directives for the Board of the State Labour Inspection Services, the Directorate, the district inspection services and the communal inspection services will be issued in the near future.

Articles 12 and 13. The communal labour inspection services are entrusted with powers mentioned in these Articles. For the adoption of orders and for a decision to close down an installation or plant, a quorum is required. Moreover the sampling and analysing of substances and materials must be carried out by higher authorities.

Article 20. When the State Labour Inspection Services are strengthened, *inter alia*, by establishing a post for a special official for information, it will be possible to publish an annual general report.

PAKISTAN

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

Article 12, paragraph 1, clause (a), *Article 13*, paragraph 2, clause (b), and *Article 15*, clause (c), of the Convention. The Factories Act, 1934, the East Pakistan Factories Act, 1965, and the Mines Act, 1923, are in the process of wholesale revision and all outstanding observations made by the Committee of Experts are being considered

SIERRA LEONE

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

Article 12, paragraph 1, clause (c) (iv), of the Convention. Owing to changes in the Government and for other domestic reasons, appropriate amending legislation has not yet been drafted to give effect to this provision, though the question is still being considered.

Articles 20 and 21. No change has yet been effected but action is being taken to implement fully the provisions of Article 21, clauses (c) and (g). Only one case of occupational disease was reported during the period under review and account will be taken of this case in the report for 1968. Copies of the reports for 1965, 1966 and 1967 are being forwarded to the ILO.

SINGAPORE

Employment Act, No. 17 of 6 August 1968, to consolidate and amend the law relating to employment (*Government Gazette*, Acts Supplement, 12 Aug. 1968, No. 18, p. 141). (LS 1968—Sin. 1).

Article 1 of the Convention. The Labour Inspectorate is responsible for the enforcement of the Employment Act and the Industrial Relations Ordinance, while the Factories Inspectorate has the responsibility of securing the application of the Factories Ordinance.

Article 12. All inspectors are entrusted with all the powers provided for in this Article by sections 131 and 133 of the Employment Act.

Article 13. This Article is applied by provisions of the Factories Ordinance. However, should inspectors appointed under the Employment Act have reason to believe that defects which may be a threat to the health or safety of the workers exist, they are required to bring them to the attention of the Chief Inspector of Factories, who will then take appropriate action.

Article 15, clause (b). This proviso is applied by section 135 of the Employment Act.

Article 18. The requirements of this Article are met by sections 139, 141 and 142 of the Employment Act.

SPAIN

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

Article 13, paragraph 2, clause (b), and paragraph 3, of the Convention. Under section 188 of the decree of 21 April 1966 to approve an initial Consolidated Text under Act No. 193 of 28 December 1963, the Labour Inspectorate may order the stoppage of work where safety standards are not observed. Section 188 of the decree also establishes the possibility of imposing penalties when the decisions of the Labour Inspectorate are not complied with. This provision of the Convention is thus applied, and no difficulties have arisen in this respect.

Articles 20 and 21. The report of the Labour Inspectorate for 1968, containing all the information referred to in Article 21 of the Convention, was attached to the Government's report.

Province of Sahara.

The activities of the Labour Inspectorate are carried out in this province with the same guarantees and in accordance with the same laws and regulations as in the other provinces of Spain, except for the fact that the duties of inspectors are undertaken by law graduates who do not belong to the national Labour Inspectorate; this in no way affects the efficiency of the inspection work. Nevertheless, it is intended to assign officials from the national Labour Inspectorate to this province.

SWITZERLAND

Ordinance of 8 May 1968 to co-ordinate the administration of the Sickness and Accident Insurance Act and the Labour Act as regards the prevention of employment injuries.

Article 5 of the Convention. The above-mentioned ordinance provides for collaboration between the Federal Inspection Services and the Swiss National Accident Insurance Fund.

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

Article 12, paragraph 1, clause (a). Under section 45 (2) of Labour Act, and section 84 (1) of the ordinance issued thereunder, employers are, without exception, required to permit inspectors to enter any workplace at any hour of the day or night.

Article 13, paragraph 2, clause (b). In the event of imminent danger to the health or safety of workers, cantons may forbid work to be carried out in workplaces or plant, or even close down an undertaking for a given time. Such action may be taken on their own initiative or following the advice of a labour inspector.

Article 20. Annual reports covering all the activities of the Federal Office for Industry, Arts and Crafts, and Labour are published yearly in the January number of *La vie économique*.

UGANDA

Workmen's Compensation (Amendment) Act, 1969.

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

Article 12, paragraph 1, clause (c), and Article 15, clause (c), of the Convention. It was not possible, owing to pressure of work, to introduce the Employment Act Amendment Bill in Parliament in 1968. It is hoped, however, that the Bill may soon be introduced.

Article 14. Under section 35 A of the above-mentioned Act, the reporting of occupational diseases by employers is now compulsory.

Articles 20 and 21. The Ministry of Labour's annual report for 1966 is now nearing completion. It will be communicated to the ILO as soon as it is ready. Work has also started on the 1967 and 1968 reports.

UNITED KINGDOM

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

Article 13, paragraph 2, clause (b), and paragraph 3, of the Convention. No legislation exists to ensure that measures with immediate executory force, in the event of imminent danger, are effectively taken. But inspectors have recourse to litigation and the courts can order action to be taken at relatively short notice.

PART II. LABOUR INSPECTION IN COMMERCE

Ratification of Part II is not possible, the main reason being that under the Offices, Shops and Railway Premises Act, 1963, local authorities are independent enforcing authorities not subject to the control of any central authority.

Gilbert and Ellice Islands

Employment Ordinance, 1965.

Workmen's Compensation (Accident and Occupational Disease) Return Regulations, 1965.

Articles 1, 2 and 4 of the Convention. Sections 4 to 8 of the ordinance give powers of inspection to the Commissioner of Labour. No undertakings or workplaces have been exempted.

Articles 3, 6, 7, 10 and 11. There are no labour inspectors in the colony, but the small number of undertakings makes it quite feasible for the Commissioner of Labour and his Deputy and Assistant Commissioners to carry out any inspection of conditions of work. It is not at present intended to establish separate inspecting staff.

Article 5. The Commissioner of Labour is in constant touch with the heads of government departments, the employers and the workers and their representatives.

Article 9. It would not be reasonable, in view of the stage of industrial development of the colony, to have experts on the staff of the Commissioner of Labour, but the Commissioner is in touch with the medical and technical officers employed by the Government and can obtain their advice if necessary.

Articles 12 and 15. These Articles are covered by section 4 of the ordinance.

Article 13. This Article is covered by section 5 of the ordinance.

Article 14. The above-mentioned Regulations require employers to report all accidents and occupational diseases resulting in an absence from work of more than three days.

Article 16. No special measures have been taken or would be appropriate in the present situation of the colony.

Articles 17 and 18. These Articles are covered by sections 7 and 8 of the ordinance.

Article 19. There are no local inspection offices nor would it be appropriate for any to be set up for the moment.

Articles 20 and 21. An annual report on labour matters generally is expected to be produced in the future and it will contain the information asked for in Article 21.

Articles 22 to 25. Sections 4 to 8 of the ordinance also apply to commercial workplaces.

Article 26. No decision has been made and no doubt as to any place has been raised.

Article 29. No exclusions have been made.

Grenada

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

Article 10 of the Convention. It is not proposed to appoint a Factory Inspector, but the duties of factory inspection have been assigned to the Senior Labour Inspector.

Article 15, clause (c). A new draft Bill concerning the Labour Department and Labour Inspection contains provisions to give effect to this Article.

Article 20. Annual reports on the work of the Inspection Service will be forwarded within the prescribed period.

Convention No. 82 : Social Policy (Non-Metropolitan Territories), 1947

FRANCE

Comoro Islands

Article 19, paragraph 2, of the Convention. In reply to the request made in 1968 by the Committee of Experts the Government has stated that the school-leaving age is, in principle, 15 years. However, this does not mean that all children from 6 to 14 years of age attend school.

New Caledonia

Article 19 of the Convention. In reply to a request made in 1968 by the Committee of Experts the Government has stated that the only legislative text that is in actual fact applicable in the territory is Order No. 779 of 27 July 1914, as amended

by Order No. 340 of 7 April 1916, covering children from 7 to 13 years of age who live at a distance not greater than three kilometres from a public school that they can reach by a route that is passable under normal conditions. In the meantime, however, until these texts are amended, the Education Service of the territory applies, both in theory and practice, the metropolitan regulations (Act of 28 March 1882, as amended by the Act of 9 August 1936, making education compulsory for children between 6 and 14 years of age; and Ordinance No. 45 of 6 January 1959 extending the school-leaving age to 16 years, as from 1 January 1959, for all children who have attained the age of 6 years).

The organisation of a school bus service and the increase in the number of schools have resulted, in 1968, in a rise of the school attendance rate to 98 per cent.

GUYANA

Articles 15 and 16 of the Convention. In reply to a direct request made by the Committee of Experts the Government has stated that a draft amendment to bring the Labour Ordinance into conformity with these provisions of the Convention is being prepared.

UNITED KINGDOM

Brunei

In 1969 two collective agreements were concluded within the petroleum industry. One concerned salaried employees of the main petroleum company in the territory, and the other the wage-earning employees of the same company.

Gibraltar

Article 15, paragraph 1, of the Convention. In reply to an observation made in 1968 by the Committee of Experts the Government has stated that in the smaller establishments with fewer than ten employees, to which the requirement to provide statements of wages does not apply, fluctuations in wages are extremely rare. However, it is hoped that, after a period during which small employers can gradually be educated to the idea of issuing statements of wages, an amendment of the law to bring it into full conformity with the Convention may become practicable.

Gilbert and Ellice Islands

Employment Ordinance, 1965.

Moneylenders Ordinance, 1965 (*W.P.H.C. Gazette*, Supplement, No. 12 of 1965).

Employment (Return) Regulations, 1969.

Article 7, paragraph 2, clause (a), of the Convention. The Employment (Return) Regulations, 1969, require employers to make a return showing the islands of origin of their labour each year. This makes it possible to keep the disruption of traditional social units to a minimum. Section 36 of the Employment Ordinance, 1965, requires the Commissioner of Labour to take certain matters into consideration before granting or refusing a recruiting licence.

Clauses (b) and (c). Plans have been drawn up for the development of urban Tarawa, which includes the most densely populated areas of the colony.

Clause (d). Pilot schemes are at present being carried out by the Department of Agriculture to help landowners to increase the tonnage of copra collected. On three plantations at Christmas, Fanning and Washington Islands, where there is paid employment, there are schemes under which a bonus is paid for high productivity.

Article 11. A telegraphic money order system is in operation. Migrating workers are encouraged to open savings accounts and remit money to them.

Articles 15 and 16. Different sections of the Employment Ordinance, 1965, apply these two Articles of the Convention.

Article 17, paragraph 1. Salaried employees of Betio, Tarawa, have formed a co-operative thrift and loan society.

Paragraph 2. Sections 5 to 15 and 21 of the Moneylenders Ordinance, 1965, concern this paragraph.

Article 19, paragraphs 1 and 2. More than 80 per cent of all children between the ages of 7 and 15 years attend school. A study is under way of the types of vocational education which can be given in the colony. Ways and means of establishing a local apprenticeship scheme are being explored. In the meantime scholarships have been awarded for young men to serve their apprenticeship in Fiji.

Article 20. The territory has too small a demand for tradesmen to justify the establishment of a technical institution.

Article 23. The implementation of the provisions of the Employment Ordinance, 1965, makes it possible to renounce the right to have recourse to modifications in respect of Articles 15 and 16 of the Convention. Education policy is at present under review and it is not possible to renounce recourse to a modification in respect of Article 19 (2).

Convention No. 85 : Labour Inspectorates (Non-Metropolitan Territories), 1947

CAMEROON

Eastern Cameroon

In reply to an observation made by the Committee of Experts the Government has stated that a Bill to ratify several international instruments and, in particular, Convention No. 81 has recently been laid before the National Assembly.

IVORY COAST

Decree No. 300 of 20 June 1968 to consolidate regulations on the application of Book VIII "Responsible body and means of implementation" of the Labour Code (*Journal Officiel*, 3 Sep. 1968).

Article 2 of the Convention. Section 5 D 43 of the above-mentioned decree lays down the training requirements for labour inspectors.

Article 5. The provisions of this Article are applied by section 5 D 44 of the above-mentioned decree.

NIGER

In reply to a direct request made by the Committee of Experts the Government has stated that ratification of Convention No. 81 has been delayed because Decree No. 24 of 2 February 1967, to make special regulations for executive staff, has not yet come into force, and that officials assuming the functions of labour inspectors or supervisors do so in the capacity of delegates.

UNITED KINGDOM

Fiji

Employment (Amendment) Ordinance, No. 2 of 1968.

Article 4 of the Convention. As section 9 (1) (e) of the Employment Ordinance, 1964, gives effect to paragraph 2, clause (c) (iv) of this Article, a declaration of full application replacing the previous declaration of application with modification was registered on 15 August 1967.

Article 5, clause (c). Following direct requests made by the Committee of Experts, section 11 of the Employment Ordinance, as amended by the above-mentioned ordinance, now gives effect to this provision of the Convention.

Gilbert and Ellice Islands

See under Convention No. 81.

St. Helena

Factories (Inspection) Rules, 1968 (Legal Notice No. 9 of 1968).

In reply to a direct request made by the Committee of Experts the Government has stated that the above-mentioned rules, issued under section 6 of the Factories Ordinance, define the powers of the inspector of factories.

Convention No. 87 : Freedom of Association and Protection of the Right to Organise, 1948

BELGIUM

In reply to a direct request made in 1967 by the Committee of Experts the Government has stated that, bearing in mind Article 9 of the Convention, and the fact that the personnel responsible for ensuring the observance of safety regulations

in the field of nuclear energy are indisputably police staff, it considers it necessary to exclude such personnel from the trade union status applicable to all officials in public services.

BURMA

In reply to an observation made in 1969 by the Committee of Experts the Government has stated that the Trade Unions Act of 1926 has been neither repealed nor amended since the preparation of its report for 1968.

CAMEROON

Decree No. DF-7 of 6 January 1969 (*Official Gazette*, 15 Jan. 1969).

In reply to a direct request made in 1969 by the Committee of Experts the Government has stated that the above decree, issued to promulgate Act No. LF-19 of 10 November 1968, is the text regulating the organisation and the procedure for the approval of occupational associations to which the Labour Code does not apply.

DENMARK

Act No. 291 of 18 June 1969 respecting civil servants employed by the State, the primary schools and the established Church.

The rules concerning the conditions of negotiation and organisation of civil servants, contained in Act No. 154 of 7 June 1958 (Salaries and Pensions, etc., of Civil Servants), have been replaced by the provisions of Chapter 10 of the above Act.

GUYANA (First Report)

Miscellaneous Enactments (Amendment) Act, No. 12 of 1967.

Article 4 of the Convention. Sections 24 and 27 of the Trade Unions Ordinance have been amended by Enactments 8 and 9 of the Miscellaneous Enactments (Amendment Act,) No. 12 of 1967 to permit ratification.

Section 27 of the Trade Unions Ordinance has been amended to provide that, where a certificate is withdrawn or cancelled by the Registrar, anyone aggrieved by the decision of the Registrar may appeal to the High Court within the time and in the manner directed by the rules of court.

It is further provided by the amendment that, until the determination of any appeal pursuant to section 27 (5), subsections (3) and (4) of the section shall not apply in relation to the withdrawal or cancellation in question if, on the appellant's application in the manner directed by the rules of court, the High Commissioner, upon being satisfied that it is just to do so, makes an order suspending their application.

Finally, it is provided that the rules of court mentioned in subsection (5) or (6) may prescribe conditions to be observed in exercising the right to appeal or making application thereunder, as the case may be.

LIBERIA

In reply to a direct request made by the Committee of Experts the Government has stated that the National Labour Affairs Agency is the government agency entrusted with the supervision of the application of all legislation (including Conventions) affecting labour in the country and that representatives of the Agency participate in trade union elections only as observers.

As regards section 2 of the Act to incorporate the technical and allied workers, which provides that the object of the union of these workers shall be to work in full cooperation and in strict conformity with the object and intent of the Labour Congress of Liberia, this section represents a further compliance with Article 3 of the Convention and with the Labour Practices Law, Title 19A, Chapter 45, section 4001.

As regards section 2 of the Act to incorporate the Labour Congress of Liberia into a body politic and, in particular, the meaning of the words "the object of this Congress is to assist affiliated organisations in such manner as shall in no manner or under any condition become repugnant to the Constitution and statute laws of this Republic", the purpose of this section is to prevent trade unions from engaging in subversive activities.

MALAGASY REPUBLIC

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

The prohibition of trade unions, under section 3 of Ordinance No. 119 of 1 October 1960, from engaging in any political activity in no way constitutes an impediment to the free exercise of trade union rights and in fact is a guarantee of liberty to join a freely chosen trade union. If trade unions were allowed to engage in political activities and proclaim political ideologies at their meetings, their solidarity would be broken and the workers' freedom of choice restricted, since they would be encouraged to join only trade unions affiliated to their political party.

NICARAGUA (First Report)

Labour Code, 1945, as amended (*La Gaceta (G.)*, 13 Oct. 1962) (*LS 1962—Nic. 1*).

Regulations governing trade union associations, 1951 (*G.*, 10 May 1951), as amended on 4 October 1966 (*ibid.*, 9 Dec. 1966) and on 24 April 1969 (*ibid.*, 26 Apr. 1969).

Article 2 of the Convention. Section 188 of the Labour Code recognises the right to join trade unions. No one may be compelled to be a union member; no worker may be required to abstain from joining the union of his choosing. A union may not be established with fewer than 25 workers or fewer than 5 employers, as the case may be. To be lawfully constituted a union must submit to the labour authority a copy of its constitution and statutes, legally certified by a notary, a judge or an official of the Ministry of Labour.

Article 3. The functions of trade unions include those of reaching collective agreements, representing their members in disputes, reporting irregularities observed in the application of labour laws and setting up assistance funds.

Workers may elect the executives of their unions freely. The statutes must indicate, *inter alia*, the following points (section 198 of the Labour Code): the members' obligations and rights, the method of electing the executive and its functions, the periodicity of meetings, the amount of trade union dues, the grounds on which members may be expelled and the procedure to be followed in expelling them.

Article 4. The decree of 26 April 1969 has amended the regulations governing trade union associations so as to make the dissolution or suspension of trade unions subject to a court decision.

Article 5. National confederations or councils formed by the latter may join international workers' organisations, provided that these are democratic in character and not affiliated to the communist or any other international party or organisation that might seek to change the republican nature of the Government.

Article 6. The guarantees afforded trade unions also apply to the constitution, operation and dissolution of federations and confederations.

Article 7. A trade union must acquire legal personality in order to be considered lawfully constituted. For this purpose the constitution and statutes must contain the data indicated in section 198 of the Labour Code and be legally certified by a notary, an official of the Ministry of Labour or a judge.

Article 8. The Constitution and Labour Code guarantee the right to associate and the regulations governing trade union associations contain provisions relating to this right.

Article 9. The armed forces and police are governed by the Military Code, which makes no provision for the right to organise.

Convention No. 88 : Employment Service, 1948

AUSTRALIA

In reply to an observation made in 1968 by the Committee of Experts the Government has stated that the National Labour Advisory Council was established in 1968 and meets at regular intervals. Its members include representatives of employers and workers. Its functions are to act as a consultative and advisory body in the fields of employment and labour matters.

BELGIUM

Article 9 of the Convention. In reply to a request made in 1968 by the Committee of Experts the Government has stated that, pending a decision whether the Royal Order of 14 February 1961 determining the status of the personnel of certain officially recognised bodies (which is in process of amendment) should be applied to the National Employment Office, its permanent staff is, by virtue of ministerial circulars, accorded a status largely inspired by that of state officials.

BRAZIL

Decree No. 62744 of 21 May 1968 (*Diário Oficial*, 22 May 1968).

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

Article 3 of the Convention. During the past year twelve regional and eight local employment offices have been established. Twelve further regional offices were to be established during 1969-70.

Article 4. The Labour Consultative Council has been reorganised by the above decree. Its members include two representatives of the workers' organisations and two representatives of the vocational training bodies run by the employers. In view of its functions, the Government considers it unnecessary to create local or regional consultative committees.

Article 6, clause (a). Regulations covering the various points of this clause will be made when the programme for establishing employment offices has been completed.

Clause (b). No specific measures for promoting occupational mobility have been adopted.

Article 7. Specialisation by employment agencies is a matter for the future in view of the lack of qualified manpower. With regard to disabled workers, the National Manpower Department maintains contact with the public and private bodies concerned with a view to providing them with training and employment in suitable occupations. Efforts are made to reserve priority for them in admission to such occupations.

Article 8. The law relating to the employment of young persons is being revised.

Article 9. A Programme of Classification of Functions and a new Federal Public Service Statute are being prepared and will cover the staff of the National Manpower Department.

Article 11. The question of co-operation between public and private employment agencies will be included in the programme of the National Manpower Department for next year.

CANADA

Canada Manpower and Immigration Council Act, 1967 (Assented to 21 December 1967) (*Acts of the Parliament of Canada*, 1967-68, Part I, p. 131).

Articles 4 and 5 of the Convention. The former advisory committees have been replaced by the Canada Manpower and Immigration Council, and four specialised advisory boards established under the above Act; their functions are to advise the Minister of Manpower and Immigration, *inter alia*, on the organisation and operation of the employment service and the development of employment service policy, including the placement of workers in available jobs. Members of the Council and boards are appointed after consultation with representative organisations and include a balanced representation of employers and workers. Provision is made for the establishment of regional and local manpower committees though none has yet been set up.

COLOMBIA (First Report)

The Ministry of Labour has set up an Employment and Human Resources Division directly linked with the Labour Market Research, Statistics and Information Section and the Employment Management Section. The latter contains 81 groups dealing with placement, selection, guidance and special cases. The Government is

proceeding with the planning and implementation of far-reaching employment projects, which are being drawn up with the advice of the ILO.

COSTA RICA

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

Article 3 of the Convention. Two regional employment offices have been created together with a new office in the metropolitan area. The Government is aware of the need to extend the network of employment offices to other regions and is doing all it can to achieve this extension.

Articles 4 and 5. The functions of the National Council of Human Resources include advising on the organisation of placement activities. It has taken measures on a number of points designed to bring about greater efficiency in the employment service. It is not considered necessary to create regional or local advisory committees in view of the size of the country.

Article 7. It is the function of the National Rehabilitation Foundation, a private body subsidised by the Government, to provide care and training for disabled young persons to enable them to take their place in society. It provides residential care and training and finds employment for those in its care either in outside undertakings or in workshops set up by the Foundation itself.

Article 8. There are no special arrangements for juveniles within the employment service. In the field of vocational training the Government has so far established fourteen vocational and agricultural training colleges to train workers for the various branches of the national economy. A number of private training colleges also co-operate in government policy.

CUBA

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

Articles 4 and 5 of the Convention. Information, consultation and co-ordination for the purpose of implementing national manpower, employment and labour mobility policies take place at national and other levels. This does not, however, imply the existence of any formal machinery other than advisory committees.

Article 6, clause (a). The measures referred to in the text are carried out by the regional branches of the Ministry of Labour under the direction and supervision of the appropriate department at headquarters. The measures in question include registering applicants for employment, taking note of personal information relevant to their work, furnishing information about new or vacant posts of which the service has been notified, and referring applicants to vacancies.

FRANCE

Ordinance No. 578 of 13 July 1967 to create a National Employment Agency (LS 1967—Fr. 1 A).
Decree No. 645 of 14 June 1969 to amend Decree No. 669 of 20 April 1948 relating to the organisation of departmental employment services and consultative bodies.

The National Employment Agency, created by the above-mentioned ordinance and placed under the authority of the Ministry of Labour, Employment and Population, has taken over certain employment service functions from the labour and manpower services. It works through regional centres and local sections and is integrated with the former services, which it is designed to strengthen.

The standing committee of the Employment Council—on which employers and workers are equally represented—acts as the advisory committee to the Agency. Regional and departmental employment committees act as advisory bodies within their areas and the latter are empowered to set up joint subcommittees attached to the local offices of the National Employment Agency.

The staff of the Agency consists of civil servants and employees under contract; they receive training on appointment. The Agency is also empowered to act through “correspondents”, that is to say the free placing services of joint workers’ and employers’ associations and certain associations which have entered into an agreement to that effect with the Agency.

Comoro Islands

Labour offices for the ports have been set up on each island under the control of the Labour Inspectorate. They are composed of representatives of the workers and undertakings using the ports.

GHANA

In reply to a request made by the Committee of Experts the Government has stated that a National Advisory Committee has been established and is consulted regarding the general policy of employment service procedure. Its discussions of employment service policy have resulted in improvements.

So far as the movement of workers to and from Ghana is concerned, the employment service assists workers and employers in obtaining work outside Ghana, but has not concluded any bilateral agreement in this respect, or in respect of the employment of non-Ghanaian workers in Ghana, there being a high incidence of unemployment.

GREECE

Legislative Decree No. 212 respecting the organisation and administration of the Employment Service.

The above-mentioned legislative decree has brought the employment offices under the Employment Service. Although conditions on the labour market in Greece are at present such that the most important function of employment offices is to find work for the unemployed, they also offer help to any workman seeking a better job.

Measures to give greater security of tenure to temporary employees of public services and bodies corporate subject to public law are already being taken in accordance with Legislative Decree No. 169 of 1969 respecting the regulations for such personnel.

GUATEMALA

A National Employment Service Advisory Committee has been established and includes representatives of the employers' and workers' organisations. The Committee is at present drawing up its rules of procedure.

The High Plateau Development Programme was to begin in January 1970. This will include the setting up of a number of employment offices in various parts of the country with the particular aim of keeping a check on internal migration.

The first national training course for staff of the National Employment Service took place during the period under review.

IRAQ

Instruction No. 6 of 1968 of the Minister of Labour and Social Affairs (*Al Waqayi'u al Iraqiya*, 25 Apr. 1968, No. 1560).

Under the above instruction all fifteen departmental labour offices shall also act as employment offices. As such, they come under the control of the Central Employment Service.

NETHERLANDS

An Employment Market Council has been created with the responsibility of advising the Government on employment policy. It is composed of representatives of employers' and workers' organisations and members appointed by the Crown. It is intended to create similar bodies at the regional level. The official counterpart of the Council is an interdepartmental committee for employment policy whose function is to co-ordinate departmental contributions on the subject and to advise on the application of the Council's recommendations.

Netherlands Antilles

In addition to the registration and placing of applicants for employment, the employment service in Curaçao provides vocational guidance and vocational training for adults.

UNITED KINGDOM

Race Relations Act, 1968 (*LS* 1968—U.K. 1).

Article 7, clause (b), of the Convention. The above Act, which makes discrimination in employment on grounds of colour, race or national or ethnic origin unlawful, has reinforced the efforts of the Employment Exchange and Youth Employment Services to promote racial integration in employment.

A new section has been set up in the Department of Employment and Productivity to deal with policy on the employment of women, older workers and highly qualified manpower. Special measures are being taken to promote the employment of women.

Bermuda

The employment office is now under the control of the Immigration and Labour Department. A separate youth employment service was set up in June 1968. Staff training programmes are being arranged with the United Kingdom.

Gilbert and Ellice Islands

An employment service has been set up consisting of an office in the capital that can cover the whole of the colony. Applicants for employment may register personally or by letter or through the administrative officers, who cover the islands and forward registrations collected by them to the employment office. There is virtually no employment on the other islands. Vacancies have been sought in nearby territories and transport is arranged for workers travelling to islands where there is employment. Specialisation within the employment service is not yet practical. Arrangements have been made, however, to assist school leavers in choosing and finding training and employment.

No advisory committees have been set up, there being no employers' organisations and only one registered trade union with a small membership. The Commissioner of Labour and a labour assistant, who is trained by the former, deal with the employment service as part of their duties.

A manpower survey is being prepared and its findings will be communicated to all bodies concerned. An annual report will be produced containing employment statistics.

Convention No. 89 : Night Work (Women) (Revised), 1948

AUSTRIA

Federal Act of 25 June 1969 respecting the night work of women (*Bundesgesetzblatt*, 15 July 1969, No. 237, Text 64).

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

The federal Act referred to above has eliminated the two points of divergence between the national legislation and the Convention. Its provisions are now applicable to all women workers and apprentices, including women salaried employees, and give effect to Article 4, clause (b), of the Convention.

The Austrian Trade Union Congress has observed that, with the adoption of the Act, many years of efforts by the Austrian workers' organisations to obtain legislation on night work conforming to international standards have finally succeeded.

GREECE

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

The ban on night work for women was suspended, in accordance with Article 5, paragraph 1, of the Convention, by Ministerial Orders Nos. 123571/6932 of 31 October 1967 and 126102/7095 of 8 November 1967. These texts were intended to ensure the normal running of certain industrial undertakings, following restrictions on the

consumption of electricity imposed by the Public Electricity Board, and to avoid possible repercussions on the national economy resulting from the fact that the working hours laid down for the undertakings in question cannot be applied. They were issued following requests made by the League of Greek Industrialists and upon the advice of the Greek General Confederation of Labour. Once the restrictive measures had been withdrawn, they ceased to be enforced.

IRAQ (First Report)

Labour Act No. 1 of 18 January 1958, as amended (*Al-Waqayi'u al Iraqiya*, 16 Mar. 1961, No. 4115) (*LS* 1961—Iraq 1 B).

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

Sections 6 (3) and (4) and 24 of the Labour Act and the above-mentioned Regulation No. 4 relate to the provisions of the Convention. Tradition and custom are not in favour of women working at night; the number of women who work at night in industry is extremely small.

Article 1 of the Convention. Section 1 (5) of the Act defines commerce; section 2 defines agricultural work. All other work is deemed to be industrial work.

Article 2. Sections 4 and 5 determine the duration of night work and rest periods.

Article 3. Women are included within the scope of the Act and certain regulations apply solely to women.

Article 4, clause (a). Section 130 of the Act authorises employers to employ women on night work in cases of *force majeure*.

Clause (b). Section 130 of the Act and section 2 (2) of Regulation No. 4 apply to all work covered by the Labour Act.

Articles 5 to 7. So far no situation has arisen to justify the application of these provisions.

Article 8. This Article is covered by section 6 (3) of the Act.

The General Labour Directorate is responsible for the application of the above-mentioned legislation.

One undertaking requested permission to employ women at night because of the special circumstances involved in its production. The General Labour Directorate made its authorisation, as laid down in section 6 (3) of the Act, subject to the condition that women should not be made to work after 11 p.m.

MALAWI

In reply to a direct request made by the Committee of Experts the Government has stated that section 9 of the Employment of Women, Young Persons and Children Act will be applied only in the circumstances set out in Article 5 of the Convention after consultation with the appropriate employers' and workers' organisations.

MALTA

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

Article 1, paragraph 1, clause (a), of the Convention. This provision is inapplicable in Malta, where no mines of any sort exist. However, by virtue of section 2 of Ordinance No. XXIV of 1960, the definition of "factory" was extended to include underground work.

Clause (b). It is felt that shipbuilding is covered by the relevant definition in the Factories Ordinance; that definition was extended by Act VII of 1956 to include vessels of any description. As regards the generation and transformation of electricity, the Power House has since 1963 become an independent state agency to which the Factories Ordinance applies. Steam boilers are subject to the Factories (Steam Boilers) Regulations, 1951.

NETHERLANDS

Netherlands Antilles

Labour Decree respecting the electronic industry (*Publicatieblad*, 1968).

Articles 3 to 5 of the Convention. A plant has been established in Curaçao to manufacture electronic apparatus, semi-conductors and assemblies thereof. The work performed, which requires great sensitivity in the fingers, is particularly suitable for women workers. Out of 1,750 workers, 1,300 are women.

In view of the above and for reasons of national interest, women workers easily find employment and the possibility of night work for them now exists.

TUNISIA

See under Convention No. 52.

**Convention No. 90 : Night Work of Young Persons (Industry)
(Revised), 1948**

TUNISIA

See under Convention No. 52.

Convention No. 91 : Paid Vacations (Seafarers) (Revised), 1949

BELGIUM (First Report)

Act of 20 August 1962 to ratify the Convention.

Collective agreement of 1967 for officers sailing under the Belgian flag.

Collective agreement of 1967 for seamen sailing under the Belgian flag.

Article 1 of the Convention. The regulations apply to all merchant ships without exception.

Article 2. All seafarers in the merchant marine are eligible for the benefits accorded by the collective agreements.

Article 3. Sections 20 to 23 of the collective agreement for officers and sections 21 to 23 of the collective agreement for seamen apply the provisions of this Article.

As far as paragraph 7 is concerned, section 23 of the collective agreement for officers and section 24 of the collective agreement for seamen stipulate that in principle a cash payment cannot be substituted for a holiday. Nevertheless, if very exceptional circumstances make it impossible to grant holidays, the two contracting parties may come to some other arrangement.

Article 4. This Article is applied by section 20 of the agreement for officers and section 21 of the agreement for seamen.

Article 5. Section 22 of the collective agreement for officers and section 23 of the collective agreement for seamen provide that officers and seamen shall be paid on a scale based on their remuneration for the previous year. Officers entitled to 24 days' leave receive 12 per cent of this amount; those entitled to 21 days receive 11 per cent; seamen receive 10 per cent.

Article 7. This Article is applied by section 27 of the collective agreement for officers and section 25 of the collective agreement for seamen.

The application of the law and of the agreements is the responsibility of the Marine Commissioners, Belgian consuls and marine conciliation boards.

CHINA (First Report)

Order of the Ministry of Communications, No. Chiao-Hang, 15075 of 29 December 1967.

Seafarers' fixed period contract.

Seafarers' minimum wage scale.

Article 1 of the Convention. No exemptions are provided for in the legislation concerning vessels of less than 200 tons.

Article 2, paragraph 2, Article 3, paragraph 7. No advantage has been taken of these provisions.

Article 5. Every seafarer taking an annual vacation receives his usual remuneration for the full period of the vacation. The manner in which the usual remuneration is calculated differs from company to company, but it must not be below the figures indicated in the minimum wage scale fixed by the Ministry of Communications.

By the order mentioned above, the Ministry of Communications has instructed the port authorities of Keelung, Kaohsiung and Hualien to enforce the application of the Convention. The provisions of the Convention must also be included in the seafarers' contracts.

The Ministry of Communications and the Ministry of the Interior are jointly responsible for matters concerning seafarers' paid vacations.

ISRAEL (First Report)

Annual Holidays Law, 1951, *Sefer Habukim*, 11 July 1951, No. 81, p. 234 (*LS* 1951—Isr. 3), as amended in 1957, 1965 and 1967.

Collective agreements.

The Law mentioned above applies to every type of employment in Israel and therefore the provisions of the Convention are applied to all vessels. No exemption has been made in accordance with Article 1, paragraph 4, of the Convention.

The Convention is applied by the detailed provisions of the Annual Holidays Law and by collective agreements.

The application of this legislation is entrusted to the Labour Inspection Service. In the shipping industry, however, the seafarers' union and the shipowners take care of all details of seafarers' entitlements to holidays with pay.

NORWAY (First Report)

Act of 14 November 1947 respecting annual holidays (*Norsk Lovtidend (N.L.)*, Part I, 21 Nov. 1947, No. 44, p. 938; Part II, p. 660) (*LS* 1947—Nor. 1), as amended up to 15 May 1964.

Order-in-Council of 19 March 1948 respecting annual holidays for mariners (*N.L.*, Apr. 1948, No. 12, Part I, p. 221; Part II, p. 110) (*LS* 1948—Nor. 1), as amended.

Circular of 31 October 1964 of the Ministry for Wages and Prices containing administrative instructions on holidays in the civil service.

Holidays with pay for seafarers are governed by the Order-in-Council mentioned above. Section 15 of the Act lays down that special regulations shall be made for seafarers and that, as far as the duration of the holidays and the amount of holiday pay are concerned, the provisions of the Act must be respected. Holidays with pay for seafarers who are also public servants are contained in the instructions mentioned above.

Articles 1 and 2 of the Convention. Sections 1 and 3 of the Order-in-Council define the employees entitled to holidays with pay. The Order-in-Council does not apply to seafarers on vessels of less than 4 gross tons. No exceptions such as those provided for in Article 2, paragraph 2, are made.

Article 3. Paragraphs 1 to 4 are applied by sections 2 to 7 of the Order-in-Council and sections 1 to 4 of the Administrative Instructions. The duration of the holidays is 24 working days under the Act and 28 days including Sundays under the Order-in-Council. The breaks mentioned in paragraph 5, clause (b), are irrelevant under Norwegian legislation. Paragraph 6 is implemented by section 2 of the Order-in-Council and section 3 of the Administrative Instructions. No provision exists to give effect to the permissive clause of paragraph 7.

Article 4 is implemented by section 2 (2) of the Order-in-Council and section 3 of the Instructions.

Article 5. Wages during holidays are computed on the basis of 9.5 per cent of the annual wages, in accordance with section 3 (1) of the Order-in-Council. Somewhat different rules apply to public servants.

Article 6 is implemented by section 10 of the Order-in-Council.

Article 7 is applied by section 5 (1) of the Order-in-Council. Public servants on retirement are paid whatever holiday pay they may have earned by that date.

Article 8. The employer is under a legal obligation to meet any lawful claim on the part of a seafarer as regards holidays or holiday pay. An employer neglecting his obligations in connection with holiday pay may be prosecuted and fined under section 412 (2) of the Penal Code. In addition, the mustering authorities established by the Act of 11 July 1947 are under an obligation to ensure that discharged seafarers have obtained the holiday pay to which they are entitled.

Provisions concerning holidays with pay are administered by the Ministry of Communal Affairs and Labour. As far as public servants are concerned, the competent Ministry is the Ministry of Wages and Prices.

Convention No. 92 : Accommodation of Crews (Revised), 1949

GHANA

In reply to a request made by the Committee of Experts the Government has stated that the Ghana Seamen's Employment and Welfare Board was established by Executive Instrument No. 28 of 1968. Under section 6 of this Instrument the Government will consult with the organisations of shipowners and the recognised bona fide trade unions of seafarers, for the purpose of giving effect to Article 1, paragraph 5, Article 3, paragraph 2, clause (e), and Article 18 of the Convention.

YUGOSLAVIA (First Report)

Regulations of 15 July 1958 respecting safety and health measures in sea-going vessels (*Službeni List*, 13 Aug. 1958, No. 32).

Act respecting the registration of sea-going vessels (*ibid.*, 1959, No. 8).

Act respecting the safety of shipping (*ibid.*, 1964, No. 39; and 1965, No. 49).

Act of 4 April 1965 respecting the protection of labour (*ibid.*, 5 Apr. 1965, No. 15, Text 314; errata: *ibid.*, 30 June 1965, No. 29, p. 1179) (*LS* 1965—Yug. 3).

The provisions of the above-mentioned legislation apply to all ships and vessels of the merchant marine.

The Act respecting the safety of shipping applies Part II of the Convention. Under this Act the designs and plans of all ships are submitted for examination to verify that they comply with the regulations laid down with respect to construction, furniture and fittings before being entered in the registers of merchant vessels and being brought into service.

In accordance with the Regulations respecting safety and health, plans for construction and reconstruction of vessels, including plans showing the arrangement and general disposition of crew accommodation, are also subject to the approval of the competent Labour Inspectorate. A technical examination must also be carried out with the participation of the Labour Inspectorate.

The provisions of Part III of the Convention are covered partly by the Act respecting the protection of labour and partly by the Regulations respecting safety and health measures in sea-going vessels.

Supervision of the application of this legislation is entrusted to the Marine Administration and the Labour Inspectorate.

Convention No. 94 : Labour Clauses (Public Contracts), 1949**AUSTRIA**

In reply to an observation made by the Committee of Experts the Government has stated that the Lower Austria Land Government has adopted rules which conform to the provisions of the Convention and that the Styrian Land Government has supplemented the existing rules by an instruction taking due account of the provisions of the Convention.

The Congress of the Austrian Federation of Trade Unions has repeated its observations referred to in previous reports concerning the lack of progress made in the application of the Convention at the provincial and local levels.

COSTA RICA

In reply to a direct request made by the Committee of Experts the Government has stated that the Bill on labour clauses in public contracts has not completed its passage through the Legislative Assembly. In the meantime the Government is preparing, with the same aim in view, a draft executive decree which will also take into account previous observations of the Committee.

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. No arrangement exists for applying the Convention to authorities other than the central authorities.

Article 2, paragraphs 1 to 3. Conditions other than those relating to wages, allowances and recognised festivals are ensured to the workers concerned by negotiation between the employer and union at the national level. Before the Convention was ratified the Labour Advisory Committee, consisting of employers', workers' and government representatives, discussed and accepted the principle that contracts awarded by the central authorities shall include clauses ensuring to the workers concerned wages, hours of work and other conditions of labour which are not less favourable than those established for work of the same character in the trade or industry concerned.

Article 4, clause (a) (iii). The posting of notices is not necessary since the wages and other conditions of employment of the workers concerned are contained in collective agreements.

Article 5, paragraph 1. Sanctions to be applied for failure to observe or apply the provisions of labour clauses in public contracts are prescribed by clause 14 (3) of the Articles of Agreement and Conditions of Contract for Building Works.

MOROCCO

In reply to a direct request made by the Committee of Experts the Government has furnished a copy of the Royal Decree of 18 June 1966 (29 Safar 1386) to apply to state administrative departments the general administrative clauses applicable to contracts undertaken for the Ministry of Public Works and Communication.

NETHERLANDS

Netherlands Antilles

In reply to a direct request made by the Committee of Experts the Government has stated that one of the conditions in public contracts is that wages and other conditions of work should not be less favourable than those prevailing for the execution of work for private individuals.

Suspension of payment or temporary deductions may be made if a building contractor has not met the statutory obligations with respect to his workers.

SINGAPORE

Employment Act, No. 17 of 1968 (*Government Gazette*, Acts Supplement, 12 Aug. 1968, No. 18, p. 141) (LS 1968—Sin. 1), sections 121, 131 and 144.

SYRIAN ARAB REPUBLIC

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

Article 1, paragraph 1, of the Convention. The relevant contract form is used for all the contracts covered by this paragraph.

Paragraph 2. The contract form is applicable to all public contracts made by the central and other authorities.

Paragraph 3. The contract form provides that the provisions of the Labour Code shall be applicable to the contract. According to section 53 of the Labour Code, where an employer entrusts another employer with the performance of any of his operations or any part thereof, the latter shall maintain complete equality of rights between his workers and those of the former, who shall be jointly liable in this respect.

Article 2, paragraph 1. Contractors are not required to pay wages more favourable than those established by an arbitration award for work of the same character. In practice, however, contractors, when tendering, take into account such awards.

Paragraph 3. The obligation to take into account the provisions of this Convention is contained in a draft contract form which is being completed.

Paragraph 4. Contractors and subcontractors are required to sign every page of the contract.

Article 5, paragraph 1. Section 36 of the contract form provides for the measure to be taken in case of failure to apply or observe the provision of the clauses.

The Ministry of Finance is preparing a new contract form.

UNITED KINGDOM

Brunei

The draft Labour (Public Contracts) Rules, which were submitted to the State Secretary in 1961, have not been adopted.

URUGUAY

Article 4, clause (b), of the Convention. In reply to a direct request made by the Committee of Experts the Government has stated that a record is maintained of time worked and wages paid by means of the payrolls. The effective enforcement of the Convention is ensured by staff specially appointed for this purpose.

Convention No. 95 : Protection of Wages, 1949

CAMEROON

Decree No. DF/252 of 1 July 1968.

Order No. 16/MTLS/DEGRE of 15 July 1968.

Orders Nos. 18 and 19 of 27 May 1969.

Decree No. DF/289 of 30 July 1969.

Article 13, paragraph 2, of the Convention. A regulation will be drafted to cover this omission.

CHAD

Article 6 of the Convention. In reply to a direct request made by the Committee of Experts the Government has stated that when the general collective agreement was drawn up, it overlooked the statement it had made to the Committee that the Joint Committee responsible for drafting the general collective agreement would be asked to include a provision identical to this Article. It will make sure this omission is rectified.

COSTA RICA

In reply to a direct request made by the Committee of Experts the Government has stated that effect has not yet been given to its proposal to amend sections 165 and 166 of the Labour Code and to issue a decree to facilitate the application of Article 4, paragraph 2, of the Convention.

A special committee has been established by the Legislative Assembly to consider the revision of the Labour Code.

CYPRUS

In reply to a direct request made by the Committee of Experts the Government has stated that a directive has been issued to all District Labour Officers to make every effort to promote the practical application of the Convention. The reports of these Officers were attached to the Government's report.

The Government is considering whether to proceed with the enactment of specific legislation concerning a number of provisions of the Convention, in respect of which the Committee has made observations but which do not give rise to any issue in Cyprus, or to denounce the Convention.

GUYANA

In reply to a direct request made by the Committee of Experts the Government has stated that a draft amendment to bring the Labour Ordinance into conformity with Articles 4 and 10 of the Convention is being prepared.

IRAQ

Act No. 108 of 1968.

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

Articles 2 and 4 of the Convention. The committee responsible for the revision of the Labour Act will take into account the comments of the Committee of Experts on the divergences between that Act and these provisions.

All workers, including manual labourers, working for the Government are covered by the Labour Act, as amended by the above-mentioned Act.

MALTA

Conditions of Employment (Regulation) (Amendment) Act, 1969.

In reply to a direct request made by the Committee of Experts the Government has stated that the enactment of the above Act gives effect to a number of Articles of the Convention.

NIGER

Article 12, paragraph 1, of the Convention. In reply to a direct request made by the Committee of Experts the Government has stated that daily workers are in practice paid at the end of their contract for work of short duration or fortnightly in other cases.

TUNISIA

See under Convention No. 52.

UGANDA

In reply to a direct request made by the Committee of Experts the Government has stated that it has not been possible to place the Employment (Amendment) Bill before Parliament because of pressure of work. The Bill will be introduced soon, however.

UNITED KINGDOM

Redundancy Payments Act, 1965, section 38.
Criminal Justice Act, 1967, sections 46 and 79 (6).

Gilbert and Ellice Islands

Employment Ordinance, 1965.

URUGUAY

In reply to a direct request made by the Committee of Experts the Government has stated that the wages boards have made decisions relating to remuneration in kind in a number of industries and occupations.

Convention No. 96 : Fee-Charging Employment Agencies (Revised), 1949

BELGIUM

A growing number of agencies supplying temporary personnel are being established in Belgium. The workers in question are paid by the agency after deduction of a percentage from the fee it receives from the employer, and are considered to be self-employed persons. Many of them contribute to the self-employed social security scheme.

The Ministry of Employment and Labour is examining all the aspects of this problem. It has set up a working group to study the question, whose report is at present being considered.

BRAZIL

In reply to an observation made in 1969 by the Committee of Experts the Government has stated that the National Manpower Department is still compiling the registry of employment agencies.

In reply to a direct request made by the Committee of Experts the Government has stated that no licence has been granted for the operation of an employment agency for temporary staff.

COSTA RICA

In reply to a direct request made by the Committee of Experts the Government has stated that no fee-charging employment agencies for temporary staff have been authorised to operate.

In reply to a direct request made by the Committee of Experts concerning Article 3 of the Convention the Government has stated that middlemen operate only in accordance with the provisions of Articles 5 to 7. An individual may occasionally make a contract with workers for an employer but this is never done on a systematic or permanent basis.

FRANCE

Act No. 1185 of 26 December 1969 (*Journal Officiel*, 30 Dec. 1969, p. 12731).

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

Article 5 of the Convention. The adoption of the Bill relating to the placement of theatre artists has been delayed as a result of a number of amendments on points of detail. It provides for the introduction of a theatrical agent's licence renewable annually, prohibits certain categories of persons from acting as theatrical agents and provides for the remuneration of theatrical agents. Further details will be fixed by a decree of the Council of State.

While the Government considers that agencies for temporary staff do not constitute employment agencies within the meaning of the Convention when they pay the salary and social security contributions of the persons whom they place temporarily at the disposal of other establishments, the Ministry of Labour, Employment and Population is examining the economic and social problems raised by their activities. Draft legislation is being prepared with a view to providing adequate legal protection for the employees of these agencies and to laying down the respective responsibilities of the agencies and the establishments using their services in the fields of labour law and social security. It is also proposed to include in the draft a provision limiting the cases in which employers would be authorised to make use of the services of agencies for temporary staff. The trade unions and employers' organisations concerned will be consulted in this respect.

FEDERAL REPUBLIC OF GERMANY

Employment Promotion Act of 25 June 1969 (*Bundesgesetzblatt*, 28 June 1969, No. 51, Part I, p. 582).

Under the above Act, licences issued to fee-charging employment agencies are valid for only one year.

In reply to a direct request made in 1968 by the Committee of Experts the Government has stated that the fees charged by employment agencies not conducted with a view to profit have been approved by the Federal Employment Institute.

ITALY

In reply to a direct request made in 1969 by the Committee of Experts the Government has stated that there are no fee-charging employment agencies for temporary workers in Italy.

JAPAN

In reply to a direct request made by the Committee of Experts the Government has stated that all fee-charging employment agencies are required to have a licence from the Ministry of Labour and that such licences are granted only in respect of highly specialised occupations in which it is difficult for the public employment service alone to make proper placing arrangements. Such agencies may place temporary as well as regular staff but no fee-charging agencies for temporary staff in other occupations are permitted.

NORWAY

In reply to a direct request made by the Committee of Experts the Government has stated that a number of firms are engaged in the hiring of manpower exclusively with a view to profit. They have no express authorisation for their activities but it is difficult to stop them on the basis of existing legislation. They treat their personnel as employees and claim to be ordinary employers.

Placing in temporary employment has always been carried out by the state-organised employment service, and in May 1969 the Directorate of Labour began activities to conduct temporary placing more systematically and effectively so as to compete with the private firms. The Directorate of Labour exercises a certain supervision over the personnel hiring firms.

SWEDEN

The licences formerly held by four private employment agencies to conduct their activities with a view to profit were not renewed after the end of 1967.

Convention No. 97 : Migration for Employment (Revised), 1949

BELGIUM

Royal Order No. 34 of 20 July 1967 respecting the employment of foreign workers (*Moniteur Belge*, 29 July 1967).

Royal Order of 21 December 1967 to make general regulations for the employed persons' retirement and survivors' pension scheme (*ibid.*, 16 Jan. 1968).

In reply to a direct request made by the Committee of Experts the Government has stated that section 90, subsection (1) 1, of the Royal Order of 21 December 1967 has rescinded the provisions of the Royal Order of 19 December 1955 that cut the retirement and survivors' pensions of foreign workers by 20 per cent.

CAMEROON

Western Cameroon

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

Article 3, paragraph 2, of the Convention. The National Employment Service provides information on request to similar services in other countries so as to avoid misleading propaganda relating to emigration and immigration.

Article 9. The ordinance respecting exchange control has been repealed.

SPAIN (First Report)

Regulations made under the Decree of 13 July 1940 of the Ministry of Labour (*Boletín Oficial (B.O.)*, 10 Aug. 1940).

Employment Exchange Act of 10 February 1943 (*B.O.*, 2 Mar., No. 61, 1943) (*LS* 1943—Sp. 2).

Act of 17 July 1956 to establish the Spanish Emigration Institute (*B.O.*, 18 July 1956).

Order of 21 March 1960 respecting non-repatriation certificates (*ibid.*, 25 Mar. 1960).

Order of 13 May 1960 respecting medical examination in the selection of emigrants (*ibid.*, 24 May 1960).

Order of 15 November 1960 respecting the administrative procedure to deal with offers of employment from foreign countries (*ibid.*, 3 Dec. 1960).

Decree of 3 May 1962 to approve a consolidated text of the Emigration Act (*ibid.*, 15 May 1962).

Decree of 26 September 1963 to issue instructions on infringements and penalties in the field of emigration (ibid., 26 Oct. 1963).

Resolution of 15 April 1968 of the General Directorate for Welfare concerning equality of treatment for foreign and national workers for the purpose of giving the former social security coverage (ibid., 6 May 1968).

Decree of 27 July 1968 to regulate the employment, the qualification for employment and the residence of foreigners in Spain (ibid., 14 Aug. 1968).

Article 1 of the Convention. Constant attention has always been paid to assisting national workers who emigrate to foreign countries, and the legislation in this respect is considered highly advanced.

Article 2. The supervision of all aspects of emigration is undertaken by the Spanish Emigration Institute.

Article 3. All written or oral propaganda on emigration is prohibited unless authorised by the Ministry of Labour.

Article 4. Protective action by the State with regard to emigrants is maintained from the time of their departure from the country until the time when they cease to be emigrants.

Article 5. The Government has the power to restrict or suspend emigration temporarily on health grounds. All group departures of emigrants are accompanied by a doctor included in what is known as the assistance group.

Article 6. The wages and other working conditions of workers authorised to be employed in Spain may not be lower than those fixed by law for Spanish workers in the relevant activity, category and locality. As regards social security, foreign workers enjoy the same rights as nationals.

Article 7. Co-operation between the employment and emigration services with their counterparts in other member States is based on bilateral agreements.

Article 8. The granting of work permits to foreign workers and the fact that they are given a status equal to that of nationals necessarily satisfy the provisions of this Article.

Article 9. It is permitted to transfer up to 25 per cent of earnings out of the country, provided the transfer takes place within a period of six months from the date on which the sums were earned.

Article 10. Bilateral agreements have been reached with the following eighteen countries: Argentina, Austria, Belgium, Brazil, Chile, Colombia, Dominican Republic, Ecuador, France, Federal Republic of Germany, Italy, Luxembourg, Netherlands, Paraguay, Peru, Portugal, Switzerland and United States.

Article 11. Persons who generally work on the border of a neighbouring country, leaving and re-entering it regularly, are considered frontier workers. Artists who work in the country sporadically are not required to join the social security fund or to pay contributions.

ANNEX 1

Article 3. Private employment agencies, of whatever kind, are prohibited.

Article 5. The Ministry of Labour is the competent authority for supervising contracts of employment.

Article 6. The provisions of this Article have been the subject of detailed regulations.

Article 7. Foreigners' contracts of employment must in all cases be approved by the Ministry of Labour.

ANNEX II

Article 3. All the activities mentioned are carried out by the Spanish Emigration Institute.

Article 5. The question has not arisen.

Convention No. 98 : Right to Organise and Collective Bargaining, 1949

HAITI

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. At the request of any association or any member of an association that has suffered or considers that it or he has suffered legal injury through interference in the activities of the association, the Social Organisations Service and the Secretariat of State for Social Affairs carry out a preliminary inquiry in order to determine the merits of the complaint made, draw up a report, and, where necessary, lay the case before the Labour Tribunal.

IRELAND

Electricity Supply (Special Provisions) (Repeal) Act, 1969.
Industrial Relations Act, 1969.

The Government has indicated that the Electricity Supply (Special Provisions) (Repeal) Act, 1969, repeals the Electricity (Special Provisions) Act, 1966. Moreover, the Industrial Relations Act, 1969, is to be construed as one with the Industrial Relations Act, 1946.

JORDAN (First Report)

In reply to a direct request made in 1969 by the Committee of Experts the Government has supplied the following information.

Agricultural workers and persons employed on irrigation work are not covered by the Labour Code and regulations in respect of trade unions do not apply to them.

All labour disputes between employers and workers or their representatives come within the jurisdiction of the Industrial Relations Service (conciliation, arbitration, labour courts). The trade union registration office is also responsible for the application of the Labour Code.

LIBERIA

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

Article 1 of the Convention. The new Labour Code is at present before the legislature for enactment and a copy will be communicated to the ILO when it has been adopted.

Article 6. Concerning the right to organise of government employees, there are no major legislative, administrative or practical provisions dealing with the subject. The new Labour Code may contain some provisions in this connection.

NICARAGUA (First Report)

Labour Code, Decree No. 336 of 12 January 1945 (*LS* 1945—Nic. 1), as amended by Decree No. 765 of 12 October 1962 (*La Gaceta (G.)*, 13 Oct. 1962, No. 233, p. 2309) (*LS* 1962—Nic. 1).

Decree No. 5 of 9 April 1951 to issue regulations governing trade union associations (*G.*, 10 May 1951, No. 93).

Article 1 of the Convention. The law guarantees freedom to join trade unions. It is unlawful to dismiss or refuse to employ persons who are not union members or who leave unions (section 193 of the Labour Code). No one may be compelled to be a union member nor may any worker or any person be required to abstain from joining the union of his choice (section 190 of the Code). Section 17 of the Regulations governing trade union associations contains provisions respecting cases of dismissal of trade union leaders.

Article 2. The law stipulates that workers shall enjoy full freedom in the exercise of their trade union rights and in electing the executives of their unions. Any interference or coercion on the part of employers or their representatives in this respect is a punishable offence.

Convention No. 99 : Minimum Wage Fixing Machinery (Agriculture), 1951

MEXICO

See under Convention No. 26.

Convention No. 100 : Equal Remuneration, 1951

BELGIUM

Royal Order No. 40 of 24 October 1967 respecting the employment of women (*Moniteur Belge*, 27 Oct. 1967, No. 207) (*LS* 1967—Bel. 3).

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

The above-mentioned Royal Order establishes the right of female workers to bring legal actions for the application of the principle of equal pay on their own behalf.

Definite progress towards equal remuneration has been made in a number of collective agreements, including those concerning the chemical, textile and cleaning and disinfection industries.

JAPAN (First Report)

Constitution of 3 November 1966, articles 4 and 27.

Conditions of Employment Act, No. 49 of 5 April 1947 (*Kampoo (K.)*, 7 Apr. 1947) (*LS* 1947—Jap. 3).

Mariners' Act, No. 100 of 1 September 1947 (*K.*, 1 Sep. 1947) (*LS* 1947—Jap. 5).

National Public Services Act, No. 120 of 21 October 1947.

Local Public Services Act, No. 261 of 13 December 1950.

Article 1 of the Convention. Section 11 of the Conditions of Employment Act defines wages in general, whatever they may be called, as including all payments made by an employer to an employee in return for work.

Article 2. Article 14, paragraph 1, of the Constitution proclaims the equality of all under the law and condemns any form of discrimination, particularly for reasons of sex, in any field of activity. Article 27, paragraph 2, provides for the statutory regulation of wages, hours of work and rest periods. In the private sector wages are fixed by collective bargaining between employers and workers. Section 4 of the Conditions of Employment Act repeats the prohibition of discrimination based on sex with reference to wages. Section 119 of the same Act provides for penal measures in cases of non-compliance. The same provisions apply to the merchant marine by virtue of section 6 of the Mariners' Act of 1947.

With regard to public services, section 62, paragraph 1, of the National Public Services Act and section 24, paragraph 1, of the Local Public Services Act stipulate that staff salaries must be based on the duties performed and the responsibility carried. Section 27 of the former Act and section 13 of the latter further forbid any discrimination for reasons of sex in the application of their provisions.

Article 3. In accordance with the above-mentioned section 62 of the National Public Services Act, salary scales in these services are based on a standardised job classification system related to difficulty and degree of responsibility.

Article 4. In implementing and adopting the Conditions of Employment Act, the Ministry of Labour and the departmental labour authorities are assisted by a National Labour Conditions Council and a Departmental Labour Conditions Council respectively. These Councils serve in an advisory capacity and are tripartite in composition—employers, workers and representatives of the public interest.

Public opinion has also been alerted to the problem of equal pay by an information campaign carried out by the Director-General of the Women's and Children's Bureau. The campaign consists of an annual study conference on problems of women's employment and is attended by experts and prominent figures in the labour world.

Application of the Conditions of Employment Act is the responsibility of the central office and of the prefectural offices to which the labour inspectors are attached. These inspectors have wide powers of investigation and, in the event of an infringement being discovered, the authority of officers of the law.

NICARAGUA (First Report)

Constitution of 1 November 1950 (*LS* 1950—Nic. 1).

Labour Code, Decree No. 336 of 12 January 1945 (*LS* 1945—Nic. 1), as amended by Decree No. 765 of 12 October 1962 (*La Gaceta*, 13 Oct. 1962, No. 233, p. 2309) (*LS* 1962—Nic. 1).

Articles 1, 2 and 4 of the Convention. The principle of equal remuneration without distinction of sex is recognised by the Constitution. The National Minimum Wages Committee fixes pay scales without regard to the sex of the workers. This Committee comprises both employers' and workers' representatives.

It is the responsibility of the labour inspectorate to check the application of minimum wage provisions.

SPAIN (First Report)

Act No. 56 of 22 July 1961 respecting the political, occupational and employment rights of women (*Boletín Oficial (B.O.)*, 24 July 1961, No. 175) (*LS* 1962—Sp. 1 B), and Decree No. 258 of 1 February 1962 to apply this Act in matters of employment (*B.O.*, 16 Feb. 1962, No. 41) (*LS* 1962—Sp. 1 A).

Decree No. 55 of 17 January 1963 to establish minimum wages (*B.O.E.*, 19 Jan. 1963, No. 17).

The ratification of the Convention has not called for any amendment of the existing legislation.

Articles 1 and 2 of the Convention. The State lays down minimum wages for every branch of the economy and without distinction of sex by virtue of the above-mentioned decree of 1963. Wages above these minima are fixed by collective agreements, internal regulations or individual contract.

Section 4 of the above-mentioned Act No. 56 gives women full legal capacity to conclude employment contracts of any nature whatsoever, and stipulates that labour regulations, collective agreements and works rules must respect the principle of non-discrimination on grounds of sex.

Section 3 of the 1962 decree supplementing the Act mentioned above gives women the right to equal pay for equal work. Labour regulations, collective agreements and works rules may adapt wages to the different value and quality of women's work on condition that such differences are duly justified within the prevailing norms.

Following the introduction of this piece of legislation great strides have been made leading to complete equality between male and female workers.

Article 3. Since the law no longer permits any discrimination, equality between men and women workers can be regarded as achieved.

Enforcement of the above-mentioned legislation is the responsibility of the Ministry of Labour, through its central and provincial offices.

Convention No. 101 : Holidays with Pay (Agriculture), 1952

CUBA

See under Convention No. 52.

FRANCE

See under Convention No. 52.

French Guiana, Guadeloupe, Martinique, Réunion

See under Convention No. 52, France.

HUNGARY

See under Convention No. 52.

MALAGASY REPUBLIC

See under Convention No. 52.

UNITED KINGDOM

Brunei

Holidays with pay are granted in the Government's Agriculture Department and, after a period of continuous service, in the few private undertakings; most other agricultural workers are self-employed.

Convention No. 102 : Social Security (Minimum Standards), 1952

FEDERAL REPUBLIC OF GERMANY

See under Convention No. 96.

In reply to observations made in 1965, 1967, 1968 and 1969 by the Committee of Experts the Government has supplied the following information.

Article 69, clause (i), of the Convention. Section 116 of the Employment Promotion Act, which came into force on 1 July 1969, limits the suspension of benefits for unemployment resulting from a trade dispute to cases where the unemployment is due to the workers' participation in the dispute, as well as to cases where the unemployment is due to a trade dispute in which the worker is not taking part when the purpose of the dispute is to change conditions of work in the undertaking in which the person concerned was last employed, or when the granting of unemployment benefits would influence the outcome of the dispute.

Convention No. 103 : Maternity Protection (Revised), 1952

ECUADOR (First Report)

Labour Code, Presidential Decree No. 210 of 5 August 1938 (*Registro Oficial (R.O.)*, 14-17 Nov. 1938) (*LS* 1954—Ec. 1 B), as amended by the decree of 4 November 1954 (*R.O.*, 5 Feb. 1955) (*LS* 1954—Ec. 1 A), in 1961 (*R.O.*, 28 Oct. 1961) and by Decree No. 2490 of 29 October 1964 (*R.O.*, 2 Nov. 1964).

Compulsory Social Insurance Act (*R.O.*, 30 July 1959, Supplement).

Regulations of the Medical Department of Social Insurance (with amendments up to 30 June 1968).

Article 1. Agricultural work will be included shortly.

Article 2. The distinction between legitimate and illegitimate children has been abolished by article 29 of the Constitution.

Article 3. The Labour Code provides for a rest period of three weeks before and three weeks after confinement. In the event of illness due to pregnancy or confinement, this rest period may be extended up to one year, without remuneration.

Article 4. The Labour Code provides for the payment by employers of full remuneration during the rest period of three weeks prior to and three weeks after confinement. The social insurance scheme recognises the right to benefits during the three weeks before confinement and four weeks following it, corresponding to 75 per cent of the average wage. Employers of female workers who belong to the social insurance scheme are released from their obligations as regards maternity leave and the payment of remuneration in accordance with the Labour Code, but must supplement the benefits paid by the social insurance scheme by paying 25 per cent of the wage, so that full remuneration is received.

The social insurance scheme grants the necessary obstetric treatment, covering anti-natal and post-natal treatment and the confinement itself. It does not mention freedom of choice of doctor or freedom of choice between a public and a private hospital.

Women who fail to qualify for maternity benefits provided as a matter of right are granted medical assistance out of social assistance funds, but not cash benefits.

Social insurance benefits, including maternity benefits, are financed from contributions by workers and employers.

Article 5. The Labour Code provides that mothers shall be allowed a 15 minute break every three hours to feed their children during the nine months following confinement. The Civil Service and Administrative Careers Act allows female civil servants to interrupt their work for up to two hours a day to feed their children.

Article 6. Under the Labour Code it is forbidden to terminate the contract of employment of a female worker on the grounds of her pregnancy. The employer may not replace her during the six weeks of maternity leave.

The Ministry of Labour and Social Welfare and the National Social Insurance Fund are responsible for the application of the legislative provisions and regulations referred to above. Supervision is carried out by the Labour Inspectorate and Social Insurance Department.

Convention No. 104 : Abolition of Penal Sanctions (Indigenous Workers), 1955

CHINA (First Report)

Article 1 of the Convention. There have never been any penal sanctions for breaches of contracts of employment as defined in this Article.

Convention No. 105 : Abolition of Forced Labour, 1959**BARBADOS**

See under Convention No. 29.

CAMEROON**Western Cameroon**

Penal Code, Law No. LF-1 of 12 June 1967.

In reply to a direct request made by the Committee of Experts the Government has stated that Ordinance No. OF-18 of 1962 to suppress subversive activities is still in force in certain parts of Western Cameroon.

CHINA

In reply to a direct request made by the Committee of Experts the Government has stated that by Executive Order No. Tai 58 Nei 4977 of 17 June 1969 the Executive Yuan has instructed the courts of law through the Ministry of Justice that, in order to ensure compliance with the Convention, persons who have participated in strikes and who have subsequently been convicted and sentenced in accordance with the Penal Procedure Code shall not be subject to mandatory labour.

CUBA

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

With regard to sections 7, 10 and 11 of Act No. 1166 of 23 September 1964, under which workers committing certain disciplinary offences may be punished, *inter alia*, by temporary or permanent transfer to other work, within or outside the work centre, such a transfer is possible only between different work centres of the employing undertaking, and there is no power to transfer a worker from one undertaking to another. The disciplinary penalties in question must be imposed or confirmed by the competent organ administering justice in labour matters, according to the procedure laid down by the above-mentioned Act. This Act contains no provision preventing a worker, whether or not subject to such penalties, from terminating his employment. As the most serious disciplinary penalty which may be imposed on a worker is dismissal, the lesser penalty of transfer to other work or another place of work cannot be considered to be a means of forced or compulsory labour within the meaning of the Convention.

With regard to labour performed for violations of "revolutionary moral production standards" (i.e. acts which have caused social harm, particularly impairment of production), referred to by the Ministry of Industry in the March 1962 number of its publication *Nuestra Industria*, there exist no provisions which authorise the imposition of this type of work either as a means of labour discipline or as a punishment for having participated in strikes.

CYPRUS

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

The possibility of revising section 3 (1) of the Supplies and Services (Transitional Powers) (Continuation) Law, 1958, Defence Regulation 79A, and the Essential Works Order, 1943, is being considered with a view to ensuring their conformity with Article 1, clauses (b) and (c), of the Convention, by limiting their application to emergencies.

Defence Regulation 79B (concerning the prohibition of strikes) has to be applied with such modifications as may be necessary to bring it into accord with the provisions regarding the right to strike in article 27 of the Constitution.

The Essential Works (Hotels and Restaurants) Order, 1954, has been repealed by Order No. 291 of 25 April 1968. The revision of sections 77 and 78 of the Merchant Shipping (Masters and Seamen) Law, 1963, will be considered so that they may not conflict with Article 1, clause (c), of the Convention.

DAHOMY

New prison regulations are being prepared. The Minister of Justice has been requested to ensure their conformity with the Convention.

ECUADOR (First Report)

Constitution of 25 May 1967.

Labour Code (codified text of 4 September 1961).

Penal Code (codified text of 29 October 1953).

Article 64 (1) of the Constitution provides that no one may be obliged to work otherwise than by virtue of a contract, except in the cases expressly provided for by law. This exception refers to cases of special urgency and of need for immediate assistance (provided for in section 3 of the Labour Code), which are not contrary to the Convention.

No form of forced or compulsory labour may be exacted as a means of political coercion or education, as a punishment for expressing political views or for having a specific ideology, for having participated in strikes, as a means of social discrimination, etc.

Under sections 53 and 54 of the Penal Code, the penalties of imprisonment involve the carrying out of forced labour.

Section 359 of the Penal Code provides that vagrants shall be placed in industrial establishments or sent to a penal agricultural colony for a period of from one to three years.

Section 216 of the Labour Code provides for the possibility of requiring a domestic worker to prolong his services for 15 days if his leaving causes serious difficulty or prejudice to his employer. It is proposed to include the amendment of this provision with other amendments to the Labour Code which have been submitted to the Legislature.

In regard to the penalties applicable in case of illegal exaction of forced or compulsory labour, section 185 of the Penal Code provides that any political, civil, ecclesiastical or military authority that exacts services not imposed by law, or obliges a person to work without previous agreement, shall be liable to imprisonment for from one to six months.

FEDERAL REPUBLIC OF GERMANY

In reply to a direct request made by the Committee of Experts the Government has stated that a delay in the departure of a ship, as well as the cost of preventing such a delay, may affect the safety of the ship. Although the Government considers section 114 of the Seamen's Act to be compatible with Article 1, clause (c), of the Convention, the wording of the provision in question will be reviewed in order to define more clearly its purpose of securing the safety of the ship.

GUYANA

Constitution of 26 May 1966, article 6.

IRAQ

Penal Code, Act No. 111 of 1969.

In reply to a direct request made by the Committee of Experts the Government has stated that the new Penal Code repeals the penalty of hard labour and Act No. 7 of 1958, the Baghdad Penal Code Amendment Law, 1959, Act No. 38 of 1963, which provided for the punishment of certain offences by hard labour, as well as sections 305A and C of the Baghdad Penal Code, under which certain breaches of labour discipline were punishable with imprisonment. The competent authority has been approached with a view to the amendment of section 48 of the Post Office Act of 1930 (relating to certain breaches of labour discipline) to bring it into conformity with the Convention.

Decisions whether certain offences are of a political character (and persons convicted thereof accordingly exempted from labour obligations) are now taken by the courts.

NETHERLANDS

In reply to a direct request made by the Committee of Experts the Government has stated that it proposes to submit to Parliament Bills to repeal section 358*bis* of the Penal Code regarding discipline in the public service and the public railways and to deal with sections 398 and 399 of the Penal Code concerning discipline among seamen.

NICARAGUA (First Report)

Constitution of 1 November 1950 (*LS* 1950—Nic. 1).
Penal Code.

No form of forced or compulsory labour exists or is used in any of the cases covered by Article 1 of the Convention. Illegal exaction of forced or compulsory labour by any official or public body or by a private person or company is subject to penal sanctions under section 272 of the Penal Code.

NIGER

In reply to a direct request made by the Committee of Experts the Government has stated that in application of section 24 of the Penal Code and section 90 of Decree No. 103 of 13 June 1963, political prisoners can be required to do work, excluding hard labour, in the interior of prisons for purposes of hygiene and maintenance.

PAKISTAN

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

Section 123A of the Penal Code deals with those who attack the very creation of Pakistan and provides for rigorous imprisonment after due trial.

Under section 3 (26) of the General Clauses Act, 1897, the word "imprisonment" means either rigorous or simple imprisonment depending upon the verdict of the court. However, the law may specifically provide for rigorous or simple imprisonment depending on the gravity of the offence.

See also under Convention No. 29.

RWANDA

In reply to a direct request made by the Committee of Experts the Government has stated that section 187 of the Labour Code of 1967 repeals all provisions previously in force relating to the existence and practice of forced labour.

SPAIN (First Report)

Labour Charter of 9 March 1938, as amended by the Constitution of 10 January 1967 (*LS* 1967—Sp. 2 C).

Contracts of Employment Act, promulgated by the decree of 26 January 1944 (*LS* 1944—Sp.1).

Local Administration Act, promulgated by the decree of 16 December 1950.

Spanish legislation conforms in every respect to the requirements of the Convention.

UGANDA

Emergency Powers (Industrial Dispute) Regulations of 23 May 1966 (*Statutory Instruments*, No. 62 of 1966) (*LS* 1966—Ug. 1).

Emergency Powers (General Provisions) Regulations, 1966.

The above-mentioned regulations were made under the Emergency Powers Act, 1963, in connection with the state of public emergency declared in the Buganda Region.

UNITED KINGDOM

In reply to a direct request made by the Committee of Experts the Government has stated that, under a Bill at present before Parliament, imprisonment would no longer be a penalty for disciplinary offences by seamen, except offences endangering the ship or the lives of persons on board, and the existing powers under which deserters can forcibly be returned to their ships would be repealed.

NAURU (Non-Member)

Constitution of 29 January 1968.

Article 6 of the Constitution provides for protection against forced labour, subject to certain exceptions, such as labour required by the sentence or order of a court, labour required of a member of a disciplined force in pursuance of his duties and labour reasonably required as part of reasonable and normal communal or other civic obligations. Forced labour has never been exacted under this last exception.

Convention No. 106 : Weekly Rest (Commerce and Offices), 1957**USSR (First Report)**

See under Convention No. 14.

Convention No. 107 : Indigenous and Tribal Populations, 1957**ARGENTINA**

In addition to the two indigenous community development programmes set up in 1968, the National Service for the Indigenous Population has planned five new programmes at a cost of \$125,000. Furthermore, a sum of \$700,000 has been allocated for the purpose of instituting the forty-six community development programmes for indigenous groups. The purpose of these programmes is to raise the material and moral standards of the indigenous population as well as to bring about its complete economic independence by providing access to the market economy and by incorporating it on a permanent basis and with equal rights in the life of the nation.

BOLIVIA

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

Article 1 of the Convention. The Convention applies to the Aymara, Quechua, Chipaya and other populations. The first two are in the process of being integrated.

Article 2. The national bodies responsible for integration are: the Ministries of Peasant Affairs and Agriculture; the National Council for Agrarian Reform; the National Directorates of Co-operatives and of Community Development; the National Resettlement Institute; the Agricultural Bank and the Linguistic Summer Institute. The latter is responsible for the education of the forest dwellers of the eastern region and for the training of indigenous teachers.

Articles 4 to 6. The Ten-Year Plan mentioned in the first report did not get beyond the project stage and was never applied. Recently the Rural Development Corporation has been organised.

Article 7. With the exception of the Quechuas and Aymaras, some indigenous populations still observe customary law.

Article 9. Unpaid labour has been abolished throughout the country. The indigenous peasant has been brought into the wage system by means of individual or collective contracts of employment. The Ministry of Peasant Affairs is required to supervise labour relations between employers and agricultural workers through its General Directorate of Agricultural Labour and Rural Justice and its regional offices. Infringements are punishable by fines.

Article 11. The types of landholding recognised by the Agrarian Reform Act, which vary in size according to the region, are the peasant plot, small and medium-sized holdings, holdings belonging to the indigenous community, co-operative landholdings and agricultural undertakings.

Article 12. The notion of habitual territory does not exist, but rather that of settlement, which carries with it the right to agricultural equipment after a number of requirements have been met, including that of having worked the plot of land for two consecutive years prior to the Agrarian Reform Act or an equal period of occupation in resettlement areas.

Article 13. Section 42 of the Agrarian Reform Act is regulated by Presidential Decree No. 3732 of 19 May 1954 and Decree No. 4235 of 24 November 1955, which became an Act on 29 October 1956.

Article 15. Laws in Bolivia are of a general nature.

Articles 16 to 18. Considerable importance is attached to the vocational training of the young rural population. Evidence of this is seen in the rural polytechnic school of Paracaya and Santiago de Huata, as well as the weaving school in Villa Ribero and the Ceramics School of Quillacollo.

Article 19. A social security scheme for peasant workers is being studied.

Article 21. There are 9,133 teachers and 270,527 pupils in the rural area.

GHANA

Labour Regulations of 15 September 1969 (Legislative Instrument No. 632).

Minimum Remuneration Instrument, 1968 (Executive Instrument No. 57).

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

Articles 4 and 5 of the Convention. Although it has not been found necessary to adopt special legislation or measures to ensure the integration and protection of the indigenous populations, the Labour Department will hold consultations with other departments and organisations concerned so as to be able to report what special measures, if any, it is proposed to adopt in order to give effect to these Articles of the Convention.

Article 10. Articles 12 and 13 of the new Constitution provide guarantees which protect the populations concerned.

Articles 11 to 13. The Commission of Inquiry appointed to investigate the land tenure system has completed its work, but its report has not yet been published.

Article 19. The social security scheme covers all daily-rated and non-pensionable employees of government and all other persons (wage earners and others) in employment other than government employment. Pensionable civil servants are exempt. All establishments employing five or more workers in areas to which the Convention relates are covered by the Social Security Act.

Articles 21 and 22. The Government supplied education statistics in respect of 1967-68.

Convention No. 108 : Seafarers' Identity Documents, 1958

CANADA (First Report)

Immigration Act.

Immigration Regulations, Part I.

Article 2 of the Convention. Any seafarer who is a Canadian citizen may apply for and be granted a passport. Identity documents are not issued to foreign seafarers.

Article 4. The Government supplied a specimen copy of a seaman's identity certificate. A revised document will take its place and will incorporate the minor modifications necessary to follow more closely the provisions of the Convention.

Article 5. A Canadian citizen has the right to enter Canada.

Article 6. By virtue of section 27 of the Immigration Regulations members of crews are specifically excluded from those classes of persons from whom passports are required. In the case of paragraph 2, clause (a), of this Article, the seafarer should hold a letter from the owner or agent of the ship which he is joining. In the case of paragraph 2, clause (b), the seafarer must hold the necessary admission documents to enable him to proceed to the country in which he is joining a ship. The time limits of stay in either case would be governed by the actual time required.

The application of the Convention is entrusted to the Department of Transport and the Department of Manpower and Immigration.

FRANCE (First Report)

Seamen's Code, Act of 13 December 1926 (LS 1926—Fr. 13).

Decree No. 50 of 16 January 1968 to provide for the application of the Convention.

Article 1 of the Convention. A seaman's book is issued to any seafarer, i.e. any person entering into an undertaking with a shipowner or his representative to serve on board a ship, subject to certain reservations concerning foreign seafarers.

Article 2. All seafarers receive a seaman's book from the services of the Merchant Marine. Those who so wish may, however, like all Frenchmen, obtain a passport issued by the prefecture of the area in which they reside. In principle, seamen's books are not issued to foreigners.

Article 3. The seaman's book remains in his possession at all times.

Article 4. Shipowners' and seafarers' organisations were consulted in June 1968 on the form and content of the seaman's book.

Seamen's books are issued to seafarers who are not French nationals if they can prove their status as refugees or stateless persons, by providing a certificate issued by the French Office for the Protection of Refugees and Stateless Persons.

Seamen's books are issued in France when seafarers register at the local maritime affairs offices, which represent the Ministry of Transport (General Secretariat of the Merchant Marine) in coastal areas.

Seamen's books are checked and stamped at the port by the maritime affairs authorities upon each embarkation on or disembarkation from a French ship. The police (Ministry of the Interior) are responsible for checking landing permits of foreigners arriving on French territory.

French Guiana, Guadeloupe, Martinique, Réunion

See under France.

Comoro Islands

There are few seafarers in the sense in which the term is used in the Convention. Most seamen are employed on the small sailing craft called *boutres*. A seafarer's booklet conforming to the model set up by the metropolitan Ministry of Transport (Merchant Marine) is issued to seafarers at their request should they wish to enter the service of French or foreign merchant vessels sailing outside territorial waters.

Supervision is entrusted to the inspectors of shipping and seafarers' conditions of work.

French Polynesia

Decree No. 50 of 16 January 1968.

The Government has stated that Article 1 of the Convention is applied to vessels over 10 tons. Articles 3 and 4 are also applied. The shore leave provided for under Article 6 is fixed at six months and is renewable.

French Territory of the Afars and the Issas

The seafarer's booklet brought into use by virtue of the order of 13 September 1938 fulfils the requirements of the Convention, and appropriate measures will be taken to declare this document a seafarers' identity document as covered by the Convention.

New Caledonia

Decree No. 369 of 11 April 1961 respecting the practice by seafarers of their trade in vessels registered in the Overseas Territories of the Republic (*Journal Officiel de la République française*, 15 Apr. 1961), promulgated by Order of the Governor, No. 441, 24 April 1961.

Any seafarer entering the service of a vessel with a gross tonnage of 10 tons or over must be registered and issued with a seafarer's booklet. Articles 2 to 5 of the Convention are applied. As regards the application of Article 6, any foreign seafarer wishing to remain in the country must produce the shipowner's guarantee or written engagement to repatriate him to his country of origin if necessary.

Application of the legislation is entrusted to the Marine Authority together with the Immigration Control Service and the Labour Office of the Inspectorate of Labour and Social Legislation.

GUATEMALA

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

The Ministry of Labour and Social Welfare has prepared a draft decree which contains amendments to the Labour Code relating to the Convention. There are, however, no vessels within the meaning of the Convention registered in the national territory.

IRAN (First Report)

The provisions of a Convention become national law when the Convention is ratified by Parliament. The authorities in charge of the organisation of ports and navigation have communicated the Law for the ratification of this Convention to the competent authorities in all national ports with a view to applying the standards laid down in the Convention.

Convention No. 110 : Plantations, 1958**LIBERIA**

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

Article 5 to 19 and 24 to 35 of the Convention. The Labour Bill at present before the legislature is expected to remedy any deficiencies in the legislation regarding the application of these Articles.

Articles 46 to 50. Maternity protection is provided for by the Public Employment Law and by negotiations between employers and workers. The Labour Bill meets the terms of these Articles more precisely.

Articles 54 to 61. See under Convention No. 98.

Articles 85 to 88. These Articles are applied in practice. The terms of any collective agreement include the type of housing for workers. A Board of Examiners, comprising representatives from various governmental Departments, decides on the type of housing suitable for the workers.

PART XIII. MEDICAL CARE

All plantations have been required to and do provide adequate medical facilities. Regular inoculation campaigns are encouraged with the Government's co-operation.

In reply to a request made by the Committee of Experts the Government has stated that it will be in a better position to supply information after the new Labour Law has been enacted.

Convention No. 111 : Discrimination (Employment and Occupation), 1958**CUBA**

See under Convention No. 81.

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

For the time being no statistical data are available on the distribution of various categories of persons (according to sex, social or ethnic origin, etc.) in the different types of teaching activities and vocational training in the various sectors of the economy and at various levels of responsibility.

The provisions of Act No. 924 of 4 January 1961, motivated by considerations of social defence and protection of the workers' interests, contain nothing that may be interpreted as a discriminatory measure within the meaning of the Convention, and the dismissal of a worker guilty of counter-revolutionary offences must be carried out in accordance with the provisions of Act No. 1166 of 23 September 1964 respecting labour justice, subject to the right of the persons concerned to take advantage of the safeguards and possibilities of appeal established under the said Act.

ECUADOR (First Report)

Constitution of 25 May 1967 (articles 25 and 28).

The provisions of the Convention are applied under the terms of the Constitution.

Article 1 of the Convention. Any discrimination, exclusion or preference on the basis of race, sex, parentage, language, religion, political opinion or economic or social status is contrary to the principles of the Constitution. Among the individual rights recognised and guaranteed by the State is the free exercise of trades and occupations without any sort of discrimination.

In the case of certain types of skilled work distinctions exist because of the training and degree of specialisation required. These distinctions are not based on the grounds referred to in this Article but on criteria such as intellectual, professional or technical ability.

Article 2. These provisions are governed, as far as public employees are concerned, by the Civil Service and Administrative Careers Act and, as far as workers in general are concerned, by the Labour Code, collective agreements and the statutes of the various occupational federations.

In accordance with section 51 of the above-mentioned Act, career civil servants who are otherwise in the same position as other civil servants and persons outside the civil service, enjoy priority as regards promotion, subject to their merit and qualifications. Promotion takes place through competitive examinations except in cases for which provision is made in the same section. The State is required to improve the efficiency and broaden the knowledge of its civil servants by drawing up and carrying out training programmes. Participation in training courses is compulsory for civil servants called upon to take such courses and for this purpose they are granted paid leave.

The Ministry of Social Welfare and Labour ensures that individual and collective contracts respect basic requirements as regards remuneration, promotion, training etc., and encourages collective bargaining, which has become a more frequent practice in recent years.

Article 3. The Ministry of Social Welfare and Labour has submitted Conventions Nos. 107 and 117 to the legislative authorities for their approval in order to have legal instruments enabling the policy of non-discrimination to be applied and safeguarded. The spirit of non-discrimination is an underlying element in the educational programmes.

Since at the national level there are no legislative provisions or administrative practices not in line with this policy, there is no need to apply clause (c) of this Article.

With regard to clause (e) there has been a considerable increase in the opportunities for the training and guidance of women (university and technical studies, etc.), which helps to promote equality of opportunity and treatment.

Article 4. Imprisonment on political grounds is prohibited by the Constitution. Book I (offences against the security of the State) of the Penal Code makes provision for penalties and discriminatory measures similar to those mentioned in this Article.

Article 5, paragraph 2. The special measures described in this paragraph have not been defined as discriminatory.

No documentation is available that would provide general information on the manner in which the Convention is applied.

IVORY COAST

Decree No. 24 of 9 January 1968 to make special rules for the staff of postal and telecommunications services.

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

As regards the application of the above-mentioned special rules, generally speaking no distinction is made between the sexes. Nevertheless because of the physical requirements and obligations involved in certain functions, the staff rules reserve certain jobs for either male or female employees. According to section 7 of the above-mentioned decree preference is given to female employees in the telephone service and in financial and accounting centres; they may in no circumstances undertake work involving the handling or transport of telegrams or their delivery. Moreover, only male employees may be appointed to the staff of technical services, since this category has responsibility for installing and maintaining telephone and telegraph lines and cables.

LIBERIA

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

Vocational training institutes have always been open to all male residents and citizens.

The Government has always adhered to the policy that individuals be employed in positions for which they are competent regardless of tribal or other affiliations and whether or not the individual is resident in an urban or rural community.

Women participate fully in the economic and social development of the country. They are employed in all branches of the occupations for which they are trained; they receive equal remuneration with men holding the same or similar positions.

A person considering himself to have been subjected to discriminatory treatment by reason of ethnic or social origin, political opinion, sex, etc., by a private or public employer may report the situation to the National Labour Affairs Agency and an investigation into the merits of the allegation is made. If the allegation proves to be relevant, the employer concerned is ordered to employ the said individual immediately and the matter is transferred to the Department of Justice.

MOROCCO

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

National law and practice being in accordance with the Convention, it has not yet been possible to see how to apply it any more widely in the light of any development which might make it desirable to do so.

In view of the negative results of previous surveys, the Ministry of Labour, Employment and Vocational Training has not considered it worth while to set up a special inquiry to find out to what extent discrimination exists in the private sector. Labour inspectors in the course of their duties have never come across any signs of discrimination.

With regard to differences in minimum wages based on sex, and taking economic and social factors into account, the authors of the draft Labour Code have chosen the following form of words for inclusion among the general provisions relating to

wages: "for the same work, and for equal qualifications and output, there shall be no discrimination among workers."

It has not been considered worth while to institute any procedure to guarantee respect for the principle of equality of entry into public service, since there exists no legal bar to the recruitment of women for such work, except in the army and the police.

NICARAGUA (First Report)

See under Convention No. 100.

There is no statutory provision stipulating that ratification of the Convention confers the force of law upon its provisions.

Articles 1 and 2 of the Convention. There is no discrimination, distinction, exclusion or preference made on the basis of race, colour, sex, religion, political opinion, national extraction or social origin as regards equality of opportunity in vocational training, employment or occupation. This principle is guaranteed by the Constitution.

Article 3, clause (d). The teaching corps, which comes under the direct control of the national authorities, is governed by the public education regulations, which guarantee that recruitment, promotion and conditions of work shall be free from any discrimination.

Clause (e). Policy in respect of vocational training and placement is carried out according to principles free from any discrimination and without regard to sex, race, social position, political opinion, etc.

Article 4. Legal action may be taken against any person involved in activities prejudicial to the security of the State. In such cases the question of maintaining such persons in their employment is governed by the provisions of section 114 of the Labour Code.

SENEGAL (First Report)

Labour Code, Act No. 34 of 15 June 1961 (*LS* 1962—Sen. 2 B).

Penal Code, Act No. 60 of 21 July 1965.

Act No. 22 of 7 March 1963, (*Journal officiel (J.O.)*, 11 Mar. 1963, p. 357), section 79.

Act No. 13 of 29 January 1964 to ratify Convention No. 111 (*J.O.*, 19 Mar. 1964, p. 370).

Act No. 55 of 19 July 1965 to institute prior official authorisation for the engagement of all workers.

Decree No. 817 of 19 July 1968, to order the publication of Convention No. 111 in the *Journal Officiel (J.O.)*, 3 Aug. 1968, p. 951).

The ratification of a Convention brings it into force. The Constitution implicitly gives the Convention an authority which overrides laws and regulations.

Article 1 of the Convention. There are no restrictions, exclusions or preferences within the meaning of this Article. The traditional occupations such as commerce, crafts, farming, fishing, etc., are open to all without exception. As regards paid employment, section 199 of the Labour Code requires, as an interim measure, authorisation for the recruitment of all workers, with the object of protecting national workers and workers from other countries with which Senegal has concluded co-operation agreements. In administrative practice there are no restrictions at all.

Article 2. National employment policy is set out in the third Four-Year Plan 1969-73, established by Act No. 53 of 16 July 1969.

Article 3. The questions raised by this Article are answered in a document prepared by the national and regional committees, which are composed of representatives of the Government and of employers' and workers' organisations, on the operation of the third Four-Year Plan. This document was attached to the Government's report.

Article 4. According to circumstances, actions deliberately endangering the security of the State are punishable under either criminal or corrective procedure. In the criminal procedure loss of civil rights involves: "the removal and exclusion of convicted persons from all public functions, employment or office . . ." (Penal Code, section 27). In the corrective procedure "the courts . . . may . . . forbid the exercise of the following civic, civil and family rights . . . to be summoned or nominated for jury service or public functions, or to official posts, or to carry out the duties of such functions or posts" (Penal Code, section 34).

Regarding the possibility of appeal, section 483 of Act No. 61 of 21 July 1965 stipulates that judgments given under the corrective procedure may be appealed against, and section 3 of Order No. 17 of 3 September 1960 empowers the Supreme Court to pronounce on the final verdicts and judgments of all administrative tribunals.

Enforcement of the above-mentioned legislation is the responsibility of the Labour and Social Security Directorate.

SPAIN (First Report)

Constitution of 10 January 1967 (*Boletín Oficial (B.O.)*, 10 Jan. 1967, No. 95).

Charter of the Spanish People of 17 July 1945, as amended by the Constitution of 10 January 1967 (*LS 1967—Sp. 2 B*).

Labour Charter of 9 March 1938, as amended by the Constitution of 10 January 1967 (*LS 1967—Sp. 2 C*).

Decree of 26 January 1944 to approve the consolidated text of the First Book of the Act respecting contracts of employment (*B.O.*, 24 Feb. 1944, No. 55) (*LS 1944—Sp. 1 A*).

Act No. 56 of 22 July 1961 respecting the political, occupational and employment rights of women (*B.O.*, 24 July 1961, No. 175) (*LS 1962—Sp. 1 B*) and Decree No. 258 of 1 February 1962 to provide for its application in matters of employment (*B.O.*, 16 Feb. 1962, No. 41) (*LS 1962—Sp. 1 B*).

Decree No. 1870 of 27 July 1968 respecting conditions of employment, labour and the establishment of foreigners (*B.O.E.*, 14 Aug. 1968).

The principle of non-discrimination is enshrined in and defined by the fundamental laws which shape the evolving structure of the State.

The Charter of the Spanish People as amended by the Constitution provides that "the rights of all Spaniards shall enjoy equal protection under the law, without class distinction or partiality" (article 3) and that "all Spaniards shall have the right to work and the duty to engage in some socially useful activity" (article 24). Articles 25 and 36 of the Charter contain provisions for the protection of the right to work and for sanctions in the event of any infringement of this right.

The Labour Charter as amended by the Constitution also states that all Spanish citizens have the right to work and that the primary role of the State is to see that this right is fulfilled both by decreeing appropriate measures for the protection of labour on Spanish territory and by means of labour treaties with other powers to protect the employment of Spanish workers abroad.

The provisions dealing with labour relations in the Act of 16 January 1944 respecting contracts of employment have no discriminatory content whatever.

Act No. 56 of 22 July 1961 declares that "women are recognised in law as having the same rights as men to engage in all kinds of political and occupational activities and all kinds of employment subject only to the limitations laid down in this Act" (section 1). A woman is eligible for all posts, functions and occupations whether in the public service or the private sector, without any discrimination due to her sex. Nevertheless, regulations will be issued, in accordance with international Conventions and the relevant legislation, listing jobs which on account of their arduous, dangerous or unhealthy character, are forbidden to women. Labour regulations must recognise the principle of equal work for equal pay (section 4).

The decree of 1 February 1962 concerning the rights of women in employment provides that women may conclude any kind of employment contract and exercise the functions specified therein, and also that "women shall be entitled to the same remuneration as men for equal output" (section 3).

Regarding the legislation concerning foreign labour, attention should be drawn to the fact that section 8 of Decree No. 1870 of 27 July 1968 provides that "wages and other working conditions of foreigners authorised to work in Spain shall in no case be inferior to those prescribed by law for Spanish workers in the same occupation, grade and area".

The Ministry of Labour, through its central and regional services, is responsible for the enforcement of the above-mentioned provisions.

Convention No. 112 : Minimum Age (Fishermen), 1959

FRANCE (First Report)

Decree No. 865 of 6 August 1960 to replace certain sections of the Seamen's Code by regulations (*Journal Officiel*, 17 Aug. 1960, No. 190, p. 7664) (LS 1960—Fr. 4 A).

Section 8 of the above-mentioned decree provides that children under the age of 15 years shall not be admitted to employment on vessels. However, admission to employment of a child of 14 years or over may be authorised, in exceptional circumstances, when this is done in the interests of the child. Such employment is subject to the production of a certificate of physical fitness. In addition, children of between 13 and 15 years may occasionally take part in the activities aboard coastal fishing vessels during school holidays subject to production of a medical certificate and on condition that this employment is not intended for commercial profit.

Supervision of the application of these provisions is carried out by the port authorities, since each admission to employment on vessels requires their authorisation.

French Guiana, Guadeloupe, Martinique, Réunion (First Report)

See under France.

Comoro Islands (First Report)

Since there are no fishing vessels, no special measures have been taken to apply this Convention in the territory.

French Polynesia and French Territory of the Afars and the Issas (First Reports)

The Convention does not apply owing to the nature of the local fishing industry, which is essentially a craft or family occupation.

New Caledonia (First Report)

See under France.

Convention No. 113 : Medical Examination (Fishermen), 1959**BRAZIL**

In reply to a direct request made by the Committee of Experts the Government has stated that the members of the special committee set up to draft regulations to apply this Convention were appointed by Ministerial Order No. 260 of 24 September 1969 and will begin work immediately.

CHINA

In reply to a direct request made by the Committee of Experts the Government has stated that the schools and state bodies responsible for the training of students and apprentices require them to undergo a medical examination to establish their fitness for sea service before they are sent on board.

COSTA RICA

In reply to a direct request made by the Committee of Experts the Government has stated that under sections 4 and 5 of the Act of 6 February 1964, as amended by the Act of 9 November 1965, fishermen can appeal before the Physicians' and Surgeons' Council against any negative decision taken in connection with medical examinations.

FRANCE (First Report)

Order No. 44 of 1 September 1967 respecting the standard of physical fitness required of seafarers on board merchant ships, fishing vessels, and pleasure boats (*Journal Officiel*, 20 Sep. 1967).
See also under Convention No. 112.

The above-mentioned order applies to all seafarers regardless of the nature of the vessel on which they are serving.

Article 1 of the Convention. No exception is made to any of the obligations laid down in the legislation cited above.

Article 3. The competent authority is a seamen's doctor or, where there is no seamen's doctor, a physician appointed by the Marine Authority. The nature of the medical examination is prescribed by the 1967 order.

Article 4. A medical certificate remains in force for 6 months for a young person under the age of 18 years and 1 year for a person over the age of 18 years.

Article 5. Any seafarer who has been declared temporarily or permanently unfit by a seamen's doctor shall appear before a special committee set up under the order of 25 May 1943, and on which seafarers are represented.

The Seafarers' Health Service is responsible for applying these regulations.

French Guiana, Guadeloupe, Martinique, Réunion (First Report)

See under France.

*Comoro Islands, French Polynesia, French Territory of the Afars and the Issas
(First Reports)*

See under Convention No. 112.

New Caledonia (First Report)

Order of 9 August 1961 to prescribe the age limits and standards of physical fitness required for the registration of French seafarers in the Overseas Territories (*Journal Officiel de la République française*, 16-17 Aug. 1961).

See also under Convention No. 108.

Article 1, paragraph 2, of the Convention. Exemptions are granted where fishing is carried out for less than three days at a time by vessels under 10 tons gross tonnage.

Article 2. The legislation is in conformity with the Convention as regards vessels of over 10 tons gross tonnage.

Article 3. Standards of physical fitness are laid down in the regulations.

Article 4. The crew of all fishing vessels of over 10 tons are subject to an annual medical inspection.

Article 5. This inspection is carried out by the seafarers' physician. Any appeal against a declaration of total and permanent unfitness must be laid before the Special Medical Inspection Commission.

TUNISIA

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

Article 1, paragraph 1, of the Convention. As regards fishing vessels of 5 tons and under, and vessels used locally for the working of fixed tunny nets, the Convention applies only by virtue of article 48 of the Constitution, which provides that the provisions of ratified Conventions shall become law. This application will, however, be reinforced by the provisions of the Fishermen's Code, which is to complete the Seafarers' Labour Code.

Paragraph 2. The occupational associations were consulted on the subject of the exemption laid down in section 20 (1) of the Seafarers' Labour Code.

Article 3, paragraph 1. The nature of the medical examination which fishermen are required to undergo has been laid down but has not yet been made public by the the Marine Authority.

Article 4, paragraph 1. Application of the provisions of the Convention to fishermen between the ages of 20 and 21 years is provided for under article 48 of the Constitution.

Convention No. 114 : Fishermen's Articles of Agreement, 1959**CYPRUS**

In reply to a direct request made in 1969 by the Committee of Experts the Government has supplied the following information.

Although the Cyprus Merchant Shipping (Registration of Ships, Sales and Mortgages) Law, 1963, stipulates in its section 84 (2) that Part IV of the United Kingdom Merchant Shipping Act, 1894, applies, in practice neither the Cyprus nor the United Kingdom legislation has been enforced, since fishing in Cyprus is carried out on a small scale and on a non-industrial basis. It follows that the provisions of Article 1, paragraph 2, Article 3, paragraphs 1 and 4, and Articles 4 and 5, to which the Committee referred in its request, have not yet been applied in practice. The appropriate government departments have been requested to take the request of the Committee into account and are giving these matters their consideration.

As far as the application of Article 6, paragraph 3, clause (*h*), is concerned remuneration on a share basis is restricted to skippers only and the calculation is based not on the value of the catch but on the weight of fish delivered by the skipper to the owner, irrespective of the quality or species of the fish. The calculation is straight forward and needs no governing provisions.

FRANCE (First Report)

Seamen's Code, Act of 13 December 1926 (*LS* 1926—Fr. 13).

The legislation respecting seafarers' articles of agreement applies to all seafarers whether they are serving on board a merchant ship or a fishing vessel.

Article 1 of the Convention. No exemption from the application of the provisions of the Convention is authorised.

Article 2. There is no specific definition of the term fisherman. Under section 3 of the Code the definition of the term seafarer covers any person who "enters into an agreement with the shipowner or his representative to serve on board a vessel".

Article 3, paragraph 2. This provision is applied under sections 9 and 13 of the Code.

Paragraph 4. This provision is applied under section 10 of the Code.

Article 4. The administrative authorities may refuse their authorisation (section 13 of the Code).

Article 5. In accordance with section 14 of the Code the agreement is recorded in a service book, which is delivered free of charge by the Marine Authority to the seafarer and which he keeps in his possession.

Article 6. The required period of notice for rescission of an agreement that has been made for an indefinite period is at present a minimum of 24 hours and is the same for both parties.

Article 8. In accordance with section 15 of the Code the laws and regulations applying to articles of agreement must, like the text giving the terms of the agreement, be carried on board so that the captain may communicate its contents to the seafarer if he so requests. The text of the general conditions of service must be posted up in the crew's quarters.

Article 9. Section 93 of the Code provides that the agreement, whatever its nature, is terminated by the death of the seafarer or his leaving the service of the ship.

Articles 10 and 11. Section 95 of the Code determines the circumstances in which the owner may discharge the seafarer and section 98 those in which the seafarer may demand his immediate discharge.

The Department for Marine Affairs supervises the application of the above-mentioned laws or regulations.

French Guiana, Guadeloupe, Martinique, Réunion (First Report)

See under France.

Comoro Islands, French Polynesia, French Territory of the Afars and the Issas (First Reports)

See under Convention No. 112.

PERU

In reply to a direct request made in 1969 by the Committee of Experts the Government has supplied the following information.

Article 10 of the Convention. The owner or skipper may immediately discharge a fisherman if the latter commits one of the serious offences mentioned in section 2 of Act No. 4916 of 7 February 1924.

Article 11. The fisherman may demand his immediate discharge in cases of *force majeure* covered by sections 1318 and 1341 of the Civil Code.

TUNISIA

In reply to a direct request made by the Committee of Experts the Government has stated that, in accordance with Article 1, paragraph 2, of the Convention, it has consulted the employers' and workers' organisations concerned on the matter of exempting certain kinds of fishing vessels from the application of the relevant legislation.

Convention No. 115 : Radiation Protection, 1960

GHANA

In reply to a direct request made by the Committee of Experts the Government has stated again that it is proposed to enforce the provisions of the Convention through legislation supplemented by a code of practice.

GUINEA (First Report)

General Order No. 3409 of 20 April 1956 respecting the protection of personnel exposed to X-rays and radiations from radium.

Article 1 of the Convention. The Convention is to be applied in its entirety by virtue of a Ministerial Order promulgated after consultation with representatives of employers' and workers' organisations.

Article 2. The above-mentioned order applies to all activities involving the exposure of workers to harmful radiations.

Article 3. New measures are being considered for adoption under the above-mentioned order.

Article 4. Measures at present in force apply solely to hospitals, clinics, dispensaries, physicians' consulting rooms, dentists' surgeries, etc.

Articles 5 to 11 and 14. The new national measures will be in complete conformity with the provisions of these Articles.

Articles 12 and 13. Articles 47 and 48 of the 1956 order provide that personnel exposed to X-rays and to radiations from radium shall undergo a complete medical examination on commencing employment, and re-examination and blood tests every six months.

Article 15. The labour and social legislation inspectors together with the labour supervisors are entrusted with the supervision of the application of the social legislation.

GUYANA

In reply to a direct request made by the Committee of Experts the Government has stated that the Senior Government Radiologist of the Public Hospital supervises the monitoring carried out by means of film badges.

IRAQ

In reply to an observation made by the Committee of Experts the Government has stated that the competent authorities have established a number of technical committees for the purpose of drafting instructions concerning protection against ionising radiations.

NORWAY

Principal Safety Regulations (Surgical X-ray Apparatus), November 1968.

Principal Safety Regulations (Dental X-ray Apparatus), January 1969.

In reply to a direct request made by the Committee of Experts the Government has stated that the provisions of the above-mentioned Regulations based on the recommendations of the International Commission on Radiological Protection cover both the apparatus and the work procedures in the field of dental X-rays and surgical X-rays.

SYRIAN ARAB REPUBLIC

In reply to direct requests made by the Committee of Experts the Government has stated that the technical committee entrusted by the Ministry of Health with the amendment of Act No. 59 of 1960 will take account of the Committee's observations so as to ensure the application of the Convention, and in particular of Articles 6 to 9 and 11 to 14.

UNITED KINGDOM

Ionising Radiations (Unsealed Radioactive Substances) Regulations, 1968 (*Statutory Instruments*, 1968, No. 780).

Nuclear Installations Act, 1969.

Nuclear Installations (Insurance Certificate) (Amendment) Regulations, 1969 (*ibid.*, 1969, No. 64).

Ionising Radiations (Sealed Sources) Regulations, 1969 (*ibid.*, 1969, No. 808).

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

Article 7 of the Convention. The Ministry of Technology's Code of Practice on Ionising Radiations has not yet been issued. For the time being the Code of Practice for Research and Teaching, the Sealed and Unsealed Sources Regulations, etc., are worked to as is appropriate. In no case are the exposure levels given in any of these publications exceeded.

Article 13, clause (d). Paragraph II.4.8 of the Code of Practice for Research and Teaching requires the Radiological Safety Officer to carry out a full investigation of an emergency and make a report to the Controlling Authority with recommendations for avoiding a recurrence. Regulation 17 of the 1968 Regulations and Regulation 15 of the 1969 Regulations empower the Chief Inspector to serve on an occupier a written notice requiring him to make certain approved arrangements.

Bermuda

In reply to a direct request made by the Committee of Experts the Government has stated that watches, clocks, etc., are not manufactured in the territory.

The protection of workers against ionising radiations, covered by Order No. 38 of 1965, is supervised by health inspectors.

Isle of Man

Ionising Radiations (Protection of Workers) Act, 1968.

Convention No. 117 : Social Policy (Basic Aims and Standards), 1962

COSTA RICA (First Report)

Constitution of 7 November 1949 (*La Gaceta (G.)*, 7 Nov. 1949, No. 251) (*LS* 1949—C.R.3).

Labour Code, Act No. 2 of 27 August 1943 (*G.*, 29 Aug. 1943, No. 192) (*LS* 1943—C.R.1).

Legislative Decree No. 832 of 4 November 1949 respecting the National Wages Council (*LS* 1949—C.R. 4).

- Act No. 1788 of 24 August 1954 respecting the organisation of the National Institute of Housing and Town Planning.
- Act No. 1860 of 21 April 1955 respecting the organisation of the Ministry of Labour and Social Welfare (*G.*, 4 May 1955, No. 6, p. 1149), as amended.
- Act No. 2694 of 22 November 1960 to prohibit all discrimination in employment (*G.*, 26 Nov. 1960, No. 267).
- Act No. 2825 of 14 October 1961 respecting land and settlement (*G.*, 25 Oct. 1961).
- Act No. 3087 of 31 January 1963 respecting planning.
- Act No. 3506 of 21 May 1965 to establish the National Apprenticeship Institute (*G.*, 23 May 1965, No. 115).
- Decree No. 8 of 7 April 1967 to establish the National Human Resources Council (*G.*, 13 Apr. 1967, No. 83, p. 1273).
- Decree No. 14 of 27 October 1967 to establish standing orders for the National Human Resources Council.
- Act No. 4179 of 21 August 1968 respecting co-operative associations (*G.*, 29 Aug. 1968, No. 195, and 5 Sep. 1968, No. 201).
- Decree No. 8 of 17 September 1968 respecting the minimum wages applicable from 1 October 1968 to 30 September 1970.
- Act No. 4240 of 15 November 1968 respecting town planning.

Articles 1 and 2 of the Convention. Articles 50 and 56 of the Constitution define the general principles of the Government's social policy.

Article 3, paragraph 1. Under the above-mentioned Act No. 3087 a Planning Office was set up to ensure the country's economic and social development in the most efficient manner. Decree No. 8 of 1967 and Act No. 3506 of 1965 were promulgated with the same aim in view.

Paragraph 2, clause (a). The planning of labour mobility and the study of migratory movements of workers are some of the functions of the Employment Office of the Ministry of Labour and Social Welfare (sections 76 and 77 of the Act respecting the organisation of this Ministry).

Clause (b). Act No. 1788 of 1954 and sections 2 and 3 of Act No. 4240 of 1968 refer to the promotion of town planning.

Clauses (c) and (d). The whole of Act No. 4240 refers to these two clauses.

Article 4, clause (a). Section 1 (3) of Act No. 2825 of 1961 is designed to eliminate the causes of chronic indebtedness.

Clauses (b) to (e). Act No. 2825 of 1961 and Act No. 4179 of 1968 give effect to these provisions.

Article 5. Various specialised bodies include among their functions those listed in this Article.

Articles 6 to 9. Because of the limited area and geographical conditions of the country, there have been no large migratory movements.

Article 10, paragraph 1. In accordance with sections 58 and 191 of the Labour Code, minimum wages may be fixed by collective agreement.

Paragraph 2. The National Wage Council fixes minimum wages throughout the country every two years.

Paragraph 3. The minimum wages fixed by the above-mentioned Council are made compulsory by decree. The decree is published and copies of the publication

are distributed among employers and workers. Moreover, the labour inspectors are responsible for making minimum wage regulations widely known.

Paragraph 4. In accordance with section 607 of the Labour Code, a worker may take legal action in order to secure a wage adjustment within a period of three months.

Article 11, paragraph 1. Sections 169 and 171 of the Labour Code refer to the guarantee of wage payments and sections 69, clause (a), and 176 provide for the keeping of records of the payroll and for the necessary supervision.

Paragraphs 2 and 3. Sections 165 and 171 of the Labour Code apply these provisions.

Paragraphs 4 to 7. Sections 165, 170, 168 and 166 of the Labour Code respectively deal with the questions covered in these paragraphs.

Paragraph 8, clause (a). See the information provided in respect of Article 10, paragraph 3, of the Convention.

Clauses (b) and (c). Sections 171 and 173 of the Labour Code apply these two provisions.

Article 12. Section 173 of the Labour Code governs the question of advances on wages.

Article 13, paragraph 1. There are specific schemes designed to achieve these aims by means of savings and credit co-operatives.

Paragraph 2. The savings and credit co-operatives and the system of loans practised by the banks have achieved the objective set out in this paragraph.

Article 14. Articles 33, 56 and 57 of the Constitution, as well as Act No. 2694 of 1960, contain provisions prohibiting all discrimination.

Article 15, paragraph 1. Special bodies have been set up, such as the National Apprenticeship Institute and the National Human Resources Council, for the purpose, *inter alia*, of developing the apprenticeship, vocational training and educational programmes.

Paragraph 2. Compulsory schooling generally finishes at 12 years, at the end of the sixth grade. Under section 89, clause (c), of the Labour Code, it is forbidden to employ any person under 12 years of age.

Paragraph 3. Under section 89, clause (d), of the Labour Code, it is forbidden to employ minors of school age who have not completed their compulsory schooling.

Article 16. See the information provided in respect of Article 15, paragraph 1, of the Convention.

The labour inspectors of the Ministry of Labour and Social Welfare ensure that the Convention is duly applied and are assisted in this respect by various state authorities and bodies.

The courts have given rulings on a series of matters connected with the Convention, but the Ministry is not in possession of the relevant documentation.

GHANA

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

Article 3, paragraph 1, of the Convention. A Two-Year Development Plan has been adopted for the period 1968-70. The Plan is conceived as a forerunner of a more comprehensive development plan and its general goal is to stimulate economic, social and cultural progress which would provide higher standards of living to the population. The short-term objectives of the Plan are, among other things, to provide the foundations for self-generating growth and to reduce the high level of unemployment and check the rate of migration to the cities. In addition, the Government wishes to seek to achieve a more equitable distribution of income among the regions and the population, and to develop the rural areas as a matter of urgent priority. The Plan aims also at diversifying the export base of the economy in order to reduce dependence on foreign aid.

Paragraph 2, clause (a). No close studies have been carried out into the causes and effects of both local and international migratory movements but the next census (1970) will probably throw some light on the problem.

The Government has created a new Ministry of Rural Development, the primary responsibility of which is to develop the rural areas, with a view to stopping rural migration.

Clause (c). No success has been achieved in financing slum clearance projects.

Articles 4 and 5. There are 1,786 producers' co-operatives engaged in the production and marketing of cocoa, copra, sheanuts, rice, groundnuts and food crops. The few consumer co-operatives which have been able to overcome the difficulties encountered have been encouraged to form an apex organisation which will be responsible for importing and distributing consumer goods to the other member societies.

Article 6. Section 20 of the 1967 Labour Decree, as amended by the Labour (Amendment) Decree, 1969, now applies to all workers, whether engaged under contract to work within the country or abroad.

Articles 7 to 9. No measures have yet been taken to give effect to these Articles.

Article 10, paragraphs 3 and 4. Regulations have now been made under section 72 of the 1967 Labour Decree.

Article 11, paragraph 5. Appropriate measures will be adopted to give effect to this provision.

Article 12. No regulations have yet been made under the Labour Decree regarding the amount of remuneration which may be paid in advance to workers.

Article 13. There is a system to encourage members of producers' co-operatives to save in their societies. Salary and wage earners who do not belong to these co-operatives have been advised to form themselves into thrift and loan or credit unions and to save in their societies.

The maximum rate of interest on a loan granted by a co-operative is 10 per cent per annum.

Article 14. The Government will supply the information required in its next report concerning Convention No. 111.

Article 15. The national laws and regulations do not prescribe the school-leaving age.

Article 16. The Government is establishing a National Vocational Training Institute, the objectives of which are, among other things to organise apprenticeship, in-plant training and training programmes and to establish a pilot Vocational Training Centre. The Institute is being supervised by a reconstituted Apprentices Board with membership comprising representatives of the Government and workers' and employers' organisations.

The system of training to be undertaken by the Institute involves prior consultation with workers and employers.

GUINEA (First Report)

Constitution, Act No. 4 of 1958.

Labour Code, Act No. 1/AN of 30 June 1960 (*LS 1960—Gui. 1*).

Three-Year Plan (July 1960-June 1963).

Article 1 of the Convention. In laying the foundations of its development following independence, the Government has aimed at promoting the welfare of the population.

Article 2. The basic objectives of the above-mentioned Three-Year Plan are the raising of the standard of living, economic decolonisation and the modernisation of the country.

Article 3, paragraph 1. Under the Three-Year Plan stress is laid on agricultural production in order to change production techniques, to raise output per hectare and to increase the income of peasant farmers. Agricultural mechanisation will have to be introduced gradually, beginning with collective farms and production co-operatives. The training of mechanics and drivers is provided for.

Production of foodstuffs should go up by an annual average of approximately 4 per cent.

Paragraph 2. Measures taken have involved the combating of the drift to the towns, rural development, the granting of agricultural loans and the setting up of suitable industries in certain rural areas.

Article 4. The principal measures considered have been: the organisation and improvement of the savings network in all the villages (paragraph 46 of the Three-Year Plan), the listing and controlling of landholdings and natural resources by the village communities and the constitution of a network of producers' and consumers' co-operatives.

Article 5. Local Orders Nos. 3127 and 3128/ITLS of 13 June 1955 concerning the supply of a daily food ration and the provision of lodging respectively, partly apply this Article. The Government is considering amending these orders to bring them into line with the Convention.

Article 6. Sections 124 and 125 of the Labour Code apply this provision.

Articles 7 to 9. Not applicable.

Article 10. Minimum wage rates are fixed at the decision of joint committees, on which workers and employers are represented, by means of works agreements or Presidential Decrees, and after the Advisory Labour Committee or the Civil Service Advisory Committee has expressed its opinion.

Article 11, paragraph 1. Section 133 of the Labour Code relates to this provision.

Paragraphs 2 to 5. Section 131 of the Labour Code corresponds to these provisions.

Paragraph 6. Section 132 of the Code fixes standards concerning the periodicity of wage payments.

Paragraphs 7 and 8. Section 139 of the Code establishes principles concerning deductions from wages.

Article 12. Under the terms of section 140 of the Code the portions of the wage subject to progressive levies must be prescribed by orders that are to be adopted in the near future.

Article 13. Since no measures exist as yet in this field, regulations will shortly be issued in respect of forms of thrift and measures to protect wages against usury.

Article 14. Under article 45 of the Constitution any act of racial discrimination is punishable by law. Section 123 of the Labour Code establishes the principle of equal remuneration.

Article 15. Section 150 of the Labour Code prohibits the employment of children under 14 years of age. A draft order governing the employment of women and children, which is now being studied, will apply the provisions of this Article.

Article 16. See the information provided in respect of Article 3.

The application of laws and regulations in the field of economic development is entrusted to the economic development and planning inspectors.

There has so far been no court decision concerning the application of provisions relating to economic development.

JORDAN

The Institute for Workers' Education has already been set up; it has organised several seminars for trade union leaders dealing with matters relating to social legislation and economic development.

KUWAIT

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

Article 3, paragraph 2, of the Convention. As Kuwait is a small country, the question of studying causes and effects of migratory movements likely to disrupt family life does not arise.

Article 5, paragraph 1. There are no special measures for the benefit of independent producers. The Government will take into account such categories of workers when the present Labour Law is amended.

Paragraph 2. Any measures concerning minimum wages or minimum standards of living may lower the present high wages in the country, which are the highest in the region.

Article 8, paragraph 2. There is no need for such agreements.

Article 10, paragraphs 1 and 2, and *Article 11*, paragraphs 1 to 7 and 8, clauses (b) and (c). The Government will take into consideration these provisions when the present Labour Law is amended.

Article 10, paragraphs 3 and 4, and *Article 11*, paragraph 8, clause (a). See the information supplied in respect of *Article 5*, paragraph 2.

Article 12. If this practice develops, the Government will take the necessary steps.

NIGER

Decree No. 021 MFP/T of 7 February 1962 to make school attendance compulsory (*Journal Officiel*, 15 Feb. 1962).

Act No. 032 of 20 September 1967 to set up the Niger Credit and Co-operation Union (UNCC) and the National Agricultural Credit Fund (CNCA) (*ibid.*, 15 Oct. 1967).

Decree No. 56 of 8 April 1968 to establish the statutes of the UNCC (*ibid.*, 15 Apr. 1968).

Article 3 of the Convention. The recent migratory movements towards the towns have resulted in particular from the disastrous effects of two bad rainy seasons in 1967 and 1968, which reduced the volume of foodstuffs and exports, and from a drop in world market prices.

A new city has been built in the north of Niger, 250 km from Agadez on the edge of the desert, near to a uranium deposit.

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

Article 4, clauses (b) to (d). Almost all questions of land ownership, transfer and farming are governed by tradition. Tenant farming does not exist and there are few agricultural workers.

Clause (e). To promote and assist producers' and consumers' co-operatives, the Government has set up the Niger Agricultural Credit Union. There are now 68 production co-operatives in the country, which had 68,429 members on 1 January 1969.

Article 5. In assessing the guaranteed minimum inter-occupational wage, the area of the dwelling is based on the needs of a single labourer. No measures have been taken for independent workers.

Article 6. Section 123 of the Labour Code provides that the transport costs of migrant workers and their families shall be met by employers in certain cases.

Article 7. No regulations exist in respect of the transfer of wages and savings; individual arrangements are sometimes made between employers and workers.

Article 8. The manpower resources of other countries are rarely required. When a foreign worker is recruited in the country he enjoys the same rights as nationals. Section 92 of the Labour Code may be applied to the case of a foreigner recruited outside the country.

Article 9. The only obligations imposed on employers are those resulting from the application of sections 190 to 205 (housing and food) of Decree No. 126 MFP/T of 7 September 1967 to make regulations under the Labour Code.

Article 12. The Government has no intention at the moment of limiting the amount that may be advanced on wages to induce workers to accept employment, since the practice does not exist in the country.

Article 13. The above-mentioned Act of 1967 and decree of 1968, which concern, *inter alia*, the UNCC, as well as the order of 16 August 1957 and the rules of the *Crédit du Niger* relate to this Article. There are no regulations on the rate of interest on public loans.

Article 15. Act No. 62/MEN of 7 February 1962 makes schooling compulsory but does not determine the school-leaving age. The year 1968 saw the opening of 110 new classes in primary schools and 13 first-year classes in secondary schools.

Article 16. Training in new specialised techniques is provided by undertakings using such techniques.

SENEGAL (First Report)

Constitution, Act No. 22 of 7 March 1963. -

Labour Code, Act No. 34 of 15 June 1961 (*LS* 1962—Sen 2 B).

Act No. 13 of 24 January 1964 to authorise the President of the Republic to ratify Convention No. 117 (*Journal Officiel*, 19 Mar. 1964, p. 370).

Decree No. 817 of 19 July 1968 to order the publication of Convention No. 117 in the *Journal Officiel* (*ibid.*, 3 Aug. 1968, p. 951).

Articles 2 and 3 of the Convention. In order to draw up the third Four-Year Economic and Social Development Plan for 1969-73, various committees have been set up, including the Rural Development Committee, the Health and Social Affairs Committee and the Teaching, Training, Information and Employment Committee. Preparation of the Plan began with a study on the economic development of the country since 1959. The economic aim of the development plans is to improve threefold the average standard of living of the population by the year 2000. Priority has been given to the agricultural sector in view of the rural promotion policy (75 per cent of the total population of the country live in rural areas).

A sample survey carried out in 1961 revealed some of the causes of population movements, one of the most important being the drift to the towns. In order to combat this movement various measures have been recommended. These include the promotion of investment outside urban areas (for example, the 1962 Investment Code grants tax concessions to undertakings set up outside the Cap Vert region) and the modernisation and diversification of agriculture.

As regards town planning, Senegal has a Town Planning Code dating from 1966. Furthermore, under Ordinance No. 025 of 18 March 1959 a town planning and housing commissariat was set up and Decree No. 106 of 27 January 1967 establishes rules for the organisation and operation of the Low-Rent Housing Office. The third Development Plan provides for a general and special study of town planning for towns with more than 5,000 inhabitants and for towns divided into communes, the establishment of a land register, the drainage of smallholdings and the supplying of electricity to certain areas, in order to relieve congestion in the capital.

Article 4, clause (a). Sections 128 to 131 of the Labour Code relate to deductions from wages. Section 381 of the Code of Civil Procedure stipulates the proportion of wages that may be subject to attachment. Section 132 of the Labour Code authorises the setting up of company stores on condition that goods are sold solely on a non-profit-making, cash basis. Furthermore a system for pre-financing the acquisition of

agricultural equipment, by means of deposits paid by the members of co-operatives, is being studied.

Clause (b). Act No. 46 of 7 June 1964 has instituted a system of land tenure that places the land under national ownership and thus gives the State direct control over all transfers of land.

Clause (d). The National Office for Co-operation and Development Assistance, set up under Act No. 60 of 30 June 1966, as amended by Act No. 46 of 12 October 1967, has among its tasks that of providing an administrative framework for co-operatives and pre-co-operative groups. Act No. 47 of 12 October 1967 has set up an agricultural marketing office.

The possibility of making the system of credit facilities for peasant farmers more flexible is being considered.

Article 5. The Economic and Social Development Plan aims at improving the standard of living of the population. The authorities guarantee a minimum standard of living by fixing guaranteed minimum inter-occupational wages (section 108 of the Labour Code). A minimum standard of living is guaranteed to independent agricultural producers by the fact that the Agricultural Marketing Office participates in the fixing of the selling price of their products.

Article 6. Sections 105 to 108 of the Labour Code apply this provision of the Convention.

Article 7. Section 195 of the Labour Code specifies that the Manpower Service is responsible for transferring the savings of migrant workers or workers employed a long way from their home areas.

Article 8. Technical co-operation agreements have been reached with the countries or international organisation concerned. Under these agreements the workers to whom they apply are afforded effective protection as regards remuneration, transport, housing and the transfer of savings.

Article 9. Section 109 of the Labour Code specifies that wage areas are fixed by decree.

Article 10, paragraph 1. Collective agreements fix wages by occupational group (section 85 of the Labour Code). If no collective agreement exists, the authorities fix minimum wages after consultation with the National Advisory Committee on Labour and Social Security.

Paragraph 2. Not applicable.

Paragraph 3. Wage rates fixed are published in the *Journal Officiel*.

Paragraph 4. Workers who have been paid less than the minimum rates are entitled to back pay from the date when the minimum rates came into force. The labour inspectors and labour courts ensure that this right is upheld.

Article 11, paragraph 1. Section 115 of the Labour Code and the Ministerial Order of 23 January 1968 relate to individual pay slips and registers of wage payments.

Paragraphs 2 and 3. Sections 113 and 116 of the Labour Code apply these provisions.

Paragraph 4. Section 113 (2) of the Labour Code prohibits the payment of all or any part of wages in alcohol or alcoholic beverages.

Paragraph 5. Section 113 (4) of the Labour Code gives effect to this provision.

Paragraph 6. Section 114 of the Labour Code regulates the frequency of wage payments.

Paragraph 7. Section 109 of the Labour Code relates, *inter alia*, to the payment of wages in kind.

Paragraph 8, clause (a). Workers are given information on wages by the workers' organisations, employers and the labour services.

Clause (b). Sections 128 to 131 of the Labour Code deal with deductions from wages.

Clause (c). See the information given in respect of paragraph 7 of this Article.

Article 12. See under Article 4, clause (a).

Article 13, paragraph 1. Voluntary saving is encouraged (credit facilities for persons with savings accounts; action by banks and savings banks; life insurance; fiscal measures to encourage saving).

Paragraph 2. The Government has adopted a series of measures to regulate rates of interest on loans (the decree of 22 September 1935, Order No. 18982 of 28 December 1965 and Order No. 12015 of 17 August 1966). A Bill has been under consideration since February 1969 to consolidate all existing legislation on rates of interest and usury.

Article 14. Under the Labour Code, particularly sections 1 and 104, all persons working in the country enjoy the same economic treatment, without any discrimination.

Article 15, paragraph 1. The Ministries of National Education and Culture, Youth and Sport, as well as the Ministry of Technical and Vocational Training, are responsible for dealing with problems concerning young people. The Third Development Plan involves a series of projects designed to develop education and vocational training.

Paragraph 2. Decree No. 109 of 8 August 1959 relates to the school-leaving age. Section 140 of the Labour Code and Orders Nos. 3723 and 3724 of 22 June 1954 establish the minimum employment age and the conditions of work for children.

Paragraph 3. Section 140 of the Labour Code applies this provision.

Article 16, paragraph 1. New production techniques are taught in the vocational training schools with the help of certain international organisations, including the ILO. The Government has asked for assistance from the United Nations Special Fund to set up a rural training programme. An agreement was signed in December 1961 (and came into force in February 1962) and the ILO was entrusted with carrying out the programme.

Paragraph 2. The Ministry of Technical and Vocational Training is responsible for organising and supervising vocational training.

The report contained statistical data on the staffing of the labour services for the periods 1968 and 1969.

SYRIAN ARAB REPUBLIC

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

Article 12 of the Convention. The new draft Labour Code will take account of the need to fix the minimum amount of advances that can be made on wages.

Article 15, paragraph 3. The new draft Labour Code will amend section 124 of the present Code in order to prohibit the employment of children under the age of 14 years.

Convention No. 118 : Equality of Treatment (Social Security), 1962

CHINA

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

Article 3, paragraph 1, of the Convention. See under Convention No. 19.

Article 5, paragraph 1. As regards the payment of invalidity, old-age and death benefits, whether or not work-incurred, a worker ceases to belong to the insurance scheme as soon as he gives up his job in order to live abroad. On the other hand, workers continue to be insured if they are sent abroad by their employer, and the cost of hospitalisation as a result of sickness or injury is reimbursed by the insuring institution upon submission of a claim by the employer concerned. This rule applies equally to insured foreign workers.

JORDAN

In reply to an observation made by the Committee of Experts the Government has stated that the provisions of the Convention are applied and that legislation respecting the recruitment and employment of foreign workers is in course of preparation.

MALAGASY REPUBLIC

Social Insurance Code, Decree No. 145 of 8 April 1969 (*Journal Officiel*, 26 Apr. 1969).

Act. No. 023 of 17 December 1968 to set up a pension scheme and to establish a National Social Insurance Fund (*ibid.*, Dec. 1968).

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

Branch (*b*) (sickness benefit). Section 37, paragraph 3, of Ordinance No. 119 of 1 October 1960 to promulgate the Labour Code has not yet been applied. Under this section medical services common to a number of undertakings may take over the granting of sickness benefit.

Branch (*d*) (invalidity benefit). The Social Insurance Code has set up, within the framework of the workers' pension scheme, an invalidity allowance for workers suffering from physical or mental invalidity of non-occupational origin, certified by a physician and leaving them unfit to carry out their employment. Invalidity of 60 per cent or over gives entitlement to benefit five years before normal retirement age, i. e. at 50 years for women and 55 for men. Benefit is equivalent to 80 per cent of the old-age benefit the claimant would be entitled to on reaching normal retirement age. This scheme makes no distinction between nationals and non-nationals.

Branch (g) (employment injury benefit). The above-mentioned Code amends section 221 of the former Family Allowances and Employment Accidents Code by repealing the provisions that excluded foreigners from receiving allowances.

NETHERLANDS

In reply to a direct request made by the Committee of Experts concerning the Government's intention of abolishing certain exceptions to the principle of equality of treatment applied to a small number of seafarers in respect of old-age and survivors' benefits and family allowances, the Government has stated that these exceptions are not contrary to Article 3 of the Convention since they concern seafarers who neither live nor work on Dutch territory.

Netherlands Antilles

In reply to a direct request made by the Committee of Experts the Government has stated that it will consider the possibility of accepting the obligations of the Convention in respect of branches (e) to (g).

NORWAY

Act No. 11 of 14 February 1969 to amend the Act of 24 October 1946 respecting family allowances (*Norsk Lovtidend*, 8 Mar. 1969, No. 6, p. 220).

Royal Resolution of 21 February 1969 conferring upon the National Insurance Institution the authority to decide on requests for exemptions from the residence condition in the Act respecting family allowances (*ibid.*, 1969, No. 7).

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

Branch (f) (survivors' benefit). The provisions of the two orders of 28 October 1966 issued under section 10 (1) and (11) of the National Insurance Act are in principle more advantageous to Norwegian nationals than to nationals of other countries, but by virtue of section 3 of each of the orders the Ministry may in appropriate cases deviate from the nationality and residence conditions.

Branch (i) (family benefit). The provision of the Act which required six months' residence for entitlement to family allowances has been repealed so that foreign nationals may acquire the right to family allowances as from the time they take up residence in Norway.

Under the resolution of 21 February 1969 issued in pursuance of the Amendment Act of 14 February 1969, family allowances can in certain cases be granted outside the country.

SWEDEN

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

Branch (c) (maternity benefit). No arrangement other than the Inter-Nordic Agreement exists with other countries which have ratified the Convention in respect of the insurance periods in the other contracting countries to be taken into account for the qualifying period. In such cases the ordinary qualifying period of at least 270 days is applicable to Swedish and other nationals alike.

Branch (h) (unemployment benefit). The Labour Market Board has not prescribed any restrictions in respect of admission to or retention of membership for foreigners as provided for in the ordinance governing the scheme. Furthermore none of the recognised unemployment insurance funds has different regulations for foreigners and for Swedish nationals in this respect.

SYRIAN ARAB REPUBLIC

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

Article 5 of the Convention. Section 94 of Act No. 92 of 1969 respecting social insurance, which limits the rights of pensioners, whatever their nationality, in the event of their becoming resident abroad, will be amended after the necessary measures of application have been studied.

Article 7. A draft agreement drawn up by the Economic and Social Council of the League of Arab States for the purpose of maintaining rights in course of acquisition has been submitted for ratification to the competent authority. Moreover, the Social Insurance Establishment has been asked to study the legislative amendments called for by the Committee's requests.

TUNISIA

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

The legislation makes express provision for payment of family, sickness and maternity benefit and death grants without any condition as to residence for nationals of countries who are party to bilateral or multilateral agreements or conventions with Tunisia on a basis of reciprocity.

Article 5 of the Convention. No restriction applies to the payment abroad of death grants to which Tunisian nationals and nationals of States party to this Convention or to a bilateral or multilateral agreement are entitled.

Article 7. No provision has been made to participate in any scheme for the maintenance of acquired rights and rights in course of acquisition. The establishment of such a system could be considered only after a pension scheme had been adopted by the legislature.

Article 10, paragraph 1. Refugees and stateless persons receive equal treatment without any condition of reciprocity.

Convention No. 119 : Guarding of Machinery, 1963**DOMINICAN REPUBLIC (First Report)**

Act No. 5055 of 19 December 1958 to amend section 673 of the Labour Code.

Resolution No. 565 of 31 December 1964 to ratify Convention No. 119 (*Gaceta Oficial*, 27 Feb. 1965, No. 8928).

Regulation No. 807 of 30 December 1966 respecting industrial safety and health (*ibid.*, 31 Dec. 1966, No. 9019, p. 13).

Some of the provisions of the Convention have been incorporated in the above-mentioned regulation. The General Directorate of Industrial Safety and Health of the Secretariat of State for Labour is responsible for its application through its labour inspectorate.

Draft reforms to the labour legislation are being studied. As far as the guarding of machinery is concerned these would involve new provisions partly based on those of the Convention.

GUINEA (First Report)

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

Order No. 5253/IGTLS/AOF of 19 July 1954 to prescribe the general hygiene and safety measures applicable in French West Africa to workers in establishments of any kind (*Journal Officiel de l'Afrique occidentale française*, 31 July 1954, No. 2722, p. 1340) (*LS* 1954—F.W.A. 1).

Article 1, paragraph 2, of the Convention. No decision has been taken yet in accordance with the provision of this paragraph.

Article 2. The provisions of this Article are applied by sections 169 and 171 of the Labour Code.

Article 3, paragraph 1. The exceptions referred to in this paragraph are not provided for by the national legislation.

Paragraph 2. The sale, hire and transfer of machinery provided for in this paragraph are not prohibited.

Paragraph 3. The national legislation does not prohibit the sale or transfer of machinery for storage, etc.

Article 4. The obligation to comply with the provisions of Article 2 rests on the vendor, etc.

Articles 5 and 9. No exemptions have been made.

Article 6. The use of machinery without guards is prohibited. The guarding of machinery is provided for in section 169 of the Code.

Article 7. The obligation rests on the employer.

Article 10, paragraph 1. The provisions of this paragraph are applied in practice.

Paragraph 2. The requirements of this paragraph are met by sections 168 to 170 of the Code.

Article 11. The employers and the workers must respect the hygiene and safety regulations.

Article 12. The ratification of the Convention does not affect the rights of workers under the national social security or social insurance legislation.

Article 13. The requirements of this Article are met by section 166 of the Code.

Article 14. The term "employer" includes, where appropriate, a prescribed agent of the employer.

Article 15. The requirements of this Article are met by sections 285 and 288 and section 174 of the Code respectively.

Article 16. All labour legislation is adopted after consultation with the Labour Advisory Committee, which consists of workers, employers and members of the National Assembly.

Article 17. The provisions of this Convention apply to all branches of economic activity.

JORDAN (First Report)

Regulation No. 57 of 1963 respecting the guarding and safe operation of machinery and equipment in industry.

See also under Convention No. 120.

SYRIAN ARAB REPUBLIC (First Report)

Labour Code, Law No. 91 of 5 April 1959 (*Al-Jarida al-Rasmiya (J.R.)*, 7 Apr. 1959, No. 71 bis B) (LS 1959—U.A.R. 1).

Social Insurance Code, Law No. 92 of 6 April 1959 (*J.R.*, 7 Apr. 1959, No. 71 bis B) (LS 1959—U.A.R. 2).

Order No. 970 of 1969.

Convention No. 120 : Hygiene (Commerce and Offices), 1964

GUINEA (First Report)

General Order No. 398/IGTLS of 18 January 1955.

See also under Convention No. 119.

Article 1 of the Convention. The provisions in force are of general application.

Article 2. No exception is provided for by law.

Article 4. The above-mentioned legislation and that indicated under Convention No. 119 ensure application of the general principles contained in Part II of the Convention.

Article 5. The National Assembly voted for the Labour Code after consulting trade union organisations of workers and employers.

Article 6. Section 174 of the Labour Code provides that "with respect to the application of the public administration regulations . . . , the inspector . . . shall, before reporting the matter, serve formal notice on the head of the undertaking ordering him to comply with the said provisions". Penalties are laid down in section 293 of the Labour Code.

Article 7. Applied by section 168 of the Labour Code and section 2 of Order No. 5253 of 1954.

Article 8. Applied by section 173 of the Code and by sections 5, 7 and 8 of the above-mentioned order.

Article 9. Applied by section 173 of the Code and by section 10 of the above-mentioned order.

Article 10. Applied by section 173 of the Code and by section 9 of the above-mentioned order.

Article 11. Applied by section 168 of the Code and by section 2 of the above-mentioned order.

Article 12. Applied by section 173 of the Code and by section 11 of the above-mentioned order.

Articles 13 to 17. Applied by sections 12 to 15, 16, 12, 7 and 5 of the above-mentioned order respectively.

Article 19. Applied by section 186 of the Labour Code and by sections 2, 6 and 8 of the above-mentioned order.

JORDAN (First Report)

Labour Code, Law No. 21 of 14 May 1960 (*Al-Jarida al-Rasmiya (J.R.)*, 21 May 1960, No. 1491, p. 511) (*LS* 1960—Jor. 1), as amended by Law No. 2 of 2 January 1965 (*J.R.*, 18 Jan. 1965, No. 1818, p. 52) (*LS* 1965—Jor. 1).

Part IX of the Labour Code applies the Convention.

MALAGASY REPUBLIC (First Report)

Labour Code, Ordinance No. 119 of 1 October 1960 (*Journal Officiel (J.O.)*, 8 Oct. 1960, No. 125, p. 2012) (*LS* 1960—Mad. 1).

Order No. 889 of 20 May 1960 to establish general industrial safety and health measures (*J.O.*, 4 June 1960, p. 934).

Order No. 2806 of 8 July 1968 to organise a works health service (*ibid.*, 13 July 1968, No. 598, p. 1467).

Article 1 of the Convention. The provisions of the 1960 order apply to all undertakings.

Article 6. The Labour Inspectorate and the officials of the National Family Allowances and Industrial Accidents Funds are responsible for ensuring application of the laws on industrial safety and health. Penalties are laid down in sections 134 and 139 of the Labour Code.

Article 7. Applied by sections 2 and 3 of the 1960 order.

Article 8. Applied by sections 4 to 8 of the 1960 order.

Article 9. Applied by sections 10 and 21 of the 1960 order.

Article 10. Applied by sections 7, 9 and 21 of the 1960 order.

Article 11. Applied by sections 4 and 5 of the 1960 order.

- Article 12.* Applied by section 11 of the 1960 order.
- Article 13.* Applied by sections 12 and 14 of the 1960 order.
- Article 14.* Applied by section 16 of the 1960 order.
- Article 15.* Applied by section 12 of the 1960 order.
- Article 16.* Applied by sections 6 to 10 of the 1960 order.
- Article 17.* Applied by sections 5 and 13 of the 1960 order.
- Article 19.* Applied by section 42 of the 1968 order.

SYRIAN ARAB REPUBLIC

Order No. 970 of 1969.

UNITED KINGDOM (First Report)

Offices, Shops and Railway Premises Act, 1963, and the regulations made thereunder.

Article 1 of the Convention. The above-mentioned Act and regulations apply to all offices and shops.

Article 2. Premises not within the scope of the Act are those where: (1) only self-employed persons work (section 1 (1)); (2) the only persons employed are immediate relatives of the employer (section 2 (1)); and (3) the sum of hours worked by all employees is normally not more than 21 each week (section 3 (1)). Section 45 provides that exemption from certain requirements of the Act may be given by Ministerial Order issued after consultations with organisations representing the workers and employers concerned. Section 46 gives enforcing authorities power to exempt any individual premises from certain of the requirements of the Act if they are satisfied that compliance is "not reasonably practicable".

Article 5. Relevant laws and regulations have been adopted after consultation with the Confederation of British Industry and the Trades Union Congress.

Article 6. This provision is applied by sections 52 (3) and (6) and 57 of the Act. Inspection is divided among a number of enforcing authorities according to the category of premises. Section 64 of the Act provides for penalties in case of offences.

Article 7. Section 4 of the Act requires that premises, furniture, furnishing and fittings shall be kept in a clean state. Section 16 provides for the maintenance of floors, steps, passages and gangways.

Article 8. Section 7 of the Act requires that in all workrooms, sanitary conveniences and washrooms, etc., there must be effective and suitable means of ventilation.

Article 9. Section 8 of the Act requires the provision and maintenance of suitable and sufficient lighting, either natural or artificial, in every part of the premises in which people work or pass, including sanitary conveniences or washrooms.

Article 10. Section 6 of the Act requires that a reasonable temperature shall be maintained in every room in which people are employed otherwise than for short periods.

Article 11. Section 5 of the Act requires that a room in which people work shall not be so overcrowded as to cause injury to health.

Article 12. Section 11 of the Act requires that an adequate supply of wholesome drinking water shall be provided.

Article 13. Sections 9 and 10 of the Act require that sufficient and suitable washing facilities shall be provided.

Article 14. Sections 13 and 14 of the Act require that, where employees can reasonably sit while working without detriment to their work, sufficient and conveniently accessible seats must be provided at suitable places for their use.

Article 15. Section 12 of the Act provides for the care of clothing not worn during working hours and working clothes not taken home.

Article 16. The Act applies to underground or windowless parts of premises in which people are employed to work.

Article 17. Sections 17 and 19 of the Act deal with hazards from machinery in order to protect workers by appropriate and practical measures, and section 20 enables the Secretary of State to make regulations, such as those for lifts and hoists, to protect persons against risks of bodily injury or injury to health.

Article 18. Section 21 of the Act authorises the issuing of special regulations to protect workers from the risk of bodily injury or injury to health arising from noise or vibrations and to preserve the welfare of workers from being adversely affected by noise or vibrations.

Article 19. Section 24 of the Act contains provisions concerning first aid.

Bermuda (First Report)

No legislation or administrative regulations exist for the application of the provisions of the Convention.

Article 7 of the Convention. The premises used by workers are generally well maintained and kept clean.

Article 8. Under section 20 of the Public Health Act 1969 provision may be made by regulations requiring buildings to be provided with adequate means of ventilation.

British Virgin Islands (First Report)

The principles specified in the Convention are complied with largely by national custom.

Brunei (First Report)

There is no legislation designed to give effect to the terms of the Convention. However, in some cases the provisions of the Labour Enactment, 1954, are relevant.

Articles 7 to 18 of the Convention. All workplaces are under constant observations by inspection officers and should be kept in proper order by the employer.

Article 19. Large private undertakings maintain their own dispensaries and provide first-aid posts in places where necessary. Smaller undertakings provide their workers with first-aid cupboards, boxes or kits.

Gibraltar (First Report)

There is no legislation specifically enacted to give effect to the provisions of the Convention.

A detailed study is being made to ascertain whether the Convention could be accepted for application in Gibraltar, with modification, pending the possible introduction of special legislation.

Gilbert and Ellice Islands (First Report)

There is no legislation providing for hygiene in offices and commercial establishments.

Hong Kong (First Report)

Building (Planning) Regulations, 1956.

Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrines) Regulations, 1960.

Public Health and Urban Services Ordinance, 1960.

Public Cleansing and Prevention of Nuisances By-Laws, 1960.

There is no legislation specifically applying the provisions of the Convention. However, the above-mentioned regulations deal with the subject-matter of the Convention.

Article 7 of the Convention. This Article is applied by section 14 of the Ordinance and by by-law 17 of the By-Laws.

Articles 8 and 9. These Articles are applied by regulations 30 and 34 of the Building (Planning) Regulations.

Article 11. This Article is applied by regulation 24 of the Building (Planning) Regulations.

Article 13. This Article is applied by regulation 5 (tables VI to VIII) of the Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrines) Regulations.

St. Helena (First Report)

Schemes of hygiene in commerce and offices which would fully comply with the provisions of the Convention are not at present practicable.

Convention No. 121 : Employment Injury Benefits, 1964**CYPRUS**

Social Insurance (Amendment) Law, No. 48 of 1969.

The basic rates of benefits payable out of the Social Insurance Fund have been increased under the above-mentioned law.

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

Articles 1, clause (e), 8, 18 and 22 of the Convention. An amending Bill giving effect to these provisions was due to be submitted for enactment to the legislative authorities during 1969.

Article 4, paragraph 2. Although there are no statistical data about the actual number of persons exempted from compulsory insurance under paragraphs 5 to 8 of Part II of the first schedule to the Social Insurance Law, this number is quite negligible. Moreover, the total number of persons exempted under the aforesaid part does not exceed 10 per cent of all employees other than those excluded under clauses (a) to (c).

Clause (c). The persons exempted from insurance as "members of the employer's family" are those who live in his house.

Article 10, paragraph 1. The medical care made available in respect of a morbid condition includes domiciliary visiting (where hospital beds are not available), dental care and pharmaceutical and other medical or surgical supplies.

Paragraph 2. The Centre for the Training and Rehabilitation of Disabled Persons started functioning in December 1968.

Article 20. The rate of "injury benefit" and "disablement pension" for persons under 18 years of age is half that for adults; these persons are paid the full rate when they reach 18 years of age. Moreover, the salary or wage of persons under 18 years of age is usually lower than the full rate of "injury benefit" and "disablement pension" in case of total loss of earning capacity.

NETHERLANDS (First Report)

Sickness Insurance Act of 5 June 1913 (*Staatsblad (Sb.)*, 1913, No. 204), as amended by the Act of 18 February 1966 (*ibid.*, 1966, No. 85) (*LS* 1967—Neth. 2).

General Widows and Orphans Act of 9 April 1959 (*Sb.*, 1959, No. 139) (*LS* 1959—Neth. 3), as amended by the Act of 24 April 1968 (*Sb.*, No. 226).

Sickness Funds Act of 15 October 1964 (*Sb.*, 1964, No. 392) (*LS* 1964—Neth. 2), as amended by the Act of 14 December 1967 (*Sb.*, 1967, No. 655).

Incapacity Insurance Act of 18 February 1966 (*Sb.*, 1966, No. 84) (*LS* 1966—Neth. 2), as amended by the Act of 24 April 1968 (*Sb.*, 1968, No. 226).

General Special Sickness Expenses Act of 14 December 1967 (*Sb.*, 1967, No. 617).

No specific insurance is now provided for employment injuries. Since 1 July 1967 such contingencies have come under the sickness insurance (benefit in cash and in kind), incapacity insurance and survivors' insurance schemes.

Article 2, paragraph 1, of the Convention. None of the temporary exceptions provided for in this paragraph has been applied.

Article 3, paragraph 1. The exclusion of seafarers and public servants, as provided for under this paragraph, has not taken place.

Article 4, paragraph 2, clauses (a), (b) and (d). The Sickness Insurance Act (benefit in cash and in kind), and the Incapacity Insurance Act do not apply to: persons who are party to an employment agreement entered into with a private citizen, who carry out entirely or almost entirely domestic work for the latter, or who give personal service in his household, and who are generally employed for less than three days a week; homeworkers who are not considered parties to an employment agreement. In addition, wage earners whose earnings are over the maximum laid down for joining the scheme are excluded from benefits in kind granted under the Sickness Insurance Act.

The statistics requested are not yet available.

Article 5. Not applicable.

Article 6. The minimum degree of incapacity for receipt of cash benefit is 15 per cent, in conformity with Article 14, paragraph 1, of the Convention.

Articles 7 and 8. The Netherlands scheme covers all contingencies of sickness or accident whether sustained in the course of employment or not. Definition of the terms "industrial accident" and "occupational disease" is unnecessary, nor need a list of occupational diseases be prescribed.

Article 9, paragraph 1. The benefits mentioned are granted throughout the contingency, but are subject to suspension in certain circumstances (see the information provided in respect of Article 22).

Paragraph 2. Eligibility for benefits is not subject to the length of employment, to the duration of the insurance, or to the payment of contributions.

Paragraph 3, clause (a). Cash benefit is paid after a waiting period of two days. Occupational associations may make an exception to this rule.

Clause (b). Not applicable.

Article 10, paragraph 1. Medical care and allied benefits provided in respect of a morbid condition comprise: general practitioner and specialist care, including domiciliary visiting; dental care; treatment in hospital; pharmaceutical supplies; special treatment by medical auxiliary staff; and prosthetic appliances.

Paragraph 2. The legislation provides measures for the maintenance or restoration of a person's ability to work. Application of such measures may be prescribed as a routine measure. Measures may be taken, subject to the agreement of the insured person, for the improvement of his health. Such measures include medical and surgical care as well as resources to improve his living conditions, including the costs of vocational training, the acquisition of a means of transport, and structural alterations to the insured person's home.

Article 11, paragraph 1. The conditions under which medical care is made available to persons who have sustained employment injuries is determined under the Sickness Funds Act and the General Special Sickness Expenses Act.

Paragraph 2. The provisions of this paragraph have not been applied.

Article 12. Not applicable.

Article 13. Benefit is calculated in accordance with the provisions of Article 19.

The legislation makes no distinction between temporary and initial incapacity for work. See the information provided in respect of Article 14, paragraph 1.

Article 14, paragraph 1. Incapacity for work, whether temporary or permanent, of 80 per cent or over entitles the injured person to receive the maximum benefit (80 per cent of the daily wage).

Paragraph 2. Benefit is calculated in accordance with the provisions of Article 19.

Paragraph 3. Benefit is calculated in the event of incapacity for work of 80 per cent or over at 80 per cent of the daily wage; of from 65 to 80 per cent at 65 per cent of the daily wage; of from 55 to 65 per cent at 50 per cent of the daily wage; of from 45 to 55 per cent at 40 per cent of the daily wage; of from 35 to 45 per cent at 30 per cent of the daily wage; of from 25 to 35 per cent at 20 per cent of the daily wage; and of from 15 to 25 per cent at 10 per cent of the daily wage.

Paragraph 4. This provision has not been applied.

Article 15, paragraph 1. These provisions have not been applied.

Paragraph 2. Not applicable.

Article 16. Incapacity benefit of 80 per cent or over is increased to up to 100 per cent where the disabled person requires the constant help or attendance of another person.

Article 17. Incapacity benefit is increased or decreased accordingly whenever the beneficiary's rating for grant of benefit changes. Benefit is cancelled if a person's incapacity for work ceases or falls below 15 per cent.

Article 18, paragraph 1. In the event of the death of the breadwinner periodical payments are guaranteed to the widow, if she has given birth to a child before the death of her husband or on the date of his death, if she is pregnant on the date of her husband's death, if she is disabled either on or after the date of her husband's death, or if she has attained the age of at least 40 years by the last day of the month in which her husband's death occurred; to orphans who have lost both parents, up to 16 years of age, or up to 27 years of age if they are continuing their education or are disabled. Children who have lost one parent only are not entitled to orphans' pensions, but a widow with dependent children receives a considerably higher pension than a widow without dependent children. Benefit is calculated in accordance with the requirements of Article 20.

The rate of pension for a widow with dependent children is 4,794 florins per year; for a widow without dependent children it is 3,372 florins per year.

An orphan who has lost both parents receives, if he is under 10 years of age, 1,068 florins per year, if he is between 10 and 16 years of age, 1,590 florins per year, and if he is between 16 and 27 years of age, 2,070 florins per year.

There are no widowers' pensions, but a disabled widower may receive benefit of up to 80 per cent of his daily wage.

Article 19. The benefit to which Articles 13 and 14, paragraph 2, apply amount to 81.68 per cent of the earnings of the standard beneficiary and 80 per cent of the earnings of the standard female employee.

Article 20. The benefit to which Article 18, paragraph 1, applies amounts to 58.93 per cent of the earnings of the standard beneficiary and a standard fixed allowance for the standard female employee.

Article 21. The cash benefit to which Article 14, paragraphs 2 and 3, applies is revised upwards in line with changes in the wage index. The cash benefit to which Article 18, paragraph 1, applies is reassessed as soon as a change in the wage index becomes greater than 3 per cent.

Article 22. The benefit mentioned in Article 9, paragraph 1, may be suspended in whole or in part where the insured person has deliberately caused his own incapacity for work; where the insured person, without good cause, fails to comply with a summons, refuses to undergo examination by a physician or to present himself for observation at an establishment indicated by the administrative body, neglects to follow instructions given for his treatment or cure, or the maintenance, recovery or improvement of his capacity for work, fails to seek medical aid and remain under treatment as long as is necessary or to follow the instructions of the physician treating him, acts in such a manner as to endanger his cure, or fails to comply with the rules prescribed by the insurance scheme.

Article 23, paragraph 1. This provision is applied.
Paragraphs 2 and 3. Recourse has not been had to these provisions.

Article 24. Representatives of the persons protected participate in or are associated with the management of the schemes mentioned.

Article 25. The State guarantees, without reservation, due provision of the benefits provided in compliance with this Convention.

Article 26, paragraph 1. Measures have been taken, and rehabilitation services set up, to apply these provisions.

Paragraph 2. Statistics concerning the frequency and severity of industrial accidents are not available.

Article 27. The laws and regulations to which this Convention applies make no distinction between nationals and non-nationals.

Convention No. 122 : Employment Policy, 1964

COSTA RICA (First Report)

Constitution of 7 November 1949 (*La Gaceta (G.)*, 7 Nov. 1949) (*LS 1949—C.R. 3*), article 56.
Act No. 1860 of 21 April 1955 respecting the organisation of the Ministry of Labour and Social Welfare (*G.*, 4 May 1955, No. 96, p. 1149).

Act No. 2694 of 22 November 1960, to prohibit all discrimination in employment (*ibid.*, 26 Nov. 1960, No. 267, p. 4628).

Act No. 3506 of 21 May 1965 to establish the National Apprenticeship Institute (*ibid.*, 23 May 1965, No. 115 p. 1837).

Decree No. 8 of 7 April 1967 to establish the National Human Resources Council (*ibid.*, 13 Apr. 1967, No. 83, p. 1273).

Article 1 of the Convention. A number of measures have been adopted to permit the achievement of an active employment policy. They include the creation of the National Human Resources Council, the National Apprenticeship Institute and the Employment Office of the Ministry of Labour and Social Welfare. Article 56 of the Constitution guarantees the right to work and free choice of employment. A number of factors have so far prevented the achievement of full employment but the various measures taken will make it possible in the near future.

Article 2. The programmes undertaken in the employment field have been co-ordinated at the stages of planning and execution by the agencies responsible for their implementation. The experience obtained has made it possible to introduce flexibility so that the results achieved correspond to the aims set.

Article 3. Representatives of employers and workers are consulted in connection with employment policy. Such consultations are among the functions of the Employment Office.

The preamble to the legislative text creating the National Human Resources Council makes express reference to the Convention.

The Government supervises the application of the Convention through the labour inspectors, who have the co-operation of the political authorities and other state organs.

GUINEA (First Report)

Constitution, Act No. 4 of 1958, article 33 (conferring force of law on all international treaties).

Article 1, paragraph 1, of the Convention. Paragraph 162 of the Three-Year Plan for 1960-63 provided that during those years about 15,000 new jobs would be created in the industrial, transport and power production sectors to bring about full employment in conjunction with the development of the agricultural sector.

Paragraph 2. In the report presented by the Minister of Economic Development to the National Revolutionary Council on 16 April 1964 it was stated that investment would be mainly directed towards establishing new economic units and that this would mean the development of new resources and an increase in the volume of permanent and specialised employment, which would lead to an increase in the working population. Outside the industrial sector, modernisation of the agricultural sector is planned so as to ensure increased productivity. The Polytechnic Institute provides training for management posts in industry, the civil service and agriculture, irrespective of race, colour, sex, religion, political opinion, national extraction or social origin.

Under the present Seven-Year Plan full employment policy is bound up with the establishment of industrial units and technical schools.

Article 2. Under the Seven-Year Plan industrialisation, in conjunction with agricultural development, will lead to the creation of new employment and to the development of the vocational training system necessary for this.

Article 3. The occupational associations are closely concerned in the problems of economic development.

The Minister of Economic Development together with the Minister of Labour ensures the application of the above-mentioned policy and the relevant laws and regulations.

MALAGASY REPUBLIC (First Report)

Labour Code, Ordinance No. 119 of 1960 (*LS* 1960—Mad. 1).

Decree No. 495 of 18 November 1964 to establish an Employment Service (*LS* 1964—Mad. 1).

Decree No. 037 of 24 January 1967 to establish a Training and Employment Committee (*Journal Officiel*, 28 Jan. 1967, No. 518, p. 123).

Ever since independence the Government has sought to implement an employment policy designed to promote full employment. The legislation listed above defines the methods of implementing this policy. The Employment Service and the Training and Employment Committee, working in liaison, fulfil important functions in the provision of employment and the proposing of employment, education and vocational training policy. Free choice of employment is assured by section 18 of the Labour Code, under which contracts of employment must be entered into freely. With a view to making work as productive as possible the Government will shortly institute a system of vocational training for adults. The Training and Employment Committee defines employment policy objectives within the framework of the Economic Development Plan.

The General Assembly of the Training and Employment Committee includes among its members representatives appointed by the employers' and workers' organisations.

Application of the Employment Service Decree is entrusted to the Ministry of Labour and Social Legislation and its inspection services. The agreements for particular investments are supervised by these inspection services and the ministries parties to them.

NETHERLANDS

Netherlands Antilles (First Report)

For many years the Government has been confronted with the substantial problems of automation in the oil refineries, a comparatively large population growth and a lack of natural resources.

The Minister of Social and Economic Affairs has pointed out several times when dealing with the budget that the policy of the Government has for long been directed towards creating the greatest possible number of employment opportunities, mainly by promoting the establishment of new industries and the development of tourism.

The following measures have been taken: the improvement of the road system and the post and airport facilities and the improvement and expansion of education; the introduction of tax concessions; the reduction, as far as possible, of rises in costs; the search for potential markets; an endeavour to attract United States industrial activity; an appeal to the Netherlands and the European Development Fund for help in financing these measures.

The employment service is responsible for creating the greatest possible number of employment opportunities for all who are involuntarily out of work and for enabling them, if possible, to resume their place in the working world. It is responsible for labour registration, placement work, vocational guidance, retraining and further training for adults and sheltered workshops.

The Department of Social and Economic Affairs and the Department Social Welfare are responsible for supervising the application of employment policy measures.

TUNISIA (First Report)

Act No. 32 of 1960 respecting declarations by undertakings (*Journal Officiel*, 29 July-3 Aug. 1960).

Act No. 51 of 28 December 1964 to establish the National Council for Vocational Training and Employment (*ibid.*, 29 Dec. 1964, No. 65, p. 1540).

Decree No. 140 of 17 March 1965 respecting the composition and activities of the regional councils for vocational training and employment (*ibid.*, 19-23 Mar. 1965, No. 15, p. 322).

Act No. 11 of 8 March 1967 to establish the Vocational Training and Employment Office.

Article 1 of the Convention. Employment policy has been defined by the President as an integral part of the struggle to overcome underdevelopment. It is designed to open up the maximum possible number of economically sound jobs.

A National Council for Vocational Training and Employment was created in 1964 and is responsible for co-ordinating action in the field of employment policy and for advising the Government on the employment situation, on ways of increasing employment and achieving full employment, on vocational training and on the control to be exercised over the employment market. Regional councils have been set up under the National Council. In 1967 a Vocational Training and Employment Office was created with the functions of studying the employment situation and seeking ways of creating new employment. To this end an Employment Promotion Unit

has been set up. It is also in charge of vocational training, which is carried out in special centres and in undertakings. Candidates have to undergo a vocational aptitude test.

Free choice of employment is assured by requiring both employers and workers to apply to the placement offices, thus enabling those seeking employment to be aware of all the possibilities available. Public placement offices have been set up throughout the country, with a regional office in each governorate and a central Employment Directorate responsible for co-ordination and supervision. Vocational training is also available to enable workers to acquire the skills necessary for the work of their choice. Over eighty vocational training centres have been opened since 1957 and there is considerable diversification in the courses offered.

The difficulties facing the country stem from the large number of persons available for work who are mostly unqualified and the shortage of capital. To overcome this problem the Government seeks to ensure that the maximum number of workers are employed for the minimum possible investment, by using simple equipment, producing useful goods and using manpower to create capital and with it permanent employment prospects.

Article 2. Employment policy is integrated into general policy in the preparation of the draft plans.

Article 3. Representatives of employers and workers take an active part in the formulation of the economic and social development programmes and are members of all the bodies responsible for employment problems such as the National Council for Vocational Training and Employment and the Governing Body of the Vocational Training and Employment Office.

The Vocational Training and Employment Office is responsible for supplying the Government with the material to enable it to define its employment policy and for suggesting measures to be taken. The application of the policy is supervised by the labour inspectorate.

UGANDA (First Report)

Article 1 of the Convention. The employment policy has been set forth in Uganda's second Five-Year Plan, which states that the main target is the creation of 100,000 new employment opportunities in specified sectors. There are no accurate figures for the wholly unemployed and the underemployed, who are estimated at several thousands and several hundreds of thousands respectively. The Uganda Industrial Relations Charter lays down as an aim of its policy the abolition of all discrimination among workers on grounds of race, colour, sex, belief, tribal association or trade affiliation in respect of, *inter alia*, admission to public or private employment. The Plan, of which employment policy is a part, takes into account other economic and social aims.

Article 2. There is an annual count of employees, which provides an estimate of the total number of people employed in the country for an agreed cash wage or salary.

Article 3. Representatives of employers and workers are included in the working parties which draw up the Plan. There is also a Tripartite Labour Consultative Council through which they can be consulted.

Supervision of the application of the policy is entrusted to the Ministry of Planning and Economic Development.

UNITED KINGDOM

St. Vincent (First Report)

Article 1 of the Convention. No public declaration of employment policy has been made and no measures have yet been taken to formulate or reach employment policy objectives. With a primarily agricultural economy, seasonal unemployment and underemployment occur and there are a number of difficulties in the way of improving the employment situation that have not yet been overcome.

Article 2. In June 1967 the Government announced its intention of establishing a Development Corporation to facilitate and promote economic development and a Planning Division to co-ordinate economic development planning.

Article 3. The Labour Advisory Board is the consultative body on all matters connected with labour.

Convention No. 123 : Minimum Age (Underground Work), 1965

CHINA (First Report)

Factory Inspection Act of 31 January 1931 (*LS* 1931—Chin. 1), as amended by the order of 16 April 1935 (*LS* 1935—Chin. 2).

Factories (Consolidation) Act of 30 December 1932 (*LS* 1932—Chin. 2 A).

Amended Regulations for the administration of the Factories Act of 30 December 1932 (*LS* 1932—Chin. 2 B).

Mines Act of 25 June 1936.

Article 1 of the Convention. The Mines Act applies to all mining undertakings with more than 50 workers.

Article 2. The Mines Act prohibits the employment of children on underground work. Under section 6 of the Factories Act, male and female workers between 14 and 16 years of age are deemed to be children.

Article 4. Supervision of the application of the legislative provisions is entrusted to the Provincial Government, which organises the inspection services under the Ministry of the Interior.

Any holder of mining rights who infringes the provisions concerning the special protection of children is liable to be punished. Factories must keep registers of their employees, with a record of their date of birth and date of recruitment.

Article 5. Representative organisations of employers and workers were consulted before the Convention was ratified.

No infringements have been reported.

CYPRUS (First Report)

Children and Young Persons (Employment) Law, 1953 (*The Statute Laws of Cyprus (S.L.C.)*, 1953, Cap. 178) (*LS* 1953—Cyp. 2).

Mines and Quarries (Regulation) Law (*S.L.C.*, 1953, Cap. 270).

Article 1 of the Convention. The terms “mine” and “quarry” are defined in the Mines and Quarries (Regulation) Law. Under section 2 (1) of the Children and Young Persons (Employment) Law mines and quarries come within the definition of the “industrial undertaking”.

Article 2. Under section 10 of the Children and Young Persons (Employment) Law the minimum age for underground work in mines is 18 years. Persons between 16 and 18 years of age may be employed underground for purposes of apprenticeship under adequate supervision.

Article 4. The supervision of the application of the provisions of the Convention is entrusted to the labour inspectorate of the Ministry of Labour and Social Insurance (section 15 of the Children and Young Persons (Employment) Law). Section 21 of the same Law provides for the penalties imposed for infringements of the provisions giving effect to the Convention. Section 23 of the Law provides that the employer of any young person under 18 years of age employed in any undertaking shall keep in or on the premises of the undertaking a register in such form and containing such particulars as may be prescribed.

Article 5. All the representative organisations of employers and workers concerned which were consulted before the ratification of this Convention have agreed to the specified minimum age.

JORDAN (First Report)

Mining Regulations, No. 63 of 1964 (*Al-Jarida al-Rasmiya*, 1 Nov. 1964, No. 1803).
See also under Convention No. 120.

Article 1 of the Convention. The Mining Regulations apply to both mines and quarries.

Article 2. Article 29 of the Mining Regulations prohibits the employment underground in mines of males under the age of 18 years and of all females irrespective of age.

MALAGASY REPUBLIC (First Report)

Labour Code, Ordinance No. 119 of 1 October 1960 (*Journal Officiel (J.O.)*, 8 Oct. 1960, No. 125) (*LS* 1960—Mad. 1).

Order No. 125-IGT of 18 January 1954 to determine hours of work in mining undertakings.

Order No. 129-IGT of 5 August 1957 to establish a model of the record to be kept by the employer (*J.O.*, 10 Aug. 1957, No. 3822, p. 1415).

Decree No. 382 of 27 September 1967 to ratify international labour Conventions Nos. 123 and 124.

Article 1 of the Convention. Under the above-mentioned order of 1954 all undertakings concerned with the prospecting and exploiting of mines and quarries are classified as mining undertakings.

Article 2. Section 2 of the above-mentioned decree establishes the minimum age for admission to underground work in mines at 18 years, regardless of sex.

Article 4. Supervision of the application of these texts is entrusted to the services of the Ministry of Labour and Social Legislation as well as to the engineers and competent officers of the Mines Service.

Any employer who infringes a provision concerning the special protection of young people is liable to penalties. Records containing information on the identity of workers and their date of recruitment must be made available to the inspection services. These records may also be consulted by staff delegates.

Article 5. The decree determining the minimum age for admission to underground work in mines was enacted with the approval of the National Labour Council.

No infringement of the provisions of the Convention has been reported.

SPAIN (First Report)

Decree of 26 January 1944 to approve the consolidated text of the First Book of the Act respecting contracts of employment (*Boletín Oficial (B.O.)*, 24 Feb. 1944) (*LS* 1944—Sp. 1 A).

Mines Act of 19 July 1944 (*B.O.*, 22 July 1944).

Decree of 26 July 1957 respecting the industries and employment prohibited for women and young persons on account of their dangerous or unhealthy nature (*B.O.*, 26 Aug. 1957; errata: *ibid.*, 5 Sep. 1957) (*LS* 1957—Sp. 1).

Order of 28 January 1958 respecting underground work and apprenticeship contracts of persons under 18 years of age in mines (*B.O.*, 3 Feb. 1958).

Article 1 of the Convention. Section 1 of the Mines Act provides that whatever the nature of the substance extracted, any undertaking in which mining techniques are employed shall be considered as a mining undertaking. This means that quarries are included within the scope of the Act.

Article 2. Section 173 of the Contracts of Employment Act prohibits the employment of young persons under 16 years of age on any underground work. Section 174 of the same Act specifies that any work carried out within mines, quarries, tunnels, etc., is considered as underground work. The minimum age stipulation was amended by the decree of 26 July 1957, which lists the types of work on which young persons under 18 years of age may not be employed, including work in mines and quarries. The order of 28 January 1958 specifies the terms of the ban on underground work, stating that it applies to services deemed to be work, but allowing mining undertakings to make apprenticeship contracts with young men over 16 years of age, provided the undertakings supervise the vocational training of young miners and that the work they do in the mines does not exceed 24 hours per week.

Article 4. The Labour Inspectorate ensures the effective enforcement of the law, authorises young persons to be employed at work centres and carries out frequent regular visits. According to the regulations of 21 December 1943, the penalty for non-observance of the laws and regulations in force may amount to 1,000 pesetas per worker and, in special cases, to 10,000 pesetas.

The undertaking or employer must at all times maintain a record, made up of three certificates established by the local labour inspectorate or town hall, containing the parents' authorisation, the age of the young person and a medical certificate. This record must be made available to the labour inspectorate whenever demanded.

Article 5. The Trade Union Organisation has taken part in drawing up the current legislation.

TUNISIA (First Report)

Labour Code, Act No. 27 of 30 April 1966 (*LS* 1966—Tun. 1).

Article 1 of the Convention. The Labour Code applies to mines, quarries and extractive industries of every kind.

Article 2. Under section 77 of the Labour Code it is forbidden for workers of either sex, under the age of 18 years, to be employed in underground mine work.

Article 4. The Labour Inspectorate is responsible for ensuring the enforcement of legislative provisions in mines. Section 59 of the Labour Code provides that all employers shall make available to the inspectors a record indicating the names and dates of birth of all persons under 18 years of age whom they employ, together with their hours of work.

No infringements have been reported.

UGANDA (First Report)

Employment of Children Act (*The Laws of Uganda*, Revised Edition, 1964, Cap. 193).
Mining Act (*ibid.*, Cap. 248).

Article 1 of the Convention. Section 2 (1) (a) of the Employment of Children Act and section 2 of the Mining Act include mines, quarries and other work for the extraction of any substance from under the surface of the earth in the term "industrial undertaking".

Article 2. Section 3 (4) of the Employment of Children Act establishes the minimum age for admission to underground work at 16 years.

Article 4. The Ministry of Labour appoints officials qualified to supervise application of the legislation. Any employer who infringes a provision concerning the special protection of young persons is liable to a penalty. Young persons between 16 and 18 years of age may be employed only if a physician has certified that they are fit for the work.

Article 5. The minimum age was specified long before the Convention was adopted.

The Convention is satisfactorily applied and no infringements have been reported.

ZAMBIA (First Report)

Mining Ordinance (*Laws of Northern Rhodesia*, 1963, Cap. 91).
Employment of Women, Young Persons and Children Ordinance (*ibid.*, 1965, Cap. 191).

Article 1 of the Convention. The Employment of Women, Young Persons and Children Ordinance includes mines, quarries and other extraction work in its definition of an industrial undertaking.

Article 2. The minimum age for admission to underground work in mines was raised to 18 years by Statutory Instrument No. 66 of 1966.

Article 4. Section 12 of the second of the above-mentioned ordinances provides general penalties for infringement of the legislation respecting the employment of young persons. Section 9 (1) and (2) of the same ordinance makes it compulsory for employers to keep a register of persons under the age of 16 years and to keep records of the dates of their birth.

The Convention is applied satisfactorily and no infringements have been reported.

**Convention No. 124 : Medical Examination of Young Persons
(Underground Work), 1965**

CHINA (First Report)

Measures for the safety and management of the mines in the Taiwan region.

See also under Convention No. 123.

Article 1 of the Convention. The Minefield Law is applicable to any minefield, including quarries, where more than fifty mineworkers are employed.

Article 2. The Factory Law requires employers to keep a workers' roster indicating the physical condition of each worker. The work to be assigned to young workers is determined on the basis of a physical examination. All mineworkers are required to produce a health certificate issued by a public medical service.

Article 3. The medical examination of workers is carried out at intervals of not more than one year. The costs must be met by the undertaking or organisation concerned.

Article 4. The labour inspection services are responsible for the enforcement of the provisions of the Convention. Penalties for contravention of the law are prescribed. A workers' roster including particulars of each worker is required to be submitted to the supervisory authority.

Article 5. There has not yet been any consultation with organisations of employers and workers concerning the implementation of the Convention.

CYPRUS (First Report)

Pneumoconiosis (Compensation) Law, No. 11 of 23 December 1960 (*Episemos Ephemeris*, 23 Dec. 1960, First Supplement) (LS 1960—Cyp. 1), as amended by Law No. 58 of 1966.

Pneumoconiosis (Medical Arrangements) Regulations, 1961.

Mines and Quarries (Pneumoconiosis Prevention) Regulations, 1961.

See also under Convention No. 123.

Article 1 of the Convention. The terms "mine" and "quarry" are defined by section 3 of the Mines and Quarries Law.

Article 2. Section 23 of the Children and Young Persons (Employment) Law requires children and young persons who are employed in an industrial undertaking (including mines and quarries) to undergo a medical examination on registration and at least once a year thereafter, and provides that no child or young person shall be so employed without a certificate indicating his fitness for such employment.

Regulation 4 of the Mines and Quarries (Pneumoconiosis Prevention) Regulations, 1961, provides that no person shall be employed in a dust exposure occupation unless he holds a certificate of fitness. The term "dust exposure occupation" covers employment both in mines and quarries. Regulation 9 (1) requires the initial clinical and actinological examination of persons to whom a dust exposure occupation is offered to be performed by the Medical Board and regulation 10 (1) requires a periodical clinical and actinological examination once a certificate of fitness has expired. Regulation 11 provides that a certificate of fitness is valid for a period not exceeding twenty-four months.

In practice no child or young person is employed in any mine or quarry. Persons under 21 years of age are medically examined once a year.

Article 3. The medical examination of children and young persons is carried out by a registered medical practitioner appointed by the Director of Medical Services. Although there is no express provision for the payment of the expenses involved in a medical examination, in practice these are borne always by the employer.

Article 4. The enforcement of the Children and Young Persons (Employment) Law is entrusted to inspectors who are appointed from amongst officers of the Ministry of Labour and Social Insurance. The enforcement of the Mines and Quarries (Pneumoconiosis Prevention) Regulations, 1961, is entrusted to the Inspector of Mines and such other officers as are appointed by the Council of Ministers, from amongst officers serving in the Mines Department of the Ministry of Commerce and Industry. Penalties in the case of contraventions are prescribed by national legislation.

The employer of any child or young person is required to keep a register in the prescribed form. However, no provision is made for the keeping of separate records for persons under 21 years of age.

Article 5. It is the policy of the competent authorities to discuss every labour issue with representatives of the workers and employers before a final decision is reached.

MALAGASY REPUBLIC (First Report)

Labour Code, Ordinance No. 119 of 1 October 1960 (*Journal Officiel (J.O.)*, 8 Oct. 1960, No. 125, p. 2012) (*LS* 1960—Mad. 1), as amended by Act No. 019 of 11 December 1964 (*J.O.*, 12 Dec. 1964, No. 390, p. 2802) (*LS* 1964—Mad. 2).

Decree No. 1110 of 13 November 1954 (*Journal Officiel de la République française*, 14 Nov. 1954, No. 267, p. 10713).

Order No. 129-IGT of 5 August 1957 to establish a model of the record to be kept by the employer (*J.O.*, 10 Aug. 1957, No. 3822, p. 1415).

Order No. 207-CG of 11 June 1958 to give effect to Decision No. 60/AR of 8 May 1958 (*J.O.*, 21 June 1958, No. 3879, p. 1466), as amended and supplemented by Order No. 895 of 20 May 1960 to lay down safety regulations for mines (*J.O.*, 4 June 1960, No. 102, p. 951).

Order No. 896 of 20 May 1960 to make special regulations governing safety in quarries and work-places attached to them (*J.O.*, 4 June 1960, No. 102, p. 952).

Order No. 2806 of 8 July 1968 respecting the organisation of occupational health services (*J.O.*, 13 July 1968, No. 598, p. 1464).

The national legislation complies with the provisions of the Convention and no amendment or further adoption of legislation is necessary.

Article 1 of the Convention. See under Convention No. 123.

Article 2, paragraph 1. This provision is applied by the new section 82 of Order No. 207-CG.

Article 3. Medical examinations are covered the Labour Code, as amended in 1964 by Act No. 019 and in 1968 by Order No. 2806.

Article 4. The Ministry of Labour and Social Legislation and the Mines Service are entrusted with supervising the application of the provisions of the Convention. Section 134 of the Labour Code provides for penalties in the event of a breach of the legislation. The employer is required to keep up-to-date records containing the information mentioned by the Convention.

Article 5. Consultations have taken place with the National Labour Council and the Technical Advisory Committee.

TUNISIA (First Report)

Decree No. 83 of 23 March 1968 to prescribe the types of work requiring special medical supervision (*Journal Officiel*, 26-29 Mar. 1968, No. 13, p. 330).

See also under Convention No. 123.

Article 1 of the Convention. The Labour Code in section 77 refers to "employment underground" without defining the nature of such employment.

Article 2. Section 62 of the Code lays down that all children and young persons under 18 years of age are required to undergo a medical examination, including an X-ray examination, with a periodic re-examination every six months. Records must be kept and made available to the Labour Inspectorate, which may require a further medical examination to be carried out or the young person to give up his employment when it considers this to be necessary (sections 59, 60 and 62 of the Code).

Article 3. Medical examinations are the responsibility of the employer or, when it is so authorised, the Industrial Health Inspectorate. Where there is serious risk, medical examinations must be carried out regularly until the young person has attained at least 20 years of age. Special medical supervision in mines is prescribed by the above-mentioned decree.

Article 4. The Labour Code provides for penalties. The Labour Inspectorate and the Industrial Health Inspectorate are the authorities entrusted with supervising the application of the legislation.

UGANDA (First Report)

See under Convention No. 123.

At present there is no legislation or administrative regulations which apply the provisions of the Convention.

When the Convention was ratified it was hoped that the Employment Act would be amended so as to incorporate its provisions but owing to pressure of work it has not been possible to table the Amendment Bill in Parliament. It is hoped that this will soon be done.

Article 1 of the Convention. The term "mine" is included in the definition of "industrial undertaking" given in section 2 (1) of the Employment of Children Act and in section 2 of the Mining Act.

UNITED KINGDOM

Mines Act of 24 June 1969 (Northern Ireland).

Article 2, paragraph 2, of the Convention. In reply to a request made by the Committee of Experts the Government has stated that, in accordance with the principles laid down by the ILO, the National Coal Board commenced the periodic annual medical examination of juveniles under 18 years of age in 1962. In October 1964 this annual examination became a legal requirement. The National Coal Board provides a medical centre or a medical unit at every colliery, where all workers may seek medical advice whenever they wish to do so. If there is any suspicion of ill health in a young man of 18 years of age, regular supervision may continue to take place even though this is not a statutory requirement. In addition the Board operates a periodic chest X-ray scheme in which mobile units visit every colliery. Because any person can

consult the general practitioner of the National Health Service free of charge and as frequently as he wishes, it is considered that the annual medical examination of 18 to 21 year-old miners would not provide any additional benefit.

In Northern Ireland arrangements for medical examination under the Factory Doctor Scheme and supervision by the Mines Inspectorate reasonably approximate the measures recommended by the Convention.

Under the above-mentioned Act the Ministry of Commerce is empowered to make regulations to prohibit the employment in mines of all persons under 21 years of age who have not been medically examined and found to be in good health. The Ministry is at present engaged in drafting the many regulations authorised by the Act.

Hong Kong

Towards the end of the period under review the Factories and Industrial Undertakings (Amendment) (No. 2) Regulations, 1969, which require the medical examination of underground workers, were in an advanced stage of drafting. When these regulations have been enacted, consideration will be given to the possibility of making an improved declaration in respect of this Convention.

ZAMBIA (First Report)

Pneumoconiosis Ordinance, 1950-1951 (*Laws of Northern Rhodesia*, ch. 189).

Mining Ordinance, 1958 (*ibid.*, ch. 91).

Mining (Amendment) Regulations, 1966.

Article 1 of the Convention. The definition of the term "mine" in section 2 of the above-mentioned ordinance of 1958 does not include operations in quarries.

Article 2. In accordance with clause 1009, as amended, of the above-mentioned ordinance of 1958 no person under 18 years of age may be employed underground as a miner and in accordance with sections 34 to 48 of the Pneumoconiosis Ordinance all miners are required to undergo thorough medical examinations prior to employment and every year thereafter.

Article 3. In accordance with sections 21 and 22 of the Pneumoconiosis Ordinance there has been established a Pneumoconiosis Medical and Research Bureau composed entirely of qualified medical practitioners in the service of the Government. Medical examinations are performed free of charge.

Article 4. Under section 78 of the Pneumoconiosis Ordinance adequate penalties are provided for violations and failure to comply with the provisions of the ordinance.

All persons over 18 years of age are eligible for employment in mines and are treated as adults for this purpose. There is therefore no need to keep special records in respect of persons under the age of 21 years.

Article 5. In accordance with section 9 of the Pneumoconiosis Ordinance the Pneumoconiosis Compensation Board includes representatives of trade unions and employers' organisations among its members.

Convention No. 126 : Accommodation of Crews, 1966

NORWAY (First Report)

Order of 22 November 1957 (*Norsk Lovtidend*, 5 Dec. 1957, No. 42, p. 1202) (LS 1957—Nor. 2). to issue regulations respecting crew accommodation, etc., on board fishing and sealing vessels and to amend the Regulations of 2 July 1948 for crew accommodation in ships.

In the case of new vessels, plans of the accommodation must be approved by the Shipping Office. Construction is subject to supervision. Periodical inspections are carried out to ensure that completed vessels comply at all times with the regulations concerning cabin space.

Article 1 of the Convention. This Article is applied by section 2 of the above-mentioned order, which applies to fishing and sealing vessels of 50 tons and over. Furthermore, the order applies to the construction of vessels of between 25 and 50 tons to the extent prescribed in the various sections.

Article 2. The definitions contained in this Article are to be found in section 1 of the order.

Article 3. The competent authority is the Shipping Office. Paragraph 2, clause (e), is applied by general administrative practice. The shipping authorities work in close contact with the organisations mentioned in this paragraph.

Article 4. This Article is applied by section 3 of the order.

Article 5. This Article is applied by sections 2 to 5 of the order. There is no special procedure for complaint to the competent authority (the Inspectorate of Shipping) in accordance with paragraph 1, clause (c). However, the Inspectorate of Shipping or the Shipping Office will investigate any matter upon the receipt of a complaint which is not obviously unfounded. Inspections of the type mentioned in the Article are carried out relatively frequently.

Article 6. This Article is applied by sections 4 and 5 of the order; paragraph 11 is applied by section 20.

Article 7. This Article is applied by section 6 of the order.

Article 8. This Article is applied by section 7 of the order, which provides that the heating system must be capable of ensuring a temperature of at least 18 degrees in the crew accommodation under all weather and climatic conditions.

Article 9. This Article is applied by section 8 of the order.

Article 10. This Article is applied by sections 9 to 13 of the order. Paragraph 1 of section 10 provides that on vessels of less than 150 tons the sleeping rooms for the ratings shall not accommodate more than ten men.

Article 11. This Article is applied by section 14 of the order. Paragraph 5 is applied by section 2 (1) of the regulations of 9 November 1966 respecting the location and furnishing of the galley, etc., on fishing and catching craft.

Article 12. This Article is applied by sections 15, 16 and 18 of the order. Paragraph 8, clauses (a) and (b), is applied by section 5, subsections 4 and 5 respectively, of the order. Paragraph 8, clause (c), is applied by sections 6 to 8 of the order.

Article 13. This Article is applied by section 19 of the order and by the regulations of 10 March 1953 of the Ministry of Social Affairs containing instructions concerning medical supplies, etc., on board registered fishing and catching craft.

Articles 14 and 15. These Articles are applied by sections 13 (5) and 20, respectively, of the order.

Article 16. This Article is applied by sections 4 to 8 and 17 of the order. Paragraph 6 is applied by the regulations of 1 June 1964 concerning safety measures for gas-fired plant, etc., involving the use of propane or other light carbohydrates on board vessels, including pleasure craft and lighters, irrespective of size.

Article 17. This Article is applied by section 2 of the order. The requirements in respect of fishing and catching craft before the Convention came into force were such that it has not been necessary to make substantial changes in order to bring those requirements into conformity with the provisions of the Convention.

In accordance with sections 43, 45 and 46 of the Act of 9 June 1903 concerning government control of the seaworthiness of ships, the Shipping Office has established the regulations connected with the provisions of the Convention. The general supervision of the application of these regulations is entrusted to the Ministry of Commerce. The Shipping Office acting under the authority of this Ministry is directly responsible for these questions.

**Communication of Copies of Reports to the Representative Organisations
(Article 23, Paragraph 2, of the Constitution)**

STATES

The Governments of the following countries have indicated the employers' and workers' organisations to which copies of their reports have been communicated: *Algeria, Argentina, Australia, Austria, Barbados, Belgium, Brazil, Cameroon, Canada, Chad, China, Colombia, Congo (Kinshasa), Costa Rica, Cyprus, Dahomey, Denmark, Finland, France, Federal Republic of Germany, Ghana, Greece, Guatemala, Guinea, Guyana, Haiti, India, Iraq, Ireland, Italy, Ivory Coast, Jamaica, Japan, Kenya, Kuwait, Liberia, Luxembourg, Malagasy Republic, Malawi, Malaysia, Malta, Mexico, Morocco, Netherlands, New Zealand, Nicaragua, Niger, Norway, Pakistan, Senegal, Sierra Leone, Singapore, Sweden, Switzerland, Syrian Arab Republic, Tunisia, Uganda, United Arab Republic, United Kingdom, United States, Uruguay, 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 Cuban Workers' Union and to the managements of industrial undertakings.

The Government of *Spain* has stated that copies of its reports have been communicated to the National Organisation of Spanish Trade Unions.

NON-METROPOLITAN TERRITORIES

The information supplied in this connection is summarised below.

Denmark. Copies of the reports have been communicated to the organisations in Denmark and to the local workers' organisation in *Greenland.*

France. Copies of the reports have been communicated to the local employers' and workers' organisations in the overseas departments (*French Guiana, Guadeloupe, Martinique, Réunion*). Copies of the reports relating to the overseas territories (*Comoro Islands, French Polynesia, French Territory of the Afars and the Issas, New Caledonia*) have also been communicated to the local employers' and workers' organisations.

Netherlands. Copies of the reports relating to the *Netherlands Antilles* 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: *Antigua, Bermuda, British Honduras, Fiji, Gilbert and Ellice Islands, Grenada, Isle of Man, St. Vincent, Solomon Islands.*

In the following territories copies of the reports have been communicated to the Labour Advisory Board: *Gibraltar, Hong Kong.*

In the absence of representative employers' organisations copies of the reports have been communicated only to the workers' organisations in *St. Helena.*

The reports from the following territories state that at present there are no representative employers' or workers' organisations: *British Virgin Islands, Brunei, Guernsey.*

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.
Afghanistan	95, 105	4, 41
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Costa Rica	89, 90, 105, 114	92
Cuba	92	4, 6, 10, 12, 16, 22, 23, 29, 77, 78, 79, 87, 89, 90, 94, 95, 96, 104, 106
Cyprus	2, 88, 94	16, 19, 29, 45, 81, 89, 90, 119, 122
Czechoslovakia	12, 17, 29	10, 34, 88, 89, 90, 115
Dahomey	—	4, 6, 41, 85, 95
Denmark	2, 5, 6, 18, 42, 52, 100, 105	12, 16, 19, 29, 53, 81, 92, 111
Greenland	6, 16	2, 12, 18, 19, 29, 42, 52, 53, 63, 81, 92, 94, 105
Dominican Republic	—	29, 105
Ethiopia	2, 88	—
Finland	52, 53, 92	16, 22, 73
France	2, 12, 22, 53, 55, 63, 74, 81, 95	6, 16, 23, 29, 73, 89, 92, 94
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French Guiana	12, 22, 55, 95	2, 6, 16, 23, 29, 44, 53, 63, 73, 74, 81, 88, 89, 92, 94, 96
Guadeloupe	2, 12, 22, 55, 95	6, 16, 23, 29, 44, 53, 63, 73, 74, 81, 88, 89, 92, 94, 96
Martinique	12, 22, 55, 95	2, 16, 23, 29, 44, 53, 63, 73, 74, 81, 88, 89, 92, 94, 96
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French Polynesia	2, 17, 18, 42, 52, 53, 82, 85, 88, 101	6, 10, 12, 16, 19, 22, 23, 24, 29, 44, 55, 56, 63, 69, 71, 73, 74, 77, 78, 81, 89, 92, 94, 95, 96

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.

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Federal Republic of Germany	2, 12, 22, 24, 25, 56, 63, 81, 88, 101	10, 16, 23, 114
Ghana	19, 22, 65, 74, 89, 105	16, 23, 29, 90
Greece	17, 19, 42, 52, 69	6, 16, 90
Guatemala	94, 95, 96, 118	19, 65, 79, 89, 90, 101, 105, 113, 114
Guinea	18	4, 6, 10, 41, 81
Guyana	2, 12, 81	10, 29, 65, 94
Haiti	12, 17, 42	1, 5, 29, 30, 77, 78, 90, 105
Hungary	14	2, 10, 16, 17, 18, 19, 24, 42, 77, 78, 87, 95
India	18, 26, 42, 81, 88, 89, 90, 100, 118	4, 6, 16, 19, 22
Iran	—	29, 104
Iraq	26, 77, 106	16, 18, 19, 42
Ireland	2, 6, 10, 12, 69, 74, 89, 105	16, 22, 23, 29, 63, 92
Israel	10, 79, 90, 106	77, 94, 101
Italy	2, 4, 6, 48, 55, 69, 71, 88, 90, 94	10, 16, 22, 23, 29, 53, 73, 89, 108
Ivory Coast	18, 95, 96	4, 6, 41, 105
Jamaica	—	16, 19, 29, 65, 105
Japan	2, 18, 19, 42, 88	10, 16, 22, 29, 73
Jordan	100, 124	105, 111
Kenya	32, 64, 65, 86, 88	2, 89, 94
Kuwait	105	89, 106
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Liberia	53, 58, 105, 112, 114	29, 65, 104, 113
Luxembourg	2, 12, 88	10
Malagasy Republic . .	12, 19, 111	4, 6, 41, 95, 100
Malawi	12	19, 65, 104
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Malta	2, 19	10, 16, 22, 29, 88, 105
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Morocco	2, 4, 12, 17, 19, 22, 41, 101, 105	65, 104
Netherlands	2, 63, 69, 74, 89, 90, 96, 101, 102, 115	10, 16, 22, 23, 73, 92, 94, 95
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Rumania	2	6, 10, 16, 89
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Senegal	4, 6, 12, 18, 29, 81, 89, 95, 96, 121	10
Sierra Leone	26, 88, 95, 99, 101	16, 19, 22, 65
Singapore	12, 19, 88	16, 22, 29, 65
Spain	2, 13, 19, 95, 113, 115	4, 6, 10, 12, 17, 29, 34, 88, 89
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Switzerland	2, 14, 18, 19, 88, 89	16, 23, 63, 105
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Tunisia	12, 81, 95, 105	19, 65, 104
Uganda	29	65, 94
Ukraine	95	10, 16, 29, 52, 77, 78, 79, 87, 90, 111
United Arab Republic	63, 94	29, 52, 87, 88, 96, 100
United Kingdom	2, 10, 69, 82, 92, 94, 101	16, 22, 29
Antigua	2, 17, 24, 25, 52, 101	10, 12, 16, 19, 22, 29, 44, 56, 63, 65, 69, 74, 88, 92, 94, 95, 115, 124
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Grenada	17, 88, 95	2, 10, 12, 16, 19, 22, 24, 25, 29, 42, 44, 56, 63, 65, 69, 74, 92, 99, 101, 105, 115, 124
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TABLES OF RATIFICATIONS OF CONVENTIONS

1. HOURS OF WORK (INDUSTRY) CONVENTION, 1919

This Convention came into force on 13 June 1921

States	Ratification registered on	States	Ratification registered on
Argentina	30. 11. 33	Italy ¹	6. 10. 24
Austria ¹	12. 6. 24	Kuwait	21. 9. 61
Belgium	6. 9. 26	Luxembourg	16. 4. 28
Bulgaria	14. 2. 22	New Zealand	29. 3. 38
Burma	14. 7. 21	Nicaragua	12. 4. 34
Canada	21. 3. 35	Pakistan	14. 7. 21
Chile	15. 9. 25	Paraguay	21. 3. 66
Colombia	20. 6. 33	Peru	8. 11. 45
Cuba	20. 9. 34	Portugal	3. 7. 28
Czechoslovakia	24. 8. 21	Rumania	13. 6. 21
Dominican Republic	4. 2. 33	Spain	22. 2. 29
France ¹	2. 6. 27	Syrian Arab Republic	10. 5. 60
Greece	19. 11. 20	United Arab Republic	10. 5. 60
Haiti	31. 3. 52	Uruguay	6. 6. 33
India	14. 7. 21	Venezuela	20. 11. 44
Iraq	24. 8. 65		
Israel	26. 6. 51		

¹ Conditional ratification.

2. UNEMPLOYMENT CONVENTION, 1919

This Convention came into force on 14 July 1921

Argentina	30. 11. 33	Luxembourg	16. 4. 28
Austria	12. 6. 24	Malta	4. 1. 65
Belgium	25. 8. 30	Mauritius	2. 12. 69
Bulgaria ¹	14. 2. 22	Morocco	14. 10. 60
Burma	14. 7. 21	Netherlands	6. 2. 32
Central African Republic	9. 6. 64	New Zealand	29. 3. 38
Chile	31. 5. 33	Nicaragua	12. 4. 34
Colombia	20. 6. 33	Norway	23. 11. 21
Cyprus	8. 10. 65	Poland	21. 6. 24
Denmark	13. 10. 21	Rumania	13. 6. 21
Ecuador	5. 2. 62	Republic of South Africa	20. 2. 24
Ethiopia	11. 6. 66	Spain	4. 7. 23
Finland	19. 10. 21	Sudan	18. 6. 57
France	25. 8. 25	Sweden	27. 9. 21
Federal Republic of Germany	6. 6. 25	Switzerland	9. 10. 22
Greece	19. 11. 20	Syrian Arab Republic	26. 7. 60
Guyana	8. 6. 66	Turkey	14. 7. 50
Hungary	1. 3. 28	United Arab Republic	3. 7. 54
Iceland	17. 2. 58	United Kingdom	14. 7. 21
India ¹	14. 7. 21	Uruguay	6. 6. 33
Ireland	4. 9. 25	Venezuela	20. 11. 44
Italy	10. 4. 23	Yugoslavia	1. 4. 27
Japan	23. 11. 22		
Kenya	13. 1. 64		

¹ Has denounced this Convention.

3. MATERNITY PROTECTION CONVENTION, 1919

This Convention came into force on 13 June 1921

States	Ratification registered on	States	Ratification registered on
Algeria	19. 10. 62	Italy	22. 10. 52
Argentina	30. 11. 33	Ivory Coast	5. 5. 61
Brazil ¹	26. 4. 34	Luxembourg	16. 4. 28
Bulgaria	14. 2. 22	Mauritania	8. 11. 63
Central African Republic	9. 6. 64	Nicaragua	12. 4. 34
Chile	15. 9. 25	Panama	3. 6. 58
Colombia	20. 6. 33	Rumania	13. 6. 21
Cuba	6. 8. 28	Spain	4. 7. 23
France	16. 12. 50	Upper Volta	30. 6. 69
Gabon	13. 6. 61	Uruguay ¹	6. 6. 33
Federal Republic of Germany	31. 10. 27	Venezuela	20. 11. 44
Greece	19. 11. 20	Yugoslavia	1. 4. 27
Guinea	12. 12. 66		
Hungary	19. 4. 28		

¹ Has denounced this Convention and has ratified Convention No. 103.

4. NIGHT WORK (WOMEN) CONVENTION, 1919

This Convention came into force on 13 June 1921

Afghanistan	12. 6. 39	Laos	23. 1. 64
Albania ¹	17. 3. 32	Luxembourg	16. 4. 28
Argentina	30. 11. 33	Malagasy Republic	1. 11. 60
Austria	12. 6. 24	Mali	22. 9. 60
Belgium ¹	12. 7. 24	Mauritania ¹	20. 6. 61
Brazil ¹	26. 4. 34	Morocco	13. 6. 56
Bulgaria ²	14. 2. 22	Netherlands ¹	4. 9. 22
Burma ¹	14. 7. 21	Nicaragua	12. 4. 34
Burundi	11. 3. 63	Niger	27. 2. 61
Cambodia	24. 2. 69	Pakistan	14. 7. 21
Cameroon (Eastern Cameroon)	7. 6. 60	Peru	8. 11. 45
Central African Republic	27. 10. 60	Portugal	10. 5. 32
Ceylon ¹	8. 10. 51	Rumania ¹	13. 6. 21
Chad	10. 11. 60	Rwanda	18. 9. 62
Chile	8. 10. 31	Senegal	4. 11. 60
Colombia	20. 6. 33	Republic of South Africa ¹	1. 11. 21
Congo (Brazzaville)	10. 11. 60	Spain	29. 9. 32
Congo (Kinshasa)	20. 9. 60	Switzerland ¹	9. 10. 22
Cuba	6. 8. 28	Togo	7. 6. 60
Czechoslovakia ¹	24. 8. 21	Tunisia	15. 5. 57
Dahomey	12. 12. 60	United Kingdom ¹	14. 7. 21
France ¹	14. 5. 25	Upper Volta	21. 11. 60
Gabon	14. 10. 60	Uruguay ¹	6. 6. 33
Greece ¹	19. 11. 20	Venezuela ¹	7. 3. 33
Guinea ¹	21. 1. 59	Viet-Nam ¹	6. 6. 53
Hungary ¹	19. 4. 28	Yugoslavia ¹	1. 4. 27
India	14. 7. 21		
Ireland ¹	4. 9. 25		
Italy	10. 4. 23		
Ivory Coast	21. 11. 60		

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

² Has denounced this Convention.

5. MINIMUM AGE (INDUSTRY) CONVENTION, 1919

This Convention came into force on 13 June 1921

States	Ratification registered on	States	Ratification registered on
Albania	17. 3. 32	Kenya	13. 1. 64
Argentina	30. 11. 33	Lesotho	31. 10. 66
Austria	26. 2. 36	Luxembourg	16. 4. 28
Barbados	8. 5. 67	Malagasy Republic	1. 11. 60
Belgium	12. 7. 24	Mali	22. 9. 60
Bolivia	19. 7. 54	Malta	4. 1. 65
Brazil	26. 4. 34	Mauritania	20. 6. 61
Bulgaria ¹	14. 2. 22	Mauritius	2. 12. 69
Cameroon (Eastern Cameroon)	7. 6. 60	Netherlands	21. 7. 28
Central African Republic	27. 10. 60	Nicaragua	12. 4. 34
Ceylon	27. 9. 51	Niger	27. 2. 61
Chad	10. 11. 60	Norway	7. 7. 37
Chile	15. 9. 25	Poland	21. 6. 24
Colombia	20. 6. 33	Rumania	13. 6. 21
Congo (Brazzaville)	10. 11. 60	Senegal	4. 11. 60
Cuba	6. 8. 28	Sierra Leone	15. 6. 61
Czechoslovakia	24. 8. 21	Singapore	25. 10. 65
Dahomey	12. 12. 60	Spain	29. 9. 32
Denmark	4. 1. 23	Switzerland	9. 10. 22
Dominican Republic	4. 2. 33	Tanzania (Zanzibar)	22. 6. 64
France	29. 4. 39	Togo	7. 6. 60
Gabon	14. 10. 60	Uganda	4. 6. 63
Greece	19. 11. 20	United Kingdom	14. 7. 21
Guinea	21. 1. 59	Upper Volta	21. 11. 60
Guyana	8. 6. 66	Uruguay ¹	6. 6. 33
Haiti	12. 4. 57	Venezuela	20. 11. 44
India	9. 9. 55	Viet-Nam	6. 6. 53
Ireland	4. 9. 25	Yugoslavia	1. 4. 27
Israel	23. 12. 53	Zambia	2. 12. 64
Ivory Coast	21. 11. 60		
Japan	7. 8. 26		

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

6. NIGHT WORK OF YOUNG PERSONS (INDUSTRY) CONVENTION, 1919

This Convention came into force on 13 June 1921

States	Ratification registered on	States	Ratification registered on
Albania	17. 3. 32	Laos	23. 1. 64
Algeria	19. 10. 62	Luxembourg	16. 4. 28
Argentina	30. 11. 33	Malagasy Republic	1. 11. 60
Austria	12. 6. 24	Mali	22. 9. 60
Belgium	12. 7. 24	Mauritania	20. 6. 61
Brazil	26. 4. 34	Mexico ¹	20. 5. 37
Bulgaria	14. 2. 22	Netherlands ¹	17. 3. 24
Burma	14. 7. 21	Nicaragua	12. 4. 34
Cambodia	24. 2. 69	Niger	27. 2. 61
Cameroon (Eastern Cameroon)	7. 6. 60	Pakistan	14. 7. 21
Central African Republic	27. 10. 60	Poland	21. 6. 24
Ceylon ¹	26. 10. 50	Portugal	10. 5. 32
Chad	10. 11. 60	Rumania	13. 6. 21
Chile	15. 9. 25	Senegal	4. 11. 60
Congo (Brazzaville)	10. 11. 60	Spain	29. 9. 32
Cuba	6. 8. 28	Switzerland	9. 10. 22
Dahomey	12. 12. 60	Togo	7. 6. 60
Denmark	4. 1. 23	Tunisia	12. 1. 59
France	25. 8. 25	United Kingdom ²	14. 7. 21
Gabon	14. 10. 60	Upper Volta	21. 11. 60
Greece	19. 11. 20	Uruguay ¹	6. 6. 33
Guinea ¹	21. 1. 59	Venezuela	7. 3. 33
Hungary	19. 4. 28	Viet-Nam	6. 6. 53
India	14. 7. 21	Yugoslavia ¹	1. 4. 27
Ireland	4. 9. 25		
Italy	10. 4. 23		
Ivory Coast	21. 11. 60		

¹ Has denounced this Convention and has ratified Convention No. 90.² Has denounced this Convention.

7. MINIMUM AGE (SEA) CONVENTION, 1920*This Convention came into force on 27 September 1921*

States	Ratification registered on	States	Ratification registered on
Argentina	30. 11. 33	Luxembourg	16. 4. 28
Australia	28. 6. 35	Malaysia (Sarawak)	3. 3. 64
Barbados	8. 5. 67	Malta	4. 1. 65
Belgium	4. 2. 25	Mauritius	2. 12. 69
Brazil	8. 6. 36	Mexico ¹	17. 8. 48
Bulgaria	16. 3. 23	Netherlands ¹	26. 3. 25
Canada	31. 3. 26	Nicaragua	12. 4. 34
Ceylon	2. 9. 50	Norway	7. 10. 27
Chile	18. 10. 35	Poland	21. 6. 24
China	2. 12. 36	Portugal	24. 10. 60
Colombia	20. 6. 33	Rumania	8. 5. 22
Cuba	6. 8. 28	Sierra Leone	15. 6. 61
Denmark	12. 5. 24	Singapore	25. 10. 65
Dominican Republic	4. 2. 33	Spain	20. 6. 24
Finland	10. 10. 25	Sweden	27. 9. 21
Federal Republic of Germany	11. 6. 29	Tanzania (Zanzibar)	22. 6. 64
Greece	16. 12. 25	United Kingdom	14. 7. 21
Guyana	8. 6. 66	Uruguay ¹	6. 6. 33
Hungary	1. 3. 28	Venezuela	20. 11. 44
Ireland	4. 9. 25	Yugoslavia	1. 4. 27
Italy	14. 7. 32		
Jamaica	8. 7. 63		
Japan	7. 6. 24		

¹ Has denounced this Convention and has ratified Convention No. 58.**8. UNEMPLOYMENT INDEMNITY (SHIPWRECK) CONVENTION, 1920***This Convention came into force on 16 March 1923*

Argentina	30. 11. 33	Luxembourg	16. 4. 25
Australia	28. 6. 35	Malta	4. 1. 68
Belgium	4. 2. 25	Mauritius	2. 12. 69
Bulgaria	16. 3. 23	Mexico	20. 5. 37
Canada	31. 3. 26	Netherlands	15. 12. 37
Ceylon	25. 4. 51	Nicaragua	12. 4. 34
Chile	18. 10. 35	Nigeria	16. 6. 61
Colombia	20. 6. 33	Norway	21. 7. 36
Cuba	6. 8. 28	Peru	4. 4. 62
Denmark	15. 2. 38	Poland	21. 6. 24
Finland	20. 1. 50	Rumania	10. 11. 30
France	21. 3. 29	Sierra Leone	15. 6. 61
Federal Republic of Germany	4. 3. 30	Singapore	25. 10. 65
Ghana	18. 3. 65	Spain	20. 6. 24
Greece	16. 12. 25	Sweden	1. 1. 35
Iraq	19. 4. 66	Switzerland	21. 4. 60
Ireland	5. 7. 30	United Kingdom	12. 3. 26
Italy	8. 9. 24	Uruguay	6. 6. 33
Jamaica	8. 7. 63	Yugoslavia	30. 9. 29
Japan	22. 8. 55		

9. PLACING OF SEAMEN CONVENTION, 1920*This Convention came into force on 23 November 1921*

States	Ratification registered on	States	Ratification registered on
Argentina	30. 11. 33	Japan	23. 11. 22
Australia	3. 8. 25	Luxembourg	16. 4. 28
Belgium	4. 2. 25	Mexico	1. 9. 39
Bulgaria	16. 3. 23	Netherlands	9. 1. 48
Chile	18. 10. 35	New Zealand	29. 3. 38
Colombia	20. 6. 33	Nicaragua	12. 4. 34
Cuba	6. 8. 28	Norway	23. 11. 21
Denmark	23. 8. 38	Peru	4. 4. 62
Finland	7. 10. 22	Poland	21. 6. 24
France	25. 1. 28	Rumania	10. 11. 30
Federal Republic of Germany	6. 6. 25	Spain	23. 2. 31
Greece	16. 12. 25	Sweden	27. 9. 21
Israel	19. 6. 69	Uruguay	6. 6. 33
Italy	8. 9. 24	Yugoslavia	30. 9. 29

10. MINIMUM AGE (AGRICULTURE) CONVENTION, 1921*This Convention came into force on 31 August 1923*

Albania	3. 6. 57	Israel	23. 12. 53
Algeria	19. 10. 62	Italy	8. 9. 24
Argentina	26. 5. 36	Japan	19. 12. 23
Australia	24. 12. 57	Luxembourg	16. 4. 28
Austria	12. 6. 24	Malta	4. 1. 65
Belgium	13. 6. 28	Netherlands	28. 11. 56
Bulgaria	6. 3. 25	New Zealand	8. 7. 47
Byelorussia	6. 11. 56	Nicaragua	12. 4. 34
Central African Republic	9. 6. 64	Norway	28. 1. 57
Chile	18. 10. 35	Peru	1. 2. 60
Cuba	22. 8. 35	Poland	21. 6. 24
Czechoslovakia	31. 8. 23	Rumania	10. 11. 30
Dominican Republic	4. 2. 33	Senegal	22. 10. 62
France	7. 6. 51	Spain	29. 8. 32
Gabon	13. 6. 61	Sweden	27. 11. 23
Federal Republic of Germany	20. 3. 57	Ukraine	14. 9. 56
Guinea	12. 12. 66	USSR	10. 8. 56
Guyana	8. 6. 66	United Kingdom	11. 7. 63
Hungary	2. 2. 27	Uruguay	6. 6. 33
Ireland	26. 5. 25		

11. RIGHT OF ASSOCIATION (AGRICULTURE) CONVENTION, 1921

This Convention came into force on 11 May 1923

States	Ratification registered on	States	Ratification registered on
Albania	3. 6. 57	Luxembourg	16. 4. 28
Algeria	19. 10. 62	Malagasy Republic	1. 11. 60
Argentina	26. 5. 36	Malawi	22. 3. 65
Australia	24. 12. 57	Malaysia:	
Austria	12. 6. 24	States of Malaya	11. 1. 60
Barbados	8. 5. 67	Sarawak	3. 3. 64
Belgium	19. 7. 26	Mali	22. 9. 60
Brazil	25. 4. 57	Malta	4. 1. 65
Bulgaria	6. 3. 25	Mauritania	20. 6. 61
Burma	11. 5. 23	Mauritius	2. 12. 69
Burundi	11. 3. 63	Mexico	20. 5. 37
Byelorussia	6. 11. 56	Morocco	20. 5. 57
Cameroon:		Netherlands	20. 8. 26
Eastern Cameroon	7. 6. 60	New Zealand	29. 3. 38
Western Cameroon	29. 1. 63	Nicaragua	12. 4. 34
Central African Republic	27. 10. 60	Niger	27. 2. 61
Ceylon	25. 8. 52	Nigeria	16. 6. 61
Chad	10. 11. 60	Norway	11. 6. 29
Chile	15. 9. 25	Pakistan	11. 5. 23
China	27. 4. 34	Paraguay	16. 5. 68
Colombia	20. 6. 33	Peru	8. 11. 45
Congo (Brazzaville)	10. 11. 60	Poland	21. 6. 24
Congo (Kinshasa)	20. 9. 60	Rumania	10. 11. 30
Costa Rica	16. 9. 63	Rwanda	18. 9. 62
Cuba	22. 8. 35	Senegal	4. 11. 60
Cyprus	8. 10. 65	Singapore	25. 10. 65
Czechoslovakia	31. 8. 23	Spain	29. 8. 32
Dahomey	12. 12. 60	Sweden	27. 11. 23
Denmark	20. 6. 30	Switzerland	23. 5. 40
Ecuador	10. 3. 69	Syrian Arab Republic	26. 7. 60
Ethiopia	4. 6. 63	Tanzania:	
Finland	19. 6. 23	Tanganyika	19. 11. 62
France	23. 3. 29	Zanzibar	22. 6. 64
Gabon	14. 10. 60	Togo	7. 6. 60
Ghana	14. 3. 68	Tunisia	15. 5. 57
Federal Republic of Germany	6. 6. 25	Turkey	29. 3. 61
Greece	13. 6. 52	Uganda	4. 6. 63
Guinea	21. 1. 59	Ukraine	14. 9. 56
Guyana	8. 6. 66	USSR	10. 8. 56
Iceland	21. 8. 56	United Arab Republic	3. 7. 54
India	11. 5. 23	United Kingdom	6. 8. 23
Ireland	17. 6. 24	Upper Volta	21. 11. 60
Italy	8. 9. 24	Uruguay	6. 6. 33
Ivory Coast	21. 11. 60	Venezuela	20. 11. 44
Jamaica	8. 7. 63	Yugoslavia	30. 9. 29
Kenya	13. 1. 64	Zambia	2. 12. 64
Lesotho	31. 10. 66		

12. WORKMEN'S COMPENSATION (AGRICULTURE) CONVENTION, 1921*This Convention came into force on 26 February 1923*

States	Ratification registered on	States	Ratification registered on
Argentina	26. 5. 36	Malaysia:	
Australia	7. 6. 60	States of Malaya	5. 6. 61
Austria	14. 6. 54	Sarawak	3. 3. 64
Barbados	8. 5. 67	Malta	4. 1. 65
Belgium	26. 10. 32	Mauritius	2. 12. 69
Brazil	25. 4. 57	Mexico	1. 11. 37
Bulgaria	6. 3. 25	Morocco	20. 9. 56
Burundi	11. 3. 63	Netherlands	20. 8. 26
Chile	15. 9. 25	New Zealand	29. 3. 38
Colombia	20. 6. 33	Nicaragua	12. 4. 34
Congo (Kinshasa)	20. 9. 60	Norway	22. 1. 63
Cuba	22. 8. 35	Panama	3. 6. 58
Czechoslovakia	12. 6. 50	Peru	4. 4. 62
Denmark	26. 2. 23	Poland	21. 6. 24
El Salvador	11. 10. 55	Portugal	16. 5. 60
Finland	20. 1. 50	Rwanda	18. 9. 62
France	4. 4. 28	Senegal	22. 10. 62
Gabon	13. 6. 61	Singapore	25. 10. 65
Federal Republic of Germany	6. 6. 25	Spain	1. 10. 31
Guyana	8. 6. 66	Sweden	27. 11. 23
Haiti	19. 4. 55	Tanzania:	
Hungary	8. 6. 56	Tanganyika	19. 11. 62
Ireland	17. 6. 24	Zanzibar	22. 6. 64
Italy	1. 9. 30	Tunisia	15. 5. 57
Kenya	13. 1. 64	Uganda	4. 6. 63
Luxembourg	16. 4. 28	United Kingdom	6. 8. 23
Malagasy Republic	10. 8. 62	Uruguay	6. 6. 33
Malawi	22. 3. 65	Yugoslavia	27. 1. 58
		Zambia	2. 12. 64

13. WHITE LEAD (PAINTING) CONVENTION, 1921

This Convention came into force on 31 August 1923

States	Ratification registered on	States	Ratification registered on
Afghanistan	12. 6. 39	Ivory Coast	21. 11. 60
Algeria	19. 10. 62	Laos	23. 1. 64
Argentina	26. 5. 36	Luxembourg	16. 4. 28
Austria	12. 6. 24	Malagasy Republic	1. 11. 60
Belgium	19. 7. 26	Mali	22. 9. 60
Bulgaria	6. 3. 25	Mauritania	20. 6. 61
Cambodia	24. 2. 69	Mexico	7. 1. 38
Cameroon (Eastern Cameroon)	7. 6. 60	Morocco	13. 6. 56
Central African Republic	27. 10. 60	Netherlands	15. 12. 39
Chad	10. 11. 60	Nicaragua	12. 4. 34
Chile	15. 9. 25	Niger	27. 2. 61
Colombia	20. 6. 33	Norway	11. 6. 29
Congo (Brazzaville)	10. 11. 60	Poland	21. 6. 24
Cuba	7. 7. 28	Rumania	4. 12. 25
Czechoslovakia	31. 8. 23	Senegal	4. 11. 60
Dahomey	12. 12. 60	Spain	20. 6. 24
Finland	5. 4. 29	Sweden	27. 11. 23
France	19. 2. 26	Togo	7. 6. 60
Gabon	14. 10. 60	Tunisia	12. 6. 56
Greece	22. 12. 26	Upper Volta	21. 11. 60
Guinea	21. 1. 59	Uruguay	6. 6. 33
Hungary	8. 6. 56	Venezuela	28. 4. 33
Iraq	19. 4. 66	Viet-Nam	6. 6. 53
Italy	22. 10. 52	Yugoslavia	30. 9. 29

14. WEEKLY REST (INDUSTRY) CONVENTION, 1921

This Convention came into force on 19 June 1923

States	Ratification registered on	States	Ratification registered on
Afghanistan	12. 6. 39	Lesotho	31. 10. 66
Algeria	19. 10. 62	Luxembourg	16. 4. 28
Argentina	26. 5. 36	Malagasy Republic	1. 11. 60
Belgium	19. 7. 26	Malaysia (Sarawak)	3. 3. 64
Bolivia	19. 7. 54	Mali	22. 9. 60
Brazil	25. 4. 57	Mauritania	20. 6. 61
Bulgaria	6. 3. 25	Mauritius	2. 12. 69
Burma	11. 5. 23	Mexico	7. 1. 38
Burundi	11. 3. 63	Morocco	20. 9. 56
Byelorussia	26. 2. 68	Netherlands	14. 7. 65
Cameroon (Eastern Cameroon)	7. 6. 60	New Zealand	29. 3. 38
Canada	21. 3. 35	Nicaragua	12. 4. 34
Central African Republic	27. 10. 60	Niger	27. 2. 61
Chad	10. 11. 60	Norway	7. 7. 37
Chile	15. 9. 25	Pakistan	11. 5. 23
China	17. 5. 34	Paraguay	21. 3. 66
Colombia	20. 6. 33	Peru	8. 11. 45
Congo (Brazzaville)	10. 11. 60	Poland	21. 6. 24
Congo (Kinshasa)	20. 9. 60	Portugal	3. 7. 28
Cuba	20. 7. 53	Rumania	18. 8. 23
Czechoslovakia	31. 8. 23	Rwanda	18. 9. 62
Dahomey	12. 12. 60	Senegal	4. 11. 60
Denmark	30. 8. 35	Spain	20. 6. 24
Finland	19. 6. 23	Sweden	22. 12. 31
France	3. 9. 26	Switzerland	16. 1. 35
Gabon	14. 10. 60	Syrian Arab Republic	10. 5. 60
Greece	11. 5. 29	Thailand	5. 4. 68
Guinea	21. 1. 59	Togo	7. 6. 60
Haiti	14. 5. 52	Tunisia	15. 5. 57
Honduras	17. 11. 64	Turkey	27. 12. 46
Hungary	8. 6. 56	Ukraine	19. 6. 68
India	11. 5. 23	USSR	22. 9. 67
Iraq	12. 5. 60	United Arab Republic	10. 5. 60
Ireland	22. 7. 30	Upper Volta	21. 11. 60
Israel	26. 6. 51	Uruguay	6. 6. 33
Italy	8. 9. 24	Venezuela	20. 11. 44
Ivory Coast	21. 11. 60	Viet-Nam	14. 6. 55
Kenya	13. 1. 64	Yugoslavia	1. 4. 27
Lebanon	26. 7. 62		

15. MINIMUM AGE (TRIMMERS AND STOKERS) CONVENTION, 1921

This Convention came into force on 20 November 1922

States	Ratification registered on	States	Ratification registered on
Argentina	26. 5. 36	Luxembourg	16. 4. 28
Australia	28. 6. 35	Malaysia (Sabah, Sarawak)	3. 3. 64
Belgium	19. 7. 26	Malta	4. 1. 65
Bulgaria	6. 3. 25	Mauritania	8. 11. 63
Burma	20. 11. 22	Mauritius	2. 12. 69
Byelorussia	6. 11. 56	Morocco	14. 3. 58
Cameroon (Western Cameroon)	3. 9. 62	Netherlands	17. 6. 31
Canada	31. 3. 26	New Zealand	26. 11. 59
Ceylon	25. 4. 51	Nicaragua	12. 4. 34
Chile	18. 10. 35	Nigeria	17. 10. 60
China	2. 12. 36	Norway	7. 10. 27
Colombia	20. 6. 33	Pakistan	20. 11. 22
Cuba	7. 7. 28	Poland	21. 6. 24
Cyprus	23. 9. 60	Rumania	18. 8. 23
Denmark	12. 5. 24	Sierra Leone	13. 6. 61
Finland	10. 10. 25	Singapore	25. 10. 65
France	16. 1. 28	Southern Yemen (Aden)	14. 4. 69
Federal Republic of Germany	11. 6. 29	Spain	20. 6. 24
Ghana	20. 5. 57	Sweden	14. 7. 25
Greece	14. 6. 30	Switzerland	21. 4. 60
Guyana	8. 6. 66	Tanzania:	
Hungary	1. 3. 28	Tanganyika	30. 1. 62
Iceland	21. 8. 56	Zanzibar	22. 6. 64
India	20. 11. 22	Trinidad and Tobago	24. 5. 63
Iraq	19. 4. 66	Turkey	29. 9. 59
Ireland	5. 7. 30	Ukraine	14. 9. 56
Italy	8. 9. 24	USSR	10. 8. 56
Jamaica	26. 12. 62	United Kingdom	8. 3. 26
Japan	4. 12. 30	Uruguay	6. 6. 33
Kenya	13. 1. 64	Yugoslavia	1. 4. 27

16. MEDICAL EXAMINATION OF YOUNG PERSONS (SEA) CONVENTION, 1921

This Convention came into force on 20 November 1922

States	Ratification registered on	States	Ratification registered on
Albania	3. 6. 57	Japan	7. 6. 24
Argentina	26. 5. 36	Luxembourg	16. 4. 28
Australia	28. 6. 35	Malaysia (Sabah, Sarawak)	3. 3. 64
Belgium	19. 7. 26	Malta	4. 1. 65
Brazil	8. 6. 36	Mauritius	2. 12. 69
Bulgaria	6. 3. 25	Mexico	9. 3. 38
Burma	20. 11. 22	Netherlands	9. 3. 28
Byelorussia	6. 11. 56	New Zealand	5. 12. 61
Cameroon (Western Cameroon)	3. 9. 62	Nicaragua	12. 4. 34
Canada	31. 3. 26	Nigeria	17. 10. 60
Ceylon	25. 4. 51	Pakistan	20. 11. 22
Chile	18. 10. 35	Poland	21. 6. 24
China	2. 12. 36	Rumania	18. 8. 23
Colombia	20. 6. 33	Sierra Leone	13. 6. 61
Cuba	7. 7. 28	Singapore	25. 10. 65
Cyprus	23. 9. 60	Somalia (ex-Trust Territory)	18. 11. 60
Denmark	23. 4. 38	Southern Yemen (Aden)	14. 4. 69
Finland	10. 10. 25	Spain	20. 6. 24
France	22. 3. 28	Sweden	14. 7. 25
Federal Republic of Germany	11. 6. 29	Switzerland	21. 4. 60
Ghana	20. 5. 57	Tanzania:	
Greece	28. 6. 30	Tanganyika	30. 1. 62
Guinea	12. 12. 66	Zanzibar	22. 6. 64
Hungary	1. 3. 28	Trinidad and Tobago	24. 5. 63
India	20. 11. 22	Ukraine	14. 9. 56
Iraq	19. 4. 66	USSR	10. 8. 56
Ireland	5. 7. 30	United Kingdom	8. 3. 26
Italy	8. 9. 24	Uruguay	6. 6. 33
Jamaica	26. 12. 62	Yugoslavia	1. 4. 27

17. WORKMEN'S COMPENSATION (ACCIDENTS) CONVENTION, 1925

This Convention came into force on 1 April 1927

States	Ratification registered on	States	Ratification registered on
Algeria	19. 10. 62	Mexico	12. 5. 34
Argentina	14. 3. 50	Morocco	20. 9. 56
Austria	21. 8. 36	Netherlands	13. 9. 27
Barbados	8. 5. 67	New Zealand	29. 3. 38
Belgium	3. 10. 27	Nicaragua	12. 4. 34
Bulgaria	5. 9. 29	Panama	3. 6. 58
Burma	16. 2. 56	Philippines	17. 11. 60
Burundi	11. 3. 63	Poland	3. 11. 37
Central African Republic	9. 6. 64	Portugal	27. 3. 29
Chile	8. 10. 31	Rwanda	18. 9. 62
Colombia	20. 6. 33	Sierra Leone	13. 6. 61
Congo (Kinshasa)	20. 9. 60	Somalia (ex-Trust Territory)	18. 11. 60
Cuba	6. 8. 28	Spain	22. 2. 29
Czechoslovakia	12. 6. 50	Sweden ¹	8. 9. 26
Finland	20. 1. 50	Syrian Arab Republic	10. 5. 60
France	17. 5. 48	Tanzania:	
Federal Republic of Germany	14. 6. 55	Tanganyika	30. 1. 62
Greece	13. 6. 52	Zanzibar	22. 6. 64
Guinea	12. 12. 66	Tunisia	15. 5. 57
Haiti	19. 4. 55	Uganda	4. 6. 63
Hungary	19. 4. 28	United Arab Republic	10. 5. 60
Iraq	5. 7. 60	United Kingdom	28. 6. 49
Kenya	13. 1. 64	Upper Volta	30. 6. 69
Luxembourg	16. 4. 28	Uruguay	6. 6. 33
Malaysia (States of Malaya)	11. 11. 57	Yugoslavia	1. 4. 27
Mali	12. 7. 68	Zambia	2. 12. 64
Mauritania	8. 11. 63		
Mauritius	2. 12. 69		

¹ Has denounced this Convention and has ratified Convention No. 121.

18. WORKMEN'S COMPENSATION (OCCUPATIONAL DISEASES) CONVENTION, 1925*This Convention came into force on 1 April 1927*

States	Ratification registered on	States	Ratification registered on
Algeria	19. 10. 62	Japan	8. 10. 28
Argentina	24. 9. 56	Luxembourg	16. 4. 28
Australia	22. 4. 59	Mali	22. 9. 60
Austria	29. 9. 28	Mauritania	20. 6. 61
Belgium	3. 10. 27	Morocco	20. 9. 56
Bulgaria	5. 9. 29	Netherlands ¹	1. 11. 28
Burma	30. 9. 27	Nicaragua	12. 4. 34
Burundi	11. 3. 63	Niger	27. 2. 61
Central African Republic	9. 6. 64	Norway	11. 6. 29
Ceylon	17. 5. 52	Pakistan	30. 9. 27
Chile	31. 5. 33	Poland	3. 11. 37
Colombia	20. 6. 33	Portugal	27. 3. 29
Congo (Kinshasa)	20. 9. 60	Rwanda	18. 9. 62
Cuba	6. 8. 28	Senegal	4. 11. 60
Czechoslovakia	19. 9. 32	Spain	29. 9. 32
Dahomey	12. 12. 60	Sweden ¹	15. 10. 29
Denmark	18. 6. 34	Switzerland	16. 11. 27
Finland	17. 9. 27	Syrian Arab Republic	10. 5. 60
France	13. 8. 31	Tunisia	12. 1. 59
Federal Republic of Germany	18. 9. 28	United Arab Republic	10. 5. 60
Guinea	21. 1. 59	United Kingdom ¹	6. 10. 26
Hungary	19. 4. 28	Upper Volta	21. 11. 60
India	30. 9. 27	Uruguay ¹	6. 6. 33
Iraq	26. 11. 38	Yugoslavia	1. 4. 27
Ireland ¹	25. 11. 27	Zambia	22. 2. 65
Italy	22. 1. 34		
Ivory Coast	21. 11. 60		

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

19. EQUALITY OF TREATMENT (ACCIDENT COMPENSATION) CONVENTION, 1925

This Convention came into force on 8 September 1926

States	Ratification registered on	States	Ratification registered on
Algeria	19. 10. 62	Malagasy Republic	10. 8. 62
Argentina	14. 3. 50	Malawi	22. 3. 65
Australia	12. 6. 59	Malaysia:	
Austria	29. 9. 28	States of Malaya	11. 11. 57
Barbados	8. 5. 67	Sarawak	3. 3. 64
Belgium	3. 10. 27	Mali	17. 8. 64
Bolivia	19. 7. 54	Malta	4. 1. 65
Brazil	25. 4. 57	Mauritania	8. 11. 63
Bulgaria	5. 9. 29	Mauritius	2. 12. 69
Burma	30. 9. 27	Mexico	12. 5. 34
Burundi	11. 3. 63	Morocco	13. 6. 56
Cameroon:		Netherlands	13. 9. 27
Eastern Cameroon	29. 1. 63	Nicaragua	12. 4. 34
Western Cameroon	3. 9. 62	Nigeria	17. 10. 60
Central African Republic	9. 6. 64	Norway	11. 6. 29
Chile	8. 10. 31	Pakistan	30. 9. 27
China	27. 4. 34	Peru	8. 11. 45
Colombia	20. 6. 33	Poland	28. 2. 28
Congo (Kinshasa)	20. 9. 60	Portugal	27. 3. 29
Cuba	6. 8. 28	Rwanda	18. 9. 62
Cyprus	23. 9. 60	Senegal	22. 10. 62
Czechoslovakia	8. 2. 27	Sierra Leone	13. 6. 61
Denmark	31. 3. 28	Singapore	25. 10. 65
Dominican Republic	5. 12. 56	Somalia (ex-Trust Territory)	18. 11. 60
Finland	17. 9. 27	Republic of South Africa	30. 3. 26
France	4. 4. 28	Southern Yemen (Aden)	14. 4. 69
Gabon	13. 6. 61	Spain	22. 2. 29
Federal Republic of Germany	18. 9. 28	Sudan	18. 6. 57
Ghana	20. 5. 57	Sweden	8. 9. 26
Greece	30. 5. 36	Switzerland	1. 2. 29
Guatemala	2. 8. 61	Syrian Arab Republic	26. 7. 60
Guyana	8. 6. 66	Tanzania:	
Haiti	19. 4. 55	Tanganyika	30. 1. 62
Hungary	19. 4. 28	Zanzibar	22. 6. 64
India	30. 9. 27	Thailand	5. 4. 68
Indonesia	12. 6. 50	Trinidad and Tobago	24. 5. 63
Iraq	30. 4. 40	Tunisia	12. 6. 56
Ireland	5. 7. 30	Uganda	4. 6. 63
Israel	5. 5. 58	United Arab Republic	29. 11. 48
Italy	15. 3. 28	United Kingdom	6. 10. 26
Ivory Coast	5. 5. 61	Upper Volta	30. 6. 69
Jamaica	26. 12. 62	Uruguay	6. 6. 33
Japan	8. 10. 28	Venezuela	20. 11. 44
Kenya	13. 1. 64	Yugoslavia	1. 4. 27
Lesotho	31. 10. 66	Zambia	2. 12. 64
Luxembourg	16. 4. 28		

20. NIGHT WORK (BAKERIES) CONVENTION, 1925*This Convention came into force on 26 May 1928*

States	Ratification registered on	States	Ratification registered on
Argentina	17. 2. 55	Luxembourg	16. 4. 28
Bulgaria	5. 9. 29	Nicaragua ¹	12. 4. 34
Chile	31. 5. 33	Peru	4. 4. 62
Colombia	20. 6. 33	Spain	29. 8. 32
Cuba	6. 8. 28	Sweden	5. 1. 40
Finland	26. 5. 28	Uruguay	6. 6. 33
Ireland	15. 3. 37		
Israel	26. 7. 51		

¹ Has denounced this Convention.**21. INSPECTION OF EMIGRANTS CONVENTION, 1926***This Convention came into force on 29 December 1927*

Albania	17. 3. 32	Ireland	5. 7. 30
Argentina	14. 3. 50	Japan	8. 10. 28
Australia	18. 4. 31	Luxembourg	16. 4. 28
Austria	29. 12. 27	Mexico	9. 3. 38
Belgium	15. 2. 28	Netherlands	13. 9. 27
Brazil	18. 6. 65	New Zealand	29. 3. 38
Bulgaria	29. 11. 29	Nicaragua	12. 4. 34
Burma	14. 1. 28	Norway	28. 1. 57
Colombia	20. 6. 33	Pakistan	14. 1. 28
Cuba	7. 9. 54	Sweden	28. 1. 57
Czechoslovakia	25. 5. 28	United Kingdom ¹	16. 9. 27
Denmark	18. 5. 55	Uruguay	6. 6. 33
Finland	5. 4. 29	Venezuela	20. 11. 44
France ¹	13. 1. 32		
Hungary	3. 2. 31		
India	14. 1. 28		

¹ Conditional ratification.

22. SEAMEN'S ARTICLES OF AGREEMENT CONVENTION, 1926

This Convention came into force on 4 April 1928

States	Ratification registered on	States	Ratification registered on
Argentina	14. 3. 50	Luxembourg	16. 4. 28
Australia	1. 4. 35	Malta	4. 1. 65
Barbados	8. 5. 67	Mauritania	8. 11. 63
Belgium	3. 10. 27	Mexico	12. 5. 34
Brazil	18. 6. 65	Morocco	14. 3. 58
Bulgaria	29. 11. 29	Netherlands	15. 12. 37
Burma	31. 10. 32	New Zealand	29. 3. 38
Canada	30. 6. 38	Nicaragua	12. 4. 34
Chile	18. 10. 35	Norway	29. 3. 40
China	2. 12. 36	Pakistan	31. 10. 32
Colombia	20. 6. 33	Peru	4. 4. 62
Cuba	7. 7. 28	Poland	8. 8. 31
Finland	8. 4. 47	Sierra Leone	15. 6. 61
France	4. 4. 28	Singapore	25. 10. 65
Federal Republic of Germany	20. 9. 30	Somalia (ex-Trust Territory)	18. 11. 60
Ghana	18. 3. 65	Spain	23. 2. 31
India	31. 10. 32	United Kingdom	14. 6. 29
Iraq	4. 10. 66	Uruguay	6. 6. 33
Ireland	5. 7. 30	Venezuela	20. 11. 44
Italy	10. 10. 29	Yugoslavia	30. 9. 29
Japan	22. 8. 55		

23. REPATRIATION OF SEAMEN CONVENTION, 1926

This Convention came into force on 16 April 1928

Argentina	14. 3. 50	Mexico	12. 5. 34
Belgium	3. 10. 27	Netherlands	5. 5. 48
Bulgaria	29. 11. 29	Nicaragua	12. 4. 34
China	2. 12. 36	Peru	4. 4. 62
Colombia	20. 6. 33	Philippines	17. 11. 60
Cuba	7. 7. 28	Poland	8. 8. 31
France	4. 3. 29	Somalia (ex-Trust Territory)	18. 11. 60
Federal Republic of Germany	14. 3. 30	Spain	23. 2. 31
Ghana	18. 3. 65	Switzerland	21. 4. 60
Ireland	5. 7. 30	USSR	4. 11. 69
Italy	10. 10. 29	Uruguay	6. 6. 33
Luxembourg	16. 4. 28	Yugoslavia	30. 9. 29
Mauritania	8. 11. 63		

24. SICKNESS INSURANCE (INDUSTRY) CONVENTION, 1927*This Convention came into force on 15 July 1928*

States	Ratification registered on	States	Ratification registered on
Algeria	19. 10. 62	Luxembourg	16. 4. 28
Austria	18. 2. 29	Nicaragua	12. 4. 34
Bulgaria	1. 11. 30	Norway	29. 5. 61
Chile	8. 10. 31	Netherlands	15. 11. 65
Colombia	20. 6. 33	Peru	8. 11. 45
Czechoslovakia	17. 1. 29	Poland	29. 9. 48
Ecuador	5. 2. 62	Rumania	28. 6. 29
France	17. 5. 48	Spain	29. 9. 32
Federal Republic of Germany	23. 1. 28	United Kingdom	20. 2. 31
Haiti	19. 4. 55	Uruguay	6. 6. 33
Hungary	19. 4. 28	Yugoslavia	30. 9. 29

25. SICKNESS INSURANCE (AGRICULTURE) CONVENTION, 1927*This Convention came into force on 15 July 1928*

Austria	18. 2. 29	Norway	29. 5. 61
Bulgaria	1. 11. 30	Netherlands	15. 11. 65
Chile	8. 10. 31	Peru	1. 2. 60
Colombia	20. 6. 33	Poland	29. 9. 48
Czechoslovakia	17. 1. 29	Spain	29. 9. 33
Federal Republic of Germany	23. 1. 28	United Kingdom	20. 2. 32
Haiti	19. 4. 55	Uruguay	6. 6. 32
Luxembourg	16. 4. 28	Yugoslavia	21. 5. 51
Nicaragua	12. 4. 34		

26. MINIMUM WAGE-FIXING MACHINERY CONVENTION, 1928

This Convention came into force on 14 June 1930

States	Ratification registered on	States	Ratification registered on
Argentina	14. 3. 50	Lesotho	31. 10. 66
Australia	9. 3. 31	Luxembourg	3. 3. 58
Barbados	8. 5. 67	Malagasy Republic	1. 11. 60
Belgium	11. 8. 37	Malawi	22. 3. 65
Bolivia	19. 7. 54	Mali	22. 9. 60
Brazil	25. 4. 57	Malta	4. 1. 65
Bulgaria	4. 6. 35	Mauritius	2. 12. 69
Burma	21. 5. 54	Mauritania	20. 6. 61
Burundi	11. 3. 63	Mexico	12. 5. 34
Cameroon:		Morocco	14. 3. 58
Eastern Cameroon	7. 6. 60	Netherlands	10. 11. 36
Western Cameroon	29. 1. 63	New Zealand	29. 3. 38
Canada	25. 4. 35	Nicaragua	12. 4. 34
Central African Republic	27. 10. 60	Niger	27. 2. 61
Chad	10. 11. 60	Nigeria	16. 6. 61
Chile	31. 5. 33	Norway	7. 7. 33
China	5. 5. 30	Paraguay	24. 6. 64
Colombia	20. 6. 33	Peru	4. 4. 62
Congo (Brazzaville)	10. 11. 60	Portugal	10. 11. 59
Congo (Kinshasa)	20. 9. 60	Rwanda	18. 9. 62
Cuba	24. 2. 36	Senegal	4. 11. 60
Czechoslovakia	12. 6. 50	Sierra Leone	15. 6. 61
Dahomey	12. 12. 60	Republic of South Africa	28. 12. 32
Dominican Republic	5. 12. 56	Spain	8. 4. 30
Ecuador	6. 7. 54	Sudan	18. 6. 57
France	18. 9. 30	Switzerland	7. 5. 47
Gabon	14. 10. 60	Syrian Arab Republic	10. 5. 60
Federal Republic of Germany	30. 5. 29	Tanzania:	
Ghana	2. 7. 59	Tanganyika	19. 11. 62
Guatemala	4. 5. 61	Zanzibar	22. 6. 64
Guinea	21. 1. 59	Togo	7. 6. 60
Guyana	8. 6. 66	Tunisia	15. 5. 57
Hungary	30. 7. 32	Uganda	4. 6. 63
India	10. 1. 55	United Arab Republic	10. 5. 60
Iraq	26. 11. 62	United Kingdom	14. 6. 29
Ireland	3. 6. 30	Upper Volta	21. 11. 60
Italy	9. 9. 30	Uruguay	6. 6. 33
Ivory Coast	21. 11. 60	Venezuela	20. 11. 44
Jamaica	8. 7. 63	Viet-Nam	14. 6. 55
Kenya	13. 1. 64	Zambia	2. 12. 64
Lebanon	26. 7. 62		

27. MARKING OF WEIGHT (PACKAGES TRANSPORTED BY VESSELS) CONVENTION, 1929*This Convention came into force on 9 March 1932*

States	Ratification registered on	States	Ratification registered on
Argentina	14. 3. 50	Italy	18. 7. 33
Australia	9. 3. 31	Japan	16. 3. 31
Austria	16. 8. 35	Luxembourg	1. 4. 31
Belgium	6. 6. 34	Mexico	12. 5. 34
Bulgaria	4. 6. 35	Morocco	20. 9. 56
Burma	7. 9. 31	Netherlands	4. 1. 33
Burundi	11. 3. 63	Nicaragua	12. 4. 34
Byelorussia	11. 3. 70	Norway	1. 7. 32
Canada	30. 6. 38	Pakistan	7. 9. 31
Chile	31. 5. 33	Peru	4. 4. 62
China	24. 6. 31	Poland	18. 6. 32
Congo (Kinshasa)	20. 9. 60	Portugal	1. 3. 32
Cuba	7. 9. 54	Rumania	7. 12. 32
Czechoslovakia	26. 3. 34	Republic of South Africa ¹	21. 2. 33
Denmark ¹	18. 1. 33	Spain	29. 8. 32
Finland	8. 8. 32	Sweden	11. 4. 32
France	29. 7. 35	Switzerland	8. 11. 34
Federal Republic of Germany	5. 7. 33	USSR	4. 11. 69
Greece	30. 5. 36	Uruguay	6. 6. 33
Hungary	6. 12. 37	Venezuela	17. 12. 32
India	7. 9. 31	Viet-Nam	6. 6. 53
Indonesia	12. 6. 50	Yugoslavia	22. 4. 33
Iraq	21. 11. 66		
Ireland	5. 7. 30		

¹ Conditional ratification.**28. PROTECTION AGAINST ACCIDENTS (DOCKERS) CONVENTION, 1929***This Convention came into force on 1 April 1932*

Ireland	5. 7. 30	Spain ¹	29. 8. 32
Luxembourg	1. 4. 31		
Nicaragua	12. 4. 34		

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

29. FORCED LABOUR CONVENTION, 1930

This Convention came into force on 1 May 1932

States	Ratification registered on	States	Ratification registered on
Albania	25. 6. 57	Laos	23. 1. 64
Algeria	19. 10. 62	Lesotho	31. 10. 66
Argentina	14. 3. 50	Liberia	1. 5. 31
Australia	2. 1. 32	Libya	13. 6. 61
Austria	7. 6. 60	Luxembourg	24. 7. 64
Barbados	8. 5. 67	Malagasy Republic	1. 11. 60
Belgium	20. 1. 44	Malaysia:	
Brazil	25. 4. 57	States of Malaya	11. 11. 57
Bulgaria	22. 9. 32	Sabah, Sarawak	3. 3. 64
Burma	4. 3. 55	Mali	22. 9. 60
Burundi	11. 3. 63	Malta	4. 1. 65
Byelorussia	21. 8. 56	Mauritania	20. 6. 61
Cambodia	24. 2. 69	Mauritius	2. 12. 69
Cameroon:		Mexico	12. 5. 34
Eastern Cameroon	7. 6. 60	Morocco	20. 5. 57
Western Cameroon	3. 9. 62	Netherlands	31. 3. 33
Central African Republic	27. 10. 60	New Zealand	29. 3. 38
Ceylon	5. 4. 50	Nicaragua	12. 4. 34
Chad	10. 11. 60	Niger	27. 2. 61
Chile	31. 5. 33	Nigeria	17. 10. 60
Colombia	4. 3. 69	Norway	1. 7. 32
Congo (Brazzaville)	10. 11. 60	Pakistan	23. 12. 57
Congo (Kinshasa)	20. 9. 60	Panama	16. 5. 66
Costa Rica	2. 6. 60	Paraguay	28. 8. 67
Cuba	20. 7. 53	Peru	1. 2. 60
Cyprus	23. 9. 60	Poland	30. 7. 58
Czechoslovakia	30. 10. 57	Portugal	26. 6. 56
Dahomey	12. 12. 60	Rumania	28. 5. 57
Denmark	11. 2. 32	Senegal	4. 11. 60
Dominican Republic	5. 12. 56	Sierra Leone	13. 6. 61
Ecuador	6. 7. 54	Singapore	25. 10. 65
Finland	13. 1. 36	Somalia	18. 11. 60
France	24. 6. 37	Southern Yemen (Aden)	14. 4. 69
Gabon	14. 10. 60	Spain	29. 8. 32
Federal Republic of Germany	13. 6. 56	Sudan	18. 6. 57
Ghana	20. 5. 57	Sweden	22. 12. 31
Greece	13. 6. 52	Switzerland	23. 5. 40
Guinea	21. 1. 59	Syrian Arab Republic	26. 7. 60
Guyana	8. 6. 66	Tanzania:	
Haiti	4. 3. 58	Tanganyika	30. 1. 62
Honduras	21. 2. 57	Zanzibar	22. 6. 64
Hungary	8. 6. 56	Thailand	26. 2. 69
Iceland	17. 2. 58	Togo	7. 6. 60
India	30. 11. 54	Trinidad and Tobago	24. 5. 63
Indonesia	12. 6. 50	Tunisia	17. 12. 62
Iran	10. 6. 57	Uganda	4. 6. 63
Iraq	27. 11. 62	Ukraine	10. 8. 56
Ireland	2. 3. 31	USSR	23. 6. 56
Israel	7. 6. 55	United Arab Republic	29. 11. 55
Italy	18. 6. 34	United Kingdom	3. 6. 31
Ivory Coast	21. 11. 60	Upper Volta	21. 11. 60
Jamaica	26. 12. 62	Venezuela	20. 11. 44
Japan	21. 11. 32	Viet-Nam	6. 6. 53
Jordan	6. 6. 66	Yugoslavia	4. 3. 33
Kenya	13. 1. 64	Zambia	2. 12. 64
Kuwait	23. 9. 68		

30. HOURS OF WORK (COMMERCE AND OFFICES) CONVENTION, 1930*This Convention came into force on 29 August 1933*

States	Ratification registered on	States	Ratification registered on
Argentina	14. 3. 50	Mexico	12. 5. 34
Austria ¹	16. 2. 33	New Zealand	29. 3. 38
Bulgaria	22. 6. 32	Nicaragua	12. 4. 34
Chile	18. 10. 35	Norway	29. 6. 53
Colombia	4. 3. 69	Panama	16. 2. 59
Cuba	24. 2. 36	Paraguay	21. 3. 66
Finland	13. 1. 36	Spain	29. 8. 32
Guatemala	4. 8. 61	Syrian Arab Republic	10. 5. 60
Haiti	31. 3. 52	United Arab Republic	10. 5. 60
Iraq	26. 11. 62	Uruguay	6. 6. 33
Israel	26. 6. 51		
Kuwait	21. 9. 61		
Luxembourg	3. 3. 58		

¹ Conditional ratification.**31. HOURS OF WORK (COAL MINES) CONVENTION, 1931***This Convention has not come into force*

Argentina	24. 9. 56	Spain	29. 8. 32
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32. PROTECTION AGAINST ACCIDENTS (DOCKERS) CONVENTION (REVISED), 1932*This Convention came into force on 30 October 1934*

Algeria	19. 10. 62	Mauritius	2. 12. 69
Argentina	14. 3. 50	Mexico	12. 5. 34
Belgium	2. 7. 52	Netherlands	25. 8. 64
Byelorussia	11. 3. 70	New Zealand	29. 3. 38
Bulgaria	29. 12. 49	Nigeria	16. 6. 61
Canada	6. 4. 46	Norway	23. 6. 56
Chile	18. 10. 35	Pakistan	10. 2. 47
China	30. 11. 35	Peru	4. 4. 62
Cuba	7. 9. 54	Sierra Leone	15. 6. 61
Finland	23. 8. 49	Singapore	25. 10. 65
France	27. 5. 55	Spain	28. 7. 34
Honduras	17. 11. 64	Sweden	3. 8. 38
India	10. 2. 47	Tanzania (Tanganyika)	19. 11. 62
Italy	30. 10. 33	United Kingdom	10. 1. 35
Kenya	13. 1. 64	USSR	4. 11. 69
Malta	4. 1. 65	Uruguay	6. 6. 33

33. MINIMUM AGE (NON-INDUSTRIAL EMPLOYMENT) CONVENTION, 1932*This Convention came into force on 6 June 1935*

States	Ratification registered on	States	Ratification registered on
Argentina	14. 3. 50	Malagasy Republic	1. 11. 60
Austria	26. 2. 36	Mali	22. 9. 60
Belgium	6. 6. 34	Mauritania	20. 6. 61
Cameroon (Eastern Cameroon)	7. 6. 60	Netherlands	12. 7. 35
Central African Republic	27. 10. 60	Niger	27. 2. 61
Chad	10. 11. 60	Senegal	4. 11. 60
Congo (Brazzaville)	10. 11. 60	Spain	22. 6. 34
Cuba ¹	24. 2. 36	Togo	7. 6. 60
Dahomey	12. 12. 60	Upper Volta	21. 11. 60
France	29. 4. 39	Uruguay ¹	6. 6. 33
Gabon	14. 10. 60		
Guinea	21. 1. 59		
Ivory Coast	21. 11. 60		

¹ Convention denounced as a result of the ratification of Convention No. 60.**34. FEE-CHARGING EMPLOYMENT AGENCIES CONVENTION, 1933***This Convention came into force on 18 October 1936*

Argentina	14. 3. 50	Norway ¹	4. 7. 49
Bulgaria	29. 12. 49	Spain	27. 4. 35
Chile	18. 10. 35	Sweden ¹	1. 1. 36
Czechoslovakia	12. 6. 50	Turkey ¹	27. 12. 46
Finland ¹	13. 1. 36		
Mexico	21. 2. 38		

¹ Convention denounced as a result of the ratification of Convention No. 96.**35. OLD-AGE INSURANCE (INDUSTRY, ETC.) CONVENTION, 1933***This Convention came into force on 18 July 1937*

Argentina	17. 2. 55	Italy	22. 10. 47
Bulgaria	29. 12. 49	Malta	4. 1. 65
Chile	18. 10. 35	Peru	8. 11. 45
Czechoslovakia	1. 7. 49	Poland	29. 9. 48
Ecuador	5. 2. 62	United Kingdom	18. 7. 36
France	23. 8. 39		

36. OLD-AGE INSURANCE (AGRICULTURE) CONVENTION, 1933*This Convention came into force on 18 July 1937*

Argentina	17. 2. 55	Italy	22. 10. 47
Bulgaria	29. 12. 49	Malta	4. 1. 65
Chile	18. 10. 35	Peru	1. 2. 60
Czechoslovakia	1. 7. 49	Poland	29. 9. 48
France	23. 8. 39	United Kingdom	18. 7. 36

37. INVALIDITY INSURANCE (INDUSTRY, ETC.) CONVENTION, 1933*This Convention came into force on 18 July 1937*

States	Ratification registered on	States	Ratification registered on
Bulgaria	29. 12. 49	Italy	22. 10. 47
Chile	18. 10. 35	Peru	8. 11. 45
Czechoslovakia	1. 7. 49	Poland	29. 9. 48
Ecuador	5. 2. 62	United Kingdom	18. 7. 36
France	23. 8. 39		

38. INVALIDITY INSURANCE (AGRICULTURE) CONVENTION, 1933*This Convention came into force on 18 July 1937*

Bulgaria	29. 12. 49	Italy	22. 10. 47
Chile	18. 10. 35	Peru	1. 2. 60
Czechoslovakia	1. 7. 49	Poland	29. 9. 48
France	23. 8. 39	United Kingdom	18. 7. 36

39. SURVIVORS' INSURANCE (INDUSTRY, ETC.) CONVENTION, 1933*This Convention came into force on 8 November 1946*

Bulgaria	29. 12. 49	Peru	8. 11. 45
Czechoslovakia	1. 7. 49	Poland	29. 9. 48
Ecuador	5. 2. 62	United Kingdom	18. 7. 36
Italy	22. 10. 52		

40. SURVIVORS' INSURANCE (AGRICULTURE) CONVENTION, 1933*This Convention came into force on 29 September 1949*

Bulgaria	29. 12. 49	Peru	1. 2. 60
Czechoslovakia	1. 7. 49	Poland	29. 9. 48
Italy	22. 10. 52	United Kingdom	18. 7. 36

41. NIGHT WORK (WOMEN) CONVENTION (REVISED), 1934*This Convention came into force on 22 November 1936*

States	Ratification registered on	States	Ratification registered on
Afghanistan	12. 6. 39	Mali	22. 9. 60
Argentina	14. 3. 50	Mauritania ¹	20. 6. 61
Belgium ¹	4. 8. 37	Morocco	13. 6. 56
Brazil ¹	8. 6. 36	Netherlands ¹	9. 12. 35
Burma ¹	22. 11. 35	New Zealand ¹	29. 3. 38
Central African Republic	27. 10. 60	Niger	27. 2. 61
Ceylon ¹	2. 9. 50	Pakistan ¹	22. 11. 35
Chad	10. 11. 60	Peru	8. 11. 45
Congo (Brazzaville)	10. 11. 60	Senegal ¹	4. 11. 60
Dahomey	12. 12. 60	Republic of South Africa ¹	28. 5. 35
France ¹	25. 1. 38	Switzerland ¹	4. 6. 36
Gabon	14. 10. 60	Togo	7. 6. 60
Greece ¹	30. 5. 36	United Arab Republic ¹	11. 7. 47
Guinea ¹	21. 1. 59	United Kingdom ²	25. 1. 37
Hungary	18. 12. 36	Upper Volta	21. 11. 60
India ¹	22. 11. 35	Venezuela	20. 11. 44
Iraq ¹	28. 3. 38		
Ireland ¹	15. 3. 37		
Ivory Coast	21. 11. 60		
Malagasy Republic	1. 11. 60		

¹ Convention denounced as a result of the ratification of Convention No. 89.² Has denounced this Convention.**42. WORKMEN'S COMPENSATION (OCCUPATIONAL DISEASES) CONVENTION (REVISED), 1934***This Convention came into force on 17 June 1936*

Algeria	19. 10. 62	Iraq	25. 7. 41
Argentina	14. 3. 50	Ireland	15. 3. 37
Australia	29. 4. 59	Italy	22. 10. 52
Austria	26. 2. 36	Japan	6. 6. 36
Barbados	8. 5. 67	Luxembourg	3. 3. 58
Belgium	3. 8. 49	Malta	4. 1. 65
Bolivia	19. 7. 54	Mauritius	2. 12. 69
Brazil	8. 6. 36	Mexico	20. 5. 37
Bulgaria	29. 12. 49	Morocco	20. 5. 57
Burma	17. 5. 57	Netherlands ¹	1. 9. 39
Burundi	11. 3. 63	New Zealand	29. 3. 38
Congo (Kinshasa) ¹	20. 9. 60	Norway	21. 5. 35
Cuba	22. 10. 36	Panama	16. 2. 59
Czechoslovakia	1. 7. 49	Poland	29. 9. 48
Denmark	22. 6. 39	Rwanda	18. 9. 62
Finland ¹	20. 1. 50	Republic of South Africa	26. 2. 52
France	17. 5. 48	Spain	24. 6. 58
Federal Republic of Germany	17. 6. 55	Sweden	24. 2. 37
Greece	13. 6. 52	Turkey	27. 12. 46
Guyana	8. 6. 66	United Kingdom	29. 4. 36
Haiti	19. 4. 55	Uruguay	18. 3. 54
Honduras	17. 11. 64		
Hungary	17. 6. 35		
India	13. 1. 64		

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

43. SHEET-GLASS WORKS CONVENTION, 1934*This Convention came into force on 13 January 1938*

States	Ratification registered on	States	Ratification registered on
Belgium	4. 8. 37	Mexico	9. 3. 38
Bulgaria	29. 12. 49	Norway	21. 5. 35
Czechoslovakia	19. 9. 38	United Kingdom ¹	13. 1. 37
France	5. 2. 38	Uruguay	18. 3. 54
Ireland	15. 5. 39		

¹ Has denounced this Convention.**44. UNEMPLOYMENT PROVISION CONVENTION, 1934***This Convention came into force on 10 June 1938*

Algeria	19. 10. 62	Netherlands	17. 1. 66
Bulgaria	29. 12. 49	New Zealand	29. 3. 38
Cyprus	8. 10. 65	Norway	20. 5. 57
Czechoslovakia	12. 6. 50	Peru	4. 4. 62
France	21. 2. 49	Switzerland	14. 6. 39
Ireland	10. 6. 37	United Kingdom	29. 4. 36
Italy	22. 10. 52		

45. UNDERGROUND WORK (WOMEN) CONVENTION, 1935*This Convention came into force on 30 May 1937*

States	Ratification registered on	States	Ratification registered on
Afghanistan	14. 5. 37	Kenya	13. 1. 64
Argentina	14. 3. 50	Lebanon	26. 7. 62
Australia	7. 10. 53	Lesotho	31. 10. 66
Austria	3. 7. 37	Luxembourg	3. 3. 58
Belgium	4. 8. 37	Malawi	22. 3. 65
Brazil	22. 9. 38	Malaysia (States of Malaya)	11. 11. 57
Bulgaria	29. 12. 49	Mexico	21. 2. 38
Byelorussia	4. 8. 61	Morocco	20. 9. 56
Cameroon:		Netherlands	20. 2. 37
Eastern Cameroon	29. 1. 63	New Zealand	29. 3. 38
Western Cameroon	3. 9. 62	Nigeria	17. 10. 60
Canada	16. 9. 66	Pakistan	25. 3. 38
Ceylon	20. 12. 50	Panama	16. 2. 59
Chile	16. 3. 46	Peru	8. 11. 45
China	2. 12. 36	Poland	15. 6. 57
Costa Rica	22. 3. 60	Portugal	18. 10. 37
Cuba	14. 4. 36	Sierra Leone	13. 6. 61
Cyprus	23. 9. 60	Singapore	25. 10. 65
Czechoslovakia	12. 6. 50	Somalia (ex-Trust Territory)	18. 11. 60
Dominican Republic	12. 8. 57	Republic of South Africa	25. 6. 36
Ecuador	6. 7. 54	Spain	24. 6. 58
Finland	3. 3. 38	Sweden ¹	11. 7. 36
France	25. 1. 38	Switzerland	23. 5. 40
Gabon	13. 6. 61	Syrian Arab Republic	26. 7. 60
Federal Republic of Germany	15. 11. 54	Tanzania (Tanganyika)	30. 1. 62
Ghana	20. 5. 57	Tunisia	15. 5. 57
Greece	30. 5. 36	Turkey	21. 4. 38
Guatemala	7. 3. 60	Uganda	4. 6. 63
Guinea	12. 12. 66	Ukraine	4. 8. 61
Guyana	8. 6. 66	USSR	4. 5. 61
Haiti	5. 4. 60	United Arab Republic	11. 7. 47
Honduras	20. 6. 60	United Kingdom	18. 7. 36
Hungary	19. 12. 38	Uruguay	18. 3. 54
India	25. 3. 38	Venezuela	20. 11. 44
Indonesia	12. 6. 50	Viet-Nam	6. 6. 53
Ireland	20. 8. 36	Yugoslavia	21. 5. 52
Italy	22. 10. 52	Zambia	2. 12. 64
Ivory Coast	5. 5. 61		
Japan	11. 6. 56		

¹ Has denounced this Convention.**46. HOURS OF WORK (COAL MINES) CONVENTION (REVISED), 1935***This Convention has not yet come into force*

Cuba	14. 4. 36	Mexico	1. 9. 39
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47. FORTY-HOUR WEEK CONVENTION, 1935*This Convention came into force on 23 June 1957*

States	Ratification registered on	States	Ratification registered on
Byelorussia	21. 8. 56	Ukraine	10. 8. 56
New Zealand	29. 3. 38	USSR	23. 6. 56

48. MAINTENANCE OF MIGRANTS' PENSION RIGHTS CONVENTION, 1935*This Convention came into force on 10 August 1938*

Czechoslovakia ¹	12. 6. 50	Poland	21. 3. 38
Hungary	10. 8. 37	Spain	8. 7. 37
Israel	16. 1. 63	Yugoslavia	4. 1. 46
Italy	22. 10. 52		
Netherlands	6. 10. 38		

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*

Bulgaria	29. 12. 49	Mexico	21. 2. 38
Czechoslovakia	19. 9. 38	New Zealand	29. 3. 38
France	25. 1. 38	Norway	21. 7. 36
Ireland	10. 6. 37		

50. RECRUITING OF INDIGENOUS WORKERS CONVENTION, 1936*This Convention came into force on 8 September 1939*

Argentina	14. 3. 50	Mauritius	2. 12. 69
Belgium	26. 7. 48	New Zealand	8. 7. 47
Barbados	8. 5. 67	Nigeria	17. 10. 60
Burundi	11. 3. 63	Norway	7. 7. 37
Cameroon (Western Cameroon)	3. 9. 62	Rwanda	18. 9. 62
Congo (Kinshasa)	20. 9. 60	Sierra Leone	13. 6. 61
Ghana	20. 5. 57	Singapore	25. 10. 65
Guyana	8. 6. 66	Somalia (ex-British Somaliland)	18. 11. 60
Jamaica	26. 12. 62	Tanzania:	
Japan	8. 9. 38	Tanganyika	30. 1. 62
Kenya	13. 1. 64	Zanzibar	22. 6. 64
Malawi	7. 6. 66	Trinidad and Tobago	24. 5. 63
Malaysia:		Uganda	4. 6. 63
States of Malaya	11. 11. 57	United Kingdom	22. 5. 39
Sabah, Sarawak	3. 3. 64	Zambia	2. 12. 64

52. HOLIDAYS WITH PAY CONVENTION, 1936*This Convention came into force on 22 September 1939*

States	Ratification registered on	States	Ratification registered on
Albania	3. 6. 57	Kuwait	21. 9. 61
Argentina	14. 3. 50	Lebanon	26. 7. 62
Brazil	22. 9. 38	Libya	20. 6. 62
Bulgaria	29. 12. 49	Malagasy Republic	10. 8. 62
Burma	21. 5. 54	Mali	12. 7. 68
Byelorussia	6. 11. 56	Mauritania	8. 11. 63
Central African Republic	9. 6. 64	Mexico	9. 3. 38
Chad	8. 6. 61	Morocco	20. 9. 56
Colombia	7. 6. 63	New Zealand	10. 11. 50
Cuba	20. 7. 53	Panama	3. 6. 58
Czechoslovakia	12. 6. 50	Paraguay	21. 3. 66
Denmark	22. 6. 39	Peru	1. 2. 60
Dominican Republic	5. 12. 56	Senegal	22. 10. 62
Finland	23. 8. 49	Syrian Arab Republic	26. 7. 60
France	23. 8. 39	Tunisia	15. 5. 57
Gabon	13. 6. 61	Ukraine	14. 9. 56
Greece	13. 6. 52	USSR	10. 8. 56
Guinea	12. 12. 66	United Arab Republic	3. 7. 54
Hungary	8. 6. 56	Upper Volta	30. 6. 69
Iraq	12. 5. 60	Uruguay	18. 3. 54
Israel	22. 8. 51	Viet-Nam	6. 6. 53
Italy	22. 10. 52	Yugoslavia	26. 3. 53
Ivory Coast	5. 5. 61		

53. OFFICERS' COMPETENCY CERTIFICATES CONVENTION, 1936*This Convention came into force on 29 March 1939*

Argentina	17. 2. 55	Mauritania	8. 11. 63
Belgium	11. 4. 38	Mexico	1. 9. 39
Brazil	12. 10. 38	New Zealand	29. 3. 38
Bulgaria	29. 12. 49	Norway	7. 7. 37
China	10. 12. 64	Peru	4. 4. 62
Denmark	13. 7. 38	Philippines	17. 11. 60
Finland	8. 4. 47	Syrian Arab Republic	26. 7. 60
France	19. 6. 47	United Arab Republic	20. 5. 39
Israel	19. 6. 69	United States	29. 10. 38
Italy	22. 10. 52	Yugoslavia	26. 5. 61
Liberia	9. 5. 60		

54. HOLIDAYS WITH PAY (SEA) CONVENTION, 1936*This Convention has not come into force*

Belgium ¹	11. 4. 38	United States	29. 10. 38
Bulgaria	29. 12. 49	Uruguay	18. 3. 54
France ¹	19. 6. 47		
Mexico	12. 6. 42		

¹ Convention denounced as a result of the ratification of Convention No. 91.

55. SHIPOWNERS' LIABILITY (SICK AND INJURED SEAMEN) CONVENTION, 1936*This Convention came into force on 29 October 1939*

States	Ratification registered on	States	Ratification registered on
Belgium	11. 4. 38	Liberia	9. 5. 60
Bulgaria	29. 12. 49	Mexico	15. 9. 39
France	19. 6. 47	Morocco	14. 3. 58
Greece	19. 6. 68	Peru	4. 4. 62
Italy	22. 10. 52	United States	29. 10. 38

56. SICKNESS INSURANCE (SEA) CONVENTION, 1936*This Convention came into force on 9 December 1949*

Algeria	19. 10. 62	Norway	6. 6. 66
Belgium	3. 8. 49	Peru	4. 4. 62
Bulgaria	29. 12. 49	United Kingdom	30. 9. 44
France	9. 12. 48	Yugoslavia	13. 10. 58
Federal Republic of Germany	12. 12. 56		

57. HOURS OF WORK AND MANNING (SEA) CONVENTION, 1936*This Convention has not come into force*

Australia	24. 9. 38	Sweden ¹	6. 1. 39
Belgium	11. 4. 38	United States	29. 10. 38
Bulgaria	29. 12. 49		

¹ Conditional ratification.

58. MINIMUM AGE (SEA) CONVENTION (REVISED), 1936*This Convention came into force on 11 April 1939*

States	Ratification registered on	States	Ratification registered on
Albania	3. 6. 57	Kenya	13. 1. 64
Algeria	19. 10. 62	Liberia	9. 5. 60
Argentina	17. 2. 55	Mauritania	8. 11. 63
Belgium	11. 4. 38	Mauritius	2. 12. 69
Brazil	12. 10. 38	Mexico	18. 7. 52
Bulgaria	29. 12. 49	Netherlands	8. 7. 47
Byelorussia	6. 11. 56	New Zealand	7. 6. 46
Canada	10. 9. 51	Nigeria	16. 6. 61
Ceylon	18. 5. 59	Norway	7. 7. 37
China	10. 12. 64	Peru	4. 4. 62
Cuba	20. 7. 53	Sierra Leone	13. 6. 61
Denmark	4. 6. 55	Southern Yemen (Aden)	14. 4. 69
France	9. 12. 48	Sweden	6. 1. 39
Ghana	20. 5. 57	Switzerland	21. 4. 60
Greece	9. 10. 63	Tanzania (Zanzibar)	22. 6. 64
Guatemala	30. 10. 61	Turkey	29. 9. 59
Iceland	21. 8. 56	Ukraine	14. 9. 56
Iraq	30. 12. 39	USSR	10. 8. 56
Italy	22. 10. 52	United States	29. 10. 38
Jamaica	26. 12. 62	Uruguay	18. 3. 54
Japan	22. 8. 55	Yugoslavia	5. 5. 58

59. MINIMUM AGE (INDUSTRY) CONVENTION (REVISED), 1937*This Convention came into force on 21 February 1941*

Albania	3. 6. 57	Norway	26. 8. 38
Bulgaria	22. 7. 60	Pakistan	26. 5. 55
Byelorussia	6. 11. 56	Paraguay	21. 3. 66
China	21. 2. 40	Peru	4. 4. 62
Cuba	7. 9. 54	Philippines	17. 11. 60
Ghana	20. 5. 57	Sierra Leone	15. 6. 61
Iraq	5. 7. 60	Southern Yemen (Aden)	14. 4. 69
Italy	22. 10. 52	Tanzania:	
Kenya	13. 1. 64	Tanganyika	30. 1. 62
Luxembourg	3. 3. 58	Zanzibar	22. 6. 64
Mauritius	2. 12. 69	Ukraine	14. 9. 56
Mongolia	3. 6. 69	USSR	10. 8. 56
New Zealand	8. 7. 47	Uruguay	18. 3. 54
Nigeria	16. 6. 61		

60. MINIMUM AGE (NON-INDUSTRIAL EMPLOYMENT) CONVENTION (REVISED), 1937*This Convention came into force on 29 December 1950*

States	Ratification registered on	States	Ratification registered on
Bulgaria	29. 12. 49	Paraguay	21. 3. 66
Byelorussia	6. 11. 56	Ukraine	14. 9. 56
Cuba	7. 9. 54	USSR	10. 8. 56
Italy	22. 10. 52	Uruguay	18. 3. 54
Luxembourg	3. 3. 58		
New Zealand ¹	8. 7. 47		

¹ Has denounced this Convention.**62. SAFETY PROVISIONS (BUILDING) CONVENTION, 1937***This Convention came into force on 4 July 1942*

Algeria	19. 10. 62	Hungary	8. 6. 56
Belgium	3. 10. 51	Mauritania	8. 11. 63
Bulgaria	29. 12. 49	Mexico	4. 7. 41
Burundi	11. 3. 63	Netherlands	2. 5. 50
Central African Republic	9. 6. 64	Peru	4. 4. 62
Colombia	4. 3. 69	Poland	17. 4. 50
Congo (Kinshasa)	20. 9. 60	Rwanda	18. 9. 62
Finland	8. 4. 47	Spain	24. 6. 58
France	16. 12. 50	Switzerland	23. 5. 40
Federal Republic of Germany	14. 6. 55	Tunisia	12. 1. 59
Guinea	12. 12. 66	Uruguay	18. 3. 54
Honduras	17. 11. 64		

63. CONVENTION CONCERNING STATISTICS OF WAGES AND HOURS OF WORK, 1938*This Convention came into force on 22 June 1940*

Algeria	19. 10. 62	Mexico	16. 7. 42
Australia ¹	5. 9. 39	Netherlands	9. 3. 40
Austria ^{1, 2}	26. 11. 58	New Zealand ¹	18. 1. 40
Barbados ²	8. 5. 67	Norway ²	29. 3. 40
Burma ^{2, 3}	24. 11. 61	Republic of South Africa ^{1, 2}	8. 8. 39
Canada	6. 4. 46	Sweden ²	21. 6. 39
Ceylon ²	25. 8. 52	Switzerland ^{2, 3}	23. 5. 40
Chile ²	10. 5. 57	Syrian Arab Republic ^{2, 3}	26. 7. 60
Cuba	7. 9. 54	Tanzania:	
Czechoslovakia	12. 6. 50	Tanganyika ¹	19. 11. 62
Denmark ²	22. 6. 39	Zanzibar	22. 6. 64
Finland ²	8. 4. 47	United Arab Republic ^{2, 3}	5. 10. 40
France	28. 6. 51	United Kingdom	26. 5. 47
Federal Republic of Germany	22. 6. 54	Uruguay	18. 3. 54
Guatemala	4. 8. 61		
Ireland	9. 10. 46		
Kenya	13. 1. 64		
Mauritius ¹	2. 12. 69		

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

64. CONTRACTS OF EMPLOYMENT (INDIGENOUS WORKERS) CONVENTION, 1939

This Convention came into force on 8 July 1948

States	Ratification registered on	States	Ratification registered on
Belgium	26. 7. 48	New Zealand	8. 7. 47
Burundi	11. 3. 63	Nigeria	17. 10. 60
Cameroon (Western Cameroon)	3. 9. 62	Rwanda	18. 9. 62
Congo (Kinshasa)	20. 9. 60	Sierra Leone	13. 6. 61
Ghana	20. 5. 57	Singapore	25. 10. 65
Guyana	8. 6. 66	Somalia (ex-British Somaliland)	18. 11. 60
Jamaica	26. 12. 62	Southern Yemen (Aden)	14. 4. 69
Kenya	13. 1. 64	Tanzania:	
Lesotho	31. 10. 66	Tanganyika	30. 1. 62
Malawi	7. 6. 66	Zanzibar	22. 6. 64
Malaysia:		Uganda	4. 6. 63
States of Malaya	11. 11. 57	United Kingdom	24. 8. 43
Sabah, Sarawak	3. 3. 64	Zambia	2. 12. 64
Mauritius	2. 12. 69		

65. PENAL SANCTIONS (INDIGENOUS WORKERS) CONVENTION, 1939

This Convention came into force on 8 July 1948

Barbados	8. 5. 67	New Zealand	8. 7. 47
Cameroon (Western Cameroon)	3. 9. 62	Niger	23. 3. 62
Ghana	20. 5. 57	Nigeria	17. 10. 60
Guatemala	4. 8. 61	Sierra Leone	13. 6. 61
Guyana	8. 6. 66	Singapore	25. 10. 65
Jamaica	26. 12. 62	Somalia	18. 11. 60
Kenya	13. 1. 64	Southern Yemen (Aden)	14. 4. 69
Lesotho	31. 10. 66	Tanzania:	
Liberia	25. 5. 62	Tanganyika	30. 1. 62
Malawi	22. 3. 65	Zanzibar	22. 6. 64
Malaysia:		Trinidad and Tobago	24. 5. 63
States of Malaya	11. 11. 57	Tunisia	17. 12. 62
Sabah, Sarawak	3. 3. 64	Uganda	4. 6. 63
Mauritius	2. 12. 69	United Kingdom	24. 8. 43
Morocco	27. 3. 63	Zambia	2. 12. 64

67. HOURS OF WORK AND REST PERIODS (ROAD TRANSPORT) CONVENTION, 1939

This Convention came into force on 18 March 1955

Central African Republic	9. 6. 64	Peru	4. 4. 62
Cuba	20. 7. 53	Uruguay	18. 3. 54

68. FOOD AND CATERING (SHIPS' CREWS) CONVENTION, 1946*This Convention came into force on 24 March 1957*

States	Ratification registered on	States	Ratification registered on
Algeria	19. 10. 62	Italy	22. 10. 52
Argentina	24. 9. 56	Netherlands	17. 6. 58
Belgium	5. 12. 51	Norway	28. 1. 57
Bulgaria	29. 12. 49	Peru	4. 4. 62
Canada	19. 3. 51	Poland	13. 4. 54
France	9. 12. 48	Portugal	13. 6. 52
Ireland	12. 6. 56	United Kingdom	6. 8. 53

69. CERTIFICATION OF SHIPS' COOKS CONVENTION, 1946*This Convention came into force on 22 April 1953*

Algeria	19. 10. 62	Netherlands	23. 2. 51
Belgium	5. 12. 51	Norway	6. 3. 52
Bulgaria	29. 12. 49	Peru	4. 4. 62
Canada	19. 3. 51	Poland	13. 4. 54
France	9. 12. 48	Portugal	13. 6. 52
Ghana	18. 3. 65	USSR	4. 11. 69
Greece	9. 10. 63	United Kingdom	29. 7. 49
Ireland	16. 6. 51	Yugoslavia	6. 3. 61
Italy	22. 10. 52		

70. SOCIAL SECURITY (SEAFARERS) CONVENTION, 1946*This Convention has not yet come into force*

Algeria	19. 10. 62	Peru	4. 4. 62
France	9. 12. 48	Poland	8. 10. 56
Netherlands	22. 12. 61	United Kingdom	20. 5. 53

71. SEAFARERS' PENSIONS CONVENTION, 1946*This Convention came into force on 10 October 1962*

Algeria	19. 10. 62	Italy	10. 4. 62
Argentina	17. 2. 55	Netherlands	27. 8. 57
Bulgaria	29. 12. 49	Norway	4. 7. 49
France	9. 12. 48	Peru	4. 4. 62

72. PAID VACATIONS (SEAFARERS) CONVENTION, 1946*This Convention has not come into force*

States	Ratification registered on	States	Ratification registered on
Algeria ¹	19. 10. 62	Finland ¹	23. 8. 49
Bulgaria	29. 12. 49	France ¹	9. 12. 48
Cuba ¹	13. 1. 54		

¹ Convention denounced as a result of the ratification of Convention No. 91.

73. MEDICAL EXAMINATION (SEAFARERS) CONVENTION, 1946*This Convention came into force on 17 August 1955*

Algeria	19. 10. 62	Netherlands	17. 6. 58
Argentina	17. 2. 55	Norway	17. 2. 55
Belgium	5. 12. 51	Peru	4. 4. 62
Bulgaria	29. 12. 49	Poland	13. 4. 54
Canada	19. 3. 51	Portugal	13. 6. 52
China	10. 12. 64	Sweden	9. 1. 62
Finland	15. 5. 56	USSR	4. 11. 69
France	9. 12. 48	Uruguay	18. 3. 54
Italy	22. 10. 52	Yugoslavia	25. 11. 66
Japan	22. 8. 55		

74. CERTIFICATION OF ABLE SEAMEN CONVENTION, 1946*This Convention came into force on 14 July 1951*

Algeria	19. 10. 62	Netherlands	14. 7. 50
Barbados	8. 5. 67	New Zealand	5. 12. 61
Belgium	5. 12. 51	Poland	13. 4. 54
Canada	19. 3. 51	Portugal	13. 6. 52
France	9. 12. 48	United Arab Republic	30. 3. 67
Ghana	18. 3. 65	United Kingdom	13. 5. 52
Ireland	21. 6. 57	United States	9. 4. 53
Mauritius	2. 12. 69	Yugoslavia	22. 12. 61

75. ACCOMMODATION OF CREWS CONVENTION, 1946*This Convention has not come into force*

Bulgaria	29. 12. 49	Norway ¹	4. 7. 49
Finland ¹	23. 8. 49	Sweden ¹	21. 10. 47
France ¹	9. 12. 48		

¹ Convention denounced as a result of the ratification of Convention No. 92.

76. WAGES, HOURS OF WORK AND MANNING (SEA) CONVENTION, 1946*This Convention has not come into force*

States	Ratification registered on	States	Ratification registered on
Australia	25. 1. 49		

77. MEDICAL EXAMINATION OF YOUNG PERSONS (INDUSTRY) CONVENTION, 1946*This Convention came into force on 29 December 1950*

Albania	3. 6. 57	Israel	23. 12. 53
Algeria	19. 10. 62	Italy	22. 10. 52
Argentina	17. 2. 55	Luxembourg	3. 3. 58
Bulgaria	29. 12. 49	Paraguay	21. 3. 66
Byelorussia	6. 11. 56	Peru	4. 4. 62
Cuba	13. 1. 54	Philippines	17. 11. 60
France	28. 6. 51	Poland	11. 12. 47
Guatemala	13. 2. 52	Ukraine	14. 9. 56
Haiti	12. 4. 57	USSR	10. 8. 56
Hungary	8. 6. 56	Uruguay	18. 3. 54
Iraq	13. 1. 51		

78. MEDICAL EXAMINATION OF YOUNG PERSONS (NON-INDUSTRIAL OCCUPATIONS) CONVENTION, 1946*This Convention came into force on 29 December 1950*

Albania	3. 6. 57	Iraq	5. 7. 60
Algeria	19. 10. 62	Israel	23. 12. 53
Argentina	17. 2. 55	Italy	22. 10. 52
Bulgaria	29. 12. 49	Luxembourg	3. 3. 58
Byelorussia	6. 11. 56	Paraguay	21. 3. 66
Cuba	7. 9. 54	Peru	4. 4. 62
France	28. 6. 51	Poland	11. 12. 47
Guatemala	13. 2. 52	Ukraine	14. 9. 56
Haiti	12. 4. 57	USSR	10. 8. 56
Honduras	20. 6. 60	Uruguay	18. 3. 54
Hungary	8. 6. 56		

**79. NIGHT WORK OF YOUNG PERSONS (NON-INDUSTRIAL OCCUPATIONS)
CONVENTION, 1946**

This Convention came into force on 29 December 1950

States	Ratification registered on	States	Ratification registered on
Argentina	17. 2. 55	Luxembourg	3. 3. 58
Bulgaria	29. 12. 49	Paraguay	21. 3. 66
Byelorussia	6. 11. 56	Peru	4. 4. 62
Cuba	7. 9. 54	Poland	11. 12. 47
Dominican Republic	22. 9. 53	Ukraine	14. 9. 56
Guatemala	13. 2. 52	USSR	10. 8. 56
Israel	23. 12. 53	Uruguay	18. 3. 54
Italy	22. 10. 52		

80. FINAL ARTICLES REVISION CONVENTION, 1946

This Convention came into force on 28 May 1947

Algeria	19. 10. 62	Japan	27. 5. 54
Argentina	14. 3. 50	Luxembourg	29. 10. 48
Australia	24. 1. 49	Mexico	20. 4. 48
Austria	31. 3. 49	Morocco	20. 5. 57
Belgium	3. 8. 49	Netherlands	15. 1. 48
Brazil	13. 4. 48	New Zealand	8. 7. 47
Bulgaria	7. 11. 55	Norway	5. 1. 49
Canada	31. 7. 47	Pakistan	25. 3. 48
Ceylon	19. 9. 50	Panama	13. 5. 54
Chile	3. 11. 49	Peru	4. 4. 62
China	4. 8. 47	Poland	11. 12. 47
Colombia	10. 6. 47	Republic of South Africa	19. 6. 47
Cuba	20. 7. 53	Spain	24. 6. 58
Czechoslovakia	12. 6. 50	Sweden	29. 5. 47
Denmark	30. 6. 49	Switzerland	22. 4. 47
Dominican Republic	29. 8. 47	Syrian Arab Republic	26. 7. 60
Ethiopia	23. 7. 47	Thailand	5. 12. 47
Finland	28. 6. 47	Turkey	13. 7. 49
France	20. 1. 48	United Arab Republic	7. 6. 49
Greece	13. 6. 52	United Kingdom	28. 5. 47
Guatemala	1. 10. 47	United States	24. 6. 48
India	17. 11. 47	Uruguay	18. 3. 54
Iraq	9. 9. 47	Venezuela	13. 9. 48
Ireland	14. 6. 47	Viet-Nam	6. 6. 53
Italy	11. 12. 47	Yugoslavia	21. 5. 52

81. LABOUR INSPECTION CONVENTION, 1947*This Convention came into force on 7 April 1950*

States	Ratification registered on	States	Ratification registered on
Algeria	19. 10. 62	Lebanon	26. 7. 62
Argentina	17. 2. 55	Luxembourg	3. 3. 58
Austria	30. 4. 49	Malawi	22. 3. 65
Barbados ¹	8. 5. 67	Malaysia:	
Belgium	5. 4. 57	States of Malaya	1. 7. 63
Brazil	25. 4. 57	Sabah, Sarawak	3. 3. 64
Bulgaria	29. 12. 49	Mali	2. 3. 64
Cameroon (Western Cameroon) ¹	3. 9. 62	Malta ¹	4. 1. 65
Central African Republic	9. 6. 64	Mauritania	8. 11. 63
Ceylon	3. 4. 56	Mauritius	2. 12. 69
Chad	30. 11. 65	Morocco	14. 3. 58
China ¹	13. 2. 62	Netherlands	15. 9. 51
Colombia ¹	13. 11. 67	New Zealand ¹	30. 11. 59
Congo (Kinshasa)	19. 4. 68	Nigeria ¹	17. 10. 60
Costa Rica	2. 6. 60	Norway	5. 1. 49
Cuba	7. 9. 54	Pakistan	10. 10. 53
Cyprus ¹	23. 9. 60	Panama	3. 6. 58
Denmark	6. 8. 58	Paraguay	28. 8. 67
Dominican Republic	22. 9. 53	Peru	1. 2. 60
Finland	20. 1. 50	Portugal	12. 2. 62
France	16. 12. 50	Senegal	22. 10. 62
Federal Republic of Germany	14. 6. 55	Sierra Leone ¹	13. 6. 61
Ghana	2. 7. 59	Singapore	25. 10. 65
Greece	16. 6. 55	Spain	30. 5. 60
Guatemala	13. 2. 52	Sweden	25. 11. 49
Guinea	26. 3. 59	Switzerland ¹	13. 7. 49
Guyana ¹	8. 6. 66	Syrian Arab Republic	26. 7. 60
Haiti	31. 3. 52	Tanzania (Tanganyika) ¹	30. 1. 62
India ¹	7. 4. 49	Tunisia	15. 5. 57
Iraq	13. 1. 51	Turkey	5. 3. 51
Ireland ¹	16. 6. 51	Uganda ¹	4. 6. 63
Israel	7. 6. 55	United Arab Republic	11. 10. 56
Italy	22. 10. 52	United Kingdom ¹	28. 6. 49
Jamaica ¹	26. 12. 62	Venezuela	21. 7. 67
Japan	20. 10. 53	Viet-Nam	6. 1. 64
Jordan	27. 3. 69	Yugoslavia	18. 8. 55
Kenya	13. 1. 64		
Kuwait	23. 11. 64		

¹ Excluding Part II.**82. SOCIAL POLICY (NON-METROPOLITAN TERRITORIES) CONVENTION, 1947***This Convention came into force on 19 June 1955*

Belgium	27. 1. 55	New Zealand	19. 6. 54
France	26. 7. 54	United Kingdom	27. 3. 50

83. LABOUR STANDARDS (NON-METROPOLITAN TERRITORIES) CONVENTION, 1947*This Convention has not yet come into force*

States	Ratification registered on	States	Ratification registered on
United Kingdom	27. 3. 50		

84. RIGHT OF ASSOCIATION (NON-METROPOLITAN TERRITORIES) CONVENTION, 1947*This Convention came into force on 1 July 1953*

Belgium	27. 1. 55	New Zealand	1. 7. 52
France	26. 7. 54	United Kingdom	27. 3. 50

85. LABOUR INSPECTORATES (NON-METROPOLITAN TERRITORIES) CONVENTION, 1947*This Convention came into force on 26 July 1955*

Australia	30. 9. 54	France	26. 7. 54
Belgium	27. 1. 55	United Kingdom	27. 3. 50

86. CONTRACTS OF EMPLOYMENT (INDIGENOUS WORKERS) CONVENTION, 1947*This Convention came into force on 13 February 1953*

Barbados	8. 5. 67	Sierra Leone	13. 6. 61
Ecuador	3. 10. 69	Singapore	25. 10. 65
Guatemala	13. 2. 52	Southern Yemen (Aden)	14. 4. 69
Guyana	8. 6. 66	Tanzania:	
Jamaica	26. 12. 62	Tanganyika	30. 1. 62
Kenya	13. 1. 64	Zanzibar	22. 6. 64
Malawi	22. 3. 65	Uganda	4. 6. 63
Malaysia (Sabah, Sarawak)	3. 3. 64	United Kingdom	27. 3. 50
Mauritius	2. 12. 69	Zambia	2. 12. 64

87. FREEDOM OF ASSOCIATION AND PROTECTION OF THE RIGHT TO ORGANISE CONVENTION, 1948

This Convention came into force on 4 July 1950

States	Ratification registered on	States	Ratification registered on
Albania	3. 6. 57	Ivory Coast	21. 11. 60
Algeria	19. 10. 62	Jamaica	26. 12. 62
Argentina	18. 1. 60	Japan	14. 6. 65
Austria	18. 10. 50	Kuwait	21. 9. 61
Barbados	8. 5. 67	Lesotho	31. 10. 66
Belgium	23. 10. 51	Liberia	25. 5. 62
Bolivia	4. 1. 65	Luxembourg	3. 3. 58
Bulgaria	8. 6. 59	Malagasy Republic	1. 11. 60
Burma	4. 3. 55	Mali	22. 9. 60
Byelorussia	6. 11. 56	Malta	4. 1. 65
Cameroon:		Mauritania	20. 6. 61
Eastern Cameroon	7. 6. 60	Mexico	1. 4. 50
Western Cameroon	3. 9. 62	Mongolia	3. 6. 69
Central African Republic	27. 10. 60	Netherlands	7. 3. 50
Chad	10. 11. 60	Nicaragua	31. 10. 67
Congo (Brazzaville)	10. 11. 60	Niger	27. 2. 61
Costa Rica	2. 6. 60	Nigeria	17. 10. 60
Cuba	25. 6. 52	Norway	4. 7. 49
Cyprus	24. 5. 66	Pakistan	14. 2. 51
Czechoslovakia	21. 1. 64	Panama	3. 6. 58
Dahomey	12. 12. 60	Paraguay	28. 6. 62
Denmark	13. 6. 51	Peru	2. 3. 60
Dominican Republic	5. 12. 56	Philippines	29. 12. 53
Ecuador	29. 5. 67	Poland	25. 2. 57
Ethiopia	4. 6. 63	Rumania	28. 5. 57
Finland	20. 1. 50	Senegal	4. 11. 60
France	28. 6. 51	Sierra Leone	15. 6. 61
Gabon	14. 10. 60	Sweden	25. 11. 49
Federal Republic of Germany	20. 3. 57	Syrian Arab Republic	26. 7. 60
Ghana	2. 6. 65	Togo	7. 6. 60
Greece	30. 3. 62	Trinidad and Tobago	24. 5. 63
Guatemala	13. 2. 52	Tunisia	18. 6. 57
Guinea	21. 1. 59	Ukraine	14. 9. 56
Guyana	25. 9. 67	USSR	10. 8. 56
Honduras	27. 6. 56	United Arab Republic	6. 11. 57
Hungary	6. 6. 57	United Kingdom	27. 6. 49
Iceland	19. 8. 50	Upper Volta	21. 11. 60
Ireland	4. 6. 55	Uruguay	18. 3. 54
Israel	28. 1. 57	Yugoslavia	23. 7. 58
Italy	13. 5. 58		

88. EMPLOYMENT SERVICE CONVENTION, 1948

This Convention came into force on 10 August 1950

States	Ratification registered on	States	Ratification registered on
Algeria	19. 10. 62	Japan	20. 10. 53
Argentina	24. 9. 56	Kenya	13. 1. 64
Australia	24. 12. 49	Libya	20. 6. 62
Belgium	16. 3. 53	Luxembourg	3. 3. 58
Brazil	25. 4. 57	Malta	4. 1. 65
Bulgaria ¹	29. 12. 49	Netherlands	7. 3. 50
Canada	24. 8. 50	New Zealand	3. 12. 49
Central African Republic	9. 6. 64	Nigeria	16. 6. 61
Colombia	31. 10. 67	Norway	4. 7. 49
Congo (Kinshasa)	16. 6. 69	Peru	6. 4. 62
Costa Rica	2. 6. 60	Philippines	29. 12. 53
Cuba	29. 4. 52	Sierra Leone	13. 6. 61
Cyprus	23. 9. 60	Singapore	25. 10. 65
Czechoslovakia	12. 6. 50	Spain	30. 5. 60
Dominican Republic	22. 9. 53	Sweden	25. 11. 49
Ethiopia	4. 6. 63	Switzerland	19. 1. 52
France	15. 10. 52	Syrian Arab Republic	26. 7. 60
Federal Republic of Germany	22. 6. 54	Tanzania (Tanganyika)	30. 1. 62
Ghana	4. 4. 61	Thailand	26. 2. 69
Greece	16. 6. 55	Tunisia	11. 10. 68
Guatemala	13. 2. 52	Turkey	14. 7. 50
India	24. 6. 59	United Arab Republic	3. 7. 54
Iraq	22. 6. 51	United Kingdom	10. 8. 49
Ireland	29. 10. 69	Venezuela	16. 11. 64
Israel	21. 8. 59	Yugoslavia	23. 7. 58
Italy	22. 10. 52		

¹ Has denounced this Convention.

89. NIGHT WORK (WOMEN) CONVENTION (REVISED), 1948*This Convention came into force on 27 February 1951*

States	Ratification registered on	States	Ratification registered on
Algeria	19. 10. 62	Libya	20. 6. 62
Austria	5. 10. 50	Luxembourg	3. 3. 58
Belgium	1. 4. 52	Malawi	22. 3. 65
Brazil	25. 4. 57	Malta	4. 1. 65
Burundi	11. 3. 63	Mauritania	8. 11. 63
Ceylon	31. 3. 66	Netherlands	22. 10. 54
Congo (Kinshasa)	20. 9. 60	New Zealand	10. 11. 50
Costa Rica	2. 6. 60	Pakistan	14. 2. 51
Cuba	29. 4. 52	Paraguay	21. 3. 66
Cyprus	8. 10. 65	Philippines	29. 12. 53
Czechoslovakia	12. 6. 50	Portugal	2. 6. 64
Dominican Republic	22. 9. 53	Rumania	28. 5. 57
France	21. 9. 53	Rwanda	18. 9. 62
Ghana	2. 7. 59	Senegal	22. 10. 62
Greece	27. 4. 59	Republic of South Africa	2. 3. 50
Guatemala	13. 2. 52	Spain	24. 6. 58
Guinea	12. 12. 66	Switzerland	6. 5. 50
India	27. 2. 50	Syrian Arab Republic	1. 12. 49
Iraq	17. 11. 67	Tunisia	15. 5. 57
Ireland	14. 1. 52	United Arab Republic	26. 7. 60
Italy	22. 10. 52	Uruguay	18. 3. 54
Kenya	30. 11. 65	Viet-Nam	26. 10. 65
Kuwait	21. 9. 61	Yugoslavia	20. 6. 56
Lebanon	26. 7. 26	Zambia	22. 2. 65

90. NIGHT WORK OF YOUNG PERSONS (INDUSTRY) CONVENTION (REVISED), 1948*This Convention came into force on 12 June 1951*

Argentina	24. 9. 56	Lebanon	26. 7. 62
Byelorussia	6. 11. 56	Luxembourg	3. 3. 58
Ceylon	18. 5. 59	Mauritania	8. 11. 63
Costa Rica	2. 6. 60	Mexico	20. 6. 56
Cuba	29. 4. 52	Netherlands	22. 10. 54
Cyprus	8. 10. 65	Norway	20. 5. 57
Czechoslovakia	12. 6. 50	Pakistan	14. 2. 51
Dominican Republic	12. 8. 57	Paraguay	21. 3. 66
Ghana	4. 4. 61	Peru	4. 4. 62
Greece	30. 3. 62	Philippines	29. 12. 53
Guatemala	13. 2. 52	Poland	26. 6. 68
Guinea	12. 12. 66	Tunisia	26. 4. 61
Haiti	12. 4. 57	Ukraine	14. 9. 56
India	27. 2. 50	USSR	10. 8. 56
Israel	23. 12. 53	Uruguay	18. 3. 54
Italy	22. 10. 52	Yugoslavia	20. 2. 57

91. PAID VACATIONS (SEAFARERS) CONVENTION (REVISED), 1949*This Convention came into force on 14 September 1967*

States	Ratification registered on	States	Ratification registered on
Algeria	19. 10. 62	Israel	30. 3. 53
Belgium	30. 8. 62	Mauritania	8. 11. 63
Brazil	18. 6. 65	Netherlands	22. 12. 61
China	14. 3. 67	Norway	29. 6. 50
Cuba	29. 4. 52	Poland	8. 10. 56
Finland	22. 12. 51	Portugal	29. 7. 52
France	26. 10. 51	Yugoslavia	11. 8. 67
Iceland	15. 7. 52		

92. ACCOMMODATION OF CREWS CONVENTION (REVISED), 1949*This Convention came into force on 29 January 1953*

Algeria	19. 10. 62	Ireland	21. 7. 52
Belgium	30. 8. 62	Netherlands	17. 6. 58
Brazil	8. 6. 54	Norway	29. 6. 50
Costa Rica	2. 6. 60	Poland	13. 4. 54
Cuba	29. 4. 52	Portugal	29. 7. 52
Denmark	30. 9. 50	Sweden	18. 7. 50
Finland	22. 12. 51	USSR	4. 11. 69
France	26. 10. 51	United Kingdom	6. 8. 53
Ghana	18. 3. 65	Yugoslavia	25. 11. 66

93. WAGES, HOURS OF WORK AND MANNING (SEA) CONVENTION (REVISED), 1949*This Convention has not come into force*

Australia	3. 3. 54	Philippines	29. 12. 53
Brazil	18. 6. 65	Uruguay	18. 3. 54
Cuba	29. 4. 52		

94. LABOUR CLAUSES (PUBLIC CONTRACTS) CONVENTION, 1949

This Convention came into force on 20 September 1952

States	Ratification registered on	States	Ratification registered on
Algeria	19. 10. 62	Jamaica	26. 12. 62
Austria	10. 11. 51	Kenya	13. 1. 64
Barbados	8. 5. 67	Malaysia (Sabah, Sarawak)	3. 3. 64
Belgium	13. 10. 52	Mauritania	8. 11. 63
Brazil	18. 6. 65	Mauritius	2. 12. 69
Bulgaria	7. 11. 55	Morocco	20. 9. 56
Burundi	11. 3. 63	Netherlands	20. 5. 52
Cameroon:		Nigeria	17. 10. 60
Eastern Cameroon	29. 1. 63	Philippines	29. 12. 53
Western Cameroon	3. 9. 62	Rwanda	18. 9. 62
Central African Republic	9. 6. 64	Sierra Leone	15. 6. 61
Congo (Kinshasa)	30. 9. 60	Singapore	25. 10. 65
Costa Rica	2. 6. 60	Somalia (ex-British Somaliland)	18. 11. 60
Cuba	29. 4. 52	Southern Yemen (Aden)	14. 4. 69
Cyprus	23. 9. 60	Syrian Arab Republic	7. 6. 57
Denmark	15. 8. 55	Tanzania:	
Finland	22. 12. 51	Tanganyika	30. 1. 62
France	20. 9. 51	Zanzibar	22. 6. 64
Ghana	4. 4. 61	Turkey	29. 3. 61
Guatemala	13. 2. 52	Uganda	4. 6. 63
Guinea	12. 12. 66	United Arab Republic	26. 7. 60
Guyana	8. 6. 66	United Kingdom	30. 6. 50
Israel	30. 3. 53	Uruguay	18. 3. 54
Italy	22. 10. 52		

95. PROTECTION OF WAGES CONVENTION, 1949

This Convention came into force on 24 September 1952

States	Ratification registered on	States	Ratification registered on
Afghanistan	7. 1. 57	Malagasy Republic	1. 11. 60
Algeria	19. 10. 62	Malaysia:	
Argentina	24. 9. 56	States of Malaya	17. 11. 61
Austria	10. 11. 51	Sabah, Sarawak	3. 3. 64
Barbados	8. 5. 67	Mali	22. 9. 60
Brazil	25. 4. 57	Malta	4. 1. 65
Bulgaria	7. 11. 55	Mauritania	20. 6. 61
Byelorussia	4. 8. 61	Mauritius	2. 12. 69
Cameroon:		Mexico	27. 9. 55
Eastern Cameroon	7. 6. 60	Netherlands	20. 5. 52
Western Cameroon	3. 9. 62	Niger	27. 2. 61
Central African Republic	27. 10. 60	Nigeria	17. 10. 60
Chad	10. 11. 60	Norway	29. 6. 50
China	16. 11. 62	Paraguay	21. 3. 66
Colombia	7. 6. 63	Philippines	29. 12. 53
Congo (Brazzaville)	10. 11. 60	Poland	25. 10. 54
Congo (Kinshasa)	16. 6. 69	Senegal	4. 11. 60
Costa Rica	2. 6. 60	Sierra Leone	15. 6. 61
Cuba	29. 4. 52	Somalia (ex-British Somaliland)	18. 11. 60
Cyprus	23. 9. 60	Southern Yemen (Aden)	14. 4. 69
Dahomey	12. 12. 60	Spain	24. 6. 58
Ecuador	6. 7. 54	Syrian Arab Republic	7. 6. 57
France	15. 10. 52	Tanzania:	
Gabon	14. 10. 60	Tanganyika	30. 1. 62
Greece	16. 6. 55	Zanzibar	22. 6. 64
Guatemala	13. 2. 52	Togo	7. 6. 60
Guinea	21. 1. 59	Tunisia	28. 5. 58
Guyana	8. 6. 66	Turkey	29. 3. 61
Honduras	20. 6. 60	Uganda	4. 6. 63
Hungary	8. 6. 56	Ukraine	4. 8. 61
Iraq	12. 5. 60	USSR	4. 5. 61
Israel	12. 1. 59	United Arab Republic	26. 7. 60
Italy	22. 10. 52	United Kingdom	24. 9. 51
Ivory Coast	21. 11. 60	Upper Volta	21. 11. 60
Libya	20. 6. 62	Uruguay	18. 3. 54

96. FEE-CHARGING EMPLOYMENT AGENCIES CONVENTION (REVISED), 1949*This Convention came into force on 18 July 1951*

States	Ratification registered on	States	Ratification registered on
Algeria ¹	19. 10. 62	Libya ¹	20. 6. 62
Belgium ¹	4. 7. 58	Luxembourg ¹	15. 12. 58
Bolivia ¹	19. 7. 54	Mauritania ¹	31. 3. 64
Brazil ¹	21. 6. 57	Netherlands ¹	20. 5. 52
Ceylon ²	1. 5. 58	Norway ¹	29. 6. 50
Costa Rica ¹	2. 6. 60	Pakistan ¹	26. 5. 52
Cuba ¹	3. 2. 53	Poland ¹	25. 10. 54
Finland ¹	22. 12. 51	Senegal ²	22. 10. 62
France ¹	10. 3. 53	Sweden ¹	18. 7. 50
Gabon ¹	13. 6. 61	Syrian Arab Republic ¹	7. 6. 57
Federal Republic of Germany ¹	8. 9. 54	Turkey ²	23. 1. 52
Guatemala ¹	3. 1. 53	United Arab Republic ¹	26. 7. 60
Israel ²	19. 6. 61		
Italy ¹	9. 1. 53		
Ivory Coast ¹	22. 5. 61		
Japan ²	11. 6. 56		

¹ Has accepted the provisions of Part II.² Has accepted the provisions of Part III.**97. MIGRATION FOR EMPLOYMENT CONVENTION (REVISED), 1949***This Convention came into force on 22 January 1952*

Algeria ¹	19. 10. 62	Netherlands	20. 5. 52
Barbados	8. 5. 67	New Zealand ²	10. 11. 50
Belgium	27. 7. 53	Nigeria ²	17. 10. 60
Brazil	18. 6. 65	Norway	17. 2. 55
Cameroon (Western Cameroon) ²	3. 9. 62	Spain	21. 3. 67
Cuba	29. 4. 52	Tanzania (Zanzibar) ²	22. 6. 64
Cyprus ²	23. 9. 60	Trinidad and Tobago ²	24. 5. 63
France ¹	29. 3. 54	United Kingdom ⁴	22. 1. 51
Federal Republic of Germany	22. 6. 59	Upper Volta	9. 6. 61
Guatemala	13. 2. 52	Uruguay	18. 3. 54
Guyana ²	8. 6. 66	Yugoslavia ⁵	4. 12. 68
Israel	30. 3. 53	Zambia ²	2. 12. 64
Italy	22. 10. 52		
Jamaica ²	26. 12. 62		
Kenya ²	30. 11. 65		
Malawi	22. 3. 65		
Malaysia (Sabah ²)	3. 3. 64		
Mauritius ²	2. 12. 69		

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.

98. RIGHT TO ORGANISE AND COLLECTIVE BARGAINING CONVENTION, 1949*This Convention came into force on 18 July 1951*

States	Ratification registered on	States	Ratification registered on
Albania	3. 6. 57	Lesotho	31. 10. 66
Algeria	19. 10. 62	Liberia	25. 5. 62
Argentina	24. 9. 56	Libya	20. 6. 62
Austria	10. 11. 51	Luxembourg	3. 3. 58
Barbados	8. 5. 67	Malawi	22. 3. 65
Belgium	10. 12. 53	Malaysia:	
Brazil	18. 11. 52	States of Malaya	5. 6. 61
Bulgaria	8. 6. 59	Sabah, Sarawak	3. 3. 64
Byelorussia	6. 11. 56	Mali	2. 3. 64
Cameroon:		Malta	4. 1. 65
Eastern Cameroon	29. 1. 63	Mauritius	2. 12. 69
Western Cameroon	3. 9. 62	Mongolia	3. 6. 69
Central African Republic	9. 6. 64	Morocco	20. 5. 57
Chad	8. 6. 61	Nicaragua	31. 10. 67
China	11. 10. 62	Niger	23. 3. 62
Congo (Kinshasa)	16. 6. 69	Nigeria	17. 10. 60
Costa Rica	2. 6. 60	Norway	17. 2. 55
Cuba	29. 4. 52	Pakistan	26. 5. 52
Cyprus	24. 5. 66	Panama	16. 5. 66
Czechoslovakia	21. 1. 64	Paraguay	21. 3. 66
Dahomey	16. 5. 68	Peru	13. 3. 64
Denmark	15. 8. 55	Philippines	29. 12. 53
Dominican Republic	22. 9. 53	Poland	25. 2. 57
Ecuador	28. 5. 59	Portugal	1. 7. 64
Ethiopia	4. 6. 63	Rumania	26. 11. 58
Finland	22. 12. 51	Senegal	28. 7. 61
France	26. 10. 51	Sierra Leone	13. 6. 61
Gabon	29. 5. 61	Singapore	25. 10. 65
Federal Republic of Germany	8. 6. 56	Southern Yemen (Aden)	14. 4. 69
Ghana	2. 7. 59	Sudan	18. 6. 57
Greece	30. 3. 62	Sweden	18. 7. 50
Guatemala	13. 2. 52	Syrian Arab Republic	7. 6. 57
Guinea	26. 3. 59	Tanzania:	
Guyana	8. 6. 66	Tanganyika	30. 1. 62
Haiti	12. 4. 57	Zanzibar	22. 6. 64
Honduras	27. 6. 56	Trinidad and Tobago	24. 5. 63
Hungary	6. 6. 57	Tunisia	15. 5. 57
Iceland	15. 7. 52	Turkey	23. 1. 52
Indonesia	15. 7. 57	Uganda	4. 6. 63
Iraq	27. 11. 62	Ukraine	14. 9. 56
Ireland	4. 6. 55	USSR	10. 8. 56
Israel	28. 1. 57	United Arab Republic	3. 7. 54
Italy	13. 5. 58	United Kingdom	30. 6. 50
Ivory Coast	5. 5. 61	Upper Volta	16. 4. 62
Jamaica	26. 12. 62	Uruguay	18. 8. 54
Japan	20. 10. 53	Venezuela	19. 12. 68
Jordan	12. 12. 68	Viet-Nam	6. 1. 64
Kenya	13. 1. 64	Yugoslavia	23. 7. 58

99. MINIMUM WAGE FIXING MACHINERY (AGRICULTURE) CONVENTION, 1951

This Convention came into force on 23 August 1953

States	Ratification registered on	States	Ratification registered on
Algeria	19. 10. 62	Ivory Coast	5. 5. 65
Australia	19. 6. 69	Malawi	22. 3. 61
Austria	29. 10. 53	Malta	28. 11. 69
Belgium	17. 10. 68	Mauritius	2. 12. 69
Brazil	25. 4. 57	Mexico	23. 8. 52
Central African Republic	9. 6. 64	Morocco	14. 10. 60
Ceylon	5. 4. 54	Netherlands	11. 6. 54
Colombia	4. 3. 69	New Zealand	1. 7. 52
Costa Rica	2. 6. 60	Paraguay	24. 6. 64
Cuba	13. 1. 54	Peru	1. 2. 60
Czechoslovakia	21. 1. 64	Philippines	29. 12. 53
France	29. 3. 54	Senegal	22. 10. 62
Gabon	13. 6. 61	Sierra Leone	13. 6. 61
Federal Republic of Germany	25. 2. 54	Syrian Arab Republic	10. 8. 65
Guatemala	4. 8. 61	Tunisia	12. 1. 59
Guinea	12. 12. 66	United Kingdom	9. 6. 53
Hungary	18. 6. 69	Uruguay	18. 3. 54

100. EQUAL REMUNERATION CONVENTION, 1951

This Convention came into force on 23 May 1953

States	Ratification registered on	States	Ratification registered on
Afghanistan	22. 8. 69	Israel	9. 6. 65
Albania	3. 6. 57	Italy	8. 6. 56
Algeria	19. 10. 62	Ivory Coast	5. 5. 61
Argentina	24. 9. 56	Japan	24. 8. 67
Austria	29. 10. 53	Jordan	22. 9. 66
Belgium	23. 5. 52	Libya	20. 6. 62
Brazil	25. 4. 57	Luxembourg	23. 8. 67
Bulgaria	7. 11. 55	Malagasy Republic	10. 8. 62
Byelorussia	21. 8. 56	Malawi	22. 3. 65
Central African Republic	9. 6. 64	Mali	12. 7. 68
Chad	29. 3. 66	Mexico	23. 8. 52
China	1. 5. 58	Mongolia	3. 6. 69
Colombia	7. 6. 63	Nicaragua	31. 10. 67
Congo (Kinshasa)	16. 6. 69	Niger	9. 8. 66
Costa Rica	2. 6. 60	Norway	24. 9. 59
Cuba	13. 1. 54	Panama	3. 6. 58
Czechoslovakia	30. 10. 57	Paraguay	24. 6. 64
Dahomey	16. 5. 68	Peru	1. 2. 60
Denmark	22. 6. 60	Philippines	29. 12. 53
Dominican Republic	22. 9. 53	Poland	25. 10. 54
Ecuador	11. 3. 57	Portugal	20. 2. 67
Finland	14. 1. 63	Rumania	28. 5. 57
France	10. 3. 53	Senegal	22. 10. 62
Gabon	13. 6. 61	Sierra Leone	15. 11. 68
Federal Republic of Germany	8. 6. 56	Spain	6. 11. 67
Ghana	14. 3. 68	Sweden	20. 6. 62
Guatemala	2. 8. 61	Syrian Arab Republic	7. 6. 57
Guinea	11. 8. 67	Tunisia	11. 10. 68
Haiti	4. 3. 58	Turkey	19. 7. 67
Honduras	9. 8. 56	Ukraine	10. 8. 56
Hungary	8. 6. 56	USSR	30. 4. 56
Iceland	17. 2. 58	United Arab Republic	26. 7. 60
India	25. 9. 58	Upper Volta	30. 6. 69
Indonesia	11. 8. 58	Yugoslavia	21. 5. 52
Iraq	28. 8. 63		

101. HOLIDAYS WITH PAY (AGRICULTURE) CONVENTION, 1952*This Convention came into force on 24 July 1954*

States	Ratification registered on	States	Ratification registered on
Algeria	19. 10. 62	Morocco	14. 10. 60
Austria	14. 6. 54	Netherlands	27. 11. 58
Barbados	8. 5. 67	New Zealand	24. 7. 53
Belgium	20. 3. 54	Norway	30. 9. 54
Brazil	25. 4. 57	Paraguay	21. 3. 66
Central African Republic	9. 6. 64	Peru	1. 2. 60
Colombia	4. 3. 69	Poland	8. 10. 56
Cuba	7. 9. 54	Senegal	22. 10. 62
Ecuador	3. 10. 69	Sierra Leone	15. 6. 61
France	29. 3. 54	Sweden	12. 8. 53
Gabon	13. 6. 61	Syrian Arab Republic	26. 7. 60
Federal Republic of Germany	5. 1. 55	Tanzania (Tanganyika)	30. 1. 62
Guatemala	4. 8. 61	United Arab Republic	9. 4. 56
Hungary	8. 6. 56	United Kingdom	25. 6. 56
Israel	14. 7. 53	Upper Volta	30. 6. 69
Italy	8. 6. 56	Uruguay	18. 3. 54
Malagasy Republic	10. 8. 62	Yugoslavia	30. 4. 55
Mauritania	8. 11. 63		

102. SOCIAL SECURITY (MINIMUM STANDARDS) CONVENTION, 1952*This Convention came into force on 27 April 1955*

Austria ¹ *	4. 11. 69	Mauritania ⁹	15. 7. 68
Belgium ²	26. 11. 59	Mexico ¹⁰	12. 10. 61
Denmark ³	15. 8. 55	Netherlands ² † *	11. 10. 62
Federal Republic of Germany ²	21. 2. 58	Niger ¹¹	9. 8. 66
Greece ⁴	16. 6. 55	Norway ¹² †	30. 9. 54
Iceland ⁵	20. 2. 61	Peru ¹³	23. 8. 61
Ireland ⁶	17. 6. 68	Senegal ¹⁴ *	22. 10. 62
Israel ⁷	16. 12. 55	Sweden ¹⁵ *	12. 8. 53
Italy ⁸	8. 6. 56	United Kingdom ¹⁶	27. 4. 54
Luxembourg ²	31. 8. 64	Yugoslavia ¹⁷	20. 12. 54

¹ Parts II, V, VII and VIII.² Parts II to X.³ Parts II, IV to VI and IX.⁴ Parts II to VI and VIII to X.⁵ Parts V, VII and IX.⁶ Parts III, IV and X.⁷ Parts V, VI and X.⁸ Parts V, VII and VIII.⁹ Parts V, VI, VII, IX and X.¹⁰ Parts II, III, V, VI and VIII to X.¹¹ Parts V to VIII.¹² Parts II to VII.¹³ Parts II, III, V, VIII and IX.¹⁴ Parts VI to VIII.¹⁵ Parts II to IV and VI to VIII.¹⁶ Parts II to V, VII and X.¹⁷ Parts II to VI, VIII and X.

* Part VI is no longer applicable as a result of the ratification of Convention No. 121.

† As a result of the ratification of Convention No. 128 and pursuant to Article 45 of that Convention certain parts of the present Convention are no longer applicable.

103. MATERNITY PROTECTION CONVENTION (REVISED), 1952

This Convention came into force on 7 September 1955

States	Ratification registered on	States	Ratification registered on
Austria ¹	4. 12. 69	Ukraine	14. 9. 56
Brazil ²	18. 6. 65	USSR	10. 8. 56
Byelorussia	6. 11. 56	Uruguay	18. 3. 54
Cuba	7. 9. 54	Yugoslavia	30. 4. 55
Ecuador	5. 2. 62		
Hungary	8. 6. 56		
Luxembourg	10. 12. 69		
Mongolia	3. 6. 69		
Spain ³	17. 8. 65		

¹ With the exception of the work specified in Article 7, paragraph 1 (c).

² With the exception of the occupations and work specified in Article 7, paragraph 1 (b) and (c).

³ With the exception of persons specified in Article 7, paragraph 1 (d).

104. ABOLITION OF PENAL SANCTIONS (INDIGENOUS WORKERS) CONVENTION, 1955

This Convention came into force on 7 June 1958

Brazil	18. 6. 65	Malawi	22. 3. 65
Central African Republic	9. 6. 64	Morocco	27. 3. 63
China	14. 3. 67	New Zealand	28. 6. 56
Colombia	4. 3. 69	Niger	23. 3. 62
Cuba	15. 8. 57	Nigeria	25. 10. 62
Dominican Republic	10. 2. 58	Portugal	12. 4. 60
Ecuador	3. 10. 69	Syrian Arab Republic	7. 6. 57
El Salvador	18. 11. 58	Thailand	29. 7. 64
Iran	13. 4. 59	Tunisia	17. 12. 62
Liberia	25. 5. 62	United Arab Republic	18. 12. 58
Libya	20. 6. 62	Yemen Arab Republic	22. 8. 69

105. ABOLITION OF FORCED LABOUR CONVENTION, 1957

This Convention came into force on 17 January 1959

States	Ratification registered on	States	Ratification registered on
Afghanistan	16. 5. 63	Luxembourg	24. 7. 64
Algeria	12. 6. 69	Malaysia:	
Argentina	18. 1. 60	States of Malaya	13. 10. 58
Australia	7. 6. 60	Sabah, Sarawak	3. 3. 64
Austria	5. 3. 58	Mali	28. 5. 62
Barbados	8. 5. 67	Malta	4. 1. 65
Belgium	23. 1. 61	Mauritius	2. 12. 69
Brazil	18. 6. 65	Mexico	1. 6. 59
Burundi	11. 3. 63	Morocco	1. 12. 66
Cameroon (Western Cameroon)	3. 9. 62	Netherlands	18. 2. 59
Canada	14. 7. 59	New Zealand	14. 6. 68
Central African Republic	9. 6. 64	Nicaragua	31. 10. 67
Chad	8. 6. 61	Niger	23. 3. 62
China	31. 3. 59	Nigeria	17. 10. 60
Colombia	7. 6. 63	Norway	14. 4. 58
Costa Rica	4. 5. 59	Pakistan	15. 2. 60
Cuba	2. 6. 58	Panama	16. 5. 66
Cyprus	23. 9. 60	Paraguay	16. 5. 68
Dahomey	22. 5. 61	Peru	6. 12. 60
Denmark	17. 1. 58	Philippines	17. 11. 60
Dominican Republic	23. 6. 58	Poland	30. 7. 58
Ecuador	5. 2. 62	Portugal	23. 11. 59
El Salvador	18. 11. 58	Rwanda	18. 9. 62
Finland	27. 5. 60	Senegal	28. 7. 61
France	18. 12. 69	Sierra Leone	13. 6. 61
Gabon	29. 5. 61	Singapore	25. 10. 65
Federal Republic of Germany	22. 6. 59	Somalia:	
Ghana	15. 12. 58	Ex-British Somaliland	18. 11. 60
Greece	30. 3. 62	Ex-Trust Territory	8. 12. 61
Guatemala	9. 12. 59	Southern Yemen (Aden)	14. 4. 69
Guinea	11. 7. 61	Spain	6. 11. 67
Guyana	8. 6. 66	Sweden	2. 6. 58
Haiti	4. 3. 58	Switzerland	18. 7. 58
Honduras	4. 8. 58	Syrian Arab Republic	23. 10. 58
Iceland	29. 11. 60	Tanzania:	
Iran	13. 4. 59	Tanganyika	30. 1. 62
Iraq	15. 6. 59	Zanzibar	22. 6. 64
Ireland	11. 6. 58	Thailand	2. 12. 69
Israel	10. 4. 58	Trinidad and Tobago	24. 5. 63
Italy	15. 3. 68	Tunisia	12. 1. 59
Ivory Coast	5. 5. 61	Turkey	29. 3. 61
Jamaica	26. 12. 62	Uganda	4. 6. 63
Jordan	31. 3. 58	United Arab Republic	23. 10. 58
Kenya	13. 1. 64	United Kingdom	30. 12. 57
Kuwait	21. 9. 61	Uruguay	22. 11. 68
Liberia	25. 5. 62	Venezuela	16. 11. 64
Libya	13. 6. 61	Zambia	22. 2. 65

106. WEEKLY REST (COMMERCE AND OFFICES) CONVENTION, 1957

This Convention came into force on 4 March 1959

States	Ratification registered on	States	Ratification registered on
Afghanistan	16. 5. 63	Kuwait	21. 9. 61
Brazil ¹	18. 6. 65	Mexico ²	1. 6. 59
Bulgaria	22. 7. 60	Pakistan ³	15. 2. 60
Byelorussia	26. 2. 68	Paraguay	21. 3. 66
Colombia	4. 3. 69	Portugal	24. 10. 60
Costa Rica	4. 5. 59	Syrian Arab Republic ³	23. 10. 58
Cuba	2. 6. 58	Tunisia ³	28. 5. 58
Cyprus	20. 12. 66	Ukraine	19. 6. 68
Denmark ²	17. 1. 58	USSR	22. 9. 67
Dominican Republic	23. 6. 58	United Arab Republic	23. 10. 58
Ecuador	3. 10. 69	Yugoslavia ³	13. 10. 58
Ghana	15. 12. 58		
Guatemala ³	9. 12. 59		
Haiti ³	4. 3. 58		
Honduras	20. 6. 60		
Iran	22. 1. 68		
Iraq	5. 7. 60		
Israel ⁴	19. 6. 61		
Italy	12. 8. 63		

¹ The Convention also applies to the establishments specified in Article 3, paragraph 1, (a), (c) and (d).

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).

107. INDIGENOUS AND TRIBAL POPULATIONS CONVENTION, 1957

This Convention came into force on 2 June 1959

Argentina	18. 1. 60	Haiti	4. 3. 58
Belgium	19. 11. 58	India	29. 9. 58
Bolivia	12. 1. 65	Malawi	22. 3. 65
Brazil	18. 6. 65	Mexico	1. 6. 59
China	11. 10. 62	Pakistan	15. 2. 60
Colombia	4. 3. 69	Paraguay	20. 2. 69
Costa Rica	4. 5. 59	Peru	6. 12. 60
Cuba	2. 6. 58	Portugal	22. 11. 60
Dominican Republic	23. 6. 58	Syrian Arab Republic	14. 1. 59
Ecuador	3. 10. 69	Tunisia	17. 12. 62
El Salvador	18. 11. 58	United Arab Republic	14. 1. 59
Ghana	15. 12. 58		

108. SEAFARERS' IDENTITY DOCUMENTS CONVENTION, 1958*This Convention came into force on 19 February 1961*

States	Ratification registered on	States	Ratification registered on
Barbados	8. 5. 67	Malta	4. 1. 65
Brazil	5. 11. 63	Mauritius	2. 12. 69
Canada	31. 5. 67	Mexico	11. 9. 61
France	8. 6. 67	Portugal	3. 8. 67
Ghana	19. 2. 60	Tanzania (Tanganyika)	26. 11. 62
Greece	9. 10. 63	Tunisia	26. 10. 59
Guatemala	28. 11. 60	United Kingdom ¹	18. 2. 64
Guyana	8. 6. 66	USSR	4. 11. 69
Honduras	20. 6. 60		
Iran	13. 3. 67		
Ireland	17. 6. 61		
Italy	12. 8. 63		

¹ In conformity with Article 1, paragraph 2, of the Convention fishermen shall not be regarded as seafarers for the purpose of this Convention.

109. WAGES, HOURS OF WORK AND MANNING (SEA) CONVENTION (REVISED), 1958*This Convention has not yet come into force*

Brazil ¹	30. 11. 66	Sweden ²	15. 10. 59
France ¹	8. 6. 67	Yugoslavia	14. 1. 66
Guatemala	2. 8. 61		
Mexico	11. 9. 61		
Norway ²	30. 8. 66		

¹ Excluding Part II.

² Conditional ratification and excluding Part II.

110. PLANTATIONS CONVENTION, 1958*This Convention came into force on 22 January 1960*

Brazil ¹	1. 3. 65	Liberia	22. 7. 59
Cuba	30. 12. 58	Mexico	20. 6. 60
Ecuador	3. 10. 69	Philippines	10. 10. 68
Guatemala	4. 8. 61		
Ivory Coast	5. 5. 61		

¹ Excluding Parts II and III.

111. DISCRIMINATION (EMPLOYMENT AND OCCUPATION) CONVENTION, 1958

This Convention came into force on 15 June 1960

States	Ratification registered on	States	Ratification registered on
Afghanistan	1. 10. 69	Liberia	22. 7. 59
Algeria	12. 6. 69	Libya	13. 6. 61
Argentina	18. 6. 68	Malagasy Republic	11. 8. 61
Brazil	26. 11. 65	Malawi	22. 3. 65
Bulgaria	22. 7. 60	Mali	2. 3. 64
Byelorussia	4. 8. 61	Malta	1. 7. 68
Canada	26. 11. 64	Mauritania	8. 11. 63
Central African Republic	9. 6. 64	Mexico	11. 9. 61
Chad	29. 3. 66	Mongolia	3. 6. 69
China	13. 2. 62	Morocco	27. 3. 63
Colombia	4. 3. 69	Nicaragua	31. 10. 67
Costa Rica	1. 3. 62	Niger	23. 3. 62
Cuba	26. 8. 65	Norway	24. 9. 59
Cyprus	2. 2. 68	Pakistan	24. 1. 61
Czechoslovakia	21. 1. 64	Panama	16. 5. 66
Dahomey	22. 5. 61	Paraguay	10. 7. 67
Denmark	22. 6. 60	Philippines	17. 11. 60
Dominican Republic	13. 7. 64	Poland	30. 5. 61
Ecuador	10. 7. 62	Portugal	19. 11. 59
Ethiopia	11. 6. 66	Senegal	13. 11. 67
Gabon	29. 5. 61	Sierra Leone	14. 10. 66
Federal Republic of Germany	15. 6. 61	Somalia	8. 12. 61
Ghana	4. 4. 61	Spain	6. 11. 67
Guatemala	11. 10. 60	Sweden	20. 6. 62
Guinea	1. 9. 60	Switzerland	13. 7. 61
Honduras	20. 6. 60	Syrian Arab Republic	10. 5. 60
Hungary	20. 6. 61	Tunisia	14. 9. 59
Iceland	29. 7. 63	Turkey	19. 7. 67
India	3. 6. 60	Ukraine	4. 8. 61
Iran	30. 6. 64	USSR	4. 5. 61
Iraq	15. 6. 59	United Arab Republic	10. 5. 60
Israel	12. 1. 59	Upper Volta	16. 4. 62
Italy	12. 8. 63	Viet-Nam	6. 1. 64
Ivory Coast	5. 5. 61	Yemen Arab Republic	22. 8. 69
Jordan	4. 7. 63	Yugoslavia	2. 2. 61
Kuwait	1. 12. 66		

112. MINIMUM AGE (FISHERMEN) CONVENTION, 1959*This Convention came into force on 7 November 1961*

States	Ratification registered on	States	Ratification registered on
Albania	11. 8. 64	Liberia	16. 5. 60
Belgium	8. 5. 63	Mauritania	8. 11. 63
Bulgaria	2. 3. 61	Mexico	9. 8. 61
China	13. 2. 62	Netherlands	15. 2. 65
Costa Rica	29. 12. 64	Norway	22. 1. 63
Denmark	27. 2. 62	Peru	4. 4. 62
Ecuador	10. 3. 69	Poland	20. 6. 66
France	8. 6. 67	Spain	7. 8. 61
Federal Republic of Germany	11. 2. 63	Tunisia	14. 1. 63
Guatemala	2. 8. 61	Ukraine	4. 8. 61
Guinea	7. 11. 60	USSR	4. 5. 61
Israel	19. 6. 61	Yugoslavia	2. 2. 61

113. MEDICAL EXAMINATION (FISHERMEN) CONVENTION, 1959*This Convention came into force on 7 November 1961*

Belgium	8. 5. 63	Guinea	7. 11. 60
Brazil	1. 3. 65	Liberia	16. 5. 60
Bulgaria	2. 3. 61	Peru	4. 4. 62
China	13. 2. 62	Spain	7. 8. 61
Costa Rica	29. 12. 64	Tunisia	14. 1. 63
Ecuador	10. 3. 69	USSR	4. 11. 69
France	8. 6. 67	Yugoslavia	26. 5. 61
Guatemala	2. 8. 61		

114. FISHERMEN'S ARTICLES OF AGREEMENT CONVENTION, 1959*This Convention came into force on 7 November 1961*

Belgium	8. 5. 63	Italy	10. 4. 62
China	13. 2. 62	Liberia	16. 5. 60
Costa Rica	29. 12. 64	Mauritania	8. 11. 63
Cyprus	20. 12. 66	Peru	4. 4. 62
France	8. 6. 67	Spain	7. 8. 61
Federal Republic of Germany	1. 7. 64	Tunisia	14. 1. 63
Guatemala	2. 8. 61	Yugoslavia	22. 12. 61
Guinea	7. 11. 60		

115. RADIATION PROTECTION CONVENTION, 1960*This Convention came into force on 17 June 1962*

States	Ratification registered on	States	Ratification registered on
Barbados	8. 5. 67	Norway	17. 6. 61
Belgium	2. 7. 65	Paraguay	10. 7. 67
Brazil	5. 9. 66	Poland	23. 12. 64
Byelorussia	26. 2. 68	Spain	17. 7. 62
Czechoslovakia	21. 1. 64	Sweden	12. 4. 61
Ecuador	9. 3. 70	Switzerland	29. 5. 63
Ghana	7. 11. 61	Syrian Arab Republic	15. 1. 64
Guinea	12. 12. 66	Turkey	15. 11. 68
Guyana	8. 6. 66	Ukraine	19. 6. 68
Hungary	8. 6. 68	USSR	22. 9. 67
Iraq	26. 10. 62	United Arab Republic	18. 3. 64
Netherlands	29. 11. 66	United Kingdom	9. 3. 62

116. FINAL ARTICLES REVISION CONVENTION, 1961*This Convention came into force on 5 February 1962*

Australia	29. 10. 63	Kuwait	23. 4. 63
Austria	14. 11. 63	Luxembourg	4. 3. 64
Bolivia	12. 1. 65	Malagasy Republic	1. 6. 64
Brazil	5. 9. 66	Mauritania	8. 11. 63
Bulgaria	3. 10. 69	Mexico	3. 11. 66
Byelorussia	11. 3. 70	Morocco	14. 11. 62
Cameroon	29. 12. 64	Netherlands	13. 11. 64
Canada	25. 4. 62	New Zealand	1. 3. 63
Central African Republic	10. 6. 63	Niger	23. 3. 62
Chad	5. 2. 62	Nigeria	27. 6. 62
China	16. 11. 62	Norway	22. 1. 63
Colombia	4. 3. 69	Pakistan	17. 11. 67
Congo (Kinshasa)	5. 9. 67	Paraguay	20. 2. 69
Cyprus	20. 7. 64	Poland	22. 4. 64
Czechoslovakia	21. 1. 64	Rumania	9. 4. 65
Denmark	10. 7. 62	Senegal	13. 11. 67
Ecuador	10. 3. 69	Republic of South Africa	9. 8. 63
Ethiopia	11. 6. 66	Spain	17. 7. 62
Finland	1. 6. 64	Sweden	3. 4. 62
France	8. 6. 67	Switzerland	5. 11. 62
Federal Republic of Germany	7. 10. 63	Syrian Arab Republic	10. 8. 65
Ghana	27. 8. 63	Thailand	24. 9. 62
Guatemala	25. 1. 65	Tunisia	15. 1. 62
Honduras	17. 11. 64	Turkey	2. 9. 68
India	21. 6. 62	USSR	4. 11. 69
Iraq	26. 10. 62	United Arab Republic	26. 3. 62
Ireland	27. 2. 63	United Kingdom	9. 3. 62
Israel	24. 5. 63	Upper Volta	16. 4. 62
Ivory Coast	2. 1. 63	Venezuela	16. 11. 64
Jordan	4. 7. 63	Yugoslavia	9. 3. 65

117. SOCIAL POLICY (BASIC AIMS AND STANDARDS) CONVENTION, 1962*This Convention came into force on 23 April 1964*

States	Ratification registered on	States	Ratification registered on
Brazil	24. 3. 69	Jamaica	4. 1. 66
Central African Republic	9. 6. 64	Jordan	7. 3. 63
China	10. 12. 64	Kuwait	23. 4. 63
Congo (Kinshasa)	5. 9. 67	Malagasy Republic	1. 6. 64
Costa Rica	27. 1. 66	Niger	23. 11. 64
Ecuador	3. 10. 69	Paraguay	20. 2. 69
Ghana	18. 6. 64	Senegal	13. 11. 67
Guinea	12. 12. 66	Syrian Arab Republic	11. 12. 64
Israel	15. 1. 64	Zambia	2. 12. 64
Italy	27. 12. 66		

118. EQUALITY OF TREATMENT (SOCIAL SECURITY) CONVENTION, 1962*This Convention came into force on 25 April 1964*

Brazil ¹	24. 3. 69	Sweden ¹⁹	26. 4. 63
Central African Republic ²	8. 10. 64	Syrian Arab Republic ²⁰	18. 11. 63
China ³	4. 1. 65	Tunisia ²¹	20. 9. 65
Congo (Kinshasa) ⁴	1. 11. 67		
Denmark ⁵	17. 6. 69		
Ecuador ⁶	9. 3. 70		
Finland ⁷	15. 8. 69		
Guatemala ⁸	4. 11. 63		
Guinea ⁹	11. 8. 67		
India ¹⁰	19. 8. 64		
Ireland ¹¹	26. 11. 64		
Israel ¹²	9. 6. 65		
Italy ¹³	5. 5. 67		
Jordan ¹⁴	7. 3. 63		
Malagasy Republic ¹⁵	22. 6. 64		
Mauritania ¹⁶	15. 7. 68		
Netherlands ¹⁷	3. 7. 64		
Norway ¹⁷	28. 8. 63		
Pakistan ¹⁸	27. 3. 69		

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 Branches (a), (b), (g) and (h).⁶ Branches (a) to (d), (f) and (g).⁷ Branches (a), (b) and (g).⁸ Branch (c).⁹ Branches (a) to (c), (e) to (g) and (i).¹⁰ Branches (a) to (c).¹¹ Branches (a), (b), (h) and (i).¹² Branches (c), (e) to (g) and (i).¹³ Branches (a) to (i).¹⁴ Branches (c), (d), (f) and (g).¹⁵ Branches (b) to (d) and (g).¹⁶ Branches (d) to (g) and (i).¹⁷ Branches (f) and (i).¹⁸ Branches (c) and (g).¹⁹ Branches (a) to (c), (g) and (h).²⁰ Branches (d) to (g).²¹ Branches (a) to (c), (g) and (i).

119. GUARDING OF MACHINERY CONVENTION, 1963*This Convention came into force on 21 April 1965*

States	Ratification registered on	States	Ratification registered on
Algeria	12. 6. 69	Kuwait	23. 11. 64
Byelorussia	11. 3. 70	Malagasy Republic	1. 6. 64
Central African Republic	9. 6. 64	Niger	23. 11. 64
China	22. 2. 66	Norway ¹	10. 12. 69
Congo (Brazzaville)	23. 11. 64	Paraguay	10. 7. 67
Congo (Kinshasa)	5. 9. 67	Sierra Leone	21. 4. 64
Cyprus	29. 3. 65	Sweden	29. 12. 64
Dominican Republic	9. 3. 65	Syrian Arab Republic	10. 6. 65
Ecuador	3. 10. 69	Turkey	13. 11. 67
Finland	15. 8. 69	USSR	4. 11. 69
Ghana	18. 3. 65		
Guatemala	26. 2. 64		
Guinea	12. 12. 66		
Jordan	4. 5. 64		

¹ In conformity with the provisions of Article 17, paragraph 1, of the Convention a declaration specifies to which undertakings and to which ships, boats and barges the provisions of the Convention apply.

120. HYGIENE (COMMERCE AND OFFICES) CONVENTION, 1964*This Convention came into force on 29 March 1966*

Algeria	12. 6. 69	Malagasy Republic	21. 11. 66
Brazil	24. 3. 69	Mexico	18. 6. 68
Bulgaria	29. 3. 65	Norway	6. 6. 66
Byelorussia	26. 2. 68	Paraguay	10. 7. 67
Congo (Kinshasa)	5. 9. 67	Poland	26. 6. 68
Costa Rica	27. 1. 66	Senegal	25. 4. 66
Ecuador	10. 3. 69	Sweden	11. 6. 65
Finland	23. 9. 68	Switzerland	18. 2. 66
Ghana	21. 11. 66	Syrian Arab Republic	10. 6. 65
Guinea	12. 12. 66	Ukraine	19. 6. 68
Indonesia	13. 6. 69	USSR	22. 9. 67
Jordan	11. 3. 65	United Kingdom	21. 4. 67

121. EMPLOYMENT INJURY BENEFITS CONVENTION, 1964*This Convention came into force on 28 July 1967*

Congo (Kinshasa)	5. 9. 67	Ireland	9. 6. 69
Cyprus	28. 7. 66	Netherlands	2. 8. 66
Finland	23. 9. 68	Senegal	25. 4. 66
Guinea	11. 8. 67	Sweden	17. 6. 69

122. EMPLOYMENT POLICY CONVENTION, 1964*This Convention came into force on 15 July 1966*

States	Ratification registered on	States	Ratification registered on
Algeria	12. 6. 69	Malagasy Republic	21. 11. 66
Australia	12. 11. 69	Netherlands	9. 1. 67
Belgium	8. 7. 69	New Zealand	15. 7. 65
Brazil	24. 3. 69	Norway	6. 6. 66
Byelorussia	26. 2. 68	Paraguay	20. 2. 69
Canada	16. 9. 66	Peru	27. 7. 67
Chile	24. 10. 68	Poland	24. 11. 66
Costa Rica	27. 1. 66	Senegal	25. 4. 66
Cyprus	28. 7. 66	Sweden	11. 6. 65
Finland	23. 9. 68	Thailand	26. 2. 69
Guinea	12. 12. 66	Tunisia	17. 2. 66
Hungary	18. 6. 69	Uganda	23. 6. 67
Iraq	2. 3. 70	Ukraine	19. 6. 68
Ireland	20. 6. 67	USSR	22. 9. 67
Israel	26. 1. 70	United Kingdom	27. 6. 66
Jordan	10. 3. 66		

123. MINIMUM AGE (UNDERGROUND WORK) CONVENTION, 1965*This Convention came into force on 10 November 1967*

Bulgaria ¹	3. 10. 69	Switzerland ⁶	10. 11. 66
Byelorussia ²	11. 3. 70	Thailand ²	5. 4. 68
China ¹	6. 4. 67	Tunisia ²	24. 7. 67
Cyprus ¹	11. 4. 67	Uganda ¹	23. 6. 67
Czechoslovakia ²	7. 6. 68	USSR ²	4. 11. 69
Ecuador ²	10. 3. 69	Zambia ²	3. 4. 67
Gabon ²	18. 10. 68		
Hungary ¹	8. 6. 68		
Jordan ¹	6. 6. 66		
Kenya ¹	20. 6. 68		
Malagasy Republic ²	23. 10. 67		
Mexico ¹	29. 8. 68		
Netherlands ²	8. 4. 69		
Paraguay ²	10. 10. 68		
Poland ⁴	30. 9. 69		
Spain ⁶	6. 11. 67		

¹ Minimum age specified: 16 years.² Minimum age specified: 18 years.³ Minimum age specified: 17 ½ years.⁴ Minimum age specified: for apprentices and trainees, under certain conditions, 16 years; for other categories of workers, 18 years.⁵ Minimum age specified: for apprentices, under certain conditions, 16 years; for other categories of workers, 18 years.⁶ Minimum age specified: 19 full years; for apprentices, 20 full years.

124. MEDICAL EXAMINATION OF YOUNG PERSONS (UNDERGROUND WORK) CONVENTION, 1965

This Convention came into force on 13 December 1967

States	Ratification registered on	States	Ratification registered on
Bulgaria	3. 10. 69	Mexico	29. 8. 68
Byelorussia	11. 3. 70	Netherlands	8. 4. 69
China	19. 4. 67	Paraguay	10. 7. 67
Cyprus	18. 1. 67	Poland	26. 6. 68
Ecuador	10. 3. 69	Tunisia	3. 5. 67
Finland	23. 9. 68	Uganda	23. 6. 67
Gabon	18. 10. 68	USSR	4. 11. 69
Hungary	8. 6. 68	United Kingdom	13. 12. 66
Jordan	6. 6. 66	Zambia	10. 3. 67
Malagasy Republic	23. 10. 67		

125. FISHERMEN'S COMPETENCY CERTIFICATES CONVENTION, 1966

This Convention came into force on 15 July 1969

Belgium	22. 7. 69	Sierra Leone	6. 11. 67
Senegal	15. 7. 68	Syrian Arab Republic	6. 5. 69

126. ACCOMMODATION OF CREWS (FISHERMEN) CONVENTION, 1966

This Convention came into force on 6 November 1968

Belgium	22. 7. 69	Spain	8. 11. 68
Norway	6. 7. 67	USSR	4. 11. 69
Sierra Leone	6. 11. 67		

127. MAXIMUM WEIGHT CONVENTION, 1967*This Convention came into force on 10 March 1970*

States	Ratification registered on	States	Ratification registered on
Algeria	12. 6. 69	Spain	7. 6. 69
China	2. 2. 70	Thailand	26. 2. 69
Ecuador	10. 3. 69		

128. INVALIDITY, OLD-AGE AND SURVIVORS' BENEFITS CONVENTION, 1967*This Convention came into force on 1 November 1969*

Austria ¹	4. 11. 69	Sweden ³	26. 7. 68
Cyprus ²	7. 1. 69		
Netherlands ³	27. 10. 69		
Norway ³	1. 11. 68		

¹ Has accepted Part III. In accordance with Article 39, paragraph 1 (b), public servants are excluded from the application of the Convention.

² Has accepted Part IV.

³ Has accepted all Parts.

TABLES OF DECLARATIONS OF APPLICATION OF CONVENTIONS IN NON-METROPOLITAN TERRITORIES

EXPLANATORY NOTES

A = Applicable without modification. **M** = Applicable with modifications.
U = Unratified Convention; declaration communicated in connection with the
ratification of Convention No. 83 and will become effective only when that
Convention comes into force.

2. UNEMPLOYMENT CONVENTION, 1919

This Convention came into force on 14 July 1921

States and territories	Date of ratification declaration	Type of decla- ration	States and territories	Date of ratification declaration	Type of decla- ration
Netherlands	6. 2. 32		Gibraltar	7. 3. 63	A
Netherlands Antilles . . .	13. 7. 51	M	Guernsey	14. 7. 21	A
Surinam	13. 7. 51	M	Jersey	14. 7. 21	A
United Kingdom	14. 7. 21		Isle of Man	14. 7. 21	A
Bahamas	3. 4. 63	M	Seychelles	10. 3. 65	A

3. MATERNITY PROTECTION CONVENTION, 1919

This Convention came into force on 13 June 1921

France	16. 12. 50		French Territory of the Afars and the Issas . . .	19. 3. 54	M
<i>Overseas Departments</i>			New Caledonia	19. 3. 54	M
French Guiana	7. 2. 67	A	St. Pierre and Miquelon . .	19. 3. 54	M
Guadeloupe	7. 2. 67	A	United Kingdom		
Martinique	7. 2. 67	A	Fiji	27. 3. 50	M U
Réunion	7. 2. 67	A	Solomon Islands	27. 3. 50	M U
<i>Overseas Territories</i>			Southern Rhodesia	27. 3. 50	M U
Comoro Islands	19. 3. 54	M			
French Polynesia	19. 3. 54	M			

4. NIGHT WORK (WOMEN) CONVENTION, 1919

This Convention came into force on 13 June 1921

France	14. 5. 25		<i>Overseas Territories</i>		
<i>Overseas Departments</i>			Comoro Islands	25. 3. 39	A
French Guiana	25. 3. 39	A	French Polynesia	25. 3. 39	A
Guadeloupe	3. 2. 34	A	French Territory of the Afars and the Issas . . .	25. 3. 39	A
Martinique	3. 2. 34	A	New Caledonia	25. 3. 39	A
Réunion	3. 2. 34	A	St. Pierre and Miquelon . .	25. 3. 39	A

5. MINIMUM AGE (INDUSTRY) CONVENTION, 1919

This Convention came into force on 13 June 1921

States and territories	Date of ratification declaration	Type of declaration	States and territories	Date of ratification declaration	Type of declaration
Denmark	4. 1. 23		British Honduras	4. 6. 62	A
Faroe Islands	4. 1. 23	A	British Virgin Islands	5. 10. 62	A
Greenland	31. 5. 54	M	Brunei	26. 4. 65	M
France	29. 4. 39		Falkland Islands (Malvinas)	4. 6. 62	A
<i>Overseas Departments</i>			Fiji	26. 6. 62	A
French Guiana	14. 1. 48	A	Gibraltar	4. 6. 62	A
Guadeloupe	14. 1. 48	A	Gilbert and Ellice Islands	4. 6. 62	A
Martinique	14. 1. 48	A	Grenada	27. 6. 63	A
Réunion	14. 1. 48	A	Guernsey	14. 7. 21	A
<i>Overseas Territories</i>			Hong Kong	4. 6. 62	A
Comoro Islands	19. 3. 54	A	Jersey	14. 7. 21	A
French Polynesia	19. 3. 54	A	Isle of Man	14. 7. 21	A
French Territory of the Afars and the Issas	19. 3. 54	A	Montserrat	4. 6. 62	A
New Caledonia	14. 1. 48	A	St. Christopher, Nevis and Anguilla	29. 5. 63	A
St. Pierre and Miquelon	19. 3. 54	A	St. Helena	5. 10. 62	A
United Kingdom	14. 7. 21		St. Lucia	4. 6. 62	A
Antigua	4. 6. 62	A	St. Vincent	23. 8. 62	A
Bahamas	4. 6. 62	A	Seychelles	4. 6. 62	A
Bermuda	3. 8. 64	M	Solomon Islands	4. 6. 62	A

6. NIGHT WORK OF YOUNG PERSONS (INDUSTRY) CONVENTION, 1919

This Convention came into force on 13 June 1921

Denmark	4. 1. 23		Réunion	3. 2. 34	A
Faroe Islands	4. 1. 23	A	<i>Overseas Territories</i>		
Greenland	31. 5. 54	A	Comoro Islands	29. 4. 40	A
France	25. 8. 25		French Polynesia	29. 4. 40	A
<i>Overseas Departments</i>			French Territory of the Afars and the Issas	29. 4. 40	A
French Guiana	29. 4. 40	A	New Caledonia	29. 4. 40	A
Guadeloupe	3. 2. 34	A	St. Pierre and Miquelon	29. 4. 40	A
Martinique	3. 2. 34	A			

7. MINIMUM AGE (SEA) CONVENTION, 1920

This Convention came into force on 27 September 1921

States and territories	Date of ratification declaration	Type of declaration	States and territories	Date of ratification declaration	Type of declaration
Australia	28. 6. 35		Gibraltar	4. 6. 62	A
New Guinea	8. 7. 59	A	Gilbert and Ellice Islands	4. 6. 62	A
Papua	8. 7. 59	A	Grenada	27. 6. 63	A
Denmark	12. 5. 24		Guernsey	14. 7. 21	A
Faroe Islands	12. 5. 24	A	Hong Kong	4. 6. 62	A
Greenland	31. 5. 54	M	Jersey	14. 7. 21	A
United Kingdom	14. 7. 21		Isle of Man	14. 7. 21	A
Antigua	4. 6. 62	A	Montserrat	4. 6. 62	A
Bahamas	4. 6. 62	A	St. Christopher, Nevis and Anguilla	29. 3. 63	A
Bermuda	3. 8. 64	M	St. Helena	5. 10. 62	A
British Honduras	4. 6. 62	A	St. Lucia	4. 6. 62	A
British Virgin Islands	5. 10. 62	A	St. Vincent	23. 8. 62	A
Brunei	26. 4. 65	A	Seychelles	4. 6. 62	A
Falkland Islands (Malvinas)	4. 6. 62	A	Solomon Islands	4. 6. 62	A
Fiji	3. 3. 64	M			

8. UNEMPLOYMENT INDEMNITY (SHIPWRECK) CONVENTION, 1920

This Convention came into force on 16 March 1923

Australia	28. 6. 35		Fiji	26. 6. 62	A
New Guinea	6. 11. 37	A	Gibraltar	4. 6. 62	A
Papua	6. 11. 37	A	Grenada	27. 6. 63	A
Denmark	15. 2. 38		Guernsey	12. 3. 26	A
Faroe Islands	15. 2. 38	A	Hong Kong	20. 8. 63	A
Netherlands	15. 12. 37		Jersey	12. 3. 26	A
Netherlands Antilles	5. 8. 57	A	Isle of Man	12. 3. 26	A
United Kingdom	12. 3. 26		Montserrat	4. 6. 62	A
British Honduras	12. 6. 64	A	St. Christopher, Nevis and Anguilla	29. 5. 63	A
British Virgin Islands	5. 10. 62	A	St. Helena	5. 10. 62	A
Brunei	26. 4. 65	A	St. Lucia	4. 6. 62	A
Dominica	4. 6. 62	A	St. Vincent	4. 6. 62	A
Falkland Islands (Malvinas)	4. 6. 62	A	Seychelles	4. 6. 62	A
			Solomon Islands	4. 6. 62	A

9. PLACING OF SEAMEN CONVENTION, 1920

This Convention came into force on 23 November 1921

Denmark	23. 8. 38		Netherlands	9. 1. 48	
Faroe Islands	23. 8. 38	A	Netherlands Antilles	5. 6. 57	A

10. MINIMUM AGE (AGRICULTURE) CONVENTION, 1921

This Convention came into force on 31 August 1923

States and territories	Date of ratification declaration	Type of declaration	States and territories	Date of ratification declaration	Type of declaration
Australia	24. 12. 57		Bermuda	21. 5. 64	A
New Guinea	8. 7. 59	A	British Honduras	18. 12. 63	A
Norfolk Island	8. 7. 59	A	British Virgin Islands	10. 3. 65	A
Papua	8. 7. 59	A	Brunei	26. 4. 65	M
France	7. 6. 51		Dominica	12. 6. 64	A
<i>Overseas Departments</i>			Falkland Islands		
French Guiana	27. 4. 55	A	(Malvinas)	18. 12. 63	A
Guadeloupe	27. 4. 55	A	Gilbert and Ellice Islands	24. 2. 64	A
Martinique	27. 4. 55	A	Grenada	13. 4. 64	A
Réunion	27. 4. 55	A	Guernsey	20. 11. 63	A
Netherlands	28. 11. 56		Jersey	12. 6. 64	A
Netherlands Antilles	11. 4. 57	A	Isle of Man	15. 10. 63	A
United Kingdom	11. 7. 63		St. Helena	24. 2. 64	A
Antigua	27. 4. 66	M	St. Vincent	29. 12. 64	A
Bahamas	1. 3. 67	A	Seychelles	24. 2. 64	A

11. RIGHT OF ASSOCIATION (AGRICULTURE) CONVENTION, 1921

This Convention came into force on 11 May 1923

Australia	24. 12. 57		United Kingdom	6. 8. 23	
New Guinea	8. 7. 59	A	Antigua	4. 6. 62	A
Norfolk Island	8. 7. 59	A	Bahamas	4. 6. 62	A
Papua	8. 7. 59	A	Bermuda	4. 6. 62	A
Denmark	20. 6. 30		British Honduras	4. 6. 62	A
Faroe Islands	28. 9. 60	A	British Virgin Islands	5. 10. 62	A
Greenland	31. 5. 54	A	Brunei	26. 4. 65	A
France	23. 3. 29		Dominica	4. 6. 62	A
<i>Overseas Departments</i>			Falkland Islands		
Guadeloupe	9. 12. 33	A	(Malvinas)	4. 6. 62	A
Martinique	9. 12. 33	A	Fiji	26. 6. 62	A
Réunion	9. 12. 33	A	Gibraltar	4. 6. 62	A
<i>Overseas Territories</i>			Gilbert and Ellice Islands	4. 6. 62	A
Comoro Islands	8. 7. 58	A	Grenada	27. 6. 63	A
French Polynesia	8. 7. 58	A	Guernsey	6. 8. 23	A
French Territory of the			Hong Kong	4. 6. 62	A
Afars and the Issas	8. 7. 58	A	Jersey	6. 8. 23	A
New Caledonia	8. 7. 58	A	Isle of Man	6. 8. 23	A
St. Pierre and Miquelon	8. 7. 58	A	Montserrat	4. 6. 62	A
Netherlands	20. 8. 26		St. Christopher, Nevis and		
Netherlands Antilles	15. 12. 55	A	Anguilla	29. 5. 63	A
Surinam	5. 8. 57	A	St. Helena	5. 10. 62	A
New Zealand	29. 3. 38		St. Lucia	4. 6. 62	A
Cook Islands	26. 10. 51	A	St. Vincent	4. 6. 62	A
Niue	26. 10. 51	A	Seychelles	4. 6. 62	A
			Solomon Islands	4. 6. 62	A

12. WORKMEN'S COMPENSATION (AGRICULTURE) CONVENTION, 1921

This Convention came into force on 26 February 1923

States and territories	Date of ratification declaration	Type of declaration	States and territories	Date of ratification declaration	Type of declaration
Australia	7. 6. 60		Falkland Islands		
New Guinea	31. 1. 66	A	(Malvinas)	4. 6. 62	A
Papua	31. 1. 66	A	Fiji	26. 6. 62	A
Denmark	26. 2. 23		Gibraltar	4. 6. 62	A
Faroe Islands	28. 9. 60	A	Gilbert and Ellice Islands	4. 6. 62	A
Netherlands	20. 8. 26		Grenada	27. 6. 63	A
Netherlands Antilles	15. 12. 55	A	Guernsey	6. 8. 23	A
United Kingdom	6. 8. 23		Jersey	6. 8. 23	A
Antigua	4. 6. 62	A	Isle of Man	6. 8. 23	A
Bahamas	2. 5. 67	M	Montserrat	4. 6. 62	A
Bermuda	2. 5. 67	A	St. Christopher, Nevis and		
British Honduras	4. 6. 62	A	Anguilla	29. 5. 63	A
British Virgin Islands	5. 10. 62	A	St. Helena	5. 10. 62	A
Brunei	26. 4. 65	A	St. Lucia	4. 6. 62	A
Dominica	4. 6. 62	A	St. Vincent	4. 6. 62	A
			Solomon Islands	4. 6. 62	A

13. WHITE LEAD (PAINTING) CONVENTION, 1921

This Convention came into force on 31 August 1923

France	19. 2. 26		French Polynesia	24. 1. 39	A
<i>Overseas Departments</i>			French Territory of the		
French Guiana	24. 1. 39	A	Afars and the Issas	24. 1. 39	A
Guadeloupe	9. 2. 34	A	New Caledonia	24. 1. 39	A
Martinique	9. 2. 34	A	St. Pierre and Miquelon	24. 1. 39	A
Réunion	9. 2. 34	A	Netherlands	15. 12. 39	
<i>Overseas Territories</i>			Surinam	5. 8. 57	A
Comoro Islands	24. 1. 39	A			

14. WEEKLY REST (INDUSTRY) CONVENTION, 1921*This Convention came into force on 19 June 1923*

States and territories	Date of ratification declaration	Type of declaration	States and territories	Date of ratification declaration	Type of declaration
Denmark	30. 8. 35		New Zealand	29. 3. 38	
Faroe Islands	30. 8. 35	A	Cook Islands	4. 12. 46	A
Greenland	31. 5. 54	A	Niue	4. 12. 46	A
France	3. 9. 26		United Kingdom		
<i>Overseas Departments</i>			Antigua	27. 3. 50	A U
French Guiana	14. 2. 47	A	Bahamas	27. 3. 50	A U
Guadeloupe	14. 2. 47	A	British Virgin Islands	27. 3. 50	A U
Martinique	14. 2. 47	A	Dominica	27. 3. 50	A U
Réunion	14. 2. 47	A	Falkland Islands		
<i>Overseas Territories</i>			(Malvinas)	27. 3. 50	A U
Comoro Islands	19. 3. 54	A	Grenada	27. 3. 50	A U
French Polynesia	19. 3. 54	A	Montserrat	27. 3. 50	A U
French Territory of the			St. Christopher, Nevis and		
Afars and the Issas	19. 3. 54	A	Anguilla	27. 3. 50	A U
New Caledonia	14. 2. 47	A	St. Helena	27. 3. 50	A U
St. Pierre and Miquelon	19. 3. 54	A	St. Lucia	27. 3. 50	A U
Netherlands	14. 7. 65		St. Vincent	27. 3. 50	A U
Netherlands Antilles	14. 7. 65	A	Solomon Islands	27. 3. 50	A U
Surinam	14. 7. 65	A	Southern Rhodesia	27. 3. 50	A U

15. MINIMUM AGE (TRIMMERS AND STOKERS) CONVENTION, 1921*This Convention came into force on 20 November 1922*

Denmark	12. 5. 24		Guernsey	8. 3. 26	A
Faroe Islands	12. 5. 24	A	Hong Kong	27. 3. 50	A U
Greenland	31. 5. 54	A	Jersey	8. 3. 26	A
United Kingdom	8. 3. 26		Isle of Man	8. 3. 26	A
Bermuda	27. 3. 50	A U	Montserrat	5. 7. 62	A U
British Honduras	1. 8. 61	A U	St. Helena	27. 3. 50	A U
Brunei	1. 6. 60	A U	St. Lucia	27. 3. 50	A U
Dominica	27. 3. 50	A U	St. Vincent	27. 3. 50	A U
Fiji	27. 3. 50	M U	Seychelles	27. 3. 50	A U
Gibraltar	27. 3. 50	A U	Solomon Islands	27. 3. 50	M U
Grenada	27. 3. 50	A U			

16. MEDICAL EXAMINATION OF YOUNG PERSONS (SEA) CONVENTION, 1921*This Convention came into force on 20 November 1922*

States and territories	Date of ratification declaration	Type of declaration	States and territories	Date of ratification declaration	Type of declaration
Denmark	23. 4. 38		Guernsey	8. 3. 26	A
Faroe Islands	23. 4. 38	A	Hong Kong	27. 3. 50	A U
Greenland	31. 5. 54	A	Jersey	8. 3. 26	A
United Kingdom	8. 3. 26		Isle of Man	8. 3. 26	A
Bermuda	27. 3. 50	A U	Montserrat	5. 7. 62	A U
British Honduras	22. 8. 66	A U	St. Helena	27. 3. 50	A U
Brunei	11. 9. 61	A U	St. Lucia	27. 3. 50	A U
Dominica	27. 3. 50	A U	St. Vincent	27. 3. 50	A U
Fiji	27. 3. 50	M U	Seychelles	27. 3. 50	A U
Gibraltar	27. 3. 50	A U	Solomon Islands	27. 3. 50	A U
Grenada	27. 3. 50	A U			

17. WORKMEN'S COMPENSATION (ACCIDENTS) CONVENTION, 1925*This Convention came into force on 1 April 1927*

France	17. 5. 48		Falkland Islands (Malvinas)	27. 3. 50	M U
<i>Overseas Departments</i>			Fiji	7. 1. 66	M U
French Guiana	27. 4. 55	A	Gibraltar	29.12. 58	A U
Guadeloupe	27. 4. 55	A	Gilbert and Ellice Islands	15. 8. 67	M U
Martinique	27. 4. 55	A	Grenada	27. 3. 50	M U
Réunion	27. 4. 55	A	Guernsey	28. 6. 49	A
Netherlands	13. 9. 27		Jersey	28. 6. 49	A
Netherlands Antilles	5. 8. 57	A	Isle of Man	28. 6. 49	A
Surinam	15. 4. 58	A	Montserrat	5. 7. 62	A U
United Kingdom	28. 6. 49		St. Christopher, Nevis and Anguilla	27. 3. 50	M U
Antigua	27. 3. 50	M U	St. Helena	27. 3. 50	M U
Bahamas	27. 3. 50	M U	St. Lucia	6.11. 67	A U
Bermuda	17. 6. 66	M U	St. Vincent	27. 3. 50	M U
British Honduras	27. 3. 50	M U	Solomon Islands	30. 3. 65	M U
British Virgin Islands	17. 9. 64	A U	Southern Rhodesia	27. 3. 50	M U
Dominica	27. 3. 50	M U			

18. WORKMEN'S COMPENSATION (OCCUPATIONAL DISEASES) CONVENTION, 1925*This Convention came into force on 1 April 1927*

Australia	22. 4. 59		<i>Overseas Departments</i>		
New Guinea	8. 2. 61	A	French Guiana	15. 3. 38	A
Papua	8. 2. 61	A	Guadeloupe	15. 3. 38	A
Denmark	18. 6. 34		Martinique	15. 3. 38	A
Faroe Islands	18. 6. 34	A	Réunion	15. 3. 38	A
France	13. 8. 31				

19. EQUALITY OF TREATMENT (ACCIDENT COMPENSATION) CONVENTION, 1925*This Convention came into force on 8 September 1926*

States and territories	Date of ratification declaration	Type of declaration	States and territories	Date of ratification declaration	Type of declaration
Australia	12. 6. 59		British Virgin Islands . .	27. 3. 50	A U
New Guinea	8. 2. 61	A	Brunei	1. 6. 60	A U
Papua	8. 2. 61	A	Dominica	27. 3. 50	A U
Denmark	31. 3. 28		Falkland Islands		
Faroe Islands	31. 3. 28	A	(Malvinas)	27. 3. 50	A U
Greenland	31. 5. 54	A	Fiji	27. 3. 50	A U
France	4. 4. 28		Gibraltar	29. 12. 58	A U
<i>Overseas Departments</i>			Grenada	27. 3. 50	A U
French Guiana	22. 2. 48	A	Guernsey	6. 10. 26	A
Guadeloupe	22. 2. 48	A	Hong Kong	27. 3. 50	A U
Martinique	22. 2. 48	A	Jersey	6. 10. 26	A
Réunion	22. 2. 48	A	Isle of Man	6. 10. 26	A
Netherlands	13. 9. 27		Montserrat	27. 3. 50	A U
Surinam	13. 7. 51	A	St. Christopher, Nevis and		
United Kingdom	6. 10. 26		Anguilla	27. 3. 50	A U
Antigua	27. 3. 50	A U	St. Helena	27. 3. 50	A U
Bahamas	27. 3. 50	A U	St. Lucia	27. 3. 50	A U
Bermuda	5. 9. 66	M U	St. Vincent	27. 3. 50	A U
British Honduras	27. 3. 50	A U	Solomon Islands	27. 2. 59	A U
			Southern Rhodesia	27. 3. 50	A U

22. SEAMEN'S ARTICLES OF AGREEMENT CONVENTION, 1926*This Convention came into force on 4 April 1928*

Netherlands	15. 12. 37		Gibraltar	7. 3. 63	A
Netherlands Antilles . . .	5. 8. 57	A	Guernsey	14. 6. 29	A
United Kingdom	14. 6. 29		Hong Kong	12. 6. 64	M
Bahamas	15. 1. 63	A	Jersey	14. 6. 29	A
Bermuda	4. 2. 63	A	Isle of Man	14. 6. 29	A
British Honduras	12. 6. 64	A	St. Christopher, Nevis and		
Dominica	15. 10. 63	A	Anguilla	12. 6. 64	M
Falkland Islands			Seychelles	16. 10. 64	M
(Malvinas)	8. 5. 63	A			

23. REPATRIATION OF SEAMEN CONVENTION, 1926*This Convention came into force on 16 April 1928*

Netherlands	5. 5. 48		Netherlands Antilles . . .	5. 8. 57	A
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24. SICKNESS INSURANCE (INDUSTRY) CONVENTION, 1927*This Convention came into force on 15 July 1928*

States and territories	Date of ratification declaration	Type of declaration	States and territories	Date of ratification declaration	Type of declaration
United Kingdom	20. 2. 31		Jersey	20. 2. 31	A
Guernsey	20. 2. 31	A	Isle of Man	20. 2. 31	A

25. SICKNESS INSURANCE (AGRICULTURE) CONVENTION, 1927*This Convention came into force on 15 July 1928*

Netherlands	15. 11. 65		Guernsey	20. 2. 31	A
Netherlands Antilles	30. 5. 68	A	Jersey	20. 2. 31	A
United Kingdom	20. 2. 31		Isle of Man	20. 2. 31	A

26. MINIMUM WAGE-FIXING MACHINERY CONVENTION, 1928*This Convention came into force on 14 June 1930*

France	18. 9. 30		Gibraltar	4. 6. 62	A
<i>Overseas Territories</i>			Gilbert and Ellice Islands	15. 10. 63	A
Comoro Islands	19. 3. 54	A	Grenada	27. 6. 63	A
French Polynesia	19. 3. 54	A	Guernsey	14. 6. 29	A
French Territory of the			Hong Kong	4. 6. 62	A
Afars and the Issas	19. 3. 54	A	Jersey	14. 6. 29	A
New Caledonia	19. 3. 54	A	Isle of Man	14. 6. 29	A
St. Pierre and Miquelon	19. 3. 54	A	Montserrat	12. 6. 64	A
United Kingdom	14. 6. 29		St. Christopher, Nevis and		
Bahamas	28. 8. 64	A	Anguilla	29. 5. 63	A
British Honduras	4. 6. 62	A	St. Helena	5. 10. 62	A
British Virgin Islands	5. 10. 62	A	St. Lucia	4. 6. 62	A
Dominica	4. 6. 62	A	St. Vincent	4. 6. 62	A
Falkland Islands			Seychelles	4. 6. 62	A
(Malvinas)	4. 6. 62	A	Solomon Islands	4. 6. 62	A
Fiji	26. 6. 62	A			

27. MARKING OF WEIGHT (PACKAGES TRANSPORTED BY VESSELS) CONVENTION, 1929*This Convention came into force on 9 March 1932*

Australia	9. 3. 31		Papua	12. 9. 31	A
New Guinea	12. 9. 31	A	Netherlands	4. 1. 33	
Norfolk Island	12. 9. 31	A	Surinam	5. 8. 57	A

29. FORCED LABOUR CONVENTION, 1930*This Convention came into force on 1 May 1932*

States and territories	Date of ratification declaration	Type of declaration	States and territories	Date of ratification declaration	Type of declaration
Australia	2. 1. 32		United Kingdom	3. 6. 31	
New Guinea	2. 1. 32	A	Antigua	3. 6. 31	A
Norfolk Island	2. 1. 32	A	Bahamas	3. 6. 31	A
Papua	2. 1. 32	A	Bermuda	3. 6. 31	A
Denmark	11. 2. 32		British Honduras	3. 6. 31	A
Faroe Islands	11. 2. 32	A	British Virgin Islands	3. 6. 31	A
Greenland	11. 2. 32	A	Brunei	3. 6. 31	A
France	24. 6. 37		Dominica	3. 6. 31	A
<i>Overseas Departments</i>			Falkland Islands (Malvinas)	3. 6. 31	A
French Guiana	24. 6. 37	A	Fiji	3. 6. 31	A
Guadeloupe	24. 6. 37	A	Gibraltar	3. 6. 31	A
Martinique	24. 6. 37	A	Gilbert and Ellice Islands	3. 6. 31	A
Réunion	24. 6. 37	A	Grenada	3. 6. 31	A
<i>Overseas Territories</i>			Guernsey	3. 6. 31	A
Comoro Islands	26. 7. 54	A	Hong Kong	3. 6. 31	A
French Polynesia	26. 7. 54	A	Jersey	3. 6. 31	A
French Territory of the Afars and the Issas	26. 7. 54	A	Isle of Man	3. 6. 31	A
New Caledonia	26. 7. 54	A	Montserrat	3. 6. 31	A
St. Pierre and Miquelon	26. 7. 54	A	St. Christopher, Nevis and Anguilla	3. 6. 31	A
Netherlands	31. 3. 33		St. Helena	3. 6. 31	A
Netherlands Antilles	31. 3. 33	A	St. Lucia	3. 6. 31	A
Surinam	31. 3. 33	A	St. Vincent	3. 6. 31	A
New Zealand	29. 3. 38		Seychelles	3. 6. 31	A
Cook Islands	4. 12. 46	A	Solomon Islands	3. 6. 31	A
Niue	4. 12. 46	A	Southern Rhodesia	20. 3. 33	A
Tokelau Islands	7. 6. 56	A			

32. PROTECTION AGAINST ACCIDENTS (DOCKERS) CONVENTION (REVISED), 1932*This Convention came into force on 30 October 1934*

United Kingdom	10. 1. 35		Guernsey	10. 1. 35	A
Falkland Islands (Malvinas)	29. 12. 64	M	Jersey	10. 1. 35	A
			Isle of Man	10. 1. 35	A

33. MINIMUM AGE (NON-INDUSTRIAL EMPLOYMENT) CONVENTION, 1932*This Convention came into force on 6 June 1935*

France	29. 4. 39		New Caledonia	19. 3. 54	A
<i>Overseas Territories</i>			St. Pierre and Miquelon	19. 3. 54	A
Comoro Islands	19. 3. 54	A	Netherlands	12. 7. 35	
French Polynesia	19. 3. 54	A	Netherlands Antilles	5. 8. 57	A
French Territory of the Afars and the Issas	19. 3. 54	A			

35. OLD-AGE INSURANCE (INDUSTRY, ETC.) CONVENTION, 1933*This Convention came into force on 18 July 1937*

States and territories	Date of ratification declaration	Type of declaration	States and territories	Date of ratification declaration	Type of declaration
United Kingdom	18. 7. 36		Guernsey	18. 7. 36	A
Falkland Islands			Jersey	18. 7. 36	A
(Malvinas)	21. 5. 64	M	Isle of Man	18. 7. 36	A
Gibraltar.	21. 5. 64	A			

36. OLD-AGE INSURANCE (AGRICULTURE) CONVENTION, 1933*This Convention came into force on 18 July 1937*

United Kingdom	18. 7. 36		Guernsey	18. 7. 36	A
Falkland Islands			Jersey	18. 7. 36	A
(Malvinas)	21. 5. 64	M	Isle of Man	18. 7. 36	A

37. INVALIDITY INSURANCE (INDUSTRY, ETC.) CONVENTION, 1933*This Convention came into force on 18 July 1937*

United Kingdom	18. 7. 36		Jersey	18. 7. 36	A
Guernsey	18. 7. 36	A	Isle of Man	18. 7. 36	A

38. INVALIDITY INSURANCE (AGRICULTURE) CONVENTION, 1933*This Convention came into force on 18 July 1937*

United Kingdom	18. 7. 36		Jersey	18. 7. 36	A
Guernsey	18. 7. 36	A	Isle of Man	18. 7. 36	A

39. SURVIVORS' INSURANCE (INDUSTRY, ETC.) CONVENTION, 1933*This Convention came into force on 8 November 1946*

United Kingdom	18. 7. 36		Jersey	18. 7. 36	A
Gibraltar.	21. 5. 64	M	Isle of Man	18. 7. 36	A
Guernsey	18. 7. 36	A			

40. SURVIVORS' INSURANCE (AGRICULTURE) CONVENTION, 1933*This Convention came into force on 29 September 1949*

States and territories	Date of ratification declaration	Type of declaration	States and territories	Date of ratification declaration	Type of declaration
United Kingdom	18. 7. 36		Jersey	18. 7. 36	A
Guernsey	18. 7. 36	A	Isle of Man	18. 7. 36	A

41. NIGHT WORK (WOMEN) CONVENTION (REVISED), 1934*This Convention came into force on 22 November 1936*

France	25. 1. 38		New Caledonia	29. 4. 40	A
<i>Overseas Territories</i>			St. Pierre and Miquelon	29. 4. 40	A
Comoro Islands	29. 4. 40	A	Netherlands	9. 12. 35	
French Polynesia	29. 4. 40	A	Surinam	25. 7. 51	A
French Territory of the Afars and the Issas	29. 4. 40	A			

42. WORKMEN'S COMPENSATION (OCCUPATIONAL DISEASES) CONVENTION (REVISED), 1934*This Convention came into force on 17 June 1936*

Australia	29. 4. 59		British Honduras	21. 5. 64	A
New Guinea	8. 2. 61	A	Brunei	26. 4. 65	A
Papua	8. 2. 61	A	Falkland Islands (Malvinas)	1. 3. 67	A
France	17. 5. 48		Fiji	20. 7. 65	M
<i>Overseas Departments</i>			Gibraltar	21. 5. 64	A
French Guiana	27. 4. 55	A	Gilbert and Ellice Islands	7. 6. 67	A
Guadeloupe	27. 4. 55	A	Guernsey	29. 4. 36	A
Martinique	27. 4. 55	A	Hong Kong	30. 3. 65	M
Réunion	27. 4. 55	A	Jersey	29. 4. 36	A
Netherlands	1. 9. 39		Isle of Man	29. 4. 36	A
Netherlands Antilles	15. 12. 55	A	Montserrat	26. 10. 66	M
Surinam	13. 7. 51	A	St. Christopher, Nevis and Anguilla	17. 9. 64	M
United Kingdom	29. 4. 36		St. Lucia	31. 3. 66	M
Bahamas	2. 5. 67	M	Solomon Islands	11. 11. 64	A
Bermuda	2. 5. 67	M			

44. UNEMPLOYMENT PROVISION CONVENTION, 1934*This Convention came into force on 10 June 1938*

United Kingdom	29. 4. 36		Jersey	29. 4. 36	A
Gibraltar	11. 11. 64	M	Isle of Man	29. 4. 36	A
Guernsey	29. 4. 36	A			

45. UNDERGROUND WORK (WOMEN) CONVENTION, 1935*This Convention came into force on 30 May 1937*

States and territories	Date of ratification declaration	Type of declaration	States and territories	Date of ratification declaration	Type of declaration
Australia	7. 10. 53		Fiji	27. 3. 50	A U
New Guinea	14. 12. 54	A	Gibraltar	27. 3. 50	A U
Papua	14. 12. 54	A	Guernsey	18. 7. 36	A
Netherlands	20. 2. 37		Hong Kong	27. 3. 50	A U
Netherlands Antilles	5. 8. 57	A	Jersey	18. 7. 36	A
United Kingdom	18. 7. 36		Isle of Man	18. 7. 36	A
Bahamas	27. 3. 50	A U	Solomon Islands	27. 3. 50	A U
Falkland Islands (Malvinas)	27. 3. 50	A U	Southern Rhodesia	27. 3. 50	A U

50. RECRUITING OF INDIGENOUS WORKERS CONVENTION, 1936*This Convention came into force on 8 September 1939*

New Zealand	8. 7. 47		Guernsey	22. 5. 39	A
Cook Islands	8. 7. 47	A	Hong Kong	22. 5. 39	A
Niue	8. 7. 47	A	Jersey	22. 5. 39	A
United Kingdom	22. 5. 39		Isle of Man	22. 5. 39	A
Antigua	22. 5. 39	A	Montserrat	22. 5. 39	A
Bahamas	30. 9. 44	A	St. Christopher, Nevis and Anguilla	22. 5. 39	A
British Honduras	22. 5. 39	A	St. Lucia	22. 5. 39	A
British Virgin Islands	22. 5. 39	A	St. Vincent	22. 5. 39	A
Brunei	22. 5. 39	A	Seychelles	22. 5. 39	A
Dominica	22. 5. 39	A	Solomon Islands	22. 5. 39	A
Fiji	22. 5. 39	A	Southern Rhodesia	11. 3. 40	A
Gilbert and Ellice Islands	22. 5. 39	A			
Grenada	22. 5. 39	A			

52. HOLIDAYS WITH PAY CONVENTION, 1936*This Convention came into force on 22 September 1939*

Denmark	22. 6. 39		Faroe Islands	15. 6. 61	A
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53. OFFICERS' COMPETENCY CERTIFICATES CONVENTION, 1936*This Convention came into force on 29 March 1939*

States and territories	Date of ratification declaration	Type of declaration	States and territories	Date of ratification declaration	Type of declaration
Denmark	13. 7. 38		United States	29. 10. 38	
Faroe Islands	13. 7. 38	A	American Samoa	29. 10. 38	A
France	19. 6. 47		Guam	29. 10. 38	A
<i>Overseas Departments</i>			Puerto Rico	29. 10. 38	A
French Guiana	27. 4. 55	A	Trust Territory of Pacific Islands	7. 6. 61	A
Guadeloupe	27. 4. 55	A	Virgin Islands	29. 10. 38	A
Martinique	27. 4. 55	A			
Réunion	27. 4. 55	A			

54. HOLIDAYS WITH PAY (SEA) CONVENTION, 1936*This Convention has not come into force*

United States	29. 10. 38		Puerto Rico	29. 10. 38	A
American Samoa	29. 10. 38	A	Virgin Islands	29. 10. 38	A
Guam	29. 10. 38	A			

55. SHIPOWNERS' LIABILITY (SICK AND INJURED SEAMEN) CONVENTION, 1936*This Convention came into force on 29 October 1939*

France	19. 6. 47		United States	29. 10. 38	
<i>Overseas Departments</i>			American Samoa	29. 10. 38	A
French Guiana	27. 4. 55	A	Guam	29. 10. 38	A
Guadeloupe	27. 4. 55	A	Puerto Rico	29. 10. 38	A
Martinique	27. 4. 55	A	Virgin Islands	29. 10. 38	A
Réunion	27. 4. 55	A			

56. SICKNESS INSURANCE (SEA) CONVENTION, 1936*This Convention came into force on 9 December 1949*

France	9. 12. 48		Réunion	27. 4. 55	A
<i>Overseas Departments</i>			United Kingdom	30. 9. 44	
French Guiana	27. 4. 55	A	Guernsey	30. 9. 44	A
Guadeloupe	27. 4. 55	A	Jersey	30. 9. 44	A
Martinique	27. 4. 55	A	Isle of Man	30. 9. 44	A

57. HOURS OF WORK AND MANNING (SEA) CONVENTION, 1936

This Convention has not come into force

States and territories	Date of ratification declaration	Type of declaration	States and territories	Date of ratification declaration	Type of declaration
United States	29. 10. 38		Puerto Rico	29. 10. 38	A
American Samoa	29. 10. 38	A	Virgin Islands	29. 10. 38	A
Guam	29. 10. 38	A			

58. MINIMUM AGE (SEA) CONVENTION (REVISED), 1936

This Convention came into force on 11 April 1939

France	9. 12. 48		Fiji	27. 3. 50	A U
<i>Overseas Departments</i>			Gibraltar	29. 12. 58	A U
French Guiana	27. 4. 55	A	Gilbert and Ellice Islands	27. 3. 50	M U
Guadeloupe	27. 4. 55	A	Grenada	27. 3. 50	A U
Martinique	27. 4. 55	A	Hong Kong	27. 3. 50	M U
Réunion	27. 4. 55	A	Montserrat	27. 3. 50	M U
Netherlands	8. 7. 47		St. Christopher, Nevis and		
Netherlands Antilles	5. 8. 57	A	Anguilla	27. 3. 50	M U
United Kingdom			St. Helena	27. 3. 50	A U
Antigua	27. 3. 50	M U	St. Lucia	27. 3. 50	M U
Bahamas	27. 3. 50	M U	St. Vincent	27. 3. 50	M U
Bermuda	4. 10. 67	M U	Seychelles	27. 3. 50	A U
British Honduras	27. 3. 50	M U	Solomon Islands	27. 3. 50	A U
British Virgin Islands	27. 3. 50	M U	United States	29. 10. 38	
Brunei	1. 6. 60	M U	American Samoa	29. 10. 38	A
Dominica	27. 3. 50	A U	Guam	29. 10. 38	A
Falkland Islands			Puerto Rico	29. 10. 38	A
(Malvinas)	27. 3. 50	M U	Virgin Islands	29. 10. 38	A

59. MINIMUM AGE (INDUSTRY) CONVENTION (REVISED), 1937

This Convention came into force on 21 February 1941

United Kingdom			Grenada	27. 3. 50	M U
Antigua	27. 3. 50	M U	Hong Kong	27. 3. 50	M U
Bahamas	27. 3. 50	M U	Montserrat	27. 3. 50	M U
Bermuda	21. 5. 64	A U	St. Christopher, Nevis and		
British Honduras	27. 3. 50	M U	Anguilla	27. 3. 50	M U
British Virgin Islands	27. 3. 50	M U	St. Helena	27. 3. 50	M U
Dominica	27. 3. 50	M U	St. Lucia	27. 3. 50	M U
Falkland Islands (Malvinas)	27. 3. 50	M U	St. Vincent	27. 3. 50	M U
Fiji	27. 3. 50	A U	Seychelles	27. 3. 50	M U
Gibraltar	27. 3. 50	M U	Solomon Islands	27. 3. 50	A U
Gilbert and Ellice Islands	27. 3. 50	M U	Southern Rhodesia	27. 3. 50	M U

62. SAFETY PROVISIONS (BUILDING) CONVENTION, 1937*This Convention came into force on 4 July 1942*

States and territories	Date of ratification declaration	Type of declaration	States and territories	Date of ratification declaration	Type of declaration
France	16. 12. 50		Martinique	27. 4. 55	A
<i>Overseas Departments</i>			Réunion	27. 4. 55	A
French Guiana	27. 4. 55	A	Netherlands	2. 5. 50	
Guadeloupe	27. 4. 55	A	Surinam	25. 6. 51	A

63. CONVENTION CONCERNING STATISTICS OF WAGES AND HOURS OF WORK, 1938*This Convention came into force on 22 June 1940*

United Kingdom	26. 5. 47		Jersey	26. 5. 47	A
Brunei ¹	26. 4. 65	A	Isle of Man	26. 5. 47	A
Gibraltar ¹	12. 6. 64	M	St. Helena ²	16. 6. 65	M
Gilbert and Ellice Islands ¹	21. 5. 64	A	St. Lucia ²	22. 1. 65	M
Guernsey	26. 5. 47	A			
Hong Kong ¹	15. 10. 63	M			

¹ Excluding Parts II and IV. ² Excluding Part III.^{*} Excluding Part II.**64. CONTRACTS OF EMPLOYMENT (INDIGENOUS WORKERS) CONVENTION, 1939***This Convention came into force on 8 July 1948*

New Zealand	8. 7. 47		Guernsey	24. 8. 43	A
Cook Islands	8. 7. 47	A	Hong Kong	24. 8. 43	A
Niue	8. 7. 47	A	Jersey	24. 8. 43	A
United Kingdom	24. 8. 43		Isle of Man	24. 8. 43	A
Antigua	24. 8. 43	A	Montserrat	24. 8. 43	A
Bahamas	16. 3. 62	A	St. Christopher, Nevis and Anguilla	24. 8. 43	A
British Honduras	24. 8. 43	A	St. Helena	24. 8. 43	A
British Virgin Islands	24. 8. 43	A	St. Lucia	24. 8. 43	A
Brunei	24. 8. 43	A	St. Vincent	24. 8. 43	A
Dominica	24. 8. 43	A	Seychelles	24. 8. 43	A
Fiji	24. 8. 43	A	Solomon Islands	24. 8. 43	A
Gilbert and Ellice Islands	24. 8. 43	A			
Grenada	24. 8. 43	A			

65. PENAL SANCTIONS (INDIGENOUS WORKERS) CONVENTION, 1939

This Convention came into force on 8 July 1948

States and territories	Date of ratification declaration	Type of declaration	States and territories	Date of ratification declaration	Type of declaration
New Zealand	8. 7. 47		Grenada	24. 8. 43	A
Cook Islands	8. 7. 47	A	Guernsey	24. 8. 43	A
Niue	8. 7. 47	A	Hong Kong	24. 8. 43	A
Tokelau Islands	13. 6. 56	A	Jersey	24. 8. 43	A
United Kingdom	24. 8. 43		Isle of Man	24. 8. 43	A
Antigua	24. 8. 43	A	Montserrat	24. 8. 43	A
Bahamas	30. 9. 44	A	St. Christopher, Nevis and Anguilla	24. 8. 43	A
Bermuda	30. 9. 44	A	St. Helena	24. 8. 43	A
British Honduras	24. 8. 43	A	St. Lucia	24. 8. 43	A
British Virgin Islands	24. 8. 43	A	St. Vincent	24. 8. 43	A
Brunei	24. 8. 43	A	Seychelles	24. 8. 43	A
Dominica	24. 8. 43	A	Solomon Islands	24. 8. 43	A
Fiji	24. 8. 43	A			
Gilbert and Ellice Islands	24. 8. 43	A			

68. FOOD AND CATERING (SHIPS' CREWS) CONVENTION, 1946

This Convention came into force on 24 March 1957

France	9. 12. 48		Guadeloupe	27. 4. 55	A
Overseas Departments			Martinique	27. 4. 55	A
French Guiana	27. 4. 55	A	Réunion	27. 4. 55	A

69. CERTIFICATION OF SHIPS' COOKS CONVENTION, 1946

This Convention came into force on 22 April 1953

France	9. 12. 48		Netherlands	23. 2. 51	
Overseas Departments			Netherlands Antilles	7. 9. 51	A
French Guiana	27. 4. 55	A	United Kingdom	29. 7. 49	
Guadeloupe	27. 4. 55	A	Guernsey	29. 7. 49	A
Martinique	27. 4. 55	A	Jersey	29. 7. 49	A
Réunion	27. 4. 55	A	Isle of Man	29. 7. 49	A

70. SOCIAL SECURITY (SEAFARERS) CONVENTION, 1946

This Convention has not yet come into force

France	9. 12. 48		Martinique	27. 4. 55	A
Overseas Departments			Réunion	27. 4. 55	A
French Guiana	27. 4. 55	A	United Kingdom	20. 5. 53	
Guadeloupe	27. 4. 55	A	Isle of Man	10. 3. 56	A

71. SEAFARERS' PENSIONS CONVENTION, 1946*This Convention came into force on 10 October 1962*

States and territories	Date of ratification declaration	Type of declaration	States and territories	Date of ratification declaration	Type of declaration
France	9. 12. 48		Guadeloupe	27. 4. 55	A
<i>Overseas Departments</i>			Martinique	27. 4. 55	A
French Guiana	27. 4. 55	A	Réunion	27. 4. 55	A

73. MEDICAL EXAMINATION (SEAFARERS) CONVENTION, 1946*This Convention came into force on 17 August 1955*

France	9. 12. 48		Guadeloupe	27. 4. 55	A
<i>Overseas Departments</i>			Martinique	27. 4. 55	A
French Guiana	27. 4. 55	A	Réunion	27. 4. 55	A

74. CERTIFICATION OF ABLE SEAMEN CONVENTION, 1946*This Convention came into force on 14 July 1951*

France	9. 12. 48		United Kingdom	13. 5. 52	
<i>Overseas Departments</i>			Guernsey	3. 12. 56	A
French Guiana	27. 4. 55	A	Jersey	3. 12. 56	A
Guadeloupe	27. 4. 55	A	Isle of Man	3. 12. 56	A
Martinique	27. 4. 55	A	United States	9. 4. 53	
Réunion	27. 4. 55	A	Guam	7. 6. 61	A
Netherlands	14. 7. 50		Puerto Rico	7. 6. 61	A
Netherlands Antilles	7. 9. 51	A	Virgin Islands	7. 6. 61	A

81. LABOUR INSPECTION CONVENTION, 1947*This Convention came into force on 7 April 1950*

France	16. 12. 50		Brunei ¹	22. 3. 58	A
<i>Overseas Departments</i>			Gibraltar ²	22. 3. 58	A
French Guiana	27. 4. 55	A	Grenada ¹	22. 3. 58	A
Guadeloupe	27. 4. 55	A	Guernsey ¹	28. 6. 49	A
Martinique	27. 4. 55	A	Hong Kong ¹	11. 7. 66	A
Réunion	27. 4. 55	A	Jersey ¹	28. 6. 49	A
Netherlands	15. 9. 51		Isle of Man ¹	28. 6. 49	A
Netherlands Antilles	26. 9. 51	A	St. Vincent ¹	22. 3. 58	A
Surinam	26. 9. 51	A	Solomon Islands ²	26. 5. 66	A
United Kingdom	28. 6. 49		Southern Rhodesia ¹	11. 4. 60	M
Antigua ¹	22. 3. 58	A			
British Honduras ²	22. 8. 66	A			

¹ Excluding Part II. ² Including Part II.

82. SOCIAL POLICY (NON-METROPOLITAN TERRITORIES) CONVENTION, 1947

This Convention came into force on 19 June 1955

States and territories	Date of ratification declaration	Type of declaration	States and territories	Date of ratification declaration	Type of declaration
France	26. 7. 54		Brunei	27. 3. 50	M
<i>Overseas Territories</i>			Dominica	27. 3. 50	A
Comoro Islands	26. 7. 54	M	Falkland Islands (Malvinas)	27. 3. 50	M
French Polynesia	26. 7. 54	M	Fiji	11. 7. 66	M
French Territory of the Afars and the Issas	26. 7. 54	M	Gibraltar	27. 3. 50	A
New Caledonia	26. 7. 54	M	Gilbert and Ellice Islands	27. 3. 50	M
St. Pierre and Miquelon	26. 7. 54	M	Grenada	27. 3. 50	A
New Zealand	19. 6. 54		Hong Kong	27. 3. 50	M
Cook Islands	19. 6. 54	M	Montserrat	27. 3. 50	A
Niue	19. 6. 54	M	St. Christopher, Nevis and Anguilla	27. 3. 50	A
Tokelau Islands	19. 6. 54	M	St. Helena	27. 3. 50	A
United Kingdom	27. 3. 50		St. Lucia	27. 3. 50	A
Antigua	27. 3. 50	A	St. Vincent	27. 3. 50	A
Bahamas	27. 3. 50	A	Seychelles	27. 3. 50	M
Bermuda	27. 3. 50	A	Solomon Islands	27. 3. 50	M
British Honduras	27. 3. 50	A	Southern Rhodesia	27. 3. 50	A
British Virgin Islands	27. 3. 50	A			

84. RIGHT OF ASSOCIATION (NON-METROPOLITAN TERRITORIES) CONVENTION, 1947

This Convention came into force on 1 July 1953

France	26. 7. 54		Brunei	5. 10. 62	A
<i>Overseas Territories</i>			Dominica	27. 3. 50	A
Comoro Islands	6. 12. 54	A	Falkland Islands (Malvinas)	27. 3. 50	A
French Polynesia	6. 12. 54	A	Fiji	27. 3. 50	A
French Territory of the Afars and the Issas	6. 12. 54	A	Gibraltar	27. 3. 50	A
New Caledonia	6. 12. 54	A	Gilbert and Ellice Islands	7. 7. 64	A
St. Pierre and Miquelon	6. 12. 54	A	Grenada	27. 3. 50	A
New Zealand	1. 7. 52		Hong Kong	27. 3. 50	A
Cook Islands	1. 7. 52	A	Montserrat	27. 3. 50	A
Niue	1. 7. 52	A	St. Christopher, Nevis and Anguilla	27. 3. 50	A
United Kingdom	27. 3. 50		St. Helena	27. 3. 50	A
Antigua	27. 3. 50	A	St. Lucia	27. 3. 50	A
Bahamas	27. 3. 50	A	St. Vincent	27. 3. 50	A
Bermuda	27. 3. 50	A	Seychelles	27. 3. 50	A
British Honduras	27. 3. 50	A	Solomon Islands	18. 9. 61	A
British Virgin Islands	27. 3. 50	A	Southern Rhodesia	27. 3. 50	A

85. LABOUR INSPECTORATES (NON-METROPOLITAN TERRITORIES) CONVENTION, 1947

This Convention came into force on 26 July 1955

States and territories	Date of ratification declaration	Type of declaration	States and territories	Date of ratification declaration	Type of declaration
Australia	30. 9. 54		British Virgin Islands . .	27. 3. 50	A
New Guinea	20. 6. 66	A	Brunei	27. 3. 50	M
Papua	20. 6. 66	A	Dominica	27. 3. 50	A
France	26. 7. 54		Fiji	15. 8. 67	A
<i>Overseas Territories</i>			Gibraltar	27. 3. 50	A
Comoro Islands	6. 12. 54	A	Grenada	27. 3. 50	A
French Polynesia	6. 12. 54	A	Hong Kong	27. 3. 50	A
French Territory of the Afars and the Issas . .	6. 12. 54	A	Montserrat	27. 3. 50	A
New Caledonia	6. 12. 54	A	St. Christopher, Nevis and Anguilla	27. 3. 50	A
St. Pierre and Miquelon .	6. 12. 54	A	St. Helena	27. 3. 50	A
United Kingdom	27. 3. 50		St. Lucia	27. 3. 50	A
Antigua	27. 3. 50	A	St. Vincent	27. 3. 50	A
Bahamas	27. 3. 50	A	Seychelles	27. 3. 50	A
British Honduras	27. 3. 50	A	Southern Rhodesia . . .	27. 3. 50	A

86. CONTRACTS OF EMPLOYMENT (INDIGENOUS WORKERS) CONVENTION, 1947

This Convention came into force on 13 February 1953

United Kingdom	27. 3. 50		Hong Kong	27. 3. 50	M
Antigua	27. 3. 50	A	Jersey	27. 3. 50	A
Bahamas	27. 3. 50	A	Isle of Man	27. 3. 50	A
British Honduras	27. 3. 50	A	Montserrat	27. 3. 50	A
British Virgin Islands . .	27. 3. 50	A	St. Christopher, Nevis and Anguilla	27. 3. 50	A
Brunei	5. 1. 61	M	St. Helena	1. 6. 60	A
Dominica	27. 3. 50	A	St. Lucia	27. 3. 50	A
Fiji	27. 3. 50	A	St. Vincent	27. 3. 50	A
Gibraltar	27. 3. 50	A	Seychelles	27. 3. 50	A
Gilbert and Ellice Islands	29. 3. 61	A	Solomon Islands	15. 8. 61	A
Grenada	27. 3. 50	A	Southern Rhodesia . . .	27. 3. 50	A
Guernsey	27. 3. 50	A			

87. FREEDOM OF ASSOCIATION AND PROTECTION OF THE RIGHT TO ORGANISE CONVENTION, 1948

This Convention came into force on 4 July 1950

States and territories	Date of ratification declaration	Type of declaration	States and territories	Date of ratification declaration	Type of declaration
Denmark	13. 6. 51		Bahamas	21. 2. 67	M
Faroe Islands	28. 9. 60	A	Bermuda	10. 1. 62	A
Greenland	31. 5. 54	A	British Honduras	20. 11. 63	A
France	28. 6. 51		British Virgin Islands	12. 6. 64	A
<i>Overseas Departments</i>			Dominica	29. 12. 58	A
French Guiana	27. 4. 55	A	Falkland Islands (Malvinas)	5. 7. 62	A
Guadeloupe	27. 4. 55	A	Fiji	26. 5. 66	M
Martinique	27. 4. 55	A	Gibraltar	19. 6. 58	M
Réunion	27. 4. 55	A	Gilbert and Ellice Islands	15. 8. 67	A
<i>Overseas Territories</i>			Grenada	29. 12. 58	M
Comoro Islands	19. 3. 54	A	Guernsey	27. 6. 49	A
French Polynesia	19. 3. 54	A	Hong Kong	15. 10. 63	M
French Territory of the Afars and the Issas	19. 3. 54	A	Jersey	27. 6. 49	A
New Caledonia	19. 3. 54	A	Isle of Man	27. 6. 49	A
St. Pierre and Miquelon	19. 3. 54	A	Montserrat	26. 11. 62	A
Netherlands	7. 3. 50		St. Christopher, Nevis and Anguilla	4. 2. 63	A
Netherlands Antilles	25. 6. 51	A	St. Helena	26. 5. 66	M
Surinam	25. 6. 51	A	St. Lucia	29. 12. 58	A
United Kingdom	27. 6. 49		St. Vincent	29. 12. 58	M
Antigua	15. 1. 63	A	Seychelles	7. 7. 64	A

88. EMPLOYMENT SERVICE CONVENTION, 1948

This Convention came into force on 10 August 1950

Netherlands	7. 3. 50		British Honduras	28. 8. 64	M
Netherlands Antilles	25. 6. 51	M	Gibraltar	22. 3. 58	A
Surinam	25. 6. 51	A	Guernsey	10. 8. 49	A
United Kingdom	10. 8. 49		Jersey	10. 8. 49	A
Bahamas	26. 10. 66	A	Isle of Man	10. 8. 49	A

89. NIGHT WORK (WOMEN) CONVENTION (REVISED), 1948

This Convention came into force on 27 February 1951

France	21. 9. 53		Martinique	27. 4. 55	A
<i>Overseas Departments</i>			Réunion	27. 4. 55	A
French Guiana	27. 4. 55	A	Netherlands	22. 10. 54	
Guadeloupe	27. 4. 55	A	Netherlands Antilles	15. 12. 55	A

90. NIGHT WORK OF YOUNG PERSONS (INDUSTRY) CONVENTION (REVISED), 1948

This Convention came into force on 12 June 1951

States and territories	Date of ratification declaration	Type of declaration	States and territories	Date of ratification declaration	Type of declaration
Netherlands	22. 10. 54		Netherlands Antilles . . .	15. 12. 55	A

91. PAID VACATIONS (SEAFARERS) CONVENTION (REVISED), 1949

This Convention came into force on 14 September 1967

France	26. 10. 51		Guadeloupe	27. 4. 55	A
<i>Overseas Departments</i>			Martinique	27. 4. 55	A
French Guiana	27. 4. 55	A	Réunion	27. 4. 55	A

92. ACCOMMODATION OF CREWS CONVENTION (REVISED), 1949

This Convention came into force on 29 January 1953

Denmark	30. 9. 50		Martinique	27. 4. 55	A
Faroe Islands	28. 9. 60	A	Réunion	27. 4. 55	A
France	26. 10. 51		United Kingdom	6. 8. 53	
<i>Overseas Departments</i>			Hong Kong	28. 8. 64	M
French Guiana	27. 4. 55	A	Isle of Man	13. 2. 61	A
Guadeloupe	27. 4. 55	A			

94. LABOUR CLAUSES (PUBLIC CONTRACTS) CONVENTION, 1949

This Convention came into force on 20 September 1952

France	20. 9. 51		British Virgin Islands . .	15. 4. 58	A
<i>Overseas Departments</i>			Brunei	22. 3. 58	A
French Guiana	27. 4. 55	A	Dominica	22. 3. 58	A
Guadeloupe	27. 4. 55	A	Fiji	1. 6. 60	M
Martinique	27. 4. 55	A	Gibraltar	22. 3. 58	A
Réunion	27. 4. 55	A	Gilbert and Ellice Islands	22. 3. 58	A
Netherlands	20. 5. 52		Grenada	22. 3. 58	A
Netherlands Antilles . .	10. 6. 55	A	Guernsey	30. 6. 50	A
Surinam	10. 6. 55	A	Jersey	30. 6. 50	A
United Kingdom	30. 6. 50		Isle of Man	30. 6. 50	A
Antigua	22. 3. 58	A	St. Christopher, Nevis and		
Bahamas	22. 3. 58	A	Anguilla	1. 12. 65	A
Bermuda	22. 3. 58	A	St. Lucia	22. 3. 58	A
British Honduras	20. 11. 63	A	St. Vincent	22. 3. 58	A
			Solomon Islands	22. 3. 58	A

95. PROTECTION OF WAGES CONVENTION, 1949*This Convention came into force on 24 September 1952*

States and territories	Date of ratification declaration	Type of declaration	States and territories	Date of ratification declaration	Type of declaration
France	15. 10. 52		Surinam	10. 6. 55	A
<i>Overseas Departments</i>			United Kingdom	24. 9. 51	
French Guiana	27. 4. 55	A	Bahamas	22. 3. 58	A
Guadeloupe	27. 4. 55	A	British Honduras	5. 1. 61	A
Martinique	27. 4. 55	A	Brunei	22. 3. 58	A
Réunion	27. 4. 55	A	Dominica	22. 3. 58	A
<i>Overseas Territories</i>			Gibraltar	22. 3. 58	A
Comoro Islands	8. 7. 58	A	Grenada	22. 3. 58	A
French Polynesia	8. 7. 58	A	Jersey	10. 3. 56	A
French Territory of the			Isle of Man	10. 3. 56	A
Afars and the Issas	8. 7. 58	A	Montserrat	22. 3. 58	A
New Caledonia	8. 7. 58	A	St. Lucia	22. 3. 58	A
St. Pierre and Miquelon	8. 7. 58	A	St. Vincent	22. 3. 58	A
Netherlands	20. 5. 52		Solomon Islands	1. 8. 61	A
Netherlands Antilles	10. 6. 55	A			

96. FEE-CHARGING EMPLOYMENT AGENCIES CONVENTION (REVISED), 1949*This Convention came into force on 18 July 1951*

Netherlands	20. 5. 52		Surinam	10. 6. 55	A
			Part II		

97. MIGRATION FOR EMPLOYMENT CONVENTION (REVISED), 1949*This Convention came into force on 22 January 1952*

United Kingdom	22. 1. 51		Jersey ¹	10. 3. 56	A
Antigua ¹	22. 9. 60	M	Isle of Man ¹	10. 3. 56	A
Annex II	22. 9. 60	M	Montserrat ¹	22. 9. 60	M
Bahamas ¹	13. 2. 61	A	Annex II		M
British Honduras ²	5. 9. 66	A	St. Christopher, Nevis and		
British Virgin Islands ¹	22. 9. 60	M	Anguilla ¹	22. 9. 60	M
Annex II		M	Annex II		M
Dominica ¹	22. 9. 60	A	St. Lucia ¹	22. 9. 60	A
Annex II		M	Annex II		M
Grenada ¹	22. 9. 60	A	St. Vincent ¹	22. 9. 60	A
Annex II		M	Annex II		M
Guernsey ¹	10. 3. 56	A			

¹ Excluding Annexes I and III. ² Excluding Annexes.

98. RIGHT TO ORGANISE AND COLLECTIVE BARGAINING CONVENTION, 1949*This Convention came into force on 18 July 1951*

States and territories	Date of ratification declaration	Type of declaration	States and territories	Date of ratification declaration	Type of declaration
Denmark	15. 8. 55		Dominica	29. 12. 58	A
Faroe Islands	28. 9. 60	A	Falkland Islands (Malvinas)	18. 2. 63	A
France	26. 10. 51		Fiji	24. 9. 65	A
<i>Overseas Departments</i>			Gibraltar	19. 6. 58	A
French Guiana	27. 4. 55	A	Gilbert and Ellice Islands	15. 8. 67	A
Guadeloupe	27. 4. 55	A	Grenada	29. 12. 58	A
Martinique	27. 4. 55	A	Guernsey	30. 6. 50	A
Réunion	27. 4. 55	A	Jersey	30. 6. 50	A
United Kingdom	30. 6. 50		Isle of Man	30. 6. 50	A
Antigua	15. 1. 63	A	Montserrat	26. 11. 62	A
Bahamas	11. 4. 62	A	St. Christopher, Nevis and Anguilla	4. 2. 63	A
Bermuda	15. 1. 63	A	St. Helena	17. 6. 66	A
British Honduras	29. 12. 58	A	St. Lucia	29. 12. 58	A
British Virgin Islands	12. 6. 64	A	St. Vincent	29. 12. 58	A
Brunei	5. 10. 62	A			

99. MINIMUM WAGE FIXING MACHINERY (AGRICULTURE) CONVENTION, 1951*This Convention came into force on 23 August 1953*

France	29. 3. 54		United Kingdom	9. 6. 53	
<i>Overseas Departments</i>			British Honduras	20. 11. 63	A
French Guiana	19. 11. 55	A	Grenada	1. 2. 66	A
Guadeloupe	19. 11. 55	A	Guernsey	3. 9. 59	A
Martinique	19. 11. 55	A	Jersey	24. 4. 56	A
Réunion	19. 11. 55	A	Isle of Man	10. 3. 56	A
New Zealand	1. 7. 52		St. Christopher, Nevis and Anguilla	8. 5. 63	A
Cook Islands	1. 7. 52	A	Seychelles	15. 8. 67	A
Niue	1. 7. 52	A	Solomon Islands	8. 5. 63	M

100. EQUAL REMUNERATION CONVENTION, 1951*This Convention came into force on 23 May 1953*

France	10. 3. 53		Guadeloupe	27. 4. 55	A
<i>Overseas Departments</i>			Martinique	27. 4. 55	A
French Guiana	27. 4. 55	A	Réunion	27. 4. 55	A

101. HOLIDAYS WITH PAY (AGRICULTURE) CONVENTION, 1952

This Convention came into force on 24 July 1954

States and territories	Date of ratification declaration	Type of declaration	States and territories	Date of ratification declaration	Type of declaration
France	29. 3. 54		United Kingdom	25. 6. 56	
<i>Overseas Departments</i>			Antigua	26. 6. 62	A
French Guiana	11. 7. 55	A	British Honduras	1. 8. 61	A
Guadeloupe	11. 7. 55	A	Isle of Man	29. 3. 61	A
Martinique	11. 7. 55	A	St. Christopher, Nevis and		
Réunion	11. 7. 55	A	Anguilla	5. 1. 61	A
Netherlands	27. 11. 58		St. Lucia	11. 4. 60	A
Netherlands Antilles	2. 6. 64	A	St. Vincent	11. 4. 60	A
Surinam	2. 6. 64	A			

102. SOCIAL SECURITY (MINIMUM STANDARDS) CONVENTION, 1952

This Convention came into force on 27 April 1955

United Kingdom	27. 4. 54		Isle of Man	22. 9. 60	A
			Parts II-V, VII, X		

104. ABOLITION OF PENAL SANCTIONS (INDIGENOUS WORKERS) CONVENTION, 1955

This Convention came into force on 7 June 1958

New Zealand	28. 6. 56		Niue	28. 6. 56	A
Cook Islands	28. 6. 56	A	Tokelau Islands	28. 6. 56	A

105. ABOLITION OF FORCED LABOUR CONVENTION, 1957*This Convention came into force on 17 January 1959*

States and territories	Date of ratification declaration	Type of declaration	States and territories	Date of ratification declaration	Type of declaration
Australia	7. 6. 60		Dominica	10. 6. 58	A
New Guinea	5. 10. 61	A	Falkland Islands (Malvinas)	8. 7. 58	A
Norfolk Island	5. 10. 61	A	Fiji	18. 2. 64	A
Papua	5. 10. 61	A	Gibraltar	10. 6. 58	A
Denmark	17. 1. 58		Gilbert and Ellice Islands	8. 7. 58	A
Faroe Islands	17. 1. 58	A	Grenada	10. 6. 58	A
Greenland	17. 1. 58	A	Guernsey	17. 3. 59	A
Netherlands	18. 2. 59		Hong Kong	25. 11. 59	A
Netherlands Antilles	18. 2. 59	A	Jersey	17. 3. 59	A
Surinam	18. 2. 59	A	Isle of Man	17. 3. 59	A
New Zealand	14. 6. 68		Montserrat	10. 6. 58	A
Niue	14. 6. 68	A	St. Christopher, Nevis and Anguilla	20. 8. 58	A
Tokelau Islands	14. 6. 68	A	St. Helena	10. 6. 58	A
United Kingdom	30. 12. 57		St. Lucia	20. 8. 58	A
Antigua	10. 6. 58	A	St. Vincent	10. 6. 58	A
Bahamas	16. 7. 58	A	Seychelles	28. 7. 58	A
Bermuda	10. 6. 58	A	Solomon Islands	8. 3. 60	M
British Honduras	27. 4. 61	A	Southern Rhodesia	7. 7. 59	A
British Virgin Islands	8. 7. 58	A			
Brunei	10. 6. 58	A			

106. WEEKLY REST (COMMERCE AND OFFICES) CONVENTION, 1957*This Convention came into force on 4 March 1959*

Denmark	17. 1. 58		Greenland	17. 1. 58	A
Faroe Islands	2. 6. 58	A			

108. SEAFARERS' IDENTITY DOCUMENTS CONVENTION, 1958*This Convention came into force on 19 February 1961*

United Kingdom	18. 2. 64		Guernsey	2. 5. 67	A
Antigua	3. 8. 64	A	Hong Kong	3. 8. 64	A
Bermuda	3. 8. 64	A	Jersey	2. 5. 67	A
British Honduras	3. 8. 64	A	Isle of Man	26. 10. 66	A
British Virgin Islands	3. 8. 64	A	Montserrat	3. 8. 64	A
Brunei	26. 4. 65	A	St. Christopher, Nevis and Anguilla	3. 8. 64	A
Dominica	3. 8. 64	A	St. Helena	3. 8. 64	A
Falkland Islands (Malvinas)	3. 8. 64	A	St. Lucia	3. 8. 64	A
Fiji	3. 8. 64	A	St. Vincent	3. 8. 64	A
Gibraltar	3. 8. 64	A	Seychelles	3. 8. 64	A
Gilbert and Ellice Islands	3. 8. 64	A	Solomon Islands	3. 8. 64	A
Grenada	3. 8. 64	A			

112. MINIMUM AGE (FISHERMEN) CONVENTION, 1959*This Convention came into force on 7 November 1961*

States and territories	Date of ratification declaration	Type of declaration	States and territories	Date of ratification declaration	Type of declaration
Netherlands	15. 2. 65		Surinam	15. 2. 65	A

115. RADIATION PROTECTION CONVENTION, 1960*This Convention came into force on 17 June 1962*

United Kingdom	9. 3. 62		Guernsey	7. 6. 67	A
Bermuda	17. 9. 64	A	Hong Kong	1. 12. 65	A
British Honduras	7. 7. 64	A	Jersey	11. 12. 64	A

118. EQUALITY OF TREATMENT (SOCIAL SECURITY) CONVENTION, 1962*This Convention came into force on 25 April 1964*

Netherlands	3. 7. 64		Surinam	30. 3. 65	A
Netherlands Antilles	3. 7. 64	A	Branch (g)		
Branch (b)					

122. EMPLOYMENT POLICY CONVENTION, 1964*This Convention came into force on 15 July 1966*

Australia	12. 11. 69		Netherlands Antilles	9. 1. 67	A
New Guinea	12. 11. 69	A	Surinam	9. 1. 67	A
Norfolk Island	12. 11. 69	A	United Kingdom	27. 6. 66	
Papua	12. 11. 69	A	Guernsey	2. 5. 67	A
Netherlands	9. 1. 67		Isle of Man	2. 5. 67	A

REPORT III
(PART 2)

International Labour Conference

FIFTY-FOURTH SESSION,
GENEVA, 1970

Third Item on the Agenda

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

**SUMMARY OF REPORTS
ON SELECTED RECOMMENDATIONS**

(Article 19 of the Constitution),

Health, Welfare and Housing of Workers

GENEVA
International Labour Office
1970

70P09661
Part 2 [cop. 1]

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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*In this report, references to legislative texts published by the ILO
in the Legislative Series (L.S.) appear in parentheses*

INTRODUCTION

Article 19 of the Constitution of the International Labour Organisation provides that Members shall “report to the Director-General of the International Labour Office, at appropriate intervals as requested by the Governing Body” on the position of their law and practice in regard to the matters dealt with in unratified Conventions and in Recommendations. The obligations of Members as regards Conventions are laid down in paragraph 5 (*e*) of the above-mentioned article. Paragraph 6 (*d*) deals with Recommendations, and paragraph 7 (*a*) and (*b*) deals with the particular obligations of federal States.

Pursuant to the above-mentioned provisions, the Governing Body selects each year the instruments on which Members are requested to supply reports. Since 1950 the summaries of these reports have been submitted each year to the Conference.

The reports which are summarised in the present volume concern two Recommendations dealing with occupational health: the Protection of Workers' Health Recommendation, 1953 (No. 97), and the Occupational Health Services Recommendation, 1959 (No. 112); a Recommendation concerning measures to promote the welfare of workers: the Welfare Facilities Recommendation, 1956 (No. 102); and a Recommendation on the subject of housing, the Workers' Housing Recommendation, 1961 (No. 115).

The Governments of member States were requested to send their reports to the International Labour Office before 1 July 1969. 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 1969.

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 54th (1970) Session, will include the general conclusions by the Committee on the reports on the above-mentioned Recommendations.

I. HEALTH

Protection of Workers' Health Recommendation, 1953 (No. 97)

AFGHANISTAN

The Government fully recognises the importance of the subject-matter of all these Recommendations.

With regard to Recommendations Nos. 97 and 112, it may be mentioned that over the past few years considerable attention has been given to occupational health and health services for the population generally. The country's major industrial undertakings employ full-time doctors, and in others they are available on a part-time or advisory basis. In all the main towns there are government hospitals available to everyone and in the rural areas a network of clinics has been established as part of the Government's rural development programme. At the Government's request, two short missions were undertaken in 1966 and 1967 by the ILO Regional Adviser on Occupational Health and Safety. The Adviser carried out extensive tours covering many undertakings and projects. Following the recommendations made by the ILO Adviser and considered by the competent Ministries, suitable regulations to replace those at present in force will, in due course, be introduced by virtue of enabling powers to be granted under the new labour law.

As to Recommendation No. 115, the Government has seriously concerned itself with the question of improved housing for workers and for the population generally. In the provinces workers are normally provided with houses by their employers. For the towns, the Government established a National Housing and Town Planning Authority in 1965, which is being assisted by a United Nations Special Fund Project.

As regards Recommendation No. 102, welfare facilities, appropriate to the needs and social customs of the workers, are widely provided, their extent being related to the size of the undertaking concerned.

ARGENTINA

Act No. 9688 (and regulations under the Act), dated 11 October 1915, respecting industrial accidents and occupational diseases (*Leyes Nacionales*, vol. XIX, p. 204) (*L.S.* 1957—Arg. 1 C), amended by Legislative Decree No. 7604 of 5 July 1957 (*Boletín Oficial (B.O.)*, 18 July 1957, No. 18440, p. 1) (*L.S.* 1957—Arg. 1 A), and by Legislative Decree No. 7606, dated 5 July 1957 (*ibid.*) (*L.S.* 1957—Arg. 1 B).

The Government states that the provisions of the Recommendation are applied under national legislation. The latter defines dangerous establishments and specifies what must be considered as harmful or dangerous substances. Any worker in contact with such substances must use protective equipment. Recipients containing them must be labelled and bear instructions for use. Workers must be informed of the hazards involved, precautions to be taken and first aid to be applied in the event of accidents. Their work must be supervised by competent technicians. These workers must have health checks every three months.

Other provisions relate more specifically to cases of fire or accident, prescribe the appropriate warning notices, specify safety colours and their use, describe and

make compulsory the use of personal protection devices. Still other provisions concern the hygiene of workplaces, their size in relation to the number of workers, the temperature, the amount of ventilation which must be provided for the evacuation of any harmful substances, the lighting and maximum noise levels allowed; provision is made for staff exposed to noise and ultrasounds to be medically examined. The maximum concentration of toxic substances allowed in the atmosphere of workplaces is also fixed. Further checks can be demanded by those concerned.

As regards medical examinations, doctors appointed to industrial medical services are expected to carry out medical examinations of new employees in accordance with the standards laid down by law. When an occupational disease is diagnosed the doctor must declare it, together with the information required by the regulations. Doctors appointed to these services must administer first aid, supervise the hygiene of the workplaces, keep a watch on hazards involved in the manufacturing processes, as well as on the sanitary installations, cloakrooms, washrooms and rest rooms; they must educate workers in matters of prevention and health, carry out investigations when accidents occur and train first-aid officers.

AUSTRIA

Federal Constitutional Act of 2 June 1948 regarding the jurisdiction of the Federation in the field of labour law and of protection in employment and trade representation (*Bundesgesetzblatt (BGBl.)*, 12 Aug. 1948, No. 139).

Agricultural Labour Act of 2 June 1948 (*ibid.*, 12 Aug. 1948, No. 140) (*L.S.* 1948—Aus. 2), as amended by the Federal Acts of 1957 (*BGBl.*, 28 Dec. 1957, No. 279) (*L.S.* 1957—Aus. 1 B), 1960, 1961, 1962, 1964 (*BGBl.*, Nos. 241/1960, 97/1961, 10/1962, 194/1964), 1965 (*ibid.*, 3 Aug. 1965, No. 238) (*L.S.* 1965—Aus. 3) and 1967 (*BGBl.*, No. 265).

General Employees Protection Ordinance of 10 November 1951 (*ibid.*, 28 Dec. 1951, No. 265).

Federal Act of 10 March 1954 respecting mining (*ibid.*, 16 Apr. 1954, No. 73) as amended by the Federal Acts of 1967 (*ibid.*, No. 162/1967) and 1969 (*ibid.*, No. 67/1969).

General Social Insurance Act of 9 September 1955 (*ibid.*, 30 Sep. 1955, No. 189) (*L.S.* 1955—Aus. 3). Notification of the Federal Government of 29 May 1956 to consolidate the Labour Inspection Act (*BGBl.*, 23 July 1956, No. 147).

The matters dealt with in the Recommendation are covered by the laws and regulations applied under the supervision of the general labour inspectorate attached to the Federal Ministry of Social Affairs. This supervision covers all sectors of the economy apart from transport, mining, agriculture and forestry, which have their own inspection systems. For the sector under the jurisdiction of the general labour inspectorate, the Government takes the various paragraphs of the Recommendation in turn, stating in each case the relevant law or regulation giving effect to its provisions. The General Employees Protection Ordinance No. 265, which is the basic text in the field, is supplemented by various other ordinances applicable to particular industries (iron and steel industry; lead and zinc industry; manufacture of articles in zinc; house painting, varnishing, and decorating; printing; glass manufacture; benzol manufacture; etc.). All this legislation gives in detail the general conditions that are obligatory for the protection of health in workplaces and the technical measures to be taken against special hazards, and provides for workers to be kept informed of such matters. In addition it covers medical examination of workers, notification of occupational diseases, and provision of first aid and emergency treatment facilities.

Laws and regulations are also provided for the protection of workers' health in industries outside the jurisdiction of the general labour inspectorate, namely transport; postal and telecommunications services; inland navigation and civil aviation; and mining, agriculture and forestry.

The trade unions and the employers' associations not only co-operate in applying the legislative provisions, but also participate in the preparation of such legislation,

particularly through their membership of the Accident Prevention Commission, an advisory body concerned with the creation and amendment of legislation in the field.

The Government states that, to a large extent, effect is already given to the provisions of the Recommendation in those sectors under the jurisdiction of the Inspectorates of Mining and Transport, and to the provisions of the first part of the Recommendation in those sectors under the jurisdiction of the general labour inspectorate. Legislation is in preparation to extend the scope of medical examinations and to control noise on board ship and in civil aviation. Special regulations may be provided with regard to agriculture to give general effect, in this sector, to the provisions of the Recommendation.

BELGIUM

Act of 10 June 1952 respecting health and safety of workers and the salubrity of work and workplaces (*Moniteur belge (M.B.)*, 19 June 1952, No. 171, p. 4610) (*L.S.* 1952—Bel. 3), as amended by the Acts of 17 July 1957 (*M.B.*, 26 July 1957, No. 207, p. 5308) (*L.S.* 1957—Bel. 3), of 28 January 1963 (*M.B.*, 8 Feb. 1963), and of 16 January 1967 (*M.B.*, 21 Jan. 1967, No. 14, p. 554) (*L.S.* 1967—Bel. 1 B).

General Regulations on Labour Protection (to co-ordinate the texts on occupational safety and health).

The Government declares that all the provisions of the Recommendation are covered by the regulations implementing the Act of 1952 as amended. The provisions appear in the General Regulations for the protection of labour annexed to the Government's report; Part II of these Regulations, in particular, is concerned with general measures regarding occupational health and the safety and health of workers.

The technical and medical inspectorates of the Ministry of Employment and Labour are responsible for supervising the application of these provisions. Other authorities share this responsibility, namely the Inspectorate of Mines (Ministry of Economic Affairs), the Board of Public Hygiene (Ministry of Public Health), and, where appropriate, some departments of the Ministry of Agriculture.

Government departments have sole authority to investigate and deal with infringements of the regulations. Undertakings themselves operate services, and in certain cases organise joint committees, which are concerned with safety, health, and the improvement of places of employment, and which assist in the application of the laws and regulations.

The employers' and the workers' organisations are consulted when new regulations are in preparation. Submission of such texts, for its information, to the Central Council of Safety, Health and Improvement of Workplaces is obligatory.

The Government considers that the provisions of the national legislation give adequate effect to the various matters dealt with in the Recommendation, but adds that family businesses and domestic employees are not covered by the legislation in this field.

BOLIVIA

Supreme Decree dated 21 July 1924 (*L.S.* 1924—Bol. 1 B), constituting regulations governing the application of the Occupational Accidents Act, dated 19 January 1924 (*L.S.* 1924—Bol. 1 A).

Supreme Decree dated 28 May 1927 (Occupational Health and Safety).

Labour Code: Supreme Decree dated 26 May 1939 (*Protección social*, Mar. 1939, Year II, No. 14, p. 28) (*L.S.* 1939—Bol. 1).

Supreme Decree dated 4 August 1940 (Work by Women and Minors).

Supreme Decree dated 18 January 1951 (Basic Regulations Governing Occupational Health and Safety).

Hitherto, the Ministry of Labour and Social Security, acting through the General Labour Inspection Department and the Occupational Health and Safety Department, has been responsible for putting legislation into effect.

At the present time the National Social Security Fund and the National Institute for Occupational Health are responsible for ensuring compliance.

The Government states that further legislation will be enacted from time to time, until the whole of the Recommendation has been put into effect.

BRAZIL

Constitution (article 158).

Consolidation of Labour Laws (*L.S.* 1943—Bra. 1), as amended by Legislative Decree No. 229 of 28 February 1967 (*Diário oficial*, 28 Feb. 1967, No. 40, p. 2423) (*L.S.* 1967—Bra. 2).

Order No. 491 of 1965 establishing a list of harmful processes and techniques.

The worker's right to enjoy conditions of safety and health at his place of employment is laid down in the Constitution. Standards to implement this right are given in the Labour Laws and their amendments. Act No. 5280 of 1967 prohibits the importing of all machines not provided with safety devices.

The provisions of Recommendation No. 97 are applied as a general rule under Part II, Chapter V of the Labour Laws, as amended recently by Decree No. 229 of 1967. In certain cases, as for example notification of occupational diseases, the text of the Laws does not provide for all the conditions specified in the Recommendation. In addition to the provisions of the Laws, however, undertakings are required to comply with the regulations on safety and health promulgated by the various states and municipalities. The competent authorities may also prescribe supplementary standards, in the case of dangerous or harmful processes.

Supervision of the application of the provisions on the subject is the responsibility of the National Occupational Safety and Health Department, of the National Labour Board, and, as the case may be, of other federal, state or municipal bodies who have been given the necessary authorisation. The Department is empowered to lay down working rules for works safety committees, and to draw up the list of harmful processes.

The Government does not intend to amend the national laws or regulations concerning occupational safety and health, nor does it consider it necessary to adopt any modifications of the Recommendation.

BULGARIA

Labour Code: *Ukase* No. 544 dated 13 November 1951 (*Izvestiya (Iz.)*, 13 Nov. 1951) (*L.S.* 1951—Bul. 2).

Ordinance A-87 dated 17 September 1958, concerning preliminary and periodical medical examinations for wage- and salary-earners (*Iz.*, 3 Oct. 1958, No. 80) and addenda (*ibid.*, 28 Jan. 1960, No. 802, 10 Feb. 1961, No. 12).

Ordinance 1873/20 May 1964, issued by the Ministry of Public Health and Social Assistance, concerning the declaration and recording of cases of occupational poisoning and occupational disease (*Bulletin of the Ministry of Public Health and Social Assistance*, No. 6-7, 1964).

Undertakings themselves shoulder most of the responsibility for implementing decisions concerning occupational health. The Labour Code provides for action to ensure the safety of machinery and equipment, the prevention of fire, the distribution of individual protective clothing and protective equipment, and lays down that workers shall be kept abreast of action taken to ensure occupational safety. It lays down rules for preliminary and periodical medical examinations and for the protection of the younger worker. Ordinance No. 1873 governs the declaration of occupational diseases (the list of these is revised from time to time) and their registration.

The labour protection organs are responsible for ensuring that the legislation governing working conditions and health protection is duly complied with. The Ministry of Public Health and Social Security ensures that this is the case in the field of health.

BURMA

Factories Act, 1951.

Oil Fields (Labour and Welfare) Act, 1951.

This legislation covers most of the provisions of the Recommendation. The chapters entitled "Health, Safety and Welfare" of the above-mentioned Acts make provision for cleanliness, good house-keeping, lighting, ventilation, adequate floor space, methods of environmental control, washing facilities, first-aid facilities, protection against dangerous substances, personal protective equipment, accommodation for taking meals, etc.

Except in the case of a few very dangerous processes, the legislation does not provide for pre-employment or periodical medical examinations.

Any physician detecting a case of an occupational disease is required to notify the Chief Inspector of Factories, giving full details of it.

The factory inspectorate is responsible for implementation of the provisions of the Acts cited above.

The Recommendation will be taken into consideration when any new legislation is being drafted.

CAMEROON

Federal Legislation.

Order No. 3362 dated 30 June 1954 (rules governing the application of legislation concerning medical or health services in undertakings) (*Journal Officiel du Cameroun français*, 7 July 1954).

Ordinance No. 59-100 (31 December 1959) on compensation for occupational injury and disease.

Law No. 67-LF-6 dated 12 June 1967, to institute the Labour Code of Cameroon (*Journal Officiel*, 1 Sep. 1967, Supplement) (L.S. 1967—Cam. 1).

Order No. 23 dated 27 May 1969 (general conditions of health and safety in places of work).

State Legislation.

East Cameroon.

Order No. 5 dated 9 March 1962, giving a list of compensatable occupational diseases indicating the duration of the responsibility of the insuring agency, and describing the method of reporting working conditions involving an occupational health hazard (*Journal Officiel de l'Etat fédéré du Cameroun oriental*, 31 Aug. 1962).

Sections 102 to 104 of the Labour Code govern health and safety in places of work; exactly how these sections are to be put into effect is left to be specified by order. The legislation relating to occupational health services governs the protection of workers' health, together with medical examinations.

Order No. 23, issued by virtue of the Labour Code, deals, *inter alia*, with the cleaning, lighting and ventilation of places of work; fumes; sanitary equipment; accident prevention; fire prevention; and supervision and enforcement.

Various other orders deal with particular aspects of health and safety in certain industries.

Ordinance No. 59100, on compensation for occupational injury and disease, specifies that both victims and supervisory services have to be provided with the relevant medical certificates. It specifies, too, that medical care is to be provided free of charge. Order No. 3362 lays down that medical examinations shall take place during working hours, and that the wages of the person examined shall not suffer as a result.

The employer is obliged to declare cases of occupational disease to the labour inspection authorities; a medical certificate, delivered by the doctor in charge of the case, must be supplied to the medical officer responsible for labour inspection.

The technical and medical services of the Labour Inspection Department (within the Ministry of Labour and Social Legislation) are responsible for seeing that the relevant legislation is duly complied with.

Laws, rules and regulations dealing with such matters are promulgated after the National Labour Council or Supreme Council for Occupational Accident and Disease has been consulted. These two bodies contain representatives of the Government and of the employers and workers.

The Occupational Safety and Health Institute, set up by Ordinance No. 59-100, and the safety and health branch of the National Social Security Fund, are responsible for undertaking inquiries (or arranging for inquiries to be undertaken) into workers' health, safety and welfare. Subject to supervision by the labour inspection authorities, they ensure that rules and regulations are complied with, spread information about occupational injury and disease-prevention procedures both within the undertaking and among the public, promote instruction in safety and health techniques, consider ways of improving occupational safety, and take steps to facilitate the necessary action. Finally, they are called upon to promote health and welfare activities by every means. The employers and workers are represented on both these bodies.

The report indicates that many provisions in the Recommendation are covered by legislation; however, certain points of detail cannot for the time being be implemented, as competent persons are not yet being trained in adequate numbers. The Government is doing its best to remedy this shortcoming.

CANADA

Federal Legislation.

The Canada Labour (Safety) Code (*Revised Statutes (R.S.)*, 1966, Ch. 62).

The Atomic Energy Control Act (*R.S.*, 1952, Ch. 11).

The Atomic Energy Control Regulations (Privy Council, 1964-348, SOR/60-119).

Provincial Legislation.

Alberta.

The Coal Mines Regulation Act (*R.S.*, 1955, Ch. 47).

The Public Health Act (*ibid.*, 1955, Ch. 255).

Alberta Reg. 572/57 respecting industries and construction camps (amended by 265/58 Provincial Board of Health Regulations under the Public Health Act).

Alberta Reg. 572/57 respecting the protection of persons from fibrosis of the lungs (amended by 186/66 Provincial Board of Health Regulations under the Public Health Act, Division 25).

The Alberta Labour Act (*ibid.*, 1955, Ch. 167).

The Workmen's Compensation Act (*ibid.*, 1955, Ch. 370).

Safety regulations governing ventilation and the control of gases, vapors, mists, fumes, smoke or dust under the Workmen's Compensation Act, 1965.

Safety regulations governing trenching, excavating, tunnelling and shaft-sinking under the Workmen's Compensation Act (Alberta Reg. 63/66).

Safety regulations governing building construction demolition (Alberta Reg. 62/66).

General safety regulations governing accident prevention (Alberta Reg. 255/68).

Safety regulations governing woodworking operations (Alberta Reg. 187/67).

Safety regulations governing the lumbering industry (Alberta Reg. 186/67).

First Aid Regulation (Alberta Reg. 413/66), Workmen's Compensation Board.

British Columbia.

The Mines Regulation Act (*R.S.*, 1967, Ch. 25).

The Factories Act (*ibid.*, 1966, Ch. 14).

British Columbia Reg. respecting female factory employees (Order in Council, 11 May 1945).

The Health Act (*R.S.*, 1960, Ch. 170).

Regulations for Sanitary Control of Industrial Camps (pursuant to section 9 of the Health Act).

Workmen's Compensation Act (*ibid.*, 1960, Ch. 413; 1963, Ch. 42; 1965, Ch. 50) and Accident Prevention Regulations, 1966 (British Columbia Reg. 43/66) made under that Act.

Manitoba.

The Mines Act (*R.S.*, 1954, Ch. 166) and amendments.

Manitoba Reg. 29/50 under the Mines Act.

Manitoba Reg. 90/64 (The Construction Safety Act) respecting precautions to be taken and measures to be adopted for the proper protection against injury of persons engaged in construction (1964).

The Public Health Act (*ibid.*, 1965, Ch. 62).

Manitoba Reg. 35/49 under The Public Health Act respecting the supervision of bottling plants.

Manitoba Reg. 18/52 to amend Reg. 91/45 under the Public Health Act (medical examination of workers exposed to a silicosis hazard).

The Workmen's Compensation Act (*ibid.*, 1954, Ch. 297), and amendments.

The Employment Safety Act (*ibid.*, 1965, Ch. 24) (replacing the Construction Safety Act) and Regulation 44/69, 1969.

Newfoundland.

The Regulations of Mines Act (*R.S.*, 1952, No. 178).

The Mines (Safety of Workmen) Regulations, 1957, and amendments.

The Public Health and Welfare Act (*ibid.*, 1952, No. 5) (as amended 1962, No. 40).

The Department of Health Act (*ibid.*, 1965, No. 32).

The Workmen's Compensation Act (*ibid.*, 1962, No. 32).

The Workmen's Compensation Board (Regulations), 1967.

The Workmen's Compensation Board (Dust Exposure Occupations Regulations), 1968.

New Brunswick.

The Mining Act (*R.S.*, 1961-62, Ch. 45).

New Brunswick Reg. 104 under the Mining Act (Operation of Coal Mines).

New Brunswick Reg. 105 under the Mining Act (Operation of Mines and Quarries).

The Workmen's Compensation Act and Regulation 173, (*ibid.*, 1952, Ch. 255).

The Industrial Safety Act (*ibid.*, 1964, Ch. 5).

The Industrial Safety Regulations (Industrial Safety Code), Reg. 65/11 as amended by Reg. 65/45.

The Health Act (*ibid.*, 1952, Ch. 102).

Nova Scotia.

The Coal Mines Regulation Act (*R.S.*, 1954, Ch. 35) and regulation respecting gas testers.

The Metalliferous Mines and Quarries Regulation Act (*ibid.*, 1954, Ch. 176).

The Workmen's Compensation Act (*ibid.*, 1954, Ch. 6, as amended by 1959, Ch. 46 and 1960, Ch. 50).

Regulations under the Workmen's Compensation Board (effective 1 January 1969).

The Industrial Safety Act (*ibid.*, 1965, Ch. 9).

The Public Health Act (*ibid.*, 1962, Ch. 13).

Ontario.

The Department of Labour Act (*R.S.*, 1960, Ch. 97).

Ontario Regulation 100/63, under the Department of Labour Act.

Mining Act (*ibid.*, 1960, Ch. 241).

Handbook of Requirements Governing the Operation of Mines, 1962, under the Mining Act. The Workmen's Compensation Act (*ibid.*, 1960, Ch. 437) and regulations of the Board as amended.

The Trench Excavation Protection Act (*ibid.*, 1960, Ch. 407, as amended 1965, Ch. 133) and Regulation 559.

The Construction Safety Act (*ibid.*, 1961-62, Ch. 18, as amended by 1962-63, Ch. 22, 1965, Ch. 19 and Ontario Reg. 170/62).

The Public Health Act (*ibid.*, 1960, Ch. 321 (as amended by 1960-61, Ch. 80; 1961-62, Ch. 115; 1962-63, Ch. 113; 1964, Ch. 93; 1965, Ch. 106; 1966, Ch. 125 and 1967, Ch. 79) and Ontario Reg. 29/69 regarding X-ray safety).

Ontario Reg. 504 (under the Public Health Act) respecting camps, works and premises and the employers and workmen thereof in territorial districts without municipal organisation.

The Silicosis Act (*ibid.*, 1950, Ch. 363, Vol. IV).

The Silicosis Act, Ontario Reg. 204/52.

The Industrial Safety Act, 1964, Ch. 45, Ontario Reg. 197/64.

The Industrial Safety Act, 1964, Ontario Reg. 225/65.

Prince Edward Island.

The Workmen's Compensation Act (*R.S.*, 1951, Ch. 178) and amendments.

The Industrial Safety Regulations, 1968 (under authority of the Workmen's Compensation Act (*ibid.*, 1951, Ch. 178)).

Quebec.

Provincial Health Regulations; Ch. XI (Industrial Establishments), Order in Council No. 479 (1944) as amended by Order in Council No. 406 (1949); Chapter XII (Sanitary Conditions in Industrial Camps and Others), Order in Council, No. 958 (1950), as amended by Order in Council No. 881 (1954).

The Workmen's Compensation Act, 1964 (Division XI—Industrial Diseases) (*R.S.*, 1964, Ch. 159).

Order in Council No. 652 (June 1956) governing special regulations under the Industrial and Commercial Establishments Act.

The Mining Act (*ibid.*, 1965, Ch. 34).

Saskatchewan.

The Boiler and Pressure Vessel Act (*R.S.*, 1965, Ch. 371).

The Coal Miners' Safety and Welfare Act (*ibid.*, 1965, Ch. 372).

The Public Health Act (*ibid.*, 1965, Ch. 251) and amendments (1969) and Saskatchewan Reg. 922/54 governing the use of radioactive luminous compounds or paints.

The Factories Act (*ibid.*, 1965, Ch. 370).

The Workmen's Compensation (Accident Fund) Act (*ibid.*, 1965, Ch. 284).

Saskatchewan Accident Prevention Regulations for Construction and Related Industries (1963).

The Radiological Health Act (*ibid.*, 1965, Ch. 262) and Order in Council 2003/63, 1963, under that Act.

The matters dealt with in the Recommendation are partly within provincial jurisdiction and partly within federal jurisdiction.

In the federal jurisdiction the Canada Labour (Safety) Code states that every business shall adopt measures to prevent risk of injury and further provides that every person employed shall wear articles of clothing or equipment intended for his protection. The Code also empowers the Governor in Council to make regulations regarding, *inter alia*, protective clothing, ventilation, lighting, drinking water supplies, sanitary facilities, and general conditions of work. Regulations under the Atomic Energy Control Act provide for the protection of workers from radioactive substances.

All the provincial jurisdictions have legislation providing in detail for technical measures of the type described in Part I of the Recommendation, for the control of risks to the health of workers. A list of this provincial legislation is shown above.

There is also both federal and provincial legislation dealing with the medical examinations of workers. Regulations made under the Atomic Energy Control Act require the periodic medical examination of workers. The various provincial legislations shown above prescribe detailed rules for the medical examination of workers exposed to special risks.

Notification of occupational diseases is required by the legislation of all the provinces. All provinces also have a Workmen's Compensation Act which provides in varying degree for the compensation of the worker who has been a victim of an occupational disease.

First-aid facilities are governed by both federal and provincial legislation. The Canada Labour (Safety) Code empowers the Governor in Council to provide, by regulation, for first-aid facilities and training, and the services of first-aid attendants. Furthermore, various provincial legislations require the provision of first-aid facilities.

The application of legislative provisions relevant to the Recommendation is usually entrusted to the ministers responsible for administration of specific legislation, such as the Minister of Labour, the Minister of Health, the Minister of Mines, or the Minister of Natural Resources. In some instances the supervision of the application of the legislation and regulations is delegated to independent boards, for instance Workmen's Compensation Boards, the Atomic Energy Board, the Alberta Board of Industrial Relations, and the Alberta Board of Health.

CEYLON

Factories Ordinance: Ch. 128 of the Legislative Enactments of Ceylon.

Act of 13 March 1954 to provide for the regulation of employment, hours of work and remuneration of persons in shops and offices and for matters connected therewith (*L.S.* 1954—Cey. 1).

Mines, Quarries and Minerals Ordinance: Ch. 210 of the Legislative Enactments of Ceylon.

Workmen's Compensation Ordinance dated 12 September 1959.

Legislative, administrative and practical provisions exist in respect of all matters dealt with in the Recommendation. A series of regulations makes provision for measures concerning the notification of dangerous occurrences, the installation of toilet and washing facilities, general standards of lighting, methods of eye protection, accommodation for meals in undertakings, etc. In practice the Occupational Health Division of the Department of Labour carries out industrial hygiene surveys and special investigations into occupational health problems in workplaces and advises employers and workers on these matters.

Initial medical examination is normally carried out in all branches of the public services and state-sponsored corporations and in many establishments in the private sector, but no legislation exists in this respect.

As a rule periodical medical examinations are only made to certify fitness for work after an illness, or entitlement to sick leave. Occupational diseases for which compensation may be claimed are listed in a schedule to the Workmen's Compensation Ordinance; notifiable diseases are specified in the Factories Ordinance.

First-aid stations are installed by employers on a voluntary basis or following joint negotiations between employees and employers. The Labour Commissioner is entrusted with supervision of the application of the legislation relating to the Recommendation.

CHILE

Regulation No. 545 of 1932 in respect of general conditions of life and work in industrial undertakings.

Regulation No. 655 of 1941 respecting public safety and health (*Diario Oficial (D.O.)*, 7 May 1941).

Social Insurance (Health Service) Act, No. 10.383 of 28 July 1952 (*ibid.*, 8 Aug. 1952, No. 22321, p. 1577) (*L.S.* 1952—Chil. 1).

Decree No. 2169 of 1953 to approve the industrial safety regulation (*D.O.*, 6 Jan. 1953).

Decree No. 762 of 1956 to approve the regulation on minimum conditions in industry (*ibid.*, 28 Sep. 1956).

Act No. 16.781 of 1968 to grant medical and dental benefits to certain classes of insured persons (*ibid.*, 2 May 1968).

Act No. 17.444 of 1968 in respect of industrial injuries and occupational diseases (*ibid.*, 1 Feb. 1968).

The government report refers to the above legislation and states that the authorities responsible for ensuring the application of the above provisions are the inspectors of the labour services and of the National Health Service.

At the present time no further legislation is being considered on these matters. The Government considers that the provisions of this Recommendation are fully met by existing legislation.

CHINA

Factory Inspection Act of 10 February 1931 (*Labour Laws and Regulations of China (L.L.R.C.)*, 1961, p. 27).

Factory Act of 30 December 1932 (*L.S.* 1932—Chin. 2 A) and Regulations made thereunder (*ibid.*, 1932—Chin. 2 B).

Mines Act of 25 June 1936 (*L.L.R.C.*, 1961, p. 30).

Atomic Energy Act.

The above legislation covering many aspects of the Recommendation is supplemented by numerous regulations concerning, *inter alia*, sanitation, reduction of working hours in hot environments, safety in factories, mines and dockyards, the minimum age and medical examination of fishermen, and the organisation of safety and health inspection services in factories and mines.

The legislation on factories lays down detailed provisions concerning the health of workers and accident control. It prohibits the employment of women and children for certain specified hazardous work, and requires factories to be provided with latrines, washing and lighting facilities, drinking water, uncontaminated dining halls, protective clothing for workers where necessary, precautions against poisoning, and good ventilation. The training of factory workers in accident prevention, and extensive enforcement procedures, such as safety inspection, are required by the legislation. Special provisions exist in the case of dangerous processes.

The Mines Act requires the provision of public bathrooms, rest rooms, latrines and drinking water for mineworkers, as well as the supply of fresh air in ore-dressing plant and protection against contamination in general. Detailed safety provisions covering such risks as explosion, fire, flood, etc., have been issued. Other legislation calls for the inspection of boilers and furnaces. The Atomic Energy Act provides in detail for protection against radiation hazards. Enforcement of this legislation is vested in the Atomic Energy Commission, which also issues licenses authorising the use of radioactive material.

Medical examinations are obligatory in the case of juvenile workers, women workers or workers over the age of 50. The Mines Act prohibits the employment in mines of persons suffering from certain diseases. Provisions also exist regarding the medical examination of fishermen.

Any cases of specified occupational diseases must be notified within five days after their discovery to the labour inspectorate and local public health office; outbreaks of contagious diseases among mine workers must be notified to the local authority.

The regulations concerning safety and health inspections in factories require all factories to keep first-aid supplies on hand. Factories employing 300 or more workers must maintain a dispensary and employ a doctor to render medical services to the workers daily at the factory. Where the number of workers exceeds 500 a clinic

must be established. All factories employing more than thirty workers must have a safety officer. Detailed provisions of the Mines Act require similar first-aid facilities, with the permanent supply of necessary medicines and materials. First-aid facilities for dockers are also specified in the relevant regulations.

In-plant supervision of health measures is carried out either by the safety officer or by the responsible health specialist, depending on the size of the factory.

The legislation relating to safety in mines requires the establishment of safety and health committees where more than 100 miners are employed. The employer, workers, technical and medical staff are all represented on these committees, which are responsible for planning and implementing all measures concerning safety and health, the improvement of working conditions, safety and rescue operations and other emergency measures.

COLOMBIA

Decree No. 2663 of 5 August 1950 to promulgate the Labour Code (*Diario Oficial*, 9 Sep. 1950, No. 27407, p. 929) (L.S. 1950—Col. 3 A), as amended by Decree No. 13 of 4 January 1967 (*ibid.*, 1967—Col. 1 A).

Decree No. 832 of 1953.

Decree No. 3136 of 1968 to reorganise the Ministry of Labour.

Resolution No. 20 of 1951 of the Ministry of Labour respecting the drawing up of safety and health regulations for undertakings.

Resolution No. 58 of 1954 of the Colombian Social Insurance Institution respecting notification of industrial accidents and occupational diseases.

The Labour Inspectorate Division is responsible for supervising the application of the laws and regulations dealing with occupational safety and health in the industrial, commercial, and agricultural sectors. Under the Labour Code employers are required to exercise surveillance over the health and safety of their workers. Later legislation, adopted by the Ministry of Labour or the Colombian Social Insurance Institution, specifies the employers' responsibilities where prevention of industrial accidents and occupational diseases is concerned.

CONGO (Kinshasa)

Legislative Ordinance No. 67/310 of 9 August 1967 to establish a Labour Code (*Moniteur congolais*, (M.C.), 15 Aug. 1967, No. 16) (L.S. 1967—Congo (Kin.) 1).

Order No. 68/02 of 9 January 1968 to implement those provisions of the Labour Code dealing with occupational health services (M.C., 1 Mar. 1968, p. 619).

Ordinance No. 66/370 of 9 June 1966 respecting the list of notifiable occupational diseases used by the social security services (*ibid.*, 1 Aug. 1966, No. 14, p. 524).

Under Part VIII of the Labour Code, every undertaking is compelled to ensure that the safety and health of its personnel is adequately protected, and in particular that workplaces are always kept clean. Article 139 of the Code specifies that regulations respecting the safety and health standards to be maintained and the circumstances under which the labour inspectorate may give official warnings shall be provided by virtue of Orders issued by the Minister of Labour and Social Welfare. Further Orders may be issued in the case of hazardous work not covered by the provisions of previous Orders. However, use has not yet been made of these procedures. In addition the employer is required to make notification of all cases of industrial accidents or occupational diseases.

Order No. 69/02 of 5 February 1969 entrusts technical investigations to the *Société Congolaise de Surveillance*, the officials of which are empowered to carry out checks, tests or inspections relating to the design and construction, sale, representation, supply, or use made of the equipment concerned.

For the purpose of detecting and preventing infectious diseases, Order No. 68/02 requires all employers to provide annual medical examinations for all workers in

their employ, either within the framework of an occupational health service or where this is not possible by engaging the services of a qualified physician.

Order No. 66/370 of the Head of State has set up, for the use of the social security service, a list of notifiable occupational diseases. This text provides for compulsory notification of the listed diseases within fifteen days to the National Social Security Institute.

COSTA RICA

Act No. 2 of 27 August 1943 respecting the Labour Code (*L.S.* 1943—C.R. 1).

The matters dealt with in Recommendation No. 97 are covered by both legislative and administrative provisions. The Government refers in particular to Part IV of the 1943 Labour Code, which lays down standards for the protection of workers. These provisions define, among other things, unhealthy or hazardous industries or processes. Administrative regulations, in particular the General Regulations on Occupational Safety and Health, but also regulations respecting service stations, construction work, and the use of toxic substances in agriculture, lay down in detail the standards applicable to the processes in question.

Supervision of the application of these provisions is entrusted to the general labour inspectorate, to the labour courts, and to the Occupational Safety and Health Council, a body attached to the Ministry of Labour and Social Welfare, and including, among others, two employers' representatives and two workers' representatives. Collaboration between employers and workers is also carried out through safety committees in undertakings themselves.

Since legislation in these matters is fairly comprehensive and recent, the Government does not intend to modify it.

CUBA

Order of the Council of Ministers dated 8 September 1964 in respect of the general bases for organising industrial safety and health.

Resolution of the Minister of Labour, No. 133, dated 25 October 1965 in respect of the industrial protection and health committees.

The provisions of the Recommendation are applied by the law, and in particular under the Order of the Council of Ministers of 8 September 1964. *Inter alia*, this text stipulates the means of protection and the measures to be taken in the field of safety and health in order to prevent industrial accidents and diseases in workplaces. The measures laid down are largely the same as those contained in Recommendation No. 97.

The national authorities responsible for supervising the application of these provisions are the Ministry of Labour and the Ministry of Public Health. Co-operation between those concerned takes place at the level of the industrial protection and health committees, whose functions are governed by a Resolution of the Minister of Labour, No. 133 of 25 October 1965.

The above-mentioned order provides for regulations to be adopted with a view to stipulating the special measures to be taken in particular sectors or types of work.

CYPRUS

Factories Law, Ch. 134.

Accident and Occupational Diseases (Notification) Law, No. 32, of 30 September 1953, Ch. 176 (*Cyprus Gazette*, 1 Oct. 1953, Supplement No. 3) (*L.S.* 1953—Cyp. 1 A).

Safety (Mines and Quarries) Regulations.

The legislation listed above deals with the provisions of Recommendation No. 97. The factory inspectorate of the Ministry of Labour and Social Insurance and the

mines inspectorate are the authorities entrusted with its application. In view of the provisions of Part III of the Recommendation its acceptance would involve a substantial revision of existing health services. However, as the Factories Law is being revised, the implementation of Part I of the Recommendation will be promoted in so far as the generalities of the former Factories Law are being replaced in many cases by specific requirements of ILO Conventions and Recommendations. In particular the new law will cover all branches of economic activity and not merely factories as hitherto defined.

The Factories Law is the legislation covering some of the matters dealt with in Recommendation No. 102; its application is entrusted to the factory inspectorate. Since some of the provisions of this Recommendation are not covered by the existing legislation, it is not yet practicable at the present stage of development to implement them by virtue of legislation or collective agreements.

The Government accepts the principles embodied in Recommendation No. 112, but cannot adopt it formally until a complete revision of the Cyprus Health Services has been made. However, no date for such a revision has yet been fixed.

CZECHOSLOVAKIA

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

Act of 17 March 1966 on public health (*S.Z.*, text No. 20).

Notification by the Ministry of Health of 13 June 1966 on the creation and maintenance of healthy living conditions (*ibid.*, text No. 45).

Instruction No. 45/1967, in the Official Bulletin of the Ministry of Health, concerning the organisation of workers' health services.

Instruction No. 49/1967, in the Official Bulletin of the Ministry of Health, concerning fitness for employment (preventive medical examinations).

Health Regulation No. 20/1959—instructions governing health conditions in industrial undertakings.

Health Regulation No. 32/1967—instructions governing action to reduce noise.

National legislation has been promulgated to ensure healthy conditions of life and work. Thus, provision is made for prophylactic and therapeutical treatment. Social welfare organisations, and the people themselves, are expected to co-operate in action in this field; while rules are laid down for undertakings to implement them. Workers' health services have been created to undertake preventive medical examinations and assess fitness for employment.

There are various rules and regulations dealing with health and hygiene in various branches of the economy, the consumption of foodstuffs in works canteens, the handling of dangerous substances, the campaign against dust and noise, and so on.

These regulations describe in detail the measures to be taken to ensure healthy working conditions; they define the equipment which must be available in every undertaking and describe what must be done to protect the workers against the effects of certain noxious substances.

The Government declares that these rules and regulations, together with the clauses in the Labour Code relating to workers' health and safety, give effect to the provisions of the Recommendation.

DAHOMY

General Order No. 5253/IGTLS/AOF dated 19 July 1954, issued further to Section 134 of the Overseas Labour Code and containing general instructions concerning health and safety applicable in French West Africa to workers in establishments of any kind (*Journal officiel de l'Afrique occidentale française*, 31 July 1954, No. 2722, p. 1340) (*L.S.* 1954—FWA 1).

The inspectorate of labour and social welfare is responsible for enforcing the relevant laws and regulations. The employers' and workers' organisations co-operate

in applying them, and are represented on the National Labour Council and on the joint committees dealing with health and safety.

The Government states that the regulations now in force cover almost all the points made in the Recommendation; no change in the latter is desired. It adds that new regulations will be issued from time to time.

DENMARK

Act No. 226 of 11 June 1954: Factories and Workshops (Safety and Hygiene; Hours of Work; Women and Young Persons; Labour Inspection), as amended (*Lovtidende A (L.A.)*, 30 June 1954, No. XXIII, p. 535) (*L.S.* 1954—Den. 1).

Act No. 227 of 11 June 1954: Shops and Offices (Safety and Hygiene; Hours of Work; Young Persons; Labour Inspection), as amended (*L.A.*, p. 572) (*L.S.* 1954—Den. 2).

Act No. 228 of 11 June 1954: Agriculture, Forestry and Horticulture (Safety and Hygiene; Hours of Work; Young Persons; Labour Inspection) (*L.A.*, p. 586) (*L.S.* 1954—Den. 3).

By three Acts passed on 4 July 1968, a general revision was made of the three Occupational Safety, Health and Welfare Acts referred to above. It was not intended to make any fundamental amendments but to bring the Acts up to date in the light of the experience gained since 1955.

Consequently the legislation now applies to work carried out on board vessels, i.e. in the case of work of loading and discharge, shipyard work and work of a similar nature. Moreover the previous limitation in respect of undertakings employing three workers or less has been removed, and it is now the duty of the employer to take any reasonable measures to eliminate or reduce noise.

Provision has also been made for providing the workers with means of personal protection, whether or not the work is carried out at a stationary workplace and irrespective of whether the protection is intended to meet health or accident risks. The requirement concerning provision of protective clothing as regards commerce and offices is complied with.

In addition regulations made in 1960 on welfare facilities in building construction provide for appropriate welfare facilities and rules relating to notification of occupational diseases by physicians are now found in the Ministry of Labour Regulations of 2 November 1964.

The supervision of the application of legislation and regulations is entrusted to the Labour Inspection Service and the municipal examiners under the direction of a directorate subordinate to the Ministry of Labour. Local supervision is carried out by qualified technical inspection staff, and by industrial medical officers. Co-operation with employers' and workers' organisations takes place through the Labour Council, which is composed of representatives of both sides of industry. The Council submits recommendations on request to the directorate or ministry, and may take up matters for consideration. Although there is no statutory provision for it, in practice such co-operation is extensive.

The legislation is in all essentials in conformity with the provisions of the Recommendation concerning the notification of occupational diseases.

FINLAND

Act of 20 August 1948 respecting accident insurance (*L.S.* 1948—Fin. 4 A).

Act of 26 April 1957 respecting protection against radiation (*Suomen Asetuskokoelma—Finlands Författningssamling*, 1957, No. 174).

Act of 28 June 1958 respecting the protection of labour (*L.S.* 1958—Fin. 1).

Act of 28 July 1967 respecting protection in connection with work on board ship.

Act, Ordinance and Order of 29 December 1967 respecting occupational diseases (*ibid.*, 1967—Fin. 2).

Act of 29 December 1967 respecting the protection of young workers (*ibid.*, 1967—Fin. 3).

The Act of 1967 respecting safety in work on board ships complies with the spirit and contents of the provisions of the Labour Protection Act, 1958. However, the Act does not apply to the loading and unloading of ships in port.

The Accident Insurance Act, 1948, may be regarded as indirectly concerned with workers' protection in so far as it compels employers to ensure that precautions are taken when dangerous processes are carried out, and may require them to bear the costs resulting from any accident due to their negligence or disregard of safety regulations. On the other hand, an injured worker may be denied the right to compensation if he was neither wearing protective clothing nor observing safety instructions at the time.

The Labour Protection Act, 1958, applies to all wage earners either employed on the basis of a contract or under the direction and supervision of an employer; to pupils of educational establishments or those following courses there, if the work involves a risk; and to persons on military service or working in prisons, hospitals, etc. In addition to this, no employer may supply homeworkers with material that is liable to cause an accident or injure their health.

The Labour Protection Act, 1958, contains provisions respecting the dimensions of workrooms, ventilation, lighting, temperature, and elimination of agents liable to pollute the air. Other provisions deal with hygiene, the use of dangerous substances, protection against noise and vibrations, personal protective equipment, etc.

Workers must be adequately instructed as to preventive measures to be taken against accidents or occupational diseases. The Act also prescribes the provision of first-aid facilities in places of employment. Under the Act the Cabinet is empowered to compel an employer to provide pre-employment and periodical medical examinations at his own expense, and when a case of a serious occupational disease has been confirmed, the employer is required to arrange for all workers exposed to risk of the same disease to be examined by a physician, preferably one with knowledge of occupational health.

The Occupational Diseases Act, 1967, establishes the worker's right to compensation in the case of his contracting one of the occupational diseases listed in the Occupational Diseases Ordinance of 29 December 1967.

The Radiation Protection Act, 1957, specifies the measures to be taken regarding the use and control of radioactive substances.

On 4 February 1969 the Finnish Employers' Confederation signed agreements with the Finnish Confederation of Trade Unions, the Federation of Finnish Trade Unions, and the Federation of Finnish Technical Employees' Organisations with regard to safety conditions in places of employment and the co-operation of their members through safety committees to be set up in different sectors of employment. These agreements cover all undertakings employing ten or more workers.

In order to achieve their objectives, the organisations signatory to the above agreement have signed another agreement covering the establishment and operation of occupational health services. Under this last agreement every undertaking will have a safety committee on which both employers and workers will be represented. Such provisions have already been included in certain collective agreements signed in 1969.

The report specifies that in practice all the provisions of the Recommendation are covered by the regulations and agreements cited above.

There are other private organisations concerned with occupational health, in particular the Accident Prevention Association and the Occupational Health Institute. The Association organises courses and lectures in educational establishments and runs one-day training courses for the personnel of different undertakings. It publishes a journal concerned with safety matters, circulates pamphlets, and runs safety campaigns. The role of the Occupational Health Institute is to provide practical instruc-

tion in occupational health matters and to organise courses on accident prevention and other related matters. In 1966, 20,000 persons benefited from this instruction. In addition the Institute publishes a journal which has a wide circulation, and books dealing with occupational safety and health.

The labour inspectorate is entrusted with supervising the application of the laws and relevant regulations respecting workers' protection.

The Planning Committee for Occupational Safety has produced a report containing among its proposals appropriate measures for the study and framing of safety regulations, the supervision of their application, and revision of the inspection system. It also proposes that instruction in safety matters should be included in the syllabuses of the various general or technical educational establishments. For agriculture, in particular, it proposes that joint advisory bodies should be set up, concerned with advising farmers on occupational safety and drawing up plans for supervising the measures adopted.

FEDERAL REPUBLIC OF GERMANY

Federal Insurance Code (*Reichsversicherungsordnung*) of 15 December 1924 (*Reichsgesetzblatt* 1924, I, No. 75, S.779) (L.S. 1924—Ger. 10) as amended by the Federal Insurance Code of 30 Apr. 1963 (*Bundesgesetzblatt (BGBl.)*, Part I, 9 May 1963, No. 23, p. 241) (L.S. 1963—Ger. FR 2).

Works Constitution Act (*Betriebsverfassungsgesetz*) of 11 October 1952 (*BGBl.*, Part I, 14 Oct. 1952, No. 43, p. 681) (L.S. 1952—Ger. FR 6).

Industrial Undertakings Ordinance (*Gewerbeordnung*) of 30 June 1900 (*BGBl.*, III 7100-1). Titles II and VII.

Various statutory provisions on occupational safety and health.

Legislation designed to implement the Recommendation is enacted both by the Federal Government and the Länder. Instructions and bulletins issued by the official accident insurance agencies also ensure adequate protection for workers against risks to health in workplaces; general and detailed regulations exist to determine the size of places of work, working procedures and medical care.

Section 120 (a) of the Industrial Undertakings Ordinance (*Gewerbeordnung*) obliges employers to run their businesses so that workers are protected against life or health risks by ensuring adequate lighting, air-space and ventilation, removal of dust and fumes, etc. Section 120 (d) empowers the Federal Government to enact regulations respecting certain working procedures, requiring pre-employment and periodical medical examinations of workers exposed to a health hazard.

Instructions and orders are given to ensure rapid adaptation to new processes and substances which result from technical progress and which may constitute a danger to health. Rules are also made for adequate lighting, humidity, ventilation, etc., and for protection against the effects of temperature variations.

The report summarises, in its appendices, the major state orders and instructions and describes the work undertaken by the German Research Association in testing substances which might be injurious to health; it provides information on guidelines issued by the Federal Minister for Labour and Social Affairs governing medical care for workers and the provision of medical services in undertakings, in conformity with this Recommendation.

The Seventh Occupational Disease order requires the notification of specific occupational diseases by employers and doctors; the order is continuously revised in the light of the most recent discoveries in occupational medicine. On the basis of existing legislation the Mutual Accident Insurance Associations (*Berufsgenossenschaften*) for individual industries issue safety instructions relating to the prevention

of occupational disease and accidents. Special accident prevention prescriptions have also been made in regard to occupations which involve risks to health.

The report provides information on Industrial Mutual Accident Insurance Association bulletins which tell workers how to handle substances dangerous to health; these bulletins are easily understandable, since each one of them deals with a particular dangerous substance or working procedure, and they can be drafted and distributed rapidly.

Particular importance is attached to comprehensive protection against injury by X-rays and radioactive substances.

Some information on the effectiveness of these measures is given in the annual reports by the federal labour inspection authorities, such as the Accident Prevention Report, and by individual occupational associations.

The German Standards Committee and the Association of German Engineers supplement the guidelines and bulletins issued by the Government and occupational associations. They deal with personal protective equipment, respirators, dust elimination, noise reduction, lighting and ventilation.

The labour inspection departments answerable to the highest labour authorities in the Länder supervise compliance with the relevant provisions. Under section 139 (b) of the Industrial Undertakings Ordinance, they are authorised to visit and inspect undertakings and issue instructions if necessary, and they may invoke police authority (section 120 (d)) to ensure that these instructions are observed.

The state medical officers responsible for industrial hygiene play a decisive part in health protection. The technical inspection services of the occupational associations supervise the application of the relevant measures concerning protection of workers' health. Under the Works Constitution Act (*Betriebsverfassungsgesetz*), the works council is required to ensure the observance of labour legislation and of agreements reached within the undertaking, to make proposals to the employers in connection with staff welfare, to ensure the adoption of necessary safety and health measures, to provide labour inspection officials and other authorities with advice, information and suggestions, and to assist in implementing safety and health regulations.

The joint administration of the Industrial Mutual Accident Insurance Associations by workers' and employers' representatives ensures effective co-operation in the fight against occupational accident and disease. The creation of joint study groups (*Arbeitsgemeinschaften*) has also led to more intensive co-operation between workers and employers on the one hand and the supervisory organs of the State and occupational organisations on the other.

General and special enactments have been issued on a substantial scale to ensure compliance with the provisions of the Recommendation. Further texts are being prepared to improve the protection of workers' health, for example the draft order concerning dangerous working materials which is to provide for comprehensive technical safety measures (e.g. packing and identification), and for preventive medical examinations.

No proposals are made for any changes or additions in the provisions of the Recommendation.

The right of the administrations of the Länder to regulate the implementation of labour protection measures by ordinance and guideline is not affected by the principle of concurrent labour legislation. Since the Federal Republic is a country without great regional differences, there is no need for changes in the regulations to fit the special requirements of a given Land.

There is provision for a constant exchange of information among the supervisory authorities of the Länder and between them and the Federal Minister for Labour and Social Affairs. In the enactment of laws and regulations, the Länder exert a substantial influence through the Federal Council.

GREECE

Presidential Decree of 14-22 March 1934 respecting hygiene and safety in industry and handicrafts (L.S. 1934—Gr. 11, extracts).

Royal Decree No. 380-1963 respecting hygiene and safety in garages (*Ephemeris tes Kyberneseos*, Part I, 13 July 1963, No. 111, p. 977).

Royal Decree No. 590 of 1968 respecting hygiene and safety in accumulator factories.

Royal Decree No. 464 of 1968 respecting hygiene and safety in printing and allied trades (ibid., 12 July 1968, No. 153, p. 1079).

Royal Decree No. 362 of 1968 respecting hygiene and safety in tanneries (ibid., 27 May 1968, No. 117, p. 865).

Royal Decree No. 796 of 1968 respecting hygiene and safety in warehouses for raw hides.

Technical measures of protection against risks to the health of workers are provided by the above-mentioned texts for workplaces in all establishments covered by them.

The national legislation contains no general provisions for medical examinations except for certain specific categories of workers. Minors undergo a medical examination at each change of employment. A blood test is compulsory for the staff of printing works and lead accumulator factories. There are also provisions prescribing vaccination against tetanus and anthrax for workers entering employment in tanneries and warehouses for raw hides.

In practice, however, large undertakings carry out both initial and periodic medical examinations.

Notification of occupational diseases is provided for by the laws and regulations of the Social Insurance Institute.

The application of provisions concerning the protection of the health of workers is entrusted to the labour inspectorate and to the sanitary and medical authorities, who may initiate legal action, either on their own account or upon complaints made by any person or by the trade union.

GUATEMALA

Labour Code: Decree No. 1441, dated 5 May 1961 (*El Guatemalteco* (E.G.), 16 June 1961, No. 14, p. 145) (L.S. 1961—Gua. 1).

General Occupational Hygiene and Safety Regulations, of 28 December 1957 (E.G., 31 Dec. 1957, No. 17, p. 225) (L.S. 1957—Gua. 2).

Regulations of the Guatemalan Social Security Institution regarding sickness benefits.

Further agreements between the Guatemalan Social Security Institution and the Ministry of Public Health and Social Assistance.

The Government's report states that regulations concerning the protection of workers' health in places of employment are contained in the above-mentioned texts. In addition the regulations concerning sickness benefits provide for periodical medical examinations. The Government states that for the time being there are no statutory provisions concerning the notification of occupational diseases.

In September 1969 the Ministry of Public Health instituted a General Directorate of Medical Services and the Ministry of Labour and Social Welfare set up a Department of occupational safety and health, in agreement with the ILO regional mission on labour administration. The Ministry of Public Health and Social Assistance, the Ministry of Labour and Social Welfare and in particular the Guatemalan Social Security Institution are responsible for the application of the protection measures.

The Government does not consider it necessary for changes to be made in the Recommendation.

GUINEA

Act No. 1/AN/60 dated 30 June 1960 to establish a Labour Code in the Republic of Guinea (L.S. 1960—Gui. 1).

Act No. 21 (1960) to establish a Social Security Code in the Republic of Guinea.

General Order No. 5253 (19 July 1954).

General Orders Nos. 396, 397 and 398 (18 January 1955) on medical and health services within undertakings.

The Labour Code lays down a number of general principles governing workers' health and safety in all the undertakings concerned. These undertakings must be equipped and fitted out in such a way as to provide safe conditions of work. General Order No. 5253 gives a detailed description of the action to be taken with this end in view, thus, in fact, putting the Recommendation into effect. Such action covers the cleaning, disinfection, heating, lighting and ventilation of work-places; sanitary equipment, including drinking water and the provision of cloak-rooms; working clothes and protective masks. The responsible staff have to ensure that the requisite action is taken by the workers themselves.

The Labour Code lays down that any undertaking or establishment must provide a medical service for its workers and gives rules governing periodical medical examinations. Furthermore, it specifies that a group of undertakings may set up a joint medical service, provided that they first obtain the agreement of a technical committee in which the unions are represented. The Government indicates that the provisions of the Recommendation concerning medical examinations are in fact covered by General Order No. 396. Medical officers within the undertaking daily visit the sick and undertake the systematic annual examination of all workers on the staff. They examine women and minors before employment, and make check-ups of workers resuming work after an illness which has lasted more than a certain length of time. Medical examinations are performed during working hours and no deduction is made from the wages of the persons examined.

Order No. 396 lays down that the works medical officer must protect workers against occupational disease and bring any cases of such disease to the notice of the labour inspection authorities and of the Senior District Medical Officer. The Social Security Code moreover provides that any case of occupational disease shall be reported by the employer or patient to the Social Security Fund, and that an employer shall report any technique liable to cause such disease to the Fund. Occupational illnesses are those set forth in a list which may be supplemented.

Depending on the size of the staff an undertaking must possess a first-aid room or first-aid box so that emergency treatment will be available in the event of accident, injury, poisoning, or indisposition.

The labour inspection authorities and the National Social Security Fund are responsible for enforcing the laws, rules and regulations. In addition every undertaking has a "Production Unit Board" which is responsible, *inter alia*, for ensuring that social welfare regulations are observed.

GUYANA

Factories Ordinance, Ch. 115 and relative regulations.

Steam Boilers Regulation Ordinance, Ch. 117.

Mining Ordinance, Ch. 196 and relative regulations.

Blasting Operations Ordinance, Ch. 197 and relative regulations.

Docks (Safety) Regulations, 1953 (No. 12).

Accidents and Occupational Diseases (Notification) Ordinance, 1956 (No. 46).

Building (Safety) Regulations, 1957 (No. 30).

Legislative provisions exist in regard to some of the matters dealt with in the Recommendation, in particular the notification of industrial diseases and the organisation of first aid in industry.

There is no legislation requiring medical examinations and any such legislation will depend on the rate of industrialisation and technological progress.

The authorities entrusted with the supervision of the application of the existing legislation are the Ministry of Labour and Social Security, the Ministry of Agriculture and Natural Resources, the Ministry of Home Affairs and the Ministry of Works and Hydraulics.

A special committee has been appointed to conduct a survey of the use of chemicals and pesticides.

HUNGARY

Act No. II of 8 October 1967 to promulgate a Labour Code (*Magyar Közlöny (M.K.)*, 8 Oct. 1967, No. 67, p. 503) (*L.S.* 1967—Hun. 2 A).

Decree No. 34 of 8 October 1967 for the application of the Labour Code (*M.K.*, 8 Oct. 1967, No. 6, p. 512) (*L.S.* 1967—Hun. 2 B).

Regulation No. 6 of 7 December 1965 respecting the prevention of accidents and the protection of health.

Ordinance No. 6 of the National Council of Trade Unions dated 8 October 1967 respecting certain questions related to the protection of the worker's health and safety (*M.K.*, 8 Oct. 1967, No. 67, p. 562) (*L.S.* 1967—Hun. 2 H).

National Planning Principles (P.P.N.) (no date given).

Ordinance No. 13/1967/Eü.K.10 of the Ministry of Health respecting compulsory notification of occupational diseases.

Part I of the Recommendation.

Paragraphs 1 to 3. The report mentions the laws or regulations giving effect to the provisions of each paragraph taken in turn. It gives the existing technical measures for the control of risks to the health of workers covered by these paragraphs, in particular the floor space and height of workrooms, lighting, ventilation and air conditioning, sanitary conveniences, noise and vibrations, storage of dangerous substances and the removal of fumes, vapours or dusts given off by them, and the provision of protective clothing.

By virtue of Decree No. 34 the Council of Ministers is made responsible for co-ordination of measures relating to the protection of workers' health, and it may also confer this responsibility on the Central Trade Union Council, which is also responsible for supervision. Factory management is also under an obligation to co-operate in occupational health matters.

Paragraph 4. The necessary information is brought to the workers' attention through instructions given prior to employment and through compulsory courses organised by the undertaking. Workers who are not considered sufficiently well versed in such matters may only be employed under supervision. Any instruction given to them must be further supplemented upon any change of work assignment, change of working conditions, or after a prolonged absence from work. Workers are required to observe the safety and health regulations when working.

Paragraph 5. Tests come under the jurisdiction of the National Council of Trade Unions and are carried out by their inspectors, who are empowered to take direct action if need be by imposing fines, or by having all or part of an undertaking closed or a machine shut down.

Paragraph 6. Publicity campaigns are carried out using leaflets, pamphlets, posters and all forms of audio-visual aids.

Paragraph 7. Such consultations are organised at regular intervals.

Part II.

Paragraph 8. Pre-employment medical examinations are compulsory. Those undertakings provided with a health service must carry out such examinations on all their workers, whatever the nature of their work. In the case of processes harmful to health, pre-employment medical examinations are compulsory even when there is no physician attached to the undertaking; examinations in this case are carried out in dispensaries or institutes provided for the purpose. Workers employed in work with a health hazard must also undergo periodical medical examinations. The nature and intervals between such examinations are laid down in the regulations for protection of health and other similar measures.

Paragraphs 9 to 12. The Government declares that the existing legislation covers the corresponding provisions of the Recommendation.

Paragraph 13. Medical examinations are free of charge and time taken off for them is counted as working time.

Part III.

Paragraphs 14 to 17. The Government declares that here too existing legislation covers the corresponding provisions of the Recommendation.

Part IV.

Paragraph 18. Facilities for first aid and emergency treatment are provided in all undertakings.

INDIA

Factories Act, 1948 (*L.S.* 1948—Ind. 4).

Mines Act, 1952 (*ibid.*, 1952—Ind. 3).

Coal Mines Regulations, 1957.

Metalliferous Mines Regulations, 1961.

“Beedi” and Cigar Workers (Conditions of Employment) Act, 1966.

Mines Rules, 1955.

The provisions of Recommendation No. 97 are normally applied by the Factories Act, 1948, and the Mines Act, 1952. However, an Act has recently been adopted respecting the protection of “beedi” and cigar workers that contains provisions for their safety, health and welfare. This Act is now in force in nine states.

With regard to technical measures of protection, the 1948 Act contains provisions concerning maintenance of workplaces in conditions of cleanliness, removal of wastes and effluents, ventilation, temperature, removal of fumes and dusts, floor space and height, sanitary conveniences and the provision of wholesome drinking water. Shelters or rest rooms and accommodation for eating must be provided by all undertakings employing more than 150 workers. Undertakings employing more than 250 workers must provide and maintain a canteen. Legislative provisions also exist with regard to safety devices.

The Mines Act, 1952, and later regulations provide for the protection of the health of mineworkers. Among other things this legislation is concerned with sanitary conveniences, drinking water, canteens and shelters, etc. It also contains provisions for ventilation, lighting, guarding of machinery, transport and use of explosives, protection from dusts and provision of protective clothing, etc. In addition the Act empowers the Chief Inspector of Mines to take any appropriate action for safeguarding workers' health.

The “Beedi” and Cigar Workers (Conditions of Employment) Act contains provisions for the protection of such workers similar to those of the Factories Act.

With regard to medical examinations, the Factories Act, 1948, empowers state governments to lay down rules for pre-employment and periodical medical examina-

tions and for certificates of fitness for employment for those categories of workers exposed to health hazards. The Mines Act, 1952, provides for medical examination, and the Mines Rules, 1955, are being amended to prescribe for periodical medical examination of mine workers at five-year intervals.

The list of those diseases where notification is compulsory is appended to the Factories Act, 1948. The employer is responsible for notifying the competent authority. In addition any doctor called in to treat a case of an occupational disease must notify the Chief Inspector of Factories, who is empowered to conduct an inquiry into the matter. Similar provisions are included in the Mines Act, 1952, the compulsory notification being made to the Chief Inspector of Mines.

The Factories Act, 1948, and the Mines Act, 1952, also contain provisions concerning first aid. Provision of first-aid kits is compulsory and their contents are specified by law. Such kits should be in the charge of qualified personnel and be available during working hours.

Since effect is given to the majority of the provisions of Recommendation No. 97, no modification of existing legislation is envisaged.

IRAQ

Regulation No. 13 of 20 September 1958 respecting the precautions to be taken to protect workmen and employees and to safeguard them from injuries and occupational diseases while at work (*Al-Waqayi'u al-'Iraqiya*, 24 Sep. 1958).

Decrees under the Regulations Nos. 8, 11, 12, 15 of 1964 and No. 6 of 1965.

Regulation No. 74 of 1968 respecting health supervision in undertakings.

Preventive measures respecting safety and health are laid down in Regulation No. 13 and in the decrees and regulations mentioned above which have been made under the Regulation, and of which some are appended to the report.

The Directorate of Industrial Safety and Health, which comes under the General Directorate of Labour, is responsible for supervising the application of these regulations, except as concerns Regulation No. 74, the Ministry of Health being responsible for its application.

A new draft Labour Code includes new principles and rules designed to ensure that workers are satisfactorily protected.

ITALY

Decree No. 303 of 19 March 1956 establishing general rules respecting industrial hygiene (*Gazzetta Ufficiale della Repubblica italiana*, 30 Apr. 1956, Supplement).

Decree No. 185 of 13 February 1964 respecting the safety of factories and the health protection of workers and the population against the dangers of ionising radiations produced by the peaceful use of nuclear power (*ibid.*, 16 Apr. 1964, No. 95, Supplement, p. 3).

Decree No. 1124 of 30 June 1965 to issue the consolidated text of the law respecting compulsory insurance against industrial accidents and occupational diseases (*ibid.*, 13 Oct. 1965, No. 257, p. 1) (*L.S.* 1965—It. 1).

Decrees Nos. 209 of 7 May 1903 and 1306 of 23 November 1911 respecting concessionary undertakings in the public transport sector.

Various collective agreements (manufacturing, and the chemical, engineering, metalworking and other industries).

The Government declares that appropriate technical measures for the protection of workers' health (Part I of the Recommendation) are listed in Decree No. 303. This contains provisions governing the height of workrooms, air space, floor space, floors, walls and openings; prescriptions covering ventilation, lighting, temperature, humidity, protective measures against harmful factors (isolation of harmful processes, control of air pollution, protection against dusts, radiations, noise and vibrations); and measures to be observed with regard to hygiene and cleanliness (drinking water, washing facilities, showers, changing rooms, canteens, etc.).

Decree No. 185 contains special provisions with regard to protection against ionising radiations.

Articles 4 and 5 of Decree No. 303 give effect to those provisions of the Recommendation concerned with the obligation to take technical safety measures and to make proper use of the protective equipment available. The same decree also provides for application of the preventive medical measures covered in Part II of the Recommendation. A list appended to the decree specifies the occupations for which periodical medical examinations are compulsory for workers, and the maximum intervals at which such examinations should be carried out.

Part VIII of Decree No. 1124 provides, in particular, for the protection of workers exposed to silica and asbestos dusts. Annexes to the decree list the occupations concerned and give a specimen of the personal medical file to be kept, and a specimen of the notification form to be filled in by the physician when medical and radiological examinations are carried out.

Article 139 of Decree No. 1124 provides for compulsory notification of occupational diseases (Part III of the Recommendation). The list of notifiable occupational diseases is appended to it. Notification must be made by means of the same procedure provided for notification of industrial accidents. The provisions of articles 52 to 65 of the above-mentioned decree are in line with the principles stated in paragraphs 14, 15, 16, and 17 of the Recommendation.

The provisions of Part IV of the Recommendation dealing with first aid and emergency treatment are covered by Decree No. 303. Articles 27 to 32 of this decree specify the first-aid facilities (dispensaries, first-aid cabinets, medical kits, etc.) to be provided, taking into consideration the number of workers employed and the nature of the risks to which they are exposed.

The labour inspectorate is entrusted with supervising the application of the provisions of the above decrees. The inspectorate forms part of the Ministry of Labour and Social Welfare.

A new development in the field of collective agreements has been the setting up of bodies concerned with the supervision of workplaces where workers are exposed to health hazards; in chemical, metal, and iron and steel works in particular, and in heavy industry in general. Such bodies are responsible for supervising the application of protective measures and for examining, in co-operation with management, particular problems relating to workers' health (such as rate of work).

JAPAN

Labour Standards Law, No. 49 of 5 April 1947 (*Official Gazette*, 7 Apr. 1947, No. 303, p. 1) (*L.S.* 1947—Jap. 3).

Ordinance on Industrial Safety and Health (Labour Ministerial Ordinance No. 9 of 1947).

Pneumoconiosis Law, No. 30 of 31 March 1960 (*Kampoo*, 31 Mar. 1960, No. 25, Extraordinary, p. 7) (*L.S.* 1960—Jap. 1).

Ordinance on Prevention of Organic Solvents Poisoning (Labour Ministerial Ordinance, No. 24 of 1960).

Ordinance on Prevention of Compressed Air Hazards (Labour Ministerial Ordinance, No. 5 of 1961).

Ordinance on Prevention of Ionising Radiation Hazards (Labour Ministerial Ordinance, No. 21 of 1963).

Organisations for Prevention of Industrial Accidents Law, No. 118 of 29 June 1964.

Ordinance on Prevention of Lead Poisoning (Labour Ordinance No. 2 of 1967).

Ordinance on Prevention of Tetra Alkyl Lead Poisoning (Labour Ministerial Ordinance, No. 4 of 1968).

The above is a list of the legislation which gives effect to the Recommendation. The general provisions are embodied in the Labour Standards Law. The legislation as a whole includes provisions for the control of risks to the health of workers and

regulates such things as dust, floor space and height of workrooms, natural and artificial lighting, ventilation, washing facilities and drinking water, changing rooms, etc., feeding facilities, noise and vibrations, the storing of harmful substances, harmful substances or hazardous processes in general and protection therefrom, radiation protection, mechanical exhaust ventilation systems, the provision of protective clothing and equipment and washing of protective clothing, governmental technical assistance in regard to the prevention of pneumoconiosis, and the instruction of workers on safety and health matters.

The Ordinance on Industrial Safety and Health provides for consultation between employers and employees on questions of industrial health and safety. There are also provisions for consultations at national level.

There are detailed legislative provisions which require medical examinations and certificates of fitness for occupations involving special risks. There are also provisions for consultations with employers' and workers' organisations concerning medical examinations, which must be carried out by a physician (in some cases by a dentist), medical secrecy being observed. Notification of occupational diseases by the employer to the competent labour standards inspection office is also required.

The inspection machinery for enforcement of the above-mentioned laws and orders is entrusted to the Labour Standards Bureau within the Labour Ministry. Labour Standards Councils, which include representatives of employers' and workers' organisations, review the Labour Standards Law.

When an order is to be issued under the latter, the opinions of workers' and employers' representatives must be sought.

The employers' organisations affiliated to the Industrial Accident Prevention Associations voluntarily undertake measures to prevent accidents in the relevant industries.

It is not considered necessary to amend the legislation further.

KENYA

Factories Ordinance, No. 38 of 14 September 1950 (*Laws of Kenya*, Ch. 514).

Industrial Training Ordinance, No. 48 of 3 November 1959 (*ibid.*, Ch. 232).

Workmen's Compensation Ordinance, 1962 (*ibid.*, *Revised Edition*, Ch. 237).

The report states that the Factories Ordinance contains the main legislative provisions for the protection of the health of workers in employment. It also gives the section numbers of the various laws, rules and regulations which cover the same ground as the various paragraphs of Recommendation 97.

As regards canteens, there are no special provisions; the climate is such that workers can eat out of doors. Nor are there any rules governing noise, vibration, and the storage of dangerous substances, since hitherto no special problems have arisen in this connection. However, the Minister is empowered to take action if circumstances should warrant.

The same comments apply to those clauses in the Recommendation which relate to the substitution of harmful substances, protection against harmful substances and radiation, and the need to provide separate premises in which hazardous processes can be conducted. Similarly, the report indicates that there are no rules governing workers' education, the dissemination of information or warnings, studies with a view to improving protection, or analysis of the workplace atmosphere to detect the presence of noxious substances or dust. However, the Government is considering, with the assistance of WHO, the possibility of setting up an official Occupational Health Unit which, among other duties, would have to deal with such matters.

The report states that there is no legislation to give effect to those paragraphs in Part II of the Recommendation which relate to medical examinations. The question of the implementation of these Articles must await the establishment of the proposed Occupational Health Unit.

However, the Industrial Training Ordinance does lay down that all persons entering a contract of apprenticeship or indentured learnership must be medically examined and declared fit to be employed in the trade concerned. In practice, too, when a worker is employed in a hazardous occupation, the factory inspectorate requires that he be medically examined periodically at the employer's expense. The Workmen's Compensation Ordinance contains clauses governing the reporting of occupational accidents and disease. Table III annexed to this Ordinance lists the occupational diseases giving entitlement to compensation. The proposed Occupational Health Unit will keep the list up to date. There is legislation laying down requirements concerning the provision of first-aid facilities.

The factory inspectorate and labour inspectorate of the Ministry of Labour are responsible for securing compliance with the relevant legislation.

KUWAIT

Labour Law (Private Sector) No. 38, 1964, revised by Law No. 43, 1968.

The above legislation, which applies only to the private sector of employment, covers some of the provisions of the Recommendation, namely protection of workers in their places of employment; measures to ensure cleanliness, ventilation, lighting, and water drainage; protection against occupational diseases; provisions of first-aid facilities; notification of occupational diseases; and the right to medical care and payment of compensation.

The labour inspectorate of the Ministry of Social Affairs and Labour and the Occupational Health Section of the Ministry of Public Health are entrusted with applying the legislation respecting industrial accidents, measures to prevent them, and occupational diseases, and with studying means of reducing industrial accidents.

LESOTHO

Employment Act, No. 22, 1 June 1967 (*L.S.* 1967—Les. 1).

The Government states that the provisions of the Recommendation are covered by articles 61 to 63 of the Employment Act, 1967. However, regulations to apply article 61 (on first aid) have yet to be adopted. Article 62 providing for supply of wholesome drinking water and article 63 laying down safety and health standards are requirements which must be taken into account in the design of plants.

The Ministry of Health and the Ministry of Public Works and Communications are responsible for the application of these provisions.

The Government considers that existing legislation is adequate and not such as to inhibit industrial and commercial building.

LIBERIA

Labour Laws.

Liberian Code of Laws, 1956.

The Government states that the legislation cited above provides for the protection of workers' health and safety. The labour inspectors are responsible for supervising the applications of these provisions, and are required to make at least one visit of inspection a year to all establishments under their jurisdiction. In addition, when an inspector observes that conditions in a given undertaking may injure the health of its workers, he is required to take action to remedy the situation

even if it does not result from disregard of regulations. He may, if need be, appeal to a higher authority empowered to compel the employer to take the necessary corrective action.

Co-operation between employers and workers is provided through the Industrial Relations Commission.

The Government states that the Labour Laws are at present under revision. It is anticipated that the new Law will include certain provisions of Recommendation No. 97 that do not yet appear in national laws or regulations.

LUXEMBOURG

Act dated 28 August 1924 respecting the health and safety of persons employed in workshops, in industrial and commercial undertakings, or in work on construction, adaptation, repairs and excavations (*Mémorial (M.)*, 1924, No. 44, p. 613) (*L.S.* 1924—Lux. 2).

Grand Ducal Order of 28 August 1924, issued by virtue of the said Act (*M.*, 1924, No. 44, p. 627) (*L.S.* 1924—Lux. 2).

Grand Ducal Order of 30 July 1928 respecting the extension of compulsory accident insurance to occupational diseases (*M.*, 1928, No. 38, p. 693) (*L.S.* 1928—Lux. 1).

National legislation contains clauses governing the action to be taken in industrial and commercial undertakings in the field of workers' health and safety. They govern such things as available airspace and height of workplaces, lighting, sanitation, cloakrooms, action against dust and fumes, radiation, the distribution of personal protective clothing, and so on.

The Labour Safety Institute (in which employers' and workers' organisations are represented) promotes labour health and safety.

There is no special legislation concerning workers' medical examinations. But an occupational health Bill is at present under consideration. There is also a Bill which deals with the fitness of young people for employment. Furthermore, all large undertakings already possess a voluntary occupational health protection system. Occupational diseases, under the legislation in force, have to be reported to the labour inspection authorities and to the Accident Insurance Association. This latter body issues rules governing first-aid facilities in workplaces.

MALAWI

Employment Ordinance, No. 14, 1964 (*L.S.* 1964—Ny. 1).

Factories Ordinance, 1964.

Factories (Sanitary Accommodation) Regulations, 1964.

Factories (First Aid) Regulations, 1964.

Quarries Regulations, 1965.

Government Notice No. 191 of 19 December 1964 respecting the Apprenticeship Regulations, 1964 (*ibid.*, 1964—Mal. 1).

National laws and regulations make various provisions for preventing, reducing or eliminating risks to the health of workers in places of employment.

The Employment Ordinance, No. 14, makes general provision for the appointment of medical officers or health inspectors, for compulsory medical examination of workers entering into a working contract of six months or more, for a supply of wholesome drinking water, and for the physicians' right to grant paid sick leave, etc.

The Factories Ordinance, 1964, provides, among other things, for cleanliness of workplaces, removal of effluvia, installation of proper sanitary conveniences, prevention of congestion in workrooms, ventilation, lighting, protection against dangerous substances (dusts, gases, poisonous vapours, or explosives, etc.), supply of wholesome drinking water, personal protective clothing and equipment, first aid, carrying out tests on potentially hazardous materials, notification of occupational diseases, etc.

The 1964 Regulations cited above give detailed provisions with regard to sanitary accommodation and the organisation of first-aid facilities in factories, while the 1965 Regulations lay down a certain number of safety rules, relating in particular to protection against dusts in quarries.

The factory and labour inspectors attached to the Ministry of Labour are entrusted with supervising the application of the legislation concerned.

It is not intended to supplement the legislation in this field for the present.

MALAYSIA

Factories and Machinery Act, No. 64 of 26 September 1967.

The provisions of the Recommendation are applied to a large extent by the Act cited above. This Act has already been passed by Parliament, with 1969 as the expected year of entry into force. It makes general provision for the protection of workers' health (lighting, ventilation, temperature, etc.). Detailed measures were to be covered by a Regulation to apply the Act, scheduled to come into force at the same time. Both the Act and the Regulation to apply it also make provision for prevention or removal of health hazards. Studies are at present being carried out to determine further action to be taken in this field. The laws and regulations lay down that the employer shall make sure that the prescribed measures are applied and that workers make use of the means of protection provided. Warning notices must be posted up. Provisions are also made for organisation and administration of first aid.

MALI

Labour Code: Act No. 62-67 of 19 August 1962 (*Journal Officiel (J.O.)*, 15 Oct. 1962, No. 128, p. 708) (*L.S.* 1962—Mali 1).

Social Insurance Code: aforesaid law (*J.O.*, 15 Oct. 1962, No. 128, p. 749).

Technical measures for protection against risks to the health of workers are covered by the provisions of articles 178 and following of the Labour Code (Part IV entitled "Hygiene and Safety"), which provide, in particular, that the employer shall keep workplaces in a constant state of cleanliness and to this end shall arrange the removal of waste matter liable to decay, that he shall ensure provision of adequate lighting and a sufficient air supply protected against pollution. These same provisions prohibit workers from eating meals in workplaces and compel the employer to place sanitary facilities at their disposal (toilets, cloakrooms, etc.).

The labour inspectorate, which is entrusted with the supervision of these provisions, may call on the advice of suitable doctors or technicians and take any samples or carry out any analyses necessary.

The employer shall affix in each workroom a notice drawn up by the National Institute of Social Insurance to inform workers of the regulations governing industrial accidents and occupational diseases.

With regard to the provisions of Part II of the Recommendation, the Social Insurance Code provides that each worker shall undergo an annual medical examination. Furthermore, the Act provides for a medical examination on taking up employment and for an examination on re-entering employment after an absence for illness entailing suspension of the labour contract. Other examinations may be requested by the examining doctor. The time required for an examination is paid as for time worked. Measures are taken to ensure observance of medical secrecy.

Notification of occupational diseases is regulated by the Labour Code, following a procedure analogous to that used for notification of industrial accidents.

Tables of these diseases are annexed to the Social Insurance Code. These tables may be modified by Government Council Decree.

Finally, facilities for first aid are prescribed by the Labour Code. They are to be provided at the employer's expense.

The application of all the provisions mentioned above is entrusted to the labour inspectors who, for this purpose, co-operate with the staff representatives.

The Government considers that, in general, the principles of the Recommendation are covered by the legislation and are applied in practice.

MALTA

Factories Ordinance, 1940.

Government Notice No. 458 of September 1945 applying the Safety, Health and Welfare Regulations issued under section 3 of the above Act.

Government Notice No. 330: the Factories (First Aid) Regulations, 1949.

National Insurance Act, No. 6, of 28 April 1956.

The Safety, Health and Welfare Regulations of 1945 provide for cleanliness, ventilation, lighting, sanitary and washing facilities, removal of dusts and fumes, supply of drinking water, guarding of machinery and uncongested work areas, etc.

The Factories (First Aid) Regulations, 1949, recommend employers to install and maintain first-aid cabinets. The Director of Labour and Emigration must be notified of all accidents resulting in death, or rendering a worker unfit for work for more than three days.

In accordance with the provisions of the National Insurance Act, 1956, workers themselves must make notification within twenty-four hours of any injury resulting from an industrial accident. In the case of occupational diseases, notification must be made to the Director of Social Services.

Although medical examinations for workers are not universally compulsory, the employers themselves sometimes insist on them. Hence dockworkers must be provided with a medical certificate of fitness. Government employees (including hospital staff) are also subject to compulsory medical examination.

MEXICO

Political Constitution of the United States of Mexico, 1917.

Federal Labour Act of 18 August 1931 (*Diario Oficial*, 28 Aug. 1931, Vol. LXVII, No. 51) (*L.S.* 1931—Mex. 1).

Occupational Accident Prevention Regulations, 1934.

Occupational Health Regulations, 1946.

The Occupational Health Regulations (section 5) make employers, representative trade unions, permanent health and safety committees, works doctors and the Social Security Institute responsible for implementing them. Employers must also provide workers with personal protective clothing.

Various sections (26, 36 to 39, 47, 48, 58 and 59) deal with cleanliness of premises, the height of ceilings and total airspace, ventilation, the removal of waste products, lavatories and cloakrooms, protection against noise and vibration, canteen lighting, etc.

The Occupational Accident Prevention Regulations (section 12) deal with the storage of acids, explosives and other dangerous substances.

Regulations governing protection against ionising radiations will shortly appear. Furthermore, national legislation specifies that air-tight equipment, masks, etc., must be used for the protection of staff against contact with dangerous dust, fumes, gas, fibres or vapours (Occupational Accident Prevention Regulations, sections 544 to 549, and the Occupational Health Regulations, sections 12 and 13).

The safety committees are required to train workers in preventive action and to carry out periodical checks on all safety arrangements.

The legislation also provides for compulsory pre-employment and periodical medical examinations.

MOROCCO

Decree of 2 January 1923 respecting prophylactic measures to be applied in workplaces.

Dahir of 31 May 1943 to extend the provisions of the legislation on compensation for industrial accidents to cover occupational diseases.

Order of 31 May 1943 to apply the above-mentioned Dahir.

Decree of 2 July 1947 to regulate conditions of employment (*Bulletin officiel du Protectorat de la République française au Maroc (B.O.M.)*, 17 Oct. 1947, No. 1825, p. 1028) (*L.S.* 1947—Mor. 1).

Order of 4 November 1952 to determine the general safety and health measures applicable to all establishments where a commercial, industrial or professional activity is carried out (*B.O.M.*, 16 Jan. 1953, No. 2095).

Order of 29 December 1952 to determine the conditions governing compulsory provision of showers for staff engaged in unhealthy or dirty work.

Order of 2 April 1952 to determine the specific safety and health measures applicable in building and public works sites.

Order of 25 June 1954 respecting the list of medicines and medical material that should be available at all times in workplaces.

Dahir of 8 July 1957 respecting the organisation of industrial medical services (*Bulletin officiel (B.O.)*, 6 Sep. 1957, No. 2341, p. 1162) (*L.S.* 1959—Mor. 1 C).

Decree of 8 February 1958 to apply the Dahir of 8 July 1957 respecting organisation of industrial medical services (*B.O.*, 14 Mar. 1958, No. 2368, p. 463) (*L.S.* 1959—Mor. 1 B).

The provisions of the laws and regulations mentioned above are supplemented by a certain number of legal texts laying down special measures of protection with respect to compressed air, radioactive substances, X-rays, inflammable liquids, painting or varnishing by spraying, anthrax, arsine poisoning, lead poisoning, arsenical dusts, hoisting apparatus other than goods lifts, manganese poisoning, cold stores, free silica or asbestos dusts, silicosis and asbestosis, etc.

The labour inspectorate is responsible for the application of all of these provisions. The police are also authorised to deal with infringements of the provisions but, in fact, they make little use of their powers as far as labour laws and regulations are concerned.

The Government indicates that, given favourable economic expansion, it will be possible to consider taking the appropriate measures to put those provisions of the Recommendation into force that are not yet covered by national legislation or practice.

NETHERLANDS

Caisson Act (*Staatsblad (Sb.)*, 1907, No. 20).

Labour Act, 1919, as amended up to 22 January 1964 (*L.S.* 1964—Neth. 1).

Decree of 4 October 1920 respecting notification of occupational diseases (*Sb.*, 1920, No. 773).

Stonemasons Act, 1921 (*ibid.*, 1921, No. 1366) (*L.S.* 1921—Neth. 3).

Stonemasons Decree, 23 June 1923 (*Sb.*, 1923, No. 297) (*L.S.* 1923—Neth. 3).

Safety Act, 1934 (*ibid.*, 1934—Neth. 2).

Safety Decree for Factories and Workshops, 19 November 1938 (*Sb.*, 1938, No. 872).

Safety (White Lead) Decree, 8 August 1939 (*ibid.*, 1939, No. 865) (*L.S.* 1939—Neth. 4).

Safety in Agriculture Decree, 25 March 1950 (*Sb.*, 1950, No. K107).

Safety (Stevedores Act) Decree, 21 November 1950 (*ibid.*, 1950, No. K 519).

Safety (Ionising Rays) Decree, 18 March 1963 (*ibid.*, 1963, No. 98).

Sickness Funds Act, 15 October 1964 (*ibid.*, 1964, No. 392) (*L.S.* 1964—Neth. 2).

Mines Regulations 1964 (*Sb.*, 1964, No. 538).

The legislation provides for health protection measures in places of employment (height of workrooms, proper air space, lighting, changing rooms, canteens, toilets,

cleanliness, microclimate, supply of drinking water and other non-alcoholic beverages, etc.). It also contains measures for prevention of occupational diseases in general or due to special hazards (lead poisoning, ionising radiations, etc.).

A significant advance has been achieved in this field through the setting up of occupational health services. One of their main functions is to carry out pre-employment and periodical medical examinations. Notification of occupational diseases is covered by several legislative texts. There are also regulations covering first aid and emergency treatment facilities in different sectors of employment.

The labour inspectorate and the State Supervision of Mines are entrusted with supervising the applications of the relevant legislation. The Board of Assistance and Advice for Occupational Health supervises the occupational health services.

The Government considers that the greater part of the contents of the Recommendation are already in force. Parliament has before it at present a draft decree covering section 9 of the 1934 Safety Act (the only part not yet to have been put into force). This decree will cover the provisions not only of Recommendation No. 97 but also those of the Convention and Recommendation No. 120 on hygiene in commercial undertakings. Present efforts are aimed at enlarging the scope of occupational health as a whole rather than giving primary emphasis to periodical medical examinations.

Netherlands Antilles

Safety Decree, 1955, No. 102.

National Safety Ordinance, 1958.

The above legislation lays down various rules regarding the occurrence and limitation of dangers to the health of workers, with reference to such matters as natural lighting, fostering cleanliness, sanitation, changing rooms, canteens and lodgings, protection against the elements, countering the occurrence or the spreading of harmful or objectionable vapours or gases or dusts and the prevention of poisoning, infection or occupational diseases. The medical examination of workers upon employment or the periodical examination of workers who are exposed to special health hazards is not regulated by law. However, the large firms have their own occupational health services and medical officers.

Under the existing provisions industrial accidents and occupational diseases must be reported to the Social Insurance Bank (a government body) and the head of the firm is obliged to notify the safety inspectorate immediately in the event of serious occupational diseases. The safety inspectorate registers and analyses all notifications of accidents and occupational diseases and where necessary investigation is instituted. The Safety Decree, 1955, No. 102, lays down that effective means of first aid should be made available in workplaces.

NEW ZEALAND

Phosphorous Matches Act, 1910.

Coal Mines Act, 1925, No. 39 (*L.S.* 1925—NZ 2), and regulations made thereunder.

Mining Act, 1926, Act No. 15 (*ibid.*, 1926—NZ 1).

Petroleum Act, 1937, and regulations made thereunder.

Quarries Act, 1944, and regulations made thereunder.

Bush Workers Act, 1945.

Factories Act, 1946, No. 43 of 12 October 1946 (*New Zealand Statutes Reprint 1908-57*, Vol. 4, p. 775) (*L.S.* 1946—NZ 4) and regulations made thereunder.

Boilers, Lifts and Cranes Act, 1950.

Harbours Act, 1950.

Machinery Act, 1950, No. 52 of 23 November 1950.

Shipping and Seamen Act, 1952, No. 49 of 23 November 1952.

Shops and Offices Act, 1955, No. 32 of 20 October 1955 (*ibid.*, 1955—NZ 1).

Health Act, 1956, and regulations made thereunder.
Explosives Act, 1957.
Dangerous Goods Act, 1957, No. 20 of 11 October 1957.
Construction Act, 1959, No. 32 of 15 October 1959.
Poisons Act, 1960, and regulations made thereunder.
Agriculture Workers Act, 1962, No. 137 of 14 December 1962 (*ibid.*, 1962—NZ 1) and regulations made thereunder.
Shearers Act, 1962, No. 136 of 14 December 1962, and regulations made thereunder.
Meat Act, 1964.
Radiation Protection Act, 1965, No. 23 of 24 September 1965.
Petroleum Regulations, 1939.
Electroplating Regulations, 1950.
Lead Process Regulations, 1950.
Radiation Protection Regulations, 1951.
General Harbour (Ship, Cargo, and Dock Safety) Regulations, 1952.
Noxious Substances Regulations, 1954.
Spray Coating Regulations, 1962.
First Aid (Factories) Regulations, 1966.
Health (Infectious and Notifiable Diseases) Regulations, 1966.
Agricultural Workers (Market Garden) Order, 1967.

The Occupational Health Programme is now an integral part of public health in New Zealand and the above is a list of the principal legislation which contains provisions in this field. There are also numerous related regulations which govern numerous specialised enterprises. Protective provisions are also frequently included in arbitration awards and industrial agreements.

The Factories Act, 1946, and relative regulations provide generally in great detail for the safety, health and welfare of factory workers. The Spray Coating Regulations, 1962, provide that spray coating shall be performed in such a manner and under such conditions as will provide effective protection of the operator and other persons from injurious substances and from other hazards created by the process. Similarly the Noxious Substances Regulations, 1954, provide for the protection of the worker from such substances as may be declared harmful by the Minister of Health.

The Shops and Offices Act, 1955, covers such matters as the protection of workers in such establishments against noxious or dangerous liquids, gases or materials, and overcrowding, and the provision of adequate air space, ventilation and drainage, working and sanitary facilities and accommodation for meals and clothing, etc.

The Coal Mines Act, 1925, and the Mining Act, 1926, together with the Mining Regulations, provide respectively for the safety, sanitation, health and convenience of persons employed in or about mines, and the prevention of special hazards.

The Phosphorous Matches Act, 1910, prohibits the use of white phosphorus in the manufacture of matches and the Radiation Protection Act, 1965, and relative regulations contain detailed provisions for the protection of persons against radiation, the medical examinations of workers, and the strict control of radioactive material.

The Health Act, 1956, and relative regulations provide for the regulation of offensive trades or chemical works and of manufactures which may be offensive or dangerous to the persons employed in or about the same, or injurious to health. The Act also deals with sanitary requirements for business premises.

The Construction Act, 1959, and Quarries Act, 1944, provide extensive safety and health protection for workers in these industries.

The Agricultural Workers Act, 1962, and relative regulations deal, *inter alia*, with the provision of sufficient and suitable accommodation for every agricultural

worker. The inspector has power to modify these provisions in certain circumstances. The Agricultural Workers (Market Garden) Order, 1967, provides for suitable washing facilities, sanitary accommodation, etc., for market garden employees. Various ancillary regulations relating to specific agricultural activities provide for appropriate sanitary facilities.

The Harbours Act, 1950, promotes the welfare of waterside workers by allowing a board to establish various facilities such as meals and reading rooms. Regulations under this Act also provide for safe work in harbours.

Special provisions under the Dangerous Goods Act, 1957, and the Explosives Act, 1957, together with relative regulations, provide for the regulation of storage and use of dangerous goods.

The Shipping and Seamen Act, 1952, deals with accommodation for the crew of New Zealand ships. The Act and relative rules and regulations require the provision of sufficient sanitary, hospital, lavatory accommodation and bathrooms, together with general measures for the well-being of the crew.

The Meat Act, 1964, and Meat Regulations, 1940, provide, *inter alia*, for the construction, lighting, ventilation, air temperature, cleaning, drainage, water supply, lighting, maintenance of slaughter houses, packing houses, etc., together with the necessary protection and sanitary facilities for workers in such premises.

The Petroleum Act, 1937, and relative regulations provide, *inter alia*, for safety precautions in mining operations, the regulation of storage, transportation, and utilisation of petroleum in New Zealand. The relative regulations provide for the health and safety of persons employed.

Various arbitration awards require employers in certain specific enterprises to provide specific washing and other facilities and sanitary accommodation for their employees.

The Bush Workers Act, 1945, provides for the safe use of equipment employed in bush undertakings.

The medical examination of employees is required under the Factories Act, in the interests of the public and employees, where such employee is employed in a factory concerned with articles for human consumption or where textile fabric is manufactured, prepared or treated, etc., and an inspector of factories considers the employee is in such a state of health that such articles or fabric is likely to be contaminated by germs, disease, or other contamination. Also the Governor-General may make such regulations as appear necessary to meet the situation.

Provisions for medical examinations are also contained in the Electroplating Regulations, the Lead Process Regulations, 1950, and the Spray Coating Regulations, 1962.

The Mining Act, 1926, and the Mining Amendment Act, 1937, requires a person to produce a medical certificate certifying him fit to work underground, signed by two medical practitioners, before he is allowed to work underground in any quartz mine. The Radiation Protection Act, 1965, and the Radiation Protection Regulations, 1951, provide detailed regulations for medical examinations with a blood test before and during employment entailing the use of irradiating apparatus or radioactive substances.

Notification of occupational diseases to the Medical Officer of Health is required by the Health Act, 1956, from medical practitioners attending persons suffering from such diseases. The Factories Act, 1946, provides for the inspector of factories to report to the Medical Officer of Health any case of a person employed in a factory concerned with articles for human consumption, who appears to be in such a state of health as seems likely to contaminate such articles. The Noxious Substances Regulations, 1954, the Health (Infectious and Notifiable Diseases) Regulations, 1966, the Electroplating Regulations, 1950, and the Radiation

Protection Regulations, 1951, all contain provisions requiring the notification of occupational diseases.

The Factories Act provides that the occupier of each factory shall provide and maintain first-aid facilities, appliances, and requisites to the satisfaction of the inspector of factories, or of the prescribed standard when a standard exists. The First Aid (Factories) Regulations, 1966, make further provision for first aid, as do the Electroplating Regulations, 1950, the Shops and Offices Act, 1955, the Agricultural Workers Act, 1962, and the relative orders and regulations mentioned above, the Bush Workers Act, 1945, the Construction Act, 1959, and relative regulations, the Mining Act and Regulations, 1926, the Coal Mines Act and Regulations, 1939, the Petroleum Regulations, 1939, the General Harbour (Ship, Cargo, and Dock Safety) Regulations, 1968, and the Shipping and Seamen Act, 1952.

Supervision is exercised by the Department of Labour, Health, Marine, Mines and Internal Affairs, and those local authorities which are required to employ health inspectors. Amendments or additions to existing legislation are made from time to time which take account of the provisions of the Recommendation. No modification has been necessary, although it is not yet possible to give full effect to certain provisions, such as those concerning medical examination of workers.

NIGER

Act No. 62-12 of 13 July 1962 to institute a Labour Code (sections 130 to 141) (*Journal Officiel*, 25 Aug. 1962, special number).

Decree 65-117-MFP-T of 18 August 1965 governing organisation and administration of occupational accident and disease compensation and prevention by the National Social Security Fund (*ibid.*, 1 Sep. 1965).

Decree 67-126-MFP-T of 7 September 1967 embodying the regulations relating to the Labour Code (*ibid.*, 1 Oct. 1967).

The Government declares that most of the points made in the Recommendation are covered by the legislation now in force. This latter is liable to amendment, after the Advisory Technical Committee on Health and Safety has been duly consulted.

It is for the labour inspectors to ensure that laws, rules and regulations are applied.

NORWAY

Workers' Protection Act, No. 2 of 7 December 1956 (*Norsk Lovtidend*, 31 Dec. 1956, No. 45, p. 1235) (*L.S.* 1956—Nor. 2), as amended in particular by Act No. 1 of 28 November 1958 (*ibid.*, 1958—Nor. 2) and Act No. 2 of 10 May 1968 (*ibid.*, 1968—Nor. 1).

Technical measures for the protection of the health of workers are laid down in Part II of the above Act. As regards means of personal protection, in certain cases protective footwear is made available at a price agreed upon between the parties concerned. The provision contained in paragraph 8 (2) of the Recommendation, relating to medical examination of workers exposed to special health risks, was implemented through the adoption of special regulations covering miners, foundry workers, divers, workers exposed to ionising radiations, and young persons. The Act also empowers the competent authority to compel any given category of workers to undergo medical examination.

Notification of occupational diseases must be made by the physician in charge of the case. New provisions are now in force specially concerned with medical examination of young persons, personnel exposed to ionising radiations, divers, miners and foundry workers.

The labour inspectorate is entrusted with the application of all provisions of the above Act. It is further empowered to issue general and special regulations, recommendations, and injunctions to implement the Act in question. There is no

intention to amend existing legislation to bring it into complete agreement with the provisions of the Recommendation.

PAKISTAN

Mines Act, 1923, No. IV of 23 February 1923 (*Gazette of India*, 3 Mar. 1923) (*L.S.* 1923—Ind. 3) and the Coal Mines Regulations.

Factories Act, No. XXV of 20 August 1934 (*ibid.*, 1946—Ind. 1).

East Pakistan Factories Act, No. IV of 1965 (*The Dacca Gazette*, 1 Sep. 1965, Extraordinary, p. 1535) (*L.S.* 1965—Pak. 2).

Pakistan Dock Labourers' Regulations.

Hazardous Occupations (Petrol) Rules.

Hazardous Occupations (Chromium) Rules.

West Pakistan Hazardous Occupations (Sand Blasting) Rules, 1963.

The provisions of the above-mentioned legislation give effect to some of the matters dealt with in the Recommendation.

The East Pakistan Factories Act, 1965, and the Factories Act, 1934, adequately provide for the control of dirt and refuse, overcrowding, temperature, proper ventilation and lighting, etc. The Mines Act, 1923, the Coal Mines Regulations, and the Pakistan Dock Labourers' Regulations provide for proper lighting, hygienic conditions, and first-aid facilities.

The Hazardous Occupations Rules listed above lay down that persons employed in any factory for more than fifteen days in the year in the processes specified therein should undergo medical examination. The examination is held shortly after the worker enters employment and, subsequently, it is carried out periodically by qualified doctors. No deductions are made from wages of workers for the time involved in such examination.

Protective clothing is provided to workers under some of the rules referred to above. Rule 10 of the Hazardous Occupations (Lead) Rules states that at the end of every day's work protective clothing shall be collected and kept in proper custody in a suitable place set apart for the purpose.

Under the East Pakistan Factories Act, 1965, the manager of a factory must notify the inspector when a worker in the factory contracts diseases specified in the schedule of the Act, such as anthrax, silicosis, mercury or lead poisoning. The Pakistan Dock Labourers' Regulations require consultation with workers' representatives, as far as possible, on measures to be taken for the control of risks to their health. Provisions for first-aid appliances exist under the East Pakistan Factories Act, 1965.

The provincial governments are responsible for the administration of labour laws. The employers' and workers' organisations are consulted through the Pakistan Tripartite Labour Conference and the Standing Labour Committee before any legislative measure is taken by the Government.

The Recommendation has been accepted by the Government of Pakistan with the exception of Paragraphs 2 (i), 3 (1) (a) to (d), 3 (3), 4 (1) (a) to (c), 5, 6 and 13. The new labour policy introduced in 1969 envisages that the existing laws on safety and health will be amended and strengthened. No further modifications are deemed to be necessary.

PHILIPPINES

Commonwealth Act No. 104 of 29 October 1936 (*Official Gazette*, 1937, p. 446) as amended by Commonwealth Act No. 696 respecting the safety of persons employed in mines, quarries, metallurgical operations and other enterprises.

Act No. 1054 of 12 June 1954 to revise and consolidate the provisions of Act No. 3961, as amended, relative to free emergency medical treatment, and Act No. 239 relative to free emergency dental treatment, for employees and labourers of commercial, industrial and agricultural establishments (*ibid.*, July 1954, p. 2943).

As regards the control of health hazards, the Secretary of Labour has promulgated regulations in accordance with the provisions of the Recommendation to promote the safety of employees and labourers in industrial undertakings and in farms covering more than twelve hectares. Medical examination of workers is covered by Act No. 1054. In practice, pre-employment and periodical or special medical examinations are compulsory. The employer is required to notify the Labour Department of all cases of accidents or occupational diseases entailing a minimum of one day's absence from work. This obligation also applies in principle to cases treated on the spot without absence from work, but in practice it is not possible to enforce this. The Government considers that existing legislative and practical provisions are in full accord with the aims of the Recommendation. Emergency medical and dental treatment in the case of accidents or occupational diseases are covered by Act No. 1054 for undertakings employing more than thirty workers, while small undertakings are covered by Commonwealth Act No. 104, under the supervision of either the regional labour offices or the city authorities.

RUMANIA

Act No. 5 of 22 October 1965 on workers' protection (*Buletinul Oficial*, 23 Dec. 1965, No. 21, p. 173).
Decisions of the Council of Ministers Nos. 1830/1953 and 1365/1957.

Decision of the said Council No. 2896 of 22 December 1966 respecting the notification, investigation, and registration of industrial accidents and occupational diseases (*ibid.*, I, 4 Jan. 1967, No. 2, p. 6) (*L.S.* 1966—Rum. 1).

Decree No. 246/1958.

Republican standards for workers' protection, 1966.

Orders of the Ministry of Health No. 195 and No. 196 respecting pre-employment and periodic medical examinations.

A network of occupational health services has been established to safeguard the health of workers in industry, transport and construction. The State was made responsible for establishment of occupational health services by Decisions Nos. 1830 and 1365 of the Council of Ministers. Services are provided free of charge (Decree No. 246). The organisation of occupational health services in different industries, in keeping with the number of personnel and specific conditions of work, is regulated by the Minister of Health. Undertakings are, for this purpose, divided into three main categories.

All undertakings in the mining, chemical and oil industries with more than 800 employees are provided with a dispensary staffed by a physician. This number rises to 1,000 employees for the category comprising, in particular, the metal-working, construction, oil refining, and timber industries and to 1,500 employees in the transport, food, and garment and textile industries.

In addition it is provided that smaller undertakings may organise a common occupational health service.

The Government indicates that the matters dealt with in Recommendation No. 112 form part of the functions of these services, namely to give pre-employment medical examinations, and to direct workers to jobs corresponding to their aptitudes; to give periodic medical examinations in order to detect any disorders arising from their conditions of employment; to examine these conditions to eliminate any harmful factors, and prevent industrial accidents; to exercise surveillance of hygiene conditions and the psychological and physiological adaptation of workers.

Industrial physicians also provide medical care with particular emphasis on first aid. Generally speaking, occupational health services form part of the general hospital system.

Industrial physicians (general practitioners) receive post-graduate training for work in the field of occupational health, and in the course of their work may call on the advice of experts from the State Health Services.

The compulsory "republican standards for workers' protection" applying the provisions of article 4 of Act No. 5 were laid down with special regard to technical conditions of safety, health and welfare (lighting, noise, vibration and ionising radiation). Notification, investigation and registration of occupational accidents and diseases are regulated by Decision No. 2896 of the Council of Ministers. The regulations concerning pre-employment medical examinations and periodic medical examinations for hazardous work, dating from 1953, were recently brought up to date.

Co-operation between occupational medical services and the management committees and trade unions is also provided.

RWANDA

Social Security Act of 15 November 1962 (*Journal Officiel de la République rwandaise*, 15 Dec. 1962, No. 23, p. 451).

Act of 28 February 1967 instituting a Labour Code (*ibid.*, 1 Mar. 1967, No. 5, p. 107) (*L.S.* 1967—Rwa. 1).

Apart from arrangements with regard to occupational injury and disease (as set forth in the above-mentioned legislation), there are virtually no statutory standards giving effect to the Recommendation's provisions on protective measures and medical inspections.

Pending, however, the promulgation of orders concerning occupational health and safety, certain regulations issued when the country was still under trusteeship are still in force. To some extent they cover the provisions of the Recommendation on recruitment and safety.

The labour inspectorate is responsible for enforcing legislation on occupational health and safety.

The Government states that the orders to be issued will be based on the Recommendation in so far as conditions in the country allow.

SENEGAL

General Order No. 5253 of 19 July 1953.

Order No. 5345 of 22 July 1954.

Decree No. 57-245 of 24 February 1957.

See also under Recommendation No. 112.

Legislative, administrative and practical provisions exist for all the matters dealt with in the Recommendation.

Part IV of the Labour Code is devoted to the safety and health of workers in places of employment. General Order No. 5253 provides general safety and health measures applicable to establishments of all kinds; specific texts have also been drawn up governing safety and health conditions in certain occupations (the painting trade, workplaces where compressed air is used, printing and allied trades, etc.). The conditions under which industrial medical and sanitary services operate are laid down by General Order No. 396 of 18 January 1955. A new decree on this topic is in preparation. Compensation for and prevention of industrial accidents and occupational diseases are governed by Decree No. 57-245 promulgated by Order No. 7736 of 7 August 1957. Notification of industrial accidents and occupational diseases is governed by Order No. 5345.

The labour and social security services are entrusted with the application of all these provisions. Infringements are dealt with by labour inspectors and social

security inspectors, assisted by labour supervisors who may be delegated these powers in special circumstances. The authorities entrusted with supervision and control work in co-operation with the trade unions and may call on the employers' associations to compel their members to respect the relevant laws and regulations.

SIERRA LEONE

There is at present no legislation in this respect.

A draft Factories Act has been prepared for consideration by Parliament. This Act will contain regulations for protection of the health of workers, particularly as regards sanitary facilities, reduction of noise, protection against ionising radiations, removal of dusts and fumes, personal protective clothing and equipment, first aid and notification of occupational diseases.

The Mines Division of the Ministry of Lands, Mines and Labour will be entrusted with supervising the application of this legislation.

SINGAPORE

Environmental Public Health Act, 1968 (Part X).

Employment Act, No. 17 of 1968 (*Government Gazette (G.G.)*, 12 Aug. 1968, No. 18, Supplement, p. 141) (*L.S.* 1968—Sin. 1).

Factories Ordinance, No. 41 of 1958 (Parts IV to VII) (*G.G.*, 31 Oct. 1958, Supplement, No. 74).

Most of the provisions of the Recommendation are covered by the legislation cited above.

The Ministry of Health is the authority entrusted with supervising the application of the provisions of the Environmental Public Health Act, 1968, while the Ministry of Labour is responsible for application of the provisions of the other two Acts cited above. The provisions of the Recommendation are, in general, covered by either legislative or practical provisions.

SPAIN

Decree of 8 June 1938 (Canteens).

Ordinance of 30 June 1938 (Canteens).

Ordinance of 31 January 1940 respecting the General Regulations on Occupational Safety and Health.

Regulation on safety and health in construction work, dated 20 May 1952.

Ordinance of 20 January 1956 to amend the Safety and Health (Construction Work) Regulation with respect to compressed-air work.

Decree No. 1036 of 10 June 1959 on works medical services (*L.S.* 1959—Sp. 1).

Ordinance of 21 November 1959 to regulate the application of Decree No. 1036 of 1959.

Regulation of 18 February 1960.

Decree No. 20 of 12 January 1961 respecting the work rules of undertakings (*ibid.*, 1961—Sp. 2 A).

Order of 6 February 1961 to apply Decree No. 20 of 1961 (*ibid.*, 1961—Sp. 2 B).

Decree No. 792 of 13 April 1961 on industrial accidents and occupational diseases (*ibid.*, 1961—Sp. 4).

Ordinance of 9 May 1962 on compensation for industrial accidents and occupational diseases.

Act of 28 December 1963 on social security (*ibid.*, 1963—Sp. 1).

Decree No. 907 of 21 April 1966 on social security (*ibid.*, 1966—Sp. 3).

Technical measures of protection against risks to the health of workers are laid down in the General Occupational Safety and Health Regulations of 31 January 1940 and are consistent with the principles of the Recommendation. They are completed by regulations and provisions contained in collective agreements. Provisions concerning accommodation in undertakings for taking meals are specified in the decree of 8 June 1938 and by the ordinance of 30 June 1938. These matters are given legal form in the Social Security Act of 28 December 1963, and in the

decree to apply it of 21 April 1966. Medical examinations and notification of occupational diseases are governed by the decree to regulate works medical services of 10 June 1959 and by the decree of 13 April 1961 together with its ordinance of 9 May 1962 on industrial accidents and occupational diseases, as well as by the Social Security Act of 21 April 1966.

General measures are given in the Occupational Safety and Health Regulations quoted above. Detailed measures are given in the regulations governing different types of work. These are particularly comprehensive for engineering and construction work and work in caissons.

Other standards have been drawn up by other ministries, and by the Office of the Head of Government, for example those concerning mines, pressure vessels, explosives, hoisting apparatus, refrigerating plant and harmful or hazardous activities. In addition to these official regulations, special occupational safety and health standards are contained in collective agreements and in the work rules of undertakings.

Supervision of the application of these provisions comes under the Ministry of Labour through the agency of the Occupational Safety and Health Section of the General Directorate of Labour, which is responsible for preparing legislation on such matters, for encouraging implementation of standards, and for promoting preventive programmes. The inspectorate of labour is also responsible for this. Works medical services collaborate in this work which is further extended by the regional occupational safety and health councils on a tripartite basis.

The Government is of the opinion that the principles of Recommendation No. 97 are applied in Spain and does not intend to modify its legislation.

SUDAN

Factories and Workshops Ordinance.

Factories and Workshops Regulations.

In order to ensure application of the health and safety regulations, the Commissioner of Labour must approve all plans for construction or alteration of places of employment. Such workplaces must be registered and regularly inspected.

Protection of workers' health is covered by the legislation cited above. This provides for precautions to be taken against fire, dangerous substances, or explosions; supply of wholesome drinking water; provision of toilets; protection against the sun, dusts, vapours and other harmful agents; measures to prevent overcrowding in workrooms; protective clothing; testing of eyesight; and guarding of machinery.

The Commissioner of Labour is responsible for supervising the applications of these provisions, but in practice these functions are delegated to the factory inspectors.

The Government considers that the provisions of the Recommendation are fully covered by existing legislation.

SWEDEN

Workers' Protection Act, 3 January 1949 (No. 1) (*L.S.* 1949—Swe. 1).

Workers' Protection Proclamation, 6 May 1949 (No. 208) (*ibid.*, 1949—Swe. 4).

Act No. 243 of 14 May 1954 respecting insurance against occupational injuries (*ibid.*, 1954—Swe. 1).

Atomic Energy Act, 1 June 1956 (*Svensk Författningssamling*, No. 306).

Act of 14 March 1958 respecting protection against radiations (*ibid.*, No. 110).

Royal Proclamations of 29 November 1968 (*ibid.*, No. 595) respecting the notification of industrial injuries, and of 29 October 1954 (*ibid.*, No. 644) on industrial accident insurance.

The provisions mentioned in Paragraphs 2 and 3 of the Recommendation are applied by the Act and Proclamation respecting the protection of workers. Protection against radiations is covered by the provisions of the Act of 1958 respecting protection against radiations and the regulations of 1958 implementing it, as amended in 1965. The Atomic Energy Act of 1956 also includes provisions on the subject.

Article 12 of the Workers' Protection Act makes provision for protective clothing. Article 29 of the Proclamation cited previously specifies that the cost of such clothing is to be borne by the employer. No provision is made as regards their cleaning, but this is probably done by the employer since such clothing must be kept in the workplaces where they are used. In Sweden there are no specific provisions for the accommodation of working clothes liable to contamination from poisonous substances in places separate from those used for ordinary clothing. However, the National Board of Industrial Safety has issued directives providing for such accommodation as regards staff rooms (No. 23), prevention of lead poisoning (No. 28), and prevention of hazards arising from seed pickling (No. 30).

As regards information of workers (Paragraph 4 of Recommendation No. 97), relevant provisions are contained in articles 7, 12 and 39 of the Workers' Protection Act and in article 1 of the Proclamation to implement it.

No provision is made in Sweden for periodic testing of the atmosphere of workrooms (Paragraph 5 of the Recommendation). Employees and workers are informed of the risks entailed in their work by virtue of article 3 of the Workers' Protection Proclamation.

The provisions concerning medical examination are covered to a large extent by the Workers' Protection Act and by the Royal Proclamation respecting medical inspection and medical examination for preventing certain occupational diseases (1949, *Svensk Författningssamling* No. 211 as amended by the orders of 1963, *ibid.*, No. 660 and of 1966, *ibid.*, No. 522).

As regards the costs involved in medical inspection of a factory, article 5 of the above decree requires them to be borne by the employer. On the other hand, there are no regulations as far as costs of pre-employment medical examination and any travelling expenses entailed by them are concerned. This matter must be decided by agreement between employer and worker.

Those provisions of the Recommendation concerned with notification of occupational diseases are covered by the following laws: the Act respecting insurance against occupational injuries of 14 May 1954 (articles 31 and 32); the Notification of Industrial Injuries Proclamation of 29 November 1968 (articles 1, 2, 3 and 8); the Workers' Protection Proclamation of 6 May 1949 (article 5 as amended on 13 December 1963) and the Proclamation of 29 October 1954.

First aid is dealt with under article 13 of the Workers' Protection Act and article 47 of the Proclamation to implement it.

SWITZERLAND

Federal Act of 13 June 1911 on sickness and accident insurance (*Bulletin de l'Office international du Travail* (Basle), 1912, Vol. XI, p. 191) (L.S. 1920—Swi. 7, 1927—Swi. 3 A).

Federal Act of 13 March 1964 respecting work in industry, handicrafts and commerce (Labour Act) (*Recueil des lois fédérales* (R.I.F.), Jan. 1966) (L.S. 1964—Swi. 1).

Ordinance I of 14 January 1966, on implementation of the Labour Act (R.L.F., 24 Jan. 1966).

Ordinance III of 26 March 1969 on implementation of the Labour Act: health and accident prevention in industrial undertakings (*ibid.*, 1 Aug. 1969, No. 29).

Ordinance of 23 December 1960, respecting the prevention of occupational diseases (R.L.F., 20 Oct. 1960) (L.S. 1960—Swi. 1).

Ordinance of 27 August 1963 respecting occupational diseases (*R.L.F.*, 29 Aug. 1963, No. 34) (abrogates the ordinance dated 6 April 1956) (*L.S.* 1956—Swi. 1).

Federal legislation obliges the employer to do everything appropriate to prevent accidents, diseases and fatigue. The workers are under an obligation to co-operate. These general provisions are enshrined in the Labour Act, and apply, by virtue of the latter, to all industrial and commercial establishments and to all workshops. The Labour Act likewise lays down general provisions concerning the procedure for approval of plans for factories and workshops, and of major changes in the equipment thereof. These provisions also indicate the procedure to be followed in order to obtain a licence to operate. Ordinances are to be issued giving detailed instructions on the application of these measures.

The provisions governing the implementation of the Factories Act of 3 December 1919 had been kept in force pending the promulgation of Ordinance III, which took effect on 1 September 1969. This ordinance indicates how sections 6 to 8 of the Labour Act (which took effect on 1 February 1966) are to be applied. Ordinance III applies to industrial establishments, but the principles embodied therein are already to a great extent followed by establishments other than industrial ones. The Government states that this ordinance embodies most of the clauses in Part I of the Recommendation (technical protection), adding that the authorities responsible for supervising application of the law are empowered to undertake the tests mentioned in Paragraph 5 (2) of the Recommendation, and that the provisions of Ordinance III concerning undertakings in which the worker is exposed to special risks to some extent cover the same ground as Paragraph 3 (1) of the Recommendation. There are other ordinances containing rules and regulations applicable to other hazardous activities. Furthermore, the Swiss National Accident Insurance Fund may call on an employer to take any suitable preventive action.

Occupational diseases are those listed in the 1963 ordinance. The 1960 ordinance gives rules for their prevention. These provisions are supplemented by Ordinances I and II, issued by the Federal Economic Department, on protection against danger from chemicals, and by the ordinance dated 19 April 1963, on protection against radiation. Apart from prescribing medical preventive action, these ordinances lay down technical preventive measures.

Both workers and employers are responsible for notification of occupational diseases.

As regards first aid, Ordinance III, and especially the ordinance on protection against radiation, contain relevant provisions. An undertaking is free to choose whether first-aid equipment shall be made available to workers. But the National Accident Insurance Fund encourages undertakings to make such equipment available, and supplies bandages, dressings and the like free of charge. It ensures that first-aid services are organised, notably on remote work sites.

The Federal Bureau for Industry, Arts and Crafts, and Labour, the federal labour inspectors, the occupational health services, and the cantonal authorities responsible for implementation of the Labour Act undertake research on health and accident prevention. Employers, for their part, also undertake investigations in this field.

As regards collaboration with the employers' and workers' organisations concerned, the Confederation consults the cantons, the Federal Labour Commission and the competent economic organisations, before promulgating or reviewing legislation concerning occupational health. There are two joint committees which consider the settlement of accident prevention questions of concern to both the National Accident Insurance Fund and the aforementioned Federal Bureau. The employers' and workers' organisations do not themselves take any direct part in

putting the law into effect. But they are represented on the executive board of the Fund and on the Federal Labour Commission.

The report adds that in Switzerland matters concerning the protection of workers' health are settled at the federal level.

SYRIAN ARAB REPUBLIC

Labour Code: Law No. 91 dated 5 April 1959 (*Al-jarida, Al-rasmiya (Al-j.)*, 7 Apr. 1959, No. 71bis (L.S. 1959—U.A.R. 1).

Social Insurance Code: Law No. 92 dated 6 April 1959 (*Al-j.*) (ibid., 1959—U.A.R. 2).

The report indicates that the above legislation meets all the points covered in the Recommendation.

The Labour Code requires an employer to inform his workers, when he recruits them, of the risks involved in the work they will be called upon to do, and to ensure that they are properly protected. The workers themselves are expected to co-operate by observing the rules laid down for their safety. A joint advisory committee supervises the action taken to ensure workers' health and safety. The Social Insurance Code and the regulations issued under it contain clauses concerning hygiene in places of work.

Pre-employment medical examination of mine or quarry workers is compulsory. Provision is made for first aid and medical examination in the event of occupational injury or disease. Any case of occupational disease must be reported both by the employer and by the doctor handling the case.

The Ministry of Social Affairs and Labour, together with the Social Insurance Institute, is responsible for workers' protection and enforcement of the relevant legislation.

TOGO

Act No. 52-1322 of 15 December 1952 to establish a Labour Code in the Territories and Associate Territories under the Ministry for Overseas France (*Journal officiel de la République française*, 15-16 Dec. 1952, No. 298, p. 11541; corrections: ibid., 29 Jan. 1953, No. 25, p. 853) (L.S. 1952—Fr. 5).

Hitherto, no regulations have been issued in connection with occupational health and safety which would give effect to the above Act.

A draft decree laying down general rules for occupational health and safety, to be observed in all undertakings, is in process of approval.

TUNISIA

Labour Code: Act No. 66-27 of 30 April 1966 (*Journal Officiel (J.O.)*, 3-5 May, No. 20, p. 716; 10-13 May 1966, No. 21, p. 758; 17 May 1966, No. 22, p. 800) (L.S. 1966—Tun. 1).

Decree No. 67-390 of 6 November 1967 instituting occupational health services in the tanning industry (*J.O.*, 7-10 Nov. 1967, No. 47, p. 1396).

Decree No. 67-391 of 6 November 1967 on safety, health, and the employment of women and minors in industrial and commercial establishments and in shops and offices (ibid., p. 1397).

Decree No. 68-71 of 14 March 1968 concerning the employment of children over 15 on light work (ibid., 15-19-22 Mar. 1968, No. 12, p. 294).

Decree No. 68-83 of 25 March 1968 on work calling for special medical supervision (ibid., 26-29 Mar. 1968, No. 13, p. 330).

Decree No. 68-228 of 13 July 1968 on health and safety rules applicable to persons, premises and equipment in canned-food factories (ibid., 12-16 July, 1968, No. 29, p. 812).

The above national legislation contains clauses designed to prevent or eliminate, or at any rate reduce, the hazards to workers' health, and the Government declares that they have been inspired by the Recommendation.

The Labour Inspection Department, and the corps of occupational health medical officers, are responsible for seeing that this legislation is duly complied with.

UKRAINE

Labour Code of the Ukrainian SSR.

The Labour Code contains provisions according to which all undertakings or administrations must take measures designed to eliminate or reduce harmful working conditions, to prevent accidents and maintain good standards of sanitation and hygiene in workplaces. Workers performing particularly dangerous tasks are provided by the undertaking with protective clothing or other means of protection.

The competent state bodies and trade unions draw up and approve special standards and rules of safety and health for each branch of industry. The trade unions carry out studies on particular problems of occupational safety and health and, at their request, the Government takes decisions concerning the improvement of working conditions.

Pre-employment and periodical medical examinations are provided for under an order of the Minister of Public Health, dated 9 April 1958, in those occupations and undertakings listed in the order. According to the numbers of workers they employ, industrial undertakings have medical services, dispensaries or infirmaries. First-aid boxes are also installed in workplaces. The technical inspectorate of the trade unions is empowered by the State to supervise the application of legislation concerning the protection of workers. Health conditions are supervised by the local bodies of the health and epidemiological services of the district hospitals.

A certain number of measures were recently taken with a view to providing better safeguards for the protection of workers' health. On 31 October 1967, for example, the Council of Ministers approved an Order (No. 724) designed to improve the system of protection for agricultural workers.

USSR

Constitution of the USSR and constitutions of the Republics of the Union and of the Autonomous Republics.

Labour Code of the RSFSR dated 1 May 1936 (*State Publishing House*, Moscow, 1936) (*L.S.* 1936—Russ. 1), amended by ukase dated 31 January 1958, issued by the Presidium of the Supreme Soviet of the RSFSR (*Vedomosti Verkhovnogo Soveta RSFSR*, 28 Feb. 1958, No. 2, text 79) (*L.S.* 1958—USSR 1), and the Labour Codes of the Republics of the Union.

Regulations concerning state health inspection services, adopted by ordinance of the Council of Ministers of the USSR on 29 October 1963.

Health standards for industrial undertakings, adopted by the State Committee for Building of the USSR (5 June 1963).

Health Rules governing the organisation of technological processes and health requirements of industrial equipment, approved by the Assistant Director of Health of the USSR (23 November 1965).

Instructions concerning hygiene in industrial premises and equipment (31 December 1966).

Statutes of the trade unions of the USSR.

The State is responsible for all action in connection with workers' health and hygiene. The improvement of health and safety is an integral part of the activities of every undertaking. Soviet labour legislation tries to protect the workers' health and to produce better conditions of work. The health standards governing the construction of undertakings of an industrial kind, as approved by the Central Trade Union Council and the Ministry of Health, are drawn up with the assistance of research institutes specialising in occupational accident and disease, social hygiene, public health, and so on. These standards lay down health requirements for industrial premises, offices and other buildings (such as those occupied by medical services, canteens, cloakrooms, rest rooms, etc.). They likewise define the maximum permissible

concentrations of toxic fumes and dust in the atmosphere of workplaces, and lay down figures for temperature, humidity, lighting, ventilation, and so forth. Supplementary rules for various branches of the economy are drawn up by the ministries and departments concerned and approved by the State Building Committee and Health Inspection authorities. Section 138 of the RSFSR Labour Code lays down that no undertaking may be set up or operate in any building, or be transferred to another building, without the permission of the labour inspection authorities and the authorities responsible for technical and health inspection. General health and hygiene regulations provide for protection against noise, vibrations, ultra-sound, electromagnetic or ionising radiation and so on.

Great importance is also attached to individual protection. There is provision for the distribution of protective clothing, footwear, etc., free of charge.

The application of legislation on occupational health is the responsibility of the health and epidemiological services of the ministries of health of the USSR and Republics of the Union. At Union level these services come under an assistant minister of health appointed by the Council of Ministers, and in each autonomous Republic under an assistant minister of health. Senior medical officers are empowered at any time of the day or night to visit the industrial premises for the inspection of which they are responsible, and to make proposals for the elimination of any breach of the health regulations they may have observed. Current work in connection with occupational health is carried on by medical specialists directed by senior medical officers, who are legally empowered to issue recommendations and findings with force of law, to stop building work, etc. These senior medical officers work hand in hand with the state inspection authorities and with the trade unions. Under current Soviet legislation the management of any undertaking is obliged to take action with a view to providing optimum working conditions, and to ensure that health and safety regulations are duly complied with. They also have to see that staff are trained in safe working practices. Managements and unions have concluded special agreements, annexed to the collective agreement, in connection with action to improve occupational safety.

Medical examinations before recruitment and at intervals thereafter are compulsory for persons exposed to special risks; they were first imposed by the Labour Code in 1922. At present this obligation is laid down in an ordinance issued by the Ministry of Health of the USSR, by agreement with the Central Trade Union Council. These medical examinations are carried out by the medical services or infirmaries of undertakings, or by other medical institutions, either prophylactic or therapeutic, in the area. The cost is borne by the undertaking. In the event of occupational disease the management of the undertaking, with the local trade union committee, must immediately inform the competent authorities and the labour inspection department. First aid in the event of accident or poisoning is provided by the local medical centres and by a special network of first-aid posts located in undertakings or on worksites.

UNITED ARAB REPUBLIC

Law No. 453 of 26 August 1954 respecting industrial and commercial establishments.

Law No. 371 of 29 October 1956 respecting public establishments.

Law No. 372 of 29 October 1956 respecting public performances and places of amusement.

Law No. 91 of 1959 establishing the Labour Code (*L.S.* 1959—UAR 1).

Law No. 63 of 1964 establishing the Social Insurance Code (*ibid.*, 1964—UAR 3).

Order No. 48 of 31 July 1967 respecting the precautions to be taken to protect the health and safety of workers.

Order No. 49 of 31 July 1967 respecting the organisation of occupational safety services in undertakings.

The provisions dealing with technical measures of protection are covered by the Labour Code of 1959 and the orders of 1967. Removal of refuse is covered by the regulations that apply to various categories of undertakings.

The Labour Code and the Social Insurance Code provide for medical examination of workers, and specify that workers exposed to the risk of occupational diseases shall undergo periodical medical examinations. The Labour Code makes provision for periodical examinations of workers employed in mines and quarries and for examination of workers on entering and on leaving such employment.

The Labour Code and the Social Insurance Code provide for notification of occupational diseases in accordance with the provisions of the Recommendation.

The Social Insurance Code provides for emergency treatment for accidents and treatment of occupational diseases.

The General Department of Industrial Safety of the Ministry of Labour is responsible for supervising the application of all regulations apart from those dealing with periodical medical examinations. These come under the jurisdiction of the Social Insurance Organisation. The physicians attached to both of these authorities co-operate in carrying out such examinations.

The Government considers that the existing laws and orders give adequate effect to the provisions of the Recommendation and that no modification is necessary at the present time.

UNITED KINGDOM

Metalliferous Mines Regulation Act, 1872, and regulations made thereunder.

Coal Mines Act, 1911.

Mining Industry Act, 1926 (*L.S.* 1926—*GB* 5), and regulations made thereunder.

Welfare Fund Act, 1939.

Miners' Welfare Act, 1952.

Agriculture (Poisonous Substances) Act, 1952, and regulations made thereunder.

Mines and Quarries Act, 1954, and regulations made thereunder.

Agriculture (Safety, Health and Welfare Provisions) Act, 1956, and regulations made thereunder.

Factories Act, 1961 (*ibid.*, 1961—*UK* 1), and regulations made thereunder.

Offices, Shops and Railway Premises Act, 1963.

Quarries Act (Northern Ireland), 1927.

Agriculture (Poisonous Substances) Act (Northern Ireland), 1954, and regulations made thereunder.

Agriculture (Safety, Health and Welfare Provisions) Act (Northern Ireland), 1959, and regulations made thereunder.

Factories Act (Northern Ireland), 1965.

Office and Shop Premises Act (Northern Ireland), 1966.

Mines Act (Northern Ireland), 1969.

The Acts and regulations concerning factories in the United Kingdom require the notification of specified industrial diseases. A large number of regulations made pursuant to these Acts require periodic medical examinations of workers in specified dangerous trades.

The Offices, Shops and Railway Premises Act, 1963, makes provision for eating facilities only for shop employees. It provides for regulations to be made concerning the safe storage of dangerous substances as well as providing powers for the magistrates' courts to make orders for putting down dangerous conditions and practices. The Act further provides for facilities for first aid and emergency treatment.

Many different pieces of legislation give effect to the articles of the Recommendation which concern agricultural work. Moreover, regulations concerning practical application deal in detail with the required measures. In particular, as far as certain designated activities are concerned, standards have been fixed requiring the provision and maintenance of protective clothing and the notification of cases of poisoning. Also there are provisions concerning sanitary facilities and their main-

tenance, as well as provisions providing for personal hygiene. Medical examinations for agricultural workers in contact with toxic chemicals are recommended and there are regulations concerning first aid.

The Advisory Committee on Pesticides and Other Toxic Chemicals has the task of keeping under review all risks that may arise from the use of those substances, making inquiries and studies in collaboration with other research centres and advising the Government. Advisory notices are published to ensure that preventive measures required against such substances are known. Cases of occupational agricultural disease are notified by the Department of Health and Social Security to the Agricultural Safety Inspectorates, which are then required to investigate certain of them and to draw up statistics. There are provisions regulating the administration of first-aid services. The unions representing the workers' interests are consulted at an early stage about the drawing up of legislation. Workers are advised on safety matters generally, individually on the farm by members of the Agricultural Safety Inspectorates or by means of publicity media, e.g. lectures, show exhibits, demonstrations, the press, radio and television and advisory leaflets. The reduction of noise and vibration caused by agricultural machinery is being sought by technical improvement, which is one of the aims of the National Institute of Agricultural Engineering.

As for mining, the Mining Industry Act, 1926, gives the Miners' Welfare Committee power to secure the provision of accommodation and facilities for workmen taking baths and drying clothes. Practical measures not covered by legislation include the regular sampling of respirable dust underground to determine safe levels for workers and the strict supervision by qualified personnel of all equipment containing radioactive material. The legislation does not provide for medical examinations and reporting of industrial disease in the case of miners, but the National Coal Board arranges regular examinations of all their employees. In addition facilities are available for all workers in the industry to have chest X-rays at five-yearly intervals. In Northern Ireland the medical examination of young miners under 21 years of age is recommended, but there are no statutory powers to enforce regular medical examination or the keeping of records of such. Proposals to give statutory authority to this effect are at present under consideration.

The Factories Act is supervised by HM Factory Inspectorate, assisted in Great Britain by some 2,000 factory doctors appointed by the Chief Inspector of Factories, and by 174 doctors in Northern Ireland. In other economic fields, supervision is exercised by HM Factory Inspectorate, HM Inspectorate of Mines and Quarries or by the Safety Inspectorates of the Agricultural Department. The enforcement of the sanitary conveniences provisions of the Safety, Health and Welfare Provision Act is the responsibility of local authorities.

Consideration is being given to the possibility of making legislation for the protection against noise and vibration. On the other hand, it is not proposed to modify the agricultural legislation, nor is it considered necessary to adopt the principle of free medical examination of workers. The legislation already provides for employers to pay the fees for compulsory medical examination. Also it is not considered appropriate to set a time limit for notification of occupational diseases. As for the details required to be notified under the Recommendation it is considered that more reliable information on these details can be obtained from the investigations made by the competent authority.

Antigua

Public Health Ordinance, Ch. 236, No. 34 of 1956.

Factories Ordinance, Ch. 362, No. 12 of 1957.

The existing legislation, in particular the Public Health Ordinance, as amended, covers the matters dealt with in the Recommendation.

The authority entrusted with the supervision of the application of this legislation is the Central Board of Health, the ex-officio chairman of which is the Chief Medical Officer. It is the duty of the Board to advise the Minister of Health when so required on all subjects connected with the health of the State, generally to take all steps as may be desirable in respect of measures conducive to public health, to report to the Minister on any cause likely to endanger the health of the inhabitants and to make recommendations as to its prevention, and to provide information on questions relating to health and disease.

The Factories Ordinance regulates the conditions of employment in factories and other places as regards the health, safety and welfare of persons employed therein, the safety and inspection of certain plant and machinery, and related purposes.

The Authority entrusted with the supervision of the application of the legislation is the Labour Commissioner.

The report states that the above national laws give full effect to the provisions of the Recommendation and no modification is found necessary in adopting or applying it.

Bahamas

Workmen's Compensation Act (Ch. 245).

Trade Union and Industrial Conciliation Act (Ch. 241).

Health Services Act (Ch. 215).

The notification of accidents and occupational diseases is required under section 10B of the Workmen's Compensation Act.

Section 57 of the Trade Union and Industrial Conciliation Act stipulates the duties of labour inspectors.

Section 37 of the Health Rules provides some measure of protection for workers' health as dealt with in the Recommendation; health inspectors enforce these rules. Collective bargaining agreements provide for some of the matters covered in the Recommendation.

The Ministry of Labour and Welfare and the Ministry of Health are entrusted with the supervision of the application of legislation and regulations. Organisations of employers and workers are called upon to deal with these regulations through the medium of a Joint Advisory Committee.

A review of the Labour Code is now being undertaken and special attention is being given to those provisions of the Recommendation which are not yet covered by national legislation and practice. At this time no modifications to the Recommendation have yet been determined.

Bermuda

No legislative or administrative regulations exist. Periodic inspection by public health inspectors ensure that sanitary and wash-up facilities are adequately maintained.

No early measures or modifications in existing legislation are contemplated.

British Honduras

Part II of the Factories Regulations (S.R. and O., No. 24 of 1943).

Workmen's Compensation Ordinance.

Part IX of Chapter 141, Accident and Occupational (Notification) Provision of the Revised Edition of the Laws of British Honduras, 1958.

Labour (Amendment) Ordinance (No. 20 of 1964) concerning operations involving the exposure of workers to ionising radiations.

The report indicates that existing laws and practice would appear to satisfy the terms of the Recommendation.

The duties of supervision and enforcement are carried out by the Labour and Medical Departments.

British Virgin Islands

No legislative, administrative, or practical provisions exist in the territory at the present time.

As there is no employment of workers in occupations involving special risks to health, the need to apply legislative provisions to obviate such risks has not yet arisen.

There are no effective organisations of employers and workers in the territory.

Brunei

Labour Enactment, 1954.

Workmen's Compensation (Amendment) Enactment, 1964.

No legislation exists concerning the Recommendation. However, appropriate measures are taken to ensure the adequate protection, in practice, of the health of workers. Employers are asked to maintain the workplaces in good condition and to provide facilities for first aid and emergency treatment. Workers who enter into employment are to be medically examined (section 21 of the Labour Enactment); in practice, periodical medical examinations are maintained.

Section 13 (1) of the Workmen's Compensation (Amendment) Enactment requires the notification of accidents or cases of occupational disease. The Commissioner of Labour is entrusted with the supervision of the application of the legislation.

In the absence of legislation, it is not intended to take any measures to give effect to the Recommendation although the matter will be kept under review.

Falkland Islands (Malvinas)

Ionising Radiation (Protection of Workers) Ordinance, 1966.

Ionising Radiation (Protection of Workers) (Amendment) Ordinance, 1967.

The above legislation requires persons using or installing apparatus or machinery which either emits, or renders persons liable for exposure to, ionising radiation to give notice in writing to the authority before use or installation of the same.

No further legislation is considered necessary. In this sparsely populated agrarian community the annual meetings between employers and employees reach agreement as to the conditions of employment, including the protection of workers' health.

Gibraltar

Factories Ordinance, 1956.

Legislative and administrative provisions exist for the implementation of practically all the matters dealt with in this Recommendation. Draft legislation based on the United Kingdom Radioactive Substances Act, 1960, is being considered.

There is no legislation with regard to medical examination of workers employed in occupations involving special risks to their health, but there are extremely few such occupations in Gibraltar. The incidence of occupational diseases is very small.

By administrative regulations the official employers and most of the larger private employers require their employees to be medically examined on first entry into employment, and periodically where necessary.

Notification of specified occupational diseases is compulsory.

The Director of Labour and Social Security is entrusted with the supervision of the application of the legislation in this field. There is at present no intention

to take any additional measures to give further effect to the provisions of the Recommendation.

Gilbert and Ellice Islands

Workmen's Compensation Ordinance, 1949.

Employment Ordinance, 1965.

Workmen's Compensation (Amendment) Ordinance, 1966.

Employment (Ionising Radiations) (Protection of Workers) Regulations, 1966.

Workmen's Compensation (Accident and Occupational Disease) Return Regulations, 1969.

The above legislation covers some of the matters dealt with in the Recommendation. Thus section 5 (4) of the Employment Ordinance empowers the Commissioner of Labour or Health Officer to require an employer to remedy certain defects which may constitute a threat to the health or safety of the workers.

There is very little industry in the colony and only very few workshops. There are no noxious substances and hazardous processes used which would warrant the measures set out in the Recommendation, except for some X-ray equipment installed in hospitals. For this reason the Employment (Ionising Radiations) (Protection of Workers) Regulations, 1966, were adopted. Section 10 (8) of the Workmen's Compensation Ordinance, 1949, specifies the notifiable occupational diseases. Section 107 of the Employment Ordinance deals with first-aid equipment.

The Commissioner of Labour is charged with the implementation of labour legislation.

There are no employers' organisations and only one registered trade union. It is not therefore considered appropriate at the present time to call upon such organisations to co-operate in the application of the law.

Because of the stage of development of the colony the time is not yet considered appropriate to take any further measures to give effect to other provisions of the Recommendation.

Guernsey

Health, Safety and Welfare of Employees Law, 1950.

Safety of Employees (Miscellaneous Provisions) Ordinance, 1952.

Safety of Employees (Growing Properties) Ordinance, 1954.

The Quarries (Safety) Ordinance, 1954.

Safety of Employees (First Aid and Welfare) Ordinance, 1954.

Safety of Employees (Electricity) Ordinance, 1956.

Safety of Employees (Woodworking Machinery) Ordinance, 1959.

Safety of Employees (Ionising Radiations) (Guernsey) Ordinance, 1967.

The Poisonous Substances (Guernsey) Law, 1958.

The Poisonous Substances Ordinances, 1962 to 1968.

Legislation has been enacted to provide for protection of the health of workers in places of employment and the States Labour and Welfare Committee is responsible for the supervision of its application. Members of employers' and workers' organisations are represented on the Committee and are consulted from time to time.

Guernsey is not an industrial or manufacturing area and workers are not exposed to special risks not covered by existing legislation or practice. The administering authority is keeping in mind any further protection of the health of workers and would seek modification of existing requirements if necessary.

Hong Kong

Factories and Industrial Undertakings Ordinance (Ch. 59).

Factories and Industrial Undertakings Regulations, as subsequently amended.

Factories and Industrial Undertakings (Notification of Occupational Diseases) Regulations.

Factories and Industrial Undertakings (First Aid in Registrable Workplaces) Regulations.

Radiation Ordinance (Ch. 303).

Radiation (Control of Radioactive Substances) Regulations.

Radiation (Control of Irradiating Apparatus) Regulations.

Workmen's Compensation Ordinance (Ch. 282).

Dangerous Goods Ordinance (Ch. 295).

The provisions of this Recommendation are applied by the above legislation.

Section 9 (1) of the Factories and Industrial Undertakings Ordinance requires registrable workplaces, namely factories, mines and premises in which a dangerous trade is carried on, to be registered with the Commissioner of Labour. Part IV of the Factories and Industrial Undertakings Regulations requires in every registrable workplace proper fencing of machinery, maintenance of fire escapes and fire-fighting appliances, cleanliness, adequate ventilation, lighting, etc. It prohibits cleaning of dangerous machinery by women and young persons, and overcrowding of workers in workplaces. The Commissioner of Labour has power to require safety precautions to be taken in any registrable workplace.

Regulation 3 of the Factories and Industrial Undertakings (Notification of Occupational Diseases) Regulations requires medical practitioners to notify cases of occupational diseases; under section 31 of the Workmen's Compensation Ordinance employers may, before employing a workman in any trade or process specified in the Second Schedule of the ordinance, require the workman to undergo a medical examination at the cost of the employer. Regulation 3 of the Factories and Industrial Undertakings (First Aid in Registrable Workplaces) Regulations provides for first-aid boxes or cupboards and their contents. Regulation 5 requires a certain number of persons trained in first aid to be readily available.

Section 7 of the Radiation Ordinance requires that a proprietor of an undertaking should apply for a licence to manufacture, sell, use, bring into or take out of Hong Kong any radioactive substances or irradiating apparatus. Under the relevant Regulations all radiation workers must undergo pre-employment medical examination by an appointed medical panel and be re-examined at intervals not exceeding fourteen months.

To further protect the health and safety of workers, legislation on blasting by abrasives and on quarry safety had been drafted and was in the advanced stage of completion by the end of the reporting period.

The Commissioner of Labour is entrusted with the enforcement of the legislation. The Labour Advisory Board, which consists of an equal number of employers' and workers' representatives, is consulted on all proposed legislation.

It is proposed to introduce measures requiring pre-employment medical examination of all underground workers, and periodic medical examination of underground workers aged between 18 and 21 years. The report indicates that legislative effect has been given to most of the provisions of the Recommendation.

St. Helena

Public Health Ordinance, 1966.

Legislative provisions exist in the above ordinance. The authority entrusted with the supervision of the application of the legislation and regulations is the

Public Health Committee of the Legislative Council. The St. Helena General Workers' Union may be called upon to co-operate in its application.

Until industries are established, it is not intended to take any measures to give effect to the provisions of the Recommendation which may not yet be covered by national legislation or practice.

St. Lucia

Factories Regulations (*Statutory Rules and Orders, Laws of Saint Lucia*, Ch. 106).

Workmen's Compensation Ordinance, No. 2 of 1964.

Employment of Women Ordinance (*Revised Laws of Saint Lucia*, Ch. 99).

Employment of Women, Young Persons and Children Ordinance (*ibid.*, Ch. 100).

The Factories Regulations are the most comprehensive legislation as regards the protection of workers' health. They provide for the health and safety of persons employed in any factory or connected with machinery.

Under the Employment of Women Ordinance a health officer has the power at all reasonable times to inspect any industrial undertakings. Under the Employment of Women, Young Persons and Children Ordinance the Governor in Council may make regulations in respect of safety and sanitary conditions in industrial undertakings where women, young persons and children are employed. Protective clothing as a means of ensuring the health of workers has been an essential feature in collective agreements in those industries where such provision is deemed necessary. The Workmen's Compensation Ordinance provides for the notification of occupational diseases.

The authority entrusted with the supervision of the Factories Regulations as well as legislation respecting the employment of women and young persons is the Labour Commissioner, whereas the Registrar is entrusted with the supervision of the Workmen's Compensation Ordinance.

It is proposed in the future to give effect, as far as local conditions will permit, to the provisions of the Recommendation not yet covered by national legislation and practice.

Seychelles

Factories Ordinance, No. 15 of 1937 (Ch. 110).

Employment of Servants Ordinance, No. 25 of 1945 (Ch. 107).

The Factories Ordinance provides for the appointment of a Factories Board and for the making of regulations covering the health and safety of workers, accident prevention, regulating hours of employment, declarations of dangerous trades and the appointment of factory inspectors.

In practice no Factories Board currently exists, nor do the aforementioned regulations. There is little developed industry in the country and the use of heavy machinery is confined to some quarries, Public Works Department workshops and marine workshops. At present no legislation exists which requires medical examinations or the notification of occupational diseases. The Factories Board, when appointed, would be entrusted with the supervision of the application of the Factories Ordinance, and the Labour Office in consultation with the Senior Medical Officer is entrusted with the supervision of the application of the Employment of Servants Ordinance.

It is not considered necessary for the moment to appoint a Factories Board but in view of the present development plans, the matter will be reviewed.

Solomon Islands

Labour Ordinance, Ch. 28.

Poisons (Agricultural and Silvicultural Use of Arsenical Poisons) Rules.

Accident and Occupational Disease Return Regulations, 1964.

Workmen's Compensation Ordinance.

There is no Factory Ordinance and control of conditions of employment is exercised through the Labour Ordinance. Safety and health in the marine, mining and forestry industries can be controlled by regulations made under the respective ordinances. The Poisons (Agricultural, etc.) Rules ensure strict control with respect to workers exposed to the risk of arsenical poisoning. Only 729 persons are engaged in manufacturing.

Medical examinations are required for persons entering the civil service. Recruited workers are medically examined. The Labour Ordinance requires the medical examination of women and young persons. Apart from the arsenical control of trees, there are believed to be no occupations involving special risk to health at the present time.

Notification of occupational diseases is required by the Accident and Occupational Disease Return Regulations, as amended. There is a statutory requirement for employers to provide first-aid equipment.

The labour legislation is administered by the Commissioner of Labour and an Inspectorate. There is a Social Welfare Service.

UNITED STATES

Walsh-Healey Public Contracts Act, 1936, amended as of 1938 (41 *United States Code (U.S.C.)* 35 et seq.), and Regulations issued thereunder (41-CFR.50-204).

Longshoremen's and Harbor Workers' Compensation Act (33 *U.S.C.* 941).

Services Contract Act, 1965 (41 *U.S.C.* 351 et seq.).

National Foundation on the Arts and Humanities Act, 1965 (20 *U.S.C.* 951 et seq.).

Fair Labor Standards Act, 1938 (29 *U.S.C.* 201 et seq.) (*L.S.* 1938—USA 1).

Atomic Energy Act, 1954.

Federal Coal Mines Safety Act (30 *U.S.C.* 451 et seq.).

The Coal Mine Fire Control Act (30 *U.S.C.* 551 et seq.).

The Anthracite Mine Drainage and Flooding Act (30 *U.S.C.* 571 et seq.).

Federal Metal and Nonmetallic Mine Safety Act (30 *U.S.C.* 721).

Federal Employees' Compensation Act (5 *U.S.C.* 7901).

Legislation in the United States covering health and safety for workers is a state and federal matter and has been enacted largely in the states. In the federal sphere the Department of Labor administers a number of laws which have safety provisions for workers. The Walsh-Healey Public Contracts Act provides that when the federal Government makes a contract with any private employer the necessary steps must be taken by the employer to protect the health of the workers and in every case to comply with the occupational health provisions in force in the place where the work is carried out. Non-compliance with this provision gives the Government the right to cancel the contract.

The Longshoremen's and Harbor Workers' Compensation Act (33 *U.S.C.* 941) directs the Secretary of Labor to make regulations concerning health and safety, and empowers him to make investigations into these matters and to provide for the establishment of programmes for the education and training of employers and employees in the prevention of unsafe working conditions. The Secretary of Labor has also issued regulations requiring the recording and reporting of work injury.

The Service and Contract Act of 1965 applies to federal contracts of service, and contains provisions similar to those of the Walsh-Healey Act in so far as health or safety measures are concerned.

The National Foundation on the Arts and Humanities Act of 1965 provides that projects financed by the Foundation must satisfy the standards already mentioned in the field of health and safety. These same principles are applicable to rehabilitation facilities which receive federal grants.

The Fair Labor Standards Act, 1938, as amended, regulates the employment of young workers. The Secretary of Labor has issued regulations concerning the employment of children in hazardous occupations.

The Atomic Energy Act, 1954, as amended, provides that the Atomic Energy Commission shall establish the rules and standards to be followed in the cases of protection against ionising radiation. This Commission shall also conduct research with a view to further improving this protection.

Other laws, such as the Anthracite Mine Drainage and Flooding Act, the Federal Metal and Nonmetallic Mine Safety Act, etc., contain clauses relating to safety and health in certain economic sectors under federal jurisdiction. Proposals for the reform and bringing up to date of these particular provisions are at present under consideration. The Federal Compensation Act provides, *inter alia*, for the purchase and maintenance of special clothing and equipment for the protection of personnel in the performance of their assigned tasks.

Under federal law, pre-employment medical examinations are required for applicants for federal employment, for employees of the Alaska Railroad and for certain seamen. Original and periodic medical examinations are also required under federal law for certain non-governmental employees such as drivers, operators or pilots employed by inter-state carriers of passengers and freight. Safety regulations have also been established for construction and maintenance of federal government buildings.

As for the practice of individual states, a few have passed legislation governing medical examinations of persons engaged in specific hazardous employment. The provision of regulations governing safety and health questions is entrusted to different services in different states. Whereas in some states general provisions have not been developed very highly, there is an increasing tendency to make provision for special kinds of hazards. Thus in nearly all states there are provisions concerning the maintenance of boilers, building construction work, guarding of mechanical power transmission equipment, lighting, the elimination of dust and fumes, and ventilation, etc. Another noteworthy trend is toward greater uniformity in the provisions of the regulations, through adoption of the standards of nationally recognised codes developed by nationally known organisations. Furthermore, voluntary action in the field of accident prevention tends more and more to promote, by different means, the adoption of safe working practices by workers and supervisors.

In the United States the responsibility for establishing safety standards rests primarily with the individual states. However, the federal Government has given valuable leadership and technical assistance in this important field.

URUGUAY

Act No. 5032 of 21 July 1914 on security in employment (*Legislación social de América Latina*, Vol. II, 1929, p. 522) (*L.S.* 1935—Ur. 3 B), amended by decree of 4 January 1928 (No. 6481, *Diario oficial (D.O.)*, 12 Jan. 1928, p. 45) (*L.S.* 1928—Ur. 1) and by Act No. 9499, dated 21 August 1935 (*D.O.*, 29 Aug. 1935, No. 8704, p. 306) (*L.S.* 1935—Ur. 3 A).

Act No. 13556 of 23 December 1958 on annual holidays (*D.O.*, 5 Jan. 1959, No. 15581, p. 14 A) (*L.S.* 1958—Ur. 1).

Act No. 12949 of 23 November 1961 on compulsory insurance against occupational injury and disease (*D.O.*, 28 Dec. 1961).

Following the report of a committee set up to produce a revised version of Act No. 5032 of 1914, a Bill has been drafted protecting workers (section 2) against any risk to their health or safety. Section 1 requires all authorities and individuals called upon to direct or supervise labour to take all requisite action to ensure the health and safety of their workers.

The Bill in question deals with educational work on the subject, and makes provision for the appointment within undertakings of safety delegates, safety committees, industrial physicians and occupational health services (section 10).

It also requires instructions and industrial accidents to be recorded in registers to be kept by every industrial concern (section 11). Section 9 states that statistics of occupational injuries and diseases must be compiled, while section 25 provides for the safety regulations to be reviewed from time to time.

The same Bill envisages the creation of a National Employment Injury Prevention Fund to promote preventive measures (section 16).

The Government takes the view that in this Bill it has been well advised to follow the current trend, i.e. to endeavour to eliminate the causes of occupational injuries and disease rather than to punish the guilty parties.

VIET-NAM

Labour Code (Ch. XI, sect. I, arts. 217-225) (*Journal officiel de la République du Viet-Nam*, 12 May 1956, No. 21, p. 1182) (*L.S.* 1956—V-N 1).

Order No. 27 BLD/TTT/NO of 3 February 1967 establishing the measures to be taken respecting safety and health in commercial and industrial undertakings.

Order No. 197 BLD/TTT/NO of 23 September 1968 to establish regulations concerning the safety, health and hygiene of workers on construction sites and public works sites.

The Labour Code provides for a number of measures intended to ensure that conditions in industrial, mining, commercial, agricultural and handicraft undertakings are adequate to protect the health of the workers concerned (cleanliness and hygienic conditions, supply of drinking water, etc.).

Apart from the provisions of the Labour Code other regulations concerned with the health and safety precautions to be taken in places of employment have been provided under various government orders.

As regards medical examinations the Labour Code (articles 234 to 241) makes it obligatory for undertakings to provide an occupational health service for their employees, and Order No. 043 of 13 March 1965 lays down that every worker must undergo a medical examination before taking up employment and at least once a year thereafter. The notification procedure for occupational diseases is laid down in Order No. 1065 of June 1966.

ZAMBIA

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

Factories Act, 1965.

Pneumoconiosis Ordinance (Ch. 189).

The Factories Act, 1965, provides comprehensive protection for the health of workers in places of employment.

The factory inspectorate provides workers with the requisite information free of charge. Although the Factories Act makes no specific provision for medical examinations, it empowers the Minister of Labour to issue regulations to this effect if he considers it necessary.

Mining is the only industry compelled by law to carry out medical examination of workers exposed to special risks to the health (Pneumoconiosis Ordinance). The Factories Act makes notification of the occupational diseases listed in its Annex No. 2 compulsory. This Act also provides for establishment of first-aid facilities in factories and construction sites, and for training of persons in charge of first-aid facilities in undertakings employing more than fifty workers.

It is not intended to take any further measures in the near future.

Occupational Health Services Recommendation, 1959 (No. 112)

AFGHANISTAN

See under Recommendation No. 97.

ARGENTINA

Act No. 7229 of the province of Buenos Aires and regulations under the Act.

The legislation provides for industrial medical services to be set up in industrial establishments. These services must be managed by doctors specialising in industrial medicine. The conditions for organising and equipping these services are specified. All undertakings with more than 150 workers must have a dispensary. They must inform the competent authorities of the type of work carried out, the number of persons employed, the number of jobs declared unhealthy by the authorities, the name of the doctor, the hours during which he is in attendance and the nature of his contract. They must also supply details of the type of benefits provided by the service. Undertakings employing less than 150 workers may associate in order to set up a joint service. The Act stipulates that the undertakings must provide the doctor with everything he needs to carry out his duties. The latter include an analysis, from the hygiene point of view, of jobs, industrial operations and products and materials used, as well as an analysis of the jobs from the psychological and physiological points of view. On the basis of these data the doctor has to draw up industrial records in accordance with a model prepared by the competent authorities. He advises the undertaking on matters of hygiene and health protection and has to educate workers on accident prevention and questions of hygiene.

The Government states that, in addition, most trade union organisations run medical assistance services, either directly in their dispensaries or through private centres with which they have reached agreements.

AUSTRIA

At present there are no legislative or administrative provisions with regard to occupational health services in undertakings. Establishment of such services is left to the employers' initiative.

In practice, there are occupational health services, organised on a voluntary basis, in large and medium-sized undertakings. Physicians employed full time in occupational health are primarily concerned with preventive measures while those employed on a part-time basis tend to concentrate more on treatment.

The Government states that when new legislation is prepared to protect the health, lives or moral welfare of workers, provisions complying with those of Recommendation No. 112 will be included.

BELGIUM

Royal Order of 16 April 1965 to establish occupational health services, to reorganise rescue and first-aid facilities in places of employment, and to amend Parts II and III of the General Labour Protection Regulations (*Moniteur belge*, 4 June 1965, No. 108, p. 6659).

See also under Recommendation No. 97.

The Government declares that the legislation respecting occupational health services gives full effect to the provisions of the Recommendation, some of which it reproduces word for word.

The Occupational Health and Hygiene Department of the Ministry of Employment and Labour is responsible for applying the legislation.

BOLIVIA

Social Security Code: Act of 14 December 1956 (*L.S.* 1956—Bol. 1).

Supreme Decree No. 6473 of 17 May 1963 to set up the National Occupational Health Institute.

The bodies set up under the above legislation are the National Social Security Fund and other funds corresponding to industrial sectors, responsible for applying the Social Security Code and, in addition, the National Industrial Health Institute, specialising in this field.

A body of specialised inspectors from the Department of Industrial Safety and Health of the National Social Security Fund and doctors from the Occupational Health Institute are responsible for the application of the above-mentioned provision.

The Government intends to extend its legislation gradually to cover those points of the Recommendation that are not yet included.

BRAZIL

The Government states that there is no legislation giving effect to the provisions of the Recommendation. However, Legislative Decree No. 229 of 1967 prescribes pre-employment and periodic medical examinations, as well as half-yearly examinations for workers engaged in unhealthy work. These examinations are aimed at keeping a check on workers' fitness. The same decree specifies that industrial establishments must provide first-aid equipment and that managements and industrial physicians must notify all cases of occupational disease.

Undertakings subject to the standards laid down by the Occupational Safety and Health Department must provide a special occupational safety and health service and set up works safety committees consisting of employers' and workers' representatives.

The Government states that no legislation is in preparation to give effect to the provisions of the Recommendation. It believes, nevertheless, that it will shortly be possible to establish occupational health services.

BULGARIA

Order of the Council of Ministers, No. 1411 of 13 July 1951.

Ordinance of 17 October 1952 respecting the establishment, equipment and operation of medical services in undertakings and institutions (*Izvestiya*, 17 Oct. 1952).

See also under Recommendation No. 97.

An extensive network of medical services provides medical treatment and preventive health measures for workers. The costs of occupational health services are borne by undertakings and by the Ministry of Public Health as far as premises, equipment and upkeep are concerned, and by the public health departments attached to the local people's councils as far as payment of personnel, and costs of medical instruments, medicines and hospitalisation are concerned.

The medical personnel of such services have free access to all workplaces in order to keep a check on any conditions or processes liable to affect the health of workers.

BURMA

Factories Act, 1951.

Oil Fields (Labour and Welfare) Act, 1951.

Certain provisions of the Recommendation are covered by the Factories Act, which requires all undertakings employing more than 250 workers, to provide first-aid facilities staffed by qualified persons under the direction of a physician.

Any physician detecting a case of an occupational disease must notify the Chief Inspector of Factories.

A periodic medical examination is compulsory for exceptionally hazardous work only.

Young persons under the age of 18 must undergo a pre-employment medical examination and be issued with a certificate of fitness.

In practice large undertakings provide comprehensive medical facilities and employ physicians to prevent occupational diseases and safeguard workers' health. All district health officers are simultaneously assistant inspectors of factories with special responsibility for detecting occupational diseases.

The public health authorities supervise the application of the occupational health regulations covered by the legislation under their jurisdiction, and the factory inspectorate supervises the application of labour legislation.

The workers' councils take an active part in all aspects of labour protection. At the present time the factory inspectorate is extending its services with the help of the ILO under a plan to improve occupational safety and health.

CAMEROON

Order No. 3363 of 30 June 1954, as modified by Decree No. 64/132 of 4 July 1964, respecting minimum medical and health personnel requirements in undertakings.

Order No. 3364 of 30 June 1954 respecting the establishment and equipment of sick bays.

Order No. 3787 of 7 June 1955 respecting the establishment and operation of medical services common to several undertakings.

Order No. 3780 of 7 June 1955 to establish the standard form to be used for recording medical examinations.

Order No. 4031 of 13 June 1955 and Decree No. 63/DF/366 of 8 October 1963 respecting the use of public medical centres or dispensaries to provide occupational health services for certain undertakings.

Order No. 6678 of 15 October 1958 to establish the standard form to be used for workers' personal medical files.

Order No. 00191 of 23 June 1962 and Decree No. 62/DF/73 of 5 March 1962 to establish charges for medical services in the field of public health.

Decree No. 69/DF/33 of 29 January 1969 respecting the conditions under which occupational health duties shall be carried out by physicians attached to the public health services and by private practitioners.

See also under Recommendation No. 97.

Legislative, administrative and practical provisions exist with regard to the various matters dealt with in the Recommendation.

All undertakings are required to provide an occupational health service. The costs concerned are borne by the employer. Occupational health services not merely have a preventive role but also provide medical treatment. As far as possible such services are provided to the worker and his family without involving him in any expense. They are concerned with the worker not only at his place of employment but also outside it, particularly with respect to domestic hygiene and nutritional questions.

The technical services of the inspectorate attached to the Ministry of Labour and Social Welfare are responsible for supervising the application of national legislation.

Laws and regulations concerned with the matter are adopted after consultation with the National Labour Council or the Central Council for Industrial Accidents and Occupational Diseases. The latter includes, in addition to government representatives, representatives of employers' and workers' organisations.

CANADA

Canada Shipping Act, 1934 [Cons.], Ch. 44 (*L.S.* 1934—Can. 7).

Canada Labour (Safety) Code, 1966, 14-15 Eliz. II, Ch. 62.

Government Employees Compensation Act.

Canada Labour Act.

Aeronautics Act.

Railway Act.

Pipe Lines Act.

Explosives Act.

Atomic Energy Act.

National Health Act.

Public Works Health Act.

Workmen's Compensation Act.

Pesticides Act.

Silicosis Act.

Mines Act.

Construction Safety Act.

The matters dealt with in the Recommendation are partly within provincial jurisdiction and partly within federal jurisdiction. Canada, with a federal-state type of government, is not in a position to legislate the implementation of the provisions of the Recommendation on a national basis. All provinces in Canada have laws and regulations pertaining to first-aid requirements for establishments of specific sizes. There are also other provincial laws and regulations which deal with selected aspects of occupational health. A list of the principal legislation in this field is shown above. However, there is no legislation requiring a comprehensive occupational health service as described in the Recommendation; although in practice a number of large industries have been providing such services for a long time.

In recent years the number of new occupational health services has been increasing. Collective bargaining agreements have also begun to include provision of a variety of health services for employees. A total of 1,153 establishments, including 121 hospitals, are providing full occupational health services. Furthermore, the health service for employees of the public service is being revised so that it may be more in accordance with the principles of the Recommendation.

Those industries employing less than 500 workers are usually dependent upon whatever services may be provided by provincial governments, in some instances assisted by the federal Government. Further services are provided by Departments of Labour, Departments of Health and Workmen's Compensation Boards.

A number of voluntary or private health agencies give assistance to industry with respect to special health problems, such as alcoholism and drug addiction, hearing and sight conservation and respiratory and cardiac disease prevention.

The enactment of the Canada Labour (Safety) Code provided for measures aimed at protecting the health of workers engaged in federal undertakings. Under this legislation a programme of safety and health inspection is developing and could, in future, provide the basis for providing occupational health services in accordance with the Recommendation.

CEYLON

Factories Ordinance: Ch. 128 of the Legislative Enactments of Ceylon.

Act of 13 March 1954 to provide for the regulation of employment, hours of work and remuneration of persons in shops and offices and for matters connected therewith (*L.S.* 1954—Cey. 1).

Mines, Quarries and Minerals Ordinance: Ch. 210 of the Legislative Enactments of Ceylon.

Supervision of legislation regarding the application of the Recommendation is entrusted to the Commissioner of Labour.

For the time being no other measures in this field are contemplated, but the question is still being studied.

CHILE

There exist two main services which provide the workers with medical care: the National Health Service which, under an agreement with the Social Insurance Service, provides care for the workers, and the National Employees' Medical Service.

The inspectors of the above services are responsible for the application of the relevant legislation and regulations.

The Government considers that workers' medical care is fully covered, that the matter is fully dealt with in the Recommendation and that no changes need to be introduced.

CHINA

See under Recommendation No. 97.

COLOMBIA

Act No. 77 of 1948 to establish the National Industrial Medicine and Hygiene Office.

Decree No. 3767 of 29 November 1949 to make regulations under Act No. 77 of 1948 (*Diario Oficial* (D.O.), 17 Dec. 1949, No. 27192, p. 1013) (L.S. 1949—Col. 2).

Decree No. 2663 of 5 August 1950 to promulgate the Labour Code (D.O., 9 Sep. 1950, No. 27407, p. 929) (L.S. 1950—Col. 3 A) as amended by Decree No. 2351 of 4 September 1965 (*ibid.*, 1965—Col. 1).

Resolution No. 2 of 17 February 1953 to make provisions respecting safety and hygiene in coal mines (D.O., 12 Mar. 1953, No. 28149).

Decree No. 8 of 11 January 1954 (*ibid.*, 28 Jan. 1954) respecting housing and medical care of workers. Resolution No. 1008 of 1961.

See also under Recommendation No. 97.

Act No. 77 of 1948 established the National Industrial Medicine and Hygiene Office. Under the title of Medical (Occupational Safety and Health) Section, this agency now forms part of the Factory Inspectorate Division of the Ministry of Labour. One of the Division's functions is to co-operate with other bodies in studies relating to the improvement of workers' living conditions, and it also controls and co-ordinates supervision of the application of the relevant legislation in the industrial, commercial and agricultural sectors.

The provisions of the Recommendation are covered by Resolution No. 20 of 1951 and by Decree No. 239 of 1965. Act No. 77 of 1948 lays down the functions of the Medical Section. These include, among other things, regulating working hours, keeping files following up accidents and occupational diseases, inspecting workplaces, and organising courses in occupational health.

Most undertakings are affiliated to the Colombian Social Insurance Institution. The functions of this body comply with the objectives of the Recommendation. The National Insurance Fund also shares many of these functions. Special provisions apply to the oil industry and in mining, agriculture, forestry and banana plantations.

The labour inspectorate is responsible for supervising the application of the relevant legislation. The competent division of the Ministry of Labour is studying the possibility of drawing up new provisions in the light of Recommendations Nos. 112 and 97.

CONGO (Kinshasa)

See under Recommendation No. 97.

Article 144 of the Labour Code lays down that all undertakings shall provide a medical or health service for their workers. This text stipulates that its provisions (especially with regard to the establishment, operation, personnel, and equipment of such services) shall be implemented by virtue of orders issued by the Minister of Labour and Social Welfare.

In addition, in Part IX dealing with medical services in undertakings, the Code lays down the conditions under which employers are required to provide medical care for workers and their families.

The report states, however, that no order has yet been issued to make it obligatory for undertakings to provide medical or health services.

COSTA RICA

Act No. 2 of 27 August 1943 to promulgate the Labour Code (*L.S. 1943—CR 1*).

Decree No. 3 of 11 July 1945 to promulgate the Regulation on industrial health.

Decree No. 6 of 16 February 1955 to promulgate the Regulation on safety in the building trade.

Decree No. 4 of 16 April 1957 to promulgate the Regulation on the Occupational Safety and Health Council.

Decree No. 13 of 10 October 1962 to promulgate the Regulation on occupational safety and health in service stations.

Decree No. 1 of 2 January 1967 to promulgate the General Regulation on occupational safety and health.

Decree No. 6 of 2 September 1968 to promulgate the Regulation on the use of toxic substances in agriculture.

Certain aspects of the matters dealt with in Recommendation No. 112 are covered by legal provisions and administrative and practical measures. The Constitution and the Labour Code provide that the employer shall safeguard the life and health of his workers. Article 98 of the General Occupational Safety and Health Regulations specifies the industries and undertakings that must provide a first-aid kit. Furthermore, the tripartite constitution of the Occupational Safety and Health Council permits it to co-operate with the representatives of the employers and workers concerned in examining occupational safety and health problems with a view to submitting draft laws and regulations on these topics to the Ministry. Workers should receive medical certificates of fitness free of charge. Workers should normally co-operate in applying preventive measures. They participate in applying these measures through the medium of safety committees, which should be set up in all undertakings.

The Government points out that the country has an agriculturally based economy. The economic situation permitting, the Government proposes to extend and complete the legislation dealing with occupational safety and health.

CUBA

Order of the Council of Ministers, dated 8 September 1964, in respect of the general bases for organising industrial safety and health.

Resolution of the Minister of Labour, No. 133 of 25 October 1965, in respect of the Industrial Safety and Health Committees.

The various aspects of industrial health and of the medical supervision of workers are governed by the order of the Council of Ministers dated 8 September 1964 approving the general bases for industrial safety and health.

Supervision of the application of provisions in the field of industrial health is the responsibility of the Ministry of Public Health, one of whose functions is to

encourage the organisation of health services in undertakings. In practice some work centres have organised medical services and infirmaries according to their needs.

The Ministry of Health is responsible for supervising activities in this respect. Co-operation between employers and workers takes place at the level of the Industrial Safety and Health Committees. Any doctors who may be attached to the work centres in order to supervise workers' health are automatically members of these Committees.

The Government considers that the statutory provisions enforced in Cuba in respect of the workers' medical supervision are in harmony with the provisions of Recommendation No. 112.

CYPRUS

See under Recommendation No. 97.

CZECHOSLOVAKIA

Notification of the Ministry of Public Health, dated 13 June 1966, respecting the system of health facilities (*Sbírka Zákonů*, No. 43) (Part IV, general provisions respecting sanitary installations in undertakings).

See also under Recommendation No. 97.

The Government states that all provisions of the Recommendation have been adopted in the national legislation with the exception of Paragraphs 6 and 7. These recommend that occupational health services should not be required to verify the justification of absence on grounds of sickness and that their role should be essentially preventive. In the opinion of the socialist countries such functions are not incompatible with the preventive role incumbent on occupational health services. On the contrary it is considered an advantage for the industrial physician to be responsible for medical treatment as well, in view of the experience he gains from it.

DAHOMEY

Act No. 52-1322 of 15 December 1952 to establish an Overseas Labour Code (*Journal officiel de la République française (J.O.)*, 15-16 Dec. 1952, No. 298) (L.S. 1952—Fr. 5) amended by Decree No. 567 dated 20 May 1955 (*J.O.*, 21 May 1955, No. 121) (L.S. 1955—Fr. 3) (Title VI, Ch. II, maintained in force).

Ordinance No. 33/PR/MFPTT of 28 September 1967 to promulgate a new Labour Code (*Journal officiel du Dahomey*, 15 Dec. 1967, No. 27) (L.S. 1967—Dah. 1) (Title VII, Ch. II).

General Order No. 396/IGTLS/AOF of 18 January 1955 prescribing the application of the legislation concerning medical services in undertakings (*Journal officiel de l'Afrique occidentale française*, 29 Jan. 1955).

General Order No. 397/IGTLS/AOF of 18 January 1955 on classification of undertakings with reference to minimum standards of medical and sanitary staff to be observed by employers (*ibid.*).

General Order No. 398/IGTLS/AOF of 19 January 1955 on the provision of infirmaries, dressing stations and first-aid boxes in undertakings, and the supply of drugs, bandages, etc. (*ibid.*).

Orders Nos. 1785/ITLS/D and 1819/ITLS/D (21 and 24 June 1955) on the provision of a joint medical service for workers by groups of undertakings.

The above rules and regulations cover the entire range of questions dealt with in the Recommendation.

For the Government's answer to the rest of the questionnaire, see under Recommendation No. 97.

DENMARK

It is not intended at the present time to recommend the introduction of provisions on the establishment of an occupational health service.

See also under Recommendation No. 97.

FINLAND

Act of 28 June 1958 respecting the protection of labour (*L.S.* 1958—Fin. 1).

Cabinet Order of 3 May 1961 respecting the medical examination of workers (*ibid.*, 1961—Fin. 1).

The Government reports that occupational health services in conformity with the provisions of the Recommendation do not yet exist in places of employment in Finland.

The Protection of Labour Act lays down some measures on occupational safety and health that might be considered to come directly or indirectly under the heading of occupational health services. Under the Act employers are required to take proper measures to protect workers against safety and health hazards, bearing in mind conditions of employment, age and sex, etc. The Act also provides that the Cabinet may compel an employer to provide pre-employment and periodic medical examinations for employees assigned to work involving health or safety hazards.

Some occupational health services have, however, been set up on a voluntary basis, mainly in large but also in some medium-sized undertakings. In 1966 approximately 600 undertakings were so provided and covered about a fifth of the active population. Official information on the work of these services is too scanty to allow the Government to give any further particulars on the subject.

The labour inspectorate is responsible for the application of the provisions of the Protection of Labour Act, but this Act makes no provision for the establishment or supervision of occupational health services.

On 10 April 1969 the Cabinet set up a committee to examine health conditions in different industries and make recommendations for the establishment of occupational health services in industry. The committee consists of physicians, representatives of social agencies, industrial health experts, and trade union representatives. The Committee's terms of reference cover occupational safety and harmful environmental factors. It will also examine the effects on health of working conditions and physical and mental adjustment, how to keep a permanent check on workers' health, and how the work of occupational health services should be organised. On the basis of these studies the Committee will submit a Bill to the Government respecting the establishment of occupational health services, together with an estimate of the costs and staff requirements that would be involved.

FRANCE

Act No. 46-2195 of 11 October 1946 respecting the organisation of industrial medical services (*Journal officiel de la République française (J.O.)*, 12 Oct. 1946, No. 239, p. 8638) (*L.S.* 1946—Fr. 11).

Decree No. 52-1263 of 27 November 1952 to apply the above-mentioned law (*J.O.*, 2 Nov. 1952; correction *ibid.*, 30 Nov. and 19 Dec. 1952) (*L.S.* 1952—Fr. 3).

Act No. 55-292 of 15 March 1955 extending the provisions of article 1 of the Act of 11 October 1946 to transport undertakings (*J.O.*, 16 Mar. 1955).

Act No. 66-958 of 26 December 1966 respecting occupational and preventive medicine in agriculture (articles 1000-1 to 1000-5 of the Rural Code (*ibid.*, 27 Dec. 1966)).

Ordinance No. 59-46 of 6 January 1959 respecting industrial medicine in underground and surface mines and quarries (*ibid.*, 7 Jan. 1959).

Parts I to III of the Recommendation.

Paragraphs 1 to 3. The report states that occupational health services, as established by law in non-agricultural undertakings, have functions compatible with the definition given in the Recommendation. Depending on the size of the undertaking concerned, such services may either be organised as a separate service for each undertaking or as a service common to a number of undertakings. The under-

takings concerned in the non-agricultural sector include both public and private industrial and commercial establishments, non-commercial companies and occupational associations, the liberal professions, etc. As far as agricultural undertakings are concerned, the Rural Code (article 1000-1) has provided for occupational health services meeting the needs of workers and apprentices in such undertakings to be set up on a progressive basis over the period ending on 1 January 1970. Apart from special exemption in cases where undertakings of a certain size wish to set up their own service, such services are placed under the jurisdiction of the rural mutual benefit funds.

Paragraph 5. Provision is made for engaging the services of a local physician, attached to the joint services common to a number of undertakings, where the geographical isolation of an undertaking employing less than ten workers makes this necessary. Occupational health services in agriculture may also make arrangements with private practitioners.

Part IV of the Recommendation.

Paragraph 6. The role of the industrial physician is essentially preventive (article 1, Act of 1946).

Paragraph 7. Medical examinations made when a worker takes up his employment again after illness are carried out solely to determine the connection between his illness and his conditions of employment.

Paragraphs 8 to 10. The industrial physician acts as adviser to the management, the department heads, the works councils, the Safety and Health Committee, and the Welfare Department on questions concerning supervision of hygiene conditions in the undertaking, the adaptation of jobs to workers, and the improvement of working conditions. He carries out pre-employment, periodical and special medical examinations. Such examinations are also provided for in agricultural undertakings. Provision is made for training first-aid attendants for duty in workshops or on work-sites where hazardous processes are carried out. A report on health conditions in the undertaking is made annually by the industrial physician.

Paragraph 11. Occupational health services maintain relations with those bodies concerned with public health and social welfare.

Paragraph 12. Medical secrecy is observed as regards the information contained in personnel medical files, except in cases of notifiable occupational disease.

Part V of the Recommendation.

Paragraphs 13 to 15. Physicians are responsible to the head of the undertaking or to the body concerned with the running of a group of occupational health services. However, the professional independence of the physician is ensured by making his appointment and termination subject to agreement by the works council or other similar body. The minimum time the physician must accord to each undertaking is determined by its size.

Paragraphs 17 and 18. In undertakings exceeding a certain size, qualified nursing staff must be present during normal working hours, and a nurse must be on duty during night work.

Paragraph 19. The premises and equipment of occupational health services must conform to the standards prescribed under Part IV of Decree No. 52-1263 of 1952.

Part VI of the Recommendation.

Paragraph 20. The industrial physician has free access to all workplaces, including agricultural undertakings. He has full authority to inspect and test the products used and to give advice when new production techniques are being planned.

Paragraph 21. All persons attached to occupational health services are required to observe professional secrecy.

Part VII of the Recommendation.

Paragraphs 22 to 24. Works councils, committees common to several undertakings, or supervisory commissions, all of which have majority representation of workers, supervise the operation of occupational health services. The expense of operating such services is borne by the employer, and this also applies in the agricultural sector.

Supervision of the application of national laws and regulations is entrusted to the labour inspectors and the medical inspectors of labour in all undertakings, apart from those in the agricultural sector. For the latter, supervision is entrusted to the agricultural social welfare inspectors and supervisors, and to the police. Provision is also made for supervision by employers' and workers' organisations.

FEDERAL REPUBLIC OF GERMANY

The Government considers action at the federal level as the best way of implementing the Recommendation. The creation and workings of occupational health services is based on a collective agreement and not on legal enactment.

The collective agreement was entered into in 1953 between the Association of German Occupational Health Officers, the Federal Union of the German Employers' Associations, and the German Trade Union Federation; the German Doctors' Association gave its approval. It relates to the organisation of works medical services, its financing by the employer, and the tasks of occupational health doctors (including recruitment, dismissal and position within the undertaking, etc.).

The agreement is supplemented by guidelines for occupational health activities and for co-operation between occupational health officers and the agencies responsible for the legal insurance against accidents. Moreover, on 10 June 1966 the Federal Minister for Labour and Social Affairs issued guidelines, designed to encourage the voluntary development of occupational health services, which are largely inspired by the terms of the Recommendation.

Workers engaged for jobs likely to present a special risk to their health are examined before engagement and regularly thereafter by governmental health officers of the Länder. Instructions issued by the accident insurance agencies by virtue of the relevant legislative provisions contain, in particular, prescriptions concerning medical examinations of insured persons who are engaged in work involving an unusual risk of occupational accident or disease. The doctors carrying out these examinations are active in accordance with Paragraph III, 5 (b) of the Recommendation. A network of specially authorised accident specialists (*Durchgangsarzte*) and hospitals specialising in accident cases undertake the emergency treatment.

Doctors from the state health services and the Land authorities for occupational health ensure surveillance over hygiene conditions in the undertaking. A working group was set up to carry out the collective agreement; it is composed of persons from the Federal Union of German Employers' Associations, the German Trade Union Federation and the Association of German Occupational Health Officers. The Minister of Labour and Social Affairs undertakes yearly investigations among

individual Länder to evaluate occupational health services and to ascertain the number of doctors.

In accordance with a decision taken by the Federal Parliament on 6 December 1968, the Government was asked to undertake preliminary studies for submission to the legislative authorities of a Bill respecting the protection of workers' health through occupational health services. The Bill, already under preparation, will take account of the provisions of Recommendation No. 112. It will determine whether changes, if any, in the Recommendation are desirable.

GREECE

No legislative or administrative provisions exist with regard to the matters dealt with in the Recommendation. Some large undertakings, however, employ industrial physicians. It is intended to take measures this year to examine the matters dealt with in the Recommendation with a view to giving effect to its provisions. An order from the Ministry of Labour has set up an ad hoc committee made up of qualified persons and employers' and workers' representatives.

GUATEMALA

See under Recommendation No. 97.

Comparatively few undertakings have organised a medical service for their workers but they generally have first-aid boxes or, according to the size of the firm, doctors or nurses to administer first aid. In this respect there is an agreement between the undertakings and the Guatemalan Social Security Institution. For the time being the Government has no data concerning existing services.

GUINEA

See under Recommendation No. 97.

The Labour Code prescribes that all undertakings or establishments must provide a medical or health service for their workers. Undertakings employing less than 1,000 workers may set up a medical service or dispensary common to a number of undertakings or may use the services of a medical centre or of a local public dispensary. Occupational health facilities are extended to all categories of public and private undertakings.

So far as their means allow, occupational health services are responsible for applying preventive measures, detecting cases of infectious disease, guarding against risk of infection, and seeing that workers receive education on matters concerning hygiene and the prevention of industrial accidents and occupational diseases. They also advise management on general health conditions in the undertaking and its sanitary installations, hygiene in workshops and protection of workers against dangerous fumes, the provision and use of protective equipment against accidents and occupational diseases, improvement of working conditions and the adaptation of the job to the worker. In addition the industrial physician must undertake surveillance of the worker's adjustment to his job, as well as of nutritional and domestic hygiene and diet of workers. He must also carry out pre-employment medical examinations and the compulsory annual medical examinations of all workers.

Provision is made by virtue of laws and regulations for occupational health services to co-operate with other bodies in the undertaking, in particular trade union organs, and with external services, in particular the public health service, which is concerned with rehabilitation and retraining.

General Order No. 397 divides undertakings into five categories and prescribes the minimum occupational health personnel requirements for each category. Undertakings with more than 1,000 workers fall into the first category and are obliged

to employ at least one full-time physician and two nurses. Undertakings employing less than 100 workers fall into the fifth category and must secure the part-time services of a nurse. All undertakings employing more than 100 workers must provide a sick-bay conforming to the standards laid down for premises and equipment. Undertakings employing between 20 and 100 workers must provide a dispensary, while those with less than 20 workers need only provide a first-aid kit.

HUNGARY

Council of Ministers Decree No. 70 of 14 March 1951.

Ministry of Health Ordinance No. 146/1951/Eü.K. 1952.

Ministry of Health Ordinance No. 8300-2/1963/Eü.K. 2.

Ministry of Health Ordinance No. 8300-31/1953/Eü.K. 2.

Ministry of Health Ordinance No. 25/1961/Eü.K. 15.

See also under Recommendation No. 97.

Parts I and II of the Recommendation.

Paragraphs 1 and 2. The Government states that the occupational health services provided by virtue of the above-mentioned texts conform to the provisions of the Recommendation.

Part III of the Recommendation.

Paragraphs 3 to 5. All industrial and agricultural undertakings with more than 500 persons employed in any one workplace (300 in the case of work harmful to the health) are obliged to provide occupational health services. A special agency of the trade union council is responsible for organising the services and for recruiting personnel (physicians, nurses and medical auxiliaries), who are thus professionally independent of the undertaking.

It is not proposed to provide occupational health services for workplaces employing less than the number of persons cited above. In such cases, health institutes are provided to carry out compulsory medical examinations, in particular to determine fitness for employment. State inspectors are entrusted with the supervision of health conditions in small undertakings.

Part IV of the Recommendation.

Paragraph 6. Industrial health services carry out preventive functions and provide medical care.

Paragraph 7. Industrial physicians follow up and prescribe treatment for illnesses which have led to absence from work. They advise management on jobs that are suitable for workers returning after an illness.

Paragraph 8. The Government states that the functions of the occupational health services conform to the provisions of the Recommendation.

Paragraph 9. These services may have access to any information relevant to the exercise of their functions.

Paragraphs 10 to 12. The Government states that effect is also given to the provisions of the Recommendation respecting the relations to be maintained between occupational health services and other services and bodies both within and outside the undertaking, and adds that the relevant legislation covers the establishment of personnel medical files and maintenance of records.

Part V of the Recommendation.

Paragraph 13. A special agency of the trade union council is responsible for organising and operating occupational health services in large undertakings, while small undertakings are served by regional dispensaries.

Paragraph 14. The law lays down the number of hours a physician must devote to an undertaking depending on the number of workers employed there.

Paragraph 15. Since industrial physicians are employed by a special agency of the relevant trade union Council, their professional independence is guaranteed.

Paragraphs 16 and 17. The Institute for Advanced Medical Studies provides physicians with training in occupational health, and also organises special courses for nurses and medical auxiliaries employed in undertakings.

Paragraph 18. Undertakings must provide first-aid facilities staffed by suitably trained full-time personnel, who are, however, answerable to the occupational health services.

Paragraph 19. The Government declares that the legislation gives effect to the provisions of the Recommendation.

Paragraphs 20 and 21. These provisions are applied by the regulation governing the functions of occupational health services.

Part VII of the Recommendation.

Paragraph 22. The trade unions and other social organisations co-operate with the occupational health services.

Paragraphs 23 and 24. Occupational health services are provided free of charge to workers. Facilities of a purely sanitary nature excepted, the undertaking bears the cost of establishing such services.

Paragraph 25. The relevant trade union Council is responsible for the direct inspection of occupational health services in industry, while over-all responsibility for inspection is assigned to the Ministry of Health.

INDIA

Act of 1946 to make better provision for financing measures for promoting the welfare of labour employed in the mica-mining industry.

Act of 18 April 1947 to make better provision for financing measures for promoting the welfare of labour employed in the coal mining industry (*L.S.* 1947—Ind. 2).

Act of 23 September 1948 to consolidate and amend the law regulating labour in factories (*ibid.*, 1948—Ind. 4).

Act of 1951 on plantations labour (*ibid.*, 1951—Ind. 5).

Act No. 35 of 1952 to amend and consolidate the law relating to the regulation of labour and safety in mines (*ibid.*, 1952—Ind. 3).

Act of 1961 to make better provision for financing measures for promoting the welfare of labour employed in the iron-ore mining industry.

The Government reports that there are no laws or regulations concerning the establishment of occupational health services. However, some large industrial undertakings have set up such services on a voluntary basis.

Nevertheless, some of the provisions of Recommendation No. 112 are applied by the Acts cited above. They are mainly concerned with the maintenance of conditions of safety and health in places of employment, first-aid facilities, and the appointment of physicians to examine young persons and adults employed in work exposed to health hazards. The labour inspectorates of the various states are responsible for the application of these provisions. Some states, such as Bihar and West Bengal, have set up Health Boards for the protection of mineworkers.

The Government may in the future examine the possibility of amending the Employees' State Insurance Act, 1948, to provide for the establishment of occupational health services.

IRAN

The Labour Inspectorate Division of the Ministry of Labour and Social Affairs has drawn up a draft regulation respecting the setting up of occupational health services in places of employment. This draft regulation is now being considered by the Central Occupational Safety and Health Council established in accordance with the provisions of article 47 of the Labour Laws.

IRAQ

See under Recommendation No. 97.

Regulation No. 13 and the decree under this regulation also govern the industrial health services in undertakings. Agreements have been reached between organisations of employers and of workers concerning the appointment of doctors to supervise the state of health of workers in undertakings, these agreements coming within the scope of the Labour Code. Furthermore, the institution for promoting investments on behalf of workers has assumed responsibility for organising health services for the workers and for setting up hospitals and dispensaries in areas where there is a large active population.

The Directorate of Industrial Health, which comes under the General Directorate of Labour, is responsible for supervising the application of these regulations.

The new draft Labour Code which is being adopted contains more favourable provisions than those at present in force.

ITALY

The Government indicates that a draft Act on occupational health services is before the legislature. The text of the draft is based on the provisions of the Recommendation.

Such services already exist in practice in many large and medium-sized undertakings. Some undertakings make use of services common to a number of undertakings or rely on specialised bodies, such as university clinics. Professorships of occupational medicine have been established. Furthermore, the Institute of Social Medicine organises conferences to study the problems relating to social medicine that arise in different sectors of industry.

JAPAN

There are no specialised occupational health services such as those provided for in the Recommendation.

KENYA

The Government states that national laws and regulations contain no provisions for the setting up of occupational health services.

However, the Government is at present studying the possibility of establishing a public occupational health service with the help of WHO. One of the responsibilities of such a service would be to examine the best means of giving effect to the provisions of the Recommendation.

KUWAIT

Labour Law (Private Sector) No. 38, 1964, revised by Law No. 43, 1968.

The above-mentioned laws contain some provisions respecting the matters dealt with in Recommendation No. 112, such as protection against industrial accidents caused by use of machines, falling bodies, splinters and inflammable or caustic materials; conditions of cleanliness, ventilation, lighting and water drainage; first aid and medical care facilities; payment of wages during a period of medical

treatment and compensation for disability. The Labour Inspectorate of the Ministry of Social Affairs and Labour and the Occupational Health Section of the Ministry of Public Health are responsible for the application of the legislation.

LESOTHO

Act No. 22 of 1 January 1967 to amend and consolidate the law relating to the employment and recruiting of employees in Lesotho (*L.S. 1967—Les. 1*).

The Government states that the legislation that most closely approximates to the provisions of the Recommendation is contained in the Employment Act of 1967, cited above. Normally, the Government Medical Officer of Health and his staff of health inspectors supervise the application of appropriate standards of health. The Minister of Health and the Minister of Finance, Commerce and Industry are also responsible for inspection.

The Government considers that there is no point in amending the existing legislation since over-all conditions of employment are well below the standards of the Recommendation.

LIBERIA

Labour Code.

The Government states that there are no laws or regulations dealing with the prevention of occupational diseases. Some employers, mainly in the iron-ore mining industry, have made limited efforts toward providing a periodic medical examination for workers. Some large undertakings provide first-aid facilities. However, most of the health programmes that have been organised on behalf of workers have been therapeutic in nature.

The Labour Code contains a provision laying down standards for pre-employment medical examinations and stipulating that a worker may only be hired on the production of a certificate of fitness, but regulations to apply this provision have not yet been prepared.

The Government has made every effort to gather data concerning industrial accidents and occupational diseases in order to determine those sectors where preventive action is most needed.

The Ministry of Labour is responsible for supervising application of the legislation and voluntary action in the field of occupational health. Co-operation between employers and workers is provided through the Industrial Relations Council.

The Government states that the Labour Code is under revision. The new Code is intended to give effect to several of the provisions of the Recommendation.

LUXEMBOURG

At the present time national laws and regulations make no specific provision for occupational health services. A draft Act dealing with the matter is at present before the Ministry of Public Health.

In practice, all large undertakings provide occupational health services on a voluntary basis. Such services ensure surveillance of the health of personnel and carry out pre-employment, re-employment and periodical medical examinations. They have an essentially preventive role.

MALAWI

There is no legislation concerning the establishment of occupational health services, nor are there any formal or informal arrangements for the establishment of such services provided under collective agreements or as a result of consultation between employers' and workers' organisations.

It is usual for some larger undertakings to maintain first-aid posts and dispensaries; these may be under the direction of a physician. But it is normal practice for those general problems concerned with preventive medicine and occupational health to be considered the responsibility of management. It is not intended to take any other measures in the immediate future.

See also under Recommendation No. 97.

MALAYSIA

Labour Codes of the States of Malaya.

Labour Ordinances of the States of Sabah and Sarawak (*L.S.* 1951—Sar. 1).

The above legislation requires, *inter alia*, that in cases where resident workers are employed adequate medical health services for them and their dependants are provided. In cases falling outside this legislation many employers provide free medical services for their employees. This voluntary arrangement, although mainly curative in nature, includes, to a varying extent, many of the provisions contained in the Recommendation, such as the supervision of working conditions, the prevention of accidents and occupational diseases, the supervision of personal protective equipment, the surveillance of housing conditions and general welfare, etc., as well as providing for medical examinations and first aid.

It is part of the function of the Industrial Health Unit of the Ministry of Labour to promote the development of such occupational health services.

The provisions of the Recommendation are regarded as appropriate for federal action.

MALI

See under Recommendation No. 97.

Under the terms of article 229 of the Labour Code every undertaking or establishment must provide a medical and sanitary service for its workers. Article 39 of the Social Insurance Code specifies that the service is provided to safeguard workers from any deterioration in health due to their employment and to give medical care to themselves and their families. Organisation of medical services is covered by the provisions of article 40 and following of the Social Insurance Code. Thus, when there is a sufficient number of workers in the same area, a health service common to a number of undertakings should be organised and employers obliged to belong to it. In some cases (isolation, special risks) the labour inspectorate may authorise an undertaking to set up a separate health service. Services are maintained at the employers' expense. Each health service is placed under the direction of a physician, who enjoys complete professional independence. He is assisted by an Administrative Council. His work is supervised by the National Social Insurance Institute. Legislation provides for nursing assistance and specifies the premises and equipment to be provided for those medical services common to several undertakings.

The health services are responsible, in particular, for exercising surveillance over general occupational health conditions, for safeguarding workers from poison hazards and accidents, for ensuring the adaptation of jobs to workers and for helping to improve working conditions. The physician may advise the management and the workers' representatives on these matters.

In the principal town of each region there is a general occupational health centre.

The labour inspectorate is entrusted with supervising the application of the legal provisions in this matter. The workers' representatives are called upon to co-operate in applying these provisions and to propose any relevant measures that may be useful.

The Government declares that both legislation and practice are in conformity with the main provisions of Recommendation No. 112 and does not intend to take any other measures in this field.

See also under Recommendation No. 97.

MALTA

Occupational health is the responsibility of the Occupational Health Unit of the Ministry of Health. This Unit is, among other things, responsible for advising the Government and industrial undertakings on occupational health matters, for running an occupational health service for all government employees (the Government being the principal employer of labour), for inspecting government establishments, for carrying out studies on industrial hazards, and for advising on the appropriate measures to be taken for the protection of health, including protection of the individual and education of the worker in such matters.

The Occupational Health Unit is primarily concerned with the prevention and early diagnosis of illnesses. It maintains close relations with other branches of the Public Health Department in order to ensure medical care for all employees.

Occupational health services for employees of the United Kingdom Ministry of Defence are provided by the Defence Department.

The Malta drydocks, the third largest employer of labour, has its own medical service engaged principally in carrying out medical examinations and in giving emergency treatment.

In addition, some medium-sized undertakings employ a physician part time to carry out medical examinations.

MEXICO

Political Constitution of the United States of Mexico, 1917.

Federal Labour Act of 18 August 1931 (*Diario Oficial (D.O.)*, 28 Aug. 1931, Vol. LXVII, No. 51) (L.S. 1931—Mex. 1).

Decree to amend certain sections of the Social Insurance Act (29 Dec. 1956) (*D.O.*, 31 Dec. 1956, section 4, No. 50) (L.S. 1956—Mex. 1).

Occupational Accident Prevention Regulations, 1934.

Occupational Health Regulations, 1946.

The Internal Labour Regulations of the Secretariat of Labour, the Occupational Health Regulations and the Occupational Accident Prevention Regulations provide for the setting up of occupational health services.

Apart from industrial health services, there is the Mexican Social Insurance Institute, which provides medical care and medicines for workers and their families affiliated to it. The Federal Constitution provides for the organisation of social security schemes and lays down that the latter must cover both employment injury and occupational disease. The Federal Labour Act requires employers to supply workers with drugs against tropical or endemic diseases.

The Department of Medical Services of the Secretariat of Labour and Social Welfare, in the course of its duties, puts into effect, to a very considerable degree, Paragraph 8 of the Recommendation.

Sections 15 and 17 of the Occupational Health Regulations state that an employer must arrange for his workers to be medically examined before recruitment, and at suitable intervals thereafter. He must also maintain full medical records. This is the responsibility of industrial physicians, who possess the requisite qualifications. The medical inspectors are empowered to undertake technical investigations and the medical examination of workers.

An employer or works doctor who is guilty of a breach of the regulations can be prosecuted.

The Department of Medical Services of the Secretariat of Labour and Social Welfare is responsible for organising and running occupational health services.

MOROCCO

Decree of 17 May 1960 determining the period of formal notice required for the organisation of occupational health services.

See also under Recommendation No. 97.

The labour inspectorate is responsible for the application of the laws and regulations mentioned in the report. The police are also authorised to deal with infringements of the law.

The Government considers that the legislation in force covers all the provisions of the Recommendation.

See also under Recommendation No. 97.

NETHERLANDS

Safety and Hygiene Act, 1934 (*L.S.* 1934—Neth. 2).

Act of 19 February 1959 on occupational health in industry and in stevedoring (*Staatsblad (Sb.)*, 1959, No. 56).

Decrees of 1961 (*ibid.*, 1961, Nos. 234-236) and of 1963 (1963, No. 19), implementing this Act. Stevedoring Act, 1963.

Mining Regulations, 1964 (*ibid.*, 1964, No. 538).

Mining Regulations for the Continental Shelf, 1967 (*ibid.*, 1967, No. 158).

Order of the Ministry of Social Affairs and Public Health (*Nederlands Staatscourant*, 1968, No. 250), decree of 1968 (*Sb.*, 1968, No. 512) and Act of 1 January 1969 respecting social employment and medical care of handicapped workers.

The legislation cited above gives effect to the provisions of the Recommendation concerning occupational health services.

The aims of the occupational health services are in conformity with the definition given in Part I of the Recommendation. Legislation lays down that occupational health services common to a number of undertakings shall be under the direction of a non-profit-making corporate body. Occupational health services are only compulsory in factories and workshops employing more than a fixed number of workers, in undertakings where there are risks to health, in stevedoring, or in mines. It is also compulsory for handicapped persons employed in rehabilitation workshops to be under the care of an occupational health service.

The laws and regulations on mines provide that in principle all mines, regardless of the number of persons employed, must provide an occupational health service. The Minister of Economic Affairs has the power to waive this provision. Existing legislation in the field of occupational health is limited to industrial undertakings; efforts are being made to extend it gradually to all sectors of employment, and to this end a Bill was submitted to Parliament on 25 March 1969. Furthermore, many public services (the Post Office, the railways, some municipalities, etc.) have already established their own occupational health services, even though the law does not oblige them to do so.

Occupational health services seek to extend the role of preventive medicine in industry, and as a whole their functions are closely in line with those laid down in the Recommendation.

Relations with other services or bodies concerned with occupational health, either inside or outside industry, are governed by administrative or practical provisions and there is no need for formal legislation on the matter.

Although it is not obligatory to establish and maintain personal medical files, occupational health services are required to maintain records of medical exami-

nations. The provisions set forth in Part V of the Recommendation concerning the personnel and equipment of occupational health services are also applied by various provisions of the national legislation.

Regulations do not contain an explicit assignment of powers as laid down in Paragraph 20 of the Recommendation, but the provisions dealt with under points (a) to (d) are covered by the description of the duties assigned to these services.

There is no need for legislation covering point (e) since the physicians attached to the labour inspectorate have regular contacts with the occupational health services.

There is a regulation ensuring that employees and employers are represented on the Advisory Industrial Medical Committee and the Government considers that this measure is adequate to ensure the application of the relevant provision of the Recommendation. The employer is responsible for the establishment and operation of occupational health services.

Supervision of the applications of the laws and regulations concerning occupational health is exercised by the Government, in particular by the labour and mining inspectorates.

Netherlands Antilles

See above under Recommendation No. 97.

NEW ZEALAND

Factories Act, 1946 (No. 43) (*L.S.* 1946—NZ 4), and Regulations made thereunder.

Shops and Offices Act, 1955 (No. 32) (*ibid.*, 1955—NZ 1).

Construction Act, 1959, and Regulations made thereunder.

Agricultural Workers' Act, 1962 (No. 137) (*ibid.*, 1962—NZ 1).

Noxious Substances Regulations, 1954.

There is no legislation imposing an obligation on industrial undertakings to set up their own occupational health facilities. However, there are mandatory requirements in, *inter alia*, the above legislation which require employers to provide sanitary accommodation, amenities, first-aid facilities, protective equipment and other environmental measures to ensure the health and welfare of their employees. Also some industries provide medical services on a voluntary basis. Further, the Department of Health has provided, and is developing, industrial health centres.

The provision of an occupational health service remains primarily a function of the Department of Health, with ancillary lay assistance of the labour inspectorate of the Department of Labour, rather than of industry itself. The system evolved in 1963 for the control of environmental health hazards at work depends for its comprehensive cover on the use of medical officers of health, public health nurses, and inspectors of health engaged primarily in other public health work.

In 1969 a total of sixty-three establishments employed forty-six industrial medical officers and eighty-seven industrial nurses, servicing 40,316 and 62,441 employees respectively. However, the majority of the 21,000 firms in New Zealand employ less than 100 workers, and many of these firms avail themselves of the facilities offered by industrial health centres. It has been estimated that, through the private industry services and the occupational health centres, at least a quarter of the factory population is now covered by some sort of direct medical or nursing service. It is general policy to encourage the formation of private industrial services, where a particular plant is sufficiently large, enabling the facilities of the Department of Health to be concentrated on smaller plants.

The definition of an occupational health service in the Recommendation parallels the objectives and activities of existing occupational health services in New Zealand.

The Department of Health carries out direct surveillance of workers in some hazardous trades as do the factory inspectors.

The function of occupational health services in New Zealand is both preventive as well as curative and the services are directed by a registered medical practitioner. The qualifications of nursing staff attached to occupational health services are adequately covered by requirements of the Nurses and Midwives Board. There are also regular courses for industrial nurses.

In general, the expenses of the organisation and operation of occupational health services is borne by the employer concerned but in the majority of cases, doctors' fees are subsidised from the Social Security Fund.

The Department of Health would be the principal supervising authority of any future supervisory legislation on this subject.

NIGER

See under Recommendation No. 97.

The labour inspectors and supervisors are responsible for supervising the application of the relevant laws and regulations.

The Government states that existing legislation covers almost all the provisions of the Recommendation. The one exception is the absence of special training in occupational health for physicians as they provide services on a part-time basis only.

Services provided in respect of occupational health are free of charge, and no deduction of salary is made for time taken off from work for periodical medical examinations.

It is not intended to amend the national laws or regulations in the near future.

NORWAY

Labour Protection Act, No. 2 of 7 December 1956 (*L.S.* 1956—Nor. 2).

The Labour Protection Act requires all undertakings either to employ a physician or to be subject to medical inspection whenever the labour inspectorate deems it necessary. However, effect has not yet been given to these provisions.

Existing occupational health services are organised on a voluntary basis by virtue of agreements entered into by the Employers' Confederation, the Trade Union Confederation, and the Medical Association. These voluntary services have been in operation for more than twenty years and involve 1,802 undertakings employing some 315,750 workers in industry, construction, transport, mining, commerce, hospitals and public services, etc. The duties of physicians attached to these services have recently been under review to bring them into line with the Recommendation. Large undertakings run their own services, while smaller ones usually subscribe to joint services. Where no such services exist, the provisions of Paragraph 5 of the Recommendation are applied and are regarded as the responsibility of the employer.

Under present-day practice, the agreement provides that the physician may investigate grounds for absence due to illness.

The professional independence of industrial physicians is principally guaranteed through their terms of employment and the fact that they may lay any dispute before a tripartite Commission. The labour inspectorate is responsible for the supervision of occupational health services.

For the present it is not intended to take any other measures to give effect to the provisions of the Recommendation.

PAKISTAN

Factories Act, No. XXV of 20 August 1934 (*L.S.* 1946—Ind. 1 and 1947—Ind. 3).

East Pakistan Factories Act, No. IV of 1965 (*The Dacca Gazette*, 1 Sep. 1965, Extraordinary, p. 1535) (*L.S.* 1965—Pak. 2).

Hazardous Occupations (Lead) Rules, 1937 (*ibid.*, 1937—Ind. 5).

Hazardous Occupations (Cellulose Spraying) Rules, 1937.

Mines Act, 1923, No. IV of 23 February 1923 (*Gazette of India*, 3 Mar. 1923) (*L.S.* 1923—Ind. 3).

Consolidated Mines Rules, 1952.

The Government has not accepted the Recommendation since there is no statutory law requiring employers to establish occupational health services in or near a place of employment as required by the Recommendation. However, some of the provisions of the Recommendation are covered by the legislation referred to above.

Adequate preventive measures have been taken, through the various rules listed above, for protecting the workers against health hazards, as required under Paragraphs 1 (a), 4 (a) and (b) of the Recommendation. Certain operations have been specified as hazardous operations when carried on in any factory. Paragraph 5 (b) of the Recommendation is covered under section 52 of the Factories Act, 1934, and Paragraphs 5 and 8 (a) by section 11 (3) (b) and 3 (c) of the East Pakistan Factories Act. Section 18 of the Mines Act, 1923, provides that medical appliances shall be kept ready at hand in a convenient place and in good and serviceable order, and similar provisions exist in section 44 of the East Pakistan Factories Act. Pre-medical examination is also required for employment underground under section 13 of the Consolidated Mines Rules, 1952. Furthermore, in order to ensure a congenial working atmosphere and better working conditions for workers, certain general provisions relating to health and hygiene of workers have been incorporated in the Factories Act, 1934, and the East Pakistan Factories Act, 1965.

The provincial governments are responsible for the administration of laws. The employers' and workers' organisations are consulted through the Pakistan Tripartite Labour Conference and the Standing Labour Committee before any legislative measure is taken by the Government.

At present, application of this Recommendation to agricultural workers is not feasible for a country like Pakistan.

PHILIPPINES

Commonwealth Act No. 104 of 29 October 1936 respecting the safety of persons employed in mines, quarries, metallurgical operations and other enterprises (*Official Gazette*, 1937, p. 446).

Act No. 1054 of 12 June 1954 to revise and consolidate the provisions of Act No. 3961, as amended, relative to free emergency treatment and Act No. 239 relative to free emergency dental treatment, for employees and labourers in commercial, industrial and agricultural establishments (*ibid.*, July 1954, p. 2943).

Under the provisions of Act No. 1054 and various orders and regulations prepared by the Department of Labour, all places of employment with thirty or more workers are obliged to provide occupational health services with sufficient personnel and equipment to care for the number of workers employed. Undertakings with less than thirty workers are provided for under Commonwealth Law No. 104 and are required to keep a stock of medicines available in the charge of a suitably trained first-aid attendant. Most undertakings have set up their own occupational health services, but some are affiliated to joint services.

The aforesaid provisions apply to all commercial, industrial, and agricultural undertakings, whether or not there are any particular occupational hazards involved.

Training of industrial physicians is provided by courses organised jointly by the Department of Labour and the University of the Philippines. On-the-spot investigations of occupational health and safety questions make an effective contribution to instruction of management and workers in such matters.

RUMANIA

See under Recommendation No. 97.

RWANDA

The Government states that Part VI (still in force) of Ordinance No. 22/43 of 23 January 1959 (*Bulletin officiel du Ruanda-Urundi*) partly meets the requirements of certain provisions in the Recommendation.

The labour inspectorate is responsible for enforcing the relevant laws and regulations.

SENEGAL

Labour Code: Act No. 61-34 of 15 June 1961 (*Journal officiel (J.O.)*, 3 July 1961, No. 3462, p. 1015) (*L.S.* 1962—Sen. 2 B).

General Orders Nos. 396, 397 and 398 of 18 January 1955.

Order No. 2423 of 28 April 1955 (*J.O.*, 12 May 1955, p. 534).

Certain provisions of the Recommendation are covered by laws and regulations and by practical measures.

In article 163 the Labour Code provides that in each establishment the employer shall provide a first-aid kit at his own expense. A draft decree entitled "Occupational medical and sanitary services" has been submitted to the President of the Republic for signature. At the present time the matter is covered by the General Orders issued under the Overseas Labour Code. General Order No. 396 defines the organisation, operation and responsibilities of occupational health services. General Order No. 397 regulates the classification of undertakings in order to define the minimum medical and nursing staff an employer is obliged to employ. Provision of a stock of medicines and of a first-aid couch and kit is regulated by General Order No. 398. Order No. 2423 provides for setting up occupational health services common to a number of undertakings.

The application of all these provisions is entrusted to the labour inspectors, social security inspectors, and to labour supervisors.

The Labour Code contains provisions for co-operation with trade unions and workers' representatives and for recourse to employers' organisations to compel their members to respect safety and health standards. To strengthen this co-operation, the draft decree mentioned above institutes a supervisory committee for health services in which employers and workers supervise the application of all the regulations in this field.

Apart from their preventive functions, industrial physicians should provide medical care for workers and their families.

SIERRA LEONE

There is no legislation giving effect to the provisions of the Recommendation.

In practice, general medical services are provided to give emergency treatment and carry out medical examinations. Some large undertakings provide health centres for the medical treatment of workers.

The Government hopes that when the Factories Bill, which is at present under consideration, is passed it will contain clauses dealing with industrial health.

SINGAPORE

Employment Act, 1968 (*L.S.* 1968—Sin. 1).

Factories Ordinance, 1958.

Only a limited number of large undertakings provide occupational health services. Some of the provisions of the Recommendation are covered by existing legislation. Undertakings are not obliged to provide medical services. A fairly large

number (30 to 40 per cent) have made arrangements with general practitioners for administering emergency treatment and carrying out pre-employment medical examinations. The Ministry of Labour is responsible for supervising the application of the legislation.

SPAIN

Decree of 21 August 1956 on works medical services.

Decree No. 1036 of 10 June 1959 on works medical services (*L.S.* 1959—Sp. 1).

Ordinance of 22 December 1956 to regulate works medical services.

Ordinance of 8 April 1959 to establish the Works Medical Services Organisation.

Ordinance of 21 November 1959 to regulate the application of Decree No. 1036 of 1959.

Occupational health services existed in Spain before the adoption of the Recommendation. Such services are compulsory and are essentially preventive in aim. The principles of the Recommendation are covered by national legislation.

These services were established by the Act of 21 August 1956 and regulated by the ordinance of 22 December 1956. They were reorganised by the decree of 10 June 1959 and the ordinance of 21 November 1959 containing the regulations to apply it.

At the present time all undertakings employing more than 100 workers are compelled to organise such services. Separate services should be organised by undertakings with more than 1,000 workers, while services common to a number of undertakings may be used by those with 100 to 1,000 workers. They are staffed by industrial physicians, medical auxiliaries and industrial nurses. These services carry out an essentially preventive role, concerned with industrial hygiene, workers' health, first aid, prevention of occupational accidents and diseases, education in health matters, improvement of individual working capacity, supervision of young persons, women, and handicapped persons, participation in the work of the Health and Safety Committees, and co-operation with research institutes and the competent authorities. Records, files and reports of works medical services are standardised, and their organisation, premises and equipment subject to regulations. At the present time 4,565 undertakings are served by 2,576 separate health services and by 288 services common to a number of enterprises.

Supervision of the application of the provisions covering these matters is the responsibility of the Industrial Health Services Organisation (OSME), which was set up by the ordinance of 8 April 1959. This organisation forms part of the National Social Security Institute of the Ministry of Labour. It is responsible for directing the work of the health services, supervising their operation, analysing their work reports, and promoting their improvement by circulating standards, directives, information, etc. In addition it prescribes standards for premises and equipment as well as protection for personnel. This organisation acts in an advisory capacity, in co-operation with the labour inspectorate which has sole powers of enforcement, as well as with the Ministry of Labour and all other Ministries concerned.

The Government considers that the organisation of industrial health services as provided by national legislation is in agreement with the principles of the Recommendation and does not intend to adopt any new provisions on the matter.

SUDAN

Factories and Workshops Ordinance.

Factories and Workshops Regulations.

A Bill concerning occupational health, issued under article 17 of the Factories and Workshops Ordinance, is in the final stage of passage through the legislature. Also, recently, the Ministry of Health set up a plan for occupational health clinics in the country; a pilot centre has been already established in north Khartoum.

Several employers have made arrangements with full- or part-time physicians for the medical treatment of their workers.

The above-mentioned legislation together with the afore-mentioned Bill provides for hygiene conditions, welfare services, medical examinations, first-aid services, conditions of employment of women and children, and regulation of employment in dangerous work.

Factory inspectors, on behalf of the Commissioner of Labour, and health specialists and officers, on behalf of the Under-Secretary of the Ministry of Health, are the competent authorities responsible for the application of these provisions.

SWEDEN

Workers' Protection Act, No. 1 of 3 January 1949 (*L.S.* 1949—Swe. 1).

Royal Proclamation on Workers' Protection, No. 208 of 6 May 1949 (*ibid.*, 1949—Swe. 4).

Employment Injury Insurance Act, No. 243 of May 1954 (*ibid.*, 1954—Swe. 1).

There is no legislation giving effect to all the provisions of the Recommendation, but some of these are covered by the above-mentioned enactments. The National Industrial Safety Board is responsible for protection of workers' health, including the establishment and operation of occupational health services, and as a rule the National Health and Welfare Board supervises the professional performance of medical personnel. Inspection of medical services established by undertakings is not at present provided for. Co-operation with employers' and workers' organisations with a view to applying the laws and regulations on industrial safety is carried out both nationally and regionally. In addition a labour inspectorate directive provides for a council of labour inspectorate representatives to be set up to advise on improving this co-operation.

In 1960 the Crown decided to refer the Recommendation to the National Industrial Safety Board for its views on the possibility of including the principles of the Recommendation in the legislation or in the Board's own regulations. The matter was examined in co-operation with the employers' and workers' confederations and the National Public Health Board. The committee set up for this purpose was of the opinion that no legislation was necessary in the light of the agreement entered into in the meantime by the employers' and the workers' confederations regarding the establishment of occupational health centres.

In order to extend the application of this agreement to all sectors of the economy, the committee proposed that a commission should be appointed consisting of representatives of the National Industrial Safety Board, the National Health and Welfare Board, the Government in its role as an employer of labour, the National Institute of Occupational Health, the principal employers' and workers' organisations, and the local authorities' associations.

SWITZERLAND

Code of Obligations of 30 March 1911 and 18 December 1936 (article 339).

See also under Recommendation No. 97.

The National Accident Insurance Fund maintains an occupational health service under the direction of a physician with special training in this field. In addition the occupational health service provided by the Labour Act and Ordinance I to apply it comes under the jurisdiction of the Federal Office of Industry, Arts and Crafts, and Labour, with headquarters in Zürich. A branch of this Office has been set up in Lausanne to cover the French-speaking area of Switzerland. The report also states that several large undertakings employ industrial physicians who, in the main, perform the same functions as those dealt with in Part IV of the Recommendation.

However, in practice undertakings are under no legal obligation to set up occupational health services.

Federal legislation requires the employer to take all appropriate measures to protect the lives and health of his workers.

Under the provisions of the ordinance of 23 December 1960, only those persons declared medically fit by the National Accident Insurance Fund may be employed in undertakings covered by this fund.

The requisite medical examination is carried out by general practitioners or by industrial physicians. The fund itself may carry out such examinations or have them carried out. It also assesses the physical fitness of workers and orders periodical medical examinations where necessary. The fund maintains records of the results of medical examinations. Personal medical files are maintained in the case of workers exposed to risk of silicosis. Special provisions apply in the case of workers exposed to radiations. Medical examinations are carried out, in particular, where workers are exposed to special hazards. The Occupational Health Service of the National Accident Insurance Fund is responsible for all matters relating to prevention and treatment of occupational diseases. The physicians attached to this service inspect undertakings, carry out medical examinations of workers exposed to the risk of occupational disease, and co-operate with the experts of the occupational safety service, who are concerned with establishing technical safety measures.

In articles 81 and 82, Ordinance I to apply the Labour Act lays down the functions of the occupational health service attached to the Federal Board of Industry, Arts and Crafts, and Labour. These provisions allow the occupational health service to participate, where appropriate, in the work normally assigned to physicians employed by undertakings.

There are no legal provisions defining the working conditions of industrial physicians. They may be employed either on a permanent basis or on the basis of some special arrangement.

The National Accident Insurance Fund is responsible for supervising the application of provisions for prevention of occupational diseases. Neither the employers' nor the workers' organisations make any direct contribution to this task. Such organisations are, however, represented on the governing body of the fund and on the Federal Labour Commission. The latter is consulted before any legislative provisions relating to protection of workers' health are promulgated.

The Government has in mind the possibility of extending the obligation to carry out medical examinations to other categories of undertakings. It adds that many of the functions cited in Part IV of the Recommendation are not carried out by occupational health services in places of employment but by other bodies, such as the Federal Office, the National Accident Insurance Fund, the Federal and Cantonal Labour Inspectorates and the voluntary first-aid associations. In addition the canton of Neuchâtel has set up an occupational health service sponsored by the cantonal government. The cantons of Geneva, Vaud and the Valais also have plans to set up such services.

The report points out that while legal enforcement of preventive measures against accidents and occupational diseases is covered by federal legislation, supervision of general hygiene is under the jurisdiction of the cantons.

The Government states that, in spite of the wide divergences between national practice and the provisions of the Recommendation, the general aims of the latter are in fact attained.

SYRIAN ARAB REPUBLIC

Act No. 134 of 4 September 1958 to organise agricultural relations (Agricultural Labour Code) (*Al-jarida, al-rasmiya*, 4 Sep. 1958), amended by Legislative Decree No. 218 of 20 October 1963 (*ibid.*, 31 Oct. 1963, No. 48) (*L.S.* 1963—Syria 1).

See also under Recommendation No. 97.

The report states that the national legislation meets most of the points made in the Recommendation.

Occupational health services, whose task it is to ensure that the workers remain in good physical and mental health, are organised on the basis of the Labour Code (section 65) and the Agricultural Labour Code (section 118). Such services are provided by employers, their obligations depending on the numbers employed. The health protection services intervene only in the case of workers who are liable to occupational injury or disease.

For the authorities responsible for the enforcement of this legislation, see under Recommendation No. 97.

TOGO

Order No. 885-55/ITLS of 28 October 1955 respecting the application of the statutory provisions respecting medical or health services in undertakings contained in Chapter II of Part VI of the Labour Code for the Territories and Associated Territories of Overseas France (*Journal officiel du Territoire du Togo*, 25 Nov. 1955, p. 7).

National legislation provides for daily medical inspections and periodic medical examinations of workers, the costs of such inspections and examinations to be borne by the employer. In addition it provides that the industrial physician shall give emergency treatment where necessary and that the requisite preventive measures shall be observed in all workplaces. There are also regulations specifying the conditions governing the setting up and equipping of infirmaries, dispensaries and first-aid kits in undertakings (Order No. 887-55/ITLS of 29 October 1955).

TUNISIA

Decree No. 68-328 of 22 October 1968 to establish the general rules of hygiene applicable in enterprises subject to the Labour Code (*Journal officiel (J.O.)*, 22 Oct. 1968, No. 45, p. 1141).

Decree No. 68-88 of 28 March 1968 respecting dangerous, unhealthy and inconvenient places of employment (*J.O.*, 2-5 Apr. 1968, No. 14, p. 352).

See also under Recommendation No. 97.

The Occupational Health Service forms part of the Secretariat of State for Youth, Sport and Social Affairs. The service is placed under the direction of a full-time medical officer of health who is assisted by eight physicians employed on a part-time basis in the most heavily industrialised areas.

A large number of occupational health centres have recently been set up. However, due to the lack of qualified personnel, it has not been possible to take measures on a consistent basis to supervise the physical and mental adjustment of workers.

In accordance with the Labour Code, occupational health services are set up in co-operation with the employers, the works councils and the industrial medical services.

The labour inspectors and supervisors, the medical inspectors of labour and instructors in occupational safety and health are the authorities entrusted with supervising the applications of the regulations.

The present situation, as regards public health and the shortage of physicians, prevents rigorous adherence to the purely preventive nature of occupational health work. With this position in mind, the Government suggests that the provisions of the Recommendation should be modified to adjust them to the needs of the developing countries.

The Government states that the provisions of Paragraph 8 (Part IV) are carried out in practice through the co-operation of industrial physicians, the Pasteur Institute, the Central Laboratory for Research in Industrial Poisons, the Tunisian Safety Association and the Tunisian Red Crescent Organisation. Other provisions of

Part IV also receive practical application, although the question of retraining, rehabilitation and reassignment is still under examination.

The Government states further that the provisions of Part IV respecting the personnel of occupational health services are applied only in part but that existing legislation is in conformity with the provisions of Parts VI and VII of the Recommendation.

UKRAINE

See under Recommendation No. 97.

UNITED ARAB REPUBLIC

Law No. 91 of 1959 establishing the Labour Code (*L.S.* 1959—UAR 1).

Law No. 63 of 1964 establishing the Social Insurance Code (*ibid.*, 1964—UAR 3).

The Government states that all the points dealt with in the Recommendation are governed by the laws cited above. Occupational health physicians attached to the General Department of Industrial Safety supervise the application of the preventive measures detailed in the Recommendation, as well as carrying out any research work called for in the industrial health field and taking part in the work of rehabilitation boards. Physicians employed by undertakings, who sit on plant safety committees, also participate in these activities.

The occupational health expert of the General Social Insurance Organisation carries out periodic medical examinations to detect and prevent occupational diseases.

All physicians assigned to occupational health services enjoy full professional and moral independence in conformity with the provisions of the Recommendation.

The General Industrial Safety Department and the Occupational Health Department of the Ministry of Health are responsible for the application of the regulations on establishing occupational health services. In addition the Rehabilitation Department of the Ministry of Social Affairs, and the Occupational Safety Institute affiliated to the Arab Socialist Union are required to assist in training workers in industrial safety.

The General Industrial Safety Department is responsible for promoting the establishment of occupational health services and for supervising their work.

The Government considers that the laws and departmental regulations give adequate effect to the Recommendation and that no modifications are required at the present time.

UNITED KINGDOM

Metalliferous Mines Regulation Act, 1872.

Coal Mines Act, 1911, and Regulations made thereunder.

Mining Industry Act, 1926 (*L.S.* 1926—GB 5) and Regulations made thereunder.

Welfare Fund Act, 1939.

Miners' Welfare Act, 1952.

Agriculture (Poisonous Substances) Act, 1952, and Regulations made thereunder.

Factories Act, 1961 (*ibid.*, 1961—UK 1), and Regulations made thereunder.

Offices, Shops and Railway Premises Act, 1963.

Quarries Act (Northern Ireland), 1927.

Agriculture (Poisonous Substances) Act (Northern Ireland), 1954.

Agriculture (Safety, Health and Welfare Provisions) Act (Northern Ireland), 1959.

Factories Act (Northern Ireland), 1965.

Office and Shop Premises Act (Northern Ireland), 1966.

Mines Act (Northern Ireland), 1969.

The Factories Act, 1961, the Offices, Shops and Railway Premises Act, 1963, and the corresponding Northern Ireland Acts, together with the regulations under these Acts, lay down basic requirements for safeguarding the health, safety and

welfare of workers. The legislation includes provision for the medical examination of young persons on entry to factory employment and until they reach the age of 18 as well as the initial and periodic medical examination of all persons employed in industrial processes where there are special health risks.

Many firms and industries provide their own occupational health and hygiene services on a voluntary basis. These services may cover an individual factory or a group of factories depending on the particular circumstances. In addition there exists within the Factory Inspectorate an industrial hygiene service. There is no industrial hygiene service as such within the Northern Ireland Factory Inspectorate.

The provisions of this Recommendation were drawn to the attention of industry in a booklet entitled "Organisation of Industrial Health Services".

Measures have been taken under the above-mentioned agricultural legislation. These include provisions for the safeguarding of agricultural machinery, the provision of first-aid equipment and the protection of workers against risks caused by certain insecticides, fungicides, etc.

At those ports controlled by the British Transport Docks Board, first-aid practitioners and equipment, as well as certain safety and preventive measures when obnoxious and infectious cargoes are handled, have to be provided. The Board does not consider it necessary to make widespread provision concerning medical examinations. Also, the British Waterways Board has not recognised a need to establish its own occupational health service. Disablement resettlement officers are available to advise on courses of rehabilitation and vocational training and placement of disabled workers.

The provisions of the Factories Act are enforced by the factory inspectorate, which includes a medical branch. In other sectors, according to the individual case, control is exercised by local authorities. The statutory medical examinations required by the legislation are carried out by some 2,000 fully registered medical practitioners, known as appointed factory doctors, who also have the task of reporting on cases of notifiable industrial diseases and on certain serious accidents.

The National Coal Board has built up a comprehensive medical service which embraces medical examination of all new entrants as well as periodic examinations, chest X-rays, the organisation of first-aid facilities, supervision of hygiene, and research into medical and allied problems.

It is proposed to reorganise the system of appointed factory doctors in order to eliminate the routine medical examinations which duplicate the work of the School Health Service and of the National Health Service and to establish a medical service specialising in occupational health problems. It is also proposed to reform and unify the legislation relating to safety, health and welfare so as to extend its application to all premises.

In the United Kingdom the development of occupational health services has to be seen against the background of a national health service which provides comprehensive medical care for the population in general.

Antigua

Workmen's Compensation Ordinance, Ch. 877, No. 24 of 1956.

Occupational health facilities are organised by private undertakings on a voluntary basis and by the Government to facilitate public services. The objects of occupational health services include the protection of workers against any health hazard arising out of their work or the conditions in which it is carried on, the promotion of workers' physical and mental adjustment by the assignment of workers to jobs for which they are suited and maintenance of the highest possible degree of physical and mental well-being. The Workmen's Compensation Ordinance, as

amended, provides for the medical examination of workers at reasonable intervals by a medical practitioner provided and paid by the employer. Many establishments require the medical examination of all recruits to be a condition of employment. Employees receiving injury in the course of their work are also provided medical attention at the expense of management. Medical attention is provided for government employees at the expense of the Government and for most jobs medical examination is a condition of employment.

Many establishments require the periodic visit of a medical practitioner and some provide for occupational health services on the job by maintaining a dispensary with full-time qualified personnel. The Government provides such services at the local hospital and health clinic.

The authority entrusted with the supervision of the application of occupational health services is the Labour Commissioner in close collaboration with the Chief Medical Officer.

It is not considered necessary at this stage to enact any additional legislation to give effect to the Recommendation or to make any modifications for its adoption or application.

Bahamas

Health Services Act (*Bahamas Statute Law*, 1963, Ch. 215, section 6).

By virtue of the above legislation, free medical treatment is provided for the following categories of persons: the indigent, the inmates and staff of prisons, students and staff of industrial schools, members of the police force and all government employees.

The authorities entrusted with the supervision of this legislation are the Ministry of Health and the Ministry of Labour.

Regulations governing health matters in workers' quarters attached to industrial and agricultural undertakings are scheduled for early introduction. Further measures in keeping with the Recommendation are under consideration, but as the Bahamas is not an industrial country it is not practical to attempt more than an expansion of the existing medical service, in particular, to the many Out Islands.

Bermuda

No legislative or administrative regulations exist.

The competent authority has not, in the national policy, formulated an occupational health service as outlined in this Recommendation. In practice the public health inspectors examine all workplaces to ensure that adequate wash-up and sanitary facilities are installed and maintained.

No early measures or modifications in existing legislation are contemplated.

British Honduras

There are no legislative or administrative provisions to give effect to the Recommendation. However, there is no obstacle to the organisation by the undertakings of occupational health services either as a separate service within a single undertaking or as a service common to a number of undertakings.

British Virgin Islands

See under Recommendation No. 97.

Brunei

There is no legislation to cover the matters dealt with in the Recommendation. However, in practice some of the provisions of the Recommendation are applied

in various fields such as in the oil mining and private undertakings throughout the State. Any matters arising in the case of the Recommendation will be referred to the Commissioner of Labour.

See also under Recommendation No. 97.

Falkland Islands (Malvinas)

There is no legislation applying the terms of the Recommendation, and none is intended, since there are no factories or mines in this sparsely populated agrarian colony.

Annual meetings between representatives of employers and employees regulate conditions of employment, including health services.

Gibraltar

Factories Ordinance, 1956.

The report states that despite the absence of concrete legislation on the subject, in practice all workers in Gibraltar have very good medical surveillance.

The provision of full occupational health services, as defined in the Recommendation, is not considered practicable for a territory of only $2\frac{1}{4}$ square miles.

A comprehensive Government Medical and Health Service is fully equipped to administer emergency treatment and carry out medical examinations, including chest X-rays. Surveillance over hygienic conditions in undertakings classified as factories under the Factories Ordinance is exercised by the Department of Labour and Social Security. In all other places a high standard of hygiene is maintained by regular inspections carried out by the public health authorities.

Gilbert and Ellice Islands

Employment Ordinance, 1965.

No special provision for dealing with occupational health has been made beyond that contained in section 108 of the above ordinance.

It is not considered appropriate at this stage of development to make the provisions outlined in the Recommendation. The number of people employed in industry is small and it is not possible to provide specialised medical facilities outside the scope of the existing general medical service. The British Phosphate Commissioners at Ocean Island, the only large industrial undertaking, have their own hospital and medical staff which deals with occupational health problems as well as providing general medical treatment.

Guernsey

No legislation has been enacted to provide occupational health services to all workers but there is provision under the Health, Safety and Welfare of Employees Law and the Poisonous Substances Law for some of the matters dealt with in the Recommendation. Current legislation for the protection of workers in agriculture is constantly under review.

See also under Recommendation No. 97.

Hong Kong

There is no legislation to require employers to establish an occupational health service in or near the place of employment. The regulations made under the Factories and Industrial Undertakings Ordinance, chapter 59, and the Radiation Ordinance, chapter 303, lay down the basic requirements for safeguarding the health, safety and welfare of workers in industry.

It is the policy of the Government to encourage employers to establish medical care facilities in industrial undertakings and to employ registered medical practitioners to operate these facilities. Several larger industrial undertakings have set up

clinics on their premises; many more have made arrangements for medical practitioners to provide their services. The medical officers of the Industrial Health Division of the Labour Department inspect clinic premises to give advice on any aspect of industrial health, such as design, equipment and staffing, visit industrial undertakings in company with the factory inspectorate, carry out medical examination of groups of workers at special risk and investigate any notified occupational diseases. Courses in first-aid training are arranged for employees of industrial undertakings. Monitoring of the working environment is carried out as necessary by the laboratory staff of the division.

It is not the intention of the Government to take any immediate measures to give legislative effect to the provisions of the Recommendation, other than to require pre-employment medical examinations for all underground workers and periodic medical examinations for underground workers aged between 18 and 21 years.

St. Helena

There are no large industrial or agricultural organisations which might make it necessary to apply the provisions of the Recommendation covering occupational health services in places of employment.

St. Lucia

Medical Officers (*Revised Laws of Saint Lucia*, Ch. 149).

Factories Regulations (*Statutory Rules and Orders, Laws of Saint Lucia*, Ch. 106).

Workmen's Compensation Ordinance, No. 2 of 1964.

No special emphasis is being placed on occupational health, as it is not one of the priorities in the field of health. The island is divided into medical districts with medical officers who carry out periodical visits. Health centres are conveniently placed in the districts to enable the medical officer to provide medical aid to any worker who may require his services.

Section 52 of the Factories Regulations empowers the chief factory inspector to order investigations in any factory where cases of illness have occurred and which may be due to the nature of a process or other conditions of work.

Provision of first-aid equipment is required by the Factories Regulations.

The chief medical officer and the Labour Commissioner are the authorities entrusted with the supervision of the application of the above-mentioned ordinance and regulations.

It has not been found necessary to make any modifications in adopting or applying the Recommendation.

Seychelles

Factories Ordinance, No. 15 of 1937.

Public Health Ordinance, No. 25 of 1959.

Ordinance No. 15 provides for the appointment of a Factories Board and for the making of regulations covering occupational health of workers in industrial undertakings.

The regulations which may be made under the provisions of Ordinance No. 25 of 1959 are extremely limited in the context of this Recommendation. In practice the medical department has a medical officer of health, who advises those employers in the few industrial undertakings in existence about safety and health.

The future development of the country and, in particular, the increase in construction work for the tourist industry, is likely to increase the need to intensify occupational health facilities and legislation on this matter.

The Medical Officer of Health is entrusted with the application of the regulations pertaining to occupational health.

Solomon Islands

The objectives of national policy are in accordance with the terms of the Recommendation.

The provision of specialist services of the type contemplated by the Recommendation would not be appropriate in the special circumstances of the Protectorate, where the total employed population is only 12,536 (mid-1968), about 8.5 per cent of the total population. Only twenty-two establishments employ 100 or more persons.

Many functions of medical examination are undertaken by the Labour Department, which exercises statutory powers of entry for inspection, and the Social Welfare Service, which contributes to the amelioration of individual problems.

UNITED STATES

Walsh-Healey Public Contracts Act, 1936, amended as of 1938 (41 *United States Code (U.S.C.)* 35 et seq.).

Bureau of the Budget Circular A-72: Federal Employees Occupational Health Service Programmes. The Public Health and Welfare Act (42 *U.S.C.* 251).

Federal Employees Compensation Act (5 *U.S.C.* 7902 et seq.).

Executive Order 10990 of 2 February 1962, to establish the Federal Safety Council.

Longshoremen's and Harbor Workers' Compensation Act (33 *U.S.C.* 901 et seq.) (*L.S.* 1934—USA 4 (a) and 1960—USA 1 A).

Federal Employees Health Benefits Act, 1959 (5 *U.S.C.* 8901 et seq.).

The Government indicates that, to some extent, the matters dealt with in the Recommendation are regulated through local health regulations. In addition these matters are also regulated through voluntary agreements between employers and employees or employee groups, through voluntary efforts of various employee groups, or by voluntary practices of individual employers.

The provision of occupational health services for non-governmental employees is viewed as the responsibility of the employer. Most large companies maintain their own medical departments staffed with full-time physicians and nurses. There is no general national law requiring the employer to provide medical services, and practices vary according to employment size, type of enterprise, and company policies. Some companies provide medical services by contract with private physicians, clinics or hospitals.

The conception of an occupational health programme has grown steadily and now embraces the total health of the worker.

Regulations promulgated under the Walsh-Healey Act provide that every employer who has a federal supply contract must assure the ready availability of qualified medical personnel for advice and consultation on plant health problems, for emergency medical services and for the supervision of first-aid attendants. In the absence of an infirmary, a person trained to render first aid and kit containing specific items must be available at every place of employment.

The heads of each government agency have the responsibility of organising a health services programme for the benefit of employees under their jurisdiction. A health service programme is limited to treatment of on-the-job illness and dental conditions requiring emergency attention, pre-employment and other examinations, referral of employees to private physicians and dentists and preventive programmes relating to health. The Civil Service Commission has established a Division of Occupational Health and Safety to assist federal agencies to develop these services.

The Bureau of Occupational Safety and Health, Environmental Control Administration, Consumer Protection and Environmental Health Service, United States Public Health Service, works with other federal agencies in eliminating or controlling chemical and physical factors in the work environment that produce occupational disease.

Under the Federal Employees' Compensation Act, federal employees are given medical care and hospital services by the Public Health Service. This service is also available for the employees and their families when they are in remote areas. Other occupational health benefits may be provided in various other cases by the legislation.

Executive Order 10990 of 1962 established in the Department of Labor the Federal Safety Council, in which every federal department is represented, to provide advice on matters relating to the safety of civilian federal employees.

The Public Health Service co-ordinates and provides leadership for the nation's effort to protect and improve the health of workers. In its Cincinnati laboratories research is being carried out into the effects of dusts, chemicals and other environmental hazards. It has set up other centres where the study of the pneumoconioses and occupational health is carried out. It researches generally into questions of occupational health, pneumoconioses and other occupational diseases.

In most states occupational health services are provided, and in some the legislation fixes standards in the field of first aid. Many types of medical care are to be found in industrial concerns, which provide different kinds of medical benefits. The plans are approved by the Civil Service Commission and the Government contributes part of the cost. Increasing emphasis is being placed on the rehabilitation or retraining of injured workers.

Several professional societies, such as the American Conference of Governmental Industrial Hygienists and the American Industrial Hygiene Association, recommend standards of occupational health practice. These recommendations do not have the force of law; however, some are adopted into law by local legislative bodies.

There are no proposals to take measures to give effect to the provisions of the Recommendation not yet covered by national legislation or practice.

USSR

Regulations concerning occupational health services in places of work, approved by the Order of 27 August 1957 of the Ministry of Health of the USSR.

Regulations concerning medical services in places of work, approved by the Order of 27 August 1957 of the Ministry of Health of the USSR.

Regulations concerning doctors employed in occupational health services in workshops, sections, hospitals, and independent polyclinics, approved by the Order of 20 July 1960 of the Ministry of Health of the USSR.

See also under Recommendation No. 97.

The Constitution of the USSR lays down that all Soviet citizens are eligible for free medical care of all kinds. The occupational health services provide a complete range of therapeutic and prophylactic services, the main aim of which is to provide first aid in the event of sickness or injury, to give competent medical assistance, to minimise the incidence of disease, to improve conditions of hygiene at work and away from it and to apply measures in connection with occupational health and safety.

The occupational health services may give medical attention not only to workers, but also to their families, if there are no other medical institutions close to the undertakings.

These services undertake both prevention and treatment and may include a polyclinic, a consulting room, a dispensary, hospital services, medical services, day nursing facilities and so on.

The basic task of the medical service is to work in conjunction with the other organisations concerned in the improvement of conditions of life and work in undertakings. The service records cases of sickness, analyses the causes thereof, helps to reduce the incidence of sickness, undertakes and organises preliminary and periodical medical examinations, offers skilled medical care to the workers, and if necessary,

recommends that a worker be transferred to some less arduous occupation. By medical examination, it seeks to forestall disease, etc. In close co-operation with the occupational health services, it keeps an eye on conditions of work in undertakings, and participates in the drafting of collective agreements as regards the action required to improve working conditions, medical services, personal protective equipment and so forth.

The undertaking itself, or the state social security fund, finances all therapeutic and prophylactic activities. The Ministry of Health decides how many doctors and nurses there shall be in relation to the number of persons employed in the undertaking. The smaller undertakings have a medical assistant or nurse in charge of their medical service. The medical service in undertakings and those run by nurses are attached to the nearest hospital, clinic, or occupational health unit.

Application of occupational health legislation is supervised by the State. In the last resort, it is for the Chief Prosecutor of the USSR to ensure that legislation is duly complied with. The State Committee on Labour and Wages of the Council of Ministers of the USSR closely supervises action taken to improve occupational health and safety by ministries and government departments in the undertakings subject to their jurisdiction. The State exercises its supervision through the organs and institutions belonging to the health and epidemiological services of the Ministry of Health of the USSR and of the ministries of health of the Republics of the Union. The trade unions also play an important part. The Central Trade Union Council helps to draw up occupational health and safety legislation and co-ordinates the work done by all trade union bodies concerned with the application of labour legislation. The central trade union committees of the various branches help to draw up rules and instructions concerning occupational safety and health, and supervise the application of the relevant legislation. In undertakings trade union committees appoint subcommittees to supervise compliance with legislation, and very many trade union members are active therein. Lastly, the report indicates that in the USSR legislation and practice are fully in accordance with the Recommendation. No change in the latter is desired.

UPPER VOLTA

Labour Code: Act No. 26-62-AN of 7 July 1962 promulgated by Decree No. 348-PRES/AN of 17 August 1962 (*Journal officiel de la République de Haute-Volta*, 18 Aug. 1962, No. 33bis, Special).

Order 396/IGTLS/AOF of 18 January 1955 prescribing the application of the statutory provisions concerning medical and first-aid services in undertakings.

Order 397/IGTLS/AOF of 18 January 1955 on classification of undertakings (medical and first-aid staff).

Order 527/ITLS of 13 June 1955 prescribing the form of records of daily medical inspections.

Orders 530/IFLS/HV and 531/ITLS/HV of 13 June 1955 on the provision of joint medical services for workers by groups of undertakings.

Occupational health services, as provided for in the Labour Code (sections 146 to 152) and as governed by various orders, are organised within individual undertakings or jointly by groups of undertakings. All undertakings, establishments and public services employing persons subject to the Labour Code are required to have a service of this kind. The work of these services is essentially preventive. The Government states that their responsibilities cover the whole of Part IV, Paragraph 8, of the Recommendation.

The labour inspectors and supervisors, who act in co-operation with the employers' and workers' organisations, are responsible for seeing that the relevant legislation is implemented.

The report adds that appropriate steps may be taken to implement those provisions of the Recommendation which are not yet being applied in Upper Volta,

within the framework of the review of existing occupational health legislation which is to be undertaken very shortly.

URUGUAY

See under Recommendation No. 97.

VENEZUELA

Act of 4 May 1945 respecting the Labour Code (*L.S.* 1945—Ven. 1).

Decree No. 119 of 1945 respecting employment in agriculture (*ibid.*, 1945—Ven. 2).

Any undertaking established in a village or in the country and employing fifteen or more workers must provide a stock of medicines for treating industrial accidents and endemic diseases. Agricultural and stock-breeding undertakings must further provide appropriate anti-snake-bite sera.

All undertakings working oil wells or mines employing from 300 to 400 workers and more than 10 kilometres from any centre providing medical treatment must employ a physician and a pharmacist. For each additional group of 400 workers, and any remaining fraction exceeding 200 workers, other physicians should be employed. These undertakings must provide one or more hospitals, as well as adequate clinical laboratories.

Furthermore, collective agreements such as those laid down between the Oil Workers' Federation on the one hand and the Creole Petroleum Corporation and the Chevron Oil Co. on the other ensure comprehensive medical care and occupational health protection for workers and their families.

The labour inspectorate supervises the application of these provisions.

In addition the Venezuelan Social Security Institute has set up a Department of Occupational Safety and Health and Industrial Hygiene. It supervises, among other things, the establishment and operation of industrial dispensaries.

VIET-NAM

Order No. 043 BLD/TTT/ND of 13 March 1965 to apply the provisions of the Labour Code dealing with the establishment and organisation of occupational health services in undertakings.

See also under Recommendation No. 97.

The Labour Code (Chapter XI, Section VI, Articles 234 to 241) requires all undertakings to provide an occupational health service, the size of which should correspond to the number of workers employed. More detailed provisions for the organisation of occupational health services are given by the above-mentioned order of 1965 and by Order No. 197 BLD/TTT of 23 September 1968, particularly as regards pre-employment and periodical medical examinations of workers and provision of medical care for workers employed in undertakings and on public or private construction sites, and for their families. In practice most large undertakings provide a more comprehensive medical service than is required by law. The Government states that existing national legislation partially covers the provisions of the Recommendation.

ZAMBIA

The Government states in its report that there is no legislation giving effect to the Recommendation. The majority of industrial undertakings, the mining companies for example, have their own hospitals, clinics and first-aid posts.

The Health Department of the Ministry of Labour and Social Services provides the necessary facilities free of charge for those undertakings that do not have their own health services.

It is not intended to take any measures on the matter in the immediate future.

II. WELFARE

Welfare Facilities Recommendation, 1956 (No. 102)

AFGHANISTAN

See under Recommendation No. 97.

ARGENTINA

Act No. 12.205 of 25 September 1935, on seating arrangements for workers (*Boletín oficial*, 5 Oct. 1935, Year XLIII, No. 12.385, p. 259) (L.S. 1935—Arg. 3).

No legislative standards of a general character have been passed to regulate welfare services.

Through the good will of the undertaking or the provisions of a collective agreement the majority of large undertakings have dining rooms and the remaining undertakings mostly have a meals service. The dining rooms are operated through contractors and only in a very few cases by the undertaking itself or by workers' committees.

With reference to rest facilities, Act No. 12.205 of 25 September 1935 requires the provision for the staff of seats with backs to be used during rest, and at work when the nature of the work allows it. Moreover about 10 per cent of the undertakings have rest rooms.

Almost all workers' associations have recreation facilities and large undertakings have sports and recreation grounds for their staff. The recreation facilities are financed and administered by the trade unions and, when they are provided by the undertaking, by the latter directly or jointly with the workers.

Transport facilities do not present a problem since distances between homes and places of work are short and there is an infinite variety of transport available, so that there is no need for any kind of measure on this subject.

AUSTRIA

Act No. 182 of 1946 on chambers of commerce (*Bundesgesetzblatt (BGBl.)*, 10 Oct. 1946).

Act No. 97 on works councils (*ibid.*, 2 June 1947) (L.S. 1947—Aus. 2) and amendments thereto.

Act of July 1948 on the employment of children and young people (*BGBl.*, 19 Aug. 1948) (L.S. 1948—Aus. 3) and amendments thereto.

Act No. 99 of 20 May 1952 on labour inspection in transport (*BGBl.*, 30 June 1952).

Act No. 73 of 1954 on mining (*ibid.*, 16 Apr. 1954).

Act No. 105 (1954) on workers' boards (*ibid.*, 15 June 1954) (L.S. 1954—Aus. 2).

Act No. 147 of 29 May 1956 on labour inspection (*BGBl.*, 23 July 1956).

Act No. 76 of 13 March 1957 respecting the protection of mothers (*ibid.*, 28 Mar. 1957) (L.S. 1957—Aus. 1 A) and amendments thereto.

General Workers' Protection Ordinance.

Ordinance on anthrax (*BGBl.*, No. 588/1922).

Ordinance on metal-working with lead and zinc (*ibid.*, No. 183/1923).

Ordinance on the manufacture of objects from lead (*ibid.*, No. 184/1923).

Ordinance on printing works (*ibid.*, No. 185/1923).

Ordinance on house-painting, varnishing and decoration (*ibid.*, No. 186/1923).

Ordinance on the protection of persons engaged in building and ancillary trades (*ibid.*, No. 267/1954).
Ordinance on safety and health in the iron and steel industry (*ibid.*, No. 122/1955).
Ordinance on navigators' licences (*ibid.*, No. 120/1936).
General ordinance on mining regulations (*ibid.*, No. 73/1954).

The Government reports that the suggestions made in the Recommendation have been to some extent followed. The authorities responsible are the General Labour Inspectorate and Transport Labour Inspectorate. In the case of the undertakings subject to their inspection, legislation exists which covers various aspects of the Recommendation (other aspects being covered by collective agreements); but this is not in general the case, for example as regards undertakings inspected by the Department of Mines.

A number of concerns subject to the General Labour Inspectorate have workers' canteens. This is especially true of the larger industrial undertakings. Others again have food counters or automatic machines dispensing soft drinks, while sometimes refreshments are brought round on a trolley. As regards the enterprises subject to the Transport Labour Inspectorate, canteens and counters exist in railway stations, post offices, etc. Most of the larger mining concerns (subject to inspection by the Department of Mines) also have canteens, although for coal-face workers service is restricted to the occasional distribution of liquid refreshments.

In concerns subject to the General and Transport Inspectorates, dining rooms must be provided (under the General Workers' Protection Ordinance) where workers can warm up and eat the food they have brought with them. In mining concerns there are canteens on the surface; in the pits simple facilities exist where miners may eat their pack lunch. In open-cast mining man-riding railcars are used for this purpose. In all circumstances proper ventilation, heating, lighting, tables and chairs have to be provided.

The above-mentioned ordinance also stipulates that drinking water must be provided. This same requirement appears in the General Ordinance on Mining Regulations.

When places of work are dispersed over large areas, food is not, as a rule, distributed by mobile canteen. The workers concerned normally use company transport to fetch food and drink.

In many factories there are machines dispensing food and drink, so that shift workers can refresh themselves at specified hours.

Where there are inadequate facilities for the purchase of foodstuffs, canteens are normally provided, but use of them is voluntary.

The General Ordinance recommends that, where possible, work should be done in a sitting position, especially in the case of women or children. During work breaks, seats must be available.

In undertakings subject to inspection by the General and Transport Labour Inspectorates there must be properly heated rest rooms for use by the workers during breaks. Such facilities are not always practicable in mines, and miners at the coal-face may have to make do with makeshift seating. Rest rooms are usually adequately heated, ventilated and lighted, and have seats in sufficient numbers, but there are no statutory standards on the subject.

Nor are there any standards as regards the organisation of recreational activities within or in the vicinity of undertakings. However, a fair number of the larger undertakings covered by the General Labour Inspectorate do organise such activities, and also provide recreation grounds and centres.

The Austrian Post Office encourages employees with artistic or sporting inclinations by providing premises for music, acting, film shows, games and dancing.

A works council is entitled to assume entire responsibility for running catering and recreational facilities financed out of its own welfare funds, and to share in the

management of funds created by the employer. In undertakings subject to the Transport Labour Inspectorate there are joint committees to administer welfare funds.

In undertakings subject to the General Labour Inspectorate it is usually the employer who pays for equipment and overheads, while in those subject to the Transport Labour Inspectorate, such services also receive a certain amount of assistance.

A reasonable charge is made for meals and food supplied; employers make no profit from this source.

In undertakings subject to the General Labour Inspectorate a worker is not required to share in defraying the cost of a welfare service he does not wish to use himself.

Whenever working premises are being planned, modernised or extended, provision must be made for garages and parking sites.

By and large public transport facilities are adequate to take workers to and from work. Starting and finishing times are generally fixed with an eye to public transport arrangements.

Workers are often taken to and from work by company buses. Some firms pay an allowance to workers who use their own vehicles for the purpose.

When public transport is inadequate or non-existent, at certain times of the day or night, firms make appropriate arrangements for shift workers.

The General Labour Inspectorate, the Transport Labour Inspectorate or the Department of Mines (through its teams of experts), as the case may be, are responsible for enforcing the relevant legislation.

BELGIUM

Orders of the Regent of 11 February 1946 and 27 September 1949 to approve the General Labour Protection Regulations.

Some parts only of the Recommendation are covered by legislation.

The General Labour Protection Regulations lay down that canteens (articles 88 to 91) and seats for resting on (articles 171 to 173) should be provided for workers.

Article 120, clause 3, of the foregoing regulations also provides for rest rooms. These form part of the occupational health services.

Articles 174 refers to provision of suitable first-aid facilities.

In practice some undertakings provide recreational facilities and make transport facilities available to their workers. Such services are generally the result of agreements entered into by the employers' and workers' organisations.

BOLIVIA

Labour Code: Supreme Decree of 26 May 1939 (*Protección Social*, Mar. 1939, Year II, No. 14, p. 28) (L.S. 1939—Bol. 1).

Supreme Decree of 10 December 1936 concerning the encouragement of sport in mining and industrial undertakings.

Supreme Decree of 4 August 1940 concerning articles of prime necessity in grocery shops of mining and railway undertakings.

Supreme Decree No. 344 of 4 June 1945 concerning sport installations in undertakings.

Act of 6 November 1945 concerning the establishment of grocery stores and dining rooms in undertakings.

Supreme Decree No. 2363 of 5 December 1952 concerning grocery stores.

Ministerial Resolution No. 191-56 of 4 June 1956 concerning the price of groceries.

In accordance with the legislation in force undertakings must maintain and finance grocery shops within their factories to sell articles of prime necessity at, or up to 10 per cent above, cost price. Many undertakings have canteens which they sub-

sidise. In the vicinity of places of work there are itinerant salesmen who sell food and refreshments during rest pauses.

The Supreme Decree of 10 December 1936 provides that undertakings employing more than 100 workers shall promote sport by providing playing fields and arranging contests; undertakings comply with this provision and supply sports uniforms; they provide prizes and facilities for those taking part in sports.

Article 10 of the General Labour Law provides that employers may be compelled to provide transport. In accordance with this provision large undertakings carry the workers in their own vehicles and small undertakings pay the cost of urban transport.

In time, the details of the Recommendation will be incorporated in national legislation.

BRAZIL

Legislative Decree No. 5452 of 1 May 1943 to approve the consolidation of the Labour Laws (*Diario Oficial*, Year LXXXII, 9 Aug. 1943, No. 184, p. 11937) (L.S. 1943—Braz. 1).

Legislation only partially covers the provisions of the Recommendation.

Seats must be provided in workplaces, either where work may be done seated, or for use during temporary rest periods (article 213).

Undertakings employing more than 300 workers are required to provide canteens. Other undertakings must provide adequate and comfortable facilities for taking meals (article 217).

Article 218 provides for drinking-water to be supplied to all workplaces.

BULGARIA

Labour Code dated 13 November 1951 (*Izvestiya (Iz.)*, 13 Nov. 1951, No. 91) (L.S. 1951—Bul. 2), amended in 1957 (*Iz.*, 15 Nov. 1957, No. 92) (L.S. 1957—Bul. 2), in 1963 (*Iz.*, 25 Mar. 1963, No. 24, and on 7 May 1963, No. 36) (L.S. 1963—Bul. A, B, C), and in 1968 (*D'rzhaven Vestnik (D.V.)*, 23 Feb. 1958, No. 15) (L.S. 1968—Bul. 2) (sections 103 and 104).

Instruction No. XXIV-I 16,682, on the running of canteens (*Iz.*, 1962, No. 95).

Circulars No. IV-27 and No. P-579 (*ibid.*, 1966, No. 73).

Order No. 31, issued by the Central Committee of the Bulgarian Communist Party, by the Council of Ministers and by the Central Council of Occupational Unions, on 20 April 1967, on labour discipline and mobility (*D.V.*, 1967, No. 51).

The report affirms that the requirements set forth in the Recommendation are met by national legislation.

Section 104 (1) of the Labour Code provides for the creation of works canteens, at the request of the workers concerned. The undertaking, establishment, or other organisation concerned is responsible for general upkeep and for payment of canteen staff wages.

In accordance with sections 103 and 104 of the Labour Code, undertakings have recourse to a special fund, called the "Social and Cultural Initiatives Fund" to build sports-grounds and clubs, rest rooms, suitable refectories, reading rooms, and so on. Generally speaking, workers use either their own vehicles or public transport services to get to and from their work. But very often, and especially when the distances involved are considerable, vehicles belonging to the undertaking are made available for this purpose.

Undertakings enter into agreements with transport undertakings to ensure regular transport services (schedules devised to suit the rush hour). In the event of delay the transport organisations concerned are held responsible.

BURMA

Factories Act, 1951 (L.S. 1951—Bur. 6).

Legislation exists in regard to some of the provisions of the Recommendation. The Factories Act, 1951, requires factories employing more than 100 workers to

provide suitable rest and dining rooms and seating facilities at the workplace. In practice, even smaller factories provide these facilities. Some large establishments provide canteens and transport facilities for workers. The Factories Act is enforced by the Inspectorate of Factories.

The new legislation now being drafted gives further consideration to the provisions of the Recommendation.

CAMEROON

For various reasons in connection with the country's development, including factors of a psychological, social, economic and cultural nature, there are as yet no statutory or administrative provisions corresponding to the matters dealt with in the Recommendation, and the Government does not consider that any can be introduced in the immediate future.

Nevertheless the customs of industrial society are spreading gradually and, in practice, substantial amenities are sometimes provided by the large firms. The cost of social services (communal rooms for workers, canteens, sports grounds, cinemas) is generally borne by the employer, a small contribution being made by the workers.

CANADA

Provincial Legislation.

Alberta.

Public Health Act (*Revised Statutes (R.S.)*, 1955, Ch. 255).

Alberta Regulation 572/57 respecting industries and construction camps (amended by 265/58), Provincial Board of Health Regulations under the Public Health Act.

Alberta Labour Act (*ibid.*, 1955, Ch. 167).

British Columbia.

Factories Act (*R.S.* 1966, Ch. 14).

Health Act (*ibid.*, 1960, Ch. 170) and Regulations made thereunder.

Manitoba.

Employment Standards Act (*R.S.* 1957, Ch. 20).

Manitoba Regulation 30/60—Minimum Wage Regulations.

New Brunswick.

Industrial Safety Act (*R.S.* 1964, Ch. 5).

Industrial Safety Regulations (Industrial Safety Code).

Regulation 65/11 as amended by Regulation 65/45.

Newfoundland.

Hours of Work Act (*R.S.* 1963, No. 69).

Nova Scotia.

Industrial Safety Act (*R.S.* 1965, Ch. 9).

Ontario.

Industrial Safety Act (*R.S.* 1964, Ch. 45).

Ontario Regulation 196/64, Employee Facilities.

Prince Edward Island.

Workmen's Compensation Act (*R.S.* 1949, Ch. 178) and amendments.

Industrial Safety Regulations—under authority of the Workmen's Compensation Act.

Quebec.

Provincial Health Regulations—Ch. XI (Industrial Establishments), Order in Council 479-1944 as amended by Order in Council No. 406, 1949.

The matters dealt with in the Recommendation are partly within provincial jurisdiction and partly within federal jurisdiction.

Feeding facilities are governed in the various states as follows :

In Prince Edward Island the Industrial Safety Regulations under the Workmen's Compensation Act state that every place of employment, where deemed necessary by the Workmen's Compensation Board, shall be provided with a room suitable for

the purposes of a canteen. The regulations also deal with locker rooms, lunch rooms, canteens, wash rooms and rest rooms, and sanitation.

In Nova Scotia the Industrial Safety Act states that the Governor in Council may make regulations regarding lunch rooms.

In New Brunswick the Industrial Safety Code covers suitable lunch rooms where deemed necessary by the chief inspector; cleanliness of lunch rooms and canteens is also dealt with.

In Quebec Provincial Health Regulations require the provision of a separate room for meals in industries where lead is handled.

In Ontario the regulations under the Industrial Safety Act require an employer employing thirty-five or more persons in his establishment or on an inspector's direction to provide, at his own expense, a satisfactorily equipped room, area or place for eating purposes. No person may take food into or eat in a room, area or place where poisonous substances are exposed or where deleterious vapours, fumes or gases, etc., are known to be present.

In Manitoba the regulations under the Employment Standards Act require an employer to provide dining facilities of adequate size, separate from a working area and operating in a clean and sanitary condition where employees eat their meals on the premises of an establishment or where the Minister of Labour deems such provision advisable.

In Alberta Regulation 572/57, amended by 265/58, of the Public Health Act, relating to Industrial and Construction Camps, makes provision regarding dining rooms, kitchens and food store rooms. The Alberta Labour Act states that the provision of a dining room or rest room may be directed by an inspector.

In British Columbia the Factories Act deals with lunch rooms, and the Regulation for Sanitary Control of Industrial Camps deals with kitchens.

The parts of the Recommendation relating to rest facilities are dealt with by the various states as follows :

In Newfoundland under the Hours of Work Act female assistants working in shops must be provided with seats.

In Prince Edward Island the Industrial Safety Regulations provide that where a danger to health or safety arises from fatigue, a sufficient number of chairs or seats should be furnished for the use of employees. The regulations also cover rest rooms.

In Nova Scotia the Industrial Safety Act empowers the Governor in Council to make regulations respecting rest-room facilities and seats for employees.

In New Brunswick the Industrial Safety Code covers the provision of rest rooms and seats where deemed necessary.

In Ontario the regulations under the Industrial Safety Act require an employer to provide a rest room in establishments employing ten or more females. The regulations also provide seating in appropriate cases.

In Manitoba the regulations under the Employment Standards Act prescribe that an employer must provide a rest room affording reasonable privacy and equipped with couches or cots and chairs in factories or offices where ten or more women are employed.

Also, the employer must provide a rest room of adequate size separate from any working area and operating in a clean and sanitary condition in establishments where the employees eat their meals on the premises or where the Minister of Labour deems such provision advisable.

In British Columbia the Factories Act stipulates that rest rooms should be established where there are ten or more female employees and it also authorises the inspector to request seats for female workers.

The application of legislative provisions relating to the Recommendation is entrusted to the Minister of Labour, Minister of Health or to Workmen's Compensation Boards.

CEYLON

Shop and Office Employees Act, No. 19 of 1954 (*L.S.* 1954—Cey. 1) amended by Ordinance No. 60 of 1957 (*ibid.*, 1957—Cey. 2).

Factories Ordinance (Ch. 128).

Factories (Meal Rooms) Regulations, 1965.

No legislative provision exists for the establishment of canteens to provide meals for workers in or near undertakings or for the provision of buffets or trolleys, mess-rooms, etc., in undertakings where it is not practicable to set up canteens. However, section 12 (2) of the Shop and Office Employees Act requires that workers employed in offices shall be provided with suitable and sufficient facilities, although no regulations have so far been framed defining these facilities.

Under the Factories Ordinance, an employer is required to provide the facilities which are defined by the Factories (Meal Rooms) Regulations, 1965. Section 6 (1) and (2) of the Shop and Office Employees Act requires the provision of seats behind the counter or in any other suitable position for female employees in shops. Section 49 of the Factories Ordinance requires the provision and maintenance of suitable facilities for all female workers. No similar legislative provision exists for the benefit of male workers or for the provision of recreation facilities for workers in or near the undertaking.

None of the collective agreements thus far registered under the Industrial Disputes Act provides for any of the facilities envisaged in this Recommendation. Certain private commercial establishments provide feeding, rest, recreation and transportation facilities. No official statistics are available on the extent to which these facilities are available.

In the public sector welfare facilities are provided by administrative and practical measures on a voluntary basis, through the budgets of government departments. Building accommodation and its maintenance, electricity, fans, lights, etc., are also made available free of charge.

The Commissioner of Labour supervises the application of the legislation indicated above. In the course of routine inspections of establishments by officers of the Department of Labour, the co-operation of both employers and workers in the application of the legislation is sought.

No measures to give effect to the Recommendation are contemplated at present. In the context of the relatively low level of the prevailing economic development, it will not be practicable to enact legislation implementing the provisions of the Recommendation which are not already introduced in national legislation.

CHILE

Labour Code: Decree No. 178 of 13 May 1931 (*Diario Oficial*, 6 July 1931, No. 16014, p. 3448) (*L.S.* 1931—Chile 1).

Article 245 of the Labour Code provides that in no case may the staff be allowed to sleep or eat at workplaces and that adequate premises must be provided for the latter purpose.

Article 336 of the said Code requires commercial establishments to have a sufficient number of seats or chairs made available to their employees, and this provision is applicable to industrial establishments and to workers in commerce when their duties make it possible. Labour and municipal inspectors supervise the observance of these provisions.

Consideration is being given at present to certain measures concerning the

subject-matter of the Recommendation and a draft law concerning day nurseries is at present being discussed by the National Congress.

CHINA

Statute on Employee Welfare Fund.

Enforcement Rules of the Statute on Employee Welfare Fund.

Measures for Management of Employee Welfare Fund.

Rules governing the Organisation of an Employee Welfare Committee.

Essential Points for the Promotion and Application of Employee Welfare.

Measures for the Establishment of Employee Welfare Societies.

Welfare facilities for employees and workers are provided by employee welfare societies, set up by funds allocated by the employer and the type of facilities provided vary according to the particular circumstances, but comprise dining halls, dormitories and houses for families, hospitals or clinics, educational facilities for the children of employees, bathrooms, barbers' shops, nurseries, employment exchange offices, laundries and repairing facilities, libraries, clubs, playgrounds and gymnasiums, information rooms and other facilities connected with the workers' welfare. Any goods consumed in connection with the above facilities have to be provided at cost price and all the other facilities are, in principle, provided free of charge.

The "Essential Points for the Promotion of Employee Welfare" provide for the encouragement of the construction of new dwellings, of training programmes for employees' families, of subsidies towards the education of employees' children, and of the fixing of minimum standards for welfare facilities by the Government.

Detailed rules regulate the amount of finance that each enterprise must set aside for the welfare fund which is then used for the above purposes.

In the case of workers who are not employed by enterprises, facilities are provided through a welfare fund provided by the appropriate union.

Welfare funds are administered by employee welfare committees, which are composed jointly of representatives of the labour union and the employer. The employee welfare committee also has the task of handling all matters relating to the activities and management of the welfare facilities.

Employee welfare societies are established for each enterprise in cases where over 200 persons are employed. In enterprises with under 200 employees, welfare societies are established jointly with other concerns. Enterprises which have not established employee welfare organs are subject to severe penalties.

COLOMBIA

The questions dealt with in the present Recommendation are not governed by legislation. Nevertheless through collective agreements welfare services have been established in some important undertakings.

It is the Labour Inspection Division which deals with the control and inspection of dining rooms, canteens and other services in those undertakings where such services exist.

The Government is at present examining the measures which it might be possible to adopt in accordance with the Recommendation.

CONGO (Kinshasa)

Although welfare facilities are provided by most undertakings, no legislation as yet exists in this field. When the National Labour Council takes up the matter, the relevant texts will be forwarded with the next report.

COSTA RICA

Labour Code: Act No. 2 of 27 August 1943 (*La Gaceta (G.)*, Year LXV, 29 Aug. 1943, No. 192, p. 1169 (*L.S.* 1943—CR 1)).

General Regulations on Occupational Safety and Health: Decree No. 1 of 2 January 1967 (*G.*, 24 Jan. 1967, No. 19, p. 277) (*L.S.* 1967—CR 1).

Article 197 of the Labour Code and Article 97 of the General Regulations on Occupational Safety and Health provide that when workers have to eat at their place of work the employer shall be bound to install adequate premises for the purpose, such premises to be clean, well lit and ventilated, comfortably furnished and provided with facilities for keeping and warming food and washing utensils. The workers have to bring their food themselves. According to the same Article 97 of the Regulations the relevant standards of the ILO, at the least, shall be applied.

Article 196 of the Code and Articles 83 and 84 of the regulations provide that the employer shall furnish seats in all cases when this is possible. The regulations specify the form, height, place and other requirements with which such seats have to comply.

There are no regulations concerning rest rooms or recreation facilities.

In accordance with Articles 39 and 40 of the Code the employer has to pay the worker's fare or provide transport only if the worker is hired in a place other than that in which he has to work.

The enforcement of these standards is carried out by the Occupational Safety and Health Council, the General Labour Inspection and the Labour Tribunals.

At present there is no intention of adapting the welfare services to the requirements of the Recommendation.

CUBA

Legislative Decree No. 598 of 16 October 1934 respecting the employment of women in industry (*Gaceta Oficial*, 19 Oct. 1934, Year XXXII, Vol. IV, No. 92, p. 6681) (*L.S.* 1934—Cuba 10).

General Instructions for the organisation of labour protection and occupational health, approved by the Cabinet on 8 September 1964.

Legislative provisions and regulations govern the matters dealt with in the Recommendation. The social welfare services provided are financed by the State, acting through a variety of bodies.

The Ministry of Food organises a system of collective canteens for workers and schoolchildren. Such arrangements exist in every branch of industry. Where food is not provided free, the prices charged are low—a seventh of the minimum daily wage of an agricultural labourer. Certain undertakings and other units also organise canteens for their staffs.

The above-mentioned General Instructions (No. 452, Section II, Chapter VI) lay down that workers shall be provided with comfortable seats, and that, should it be impossible for them to work seated, they shall be allowed a few minutes' break to sit down from time to time. Section XVI of Legislative Decree No. 598, referred to above, lays down that seats with backs shall be provided for female workers employed in undertakings, workshops, factories, etc., to be used whenever working conditions permit.

The Workers' Social Centres, which are financed by the State and available to workers free of charge, organise sporting, cultural and social events in suitable premises. Certain units of employment also have their own equipment.

In towns and cities the workers mostly use public transport, schedules for which are fixed with an eye to rush-hour requirements. However, many undertakings and employment units have their own means of transport, which their employees may use without charge.

The bodies responsible for management of these social welfare services are the various central organs of the State.

CYPRUS

See under Recommendation No. 97.

CZECHOSLOVAKIA

Government Decision No. 5/1966.

Joint Decree No. 48/1967 of the Central Council of Trade Unions and the Finance Ministry.

The provision of feeding facilities in places of work is considered an essential element of workers' welfare and is ensured by both the Government Decision No. 5/1966 and by a decision of the Central Council of Trade Unions. Undertakings are responsible for establishing and running canteens under the best conditions and in collaboration with the works committees, in conformity with Joint Decree No. 48/1967 of the Central Council of Trade Unions and the Finance Ministry; workers receive the food at cost price. Where canteens are not practicable, dining arrangements are provided for workers in public facilities under favourable conditions. In addition undertakings place at the disposal of their employees fully equipped dining and rest rooms. The Health Service supervises all questions of hygiene in canteens.

Subsidised transportation between the home and the place of work is usually provided for all workers by the State, and in exceptional cases by certain undertakings.

DAHOMEY

Ordinance No. 33/PR/MFPTT dated 28 September 1967 to institute a new Labour Code (*Journal Officiel du Dahomey*, 15 Dec. 1967, No. 27) (L.S. 1967—Dah. 1).

Order No. 1923/ITLS/D dated 6 August 1953.

Under Order No. 1923, promulgated under the old Overseas Labour Code (maintained in force), the employer has to provide a daily food ration for any worker who does not come from the place where he is employed, or is not normally resident there, if the worker cannot provide his own victuals. This text lays down the maximum allowable refund for the rations thus supplied.

The Labour and Social Security Inspection Department ensures that social welfare legislation is duly complied with. The workers' and employers' organisations assist in the process.

The report indicates that further to the 1967 Labour Code, other texts will be promulgated in this field. The Government does not propose any amendments to the Recommendation.

FINLAND

Act respecting hours of work, No. 604 of 2 August 1946 (*Suomen Asetuskokoelma—Finlands Författningssamling* (S.A.-F.F.), 6 Aug. 1946, p. 995) (L.S. 1946—Fin. 4 A) as amended by the Act of 30 December 1965 (S.A.-F.F., 1965, No. 713, p. 1495) (L.S. 1965—Fin. 1 A).

Act respecting production committees, No. 843 of 30 December 1949 (S.A.-F.F., 31 Dec. 1949, p. 1241) (L.S. 1949—Fin. 2).

Act of 28 June 1958 respecting the protection of labour (S.A.-F.F., 1958, No. 299, p. 631).

Resolution of 30 March 1966 of the Council of State on maintenance of workplaces (hygiene, etc.) (ibid., 1966, No. 194, p. 459).

Act concerning collective accommodation in forestry and timber floating (ibid., July 1967, No. 344).

Provisions regarding welfare facilities are included in the above legislation. Under these provisions employers are required, in certain cases, to furnish canteens or mess rooms with facilities for cooking or heating food and drink, seats to be used during rest period and, if workers can work efficiently in a sitting position, during working hours as well, rest rooms and transportation (alternatively, where applicable, employers are required to reimburse workers who use their own means

of transportation for expenses incurred for transportation to and from the place of work). The provision of canteens depends on the number of persons employed and/or the expected duration of the work to be done.

Welfare facilities supplied by employers on a voluntary basis include libraries and reading rooms, holiday and recreation centres and, in major undertakings, premises for workers' club activities. In addition employers sometimes give financial support to staff newspapers, clubs and their employees' housing. Responsibility for supervising the application of the legislation on welfare facilities, except the Production Committees Act, is vested in the labour inspection authorities under the Ministry of Social Affairs and Health. A large part of the measures referred to in the Production Committees Act have not been implemented, because the application of the Act's provisions is not properly supervised and because the production committees are advisory bodies with no decision-making authority.

At present it is not intended to take any other measures to give effect to the Recommendation.

DENMARK

Factories and Workshops (Safety and Hygiene; Hours of Work; Women and Young Persons; Labour Inspection) Act, No. 226 of 11 June 1954 (*Lovtidende A (Lov. A)*, 30 June 1954, No. 23, p. 535) (*L.S.* 1954—Den. 1).

Shops and Offices (Safety and Hygiene; Hours of Work; Young Persons; Labour Inspection) Act No. 227 of 11 June 1954 (*Lov. A*, 1954, No. 23, p. 572) (*L.S.* 1954—Den. 2).

The above legislation contains the principal provisions applying parts of the Recommendation. There are also numerous regulations which provide, *inter alia*, for rest rooms, messrooms and seating facilities in certain specified industries and activities.

There is no provision under any of the above legislation for the introduction of canteens, mobile canteens, buffets or trolleys. Regulations have though been issued relating to a number of industries which prohibit workers from taking their meals in workrooms when, in the opinion of the labour inspection service, the messrooms provided by the undertakings are appropriate and adequate. Regulations may also require the employer to provide such messrooms. Further, the Department of Public Health has been authorised to prohibit smoking and taking of meals in workrooms in the interest of safety when radioactive substances, for example, are being used.

Recreational and transport facilities are not the subject of legislation apart from the obligation on employers to provide, whenever possible, bicycle sheds, etc., for the use of workers. Where five or more workers are employed at a temporary workplace for some length of time heated hutments for changing clothes and for meals must be provided.

The provisions of the Recommendation are largely complied with by collective agreements and through the works committees set up in the individual undertakings, as well as by the statutory rules.

FEDERAL REPUBLIC OF GERMANY

Works Constitution Act of 11 October 1952 (*Bundesgesetzblatt (BGBl.)*, Part I, 14 Oct. 1952, No. 43, p. 681) (*L.S.* 1952—Ger.FR 6).

Financial Modifications Act of 21 December 1967 (*BGBl. I S.*, p. 1259).

Maternity Protection Act of 24 January 1952 (*ibid.*, Part I, 30 Jan. 1952, No. 5, p. 69) (*L.S.* 1952—Ger.FR 2).

Industrial Undertakings Ordinance (*Gewerbeordnung*).

The welfare facilities mentioned in the Recommendation are mainly voluntary.

The various legal enactments only provide for such welfare facilities as seating, rest rooms for expectant mothers and rest opportunities.

Many of the provisions in the Recommendation are reflected in agreements concluded in the undertaking between the works council and the employer, in accordance with the Works Constitution Act, as amended by section 4 of the Financial Modifications Act.

Social welfare facilities are governed by collective agreements to a limited extent only. Guidelines for canteens, washrooms, lockers and lavatories were enacted by the Minister of Labour of the former Reich in 1938. In 1964 the administration of the Land North Rhine-Westphalia issued guidelines prescribing standards of hygiene in work and rest rooms. These guidelines laid down requirements for the design and equipment of rest rooms, canteens, etc., as mentioned in the Recommendation.

The Maternity Protection Act requires that suitable rest opportunities and facilities shall be provided for expectant working mothers. There is an ordinance which lays down standards of seating to be provided for commercial employees. Bulletins have been issued and recommendations made by the occupational organisations and other institutions dealing with occupational health and safety on the shape and type of seats to be provided. In individual instances the labour inspection authorities of the State or of occupational associations may decide whether a particular job can be done as effectively in a sitting as in a standing position.

Under the Works Constitution Act a works council must be set up in all undertakings normally employing at least five workers. Its responsibilities consist, *inter alia*, in supervising the implementation of works agreements, participation in decisions in certain social matters, taking an active concern in problems of occupational health and safety, and giving the supervisory authorities information, advice and assistance in implementing the relevant provisions. The works council is entitled to have a say concerning the layout of works canteens and the provision of suitable meals and seating facilities at work, of rest rooms for use during leisure hours and breaks, of parking facilities and of transport to and from work, the introduction of staggered working hours, and the working time-table.

The few existing collective agreements usually deal with the provision for meals in or nearby the undertaking, chiefly for shift workers, of lockers for work clothes, and of covered parking space for motorcycles and bicycles. In addition certain collective agreements require the employer to provide decent washrooms, showers and changing rooms and, if desirable, suitable messrooms and rooms for drying clothes.

The inspecting authorities ensure that the above-mentioned guidelines and rules are observed by the employers. In special cases the police can enforce the labour protection requirements under section 120 (d) of the Trade Regulations.

No further legislative action is required to give effect to the Recommendation.

In connection with the Works Constitution Act, Bills designed to extend the right of participation of works councils in the above-mentioned matters are now before the federal Parliament. Instructions concerning the design and equipment of workplaces, which also cover welfare facilities, are in preparation.

The implementation of the Recommendation is mainly a matter for the undertakings themselves.

The legal enactments which have been issued so far are at the federal level, but the administrations of the Länder are authorised to issue supplementary rules and regulations.

GREECE

Royal Decree dated 14 August 1913, on application of the Women and Minors Employment Act. Decree respecting hygienic conditions and the safety of wage-earning and salaried employees in factories and workshops, etc., of all kinds in industry and handicrafts (*Ephemeris tes Kyberneseos (E.K.)*, 22 Mar. 1934, No. 693) (*L.S.* 1934—Gr. 11 (extracts)).

Act No. 3467 dated 31 December 1955 modifying and supplementing legislation on Workers' Centres (*E.K.*, 31 Dec. 1955).

The 1934 decree (section 53) recommends the provision of tables and seats in all factories and workshops employing more than fifty people. It likewise lays down that seats shall be provided so that workers may rest their legs during off-duty hours, breaks, etc., especially when work is not continuous or does not necessarily have to be done standing. There is also legislation dealing with rest facilities in certain kinds of undertaking (tobacco industry, printing, and so on), and under the 1913 Royal Decree (section 35, paragraph 2) on the employment of women and minors, retail sales businesses have to provide as many seats as there are persons employed.

Act No. 3467 on Workers' Centres and their objectives is designed to meet the workers' need for recreation and physical culture, and to raise educational levels among the masses.

The Labour Inspection and Medical Departments are responsible for seeing that the relevant legislation is duly complied with.

An investigation (to be repeated on a larger scale) undertaken in 917 establishments employing more than fifty workers each has revealed that more than half these undertakings have a room for meals, while 186 others have their own vehicles for workers' transport, although there is no national legislation making it obligatory for undertakings to provide such transport.

GUATEMALA

Labour Code: Decree No. 1441 of 5 May 1961 (*El Guatemalteco*, 16 June 1961, No. 14, p. 145) (*L.S.* 1961—Gua. 1).

The Recommendation is implemented through the provisions of the Labour Code, collective agreements and rules issued by the executive body and autonomous units.

In various centres of work dining rooms or special rooms in which workers may eat their food have been established. In many other cases the undertakings, even though they do not provide a special room for the purpose, give their workers free coffee or some other refreshment at 10 a.m. and 4 p.m. Some undertakings have established systems allowing the workers to have lunch, in some cases at reduced prices. Finally there are undertakings which give their workers a maximum of fifteen minutes in the morning and the same amount of time in the afternoon for some sort of refreshment.

As for facilities for rest, the general labour inspection insists on the need to provide seats and chairs for workers, especially in commercial undertakings.

In connection with recreation facilities, the Institute for Workers' Recreation has installed two centres for the purpose which are fairly well patronised by the workers. Also some undertakings have provided sports grounds, particularly by virtue of collective agreements.

Workers employed in some large undertakings and on certain government work are provided with transport facilities twice or four times a day when going to and from their homes.

The general labour inspection is entrusted with the enforcement of the provisions of the present Recommendation.

GUYANA

Factories (Health and Welfare) Regulations, No. 16 of 6 June 1951 (*Official Gazette*, 9 June 1951). Shops (Consolidation) Ordinance, No. 33 of 5 December 1958 (*ibid.*, 6 Dec. 1958).

Legislative provisions exist in regard to the provision of seats.

The Ministry of Labour and Social Security is entrusted with the supervision of the application of the above legislation.

No legislative measures are contemplated at this stage, but workers and employers are being encouraged to implement the provisions of the Recommendation as far as practicable by collective agreements.

HUNGARY

Decree No. 8 (1967) X.8 of the Ministry of Health.

National legislation complies with the provisions of the Recommendation, but in practice workers enjoy many more facilities besides these.

Decree No. 8 (1967) X.8 of the Ministry of Health provides for canteens to be set up wherever possible. Costs of establishment and equipment are to be borne by the undertaking. Canteen service is provided for two working shifts; only large works provide a service for the third shift. All large undertakings provide buffets for their workers. Mobile canteens are used in the agricultural sector. An extensive network of shops exists but, where necessary, undertakings may be served by mobile shops.

Provision of seats and rest rooms is also compulsory under the labour regulations. Recreational and sports facilities are provided.

Management and supervision of canteens and recreational facilities come under the jurisdiction of the works trade union committee.

Canteen meals and use of rest homes and sporting facilities are provided at subsidised prices.

Parking accommodation for two-wheeled vehicles is adequate but there are not enough car parks.

Travelling expenses of workers living at a distance from their place of employment are repaid almost in full. Public transport time-tables are arranged to fit in with working schedules.

INDIA

Factories Act of 23 September 1948, No. 63 of 1948 (*Gazette of India (G.I.)*, 23 Sep. 1948, Extraordinary, Part IV, p. 292) (*L.S.* 1948—Ind. 4).

Plantations Labour Act, 1951, No. 69 of 1951 (*G.I.*, 3 Nov. 1951, No. 50, Part 2, section 1, Extraordinary, p. 457) (*L.S.* 1951—Ind. 5).

Mines Act, 1952, No. 35 of 1952 (*G.I.*, 17 Mar. 1952, No. 18, Extraordinary, Part II, section 1, p. 155) (*L.S.* 1952—Ind. 3).

Motor Transport Workers Act, 1961.

"Beedi" and Cigar Workers (Conditions of Employment) Act, 1966, No. 32, 1966 (*G.I.*, 1 Dec. 1966 (section 1, Special Number)).

Provisions on welfare facilities are contained in the above legislation and in the rules framed thereunder (mostly state government rules), as well as in executive orders issued by the central Government. The obligation to furnish canteens, rest rooms, drinking-water, appropriate sanitation, and crèches is usually tied to a minimum number of persons employed, the exact number varying with the sector and the type of welfare facility.

As regards canteens, the construction, equipment and overhead costs are borne by the employer; food is sold to workers on a "no profit, no loss" basis, prices being fixed in consultation with the canteen managing committee, a bipartite body generally responsible for canteen management. Employers often voluntarily provide space for the use of workers' recreational clubs which are managed by a subcommittee of the works committee, where such committees exist, or by a welfare committee. Labour officers organise social and cultural functions in their respective establishments. A labour welfare fund, largely financed by the central Government and administered by the works committee exists in most departmental undertakings, one of its purposes being to provide recreation for workers of the under-

takings. Departmental undertakings have built holiday homes at health resorts for the use of workers and their families. Workers are under no obligation to avail themselves of the enterprise's feeding or recreational facilities.

The 1948 Factories Act requires employers to provide seats for occasional rest for all workers obliged to work in a standing position. In addition employers may be required to furnish seats in cases where workers can work efficiently in a sitting position. Trolleys are in operation in certain undertakings, but generally only where a canteen already exists. Parking sheds are provided in departmental undertakings. Negotiation with the public transport authorities with a view to adjusting service to the workers' needs is usually the responsibility of the labour officer.

The principle underlying the Recommendation has already been accepted and efforts have been made to encourage joint consultation and co-operation between the employers and employees through the establishment of works committees, production committees and joint councils of management, etc.

IRAQ

Labour Code: Law No. 1, 1958 (*Al-Waqayi'u al-'Iraqiya (W.I.)*, 16 Mar. 1958) (L.S. 1961—Iraq 1 B), amended by Law No. 23 of 1 April 1961 (*W.I.*, 12 Apr. 1961) (L.S. 1961—Iraq 1 A).

Section 132 of the Labour Code lays down that social services must be provided for the workers. Section 129, paragraph 5, provides for the promulgation of regulations relating to the creation of rest and leisure services.

Section 132 of the Code has given rise to agreements between employers and workers. These agreements are now so numerous that they virtually constitute a national practice.

The Directorate-General of Labour is responsible for seeing that rules and regulations are applied. This department regularly inspects the undertakings to which the Labour Code applies and, among other things, issues instructions concerning the social services which workers are to enjoy.

The report indicates that the new draft Labour Code shortly to be adopted contains greatly improved provisions regarding social services for workers, and affords a broader scope for applying the principles of the Recommendation.

ITALY

Presidential Decree No. 303 of 19 March 1956: General rules respecting industrial hygiene (*Gazzetta Ufficiale*, 30 Apr. 1956, No. 105, Supplement).

Article 14 of this decree provides for a sufficient number of seats or benches to be available to workers, either where their work may be done seated or to allow them to sit down during rest periods.

Article 41 lays down specific rules respecting the operation of canteens. Article 42 prescribes that appropriate facilities for storing and heating food and for washing dishes should be made available to workers.

Few national collective agreements make provision for promoting creation of welfare facilities. However, many undertakings have taken some welfare measures such as setting up canteens and works clubs. The latter provide recreation and sports facilities.

JAPAN

Labour Standards Law (Law No. 49 of 1947) (*Official Gazette*, 7 Apr. 1947, No. 303, p. 1) (L.S. 1947—Jap. 3).

Ordinance on Industrial Safety and Hygiene (Ministry of Labour Ordinance, No. 9 of 1947).

Smaller Enterprise Retirement Allowance Mutual Aid Law (Law No. 160 of 1959).

Employment Promotion Projects Corporation Law (Law No. 116 of 1961).

Industrial welfare facilities are widespread. They are found not only in large-scale enterprises but also in medium and small-scale undertakings. The undertakings bear most of the cost of the establishment and administration of the welfare facilities, which at present may include housing, canteen, recreation and transport services, loan schemes, and compassionate and other allowances.

The Ordinance on Industrial Safety and Hygiene prescribes the standards of feeding facilities. These exist in almost all the large-scale undertakings and in about half of the medium and small-scale undertakings, meals for the employees being provided at a low price.

The Labour Standards Law and the Ordinance on Industrial Safety and Hygiene make provision for rest facilities, including the supply of seats, etc., and many undertakings voluntarily provide recreation facilities, such as cultural, amusement and athletic activities.

Public transport services are well developed in the country but some of the mining undertakings which are situated in localities with very poor transport service furnish a bus service for their own workers. In the large industrial towns efforts are made to overcome the difficulties arising from peak transport loads by staggering the times of starting and finishing work. Most undertakings pay to their workers all or a greater part of the transport fee, as a commuting allowance.

Under the Smaller Enterprise Retirement Allowance Mutual Aid Law, in order to establish the necessary facilities for the promotion of the welfare of employers and workers in smaller undertakings, institutions have been set up which grant loans to the employers concerned for the establishment of feeding, recreational, housing, health and other welfare facilities.

The report on "Findings in the Survey of Labour Welfare Projects", published by the Japan Institute of Labour in 1966 and 1967 respectively, contains information and guidance on the establishment and administration of feeding facilities.

The Employment Promotion Projects Corporation, established in 1961 under the Employment Promotion Projects Corporation Law for the purpose of contributing to the promotion of workers' welfare, also makes loans to certain employers for setting up workers' welfare facilities. The Corporation itself also operates numerous welfare services, including feeding and recreation facilities.

The administration and inspection of the Labour Standards Law and the Ordinance on Industrial Safety and Hygiene is carried out by the Labour Standards Bureau in the Ministry of Labour, the Prefectural Labour Standards Offices and the Labour Standards Inspection Offices in the various Prefectures.

The employers' and workers' opinions on the administration of the Labour Standards Law are heard through the Labour Standards Councils, on which employers and workers are represented in equal numbers, which have been established in the Labour Standards Bureau and the Prefectural Labour Standards Offices.

No need has been found to modify the legislation to give further effect to the Recommendation.

KUWAIT

Labour Law, No. 35 of 1964 (Private Sector) (*Al-Koueit Al-Youm*, No. 489, p. 5), as amended by Law No. 43 of 1968.

In compliance with the provisions of the Recommendation, the welfare facilities made available to workers by undertakings, such as oil companies, include restaurants and cafeterias offering low-priced meals to workers; comfortably equipped rest places (including seats) for breaks; clubs providing books, games and film shows; and free transportation for workers. Section 45 of the Labour Law requires

employers to provide transportation for workers employed in areas not serviced by regular public transport.

LESOTHO

There are no legislative or administrative provisions in regard to matters dealt with in the Recommendation and no authority exercises control over these matters. It is desirable to await the establishment of industries with sufficient labour concentrations before introducing such facilities for workers.

LIBERIA

There are no legislative or administrative provisions on the matters covered by the Recommendation. In practice, however, certain employers provide welfare facilities on a voluntary basis or as a result of collective bargaining and the Government's encouragement. These facilities include low-priced canteens or messrooms, especially where it would be inconvenient for the workers to leave the undertaking during meals; seats, particularly for sales personnel, and recreational facilities, generally in the form of athletic fields for large undertakings.

LUXEMBOURG

Since most undertakings are on a small scale it has not been considered necessary to make legal provision for setting up social services. However, such services exist on a voluntary basis in almost all medium-sized undertakings.

Messroom facilities are provided in all undertakings employing at least ten workers.

As regards transport, the majority of workers provide their own; the rest use either public transport (time-tables are made to fit in with working schedules), or means of transport provided by their employer.

MALAWI

Employment Ordinance, No. 14 of 17 March 1964 (*Nyasaland Gazette*, 20 Mar. 1964, Supplement) (L.S. 1964—Ny. 1).

Factories Ordinance.

Section 66 (1a) of the Employment Ordinance and section 53 (2) and (4) of the Factories Ordinance empower the Minister of Labour to make rules and regulations for the provision of feeding facilities for workers in undertakings and to issue special regulations concerning other matters of employee welfare. Under section 66 (1a) of the Employment Ordinance the Minister may make rules concerning the provision of welfare equipment, including rest facilities for workers.

No new measures are envisaged at present to give effect to the Recommendation not yet covered by national legislation or practice. Some large undertakings provide relatively sophisticated canteen facilities offering low-cost food to workers. Employers tend to provide seating facilities compatible with increased efficiency at work.

MALAYSIA

Safety, health and welfare regulations under the Factories and Machinery Act, No. 64 of 26 September 1967 (*Government Gazette*, 30 Sep. 1967).

The Safety, Health and Welfare Regulations made under the Factories and Machinery Act, 1967, and indicated in the Government's report as expected to become effective at mid-1969, prescribe the provision of seating facilities for workers and of rest and dressing-rooms for women employees. There are no legal provisions concerning the setting up of canteens or the provision of transport or

recreation facilities. In practice, however, these facilities are provided voluntarily by employers, particularly in the larger undertakings in rural areas. They include canteens, messrooms, cinemas and theatres, free television and radio, sports facilities as well as free transportation for children to and from school and transportation for workers between their homes and the worksites. In some instances transportation facilities are provided by employers in accordance with the terms of collective bargaining agreements or individual contracts. Wherever possible, workers' representatives are associated with the employers in the provision and management of facilities, most of which are financed by the employers.

MALI

Labour Code: Act No. 62-67 of August 1962 (*Journal Officiel*, 15 Oct. 1962, No. 128, p. 708) (L.S. 1962—Mali 1)

State Insurance Act.

There is no legislation covering all aspects of the Recommendation. Pursuant to the recent creation of state-owned undertakings, it has become necessary to ensure meals for workers at work. Feeding facilities to date have been established on the basis of management/worker agreements, the management committees being in charge of running canteens in state-owned companies. Each company finances the construction and equipment of the canteen but not the cost of running it. Canteens are set up wherever practicable and are run in accordance with rules of hygiene.

Article 191 of the Labour Code requires the provision of appropriate seating facilities for women workers, whenever compatible with the nature of the work, in addition to facilities for breastfeeding of infants.

Undertakings provide facilities for the parking of employees' own vehicles, and the law calls for employers to provide either lodgings or transportation for workers whose domicile is more than 10 kilometres distant from the workplace. In Bamako frequent public transport is available for workers.

The labour inspectorate supervises the application of all legislation or regulations in this field.

No new measures are envisaged concerning the application of the Recommendation.

MALTA

There are no legal provisions for the application of the Recommendation. Such facilities as exist, including canteens, messrooms, rest and recreation facilities, are provided on a voluntary basis mainly by the larger and newer undertakings. With regard to feeding facilities, employers generally provide premises and equipment, and workers either have free use of the facilities or pay for canteen meals. Employers may provide rooms or equipment for recreation and the workers pay a membership subscription. A few employers provide transport facilities for their employees, but generally public transport facilities are used by workers.

The need is not felt to legislate in respect of the provisions of the Recommendation. The Recommendation provides an adequate guideline for adoption by employers.

MEXICO

Federal Labour Act of 18 August 1931 (*Diario Oficial*, 28 Aug. 1931, Vol. LXVII, No. 51) (L.S. 1931—Mex. 1).

Occupational Health Regulations, 1946.

The Occupational Health Regulations, 1946, contain a chapter on the canteens which have to be provided for workers obliged to eat on the premises. These

canteens must be provided with adequate tables, seats, drinking-water, wash-basins and equipment for heating food.

They have to meet the same standards respecting protection against damp, proper temperatures, ventilation, etc., as any other premises in which work is carried on (as prescribed by the above regulations).

These regulations also require employers to provide comfortable seats, suited to the kind of work being done. If there are frequent interruptions, there must be ample seating accommodation for use by the workers during breaks.

It is for the labour inspectorate and the joint safety and health committees to ensure that these provisions are complied with.

MOROCCO

Decree of 2 July 1947 to regulate conditions of employment (*Bulletin officiel du Protectorat de la République française au Maroc (B.O.M.)*, 17 Oct. 1947, p. 1028) (L.S. 1947—Mor. 1).

Order of the Minister of Labour of 13 July 1958, and Vizierial Order of 4 November 1952 (*Bulletin officiel*, 16 Jan. 1953), prescribing general safety and health measures for all establishments in commerce, industry and the liberal professions.

The foregoing texts represent the principal legislation that exists in the field of welfare facilities.

It is not intended to take any measures in the immediate future to give effect to those provisions of the Recommendation that are not yet covered by national legislation.

NETHERLANDS

Decree of 23 June 1923 repealing the Royal Decree of 20 January 1913 and containing public administrative regulations, etc. (stonemasons) (*Staatsblad (Sb.)*, 1923, No. 297) (L.S. 1923—Neth. 3).

Act of 2 July 1934 respecting safety at work in general and safety in factories and workshops in particular (*Sb.*, 1934, No. 352) (L.S. 1934—Neth. 2) and the Royal Decree of 19 November 1938 (*Sb.*, 1938, No. 872).

Decree of 21 November 1950 to issue new public administrative regulations under Articles 12 and 13 of the Stevedores Act (*ibid.*, 1950, No. K 519).

Mines Regulations, 1964 (Decree of 21 December 1964 to apply section 9 (1) and (3) of the Mines Act 1903 (*ibid.*, 1964, No. 538)).

Measures as contemplated in this Recommendation have been promulgated under the legislation referred to above for workers in industry, for miners and stonemasons as well as for workers engaged in loading and unloading ocean-going vessels. Certain provisions of the existing legislation relate only to the obligation to have a canteen and to its fittings; the relevant provisions of the Mining Regulations merely require that a canteen shall have two exits and good illumination.

Firms not falling within the above categories are not obliged to have a canteen, but in many cases, such as large offices or department stores, this is already being done voluntarily. These provisions relate to places where the employees can eat sandwiches which they bring to work. In the majority of cases there is no need for places where hot meals are also given since the workers either go home at lunch-time or eat their hot meal at home in the evening.

Sections 53 (i) and 53 (j) of the 1938 Safety Decree deal with vehicles for mobile canteens.

No legal measures exists as regards Paragraphs IV to VII of the Recommendation. In many cases, especially in large firms, recreation facilities and, especially, seating for workers is provided voluntarily whenever possible. Canteens are managed either by the firm itself, on a non-profit-making basis, or by a foundation.

The country has as yet no statutory regulations on transport, but much is already being done voluntarily by firms (who may provide transport or defray travel costs

of workers). In general, ample provision is made for accommodation of employees' means of transport, although there is sometimes a shortage of parking space for cars.

Supervision of the application of and compliance with the statutory regulations is vested in the labour inspectorate.

A Bill has been submitted to Parliament for the purpose, *inter alia*, of imposing under the Safety Act the obligation to provide places of rest in factories or workshops and ensuring that where possible seating be provided. Furthermore, a Bill to amend the 1938 Safety Decree is in preparation which proposes among other things to widen the scope of the decree as regards the cases in which a canteen must be provided and the requirements which it must satisfy.

Netherlands Antilles

The legislation requires the provision of canteens, but does not deal with other welfare facilities such as meals which are provided by some firms on a voluntary basis.

NEW ZEALAND

Labour Disputes Investigation Act, 1913.

Industrial Relations Act, 1937.

Physical Welfare and Recreation Act, 1937.

Factories Act, 1946 (*L.S.* 1946—NZ 4), and Regulations made thereunder.

Waterfront Industry Act, 1953.

Industrial Conciliation and Arbitration Act, No. 72 of 1 October 1954 (*ibid.*, 1954—NZ 1).

Employment in Shops and Offices Act, No. 32 of 20 October 1955 (*ibid.*, 1955—NZ 1).

Health (Eating-House) Regulations, 1948.

Electroplating Regulations, 1950.

Lead Process Regulations, 1950.

Noxious Substances Regulations, 1954.

Labour legislation prescribes various welfare facilities for workers in factories and for those in shops, offices and warehouses. The provision of amenities for waterside workers are decided by a National Amenities Commission, appointed under the Waterfront Industry Act, 1953. Certain welfare provisions are included in awards and industrial agreements.

While the Factories Act, which also applies to certain government establishments, requires the provision of canteens in factories employing more than 100 workers who want meals at work, most large manufacturing concerns do so as a matter of policy. On the other hand, as industrial establishments are on average small the legislative provisions seldom apply; few arbitration awards or industrial agreements have dealt with canteen provisions although some are now doing so. Canteens or cafeterias are available to waterside workers in most ports. The Department of Labour has in the past published information on canteens, dealing in particular with the needs of small firms and drawing attention to the points mentioned in Paragraph 9 (2) of the Recommendation and to the Health (Eating-House) Regulations, 1948. Numerous overseas publications with information adaptable to New Zealand are available to employers.

Buffets and trolleys are not mentioned in the legislation which, however, does require the provision of suitable meal rooms. The Factories Act, in fact, prohibits meals to be taken in the place of actual work (except in cases of continuous operations) but requires that where more than six are employed a room for meals must be maintained; for workers doing specified manufacturing (e.g. electroplating) a room is required in any case. All factories must provide a proper supply of wholesome drinking-water, all the rooms must have effective lighting and meal

rooms must be satisfactorily equipped with seats and tables and give comfort and security. Under the Shops and Offices legislation the labour inspector may, and does where appropriate, require the provision of these facilities and standards. Arbitration awards and industrial agreements generally have provisions concerning meal rooms, with similar or more detailed specifications. For shift workers many awards or agreements oblige the employer to provide a meal or a fixed allowance for it. Under some awards for industries located away from main centres, "shopping time" is granted in substitution for work done outside normal hours of work at ordinary rates.

The legislation requires that women doing all or a part of their work standing be provided with suitable and sufficient sitting accommodation for rest breaks. The Department of Labour advises on technical aspects of seating and has published articles on the subject. Rest-room facilities are prescribed in respect of women only, whereas arbitration awards and industrial agreements sometimes require such for all workers. Legislation on outdoor recreation facilities for workers in particular has not been necessary because such facilities exist extensively for all on a community basis. The Physical Welfare and Recreation Act, 1937, provides for the setting-up of a National Council to advise the Government with regard to physical training, sports, recreation and social activities for people generally. Some employers provide various indoor recreations for their workers. Legislation concerning, *inter alia*, trade unions permits the running of a welfare fund for the provision of convalescent and welfare facilities for union members and their families.

The Government does not interfere in the management of feeding or recreational facilities provided by private employers. Departmental supervision applies only to ensure proper standards of hygiene and conduct. The financing of facilities for workers in the private sector is likewise entirely the concern of the employer (except in the case of the amenities for waterside workers referred to above). The Government manages and finances a number of canteens and cafeterias for its employees. The employer decides regarding the payment or not for meals, possibly in consultation with the workers concerned. Any payment by a worker for other welfare facilities would be on a voluntary basis.

The provision by the employer of bicycle sheds and, to a lesser extent, of reasonably protected parking facilities, is fairly commonly required under arbitration awards and industrial agreements. Provisions concerning transport to and from work or the payment of fares or allowances are increasingly being included in awards and agreements.

The report recalls that the Government adopted this Recommendation subject to reservations concerning Paragraphs 10, 19, 24, and 27, which continue to apply.

NIGER

Act No. 62-12 of 13 July 1962 to institute a Labour Code (*Journal officiel*, 25 Aug. 1962, No. 4, special number).

Decree No. 67-126 MFP-T of 7 September 1967 embodying regulations relating to the Labour Code (*ibid.*, 1 Oct. 1967).

The above legislation covers certain points in the Recommendation. Labour inspectors and supervisors are responsible for ensuring that this legislation is duly complied with.

An employer is under an obligation to provide a worker and his family with victuals and other goods urgently required, if the worker cannot acquire them himself.

In practice, on certain isolated worksites where the workers are fed by their employer, the latter provides, free of charge, the necessary cooks and cooking utensils.

Some large firms, with establishments far from any major town, have made arrangements for recreational activities. This is, however, by no means the general rule.

Section 130 of the Labour Code lays down that a worker who has to travel more than 15 kilometres to his place of work is entitled to accommodation at the latter, or to some means of transport; in which case he may use a vehicle provided by the undertaking or be granted a suitable allowance so that he can make use of public transport.

In the present state of the national economy, it is not proposed to extend the existing legislation.

NORWAY

Workers' Protection Act, No. 2 of 7 December 1956 (*Norsk Lovtidend (N.L.)*, 31 Dec. 1956, No. 45, p. 1235) (*L.S.* 1956—Nor. 2), as amended by Act No. 2 of 10 May 1968 (*N.L.*, 10 June 1968, No. 19, p. 579) (*L.S.* 1968—Nor. 1).

Section 5, paragraph 6, of the Workers' Protection Act requires the provision, at or near the workplace, of safe and wholesome drinking-water, water for washing, washing and drying facilities and an adequate number of lavatories. Where necessary, a heated dining room and a suitable room for changing, storing and drying clothes, and if the nature and size of the establishment render it desirable, bath facilities for employees must be provided. The same paragraph provides that housing, if any, which the employer provides for his employees must be properly constructed, equipped and maintained and that the employees must exercise care in using it.

The labour inspectorate has prepared guidelines for the accommodation, layout, equipment and furnishing of canteens as well as standards of hygiene.

For state institutions, canteens have been established which are mostly run by the state canteens (*Statens kantiner*). By Order in Council of 30 April 1964 regulations for the state canteens have been made. These state canteens, which are a non-profit-making undertaking under the Ministry of Defence and were originally established as a welfare facility for the armed forces, have now taken over the running of civilian lunch rooms for other state institutions. The canteens so established are run as independent undertakings and the employees using them have to pay for the meals, etc., provided.

In so far as these canteens can be said to be public dining rooms, they are subject to control by the health authorities.

The Workers' Protection Act makes no special provision for rest rooms for employees, but the Act provides under its section 5, paragraph 2, that measures shall be taken to prevent unnecessary fatigue. On this basis the labour inspectorate has ordered the introduction of seats and other facilities for workers engaged in arduous work.

By virtue of the Act, the labour inspectorate has prepared guidelines on the accommodation, layout, equipment and furnishing of changing-rooms, washrooms and bathrooms, etc., as well as standards of hygiene.

The labour inspectorate has also issued regulations on housing for workers engaged in forestry and timber floating.

There are no legislative provisions respecting the transport arrangements mentioned in Part VIII of the Recommendation.

Enforcement of the provisions of the Act is performed by the labour inspectorate. Regulations on co-operation in protective measures are included in sections 7, 9, 10 and 11 of the Act.

The private organisation known as *Vern og Velferd*, whose members are undertakings, institutions, organisations, trade unions and individuals, also deals with

labour protection and welfare in hotels, restaurants and cafés, and distributes information on the equipment of lunchrooms, etc.

No further special measures are envisaged by the authorities.

PAKISTAN

Mines Act, 1923, No. 4 of 1923 (*Gazette of India (G.I.)*, 3 Mar. 1923) (*L.S.* 1923—Ind. 3).

Factories Act, 1934 (applicable to West Pakistan only), No. XXV of 1934 (*ibid.*, 1934—Ind. 2).

Coal Mines Labour Welfare Fund Act, 1947, No. 32 of 1947 (*G.I.*, 19 Apr. 1947, No. 16, Part IV, pp. 58-64) (*L.S.* 1947—Ind. 2).

West Pakistan Factories (Canteens) Rules, 1959.

Tea Plantations Labour Ordinance, 1962, No. 29 of 1962 (*Gazette of Pakistan*, 4 June 1962, Extraordinary, p. 864) (*L.S.* 1962—Pak. 1).

East Pakistan Factories Act, 1965, No. V of 1965 (applicable to East Pakistan only) (*Dacca Gazette*, 1 Sep. 1965, Extraordinary, p. 1591) (*L.S.* 1965—Pak. 1).

Under the above rules of 1959, applicable to West Pakistan, the provincial Government can ask any factory employing 250 or more workers to install an adequate canteen where meals shall be sold on a non-profit basis; such canteens are managed by committees consisting of an equal number of persons representing employer and workers. Almost similar provisions exist in East Pakistan.

This Recommendation has been accepted by Pakistan, with the exception of Paragraphs 10, 12, 29, 30, 31, 32, 33 and 34. Recreational and transport facilities, although not provided by the law, are generally enjoyed by workers employed in big industrial units. It is not possible at present to pass legislation providing for mobile canteens.

The Government does not consider any further modifications necessary.

PHILIPPINES

Employment of Women and Children Act, No. 679 of 8 April 1952 (*L.S.* 1952—Phi. 1), as amended by Act No. 1131 of 6 June 1954 (*ibid.*, 1954—Phi. 2).

Welfare facilities are not provided by statutory provisions but by voluntary action by management or, in some cases, collective agreements. The above legislation requires the employer to provide children's nurseries (where a minimum of fifteen married women are employed), seats and at least one dressing-room for women and children, etc. Canteens are operated by private parties under contract to the management of the undertaking. There are also co-operative canteens run by private parties under contract to the trade union concerned; in these cases, management provides space at no charge. Trolleys operate only during breaks. The use of feeding facilities is optional in all cases. Small firms within access of restaurants provide messrooms and drinking-water.

Recreational facilities are the sole responsibility of management either through voluntary action or by virtue of collective agreements. The Special Operation Service of the Department of Labour encourages and assists small firms in providing recreation for their workers. In collaboration with civic and professional organisations, the service is currently seeking to establish recreational organisations in every industry; another of the service's objectives is to provide recreational centres for workers and their families.

RUMANIA

The provisions of the Recommendation are met either by legislation or by collective agreement.

As regards feeding arrangements, canteens are installed wherever possible (on isolated work-sites and in the larger concerns), and are run by a committee on which management, the unions, and health services are represented. Very frequently

a number of adjacent undertakings organise a joint canteen, or joint canteens are set up for the benefit of a number of neighbouring work-sites. The undertakings have to provide the premises, furniture, crockery, fuel and lighting, and to arrange for the transport of the requisite foodstuffs. Running costs are borne by the undertaking. There are food shops in remote places.

As regards workers' rest and recreation, specially equipped rooms are made available. In most undertakings there are cultural centres (with books, a radio receiver, television, etc.), and in the larger establishments there are numerous cultural activities (plays, ballets, lectures, and so forth). Expenses are met by State subsidy or by the unions, and by the sale of tickets.

To avoid traffic jams in towns, undertakings stagger their working hours. Public transport is arranged with this in view and offers reduced-rate season tickets. Some undertakings have their own vehicles. Yet others, in remote areas, offer dormitory accommodation to workers and their families.

RWANDA

There is at present nothing in national legislation which would meet the requirements of the Recommendation nor, for the time being, does the Government intend giving effect to it.

SENEGAL

As a general rule, there are no laws or regulations covering the matters dealt with in the Recommendation. At the present stage of the country's economic development no useful action can be taken in this field.

However, the general regulations on hygiene (Order No. 5253 of 19 July 1953) make it obligatory for undertakings employing women and children to provide a rest room for them, a room for nursing mothers to feed their infants, and adequate seating accommodation.

SIERRA LEONE

No national legislation exists covering the provisions of the Recommendation. In practice, however, both private and public establishments provide some or all of the facilities enumerated. These include the provision of canteens serving food to employees free or at subsidised prices, or the provision of buildings for private catering establishments. Undertakings employing personnel on shifts provide free rest and recreational facilities for workers. Some undertakings provide transportation for workers free or at minimal charge; in other cases transport allowances may be paid.

SINGAPORE

Employment Act, No. 17 of 6 August 1968 (*Government Gazette (G.G.)*, 1968, No. 18) (*L.S.* 1968—Sin. 1).

Environmental Public Health Act, 1968 (*G.G.*, 1968, No. 31).

The Government reports that some of the matters dealt with in the Recommendation are covered by the above legislation. Other matters which are not covered by legislation are generally covered by administrative or practical provisions adopted mainly in large undertakings.

Section 59 (1) of the Employment Act permits employers, with the approval of the Commissioner, to establish "a shop or a canteen for the sale of foodstuffs, provisions, meals or refreshments"; workers may not be compelled to make any

purchases in such shops or canteens. Section 140 (1) of the Employment Act makes provision for seats in retail trade or business establishments for employees, whenever the use of such seats does not interfere with their work.

Under section 82 of the Environmental Public Health Act employers may be required, upon written request from the Commissioner, to provide messrooms, rest rooms, canteens or changing-rooms or to improve existing installations. In respect of welfare facilities current practice has been to leave the provision of these facilities to the discretion of the undertakings themselves.

The Ministry of Labour is entrusted with the supervision of the Employment Act, 1968, whilst the Ministry of Health administers the Environmental Public Health Act, 1968.

SPAIN

Act of 4 July 1918.

Act of 6 December 1940 on trade union organisation (*Boletín Oficial del Estado (B.O.E.)*, 7 Dec. 1940) (*L.S.* 1941—Sp. 5 B).

Act on Contracts of Employment, Book II, approved by Decree of 31 March 1944 (*B.O.E.*, 11 April 1944, Year IX, No. 102, pp. 2877-2886) (*L.S.* 1944—Sp. 1 B).

Ordinance of 30 June 1938 (*B.O.E.*, 1 July 1938).

Decree of 8 June 1938 on workers' dining rooms (*ibid.*, 11 June 1938, No. 597).

Decree of 18 August 1947 to establish joint works councils (*ibid.*, 9 Oct. 1947, No. 282, p. 5568) (*L.S.* 1947—Sp. 3), and its Rules of Application of 11 September 1953.

All provisions concerning dining-rooms and canteens are to be found in the Decree of 8 June 1938 and the Ordinance of 30 June 1938.

Seats must be provided for women workers by virtue of Article 169 of the Act on Contracts of Employment, Book II, and for workers of both sexes in commercial establishments by virtue of Article 18 of the Act of 4 July 1918.

All workers have access to the recreation facilities by virtue of the Act of 6 December 1940.

The welfare services are administered by representatives of the workers, according to the provisions of the Decree of 18 August 1947.

The Government does not consider that any other measure is necessary for the adoption of the provisions of the Recommendation.

SUDAN

Factories and Workshops Regulations, No. 70 of 1950 (*Sudan Government Gazette*, 15 Nov. 1950), as amended.

The provisions of the Recommendation are covered by the Factories and Workshops Regulations and by collective agreements and union demands. The Regulations require employers, particularly in cement manufacturing, tanneries, cotton ginning and other workplaces involving the use of dangerous and unhealthy materials, to provide suitable premises for eating and resting for workers. Many undertakings provide transportation, or pay transportation allowances to workers as a result of collective agreements. Factory inspectors and industrial relations officers are responsible for implementation of the Regulations and collective agreements.

SWEDEN

Workers' Protection Act, No. 1 of 3 January 1949 (*Svensk Författningssamling (S.F.)*, 12 Jan. 1949, p. 1) (*L.S.* 1949—Swe. 1).

Royal Proclamation, No. 208 of 6 May 1949 establishing regulations under the Workers' Protection Act (*S.F.*, 19 May 1949, p. 397) (*L.S.* 1949—Swe. 4), as amended by Order No. 476 of 21 September 1956 (*S.F.*, 1956, p. 1023) (*L.S.* 1956—Swe. 3).

Some of the welfare facilities dealt with in the Recommendation, particularly feeding, recreational and transport, are not provided for in national legislation.

The National Board of Industrial Safety's directives concerning staff rooms require that canteens should be set up and operated at or near the place of work. The directives concerning restaurants (including canteens) deal with the arrangement, nature and furnishing of premises where food is prepared in restaurants. Buffet and trolley facilities are also provided in the form of food and drink slot-machines and trolleys providing snacks. Section 9 of the Workers' Protection Act lays down that suitable places for taking meals shall be made available to employees at or near the place of employment.

A social investigation covering 1963 to 1967 disclosed that shift workers in about 44 per cent of the companies reported special heating facilities for food intended for use by shift workers. In some cases measures have been taken at workplaces to facilitate the purchase of food, etc. There is no compulsion in legislation for workers to use the feeding facilities.

Section 27 of the Workers' Protection Proclamation states that where the work can be regularly carried out in a sitting position without detriment to it, suitable seats shall be provided. Section 9 of the Workers' Protection Act requires the provision of a suitable place for resting to employees.

The 1963-67 social investigation revealed that about 87 per cent of the companies visited subsidised or themselves arranged some form of recreational activity; about 9 per cent operated holiday homes for their employees under their own auspices.

Section 40 (b) of the Workers' Protection Proclamation lays down that bicycle stands with a protecting roof or other suitable arrangements shall be available near the place of employment where conditions allow. In a number of cases undertakings provide transport facilities for employees to and from work.

In certain instances the provisions contained in Paragraphs 30, 31, 33 and 34 of the Recommendation are probably followed in practice.

Supervision of the application of the Workers' Protection Act and of regulations issued thereunder is exercised by the National Board of Industrial Safety, labour inspection officers and local inspectors. The board is composed of members representing employers and employees nominated in equal numbers by their respective national associations. An advisory body called the Council of Representatives is established in each division of the general labour inspectorate in order to further co-operation between the general labour inspectorate's supervisory bodies, employers and employees. The National Board of Industrial Safety has not contemplated amendment of the said Act in order to achieve closer compliance with those provisions of the Recommendation which are not at present covered by national legislation.

SWITZERLAND

Federal Act of 18 June 1914 respecting working hours in factories (*Feuille fédérale*, Vol. III, 1914, p. 579).

Federal Council Ordinance of 3 October 1919 respecting the implementation of the said Act (*Recueil des lois fédérales*, 1919, No. 58) (*L.S.* 1919—Swi. 4).

The above provisions merely say that should circumstances so require, suitable canteens shall be provided. The relevant clauses were kept in force by virtue of Ordinance I (14 January 1966), promulgated with an eye to the application of the Labour Act dated 13 March 1964. However, they have been repealed as from 1 September 1969, when Ordinance III (on implementation of that Act) took effect.

The above legislation, limited as it is to industrial concerns and hence far more restricted than the Recommendation itself, constitutes the only official regulation in this matter. Nevertheless, practice is satisfactory; this is attributable to the good will

displayed by employers, who ensure that their workers, whether manual or not, enjoy good standards of welfare, and so stay with the undertaking.

It is not intended to take action designed to give effect to those clauses in the Recommendation not at present covered by legislation.

SYRIAN ARAB REPUBLIC

Labour Code (*Al-jarida Al-rasmiya*, 7 Apr. 1959, No. 71*bis*) (L.S. 1959—UAR 1), as amended (ibid., 1960—UAR 2 A and 2 B).

Ministerial Decision No. 108.

The points made in this Recommendation are covered by the Labour Code and by the internal regulations applied within social security organisations and funds.

Section 64 (2) of the Labour Code lays down that anyone employing workers in a remote area shall supply them with decent living accommodation, together with food at a price not exceeding one-third of cost. Ministerial Decision No. 108, issued further to this section, provides the necessary detailed instructions.

Section 64 (1) obliges employers to provide the appropriate means of transport in areas not catered for by the transport system.

Most of the rules and regulations applicable within undertakings provide for the organisation of recreational services (sports clubs, libraries, rest rooms, canteens, and so forth), by agreement with the workers' trade union committee and the administration.

The Ministry of Social Affairs and Labour, and the Trade Union Federation, are responsible for seeing that the relevant legislation is duly complied with.

TOGO

No laws or regulations yet exist to establish welfare facilities or to oblige employers to provide them for their personnel. The Government does not intend, for the present, to bring in any legislation in this respect.

However, it welcomes and encourages the efforts which have been made in this field recently on a private basis in some sectors of employment.

TUNISIA

Labour Code, Act No. 66-27 of 30 April 1966 (*Journal Officiel (J.O.)*, 3-5 May (No. 20), 10-13 May (No. 21) and 17-24 May (No. 22) 1966) (L.S. 1966—Tun. 1).

Decree No. 68-328 of 22 October 1968 setting forth general health rules applicable in the undertakings subject to the Labour Code (*J.O.*, 22 Oct. 1968 (No. 45)).

There is no legislation governing canteens. Nevertheless, with encouragement from the trade unions and the backing of the Department of Labour, almost all the newer undertakings have created canteens in which meals are served at prices reduced by subsidies paid by the undertaking. Management of such canteens is usually the responsibility of the employer; but sometimes it is left to a firm of caterers, and sometimes to the workers themselves. Where there is no canteen, there is a cafeteria. Sometimes a room is made available for workers to eat in. Drinking-water has to be provided in all establishments.

Decree No. 68-328 lays down that seats shall be provided to reduce fatigue, and obliges undertakings employing fifty women or more to set aside a room where mothers may breast-feed their infants.

In the newer undertakings provision is made for a rest room which is also used for meetings and entertainments.

Some national undertakings provide free transport for their staff.

The Occupational Health Department and Labour Inspection Department are responsible for ensuring that legislation is complied with.

Consideration is now being given to action designed to give effect to those clauses in the Recommendation not yet complied with, by legislation or in practice.

UKRAINE

Decree of 24 September 1966 setting up a ministry to be responsible for social services (*Vedomosti Verkhovnogo Soveta Ukrainskoi SSR*, No. 37, p. 222).

Acts of 24 December 1966, 20 October 1967 and 19 December 1968, concerning the development plan (*ibid.*, 1966, No. 50, p. 302; 1967, No. 42, p. 286; 1968, No. 52, p. 358).

Ordinance No. 970-VII of 2 July 1968 on the improvement of community services (*ibid.*, 1968, No. 28, p. 175).

Ordinance No. 223 of 7 April 1967 on the development and improvement of communal restaurants (*Sobranie Postanovlenii*, 1967, No. 4, p. 31).

Ordinance No. 626 of 23 September 1967 on the extension of social services (*ibid.*, No. 9, p. 100).

The steps taken to improve the social services enjoyed by the workers include the establishment of a Ministry of Social Services. The Acts of 1966, 1967 and 1968 on the development plan provided that action to improve such services should expand by over 20 per cent per annum. Ordinance No. 223 ordered various ministries and departments, the union of co-operatives and the provincial soviets to provide more and better canteens, cafés and restaurants. In certain branches, such as mining, forestry, prospecting and so on, further measures have been taken in this sense. The five-day week having been introduced, service in the restaurants and canteens during the shorter lunch-hour break has been improved. Action has also been taken for the benefit of seasonal workers employed in the food industry.

Ordinance No. 626 provided for extension of social services and improvements in the management of the bodies responsible for providing them.

Ordinance No. 970-VII calls on the competent authorities to extend and improve the services provided in fields such as the maintenance of housing and of household appliances, etc.

Thanks to the action thus taken, there has been a considerable increase in the number of communal restaurants set up by means of government or municipal funds, or thanks to bank credits. New systems of paying for meals have been introduced, such as vouchers, credit cards and subscriptions, and prices have been reduced. Other forms of social service have also been developed.

The trade union organisations are responsible for supervision of social services. The standing committees of deputies of local soviets, people's supervisory organs, and management, are also responsible for supervision.

UNITED ARAB REPUBLIC

Labour Code, Law No. 91 of 5 April 1959 (*Al-jarida Al-rasmiya (Al-j.al-r.)*, 7 Apr. 1959) (*L.S.* 1959—UAR 1).

Law No. 133 of 4 July 1961 on conditions of employment in industry (*Al-j. al-r.*, 28 Jul. 1961). Ministerial Decisions Nos. 48, 96 and 97 of 1967.

Article 64 of the Labour Law requires employers to provide workers employed in places far from inhabited localities with meals at not more than one-third of the cost price. Under article 155 workers in mines and quarries must be provided with three meals a day in clean and sanitary dining halls. A ministerial decision has prescribed the kinds and prices of food to be served. Meals may be served inside mines under proper hygienic conditions.

Where meals are offered to workers by undertakings other than those covered by legislation the responsibility is borne by the management alone or in participation with trade union representatives. Undertakings are responsible for providing suitable premises for eating, when meals may not be taken in the place of work (Ministerial Decision No. 48 of 1967). Conditions of cleanliness and hygiene in

kitchens, restaurants, canteens and mess halls are covered by Ministerial Decisions Nos. 96 and 97 of 1967. Inspection and enforcement of those regulations rest with the Ministry of Labour.

Section 139 of Law No. 133 of 1961 requires employers to provide seats for women, if the nature of the work permits it. Ministerial Decision No. 149 of 1959 provides for the utilisation of money from fines on workers for their recreation, education or health treatment. Many undertakings have established clubs for their employees to provide for social, sporting and educational activities, summer camps and permanent holiday installations.

Section 64 of Law No. 133 requires employers to provide transportation for workers in areas where public transport is inadequate or impracticable. In practice, many undertakings and certain trade unions ensure workers' transportation from collection places and even to their homes for nominal fees. The State ensures transportation in industrial areas.

Under Law No. 111 of 1961 a certain percentage of profits is allocated to social and housing services. A central department established in December 1968 in the Ministry of Labour is in charge of social services for workers and ensures the application of the relevant laws.

UNITED KINGDOM

Miners' Welfare Act, 1952.

Mines and Quarries Act, 1954 (2-3 Eliz. II, Ch. 70).

Factories Act of 22 June 1961 (9-10 Eliz. II, Ch. 34) (*L.S.* 1961—UK 1).

Offices, Shops and Railway Premises Act of 31 July 1963 (10-11 Eliz. II, Ch. 41).

Docks and Harbours Act, 1966 (Eliz. II, Ch. 25).

Clay Works (Welfare) Special Regulations, 1948.

Jute (Safety, Health and Welfare) Regulations, 1948.

Factories Act (Northern Ireland), 1965.

Office and Shop Premises Act (Northern Ireland), 1966.

Clay Works Welfare Order (Northern Ireland), 1933.

The main objectives of the Recommendation are achieved in the United Kingdom by means of legislation contained mainly in the instruments listed or by other means envisaged in Paragraph 3 of the Recommendation, subject to the following reservations.

The provisions of Paragraph 24 of the Recommendation requiring consultation of employers' and workers' organisations on welfare facility administration are departed from to the extent that the obligation to provide welfare services is placed on the employer, to whom it is left to decide how these facilities should be managed. The surplus funds from any canteen established by collective agreement are administered in a way agreed to by the parties concerned, without the terms of the agreement being prescribed in advance. The provisions of Paragraph 28 of the Recommendation regarding workers' contributions are not the subject of any regulation, excepting so far as they are covered by the Factories Acts or the Truck Acts, or are dealt with by voluntary arrangements. In Northern Ireland, although there is no legislation equivalent to the Docks and Harbours Act, certain welfare facilities are, in fact, provided at the main docks.

The National Coal Board is responsible for pithead welfare facilities, including canteens, while the Coal Industry Social Welfare Organisation arranges recreational, social and cultural activities for miners. At quarries canteens or messrooms are provided by the owners and there are no specific provisions for recreational facilities. The provision of seats in mines and quarries or rest rooms in mines is not considered practicable but regulations may be made for the provision of washing facilities,

changing-rooms and canteens. The supply of wholesome drinking-water for all persons working in mines is obligatory.

British Railways practice is generally in accordance with the provisions of the Recommendation. The Offices, Shops and Railway Premises Act, 1963, and the Factories Act, 1961, require comprehensive welfare facilities and go beyond the standards provided in this Recommendation.

A survey of the Industrial Welfare Society showed that over half the factories in Britain located in built-up areas had a parking problem, but that generally firms on new industrial sites or trading estates have satisfactory car-parking facilities. The London Transport Authority provides car parks at certain stations, thus affording easy transport facilities to the city.

Voluntary methods of staggering working hours have been used from time to time in an endeavour to reduce peak-hour congestion. Many employers provide transport facilities for workers living in outlying districts and some provide a travel allowance.

The Docks and Harbours Act, 1966, requires that canteen and amenity blocks be built for the use of dockworkers. The British Waterways Board provides canteens and messrooms, where appropriate.

The Offices and Shop Premises Act (Northern Ireland), 1966, does not require the provision of canteens. These are normally made available by larger firms on a voluntary basis.

The supervision of the above legislation is carried out by the appropriate inspectorates established for the purpose or, in certain cases, by the designated local authorities.

It is not intended to take further measures to give effect to the provisions not yet covered.

Antigua

There are no legislative provisions on the subjects covered by the Recommendation. However, public and private undertakings commonly provide canteens or messrooms and some establishments also supply rest rooms on a voluntary basis. Recreational facilities are financed by voluntary contributions from the workers.

Where public transport services are inadequate, employers have often agreed, as a result of collective bargaining, to provide transportation to and from work.

Welfare facilities are normally open to inspection by union shop stewards and usually meet with their approval.

Bahamas

No legislative provisions exist at present for the application of the Recommendation. There is provision for the administration of laws concerned with the safety and welfare of workers in their occupation. The provisions of the Bahamas Statute Law deal with the duties of labour inspectors who ensure the application of the relevant legislation. Most collective bargaining agreements contain clauses relating to the welfare of workers and organisations of employers and workers are encouraged to include specific welfare measures in these agreements. The Ministry of Labour and Welfare is the competent authority with regard to the matters dealt with in the Recommendation.

It is intended to include in the Labour Code presently being drafted measures to give effect to those provisions of the Recommendation which are called for in the Bahamas.

Bermuda

There are no legislative or administrative provisions to give effect to the Recommendation. Under the Public Health (Sanitary and Drainage) Regulations,

1930, and the Public Health (Food) Regulations, 1950, health inspectors ensure that adequate sanitary and washing facilities are provided.

No early measures or modifications are contemplated in connection with the Recommendation.

British Honduras

Factories Regulations, No. 24 of 1943.

Shop Ordinance, No. 10 of 8 October 1959.

There are no legislative or administrative provisions concerning feeding facilities in places of work. When considered desirable, these facilities are provided and managed through labour-management agreements and technical advice concerning the setting up of canteens is available from the Housing and Planning Department and the Social Development Department. Only one hot meal is served in canteens and it is not considered necessary to provide either buffet or trolley service. Regulation 53 of the Factories Regulations requires employers to provide messrooms for workers.

The provisions of the above-mentioned legislation require the provision of suitable seating facilities and rest rooms in all undertakings where women are employed.

Large undertakings, particularly those in isolated localities, provide recreation facilities for their workers which include sports equipment, games, and premises for social events. Employers arrange for the transportation of workers, especially shift workers, as necessary, and provide parking facilities.

British Virgin Islands

At present, no regulations concerning welfare facilities are to be found either in the local legislation or in practice.

Since appropriate eating places are generally located nearby undertakings, since suitable premises and facilities are set aside for the use of workers in both private and public undertakings, and since it is the practice to provide workers with the necessary means of transport to and from their work, no need is felt for such regulations, and it is not the intention to take any measures specifically designed to give effect to the provisions of the Recommendation.

Brunei

There are no legislative provisions for the application of the Recommendation. In practice, many large undertakings provide canteens, recreation and transport facilities.

No measures are envisaged to give effect to the provisions of the Recommendation but the matter will be kept under review.

Falkland Islands (Malvinas)

There is no legislation applying the terms of this Recommendation, nor is any intended, as there are no undertakings to which the Recommendation would apply. The nature of employment and the distance between the place of employment and the homes of workers, in this sparsely populated colony, is such that all workers return to their homes for meals.

Gibraltar

Factories Ordinance (No. 12 of 1956, *Laws of Gibraltar*, 1957, Ch. 170).

Factories (Building) Regulations.

With few exceptions, there are no legislative, administrative or practical provisions in regard to the matters dealt with in this Recommendation, most of which have little application to the particular circumstances of Gibraltar.

Because of the smallness of the territory most workers return to their homes for meals. In any case, there are only one or two undertakings where the number of workers would make it practicable to provide such facilities even if the demand existed.

For construction workers the Factories (Building) Regulations require the provision of messroom facilities and the Factories Ordinance makes provision for the supply and maintenance of drinking-water and seating facilities.

In general transport facilities are adequate and practical but in a few cases where this is not so the undertakings provide transport for their workers.

It is not intended to take any measures to give effect to those provisions of the Recommendation which are not covered by legislation or practice, as they have very little, if any, application to the particular circumstances of Gibraltar.

Gilbert and Ellice Islands

No legal provisions have been made regarding the application of the Recommendation.

In practice, welfare facilities are not generally provided under the present conditions of limited industrial development in the colony except in the case of the one large undertaking at Ocean Island, where most of those facilities are available.

Guernsey

There are no legislative provisions to give effect to this Recommendation and in practice conditions of employment do not call for the provision of special welfare facilities to workers. The States Labour and Welfare Committee, responsible for labour matters, holds periodic consultations with labour and management representatives concerning working conditions.

It is considered that because Guernsey is a small community which enjoys a modern standard of working and living conditions, including ample transport facilities, the need for specific measures relative to the Recommendation does not arise.

Hong Kong

Factories and Industrial Undertakings Ordinance, and Regulations made thereunder.

The provisions of the Recommendation are partly applied by the above legislation.

Under Regulation 8 of the Factories and Industrial Undertakings Regulations employers are required to provide for the use of all women and young persons suitable seating facilities to enable them to take advantage of any opportunities for resting which may occur in the course of their work. Regulation 12 (2b) of the same Regulations calls for a suitable room for dining and rest to be provided for shift workers.

Although the other provisions of the Recommendation are not covered by legislation, in practice a large number of industrial and commercial undertakings provide various types of staff welfare facilities, including accommodation, canteens, free or subsidised meals, and recreational, medical and educational facilities. Free transportation is provided by undertakings located in several industrial areas and some undertakings employ special personnel to deal with staff welfare and the recreation of the workers and their children.

The Commissioner of Labour is entrusted with enforcement of the Factories and Industrial Undertakings Ordinance, and the Labour Advisory Board—a joint body—is consulted on all proposed legislation.

The Government does not envisage enacting any additional legislation concerning the Recommendation.

St. Helena

Since there are no large undertakings it has not been found necessary to enact the measures dealt with in the Recommendation.

St. Lucia

Factories Regulations, No. 8 of 1948 (*Statutory Rules and Orders, Laws of Saint Lucia*, Ch. 106). Shops (Hours) Ordinance, 1949 (*Revised Laws of Saint Lucia*, Ch. 245).

The above-mentioned legislation is limited as regards the provision of welfare facilities for workers.

The Shops (Hours) Ordinance prescribes that seating accommodation must be provided by the employer for every female assistant employed in a shop when not actively engaged. The Factories Regulations require the provision in factories of rest rooms for women, with appropriate chairs or benches, and an adequate mess-hall for all workers. Collective agreements cover such matters as transport, water supply, washing and recreational facilities. No need for canteens has arisen since the majority of workers do not reside far from their place of employment.

The Labour Commissioner is responsible for supervising the application of the legislation.

It is intended as far as is practicable to take measures to give effect to the provisions of the Recommendation not yet covered by national legislation or practice.

Seychelles

No legislation or regulations exist but there is a measure of practical application of this Recommendation in respect of messrooms, recreational facilities and transport facilities for manual workers. Since the scope of the Recommendation excludes workers in agriculture and sea transport, application therefore covers Praslin and La Digue islands only to a limited degree.

The few messrooms which exist for workers have mainly come into existence through negotiations between employers and trade unions. Football is the main outdoor recreation. Free film shows are given in rotation on Mahe, Praslin and La Digue by the Department of Tourism and Information. Ten social clubs cater for relaxation and enjoyment after working hours.

It is not considered desirable at this stage of industrial and commercial development to introduce legislation covering the provisions of the Recommendation since it is felt that joint consultation between employers and the workers' representatives can provide those facilities which may appropriately be introduced in line with the colony's economy. The initial stages of application of the Recommendation might moreover require the exclusion of some of its detailed requirements.

Solomon Islands

Labour Ordinance, No. 3 of 1960 (*Laws of the British Islands Protectorate, 1961*, Vol. 1, Ch. 28), as amended by Ordinance No. 20 of 1964, Ch. 28.

The above legislation stipulates that employers are bound to provide workers with rations either if so required by the Commissioner or if a corresponding agreement has been concluded between the employer and workers. The Commissioner prescribes the cash equivalent which may be deducted from the workers' wages in

respect of these rations. In general, canteens are neither practical nor necessary on the islands, elsewhere than in Honiara, where canteen-style feeding is provided for the port workers.

It is not considered that laws or regulations are required to deal with welfare facilities, but the development of such facilities through collective bargaining would be encouraged.

Transport facilities are provided traditionally by employers and public transport is developing in Honiara.

The labour legislation is administered by the Commissioner of Labour and an inspectorate. There is also a social welfare service on the Islands.

UNITED STATES

Federal Credit Union Act (48 Stat. 1216), as amended (12 *United States Code (U.S.C.)* 1751).

Randolph-Sheppard Act (40 Stat., 1559), as amended (20 *U.S.C.* 107).

Federal Property Management Regulations (41 *Federal Regulations Code*, 101-19.2).

Federal Property and Administrative Services Act of 1949, as amended (40 *U.S.C.* 491).

Urban Mass Transportation Act of 1964 as amended (49 *U.S.C.* 1601 et seq.).

Act of 6 September 1966 (80 Stat. 530, 5 *U.S.C.* 7901) authorising health service programmes for federal employees.

The Welfare Facilities Recommendation is regarded in the United States as appropriate under its constitutional system in part for federal action and in part for action by the states. The matters dealt with by the Recommendation are regulated either through state regulations or through local health and building regulations, which are administered by local authorities. In addition these matters are also regulated through voluntary agreements between employers and employees or employee groups, through voluntary efforts of various employee groups, or by voluntary practices of an individual employer.

As regards federal employees, the General Services Administration (GSA) is legally responsible for providing the buildings housing employees engaged in the general activities of the federal Government and also for furnishing supplies and services necessary for such employees to conduct efficiently the business of the Government.

The Randolph-Sheppard Act assures the granting of preference to blind persons to operate vending stands and machines, to provide federal employees with newspapers, periodicals, publications, pre-packaged confectioneries, tobacco products, wrapped sandwiches and similar items.

Concessions are provided by GSA for food and other essential services when these are not conveniently available from commercial sources, including eating facilities and food carts, ticket offices, postal and banking services, barber and beauty shops, etc.

The Federal Credit Union Act provides government employees with thrift and credit facilities on a co-operative basis.

The Act of 6 September 1966 provides for the establishment of a health service programme to promote and maintain the physical and mental fitness of federal employees. The health units include rest rooms and treatment rooms. GSA does not provide recreational facilities, but it does make available auditoriums, cafeterias, printing, reproduction and distribution facilities to employees.

Transport facilities for official purposes are provided to government employees through government-owned or leased motor vehicles. Bus services are also provided. Parking facilities are provided in or near federal buildings.

As regards non-governmental employees there are only limited requirements in the United States concerning the provision of feeding facilities in undertakings. However, these facilities exist in a large proportion of private and public under-

takings and their operation is supervised through appropriate legislation or regulations. The United States Department of Agriculture and the United States Department of Health, Education, and Welfare issue publications on such subjects as layout planning, nutrition, safety and sanitary standards of canteens. In addition standards for construction and operation are regulated by local health and building authorities.

Buffet and trolley services are provided in a large number of undertakings. Regulations exist in a number of states requiring the provision of rooms for the use of employees at meal times. Mobile canteens are also utilised in various undertakings.

In almost all states, laws or regulations require that seats be provided for women workers at the workplace. In a few states, rest or retiring rooms must be provided for them.

Recreation facilities are usually established through community or trade union action or by other voluntary means; they include recreation leagues, athletic teams, etc.

Feeding facilities are run either by catering contractors or by the management, or are provided by a special non-profit organisation. Workers are consulted through special committees or union representatives. The majority of cafeterias for employees operate on a non-profit basis. Many firms even subsidise feeding facilities in the undertaking.

A large number of undertakings provide parking facilities for their employees. The Urban Mass Transportation Act of 1964 authorises the Department of Housing and Urban Development to provide financial assistance for the construction and improvement of mass transportation systems.

State legislation and regulations are generally administered by the State Department of Labor, or in some states by an industrial commission. State Departments of Health are entrusted with the supervision of the application of some of the regulations pertaining to health matters.

Legislation has not been enacted for the primary purpose of giving effect to the provisions of the Recommendation. However, it is expected that measures will continue to be taken to provide improved welfare facilities for workers, through legislative as well as other appropriate means.

USSR

Constitution of the USSR and constitutions of the Republics of the Union and of the Autonomous Republics.

Labour Code of the RSFSR, dated 1 May 1936 (State Publishing House, Moscow, 1936) (*L.S.* 1936—Russ. 1), amended by a Ukase dated 31 January 1958 and issued by the Presidium of the Supreme Soviet of the RSFSR (*Vedomosti Verkhovnogo Soveta RSFSR (V.V.S. RSFSR)*), 28 Feb. 1958, No. 2, Text 79) (*L.S.* 1958—USSR 1) and the Labour Codes of the Republics of the Union.

Statutes of the trade unions of the USSR.

Ukase issued on 15 July 1958 by the Presidium of the Supreme Soviet of the USSR, to promulgate regulations concerning the rights of factory, works, and local trade union committees (*VVS SSSR*, 24 July 1958) (*L.S.* 1958—USSR 3).

Regulations of 4 October 1965 concerning productive undertakings of the Socialist State (*Ekonomicheskaya Gazeta*, 20 Oct. 1965).

Ordinance of 7 May 1967, issued by the Council of Ministers of the USSR, concerning the improvement and development of food services.

Regulations issued on 30 December 1963 by the Presidium of the Central Trade Union Council, concerning the housing and social services committee of factory, works and local trade union committees.

Regulations issued on 10 April 1964 by the Presidium of the Central Trade Union Council, on the social services committees of factory, works and local trade union committees.

Regulations issued on 31 July 1964 by the Presidium of the Central Trade Union Council, concerning supervisory boards and public groups set up by factory, works and local trade union committees to supervise commercial establishments and food shops.

Standard Internal Regulations applicable to workers in state undertakings, co-operatives and public enterprises, adopted by the State Committee on Labour and Wages of the Council of Ministers of the USSR on 12 January 1957.

Public catering services represent an important sector in the economy of the USSR. They are constantly being expanded and improved. Between 1960 and 1967 their capacity increased by no less than 80 per cent.

There is an extensive network of canteens, cafeterias, and snack-bars, and counters providing ready-cooked meals to be consumed elsewhere. The food is wholesome and adapted to consumers' age, state of health and occupation. In industry, building, transport and state farms, there are canteens which serve hot meals. In certain branches, such as forestry and the gas and petroleum industries, there are buffets and mobile canteens.

These catering services are provided by the undertakings with the services and equipment they require (electricity, water, fuel, furniture and refrigerators); standards of construction and design are thoroughly up to date.

Every effort is made to keep the cost of meals down, and a number of undertakings supply them to workers entirely free of charge.

The State and the public organisations are responsible for seeing that these food services are properly run.

The state health inspectors pay particular attention to the kitchens, so as to ensure high standards of hygiene and quality. The Ministries of Commerce of the USSR and the various republics ensure that all the rules and regulations concerning canteens and dining rooms, and the services they provide, are duly complied with. Voluntary public supervisory committees, consisting of workers in the undertakings concerned (the members being chosen by the trade union committee, with a member of this latter committee acting as chairman), are active in supervising and improving the services offered, and help to draw up collective agreements.

Soviet occupational safety legislation is designed to ensure that all workers enjoy the most suitable working conditions. In the light of recent scientific and technical progress, and mindful of the need constantly to improve working conditions in the interests of workers' health, the State Committee on Labour and Wages, the Building Committee and all the trade union councils jointly adopted, in 1967, a special standard which lays down that seats must be provided if at all possible, and must enable the most comfortable working posture to be adopted.

Industrial and building concerns are required to provide rest rooms, complete with drinking-water and electricity. The nature of the equipment and fittings required varies from one industry to another.

Cultural standards are continually rising, as is shown by the fact that there are now approximately 700,000 cultural institutions, including educational and cultural institutes, theatres and museums, in the USSR. There are some 130,000 workers' clubs, with recreational circles, libraries and culture centres, all set up by undertakings themselves. A wide variety of activities take place in them, including lectures, debates, plays, dances, ballet and performances by orchestras and choirs. Each club is managed by a council of workers, elected by show of hands by the entire staff of the undertaking concerned for a period of two years.

Urban transport systems make great efforts to adapt their schedules to working hours. Should an undertaking be far from any public transport route, it can enter into an agreement with the public transport authorities for the provision of a service; any deficit is borne by the undertaking. Very remote undertakings provide free transport for their workers.

The report indicates that as far as workers' social services are concerned, all the provisions in the Recommendation are covered by national law and practice.

UPPER VOLTA

Labour Code: Act No. 26-62-AN dated 7 July 1962, promulgated by Decree No. 348-PRES/AN of 17 August 1962 (*Journal officiel de la République de Haute-Volta*, 18 Aug. 1962, No. 33bis, Special).

Apart from section 117 of the Labour Code, which provides for the creation of workers' stores in undertakings, there are no official rules or regulations concerning the matters mentioned in the Recommendation.

The stores alluded to above can be created on a voluntary basis only. Through them the employer sells goods to his own workers. Payment must be in cash. The workers, through an elected committee, audit the accounts.

The Government says that it may have to take action to give effect to those clauses in the Recommendation not yet covered by national legislation or practice.

VENEZUELA

Labour Code: Act of 4 May 1945 (*Gaceta oficial*, Year LXXIII, 10 May 1945, Extraordinary, p. 8) (L.S. 1945—Ven. 1).

There are no legal provisions concerning dining-rooms, but a great number of workers enjoy such services by virtue of collective agreements.

In accordance with Article 118 of the Labour Act, employers have to provide seats for their workers in various kinds of establishments. Labour inspectors watch over the observance of this provision.

Article 23 of the Labour Act provides that if a place of work is farther than two kilometres from the village in which the worker resides, the employer shall supply efficient, safe and fast transport from and to the place of work; when the worker is called upon to work outside the country (article 24) his transport and food shall be paid.

VIET-NAM

Order No. 27 BLD/TTT/ND of 3 February 1967.

Order No. 197 BLD/TTT/ND of 23 September 1968.

The Labour Code contains no provisions covering the matters dealt with in the Recommendation.

Order No. 27 BLD/TTT/ND (article 12) prescribes occupational safety and health measures for industrial and commercial undertakings.

Order No. 197 BLD/TTT/ND establishes rules for medical services, and for safety and health on building construction and public works sites. In addition article 18 prescribes that undertakings employing more than twenty-five workers shall provide a messroom with an adequate number of chairs and tables.

Because of the difficulties created by the war, the Government does not intend, at the present time, to take any new measures to give effect to the provisions of the Recommendation.

ZAMBIA

No legislative or other provisions exist regarding the matters dealt with in the Recommendation.

Some of the larger undertakings provide free or subsidised midday meals, and facilities for workers to prepare their own meals. Large employers have recently been urged to establish canteens and provide meals in or near the undertakings.

Adequate seating is normally provided where appropriate and the Factories Branch of the Department of Labour provides its advice. A few of the larger undertakings provide rest rooms for staff. The large copper mines provide clubs, sports facilities and adult education services for their employees. Public transportation is available from major housing areas to places of work. When it is not available, employers, particularly construction and haulage firms, generally provide it. The Government pays a travelling allowance to employees residing over eight miles from their place of work and providing their own transportation.

No measures are envisaged in the near future to give effect to the Recommendation.

III. HOUSING OF WORKERS

Workers' Housing Recommendation, 1961 (No. 115)

AFGHANISTAN

See under Recommendation No. 97.

ARGENTINA

Act No. 11.278 of 5 August 1925 concerning the payment of wages in legal tender (*L.S.* 1925—Arg. 3).

Act No. 16.956 of 23 September 1966 respecting the organisation of ministries (*Boletín oficial*, 27 Sep. 1966, Year LXXIV, No. 21034, p. 1).

Act No. 17.561 of 5 December 1967 in respect of the construction of economic housing in inland areas.

Decree No. 5376 of 27 July 1967 in respect of income tax (*Anales de legislación argentina*, 17 Aug. 1967, Year XXVII, No. 23, p. 18).

The activity of the State is mainly directed towards satisfying the housing needs of the lowest income groups of the population. The target of the 1969 plan is to build a total of 160,000 dwelling units.

The Argentinian Economic Housing Plan (VEA) is already under way and includes various categories of loans depending on the characteristics and situation of the dwellings. In addition to this plan Act No. 17.561 was promulgated on 5 December 1967 for the construction of economic housing in inland areas.

The Secretariat of State for Housing is responsible for co-ordinating the activities that will bring within the reach of all sections of the population the necessary resources to provide access to housing, in accordance with section 36 of Act No. 16.956. This secretariat is also carrying out studies at the provincial and departmental levels into housing problems, without prejudice to the powers of local authorities to fix priorities in this respect.

In particular cases employers provide their workers with housing, especially in the agricultural and cattle-raising sectors. Act No. 13.246 governs the provision of housing as regards renting and co-ownership. The Agricultural Workers' Code, in sections 11 and 12, stipulates minimum conditions for housing provided by the employer. Some state undertakings in the mining and public works sectors provide their workers with accommodation. Furthermore, remuneration for work may not take the form of housing accommodation and communal services; Act No. 11.278 requires that all salaries and wages be paid in national currency having legal tender.

In addition to adopting certain tax measures, contained in Act No. 17.199 and in Decree No. 5376/67, the State subsidises the private financing of housing. Mention should be made in this respect of the activities of state-controlled undertakings and banks, as well as of the participation of co-operatives and trade union organisations.

As regards measures to increase efficiency in the construction industry, it should be pointed out that the market tends automatically to eliminate obsolete methods or unsuitable working processes. National and foreign building firms established in

the country have adequate equipment and highly qualified managerial and technical staff.

The National Directorate for Urban Development of the Secretariat of State for Housing studies needs, draws up plans and lays down standards for urban development. The minimum standards of safety and hygiene, etc., are established and enforced by the local authorities in each part of the country.

AUSTRIA

Rent Act (*Bundesgesetzblatt*, 4 July 1929, No. 210, and 4 Aug. 1967, No. 281).

Rent Control Act (*ibid.*, 23 July 1954, No. 132).

Federal Act of 25 January 1967 to amend the Act respecting the rebuilding of housing (*ibid.*, 15 Feb., No. 54).

Act of 1968 to promote building of small and medium-sized dwellings (*ibid.*, 4 Aug. 1967, No. 280).

Federal Act of 12 December 1968 to stimulate the labour market (*ibid.*, 21 Jan. 1969, No. 31).

Ordinance of the Federal Ministry of Social Affairs of 17 December 1965, to compile statistics on housing (*ibid.*, 18 Jan. 1966, No. 3).

Ordinance of the Federal Ministry of Social Affairs of 21 July 1967 to institute surveys of labour and housing (*ibid.*, 13 Oct. 1967, No. 334).

The Government states that the suggestions contained in the Recommendation have, to a large extent, been applied.

The great importance given to the construction of workers' housing may be seen from the Constitution. The relevant legislation was consolidated at the time the federal Act of 1968 to promote building came into force. This Act provides, in essence, for the allocation of loans to build small and medium-sized dwellings, for the allocation of a housing grant to pay interest due on mortgages, and for the various federal Länder to act as guarantors for such loans.

These measures are intended for the sole benefit of those persons classed as entitled to receive financial assistance, that is whose annual income does not exceed a given amount. The recipients of such assistance may acquire full or part ownership of small or medium-sized dwellings. Building is also encouraged by the Länder and by the communes.

In accordance with existing legislation, housing provided by an employer must be vacated on termination of the contract of employment. However, in exceptional cases an extension of lease may be granted.

The volume of construction in the building industry is kept up through the training of qualified personnel, by efficient production of building materials, and by the use of such materials as are essential for the application of modern building techniques.

Occupational safety and health requirements are met by the regulations governing building and by other legislative provisions.

Government-sponsored research in the building sector and the constant spread of standardisation both help to achieve compliance with international standards as regards hygiene in dwellings.

By virtue of the Rent Act, the Rent Control Act, and the Act on the Social Importance of Housing, which provide for control of rent levels, workers can find accommodation at reasonable prices.

Upkeep of old apartment buildings is covered by the Rent Act. From now on, the basic rent level may be raised under certain conditions, even for the purpose of routine maintenance.

Under the Act to stimulate the labour market, subsidies may be granted to compensate for short-term fluctuations in employment or to create additional openings. As a means of reducing seasonal unemployment, undertakings may be awarded grants to stimulate work during the winter months.

The Federal Ministry of Social Affairs, in co-operation with various employers' and workers' organisations, organises training courses for workers in the building industry. Subsidies are granted to unemployed workers to enable them to attend such courses.

A regional planning scheme has been drawn up, providing, in particular, for the identification of built-up areas suitable for modernisation.

The Federal Ministry of Building and Technology has full authority in all housing matters.

BOLIVIA

Act of 19 April 1928 concerning the transfer of state lands.

Act of 10 September 1956.

Act of 29 October 1956.

Act of 25 January 1957.

Act of 10 September 1958.

Act of 5 January 1961.

Supreme Decree of 4 August 1940.

Supreme Decree of 30 April 1956 instituting the Peoples' Housing Scheme.

Supreme Decree No. 08750 of 26 May 1969 on workers' housing.

Legislative Decree No. 06816 of 3 July 1964 setting up a National Housing Council.

Already in 1928 the Act of 19 April provided for the transfer of state lands in La Paz, Oruro and Potosí for the construction of workers' districts, which was subsequently carried out on a small scale.

A Supreme Decree dated 4 August 1940 compelled undertakings to build dwellings for their workers.

The building of subsidised housing was promoted by the Supreme Decree of 30 April 1956, made into a law on 29 October of the same year, instituting a People's Housing Scheme and the National Housing Institute.

In the end the Housing Institute was dissolved and Legislative Decree No. 06816 dated 3 July 1964 set up a National Housing Council, which is carrying out large-scale housing plans for all workers.

The Government considers that what is being done in workers' housing is in complete accordance with the Recommendation.

BRAZIL

Act No. 4,380 of 21 August 1964 setting up the National Housing Bank.

Legislative Decree No. 19 of 30 August 1966.

Legislative Decree No. 283 of 28 February 1967.

In 1946 a People's Housing Foundation was set up to accelerate the construction of low-cost dwellings. But although the various pension funds and institutes co-operated, it was not successful in averting a grave housing shortage. Thus in 1964 it was estimated that the country lacked some 6 million dwellings. Act No. 4,380, supplemented by Legislative Decrees Nos. 19 and 283, consolidates the rules and regulations now in force.

It requires the Government to frame a national housing and regional development policy. Preference is to be given to the erection of low-cost dwellings, and to the financing of house purchases by the lower income groups. The Government is active in the field of housing through the National Housing Bank, the Federal Housing and Town-Planning Department, the Federal Thrift and Savings Funds, the State Employees' Social Welfare and Relief Institute, the military insurance funds, the federal regional development agencies, and companies in which the State has a shareholding.

These low-cost dwellings are sold at a price not exceeding seventy-five instalments of the statutory minimum wage, payable in 240 months. By 30 April 1968 the National Housing Bank had provided a total of 611,460,000 new cruzeiros under this scheme. The National Housing Programme has encouraged saving. Investment in housing construction already amounts to 8 million cruzeiros, of which not more than 2 per cent comes from outside sources.

BULGARIA

Decree to promote individual and co-operative house building (*Izvestiya (Iz)*, No. 28, 1954), amended and supplemented in 1967 (*D'rzhaven Vestnik (D.V.)*, No. 23, 1967).

Order by the Council of Ministers, No. 39 (*ibid.*, No. 61, 1966).

Regulations governing credits for the construction of dwellings (*D.V.*, No. 96, 1966).

Regulations governing co-operation with a view to the construction of dwellings (*Iz.*, No. 51, 1954): amendments and additions, *ibid.*, No. 78, 1958 and No. 99, 1963).

The programme adopted and put into effect by Order No. 39 provides for 2.3 times as many dwellings to be constructed between 1966 and 1970 as between 1961 and 1965. The State builds dwellings for rent only. Provision has been made for larger sums to be devoted to workers' housing in the towns and cities, where the need is especially acute. In addition hostels will be erected for unmarried persons and young couples; they will be run by communal undertakings or people's councils.

The Government also encourages the individual or co-operative construction of dwellings. Licences are issued, free of tax or rates, for the building of houses on public land made available to people's councils. In addition long-term credits at very low rates of interest are available.

Housing for workers is built by the undertakings and administrations employing them.

The Ministry of Building and Architecture is responsible for implementing official housing policy.

BURMA

The state agency entrusted with public housing (National Housing and Town and Country Development Board) gives top priority to public housing for workers. Separate housing schemes exist for government workers (usually white collar) and for industrial workers. The Board's apartments are rented to workers at especially favourable rentals which are roughly about one-sixth of the tenant's family income.

The report indicates that a remarkable feature of public housing is the Labour Contribution Scheme, which caters for the lower middle income groups, under which an applicant is required to contribute from 120 to 180 hours of manual work at the construction site. For the lowest income groups there is the Aided Self-Help Housing Scheme, where more labour is put in to minimise the cost of construction. Stabilised earth-block is the main building material used; the roofing is also moulded of quarry dust stabilised with cement into diagonal slabs. The Government advances 50 per cent of the cost repayable within fifteen years at an interest rate of 4 $\frac{3}{4}$ per cent per annum. This scheme is being experimented among government-employed construction workers in suburban Rangoon for their own dwellings. It is expected that other governmental agencies will follow suit.

CAMEROON

Labour Code: Act No. 67-LF-6 of 12 June 1967 (*L.S.* 1967—Cam. 1).

Order No. 18 of 27 May 1969 to establish workers' housing standards and to govern repayment of housing costs by workers.

Article 68 of the Labour Code requires the employer to provide a permanent worker and his family with housing when such a worker does not come originally

from his place of employment, has been recruited elsewhere, and was not domiciled there at the time of his engagement.

Order No. 18 of 27 May 1969 to apply this provision specifies the conditions that must be met with as regards housing provided for workers (construction from durable materials, accommodation in basements prohibited, etc.). It also specifies an upper limit to the cost of the housing to the worker and the methods of repayment of costs to the employer.

The Cameroon Building Society uses a system of sale through payment by instalment to help to improve workers' housing conditions, particularly where average or fairly highly paid workers are concerned.

The labour inspectorate is responsible for supervising the application of the regulations governing workers' housing. In welfare matters it shares this responsibility with the Medical Inspectorate of Labour.

CANADA

Central Mortgage and Housing Corporation Act, 1945.

National Housing Act, 1954.

National Building Code—Residential Standards Canada, 1965.

Manitoba Elderly and Infirm Persons' Housing Act, 1944.

British Columbia Better Housing Act, 1948.

British Columbia Housing Act, 1960.

Ontario Housing Development Act, 1960.

Ontario Housing Corporation Act, 1964.

Saskatchewan Housing and Urban Renewal Act.

Nova Scotia Housing Development Act, 1966.

Prince Edward Island Housing Authority Act, 1966.

Newfoundland and Labrador Housing Corporation Act, 1966-1967.

Manitoba Housing and Renewal Corporation Act, 1967.

Quebec Housing Corporation Act, 1967.

New Brunswick Housing Act, 1967.

Alberta Housing Act, 1968.

Act to Amend the New Brunswick Housing Act, 1968.

Federal provincial and municipal authorities all have powers and responsibilities in housing and related construction. The responsibilities are shared between one or other of the authorities and in latter years co-operation in planning and development has increased. These matters are governed by both federal and provincial legislation. Federal policy is to promote new programmes and techniques and to give financial support to housing and urban developments, and in this its concern is the provision of housing for low-income families and persons, and the aged and handicapped. As well as aiding public authorities it also contributes to low rental housing and other accommodation built by private enterprises and non-private organisations. Federal activity has resulted in a greater output of new housing; from 1954 to 1968, 40 per cent of the over 2 million units of new housing undertaken was aided by federal financing; by 1966 the rate of total growth rose to 440.8 units per thousand increase in population, compared with 249.4 units in 1951.

The Central Mortgage and Housing Corporation, established to administer the federal housing laws, is empowered, *inter alia*, to initiate studies of housing needs and community planning, which it is able to do through the offices it maintains in almost all cities. Such studies and assessments are also undertaken by provincial authorities, aided sometimes by the federal Government, for example by means of grants for urban renewal studies. Federal aid for slum clearance was initiated in 1944. The legislation provides for the appointment of fully representative advisory

bodies to co-operate in housing programming. National and provincial programmes cover both rental and ownership houses. Measures were taken in 1960 to ensure that no form of discrimination could apply in the sale or purchase of dwellings financed under the housing legislation.

The National Housing Act, 1954, provides for a system of loan insurance, and the Central Mortgage and Housing Corporation administers the system. Loans advanced by approved private lenders are guaranteed by the Corporation, which also makes direct loans for home ownership, and for low-rental housing construction to non-profit organisations, individuals and provincial housing corporations, institutions providing student accommodation, and other residential builders. Regulations governing mortgage lending aim to make the terms as favourable as those for other investments in the private market. The Government's measures to ensure the flow of private finance to support residential construction are continually reviewed; loan-to-value ratios are increased from time to time and longer terms are introduced (varying between twenty-five and forty years) in keeping with the state of the economy. Interest rates are however left for negotiation between borrower and lender. The aim of this complex guaranteed loan system is to achieve flexibility to protect both borrower and lender, and to preserve conditions which attract private funds into residential housing.

The assistance provided through the corporation for subsidised public housing of various kinds is essentially designed to benefit low-income families and persons. The two main schemes provided for are federal-provincial partnership arrangements, and long-term high-ratio public housing loans at low rates to provincial housing corporations. Projects must be initiated by a municipality or a province, and their utility must be demonstrated.

All the provinces have legislation dealing fairly extensively with housing and urban development, which provides in varying degrees for the federal-provincial partnership system (in British Columbia, for example, public housing is developed exclusively in this way).

Eight provinces have set up their own housing corporations to make agreements with the central corporation and administer the provision of low-rental housing, while the remaining two provinces maintain government departments or agencies for the purpose. There is also provision for considerable responsibility on the part of municipalities. Under the partnership scheme capital costs are borne as to 75 per cent by the federal Government and 25 per cent by the province. Rentals of public housing are on a graduated scale according to incomes. Occupants may buy their units. Loans by the central corporation under the long-term high-ratio public housing loan system may equal 90 per cent of the cost for a term of up to fifty years at a low interest rate.

Both the federal and provincial housing legislation provides for urban renewal, i.e. for rebuilding community and urban areas to improve living and working conditions. Federal financial aid, for example, is by outright contributions or loans to assist municipalities in acquiring or improving lands and buildings, providing public services, assisting owners of affected property and relocating dispossessed persons.

Local authorities are responsible for building construction standards, but the national building code, published by the National Research Council, is widely used as a basis for local legislation. For buildings financed under the National Housing Act, the corporation has prescribed national residential standards.

CENTRAL AFRICAN REPUBLIC

Labour Code: Act No. 61/221 of 2 June 1961 (*Journal officiel de la République centrafricaine*, Aug. 1961, Special Number).

Order No. 83 of 30 January 1954 to regulate allocation of housing and Order No. 52 of 30 December 1963 fixing the repayment value of housing allotted to workers in Ubangi-Shari.

The Labour Code of 1961 and Order No. 83 of 1954 are the basic legal texts concerned with workers' housing. They provide that, where a permanent worker is recruited at a place other than his place of employment and cannot by his own efforts obtain adequate accommodation for himself and his family, the employer is required to provide him with such accommodation under the conditions laid down in the regulations.

In addition the employer is required to provide housing for any worker who does not originally come from his place of employment when such a worker is unable to obtain, by his own efforts, adequate accommodation for himself and his family.

When housing is provided by the employer, the maximum rate of repayment of costs is laid down by Order No. 52 of 1963. At the present time this rate is equivalent to half an hour of work per day as calculated on the basis of the minimum guaranteed wage in agriculture.

The labour inspectorate is normally responsible for supervising the application of the laws and regulations cited above.

The country's present economic prospects do not permit any effective action to be taken in this field in the immediate future to give full effect to the provisions of the Recommendation. However, the Government has no modifications to propose as regards the Recommendation.

CEYLON

Housing and Town Improvement Ordinance (Ch. 199).

Section 19 of the Ordinance is relevant as regards the Recommendation. The Commissioner of National Housing is responsible for the application of this section. No separate provision is made for employers' and workers' organisations to participate in activities of the housing societies that can be established under the Ordinance.

No measures or modifications are contemplated at present to give effect to the Recommendation.

CHILE

Act No. 10383, Article 59, Clause (d), instituting the social security service (*Diario Oficial (D.O.)*, 8 Aug. 1952) (*L.S.* 1952—Chil. 1).

Decree No. 1515 approving Regulations concerning the transfer and construction of collective buildings for workers' housing (*D.O.*, 23 Sep. 1954).

DFL 285, Articles 20 and 21, setting up the Housing Corporation through the merger of the Housing Fund and the Reconstruction Corporation (*ibid.*, 5 Aug. 1953).

Decree No. 1020 approving rules for the application of Article 20 of DFL 285 (*ibid.*, 28 June 1961).

Decree No. 355 approving the regulations for granting loans for the restoration of the houses of persons covered by Act No. 10383 (*ibid.*, 28 July 1956).

DFL 2 of 31 July 1959, known as the Housing Plan, granting tax relief and other benefits to persons who build dwellings in accordance with the requirements of the said Act.

The Government is implementing a housing plan in order to guarantee adequate and comfortable housing for all workers and their families, and with this aim is encouraging the constitution of housing co-operatives and is granting maximum tax relief.

COLOMBIA

Labour Code: Decree No. 2663 of 5 August 1950, section 256 (*Diario Oficial (D.O.)*, 9 Sep. 1950, No. 27407, p. 929) (*L.S.* 1950—Col. 3 A), amended by Decree No. 2351 of 4 September 1965, section 18 (*D.O.*, 17 Sep. 1965, No. 31754, p. 537) (*L.S.* 1965—Col. 1) and Decrees Nos. 423 and 2076 of 1967 issued thereunder.

Decree No. 1021 of 1932 to approve the creation of the Central Mortgage Bank.

Decree No. 1070 of 1956.

Decree No. 1691 of 1960 to institute the Housing and Savings Bonds.

Decree No. 2349 of 1965.

Decree No. 687 of 1967 to institute constant value bonds for social security.

Decree No. 3118 of 1968 to set up the National Savings Fund.

The main official credit institutions are the Agrarian, Industrial and Mining Credit Fund, the Territorial Credit Institute and finally the Central Mortgage Bank.

In granting credit facilities account is taken of the least privileged sections of the population, of areas with the greatest housing shortage or of co-operatives and other groups with interests in housing construction.

Section 256 of the Labour Code, as amended by section 18 of Decree No. 2351 of 1965 and applied by Decrees Nos. 423 and 2076 of 1967 issued thereunder, entitles any worker to demand payment of his leaving grant to enable him to buy, build, improve or disencumber real property which he intends to use as a dwelling place, provided that the amount so paid shall not exceed the amount necessary for the purpose. Under this provision employers and workers are also authorised to carry out housing programmes.

One of the obligations of the National Savings Fund, instituted under Decree No. 3118 of 1968, is to help solve the housing problem of state employees.

Furthermore, there are various systems of bonds, either for loans or for savings, backed by the State through financial institutions, for the purpose of building or acquiring housing.

CONGO (Kinshasa)

Legislative Ordinance No. 67/310 of 9 August 1967 to establish a Labour Code (*Moniteur congolais*, 15 Aug. 1967, No. 16) (*L.S.* 1967—Congo (Kin. 1)), Part VII, Chapter V.

Article 117 of the Labour Code prescribes that a permanent employee engaged to fulfil a contract of employment in a place other than his normal place of residence, who is unable by his own efforts to obtain suitable accommodation for himself and his family, shall be provided with housing by the employer.

In compliance with this legal requirement, most Congolese undertakings provide their workers with housing or, where this is not possible, its equivalent value in cash. The Government intends to extend this provision to cover self-employed workers, and aged, retired, or physically handicapped persons.

The National Housing Office is concerned with the construction and modernisation of housing. It is within the framework of the undertaking, whether public or private, that this policy is carried out.

A "loans fund" system is in operation whereby housing is granted permanently to a worker in return for a monthly deduction from his wages. This deduction must be reasonable in proportion to his income.

The Institute of Architects and Valuers, and the Institute of Building and Public Works, have started a programme for training architects and engineers to meet the needs of the national development programme.

CUBA

Urban Reform Act of 14 October 1960.

Legislative action has been taken to solve the housing problem as a whole. The problem is being tackled in accordance with official plans and also in accordance with the above-mentioned Urban Reform Act dated 14 October 1960.

Under the said Act, all tenants are to become owners within five to twenty years, according to the date of construction of the building. The State receives the

tenants' contributions and pays the former owner the amount he used to receive, up to a maximum of 600 pesos a month. Any sums in excess of this amount become the property of the nation and are used to finance new building. When the tenants have acquired ownership (and such payments are no longer made), the State continues to pay the owner up to 250 pesos a month during his lifetime.

The speculative sale of city land has been stopped and slums cleared. Large families living in unsatisfactory surroundings enjoy priority in the allotment of newly built dwellings.

In the countryside the peasantry is in some cases concentrated in small villages of from 50 to 500 dwellings.

The bodies responsible for putting the plans into effect and applying the legislation governing housing are the Ministry of Justice and the Ministry of Construction (in which there is a ministerial department concerned with housing).

COSTA RICA

Act No. 2 of 27 August 1943 (Labour Code) (*L.S.* 1943—CR 1).

Act to establish the National Institute of Housing and Town Planning, No. 1788 of 24 August 1954.

Act No. 1788 of 1954, which set up the National Institute of Housing and Town Planning, laid down that this organisation shall promote the construction of hygienic dwellings; provide the means necessary for obtaining them in ownership or lease for the physical and mental welfare of their dwellers; take care preferentially of the most needy classes; provide for town planning; and formulate plans of investment in public works, etc.

According to Article 166 of the Labour Code, housing may be regarded as wages in kind, but in that case may not be taken away by the employer.

The application of the Act of 1954 is entrusted to the board of directors of the Institute, without participation by employers' or workers' organisations.

The compulsory provision of adequate housing for rural workers is being considered.

CZECHOSLOVAKIA

Order No. 048 of 2 April 1958 promulgated further to section 15 of Act No. 4 of 1952.

Joint Order of 31 October 1968, issued by the Ministry of Finance and Central Council of Trade Unions, respecting social and cultural funds (*Sbirka Zákonů*, 19 Nov. 1968, No. 42, text 145).

A major objective of the policy pursued by the Government and by the Central Council of Trade Unions is to overcome the present housing shortage with all possible speed. No distinction is made between one category of workers and another. However, building is not keeping pace with requirements, and should national resources in manpower and materials prove inadequate, recourse may be had to co-operation with the other socialist countries. Negotiations with this in view are now under way.

Housing construction is financed by the State, the communes, housing co-operatives, undertakings or private individuals (responsible respectively for 20.5, 53.7, 3.6 and 22.2 per cent of the housing completed in 1968). Housing built by the State or the communes is allocated among the ill-housed by order of urgency, preference being given to large families. The social and cultural funds (all economic organisations are required to have one) indirectly finance a considerable proportion of building programmes, in the form of loans to workers for the purchase of shares in housing co-operatives, the building or renovation of houses by individuals, or the purchase of houses by socialist organisations. In all cases the rent must be calculated in such a way that it covers no more than the progressive refund of the loans plus overheads, so that any speculative element is ruled out.

Undertakings build hostels in which unmarried workers or apprentices can be accommodated permanently or temporarily, in the light of requirements. They pay for the building, upkeep and day-to-day costs of such hostels in accordance with rules laid down by the Ministry of Health.

DAHOMY

Order No. 1922/ITLS/D of 6 August 1953 on workers' housing.
See also under Recommendation No. 102.

Order No. 1922 obliges the employer to provide housing for any worker who does not come from, or is not normally resident in, the place where he is employed, when such a worker cannot afford proper accommodation for himself and his dependants. The order likewise sets standards for the accommodation provided.

Much, in practice, has been done by the Government. In the city of Cotonou two low-cost housing estates have been built. In other towns accommodation is provided free of charge for persons employed in certain professions, whether publicly or privately (such as doctors, school teachers, etc.).

As regards enforcement, see under Recommendation No. 102.

The Government states that national law and practice cover almost all the provisions in the Recommendation. It desires no change in the latter.

DENMARK

Housing Act of 1 April 1968.

The question of workers' housing has not been dealt with by any specific measures but forms part of over-all housing policy.

The various publications of the Ministry of Housing, and of the Secretariat of the National Planning Board, together with the Housing Act of 1 April 1968 sum up the situation as regards national legislation and practice in the field of workers' housing.

FINLAND

Act respecting lodging subsidies for families with children, 1961 (*Suomen Asetuskoelma-Finlands Författningssamling*, No. 247/61), and related decree of 1962 (*ibid.*, No. 34/62) amended in 1968 (*ibid.*, 604/68).

Housing Production Act of 22 April 1966 (*ibid.*, No. 247/66) as amended on 19 January 1968 (*ibid.*, No. 33/68).

Act respecting collective accommodation in forestry and timber floating, 1967 (*ibid.*, No. 344/67).

Resolution of the Council of State concerning welfare facilities for workers in workplaces operated by the State, 1966 (*ibid.*, No. 194/66).

Workers' housing has not been treated as a separate matter but forms part of general housing policy. The legislative provisions concerning the housing policy are included mainly in the above legislation.

Under the provisions of the Act respecting collective accommodation in forestry and timber floating, the employers are obliged to provide separate accommodation for men and women workers, or to provide transport facilities to and from the workplace or to pay the cost of the transport. This Act lays down provisions on the level and quality of accommodation and specifies facilities for cleaning, heating, lighting, etc. The workers provided with accommodation under this Act are not required to pay any rent.

A resolution of the Council of State adopted in 1966 contains regulations for welfare facilities in workplaces operated by the State and indicates the workplaces where accommodation must be provided by the employer. This resolution also lays down detailed provisions concerning the type of accommodation and the facilities to be provided therein.

The Housing Production Act contains provisions concerning house construction and the improvement of housing facilities. To further this objective, the State grants housing loans, supplementary loans and other incentives. To lower the housing costs financial aid is granted from the state funds in the form of lodging subsidies under the Act on lodging subsidies for families with children; families with at least two children under 16 years of age whose total annual taxable income does not exceed the prescribed amount are entitled to such assistance. Lodging subsidies are paid only for rented flats and the amount is determined taking into account the income of the family, the number of children and the size of the flat. An appropriation for loans and research concerning improvement of housing facilities is included in the annual state budget. In deciding upon the grant of loans and other incentives the necessity and economic desirability of promoting housing construction in different regions of the country is taken into account. In this connection the National Housing Board has fixed income and property requirements for the grant of loans for the construction, extension or improvement of individual houses or tenements owned by the occupants or constructed for renting by housing co-operatives.

Under the Housing Production Act appropriations are also made for studies and research on housing policy and construction, including experimental designs. For this purpose the National Housing Board prepares a general research programme and appropriations are made by the Council of State. Every year the municipal councils of towns or boroughs and of rural communes with a least 10,000 inhabitants examine and approve the house-building programme for the next five years.

To a certain extent the house-building programme for Finland is also assisted by the employers who build tenements for renting to staff and provide financial assistance to workers wishing to build their own houses.

The national legislation on housing is supervised by the National Housing Board assisted by the Advisory Committee for Housing Production. The Act concerning collective accommodation in forestry and timber floating is enforced by the labour inspectorate attached to the Ministry of Health and Social Affairs.

The report states that the legislation fully covers the objectives laid down in the Workers' Housing Recommendation. Further measures will be taken by the Government within the limits of national resources.

FRANCE

Act of 3 September 1947.

Act of 19 December 1963 subjecting capital gains on and profits from the sale of real estate to income tax.

Decree of 9 August 1953 amended by the decrees of 7 November 1966.

Decree of 22 October 1955 on general rules of construction applicable to dwelling-houses, as amended by Decree No. 69-4111 of 30 April 1969.

Orders and circulars of 14 November 1958 on general rules of construction applicable to dwelling-houses, as amended by the Order of 30 April 1969.

Circular of 28 May 1963 on the application to foreigners of the regulations governing subsidised building.

National housing policy has led to the construction of some 470,000 homes a year (one-third of them in the so-called "social sector"), and to the modernisation of old buildings at the rate of 150,000 homes a year (such modernisation has been accomplished thanks very largely to subsidies from the National Housing Improvement Fund, which is financed by levies on the rents charged for such buildings).

Low-rent homes are built thanks to a subsidy from the State amounting to 45 per cent of costs. In addition there is a system whereby the authorities offer direct assistance to the poorer classes, in the form of special housing or rental

allowances. By such means it has proved possible to ensure that rents are not too heavy a burden for the working class.

Housing programmes enjoy priority (30 per cent of building financed by public funds). Building companies, whether private or otherwise, are free to take the initiative, within an over-all framework established by the State. The true aim in both the "free" and the "social" (controlled) sector is to provide each family with a complete, separate home.

The Ministry of Equipment and Housing (organs of which keep abreast of housing requirements) assumes the responsibilities incumbent on the Government in such matters.

The State has devised a general five-year housing plan as part of the objectives of the national plan. This is provided for in the annual budget voted by Parliament. The programme in question covers the construction of "social" housing (which includes rent-controlled housing and the rehousing of slum-dwellers) and the so-called "assisted" sector, in which the state assistance consists of bonuses and interest subsidies. Employers' and workers' representatives are associated in the execution of this programme. They take part, for example, in the deliberations of the housing committee, a body specialising in housing problems. The State is active on behalf of the workers in two main ways. In the "moderate-rent" sector, governed by the Act of 3 September 1947, access to ownership (35,000 homes provided for in 1969) and renting are reserved for persons whose over-all income does not exceed a certain figure. To these measures there must be added financial assistance from the authorities in the form of a housing allowance granted within the family-allowances scheme and of a rent allowance for the benefit of old people in straitened circumstances. Foreign workers suffer no discrimination except as regards the right to moderate-rent housing, for which they are eligible only if their country of origin grants similar rights to French workers.

As regards housing provided by employers, the decree of 9 August 1953, as amended, provides that employers must share in the drive to promote housing construction by an annual payment of 1 per cent of their total wage bill. This sum can be used directly to provide housing for workers in the undertaking concerned. In this latter case, the basic rights of the workers, and their freedom to associate, are respected; relations between the parties are governed by ordinary legislation on rent, except as regards the right of continued residence granted to persons occupying old buildings.

As regards finance, state aid in the "social" sector takes the form of budgetary subsidies (loans at low rates of interest to builders). In the so-called "assisted" sector, it consists of a bonus, which may or may not be followed by a loan for building purposes.

As regards housing standards, the previous highly detailed regulations have just been replaced by a new set of regulations which merely lay down general standards concerning such things as minimum floor-space per person, minimum equipment required, etc.

In order to render the building industry more efficient, various measures have been taken to encourage the vocational training of building workers, to lay down standards of health and safety, and to encourage pure and applied research. Steps have also been taken to develop mass-production methods applicable to the construction of dwelling-houses.

As regards the need for stabilising employment in the construction industry, the Government makes allowance for the state of the economy in its budgetary estimates, and takes measures to counteract incipient slumps.

As regards town and country planning, public policy is to prevent speculation in real estate by introducing a tax on capital gains, by regulating the property

market, and by constituting reserves of real estate. Provision has also been made for concerted planning zones, which include areas in which town-planning has priority. In such zones the State has a right of pre-emption over the sale of land, with the result that it can exercise control over the cost of building plots.

FEDERAL REPUBLIC OF GERMANY

Act (No. 2) of 27 June 1956 respecting the building of houses (*Bundesgesetzblatt*, Part I, No. 30 28 June 1956).

Act of 1 July 1969, known as the Welfare Act.

The Government states that in most cases Acts passed by the federal Government or by the Länder, together with the relevant administrative directives, refer to housing in general and not merely to workers' housing.

Under the 1956 Act various methods are used to encourage building. In the case of construction of low-cost housing for persons whose income is less than a given amount, the public authorities grant low-interest loans or medium-term subsidies so as to allow the lower income groups of the population to find housing at reasonable rates. In other cases building schemes may enjoy tax relief or unrestricted financing facilities. The latter system is the least common.

From July 1948 to the end of 1968, 10.5 million dwellings were completed. Of these 5 million were built with the assistance of the public authorities. Of the 4 million dwellings planned for construction during the next ten years, half will consist of low-cost housing built with public assistance.

It is rare for the public authorities to be directly concerned with housing construction but they facilitate and encourage all aspects of such building, especially saving for housing purposes, whether through income-tax relief or through housing grants. Half of such assistance is furnished by the federal Government and half by the Land.

Approximately 1.7 million existing dwellings have been repaired and modernised with the assistance of the public authorities through rebates on income tax.

The new welfare legislation provides, among other things, for periods of notice to quit to be compatible with the length of the lease, for a "welfare clause" that, in the case of notice to quit, permits appraisal of the respective legal rights of tenant and landlord, and for the compulsory continuation of construction of low-cost housing intended for the lower income groups of the population, particularly in the case of large families, old people, people living alone, and young married couples.

As regards workers more particularly, the public authorities grant loans for housing to be built for married workers of German nationality who are living too far from their place of employment, who have to work in undertakings remote from industrialised areas, or who suffer from serious physical disability. The upper limit on such loans is 9,000 DM and they are repayable over a period of ten years.

Between 1961 and 1968 approximately 230 million DM were allotted for construction of workers' housing, particularly for the categories of workers cited in the preceding paragraph. These measures have had a favourable effect on the labour market, for the money has been chiefly used in areas where the economic structure was weak.

Loans for building purposes may also be granted in the case of housing for married workers of foreign nationality who have been working in the Federal Republic for at least two years. The conditions are analogous to those cited above with regard to German workers. By the end of 1968, 99 buildings comprising 1,029 dwellings had been constructed with the help of such loans.

More than 270 million DM were spent on building hostels for foreign workers during the period 1965 to 1969. With this money nearly 1,700 buildings were

constructed, providing 100,000 beds in all. Only when the worker is suitably housed will the competent authority undertake to find work for him. Regular inspections ensure that any deficiencies are remedied.

Other loans may be granted over a twelve-year period for the setting up of welfare centres for foreign workers in need of immediate assistance.

Still other loans are given for the construction of small dwellings for working mothers living alone with their children, hostels for young persons following an apprenticeship away from their place of domicile and hostels to house workers while they look for suitable accommodation.

The regional authorities are responsible for carrying out the relevant legislative and administrative provisions. The employers' and workers' organisations play no part in this; the authorities themselves look after the interests represented by these organisations.

The Government considers that the Recommendation should point out the need to establish rents which cover costs and should draw attention to the fact that withdrawal of the economic regulations governing housing at the proper time would encourage competition between landlords, a situation from which tenants could only benefit.

GREECE

Legislative Decree No. 2963 of 1954 to set up an autonomous body concerned with workers' housing (*Ephemeris tes Kyberneseos*, 24 Aug. 1954).

Legislative Decree No. 2963 set up a body concerned with workers' housing, subsidised by the Government and coming under the supervision of the Ministry of Labour. Representatives of employers' and workers' organisations, in addition to the experts concerned, take part in the work of this body, which is to promote workers' housing programmes, in particular as regards building of new housing, repair and improvement of existing housing, and granting of loans for house purchase.

Considerations subject to which emergency assistance is granted include the number of persons in the worker's family, the family income, and the length of time such assistance will be needed.

This emergency programme is supplemented by longer-term measures which come under the jurisdiction of the Ministry of Social Affairs.

GUATEMALA

Through the programmes of the National Institute of Housing, workers are provided every year with more than 3,000 houses at greatly reduced prices. It has, however, not yet been possible to extend these programmes to rural areas.

There are few workers' co-operatives for the purpose of acquiring or building modest dwellings, and collective agreements which deal with this question are also few in number.

HUNGARY

Decree No. 12480/1949 respecting apartment rents.

Decree No. 1002 of 10 January 1960 respecting the housing development plan.

Decree No. 2 of 30 April 1962 respecting land made available by the Government for building.

Decree No. 49 of 31 December 1962 providing for exemption from rates of new housing.

Decree No. 8 of 17 October 1967 respecting facilities granted by the Government for private building.

The Government considers that the housing policy is in complete conformity with the principles of the Recommendation. Decree No. 1002 of 10 January 1960 respecting the housing development plan specifies improvement of the housing situation as one of the most important tasks of the next few years and mentions that the country's resources should allow it to put an end to the housing shortage

in fifteen years' time through the construction of approximately 1 million dwellings. Within the framework of this programme 476,000 apartments were built between 1961 and 1968.

The Government also provides for construction of related community facilities. To this end approximately 60 per cent of all new housing is to be built in the capital and the industrial towns.

Another feature of the plan provides for reducing delays in the repair and modernisation of buildings.

Rents do not come to more than 3 to 5 per cent of family incomes, as the level of rent has remained steady since 1948. Town-planning schemes must be prepared in good time by the Minister of Construction and the executive committees of the councils.

The Ministry of Construction and Urban Development is responsible for controlling all housing activity, while the National Savings Bank is responsible for preventing any speculation in the housing industry.

Trade unions play an important part in drawing up housing policy, and their regional sections have a say in the allocation of apartments.

The Government provides, through the plan, for provision of the materials and techniques necessary to carry out the housing programme. Undertakings may themselves contribute to the construction of housing for their workers.

The Government encourages private housing construction through loans at moderate rates of interest and grants extensive facilities to the housing co-operatives.

In addition the Government has enlarged its building potential through an increase in the number of factories working in this sector, thereby causing it to lose its seasonal nature and eliminating unemployment in the industry.

The housing regulations prescribe the minimum standards to be enforced in the building industry. The industry operates within the framework of the regional planning schemes.

The legislation provides that the public authorities shall have sufficient reserves of building land at their disposal and shall make this land available to builders at reasonable prices.

INDIA

Plantations Labour Act, 1951 (*L.S.* 1951—Ind. 5).

The only legislation containing workers' housing provisions is the above Act, which requires employers to provide houses for their employees. There are, however, administrative provisions and practices at both central and state levels which fulfil provisions of the Recommendation. The central Government has established the Department of Works, Housing and Urban Development to deal with the housing problems of workers and persons in the low- and middle-income groups. The Government's programme includes a number of schemes introduced between 1952 and 1959: housing for industrial workers, economically weak sections of the community and plantation workers, slum clearance, village housing, and land acquisition and development for low-cost building.

Under the subsidised industrial housing scheme the central Government makes grants or loans to state governments and other agencies for providing various types of housing accommodation for the industrial and mineworkers covered by the Factories and Mines Acts. The wage limits for the allotment of a house is 350 rupees a month but a worker may retain the house up to a wage of 500 rupees. The financial assistance is 50 per cent as outright subsidy and 50 per cent as loan; to co-operatives the assistance is 25 and 65 per cent and to employers 50 and 25 per cent. Up to September 1968, 163,715 houses had been completed. There are two schemes covering

low-income groups. A 1954 scheme provides for granting loans for the purchase of new ready-built houses and for the construction of new houses or the residential portions of shop premises ; 123,234 houses had been completed by 1968. A further one introduced in 1962 provides for rent subsidies to persons in economically weak sections of the community, and in 1966 this scheme was integrated with the housing for industrial workers scheme so that the subsidised rents, based on 50 per cent of construction cost, are the same as for industrial workers ; up to September 1968 over 3,000 houses had been completed. The plantations labour housing scheme provides for financial assistance to planters (25 per cent subsidy and 50 per cent loan on the approved cost of houses) for the construction of rent-free houses for their workers; co-operatives of plantation workers are granted 25 per cent subsidy and 65 per cent loan of the cost. Up to the end of 1968, 1,484 houses had been built.

The slum-clearance scheme covers affected families whose monthly income does not exceed 250 rupees in three major cities and 175 rupees elsewhere. As from April 1966 the Government's assistance was raised from 75 to 87½ per cent of the approved cost of the projects. Since the inception of the scheme 57,728 dwelling units had been completed up to March 1967. The village housing projects scheme provides for loans to villagers for new or the improvement of existing houses, at up to 80 per cent of the cost, subject to a maximum, and for 100 per cent grants to state governments to make available house sites to landless agricultural workers and for public works in the villages. State Rural Housing Cells provide technical assistance, the central Government paying half of the staff costs. Up to December 1968, 40,680 houses had been completed. The central Government also assists state governments to acquire and develop the land on a large scale in urban areas, to provide house sites at reasonable rates for builders in the low-income bracket. By September 1968, 18,700 acres of land had been acquired and 11,127 acres developed. Two other schemes, one for the middle-income group and one for rental housing, are financed mainly by the Life Insurance Corporation. The central Government exercises control, but implementation is done by the state governments or other administrative bodies. Persons in the middle-income group are granted loans up to 80 per cent (to a maximum cost) including the land price ; for housing constructed by a state government agency the assistance may reach 100 per cent. By 1968, 18,602 houses had been built. Rental housing assistance is granted to state governments for constructing residential accommodation for their own employees ; 17,134 houses had been completed by 1968.

In addition to the housing schemes described above, there are particular activities on behalf of coal and mica miners and dockworkers. The Coal Mines Labour Welfare Fund has sponsored several schemes for colliery workers. By 1956 the Fund had constructed seven townships comprising 2,153 houses. Three of the Fund's schemes offer financial aid to colliery owners : (i) a subsidy of 20 per cent of a maximum construction cost (by 1960, 1,638 houses constructed) ; (ii) a subsidy of 25 per cent and a loan of 37½ per cent of the same maximum cost (by 1960, 2,070 houses) ; (iii) a scheme under which the Fund pays the cost up to the maximum (by 1969, 33,179 houses constructed and 4,981 under construction). A low-cost housing scheme enables houses and barracks to be erected by the Coal Miners Labour Housing Board on sites provided by colliery owners; by 1969, 14,643 houses and 113 barracks had been erected and many more were under construction. Under a "build-your-own-housing" scheme a subsidy, at present of 400 rupees per house and preferably in the form of building materials, is given to workers residing in villages near coal mines for house-building on their own land. The co-operative housing scheme is for a 65 per cent loan and 25 per cent subsidy paid by the Fund to registered co-operative societies of workers for house-building for colliery workers whose income does not exceed 350 rupees a month. Colliery owners may not charge more than

2 rupees a month for tenancy, the rent being inclusive of water, light and other charges. The schemes for mica miners provide for constructing departmental colonies of houses—ninety-eight houses have been built in Bihar. The housing scheme for dockworkers grants a building subsidy of 20 per cent and a loan of 35 per cent of construction cost to the Dock Labour Boards. Progress up to 1969 was a total of 1,100 houses completed or under construction; the programme for 1969/70 envisages the construction of an additional total of 1,132 houses.

The state governments as well as co-operating with the central-level schemes also give loans and subsidies to employers' and workers' co-operatives for building workers' houses.

The aim of the Government's National Building Organisation is to rationalise the approach to housing problems, to study new building materials, techniques and design and to disseminate information. It serves as a regional housing centre for technical assistance projects and co-ordinates activities of the other regional research-cum-training centres on rural housing set up by the Government.

A training course in building crafts was started at Delhi on a pilot basis with the help of an ILO expert. This trade was later introduced into the state training institutions, and the training of crafts instructors was started at the Central Training Institute for Instructors. Because of special difficulties encountered in persuading workers to enter the construction industry in India, the Government is endeavouring to attract short-term trainees to enable small contractors to engage and train apprentices, and has plans to improve the skill and knowledge of workers already employed in the industry.

In addition to the national network of employment exchanges, special project exchanges have been set up at important construction centres to co-ordinate recruitment and deployment of workers to other projects.

The question of placing statutory obligation on employers to build houses for their workers has been under the consideration of the Government for quite a long time. This question has been discussed at two conferences and in 1967 it was recommended that state governments should make concerted efforts in persuading the industrial employers to build houses for at least 10 per cent of the eligible industrial workers with the above-mentioned financial assistance.

IRAQ

Law No. 9 of 1955 respecting the construction of dwellings for workers (revoking Law No. 38 of 1941) (*Al-Waqayi'u al-'Iraqiya*, 7 Feb. 1955).

Law No. 84 of 1958 to compel owners of industrial undertakings to construct housing accommodation for their workers.

Law No. 101 of 1964 to regulate the distribution of companies' profits and to provide for part of such profits to be used for workers' housing and social welfare (*ibid.*, 14 July 1964).

Regulation No. 26 of 1947 respecting the letting of houses to workers.

Regulation No. 7 of 1955 respecting the sale of housing to workers.

Regulation No. 34 of 1959 respecting the letting to workers of housing built by the owners of industrial undertakings.

Construction of workers' housing receives official encouragement. The Ministry of Housing has undertaken construction of housing for selling or letting at very low rates. The Government makes land available at very reasonable rates to co-operative societies for housing construction. Allocation of the housing is done by the co-operatives.

Banks grant extensive credit facilities for building purposes to companies or to individuals. The planning of large-scale programmes for workers' housing is under examination by the organisation for investments, on behalf of the workers, which was set up in 1968 to ensure provision of workers' housing.

ITALY

Act No. 640 of 9 August 1954 respecting replacement of condemned buildings.

Act No. 1676 of 30 December 1960 respecting housing for agricultural workers.

Act No. 60 of 14 February 1963 respecting construction of housing for workers.

Consolidated text of the provisions respecting low-cost housing, as approved by Decree No. 1165 of 28 April 1938 and its subsequent amendments.

Decree of the President of the Republic, No. 455, of 23 May 1965 respecting conditions for allocation of low-cost housing.

The consolidated text of the provisions respecting low-cost housing provides that housing destined for persons in low-income groups shall be built at the Government's expense and with the participation or co-operation of various other bodies (Decree No. 1165 of 1938).

The conditions to be fulfilled by applicants before their names may be added to the list of those entitled to low-cost housing are laid down by law, as are the priority ratings for allocation of this housing (Decree No. 455 of 1965).

Act No. 60 of 14 February 1963 confers on all workers the right to be allocated government-built housing, as well as the right to receive grants for building, buying, or improving housing. Certain conditions must be observed, however. Such housing must be built in residential areas, in compliance with official building standards, and include adequate community facilities. This law provides for the setting up of a ten-year plan for workers' housing.

Under Act No. 640 of 9 August 1954 low-cost housing may be leased, or sold on an instalment system, to families occupying dwellings condemned by the municipal authorities.

Act No. 1676 of 30 December 1960 provides for housing to be built for agricultural labourers (those with fixed wages or those hired by the day).

The five-year plan for economic development provides measures which should allow greater efficiency to be achieved in the building industry, stabilisation of the market in building land, greater financial participation in construction, and promotion of saving for building purposes.

The two main types of building receiving government aid are subsidised housing intended for the least favoured sections of the population, and building undertaken under government concession by private individuals or co-operatives. Subsidised building accounts for about a quarter of building investment; the remaining three-quarters is devoted to private building.

JAPAN

Housing Construction Planning Law (Law No. 100 of 1966).

Ministry of Construction Establishment Law.

Ministry of Construction Organisation Order.

Publicly-operated Housing Law (Law No. 193 of 1951).

Housing Loan Corporation Law (Law No. 156 of 1950).

Enforcement Ordinance of the Housing Loan Corporation Law.

Industrial Workers Housing Funds Financing Law (Law No. 63 of 1953).

Housing Loan Insurance Law (Law No. 63 of 1955).

Japan Housing Corporation Law (Law No. 53 of 1955).

Local Housing Supply Corporation Law (Law No. 124 of 1965).

Enforcement Order of the Local Housing Supply Corporation Law.

Japan Workers' Housing Association Law (Law No. 133 of 1966).

Enforcement Ordinance of the Japan Workers' Housing Association Law.

Imperial Ordinance concerning Control of Land Rent and House Rent (Imperial Ordinance No. 443 of 1946).

Housing Association Law (Law No. 66 of 1921).
Residential Area Redevelopment Law (Law No. 84 of 1960).
Building Standards Law (Law No. 201 of 1950).
City Planning Law (Law No. 36 of 1919).
Land Expropriation Law (Law No. 219 of 1951).
Law for Development of New Housing Areas in Cities (Law No. 134 of 1963).
Special Tax Measures Law.
Labourers' Credit Co-operative Law, 1953.
Annuity Welfare Projects Corporation Law.
Smaller Enterprise Retirement Allowance Mutual Aid Law (No. 160 of 1959).
Employment Promotion Projects Corporation Law (No. 116 of 1961).
Law No. 132 of 1966 respecting manpower organisation (*L.S.* 1966—Jap. 1).
Consumers' Livelihood Co-operative Law.
Unemployment Insurance Law, 1947, No. 146 (*ibid.*, 1947—Jap. 1 B).

The national housing policy is embodied in the Housing Construction Planning Law and in the Housing Construction Five-Year Plan made thereunder. It is also stated in much of the above legislation.

As regards publicly operated housing, priority is given to persons whose needs are most urgent and who fulfil the conditions laid down in the Publicly Operated Housing Law. The Smaller Enterprise Retirement Allowance Mutual Aid Corporation builds houses for employees of the smaller enterprises and the Employment Promotion Projects Corporation builds for port workers and daily employed workers.

Provision is made for improved housing under the Residential Area Redevelopment Law; and, under the Housing Loan Corporation Law, loans are given for the improvement of housing.

The Publicly Operated Housing Law provides rent control of such housing. The limit of rentals of houses built with loans from the Housing Loan Corporation and of prices of houses for sale in lots is imposed by the Enforcement Ordinance of the Housing Loan Corporation Law. Similar limits are imposed on housing rented or sold in lots by the Japan Housing Corporation, the Local Housing Supply Corporation and the Japan Workers' Housing Association, by the Enforcement Ordinances of the relevant laws. The Imperial Ordinance respecting Control of Land Rent and House Rent prohibits any unfair rental increment in respect of certain houses. The Five-Year Housing Construction Plan aims at providing 6,700,000 one-family houses.

By virtue of the Ministry of Construction Establishment Law, the Housing Bureau has been established within the said Ministry as a planning authority for guiding and supervising the Japan Housing Corporation, the Local Housing Supply Association, the Housing Loan Corporation and the local authorities which undertake to supply publicly operated housing. The Minister of Construction may require the furnishing of information to the chief of the administration concerned under the Housing Construction Planning Law, and may advise on the standards of housing to be built with public funds for which the said chief is responsible, on the conditions for subsidies and on the supply of such housing.

The representatives of the employers' and workers' organisations may become members of the Housing and Residential Site Council, a subsidiary organ of the Ministry of Construction, and may participate in that Ministry's activities.

The Housing Construction Planning Law requires both the State and local authorities to adopt long-range measures for meeting the demand and supply of housing. Under the Publicly Operated Housing Law local authorities must, where necessary, provide public housing for the low-income group.

The Government promotes home ownership for workers by special tax measures and loans available through public institutions.

The Employment Promotion Projects Corporation constructs houses for workers, placed through the public employment offices after changing their residence in order to promote labour mobility.

The housing measures adopted by employers include the construction of low-rent company owned housing as a welfare facility for workers, and housing assistance schemes which enable workers to construct their own houses, and comprise housing loans and savings schemes, the lotting of houses or lands and the sale of company housing. Over 20 per cent of Japanese enterprises adopt one or more of these measures.

Long-term low-interest housing loans are made available to workers by public institutions such as the Housing Loan Corporation, the Labourers' Credit Co-operative, etc., in accordance with the relevant legislation. Certain newly built houses qualify for various tax reductions.

Under the Employment Measures Law, a state subsidy is given to employers who employ, through the public employment offices, unemployed elderly persons, former coal miners and ex-servicemen having changed their residence, and who provide housing for these workers.

Various other measures for financing housing also exist.

The Housing Loan Corporation Law, the Publicly Operated Housing Law and the Local Housing Supply Corporation Law, *inter alia*, prohibit speculation on housing built with public loans.

The Housing Construction Planning Law makes provision for housing standards, and the Five-Year Housing Construction Plan deals with living standards. The structural safety and hygiene of housing are generally regulated by the Building Standards Law.

As regards measures for promoting efficiency in the building industry, research and development in respect of mass production of housing are being carried out at the Architectural Institute of the Ministry of Construction and the Mass Production Experimental Institute of the Japan Housing Corporation. New building materials and techniques will be used in compliance with the Building Standards Law. The Housing Construction Planning Law is devised to ensure that housing construction will meet the needs of the economic situation. The housing programmes take into account the town, country and regional planning under the City Planning Law and the Building Standards Law.

Certain laws impose heavy taxes on short-term profits arising from lotting of land owned by individuals, confer land appropriation rights on public bodies dealing with the construction of collective housing, and regulate the lotting price of land prepared by them.

As regards employment stabilisation in housebuilding, an incentive payment scheme has been established under the Unemployment Insurance Law. Employers undertaking housing construction in prescribed cold regions, who employ more than three seasonal workers in the winter and expect to employ them for the next two years, are compensated for the additional expenses involved.

The responsible division or section within the Housing Bureau and the construction officers appointed by the local authorities supervise the application of the above-mentioned laws.

No further measures are envisaged to give effect to the provisions of the Recommendation. No modification of the Recommendation is necessary.

KUWAIT

Labour Law No. 35 of 1964 (Private Sector) as amended by Law No. 43 of 1968.

Section 46 of the Labour Law, as amended, requires the employer who employs workers in areas located at a long distance from normal centres of population to provide suitable housing, wholesome drinking-water and supplies. As the State is anxious to promote suitable accommodation for its citizens it has given maximum attention to the low-income house projects designed to provide adequate housing for a large number of needy families and workers. Beneficiaries pay token rents that do not affect their economic status. About 9,000 dwelling units have been built during the period 1953 to 1967 and there is a five-year plan to build another 10,000 low-income houses at the rate of 2,000 per year.

Moreover, the Government has entrusted the Credit and Saving Bank with extending long-term loans to citizens for the building of houses. The Bank will embark on the execution of a 6,000 house project, of which 3,000 houses are to be handed over in the 1968-69 period. Kuwaiti employees of the Kuwait Oil Company acquire ownership of houses rented to them under certain specified conditions.

The State is anxious to allocate the necessary funds in order to provide suitable low-income housing for every deserving citizen and to ensure stability and a decent standard of living for needy categories.

LESOTHO

Employment Act, No. 22 of 1967 (*L.S.* 1967—Les. 1).

The only legislative provision relevant to the Recommendation is section 66 of the Employment Act, 1967; this section has hitherto not been applied to any areas in the country. There is otherwise no compulsion on the part of an employer to house his employees.

The Minister of Finance, Commerce and Industry is the authority over the legislative provision cited. Representatives of employers and workers may be called upon to advise the Minister in the National Advisory Committee on Labour, which is a statutory body constituted under section 69 of the Trade Unions and Trade Disputes Law, No. 11 of 1964.

Measures to give effect to the Recommendation are not envisaged in the foreseeable future. The Recommendation is currently outside prevailing conditions and circumstances.

LIBERIA

There are no laws respecting housing facilities for workers. However, Liberia has found it necessary, as a developing country, to require the employers to provide adequate accommodation, especially when a long distance separates an undertaking from normal centres of population. As a practice, the Government requires concessionaires, by concession or separate agreements, to provide housing for workers in keeping with national health standards.

The Department of Public Works, the Bureau of Natural Resources and Surveys and the National Labour Affairs Agency jointly review and approve all plans for workers' housing to be constructed by the employers.

In some instances where it is not possible for the employer to provide adequate accommodation for the worker, an allowance is given to the worker for that purpose.

The National Labour Affairs Agency is entrusted with the supervision of the practices in this area and the co-operation of workers and employers is solicited through the National Industrial Relations Council.

The Labour Code is being revised and it is hoped that some of the matters dealt with in this Recommendation may be considered.

LUXEMBOURG

Ministerial Regulations of 15 June 1954, 10 August 1965, 12 May 1966, and 8 May 1969.

Ministerial Regulation of 1 July 1963 respecting subsidies to improve housing conditions for foreign workers (*Mémorial*, 19 July 1963, No. 41-A, p. 685).

The public authorities do not intervene directly in the private housing sector, but endeavour, by means of grants, to stimulate the building or buying of houses and to promote the modernisation and improvement of existing accommodation.

To those persons living on earned income (wage earners, salaried employees, craftsmen and small farmers) the public authorities allow the following grants; (a) a building grant which is given subject to conditions laid down in the legislation (conditions regarding building standards, current possession by the applicant of private means or property, occupation of the building by the applicant, his nationality and place of residence); (b) a supplementary building grant for those persons who have already had a grant; (c) a purchasing grant generally subject to the same conditions as the building grant; (d) a grant to improve conditions of hygiene in the house.

In addition the public authorities grant those persons who have borrowed money to build or purchase a house a subsidy towards the interest due on the loan. Persons benefiting from a building or purchasing grant may only receive this subsidy if they are supporting three children under 18 years of age.

The Ministerial Regulation of 1 July 1963 cited above consolidates the efforts made by the Government to solve the problem of migrant workers. To those employers or groups of employers who make a financial contribution towards housing their foreign workers the Government grants subsidies covering, within the limits laid down in the Regulation, the sums paid out to buy or build housing, or to modify or improve existing accommodation, and to purchase furniture. The Government has prescribed the living standards to which subsidised housing must conform and has specified the monthly rent.

MALAWI

Employment Ordinance, 1964 (*L.S.* 1964—Ny. 1).

The only legislative provision relevant to the Recommendation is section 66 (1) (a) of the Employment Ordinance, which empowers the Minister to make rules for the purpose of regulating and prescribing the conditions for the housing of recruited persons or employees. The Minister has not introduced any rules up to the present time. Section 39 (2) of the Ordinance provides that no deduction shall be made from the wages of an employee, in respect of housing accommodation provided by the employer, otherwise than in accordance with such rate or scale as may from time to time be specified by the Minister in any case or class of case. No rate or scale has been specified by the Minister up to the present time.

The position with regard to workers' housing is that the Minister has wide rule-making powers with regard to the housing provided for employees by their employers; the Ministry of Labour, through its inspectors, would be responsible for implementing such rules as might be introduced.

As regards housing in general, the policy of the Government is stated to be wholly consistent with the content of the Recommendation. Every effort is being made to improve the housing position subject to budgetary limitations which make it necessary to defer the implementation of certain aspects of the Recommendation.

MALAYSIA

The Government recognises that all citizens, whether workers or not, should be adequately housed. It is committed to a policy of fostering home ownership, with

the emphasis on development of low-cost housing, prime responsibility for which vests in the Ministry for Local Government and Housing, although the Ministry of Works, Posts and Telecommunications, local authorities and other public bodies construct dwellings for their staff and the public. The establishment of a Central Housing Authority, which will co-ordinate these activities, is planned.

The First Malaysian Plan provides for erection of some 60,000 economic housing units for low-income workers between 1966 and 1970, the costs being shared between the federal Government, which has allocated 150 million Malay dollars for this purpose, and other public bodies. This compares with a total of some 42,000 new units and 21,000 conversions completed between 1957 and 1967.

Minimum standards to be met by housing provided by employers for workers residing at places of work outside urban areas are laid down for the States of Malaya in the Workers (Minimum Standards of Housing) Act, 1966. In East Malaysia the cases in which such accommodation are to be provided are specified in the Labour Ordinances.

The Government states that its housing policy and programmes are generally in line with the Recommendation, which it regards as a useful instrument, and will consider further action to apply the latter's provisions, to the extent feasible under national conditions.

MALI

Labour Code: Act No. 67 of 19 August 1962 (*Journal officiel*, 15 Oct. 1962, No. 128) (*L.S.* 1962—Mali 1) (section 86, para. 2).

Act No. 67-5/AN/RM of 30 January 1969 instituting a National Housing Fund.

Act No. 67-6/AN/RM of 30 January 1969 setting up a Housing Savings Fund.

Orders Nos. 1267/ITLS-SO of 21 April and 4305 of 22 December 1954 prescribing the cases in which accommodation must be provided for workers (criteria and payment).

The employer must provide a worker with accommodation if the latter is not normally resident at his place of work and cannot, without assistance, secure accommodation. Should the worker live reasonably near his place of work (but more than six miles away), the employer's obligation to provide accommodation may be waived if he provides transport.

Under Order No. 1267, accommodation provided for a worker must possess walls and a roof stout enough to resist inclement weather. It must have windows on the outside, a kitchen, drinking-water, and a suitable sewage and rubbish disposal system. No worker may be called upon to pay more than half an hour's earnings a day for the accommodation occupied by him.

Minimum standards for accommodation provided by the employer are also laid down by collective agreement.

The Mali Development Company and the Housing Savings Fund offer loans on very easy terms for the construction of dwellings.

The labour inspectors enforce the legislation governing the provision of accommodation by employers.

MALTA

Housing Act, 1949.

Rent Regulation Ordinance.

Under the provisions of the Rent Regulation Ordinance the existing dwellings on the island built prior to March 1959 are rent controlled.

Funds may be provided for (i) construction of government dwellings consisting of terrace houses or flats, having two or three bedrooms, washing facilities and kitchen, let at a subsidised rental; (ii) grants and loans of moneys and land to persons desiring to build their own house, under a Home Ownership Scheme; (iii) grants and loans to persons wishing to develop further tenements consisting of

a ground floor, but which have the possibility of a second storey being added with a separate entrance; and (iv) improvements to be carried out in sub-standard houses to bring them to a suitable level for habitation.

The provisions of the Housing Act empower the Housing Secretary to requisition buildings which can be used to house cases falling within the policies of the Government for direct allocation of premises—mainly cases of persons suffering from infectious diseases or cases of persons evicted from houses earmarked for demolition in connection with government projects.

The Housing Secretary, the Head of the Housing Department in the Ministry of Justice and Parliamentary Affairs, is the authority entrusted with the supervision of the application of legislative and other measures.

The question of demolition and reconstruction of slum areas is being studied.

MEXICO

Political Constitution of the United States of Mexico (1917).

Federal Labour Act of 18 August 1931 (*Diario Oficial*, 28 Aug. 1931, Vol. LXVII, No. 51) (L.S. 1931—Mex. 1).

Regulations governing section 111 (III) of the Federal Labour Act (undertakings not subject to federal jurisdiction), 1941.

The Federal Political Constitution lays down that workers are entitled to decent housing. Responsibility for its provision lies mainly with employers, not only in agriculture, but also in industry, mining and in fact in all branches of activity.

The Federal Labour Act (section 111 (III)) reaffirms this obligation on employers, and stipulates that not more than one-half of 1 per cent of the registered value of the property involved may be charged by way of monthly rental.

When the above-mentioned regulations were promulgated under section 111 (III) on 19 December 1941, they were attacked by a number of employers and declared unconstitutional by the Supreme Court. However, the Federal Labour Bill, which will very shortly be discussed by Congress, offers greater scope for regulation of this matter. The draft embodies many clauses appearing in the Recommendation.

Co-operatives set up to build low-cost, hygienic workers' homes are, by virtue of the Constitution, considered as being in the public interest.

The Secretariat for Labour and Social Security, the Departments of Labour of the federated states of the Republic, and the National Housing Institute are responsible for handling all matters to do with workers' housing.

MOROCCO

Dahir of 1 May 1938 on associations of owners of building sites.

Dahir of 3 April 1951 on expropriation in the public interest.

Dahir of 30 July 1952 on town planning.

Dahir of 30 September 1953 on building sites and subdivision.

Dahir of 25 June 1960 on the development of rural centres.

Dahir of 5 November 1962 (rules governing building loans).

Because of the growth of population there is a very serious housing shortage, and the State has undertaken various schemes to stimulate building, especially of low-cost dwellings. The Town Planning and Housing Department lays down policy in this field.

Laws and regulations governing housing are applied either by the municipal or local authorities, the courts, the Ministry of Finance or the labour inspectorate.

To cope with the housing problem the State encourages savings, promotes private initiative by every means in its power, sells and sub-lets building sites, and makes it easier for individuals to build their own houses.

The report indicates that implementation of the Recommendation gives rise to no problems, and that between now and 1972 action will be taken to give effect to those clauses not yet covered by national law or practice.

NETHERLANDS

Housing Act, and the orders and regulations made under this Act.

Physical Planning Act, and the orders and regulations made under this Act.

Rent Act.

Living Accommodation Act.

Public housing at the central government level is entrusted to the Ministry of Public Housing and Physical Planning. The responsibilities for and powers regarding this matter are laid down in the Housing Act.

Under the existing legislation financial aid for housebuilding may be given by the authorities, on certain conditions, to housing associations building on a non-profit basis; to municipalities for dwellings for rent; and to private persons and organisations for dwellings for rent and owner-occupied dwellings. Such aid is given for some 100,000 out of a total of about 125,000 dwellings on which construction starts yearly. In recent years housing production has been considerably stepped up by various measures.

The subsidy schemes in operation contain an incentive for the construction of relatively cheap houses for the lower income groups. These schemes also apply to homes for old people and for persons living alone. For the lowest income groups and for housing the old people and disabled persons there are regulations providing for extra contributions which tend to further reduce the rent. The rents of subsidised houses are fixed by the Minister of Public Housing and Physical Planning.

In the construction of dwellings the technical regulations, which form a guarantee for the quality of housing, must be observed.

The public housing policy of the Government is to ensure that dwellings are also built which are suitable for the lower income groups in price and quality.

Recommendations on public housing are made by a Public Housing Council at the Minister's request or on its own initiative. This council, on which the employees' organisations are also represented, is always consulted in the preparation of statutory measures regarding public housing and other measures and orders concerned with the general public housing policy.

Netherlands Antilles

The report states that Parts I and II of the Recommendation are fully complied with. Since 1946 the Government has drawn up and carried out a succession of projects aimed at providing reasonable housing for the working population. These houses are either rented or sold on hire-purchase terms to the occupants. A number of large firms have also provided houses on hire purchase for their workers.

The report states further that the provisions of Part V of the Recommendation are fully implemented and that the dwellings built under the various public housing projects satisfy all reasonable requirements. As regards Parts VIII and IX of the Recommendation, the report indicates that there are regional plans in existence for the islands of the Netherlands Antilles.

NEW ZEALAND

Housing Survey Act, 1935.

Maori Housing Act, 1935.

Rural Housing Act, 1939.

Housing Improvement Act, 1945.

Town and Country Planning Act, 1953.

Housing Act, 1955.

Tenancy Act, 1955.

Agricultural Workers Act, No. 137 of 14 December 1962 (*L.S.* 1962—NZ 1)

Shearers Act, 1962.

State Advances Act, 1965.

Workers' housing has been governed by legislation since 1935 and the above is a list of the principal legislation in this field. The objectives are to provide modern homes of decent standards at a reasonable rent to people in the lower income group, which comprises mainly manual and non-manual workers (including the self-employed), and aged and physically handicapped persons; and to facilitate the purchase or building of homes by individuals. The Housing Act, 1955, gave power to the Minister of Housing to decide matters concerning the application of the Government's objectives in housing and also related facilities for workers. Over ten years, from 1953, 203,200 houses out of a target of 206,000 were built, and in 1966 the recommendation was a further 138,000 houses over five years to 1971.

Priority of tenancy for state rental houses is accorded those whose needs are most urgent. Migrants are given the same opportunities as nationals; no kind of discrimination is permitted. Rentals are set at a "reasonable" level. The Government undertakes to maintain the houses and the upkeep of community facilities, although responsibility in the latter finally devolves upon the local authorities. There is adequate scope for all forms of enterprise in housebuilding. The Government uses private contractors for its state-owned dwellings. Co-operatives may construct, but are mainly financing enterprises.

The National Housing Council, representative of all sections of the housing industry and associated organisations, was set up by the Government in 1953 to advise the Minister of Housing on housing programmes. The council may recommend slum clearance, but the carrying out of such work is the responsibility of local authorities under the Housing Improvement Act, 1945. In 1965 the Government set up a Building Industry Advisory Council to assess demands on the industry and to study related problems. The Minister is responsible for co-ordinating all activities relating to housing and for ensuring the best use of available resources for the speedy, economical and continuing construction of houses. Certain priority is given to the housing of workers in industries of national importance. Encouraging people to own their own homes is a major point of the Government's policy. State tenants of single units may buy on easy terms the house unit they occupy. To further these ends, the Government has stepped up the inflow of skilled workers from overseas and the development of the construction supplies industry and set up group building schemes; it makes certain tax concessions to employers who undertake staff housing, guarantees, in certain cases, mortgages financed by lending institutions, subsidises savings towards house purchase, makes various types of loans on very advantageous terms, and may permit capitalisation of future family benefit allowances. The Government's technical services undertake the supervision of construction and offer designs at a reasonable price.

Employers have fully supported the policy of housing for workers. Not only do government departments, such as railways, mines and others and local authority services, find it expedient to provide housing for their employees, but many private employers also do so, particularly for industries located in the sparsely populated areas. Under the Agricultural Workers' Act, 1962, and the Shearers' Act, 1962, employers are obliged to provide suitable accommodation. The provisions of housing by an employer cannot be used in any way to circumscribe the union rights

and obligations of a worker, and workers are fully protected under various labour legislation in the matters required by Part I, section IV, Paragraph 12, sub-paragraph 3 (b) and (4), of the Recommendation. The amount payable for accommodation provided by employers is usually fixed by award or wage order and is well below the economic rent.

Parliament makes annual appropriations to the Ministry of Works to enable the Housing Construction Division to undertake the Government's programme, and to other departments for which the Housing Construction Division undertakes to erect dwellings for their employees. The financial aid offered by the Government for home renting or buying also facilitates construction by private enterprise. Workers may obtain loans to build or buy through the State Advances Corporation; the low rates of interest charged are considered to restrain the rates charged in the private sector. Private institutions advance up to two-thirds of the cost on first mortgage, or up to 90 per cent under a mortgage guaranteed by the State.

Minimum housing standards are laid down in a Standard Code of By-laws and local authorities have powers of supervision and enforcement. The code covers all the requirements mentioned in Paragraphs 7 and 8 of Part 2, section II, of the Recommendation. Further to the measures to promote an efficient use of resources already mentioned, the Government has set up a Timber Production Advisory Council, public and private agencies research into new methods and techniques, and the Government's Group Building Schemes aim at reducing unproductive building time. Seasonal conditions permit building more or less throughout the year. The Town and Country Planning Act, 1953, obliges the councils of all cities, boroughs and districts and counties to prepare district planning schemes; house-building, public and private, must conform to the schemes. Legislation empowers the Government and local authorities to take over land for housing and community facilities. If the fund for the land offered by the Government is not acceptable, the Land Valuation Court decides the compensation to be paid. State housing land may be sold subject to the price and conditions determined by the State Advances Corporation.

NIGER

Act No. 62-12 of 13 July 1962.

Decree No. 67-126 MFP/T of 7 September 1967.

Statutes of the Niger Credit Fund, set up by an order of 16 August 1957.

Standing Orders of the Niger Credit Fund, sections 22, 30, 41 to 43, 46 and 52.

See also under Recommendation No. 102.

There are laws, regulations and practices relating to some of the matters covered by the Recommendation.

The labour inspectors are responsible for enforcing the above-mentioned Act and decree.

There is no national housing policy designed to provide housing for every worker. The only persons entitled to claim accommodation are those working away from their place of origin, as defined by section 91 of the Labour Code, who cannot afford accommodation for themselves and their families, together with persons whose income is such that they can provide security for the Niger Credit Fund.

In the present social and economic conditions the Government has for the time being no plans to extend its housing policies.

NORWAY

There is no particular national policy as regards the housing of workers. The legislative, administrative and practical provisions covering the matter of housing

apply to all categories of occupations, without any distinction between workers and other groups of the population.

The special rules laid down in respect of aged, retired or physically handicapped persons, as regards housing, are not related to previous or present occupation. With very few exceptions, the matters dealt with in the Recommendation are covered by legislation applicable to the whole population.

No special measures have been taken specifically in response to the Recommendation. The Government attaches to its report certain documents containing, in particular, information on national legislation and regulations covering housing conditions and problems as well as current policies in housing, building and planning.

The authorities entrusted with the supervision of the application of the legislation and regulations are the Ministry of Local Government and Labour and the State Housing Bank. There is no institutionalised co-operation on housing policy questions between these authorities and the organisations of employers and workers. However, the possibility of useful contact exists, and is often resorted to.

It is not intended to take any particular measures to give effect to the provisions of the Recommendation not covered by national legislation or practice. National housing policy does not distinguish between workers and other categories as it is found socially desirable to avoid this kind of segregation of social groups, at least under present conditions. The complete adoption of the Recommendation would necessitate a change in its character as a special Recommendation for workers' housing, turning it into a Recommendation on housing for the population in general. This would in particular require the amendment of Paragraph 8 (subparagraphs 2 and 3) of the General Principles of the Recommendation.

PAKISTAN

There is no law making it obligatory for employers to provide living accommodation for their workers.

The new labour policy of the Government provides for the creation of a welfare fund which will be, amongst other things, directed towards workers' housing. However, standards of housing as set out in the Recommendation are difficult for a developing country such as Pakistan to achieve in a short time.

RUMANIA

Act No. 9/1968 on housing policy (private building, and sale to private individuals of state-owned housing).

Act No. 10/1968 on the management of rented accommodation and relations between owners and tenants.

As a rule, housebuilding is financed from central state investment funds. In addition undertakings, co-operatives and other bodies are entitled to finance the building of dwellings for their members or employees.

Long-term loans at low rates of interest (coupled with exemption from property tax for ten years) are offered to promote private building.

Various steps have been taken to ensure that the building and allocation of homes is brought into line with family requirements and personal preferences.

Certain persons (managers, scientists, etc., or invalids), may be allotted floor space in excess of the normal eight square metres per head in rented accommodation.

The allocation of state-owned housing is done by the executive committees of the people's councils. They are required to do so with an eye to applicants' family circumstances and skills. The system is designed to ensure continuity of occupation

and to prevent eviction, except by virtue of the law and a verdict rendered by a court of justice.

Rents are controlled in a way which favours low or medium-income families.

The present five-year plan provides for the construction of some 340,000 flats.

RWANDA

Act of 28 February 1967 to institute a Labour Code (*Journal officiel*, 1 Mar. 1967) (L.S. 1967—Rwa. 1).

The Labour Code (Title V, section 83) lays down that an employer must provide accommodation for a worker called upon to work by virtue of a contract of employment in a place other than his normal place of residence. A ministerial Order will shortly be issued giving details of the operation of this section of the Code, having regard, as far as possible, to the provisions of the Recommendation.

Apart from an Ordinance (No. 22/43) of 23 January 1959, which lays down certain rules for the housing of workers, there is no other statutory regulation of the matters dealt with in the Recommendation.

The labour inspectorate is responsible for enforcement.

The Government adds that the extent to which any future legislation will be able to take account of the Recommendation will depend on economic and social circumstances, and on the financial capacity of undertakings.

SENEGAL

Labour Code: Act No. 61-34 of 15 June 1961 (*Journal officiel de la République du Sénégal*, 3 July 1961, No. 3462, p. 1015 (L.S. 1962—Sen. 2 B (extracts))).

Ordinance No. 59025 of 18 March 1959, as amended by Act No. 6008 of 13 January 1960, to set up a Town Planning and Housing Department, and the Decree to apply it, No. 67-106 of 27 January 1967.

The Labour Code of 1961 prescribes that employers shall provide housing for a worker who has had to change his place of residence in order to fulfil his contract of employment.

A Town Planning and Housing Department and a Public Housing Office have been set up. The latter, which comes under the Ministry of Public Works, lets and sells housing to families who have at least one member working.

Some private undertakings make loans at favourable rates to their workers to encourage building. Other undertakings have themselves built housing which they let at moderate rents.

The Cap-Vert Building Society constructs workers' housing in co-operation with the Government.

Labour inspectors supervise the application of the Labour Code.

Construction of 7,000 dwellings is forecast for the period 1969 to 1973.

SIERRA LEONE

Town and Country Planning Act, Ch. 81, Vol. II of the *Laws*, 1960 Edition.

Freetown Improvement Rules, Ch. 66, Vol. VI of the *Laws*, 1960 Edition.

Public Health (Protectorate) Rules, Ch. 191.

Low-Cost Housing Estates (Summary Execution) Act, No. 23 of 1963.

It is an objective of national policy to promote, within the framework of general housing policy, the construction facilities for workers and their families.

Apart from the amount provided within the development budget for the building of low-cost or workers' houses, financial provision is made yearly for the upkeep of existing housing and related community facilities.

Housing already constructed does not cost the occupants more than a reasonable proportion of their income.

The Ministry of Housing and Country Planning is responsible for all housing policy in the country.

Employers do not normally provide housing for their workers except in the instances when their operations are located at a long distance from established centres of population.

The Government is contemplating the setting up of a housing corporation to aid the financing of workers' housing and also the execution of a self-help housing scheme for workers, financed through the FAO.

Existing building laws ensure structural safety and reasonable levels of decency, hygiene and comfort by the establishment of minimum housing standards.

The development and execution of workers' housing programmes does conform to sound town planning practice.

SINGAPORE

Land Acquisition Act, 1966.

Housing and Development Ordinance, 1959 (Reprint).

There is no special legislation for the provision of housing for workers only. However, legislation does exist with respect to the provision of low-cost housing for the members of the public who belong to the lower income group. To a certain extent some of the matters dealt with in the Recommendation are covered by legislation and by administrative or practical arrangements. The above-mentioned legislation is relevant to the provisions of the Recommendation.

The Ministry of Law and National Development is the central body entrusted with the responsibility of overseeing and co-ordinating the work of the various planning and development agencies which are concerned with the housing problem. In the case of housing provided by employers the fundamental human rights of the workers are recognised and the rent charged is very reasonable. Facilities for loans on reasonable terms are available to workers and Co-operative Housing Societies have been formed by the workers themselves. Minimum housing standards are laid down and rigidly enforced by the appropriate authorities.

The execution of workers' housing programmes conforms to sound town, country and regional planning and the public authorities have taken appropriate measures to prevent land speculation by granting planning permissions subject to a two-year validity period.

The Ministry of Law and National Development is entrusted with the supervision of the implementation of the above-mentioned legislation through its agencies, namely the Land Office and Housing and Development Board.

The report indicates that consideration will be given to implementing the provisions of the Recommendation not as yet adopted as and when the need arises.

SPAIN

Act of 19 April 1939.

Act of 17 July 1946 (*Boletín Oficial*, 18 July 1946).

Legislative Decree of 27 February 1957.

Decree of 27 May 1955 (*ibid.*, 19 June 1955).

Decree of 24 July 1968 approving the "Regulations for the application of the Act on officially protected dwellings".

The problem of housing is essentially the concern of the National Housing Institute.

By virtue of the Act of 17 July 1946 undertakings employing more than fifty workers must provide them with housing facilities if access to the place of work

is difficult. Workers may receive these dwellings through purchase by instalments or for rent and the undertakings enjoy facilities of every kind (taxation relief, loans free of interest, etc.) to help to build them.

The decree of 27 May 1955 provides that if an undertaking expands or is transferred elsewhere it must build the necessary dwellings for its workers.

According to the "Regulations for the application of the Act on officially protected dwellings" undertakings employing over fifty workers may be compelled to build dwellings for their staff. As an alternative, loans may be granted for the acquisition of "officially protected dwellings". On 6 June 1969 the Council of Ministers submitted Recommendation No. 115 to the Cortes.

The Government considers that no other provision is necessary for adopting the requirements of the Recommendation.

SUDAN

One of the objectives of national policy is to facilitate housing accommodation for all citizens, including the workers, either by providing land at fair prices and loans or by establishing housing schemes for low-income employees at reasonable prices to be reimbursed over a protracted period.

The report indicates that the Government also constructs houses for its workers and their families where the nature of employment requires that workers should live near their workplaces (medical services, railway stations, etc.); these houses are rented at a nominal price.

The Ministries of Local Government, Finance and Economics, and Works are the bodies responsible for planning, financing and constructing housing schemes.

SWEDEN

There has not been any legislation giving effect to the terms of the Recommendation. However, the objective of housing policy is to improve housing conditions for the country's inhabitants irrespective of occupation or social position.

Local government planning of residential construction is being encouraged, as well as the rationalisation of building. The State provides financial assistance for new construction and the improvement of existing housing, as a complement to the credit obtainable from banks and other credit institutions.

Employers build housing to a very minor extent for their employees. However, there are some cases of co-operation between industrial companies and other sectors of the economy and various categories of landlords.

The objectives and means of housing policy are reviewed continuously and, in particular, a number of matters related to the contents of the Recommendation are at present under investigation.

The National Housing Board is the central administrative authority in respect of state measures for promoting residential construction.

Responsibility for carrying out housing policy is divided between the State and local authorities, the State being mainly responsible for the financial contributions and the local governments for drawing up housing plans.

SWITZERLAND

Federal Act of 19 March 1965 to promote housebuilding (*Recueil des lois fédérales*, No. 9, 3 Mar. 1966, p. 449).

Ordinances Nos. I and II (22 February 1966) implementing the Act of 19 March 1965, as amended respectively on 3 July 1968 and 12 September 1967.

The report states that the above-mentioned Act and ordinances are designed to achieve the same ends as the Recommendation. However, encouragement is given

to the construction of dwellings not for workers only, but for all families in the lower income groups, including the elderly and infirm. National legislation makes allowance, for example, for the Recommendation's provisions on the proportion of income expended on rent, the scope for private initiative (preponderant, in Switzerland, in the building of homes), minimum building standards, the encouragement of research and initiative by private individuals and associations (including employers' and workers' organisations), and the planning of housing programmes.

In practice, the federal Government grants subsidies to assist the cantons in their building programmes; the cantons also act by themselves in this respect. Many firms share in the cost of constructing homes for their staff or make loans available on easy terms for housebuilding.

The cantons are responsible for enforcing federal standards. At the same time, the Confederation exercises its right of supervision through the Department of Economics and the Department of Finance.

The report emphasises how much has been done to solve the housing problems of migrant workers and their families. In this connection the federal authorities have reminded the cantons of the need to avoid any discrimination. It can be affirmed that immigrant tenants enjoy the same safeguards as do Swiss citizens.

SYRIAN ARAB REPUBLIC

Labour Code (*Al-jarida Al-rasmiya*, 7 Apr. 1959, No. 71bis B, p. 1) (L.S. 1959—UAR 1), as amended (*ibid.*, 1960—UAR 2 A and 2 B).

Decree No. 683 (1961).

National legislation covers most of the ground covered by the Recommendation. A Public Housing Agency was set up by Decree No. 683 (1961).

This body designs and carries out workers' housing schemes in collaboration with the communes and the Workers' Housing Supervision Board, on which the chairman of the Confederation of Trade Unions is represented as well as the ministries responsible. Once building has been completed, the accommodation is allocated by the Social Insurance Agency.

The Public Housing Agency caters for all Syrian citizens, whether workers, employees, civil servants or other persons with limited incomes. It promotes the construction of low-cost housing estates and allocates building sites to individuals (who may be workers).

The agency's rules lay down that allowance must be made for the size of an individual's family and other relevant factors. Special consideration must be given to the needs of the physically handicapped. Floor space, health and technical factors must all be taken into account.

Workers' housing programmes provide for action by town councils to pull down crowded slums and rehouse their inhabitants.

The Social Insurance Agency provides the funds for the construction of workers' dwellings. The Land Bank makes loans, at low rates of interest, to workers and others. The State provides direct cash assistance to housing co-operatives, or helps indirectly by extending the time-limit for repayment of their debts from ten to fifteen years. The Government, with United Nations assistance, is at present considering the creation of a Housing and Building Research Centre.

Section 64 (2) of the Labour Code describes in detail how housing is to be allocated.

The General Department of Housing, working in conjunction with town councils, the Social Insurance Agency, and the Confederation of Trade Unions, is responsible for ensuring that the Recommendation is complied with.

TOGO

Act No. 52-1322 of 15 December 1952 to establish a Labour Code in the Territories and Associated Territories under the Ministry for Overseas France (*Journal officiel de la République française (J.O.)*, 15-16 Dec. 1952, No. 298, correction: *ibid.*, 29 Jan. 1953, No. 25) (L.S. 1952—Fr. 5), as modified by Decree No. 55-567 of May 1955 (*J.O.*, 21 May 1955, No. 121) (L.S. 1955—Fr. 3).

The Labour Code compels employers to provide housing for workers not resident at their place of employment and who are unable to obtain such accommodation by their own efforts.

In practice, this measure applies solely to expatriate workers, mainly Europeans but including some non-Togolese African staff.

A general housing policy based on the provisions of the Recommendation and applicable to all workers will no doubt be laid down when the second five-year plan is drawn up (the first plan comes to an end in 1970).

A Housing Construction Centre is at present being built under the sponsorship of the United Nations. The Centre, when handed over to the Government, will become the chief instrument for carrying out a rational and effective housing policy.

TUNISIA

Act No. 59-67 of 19 June 1959.

Act No. 61-18 of 31 May 1961 on tax relief for low-cost housing associations, co-operative building societies, workers' building co-operatives and buildings under joint ownership.

Decree of 15 March 1956 instituting *Melja* operations (*Journal Officiel de la République Tunisienne*, 16 Mar. 1956, No. 22).

Decree of 30 March 1957 instituting measures to assist in the construction of workers' housing (*ibid.*, 30 Mar. 1957, p. 381).

Order of 30 March 1957 to give effect to the Decree of 30 March 1957 on workers' housing co-operatives.

Legislative Decree No. 63-2 of 4 February 1963 on the transfer of people's housing.

Government housing policy is designed to ensure that all citizens, and more particularly the worst off, enjoy standards of accommodation compatible with a decent family life. It has been applied from 1960 onwards, with assistance from the National Housing Improvement Fund, the Tunisian National Property Company (SNIT), governorates and communes. Provision is made for two kinds of housing, both of especial concern to the working class, namely "people's housing" and "workers' housing".

The "people's housing" programme is designed to provide decent housing for workers whose incomes are low or almost non-existent. At present each house built under this programme costs 750 dinars. Operations are financed as follows: for two-thirds of the initial cost, the State sells the housing it has built to governorates or town councils, payment (without interest) being spread over thirty years; or the authorities in question can build houses themselves, with loans from the National Housing Improvement Fund, for sale to persons wishing to acquire them (20 per cent down, and 80 per cent by monthly instalments over a lengthy period, with interest at 5 per cent per annum).

The "workers' housing" programme is designed to improve the workers' standing by enabling them to acquire their own dwellings. Wage earners employed by public or private concerns, with an income of between 250 and 600 dinars, are eligible, provided they join workers' housing co-operatives. The housing is allocated on the recommendation of an advisory board on which the State, the SNIT and the trade union federations are represented. The State provides the SNIT with the credits needed to finance its building operations. Once built, houses are sold by the SNIT at cost price plus 5 per cent interest over twenty years to the workers'

housing co-operatives, which re-sell them to their members, who pay 20 per cent down and 80 per cent by monthly instalments over twenty years, at 5 per cent interest per annum.

The State Secretary for Public Works and Housing is the authority responsible for ensuring that the relevant laws and regulations are complied with.

The Government's plan for 1966-69 provides for the building of 17,000 homes.

UKRAINE

Act of 19 December 1968 respecting national economic development for 1969 (*Vedomosti Verkhovnogo Soveta Ukrainskoi SSR*, 1968, No. 52, p. 358).

Ordinance of 29 June 1966 respecting town and country planning in the Ukrainian SSR (*ibid.*, 1966, No. 25, p. 148).

Ordinance No. 731 of 5 November 1967 to improve the use of building land (*Sobranie Postanovlenii*, 1967, No. 11, p. 155).

Ordinance No. 136 of 12 March 1968 to improve the construction and maintenance of housing accommodation by the housing co-operatives (*ibid.*, 1968, No. 3, p. 42).

Ordinance of 29 November 1968 respecting construction of housing in rural areas (*ibid.*, 1968, No. 12, p. 163).

The following measures were taken recently with regard to the matters dealt with in the Recommendation.

The Ordinance of 29 June 1966 adopted by the Supreme Soviet of the Ukrainian SSR requires the competent authorities to ensure that the plans for building housing and cultural or social centres are carried out. The same applies to assistance given to kolkhoz, sovkhoz, and other workers to build their own houses, either using their own funds or with the help of government credit.

This Ordinance stresses the need for efficient use of existing housing accommodation, for observance of the legislation regarding sanitation in built-up areas, and for building waste-disposal plants for industrial and community undertakings. In addition the Council of Ministers has requested the Building Office to ensure extensive use by individual builders of standardised plans of one-storey houses.

Ordinance No. 731 of 5 November 1967 prescribes that, as from 1968, the competent authorities shall examine and carry out, with regard to dwelling-houses, all measures necessary for their upkeep and repair, to improve their mechanical equipment and quality and to reduce their cost.

Ordinance No. 136 of 12 March 1968 prescribes, among other things, that the regional soviets and the soviets of the towns of Kiev and Sebastopol shall ensure proper upkeep of dwelling-houses by the housing co-operatives and shall supervise the work of the latter after any building has been completed.

The Ordinance of 29 November 1968 stresses the importance of the gradual replanning of rural communities, through the agency of the Building Office and the Ministries of Agriculture and Building, as well-equipped urban centres offering accommodation and facilities ensuring the material and moral welfare of their inhabitants. The Ordinance provides for positive steps to be taken to develop housing and community and cultural services in rural areas during 1971-75. In addition the Act of 19 December 1968 provides for the construction with government funds of a total area of housing of 7.3 million square metres in excess of the 1968 figure.

UNITED ARAB REPUBLIC

Labour Code (*L.S.* 1959—UAR 1).

Ministerial Decision No. 195 of 1960.

Act No. 111 of 1961.

Section 64 of the Labour Code requires employers in remote areas to provide workers with suitable houses, including married quarters. A ministerial decision

describes these areas as including Sinai, Red Sea, West and South Governorates and places 15 kilometres from the nearest town or village. Section 155 of the Code provides that employers shall also supply workers in mines and quarries with suitable houses, including married quarters.

Ministerial Decision No. 195 of 1960 fixes the conditions required in respect of workers' houses. Many institutions have provided housing for their workers in the vicinity of workplaces in order, *inter alia*, to eliminate commuting problems. The report indicates that the State has also constructed large numbers of low-cost houses near by working areas to promote the welfare of workers.

Act No. 111 of 1961 provides that a certain percentage of the profits of the institutions covered by it must be used to subsidise social housing services, and large sums have thus been earmarked towards this end.

A central department for labour services was established in the Ministry of Labour in December 1968 for the purpose of planning social welfare services for workers, supervising the application of the relevant laws, informing employers' and workers' associations of the importance of social services, drawing their attention to suitable projects, and recommending ways of executing them. The report indicates that the establishment of this department reflects the growing interest of the State in various social labour services.

USSR

Constitution of the USSR and Constitutions of the federated republics and autonomous republics. Labour Code of 1 May 1936 of the RSFSR (Unified State Publishing House, Moscow, 1936) (L.S. 1936—Russ. 1), as amended by the Ukase of 31 January 1958 of the Presidium of the Supreme Soviet of the RSFSR (*Vedomosti Verkhovogo Soveta RSFSR*, 28 Feb. 1958, No. 2, Text 79) (L.S. 1958—USSR 1), and Labour Codes of the other federated republics.

Statutes of the Trade Unions of the USSR.

Regulations concerning the rights of works, factory and local trade union committees, adopted by the Presidium of the Supreme Soviet of the USSR by an order dated 15 July 1958.

Civil Code of the RSFSR (*Sovetskaya Yustitsiya*, July 1964, Nos. 13-14, p. 4) and of other Union republics.

Ordinance of the Central Executive Committee and the Soviet of People's Commissars of the USSR, dated 17 October 1937, concerning the safeguarding of the housing stock and the improvement of the housing situation in towns.

Decree of the Presidium of the Supreme Soviet of the USSR dated 26 August 1948 concerning the rights of citizens to buy or build individual dwelling-houses.

Ordinance of the Council of Ministers of the USSR dated 31 July 1957 concerning the development of housing in the USSR

Ordinance of the Council of Ministers of the USSR dated 1 June 1962 concerning individual and co-operative house construction.

Ordinance of the Council of Ministers of the USSR dated 9 May 1963 to regulate the distribution of housing, taking into account the needs of citizens.

Regulations concerning the committee for civil engineering and architecture of the State Committee on Building of the Council of Ministers of the USSR (Gosstroj), approved by an Ordinance of the said council dated 29 April 1964.

Regulations concerning the State Committee on Building (Gosstroj), adopted on 26 January 1968.

The principal statutory provisions of the housing of workers are contained in the above legislation.

The State Plan determines the development of all branches of the nation's economy, including building. Over the period 1959-68, 24 million apartments were built, which is about twice the amount built in the previous decade. However, there is still a housing shortage, especially in some regions.

At present every year an average of 11 to 12 million people find their living conditions improved either because they are allotted new apartments or because

their old ones are made more comfortable. Between 2.6 and 2.7 million dwellings are planned to be built during 1969.

The State Plan Committee of the Council of Ministers of the USSR (Gosplan) and its republican and local organs are entrusted with planning and supervising the economic plan which includes the housing problem. The Committee on Building of the Council of Ministers of the USSR (Gosstroï) carries out a unified building policy.

The finance required for housing is mainly supplied by the Government. In the near future each family should be provided with a separate apartment which will meet all the requirements of hygiene and modern standards of comfort.

Most building is carried out under contract through building organisations attached to the ministries concerned with housing.

An important part in improving housing conditions for workers is played by housing built by undertakings and organisations out of their own funds. Enhancing the effect of the rising standard of living (higher income and savings levels), the State, by granting loans, assists the construction of housing for the individual worker.

In the past few years co-operative building has considerably increased. Among the advantages offered to co-operatives is the provision by the Government of land in regions with good communications, and of loans of up to 70 per cent of the cost of building, at a low rate of interest (0.5 per cent a year). Experience has shown that this form of co-operative building corresponds to the interests of workers.

In small towns and rural zones the building of individual dwellings is increasing. Persons who build their own houses receive state loans of up to 1,000 roubles, repayable within seven to ten years. Such building accounts for 33 to 35 per cent of the total volume of housing built in the USSR.

The rates for rent make it possible for workers to enjoy comfortable living conditions. For a Soviet family, rent represents 4 to 5 per cent of the family budget. For certain citizens (students and certain categories of workers) the law provides considerable advantages in questions of rent.

The legislation lays down basic standards of hygiene and comfort to be met by housing.

As regards the allocation of housing, preference is given to persons whose need is most acute; the trade union in the undertaking keeps a list of such persons. Termination of employment does not entail eviction from housing provided for the worker by the undertaking.

The building of housing in the USSR takes place under the constant supervision of state and public organs. The trade unions also play an important part in the housing programme.

The legislation and practice on the subject of housing in the USSR conform entirely with the provisions of the Recommendation.

UNITED KINGDOM

Truck Acts, 1831-1940.

Public Health Act, 1936.

New Towns Act, 1946.

Agricultural Wages Act, 1948.

Agricultural Wages (Scotland) Act, 1949, and regulations made thereunder.

Town Development Act, 1952.

Clean Air Act, 1956.

Housing Acts, 1961 and 1964.

Planning Acts, 1962 and 1968.

Industrial Training Act, 1964.

Rent Acts, 1965 and 1968.
Land Commission Act, 1967.
Housing Subsidiary Act, 1967.
Building Regulations, 1965.
Housing Acts (Northern Ireland), 1890 to 1967.
Rent and Mortgage Interest (Restrictions) Act (Northern Ireland), 1920 to 1967.
Housing and Planning Act (Northern Ireland), 1931.
Agricultural Wages (Regulation) Act (Northern Ireland), 1939.
Planning (Interim Development) Act (Northern Ireland), 1944.
Housing on Farms Act (Northern Ireland), 1950 to 1967.
Land Development Values (Compensation) Act (Northern Ireland), 1965.
New Towns Act (Northern Ireland), 1965.
Amenity Lands Act (Northern Ireland), 1965.

The basic objective of housing policy even before the Recommendation was adopted has been to ensure that as soon as possible everyone, whether or not within the Recommendation's definition of a worker, has an adequate and decent home in which to live. Existing housing and town and country planning legislation has made provision, appropriate to national conditions, for implementation of the general principles in the Recommendation, and amendments have been made from time to time to adapt it to changing circumstances.

Housing is provided by both private and public enterprise. On the whole the principles suggested by the Recommendation on housing provided by employers apply in the United Kingdom, but there is no significant amount of housing made available in this way.

Housing in the public sector is provided by local housing authorities, new towns and housing associations. The level of the programme is determined by reference to the amount of resources that can be devoted to housing in current circumstances and the need to maintain a balance between the sectors. The public sector is the principal source of new housing for renting. The geographical division of the public housing programme is determined by the Minister according to a scheme of priorities relating to housing need. The most recent comprehensive statement of government policy on this and other aspects of housing was the White Paper "The Housing Programme 1965 to 1970", published in 1965.

Housing facilities are provided for migrants on the same footing as for nationals.

There are detailed provisions relating to the supply by local authorities of statistical information regarding housing and similar provisions apply to the private sphere. Surveys have recently been started to obtain information from building societies and insurance companies about loans given to borrowers.

Annual estimates of the dwelling stock are prepared by the Ministry on the basis of census housing data. Changes are estimated from the regular returns on new construction, slum clearance, etc., together with quarterly estimates provided by most local authorities of dwellings which have been created by conversions (with or without grant aid) or lost through causes other than slum-clearance action. Estimates of the number and type of households are prepared by the Ministry using census data. Various national and regional housing surveys have been carried out and more are planned. These surveys are designed to obtain data on various aspects of the physical condition of the permanent housing stock. Certain other more specialised surveys in the housing sphere have also been made in recent years.

The Truck Act, 1831, places a general obligation upon an employer to pay a manual worker in current coin of the realm. However, the same Act also allows the employer to make deductions from a workman's wages for rent and certain specified goods and services supplied to that worker by the employer, provided that such deductions are made in pursuance of a written contract signed by the worker. The

legislation also authorises an agricultural worker to be given housing in addition to money wages as a remuneration for his services. The Agricultural Wages Board determines from time to time the amount to be reckoned for a house as part payment of minimum wages in lieu of payment in cash. This amount currently stands at six shillings per week but, on application to an Agricultural Wages Committee, an employer or worker can apply for the rate to be varied either way. Usually inspections are made before a decision is reached. Similar procedures apply to Scotland and Northern Ireland.

Facilities are available for loans for house purchase from both private and public sources. Finance in the private sector is provided principally by building societies, which raise the necessary money by attracting savings from members of the public. The balance of the private sector finance is provided mainly by insurance companies and friendly societies. The loans generally are for amounts up to 80 per cent of the value of the property as security, but additional finance can in many cases be obtained against the security of an insurance policy at a modest premium. In the public sector loans are available from local authorities who have power to lend up to 100 per cent of the value of the house. The rate of interest charged on housing loans is reasonable and there are certain income-tax advantages in relation to that part of a person's income which is used to pay the interest on the loan. The Government's Option Mortgage Guarantee Scheme (not applicable to Northern Ireland, where there is a special subsidy scheme) is also of assistance in cases where a building society will only lend up to, for example, 80 per cent of the cost of the house. Under this scheme further finance is available against the security of an insurance premium for which the Government accepts half of the liability for the excess advance but charges no premium for the service. For a very modest premium insurance is also available to cover the outstanding mortgage debt at any time in the event of the death of the borrower.

The Minister of Housing and Local Government is responsible for making building regulations in England and Wales (except within the administrative area of Inner London, where the London Building Acts apply). Regulations may be made so as to apply generally or locally. The Building Regulations, 1965, regulate, *inter alia*, construction of buildings and materials to be used, space about buildings, lighting, ventilation, dimensions of rooms, height of buildings, sanitation, house water supplies, stoves and other non-electric fittings, sewerage and heating and cooking apparatus. The authority for administering these regulations is vested in the Minister and also in the local authority concerned.

The Agrément Board set up by the Minister of Public Building and Works in 1966 operates to assist in the building regulation procedures and to provide independent technical assessments and certificates on new building materials.

The Government in the past years has become increasingly involved in efforts to improve the productivity and efficiency of the construction industry. Thus, the Manpower and Productivity Service of the Department of Employment and Productivity has designated advisers on manpower in the construction industry in each region, and reports have been issued and recommendations made concerning conditions in general in the industry.

Existing courses for education and training of the professions allied to the construction industry already serve national development programmes, and provision for town and country planning education has been stepped up recently in universities and other further education establishments. Extensive training is provided for all the various types of occupations related to the construction industry, and a Construction Industry Training Board has been established.

The Government considers that the parts of the Recommendation which relate to rent regulation are effectively implemented by the Rent Acts, which give varying

degrees of security of tenure to the tenant and provide a system of rent control. Rents are also fixed by rent assessment committees and rent officers. The rent regulation system does not, however, apply in Northern Ireland.

The Land Commission constituted in 1967 deals with the problem of controlling land speculation and bringing forward land for development. Public authorities may acquire land, by agreement or compulsorily, for the provision of housing and the town and country planning legislation provides for planning control over the country as a whole. The Housing Act, 1957, gives local authorities certain powers to provide new housing and also requires them to clear houses which are regarded as unfit for human habitation.

The central responsibility for supervising and controlling the national housing programme rests with the Minister of Housing. The central Government is responsible for general management of the economy, and in the allocation of resources year by year housing has been given considerable priority.

The Government is currently discussing the recommendations made in recent reports on the construction industry with the workers' and employers' associations concerned.

Antigua

Town and Country Planning Ordinance, Ch. 278, No. 4 of 1948.

Slum Clearance and Housing Ordinance, Ch. 277, No. 3 of 1948, as amended.

Development (Housing Programme) Loan Ordinance, Ch. 243, No. 7 of 1954.

Development (Villa Housing) Loan Ordinance, Ch. 246, No. 9 of 1954.

The Recommendation is enforced by the national legislation referred to above.

The main object of the legislation is to regulate generally the procedure to be followed in connection with the preparation and adoption of schemes relative, *inter alia*, to the following : (a) the laying out of housing areas in relation to roads, open spaces and other buildings ; (b) the siting of community facilities in relation to the number and siting of houses ; (c) facilitating the construction of works by statutory undertakings in relation to lighting, water supply, sewerage, drainage, etc. ; and (d) facilitating the establishment, extension or improvement of transport, telegraph or telephone services.

The authority which is responsible for enforcing these laws relating to workers' housing is the Central Housing and Planning Authority, which is empowered to acquire land, estate or interest therein for construction and maintenance of houses and gardens, factories, places of work, etc., for working-class and other persons and to take steps to develop the property as a building estate.

Some private employers provide housing for employees in the top categories either at a nominal rent or rent free. Similar facilities are provided for certain public servants. Thus, certain technical posts which require recruitment from outside carry a house allowance. The Government, through the Central Housing and Planning Authority, has initiated a number of housing development projects in rural and urban areas, in which low-cost houses are provided for workers in the lower brackets on a long-term basis, with a small down payment and monthly instalment. The cost of these houses is heavily subsidised by the Government, and the loans are interest-free or virtually so. Workers in the sugar industry obtain long-term loans from a special fund for building low-cost houses. These schemes have been very effective in improving the standard of housing throughout the State generally and have led to the complete elimination of the "wattle and daub" huts which were prevalent in many rural areas up to about ten years ago.

In view of the satisfactory operation of workers' housing regulations now enforced in the State, there are no immediate indications that any further measures are necessary to give effect to the provisions of the Recommendation, or any modifications required in adopting or applying it.

Bahamas

There are no legislative provisions at present existing in regard to the matters dealt with in the Recommendation. The Government guarantees mortgage loans and secures optimum physical conditions for sub-division, layout and construction.

Responsibility for legislative and practical measures fall within the competence of the Minister of Development.

No further legislation is contemplated at the present time.

Bermuda

No legislation or administrative regulations exist which provide for workers' housing as set out in this Recommendation. However, a department of Government—the Central Planning Authority—has submitted draft low-cost housing projects to the central Government for study. These proposals are primarily to meet the needs of a growing population.

No early measures or modifications are contemplated.

British Honduras

Housing and Town Planning Ordinance (*Laws of British Honduras*, 1958, Ch. 88).

Rent Restriction Ordinance (*ibid.*, Ch. 164).

Co-operative Societies Ordinance (*ibid.*, Ch. 101).

Credit Unions Ordinance (*ibid.*, Ch. 102).

Sugar (Special Funds) Ordinance (*ibid.*, Ch. 120) and regulations made under section 6 of the Ordinance.

Land Acquisition (Public Purposes) Ordinance (*ibid.*, 1958, Ch. 114).

Labour Ordinance, No. 15 of 1959, sections 143 (2) and 154 (2).

Belize City Building Ordinance, No. 21 of 1962.

Town Planning Scheme for Stann Creek (*Statutory Instrument*, No. 8 of 1963).

Town Planning Scheme for Corozal (*ibid.*, No. 20 of 1964).

The objective of the national housing policy is to improve the standard of housing during the Development Plan period 1964-70, as far as the capacity of the building industry and the availability of finance will permit.

The Central Housing and Planning Authority is constituted under the Housing and Town Planning Ordinance. All other public authorities having responsibility relating to housing are associated with the central body.

The measures concerning housing provided by employers, mentioned in Part I, Section IV, Paragraph 12, subparagraphs (1) and (2) of the Recommendation, could be met on an equitable basis by autonomous private agencies such as co-operatives and credit unions, insurance companies and the US Agency for International Development (AID). The requirements of subparagraphs (3) and (4) of Paragraph 12 are met by national law and customs.

The measures for financing are satisfied by credit unions, co-operative housing societies, government housing schemes, banks, etc., according to the existing national practice.

The Belize City Building Ordinance, No. 21 of 1962, lays down, *inter alia*, requirements for design of foundations for buildings in relation to the load-bearing capacity of the soil, distances between proposed and existing buildings, ventilation of new buildings, and drainage, sanitation and water supply of new buildings. The standard of housing has markedly improved since the introduction of the Ordinance.

Concerning the measures to promote efficiency in the building industry, these could be met by administrative arrangements. There is great anxiety to achieve the most efficient use of available resources. The measures concerning house-building

and employment stabilisation could be met by administrative arrangements and made to conform with the principles outlined in the Recommendation. The requirements relating to town, country and regional planning are fulfilled by national law and administrative practice.

There appears to be no obstacle to the application of the general principles of the Recommendation. There is in general eagerness to apply the provisions of the Recommendation and even to extend them.

British Virgin Islands

No legislative provisions exist in the territory at the present time.

The report refers to the setting up of an Economic Development Advisory Committee which, having due regard to the constitutional structure of the Islands and the matters dealt with in the Recommendation, has been entrusted, *inter alia*, with the task of giving advice on the need for new projects and of making suggestions as to implementation phases.

Brunei

Labour Enactment, 1954.

There is no appropriate legislation to cover the provisions of the Recommendation but in some cases the Labour Enactment, administrative and practical provisions are relevant.

Section 60 of the Labour Enactment requires every employer to provide and maintain sufficient and hygienic housing accommodation, wholesome water and proper sanitary arrangements for every worker and employee who reside on the place of employment in accordance with such standards of health and hygiene as may be prescribed.

Section 61 of the enactment provides that a space of not less than 100 feet round any housing area shall be kept clear of jungle and secondary growth and the employer shall cause such space to be kept in a clean and sanitary condition and detail a sufficient number of workers daily for this purpose. Under section 63, the employer must provide separate accommodation for all workers of different races.

In the government service officers are entitled to reside in government housing accommodation according to their categories, with a rent of 10 per cent of their monthly salary.

The Commissioner of Labour is entrusted with the supervision of the application of the legislation. No employers' organisations exist in the State. The representatives of the eight workers' trade unions will be consulted regarding the application of the Recommendation.

It is not now intended to take any measures to give effect to the provisions of the Recommendation, for lack of suitable legislation, but the matter will be kept under review.

Falkland Islands (Malvinas)

Stanley Town Council Ordinance (Ch. 68).

Stanley Town Council (Public Health) By-Laws.

Public Health Ordinance (Ch. 54).

Board of Health By-Laws.

Housing standards are controlled by the above legislation, which is supervised by the Stanley Town Council and the Board of Health.

Governmental loans, at a moderate rate of interest, are available for workers to purchase their own houses. In this agrarian community it has always been customary

for employers to provide free housing for all farm workers and this custom now forms part of the annual agreement between employers and employees which regulates conditions of employment. Most workers in Stanley, the capital, own their own houses.

Gibraltar

Landlord and Tenant (Miscellaneous Provisions) Ordinance.
Public Health Ordinance.

The report refers to the Government's consistent policy, which is tempered only by physical and financial limitations, to increase and improve housing conditions for the community generally and workers in particular. To this end legislative provisions are supplemented by administrative action. The Landlord and Tenant (Miscellaneous Provisions) Ordinance deals with such matters as rent controls over certain categories of privately owned dwellings, establishment of a Rent Assessment Tribunal, and the extension of rent relief facilities to certain private tenants in the lower rental brackets. The Public Health Ordinance contains provisions which prevent overcrowding by specifying standards of accommodation, safety amenities, etc.

The report provides certain figures to illustrate the increasing importance attached by the Government to housing programmes and refers to the housing schemes undertaken by the Government to achieve the secondary object of clearing areas of substandard accommodation. An example of this is the Glacis Estate scheme where some 230 flats will be erected for predominantly worker tenants, to replace semi-permanent hutments built in 1945. Preliminary plans are also being prepared for the reconstruction of pockets of obsolescent dwellings as part of the Government's plans for urban renewal.

The main criteria governing government policy as regards the allocation of housing have been (i) the housing needs of the applicant, without regard to class distinction, and (ii) the basic concept that inability to pay rent should not deprive anyone from being considered for rehousing.

A rent relief scheme is also available to tenants in the private sector whose rents do not exceed a certain figure. It has also been the policy that each family should have a separate, self-contained dwelling and allocation of houses has always been on this basis. These buildings have been of solid construction, following the general standards of safety, sanitation, etc., adopted in the United Kingdom.

It is not at present intended to take any measures to give effect to provisions of the Recommendation which are not already covered by legislation or practice.

Gilbert and Ellice Islands

Employment Ordinance, 1965.
Employment (Housing Standards) Regulations, 1966.

The colony's housing policy is at present under review. Financial considerations and the necessity to import many building materials place limitations on the Government's ability to proceed with large-scale housing programmes.

Section 106 of the Employment Ordinance requires employers to "cause every worker who cannot return to his home at the conclusion of his daily work and his dependants to be properly and adequately housed". The Employment (Housing Standards) Regulations, 1966, lay down minimum standards.

The distance of centres of employment (Ocean Island, Fanning, Washington and Christmas) makes it necessary for employers to provide housing for their workers directly. The lack of suitable sites and financial considerations have made it difficult for the Government to provide housing for all unestablished employees. This problem is still under study.

The colony's Commissioner of Labour is charged with the implementation of legislation covering employees' housing.

There are no employers' organisations and only one registered trade union in the colony. It is not therefore considered appropriate at the present time to call upon such organisations to co-operate in the application of the law.

Finance and the state of the colony's development will be two of the factors taken into account in arriving at a decision on housing policy.

Hong Kong

Town Planning Ordinance (Ch. 131).

The provisions of the Recommendation are applied by the Town Planning Ordinance and the regulations made thereunder. Section 2 of the Ordinance provides for the establishment of a Town Planning Board, which is required to undertake the systematic preparation of draft plans for the future layout of existing and potential urban areas and for the types of building suitable for erection in such areas.

The report indicates that it has been government policy since 1950 to make land available at one-third of its estimated value to encourage non-profit-making housing projects for workers. Many employers with large numbers of workers have taken advantage of this concession to build staff quarters and dormitories, and some provide housing loans. Most utility companies and textile mills and some garment factories and dockyards provide housing facilities for their employees. In 1954 the Government embarked on a huge resettlement programme and at the end of 1968 about a million people (over a quarter of the population) were living in government resettlement homes. Resettlement estate rents are fixed at the lowest possible level to cover reimbursement of the capital cost over forty years.

The Hong Kong Government, which is the largest single employer, provides loans to co-operative building societies formed by local civil servants to buy land and build flats. It also provides accommodation for its overseas staff and many of its local staff. The Agriculture and Fisheries Department assists farmers and fishermen to form Better Living Co-operative Societies on land provided at very low rental by the Government. In addition to the government low-cost housing programme which accommodated a total of 126,500 persons at the end of 1968, the Hong Kong Housing Authority and the Hong Kong Housing Society and other non-profit-making organisations have all made contributions to provide low-cost housing (total accommodation at the end of 1968, 256,884 persons). By the end of 1968 about one-third of the total population was housed in accommodation provided by government and government-aided agencies in resettlement and low-cost housing areas. It is planned to house, by 1974, a further 700,000 people in government resettlement and low-cost housing estates.

The Town Planning Board is entrusted with the enforcement of the Town Planning Ordinance.

The report states that the Government has within the limitations imposed by such factors as shortage of land and availability of funds gone a long way to meet the Recommendation. No legislative measures are deemed to be necessary to give effect to the provisions of the Recommendation.

St. Helena

The population and labour force have remained static over the past eight years; all housing and related community facilities continue to be the responsibility of the island's Government.

St. Lucia

Development of the Morne (Amendment) Ordinance, 1963 (*St. Lucia Ordinances and Statutory Rules and Orders (and Other Legislation) for the Year 1963*, pp. 137-142).

Sans Souci (Purchase Development and Sale) Loan Ordinance, No. 6 of 1965 (*ibid.*, 1965, pp. 83-87).

Building Societies Ordinance, No. 3 of 1965 (*ibid.*, 1965, pp. 5-32).

Housing Ordinance, No. 11 of 1966 (*ibid.*, 1966).

St. Lucia Housing Authority Regulations, No. 33 of 1967 (*St. Lucia Gazette*, Vol. 136, No. 52, 7 Oct. 1967).

Factories Regulations, 1948.

Employers and Servants Ordinance.

The Government is tackling the acute problem of housing shortage in order to relieve the situation which has been in existence for a long time in the island.

The report refers to the statement made by the Chief Minister and Minister of Finance in 1965 regarding certain aspects of the Government's housing projects. It also states that the object of the Housing Ordinance is to create a Saint Lucia Housing Authority to replace existing statutory bodies dealing with housing; to revise, consolidate, and extend the laws relating to the encouragement of construction of dwelling-houses and home ownership and matters incidental thereto, and to amend the Income Tax Ordinance, 1965.

Section 8 of the Housing Ordinance empowers the Authority to investigate the housing conditions and the adequacy of existing accommodation in the island or any part thereof, to take steps for the distribution of information on the provision of more adequate and improved housing and the adoption of community plans in the island. Moreover, the Ordinance provides for direct loans and public guarantees for repayment of mortgages on houses—the reason for which the St. Lucia Mortgage and Finance Company was established in 1967.

The Authority entrusted with the supervision of the application of the Ordinance and regulations is composed of persons to be appointed by the Minister. The report states that measures to give effect to the Recommendation are substantially covered by legislation, and no modification has been found necessary in this respect.

Seychelles

Building Ordinance, No. 13 of 1902.

Wages Regulations Ordinance, No. 22 of 1932.

Employment of Servants Ordinance, No. 25 of 1945.

Outlying Islands (Employment of Servants) Ordinance, No. 26 of 1945 (Ch. 112).

Town and Country Planning Ordinance, No. 14 of 1945.

Public Health Ordinance, No. 25 of 1959.

Land Development (Interim Control) Ordinance, No. 24 of 1967.

Section 22 of the Employment of Servants Ordinance, 1945, requires an employer to provide free housing unless expressly agreed otherwise by both parties; the employer is not bound if the contract is not in writing. Under the related Ordinance No. 26 of 1945 an employer is compelled to provide free housing on the outlying islands.

Rentals on houses provided for agricultural labourers by estate and plantation employers on Mahe and nearby islands are controlled under the Wages Regulation Ordinance, 1932, by the Minimum Wages (Agricultural Labourers) Proclamation, 1965, which establishes differential rates of pay for workers who are provided with free housing.

Enforcement of the housing provisions contained in the relevant legislation is entrusted to the Labour Officer and the Medical Officer of Health. There appears

to be only limited scope at the present stage for joint consultation between employers and employers' organisations and trade unions in the application of measures to promote workers' housing programmes.

It is intended to extend the present inadequate by-laws and to introduce more effective planning control. Building regulations introduced in 1949 under the Building Ordinance, 1902, are to be reviewed with a view to applying minimum international standards for habitable dwellings. Modification of some of the provisions of the Recommendation would be needed in the light of the present stage of development, the rocky terrain (particularly in Mahe) and the lack of suitable building land.

Solomon Islands

Labour Ordinance, No. 3 of 1960 (*Laws of the British Islands Protectorate*, 1961, Vol. 1, Ch. 28),
 † as amended by Ordinance No. 20 of 1964, Ch. 28.

Labour (Housing Standards) Rules, as amended.

Objectives of national housing policy follow the general lines stated in the Recommendation; provision of housing by employers where appropriate is required by section 106 of the Labour Ordinance.

Finance is available under the Honiara Town Council loan scheme for workers in Honiara. Housing standards are covered by the Labour (Housing Standards) Rules, as amended, which are under review in order to achieve improvements.

The general principles of the Recommendation are accepted and the suggestions incorporated in paragraphs 1 to 47 are for the most part the basis of official policy. Considerable progress has been made in the sphere of housing and housing standards during the past two years.

UNITED STATES

Housing and Urban Development Act of 1968, Public Law 90-448, 90th Congress, S. 3497,
 August 1 1968.

Housing and Urban Development Act of 1968.

Committee on Banking and Currency, House of Representatives, *Basic Laws and Authorities on Housing and Urban Development*, Revised through January 15 1968, 90th Congress, 2nd Session (1968).

Urban Renewal, Title I of Housing Act of 1949 and related laws as amended through September 1 1968.

The United States Housing Act of 1937, as amended, Public No. 412, 75th Congress, and Related Laws, October 15 1968.

Legislation exists on practically all the provisions of the Recommendation. In the Housing and Urban Development Act, 1968, the United States Congress reaffirmed the national goal set forth in the Housing Act, 1949, namely "a decent home and a suitable living environment" for every family. Because Congress had found that this goal had not been fully realised, it declared that the highest priority and emphasis should be given to meeting the housing needs. The Housing Act lays down a detailed policy on the housing conditions to be remedied and on the development of low-rent housing, and establishes administrative responsibilities. Government programmes, in particular the Federal Housing Administration, provide for financial aid (grants, loans and insurance on private loans) for the rehabilitation and construction of housing. The assistance aims at reasonable rents and repayments on loans for purchase. While private enterprise has always been preferred, in recent years public enterprise has played a leading role and co-operatives have been encouraged.

A Department of Housing and Urban Development (referred to below as the Department) was established in 1965 to assist in the creation of facilities for urban

communities. The President submitted to Congress in January 1969 a ten-year plan indicating the number of housing units which needed to be provided through public and private assistance for each of the ten years, the expected reduction of sub-standard units, estimated cost of the federal programmes and other financial estimates. Similar reports are to be submitted annually. The first annual report showed that the ten-year programme will require an increased house-building capacity. An analysis of the position was as follows: while mortgage funds should be fairly adequate, means of overcoming labour supply and training inadequacies were being taken up by the Department; building materials production had, as a whole, met needs, but rising prices for certain materials created problems; more building sites, in particular for assisted housing, could be made available by continuing the Government's existing measures to free land and by following up the new development of providing airtight platforms over highways for multi-family housing.

American policy and practice are in agreement with the principles recommended in Paragraph 12, including the recognition of the rights of workers where housing is provided by employers.

The numerous ways in which the legislation offers financial assistance includes authorising subsidies to reduce mortgage interest rates to as little as 1 per cent for lower-income families; establishing high-risk insurance funds to encourage the approving of home loans by the Federal Housing Administration; authorising interest-free loans for pre-construction expenses of non-profit housing sponsors; creating a National Home Ownership Foundation to provide grants for loans to housing sponsors; authorising the Department to give certain financial aids for new community projects, public and private; increasing grants for the rehabilitation of existing housing; authorising the Farmers' Home Administration to make insured loans at low rates down to 1 per cent to low-income families and also for rural housing grants and loans for "self-help housing"; and the earmarking of large sums for "model cities" programmes.

Under the National Housing Act the Federal Housing Administration insures mortgages (to prescribed limits) on co-operative projects for five or more dwelling units for members of non-profit co-operative corporations. The terms of the mortgage cannot exceed forty years, and the interest rate is $5\frac{1}{4}$ per cent. Recently the administration has begun promoting the "condominium" method of ownership, which is new in the United States, by insuring mortgages to finance the construction or rehabilitation of such multi-family projects. The legislation also permits the Federal Housing Administration to insure long-term mortgages to enable sponsors (churches, fraternal organisations, labour unions and similar societies) to borrow money to build low-cost houses or to rehabilitate housing. Under the legislation rental housing projects financed with below-market interest rate mortgages can be converted into co-operative or condominium ownership; this scheme enables persons with low or moderate incomes, or co-operatives open only to such persons, to buy at a relatively low price and at low mortgage interest rates. In connection with the rural housing referred to above, funds are also authorised to provide short-term loans to public or private non-profit organisations to buy and develop building sites to be sold to families, non-profit organisations and co-operatives eligible for assistance under the interest reduction programmes for housing for lower-income families.

The Federal Housing Administration's Home Insurance Programme of 1934 is designed to help families to undertake home ownership by insuring mortgages to finance the purchase. The mortgage amounts, the ratios of loans to property values and the minimum cash investment required are laid down in the programme. The loan interest rate is 6 per cent and the repayment period thirty to thirty-five years.

A federal agency, the National Mortgage Association, has been established to help to improve the distribution of investment capital available for mortgage financing ; it buys and sells government-insured mortgages with a view to bringing about market liquidity for mortgage investment.

Measures to stimulate savings by individuals, co-operatives and private institutions have already been referred to ; the grants and loans made by the National Home Ownership Foundation are not otherwise available from federal sources and are intended in particular to encourage private and public organisations to provide increased home ownership and housing opportunities in urban and rural areas for lower-income families.

While no legislation specifically prohibits private speculation in connection with subsidised workers' housing, this practice is discouraged.

The Government has taken an increasing interest in promoting efficiency in the building industry. With regard to manpower resources, steps are being taken to ensure closer and more systematic co-operation between all government agencies, federal and state and local, in the manpower development programme. The legislation requires the Department to request public and private organisations to submit plans for advanced technologies, and to seek to achieve the construction of at least 1,000 dwelling units a year over a five-year period for each of the technologies approved. It also requires that opportunities for training and employment arising in carrying out the Government's housing programme be given to low-income persons in the area, that contracts for the work should as far as possible go to local concerns, and that in carrying out water and sewerage developments, jobs should be provided for unemployed persons. Under the Public Works Acceleration Act, 1962, Congress appropriated \$900 million to provide immediate temporary employment to unemployed persons in the construction industry, while improving community facilities in order to encourage industrial development. The funds went to approximately 7,700 projects of all types and employment was estimated at 2 million man-months. In order to minimise seasonal unemployment in the construction industry and possible ensuing inflationary pressures, responsible government agencies have been asked to take a number of steps to match projects to local conditions and stretch out work into the off-season.

The principle contained in Paragraph 23 is implemented by the Housing Act of 1949, as amended, which requires localities to establish a workable programme for community improvement as a condition for their participation in federal programmes. In 1968 the Department revised the handbook setting forth the policies, requirements and procedures for carrying out a workable programme for community development. Some of the points emphasised in the revision are the adoption and enforcement of housing, building and related codes, the development of programmes to meet low- and moderate-income housing needs and to meet relocation needs of those displaced by governmental action, and the involvement of citizens, including poor and minority groups, in the programme activities. The Housing and Urban Development Act has also greatly extended the scope of federal authority in regard to urban planning by authorising comprehensive grants to numerous state and district authorities for assistance in planning.

UPPER VOLTA

Decree 271/PRES of 31 December 1959 regulating rates of repayment for workers' housing.

Order 472-IRLS-HV of 15 July 1953 regulating the allocation of housing.

See also under Recommendation No. 102.

Section 91 of the Labour Code provides for workers to be supplied with accommodation whenever the nature of their work so requires. If a worker does

not come from the place where he is employed, or lives far away, the employer has to provide housing (for which the worker pays). The basic human rights, and trade union rights in particular, are respected in the process.

Wage earners wishing to build their own houses are eligible for loans from the National Bank, and for tax relief.

The labour inspectorate and the engineers attached to the National Development Bank are responsible for enforcement.

For the time being, the Government does not intend to implement those clauses in the Recommendation not at present implemented by national law or practice.

URUGUAY

Decree No. 309 of 16 May 1968 governing the operation of Social Housing Funds.

Housing Act, No. 13728 (27 December 1968).

Legislation, rules and regulations govern the questions dealt with in the Recommendation.

In 1968 Social Housing Funds were set up for the benefit of workers in various branches of the economy, by virtue of collective agreements and awards by Wages Boards. The Ministry of Labour and Social Security promulgated a decree governing the working of these Funds.

The Housing Act, 1968, deals, among other things, with workers' housing requirements.

The Social Housing Funds are managed by joint boards advised by the Government through the Ministry of Labour and Social Security and the National Housing Department.

Work on the first National Housing Plan is now under way.

VENEZUELA

Act setting up the Workers' Bank, dated 30 June 1928.

It is considered that only comprehensive planning can solve the problem of housing. The official sector, private enterprise and the co-operative movement give increasing attention to the problem of workers' housing.

The most effective agent of official activity in this field is the Workers' Bank, which participates in the building of dwellings in populated centres with more than 25,000 inhabitants; in localities the population of which varies between 10,000 and 25,000 inhabitants, the matter is dealt with by the Foundation for Community Development and Municipal Affairs (FUNDACOMUN) as well as the municipal councils; for places with less than 10,000 inhabitants, the matter is dealt with by the rural housing programme.

The Workers' Bank gives loans of up to 40,000 bolívars to workers who earn less than 1,200 bolívars a month (an income of some 250 bolívars for each member of the family), pay high rent or live in overcrowded conditions, to enable them to build sanitary dwellings. The bank also builds or acquires houses which it sells on the instalment plan; such houses must not cost more than 20,000 bolívars and are repayable in thirty years at an interest of 4 per cent. In its forty years' existence the bank has built 96,548 dwellings for a total value of 2,547,105,900 bolívars. With the help of loans received from it another 11,450 housing units have been built representing 386,071,200 bolívars.

In 1965 individual building programmes were begun with the technical advice and financial help of the Workers' Bank. These programmes are expanding and are at the same time providing the persons concerned with a certain amount of technical know-how.

The housing co-operatives set up in 1958 provided cheap dwellings for their members. There are : (a) co-operatives which buy undeveloped land, provide the necessary services and then ask for credits to begin building, and (b) others which acquire land in urban areas in the capital of the Republic. There are at present eighteen housing co-operatives with 2,400 members who have built some 600 dwellings representing 36 million bolívares. The Federation of Housing Co-operatives of Venezuela and the "Caritas" Housing Institute Foundation (INVICA) promote the co-operative movement in housing.

FUNDACOMUN, which received a loan of \$30 million from the Alliance for Progress, gives loans of up to 50 per cent for dwellings of up to 20,000 bolívares.

Since 1961 there is also a National Scheme for Savings and Loans which gives loans for building.

Increasing use is being made of prefabricated parts. Construction technique is being improved and costs reduced.

VIET-NAM

Labour Code, Ch. XI, Article 223 (*Journal officiel de la République du Viet-Nam*, 12 May 1956, No. 21, p. 1182) (L.S. 1956—V.N. 1).

Order No. 66 BLD/LD/ND of May 1960 to approve the collective agreement concerning the rubber-growing industry.

When workers can find accommodation without causing serious inconvenience to the inhabitants of residential areas near to their place of employment, the Labour Code prescribes that the employer is not required to provide such workers with housing. Where this is not the case, or under certain special circumstances (such as epidemics), the Regional Governor, after consultation with the Regional Labour Commission, may compel the employer to provide either short-term or permanent housing for his workers.

The collective agreement concerning the rubber-growing industry, which involves 40,000 workers, prescribes that the employer shall provide each worker with decent and hygienic accommodation at the place of employment. This rule also applies, in practice, to all tea and coffee plantations, and is partly applied in the commercial and industrial sectors.

As an indication, the numbers of dwellings provided by employers in the different sectors of the economy are : plantations, 6,495 ; banks, 232 ; oil companies, 175 ; civil aviation, 142 ; cement works, 133 ; and cigarette factories, 59.

The Government proposes to draw up a national programme for workers' housing. It has had 118 dwellings built at Tân-Quy-Dông in the suburbs of Saigon, 76 at the industrial centre of Biên-Hóa, and 24 are under construction at Hói-An.

The Minister of Labour intends to intensify this policy of providing low-cost housing, especially in the new industrial centres.

The Social Security Department (Ministry of Labour) allocates housing to workers.

ZAMBIA

Employment Act, No. 57 of 20 September 1965 and the Regulations made thereunder (L.S. 1965—Zam. 2).

Public Health (Building) Regulations, pages 75 to 126 of the Public Health Ordinance, Ch. 126.
Public Health (Drainage and Latrine) Regulations, pages 143 to 167 of the Public Health Ordinance, Ch. 126.

The spirit of the Recommendation is applied by the above legislation.

The Provincial and Local Government Division in the Office of the President is the central body having authority for studying and assessing housing programmes, including measures for slum clearance and re-housing of slum dwellers.

Local authorities provide material and technical advice to individuals to enable the building of houses under self-help schemes which aim at increasing house ownership and at economic costs.

Section 41 of the Employment Act, 1965, obliges employers to provide adequate accommodation at their own expense to every employee in their service receiving a monthly salary below a certain minimum. Under section 41 (2) an employer who is unable to provide adequate housing for an employee shall pay to such employee a monthly rent allowance.

The structural safety and levels of decency, hygiene and comfort of housing are prescribed under the Public Health (Building) Regulations and Public Health (Drainage and Latrine) Regulations, which are made under sections 75 and 116 of the Public Health Ordinance.

No immediate measures are envisaged to give effect to the provisions of the Recommendation.

Communication of Copies of Reports to Representative Organisations
(Article 23, Paragraph 2, of the Constitution)

The Governments of the following States have indicated the representative employers' and workers' organisations to which copies of the reports supplied have been sent: *Argentina, Austria, Belgium, Bolivia, Cameroon, Canada, Central African Republic, Ceylon, Chile, China, Colombia, Costa Rica, Cyprus, Dahomey, Denmark, Finland, France, Federal Republic of Germany, Greece, Guatemala, Guyana, India, Iraq, Italy, Japan, Kenya, Kuwait, Lesotho, Liberia, Luxembourg, Malawi, Malaysia, Mali, Malta, Mexico, Morocco, Netherlands, New Zealand, Niger, Norway, Pakistan, Philippines, Rwanda, Senegal, Sierra Leone, Singapore, Sweden, Switzerland, Syrian Arab Republic, Togo, Tunisia, United Kingdom, United States, Upper Volta, Uruguay, Viet-Nam, Zambia.*

The Governments of *Brazil and Congo (Kinshasa)* have stated that copies of their reports have been sent to the representative employers' and workers' organisations in their respective countries.

The Governments of *Bulgaria and Czechoslovakia* have indicated that copies of their reports have been sent to the Central Council of Trade Unions in their respective countries.

The Government of *Cuba* has stated that copies of its reports have been sent to the Cuban Workers' Union and to the managements of industrial 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.

The Government of *Hungary* has stated that copies of its reports have been communicated to the Council of Trade Unions and to the Chamber of Commerce.

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 the *USSR* has stated that copies of its reports have been sent to the Central Council of Trade Unions and to the directors of different undertakings.

International Labour Conference

FIFTY-FOURTH SESSION
GENEVA, 1970

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
1970

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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1. The first part of the paper is devoted to the study of the

2. The second part of the paper is devoted to the study of the

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 Recommendation adopted by the Conference at its 52nd Session, held in Geneva from 5 to 25 June 1968.

The period of one year provided for the submission to the competent authorities of the Recommendation expired on 25 June 1969, and the period of eighteen months on 25 December 1969.

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 51st Sessions (1948 to 1967). 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 53rd 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 12 to 25 March 1970, the communications received from the governments, as stated in its report.

List of Texts Adopted by the Conference at Its 31st to 52nd 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).

52nd Session (1968).

- Tenants and Share-croppers Recommendation (No. 132).

Summary of Information relating to the Submission to the Competent Authorities of the Recommendation Adopted by the International Labour Conference at Its 52nd Session (Geneva, 1968) and Supplementary Information relating to the Texts Adopted by the Conference at Its 31st to 51st Sessions (1948 to 1967)

ARGENTINA

Recommendation No. 132 has been submitted to the competent authorities.

AUSTRIA

The National Council, following proposals made by the Council of Ministers, has approved the ratification of Conventions Nos. 102, 103 and 128. Convention No. 127 and Recommendation No. 128 will be subject to more detailed study.

BELGIUM

Conventions Nos. 125 and 126 have been ratified. The texts of the instruments adopted by the Conference at its 51st and 52nd Sessions, together with a governmental statement, were recently transmitted to the Ministry of Foreign Affairs with a view to their submission to Parliament.

BULGARIA

The Presidium of the National Assembly has taken note of Recommendation No. 132.

BYELORUSSIA

Recommendation No. 132 was submitted to the Presidium of the Supreme Soviet in May 1969.

CAMEROON

The Government is proposing to submit to the Federal National Assembly, at its next session, all the instruments adopted since the 50th Session of the Conference.

CANADA

Recommendation No. 132 was submitted to the Houses of Parliament in February 1969, with a statement by the Government concerning this instrument. The text of the instrument, together with copies of the opinion of the Minister of Justice, was also sent to the Lieutenant-Governors of the ten provinces of Canada to be laid before the respective provincial governments for consideration.

CHINA

Recommendation No. 132 was submitted to the Secretariat of the Legislative Yuan on 17 August 1968. Convention No. 126 has been ratified. Proposals for the ratification of Convention No. 92 will be laid before the Executive and Legislative Yuans. Convention No. 94 was transmitted to the Ministry of Economic Affairs for its views and submission to the Legislative Yuan.

COLOMBIA

Conventions Nos. 108 and 117 as well as Recommendations Nos. 104, 115, 116 and 117 were submitted to the National Wage Council which is the official body entrusted with the task of examining conditions for the application of ILO Conventions and Recommendations. Recommendation No. 132 appears to be largely applied in the national legislation.

CONGO (BRAZZAVILLE)

Recommendation No. 132 has been submitted to the Government which exercises legislative powers in virtue of the Basic Act dated 1 August 1968. The texts of the instruments adopted by the Conference at its 51st Session have been submitted to the competent authorities.

COSTA RICA

The texts of the instruments adopted by the Conference at its 51st and 52nd Sessions have been submitted to the Legislative Assembly.

CUBA

Conventions Nos. 127 and 128 have been submitted to the competent authority.

CYPRUS

Recommendation No. 132 was submitted to the House of Representatives, which decided to accept it.

CZECHOSLOVAKIA

Recommendation No. 132 has been submitted to the Federal Assembly. National legislation covers the different situations provided for in this instrument, which, however, is applicable only in exceptional circumstances at the present stage of development of the socialist society. The texts of the instruments adopted by the Conference at its 51st Session have been submitted to the competent authorities.

DENMARK

Recommendation No. 132 was submitted to Parliament on 29 January 1969. As the subject-matter of this instrument is inapplicable in Denmark, it was not suggested that effect be given to it.

ETHIOPIA

The Government is unable to accept Recommendations Nos. 97, 102, 112 and 115. Convention No. 127 and Recommendations Nos. 128, 129, 130 and 132 have been laid before the Council of Ministers. The approval of Recommendations

Nos. 129 and 130, the suspension of the ratification of Recommendation No. 127 and the acceptance of Recommendation No. 128 have been proposed. As regards Recommendation No. 132, in view of the importance the Government attaches to the problem of agricultural workers, a Ministry for Agrarian Reform has been set up and a Bill was submitted to Parliament.

FEDERAL REPUBLIC OF GERMANY

Recommendation No. 132 was submitted to Parliament on 12 December 1969. The Government will take the provisions of the Recommendation into account when changing national legislation on the subject-matter of this instrument.

FINLAND

The Government has proposed the ratification of Convention No. 108. The texts of the instruments adopted by the Conference at its 51st Session will be submitted to Parliament after the March 1970 elections.

FRANCE

The Government has supplied information on measures envisaged in respect of instruments adopted by the Conference at its 43rd to 50th Sessions. The ratification of Convention No. 115 does not appear to give rise to any objections; it was, however, considered desirable to await the views of the technical services and occupational associations. Convention No. 117 is not relevant to France. The acceptance of the provisions of Convention No. 118 requires decisions of principle which the Government can still not take. The ratification of Convention No. 119 could be put in hand once the texts doing away with the remaining differences between national legislation and the provisions of the Convention have been published. The procedure for the ratification of Convention No. 120 will be put in hand immediately. The examination of the ratification of Convention No. 121 will be resumed and terminated rapidly with a view to ratification of Convention No. 102. The procedure for the ratification of Convention No. 122 has been put in hand; this Convention in all probability will be approved. With respect to Convention No. 123, the competent services which were in favour of awaiting the final application of the Ordinance dated 6 January 1959 to extend the period of compulsory schooling, were asked to express their views concerning the immediate ratification of the Convention; the answers received from these services will also apply to Convention No. 124. The procedure for the ratification of Convention No. 125 has been set in motion through the executive channel and the decree announcing the ratification may be published soon. The procedure for the ratification of Convention No. 126 could be set in motion shortly, once the new text covering this subject-matter has been published.

Recommendation No. 132 has been submitted to the National Assembly; the Government feels that the provisions of this Recommendation can be fully accepted since they are in conformity with the French landlease system.

GHANA

Recommendation No. 132 has been submitted to the National Liberation Council. After consideration and recommendations on the subject by the Consultative Labour Commission, proposals by the Government relating to instruments adopted by the Conference at its 50th, 51st and 52nd Sessions will be laid before the competent authorities.

GREECE

The texts of the instruments adopted by the Conference at its 38th to 46th Sessions will be submitted gradually to the competent authority. The instruments adopted by the Conference at its 51st, 52nd and 53rd Sessions have been communicated to the administrative authorities for analysis and proposals, and will be laid before the competent legislative authority.

GUINEA

The immediate ratification or acceptance of the instruments adopted by the Conference at its 51st Session has not been proposed. Recommendation No. 132 has been submitted to the National Assembly; its provisions are inapplicable in Guinea.

GUYANA

Recommendation No. 132, submitted on 22 December 1969 to the National Assembly, is inapplicable for the time being to agricultural workers in Guyana; the Government will however adopt some of its provisions if necessary.

HUNGARY

By Resolution No. 151/1969 dated 16 May 1969, the Presidium of the People's Republic of Hungary took note of Recommendation No. 132.

INDIA

Recommendation No. 132 has been submitted to Parliament. A statement indicating the action taken or proposed to be taken on this instrument, which was drawn up in co-operation with the state governments and the central employers' and workers' organisations, was attached to the text of the Recommendation, which the Government feels may serve as a useful guide for future legislation in the field of agrarian reform.

IRAQ

A plan was elaborated for the study of Conventions and Recommendations adopted by the Conference at its 31st Session (1948) and at its following sessions, priority to be given to Conventions and Recommendations which have been adopted by the Conference at its recent sessions, in order to examine them within the period specified in article 19 of the Constitution of the International Labour Organisation. Recommendation No. 132 is being studied actively.

Conventions Nos. 99, 102, 103, 117, 118 and 122 as well as instruments adopted at the 51st Session have been submitted to the competent legislative authorities.

IRAN

The texts of the instruments adopted by the Conference at its 51st and 52nd Sessions will be submitted to Parliament in the near future.

IRELAND

Recommendation No. 132 was submitted to the competent authorities on 5 September 1969. The Government has decided to accept the provision embodied therein, although the problems referred to in this instrument no longer arise in Ireland.

ISRAEL

Recommendation No. 132 has been submitted to Parliament and will be sent to the respective competent bodies to serve as a guide in their activities.

ITALY

The Government has proposed the acceptance of Recommendation No. 132, submitted to Parliament on 25 June 1969.

IVORY COAST

For the time being the Government does not intend to take any action to give effect to Recommendation No. 132 because of the complex nature of the problems contained therein.

JAPAN

Recommendation No. 132 was submitted to the Diet on 7 May 1969, together with proposals by the Government. On the whole the Recommendation is applied in national legislation; other measures will be examined if necessary in the light of the situation in the country.

KENYA

The instruments adopted by the Conference at its 51st Session (with the exception of Recommendations Nos. 129 and 130 which are still being examined), as well as Recommendation No. 132, have been submitted to the National Assembly. Moreover, the Government has proposed the ratification of Conventions Nos. 16, 27, 99, 112 and 118 and the adoption of Recommendation No. 127.

KUWAIT

The National Assembly has decided to postpone the application of the instruments adopted by the Conference at its 51st Session until working conditions in the country are improved so as to bring them into line with the provisions of these instruments. Recommendation No. 132 was submitted to the National Assembly on 9 March 1969.

LESOTHO

Recommendation No. 132 is inapplicable in Lesotho.

LUXEMBOURG

Convention No. 103 has been ratified. Recommendation No. 132 has been submitted to the Chamber of Deputies; it has, however, hardly any application in Luxembourg.

MALAGASY REPUBLIC

According to Articles 30 and 31 of the Constitution, matters other than those with which the law is concerned can be settled by administrative enactment. Hence, when an international Convention deals with a matter with regard to which the Government can take action, it is ratified by Presidential Decree. But should ratification involve any change in the laws of the realm, the question must be referred to Parliament.

The Conventions adopted by the Conference at its 48th, 50th and 51st Sessions are now being considered by the State Secretariat for Labour, which will acquaint the Government, as soon as possible, with the conclusions it has reached.

MALAWI

Arrangements for submitting Recommendation No. 132 are almost completed and the instrument will be submitted shortly.

MALTA

Recommendation No. 132 was submitted to Parliament on 15 October 1969 and accepted by the Government as a guide for its action in this field.

MEXICO

Recommendation No. 132 was submitted to the Congress of the Union with a view to possible application of the provisions it embodies. Conventions Nos. 127 and 128 were submitted to the Chamber of Deputies, together with an opinion of the Secretariat of Labour and Social Welfare in favour of the ratification of the former and with an opinion opposed to the ratification of the latter by the Mexican Institute for Social Security. Recommendations Nos. 126 and 131 were also submitted to the different public departments and occupational associations concerned.

MOROCCO

Recommendation No. 132 was submitted to the King on 10 April 1968.

NETHERLANDS

The application of the instruments adopted by the Conference at its 41st Session does not give rise to any difficulties. The Convention and Recommendation No. 110 are irrelevant to the Netherlands and Netherlands Antilles and are inapplicable in Surinam because of Part IV. Recommendation No. 111 was published in the Treaties Series (*Tractatenblad*) 1962. A memorandum is being drawn up with a view to the submission of Convention No. 114, which has already been published in the Treaties Series 1965. The Recommendations adopted at the 50th and 51st Sessions have just been published in the Treaties Series 1969. Convention No. 128 has been ratified.

Moreover, the Government has communicated information on the action to be taken by the competent authorities in the Netherlands Antilles and Surinam in respect of the instruments adopted by the Conference at its 51st Session. Recommendations Nos. 129 and 130 are applied in particular in collective agreements.

NEW ZEALAND

Recommendation No. 132 was submitted to Parliament in May 1969 and was accepted with certain reservations.

NIGER

The texts of the instruments adopted by the Conference at its 51st Session were submitted to the competent authorities on 12 February 1970.

NORWAY

Recommendation No. 132 was submitted in March 1968 to the Storting (Parliament) which approved the acceptance of this instrument with certain reservations; it also approved the acceptance of Recommendation No. 118 and the ratification of Convention No. 119.

PARAGUAY

In virtue of Act No. 179 the National Congress approved Recommendations Nos. 95 to 132 on 19 December 1969.

PORTUGAL

Recommendation No. 132 was submitted to the National Assembly on 13 August 1968.

RUMANIA

Recommendation No. 132, together with a report by the Council of State, was submitted to the National Assembly on 19 December 1969.

SENEGAL

The texts of the instruments adopted by the Conference at its 44th, 51st and 52nd Sessions, as well as Conventions Nos. 118, 119, 123, 124 and 126 and Recommendations No. 115 and 127, were submitted to the National Assembly on 23 September 1969. The Government has approved Recommendations Nos. 113 and 114 and Recommendations Nos. 127 to 130.

SINGAPORE

Recommendation No. 132 has been submitted to the Cabinet; this instrument has very little relation to the urban economy in Singapore.

SWEDEN

Recommendation No. 132 was submitted to the Riksdag (Parliament) on 31 January 1969, together with a Note by the Government indicating that this instrument was inapplicable in Sweden. Convention No. 121 has been ratified; account will be taken of Recommendation No. 121 for future legislative action to the extent that this may be considered necessary.

SPAIN

Recommendation No. 132 has been transmitted to the Ministers of Labour and Agriculture who are at present preparing a report on the application of this instrument in national legislation.

SWITZERLAND

Recommendation No. 132 was submitted to the Federal Assembly, which adopted the report of the Federal Council stating that the objective of this instrument had already been taken into account in the agricultural policy and that the main points of this Recommendation were being applied in Switzerland.

TANZANIA

It was not considered necessary to submit Recommendation No. 132 to the National Assembly since the categories of workers covered by this instrument do not exist in sufficient numbers in Tanzania.

TOGO

The Government has indicated, when referring to the texts of the instruments adopted by the Conference at its 49th and 50th Sessions, that all instruments adopted by the Conference since Togo became a Member of the ILO in 1960 have been regularly submitted to the competent authorities.

TUNISIA

Recommendation No. 132 was submitted for consideration to the technical services concerned, with a view to possible submission to the Bureau of the National Assembly. The Government could accept this instrument with certain reservations and within the framework of its plan for agricultural co-operation.

TURKEY

Recommendation No. 132 has been submitted to the National Assembly. The draft Act regarding agricultural workers drawn up by the Ministry of Labour was examined in the light of this instrument.

UGANDA

The Government cannot accept Recommendation No. 132, which is inapplicable in Uganda.

UKRAINE

Recommendation No. 132 was submitted to the Presidium of the Supreme Soviet in April 1969.

USSR

Recommendation No. 132 was submitted to the Presidium of the Supreme Soviet of the USSR on 20 February 1969.

UNITED ARAB REPUBLIC

Recommendation No. 132 has been submitted to the National Assembly. The Government expressed the view that this instrument could constitute a useful guide for its legislation.

UNITED KINGDOM

Recommendation No. 132 was submitted to Parliament in September 1969. The Government has decided to accept its provisions as far as they concern the situation in the United Kingdom.

UNITED STATES

Recommendation No. 132 has been submitted to the competent authorities and will be communicated to the Governors of the States.

UPPER VOLTA

Recommendation No. 132 was submitted on 10 September 1969 to the Council of Ministers, which took note of it; the problem of tenant farming does not yet exist in Upper Volta. As regards the instruments adopted by the Conference at its 48th Session, until more detailed studies are possible no action is proposed to be taken thereon. The instruments adopted by the Conference at its 50th Session, with the exception of Recommendation No. 127, are not relevant to Upper Volta.

URUGUAY

Recommendation No. 132 has been submitted to the General Assembly. An Inter-Ministerial Commission was appointed to examine the application of this instrument.

VENEZUELA

Recommendation No. 132 has been submitted to the National Congress.

VIET-NAM

The texts of the instruments adopted by the Conference at its 45th to 52nd Sessions have been submitted to Parliament.

YUGOSLAVIA

Recommendation No. 132 has been submitted to Parliament.

ZAMBIA

The texts of the instruments adopted by the Conference at its 51st Session, together with the proposals by the Government concerning them, have been submitted to the National Assembly, which gave them its approval. Recommendation No. 132 was submitted to the National Assembly, which approved the acceptance of this instrument.

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Albania:

General Report, paragraphs 28, 29, 32.
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I B, Nos. 63, 95.

Belgium:

I B, Nos. 32, 42, 81, 97, 102.

Bolivia:

General Report, paragraph 48.
I A and B, Nos. 26, 42.
III.

Brazil:

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I B, Nos. 81, 94.
III.

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General Report, paragraph 59.
I B, Nos. 16, 18, 81.
III.

Chad:

I B, No. 4.
III.

Chile:

I B, Nos. 17, 24, 25, 34, 37, 63.
III.

China:

General Report, paragraph 29.
I B, Nos. 14, 19, 81, 95, 105, 118.

Colombia:

General Report, paragraphs 48, 59.
I B, Nos. 2, 9, 12, 17, 18, 20, 22, 23, 24, 25, 95.
III.

Congo (Brazzaville):

I B, No. 87.

Congo (Kinshasa):

General Report, paragraph 48.
I A and B, No. 17.

Costa Rica:

General Report, paragraph 48.
I B, Nos. 88, 89, 94, 96.

Cuba:

General Report, paragraph 48.
I B, Nos. 17, 27, 42, 52, 63, 81, 87, 92, 98, 101.

Cyprus:

I B, Nos. 44, 88, 105.

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.

Czechoslovakia:

I B, Nos. 42, 44, 63.

Dahomey:

General Report, paragraphs 48, 59, 60.

I B, Nos. 18, 29.

III.

Denmark:

I B, No. 63.

II A and B, Nos. 5, 6, 16, 98, 106.

Dominican Republic:

General Report, paragraph 48.

I B, Nos. 1, 52, 79, 81, 87, 88, 90, 98, 106.

III.

Ecuador:

General Report, paragraphs 28, 29, 32, 48.

I A and B, Nos. 2, 24, 29, 35.

III.

El Salvador:

General Report, paragraphs 28, 32, 59, 60, 63.

I A and B, Nos. 104, 105.

III.

Ethiopia:

I A.

III.

France:

I B, Nos. 42, 81, 96.

II A and B, No. 42.

Gabon:

General Report, paragraphs 28, 32.

I A and B, No. 29.

III.

Federal Republic of Germany:

I B, Nos. 22, 102.

Ghana:

I B, Nos. 89, 117.

Greece:

I B, Nos. 29, 81, 87, 90, 95, 98, 105.

III.

Guatemala:

I A and B, Nos. 63, 77, 78, 79, 81, 88, 90, 96, 105, 108.

III.

Republic of Guinea:

General Report, paragraphs 29, 48.

I A and B, Nos. 18, 29, 81, 105.

Haiti:

General Report, paragraphs 32, 48.

I B, Nos. 1, 24, 25, 29, 30, 90, 105.

III.

Honduras:

General Report, paragraphs 29, 32, 59, 60.

I A and B, Nos. 29, 105.

III.

Hungary:

General Report, paragraph 48.

I B, Nos. 29, 41, 48, 52, 87.

III.

Iceland:

I B, No. 100.

III.

Indonesia:

General Report, paragraph 48.

I A and B, No. 27.

III.

Iran:

I A and B, No. 105.

Iraq:

I B, Nos. 17, 26, 29, 59, 81, 88, 115.

III.

Ireland:

I B, Nos. 23, 118.

Israel:

I B, No. 79.

Italy:

I B, Nos. 52, 81, 88, 108.

Jamaica:

General Report, paragraph 29.

I B, No. 81.

III.

Jordan:

General Report, paragraphs 32, 48.

I A and B, No. 118.

III.

Kenya:

I B, No. 81.

Kuwait:

I B, No. 106.

Laos:

General Report, paragraph 59.

III.

Lebanon:

General Report, paragraphs 59, 60, 63.

I A and B, No. 81.

III.

Lesotho:

General Report, paragraphs 28, 29, 32.

I A.

Liberia:

General Report, paragraph 48.
I B, Nos. 29, 58, 110, 113.
III.

Libya:

General Report, paragraph 48.
I A and B, Nos. 89, 95.
III.

Luxembourg:

I B, Nos. 42, 79, 90.

Malagasy Republic:

I B, Nos. 19, 29, 87, 118.
III.

Malawi:

III.

Malaysia:

I B, No. 105.
States of Malaya:
I B, Nos. 17, 81.

Republic of Mali:

III.

Malta:

I B, No. 95.

Islamic Republic of Mauritania:

General Report, paragraph 48.
I A and B, Nos. 3, 18, 33, 52, 81, 87.
III.

Mexico:

General Report, paragraph 48.
I A and B, Nos. 8, 13, 22, 32, 42, 52, 62, 87, 90.
III.

Morocco:

I B, Nos. 22, 42, 81.

Nauru:

I A.

Netherlands:

I B, Nos. 48, 89, 90.
II B, Nos. 2, 17, 19, 29, 42, 62, 69, 81, 95.
III.

New Zealand:

I B, Nos. 17, 42.

Nicaragua:

I B, Nos. 2, 4, 6, 7, 12, 15, 16, 17, 18, 22, 24,
25, 27, 29.
III.

Niger:

General Report, paragraph 29.

Nigeria:

General Report, paragraph 59.

Norway:

I B, No. 118.

Pakistan:

I B, Nos. 22, 29, 81, 90, 96, 107.
III.

Panama:

General Report, paragraph 48.
I B, No. 81.
III.

Paraguay:

General Report, paragraphs 28, 32, 63.
I A.

Peru:

General Report, paragraph 32.
I A and B, Nos. 1, 4, 12, 24, 25, 41, 44, 68, 69,
77, 78, 79, 81, 88, 90.
III.

Philippines:

I B, Nos. 17, 53, 59, 88, 89, 90, 94.

Poland:

I B, Nos. 87, 92.

Portugal:

General Report, paragraph 32.
I A and B, Nos. 1, 14, 81, 105, 106.
III.

Rumania:

General Report, paragraph 48.
I B, No. 29.

Rwanda:

I B, Nos. 19, 42.

Senegal:

III.

Sierra Leone:

I B, No. 81.
III.

Singapore:

I B, No. 105.

Somali Republic:

General Report, paragraphs 28, 32, 59, 60.
I A.
III.
Former Trust Territory of Somaliland:
I B, Nos. 16, 22.

Republic of South Africa:

General Report, paragraphs 28, 32.
I A and B, Nos. 42, 89.

Southern Yemen (Aden):

General Report, paragraph 28.
I A.

Spain:

I B, Nos. 24, 25, 42, 48, 113.
III.

Sudan:

General Report, paragraph 59.
I B, No. 29.
III.

Sweden:

I B, Nos. 19, 42.

Syrian Arab Republic:

I B, Nos. 2, 63, 88, 95, 105, 118, 120.
III.

Tanzania:

General Report, paragraphs 28, 32, 48, 59.
I A and B, Nos. 15, 26, 63, 105.
III.

Tanganyika:

I B, Nos. 29, 50.

Zanzibar:

I B, Nos. 29, 97.

Thailand:

III.

Togo:

I A.

Trinidad and Tobago:

General Report, paragraphs 28, 32, 63.
I A.
III.

Tunisia:

I B, No. 18.
III.

Turkey:

General Report, paragraph 32.
I A and B, Nos. 14, 81, 94, 95, 96.

Uganda:

I B, Nos. 17, 81, 95.

Ukraine:

I A and B, Nos. 52, 87.
III.

USSR:

I A and B, Nos. 52, 87.
III.

United Arab Republic:

I B, Nos. 17, 29, 87, 94, 95, 105, 107.
III.

United Kingdom:

I B, No. 42.
II A and B, Nos. 5, 29, 42, 81, 82, 84, 85, 86,
95, 105.

United States:

II B, No. 55.

Upper Volta:

I A and B, Nos. 18, 29.

Uruguay:

I B, Nos. 2, 15, 16, 24, 25, 42, 58, 59, 60, 73, 77,
78, 94.
III.

Venezuela:

General Report, paragraph 32.
I A and B, Nos. 11, 22, 26.

Viet-Nam:

General Report, paragraphs 28, 32.
I A and B, No. 6.
III.

Yemen:

General Report, paragraph 59.
III.

Yugoslavia:

I B, Nos. 18, 22, 48.

Zambia:

I B, No. 18.

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 40th Session in Geneva from 12 to 25 March 1970. The Committee has the honour to present its report to the Governing Body.

2. Since the Committee's last session, two changes have occurred in its composition. The Committee must record first of all with profound regret the death of one of its members, Mr. Oscar SARAIVA, whose knowledge of labour law enabled him to make a valuable contribution to its work. The Committee wishes to express here its sense of loss at the death of Mr. Saraiva and its appreciation of the role he played in the work of the Committee. Secondly, the term of office of Mr. Marcel GREGOIRE has expired. In order to fill these vacancies, the Governing Body has appointed Mr. Arnaldo Lopes SUSSEKIND (Brazil) and Mr. Joseph van der VEN (Netherlands). The Committee was pleased to welcome Mr. Sussekink at its present session.

3. The composition of the Committee is now as follows:

Sir Grantley ADAMS, C.M.G., Q.C. (Barbados),

former Prime Minister of the West Indies; delegate to the United Nations General Assembly, 1948;

The Right Honourable Sir Adetokunbo ADEMOLA, K.B.E., C.F.R., P.C. (Nigeria),
Chief Justice of Nigeria;

Mr. Günther BEITZKE (Federal Republic of Germany),

Professor of Civil Law and of Private International Law at the University of Bonn;
Director of the Institute of Private International Law and Comparative Law at the University of Bonn;

Mr. Choucri CARDAHI (Lebanon),

former Minister of Justice; Honorary First President of the Supreme Court of Appeal of Lebanon; Honorary Professor of Law at the University of Beirut; Corresponding Member of the Institute of France (Academy of Moral and Political Sciences); Professor at the Academy of International Law of The Hague, 1933 and 1937;

Mr. 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. Arnold GUBINSKI (Poland),

Doctor of Laws; Professor of Law at the University of Warsaw;

Begum Raana 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; Professor of Law at the University of Tananarive;

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. Arnaldo Lopes SUSSEKIND (Brazil),

Judge of the Supreme Labour Court; former principal law officer of the Labour Courts Law Office; former President of the Permanent Commission on Labour Law; former Minister of Labour and Social Welfare; Member of the Brazilian delegation to nine sessions of the International Labour Conference, 1951-65;

Mr. Joseph J. M. van der VEN (Netherlands),

Professor of Labour Law, of the Sociology of Law and of the Philosophy of Law at the University of Utrecht; former Dean of the Law Faculty; former Rector of the University; former President of the Social Insurance Council of the Netherlands;

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.

4. The Committee regretted that Sir Grantley ADAMS and Mr. Choucri CARDAHI were prevented for reasons of health from taking part in its work. The absence of Sir Ramaswami MUDALIAR, who has presided over the Committee since 1962, was also greatly regretted, but his colleagues learned with pleasure of Sir Ramaswami's recovery from a recent illness. The Committee also regretted that Mr. Cox and Mr. van der VEN were unable, for professional reasons, to attend the present session.

5. The Committee elected Mr. GARCÍA SAYÁN as Chairman and Mr. RAZAFINDRALAMBO as Reporter of the Committee.

6. In accordance with its terms of reference, the Committee was called upon to consider and report to the Governing Body on the following matters:

- (a) reports from governments under article 22 of the Constitution on the Conventions which they have ratified ¹;
- (b) reports from governments under articles 22 and 35 of the Constitution on the application of Conventions in non-metropolitan territories ¹;
- (c) information from governments under article 19 of the Constitution on the measures taken by them to bring certain Conventions and Recommendations before the competent authorities for the enactment of legislation or other action ²;
- (d) reports from governments under article 19 of the Constitution on certain Recommendations selected by the Governing Body.³

7. The reports and information under articles 19, 22 and 35 of the Constitution, examined by the Committee, this year amounted to about 3,000.

II. General

Progress of International Labour Legislation

8. The number of ratifications in 1969—the year in which the ILO celebrated its fiftieth anniversary—was exceptionally high. Thus, a total of 161 ratifications was received from thirty-seven governments. One hundred and thirteen of these were new

¹ ILO: *Summary of Reports on Ratified Conventions*, Report III (Part 1), to the 54th Session of the International Labour Conference (Geneva, 1970).

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 Selected Recommendations*, Report III (Part 2), to the same session.

ratifications, and forty-eight resulted from the confirmation by new member States of the obligations undertaken on their behalf by the States which were responsible for their international relations before they became independent. In this way, in 1969, as in previous years, countries which had formerly been non-metropolitan territories recognised, on becoming Members of the ILO, that they remained bound by the obligations previously accepted on their behalf (i.e. four Conventions for Cambodia, thirteen for Southern Yemen and thirty-one for Mauritius). Thus, on 31 December 1969, the total number of ratifications amounted to 3,567.

9. Two new Conventions and two new Recommendations were adopted by the Conference at its 53rd Session (June 1969), thus raising the total number of Conventions to 130 and of Recommendations to 134. These were the Labour Inspection (Agriculture) Convention (No. 129) and Recommendation (No. 133), 1969, and the Medical Care and Sickness Benefits Convention (No. 130) and Recommendation (No. 134), 1969. Because the effective implementation of international labour standards depends on the existence of a well-organised system of labour inspection in every member country, the Committee has always insisted in the past on the need for special instruments on the subject. Following the adoption of a Convention on labour inspection in industry and commerce in 1947, which has now been ratified by well over half the member States, the Committee expressed the view in 1966 that a similar instrument concerning agriculture would be highly desirable. In these circumstances the Committee considers that the adoption of a Convention on labour inspection in agriculture is a development of major importance and trusts that it will meet with an equally positive response on the part of governments.

Fiftieth Anniversary of the ILO

10. The Committee was informed of the events which have marked the celebration of the ILO's fiftieth anniversary in 1969. The Committee was especially impressed with the emphasis which many eminent personalities placed, in statements made on that occasion, on the role and value of the Organisation's legislative work. Having regard to its own task, the Committee feels encouraged by this widespread recognition of the continued importance of international labour Conventions and Recommendations.

Direct Contacts

11. Two years ago the Committee made detailed suggestions for the establishment of direct contacts with governments in order to overcome doubts and difficulties in the application of ratified Conventions. In these suggestions it set out the principles and methods to be adopted in initiating such contacts, in specifying the points to be dealt with, in deciding on the form of the contacts, etc. The Conference Committee on the Application of Conventions and Recommendations agreed to the establishment of this procedure on an experimental basis. The Committee was therefore particularly interested to learn that since its last session such contacts have taken place in Argentina, Mauritania and Venezuela between the Governments of these countries and representatives of the Director-General of the ILO. The Committee was, moreover, informed that requests for contacts have also been received from two further countries, Portugal (Convention No. 105) and Yugoslavia (Convention No. 22).

12. As regards Argentina, the representative of the Director-General was in Buenos Aires from 29 September to 17 October 1969 when he met the Secretary of

State for Labour and discussed problems relating to the application of Conventions Nos. 13, 33, 68, 73, 79 and 90 with the Under-Secretary of State for Labour, an adviser in the Office of the Secretariat of State for Labour, the Director-General of Legal Affairs, and finally the head of the Department of International Labour Relations. Two Bills—one relating to Convention No. 13 and the other to Conventions Nos. 33, 79 and 90—and a Decree relating to Convention No. 73 were drafted with the assistance of the representative of the Director-General. In drafting these Bills and this Decree, due account was taken of the observations which the Committee of Experts had made on several occasions on the subject of these Conventions.

13. In the case of Mauritania, the representative of the Director-General was in Nouakchott from 29 September to 3 October 1969. He was received by the Minister of Health, Labour and Social Affairs, and discussed problems arising out of the application of Conventions Nos. 3, 18, 33, 52, 81, 87 and 94 with the Director-General for Manpower and Social Security and with the head of the Ministry of Labour's Department of International Relations. These direct contacts resulted in the preparation of a series of draft amendments designed to bring the national legislation into conformity with the provisions of the aforementioned Conventions.

14. With regard to Venezuela, the representative of the Director-General, who was in Caracas from 20 to 31 October 1969, met the Minister of Labour and examined problems relating to the application of Conventions Nos. 11 and 26 with the Director of the Ministry of Labour, the Legal Adviser to that Ministry and the Legal Adviser to the Office of the President of the Republic. As a result of these contacts, two legislative texts taking account of the Committee of Experts' observations were prepared, one relating to the Minimum Wage-Fixing Machinery Convention, 1928 (No. 26), and the other to the Right of Association (Agriculture) Convention, 1921 (No. 11).

15. Full particulars regarding the current position and the results of these various cases of direct contacts will be found in Part Two (section I) of the present report.

16. The Committee greatly welcomes the first positive results of this innovation which originated in the suggestions it formulated two years ago. This encouraging start serves to strengthen its conviction that direct contacts will contribute to the solution of the doubts and difficulties encountered in the application of ratified Conventions and will thus facilitate the achievement of conformity between national and international standards.

Procedure and Methods of Work of the Committee

17. The Committee learned with satisfaction that the Conference Committee welcomed the description of methods and procedures relating to its work which it annexed to its General Report last year. The Committee has taken note of the comments made in this connection and intends to include such an outline of its methods and procedures of work in its report in future from time to time.

Incorporation of the Standards Contained in Ratified Conventions in Internal Law

18. The Committee considers it necessary to refer at this stage to a problem which it has frequently encountered in connection with a number of countries and which it has examined repeatedly since 1933 and more recently in its general report in

1963 (paragraphs 21 to 35) and in observations concerning individual countries. This problem arises in cases in which governments indicate that under their national constitutional system ratified Conventions are automatically incorporated in internal law and consider that this is sufficient to give effect to such Conventions.

19. The Committee recalls in this connection that in such cases the incorporation of the provisions of ratified Conventions into national law is not sufficient to give effect to them internally in the case of provisions which are non-self-executing, i.e. provisions which require legislative or other special measures to make them effective, in particular when it is necessary to make more specific provision in respect of certain standards, to establish administrative machinery or to provide for methods of supervision or penalties. In addition, the need for such measures arises especially, in most cases, when legislation subsequent to ratification introduces provisions inconsistent with those of a ratified Convention. Finally, even when the automatic incorporation of a ratified Convention into internal law involves the implicit repeal or amendment of certain provisions of earlier legislation, it is important that appropriate measures of publicity should be taken so that all persons concerned should be aware of the amendments thus made to national law and so as to avoid any uncertainty as to the state of the law. The surest solution is to bring the legislation formally into conformity with the Conventions.

Seminars on National and International Labour Standards

20. The Committee, which has at previous sessions welcomed the practice of organising seminars for the purpose of familiarising national labour administration officials with the obligations of States Members and the procedures of the ILO relating to Conventions and Recommendations, learned with interest that a further such seminar was held in Addis Ababa (Ethiopia) in October 1969 for participants from English-speaking African countries, and that a similar seminar will be held this year for the French-speaking African countries.

Application of the Discrimination (Employment and Occupation) Convention and Recommendation, 1958 (No. 111)

21. In connection with the general survey of national law and practice in regard to the matters covered by the Discrimination (Employment and Occupation) Convention and Recommendation, 1958 (No. 111), which it will be called upon to make at its next session, the Committee noted with interest that the Governing Body, at its 177th Session (November 1969), adopted a special form of report designed to facilitate the preparation of the reports to be submitted by governments on this subject under article 19 of the Constitution, which was essentially based upon the guidelines laid down by the Committee in the general observation made in 1969 on the Discrimination (Employment and Occupation) Convention, 1958 (No. 111).

European Code of Social Security

22. The Committee, which last year was called upon for the first time to examine reports of governments on the effect given to the European Code of Social Security and the Protocol thereto, learned with interest that, in accordance with the procedure laid down in article 74, paragraph 4, of the Code, the conclusions which it drew up on the basis of the reports examined had been communicated to the Secretary-General

of the Council of Europe. At its present session the Committee had to examine the first reports from two other countries which have ratified the Code and Protocol as well as subsequent reports from the two countries whose first reports it had examined last year. The conclusions reached by the Committee in this connection have again been communicated to the Director-General for transmission to the Secretary-General of the Council of Europe.

European Social Charter

23. In 1968 the Committee noted the arrangements for ILO participation, in a consultative capacity, in the Committee of Independent Experts on the European Social Charter adopted by the Council of Europe. In this connection the Committee learned with interest that an ILO representative took part in meetings of the Committee of Independent Experts in May and December 1969, at which the first reports received from governments on the application of the Charter were examined. It was also informed that the Committee in question had adopted its initial conclusions in relation to the application of the Charter by ratifying States.

III. Supply of Reports on the Application of Ratified Conventions

24. Since 1960 the two-yearly reporting procedure, approved by the Governing Body and the Conference Committee, has been followed under which the Conventions are divided into two groups in respect of which detailed reports on the application of ratified Conventions are requested every other year. This year the reports before the Committee covered the period from 1 July 1967 to 30 June 1969 and related to fifty-four Conventions.¹ By way of exception to this two-yearly procedure, detailed reports were also requested, in accordance with the Governing Body's decision, from certain governments on other Conventions in force, either because the first report was due after ratification or because serious problems had previously been noted in the application of the Convention, or again because reports due for the previous period had not been received or did not contain the information requested; in these cases, the reports usually covered the period 1 July 1968 to 30 June 1969. Finally, the Committee had also to examine a number of reports the examination of which had had to be carried over from its previous session.

25. The number of reports requested from governments on the situation with regard to States Members amounted to 1,821.² At the end of the present session of the Committee 1,501 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, by the date of the meeting of the Committee and by the date of the session of the International Labour Conference.

¹ Conventions Nos. 2, 4, 6, 10, 12, 16, 17, 18, 19, 22, 23, 24, 25, 29, 34, 41, 42, 44, 48, 52, 53, 55, 56, 63, 65, 69, 71, 73, 74, 77, 78, 79, 81, 82, 85, 88, 89, 90, 92, 94, 95, 96, 101, 104, 105, 113, 114, 115, 117, 118, 121, 124, 125, 126.

² The figures regarding the supply of reports on the application of ratified Conventions in non-metropolitan territories are given in para. 40 below.

26. Under the two-yearly procedure, States Members are called upon to provide general reports on the Conventions for which detailed reports are not due for the current year. These general reports sometimes contain full information and thus enable the Committee to take note of any changes in national legislation and practice without delay.

27. The proportion of detailed reports received, as will be noted from the statistical appendices, is 82 per cent of the reports requested.

28. Of the 118 States from which detailed reports were due, seventy-one have supplied all the reports requested. The Committee deeply regrets, however, that once again a number of countries have not complied with their fundamental obligation to supply reports on ratified Conventions. Thus, none of the reports due has been received from the following fourteen countries: Albania¹, Burundi, Central African Republic, Ecuador, El Salvador, Gabon, Lesotho, Paraguay, Somali Republic, Republic of South Africa¹, Tanzania, Trinidad and Tobago, Viet-Nam and Southern Yemen. It must further point out that some of these countries (Albania, Gabon, Lesotho, Republic of South Africa) have failed to supply reports for two or more consecutive years, as indicated in the General Observations to be found in Part Two (section I A) of this report.

29. In view of the special importance of the first report which must follow the ratification of a Convention, the examination of which constitutes the basis for the assessment of the situation in the country in question, the Committee can only regret that several first reports which were due have not been received. Some of these reports have been due since 1968 from the following States: Algeria (Convention No. 91), China (Convention No. 119), Guinea (Convention No. 94), Jamaica (Convention No. 117), Lesotho (Conventions Nos. 14 and 98), Niger (Convention No. 102); or since 1966: Albania (Convention No. 112), Honduras (Convention No. 32); or even since 1964: Ecuador (Conventions Nos. 37 and 39). The Committee urgently requests the Governments concerned to do everything in their power to supply the reports in question so that they can be examined at its next session.

30. The procedure for the examination of reports can only function satisfactorily if governments not only supply the detailed reports requested but also reply fully to the Committee's observations and requests. In this connection the Committee once again underlines the importance of governments taking into account the report forms adopted by the Governing Body of the ILO in preparing their reports.

31. 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. The same situation arises when a report is supplied but does not contain a reply to previous comments. In this connection the Committee recalls that the International Labour Office, in its capacity as the Secretariat of the Committee, is responsible for ascertaining upon receipt of governments' reports whether these reports take account of the previous comments of the Committee and, if they do not, for writing 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 twenty-four governments, eight of which subsequently sent the information requested.

¹ See also General Observations—Part Two (section I A).

32. As a result of the above-mentioned omissions, the Committee has in some cases received no reply to the majority or even the totality of the observations or requests relating to Conventions on which reports were requested this year. This is so in the case of countries which have sent reports containing no reply to the Committee's comments: Haiti (6 Conventions), Jordan (4 Conventions). In a number of other cases the absence of a reply is the result of the failure of the Governments concerned to supply reports: Albania (8 Conventions), Algeria (15 Conventions), Central African Republic (18 Conventions), Ecuador (5 Conventions), El Salvador (2 Conventions), Gabon (7 Conventions), Haiti (1 Convention), Honduras (1 Convention), Lesotho (2 Conventions), Paraguay (7 Conventions), Peru (18 Conventions), Portugal (11 Conventions), Somali Republic (4 Conventions), Republic of South Africa (2 Conventions), Tanzania (10 Conventions), Trinidad and Tobago (3 Conventions), Turkey (4 Conventions), Venezuela (5 Conventions), Viet-Nam (4 Conventions). In all, twenty countries are involved.¹

33. In view of this failure to supply the replies or reports requested, the Committee can only repeat once again the observations or requests that it has made previously in the cases under consideration. The situation appears disturbing in that the failure of the governments in question to fulfil their obligations is bound to impede the task of both the Committee of Experts and the Conference Committee. The Committee cannot emphasise too strongly the special importance attaching to the supply of reports and of replies to previous comments when, as in the cases listed above, the application of ratified Conventions has given rise to problems.

34. The situation is similar in cases in which a government states in its report that it will send the information requested by the Committee at a later date and subsequently fails to do so. The Committee has therefore decided that it would be useful to ask the International Labour Office, in cases of this type also, to communicate in the future with the governments concerned, after a reasonable lapse of time, in order to ask them to supply the promised information.

35. Finally, the Committee has noted that in the great majority of cases the reports continue to arrive after the date laid down. It must once again insist on the importance of sending reports within the established time limit, that is to say for 15 October at the latest, in order to ensure the normal functioning of the supervision procedure, having regard to the time needed for possible translations and the examination of the reports, legislation, etc. The Committee strongly urges governments to do all they can in the future to supply the reports due by the date indicated.

36. The communication of reports in due time is particularly important in cases requiring detailed examination by the Committee, as is the case with first reports or in cases of important divergences in the application of a Convention. The Committee has thus been compelled to defer to its next session the examination of certain reports

¹ Albania (Conventions Nos. 6, 16, 29, 52, 77, 78, 87 and 98), Algeria (Conventions Nos. 6, 19, 29, 42, 44, 62, 63, 77, 78, 81, 88, 89, 95, 97, 101), Central African Republic (Conventions Nos. 4, 18, 29, 41, 52, 81, 87, 94, 95, 98, 99, 100, 101, 105, 111, 117, 118, 119), Ecuador (Conventions Nos. 2, 24, 29, 35, 95), El Salvador (Conventions Nos. 104, 105), Gabon (Conventions Nos. 19, 29, 52, 87, 101, 105, 111), Haiti (Conventions Nos. 1, 29, 30, 42, 81, 100, 105), Honduras (Convention No. 95), Jordan (Conventions Nos. 105, 117, 118, 124), Lesotho (Conventions Nos. 19, 29), Paraguay (Conventions Nos. 52, 77, 78, 89, 90, 95, 99), Peru (Conventions Nos. 1, 4, 12, 24, 25, 41, 44, 55, 56, 68, 69, 71, 73, 77, 78, 81, 88, 105), Portugal (Conventions Nos. 4, 6, 14, 18, 19, 29, 81, 89, 105, 106, 111), Somali Republic (Conventions Nos. 16, 22, 94, 105), Republic of South Africa (Conventions Nos. 42, 89), Tanzania (Conventions Nos. 17, 26, 29, 50, 63, 65, 81, 97, 98, 105), Trinidad and Tobago (Conventions Nos. 65, 85, 105), Turkey (Conventions Nos. 42, 81, 94, 95), Venezuela (Conventions Nos. 2, 22, 29, 88, 105), Viet-Nam (Conventions Nos. 6, 29, 81, 89).

whose study with the necessary degree of care could not be completed within the time available. It regrets to note that in some cases reports, or information supplied in reply to a letter of reminder sent out by the Office, have been received very shortly before or even during the Committee's session. This position is particularly regrettable when the information arises out of previous comments by the Committee.

IV. Application of Conventions in Non-Metropolitan Territories

Declarations concerning the Applicability of Conventions

37. A total of thirteen declarations concerning the applicability of Conventions to non-metropolitan territories was registered by the Director-General of the International Labour Office during 1969. Three of these were declarations of application without modifications and related to territories for whose international relations Australia is responsible. In the remaining cases the Convention was declared to be inapplicable or a decision was reserved.

38. The total number of declarations registered in respect of the application of Conventions in non-metropolitan territories has now reached 996 declarations of application or acceptance without modifications and 123 declarations of application or acceptance with modifications. The average number of such declarations per territory is now twenty-three, the number of territories involved being forty-nine.

Supply of Reports

39. As in the case of reports from metropolitan States, most of the reports examined related to the period 1 July 1967 to 30 June 1969 and to the group of Conventions for which detailed reports were requested for this period.

40. A total of 1,290 reports was due in respect of the application of Conventions in non-metropolitan territories. Of these 1,007 (i.e. 78 per cent) have been received.

V. Examination of Reports

Procedure

41. In examining the reports supplied by governments, the Committee has followed its normal practice. The observations made by the Committee appear in Part Two (sections I and II) of this report, together with a reference to the cases in which 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.

42. In considering the total number of comments addressed to a given country, it should of course be borne in mind that it has to be viewed in relation to the total number of Conventions ratified by the country in question.

Cases of Progress

43. 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

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by the Committee. The relevant details concerning the countries in question (States and non-metropolitan territories) are to be found in Part Two of this report. The Committee is glad to note that the number of cases of this nature remains quite considerable, such measures having been taken in forty countries (thirty-four States Members and six non-metropolitan territories). The list of the seventy-two such instances is as follows:

Countries	Conventions Nos.
Algeria	17, 24
Argentina	13, 33, 73, 79, 90
Australia	88
Austria	2, 89
Barbados	63
Belgium	42, 97, 102
Bulgaria	29, 71, 81
Chad	4
Chile	17
Colombia	17, 95
Costa Rica	88
Cyprus	105
Czechoslovakia	44
France	96
Federal Republic of Germany	102
Hungary	29, 52
Iceland	100
Luxembourg	79, 90
Malagasy Republic	19, 118
Malta	95
Morocco	22, 42
Netherlands	48
Nicaragua	2, 6, 7, 15, 16, 18, 22, 27
Norway	118
Rumania	29
Spain	24, 25, 48, 113
Sweden	19
Syrian Arab Republic	63, 120
Tanzania	15, 50
Turkey	14
Uganda	17, 81
Uruguay	16, 73
Venezuela	26
Zambia	18

Non-Metropolitan Territories

United Kingdom

British Honduras	42, 95
Fiji	29, 85
St. Helena	85
St. Vincent	5, 29
Solomon Islands	42

United States

American Samoa	55
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44. The Committee was gratified to note that, as in previous years, positive measures have thus been taken by a considerable number of governments with a view to ensuring the fuller application of Conventions which they have ratified. The Committee finally wishes to underline that in many other cases the adoption of measures similarly designed to ensure the application of Conventions has already reached a stage sufficiently advanced to justify the expectation that further progress will be achieved in the future.

Comments by Employers' and Workers' Organisations

45. In addition to the reports supplied by governments, another highly useful source of information consists of the comments made by representative organisations of workers and employers on the application of Conventions in their countries. The Committee has always attached great importance to such comments. On many occasions it has emphasised the value of the opportunity afforded to national organisations of workers and employers to communicate, in accordance with the report forms adopted by the Governing Body, 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. The Committee must, however, note that this year the number of such comments was relatively limited. The matters dealt with related to the following cases: Austria (Conventions Nos. 81, 89, 94), Costa Rica (Conventions Nos. 81, 87, 95, 98, 117), Cyprus (Conventions Nos. 44, 88), Greece (Convention No. 81) and Italy (Convention No. 81). A greater awareness of this possibility for the employers' and workers' organisations to provide information on the application of ratified Conventions in their respective countries would enhance the scope of the ILO's supervision and might thus contribute in certain cases to a better understanding of the position and a fuller application of the instruments involved.

Constitutional Procedures

46. Articles 24 and 26 of the Constitution provide for the filing of representations or complaints regarding the effective observance of a ratified Convention. When these provisions are invoked, examination of the matter is normally referred to a Committee of the Governing Body or to a Commission of Inquiry, as the case may be. In such circumstances the Committee decides to defer its own examination until such time as the special body mentioned above has submitted its findings. The Committee has had occasion to act in this way at the present session as regards the application by Greece of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), in respect of which a complaint is pending before a Commission of Inquiry, and the application by Italy of the Employment Service Convention, 1948 (No. 88), in respect of which a representation is pending before the Governing Body.

VI. Practical Application

47. In its examination of reports the Committee is concerned first of all with assessing the conformity between national legislation and ratified Conventions. However, the Committee of Experts as well as the Conference Committee have none the less given constant attention to the question of the effective application of Conventions in practice. Despite the limited means available to assess the extent to which effect is given to Conventions in every-day practice, the Committee of Experts has attempted 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 reply to the various questions included in the report forms adopted by the Governing Body. Depending on the nature of the individual instruments, the information requested relates to such matters as the results of labour inspection, the number of workers protected,

statistics of industrial accidents and occupational diseases, minimum wage rates, the amount of social security benefits granted, etc. Special account is taken of information contained in labour inspection reports communicated by governments to the Office.

48. The Committee found that this year slightly less 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. This proportion constitutes a slight decrease as compared with that of last year. Moreover, the Committee must emphasise that, while some governments have made an effort to provide full information as to the manner in which Conventions are applied in practice, a number of countries have not supplied any information of this kind in all or a very large majority of their reports examined this year: Algeria, Barbados, Bolivia, Brazil, Colombia, Congo (Kinshasa), Costa Rica, Cuba, Dahomey, Dominican Republic, Ecuador, Guinea, Haiti, Hungary, Indonesia, Jordan, Liberia, Libya, Mauritania, Mexico, Panama, Rumania and Tanzania. 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.

49. 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 to which a number of governments referred in their reports. Some twenty reports contained information of this kind, thus providing a clearer view of the problems and difficulties which have been encountered in giving effect to certain Conventions.

VII. Submission to the Competent Authorities of the Conventions and Recommendations Adopted by the International Labour Conference

Introduction

50. In accordance with its terms of reference, the Committee this year examined the following information supplied by governments of member States, pursuant to article 19 of the Constitution of the International Labour Organisation:

- (a) information on action taken to submit to the competent authorities, within the constitutional time limits of twelve or eighteen months, the Tenants and Sharecroppers Recommendation, 1968 (No. 132), adopted by the Conference at its 52nd Session (1968);
- (b) additional information on action taken to submit to the competent authorities the instruments adopted by the Conference from its 31st (1948) to 51st (1967) Sessions (Conventions Nos. 87 to 128 and Recommendations Nos. 83 to 131);
- (c) replies to the observations and direct requests made by the Committee at its 1969 Session.

52nd Session

51. The Committee has noted with interest that the Governments of the fifty member States listed below have stated that they have submitted to the competent authorities the Recommendation adopted by the Conference at its 52nd Session: Argentina, Bulgaria, Byelorussia, Canada, China, Congo (Brazzaville), Costa Rica,

Cyprus, Czechoslovakia, Denmark, Ethiopia, France, Federal Republic of Germany, Ghana, Guatemala, Guinea, Guyana, Hungary, India, Ireland, Israel, Italy, Japan, Kenya, Kuwait, Luxembourg, Malta, Mexico, Morocco, New Zealand, Norway, Paraguay, Portugal, Rumania, Senegal, Singapore, Sweden, Switzerland, Turkey, Ukraine, USSR, United Arab Republic, United Kingdom, United States, Upper Volta, Uruguay, Venezuela, Viet-Nam, Yugoslavia, Zambia.

52. The procedure for submission to the competent authorities has been completed either within the normal time limit of twelve months or within the exceptional time limit of eighteen months, as required by article 19 of the Constitution of the International Labour Organisation.

31st to 51st Sessions

53. The Committee has also noted with interest that since its last session sixteen countries (Algeria, Austria, Costa Rica, Cuba, Czechoslovakia, Dominican Republic, Iraq, Ireland, Italy, Luxembourg, Mali, Mexico, Niger, Senegal, Ukraine and Zambia) have indicated that they have submitted all the instruments adopted at the 51st Session of the Conference, bringing the total number of countries which have fulfilled this obligation in regard to the instruments in question to fifty-nine.

54. The Committee has noted, moreover, with satisfaction the appreciable progress made by certain countries in submitting to the competent authorities various instruments adopted by the Conference since its 31st Session, particularly in the following cases: Algeria (47th to 51st Sessions), Bolivia (thirty-one Conventions and six Recommendations adopted from the 31st to 51st Sessions), Dominican Republic (44th to 51st Sessions), Guatemala (various instruments adopted since the 32nd Session), Senegal (various instruments adopted from the 44th to 50th Sessions), Togo (49th and 50th Sessions).

55. The table in the Appendix 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

56. This year marks the twentieth anniversary of the date when, following the amendment to article 19 of the Constitution of the ILO in 1946 and the consequent changes in the terms of reference of the Committee made by the Governing Body of the International Labour Office, the Committee was called upon for the first time, in 1950, to examine the information communicated by governments concerning submission to the competent national authorities of the instruments adopted by the Conference and to report thereon. On this occasion the Committee considers it appropriate, as it did in 1960, at the end of the first decade of examination of this question, to present a general review of the discharge since 1950 of the obligations concerning submission to the competent authorities. This survey appears in section III A of Part Two of this report. In view of this survey, to which it refers for its general assessment of the situation, the Committee will limit itself, in the present section of its general report, to a number of comments on certain particular aspects.

57. In addition, as in previous years, the Committee makes individual observations (section III B of Part Two of this report) on the points which it considers

should be brought to the special attention of governments. Requests with a view to obtaining supplementary information on other points have also been addressed directly to a number of countries which are listed at the end of the above-mentioned section III B.

58. With regard to the replies which governments are called upon to make to the observations and requests addressed to them by the Committee, it must note with regret that the majority of the governments concerned have again failed to reply. In this connection the Committee considers it necessary, at the end of its general review, to renew the request which it has made to the International Labour Office since 1965. It once again draws the attention of governments to the necessity to reply to the Committee's comments and trusts that governments will in future give particular attention to this question, thus facilitating the task of the Committee and of the Conference Committee.

59. As noted in its general review, there has been a marked improvement during the past few years. The situation is however still far from satisfactory. Thus, the Committee must express its grave concern at the situation in some countries. In these cases either no action has been taken or no information has been supplied on the action taken to submit to the competent authorities the instruments adopted by the Conference over a number of sessions: 49th to 52nd Sessions (Central African Republic, Ceylon, Nigeria, Yemen); 48th to 52nd Sessions (Laos, Sudan); 47th to 52nd Sessions (Burundi, Colombia, Tanzania); 46th to 52nd Sessions (Afghanistan, Honduras); 45th to 52nd Sessions (Dahomey, Somali Republic); 41st to 52nd Sessions (El Salvador); for one country (Lebanon), all the instruments adopted since the 36th Session of the Conference are involved.

60. The Committee must therefore note with great regret 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 last seven sessions of the Conference (46th to 52nd): Afghanistan, Dahomey, El Salvador, Honduras, Lebanon, Somali Republic.

61. The Committee expresses the hope that all the governments concerned, especially those of the above-mentioned countries, will take full account of the comments made both in its observations and direct requests and in the general review. It trusts that in the years ahead the progress made by governments in discharging their fundamental obligation under article 19 of the Constitution will be accelerated.

VIII. Reports Submitted by Governments on Selected Recommendations

62. In accordance with a decision of the Governing Body reports were requested under article 19 of the ILO Constitution on the following four Recommendations, which deal respectively with the protection of workers' health at the workplace, welfare facilities and housing for workers: Protection of Workers' Health Recommendation, 1953 (No. 97), and Occupational Health Services Recommendation, 1959 (No. 112); Welfare Facilities Recommendation, 1956 (No. 102); Workers' Housing Recommendation, 1961 (No. 115).

63. Out of a total of 472 reports requested, 329 have been received (i.e. 70 per cent). A table showing the reports supplied by the various governments is appended

to Part Three of the report. The Committee regrets 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, Paraguay and Trinidad and Tobago.

64. Part Three of this report contains the Committee's general survey of the matters covered by the instruments in question. An introductory section provides a summary of the Committee's findings and is followed by the more detailed surveys concerning respectively the protection of workers' health, welfare facilities and housing for workers.

65. In accordance with the practice followed in previous years, this general survey was prepared on the basis of a preliminary examination by a Working Party comprising three members of the Committee chosen by it at its previous session.

* * *

66. The Committee would like to emphasise once again the important assistance rendered to the Committee 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, 25 March 1970.

(Signed) E. GARCÍA SAYÁN,
Chairman.

E. RAZAFINDRALAMBO,
Reporter.

PART TWO

OBSERVATIONS CONCERNING PARTICULAR COUNTRIES

OBSERVATIONS CONCERNING PARTICULAR COUNTRIES

I. Observations concerning Annual Reports on Ratified Conventions (Article 22 of the Constitution)

A. GENERAL OBSERVATIONS

Afghanistan

Following its previous observation, the Committee notes, from the statement of a Government representative at the Conference Committee in 1969, that the draft Labour Law, which is intended to incorporate the provisions of Conventions ratified by Afghanistan and to draw upon the provisions of other instruments adopted by the ILO, has been submitted for approval to the Council of Ministers and that it is hoped that it will be adopted at an early date. The Committee notes with regret that the Government's reports do not mention any further progress made in the adoption of the Law in question. The Committee recalls that the Government has referred to this draft since 1958 and it must emphasise once again that in the absence of appropriate legislative provisions effect is not given to Conventions Nos. 4, 13, 41, 45, 95, 105 and 106, in respect of various points raised by the Committee in its observations and direct requests. The Committee trusts that the draft Labour Law will be adopted in the very near future and will ensure the full application of the Conventions in question.

The Committee further 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 trusts that future reports will indicate whether this has been done.

Albania

The Committee notes with regret that the reports due have not been received. It must emphasise 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 period provided for in such Conventions and to report on their application.

Algeria

The Committee notes with regret that most of the reports due, including one first report (Convention No. 91), 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.

Argentina

The Committee notes with interest that direct contacts took place from 29 September to 17 October 1969 between the competent national services and a representa-

tive of the Director-General of the ILO with regard to Conventions Nos. 13, 33, 68, 73, 79 and 90, the application of which had given rise to various comments.

The Committee notes with satisfaction that, as a result of these contacts, the following legislative amendments have been adopted: Act No. 18609 of 23 February 1970 respecting the prohibition of the use of white lead in painting, which gives effect to the provisions of Convention No. 13; Decree No. 849/70 of 4 March 1970 respecting the medical examination of seafarers, which gives effect to Convention No. 73, and Act No. 18624 of 13 March 1970 respecting the employment of women and young persons, which gives effect to Conventions Nos. 33, 79 and 90.

Finally, the Committee notes that, as far as the application of Convention No. 68 is concerned, the Government prefers to leave this question in abeyance for the time being since the draft General Shipping Bill is still under discussion and has not yet been adopted. The Committee trusts that the General Shipping Bill will be adopted in the near future, and hopes that the Government will supply further information on any measures taken in this connection.

Bolivia

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 indicate whether this has been done.

Burma

The Committee notes with regret 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 trusts that future reports will indicate whether this has been done.

Burundi

The Committee notes with regret that for the third time in five years the reports due have not been received. It again expresses its concern over this failure to discharge the fundamental obligation to report on the application of ratified Conventions. Recalling the statement made by a Government representative to the Conference Committee in 1969 that measures would be taken to ensure that reports were sent, the Committee trusts that all the reports due will be supplied in the future.

Central African Republic

The Committee notes with regret that the reports due have not been received. It hopes that the Government will not fail in future to discharge its obligation to report on the application of ratified Conventions.

Costa Rica

The Committee has taken note of a communication from the General Confederation of Workers of Costa Rica, dated 8 October 1969, in which information of a general character is supplied, on the extent to which the Conventions ratified by Costa Rica are applied at the national level. The above-mentioned communication,

which refers in particular to Conventions Nos. 81, 87, 95, 98 and 117, has been forwarded to the Government to give it the opportunity of making such comments as it may deem appropriate.

The Committee notes that the Government has not to date sent its comments on this communication. It hopes that these comments will be supplied in the near future.

Ecuador

The Committee notes with regret that the reports due, including three first reports (Conventions Nos. 37 and 39, on which reports have been due for the past six years, and Convention No. 87), have not been received. As this is the third time in five years that the reports due have not been supplied, the Committee must express its concern at this repeated failure to discharge the fundamental obligation to supply reports on the application of ratified Conventions. It recalls that a Government representative stated to the Conference Committee in 1969 that the reports on Conventions Nos. 37 and 39 would soon be communicated and that those on Conventions Nos. 2, 24 and 35 (the application of which had been the subject of previous comments by the Committee) would be sent before 15 October 1969.

The Committee trusts that the Government will not fail in future to supply all the reports due, including in particular the first reports mentioned above.

El Salvador

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.

Ethiopia

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 indicate whether this has been done.

Gabon

The Committee notes with regret that for the second year in succession the reports due have not been received. It recalls that a Government representative had declared at the Conference Committee in 1969 that the reports would certainly be supplied the following year and trusts that the Government will not fail in future to discharge its fundamental obligation to report on the application of ratified Conventions.

Guatemala

The Committee has taken note of the opinion of the Council of State communicated by the Government to the Conference Committee in 1969 and referred to by the Government in several of its reports, according to which international Conventions and treaties dealing with labour matters, when approved and ratified by Guatemala, become part of the law of the Republic and must accordingly be applied, and that consequently, the incorporation of such texts in the Labour Code is a purely internal matter. The Government referred in particular to article 170, paragraphs 13

and 14, of the Constitution of 1965. The Committee notes in this respect that, under these provisions of the National Constitution, as under similar provisions contained in previous Constitutions, the powers of Congress include in particular the power to approve, before their ratification, the treaties and conventions concluded by the Executive. The competent authorities therefore consider that the decision of Congress, since it is an act of the legislative authority, gives the force of law to the Conventions which have thus been approved.

The Committee wishes to recall that, even in cases where ratification confers on Conventions the force of national law, specific legislative or other measures are often still necessary to ensure their full and effective application at the national level. Thus measures are required to give effect to the non-self-executing provisions of Conventions, including in particular those which expressly require that laws or regulations be adopted by the competent national authorities, in order either to make more specific provisions in respect of certain standards, or to provide for methods of supervision or penalties in cases of infringement. Moreover, it is essential that adequate and appropriate publicity be given to the provisions of ratified Conventions, especially in the case of provisions which are not already contained in the national legislation or in cases where certain provisions of the national legislation, adopted prior to ratification, are inconsistent with those of the ratified Conventions and are considered to be tacitly amended or repealed by the latter as a result of ratification. It is advisable in such cases, in the absence of legislative measures expressly and formally bringing the legislation into conformity with the ratified Conventions, to indicate clearly, by all appropriate means and with regard to all the persons concerned (in particular employers and workers, the labour inspection and administration services and the courts), that the provisions of the Convention either are incorporated into the national legislation or amend or repeal inconsistent provisions in earlier texts, as the case may be.

Apart from the additional measures of a legislative and practical nature which may be found necessary, the Committee notes that in certain cases the legislation on which it has commented was adopted after the ratification of the Conventions in question, thus replacing or modifying the provisions of the Convention considered as municipal law. Indeed, it appears that, according to the constitutional system of Guatemala, a Convention which has been ratified and has consequently become part of the national legislation does not, under the domestic legal system, have predominance over other laws and may therefore be amended by a later law. The Committee points out in this regard that the consolidated text of the 1961 Code, by which it was intended, *inter alia*, to give effect to international labour Conventions ratified prior to that date by Guatemala, contained certain provisions, in respect of which the Committee had already noted, in its previous comments, divergencies with ratified Conventions. Other texts which have given rise to comments by the Committee were also adopted after the ratification of the Conventions in question.

In view of the above comments, the Committee hopes that the Government will find it possible to envisage the adoption of appropriate measures designed to eliminate all the lacunae and divergencies in the application of ratified Conventions to which attention has been drawn by the Committee, particularly as regards Conventions Nos. 30, 77, 78, 79, 81, 87, 90, 95, 105, 108, 110 and 113.

Guinea

The Committee notes that, in the reports received, the Government indicates, in respect of an observation and of requests previously made by the Committee, that these would be the subject of separate replies. It notes with regret that these replies

have not yet been received. The Committee has therefore been obliged to repeat once again its previous comments concerning Conventions Nos. 10, 16, 17, 18, 81, 89, 90, 95, 105 and 113. It hopes that the Government will supply detailed reports on these Conventions for the period ending 30 June 1970.

The Committee must also point out that reports have not been supplied on Conventions Nos. 29 and 114 and that the Committee has also had to repeat its previous requests concerning these two Conventions.

The Committee hopes that the Government will not fail in future to supply all the necessary information in reply to the Committee's comments.

Honduras

The Committee notes from the statement made by a Government representative to the Conference Committee in 1969 that a special service for relations with the ILO has been created, and that the outlook in connection with the supply of reports was better for the future. The Committee, however, notes with regret that most of the reports due, including one first report due since 1966 (Convention No. 32), have not been received. It trusts that the Government will not fail in the future to discharge its obligation to report on the application of ratified Conventions.

Indonesia

The Committee notes once again that the reports received merely indicate that it is intended to make arrangements to communicate copies to the representative organisations of employers and workers. The Committee hopes that in future such communication will be made, as required by article 23, paragraph 2, of the Constitution of the ILO, and that information on this matter will be included in the reports.

Iran

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 indicate whether this has been done.

Jordan

The Committee notes with regret that once again 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.

Lebanon

The Committee notes with regret that, once again, 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.

Lesotho

The Committee notes with regret that for the second year in succession 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.

Libya

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 indicate whether this has been done.

Mauritania

The Committee notes with interest that direct contacts took place from 29 September to 3 October 1969 between the competent national services and a representative of the Director-General of the ILO with regard to Conventions Nos. 3, 18, 33, 52, 81, 87 and 94, the application of which had given rise to various comments.

The Committee has been informed that, as a result of these contacts, the Government is considering the introduction of a series of amendments to the national legislation with a view to bringing it into conformity with the provisions of the above-mentioned Conventions. The Committee trusts that the Government will find it possible in the very near future to take all the measures necessary to this end, and that it will supply full information on the matter in its future reports.

Mexico

In 1967 the Committee noted with interest the publicity that had been given to certain self-executing provisions of Conventions Nos. 8, 13, 22, 42, 43, 49, 52 and 90, which by virtue of article 133 of the national Constitution had automatically acquired force of law as a result of their ratification. The Committee stated at that time that it trusted the Government would use all other opportunities available to give publicity of this kind, as well as specifically to amend the legislation in question when the occasion arose.

The Committee now notes with interest from the Government's statements in the reports concerning some of the above-mentioned Conventions, that the legislative authorities will in the very near future discuss the draft of a new Federal Labour Act. It trusts that on that occasion sections 68, 75, 111 GV, 126 (XII), 146 and 326 will be amended so as to bring them expressly into full conformity with the corresponding provisions of the above-mentioned Conventions.

Nauru

With reference to the Government's decision 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 to supply reports on their application, the Committee wishes to express its appreciation for the reports which have been received for the period 1967-69.

Paraguay

The Committee notes with regret that the reports due, including eight first reports (Conventions Nos. 11, 29, 81, 111, 115, 119, 120 and 124), have not been received. It

hopes the Government will not fail in future to discharge its obligations to report on the application of ratified Conventions.

Peru

The Committee notes with regret that most of the reports due—including a first report (Convention No. 122)—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.

The Committee further notes that the reports received 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.

Referring to its general observation of 1969, the Committee takes note of the statement of a Government representative to the Conference Committee in 1969, that the Government intends to complete the task of codifying the labour legislation. It notes with regret that the reports received this year do not indicate any fresh progress in this respect. It can only reiterate the hope that the Government will not spare any effort to ensure the adoption of the draft Labour Code in the very near future and that the new text will give full effect to the ratified Conventions, on the points raised in the previous comments of the Committee, particularly as regards Conventions Nos. 1, 4, 12, 41, 44, 52, 62, 67, 69, 71, 73, 87 and 101.

Portugal

The Committee notes with regret that most of 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.

Somali Republic

The Committee notes with regret that the reports due have not been received. It hopes that the Government will not fail in future to discharge its obligations to report on the application of ratified Conventions.

Republic of South Africa

The Committee notes with regret that the reports due have not been received. It must emphasise 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.

Tanzania

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.

Togo

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 indicate whether this has been done.

Trinidad and Tobago

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.

Turkey

The Committee notes with regret that most of the reports due, including two first reports (Conventions Nos. 111 and 119), 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.

Ukraine

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 indicate whether this has been done.

USSR

The Committee has for a number of years been asking the Government to provide the texts of the Labour Codes in force in the various republics of the Union, other than those of the RSFSR, Byelorussia, Ukraine and Turkmenistan which are available to the Committee. A Government representative informed the Conference Committee in 1969 that in 1968 the governments of the various republics in question had been asked to supply copies of their Labour Codes, and that these would be transmitted to the ILO as soon as they had been received.

The Committee must point out in this connection that it first asked the Government to supply this legislation in connection with certain Conventions (Nos. 11, 29 and 87) as long ago as 1959, and that it is also relevant to the application of several other Conventions (Nos. 52, 79, 90, 95, 98) as well as of two Conventions (Nos. 14 and 106) dealt with for the first time at the present session, and in respect of which the Committee is addressing direct requests to the Government.

While noting the Government's renewed statement in the Conference Committee in 1969 that the preparation of new labour legislation was continuing and that once the new Labour Codes of the various republics had been drawn up and adopted, they would be forwarded to the ILO without delay, the Committee can only point out once again that it does not yet have available the Labour Codes of most of the republics of the Union. In the absence of these documents sometimes requested over a prolonged period of time, the Committee is unable to ascertain the precise degree of observance of the relevant Conventions in the republics of the USSR other than those mentioned above.

Upper Volta

The Committee notes with regret that once again 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.

Venezuela

The Committee notes with interest that direct contacts took place from 20 to 31 October 1969 between the competent national services and a representative of the Director-General with regard to Conventions Nos. 11 and 26, the application of which had given rise to various comments.

The Committee also notes with particular interest that, as a result of these contacts, a Decree has been drafted which takes into account the Committee's observations on Convention No. 11 and that on 6 November 1969 a Ministerial Order was issued with a view to ensuring the practical application of Convention No. 26.

The Committee trusts that the Government will adopt in the very near future the draft Decree relating to Convention No. 11, and that it will take all the measures called for under the terms of the Order of 6 November 1969 to give effect to Convention No. 26. The Committee hopes that the Government will supply full information on any measures taken in this connection.

The Committee notes, on the other hand, that nine of 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.

Viet-Nam

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.

Southern Yemen

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.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Iraq, Kuwait, Paraguay, Tunisia*.

B. INDIVIDUAL OBSERVATIONS

Convention No. 1: Hours of Work (Industry), 1919

Dominican Republic (ratification: 1953)

The Committee notes with regret that the Government's report has provided no new information in response to its previous observation. It trusts that the revision of the Labour Code, to which the Government has referred since 1964, will be approved very shortly, and will give full effect to the provisions of the Convention, with particular reference to the following points:

Article 4 of the Convention. The weekly average of fifty-six working hours laid down in this Article can apply only to “processes which are required by reason of the nature of the process to be carried on continuously by a succession of shifts”. In this respect, the Committee recalls that Section 148 of the Code, which permits an extension of one working hour per day in the case of shift workers employed in undertakings operating without interruption, is not in conformity with the Convention.

Article 6, paragraph 2. Since the Government has not yet transmitted any text on this subject, the Committee can only urge that appropriate measures be taken in the very near future—after consultation with the employers’ and workers’ organisations concerned—for the purpose of fixing the maximum additional hours which may be authorised, in conformity with the Convention.

Haiti (ratification: 1952)

The Committee notes with regret that the Government’s report contains no new information in response to its previous observations.

Article 1 of the Convention. The Committee regrets that no steps have been taken to amend section 104 of the Labour Code, which excludes certain undertakings (in particular land transport, which is covered by Convention No. 1, chemists’ shops, hairdressers and certain grocery shops, which are covered by Convention No. 30) from the scope of the hours of work provisions. It recalls that in its report for 1963-64 the Government had acknowledged the need to amend section 104 of the Code.

Article 6. The Committee recalls that section 100 of the Labour Code, which allows up to twenty extra hours to be worked per week, does not constitute an adequate safeguard, and that an additional limit must be fixed. In this respect the Government had indicated that supervision by the labour inspection services would prevent any abuses. As the Committee has already pointed out, however, Article 6, paragraph 2, of Convention No. 1 requires that regulations shall be made by the public authority—after consultation with the organisations of employers and workers concerned—to fix the maximum additional hours which may be authorised in each instance, while Article 7, paragraph 3, and Article 8 of Convention No. 30 require that this maximum shall be fixed per day in the case of permanent exceptions, and per day and per year in the case of temporary exceptions, the same procedure being followed.

The Committee trusts that the Government will make every effort to take the appropriate steps in the very near future.¹

Peru (ratification: 1945)

The Committee notes with regret that no report has been received from the Government. The Committee refers to its general observation, and also notes the statement made by a Government representative to the Conference Committee in 1969 that, in the field of collective bargaining, interesting innovations had been made in the manner of dealing with overtime. The Committee hopes that the Government will supply detailed information on this subject in its next report, and once again expresses the hope that the draft Labour Code will be adopted in the very near future and that it will give full effect to the Convention, especially as regards Articles 3, 4, 5 and 6 (time worked in excess of the normal working hours).¹

¹ The Government is asked to supply full particulars to the Conference at its 54th Session.

Portugal (ratification: 1928)

The Committee has taken due note of the Government's very detailed report, which was received too late for consideration in 1969. It notes with regret that the Government no longer refers to the draft revision of the legislation on working hours, mentioned in the two previous reports, and designed to bring the legislation into full conformity with the Convention. As the Committee has repeatedly emphasised in its previous observations and direct requests, the present legislation and the Convention differ with respect to the following points:

Article 1 of the Convention. 1. Section 1, subsection 1, of Legislative Decree No. 24402 of 1934 does not expressly cover mines, quarries and other works for the extraction of minerals, included in the list (which is not exhaustive) in Article 1 of the Convention (paragraph 1 (a)).

2. The exceptions provided for in subsection 4 (industrial undertakings of a markedly rural nature), subsection 5 (civil engineering undertakings of a domestic or agricultural nature, in certain non-urban or non-industrial areas) and subsection 6 (undertakings for the construction and repair of means of communication) of section 1 of Legislative Decree No. 24402, are not allowed under the terms of the Convention, which permits only one exception (Article 2, first paragraph) relating to undertakings in which only members of the same family are employed. Since the Government indicates, moreover, that authority to make use of the exceptions provided for in paragraphs 4 and 5 has never been granted, there should be no difficulty in bringing the legislation into conformity with the Convention on these points. Furthermore, according to the Government's report, the use of the exception provided for in section 1, subsection 6, of Legislative Decree No. 24402 is intended to place non-specialised workers employed in the construction and repair of means of communication on the same footing as rural workers, since these workers are all in the same category. The Committee must draw the Government's attention to the fact that undertakings for the construction and repair of means of communication are specifically treated as industrial undertakings in the Convention (Article 1, paragraph 1 (c)), regardless of the category of workers engaged in such work.

Article 2. 1. The Government indicates that Legislative Decree No. 24402 (section 40) having expressly repealed Decree No. 22500 with regard to the establishments defined in section 1, paragraph 1, of the former, the working week of fifty-six hours permitted under section 13 of the latter does not apply to public urban transport undertakings, which are expressly included in the scope of Legislative Decree No. 24402. In this respect the Committee draws attention to the fact that section 13 of Decree No. 22500 makes provision for a special working week of fifty-six hours not only in public urban transport (that is to say, according to the official interpretation cited in the report, the transport of *passengers*), but generally in the urban transport of "passengers and goods", including in particular "cars, taxis, lorries and light vehicles used for such transport". As the Committee has already had occasion to stress, these activities are expressly covered by the Convention and cannot be regarded as processes which by their nature are required to be carried on continuously, in respect of which a working week of fifty-six hours on the average could be permitted under Article 4 of the Convention, to which section 13 of Decree No. 22500 expressly refers. The Government indicates furthermore that the expression "continuous-process industries (or services)" is used in the national legislation to describe various activities, and particularly jobs which by reason of their nature require longer working hours, such as intermittent work for example. According to the report, this hypothesis is taken into consideration by section 14 of Decree

No. 22500 which—in conformity with Article 6 of the Convention—authorises exceptions for this purpose, and also explains the special working week of fifty-six hours authorised by section 13 of this Decree. Whilst taking due note of this information, the Committee points out that section 14 of the Decree, which refers to Article 6 of the Convention, specifies more particularly in its subsection 2, that the exceptions concerned are permanent or temporary exceptions *in excess of the fifty-six hours per week* provided for in respect of the activities covered by section 13 of the Decree. As has already been pointed out, however, these activities cannot be covered by the special arrangements provided for in Article 4 of the Convention.

2. The Committee must again stress the fact that section 4 of Legislative Decree No. 24402, authorising the extension of workings hours by ministerial decision in exceptional circumstances when necessary in the public interest, is contrary to the Convention. It recalls the Government's statement, in its report for 1958-60, that this provision of the Decree has been applied only in wartime. Since in these circumstances the practice appears to be in conformity with Article 14 of the Convention, the Committee trusts that no difficulty will be experienced in amending section 4 of the Legislative Decree in order to bring the legislation as well into conformity with the Convention.

Article 4. The Committee has taken due note of the Government's renewed assurance that—weekly rest being compulsory—the working week in continuous processes does not exceed forty-eight hours. As has already been pointed out, however, the provisions of section 11 of Legislative Decree No. 24402 are not clear either as to the maximum authorised working hours or as to the definition of continuous processes, which latter, as the Government has indicated, may relate to various activities which are not covered by Article 4 of the Convention.

Article 5. The Committee has taken due note of the information provided by the Government, to the effect that collective agreements may not contain conditions which are less favourable for the workers than those prescribed by law.

Article 6. The Committee has taken due note of the information provided by the Government concerning the procedure for authorising additional working hours. It must nevertheless draw the Government's attention once again to the fact that the Convention permits recourse to permanent or temporary exceptions only in the circumstances and conditions prescribed therein. Consequently, the provisions of section 14 of Legislative Decree No. 24402 and section 10 of Decree No. 22500, which permit recourse to additional working hours, without restricting such recourse to the circumstances defined by the Convention, and without setting a limit to the number of hours which may be authorised, are not in conformity with the relevant provisions of the Convention.

Since, despite the Government's repeated assurances, no progress has been made towards the adoption of the necessary legislative measures, the Committee trusts that the Government will very soon take the necessary steps to eliminate the various divergences, referred to above, between the national legislation and the Convention.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Iraq, United Arab Republic.*

Convention No. 2: Unemployment, 1919*Austria* (ratification: 1944)

Further to its previous observations, the Committee notes with satisfaction that the Employment Market Promotion Act, 1968, contains provisions enabling the Federal Ministry of Social Administration to co-ordinate the operations of public and private free employment agencies on a national scale (Article 2, paragraph 2, of the Convention).

Colombia (ratification: 1933)

Further to its previous observations, the Committee notes with interest from the Government's report that a Department of Employment and Human Resources has been established within the Ministry of Labour by Decree No. 3136 of 1968 and that one of the functions of the said Department is to organise and direct a free public employment service. The Committee notes further from the Programme of Activities of the said Department for 1969-70 that it is proposed to start organising such a service in June 1970. The Committee trusts that the Government's next report will contain information as to the measures taken in accordance with this Programme to establish a system of free public employment agencies and thus give full effect to this Convention, which was ratified thirty-seven years ago.

Ecuador (ratification: 1962)

The Committee notes with regret that for the third year in succession no report has been received, and accordingly no information has been supplied in reply to the request it has been making since 1967, which was in the following terms:

Article 2, paragraph 1, of the Convention. Please indicate the measures taken or contemplated to give effect to this provision of the Convention. In particular:

- (a) has the public employment service provided for under sections 491 et seq. of the Labour Code been established?
- (b) have regional offices been established?
- (c) have advisory committees of the kind described in section 498 of the Labour Code been set up?

Article 2, paragraph 2. Please indicate whether there exist private free employment agencies. If such agencies exist, have steps been taken to co-ordinate their operations on a national scale with those of public agencies?

The Committee trusts that the Government's next report will contain full information on the matters referred to above.¹

Nicaragua (ratification: 1934)

In connection with its previous observations and requests, the Committee notes with satisfaction that Executive Decree No. 39 of 14 April 1969, amending section 12 of the Labour Code, provides for the establishment, in so far as the Minister of Labour considers appropriate, of advisory committees in all places in which public employment agencies are functioning (Article 2, paragraph 1, of the Convention).

¹ The Government is asked to supply full particulars to the Conference at its 54th Session and to report in detail for the period ending 30 June 1970.

Sudan (ratification: 1957)

The Committee notes with regret that the Government's report contains no information in reply to its previous observation noting that the proposed manpower council to act as an advisory body on employment matters had still not been established and that the employment agencies were still not permitted to register persons seeking employment who were not covered by the Employment Exchange Ordinance, 1955 (i.e. most unskilled workers, workers in sectors other than the industrial and commercial, and those in smaller establishments).

The Committee notes further that all the labour laws are being revised and that a unified labour code will be enacted soon. The Committee trusts that, whether as a result of the current revision of the labour laws or in implementation of the proposals referred to in earlier reports, advisory committees in accordance with Article 2, paragraph 1, of the Convention will be appointed in the near future, and the necessary measures will be adopted to permit the employment agencies to register all persons seeking employment.¹

Syrian Arab Republic (ratification: 1960)

Article 2, paragraph 1. See under Convention No. 88 as regards the appointment of advisory committees.

Uruguay (ratification: 1933)

Article 2 of the Convention. Referring to its previous observations, the Committee notes that little progress seems to have been made in implementing this Article of the Convention which was ratified over thirty-six years ago. From the Government's report, it appears that—largely because of financial difficulties—the activities of the National Employment Service are limited to the Department of Montevideo, that the activities of the existing employment offices are not under the control of a central authority, the only centralisation being of information on their operations, and that there are private fee-charging and free employment agencies but that no steps have been taken to co-ordinate their operations on a national scale.

The Committee trusts that the Government will take the necessary steps in the very near future to give effect to the provisions of this Article of the Convention (establishment of a system of free public employment agencies under the control of a central authority; appointment of advisory committees; co-ordination of the operations of public and private free employment agencies).²

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Argentina, Chile, Ethiopia, Hungary, Iceland, Kenya, Morocco, Nicaragua, United Arab Republic, Uruguay, Venezuela.*

Convention No. 3: Maternity Protection, 1919*Algeria* (ratification: 1962)

The Committee notes with regret that the Government's report does not reply to

¹ The Government is asked to report in detail for the period ending 30 June 1970.

² The Government is asked to supply full particulars to the Conference at its 54th Session and to report in detail for the period ending 30 June 1970.

the direct requests made since 1965. It is accordingly bound to repeat the points already mentioned in a new direct request, and hopes that the Government will not fail to take the necessary action and to supply the information requested.

Mauritania (ratification: 1963)

See under General Observations.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Algeria, Panama.*

Convention No. 4: Night Work (Women), 1919

Afghanistan (ratification: 1939)

In reply to the Committee's previous observations concerning the need for legislative provisions regarding the employment of women at night and underground (Conventions Nos. 4, 41 and 45), the report merely repeats that in practice the three Conventions are applied since women do not perform night work in industrial undertakings or underground work.

The Committee recalls the Government's assurances over the past few years and in particular during the June 1969 Session of the Conference that the necessary legislative measures would soon be adopted. In these circumstances it can only reiterate the hope that the Government will take steps at a very early date to give effect to these Conventions, which were ratified in 1937 and 1939.¹

Austria (ratification: 1950)

See under Convention No. 89.

Chad (ratification: 1960)

Further to its previous direct requests, the Committee notes with satisfaction that Decree No. 58 of 8 February 1969 respecting the employment of women and expectant mothers has repealed General Order No. 3759 of 25 November 1954, which authorised certain exceptions from the prohibition of night work by women, which were contrary to the Convention.

Nicaragua (ratification: 1934)

The Committee notes with regret that Executive Decree No. 39 of 14 April 1969, designed to bring national legislation into conformity with certain ratified Conventions, has not introduced any amendments relating to the prohibition of night work for women. It notes, on the other hand, the Government's statement that it hopes to amend the legislation when economic conditions permit.

The Committee again draws attention to the absence of any provision in national legislation prohibiting night work by women and recalls the Government's frequent assurances that measures would be adopted to give effect to the basic requirements of

¹ The Government is asked to supply full particulars to the Conference at its 54th Session and to report in detail for the period ending 30 June 1970.

the Convention. It trusts that the Government will make every effort to ensure the adoption of such measures in the very near future.¹

Peru (ratification: 1945)

The Committee notes with regret that the Government's report has not been received. The Committee is bound, therefore, to repeat its previous observation, which was as follows:

As the Labour Code to which the Government has made reference since 1964 has not yet been adopted, the Committee must draw the Government's attention once again to the need for eliminating the discrepancy between section 10 of Act No. 2851 of 1918 and Article 6 of the Convention. The extension of the working day for women to ten hours per day, as permitted by section 10 of Act No. 2851, may imply a reduction in the night rest period to less than the minimum of ten hours, which is permitted by Article 6 of the Convention only in undertakings influenced by the seasons and in exceptional circumstances.

See also under General Observations.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Burundi, Cambodia, Cameroon* (Eastern Cameroon), *Central African Republic, Chad, Congo* (Brazzaville), *Congo* (Kinshasa), *Portugal, Rwanda, Tunisia*.

Information supplied by *Morocco* in answer to a direct request has been noted by the Committee.

Convention No. 5: Minimum Age (Industry), 1919

A request regarding certain points is being addressed directly to *Congo* (Brazzaville).

Convention No. 6: Night Work of Young Persons (Industry), 1919

Albania (ratification: 1932)

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 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.

Nicaragua (ratification: 1934)

Further to its previous observations, the Committee notes with satisfaction that section 8 of Executive Decree No. 39 of 14 April 1969 has amended section 123 of the

¹ The Government is asked to supply full particulars to the Conference at its 54th Session and to report in detail for the period ending 30 June 1970.

Labour Code with a view to providing for the prohibition of night work by young persons in industrial undertakings in accordance with the basic requirements of the Convention.

Viet-Nam (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:

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, Cambodia, Cameroon* (Eastern Cameroon), *Hungary, Ireland, Laos, Nicaragua, Niger, Portugal, Senegal, Switzerland, Tunisia, Upper Volta*.

Information supplied by *Dahomey* in answer to a direct request has been noted by the Committee.

Convention No. 7: Minimum Age (Sea), 1920

Nicaragua (ratification: 1934)

With reference to its previous observations concerning the application of Articles 2 and 4 of the Convention, the Committee notes with satisfaction that section 151 of the Labour Code has been amended by section 10 of Executive Decree No. 39 of 14 April 1969, which prohibits the employment on vessels of children under 15 years of age, and requires the captain or shipmaster to keep a register of all persons under the age of 18 years employed on board, showing the dates of their birth.

Convention No. 8: Unemployment Indemnity (Shipwreck), 1920

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, to which the Committee wishes to draw the Government's special attention.

Convention No. 9: Placing of Seamen, 1920

Colombia (ratification: 1933)

See under Convention No. 2. The Committee trusts that the measures taken to establish a free public employment service will lead to the establishment of a system

of free public employment offices for seamen giving full effect to this Convention, which was ratified thirty-seven years ago.¹

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Poland, Uruguay*.

Convention No. 10: Minimum Age (Agriculture), 1921

A request regarding certain points is being addressed directly to *Guinea*.

Convention No. 11: Right of Association (Agriculture), 1921

Venezuela (ratification: 1944)

See under General Observations.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Cameroon, Ghana*.

Convention No. 12: Workmen's Compensation (Agriculture), 1921

Colombia (ratification: 1933)

Further to its previous observations and requests, the Committee notes with regret that the Government's report does not indicate whether the regulations to extend insurance against occupational hazards to agricultural workers employed in non-industrialised undertakings, provided for in section 7 of Decree No. 3170 of 21 December 1964, have been adopted. The report refers, however, to sections 193 and 199 of the Labour Code, which provide for compensation on terms less favourable than those provided for under the social security scheme.

Since under the terms of the Convention, the laws and regulations which provide for the compensation of occupational accidents must be extended to *all* agricultural wage earners, the Committee trusts that the scheme providing protection against occupational hazards, established by Decree No. 3170, will be extended to the aforesaid workers in the very near future, and that the next report will indicate the progress accomplished towards that end.

Nicaragua (ratification: 1934)

Further to its previous observations and requests concerning the incompatibility with the Convention of section 103 of the Labour Code, authorising the reduction of compensation to one-eighth of the full amount in the case of accidents that have occurred in small commercial, agricultural or stock-raising undertakings, or in domestic service, the Committee has noted the information supplied by the Government in its report and to the Conference Committee in 1968. It notes that the

¹ The Government is asked to supply full particulars to the Conference at its 54th Session.

amendment of this section has been found inappropriate on account of the economic depression in the agricultural sector, but that the National Social Security Institute is studying the possibility of incorporating various rural areas in the compulsory insurance scheme.

The Committee hopes that extension of the social security scheme (which does not include any such restrictions) to the rural areas and to agricultural workers who are as yet unprotected will take place in the near future, so as to ensure the full application of the Convention, and asks the Government to indicate the progress made in this respect in its next report.

Peru (ratification: 1962)

For several years, the Committee has drawn attention in its requests to the fact that the provisions of section 2, subsection 8, of Act No. 1378 on occupational accidents (which restrict the scope of this Act to agricultural undertakings using machine power other than manual labour, and only to employees thereof exposed to danger from machinery), are incompatible with the Convention, which provides that the laws and regulations on workmen's compensation must be extended to *all* agricultural wage earners.

In its previous reports the Government indicated that the new Labour Code, preparation of which began in 1964, would take this point into account.

Since the Government has not transmitted a report for 1967-69, the Committee has no information as to the progress made in this respect. It accordingly trusts that the next report will be transmitted and will indicate the action taken to ensure that the Convention is fully applied.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Brazil, Panama*.

Convention No. 13: White Lead (Painting), 1921

Argentina (ratification: 1936)

Further to its earlier observations, the Committee notes with satisfaction that, as a result of the direct contacts arranged between the competent services of the country and a representative of the Director-General of the ILO, Act No. 18609 respecting the prohibition of the use of white lead in painting—the provisions of which bring the national legislation into line with the provisions of the Convention—was passed on 23 February 1970.

Mexico (ratification: 1938)

With regard to the divergencies between section 111, G V, of the Federal Labour Act and Article 3, paragraph 1, of the Convention, see under General Observations.

Article 2, paragraph 2, and Article 5 of the Convention. The Committee notes the statement made by a Government representative at the Conference in 1968 that measures were being taken to give effect to Article 2, paragraph 2 (the definition of the limits of the different forms of painting), and to Article 5 (the regulation of the use of products containing white lead in operations in which their use is not prohibited). It recalls that in its report for 1965-67 the Government had already referred to a Ministerial Circular which was to ensure compliance with these two

provisions. The Committee trusts that this text will be issued in the very near future, and that the Government will indicate what binding force the Circular will have for the employers and workers concerned, and what measures will be taken to make known the terms thereof.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Algeria, Chad, Iraq.*

Information supplied by *Dahomey* and *Spain* in answer to a direct request has been noted by the Committee.

Convention No. 14: Weekly Rest (Industry), 1921

Afghanistan (ratification: 1939)

In reply to its previous observations concerning the application of Conventions Nos. 14 and 106 relating to weekly rest in industry and in commerce and offices, the Government states that in practice all the workers concerned are entitled to weekly rest, normally on Friday.

In these circumstances the Committee trusts that the Government will find no difficulty in confirming the existing practice by enacting the necessary legislative provisions, to which it has referred over the past few years and in particular during the June 1969 Session of the Conference.

China (ratification: 1934)

The Committee notes from the Government's reply to its previous observation that measures have been taken, in particular under the Regulations of 31 March 1969 respecting the registration of factories, to enforce the observance of the relevant laws and regulations. It notes, on the other hand, from the information communicated by the Government to the Conference Committee in 1969, that the draft Labour Code was submitted in February 1969 to the Executive Yuan for the third time for further examination.

Recalling its previous observations concerning the need for legislation to extend the coverage of the weekly rest provisions to workers not at present falling within the scope of the Factories Act or the Mines Act, the Committee trusts that the draft Labour Code will be adopted in the very near future so as to ensure the application of the Convention.

Portugal (ratification: 1928)

The Committee regrets that for the second consecutive year no report has been received. It hopes that a report will be supplied for examination by the Committee at its next session and will contain full information on the matters raised in its previous direct request, which read as follows:

The Committee takes note of the report for 1964-66, which indicated in particular that the text to replace Decree No. 22500 regarding hours of work in transport and Legislative Decree No. 24402 (as amended by Legislative Decree No. 26917) regarding hours of work in commerce and industry, is still under consideration, and that this text, once adopted, will be made applicable to the overseas provinces. The Committee hopes that the new text will ensure the full application of the Convention in both the metropolitan and overseas provinces, and that the Government's next report will indicate what progress has been made towards its adoption.

Turkey (ratification: 1946)

Further to its previous observations (regarding the exclusion from the weekly rest provisions of undertakings in towns of less than 10,000 inhabitants), the Committee notes with satisfaction that the Labour Act of 1967 requires that employees in undertakings covered by the Act shall be granted a weekly rest day and that, in so far as undertakings are exempted from observing the usual weekly rest day, employees shall be allowed another rest day each week in compensation.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Burundi, Honduras, Hungary, Iraq, Lebanon, Switzerland, Thailand, Turkey, USSR.*

Information supplied by *Algeria* and *Cameroon* (Eastern Cameroon) in answer to direct requests has been noted by the Committee.

Convention No. 15: Minimum Age (Trimmers and Stokers), 1921*Nicaragua* (ratification: 1934)

Referring to its previous observations concerning the application of Articles 2 and 5 of the Convention, the Committee notes with satisfaction that section 151 of the Labour Code has been amended by section 10 of Executive Decree No. 39 of 14 April 1969, which prohibits the employment of young persons under the age of 18 years on vessels as trimmers or stokers and requires the captain or shipmaster to keep a register of all persons under the age of 18 years employed on board, showing the dates of their birth.

Tanzania (ratification: 1962)

With reference to its previous comments relating to both Tanganyika and Zanzibar, the Committee notes with satisfaction that the Merchant Shipping Act, 1967, which entered into force on 1 December 1967 and applies throughout the national territory, gives effect to the Convention.

Uruguay (ratification: 1933)

With reference to its previous comments, the Committee notes that the projected amendments of the current legislation on the work of young persons are still being considered. Inasmuch as according to the statement of the Government, there are at present no laws or regulations dealing with the subject-matter of this instrument, the Committee hopes that these amendments will soon be adopted and will introduce the provisions required to secure the full application of this Convention, which was ratified more than thirty-six years ago.¹

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Cameroon* (Western Cameroon), *Turkey.*

¹ The Government is asked to supply full particulars to the Conference at its 54th Session and to report in detail for the period ending 30 June 1970.

Convention No. 16: Medical Examination of Young Persons (Sea), 1921*Albania* (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 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.

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.

Ceylon (ratification: 1951)

The Committee notes with regret that the Government's report has not been received. In its previous observation the Committee expressed the hope that the necessary measures would be taken in the very near future with a view to the early promulgation of the proposed amendments to the Merchant Shipping Act and the issue of regulations under the Act to ensure the application of Articles 2 and 3 of the Convention (which make the employment on board ship of persons under 18 years of age subject to a medical examination and lay down that the medical certificate attesting to the fitness of such persons for work at sea shall be valid for a maximum period of one year).

The Committee notes from the information supplied by the Government to the Conference Committee in 1968 that administrative directives had been issued to ensure compliance with the Convention and that the necessary amendments to the legislation were to be adopted very soon.

The Committee requests the Government to supply the text of the administrative directives in question, and trusts that the Government will shortly be in a position to inform it of the adoption of the amendments announced and that these amendments will make it possible for full effect to be given to the Convention, which was ratified nineteen years ago.

Nicaragua (ratification: 1934)

Further to its previous observations concerning the application of Articles 2 and 3 of the Convention, the Committee notes with satisfaction that Article 151 of the Labour Code has been amended by Article 10 of Executive Decree No. 39 of 14 April 1969, which makes the employment of any young persons under 18 years of age on any vessel conditional on the production of a medical certificate of fitness and provides that the medical examination shall be repeated annually.

Somali Republic (Former Trust Territory)
(ratification: 1960)

The Committee notes with regret that the Government's report has not been received. In its previous observation it expressed the hope that the necessary measures would be taken to give effect to Article 3 of the Convention (providing for the renewal of the medical examination attesting to physical fitness at intervals not exceeding one year).

The Committee notes the information supplied by the Government to the Conference Committee in 1968 that this and other provisions would be examined and

that effect would be given to it, as far as national conditions permitted, by amendment of the Maritime Code.

The Committee trusts that the Government's next report will indicate the progress achieved in harmonising the national legislation with the provisions of the Convention.

Uruguay (ratification: 1933)

Further to its previous requests concerning the application of Article 1 of the Convention, the Committee notes with satisfaction the promulgation of Decree No. 439/969 of 12 September 1969, approving regulations in respect of the health record for personnel of the national merchant navy employed at sea, and the declaration of the Government to the effect that the provisions of the aforesaid Decree are applicable to all national merchant ships without exception.

* * *

In addition, requests regarding certain other points are being addressed directly to the followings States: *Cameroon* (Western Cameroon), *Guinea*, *Hungary*, *Sweden*.

Convention No. 17: Workmen's Compensation (Accidents), 1925

Algeria (ratification: 1962)

Further to its previous comments concerning *Article 9* of the Convention, the Committee notes with satisfaction the adoption of the Order of 30 May 1969 abolishing participation by workers injured in occupational accidents in the medical and pharmaceutical expenses incurred.

The Committee hopes that similar action will be taken as regards the cost of small dental fittings and appliances, which continue to be defrayed in part by the beneficiaries, pursuant to sections 27, 39 and 40 of the Order of 28 September 1966, so as to bring the national legislation also into full conformity with *Article 10* of the Convention, which provides for the free supply and renewal of artificial limbs and surgical appliances.

Burma (ratification: 1956)

Referring to its previous observations, the Committee notes with regret that the Government's report contains no information on the progress made in the adoption of regulations under the Law defining the Fundamental Rights and Responsibilities of the People's Workers, to which it referred in its report for 1966-67 and at the Conference Committee in 1968, and which were to ensure the full application of *Articles 10 and 11* of the Convention concerning respectively the free supply and renewal of artificial limbs and surgical appliances (for the refund of the cost of which the national legislation lays down an upper limit) and measures ensuring in all circumstances the payment of compensation in the event of the insolvency of the employer or insurer (the Workmen's Compensation Act, 1924, as amended contains no provisions to this effect). Further, the Government makes no reference to measures taken or envisaged with a view to bringing the Workmen's Compensation Act and the Social Security Act into full conformity with Article 5 of the Convention, which requires that compensation shall be paid in the form of periodical payments and only allows payment in a lump sum in exceptional cases.

The Committee trusts that the necessary legislative provisions, which have been referred to for a number of years, will be adopted in the very near future in order to ensure that the Convention is fully applied on these points.¹

¹ The Government is asked to report in detail for the period ending 30 June 1970.

Chile (ratification: 1932)

Article 5 of the Convention. Further to its earlier observations, the Committee has noted with satisfaction the adoption of Act No. 16744 of 1968 to make provision for employment injuries, the provisions of which give effect to this Article of the Convention.

Colombia (ratification: 1933)

Further to its previous comments regarding the workmen's compensation scheme for workers employed by the State, the Committee notes with satisfaction the adoption of Decree No. 3135 of 1968 providing for the integration of the social security scheme for the public and private sectors, which thus gives effect in particular to the following Articles of the Convention: *Article 7* (additional compensation for workers suffering from incapacity of such a nature that they must have the constant help of another person), *Article 8* (methods of review of compensation) and *Article 9* (medical, surgical and pharmaceutical aid without limit of time).

Congo (Kinshasa) (ratification: 1960)

With reference to the Committee's previous observations and requests the Government indicated to the Conference Committee in 1968 that the question of including apprentices injured in occupational accidents within the social security system (in conformity with Article 2 of the Convention) was still under study, but that arrangements would be completed at the beginning of 1969. As the report for 1967-69 contains no information on this score, the Committee trusts that the necessary action to ensure the full application of the Convention in this respect will be taken in the near future, and that at the same time the entitlement of workers to medical, surgical and pharmaceutical aid will be established without any time limit, in accordance with Article 9 of the Convention.

The Committee hopes that in its next report the Government will indicate the progress achieved in this respect.

Cuba (ratification: 1928)

The Committee notes with regret that once again the information supplied by the Government in reply to its observations and requests made in 1964 does not provide any new data.

1. With regard to cases of suspension or extinction of benefits provided for by Law No. 1100 on social security in sections 64 (*g*) (beneficiaries sentenced for counter-revolutionary offences) and 63 (*f*) (beneficiaries sentenced to imprisonment for a term of more than thirty days), the Government again refers to the facts that these grounds for suspension of benefits are justified by the particularly serious and anti-social character of these offences which cause harm to the national institutions and to the social security system in particular, that throughout his term of imprisonment the person concerned is supported by the State, and that the economic situation of his family is also taken into consideration.

In the circumstances the Committee is bound to recall once again that the Convention does not provide for the possible suspension or extinction of benefits in consequence of any offence, no matter how serious; the fact that when in prison the beneficiary is supported by the State could justify the principle of the suspension of benefit, albeit only partially, to the extent that the cost of his maintenance in prison might be deducted from it; but in no event could such suspension deprive the beneficiary's dependants from their right to this protection.

2. With regard to the absence from the national legislation of any provision for the payment of additional compensation to injured workmen who must have the constant help of another person, as required by Article 7 of the Convention, the Government merely repeats its previous explanations, indicating that under the terms of section 42 of Law No. 1100 on social security (as amended by Law No. 1165), the amount of the pension is increased by 10 per cent for all victims of industrial accidents who are permanently incapacitated.

In this connection the Committee must point out that this increase of 10 per cent, which, moreover, is of a general application, cannot fully satisfy the requirements of Article 7 of the Convention, the purpose of which is to guarantee to a specific category of persons injured in occupational accidents—namely those whose incapacity is such that they require the constant help of another person—the payment of additional compensation which will enable them to meet the additional expenditure resulting from their special condition.

The Committee trusts that the Government will reconsider the points referred to above in the light of the foregoing comments, and that it will take the necessary measures in the near future to bring the national legislation fully into harmony with the Convention.¹

Iraq (ratification: 1960)

In its reply to the Committee's previous requests the Government again refers to the draft revision of the Labour Code, and states that a special technical Committee is actively engaged in this work. The Government also adds that a Bill in course of preparation provides for the extension of the social security system.

The Committee hopes that these draft texts will be adopted very soon and that they will take into account the points raised in its previous requests with regard to Articles 2, 3, 5, 7 and 10 of the Convention, which are taken up in a new direct request.

Malaysia (States of Malaya) (ratification: 1957)

The Committee notes with interest the adoption of the Employees' Social Security Act, 1969 (No. 4), which gives effect to important provisions of the Convention to which reference has been made in previous requests and observations, concerning more especially *Articles 5 and 11* relating respectively to the payment of compensation to the injured workman or his dependants in the form of periodical payments, in the event of permanent incapacity or death, and to the need for ensuring in all circumstances the payment of such compensation in the event of the insolvency of the employer or insurer.

The Committee also notes that the Act has not yet been put into operation, and that appropriate regulations are in the course of preparation. It hopes that the Act will become effective in the near future, and that the Government will at the same time take into consideration, in drafting the regulations made under it, certain points to which reference is made in a new direct request.

New Zealand (ratification: 1938)

Article 5 of the Convention. Referring to its previous observations, the Committee takes note of the Government's statement that a special White Paper based on the principles laid down by the Royal Commission of Enquiry (Woodhouse Commission) regarding workers' compensation is in preparation, and that this document will serve as the basis for new legislation, after it has been discussed with the parties concerned.

¹ The Government is asked to report in detail for the period ending 30 June 1970.

The Committee hopes that the new legislation will be adopted in the near future, and will take into account both the previous comments of the Committee and the recommendations of the Woodhouse Commission, which has suggested in paragraph 494 of its report that compensation for permanent disabilities should be paid on a periodic basis without any time limits, as is provided for by the Convention.

Nicaragua (ratification: 1934)

With reference to its previous observations, the Committee has taken note of Decree No. 39 of 14 April 1969 amending the Labour Code, and observes that, contrary to what the Government had led the Conference Committee to understand in 1968, the new provisions have not eliminated the divergencies between the Labour Code and Articles 5 (periodical payments of compensation), 7 (additional compensation for injured workmen requiring the constant help of another person), 10 (supply and renewal of artificial limbs and surgical appliances) and 11 (provision to ensure in all circumstances the payment of compensation in the event of the insolvency of the employer or insurer). The Committee has also noted the Government's statement that the social insurance scheme would be extended to further regions of the country.

The Committee hopes that the necessary action to bring the Labour Code—the provisions of which concerning occupational accidents are the only one which apply throughout the country—into full conformity with the Convention will be taken in the near future, and that, since the report for 1967-69 has not been received, the Government will not fail to indicate in its next report the progress made in this respect, and in extending the social insurance scheme to persons and areas not yet covered by it.

Philippines (ratification: 1960)

Article 7 of the Convention. In response to the Committee's observations and requests the Government indicates that a draft Labour Code will be submitted to the next session of Congress and that this draft attains partial harmonisation with this Article of the Convention since it retains the provisions relating to the supply of medical services, including nursing services, and contains measures for the vocational rehabilitation of victims of employment accidents. The Committee once again recalls that this Article of the Convention does not refer to medical care as such nor to rehabilitation measures but to the grant of additional compensation to the victims of accidents who are incapacitated to such an extent that they must have the constant help of another person.

The Committee hopes that the Government will take the necessary measures, as it has expressed the intention of doing in its previous reports, to give full effect to this provision of the Convention.

Uganda (ratification: 1963)

Articles 9, 10 and 11 of the Convention. With reference to its previous requests, the Committee notes with satisfaction that the Workmen's Compensation (Amendment) Act, 1969, has given effect to these provisions of the Convention (*a*) by deleting from section 32 the principal Act (1949 Act, amended to 1965) the maximum amounts hitherto specified for the cost of medical aid and the supply and renewal of surgical appliances, and (*b*) by requiring all employers to take out insurance against occupational risks with a government-approved institution (section 26 of the Act as amended).

United Arab Republic (ratification: 1960)

The Government having failed to reply 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 it hopes that the Government will make every effort to take the necessary measures and supply the information requested.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Argentina, Barbados, Burundi, Chile, Colombia, Greece, Guinea, Iraq, Kenya, Malaysia, (States of Malaya), Netherlands, Panama, Philippines, Poland, Rwanda, Sierra Leone, Sweden, Tanzania, Uganda, United Arab Republic, United Kingdom, Uruguay.*

Information supplied by *Mexico* in answer to a direct request has been noted by the Committee.

Convention No. 18: Workmen's Compensation (Occupational Diseases), 1925

Ceylon (ratification: 1952)

The Committee notes from the Government's reply to its previous comments that amendments to the Workmen's Compensation (Amendment) Act, 1957, which are to make certain additions to the list of occupational diseases contained in that Act, have been proposed in the report submitted to the Minister of Social Services by the Committee appointed to report upon the Social Insurance Scheme, and that once his approval is obtained the new legislation can be adopted without delay.

The Committee trusts that the revision of the legislation, to which the Government has been referring since 1958, will take place in the very near future, and that the list of occupational diseases will be completed in conformity with the Convention, so as to include in particular poisoning by amalgams and compounds of mercury, and, in the list of operations liable to cause anthrax infection, the "loading, unloading and transport of merchandise" in general.¹

Colombia (ratification: 1933)

The Committee notes with regret that the Government's report has not been received. The Committee is bound, therefore, to repeat its previous observation, which was as follows:

Further to its previous observations, the Committee has noted the list of occupational diseases drawn up in Agreement No. 191 of 1965.

The Committee notes that, while this list mentions the poisonings caused by compounds of lead and mercury, in conformity with the provisions of the Convention, it is not in conformity with the Convention on the following points: (a) it makes no mention of the activities likely to cause poisoning by lead, and its alloys and compounds, nor of activities likely to cause poisoning by mercury, and its amalgams and compounds (items Nos. IV (1) and IV (2) of the list), and (b) in respect of the activities likely to cause anthrax infection it gives an enumeration which limits the compensation provided as regards this disease to certain persons who, by reason of their occupation, work in contact with infected animals or animal products, while the Convention covers in a more general way "work in connection with animals infected with anthrax"—without specifying the occupations exercised, as does the national legislation—the "handling of animal carcasses or parts of such carcasses including hides, hoofs and horns"—without specifying that such animal carcasses or parts be infected, as does the national legislation—and the "loading and unloading or transport of merchandise" in general—which the national legislation does not mention.

The Committee hopes that the Government will take the necessary measures to bring the national legislation into full conformity with the Convention on these points also and that it will indicate in its next report the progress made in this connection.

¹ The Government is asked to report in detail for the period ending 30 June 1970.

Dahomey (ratification: 1960)

Further to its previous observations and requests, the Committee notes that the new Labour Code has been adopted but that the regulations under it, which the Government stated in its previous reports would eliminate the divergencies between the list of occupational diseases in the schedule to Ordinance No. 10/SLM of 21 March 1959 and the list contained in Article 2 of the Convention, have not yet been made. These divergencies relate to poisoning by lead, its alloys and compounds (the Ordinance only contains a limitative list of pathological manifestations due to such poisonings), poisoning by mercury, its amalgams and compounds (the Ordinance makes no mention of these cases of poisoning or of the operations liable to cause such poisoning and anthrax infection (the Ordinance does not mention the loading and unloading or transport of merchandise in general).

The Committee hopes that the regulations under the new Labour Code—to which the Government has been referring from 1963 onwards—will be adopted in the near future, and will ensure that the Convention is fully applied on these points. It also asks the Government to indicate in its next report the progress made in this connection.

Guinea (ratification: 1959)

Further to its previous observations and requests made since 1962, the Committee notes with regret that the Government's report contains no information on the progress made towards the adoption of the draft Order concerning occupational diseases, of which the Government had transmitted a copy with its report for 1965-67. This text was to complete the list of occupational diseases and corresponding operations so as to bring it into conformity with the Convention as regards poisoning by lead, its alloys or compounds and by mercury, its amalgams and compounds, as well as anthrax infection.

The Committee trusts that this draft Order will be adopted in the very near future.

Mauritania (ratification: 1961)

See under General Observations.

Nicaragua (ratification: 1934)

Further to its previous comments, the Committee notes with satisfaction that Decree No. 39 of 14 April 1969 amending the Labour Code establishes a list of occupational diseases which corresponds to a large extent to that given in the Convention.

Tunisia (ratification: 1959)

The Committee notes with regret from the Government's reply to its previous observations and requests that the draft decree to amend the list of occupational diseases in the schedule to Act No. 57/73 of 11 December 1957 has not yet been adopted, owing to difficulties encountered in translating certain technical terms into Arabic. The draft should have the effect of bringing the national legislation into conformity with Article 2 of the Convention, by changing the list of pathological manifestations due to poisoning by lead, its alloys or compounds, and by mercury, its amalgams and compounds, so that it is no longer limitative and by adding the "loading and unloading or transport of merchandise" in general to the operations likely to cause anthrax infection.

Since the draft decree in question was drawn up as long as five years ago, the Committee trusts that the difficulties mentioned by the Government will be overcome quickly and that the text will be adopted in the near future.

Upper Volta (ratification: 1960)

With reference to its previous comments, the Committee notes that the Government has approved the points raised therein and that the technical committee for safety and health is now in the course of revising the relevant legislation accordingly. The Committee hopes that the new provisions will be adopted in the near future and that the list of occupational diseases in the schedule to Act No. 3-59/ACL of 3 January 1959 will be amended in conformity with Article 2 of the Convention, so that:

- (a) the list of pathological manifestations mentioned in the item concerning occupational lead poisoning (item No. 1) will be made indicative in nature, thus enabling all kinds of poisoning by lead, its alloys or compounds and their sequelae to be covered;
- (b) poisonings by mercury, its amalgams and compounds and their sequelae, and the activities likely to cause them, are also added to the list;
- (c) the loading and unloading and transport of merchandise in general is added to the activities corresponding to anthrax infection (item No. 13).

Yugoslavia (ratification: 1927)

With reference to its previous comments concerning anthrax infection, the Committee notes with regret that the revision of the Invalidity Insurance Act, to which the Government already referred in 1965, and which was to contain a new list of occupational diseases, has not yet taken place.

The Committee hopes that this revision will be undertaken in the very near future, as the Government indicates, and that the list in question will be drawn up in conformity with the list in Article 2 of the Convention, the "loading and unloading or transport of merchandise" in general being included in the operations likely to cause anthrax infection. The Committee asks the Government to indicate in its next report the progress made in this respect.

Zambia (ratification: 1965)

With reference to its previous direct requests, the Committee notes with satisfaction that the Workmen's Compensation (Amendment) (No. 2) Regulations, 1969, have amended the national legislation so as to include the "loading and unloading or transport of merchandise" among the operations likely to cause anthrax infection (Article 2 of the Convention).

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Central African Republic, Chile, Colombia, Congo (Kinshasa), Nicaragua, Portugal, Senegal, Switzerland, United Arab Republic.*

Convention No. 19: Equality of Treatment (Accident Compensation), 1925*Cameroon* (ratification: 1962)

Article 1, paragraph 2, of the Convention. In its report for 1963-64 concerning the application of the Convention in Eastern Cameroon, the Government indicated that section 57 of Ordinance No. 59/100 of 31 December 1959 on the compensation and

prevention of occupational accidents and diseases contained certain provisions which were in conflict with the Convention, since foreign workers ceasing to reside in the national territory did not receive the same compensation as would have been the case if they had continued to reside in Cameroon, in which event they would have been compensated on the same basis as Cameroon nationals. The Government added that, although the last paragraph of that section provided that these provisions could be amended by international treaty or Convention, no arrangements of that kind had been made. The Government added, however, that these provisions were being reviewed, and that a Bill was before the Parliament.

In its requests made in 1965, 1966 and 1968, the Committee noted the Government's intention to amend this legislation, and expressed the hope that the full application of the Convention on the aforesaid point would thus be assured.

The Committee now notes that this reform has not taken place and that on the contrary, Act No. 68-LF-17 of 18 November 1968, which unified the legislation applicable in this respect to the territory of the Federal Republic of Cameroon as a whole, has merely made Ordinance No. 59/100 of 31 December 1959 applicable in Western Cameroon as well.

In this connection the Committee has noted the Government's statement that the discriminatory provisions of article 57 of this Ordinance have rarely been applied in practice.

In the circumstances the Committee hopes that nothing will prevent the repeal of these provisions in the near future—as the Government's statement moreover suggests—and that in the meantime the Government will take the necessary steps to ensure that workers suffering industrial accidents (or their dependants) who are nationals of a country having ratified the Convention will enjoy the same treatment, as regards the payment of compensation abroad, as Cameroon nationals, the exception provided for in the last paragraph of section 57 of the said Ordinance to the discriminatory provisions of that Ordinance being applied to such cases.

The Committee asks the Government to indicate in its next report whatever action has been taken in the light of the foregoing considerations.

China (ratification: 1934)

Article 1 of the Convention. With reference to the repeated requests and observations made by it since 1960 and to the further request made in 1969 on the same topic, in connection with Article 3 of Convention No. 118, the Committee notes with regret that, despite the assurances given on several occasions by the Government both in its reports and before the Conference Committee, the revision of the 1958 Labour Insurance Statute, instituted on 23 July 1968, has not permitted the compulsory insurance of foreign workers on the same basis as nationals, since the Legislative Yuan has not amended article 9 of the Act in the manner proposed.

The Committee must recall that each Member bound by the Convention is under an obligation to grant to the nationals of any other Member having ratified the Convention the same treatment as it grants to its own nationals. The Committee accordingly trusts that all necessary steps will be taken to have the aforesaid Statute revised again in the near future, and that—as it indicates in its report for 1967-69—the Government will not fail to submit article 9 again for amendment to ensure conformity with the Convention.

The Committee would be grateful to the Government for indicating any progress made towards this end in its next report.¹

¹ The Government is asked to supply full particulars to the Conference at its 54th Session and to report in detail for the period ending 30 June 1970.

Malagasy Republic (ratification: 1962)

Article 1, paragraph 2, of the Convention. See under Convention No. 118, Articles 4 and 5, with regard to branch (g), employment injury benefit.

Rwanda (ratification: 1962)

The Committee notes with interest the Government's reply to its previous comments, to the effect that a Bill to amend the Social Security Act of 15 November 1962 has been drafted and brings the national legislation into conformity with the Convention. The Committee hopes that this Bill, which forms part of a more general modification of the present social security system, will soon be placed before the National Assembly, and that the Government's next report will indicate the progress which has been made towards its adoption.

Sweden (ratification: 1926)

The Committee notes with satisfaction that Act No. 916 of 1967 has repealed the provisions of section 30 of Act No. 243 of 1954 concerning insurance against occupational injury, which permitted (subject to the exceptions introduced by various royal orders to take account of Article 1 of the Convention) the automatic conversion of periodical payments into capital and the limitation of the right to a funeral grant on the grounds of the foreign nationality and residence outside Sweden of the victims of occupational accidents or their beneficiaries. In this way the principle of equality of treatment provided for in the Convention is implemented by a legal provision of general application.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Algeria, Barbados, Brazil, Czechoslovakia, France, Gabon, Ghana, Guyana, Lesotho, Mauritania, Poland, Portugal, Senegal, Syrian Arab Republic, Thailand, United Arab Republic, Yugoslavia.*

Information supplied by *Cuba, Haiti, Netherlands* and *Spain* in answer to a direct request has been noted by the Committee.

Convention No. 20: Night Work (Bakeries), 1925*Colombia* (ratification: 1933)

The Committee has taken note of the statement made by the Government representative to the Conference Committee in 1969, that since work in bakeries had traditionally been done at night, the Government felt that it would be difficult to submit a further Bill on this question and was at present considering denouncing this Convention.

* * *

In addition, a request regarding certain other points is being addressed directly to *Colombia.*

Convention No. 22: Seamen's Articles of Agreement, 1926*Colombia* (ratification: 1933)

The Committee has noted the information supplied by a Government representative to the Conference Committee in 1968, as well as that contained in the latest report, to the effect that Bill No. 131 of 20 June 1967 has been re-examined by the

Government in the light of the observations of the Committee of Experts, and is still in the process of consideration.

The Committee's comments referred to section 3, paragraph 3, of this Bill, the provisions of which are not in conformity with those of Article 9, paragraph 1, of the Convention (which stipulates that an agreement for an indefinite period may be terminated by either party in any port where the vessel loads or unloads, provided only that not less than twenty-four hours' notice shall have been given), and to the fact that the following provisions of the Convention are not reflected in the Bill: Article 3, paragraphs 1 (*in fine*), 2, 3, 4 and 6 (conditions under which the Articles of Agreement must be signed); Article 4 (prohibiting the parties from contracting in advance to depart from the ordinary rules as to jurisdiction over the agreement); and Article 8 (facilities given to a seaman for obtaining clear information on board as to the conditions of employment).

The Committee trusts that the corresponding amendments have been made to the Bill, and that the latter will be adopted very soon.

Federal Republic of Germany (ratification: 1930)

For a number of years the Committee has referred to the incompatibility of section 63 (3) of the Seamen's Act, 1957, with Article 9, paragraph 1, of the Convention.

The Committee has noted the proposals on this matter drawn up by the Government and the organisations representing shipowners and seafarers, with a view to amendment of the legislation. According to the proposed text, six months' notice would normally be required to terminate a contract, unless the ship previously called at a port in the Federal Republic of Germany.

The Committee is bound to observe that the incompatibility of such a provision with the terms of the Convention would be even greater than that of the present text, which restricts the seaman's possibility of terminating an agreement for an indefinite period in a foreign port only during the first six months of his employment.

Article 9, paragraph 1, of the Convention provides that an agreement for an indefinite period may be terminated by either party in any port where the vessel loads or unloads, subject to not less than twenty-four hours' notice. This provision does not permit exclusion of the right to terminate an agreement for an indefinite period in a foreign port. Bearing in mind the conditions of service at sea, insistence on a period of notice of as long as six months would deprive the seaman's right to terminate his agreement by notice in any port of all practical significance. The Committee recalls in this respect that this provision of the Convention is designed to safeguard the freedom of choice and movement of a seaman bound by an agreement for an indefinite period, by enabling him to terminate such a contract in *any* port in which the vessel loads or unloads.

The Committee accordingly hopes that the Government and the competent organisations of employers and workers will reconsider the revision of the legislation in the light of the foregoing comments. In this connection the Committee believes that it may be useful to point out that it would not be incompatible with the Convention if agreements were made for a definite period, for example for the first six months; however, if the agreement should subsequently continue as one of indefinite duration, the seaman ought to be able to terminate it in a foreign port, subject to notice of not less than twenty-four hours.

Mexico (ratification: 1934)

Article 5, paragraph 2, of the Convention. Further to its previous observations, the Committee notes the adoption of the Maritime Identity Document, a copy of which

was appended to the Government's report. Since, however, such an identity document is not a substitute for the seaman's booklet, the Committee trusts that following its examination of the question of modifying that booklet, the Ministry of the Marine will have decided to eliminate from the booklet any reference to the quality of the seaman's work, with a view to giving full effect to the Convention in this respect.

Article 9, paragraph 1. The Committee notes that in its last report the Government states that there is no discrepancy between the provisions of this paragraph and section 146 of the Federal Labour Act. The Committee wishes to point out once again that section 146 of that Act, which provides that "the articles of agreement of crew members may not be terminated while the vessel is abroad, in uninhabited places or in port, provided that in the latter case the vessel is exposed to any hazard whatsoever through bad weather or other circumstances", does not appear to permit the termination of an agreement for an indefinite period in a foreign port where the vessel loads or unloads, as is provided for by this Article of the Convention.

See in this respect under General Observations.

Article 9, paragraph 2. The Committee notes from the Government's report that in the draft federal labour legislation now being discussed in the Congress of the Union, the question of the notice to be given in terminating an agreement made for an indefinite period is to be dealt with in greater detail. The Committee hopes that this provision of the Convention will consequently be applied (determination of manner of giving notice so as to preclude any subsequent dispute between the parties).

The Committee trusts that the next report will contain information on the action taken in this respect.

Morocco (ratification: 1952)

Further to its previous observations, the Committee notes with satisfaction that the Decree of 20 January 1970 has amended section 201*bis* of the Merchant Shipping Code so that the termination by either party of an agreement concluded for an indefinite period is now subject to the authorisation of the Moroccan maritime or consular authority only where the conditions are such as to endanger the seaworthiness or safety of the ship (Article 9, paragraphs 1 and 3, of the Convention).

Nicaragua (ratification: 1934)

With reference to its previous observations, the Committee notes with satisfaction the adoption of Decree No. 39 of 14 April 1969, communicated by the Government. This Decree amends, in particular, sections 153 and 161 of the Labour Code, with a view to applying Article 3, paragraph 3, of the Convention (certification by the competent authority that the provisions relating to the signature of the agreement have been complied with), paragraph 4 of the same Article (provision to ensure that the seaman understands the terms of the agreement), Article 4 (measures to prevent parties contracting in advance to depart from the ordinary rules as to jurisdiction over the agreement), Article 6, paragraph 3 (3) (indication of name of vessel in the agreement), and Article 13 (possibility for a seaman of claiming his discharge in certain circumstances).

Certain other points raised in connection with the amendments introduced in the Labour Code are dealt with in a direct request.

Pakistan (ratification: 1932)

Further to its previous observations concerning the application of Article 1 of the Convention, the Committee notes with interest that the administrative instructions of

8 October 1969 addressed to the various maritime authorities by the Ministry of Defence stipulate that the provisions of the Merchant Shipping Act of 1923 concerning the hiring of seamen must be applied to seamen engaged on board Pakistani ships in any port outside Pakistan.

The Committee also notes that a similar provision has already been introduced in the Bill to amend the aforementioned Act, and trusts that this amendment will soon receive the final approval of the competent authority.

Somali Republic (Former Trust Territory) (ratification: 1960)

The Committee notes with regret that the Government's report has not been received. It also notes the information supplied by the Government to the Conference Committee in 1968, to the effect that the provisions on which it had commented would be examined, and that effect would be given to them by amendment of the Maritime Code, as far as national conditions permitted.

The Committee trusts that the Government's next report will indicate the progress achieved in harmonising national legislation with the provisions of the Convention, and recalls that its previous comments related to the following points:

Article 6, paragraph 3 (10) (c), of the Convention. National legislation does not stipulate that an agreement for an indefinite period must specify the conditions entitling either party to rescind it, as well as the required period of notice for rescission, which may not be less for the shipowner than for the seaman.

Article 9, paragraph 1. The Shipping Code provides that an agreement of indefinite duration may be terminated by the seaman only in the vessel's port of destination, whereas the Convention provides that the agreement may be terminated by either party in any port where the vessel loads or unloads, provided that the notice specified in the agreement has been given.

Article 9, paragraph 2. National law does not stipulate that notice must be given in writing.

Articles 4, 8, 13 and 14. There are no provisions in national law to give effect to these Articles of the Convention.

Venezuela (ratification: 1944)

The Committee notes with regret that the Government's report has not been received. The Committee is bound, therefore, to repeat its previous observation, which was as follows:

Following its 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.

Yugoslavia (ratification: 1929)

Further to its previous comments, the Committee notes with interest that the Government has decided to resort to the direct contacts procedure in order to seek to resolve the difficulties encountered in the application of the Convention in Yugoslavia.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Brazil, Ghana, Iraq, Mauritania, Nicaragua, Peru, Sierra Leone, Venezuela.*

Information supplied by *Barbados* in answer to a direct request has been noted by the Committee.

Convention No. 23: Repatriation of Seamen, 1926

Argentina (ratification: 1950)

The Committee notes the information contained in the last report to the effect that although the draft Navigation Act is still being studied by the State Secretariat for Transport, it is the Government's intention to adopt this Act shortly.

The Committee wishes to recall that the discrepancies noted between the national legislation and the Convention related to the following provisions of the latter: Article 3, paragraph 4 (conditions under which a foreign seaman engaged in a country other than his own has the right to be repatriated); Article 4 (*b*) (expenses of repatriating seamen in the event of shipwreck); and Article 5, paragraph 1 (expenses of maintaining the repatriated seamen up to the time of their departure and during the journey).

The Committee trusts that the draft Navigation Act will be adopted in the near future, and that the legislation will thus be brought into conformity with the provisions of the Convention.

Colombia (ratification: 1933)

The Committee notes the information supplied by the Government in its report on Convention No. 22, to the effect that Bill No. 131 of 20 June 1967 is still under consideration.

In view of the fact that this Bill is designed to secure compliance with the terms of this Convention, which was ratified by Colombia in 1933, the Committee trusts that it will be adopted in the very near future.¹

Ireland (ratification: 1930)

The Committee notes that the codification of the existing merchant shipping legislation, to which the Government has been referring since 1965, is still under consideration. Since one result of this codification should be to bring the legislation into harmony with the provisions of Article 3, paragraph 1, of the Convention (seamen landed away from their country), the Committee hopes that it will soon be completed and that the next report will contain information in this respect.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Peru, Philippines, Uruguay, Yugoslavia.*

¹ The Government is asked to supply full particulars to the Conference at its 54th Session and to report in detail for the period ending 30 June 1970.

Convention No. 24: Sickness Insurance (Industry), 1927*Algeria* (ratification: 1962)

Article 3, paragraph 2, of the Convention. The Committee notes with satisfaction that following its previous observations and requests the national legislation has been amended by Ordinance No. 69.11 of 6 March 1969 so as to reduce the waiting period from seven to three days, in conformity with the Convention.

Chile (ratification: 1931)

See paragraph 36 of the General Report.

Colombia (ratification: 1933)

1. *Article 4, paragraph 1, of the Convention.* The Committee has on several occasions drawn the Government's attention to the discrepancy between the national legislation (section 7 of the General Regulations on Sickness and Maternity Insurance), which provides that medical care is only assured after contributions have been paid over a period of five weeks, and the provisions of the Convention, which do not lay down a qualifying period for entitlement to medical treatment or to the supply of medicines and appliances. Since the Government has not supplied a report for 1967-69, the Committee is without information as to the action taken or contemplated in order to eliminate this discrepancy.

It consequently hopes that the Government will not fail to supply information in its next report on the foregoing points, and on any action taken to solve the administrative and financial difficulties which the Government indicated are in practice preventing domestic workers, who are covered by the Convention, from being covered by the sickness insurance scheme.

2. The Committee also asks the Government to indicate in its next report the progress made in extending the social insurance scheme to the whole of the national territory.

Ecuador (ratification: 1962)

The Committee regrets to note that for the third year in succession no report has been received on this Convention, and that it therefore has no information in reply to the direct request that it has been making since 1967. It must accordingly revert once again to this matter, and hopes that the Government will not fail to supply information on the following points in its next report:

Article 2, paragraph 1, of the Convention. The Committee notes that by virtue of section 7 of the Social Security Act and section 10 of the statutes of the Social Security Fund, domestic servants are excluded from insurance, while the Convention does not envisage such exclusion. What steps does the Government intend to take to extend the protection required by the Convention to this category of workers?

Article 3, paragraph 1. Have the draft statutes of the Health Service, which, according to the Government's report for 1964-66, provided for cash benefit, come into effect? The Committee asks the Government to inform it of any decisions that have been taken in this respect.

Haiti (ratification: 1955)

Further to the observations and requests which it has been making since as long ago as 1957, the Committee notes with regret that the sickness insurance scheme

provided for in the Act of 12 September 1951 and subsequent amendments thereto (in particular the Act of 18 September 1967) has not yet been implemented.

The Committee must accordingly refer once more to this question and trusts that the Government will make every effort to put into effect the sickness insurance scheme provided for in this legislation in the very near future, thereby ensuring that the Convention is applied in practice.

The Committee requests the Government to indicate the progress made in this connection in its next report.¹

Nicaragua (ratification: 1934)

Further to its previous observations, the Committee notes with interest the latest extensions to the sickness insurance scheme. It hopes that the Government will continue its efforts to extend this scheme progressively so as to cover all the categories of workers referred to in Conventions Nos. 24 and 25 throughout the national territory. The Committee would be grateful if the Government would supply information in its next report as to the progress made in this respect.

The Committee also notes the statistical information contained in the report, and requests the Government to continue to supply such information indicating the progress made in this connection.

Peru (ratification: 1945)

The Committee notes with regret that the Government's report has not been received and that the statement made by the Government representative to the Conference Committee in 1969 provided no fresh information. The Committee is bound, therefore, to repeat its previous observation, which was as follows:

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 sub-divisions of the country. The Committee hopes the scheme can be made applicable progressively to the entire country.

Spain (ratification: 1932)

The Committee has taken note of the information supplied by the Government to the Conference Committee in 1968, and in its report for 1967-69, in reply to the observations and requests made in previous years.

Article 2 of the Convention. The Committee notes with satisfaction that the resolution of the Directorate-General of Social Welfare, of 15 April 1968, has formally endorsed the principle of the assimilation of foreign workers to national workers for purposes of insurance.

Article 3. The Committee also notes the statement of the Government that the Directorate-General of Social Welfare has been asked to examine the possibility of bringing the national legislation into full conformity with the Convention. At present, under the terms of section 30 (b) of Act No. 193 of 28 December 1963, and

¹ The Government is asked to report in detail for the period ending 30 June 1970.

of section 129, subsection 1, of Decree No. 907 of 21 April 1966, benefit is paid only if the illness has lasted at least seven days, whereas the Convention does not subject the right to sickness benefit to any minimum period of disability. The Committee hopes that it will be possible to take the necessary measures quickly, and that the next report will indicate the progress made in this respect.

Uruguay (ratification: 1933)

In 1968 the Committee noted from the Government's reply to its previous observations that a Bill providing for a general health insurance scheme had been drafted by a special commission of the Chamber of Representatives, and had been communicated to the Ministry of Labour and Social Security on 13 September 1967. The Committee expressed the hope that in its final form, this Bill—which the Government had indicated was to be enacted soon—would ensure full conformity with the provisions of the Convention, with particular respect to the following points: application of the protection provided for in the Convention to apprentices (Article 2, paragraph 1, of the Convention), maximum waiting period of three days (Article 3, paragraph 2, of the Convention), cash benefits only to be withheld in the cases specified in the Convention (Article 3, paragraph 3, of the Convention), rights to medical care and pharmaceutical expenses to continue at least until the end of the period prescribed for the grant of sickness benefit (Article 4, paragraph 1, of the Convention).

Since the Government has not supplied a report for 1967-69, the Committee has no information as to the progress made in enacting this Bill and bringing it into conformity with the provisions of the Convention. It accordingly trusts that in its next report the Government will not fail to provide detailed information on the action taken in this respect.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Netherlands, Rumania*.

Convention No. 25: Sickness Insurance (Agriculture), 1927

Chile (ratification: 1931)

See paragraph 36 of the General Report.

Colombia (ratification: 1933)

See under Convention No. 24.

Haiti (ratification: 1955)

See under Convention No. 24.¹

Nicaragua (ratification: 1934)

See under Convention No. 24.

¹ The Government is asked to report in detail for the period ending 30 June 1970.

Peru (ratification: 1945)

The Committee notes with regret that the Government's report has not been received. The Committee is bound, therefore, to repeat its previous observation, which was as follows:

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.

Spain (ratification: 1932)

See under Convention No. 24.

Uruguay (ratification: 1933)

See under Convention No. 24.

* * *

In addition, a request regarding certain other points is being addressed directly to *the Netherlands*.

Convention No. 26: Minimum Wage-Fixing Machinery, 1928*Bolivia* (ratification: 1954)

The Committee notes with interest that a National Wages Council has been set up by Decree No. 08436 of 29 July 1968, and that it is empowered, *inter alia*, to examine and propose the fixing of minimum wages. The Committee trusts that, as was indicated in the Government's report, the National Wages Council will proceed in the near future to a study of the Convention and that this study will lead to the establishment of minimum wage fixing machinery meeting the requirements of the Convention.

Iraq (ratification: 1962)

The Committee notes the information supplied in reply to its previous request relating to the industries and occupations in respect of which decisions fixing minimum wage rates have been made.

Article 1 of the Convention. The Committee notes with regret that no progress appears to have been made in the adoption of a new Labour Code extending the application of the minimum wage fixing machinery to home workers, workers in non-mechanised industrial establishments normally employing less than five workers, temporary, casual and seasonal workers employed for a period not exceeding six months and persons remunerated wholly by a percentage levied on the volume of business or production or by tips, who are excluded from the provisions of the present Labour Code by virtue of section 2 (1) thereof.

The Committee first drew the Government's attention in 1965 to the fact that the Convention does not provide for such exceptions and specifically requires the creation and maintenance of minimum wage fixing machinery for workers in home-working trades. It therefore trusts that the necessary measures will be taken in the near future to extend the provisions intended to give effect to the Convention to the above-mentioned classes of workers.

Tanzania (ratification: 1962)

In connection with the application of the Convention in *Zanzibar*, the Committee notes with regret that no report has been supplied this year and that the report for the period 1967-68 (received too late to be examined last year) does not reply to the Committee's previous observations and direct requests. The Committee 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 in *Zanzibar*, and trusts that the Government will in its next report supply the detailed information which has again been requested in a direct request.

Venezuela (ratification: 1944)

Further to its earlier observations, the Committee notes with satisfaction that, as a result of the direct contacts which have taken place between the competent national services and a representative of the Director-General of the ILO, a Ministerial Order was issued on 6 November 1969 providing for the establishment of a commission with the urgent task of studying the conditions of work existing in the various industries or sectors of industry (covering homework, commerce and industry) with a view to determining those in respect of which it would be necessary to set up minimum wage fixing boards. The Committee also observes that the members of this commission are to be appointed by a further order, and that they will include representatives of the employers' and workers' organisations.

In these circumstances the Committee trusts that the commission in question will be appointed very shortly, and requests the Government to supply information in its next report as to the outcome of the commission's work and as to any measures it has been possible to take as a result.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Burundi, Portugal, Rwanda, Tanzania*.

Convention No. 27: Marking of Weight (Packages Transported by Vessels), 1929*Cuba* (ratification: 1954)

The Committee notes with interest from the Government's reply to its observation of 1969 that the latter is considering appropriate formal measures with a view to ensuring that Article 1, paragraph 4, of the Convention (national laws or regulations to determine the person or body responsible for the marking of weight) is applied not only in practice but also in law.

The Committee hopes that these measures will be taken at an early date.

Indonesia (ratification: 1933)

The Committee refers to its previous observations and again requests the Government to indicate in its next report (a) whether the legislation requiring the marking of weight on packages remains in force, and (b) the extent to which such legislation is being effectively implemented.

Nicaragua (ratification: 1934)

Following its previous observations regarding the obligation to mark the weight of heavy packages, the Committee notes with satisfaction that section 183 of the

Labour Code, as amended by Decree No. 39 of 14 April 1969, now gives effect to the provisions of the Convention.

* * *

In addition, a request regarding certain other points is being addressed directly to Iraq.

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. As noted in the Committee's previous observation, the Labour Code promulgated in 1966 contains a number of provisions which 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 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 once more expresses the hope that measures will be taken to bring these provisions into conformity with the Convention.

2. In its previous observations the Committee had also 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 recalls 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.

Argentina (ratification: 1950)

In its observation of 1968 the Committee had referred to section 47 of the National Defence Act (Act No. 16970) of 6 October 1966 and sections 2 and 8 of Act No. 17192 of 2 March 1967, under which all inhabitants over 14 years of age, of either sex, other than those performing military service, may be called up for compulsory service, *inter alia*, to preserve the welfare of the community and the normal and full development of the activities and services which ensure the development of the nation. The Committee had observed that the compulsory service which might be exacted under these provisions was distinct from compulsory military service within the meaning of Article 2, paragraph 2 (a), of the Convention and was not confined to cases of emergency as defined in Article 2, paragraph 2 (d), and that the legislation thus permitted the imposition of a form of forced or compulsory labour prohibited by the Convention.

The Committee notes the statement by a Government representative in the Conference Committee in 1968 that the Government considered the provisions in question to fall within the exception in respect of emergencies provided for in Article 2, paragraph 2 (d), of the Convention. It has also noted the statement in the Government's report on Convention No. 105 that the obligations imposed by these provisions on the inhabitants of the country were for the purpose of meeting the necessities relating to the security of the country, that these provisions did not infringe individual liberties or social rights, but that they were the legal expression of a natural obligation of all inhabitants of the country. According to the Government's last report on Convention No. 29, it would appear that the power of call-up for the purposes mentioned in section 2 of Act No. 17192 of 1967 has not been applied in practice.

The Committee has taken due note of these indications. The Committee finds it necessary, however, to repeat its previous observation that the powers provided for in the above-mentioned legislation—permitting the call-up of all male and female inhabitants over 14 years for work for “the welfare of the community and the normal and full development of the activities and services which ensure the development of the nation”—are not confined to cases of emergency as defined in the Convention (that is, circumstances that endanger the existence or well-being of the whole or part of the population). Nor can compulsory services for such general purposes be considered “normal civic obligations” within the meaning of Article 2, paragraph 2 (b), of the Convention (see in this connection paragraph 37 of the general survey of forced labour in Part Three of the Committee's report of 1968).

Having regard to the Government's statement that the powers in question have not in fact been used, the Committee trusts that the Government will find no difficulty in amending the above-mentioned Acts so as to limit the possibility of call-up of labour to cases of emergency as defined in the Convention.

Bulgaria (ratification: 1932)

The Committee notes with satisfaction, from the information supplied by the Government in answer to its previous direct request, that Decree No. 325 of 4 August 1962, under which certain persons might be directed to employment by decision of an area executive committee or a municipal people's council, has been repealed by section 420 of the Penal Code promulgated on 2 April 1968.

Central African Republic (ratification: 1960)

The Committee regrets that no report has been received, and that accordingly no information is available on the measures taken with a view to bringing the legislation mentioned in previous observations into conformity with the Convention.

The Committee recalls that, by virtue of Ordinance No. 4 of 8 January 1966 and Ordinance No. 66/38 of 3 June 1966, all persons, of either sex, aged between 18 and 55 years, who are not incapacitated from work or registered at an educational establishment and who are unable to prove that they belong to one of eight specified categories of the active population, are liable to penal sanctions and can be directed to work of general interest, particularly the cultivation of land. Compulsory cultivation may also be imposed under section 28 of Act No. 60/109 of 27 June 1960 concerning the development of the rural economy.

The Committee has repeatedly pointed out that these provisions, which grant the authorities extensive powers to impose forced or compulsory labour, are incompatible with the Government's obligations. A Government representative informed the Conference Committee in 1966 and again in 1968 that measures to ensure the observance of the Convention would be taken. The Committee accordingly hopes that the above-mentioned forms of forced or compulsory labour will be abolished in the very near future.

Dahomey (ratification: 1960)

1. The Committee notes the Government's statement, in reply to the observation made in 1968, that the question of formally repealing Act No. 62-21 of 14 May 1962, Decree No. 239 of 1 June 1962 and Ordinance No. 62/PR/MDRC of 29 December 1966 would be favourably considered, especially since this legislation is not applied in practice.

Since the above-mentioned legislation contains very extensive provisions for the compulsory call-up of labour, the Committee trusts that it will be repealed in the very near future.

2. The Committee notes, from the Government's reply to its previous direct request, that new prison regulations are being drawn up. No information has however been supplied concerning the provisions at present in force. Since the Committee has been requesting the Government since 1964 to supply a copy of the provisions regulating prison labour, so as to be able to satisfy itself of the observance of the conditions specified in Article 2, paragraph 2 (c), of the Convention, the Committee trusts that the Government will not fail to supply with its next report the regulations then in force in this matter.

Ecuador (ratification: 1954)

The Committee regrets that, in the absence of a report, no information is available in answer to the direct request addressed to the Government in 1969, and it is therefore once more addressing a request to the Government.

The Committee notes with concern that, although since 1959 it has repeatedly requested the Government to supply a copy of the regulations governing prison labour, this legislation has not been made available. In these circumstances the Committee is unable to satisfy itself that the conditions regarding labour by convicted persons laid down in Article 2, paragraph 2 (c), of the Convention are observed in Ecuador. It trusts that the relevant texts will be supplied at the earliest possible moment.

Gabon (ratification: 1960)

The Committee notes with regret that, for the third 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 measures to bring this legislation into conformity with the Convention would be taken, and similar assurances were given to the Conference Committee in 1968 and 1969.

The Committee trusts that the above-mentioned Ordinance will be repealed at an early date.¹

Greece (ratification: 1952)

1. *Obligations imposed by law on seamen.* The Committee has noted the information supplied by the Government, in answer to a direct request, concerning the legislative provisions governing the termination of contracts of employment of indefinite duration in the merchant navy.

The Committee notes that the basic provisions governing this matter are sections 72 and 73 of the Code of Private Maritime Law (approved by Act No. 3816 of 1958) and section 1 of Legislative Decree No. 2652 of 17 October 1953 (which, according to section 295 of the Code of Private Maritime Law, is to be considered part of section 73 of the Code). Under these provisions, while the master of a ship may terminate a contract of employment at any time without notice, a seafarer may not give notice to terminate a contract of indefinite duration until one year after his engagement unless the ship is in a Greek port. Even then, if the port of destination of the ship is not in the Mediterranean or in Europe, the contract is *ipso jure* prolonged (for up to six months, or in certain cases nine months) until a replacement is found. A seaman who terminates his contract in contravention of these provisions is guilty of a serious disciplinary offence and liable to penal sanctions under the Penal and Disciplinary Code for the Merchant Navy.

The Committee notes the Government's statement, in answer to its previous comments, that the penal sanctions to which a seaman is liable under the above-mentioned provisions are not intended to subject him to forced or compulsory labour but to remind him of the obligations resulting from the employment contract, having regard to the particularities of his occupation. The Government also states that it does not consider the legislation in question to be contrary to the Convention.

The Committee must observe, however, that the requirement to serve for a minimum period of one year and the duty to continue to serve, even after giving the requisite notice of termination, for a period of up to six (or even nine) months are not obligations which the seaman has accepted voluntarily. They are obligations of service imposed upon the seaman by compulsion of law, enforceable by penal sanctions, and as such—as the Committee pointed out in paragraph 70 of the general survey of forced labour in Part Three of its report of 1968—are incompatible with the Convention. The Committee once more expresses the hope that appropriate measures will be taken to bring the legislation in question into conformity with the Convention, by permitting seamen to terminate contracts of employment of indefinite duration by notice of reasonable duration.

2. *Call-up of the civilian population.* In previous direct requests concerning the application of Conventions Nos. 29 and 105, the Committee has referred to the provisions for the call-up of the civilian population contained in Act No. 398 of 10 May 1967 concerning civil planning for exceptional necessities (and corresponding provisions previously contained in Acts Nos. 1984 of 1939 and 450 of 1945). It has noted the statements, in the Government's last report on Convention No. 105, that

¹ The Government is asked to supply full particulars to the Conference at its 54th Session and to report in detail for the period ending 30 June 1970.

the provisions of Act No. 398 of 1967 do not permit the mobilisation of labour for purposes of economic development, and that the power to call up the civilian population has not been used since the Act was adopted.

The Committee observes that, under section 12 of Act No. 398 of 1967, civilian mobilisation may be proclaimed, *inter alia*, "to meet abnormal situations of any kind liable to impair or to disturb the economic or social life of the country". In that case, by virtue of section 13 (2) of the Act, all Greek citizens of either sex may be required to provide their labour or services for such purposes as the functioning of public services, agricultural work, and work in industrial, mining and other undertakings. Penal sanctions for refusal or failure to comply with such call-up are laid down in section 19 of the Act.

While noting the Government's statement that these powers have not been used, the Committee hopes that Act No. 398 of 1967 will be amended so as to limit the possibility of call-up of the civilian population to cases of emergency as defined in Article 2, paragraph 2 (d), of the Convention.

Guinea (ratification: 1959)

See under Convention No. 105.

Haiti (ratification: 1958)

The Committee regrets that the Government's report contains no information in answer to its previous direct requests, concerning the measures taken to abolish the possibility of exacting labour by decision of the administrative authorities, at present permitted by virtue of sections 31, 32 and 230 of the Penal Code, and to lay down penal sanctions for the illegal exaction of forced or compulsory labour, as required by Article 25 of the Convention. Recalling the Government's repeated statements since 1964 that these matters were under consideration by the national committee responsible for revision of the Haitian Codes, the Committee trusts that the necessary legislation to ensure the full observance of the Convention will be adopted at an early date.

Honduras (ratification: 1957)

1. In previous direct requests the Committee has noted that a number of provisions of Title III, Chapters I, XIV and XV, of the Police Act of 8 February 1906 (a copy of which was supplied by the Government in 1966) provide for extensive police control over artisans and labourers: any person not regularly engaging in an occupation, being absent or deserting from his work, not properly performing his work, or being unable on demand by a police officer to produce a certificate of employment may be sentenced to imprisonment as a vagrant (or, in the case of women, sent to perform compulsory work in hospitals), and persons without employment may be directed to employment by the police. The Act also provides for the pursuit and arrest by the police of workers who have deserted, and for their compulsory return to their employer. In its report on Convention No. 105 for the period 1964-66, the Government stated that, although many provisions of the Police Act appeared to violate that Convention, they had been superseded by the provisions of the Constitution and the Labour Code and were no longer applied. The Committee nevertheless requested the Government, in order to avoid any doubt in this matter, to undertake a complete review of the relevant provisions of the Act (in particular, sections 29, 31 to 34, 36, 117 to 141 and 454) and to make the necessary amendments to bring this legislation into conformity with Conventions Nos. 29 and 105.

The Committee regrets to note that the Government's latest report on Convention No. 29 merely states once more that the provisions referred to by the Committee have been superseded by the Constitution and the Labour Code. The Committee observes that the provision of the Constitution of 1965 mentioned by the Government (section 343) merely provides that all legislation in force on the date of promulgation of the Constitution shall continue in force in so far as it is not contrary to it, until legally repealed or modified, and appears not to affect the operation of the Police Act. As regards the Labour Code, the Committee observes that it was promulgated in 1959 and that the text of the Police Act supplied by the Government, although published in 1963 and containing the texts of a series of amendments to the Act adopted up to that time, contained no indication of any kind that the provisions mentioned by the Committee had been repealed or otherwise affected by the Labour Code or any other legislation. Accordingly, it seems difficult to see how the police authorities and other interested persons could consider that the powers bestowed upon the police by the relevant provisions of the Police Act were no longer exercisable.

In these circumstances, and having regard to the very extensive powers granted by the Police Act to compel persons to perform labour against their will, the Committee trusts that the Government will take the necessary measures to bring this Act into conformity with Conventions Nos. 29 and 105.

2. In its previous direct requests the Committee noted that, under sections 406 (4), 411, 423 (3) and 424 (4) of the Police Act, offences against the Act are tried not by the courts of law but by officials and agents of the police and that, under sections 4 and 5 of the Act, the penalties which may be imposed include imprisonment for up to thirty days, involving, by virtue of section 70 of the Prison Regulations Act, an obligation to perform labour. It therefore drew the Government's attention to the fact that the exception provided for in Article 2, paragraph 2 (c), of the Convention applies only to labour exacted as a consequence of a conviction *in a court of law*, and expressed the hope that measures would be taken to bring the legislation into conformity with the Convention on this point.

In its latest report the Government states that prison sentences imposed by virtue of the Police Act are carried out not in accordance with section 70 of the Prison Regulations Act, but in accordance with sections 32 and 98 of the Penal Code of 1906. The Committee observes that, according to section 98, persons sentenced to imprisonment are obliged to undertake work of their own choosing, which is compatible with the regulations (section 70 of the Prison Regulations Act providing that such work shall be performed during eight hours on every day other than Sundays and public holidays).

The Committee notes from the Government's report that a new Penal Code is at present under consideration by the National Congress. It accordingly hopes that the above-mentioned provisions will be repealed or amended so as to ensure that penal labour may be required only of persons convicted *in a court of law*, in accordance with Article 2, paragraph 2 (c), of the Convention.

3. The Committee trusts that, in connection with the adoption of new penal legislation, the provision in paragraph 1 of section 98 of the Penal Code, according to which persons sentenced to penal servitude may be required to work for private employers if there is not sufficient work to be performed on public works or within penal establishments, will also be repealed so as to comply with the requirement in Article 2, paragraph 2 (c), of the Convention that convicts shall not be hired to or placed at the disposal of private persons, companies or associations.

Hungary (ratification: 1956)

The Committee notes with satisfaction, from the Government's reply to a previous direct request, that Decree No. 37/1952/V.4/MT, which laid down penal sanctions for breach of contracts of employment in agriculture, has been repealed by section 117 (2) of Act No. I of 1968 concerning minor offences.

Iraq (ratification: 1962)

The Committee notes that, under sections 1 and 2 of Act No. 64 of 13 May 1969, citizens (and also certain categories of foreign residents) may be required to perform work assigned to them for the purpose of furthering the public interest, subject to the payment of equitable remuneration. Under sections 3 and 4 of the Act, persons who fail to perform, or who delay in performing, the work to which they have been assigned are subject to penal and other sanctions.

This legislation, which permits the exaction of forced labour from all citizens (and certain categories of foreign residents), is contrary to the Convention. The Committee hopes that it will be repealed in the near future.

Liberia (ratification: 1931)

The Committee has noted with interest the information supplied by the Government in answer to its previous observations, including the text of an administrative decision by the Secretary of Internal Affairs of 10 March 1969 imposing a penalty on an administrative official who had compelled tribesmen to work on the farm of a former government officer.

1. *Article 25 of the Convention.* The Committee recalls that, consequent upon the repeal of the original Chapter 16 of the Labour Practices Law on 18 February 1966, national legislation no longer lays down penal sanctions for the illegal exaction of forced or compulsory labour, as required by Article 25 of the Convention. It notes the Government's statement that provisions to implement this Article were to be included in a new Penal Law and that, if the revised Penal Law could not be introduced in the session of the Legislature opening in October 1969, amendments to the existing Penal Law were to be introduced to bring it into conformity with Article 25 of the Convention.

The Committee accordingly hopes that the Government will be able to provide information to the Conference at its 54th Session on the legislation which has been enacted to make the illegal exaction of forced or compulsory labour punishable as a penal offence and to lay down adequate penalties.

2. *Amendment of section 346 (b) of the Penal Law.* The Commission of Inquiry appointed under article 26 of the ILO Constitution had recommended, in paragraph 419 of its report of 1963, 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. The Committee notes the Government's statement that the new Penal Law would take account of this recommendation and that, if the new Penal Law was not introduced for adoption in the legislative session opening in October 1969, the Government would have the existing Law appropriately amended.

The Committee accordingly hopes that the Government will be able to inform the Conference at its 54th Session of the legislation adopted to give effect to the recommendation of the Commission of Inquiry.

3. *Article 2, paragraph 2 (c), of the Convention.* The Committee notes the Government's statement that the revised penal legislation would provide specifically, as

required by the Convention, that work of convicted persons should be performed under the supervision and control of a public authority and that prisoners should not be hired to or placed at the disposal of private individuals, associations or companies. The Committee hopes that provisions to this effect will be enacted at an early date.

4. *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. In addition to recommendations on matters in respect of which specific legislative action appeared to be necessary, the Commission of Inquiry therefore recommended (in paragraph 421 of its report of 1963) 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.

The Committee notes the Government's statement that the revised edition of the Code of Laws would take account of the above-mentioned recommendation. It hopes that the necessary measures to this end will be taken at an early date, so that all concerned may be duly informed that the Conventions in question have to be respected as part of the law of Liberia.

5. *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.

The Government, in its latest reply, has again referred to the first of the above-mentioned Acts of 18 February 1966 as adequately disposing of the whole matter. The Committee must however recall once more 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). It once more requests the Government to provide information concerning the outcome of these negotiations. The express abrogation of the clauses in question would seem desirable to place the matter beyond doubt, particularly as in one case, as noted above, the relevant concession agreement was given legislative approval on the same day as the general Act referred to by the Government.

6. *Public works.* The Commission of Inquiry recommended, in paragraph 453 of its report, that a thorough review be made by the Government of policy and practice as regards the procurement of labour for work on secondary roads and public works other than those executed under major contracts. The Committee regrets that the Government has not so far provided particulars of any such thorough review. It trusts that an appropriate inquiry will be undertaken at an early date and that full particulars of the results will be supplied.

The Committee recalls that the Commission of Inquiry made the above-mentioned recommendation because it had been unable to reach any definite conclusion on the allegations of forced labour in public works in so far as secondary roads and public works other than those executed under major contracts were concerned. The Committee also points out once more that, under sections 72 and 220 of the Aborigines Law, responsibility for local public works, including the construction of roads and bridges, in areas under tribal jurisdiction rests on the tribal authorities, and that section 223 of this Law provides for the supply by the central Government for such works only of material, equipment and tools, thus leaving to the tribal authorities the responsibility for procuring the necessary labour. Evidence to this effect was also given to the Commission of Inquiry in relation to the execution of an extensive programme for the construction of secondary roads (as noted in paragraph 279 of its report). The Committee accordingly hopes that the recommended review will examine particularly the manner in which labour is procured for such public works schemes in areas under tribal jurisdiction.

7. *Employment services.* The Commission of Inquiry, in paragraphs 456 and 458 of its report, pointed out the need for action in the field of manpower policy to ensure the effective observance of the Convention. The Committee would accordingly appreciate further information concerning the operation of the national employment services.

8. *Enforcement of the prohibition of forced or compulsory labour.* The Committee recalls that, under Articles 24 and 25 of the Convention, the Government is under an obligation to ensure that the legislation relating to the prohibition of forced or compulsory labour is strictly enforced. The Commission of Inquiry indicated, in paragraphs 455 and 458 of its report, that action in the field of labour inspection was necessary to guarantee the effective fulfilment, in fact as well as in law, of the obligations which Liberia had assumed.

The Committee has on several occasions drawn attention to the importance of ensuring the strict observance of the Convention in the agricultural sector, since it was there that some of the major difficulties in the application of the Convention had existed in the past. The Committee notes the Government's statement to the Conference Committee in 1969 that labour inspection activities extend to agricultural establishments. It must however recall that, on two occasions when the Government has provided information on inspection activities (in 1964 and 1969), this has referred to inspection visits to industrial and commercial establishments only. The Committee also notes that, in the case of forced labour considered by the Secretary of Internal Affairs in his decision of 10 March 1969, which related to employment on a farm, the complaint was made by a tribal chief to the Department of Internal Affairs, without any apparent intervention by the labour inspection services.

The Committee accordingly hopes that the Government will provide full information on the activities of the labour inspection services in securing the strict observance of the Convention, particularly in the agricultural sector, and on the results of these activities. The Committee would also appreciate information on the action taken to investigate conditions on the farm of the former government officer involved in the case of forced labour determined by the Secretary of Internal Affairs on 10 March 1969, together with a copy of the report drawn up as a result of any such investigation.

Lastly, the Committee requests the Government to supply copies of the other administrative decisions relating to the application of the Convention, to which reference has been made in the last report.¹

¹ The Government is asked to supply full particulars to the Conference at its 54th Session and to report in detail for the period ending 30 June 1970.

Malagasy Republic (ratification: 1960)

The Committee has noted the discussion which took place in the Conference Committee in 1969 concerning the application of this Convention in the Malagasy Republic. The Conference Committee drew the Government's attention to the importance which it attached to the application of the Convention and expressed the hope that the Government would take early measures to introduce the necessary amendments to the national legislation mentioned in earlier observations. A Government representative undertook that the question of revision of the legislation would be submitted to the Government, together with the views of the Committee of Experts and the Conference Committee, and that information on the matter would be supplied in the next report.

The Committee notes with regret that no report has been received this year, and that accordingly no information is available concerning any measures which the Government may have taken or may be contemplating with a view to eliminating the various forms of forced or compulsory labour incompatible with the Convention to which the Committee has drawn attention in observations and direct requests since 1964. The Committee can therefore only draw attention once more to the various legislative provisions which are not in conformity with the Convention:

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.

4. By virtue of section 2 (b) of the Labour Code, Ordinance No. 62-004 of 24 July 1962 laying down the competence, responsibilities and powers of *fokonolona* (local communities) and section 472 (7) of the Penal Code, labour may be exacted for the carrying out of development works, particularly as regards the provision of roads, agricultural hydraulic works and the development of production.

The Committee once more expresses the hope that the Government will adopt the necessary measures with a view to bringing the above-mentioned legislation into conformity with the Convention.

Nicaragua (ratification: 1934)

In a series of direct requests and observations made since 1958, the Committee has repeatedly requested the Government to supply copies of the laws and regulations governing prison labour, and particularly copies of the Police Code (which the Government had stated to contain provisions on this matter).

The Committee regrets that the Government has once again failed to supply the texts requested. As a result of the Government's persistent failure to make the relevant legislation available, the Committee has been unable to satisfy itself that the conditions and guarantees laid down in Article 2, paragraph 2 (c), of the Convention, with respect to the exaction of work or services from persons convicted in a court of law, are observed in Nicaragua.

Pakistan (ratification: 1957)

1. *Restrictions on termination of employment.* For several years the Committee has drawn attention, in direct requests, to the fact that, under the Pakistan Essential Services (Maintenance) Act, 1952, it is an offence, punishable with imprisonment for up to one year, for any person in employment (of whatever nature) under the Central Government to terminate his employment without the consent of his employer, notwithstanding any express or implied term in his contract providing for termination by notice (sections 2, 3 (1), 5 (b), and Explanation 2, and section 7 (1)). Pursuant to section 3 of the Act, these provisions may be extended to other classes of employment. Persons to whom the Act applies may also be ordered, subject to penal sanctions, not to leave specified areas (sections 4, 5 (c), and 7 (1)).

Similar provisions are contained in the West Pakistan Essential Services (Maintenance) Act, 1958 (as regards persons in employment under the West Pakistan Government or any agency set up by it or a local authority or any service relating to transport or civil defence), and in the East Pakistan Essential Services (Second) Ordinance, 1958 (as regards employment under the East Pakistan Government).

By prohibiting workers from terminating their employment without the employer's consent, even by notice, the above-mentioned legislation permits the exaction, subject to penal sanctions, of labour for which the persons concerned no longer offer themselves voluntarily, and which accordingly constitutes forced or compulsory labour within the meaning of Article 2, paragraph 1, of the Convention. The Committee had therefore expressed the hope, in its previous direct requests, that appropriate measures would be taken to repeal the provisions in question or to amend them so as to confine their application to cases of emergency as defined in Article 2, paragraph 2 (d), of the Convention.

The Committee notes the Government's statement, in its last report, that the above-mentioned Acts are enabling legislation and are not used indiscriminately or ordinarily in normal peacetime, but that they are deemed necessary to meet emergency situations which leave no time for the detailed process of law-making.

The Committee observes however that, in regard to the categories of persons in public employment previously mentioned, the statutory prohibition to leave their employment without their employer's consent is of a general and permanent nature, only its extension to other classes of employment requiring a special decision. Having regard to the Government's statement that the legislation is intended to be used in exceptional and abnormal conditions, the Committee trusts that the Government will find no difficulty in amending the relevant provisions so as to permit them to be brought into effect only when this is essential to meet an emergency within the meaning of Article 2, paragraph 2 (d), of the Convention.

2. *Direction of labour under the Control of Employment Ordinance, 1965.* In its previous requests the Committee had noted that various forms of compulsory labour might be imposed under the Control of Employment Ordinance, 1965 (issued in exercise of the emergency powers conferred by article 30 (4) of the Constitution of 1962), and the regulations made under this Ordinance. The emergency which occasioned the promulgation of the Ordinance has been terminated, and the Committee notes the Government's statement that the Ordinance is now being used only to facilitate the reinstatement of persons in civil employment on release from the armed forces. The Committee accordingly hopes that the provisions of the Ordinance and the regulations issued thereunder which permit the imposition of compulsory labour will be expressly repealed in the near future.

3. *Prison labour.* The Committee regrets that a copy of the Jail Code, which the Government undertook to supply already in its report for 1964-66, has not yet been furnished. It trusts that the Government will not fail to supply this Code with its next report, so that the Committee may be in a position to satisfy itself of the due observance of the conditions laid down in Article 2, paragraph 2 (c), of the Convention.

Rumania (ratification: 1957)

In previous reports the Government had indicated that the system of compulsory deliveries of agricultural commodities had been brought to an end, deliveries being now made on a purely contractual basis. The Committee notes with satisfaction, from the Government's latest report, that the provisions of Decree No. 729 of 31 December 1956 relating to the compulsory delivery of meat were repealed by Decree No. 72 of 12 February 1968 and that the penal sanctions for non-observance of obligations relating to the delivery of agricultural commodities previously laid down in sections 268 (7), 268 (8), 268 (10) and 268 (11) of the Penal Code were repealed on the coming into force of the new Penal Code (approved by Act No. 15 of 21 June 1968), which contains no similar provisions.

Sudan (ratification: 1957)

The Committee notes the statement in the Government's report that all labour laws are being revised. No information has however been given on the matters raised in direct requests for a number of years, relating to provisions for the exaction of labour contained in the Local Government Ordinance, 1951, and the Defence of Sudan (General) Regulations, 1958 (as amended in 1959). The Committee hopes that full information on these questions will be available for examination at its next session.¹

Tanzania (ratification: 1962)

Tanganyika.

The Committee notes with regret that no report has been received, and that accordingly no information is available on the measures which may be contemplated to abolish certain forms of forced labour which are incompatible with the Government's obligations under the Convention and which have been the subject of comments by the Committee since 1963.

The Committee recalls that paragraph 45 of section 52 (1) of the Local Government Ordinance, which originally authorised a local authority to require persons to plant specified crops for themselves and their families in cases where there existed a

¹ The Government is asked to report in detail for the period ending 30 June 1970.

danger of a shortage of foodstuffs, was amended by Act No. 64 of 1962 so as to grant local authorities general powers to impose compulsory cultivation. The Employment Ordinance was similarly amended by Act No. 82 of 1962 to except such compulsory cultivation from the prohibition of forced labour contained in that Ordinance. As the Committee noted in its observation of 1969, the orders for compulsory cultivation made under the Local Government Ordinance since 1962 have required the persons affected to cultivate cash crops.

The Committee once more expresses the hope that the above-mentioned provisions of the Local Government Ordinance and the Employment Ordinance will be amended so as to limit the possibility of imposition of compulsory cultivation to cases of actual or threatened famine falling within the exception in respect of emergencies provided for in Article 2, paragraph 2 (*d*), of the Convention.

The Committee hopes that the Government will also take measures with a view to the repeal of the provisions in Part X of the Employment Ordinance relating to forced labour for public works and portage, to which it had decided in 1960 no longer to have recourse.

Zanzibar.

The Committee regrets that for the third year in succession no report has been supplied, so that the direct request made since 1966 remains unanswered. The Committee has noted that the Preventive Detention Decree, 1964, which authorises the detention of persons by administrative decision, provides in section 5 that regulations may be made applying to such detainees any of the provisions of the Prisons Decree relating to convicted prisoners. As the Government has failed to supply information on the regulations which have been made in this regard, the Committee is not able to satisfy itself that the terms of Article 2, paragraph 2 (*c*), of the Convention (which permits the exaction of labour only from persons *convicted in a court of law*) are being respected in the case of persons detained under the Preventive Detention Decree.

United Arab Republic (ratification: 1955)

The Committee regrets to note that the Government has not supplied any new information regarding various matters which have been the subject of direct requests since 1964, relating to Articles 1, 2 and 25 of the Convention. The Committee is once more addressing a direct request to the Government, and hopes that full information on the matters mentioned therein will be available for examination at its next session.¹

Upper Volta (ratification: 1960)

Forced labour for work of national interest. In observations addressed to the Government since 1965 the Committee has drawn attention to the incompatibility with the Convention of Act No. 6-63-AN of 12 February 1963 on the utilisation of persons to ensure the economic and social progress of the nation. Under this Act, as amended by Ordinance No. 45/PRES of 30 October 1966, all men and women over 18 years of age may be called up, for successive periods of two years, either for individual work or for work in administrations, undertakings or services of national interest (sections 2 to 4). The Committee recalls in this connection the statements made by a Government representative in the Conference Committee in 1965 that, in the national interest, persons might be called up also for work in private undertakings. The Act also provides that any person whose action appears prejudicial to

¹ The Government is asked to report in detail for the period ending 30 June 1970.

the economic and social progress of the nation may be placed in forced residence by decree, and may then likewise be required to perform work of public interest (sections 7 and 8). Any failure to carry out work for which a person has been called up is punishable by penal sanctions (section 9).

The Committee recalls the statement made by a Government representative in the Conference Committee in 1968 that Act No. 6-63-AN had not been applied, and that the Government would be requested to bring it into conformity with the Convention. It therefore notes with regret the statement in the Government's latest report that the Government considers the mobilisation of labour for economic development not to be assimilable to forced labour when it concerns all citizens without any distinction as to origin, and that accordingly no modifications in this legislation are contemplated.

The Committee must emphasise that the call-up of labour under the Act of 1963 constitutes forced or compulsory labour within the meaning of the Convention, that is, labour exacted from persons under the menace of a penalty and for which they have not offered themselves voluntarily (Article 2, paragraph 1). The fact that labour may be exacted from all men and women over 18 years of age without distinction would in no way remove such labour from the scope of the Convention, but on the contrary would appear to make this a particularly serious violation of the obligations arising out of Articles 1 and 4 of the Convention. The Committee accordingly urges the Government to reconsider its position and to take appropriate measures to repeal the legislation in question.

Hiring out of prison labour to private undertakings or individuals. The Committee notes the Government's statement that sections 91 and 99 of the Order of 4 December 1950 to issue prison regulations, under which prisoners may be hired out to private persons and undertakings, contrary to Article 2, paragraph 2 (c), of the Convention, may be expressly amended in the near future, having been already implicitly modified by section 2 of the Labour Code of 1962. However, as the Committee has pointed out since 1962, section 2 of the Labour Code—which permits the employment of prisoners on work of public interest—would authorise the placing of prisoners at the disposal of private individuals, companies or associations undertaking work of public interest. The Committee hopes that the above-mentioned legislation will be amended so as to ensure that, in conformity with Article 2, paragraph 2 (c), of the Convention, prisoners may not be hired to or placed at the disposal of private individuals, companies or associations.

Forced labour for the recovery of taxes. In its previous observations, the Committee has pointed out that, under section 14 of Act No. 25-60 of 3 February 1960 (as amended by Ordinance No. 43/PRES of 3 October 1966), forced labour may be imposed for the recovery of taxes, contrary to Article 10 of the Convention. In the Conference Committee in 1968 a Government representative stated that consideration might be given to amending these provisions. The Committee notes with regret, from the Government's latest report, that no changes are contemplated, the Government considering that these measures cannot be validly regarded as contravening the Convention.

The Committee must point out that the labour in question is compulsorily exacted, and does not fall within any of the exceptions permitted by Article 2, paragraph 2, of the Convention. It notes the statement in the Government's latest report that the above-mentioned provision has rarely been applied and that during the long dry season when the majority of the population is unemployed many persons ask to work for the administrations in order to free themselves from their fiscal obligations. The Committee has also noted the statement made by the Workers' member from Upper Volta in the Conference Committee in 1968 that there would

be no objection if workers were left free to work to pay their taxes, but that frequently tax defaulters were required to work without remuneration until a relative paid their taxes for them. Having regard to these statements, the Committee trusts that the Government will find it possible to bring the existing provisions into conformity with the Convention, possibly by giving an option to persons, on a voluntary basis, to discharge their fiscal obligations in the form of labour.¹

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In addition, requests regarding certain other points are being addressed directly to the following States: *Algeria, Austria, Bulgaria, Burma, Burundi, Cambodia, Cameroon, Ceylon, Chad, Congo (Brazzaville), Congo (Kinshasa), Costa Rica, Czechoslovakia, Dominican Republic, Ecuador, Finland, Federal Republic of Germany, Hungary, Iceland, India, Iraq, Ivory Coast, Jordan, Kenya, Laos, Lesotho, Libya, Luxembourg, Malaysia, Mali, Mauritania, Morocco, Netherlands, Nigeria, Norway, Pakistan, Panama, Peru, Portugal, Senegal, Sierra Leone, Singapore, Sudan, Switzerland, Syrian Arab Republic, Togo, Tunisia, Uganda, Ukraine, United Arab Republic, United Kingdom, Venezuela, Viet-Nam, Zambia.*

Convention No. 30: Hours of Work (Commerce and Offices), 1930

Haiti (ratification: 1952)

See under Convention No. 1.²

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In addition, requests regarding certain other points are being addressed directly to the following States: *Iraq, Panama, United Arab Republic.*

Convention No. 32: Protection against Accidents (Dockers) (Revised), 1932

Argentina (ratification: 1950)

The Committee notes from the Government's reply to its observations and from the statement made by a Government representative at the Conference Committee in 1969 that a Bill on safety measures for dockers has been prepared by the Ministry of Transport which will, when enacted, bring the legislation into conformity with the Convention.

The Committee, while noting the Government's statement that the various provisions of the Convention are fully applied in practice, must point out that a detailed technical text such as the present Convention calls for appropriate legislative measures. It also recalls that the Government had stated as far back as 1958 its intention to bring the national legislation into conformity with the Convention.

Accordingly, the Committee can only urge the Government to take prompt measures to ensure the full application of the Convention.²

¹ The Government is asked to supply full particulars to the Conference at its 54th Session and to report in detail for the period ending 30 June 1970.

² The Government is asked to supply full particulars to the Conference at its 54th Session.

Belgium (ratification: 1952)

Article 6 of the Convention. The Committee notes from the Government's report for 1966-68 (received too late to be examined at its last session) that the Government refers to the need to examine, with the other countries concerned, the question of the protection of hatchways (Article 6 of the Convention) on ships engaged in navigation on the Rhine waterways.

The Committee recalls that the Government had stated in its report for 1962-64 its intention to amend section 541 of the General Regulations for the Protection of Workers so as to ensure the application of Article 6 of the Convention to ships engaged on inland navigation. It hopes, therefore, that the Government will take steps to ensure the full application of this Article to inland navigation ships, or to limit the exemptions permitted under section 541 of the above-mentioned Regulations to special classes of these ships, as permitted under Article 15 of the Convention.

Mexico (ratification: 1934)

The Committee notes from the Government's report that the Congress of the Union has not yet approved the new Federal Labour Act. It recalls that the Government has repeatedly stated its intention to bring the legislation into conformity with the Convention, and trusts that measures will be adopted in the very near future ensuring the application of Articles 4, 6, 11 and 13 of the Convention.¹

* * *

In addition, a request regarding certain other points is being addressed directly to *Algeria*.

Convention No. 33: Minimum Age (Non-Industrial Employment), 1932*Argentina* (ratification: 1950)

Further to its earlier observations, the Committee notes with satisfaction that, as a result of direct contacts between the competent national services and a representative of the Director-General of the ILO, Act No. 18624 respecting the employment of women and children was adopted on 13 March 1970, the provisions of which bring the national legislation into conformity with those of the Convention.

Mauritania (ratification: 1961)

See under General Observations.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Central African Republic*, *Malagasy Republic*.

Information supplied by *Austria*, *Cameroon* (Eastern Cameroon) and *Spain* in answer to direct requests has been noted by the Committee.

Convention No. 34: Fee-Charging Employment Agencies, 1933*Chile* (ratification: 1935)

Further to its previous observations, the Committee notes from the Government's report that, in view of the demands upon the resources of the newly established

¹ The Government is asked to supply full particulars to the Conference at its 54th Session and to report in detail for the period ending 30 June 1970.

National Employment Service in other fields, the Government has decided not to abolish the existing fee-charging employment agencies for the time being but to subject them to supervision.

The Committee trusts that the National Employment Service will be rapidly expanded to a point where it is possible to abolish all fee-charging employment agencies conducted with a view to profit, that pending their abolition such agencies will be regulated in accordance with the requirements of Article 3, paragraph 4, of the Convention and that in its next report the Government will supply details of the measures adopted to ensure such regulation.

The Committee further notes with interest that the first steps have been taken with a view to abolishing a new category of fee-charging employment agencies which place employees and professional staff. The Committee would be glad if the Government would in future reports provide detailed information as to the number of such agencies as may continue to exist and the nature of their activities, as well as the measures taken with a view to their total abolition in accordance with Article 2 of the Convention.

Convention No. 35: Old-Age Insurance (Industry, etc.), 1933

Ecuador (ratification: 1962)

Article 2, paragraph 1, of the Convention. See under Convention No. 24 (the comments made in connection with Article 2, paragraph 1, of Convention No. 24 apply also to Convention No. 35).

Convention No. 37: Invalidity Insurance (Industry, etc.), 1933

Chile (ratification: 1935)

Article 5 of the Convention. In reply to the Committee's previous observation and requests, the Government states that the Bill for the revision of the social security system to which reference was made by the Government representative to the Conference Committee in 1967 has not yet been adopted but is at present before the National Congress. The Government adds that account has been taken in the Bill of the points raised by the Committee, namely (a) the non-conformity with the Convention of section 10 of Act No. 10475 of 1952, under which employees in the private sector who were over 40 years of age when they began to pay contributions must complete a qualifying period higher than that prescribed by the Convention in order to be entitled to benefit, and (b) the non-conformity with the Convention of Acts No. 1340bis of 1930 (section 23) and No. 8569 of 1946 (section 35) and Decree No. 2259 of 1931 (section 1), applicable respectively to public employees, banking employees and employees of the state railways, which provide for periods of contribution longer than those prescribed by the Convention.

The Committee takes note of this information and hopes that the Government will do everything possible to secure the adoption of this Bill in the near future, and that it will indicate in its next report what progress has been made in this respect.

Convention No. 41: Night Work (Women) (Revised), 1934

Afghanistan (ratification: 1939)

See under Convention No. 4.¹

¹ The Government is asked to supply full particulars to the Conference at its 54th Session and to report in detail for the period ending 30 June 1970.

Hungary (ratification: 1936)

The Committee notes from the statement made by a Government representative to the Conference Committee in 1969 and from the report for 1967-69 that efforts have continued to restrict further night work by women in industry.

The Committee, however, notes with regret that national legislation still contains no provision prohibiting the employment of all women at night in industrial undertakings for a period at least eleven consecutive hours in accordance with the basic requirements of the Convention, and, recalling the terms of its previous observations, urges the Government once again to take the necessary measures in the near future to ensure the full application of the Convention.¹

Peru (ratification: 1945)

See under Convention No. 4.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Central African Republic, Congo* (Brazzaville).

Information supplied by *Iraq* in answer to a direct request has been noted by the Committee.

Convention No. 42: Workmen's Compensation (Occupational Diseases) (Revised), 1934*Argentina* (ratification: 1950)

The Committee notes with regret that once again the Government's report contains no new information in reply to the observations and requests that it has been making for several years with regard to the list of occupational diseases in the schedule to the Decree of 14 January 1916 (as amended by the Decrees of 19 February 1932 and 29 April 1936), which (a) includes only some of the diseases and toxic substances enumerated in the schedule to the Convention, and (b) does not establish a presumption of occupational origin of these diseases, since it does not list the occupations or industries likely to cause them, as is done in the Convention.

In its report for 1959-61 the Government had stated that a ministerial committee had been established by resolution No. 383/61 in order to prepare draft legislation to complete the list of occupational diseases in conformity with that given in the Convention. Since subsequent Government reports had contained no information on the progress made in that respect, the Government representative stated before the Conference Committee in 1968 that the revision of Act No. 9688 of 1915 was being studied with a view to bringing the list of occupational diseases into conformity with the Convention.

In the circumstances the Committee can only refer to its previous comments, and trusts that the Government will not fail to indicate in its next report the results of this revision and the progress made towards the full application of the Convention.²

Belgium (ratification: 1949)

Further to its previous comments, the Committee notes with satisfaction the adoption of the new legislation on compensation of occupational diseases, and in

¹ The Government is asked to supply full particulars to the Conference at its 54th Session and to report in detail for the period ending 30 June 1970.

² The Government is asked to report in detail for the period ending 30 June 1970.

particular of the Royal Orders of 28 March and 11 July 1969, which contain a list of occupational diseases, and of the activities liable to give rise to them, that corresponds to a large extent to the schedule of the Convention.

Bolivia (ratification: 1954)

The Committee notes with regret that the Government's report contains no new information on the questions raised in its previous observations and requests. The Government in fact merely repeats the information supplied in its previous report which indicated that the draft designed to bring the list of occupational diseases (Appendix I to the Social Security Code) into full conformity with the Convention had not yet been adopted and that the only addition which it proposed to make to this list was anthrax infection.

In these circumstances the Committee can only remind the Government once again that there are certain other divergencies, *in addition to the question of anthrax infection*, between the national legislation and the Convention, in particular on the following points: (a) *silicosis in association with tuberculosis* (the national legislation covers tuberculosis only when the worker is directly exposed to this risk and not when it appears in association with silicosis); (b) *all the nitro- and amido-derivatives of benzene or its homologues* (the national legislation sets out only certain of the nitro and chloro-nitro compounds of benzene or its homologues); (c) *the list of occupations likely to result in any of the occupational diseases listed in the Convention* (the national legislation does not contain a list of this nature, from which it is to be assumed that it is for the worker to prove the occupational origin of his disease; this is contrary to the Convention which establishes in this respect a presumption of occupational origin in the worker's favour for all the diseases listed in the left-hand column of the schedule to Article 2 of the Convention when they afflict workers employed in the corresponding trades, industries or processes listed in the right-hand column of the schedule).

Since this question has been the subject of comments for a number of years the Committee trusts that the Government, in accordance with the assurance given in its report for 1963-65, will very shortly take the necessary measures to ensure the full application of the Convention on these points.¹

Cuba (ratification: 1936)

The Committee notes with interest from the Government's reply that the responsible national authorities are at present examining the comments made in its previous requests, with a view to taking appropriate measures.

The Committee hopes that these measures will be taken soon, and that the list of occupational diseases established by Resolution No. 4615 of 1963 will accordingly be completed, in conformity with the Convention, so as to include in particular: (a) poisoning by lead (as a metal) and its alloys, and by mercury; (b) primary epitheliomatous cancer of the skin caused by bitumen, mineral oil and paraffin, or their compounds, products or residues; (c) pulmonary tuberculosis in association with silicosis; (d) a list of all the trades, industries or processes liable to give rise to the occupational diseases listed in the Convention.

The Committee asks the Government to indicate in its next report the progress made towards this end.

¹ The Government is asked to report in detail for the period ending 30 June 1970.

Czechoslovakia (ratification: 1949)

Further to its previous observation and requests, the Committee notes that the revision of Notification No. 102/1964 SB establishing the list of occupational diseases has not yet taken place. This review was to have included in particular among the operations likely to cause anthrax infection the "loading and unloading or transport of merchandise" in general, so as to formally release workers thus employed from the onus of proving the occupational origin of their disease, thus confirming what, according to the Government, is already established practice. The Committee notes, however, that the question is still under consideration; it accordingly hopes that the proposed review will take place in the near future, and that it will also take into account the comments made by the Committee in its direct request of 1968.

France (ratification: 1948)

The Committee has taken note of the information supplied by the Government to the Conference Committee in 1968, and in its report for 1967-69, in reply to its previous observation, and wishes to draw the Government's attention to the following points:

1. As far as the restrictive nature of the list of pathological manifestations appearing in the schedule in the French legislation is concerned, the Government states that the inquiries being undertaken at the present time have not brought to light any new occupational diseases of such a nature as to be excluded from the right to compensation. In this connection the Committee can only remind the Government that the restrictive enumeration in the legislation of certain symptoms and pathological manifestations establishes a system of coverage which is more limited than that required under the Convention, the deliberately broad wording of which is such as to ensure that compensation is paid for every disorder, even if it is atypical or new, which may appear as the result of poisoning.

The Committee has further taken note of the Government's statement that it is keeping the question under active consideration, and trusts that the necessary measures will consequently be taken in the near future in order to give an indicative character to the list of the various pathological manifestations appearing under each of the diseases set out in the schedules of the national legislation, which will permit compensation, in accordance with the Convention, in respect of disorders which are not included in these schedules but which may result from the toxic substances and agents listed in the Convention.

2. So far as the other points of divergence between French legislation and the Convention are concerned, the Government states that the technical studies, which have been started are continuing and confirms its intention to submit to the Industrial Health Committee the conclusions which are reached as a result of these studies.

The Committee trusts that the necessary measures, which have been brought to the attention of the Government since 1958, will be adopted soon and that the schedules of occupational diseases at present in force can be added to so as to include, as is required by the Convention, poisoning by *all* the halogen derivatives of hydrocarbons of the aliphatic series and by all the compounds of phosphorus, as well as primary epitheliomatous cancer of the skin caused by tar, bitumen, mineral oil, paraffin and the compounds and residues of these substances.

Luxembourg (ratification: 1958)

The Committee notes with regret that the Government's report contains no new information in reply to its previous observations and requests, and must therefore refer again to the question, by drawing attention to the following points:

1. *List of trades, industries or processes corresponding to occupational diseases in general and to anthrax infection in particular.* With reference to the Committee's comment that the national legislation contains no such list, the Government states that the term "all undertakings" used in the 1965 regulations represents a broader concept than that expressed in the Convention. The Committee had pointed out in that connection that, by providing a list of operations likely to cause the occupational diseases listed in the schedule to Article 2, the Convention automatically establishes a presumption of occupational origin for these diseases when they affect workers employed in the industries or belonging to the trades listed. The Committee notes, however, that by virtue of section 94 of the Social Insurance Code as amended by the Act of 30 March 1966, "public administrative regulations will make the provisions of the compulsory accident insurance applicable to certain diseases of occupational origin by specifying these diseases and by taking the necessary measures for implementation" and that the diseases not specified in the regulations will be made subject to compensation "when their occupational origin has been adequately established". In these circumstances the Committee asks the Government to indicate in its next report whether a disease listed in the schedule to the Regulations of 26 May 1965 (including anthrax infection, which is covered by item 51 of that schedule) is automatically compensated as an occupational disease when it is contracted by an insured worker, without the latter having to prove the occupational origin of the disease, regardless of the kind of undertaking or occupation in which he is employed.

2. *Poisoning by lead alloys and mercury amalgams.* In its previous comments the Committee had pointed out that the list of occupational diseases appended to the 1965 Regulations does not mention diseases caused by lead alloys and mercury amalgams (which are chemically distinct from the *compounds* of these substances, to which the Government refers in its report) and that under section 94 of the amended Social Insurance Code workers suffering from such disorders might be required to supply proof of the occupational origin of their disease, whereas the Convention lays down no such requirement. It follows that the Committee can only refer again to this question, in the hope that the Government will take the necessary action to add these substances to items 22 and 19 respectively of the schedule to the aforesaid Regulations.

Mexico (ratification: 1937)

Further to its previous observations, the Committee has noted the provisions on occupational risks (Title Nine) of the draft of the new Federal Labour Act which the Government transmitted with its report; it notes with interest that this draft is now before Congress, and is expected to be adopted shortly. On this occasion, the Committee wishes to draw attention to the following points: (a) *Anthrax infection.* The draft Act (section 513, item 109) does not include the "loading and unloading or transport of merchandise" in general among the activities likely to cause anthrax infection, as the Convention provides. (b) *Poisoning by benzene or its homologues and their nitro- and amido-derivatives.* The draft Act (items 57, 58, 74, 102 to 104, 107 and 108) only mentions some of the nitro- and amido-derivatives of benzene or its homologues as being liable to induce such poisoning, whereas the Convention uses general terms in this respect, covering all the derivatives concerned. (c) *Poisoning by the halogen derivatives of hydrocarbons of the aliphatic series.* The draft Act (items 57, 60, 74, 85, 87, 88 to 95 and 99) only mentions a certain number of these derivatives, whereas the Convention, which uses general terms in this respect, covers all of these substances.

Moreover, it is not clearly apparent from the schedule to section 513 of this draft that it also covers for purposes of compensation, poisoning by lead alloys or compounds, mercury amalgams and compounds, and the compounds of phosphorus or arsenic, since these substances are not mentioned specifically in the list of occupational diseases, whereas they are covered by the Convention. Lastly, the list of activities corresponding to poisoning by phosphorus and its compounds appears to be limitative, and in that case it does not suffice to cover all the processes involving the production, liberation or utilisation of these substances, as the Convention provides.

The Committee hopes that the Government will take the aforementioned points into account by making the corresponding amendments to the draft considered, and that the next report will indicate the progress made towards the adoption of the new Labour Act.

See also under General Observations.

Morocco (ratification: 1957)

Further to its previous observations and requests, the Committee notes with satisfaction that Order No. 101-68 of 20 May 1967 has amended the list of occupational diseases appended to the dahir of 13 May 1943, so that the list is no longer restrictive as regards the disorders listed in the Convention.

New Zealand (ratification: 1938)

Further to its previous observations, the Committee notes that the Government is currently preparing a White Paper based on the principles laid down by the Royal Commission of Inquiry (Woodhouse Commission) on workers' compensation, which will serve as a basis for the new legislation after discussions with the parties concerned.

The Committee hopes that the revision of the legislation will take place in the near future and that provision will be made to supplement the present system of "full coverage" by the "double list" system establishing the presumption of occupational origin of the diseases named in the list given in the Convention, in conformity with the provisions of that instrument.

Rwanda (ratification: 1962)

In reply to the Committee's previous requests, the Government indicates that the final text of the new list of occupational diseases has not yet been made official, since the Act to amend the 1962 Social Security Act has not yet been published. The Government adds that the new text takes account of the points mentioned by the Committee with regard to *silicosis* in association with tuberculosis, the *halogen derivatives of hydrocarbons of the aliphatic series*, and work corresponding to *anthrax infection*.

The Committee notes this information with interest and hopes that the new list of occupational diseases will be adopted in the near future, and that the next report will indicate the progress made in this connection.

Republic of South Africa (ratification: 1952)

The Committee notes with regret that the Government has supplied no report for 1968-69 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.

Spain (ratification: 1958)

The Committee notes the information supplied by the Government in reply to its previous requests.

1. *Work likely to cause poisoning by benzene or its homologues and their nitro- and amido-derivatives.* The Government states that the list of operations given in items Nos. 15 and 16 of the table appended to the Decree of 13 April 1961 covers all the activities currently known as causing such poisoning. The Committee must point out that the enumeration given in this Decree excludes certain applications of these products which are now very common. Such applications include for example their use as raw materials in the chemical industry, for the production of phenol and polystyrene, and in the pharmaceutical industry, as well as in the manufacture of artificial leather.

The Committee nevertheless notes with interest the Government's statement that there is nothing to prevent Spain from conforming fully to the obligations arising from the ratification of the Convention, and that account will be taken of the Committee's comments when the time has come to enact legislation on the question. It accordingly hopes that the necessary action may be taken in the near future in order to bring the aforesaid Decree into full conformity with the Convention on this point. A possible solution would consist, for example, in insertion in the right-hand column of items 15 and 16 thereof of a statement similar to that made in the same column, at the beginning of the list of work involving a risk of exposure to ionising radiation (item No. 21 of the Decree).

2. *Work likely to cause anthrax infection.* The Government considers that item No. 19 of the 1961 Decree relating to such work, and referring to the "handling, loading, unloading, transport and use of parts of *diseased* animals", is fully in harmony with the Convention. The Committee must therefore recall once again that this item is more limited in scope than the Convention, which refers to the "handling of animal parts" and to the "loading and unloading or transport of merchandise" in general, and not only to work in connection with infected animals. It accordingly establishes a presumption of occupational origin of the disease contracted by any worker engaged in such activities, and relieves them of the onus of providing evidence that the merchandise or objects handled were contaminated, which would frequently be very difficult to prove in practice.

Since it has already been commenting on this question for several years, the Committee hopes that the necessary measures will be taken in the near future to bring the national legislation into harmony with the Convention on this point also, as the Government has moreover indicated its intention of doing in its report for 1965-67.

The Committee asks the Government to state the progress made in this respect in its next report.

Sweden (ratification: 1937)

Further to its previous comments concerning Article 2 of the Convention (list of occupational diseases), the Committee notes that following the ratification by Sweden of the Employment Injury Benefits Convention, 1964 (No. 121), Convention No. 42 is denounced automatically as from the date of entry into effect of Convention No. 121 with respect to Sweden.

United Kingdom (ratification: 1936)

In reply to the Committee's previous observations and requests, the Government once again states that it has noted them, but that it cannot yet foresee the outcome of the comprehensive review of the social security legislation, to which it had already referred in its report for 1965-67.

Since the attention of the Government has been drawn to this question ever since 1960, the Committee trusts that the review of the social security legislation will take place shortly and that measures will be taken, either in the context of this comprehensive review or by virtue of special amending regulations (as has been done, according to the Government, in the case of other occupational diseases) to complete the list established by the National Insurance (Industrial Injuries) (Prescribed Diseases) Regulations, 1959, No. 467, in conformity with the Convention, so as to cover *all the halogen derivatives of hydrocarbons of the aliphatic series* (the legislation just referred to mentions only tetrachlorethane and methyl bromide) and to add the "loading and unloading or transport of merchandise" in general to the operations likely to cause *anthrax infection*. The Committee hopes that the next report will indicate the progress achieved in this respect.¹

Uruguay (ratification: 1954)

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 takes note of the information supplied by the Government to the Conference Committee in 1967 and in its report, in reply to numerous observations and requests concerning the omission, in national legislation, of certain diseases considered to be occupational or of the activities likely to cause these diseases mentioned in Article 2 of the Convention. National legislation, in effect, makes no mention of poisoning by phosphorus and its compounds, arsenic and its compounds, the halogen derivatives of hydrocarbons of the aliphatic series, nor of the activities which give rise to these poisonings. Moreover, the list of occupational diseases and corresponding activities which appears in the various legislative texts mentioned by the Government is incomplete as concerns poisoning by lead, mercury, benzene and its homologues and their nitro- and amido-derivatives, silicosis in association with tuberculosis, anthrax infection and pathological manifestations due to radiation.

In reply, the Government declared that under Act No. 11577 of 14 October 1950 the State Insurance Bank considers as occupational diseases all diseases contracted as a result of or at the time of performing unhealthy work; consequently, compensation is not limited by a strict list of occupational diseases, legal protection being afforded in all cases where there is evidence that the disease results from working conditions. The Government also indicates that numerous decrees have declared all activities likely to cause occupational diseases to be unhealthy. It appears from these statements that the diseases covered by the Convention and not expressly referred to in national legislation only entail the right to compensation provided they are contracted in an activity which has been declared to be unhealthy and it is proved they have occurred as a result of this activity.

This system of compensation, which might in certain cases cover the vast majority of diseases, does not afford the protection provided by the Convention, which, in listing on the one hand the diseases which are considered to be occupational and on the other hand the trades and industries likely to cause them, automatically establishes a presumption of occupational origin in respect of those diseases which appear in the left-hand column of the Schedule in Article 2 thereof, when these diseases occur in workers employed in industries or belonging to the trades listed in the right-hand column of this Schedule. The Convention thus frees them from the burden of proof which in certain cases might be difficult to provide.

None the less, the Committee would point out that the compensation scheme established by Act No. 11577 of 14 October 1950 would not be incompatible with the Convention if it were supplemented by a double-list system corresponding to that of the Convention and affording the workers covered by Article 2 of the Convention a protection at least equal to that provided by the

¹ The Government is asked to report in detail for the period ending 30 June 1970.

Convention. This protection might be ensured either by legislation or by administrative measures, as for example by instructing the competent insurance organisations (in this case, the State Insurance Bank) to consider as occupational diseases the diseases listed in the Convention when contracted by workers employed in the industries listed in the Schedule in Article 2 of this text without their needing to prove that these diseases "were caused by work or were contracted when performing work" or that the industries in question had been declared to be unhealthy.

The Committee trusts that the necessary measures will be taken in the near future so as to ensure full application of the Convention by one or other of the methods mentioned above.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Algeria, Barbados, Belgium, Burundi, Finland, Guyana, Haiti, Ireland, Malta, Nauru, Panama, Poland, Rwanda, Turkey, United Kingdom.*

Information supplied by *France* in answer to a direct request has been noted by the Committee.

Convention No. 44: Unemployment Provision, 1934

Cyprus (ratification: 1965)

The Committee has taken note of the comments communicated by the Cyprus Turkish Trade Union Federation and by the Cyprus Turkish Civil Servants Association concerning the non-payment of unemployment benefit to Turkish Cypriot employees. The Committee has also noted the observations made by the Government with respect to these comments. According to these observations the non-payment of benefit is due to the fact that the employees in question do not satisfy the conditions prescribed by the Social Insurance Law (payment of a specified number of contributions, availability for work, registration with an employment exchange and calling at the exchange in person, maintenance of dependants).

On perusing the above-mentioned comments and observations it becomes evident that these difficulties may be ascribed, within a wider context, to the present situation in Cyprus as a whole. The Committee nevertheless sincerely hopes that it will be possible for an attempt to be made to settle this question by mutual agreement between all the parties concerned in view of the importance of the problems involved, and requests the Government to keep it informed of further developments in this connection.

Czechoslovakia (ratification: 1950)

Further to its previous observations on the adoption of a system providing the involuntarily unemployed with a benefit or an allowance, the Committee has taken note with satisfaction of the Notification of 9 August 1967, as amended by the Notification of 16 September 1968, which gives effect to the main provisions of the Convention.

Peru (ratification: 1962)

The Committee notes with regret that the Government's report has not been received, and that the statement made by the Government representative to the Conference Committee in 1969 contributed no fresh information. 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 observation that the drafting committee for the new Labour Code has not as yet concluded its work. The Government had indicated that this new Code was to replace the existing indemnity system (which is limited to the provision of compensation for certain groups of workers for the period of service rendered in case of dismissal or

involuntary retirement) by an unemployment insurance scheme ensuring benefits or allowances to all persons who are habitually employed for wages or salary and who are involuntarily unemployed, as prescribed by the Convention.

In view of the lack of legislation applying the Convention, the Committee trusts that the Government will not fail to take the necessary action in the very near future.¹ (See also under General Observations.)

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In addition, requests regarding certain other points are being addressed directly to the following States: *Algeria, Cyprus, Czechoslovakia, Netherlands, Norway.*

Convention No. 45: Underground Work (Women), 1935

Afghanistan (ratification: 1937)

See under Convention No. 4.¹

Convention No. 48: Maintenance of Migrants' Pension Rights, 1935

Hungary (ratification : 1937)

The Committee notes with regret from the Government's reply to its previous observations that the Government continues to consider that the application of the Convention cannot be ensured in the absence of bilateral agreements between the governments concerned, and has again asked for information and suggestions as to how the problem may be solved. The Committee can only refer in this respect to the explanations already provided in an observation made in 1966. It reminds the Government that the purpose of the Convention is to establish between the States which have ratified it an international reciprocal scheme for the maintenance of rights in respect of invalidity, old-age and survivors' pensions; that each insurance institution must assume responsibility for the benefits calculated in accordance with Articles 3 or 5 of the Convention, and must also pay such benefits, unless it has entrusted the insurance institution of the place of residence of the beneficiary with payment thereof on its behalf, as provided for by Article 16; and that persons who have acquired pensions rights must continue to receive benefit without any restriction (including any subsidies, supplements or fractions payable out of the public funds) if they are resident in the territory of any State having ratified the Convention, irrespective of their nationality, or if they are nationals of such a State, irrespective of their place of residence. The rules for converting sums expressed in different currencies are those laid down in Article 8 of the Convention, or otherwise in any agreement concluded towards that end, as provided for in this Article, between two or more member States concerned. Generally speaking, any practical problems posed by the application of the Convention must be solved in agreement with the authorities or insurance institutions of these States, within the framework of the mutual administrative assistance provided for in Part IV of the Convention. The Committee trusts that these additional explanations will enable the Govern-

¹ The Government is asked to supply full particulars to the Conference at its 54th Session and to report in detail for the period ending 30 June 1970.

ment to state in its next report the action that it intends to take in order to ensure the application of the Convention, or otherwise to describe in detail the difficulties still encountered in applying it.¹

Netherlands (ratification : 1938)

Article 18 of the Convention. (Equality of treatment.) With reference to its previous observations, the Committee notes with satisfaction that nationals of member States which have ratified the Convention have been placed on the same footing as Netherlands nationals by virtue of three Royal Decrees of 17 October 1969, as regards (a) the *granting* of old-age, widows' and orphans' benefits granted as a transitional measure, and (b) the *payment abroad* of widows' and orphans' pensions so granted. Since such equality of treatment had already been introduced as regards the payment abroad of old-age pension, it follows that the General Old-Age Insurance Act and the General Widows and Orphans Act now give effect to Article 18 of the Convention which provides that each Member shall treat the nationals of other Members on the same footing as its own nationals for the purpose of liability to compulsory insurance and the payment of insurance benefits.

Spain (ratification : 1937)

Article 18 of the Convention (Equal Treatment of Nationals and Aliens.) See under Convention No. 24, Article 2.

Yugoslavia (ratification : 1946)

The Committee notes with regret that the Government has still not replied, in its report, to the direct requests which have repeatedly been addressed to it since 1960 on the application of the Convention in relation to States which have not concluded a bilateral convention with Yugoslavia. The Committee recalls once more that the object of the Convention is the direct establishment, between the member States which have ratified it, of an international scheme for the maintenance both of rights in course of acquisition and of rights acquired under compulsory invalidity, old-age and survivors' insurance, and that reciprocity results automatically from the mere fact that the States concerned have ratified the Convention, without there being any necessity of concluding a special agreement. In these circumstances the Committee must draw the Government's attention to the following points :

Part II of the Convention. (Maintenance of rights in course of acquisition.) The Committee had not contested the possibility of having recourse to bilateral agreements, provided that the provisions of these agreements were as favourable on the whole as those provided for in the present Convention (Article 19). The Committee has on the other hand noted that the possibility, recognised by Yugoslav legislation, of taking into account periods spent by Yugoslav nationals in countries with which there is no bilateral convention, has been provided for essentially for workers who, having had to emigrate from Yugoslavia before 1941, have returned but are unable to enforce their right to a pension with a foreign institution.

The Government does not, however, indicate whether, in accordance with the requirements of the Convention, the insurance periods spent by workers (whatever their nationality) who have also been affiliated to insurance institutions of States

¹ The Government is asked to report in detail for the period ending 30 June 1970.

parties to the Convention are taken into consideration by Yugoslav insurance institutions for the purpose of entitlement to and calculation of pensions, even when the question is not covered by bilateral agreements; this question relates equally to periods before and periods after periods of insurance in Yugoslavia.

The Committee trusts that the Government will supply the information requested in its next report.

Part III. (Maintenance of acquired rights.) The Government merely refers once again to section 110 of the Retirement Insurance Act and to section 174 of the Invalidity Insurance Act, under which pensions are only paid outside Yugoslavia to foreign nationals in so far as the beneficiaries have transferred their residence to a country which grants the same treatment to Yugoslav nationals under its own legislation or a bilateral agreement. Since, according to Article 10 of the Convention, pensions must be granted to persons who are resident in the territory of a State which has ratified the Convention, irrespective of their nationality, and to persons who are nationals of a State which has ratified the Convention, irrespective of their place of residence, the Committee trusts that the Government will be able to bring the legislation into conformity with the Convention.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States : *Hungary, Israel, Poland, Spain, Yugoslavia.*

Convention No. 50: Recruiting of Indigenous Workers, 1936

Argentina (ratification : 1950)

The Committee notes from the Government's report for the period 1968-69 that the proposed census of the indigenous population will be carried out in 1970 and will provide a basis for the adoption of measures to ensure application of the Convention.

The Committee recalls that, although this Convention was ratified twenty 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), 21 and 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.

Tanzania (ratification : 1962)

Tanganyika.

The Committee regrets that no report has been received. It has however taken note with interest of the Employment Ordinance (Amendment) Act No. 5 of 1969, section 6 of which repealed the provisions of the Employment Ordinance relating to the regulation of recruiting and substituted therefor a general prohibition to engage in recruiting, thus eliminating recruiting within the meaning of the Convention.

* * *

In addition, requests regarding certain points are being addressed directly to the following States : *Burundi, Cameroon* (Western Cameroon), *Tanzania* (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 Government states in its report that the comments of the Committee are under consideration in amending the Leave and Holiday Act, 1951. The Committee recalls that the Government has been referring since 1959 to the adoption of new legislation or regulations to give effect to the Convention on the various points raised since 1957 in the Committee's previous comments and 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 interruptions of work due to sickness), and Article 4 of the Convention (restriction of the right to postpone the annual holiday).

The Committee once more urges the Government to make every effort to take the necessary measures at the earliest date.¹

Byelorussia (ratification : 1956)

The Committee has pointed out since 1959 that there are three points on which the legislation allowed exceptions, not provided for by the Convention, to be made in the granting of annual holidays. Thus, under sections 91, 116 and 120 of the Labour Code and sections 19 and 23 to 27 of the Regulations of 30 April 1930, it is permitted, in certain cases :

- (a) to replace the granting of the whole of the holiday by compensation in cash ;
- (b) to postpone the whole of the holiday from one year to the next ;
- (c) to divide the holiday into several parts without a guarantee of a minimum continuous period of holiday.

During the exchange of views in the years that followed, and from the information supplied by the Government, the Committee has taken due note of the general increase in the length of holidays and of the exceptional nature of the use made in practice of the exceptions permitted by the legislation. As, however, the Convention establishes the principle of an *annual* holiday and provides that "any agreement to relinquish the right to an annual holiday with pay, or to forego such a

¹ The Government is asked to supply full particulars to the Conference at its 54th Session and to report in detail for the period ending 30 June 1970.

holiday, shall be void ", the Committee must once again recall the need to bring the provisions of the Labour Code and of the regulations of 1930 into harmony with the Convention, with regard to the minimum period provided for therein.

Cuba (ratification : 1953)

Further to its previous comments concerning Article 2, paragraph 3 (b), and Article 6 of the Convention, the Committee has taken due note of the information supplied by the Government to the effect that, under the social security legislation, up to one year of sick leave may be granted, and that the right to a holiday with pay is lost only if a working relationship is terminated for a reason imputable to the worker.

Article 2, paragraph 1, of the Convention. The Government indicates in its report that the postponement of the holiday, provided for in section 1, paragraph G, of Resolution No. 111 of 1965, must be authorised by the Ministry of Labour, and relates only to brief periods. The Committee, however, observes that paragraph F of section 1 of the Resolution allows for a period of up to five-and-a-half months for the granting of a holiday after the date on which it became due and that the exception provided for in paragraph G relates to a postponement beyond this period. In that respect, the Committee must recall—as it has already pointed out in connection with a similar provision in Resolution No. 5798 of 1962—that the postponement of holidays may be authorised only as regards that part of the holiday which exceeds the minimum duration (six working days) of the *annual* holiday prescribed by the Convention. The Committee trusts that the Government will take appropriate action to bring the legislation into conformity with the Convention on this important point.

Dominican Republic (ratification : 1956)

The Committee notes with regret that the Government's report does not contain any reply to its previous direct requests. It trusts that the Government will not fail to take the necessary measures and to supply, in its next report, full information on the following points :

Article 2 (2) and (3) of the Convention. The Government indicated that collective agreements ensured that, for most workers, including young workers, public holidays should not be included in the annual holiday with pay. The Committee hopes therefore that there will be no difficulty in taking steps so that not only the practice, but also the legislation, shall ensure that young workers may not in any case receive less than the twelve working days' holiday prescribed for them by the Convention.

Article 2 (4). According to the Government's earlier statement, the legislative requirement regarding the right of workers to two weeks' annual leave is taken to mean that the two weeks must be taken consecutively. The Committee hopes therefore that it may be possible to provide specifically that the annual holiday must be taken consecutively, or to impose restrictions on the division into parts of holidays, as required by the Convention.

Article 3. The Committee once again requests the Government to supply with its next report the text of a recent decision by the Supreme Court to the effect that holiday remuneration shall include the cash equivalent of payments in kind. The Committee reiterates the hope that the legislation also will be brought into conformity with the Convention in due course.

Article 7. The Committee notes that the holiday register which employers must keep in virtue of the Labour Code and Regulations does not contain all the particulars required by the Convention. It would therefore be glad if the Government would take steps for the approval of a record showing also the date of entry into service of the worker, the duration of the holiday due to him, and the amount of holiday pay received (paragraphs (a) and (b) of Article 7).

Finally, the Committee notes that the general revision of the Labour Code has been under consideration and it hopes that it may be possible to take account of the various points mentioned above in connection with this proposed revision.

Hungary (ratification : 1956)

Further to its previous comments, the Committee notes with satisfaction that the new Labour Code (Act No. II of 1967) has abrogated section 54 of the former Code, which authorised the deduction from the annual holiday of unjustified days of absence.

Italy (ratification : 1952)

In its report for 1965-67 the Government indicated that it has submitted to Parliament a Bill which would provide for annual holidays for all workers and would give full effect to the Convention, with respect particularly to the division of holidays into parts and the exclusion of periods of sickness from the duration of the holiday. In its latest report the Government indicates that as the term of office of the previous legislature had run out, the Bill submitted in 1967 would have to be resubmitted to the present legislature. The Committee reiterates the hope that this text will ensure the full application of the provisions of the Convention, and that it will be adopted very soon.

Mauritania (ratification : 1963)

See under General Observations.

Mexico (ratification : 1938)

With regard to the divergencies between section 210 of the Federal Labour Act and Article 1 of the Convention, see under General Observations.

Ukraine (ratification : 1956)

The Committee has pointed out since 1959 that there are three points on which the legislation allowed exceptions, not provided for by the Convention, to be made in the granting of annual holidays. Thus, under sections 91, 116 and 120 of the Labour Code and sections 19 and 23 to 27 of the regulations of 30 April 1930, it is permitted, in certain cases :

- (a) to replace the granting of the whole of the holiday by compensation in cash ;
- (b) to postpone the whole of the holiday from one year to the next ;
- (c) to divide the holiday into several parts without a guarantee of a minimum continuous period of holiday.

During the exchange of views in the years that followed, and from the information supplied by the Government, the Committee has taken due note of the general increase in the length of holidays and of the exceptional nature of the use made in practice of the exceptions permitted by the legislation. As, however, the Conven-

tion establishes the principle of an *annual* holiday and provides that "any agreement to relinquish the right to an annual holiday with pay, or to forego such a holiday, shall be void", the Committee must once again recall the need to bring the provisions of the Labour Code and of the regulations of 1930 into harmony with the Convention, with regard to the minimum period provided for therein.

USSR (ratification : 1956)

The Committee has pointed out since 1959 that there are three points on which the legislation allowed exceptions, not provided for by the Convention, to be made in the granting of annual holidays. Thus under sections 91, 116 and 120 of the Labour Code of the RSFSR and sections 19 and 23 to 27 of the regulations of 30 April 1930, it is permitted, in certain cases :

- (a) to replace the granting of the whole of the holiday by compensation in cash ;
- (b) to postpone the whole of the holiday from one year to the next ;
- (c) to divide the holiday into several parts without a guarantee of a minimum continuous period of holiday.

During the exchange of views in the years that followed, and from the information supplied by the Government, the Committee has taken due note of the general increase in the length of holidays and of the exceptional nature of the use made in practice of the exceptions permitted by the legislation. As, however, the Convention establishes the principle of an *annual* holiday and provides that "any agreement to relinquish the right to an annual holiday with pay, or to forego such a holiday, shall be void", the Committee must once again recall the need to bring the provisions of the Labour Code and of the regulations of 1930 into harmony with the Convention, with regard to the minimum period provided for therein.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States : *Central African Republic, Chad, Czechoslovakia, France, Gabon, Greece, Guinea, Hungary, Iraq, Ivory Coast, Kuwait, Lebanon, Libya, Malagasy Republic, Morocco, Panama, Paraguay, Peru, Senegal, Syrian Arab Republic, United Arab Republic, Uruguay.*

Information supplied by *Colombia* in answer to a direct request has been noted by the Committee.

Convention No. 53 : Officers' Competency Certificates, 1936

Philippines (ratification : 1960)

In its previous comments the Committee had noted that while the Revised Philippine Merchant Marine Regulations provided for the certification of officers, in accordance with the Convention, they did not contain provisions regarding inspection and enforcement in relation to these requirements, as provided for in Articles 5 and 6 of the Convention. The Committee notes from the Government's report that new Merchant Marine Regulations, which contain appropriate provisions on these matters, have been submitted to Congress for approval. The Committee trusts that these new Regulations will be approved at an early date, and that copies thereof can be supplied with the next report.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States : *Bulgaria, China, Liberia, Mauritania, Peru, Syrian Arab Republic.*

Convention No. 55: Shipowners' Liability (Sick and Injured Seamen), 1936

Requests regarding certain points are being addressed directly to the following States : *Liberia, Morocco, Peru.*

Convention No. 56: Sickness Insurance (Sea), 1936

Requests regarding certain points are being addressed directly to the following States : *Belgium, Peru.*

Convention No. 58 : Minimum Age (Sea) (Revised), 1936

Liberia (ratification : 1960)

Further to its observation made in 1969, the Committee notes with regret that the Government's report contains no new information. As a result, it can only repeat that observation, which was worded as follows :

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 trusts that the Government will not fail to take the necessary measures to apply the Convention to those categories of ships engaged in maritime navigation to which, in the present circumstances, section 326 of the Maritime Law does not apply, and that the next report will contain information on this point.

Uruguay (ratification : 1954)

The Committee notes that in its report for 1967-69 the Government states that the special commission set up to propose appropriate amendments to existing legislation on the employment of children and young persons is pursuing its work.

The Committee has been pointing out since 1959 that section 223 of the Children's Code fixes the minimum age for employment in industrial establishments at 14 years, that there are no provisions expressly laying down a minimum age for maritime work, and that section 225 of the Code fixes at 12 years the minimum age at which the Children's Board can authorise the employment of minors when they can show proof of having completed the elementary course of primary education, and provided that such work is necessary for their maintenance or that of their parents or brothers and sisters.

Article 2 of Convention No. 58, however, sets the minimum age for employment on board vessels at 15 years, even in the case of intrinsically safe work ;

Article 2 of Convention No. 59 establishes 15 years as the minimum age for employment in industrial undertakings ; while Convention No. 60 provides that the minimum age for admission to non-industrial employment shall be 15 years in general, although children over 13 years of age may, outside the hours fixed for school attendance, be employed on light work which is not harmful to their health or prejudicial to their attendance at school.

The Committee accordingly trusts that the aforesaid special commission will shortly be able to propose for adoption such measures as are necessary to ensure compliance with the provisions of Conventions Nos. 58, 59 and 60, which were ratified in 1954.

* * *

In addition, a request regarding certain other points is being addressed directly to *Turkey*.

Convention No. 59 : Minimum Age (Industry) (Revised), 1937

Iraq (ratification : 1961)

For several years the Government has been referring to a draft Labour Code which should bring the national legislation fully into line with the Convention. Since, according to the latest report, this draft Code has still not been adopted, the Committee trusts that the Government will take the necessary steps to hasten its adoption so as to eliminate the discrepancies to which the Committee has been drawing attention since 1963, and to which it is again referring in a request addressed directly to the Government.

Philippines (ratification : 1960)

Article 2 of the Convention. The Government states that the amendment to section 1 (b) of Act No. 679, which authorises the employment of children under 14 years of age on light work in industrial establishments, is still before Congress, and that private organisations dealing with the welfare of women and children are opposed to the raising from 14 to 15 years of the age at which children may be authorised to perform light work in industrial establishments on the ground that children are much safer if employed on work of this kind than if left unemployed. The Committee feels bound to point out, however, that the Convention makes no provision for such an exception to the prohibition on the employment of children under the age of 15 years in industrial undertakings. The Committee accordingly hopes that the Government will shortly be able to take the necessary steps to bring the national legislation into conformity with the provisions of the Convention.

The Committee also wishes to recall that the Government stated in its report for the period 1964-66 that a Bill to amend section 2 of Act No. 679 respecting the employment of women and children so as to bring within its scope the "transport of passengers or goods by inland waterway", as required by Article 1, paragraph 1 (d), of the Convention, had been prepared. In its report for the period 1967-69 the Government refers only to the rules and regulations issued in 1954 to implement Act No. 679, which were already brought to the Committee's attention last year. The Committee therefore trusts that the amendment to the law in question will shortly be adopted so as to bring the national legislation into conformity with the Convention.

Uruguay (ratification : 1954)

See under Convention No. 58.

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In addition, requests regarding certain other points are being addressed directly to the following States : *Iraq, Peru*.

Convention No. 60: Minimum Age (Non-Industrial Employment) (Revised), 1937

Uruguay (ratification : 1954)

See under Convention No. 58.

Convention No. 62: Safety Provisions (Building), 1937

Mexico (ratification : 1941)

The Committee recalls the observations it has made since 1947 regarding the application of the Convention and notes the replies given by the Government to the Conference Committee in 1969 and in its report for 1968-69.

Federal District.

The Committee notes the reiterated statement that measures are being taken to revise the Federal District Building Regulations of 1961 so as to ensure full compliance with Articles 11 to 15 and 17 of the Convention (rules relating to hoisting appliances, etc.). It trusts the commission responsible for this revision will soon complete its work and that these minimum safety provisions of the Convention will then be fully applied in the Federal District.

States of the Republic.

The Committee recalls (from the statistics supplied by the Government in 1963) that 72 per cent of the building workers in Mexico were employed elsewhere than in the Federal District. It also notes that there appear to be no safety regulations for building workers applicable in the various states and territories (the 1968 construction regulations for the city of Guadalajara attached to the Government's report are not directly concerned with the safety of building workers), and that the present federal provisions are not sufficient to ensure the application of the Convention.

Accordingly, the Committee refers to a statement made by a Government representative to the Conference in 1966, indicating that a Bill had been submitted to Congress with a view to eliminating discrepancies in the application of the Convention. In view of the difficulties involved in introducing suitable measures in the twenty-nine states and two territories of Mexico, the Committee hopes that the Government will now take steps at the federal level, either through Congress or through some other competent federal authority, for the promulgation of measures ensuring the application of the Convention.

The Committee trusts that measures will be taken at a very early date to ensure the safety of building workers in the various states and territories.¹

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In addition, requests regarding certain other points are being addressed directly to the following States : *Algeria, Burundi, Mauritania*.

¹ The Government is asked to supply full particulars to the Conference at its 54th Session.

Convention No. 63 : Statistics of Wages and Hours of Work, 1938*Algeria (ratification : 1962)*

The Committee notes with regret that the Government's report has not been received. The Committee is bound, therefore, to repeat its previous observation, which was as follows :

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 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.

The Committee hopes that the Government will make every effort to take the necessary action in the very near future.

Barbados (ratification : 1967)

Further to its direct request of 1968, the Committee notes with satisfaction that statistics of average earnings and hours actually worked now cover the building and construction industry (Article 5, paragraph 1, of the Convention).

Chile (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 :

Part II of the Convention. Further to its previous observation, the Committee regrets to note that the data currently compiled continue not to include the following: (a) statistics of average earnings in the building and construction industries; (b) statistics of hours actually worked by wage earners in the principal mining and manufacturing industries, including building and construction.

In these circumstances the Committee must reiterate the hope that the Government will do all in its power to give full effect to the various requirements of Part II of the Convention.

Part IV. The Committee also notes that no statistics are as yet compiled of wages in agriculture, and only to a very limited extent of hours of work in agriculture. The Committee trusts that the Government will take early action in respect of this Part of the Convention as well.

The Committee hopes that the Government will make every effort to take the necessary action in the very near future.

Cuba (ratification : 1954)

Further to its previous observation, the Committee notes from the Government's report that the organisation of a national system of statistics is still under way, but that no official statistics of wages and hours of work, as required by the Convention, have yet been published.

The Committee trusts that the necessary measures will be taken very soon to give effect to the Convention, which was ratified sixteen years ago.

Czechoslovakia (ratification : 1950)

Further to its previous observation, the Committee has noted the data transmitted with the Government's report, and the information regarding the publication of statistics on hours of work.

Article 21 of the Convention. The Committee notes that annual index numbers have not been compiled so far. In this connection the Government states that statistics of wage rates would not accurately reflect the trend of wages in Czechoslovakia, and their compilation would be very complicated and costly, but that the Federal Statistical Office will re-examine the possibility of giving effect to this provision of the Convention. The Committee trusts that the Government will be able to take the necessary action towards this end.

Denmark (ratification : 1939)

Article 5 of the Convention. In reply to a previous request by the Committee, the Government states that the question of the regular compilation of statistics on hours actually worked is currently being considered by a committee set up by the Department of Statistics, which will make recommendations on the subject within the next twelve months.

The Committee accordingly notes with regret that this problem, to which it has referred repeatedly since 1950, has not yet been satisfactorily solved. It trusts that the Government will not fail to take the necessary action very soon to give effect to the Convention on this point.

Guatemala (ratification : 1961)

Part IV, Article 22, of the Convention. The Committee notes with regret that the Government has not replied on this point, which has been raised since 1965 in its previous direct requests, and that no progress appears to have been made as regards the compilation of statistics of wages in agriculture. It trusts that the Government will not fail to indicate in its next report the measures taken to give effect to this provision of the Convention.

Mexico (ratification : 1942)

See paragraph 36 of the General Report.

Syrian Arab Republic (ratification : 1960)

Part II of the Convention. Further to its previous comments, the Committee notes with satisfaction that the statistics of average earnings and hours actually worked in mining and manufacturing have been published for 1967. It hopes that these statistics will continue to be compiled and published in conformity with Article 1 of the Convention.

Tanzania (ratification : 1962)

The Committee notes with regret that a report has not been received, and that the Government has failed to reply to the previous direct requests on the application of this Convention. It 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.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States : *Barbados, Burma, Canada, Finland, Guatemala, Kenya, Norway, Syrian Arab Republic, Tanzania, United Arab Republic, United Kingdom, Uruguay.*

Information supplied by *Ceylon* in reply to a direct request has been noted by the Committee.

**Convention No. 64 : Contracts of Employment
(Indigenous Workers), 1939**

Requests regarding certain points are being addressed directly to the following State : *Burundi, Cameroon* (Western Cameroon), *Kenya.*

Convention No. 65 : Penal Sanctions (Indigenous Workers), 1939

Requests regarding certain points are being addressed directly to the following States : *Ghana, Kenya, Liberia, Nigeria, Singapore, Tanzania, Trinidad and Tobago, Uganda.*

**Convention No. 67: Hours of Work and Rest Periods
(Road Transport), 1939**

A request regarding certain points is being addressed directly to the *Central African Republic.*

Convention No. 68: Food and Catering (Ships' Crews), 1946

Argentina (ratification : 1956)

See under General Observations.

Peru (ratification : 1962)

The Committee regrets that no report has been received. It recalls the statement in the Government's previous report that no specific regulations or other measures to give effect to the Convention had yet been adopted. The Committee trusts that the Government will take measures to implement the Convention in the very near future.¹

¹ The Government is asked to supply full particulars to the Conference at its 54th Session and to report in detail for the period ending 30 June 1970.

Convention No. 69: Certification of Ships' Cooks, 1946

Peru (ratification : 1962)

The Committee regrets that no report has been received. As provisions for the certification of ships' cooks do not yet exist, the Committee trusts that measures to give effect to the Convention will be taken in the very near future.¹

* * *

Information supplied by *Ghana* in answer to a direct request has been noted by the Committee.

Convention No. 71: Seafarers' Pensions, 1946

Bulgaria (ratification : 1949)

Article 4, paragraph 3, of the Convention. The Committee notes with satisfaction that following its previous requests the new Penal Code of 1968 no longer provides for the suspension of the right to a pension as an additional penalty for certain offences.

* * *

In addition, a request regarding certain other points is being addressed directly to *Peru*.

Convention No. 73: Medical Examination (Seafarers), 1946

Argentina (ratification : 1955)

Further to its earlier observations, the Committee notes with satisfaction that, as a result of the direct contacts arranged between the national competent services and a representative of the Director-General of the ILO, Decree No. 849/70 respecting the medical examination of shipboard personnel, the provisions of which bring the national legislation into line with the provisions of the Convention, was adopted on 4 March 1970.

Uruguay (ratification : 1933)

Further to its previous requests concerning the application of Articles 1 and 8 of the Convention, the Committee notes with satisfaction the promulgation of Decree No. 439/969 of 12 September 1969, approving the regulations concerning health records for the personnel of the national merchant navy employed on board. According to the Government, the provisions of this Decree are applicable to all national merchant vessels without exception in conformity with Article 1 of the Convention, whereas section 17 of the Decree applies Article 8 of the Convention which authorises a person who has been refused a medical certificate to be given a new medical examination.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States : *Peru, Sweden*.

¹ The Government is asked to supply full particulars to the Conference at its 54th Session and to report in detail for the period ending 30 June 1970.

Information supplied by *Yugoslavia* in answer to a direct request has been noted by the Committee.

**Convention No. 77: Medical Examination of Young Persons
(Industry), 1946**

Albania (ratification : 1957)

See under Convention No. 16.

Guatemala (ratification : 1952)

Further to its previous requests, the Committee notes the information supplied by the Government in its last report that the draft revision of the Labour Code is still before the Congress of the Republic.

The Committee trusts that it will be possible to adopt the necessary provisions in the near future in order to ensure the full application of the Convention with particular respect to the following points :

Article 3, paragraphs 2 and 3, of the Convention. Repetition of medical examinations at intervals of not more than one year and definition of the special circumstance in which medical examinations shall be required at more frequent intervals.

Article 4. Periodical renewal of the medical examination up to the age of 21 years at least, in the case of occupations which involve high health risks.

Article 5. Medical examinations made by the Public Health Dispensaries or the "Workers' Medical Consultation Service" must not involve children and young persons or their parents in any expense.

The Committee asks the Government to supply detailed information on any action taken in this respect.

Peru (ratification : 1962)

The Committee notes with regret that the Government's report has not been received. The Committee is bound, therefore, to repeat its previous observation, which was as follows :

The Committee 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.

Uruguay (ratification : 1954)

In its previous observation the Committee noted that a commission had been set up by a resolution dated 5 October 1967 to prepare appropriate amendments to existing legislation on the employment of children and young persons. The Committee now notes that in its report for 1967-69 the Government states that the above-mentioned commission is continuing to examine the question and will take the observations of the Committee of Experts into account.

In view of the fact that it has been drawing attention to divergencies between the national legislation and the provisions of the Convention since 1957, the Committee hopes that the aforesaid commission will be in a position in the near future to propose the adoption of appropriate provisions in relation to the following Articles of the Convention :

Article 3, paragraph 3, of the Convention. Definition of the special circumstances in which medical re-examination shall be required more than once a year when the risks involved in the occupation for the state of health of the child or young persons make examinations at more frequent intervals necessary.

Article 4. The extension of medical examinations up to the age of 21 years in the case of unhealthy or dangerous occupations, and definition of these occupations (prohibited for persons under 18 years of age, under section 226 of the Children's Code).

Article 6. Appropriate measures for the vocational guidance and physical and vocational rehabilitation of handicapped children and young persons (taking into account the provisions of sections 71 and 72 of the existing Children's Code).

* * *

In addition, requests regarding certain other points are being addressed directly to the following States : *Algeria, Argentina, Guatemala, Iraq, Italy, Paraguay.*

Convention No. 78: Medical Examination of Young Persons (Non-Industrial Occupations), 1946

Albania (ratification : 1957)

See under Convention No. 16.

Guatemala (ratification : 1952)

As regards the application of Articles 3, 4 and 5 of the Convention, see the observation concerning Convention No. 77.

The Committee trusts that the proposed revision of the Labour Code will also give effect to the provisions of Article 7, paragraph 2 (a), of the Convention concerning " young persons engaged either on their own account or on account of their parents in itinerant trading or in any other occupation carried on in the streets or in places to which the public have access ".

Peru (ratification : 1962)

The Committee notes with regret that the Government's report has not been received. The Committee is bound, therefore, to repeat its previous observation, which was as follows :

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.

Uruguay (ratification : 1954)

See the observation concerning Convention No. 77 in connection with the application of Articles 3, paragraph 3, 4 and 6 of the Convention. The Committee trusts that the amendments to be made to the existing legislation on the employment of children and young persons will also make it possible to give full effect to the provision of the Convention concerning male persons of more than 16 years of age engaged either on their own account or on account of their parents in itinerant trading or in any other occupation carried on in the streets or in places to which the public have access (Article 7, paragraph 2 (a), of the Convention).

* * *

In addition, requests regarding certain other points are being addressed directly to the following States : *Algeria, Argentina, France, Guatemala, Honduras, Iraq, Israel, Italy, Paraguay.*

**Convention No. 79: Night Work of Young Persons
(Non-Industrial Occupations), 1946**

Argentina (ratification : 1955)

Further to its earlier observations, the Committee notes with satisfaction that, as a result of the direct contacts arranged between the competent national services and a representative of the Director-General of the ILO, an Act has been adopted on 13 March 1970 respecting the employment of women and minors, the provisions of which bring the national legislation into line with those of the Convention.

Dominican Republic (ratification : 1953)

Further to its previous observations, the Committee notes the statement in the report that every effort is being made to carry out a comprehensive revision of the Labour Code with a view *inter alia* to bringing national legislation into full conformity with the Convention.

The Committee recalls the Government's previous assurances concerning the adoption of measures to implement fully the provisions of the Convention, and trusts that the necessary action will be taken in the near future to remove the discrepancies between national legislation and the Convention in regard to the following points :

Article 3, paragraph 1, of the Convention. Section 224 of the Labour Code, as amended, prohibits night work only in respect of young persons under 16 years whereas by virtue of this Article such prohibition applies to young persons under 18 years of age.

Article 1, paragraph 4 (b). Section 224 of the Code, as amended, 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 this Article of the Convention authorises such exemptions in family undertakings in which only parents and their children or wards are employed.¹

Guatemala (ratification : 1952)

In reply to the Committee's previous observation, the Government states that the reform of the Labour Code is under examination by Congress. Recalling the statement made by the Government in its 1963-65 report concerning the adoption of legislative measures to ensure the full application of the Convention, the Committee trusts that the action envisaged will be taken in the near future so as to give effect to the specific requirements of the Convention regarding the keeping of a register by employers of all young persons under 18 years of age employed by them ; and suitable means for the identification and supervision of young persons under 18 years of age who are not at present covered by the terms of the national legislation (Article 6, paragraph 1, subparagraphs (b) and (c) respectively).

Israel (ratification : 1953)

Further to its previous observations, the Committee notes with regret from the Government's report that it has not been found possible to amend section 25 (e) of the Youth Labour (Amendment) Law of 1963 because various proposals for amendment have not yet been finalised. The Committee emphasises once more the need to bring section 25 (e) of the Law, which authorises the employment of young persons on shift work until midnight, into conformity with the Convention, which does not allow such an exception. The Committee trusts that measures will be adopted in the near future to ensure full application of the Convention on this point.

Luxembourg (ratification : 1958)

Further to its previous direct requests regarding certain discrepancies between the provisions of national legislation and those of the Convention, the Committee notes with satisfaction that the Act of 28 October 1969 relating to the protection of children and young workers contain provisions to give effect to the requirements of Article 5, paragraphs 2 and 4 (c), and Article 6, paragraph 1 (c), of the Convention.

Peru (ratification : 1962)

The Committee notes the information supplied by the Government in reply to the direct request of 1969.

Article 2 of the Convention. While noting the Government's statement that the authorisation of work by children is subject to vigorous inspection and that the labour inspection imposes severe penalties for infractions by employers, the Committee regrets that the Government has failed to indicate whether any measures have been taken to prescribe, in the case of children under 14 and over 12 years of age, a night rest period of at least fourteen consecutive hours including the interval between 8 p.m. and 8 a.m. It trusts, therefore, that the next report will contain information on the action taken to ensure compliance with this Article of the Convention.

¹ The Government is asked to supply full particulars to the Conference at its 54th Session and to report in detail for the period ending 30 June 1970.

Article 3, paragraph 1. The Committee notes that the Government repeats its previous statement that no recourse is had to section 39 of the Code of Minors (under which night rest may be reduced to nine hours). Recalling the Government's assurance in its 1963-65 report that the question of modifying section 39 would be submitted to the committee entrusted with the elaboration of a new Labour Code, the Committee trusts that the Government will take measures so as to remove the existing discrepancy between section 39 and this Article of the Convention and supply the necessary information in its next report.

Article 5, paragraph 4 (a) and (c). The Committee regrets that the Government has failed to answer the points raised in its previous direct request under this Article. It therefore trusts that the Government will state in its next report whether the granting of licences enabling children to appear in public performances (by virtue of section 43 of the Code of Minors) is made conditional on the period of employment stopping by midnight and on the granting of a consecutive rest period of at least fourteen hours.

Article 6, paragraph 1 (c). The Committee notes the Government's statement that the individual supervision of young persons who have no employment contract falls outside the competence of the Labour Administration Authorities. It hopes that the Government will take steps to ensure that these provisions of the Convention are applied also with regard to such young persons, for whom no exception is allowed under the terms of the Convention.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States : *Bulgaria, Italy, Paraguay.*

Convention No. 81: Labour Inspection, 1947

Argentina (ratification : 1955)

See paragraph 36 of the General Report.

Austria (ratification : 1949)

Article 10 of the Convention. The Committee notes from the Government's report that the Congress of Austrian Workers' Chambers has made observations to the effect that this Article of the Convention cannot be regarded as applied in Austria, since—as the chiefs of the labour inspection services have frequently stressed—the number of inspectors is insufficient to ensure that undertakings are regularly inspected.

The Committee asks the Government to include its comments on this observation in its next report, and to indicate the measures, if any, taken or contemplated in this respect.

Belgium (ratification : 1957)

Articles 4, 5, 12, 13 and 15 of the Convention. The Committee notes, from the information supplied by the Government to the Conference Committee in 1968 in reply to its previous comments, that the Bill on labour inspection now in preparation is aimed not only at bringing the national legislation into full conformity with the Convention, but also at reinforcing the effectiveness of the various labour inspection services and at ensuring the uniformity of inspection procedures.

The Committee hopes that this Bill will ensure effective co-ordination and co-operation between the different inspection services—the need for which it had stressed in its previous direct requests—in conformity with Articles 4 and 5 of the Convention, and that it will contain provisions expressly giving effect to Articles 12, paragraph 1 (b), and 15 (a) of the Convention, with which—as the Government recognises—the national legislation is not in full conformity at present, and to Article 13, paragraphs 2 (b) and 3, to which the Committee is drawing the attention of the Government in a direct request.

The Committee trusts that the Bill on labour inspection, to which the Government has been referring since 1961, will soon be adopted and that the text will be transmitted with the next report.

Article 8. The Committee notes from the Government's reply to its direct request of 1968 that no action has been taken with regard to the access of women to competitions for posts in the technical inspection service, which thus remain reserved for men. Since Article 8 of the Convention provides that women as well as men shall be eligible for appointment to the inspection staff, the Committee hopes that the Government will be able to take the necessary measures to give full effect to the Convention on this point by allowing women with the necessary academic qualifications to compete for posts as technical inspectors, and that the next report will indicate the progress achieved in this direction.

Brazil (ratification : 1957)

Since 1967, in conformity with the recommendation of the committee appointed by the Governing Body to examine the representation made under article 24 of the Constitution of the ILO by the Association of Federal Civil Servants of the State of São Paulo concerning the application of the Convention by Brazil, the Committee has been pursuing its examination of the questions raised in that representation which are still unresolved, within the framework of the regular procedure for supervising the application of ratified Conventions.

The Committee has noted the information supplied by the Government in reply to its observation and direct request of 1969 to the Conference Committee in 1969 and in its report for 1968-69. This information calls for the following comments :

Articles 3, 6, 7, 10 and 16 of the Convention. In its comments the Committee had noted that the labour inspection service had been merged with the welfare inspection service administered by the National Social Welfare Institute, pursuant to Decree No. 60381 of 11 March 1967 and Order No. 3141 of 2 May 1968, and had asked the Government in its direct request to provide detailed information on the reasons for this fusion and its consequences for the functions of the new inspection service, the control exercised over that service by the Ministry of Labour, the status of its members and the effectiveness of its work.

In reply to that request the Government merely indicates on the one hand that the measures taken to unify the two inspection services should prove fully satisfactory and are in no way contrary to Article 3 of the Convention (concerning the functions of the system of labour inspection), and that on the other hand the fusion has resulted in an increase in the staff of the inspectorate, from 972 inspectors, doctors, engineers and social workers to 4,741 inspection agents.

The Committee asks the Government to provide in its next report a breakdown of these 4,741 inspection agents by professional categories (inspectors, doctors, engineers, other specialists, administrative officials, etc.), indicating how many of them are actually engaged in supervising the application of the labour laws.

Indeed, the increase in the staff of the inspection service can be regarded as resulting in fuller application of the Convention (and in particular of Articles 10 and 16 thereof) only in so far as the staff is engaged in securing the enforcement of provisions relating to conditions of work, which represents the main function of the system of labour inspection, according to Article 3 of the Convention.

Since in the absence of more precise information on this point and on other points raised in its direct request of 1969, the Committee is unable to assess the extent to which effect is at present being given to certain essential provisions of the Convention (in particular Articles 3, 6, 7, 10 and 16) within the framework of the new organisation of the inspection services, it hopes that the Government will not fail to provide detailed particulars in reply to the new direct request which is being made to it on these points.

Article 11, paragraph 2. The Government refers to a substantial increase in the salaries of inspectors and to the introduction of productivity bonuses as a result of the fusion of the inspection services, and states that, therefore, the representation made by the Association of Federal Civil Servants of the State of São Paulo is no longer justified.

The Committee notes this improvement in the conditions of remuneration of labour inspectors with interest. At the same time, however, it must also note that no information has been supplied on any measures which may have been taken to ensure the effective reimbursement to labour inspectors of all the expenses necessary for the performance of their duties. Since this question was raised in the representation of the aforesaid Association, to the effect that the provisions of the labour inspection regulations concerning the payment of travel and residence indemnities were not being applied, the Committee trusts that the Government will indicate the action that has been taken in this respect, and will transmit the text of any administrative or budgetary decision, and a copy of the form for the reimbursement of expenses incurred by inspectors in the performance of their duties.

Articles 19 to 21. The Committee notes that a working group has been set up to establish the inspection reports required by Article 20 of the Convention, and that the report for 1968 will be published within the time limits laid down in the latter. It accordingly hopes that this report will be transmitted to the ILO by 31 March 1970, in conformity with paragraph 3 of this Article, and will contain all the particulars specified in Article 21 of the Convention, and that in future the report on the work of the labour inspection services will be published and transmitted yearly within the time limits laid down in the Convention.¹

Bulgaria (ratification : 1949)

Further to its previous observation and direct request, the Committee notes with satisfaction that the report of the inspection services on occupational safety for 1967 has been published and transmitted to the ILO within the time limits prescribed by Article 20 of the Convention.

Central African Republic (ratification : 1964)

The Committee notes with regret that the report for 1968-69 has not been received. As the two previous reports did not contain any information in reply to

¹ The Government is asked to supply full particulars to the Conference at its 54th Session and to report in detail for the period ending 30 June 1970.

the direct request made by the Committee in 1966, following its examination of the first report on the application of the Convention, the Committee trusts that the Government will not fail to supply a report for examination at its next session, and that that report will contain detailed information on the points raised in a new direct request.

Ceylon (ratification : 1956)

Article 6 of the Convention. In 1968 the Labour Officers' Association sent a communication to the ILO setting out the demands submitted to the Government by these officials in respect of their salary scales and career prospects.

The Committee notes with interest from the Government's reply to its observation of 1969 on this question that the initial salaries of labour inspectors have been increased, and that the salaries of all public servants have been consolidated.

As regards promotion prospects, which have been reduced since 1963 owing to the fact that labour inspectors can no longer become Assistance Commissioners of Labour, the Committee notes that the situation has remained unchanged. It accordingly hopes that the Government will pursue its endeavours to ensure that labour inspectors enjoy conditions of service and career prospects in keeping with their responsibilities, and which are such as to render them independent of improper external influences, as required by Article 6 of the Convention. It trusts that the next report will indicate the progress made in this respect and will contain the text of the final reports of the Salary Anomalies Committee and Salaries Commission, which had been asked to study the matter.

China (ratification : 1962)

Articles 12 and 15 (c) of the Convention. The Committee notes with regret that the report does not contain any information in response to its observation of 1968 regarding the adoption of the draft Labour Code, which was to contain provisions giving effect to these Articles of the Convention. According to information submitted by the Government to the Conference Committee in 1968, the draft Labour Code had been submitted to the Executive Yuan for final examination.

The Committee trusts that the draft Labour Code to which the Government has referred since 1965 will be adopted in the very near future, and that it will lay down in detail the powers of labour inspectors, in accordance with Article 12 of the Convention, as well as their obligations, in accordance with Article 15, paragraph (c), of the Convention.

Articles 20 and 21. The Committee notes from the Government's reply to its direct request of 1968 that the Government has taken steps to comply fully with the provisions of these Articles regarding the publication and transmission of annual inspection reports. Since the last report transmitted to the ILO dates back to 1964, the Committee calls the attention of the Government to the fact that by virtue of Article 20 of the Convention it is under an obligation to publish an annual report on the work of the inspection services within twelve months after the end of the year to which it relates, and to transmit it to the ILO within three months after its publication. The Committee hopes that in future the labour inspection reports will be published and transmitted in due time and will contain all the information specified in Article 21 of the Convention.¹

¹ The Government is asked to supply full particulars to the Conference at its 54th Session.

Cuba (ratification : 1954)

1. For more than ten years the Committee has been drawing the attention of the Government to the need for a detailed definition of the powers of labour inspectors, in conformity with Article 12 of the Convention, and to publish an annual report on the activities of the inspection services in conformity with Article 20.

Article 12 of the Convention. The Committee notes with regret from the information supplied by the Government to the Conference Committee in 1969 that the draft labour inspection regulations, in which the powers of inspectors are to be specified, are still in preparation. As the Government has been referring to these regulations since 1961, the Committee hopes that they will be adopted in the very near future and that the text thereof will be transmitted with the next report.

Article 20. The Committee notes with regret that no action has yet been taken with regard to the publication and transmission of inspection reports. As no inspection report has been transmitted to the ILO since the Convention was ratified, the Committee can only urge the Government once again to take the necessary steps to apply Article 20 of the Convention.

2. *Article 15, paragraph (c).* In its previous direct requests the Committee expressed the hope that an express provision would be inserted in the labour inspection regulations to give effect to this provision of the Convention, which provides that inspectors must treat the source of any complaint as absolutely confidential. The Committee notes from the Government's reply that this provision is applied in practice and that, under the system prevailing in Cuba, the representations that the workers and their organisations are called upon to make to the responsible authorities, under the General Basis on the Organisation of Occupational Safety and Health, in order to secure the enforcement of the legislation, do not need to be of a confidential nature, and can in no case be prejudicial to them.

The Committee considers that the Convention is formal on this point: the principle that inspectors must treat the source of any complaint as absolutely confidential and give no information to the employer or his representative that a visit of inspection was made in consequence of a complaint must be expressly laid down in the national legislation, subject to such exceptions as may be made therein. The Committee accordingly hopes that the Government will be able to adopt the necessary provisions, in written instructions to the labour inspectors or in the Labour Inspection Regulations, to give full effect to Article 15, paragraph (c), of the Convention.

3. The Committee also hopes that the next report will contain detailed particulars of the application of *Articles 6 and 7 of the Convention*, on which it has been commenting for a number of years, and which is the subject of a new direct request to the Government.¹

Dominican Republic (ratification : 1953)

The Government having failed to reply to the direct requests made for a number of years on the application of this Convention, the Committee must take up the matter once again in a new direct request and it trusts that the Government

¹ The Government is asked to supply full particulars to the Conference at its 54th Session and to report in detail for the period ending 30 June 1970.

will make every effort to take the necessary measures and supply the information requested.

France (ratification : 1950)

Article 20 of the Convention. The Committee notes that the statistical information on the work of the inspection services in 1967 transmitted by the Government does not exist in printed form, and that the report fails to indicate, in reply to the direct request made in 1968, the steps taken for its publication. The Committee again recalls that, under Article 20 of the Convention, the annual report on the work of the inspection services must be published within twelve months after the end of the year to which it relates, and transmitted to the ILO within three months of its publication. In the past, this report has been published in France in the publication entitled *Labour and Social Security Statistics*.

The Committee hopes that the Government will take the necessary measures to ensure that in future as in the past the inspection reports are *published* and transmitted within the prescribed time limits.

Greece (ratification : 1955)

Article 12, paragraph 1 (c), and Article 13 of the Convention. In 1968, in reply to direct requests and observations made by the Committee since 1958 concerning the application of Article 12, paragraph 1, and Article 13 of the Convention, the Government had informed the Conference Committee that a new draft Labour Code, designed to ensure the observance of the international labour Conventions ratified by Greece, was in process of preparation.

The Committee notes with regret that, according to the report for 1967-69, it is not yet possible to bring the national legislation into harmony with Article 12, paragraph 1, of the Convention. As various Bills aimed at giving effect to this Article and to Article 13 of the Convention have been pending for over ten years, the Committee trusts that the necessary steps will be taken in the very near future to add to the national legislation provisions empowering labour inspectors to interrogate the employer or the staff of the undertaking and to take samples, in conformity with Article 12, paragraph 1 (c), (i), and (iv), of the Convention, and to make or apply for the issue of orders as provided for in Article 13 of the Convention.

Articles 20 and 21. The Committee notes that the annual report on the work of the labour inspection services for 1967 has not reached the ILO. It recalls that according to Article 20 of the Convention, such reports must be published within twelve months after the end of the year to which they relate and transmitted to the ILO within three months after their publication. It hopes that the report for 1967 will reach the ILO shortly, and that in future the reports will be published and transmitted within the prescribed time limits, and will contain the information specified in Article 21 of the Convention.

Guatemala (ratification : 1952)

Articles 14 and 15, paragraphs (a) and (c), of the Convention. The Committee notes from the Government's report for 1967-69 that the draft revision of the Labour Code, which is to render the notification of occupational diseases compulsory, in conformity with Article 14 of the Convention, and also to provide that labour inspectors must treat the source of any complaint brought to their notice as absolutely confidential and refrain from intimating to the employer that a visit of

inspection was made pursuant to such a complaint, in conformity with Article 15 (a) and (c) of the Convention, is being considered by the national Congress. As it has been commenting on the application of these Articles for over ten years, the Committee trusts that the draft will be adopted very shortly, and that the text thereof will be transmitted with the Government's next report.

Article 20. The Committee notes that the *Official Gazette* of 17 October 1967, which the Government describes as containing the report on the work of the labour inspection services for 1967, contains the inspection report for 1962-66 only. It hopes that the report for 1967 will reach the ILO soon and that in future the time limits laid down in Article 20 of the Convention will be observed.

Guinea (ratification : 1959)

Article 13, paragraph 2 (b), of the Convention. Referring to its previous observations and direct requests, the Committee notes that the Government's report for 1967-69 contains no information on the stage reached in the revision of the Labour Code. According to the information communicated by the Government to the Conference Committee in 1968, that Code is to confer on labour inspectors the right to make or to have made orders requiring measures with immediate executory force in the event of imminent danger, in conformity with Article 13, paragraph 2 (b), of the Convention. The Committee trusts that the revision of the Labour Code will soon be completed and that the text of the amendments will be transmitted with the next report.

Article 20. The Committee notes with regret that despite the Government's repeated assurances, no annual report on the work of the labour inspection services has so far been received in the ILO. The Committee can only urge the Government once again to take the necessary action for publication and transmission, within the time limits laid down in Article 20 of the Convention, of an inspection report containing all the information specified in Article 21 of the Convention.

Iraq (ratification : 1951)

See paragraph 36 of the General Report.

Italy (ratification : 1952)

The Committee has been informed that four communications from various branches of the National Association of Labour Inspectors (ANIL) have been received by the International Labour Office between June 1969 and February 1970 concerning the application of the Convention.

These communications, which have been transmitted to the Government in order to give it an opportunity to make any comments which it may consider appropriate, related in particular to the application of Articles 6, 10 and 16 of the Convention. According to the ANIL, the labour inspectors do not receive sufficient remuneration, having regard to the importance and difficulty of their functions, and the staff of the labour inspectorate is too small, having regard to the large number of undertakings subject to its supervision, to permit it to exercise effective supervision over such undertakings.

The Committee notes that the report for 1967-69 contains some information on a foreseeable increase in the labour inspection staff, on measures envisaged to increase inspectors' mission expenses and on the frequency of inspection visits, but

does not contain any specific comments on the communications referred to above, some of which were received only very recently. It recalls that under Article 6 of the Convention the status and conditions of service of the inspection staff must be such that they are assured of stability of employment and are independent of improper external influences, and that under Articles 10 and 16, the number of labour inspectors must be sufficient to secure the effective discharge of the duties of the inspectorate—by means of frequent and thorough visits—and must be determined with due regard for, in particular, the number of workplaces subject to inspection and the number of persons employed in them.

The Committee hopes that the Government's comments on the communications referred to above will be received in the near future and that they will indicate any measures which may have been taken or envisaged in respect of them.¹

Jamaica (ratification : 1962)

Article 20 of the Convention. The Committee notes that, despite the repeated assurances given by the Government in reply to its direct requests on this point, the last report of the Ministry of Labour received in the ILO dates back to 1961. Since this Article of the Convention provides that the report on the work of the inspection services must be published within twelve months after the end of the year to which it relates and transmitted to the ILO within three months after its publication, the Committee trusts that the Government will take the necessary action very soon to ensure that in future the report of the Ministry of Labour is published and transmitted within the prescribed time limits.

Kenya (ratification : 1964)

The Committee has taken note of the information supplied by the Government in reply to its direct request of 1968 concerning the application of Article 13, paragraphs 2 (b) and 3, of the Convention.

Article 15 (c) of the Convention. The Committee notes that the Bill to amend the Employment Act, which is to contain a provision giving effect to Article 15 (c) of the Convention, will be submitted to the competent authorities in due course. As the Government has been referring to this Bill for a number of years, the Committee trusts that it will soon be adopted and that the text will be attached to the next report.

Article 20. The Committee notes that the last annual report of the Ministry of Labour received in the ILO relates to the year 1965. It recalls that, according to Article 20 of the Convention, the annual reports on the work of the inspection services must be published within twelve months after the end of the year to which they relate, and transmitted to the ILO within three months after their publication. It hopes that in future the time limits laid down in the Convention will be observed.

Lebanon (ratification : 1962)

Articles 3, 10, 12 and 13, paragraphs 2 (b) and 3, of the Convention. The Committee notes with interest from the Government's reply to its direct request of 1968 that plans for reorganising the Ministry of Labour and Social Affairs are under way, and will give full effect to Articles 3 and 10 of the Convention (by

¹ The Government is asked to report in detail for the period ending 30 June 1970.

strengthening the staffing of the labour inspection service and confining the duties of inspectors to inspection work), and to Article 12 of the Convention (by defining in detail the powers of labour inspectors).

The Committee hopes that this scheme will soon be adopted and that it will also contain provisions empowering inspectors to make or to have made orders requiring measures with immediate executory force in the event of imminent danger to the health or safety of the workers, in accordance with Article 13, paragraphs 2 (b) and 3, of the Convention. It appears in fact that Articles 107 and 108 of the Labour Code, as amended by the Act of 17 September 1962, to which the Government report refers, do not confer the authority to order the immediate closing of an undertaking at risk, since the Director-General of the Ministry can take the decision to close down an establishment only if the safety measures ordered in the warning issued by the competent board have not been taken by the employer; this procedure necessarily implies a certain delay during which an imminent danger might materialise.

Article 20. The Committee notes that no report on the work of the inspection services has so far been received in the ILO. As, under Article 20 of the Convention, the annual report on the work of the inspection services must be published within twelve months after the end of the year to which it relates, and transmitted to the ILO within three months after its publication, the Committee hopes that the Government will not fail to carry out its intention, expressed in its report, to take the necessary steps to ensure that in future these annual reports are published and communicated to the ILO within the prescribed time limits.

Malaysia (ratification : 1963)

States of Malaya.

Article 12 of the Convention. The Committee notes from the Government's reply to its previous direct requests that the new Factories and Machinery Act, 1967, has not yet entered into force. Since this Act contains provisions giving effect to Article 12, paragraphs (a) and (c) (iv), of the Convention as regards the right of labour inspectors to enter workplaces by day or by night and to take samples, the Committee hopes that it will take effect very shortly.

Mauritania (ratification : 1963)

See under General Observations.

Morocco (ratification : 1958)

Article 20 of the Convention. The Committee notes with interest from the Government's reply to its previous direct requests that publication of the annual labour inspection reports—which are typewritten at present—is expressly provided for in the draft Labour Code now being prepared, and that the arrangements for publication will ensure that the report constitutes a useful item of information for the administrations and industrial organisations.

The Committee hopes that the Government will take the necessary measures to have the forthcoming reports of the labour inspectorate published, as required by Article 20 of the Convention, pending the introduction of the provisions of the new Labour Code.

Pakistan (ratification : 1953)

Articles 20 and 21 of the Convention. The Committee notes with interest the consolidated report on the working of labour laws in Pakistan during 1966, transmitted by the Government in reply to its observation of 1968, which contains all the information called for by Article 21 of the Convention, with the exception, as regards the annual report on the working of the Factories Act, of an indication of the staff of the labour inspection service (paragraph (b)).

The Committee hopes that the report for 1967 will reach the ILO soon and that in future the annual report on the working of the labour laws will be published and transmitted to the ILO within the time limits laid down by Article 20 of the Convention, and will contain all the information stipulated in Article 21 thereof.

Panama (ratification : 1958)

See paragraph 36 of the General Report.

Peru (ratification : 1964)

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 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 notes moreover that the last report of the Ministry of Labour on "The Work of the Peruvian Government in the Field of Labour" received in the ILO relates to 1964-65, and that, like the report for 1963-64, on which the Committee commented in 1968, it does not contain most of the information required by Article 21 of the Convention. The Committee trusts that in future the Government will publish and transmit within the time limits laid down by Article 20 of the Convention an annual report on the work of the inspection services, containing all the information prescribed by Article 21 of the Convention.

Portugal (ratification : 1953)

The Committee regrets that no report has been received. It hopes that a report will be supplied for examination by the Committee at its next session and will contain full information on the matters raised in its previous direct request, which read as follows :

Articles 20 and 21 of the Convention. As concerns the *metropolitan provinces*, the Committee notes that a table summarising the work of the labour inspection service during 1966 has been published in

the National Labour and Welfare Bulletin. None the less, this table does not contain *all* the information required by Article 21 (in particular: (a) the list of laws and regulations the application of which the labour inspection service supervises; (c) statistics on undertakings and workers employed therein; (f) and (g) statistics on industrial accidents and occupational diseases), and does not correspond to the detailed annual reports which, under section 36 of Decree No. 37.747 of 15 February 1950, must be made by the Chief Inspector, and the items of which are listed in paragraph 2 of the aforementioned section. The Committee would be grateful if the Government would indicate whether such reports are in fact *prepared and published* each year and, if so, would send a copy to the International Labour Office within three months after their publication, as is required by Article 20.

As concerns the *overseas Provinces*, the Committee has noted the inspection report for 1966 for the Province of Mozambique which was submitted "as an example" together with the Government's report. The Committee wishes to draw attention to the fact that the Government is bound under Article 20 of the Convention to prepare and communicate each year to the ILO an inspection report covering the whole national territory, that is to say both for Metropolitan Portugal and for the overseas Provinces. Furthermore, the Committee requests the Government to indicate whether the report for Mozambique and those for other Provinces are published.

Sierra Leone (ratification : 1961)

The Committee notes with regret from the Government's reply to its observation made in 1968 that no measures have been taken to bring the national legislation into full harmony with the Convention with respect to the followings points, raised by the Committee for more than ten years :

Article 12 of the Convention. The powers of the inspectors responsible for supervising the application of the Employers and Employed Act have not yet been defined, and the inspectors are at present not empowered to take samples of materials and substances used in undertakings.

Article 15, paragraph (c). There is no general provision obliging labour inspectors to treat the source of any complaint as absolutely confidential.

The Committee trusts that the necessary amendments to the national legislation will be adopted very soon. It hopes that on the same occasion, the power to order measures with immediate executory force in the event of imminent danger, provided for in *Article 13, paragraph 2 (b), of the Convention*, will be expressly granted to inspectors, in keeping with the Government's intentions as outlined in previous reports.

Articles 20 and 21. The Committee notes that the report on the work of the inspection services for 1967 has been received in the ILO. It observes that this report is incomplete (the statistics only cover undertakings employing more than six workers; the inspection visits and violations listed relate only to the application of the legislation on wages; there are no statistics of occupational diseases), but that, according to the Government, steps are being taken to add complete statistics on undertakings inspected and occupational diseases to the inspection reports. The Committee trusts that measures will also be taken to ensure that the information transmitted with regard to inspection visits, violations and penalties will cover not only the legislation on wages but all the statutory provisions the application of which is supervised by the inspectors, and that in future the inspection reports will contain all the information specified in Article 21 of the Convention.

Turkey (ratification : 1951)

Articles 20 and 21 of the Convention. The Committee notes from the information supplied by the Government in its report for 1965-68 (which arrived too late to be examined in 1969) and to the Conference Committee in 1969, in response to its previous observations, that the delay in the publication of the annual reports on

labour inspection is due to the difficulties encountered in setting up a service for labour statistics and in obtaining information on judicial decisions in this field, but that steps have been taken to overcome them and that it would be possible from 1969 onwards to publish annual reports.

The Committee takes due note of this information and trusts that in future annual reports on the work of the inspection services, containing all the information specified in Article 21 of the Convention, will be published and transmitted to the ILO within the time limits laid down in Article 20.

Uganda (ratification : 1963)

Following its previous observations and direct requests, the Committee notes with satisfaction that section 35 A of the Workmen's Compensation (Amendment) Act, 1969, provides for the notification of cases of occupational disease to the labour inspector, as required by Article 14 of the Convention.

Articles 12, paragraph 1 (c), and 15, paragraph (c), of the Convention. The Committee notes from the Government's reply to its observation of 1968 that the Employment Act Amendment Bill, which is designed to give full effect to these provisions of the Convention, has not yet been adopted. As this Bill has been under consideration since 1961, the Committee trusts that it will be adopted in the very near future, and will contain provisions empowering labour inspectors to undertake interrogation in the course of their inspections, in conformity with Article 12, paragraph 1 (c) (i), of the Convention, and requiring them to treat as absolutely confidential the source of any complaint, in conformity with Article 15 (c) of the Convention.

Articles 20 and 21. The Committee notes that the annual report of the Ministry of Labour for 1966 is still in process of preparation, and that the preparation of the reports for 1967 and 1968 has begun. The Committee recalls that under Article 20 of the Convention, the annual reports of the labour inspection services must be published within twelve months after the end of the year to which they relate, and must be transmitted to the ILO within three months after their publication. It hopes that the reports currently being drafted (particularly those for 1966 and 1967) will soon be communicated to the ILO, and that in future the time limits prescribed by the Convention in this respect will be observed.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States : *Algeria, Barbados, Belgium, Brazil, Bulgaria, Cameroon (Western Cameroon), Central African Republic, Ceylon, Chad, Costa Rica, Cuba, Dominican Republic, Finland, France, Ghana, Greece, Guyana, Haiti, India, Israel, Italy, Jamaica, Japan, Kuwait, Lebanon, Malawi, Malaysia, Mali, Malta, Netherlands, New Zealand, Nigeria, Norway, Pakistan, Senegal, Sierra Leone, Singapore, Spain, Switzerland, Syrian Arab Republic, Tanzania (Tanganyika), Turkey, United Arab Republic, Viet-Nam.*

Information supplied by *Ireland* and the *United Kingdom* in answer to direct requests has been noted by the Committee.

Convention No. 82 : Social Policy (Non-Metropolitan Territories), 1947

A request regarding certain points is being addressed directly to *Guyana*.

Convention No. 85 : Labour Inspectorates (Non-Metropolitan Territories), 1947*Cameroon (Eastern Cameroon)*

The Government states in its report that a Bill providing for the ratification of several international instruments, including in particular the Labour Inspection Convention, 1947 (No. 81), has been laid before the National Assembly. The Committee notes with interest that this Bill will have the effect of making Convention No. 81 applicable to the whole of Cameroon.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States : *Niger, Trinidad and Tobago*.

Convention No. 86 : Contracts of Employment (Indigenous Workers), 1947

A request regarding certain points is being addressed directly to *Kenya*.

**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 notes with regret that the Government's report has not been received. The Committee can only refer, therefore, to its previous observation and indicate that it is prepared to consider further the points raised 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.

Burma (ratification : 1955)

The Committee notes from the information supplied by the Government in answer to an observation made in 1969 that the Trade Unions Act of 1926 has

neither been repealed nor amended since the time of its report for 1968. In reply to an observation made in 1968 the Government had stated that the 1926 Act 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. However, in its report for the period 1966-68 the Government had indicated that by section 12 of the above-mentioned law, the Trade Unions Act had become one of its rules in so far as it was compatible with the aim and spirit of the law. In these circumstances and in order to clarify the situation, the Committee would be grateful if the Government would be good enough to specify which provisions of the 1926 Act still remain in force and which are applied in practice.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.

Cameroon (ratification : 1960)

The Committee has taken note of the information communicated by the Government to the Conference Committee in 1969 in response to the comments made by the *Union des Syndicats croyants du Cameroun* relating to the registration of trade unions.

The Committee is addressing a direct request to the Government dealing, *inter alia*, with this question.

Central African 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 that amendments have been made in the new draft of the Labour Code to the provisions of the following sections of the Labour Code, which had been the subject of previous observations: section 6 (which restricts the trade union rights of aliens), section 10 (which stipulates that the officers of a trade union must have been engaged in the occupation concerned for five years) and section 22 (which makes it compulsory for collective agreements to have been negotiated by representatives of the employers' or workers' organisations which belong to the occupation or occupations concerned).

Referring to sections 6 and 22 of the Labour Code, the Committee notes that sections 187 and 204 of the draft appear to take into account the comments that the Committee had previously made.

As concerns section 10 of the Labour Code, section 192 of the draft reduces to one year the period during which the officers of the trade union must have been engaged in the occupation concerned. The Committee considers that, although the drafting of section 192 of the draft is an improvement on section 10 of the Labour Code, the fact that all the leaders of a trade union must be engaged in the occupation concerned is a limitation not provided for by Article 3 of the Convention. This 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.

¹ The Government is asked to supply full particulars to the Conference at its 54th Session.

The Committee hopes that the Government will make every effort to take the necessary action in the very near future.

Congo (Brazzaville) (ratification : 1960)

The Committee has taken note of the report of the Government and of the discussion which took place in 1969 in the Conference Committee regarding the application of the Convention in the Congo (Brazzaville), and in particular of the statements of a Government representative concerning the scope and significance of Act No. 40/64 of 17 December 1964. The Committee considers that neither these statements nor the information contained in the report invalidate the conclusions reached by it at its previous session, and finds itself obliged to repeat its previous observation, the essential passages of which read as follows :

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 No. 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.

The Committee hopes that the Government will make every effort to take the necessary action in the very near future.

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.

Dominican Republic (ratification : 1956)

With respect to the questions that gave rise to its comments which were repeated in 1969 in an observation and a direct request, the Committee notes the information given in the Government's report for 1968-69 concerning the appointment of a new committee responsible for studying the revision of the Labour Code.

The Committee also notes the statement of the Government representative to the Conference Committee in 1969 to the effect that this committee had been set up two years before to consider improvements to the Labour Code, and had drawn up a report which was to be submitted to Congress, and that a tripartite committee had also been appointed with a view to advising on the proposed texts. The representative added that all the comments made by the Committee of Experts would be brought to the attention of these bodies and taken into account, so that the Government would soon be in a position fully to meet its obligations regarding the application of the Convention.

In its previous direct requests and observations, the Committee has referred repeatedly to the situation of various categories of workers who are outside the scope of the Labour Code, such as public servants and other workers employed by the State, and various categories of agricultural workers. The Committee has also referred to sections 368 to 379 of the Code, the concurrent application of which might seriously restrict the right to strike.

In view of the statements made concerning the revision of the legislation, the Committee asks the Government to specify in its next report the action taken to ensure that persons not covered by the Labour Code enjoy full freedom of association, in conformity with Article 1 of the Convention, and to amend sections 368 to 379 of the Code so that they do not impair the rights guaranteed to trade unions by the provisions of Articles 3 and 8 (paragraph 2) of the Convention.

Greece (ratification : 1957)

The Committee has been informed that the work of the Commission of Inquiry appointed under article 26 of the Constitution of the International Labour Organisation to examine the complaints concerning the observance by the Government of Greece of Conventions Nos. 87 and 98 is in progress. In these circumstances, as indicated in its report for 1969, the Committee will resume its own examination of the matter when the Commission has submitted its report.

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.

Malagasy Republic (ratification : 1960)

For several years now the Committee has had before it the questions raised by section 3 of Ordinance No. 60-119 of 1 October 1960 instituting a Labour Code, which, in dealing with the objectives of trade unions, stipulates that "any political activity whatsoever by trade unions is prohibited". The question was also debated at length in the Conference Committee in 1969.

It seems from the latest report of the Government and from the explanations provided by its representative in the Conference Committee in 1969 that the purpose of section 3 of Ordinance No. 60-119 of 1 October 1960 is to prevent trade unions from becoming extensions of political parties, by prohibiting organic links between trade unions and political parties which would deflect the unions from their true vocation, namely the defence of the interests of workers and employers.

The Committee does not dispute the fact that it is important for trade unions to preserve their independence if they are to play their role ; the problem, indeed, formed the subject of the Resolution concerning the independence of the trade union movement adopted by the Conference in 1952.

The Committee considers, however, that there is a fundamental difference between preventing trade unions from giving their allegiance to political parties, and prohibiting them generally from indulging in any political activity. Indeed, it frequently happens that within the framework of their mandate to defend the occupational interests of their members, the unions find it necessary to take a stand regarding the Government's economic and social policy, or certain aspects thereof, and it would sometimes be difficult to gauge to what extent such a course could be regarded as a political activity prohibited by the legislation.

In fact, a broad interpretation of the text of section 3 of Ordinance No. 60-119 of 1960 could lead to the conclusion that the unions would be going beyond the role allotted to them by law if they attempted to make suggestions or criticisms with regard, for example, to the Government's wage policy or economic plans.

Yet this does not seem to have been the legislator's intention in drafting the provision under discussion, since the Government's representative to the Conference stated before the Conference Committee in 1969 that the only restriction involved applied to " any organic link between trade unions and political parties ". That representative stated that the Government would endeavour to have section 3 of the Ordinance of 1 October 1960 brought into conformity with the spirit of the Convention. For its part, the Conference Committee expressed its hope that the Government would reconsider the relevant national legislation in the light of the discussions and would take steps to bring the legislation into conformity with the Convention.

Thus, while taking due note of the Government's statement in its last report that the term " political " must be interpreted in the strictest sense, the Committee considers that it would be advisable to redraft section 3 of the 1960 Ordinance so as to avoid the absolute prohibition of any activity which might have a political aspect, and to leave the responsibility of checking abuses by occupational organisations seeking to use the trade unions as political instruments to the courts.

Mauritania (ratification : 1961)

See under General Observations.

Mexico (ratification : 1950)

Further to its previous observation, the Committee notes the statement made by a Government representative before the Conference Committee in 1969 to the effect that in order to bring the national legislation into conformity with ratified Conventions the Government had taken measures to revise the Federal Labour Act and all other relevant laws. The Government representative added that when that revision is completed, various Conventions, including Convention No. 87, would be fully applied.

On the other hand, the Government's last report contains no new information which might affect the conclusions arrived at by the Committee in previous years, namely, that the Federal Act respecting the State employees contains a number of provisions (sections 68, 69, 71, 72, 73, 75, 79 and 84) which are contrary to the provisions of the Convention.

The Committee would be grateful to the Government for keeping it informed of any further developments designed to bring the provisions of the above-mentioned sections into harmony with those of the Convention.¹

Poland (ratification : 1957)

The Committee notes that the Government's last report contained 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.

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.

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.

United Arab Republic (ratification : 1957)

The Committee notes the report of the Government, containing the same information as the report submitted for the period ending 1966. It also notes the additional explanations communicated by the Government to the Conference in 1969 and the statement made by the Government representative before the Conference Committee. Moreover, with regard to points 1 (e) and 2 below, the Committee takes particular note of the fact that a special committee, formed to review and amend the Labour Code of 1959, is examining the situation and has agreed, in the case of point 2, to the deletion of section 231bis from the Code.

The Committee further notes that various discrepancies between provisions of the national legislation and the Convention continue to exist.

1. In this respect, the Committee noted on previous occasions 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 ;

¹ The Government is asked to supply full particulars to the Conference at its 54th Session.

- (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) 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 ;
- (d) 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 ;
- (e) 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.

2. The Committee also noted that the new section 231*bis* added to the Code in 1964 fines a worker who fails to vote in a union election. This provision is not compatible with Article 3 of the Convention.

3. With regard to meetings, the Committee takes note of the Government's statement that section 177 of the Code is not applicable to private meetings. However, section 177 states that "the general trade union or the trade union committee shall give notice of every general assembly at least seven days before the date fixed for the meeting. Such notice shall be sent by registered letter to the competent administrative authority informing it of the place and date of the general assembly". The Committee considers that this provision may restrict the right of organisations to organise their activities freely, and permit of intervention on the part of public authorities. In 1960 the Conference Committee observed that a trade union must be able to meet at any moment to consult its members, and that the Government should not be concerned to know whether a trade union was going to meet or not as this knowledge might lead to Government intervention. Therefore, section 177 appears to be contrary to the provisions of Article 3 of the Convention, according to which trade unions shall have the right freely "to organise their activities", while the public authorities shall "refrain from any interference which would restrict this right". It also appears to be incompatible with Article 8 (2) of the Convention.

4. With regard to the right to strike, the Committee notes the Government's statement that strikes are prohibited only while conciliation and arbitration procedures are under way. However, as sections 203, 205 and 232 of the Code appear to make an arbitration decision binding and compulsory, the right to strike would seem to be denied to workers' organisations even after a decision has been handed down. Thus, under sections 180 (2), 189 and 209 of the Code, 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.

5. The Committee takes note of Act No. 32 of 1964 which is applicable to the organisation of employers and independent workers. The Committee deals in greater detail with this subject in a request addressed directly to the Government.

The Committee would urge the Government to re-examine the above-mentioned legislation in the light of the Committee's comments and would also request the Government to keep it informed of any legislative changes in relation to the draft revision of the Code.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States : *Belgium, Cameroon, Chad, Gabon, Guyana, Jamaica, Liberia, Nicaragua, Panama, United Arab Republic.*

Convention No. 88 : Employment Service, 1948

Argentina (ratification : 1956)

The Committee notes with regret that the Government's report contains no reply to its previous comments. It is bound therefore to repeat its observation, which was as follows :

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.

The Committee hopes that the Government will make every effort to take the necessary action in the very near future.¹

Australia (ratification : 1949)

Further to its previous observations, the Committee notes with satisfaction that a National Labour Advisory Council has been established and has started to function.

The Committee would be glad if, in its next report, the Government would indicate whether the functions of the Council include co-operation in the organisation and operation of the employment service and in the development of its policy, more particularly in regard to referral of workers to available employment (*Article 4, paragraph 1, and Article 5 of the Convention*) ; and whether the representatives of employers and workers on the Council are appointed in equal number (*Article 4, paragraph 3*).

Costa Rica (ratification : 1960)

Article 3 of the Convention. Further to its previous direct requests, the Committee notes with satisfaction the establishment of two regional employment offices and a second office in the metropolitan area.

Cyprus (ratification : 1960)

Articles 3 and 4 of the Convention. The Committee has taken note of a communication submitted to the International Labour Office by the Cyprus Turkish Trade Unions Federation according to which there are no public employment offices in the Turkish areas of the island, and there are no Turkish employers' or workers'

¹ The Government is asked to supply full particulars to the Conference at its 54th Session and to report in detail for the period ending 30 June 1970.

representatives on the labour advisory boards. A copy of this communication was sent to the Government by the Office in July 1969 for its comments, but no such comments have so far been received. The Committee would therefore be glad if the Government would supply information in its next report on the points referred to above.

Dominican Republic (ratification : 1953)

The Committee notes with regret, from the Government's report for 1967-68, received too late to be examined in 1969, 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. 574 of 5 May 1960) have still not been set up, and that the Government merely repeats the information supplied in its previous report (for the period 1963-65). The Committee trusts that the Government will take the necessary measures for the establishment of one or more advisory committees in the very near future, and will thus ensure the full application of the Convention, which was ratified seventeen years ago.¹

Guatemala (ratification : 1952)

Further to its previous observations and direct request, the Committee notes with interest that the tripartite Consultative Council of the National Employment Service has been established. It hopes that this Council is co-operating in the organisation and operation of the employment service and the development of its policy, and that the next report will contain information on its activities (Articles 4 and 5 of the Convention).

The Committee further notes that no employment offices have yet been opened outside the capital but that it is intended to open such offices in the various departments of the Republic during 1970 within the framework of the Highlands Development Programme. It has further come to the Committee's notice that an ILO technical co-operation expert in the field of employment service organisation is at present in Guatemala. The Committee accordingly trusts that the next report will contain details of the progress made in extending the employment service, both in the capital and in the other areas of the country (including those not covered by the Highlands Development Programme) so as to provide a network of offices as required by Article 3 of the Convention.

The Committee also hopes that as the network of offices is extended, measures will be taken to implement the provisions of Articles 6, 7, 8, 10 and 11 of the Convention, and that future reports will contain full information in this connection.

In connection with the training of the staff of the proposed new employment offices, the Committee notes that this is to be undertaken in conjunction with the Highlands Development Programme. The Committee hopes that in this way the employment service staff will be adequately trained for the performance of their duties, and that details of such training will be supplied in the next report. Please also supply a copy of the Civil Service Law which came into force on 1 January 1969 and regulates their status and conditions of service (Article 9 of the Convention).

Iraq (ratification : 1951)

Articles 1 to 3 of the Convention. The Committee notes that by virtue of instruction No. 6 of 1968 the fifteen existing labour offices are all considered to be employment offices and come under the control of the central employment service. The

¹ The Government is asked to report in detail for the period ending 30 June 1970.

Committee hopes that future reports will contain information on further progress made in the establishment of a network of employment offices sufficient in number to serve each geographical area of the country.

Articles 4 and 5. In its report for 1965-67 the Government had stated that it was currently re-examining the composition of the Central Employment Council and would supply detailed information on this point when it had been settled. In the absence of such information in the Government's latest report, the Committee must again request the Government to supply information on the measures taken to ensure the functioning of the Central Employment Council and the establishment of local advisory committees as provided for by section 87 of the Labour Code.

Articles 6 to 8. Please supply detailed information as to the manner in which the labour offices, in their capacity as employment offices, fulfil the functions set out in these provisions of the Convention.

Article 9, paragraph 4. Please describe the manner in which the staff of the labour offices are trained for the performance of their duties as members of the employment service staff.

Article 10. Please indicate the arrangements made to encourage full voluntary use of the employment service facilities provided by the labour offices.

Please also furnish statistical information concerning the number of applications for employment received by, the number of vacancies notified to, and the number of persons placed in employment by the employment offices.

The Committee trusts that the Government's next report will contain detailed information as regards the various points mentioned above.

Italy (ratification : 1952)

The Committee notes that a representation concerning the application of Article 4, paragraph 3, of the Convention, made under article 24 of the Constitution of the International Labour Organisation by the General Confederation of Italian Agriculture, has been received by the Director-General of the International Labour Office, and that it will be submitted to the Governing Body at its 179th Session (May 1970), for consideration.

In these circumstances the Committee has decided to adjourn its own consideration of the application of the Convention in Italy until a decision has been reached on this representation.

Peru (ratification : 1962)

The Committee notes with regret that the Government's report has not been received. The Committee is bound, therefore, to repeat its previous observation, which was as follows :

The Committee notes 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 service (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.

The Committee hopes that the Government will make every effort to take the necessary action in the very near future.¹

Philippines (ratification : 1953)

Further to its previous observations, the Committee notes with interest that six new regional employment offices have been set up, making a total of seven in all, and that the establishment of twenty-one local offices has been initiated.

The Committee hopes that these local offices will shortly be opened and that the next report will contain full information on the activities of the existing employment offices and on the progress made in extending the network of offices throughout the country.

Syrian Arab Republic (ratification : 1961)

Further to its previous requests, the Committee notes from the Government's report that no steps have been taken in the proposed reorganisation of the employment service, and that the Government states that it is awaiting the arrival of an expert to advise on the matter. As the Committee has been informed that no recent request for the assistance of a technical co-operation expert in this field has been received by the ILO, the Committee trusts that the necessary steps will now be taken for the implementation of the Convention, which was ratified nine years ago.

In this connection the Committee notes the proposals made by the Ministry of Social Affairs and Labour, relating to manpower organisation, and hopes that in its next report the Government will supply detailed information on the measures taken—whether on the basis of these proposals or otherwise—with a view to developing the employment service, especially with regard to the implementation of Articles 4 and 5 (steps taken for the creation of advisory committees), Article 6 (steps taken to extend the facilities of the employment service to all workers, to promote occupational and geographical mobility, to ensure the co-operation of the service in the administration of measures for the relief of the unemployed and to assist other public and private bodies in social planning), Article 7 (measures taken for specialisation, within employment offices, by occupation and industry), Article 8 (special arrangements for juveniles within the framework of the employment and vocational guidance services) and Article 10 of the Convention (steps taken to encourage full use of employment service facilities).

* * *

In addition, requests regarding certain other points are being addressed directly to the following States : *Algeria, Belgium, Brazil, Colombia, Costa Rica, Cuba, Cyprus, Czechoslovakia, Ethiopia, Greece, India, Israel, Kenya, Libya, Netherlands, New Zealand, Nigeria, Philippines, Sierra Leone, Singapore, Switzerland, United Arab Republic, Venezuela, Yugoslavia.*

Information supplied by *Ghana* in answer to a direct request has been noted by the Committee.

Convention No. 89 : Night Work (Women) (Revised), 1948

Austria (ratification : 1950)

Further to its previous observations, the Committee notes with satisfaction that the adoption of the Federal Act dated 25 June 1969 respecting night work by

¹ The Government is asked to supply full particulars to the Conference at its 54th Session.

women, has brought national legislation into conformity with the Convention (1) by ensuring that the prohibition of night work in industry applies also to female salaried employees, and (2) by removing certain exceptions not permitted by the Convention from the national legislation.

Costa Rica (ratification : 1960)

In its previous direct requests the Committee had drawn attention to section 88 (b) of the Labour Code, as amended, which empowers the Ministry of Labour to authorise night work for women employed in undertakings rendering services of public interest. The Committee had pointed out that this provision is contrary to Article 5 of the Convention, which permits the suspension of the prohibition of night work for women, after consultation with employers' and workers' organisations concerned, only "when in case of serious emergency the national interest demands it". The need for the early adoption of measures to remove this discrepancy was confirmed by the information, in the Government's report in 1967, that two industrial firms had been authorised under section 88 (b) to employ women by night without any limit of time on account of "exceptional interest to the community".

Since the report for 1967-69 merely reiterates that effect is given to Article 5 of the Convention, the Committee trusts that the Government will review the situation in the light of the above comments and will take the necessary measures so as to ensure that any exceptions to the night work prohibition are limited to cases of "serious emergency", in accordance with Article 5 of the Convention.

Ghana (ratification : 1959)

In reply to the Committee's previous direct request, the Government states that the attention of the competent authorities will be drawn to the need to amend section 41, subsection 1 (a), of the Labour Decree, 1967, which, contrary to the terms of the Convention, permits the suspension of the prohibition of night work by women where there occurs an interruption of work by reason of strike and that in practice no such suspensions have been authorised. The Committee notes this information with interest and expresses the hope that at an early opportunity the necessary amendments will be adopted so as to bring national legislation into full compliance with the Convention on this point.

Libya (ratification : 1962)

In its previous direct requests, the Committee had drawn the Government's attention to the fact that whereas Articles 2 and 3 of the Convention provide for a period of prohibition of night work by women of at least eleven consecutive hours, section 32 (1) (d) of the Labour Act prohibits night work for only nine hours. It had also pointed out the need for measures to ensure that the exemption, made in section 32 (b) of the Act, of persons engaged in guard or cleaning duties should not apply to night work by women, since the Convention does not permit such exemptions.

The Committee notes the Government's assurance that its comments have been placed before a committee for revision of legislation and that the necessary amendments have been suggested. It trusts that these amendments will be adopted in the near future so as to ensure full compliance with the Convention.

Netherlands (ratification : 1954)

In its previous observations, the Committee had mentioned the measures required to bring section 83 (7) of the Labour Act, 1919 (which authorises exceptions to the night work prohibition), into conformity with Article 4 (a) and Article 4, paragraph 2, of Conventions Nos. 89 and 90 respectively (cases of *force majeure*). The Committee notes with interest from the Government's report for 1967-69 that a Bill designed, *inter alia*, to amend the said section 83 (7), has been submitted to Parliament and trusts that the text of the legislative provisions, as adopted, will be communicated with the next report.

Philippines (ratification : 1953)

The Committee notes with regret that, despite the Government's repeated promises since 1957, and most recently to the Conference Committee in 1969, the Bill designed to give effect to the basic requirements of the Convention has not been adopted and that, according to the 1967-69 report, women continue to be employed at night, especially on shift work, between 10 p.m. and 6 a.m. The Committee notes, on the other hand, that despite strong opposition, a Bill has been prepared by the Bureau of Women and Minors with a view to eliminating such employment.

In these circumstances the Committee must once again urge that every possible effort be made to secure the adoption of legislation so as to remove the following discrepancies between the provisions of the national legislation and those of the Convention and to ensure, in the meantime, that the prohibition of night work is strictly observed in practice :

Article 2 of the Convention. The provisions of Republic Act No. 679, as amended, prohibit night work by women in industrial undertakings during a period of only *eight* consecutive hours, whereas this Article of the Convention requires such prohibition for at least *eleven* consecutive hours.

Article 5. According to the Government's statement, the consent of the organisations to which women workers are affiliated is obtained before management can employ women on night work. The Committee must point out that the consultation with employers' and workers' organisations referred to in this Article of the Convention is required in case of temporary suspensions of the prohibition of night work for women and is not designed to justify a general suspension of such prohibition. It therefore trusts that the Government will take measures to ensure (a) that provision is made in national legislation requiring consultation of the employers' and workers' organisations concerned, and (b) that the prohibition of night work is suspended only when in case of serious emergency the national interest demands it.

Article 6. The Committee refers to its previous direct requests concerning the cases where the period of night rest for women may be reduced on account of the business cycle and trusts that the Government will not fail to indicate (a) in virtue of what legislative provisions such exceptions are authorised, and (b) what measures exist to ensure that such reductions are within the limits prescribed by the Convention (a reduction to ten hours on sixty days of the year).¹

Republic of South Africa (ratification : 1950)

The Committee notes with regret that the report for 1968-69 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

¹ The Government is asked to supply full particulars to the Conference at its 54th Session and to report in detail for the period ending 30 June 1970.

of night work for women employed above ground in mining undertakings, and in the building industry.

Yugoslavia (ratification : 1956)

See paragraph 36 of the General Report.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States : *Algeria, Belgium, Burundi, Congo (Kinshasa), Greece, Guatemala, Guinea, Iraq, Ireland, Kenya, Kuwait, Lebanon, Libya, Luxembourg, Malawi, Paraguay, Portugal, Rwanda, Viet-Nam.*

Information supplied by *Malta* and *United Arab Republic* in answer to direct requests has been noted by the Committee.

Convention No. 90 : Night Work of Young Persons (Industry) (Revised), 1948

Argentina (ratification : 1956)

Further to its earlier observations, the Committee notes with satisfaction that, as a result of the direct contacts arranged between the national competent services and a representative of the Director-General of the ILO, an Act has been adopted on 13 March 1970 respecting the employment of women and minors, the provisions of which bring the national legislation into line with those of the Convention.

Dominican Republic (ratification : 1957)

See under Convention No. 79.¹

Greece (ratification : 1962)

In its previous direct requests the Committee had drawn the Government's attention to the various discrepancies which exist between the provisions of national legislation and those of the Convention. It notes with regret from the Government's report that no progress has been made in adopting the necessary amendments to the Labour Code, although they were referred to in the 1963-65 report, and that the Government merely states that the question is being examined within the framework of a comprehensive reform of labour legislation.

The Committee, therefore, trusts that the Government will soon take measures to ensure the application of the provisions of the Convention with regard to the following points :

Article 1, paragraph 1, of the Convention. Section 1 (a), (b) and (c) and section 6 of Act No. 4029 of 1912 read together with section 2 of Royal Decree of 14 August 1913 do not cover transport undertakings as required by this Article.

Article 2, paragraphs 1 and 2. Under the provisions of this Article the prohibition of night work covers a period of at least twelve consecutive hours including, in the case of young persons under 16 years of age, the interval between 10 p.m. and 6 a.m., whereas under section 6 of the Act the period of prohibited night work is only eleven consecutive hours covering the interval between 9 p.m. and 5 a.m.

¹ The Government is asked to supply full particulars to the Conference at its 54th Session and to report in detail for the period ending 30 June 1970.

Article 4, paragraph 2. Section 7 of the Act does not limit the possibility of suspending the prohibition of night work in the case of “unforeseen and not regularly recurring interruptions of work in consequence of accidents” to young persons between 16 and 18 years of age, as prescribed by this Article. Furthermore, section 8 of the Act permits the shortening of the prohibited period of night work in “undertakings or classes of work in which an increased demand on labour occurs regularly at certain periods of the year (seasonal trades) or in the case of extraordinary accumulation of work”, whereas no such exceptions are authorised by the Convention.

Article 6. Finally, the Committee hopes that the legislative provisions originally referred to in the Government's report for 1965-67 will be adopted so as to give effect to Article 6, paragraph 1, of the Convention, which requires, in particular, the maintenance of a system of inspection adequate to ensure effective enforcement and the keeping by every employer of a register showing the names and dates of birth of all persons under 18 years of age employed by him.

Guatemala (ratification : 1952)

With regard to the provisions of Article 6, paragraph 1 (a) and (c), of the Convention, see under Convention No. 79.

Haiti (ratification : 1957)

Further to the observations it has made since 1960 regarding the serious discrepancies between the national legislation (section 85 of the Labour Code prohibits night work in industrial undertakings for apprentices only) and Article 3 of the Convention (requiring such prohibition in respect of *all* young persons under 18 years), the Committee notes with regret the Government's statement that the Labour Code has not yet been amended. Recalling that reference to a draft Labour Code containing provisions in harmony with those of the Convention was made for the first time in the report for 1959-60, the Committee can only urge the Government once again to make every possible effort to take action in the very near future to give effect to this basic requirement of the Convention.¹

Luxembourg (ratification : 1958)

Article 2, paragraph 1, of the Convention. Further to its previous direct requests, the Committee notes with satisfaction that section 16 of the Act dated 28 October 1969 relating to the protection of children and young workers prohibits night work by young persons under 18 years of age during a period of at least twelve consecutive hours, as required by this Article of the Convention.

Mexico (ratification : 1956)

As concerns the divergencies between section 68 of the Federal Labour Act and Article 2, paragraph 1, of the Convention, see under General Observations.

Netherlands (ratification : 1954)

See under Convention No. 89.

¹ The Government is asked to supply full particulars to the Conference at its 54th Session and to report in detail for the period ending 30 June 1970.

Pakistan (ratification : 1951)

In its observation of 1969, the Committee had taken note of the Government's statement regarding amendments to the relevant provisions of the national legislation with a view to bringing the legislation into conformity with the Convention. As the report merely indicates once again that the legislation is being revised, the Committee trusts that legislative measures will soon be adopted to give full effect to the following requirements of the Convention :

Article 3, paragraph 3, of the Convention. Section 26 B of the Mines Act provides only for twelve consecutive hours of rest, whereas under this Article of the Convention the period of rest must represent at least thirteen consecutive hours. Furthermore, section 13 of the Consolidated Mines Rules does not 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 this Article.

Article 6, paragraph 1 (e). Section 56 of the Factories Act, 1934 (applicable to West Pakistan), does not expressly require the inclusion in the register of the date of birth of every young person employed, as required by this Article of the Convention.

Peru (ratification : 1962)

Article 2, paragraph 1, of the Convention. See under Convention No. 79, Article 3, paragraph 1.

Philippines (ratification : 1953)

Further to its previous observations, the Committee notes the Government's statement that amendments to Republic Act No. 679 have been prepared and are expected to be submitted to the Congress at its 1970 session.

Recalling the repeated assurances given by the Government since 1956 that Act No. 679 would be amended, the Committee trusts that the necessary amendments will be adopted in the very near future 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 already prescribed between 10 p.m. and 6 a.m.);
- (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.¹

* * *

In addition, requests regarding certain other points are being addressed directly to the following States : *Costa Rica, Guinea, Lebanon, Mauritania, Paraguay.*

Convention No. 91 : Paid Vacations (Seafarers) (Revised), 1949

Requests regarding certain points are being addressed directly to the following States : *Belgium, China, Finland, Iceland, Israel, Mauritania, Norway, Poland, Portugal.*

¹ The Government is asked to supply full particulars to the Conference at its 54th Session and to report in detail for the period ending 30 June 1970.

Convention No. 92 : Accommodation of Crews (Revised), 1949*Cuba* (ratification : 1952)

The Committee notes, from the information supplied by the Government in answer to its previous observations, that the issuing of regulations to give effect to the Convention, in pursuance of the General Principles concerning Labour Protection and Hygiene of 8 September 1964, is still under consideration.

The Committee recalls that the Government informed the Conference Committee as long ago as 1963 that it proposed to issue appropriate regulations. The Committee regrets that these measures have not yet been taken, so that the Convention—although ratified eighteen years ago—remains unimplemented. It trusts that laws or regulations to ensure the application of the Convention will be adopted in the very near future.¹

Poland (ratification : 1954)

The Committee notes the Government's statement, in reply to its previous observation, that the preparation of draft regulations on the accommodation of crews, which fully comply with the provisions of the Convention, is about to be completed. Having regard to the fact that this Convention was ratified sixteen years ago and that reference to the preparation of the necessary regulations to implement its provisions has been made in the Government's reports since 1955, the Committee trusts that these regulations will be issued in the very near future.¹

* * *

In addition, requests regarding certain other points are being addressed directly to the following States : *Belgium, Costa Rica*.

Information supplied by *Ghana* in answer to a direct request has been noted by the Committee.

Convention No. 94 : Labour Clauses (Public Contracts), 1949*Austria* (ratification : 1951)

The Committee notes with interest, from the information supplied by the Government to the Conference Committee in 1968 and the information contained in the Government's report, that the directives concerning labour clauses in public contracts, issued at the federal level, are now applied also in the provinces of Lower Austria and Styria in addition to the provinces previously mentioned by the Government. The Committee takes note in this regard of the comments made by the Council of the Austrian Federation of Trade Unions on the lack of progress achieved in the application of the Convention by the provincial and local authorities.

The Committee hopes that in its next report the Government will be able to indicate further progress with regard to the two remaining provinces, as well as regarding local authorities in respect of which no information has yet been supplied.

Brazil (ratification : 1965)

The Committee notes the Government's statement that the national legislation does not contain all the rules necessary for the application of the Convention. It also notes that the Government now considers it unnecessary to set up the special com-

¹ The Government is asked to supply full particulars to the Conference at its 54th Session and to report in detail for the period ending 30 June 1970.

mission (mentioned in the previous report) which was to draft a decree ensuring the application of the Convention, the reason being that a commission on the administrative reform of the civil service—classification of posts, new rules for the federal civil service, etc.—is to take the Convention into account in preparing its survey.

The Committee must point out, in this connection, that the Convention provides not for the regulation of employment of persons directly employed by a public authority, but rather for measures to ensure certain minimum conditions for workers employed by undertakings which enter into contracts with a public authority for public works or for the supply of goods or services.

Accordingly, the Committee hopes that appropriate measures will soon be taken—whether through the decree originally being envisaged, or otherwise—to provide for the insertion of labour clauses in public contracts, as required by Article 2 of the Convention, and for the full application of the other provisions of the Convention.

Burundi (ratification : 1963)

The Committee notes from the information supplied by the Government that two draft decrees by which effect will be given to the Convention are to be submitted as soon as possible to the President of the Republic for signature. The Committee would be glad if the Government would confirm that, with the adoption of these two decrees, public contracts will contain the clauses envisaged in Article 2, paragraph 1, of the Convention or, where conditions of labour are not thus regulated, clauses to ensure the application of Article 2, paragraph 2.

The Committee hopes that the draft decrees will soon be approved and will ensure the full application of the Convention. It also hopes that the Government will supply with its next report the texts of all relevant legislation, including a copy of the General Specifications for public contracts.

Costa Rica (ratification : 1960)

The Committee notes from the Government's report that the Bill on labour clauses in public contracts, to which the Government has previously referred, has not yet been enacted by the Legislative Assembly but that the Government is at present preparing a draft executive decree on the matter which would also take into account the Committee's previous comments. It recalls that the Bill as amended was to ensure compliance with the following provisions of the Convention in regard to which no measures exist at present: Article 1, paragraph 1 (scope), Article 1, paragraph 2 (application to contracts awarded by authorities other than central authorities), Article 1, paragraph 3 (application to subcontractors and assignees), Article 2 (terms of the clauses to be included) and Article 5 (sanctions and other measures to ensure the observance and application of the provisions of the labour clauses).

The Committee hopes that measures will soon be taken through the adoption of either the Bill or the draft decree to ensure the application of the Convention, which was ratified ten years ago.

Philippines (ratification : 1953)

The Committee notes with regret that, apart from the standard form of contract for public works used by the Bureau of Public Works, which was appended to the Government's report for 1965-66 and which was the subject of a direct request in 1967, there appear to be no provisions giving effect to this Convention, which was ratified seventeen years ago. It also regrets to note that the Government's report

for 1967-69 contains no new information and in particular makes no reference to the study of the Committee's comments which, according to the Government's report for 1965-67, was being undertaken by the Legal Services of the Department of Labor.

The Committee trusts that the Government will take measures in the near future in order to ensure the full application of the Convention, and will also reply to the points already raised in previous years, and repeated in a new direct request regarding Article 1 (1) (c), (2) and (3), Article 2 (1) and (3) and Article 5 (1) of the Convention.¹

Turkey (ratification : 1961)

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 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 notes that, in reply to its previous observations, the Government reiterates that the conditions of work under a contract which a public authority concludes with a third party and whose execution involves the employment of workers by such third party are covered by the provisions of the Labour Code and other instruments fixing wages and hours of work.

The Committee must once again point out that the fact that labour legislation applies without distinction to all workers does not free a government from the obligation of inserting appropriate labour clauses in public contracts covered by Article 1, paragraph 1, of the Convention. As already indicated in an observation

¹ The Government is asked to supply full particulars to the Conference at its 54th Session and to report in detail for the period ending 30 June 1970.

in 1967, the national labour legislation in question, while establishing a minimum level to be observed, would not ensure the observance of any higher rates of wages and conditions of work which may be established by arbitration award or collective agreement for the industries and trades concerned and which, by virtue of the Convention, should be guaranteed to workers engaged in the execution of public contracts, even if their employers are not otherwise bound by such agreement or award.

Referring to the general observations concerning the Convention made by the Committee in its reports of 1956 and 1957 and its earlier observations addressed to the Government, the Committee must once more express the hope that the Government will without further delay take appropriate measures to ensure the insertion in public contracts of labour clauses meeting the requirements of Article 2, paragraphs 1 and 2, and also to give 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).

Uruguay (ratification : 1954)

Article 1, paragraph 1 (c), (ii) and (iii), of the Convention. The Committee refers to its previous direct request and notes that the Government's report states that these provisions of the Convention are fully applied. It hopes, therefore, that the Government will specify in its next report what measures exist to ensure the application of the Convention to contracts for the manufacture, assembly, handling or shipment of materials, supplies or equipment and for the performance or supply of services.

Article 1, paragraph 3. In its previous direct request the Committee called the Convention in respect of work carried out by sub-contractors or assignees of Government's attention to the need for measures to ensure the application of contracts even if, as the Government had indicated in its report for 1965-67, they are subject to all the provisions of labour law, including the decisions of wages boards and collective agreements. As the Government states in its reply that this provision of the Convention is fully applied, the Committee hopes that the next report will contain information on the measures by which this implementation is ensured.

Article 4 (a), (i) and (iii). In reply to the direct request of 1968, the Government indicates that these provisions are applied. The Committee hopes that the Government will specify what are the provisions which require the posting of notices and will supply specimen copies of these notices.

Article 4 (b). The Committee takes note of the information supplied by the Government and would be glad if the Government would supply specimen copies of the forms of records mentioned therein.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States : *Barbados, Cameroon, Central African Republic, Congo (Kinshasa), Denmark, Finland, Ghana, Guatemala, Jamaica, Malaysia (Sarawak), Philippines, Somali Republic (former British Somaliland).*

Convention No. 95 : Protection of Wages, 1949*Afghanistan (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 :

In reply to the Committee's previous observations, the Government states in its report that regulations in compliance with the Convention will be made under the new Labour Law, although present arrangements are considered adequate. The Committee ventures to point out in this connection that present practice as appears from the Government's report (supervision mainly limited to major undertakings and industrial undertakings employing 20 or more people) and existing statutory provisions as contained in the 1946 Regulations (which deal only with industry, under the terms of their preliminary section) fall short of the requirements of the Convention as regards scope (Article 2) and that the protection afforded by the present Regulations appears to be inadequate, particularly as regards remuneration in kind (Article 4), the free disposal by a worker of his wages (Article 6), the final settlement of wages (Article 12, paragraph 2) and the time and place of payment (Article 13).

The Committee therefore hopes that the proposed Labour Law and the Regulations to be made thereunder will meet all the requirements of the Convention, and will soon be enacted.¹

Barbados (ratification : 1967)

Articles 4 and 10 of the Convention. The Committee notes the Government's statement that legislation has not yet been enacted to give effect to these provisions of the Convention. As the question of the application of Article 4 of the Convention (need for measures regulating the partial payment of wages in kind) and Article 10 (need for measures regarding the assignment of wages) has been pending since 1960, the Committee hopes that the necessary legislation will soon be enacted and will be such as to ensure full conformity with the Convention.

Article 2, paragraph 2. The Committee also recalls that the Government has indicated its intention of extending to clerical workers the legislative provisions ensuring the protection of wages. It hopes that the Government will indicate in future reports any progress which may be made in this regard.

China (ratification : 1962)

The Committee regrets that no report has been received. It hopes that a report will be supplied for examination by the Committee at its next session and will contain full information on the matters raised in its previous direct request, which read as follows :

Article 2 of the Convention. The Committee has noted the statement of the Government in reply to its direct request that, according to section 2 of the Mining Act, mineworkers are also covered by the Factory Act and regulations made thereunder. As the Committee has pointed out in its request made in 1965, the Convention applies to all persons to whom wages (as defined in Article 1) are paid or payable. Exclusions may be permitted only of non-manual workers and domestic servants, after consultation with the organisations of employers and employed persons directly concerned. The Committee wishes to stress that the scope of both the Factory Act and the Mining Act thus falls short of the scope of the Convention, as the Factory Act (section 1) is applicable only to factories using mechanical power and usually employing 30 or more workers, and the Mining Act (section 1) is applicable only to mines where more than 50 workers are employed at the same time to work in a pit. The Committee hopes that the next report will indicate what further steps are contemplated to extend the scope of the relevant legislation in order to bring it into full conformity with this provision of the Convention.

¹ The Government is asked to report in detail for the period ending 30 June 1970.

Articles 4, 5, 6, 7, 9, 10, 11, 13, 14 and 15. As in its report for 1964-65 the Government had indicated that it intended to implement these Articles by executive measures, the Committee regrets to note that the measures which had been announced have not yet been taken. It refers to the statement by a Government representative to the Conference Committee in 1967 that work on the new draft Labour Code, with the view *inter alia* to giving effect to ratified Conventions, was now in its final stage and it trusts that the next report will indicate the legislative or executive action taken to give effect to these provisions of the Convention.

Colombia (ratification : 1963)

Further to its previous direct requests, the Committee notes with satisfaction that Decree No. 2400 of 1968 and Decree No. 1848 of 1969, concerning public officials, contain provisions regarding protection of wages which meet several of the requirements of the Convention.

Greece (ratification : 1955)

Articles 4 and 7, paragraph 2, of the Convention. The Committee notes the Government's statement that the observation on the application of these provisions (payments in kind and control of prices in works stores) has been brought before the Supreme Labour Council for consideration. The Committee regrets that no measure has yet been adopted to give full effect to these provisions of the Convention, which was ratified fifteen years ago, and hopes that the necessary steps will soon be taken.¹

Libya (ratification : 1963)

The Committee notes from the information supplied by the Government in response to its previous request that amendments to certain articles of the Labour Law are under consideration. The Committee trusts that these amendments will be adopted shortly and that, through these amendments or through appropriate regulations, the national legislation will be brought into full conformity with the Convention, especially with regard to the following points which were the subject of the Committee's previous requests : Article 2 (extension of scope to include agricultural workers) ; Article 3 (payment of wages in legal tender) ; Article 4 (regulation of partial payment of wages in kind) ; Article 5 (payment of wages directly to workers) ; Article 6 (freedom of the worker to dispose of his wages) ; Article 7 (works stores) ; Article 8, paragraph 2 (information as to the conditions for deductions from wages) ; Article 10 (in relation to the assignment of wages) ; Article 13 (time and place of wage payments) ; Articles 14 and 15 (*a*) (information to be made available to workers and other persons concerned) ; Article 15 (*d*) (maintenance of adequate records).

The Committee hopes that the Government's next report will indicate the measures taken to give full effect to the Convention.

Malta (ratification : 1965)

Articles 4 and 10 of the Convention. Further to its previous direct requests, the Committee notes with satisfaction that the Conditions of Employment (Regulation) (Amendment) Act, 1969, authorises allowances in kind to be provided only in addition to the statutory minimum or higher stipulated wages, prohibits such allowances in the form of intoxicating liquor or noxious drugs and prohibits the assignment of wages except within the limits prescribed by the Act.

¹ The Government is asked to report in detail for the period ending 30 June 1970.

Syrian Arab Republic (ratification : 1957)

Further to the direct requests which it has made on the subject since 1960, the Committee notes with regret that the proposed amendments to sections 20 (a) and 88 (a) of the Labour Code, designed to extend the protection of wages provisions of the Labour Code to casual workers and thus to bring the national legislation into conformity with Articles 2 and 9 of the Convention, have still not been adopted.

The Committee trusts that the necessary amendments will be enacted in the near future and that the Government's next report will contain full information in this respect.

Turkey (ratification : 1961)

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 :

... In its previous comments the Committee had 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.

Uganda (ratification : 1963)

The Committee notes from the Government's report that it has not been possible to introduce in Parliament the Employment (Amendment) Bill because of pressure of work, but that this will soon be done. As reference has been made to this Bill since 1965, the Committee hopes that legislation taking full account of its previous comments regarding Articles 2 (paragraph 2), 4, 5, 6, 8 (paragraph 1), 9, 12 and 13 of the Convention will be enacted at an early date.

United Arab Republic (ratification : 1960)

The Committee notes with regret that no report has been received on this Convention. It notes that in the reply to the Conference Committee in 1968 the Government merely stated that the Committee's comments would be submitted to the committee responsible for the revision of the Labour Code. The Committee must therefore draw attention once again to the following points :

Article 2 of the Convention. The Government stated in its report for 1965-67 that the exclusion of casual workers, as well as of domestic servants, had been indicated in its first report, in virtue of the provisions of this Article. The Committee would point out in this connection that the exclusions permitted under paragraph 2 of this Article are limited (except in the case of domestic servants) to persons "who are not employed in manual labour" and therefore may not be applied generally to casual workers, who in most if not all cases would presumably be engaged in manual labour. In the case of casual workers and government employees (which categories are excluded from the scope of the Labour Code in virtue of sections 20 (a) and 88 (a), section 4 thereof respectively), the legislative provisions mentioned in the Government's report would ensure the application of a very limited number only of the provisions of the Convention—i.e. as regards casual workers : Article 11 (sections 3 and 8 of the Labour Code) and Article 13, paragraph 1 (section 690 of the Civil Code), and as regards government employees :

Article 10 of the Convention (Act No. 111 of 1951). The Committee therefore hopes that the Government will take the necessary measures to ensure the full application of all the provisions of the Convention to the workers concerned.

Articles 4 and 5. The Committee hopes that appropriate measures will be taken to regulate payment in kind in accordance with Article 4, and to amend section 46 of the Labour Code in order to ensure conformity with Article 5 of the Convention.

The Committee trusts that all necessary measures will be taken to ensure the full application of the above provisions of the Convention in the near future.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Algeria, Cameroon, Central African Republic, Chad, Colombia, Costa Rica, Cyprus, Ecuador, Guatemala, Guinea, Guyana, Honduras, Iraq, Italy, Malaysia, Malta, Niger, Nigeria, Paraguay, Philippines, Sierra Leone, Somali Republic* (formerly British Somaliland), *Turkey, Uruguay.*

Information supplied by *Brazil* in answer to a direct request has been noted by the Committee.

Convention No. 96 : Fee-Charging Employment Agencies (Revised), 1949

Costa Rica (ratification : 1960)

The Committee notes from the reply to its direct request made in 1968 that intermediaries do from time to time, though not on a systematic or permanent basis, act as middlemen for the purpose of supplying workers for an employer, and that these activities, because they are carried out on a casual basis, do not appear to be prohibited by section 80 of the Organic Act of 1955. Under the terms of the Convention, however, such activities conducted with a view to profit are prohibited even if they are occasional or intermittent.

As regards the Government's reference to Articles 6 and 7 of the Convention, the Committee ventures to point out that they deal only with agencies *not* conducted with a view to profit. In connection with the Government's contention that middlemen come within the exceptions provided for by Article 5 of the Convention, the Committee points out that such exceptions must be made in respect of categories of persons exactly defined by national laws or regulations for whom the public employment service cannot make appropriate arrangements and that the intermediaries so excepted must be regulated in accordance with Article 5, paragraph 2.

The Committee would be glad if the Government would indicate in its next report the measures taken to ensure that the provisions of Article 5 of the Convention are complied with in respect of middlemen or to prohibit them from acting, even occasionally, as intermediaries between employers and workers, in accordance with Article 3 of the Convention.

France (ratification : 1953)

Following its previous observations and direct requests, the Committee notes with satisfaction the adoption of Act No. 69-1185 of 26 December 1969 relating to the placement of theatrical artistes and providing for the issue of annual licences to theatrical agents. The Committee notes that the conditions for the granting, renewal and withdrawal of such licences are to be laid down in a decree of the Council of State, and requests the Government to supply a copy of this decree with its next report.

In connection with agencies for the supply of temporary staff, the Committee notes with interest that an examination of the economic and social problems raised by these agencies is being undertaken by the Ministry of Labour, Employment and Population, that draft legislation regulating them is in the course of preparation and that the employers' and workers' organisations concerned will be consulted in this connection. The Committee expresses the hope that this legislation will regulate the activities of agencies for the supply of temporary staff in accordance with the provisions of Article 5 of the Convention.

Guatemala (ratification : 1953)

Further to its previous observations and requests, the Committee notes with regret that no measures have yet been taken with a view to the progressive abolition, and regulation pending abolition, of the recruiting agents and middlemen authorised to operate under the Labour Code.

The Committee trusts that appropriate measures will be taken in the near future and will bring the national legislation into full conformity with the Convention, which was ratified seventeen years ago. In this connection the Government may wish to consider proceeding along the following lines :

(1) In conjunction with the proposed expansion of the employment service (referred to in the report under Convention No. 88), the adoption of measures fixing a date for the final prohibition of all recruiting agents with, if necessary, different dates for the prohibition of agents catering for different classes of persons (Article 3 of the Convention).

(2) The adoption of measures in accordance with Article 4 of the Convention for the regulation of recruiting agents pending abolition, with a view more particularly to eliminating abuses.

(3) The provision of adequate penal sanctions, in accordance with Article 8 of the Convention, for any violation of the Convention or of legislation enacted pursuant thereto.

The Committee hopes that the Government's next report will indicate the measures taken in order to give effect to the Convention.

Pakistan (ratification : 1952)

A. The Committee notes with regret that no measures have yet been taken with a view to abolishing fee-charging employment agencies conducted with a view to profit, although the Government has stated on numerous occasions since 1957 that the necessary legislation would be enacted. The Committee recalls in this connection that the definition of "employment agency conducted with a view to profit" in Article 1, paragraph 1 (a), of the Convention brings within the scope of the Convention any persons who act as intermediaries for the purpose of supplying workers for an employer and that the existence of such persons (such as certain categories of "labour contractors", "tribal chiefs and heads of villages", "private recruiters") was mentioned in statements made by a Government representative to the Conference Committee in 1965 and 1967 and in the Government's report for 1967-68. (In connection with recruitment through tribal chiefs and heads of villages, see also the direct request under Convention No. 107.)

The Committee is aware that the recruitment and employment of labour through such intermediaries cannot be entirely abolished until the public employment service has been expanded sufficiently to take their place, and that the necessary measures must be undertaken progressively—as is permitted under the Convention—if the difficulties involved are to be overcome.

In these circumstances the Government may wish to proceed as follows :

- firstly, the enactment of legislation in accordance with Article 3 of the Convention, providing for the progressive abolition of employment agencies as defined in Article 1, paragraph 1 (a) ;
- secondly, the prescription by the competent authorities of the period or periods of time within which such agencies are to be abolished in Pakistan ;
- thirdly, the expansion, prior to actually abolishing fee-charging agencies, of the existing employment service (particularly in fields in which extensive recourse is had to labour contractors for recruiting purposes) in order that it may progressively replace these agencies ; the Committee considers that ILO technical co-operation may prove useful for this purpose ;
- fourthly, measures in conformity with Article 4 of the Convention, pending the abolition of such agencies, to ensure their supervision with a view more particularly to eliminating abuses ;
- finally, in so far as it emerges from the measures taken during the period preceding abolition of agencies conducted with a view to profit that appropriate placing arrangements cannot conveniently be made within the framework of the public employment service for certain well-defined categories of persons, permanent exceptions could be made in due course under Article 5, paragraph 1, of the Convention, the agencies so excepted being subjected to supervision in accordance with Article 5, paragraph 2.

B. In connection with fee-charging agencies authorised to assist emigrants under the 1965 rules concerning emigrants, the Committee recalls that a Government representative informed the Conference Committee in 1969 that such agencies would no longer be permitted to charge fees. The Committee would be glad if the Government would supply a copy of the rules which now regulate the conduct of such agencies.¹

Turkey (ratification : 1952)

The Committee notes with interest the information supplied in response to its previous observation. It notes that section 85, paragraph 2, of the Labour Act, 1967, provides that profit-making agencies acting as intermediaries in agriculture may only operate if permitted to do so by the employment service, and that under section 86 regulations are to provide for the obligation of organisations of employers and employees and societies engaged in finding employment and recruiting workers in agriculture to make regular reports on their activities to the employment service. The Committee would be glad if the Government would supply with its next report a copy of the regulations issued pursuant to section 86.

The Committee further notes that the Bill to regulate the operations of profit-making intermediaries in agriculture has again lapsed as a result of the holding of parliamentary elections in October 1969, and that the Government is considering alternative methods of introducing the necessary provisions for the regulation of such intermediaries.

The Committee trusts that in its next report the Government will be able to indicate the measures that have been taken, whether by the reintroduction and enactment of the Bill which has lapsed, by the issuing of regulations under section 86 of the Labour Act or by the insertion of appropriate provisions in the draft agricultural Labour Law referred to in the Government's report, to implement in

¹ The Government is asked to supply full particulars to the Conference at its 54th Session and to report in detail for the period ending 30 June 1970.

full the provisions of Article 10 of the Convention in relation to profit-making intermediaries in agriculture.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States : *Belgium, Bolivia, Brazil, Finland, Federal Republic of Germany, Japan, Libya, Luxembourg, Netherlands, Norway, Pakistan, Sweden, Syrian Arab Republic, Turkey, United Arab Republic.*

Convention No. 97 : Migration for Employment (Revised), 1949

Belgium (ratification : 1963)

The Committee notes with satisfaction that the reduction of 20 per cent in the retirement pensions payable to foreign workers, to which it had drawn the attention of the Government in its direct requests of 1966 and 1967, has been abolished by the Royal Order of 21 December 1967 (section 90, subsection 1) which thus brings the legislation into conformity with Article 6, paragraph 1, of the Convention, under which immigrants within the territory of States parties to the Convention must receive treatment no less favourable than nationals of those States in respect of social security.

Tanzania (Zanzibar) (ratification : 1964)

The Committee notes with regret that no report has been received and that therefore no reply has been given 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 it hopes that the Government will not fail to take the necessary measures and supply the information requested.

* * *

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

Convention No. 98 : Right to Organise and Collective Bargaining, 1949

Albania (ratification : 1957)

The Committee notes with regret that the Government's report has not been received. The Committee is bound, therefore, to repeat its previous observation, which was as follows:

The Committee 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.

Cuba (ratification : 1952)

The Committee has noted the information supplied by the Government during the 53rd Session of the Conference with respect to its previous observation con-

cerning section 36 of Law No. 1022 of 1962, and its effects on the right to strike. The Committee considers that this information contains no new elements justifying a change in the conclusions reached in that observation, and it accordingly refers again to its comments on this question in connection with Convention No. 87.

Dominican Republic (ratification : 1953)

With regard to certain categories of agricultural workers, see under Convention No. 87.

Greece (ratification : 1962)

See under Convention No. 87.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States : *Central African Republic, Chad, Ecuador, Haiti, Jamaica, Jordan, Liberia, Libya, Nicaragua, Panama, Tanzania, United Arab Republic.*

Information supplied by *Cameroon* 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, Guinea, Paraguay.*

Convention No. 100 : Equal Remuneration, 1951

Iceland (ratification : 1958)

The Committee notes with satisfaction the statement of the Government that the principle of equal remuneration for men and women workers has been fully applied since the final stage in the progressive equalisation of the remuneration of men and women workers, provided for in Act No. 60 of 1961, was reached on 1 January 1967.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States : *Belgium, Central African Republic, Ecuador, Guinea, Haiti, Indonesia, Japan, Libya, Luxembourg, Malagasy Republic, Nicaragua, Panama, Spain, Turkey, United Arab Republic.*

Convention No. 101 : Holidays with Pay (Agriculture), 1952

Cuba (ratification : 1954)

Article 1 of the Convention. See under Convention No. 52, Article 2.

* * *

In addition, requests regarding certain other points are being addressed directly

to the following States : *Algeria, Central African Republic, France, Gabon, Italy, Malagasy Republic, Morocco, Peru, Senegal.*

Information supplied by *Yugoslavia* in answer to a direct request has been noted by the Committee.

Convention No. 102 : Social Security (Minimum Standards), 1952

Belgium (ratification : 1959)

Part XII. Equality of treatment of non-national residents—Article 68. See under Convention No. 97.

Federal Republic of Germany (ratification : 1958)

Article 69 (i) of the Convention. Since 1963 the Committee has been pointing out that, while this provision of the Convention authorises the suspension of unemployment benefits only where the person concerned has lost his employment “as a *direct* result of a stoppage of work due to a trade dispute”, section 84, paragraph 3, of the Unemployment Insurance Act, in its 1957 wording, and the regulations made under it, authorised the suspension of benefit in cases where the unemployment resulted from a dispute which was neither imputable to the workers concerned nor likely to result in an improvement in their conditions of employment.

Further to its previous comments and to the discussions on this subject in the Conference Committee, the Committee of Experts notes with satisfaction the adoption of the Employment Promotion Act of 25 June 1969, which entered into force on 1 July 1969.

Section 116, subsection 3, of this Act provides that, where an employee is unemployed on account of an industrial dispute *in which he has not participated*, his entitlement to unemployment benefit shall be suspended until the end of the dispute if (1) the object of the dispute is “to alter the conditions of employment in the establishment where the employee was last employed”, or (2) “the grant of unemployment benefit would influence the course of the dispute”. This subsection also provides that the Federal Unemployment Insurance Institution may make detailed regulations on this point, and that in so doing it shall take into account the respective interests of the persons affected by a decision to grant or withhold benefit.

The Committee asks the Government to supply in its next report the text of any regulations which may have been made by the Federal Unemployment Insurance Institution, and to indicate the manner in which the provisions of section 116 of the aforementioned Act, and in particular of subsection 3, paragraph 2, and of subsection 4 of that section, will be applied.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States : *Belgium, Mexico, Netherlands, Yugoslavia.*

Convention No. 103 : Maternity Protection (Revised), 1952

A request regarding certain points is being addressed directly to *Ecuador*.

Convention No. 104 : Abolition of Penal Sanctions (Indigenous Workers), 1955

El Salvador (ratification : 1958)

The Committee regrets that, for the fourth time in five years, no report has been received. The Committee recalls that, since 1964, it has pointed out that, by virtue of section 30 (1), (2), (3) and (12), section 31 (1) and section 476 of the Labour Code promulgated on 23 January 1963, a worker who is guilty of neglect of duty or who is absent from his work without permission or a valid reason is liable to penal sanctions. In 1968 the Government stated that the Committee's comments had been brought to the attention of the national committee which is considering amendments to the Labour Code. In the absence of a report, no further information is available concerning the action proposed to be taken to bring the Labour Code into conformity with the Convention.

The Committee trusts that, as required by the Convention, the above-mentioned penal sanctions will be abolished in the very near future.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States : *Liberia, Nigeria*.

Information supplied by *Thailand* in answer to a direct request has been noted by the Committee.

Convention No. 105 : Abolition of Forced Labour, 1957

Central African Republic (ratification : 1964)

The Committee regrets that no report has been received, and that accordingly no information is available on the matters raised in previous direct requests. In these requests the Committee had referred, *inter alia*, to the provisions of Act No. 63-411 of 17 May 1963 governing the national movement, MESAN ("Mouvement de l'Evolution Sociale de l'Afrique Noire"). According to paragraph 4 of the Constitution of this movement, approved by Act No. 63-411, every active citizen must belong to the MESAN movement, and must respect its political line and the decisions taken by its executive bodies. Under section 4 of the Act, anyone who constitutes or attempts to constitute any other party, movement, group association or organisation of a political character may be sentenced to imprisonment for up to one year (involving, by virtue of section 62 of Order No. 2772 of 18 August 1955, an obligation to perform labour).

Referring to paragraph 108 of the general survey of forced labour in Part Three of its report of 1968, the Committee hopes that the Government will take appropriate measures in regard to the above-mentioned provisions to ensure that, in accordance with Article 1 (a) of the Convention, no form of forced or compulsory labour (including compulsory prison labour) may be imposed as a means of political coercion.

With reference to Article 1 (b) of the Convention, see under Convention No. 29.

China (ratification : 1959)

In direct requests addressed to the Government since 1963, the Committee has referred to the National Labour Service Act of 4 December 1943, under which all

male citizens between the ages of 18 and 50 years may be called up for eighty hours' work a year for employment on road building, irrigation, local production work, public utility works, etc. The Committee had observed that these provisions appeared to permit the use of forced or compulsory labour for purposes of economic development within Article 1 (b) of the Convention. The Government stated in 1963 that, in order to bring the Act into conformity with the spirit of the Convention, administrative steps had been taken to improve its implementation and that in particular labour service was to be carried out entirely by encouraging voluntary participation and not by compulsory means. In 1966 the Government supplied the draft of new legislation on this question, which the Committee however found not to alter the basic features of the compulsory service provided for in the Act of 1943. Since then the Government has merely stated that the draft regulations in question are still under consideration by the Executive Yuan.

Recalling the statement made by the Government seven years ago that it was proposed to place labour service on a voluntary basis, the Committee hopes that the necessary amending or repealing legislation to ensure the observance of Article 1 (b) of the Convention will be adopted in the near future.

Cyprus (ratification : 1960)

The Committee notes with satisfaction that, following previous direct requests, the Essential Works (Hotel and Restaurants) Order, 1954 (which prohibited persons employed in hotels and restaurants from leaving their employment without official permission and imposed penal sanctions for certain breaches of labour discipline), was repealed by Order No. 291 issued on 25 April 1968.

El Salvador (ratification : 1958)

1. In its previous observations the Committee had noted that :

- (a) under sections 139 A to 139 C and 139 E to 139 G 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 noted the statement made by a Government representative in the Conference Committee in 1969 that its observations had been brought to the attention of the Ministry of Justice and of the committee which was considering the revision of the Penal Code, with a view to the deletion of the relevant provisions of the Penal Code. The Committee regrets, however, that in the absence of a report no further information is available on the action taken in regard to the above-

mentioned legislation to ensure the observance of Article 1 (a) of the Convention. The Committee hopes that the necessary measures will be taken at an early date and that full information thereon will be available for examination at its next session.

Greece (ratification : 1962)

The Committee regrets that the Government's report contains no information on the matters raised in its observations of 1968 and 1969.

In these observations, 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 relating to freedom from arbitrary arrest and detention, rights of meeting and association and freedom of expression and 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 its previous report, the Government had indicated that a new Constitution had come into force in November 1968; that articles 18 and 19 of this Constitution (relating to the rights of meeting and of association) had 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) remained to be brought into force, neither the suspension of these constitutional provisions nor the suspension of certain provisions of the previous Constitution had in any way impaired the application of the Convention.

It appeared from the Government's report, however, that in stating these conclusions the Government had considered that labour exacted from convicted persons under legislation relating to prisons had no relevance to the Convention. In its observation of 1969 the Committee therefore drew 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 might have a bearing on the application of the Convention. The Committee observed that an obligation to perform labour was 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 all prisoners sentenced to imprisonment, penal servitude or hard labour, and that such compulsory labour would therefore fall within the scope of the Convention in so far as imposed in any of the cases specifically enumerated in Article 1.

In its previous observations the Committee also drew attention 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.

Having regard to the above-mentioned considerations, the Committee trusts that the Government will supply, for examination by the Committee at its next session, full information on the present position regarding the exercise of rights relevant to the application of the Convention (such as freedom of expression and publication, freedom of assembly and association, the right to engage in political activity, and the right for workers and their organisations to resort to strike action in defence of their interests), and on the measures taken or contemplated to ensure that no form of forced or compulsory labour (including labour exacted from convicted persons) may be imposed in circumstances falling within the scope of the Convention.¹

Guatemala (ratification : 1959)

For a number of years the Committee has addressed direct requests to the Government on various matters relating to the application of Article 1 (a) and (b) of the Convention. The Committee regrets to note that the Government's last report contains no information on these matters, but merely refers to a communication to the Conference Committee in 1969 stating that international Conventions dealing with labour matters, when approved and ratified by Guatemala, become part of the law of the Republic. As regards the present Convention, the Committee observes that almost all the legislative provisions referred to in its previous direct requests were adopted *after* the date of ratification. The Committee therefore finds it necessary to repeat the previous direct request, and trusts that full information on the matters raised therein will be available for examination at its next session.¹

Guinea (ratification : 1961)

The Committee notes with regret that the Government's report contains no information on the matters raised in previous direct requests.

The Committee had in particular sought clarification concerning the effect of Decree No. 416 PRG of 22 October 1964. This Decree provided for the establishment of an "Organisation for Work Centres of the Revolution", aimed, *inter alia*, at ensuring the rapid liquidation of the technical and economic underdevelopment of the Republic (section 1). By virtue of section 2, all persons between 16 and 25 years (both male and female) are members of this organisation. Provision is made for the organisation of members in work brigades in the countryside and on work sites, and the carrying on of production activities, the net proceeds of which are to be credited to the investment funds of the nation (sections 1 to 7).

The above-mentioned provisions appear to have the effect of placing all persons between 16 and 25 years at the service of the Organisation for Work Centres of the Revolution. The Committee, in its earlier direct requests, had accordingly asked for information on the manner in which the work centres in question are organised, and particularly on the manner in which participants are recruited, the period of service, the nature of the work or service performed, and the penalties applicable in the event of refusal or failure to participate. It had also requested the Government to supply any further laws, regulations, instructions, etc., regulating these questions.

¹ The Government is asked to report in detail for the period ending 30 June 1970.

The Committee hopes that full information on all these matters will be available for examination at its next session, and that the Government will indicate the measures taken or contemplated, in regard to the Decree of 1964, to ensure that, in accordance with Article 1 (b) of the Convention, no form of forced or compulsory labour is used as a method of mobilising and using labour for purposes of economic development.

In its earlier requests the Committee had also sought information concerning certain provisions of the Penal Code promulgated on 30 October 1965 and copies of legislation relating to prison labour, public order, the press and publications, meetings and associations, vagrancy and discipline of seamen. It is once more addressing a direct request to the Government on these matters, and trusts that full information relating thereto will also be provided.¹

Haiti (ratification : 1958)

1. The Committee regrets to note that the Government's report for the period ending 30 June 1969 contains no information in regard to the matters raised in its observations of 1967, 1968 and 1969. 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.

The Committee notes that by Decree of 26 July 1968 the previously mentioned constitutional guarantees were again suspended for a period of over eight months. In the light of these repeated and prolonged suspensions of the constitutional guarantees in question, the Committee cannot be satisfied that the provisions of the Convention are effectively observed. It urges the Government to reconsider its practice in the matter in the light of the obligations accepted under the Convention.

2. The Committee also regrets that the Government has provided no information in regard to the matters mentioned in previous direct requests. The Committee had therefore drawn attention, *inter alia*, to the fact that, in so far as persons sentenced to imprisonment are required to perform labour (section 26 of the Penal Code) :

¹ The Government is asked to report in detail for the period ending 30 June 1970.

- (a) sections 2 to 6 of the Legislative Decree of 19 November 1936—providing for punishment by imprisonment of any profession of Communist faith or the propagation of Communist or anarchist doctrines—might result in the imposition of forced or compulsory labour for purposes mentioned in Article 1 (a) of the Convention ;
- (b) sections 162 and 165 of the Penal Code—prescribing imprisonment as a punishment for the making of speeches or publication of writings by clergymen criticising the Government or public authorities—might likewise lead to the imposition of forced or compulsory labour in circumstances falling within Article 1 (a) of the Convention ;
- (c) section 3 of the Decree of 8 December 1960 concerning the obligation of workers to respect working hours—providing for punishment by imprisonment of any official or employee of a public or private administration, a bank or a commercial or industrial undertaking who abandons his work with the evident object of paralysing the national economy—might lead to the imposition of forced or compulsory labour as a punishment for breach of labour discipline or for having participated in a strike, within the meaning of Article 1 (c) and (d) of the Convention.

In its report for the period ending 30 June 1965 the Government had stated that it intended to amend section 26 of the Penal Code so as to ensure that no form of forced or compulsory labour falling within the Convention might be imposed by virtue of the above-mentioned legislation. No such amendments, however, appear to have been adopted. The Committee hopes that appropriate measures to ensure the observance of the Convention in relation to this legislation will be adopted at an early date.¹

Honduras (ratification : 1958)

See under Convention No. 29.

Iran (ratification : 1959)

The Committee notes the Government's statement that a thorough study is at present being made of the matters raised in previous direct requests (relating to the exemption from the requirement to perform labour of persons sentenced to imprisonment in respect of political offences and to the practical application of provisions concerning vagrancy). As these matters have been the subject of direct requests since 1964, the Committee trusts that full information thereon will be available at its next session.¹

Malaysia (ratification : 1958)

The Committee notes the Government's statement that the various matters raised in the Committee's previous direct requests are still under consideration, but that every effort is being made to complete their examination at an early date, taking into account the general survey on forced labour in the Committee's report of 1968. Having regard to the importance of the matters raised in the Committee's previous requests, which relate to Article 1 (a), (b), (c), (d) and (e) of the Convention, the Committee hopes that detailed information on the measures taken or envisaged to ensure full observance of the Convention will be available for examination at its next session.¹

¹ The Government is asked to report in detail for the period ending 30 June 1970.

Portugal (ratification : 1959)

The Committee regrets that no report has been supplied on this Convention. It has however duly noted the information supplied to the Conference Committee by a Government representative in 1969. The Committee has moreover been informed of the request by the Government that the matters arising out of its earlier observations concerning the application of the Convention be the subject of direct contacts between the Government and the Organisation, and understands that the practical arrangements necessary for this purpose are presently being made.

The Committee considers it appropriate, in this connection, to recall that it had previously concluded that the legislative action called for by the recommendations made in 1962 by the Commission of Inquiry established under article 26 of the Constitution of the ILO had been taken, but that there remained certain matters of practical application of the policy of abolition of forced labour in Angola and Mozambique in respect of which further action appeared to be indicated. The three aspects to which the Committee has drawn particular attention are : the development of adequate manpower services designed to ensure the progressive elimination of recruiting of labour and its replacement by a system of spontaneous offer of their services by workers, with the assistance of the free public employment services provided for in the Rural Labour Code of 1962 ; the improvement of conditions of employment with a view to attracting a sufficient volume of manpower offering its services spontaneously ; and the sufficient development of labour inspection activities to ensure the strict observance of statutory safeguards against compulsion to labour. The Committee has also sought further information concerning the manpower situation and the policy and methods in regard to the engagement of labour of certain undertakings in Angola which had been referred to in the report of the Commission of Inquiry, namely the Diamond Company of Angola, the publicly owned railways and ports in Angola, and the Cassequel Agricultural Company.

The Committee hopes that the proposed direct contacts will make it possible to obtain substantial clarification concerning these outstanding matters, and that it will be in a position at its next session to examine the further elements which will have become available as a result.

Singapore (ratification : 1965)

In direct requests previously addressed to the Government, the Committee had observed that imprisonment (involving, by virtue of the provisions of the Prisons Ordinance, liability to compulsory labour) might be imposed as a penalty for contravention of a number of legislative provisions which appeared to have a bearing on the application of Article 1 (a) of the Convention. The Committee had referred in particular to the following provisions :

- (a) sections 3, 7, 7A and 7B of the Printing Presses Ordinance (Cap. 226, as amended by Ordinance No. 11 of 1960), making it an offence to keep and use any printing press or to print or publish any newspaper except under a licence which may be granted and revoked by the competent Minister in his absolute discretion ;
- (b) clause 7 of the conditions for newspaper licences laid down in the Printing Presses (Application and Permits) Rules, 1961 (as amended by Government Notice No. S 78 of 1961), read together with sections 7 and 17 of the Printing Presses Ordinance, making it an offence for a newspaper to publish "any article which is likely to cause ill-will or misunderstanding between the Govern-

ment and the people of Singapore and the Government and the people of the Federation of Malaya ” ;

- (c) sections 3 and 4 of the Undesirable Publications Act, 1967 (replacing similar previous legislation), empowering the competent Minister, in his absolute discretion, to prohibit particular publications or series of publications or all publications by any person (whether published or printed within or outside Singapore) and making it an offence to publish, sell, distribute or reproduce or to possess without reasonable excuse any such prohibited publication ;
- (d) sections 22, 24 and 25 of the Internal Security Act, 1960 (made applicable to Singapore, under the provisions of the Malaysia Act, 1963, by the Modification of Laws (Internal Security and Public Order) (Singapore) Order, 1963), granting similar powers to prohibit, *inter alia*, publications considered prejudicial to the national interest, public order or security) ;
- (e) sections 4, 14 to 18 and 24 of the Societies Act, 1966 (replacing previous similar legislation), requiring the registration of every association of ten or more persons, but excluding from registration, *inter alia*, any association whose registration is considered contrary to the national interest or which has affiliations or connections with any organisation outside Singapore considered to be contrary to the national interest, and making it an offence to act as a member of an unregistered society, to publish, sell or possess matter issued by or on behalf or in the interests of such a society, etc.

The Committee had requested the Government to indicate the measures taken or contemplated in regard to the above-mentioned provisions to ensure that, in accordance with Article 1 (a) of the Convention, no form of forced or compulsory labour (including labour exacted by virtue of the Prisons Ordinance) might be imposed 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 Government has stated that it considers the above-mentioned provisions necessary, in the present context, to combat subversion, in the national interest, and that they are not used as a means of political coercion or as a punishment for the expression of views. The Committee observes however that, in one of the above-mentioned cases, penal sanctions involving liability to compulsory labour may be imposed for the publication of particular views. The other provisions are a basis for depriving individuals, by a discretionary administrative decision which is not dependent on the commission of any offence and is not subject to judicial review, of the possibility of publishing their views or of associating for the purpose of advocating particular policies, ideologies or views. In so far as such restrictions are enforced by penalties involving liability to compulsory labour, they would appear to fall within the scope of Article 1 (a) of the Convention.

The Committee therefore once more expresses the hope that the Government will review the above-mentioned legislation, in the light of the provisions of Article 1 (a) of the Convention and of the comments concerning the scope of these provisions contained in paragraphs 90 to 92 and 101 to 116 of the general survey of forced labour in Part Three of the Committee's report of 1968, with a view to the adoption of appropriate measures to guarantee the observance of the Convention.

Syrian Arab Republic (ratification : 1958)

The Committee regrets that no report has been supplied for 1967-69 and that accordingly no information is available in regard to a number of matters mentioned

by the Committee in previous direct requests relating to the application of Article 1 (a), (b), (c) and (d) of the Convention. The Committee trusts that full information on these matters will be available for examination at its next session.¹

Tanzania (ratification : 1962)

The Committee notes with regret that no report has been received, and that accordingly no information is available on the matters which have been the subject of direct requests for a number of years in relation to the application of Article 1 (a), (c) and (d) of the Convention. The Committee notes with particular concern that no information has been supplied in respect of the application of the Convention to Zanzibar since 1965.

The Committee trusts that a report containing full information on the application of the Convention throughout the national territory of Tanzania, and particularly on the matters mentioned in its previous direct requests, will be available for examination at its next session.

United Arab Republic (ratification : 1958)

The Committee regrets that no report has been received, and that accordingly no information is available in regard to the matters mentioned in the direct request made in 1967 which, owing to the Government's failure to provide the requested information, the Committee had been obliged to repeat in 1968 and 1969.

In its previous direct requests the Committee had referred, in relation to Article 1 (a) of the Convention, to a number of legislative provisions under which imprisonment (involving an obligation to perform labour) might be imposed as a punishment for the dissemination of certain kinds of information or statements, in connection with statutory restrictions on the press and journalism, in connection with the prohibition of political parties and certain kinds of associations, and in relation to the holding of meetings. The Committee had also raised certain matters in relation to Article 1 (d) of the Convention arising out of provisions of the Labour Code, the Penal Code and legislation relating to the merchant navy.

In view of the importance of the above-mentioned matters, the Committee trusts that a report containing full information in answer to its direct requests and on the measures taken to ensure the observance of the Convention will be available for examination at its next session.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States : *Afghanistan, Argentina, Austria, Belgium, Brazil, Cameroon (Western Cameroon), Canada, Central African Republic, Chad, China, Colombia, Cuba, Cyprus, Dahomey, Denmark, Dominican Republic, Ecuador, El Salvador, Finland, Gabon, Federal Republic of Germany, Ghana, Greece, Guatemala, Guinea, Guyana, Haiti, Honduras, Iceland, Iraq, Ireland, Jamaica, Jordan, Kenya, Liberia, Libya, Mali, Morocco, Netherlands, Niger, Nigeria, Norway, Pakistan, Panama, Peru, Philippines, Portugal, Rwanda, Senegal, Sierra Leone, Singapore, Somali Republic, Sweden, Syrian Arab Republic, Tanzania, Trinidad and Tobago, Tunisia, Turkey, Uganda, United Arab Republic, United Kingdom, Venezuela, Zambia.*

¹ The Government is asked to report in detail for the period ending 30 June 1970.

Information supplied by *Costa Rica* and *Israel* in answer to a direct request has been noted by the Committee.

Convention No. 106 : Weekly Rest (Commerce and Offices), 1957

Dominican Republic (ratification : 1958)

The Government having failed to reply 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 it hopes that the Government will make every effort to supply the information requested.

Kuwait (ratification : 1961)

Articles 2, 7 and 8 of the Convention. The Committee notes from the report for 1966-68 that the Government was considering the adoption of specific provisions to give full effect to the above Articles in any future amendments to the Labour Law, and that a committee was working on amendments to the Labour Law (Private Sector). It hopes that amendments both to that Law and to the Labour Law (Public Sector) will be enacted in the near future and will contain clauses :

- (a) providing for weekly rest for workers engaged for a period not exceeding six months, whose exclusion is contrary to Article 2 of the Convention ; and
- (b) providing for compensatory rest for workers who are required to work on the standard weekly rest day, as required by Articles 7 and 8 of the Convention.

Article 11. The Committee also trusts that the lists of categories of persons and types of establishments subject to special weekly rest schemes in accordance with Article 7 of the Convention, and information concerning the circumstances in which temporary exceptions may be granted under Article 8 of the Convention, which it has been requesting since 1964, will be supplied in the next report.

Portugal (ratification : 1960)

The Committee regrets that no report has been received. It hopes that a report will be supplied for examination by the Committee at its next session and will contain full information on the matters raised in its previous direct request, which read as follows :

As regards the proposed text by which the legislation on hours of work and weekly rest is to be revised, the Committee refers to the direct request on Convention No. 14. It hopes that the new text will ensure full conformity with the more detailed provisions of Convention No. 106 also, particularly as regards any points raised in previous direct requests, in respect of either the metropolitan provinces, or of the texts by which weekly rest is at present ensured in the overseas provinces.

Finally, the Committee notes that the new Administrative Code for the Overseas Provinces is still being prepared and hopes that the Government's next report will indicate what progress has been made towards its adoption.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States : *Cuba, Dominican Republic, Honduras, Iraq, Israel, Mexico, Paraguay, United Arab Republic, USSR.*

Convention No. 107 : Indigenous and Tribal Populations, 1957*Argentina* (ratification : 1960)

The Committee notes from the Government's report for 1968-69 that five new programmes to promote the development of indigenous communities were implemented and forty-six other programmes were to be launched in 1969. Please give details of the nature of these programmes, stating to what extent they give effect to the various Articles of the Convention, in particular Article 2, paragraphs 2 (a), (c), 3 and 4, Article 3 to 6 and Articles 12 to 14.

At the same time, please indicate whether in the programme of education and training by radio planned for the province of Neuquén account has been taken of the provisions of Articles 21 to 26 of the Convention, and whether other educational programmes have been arranged within the framework of other programmes on behalf of the indigenous population.

The Committee notes with regret that once again the report does not contain the detailed information requested since 1963. It must therefore express once again the hope that the Government will supply with its next report the information requested under each Article in the report form on this Convention, so that the Committee may examine it at its next session.

Pakistan (ratification : 1960)

The Committee notes with regret from the Government's report that information on the various matters dealt with in its previous requests has not yet been received from the relevant authorities. The Committee hopes that full information on these matters, as specified in a direct request, will be available for examination at its next session.

United Arab Republic (ratification : 1959)

See paragraph 36 of the General Report.

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* *

In addition, requests regarding certain other points are being addressed directly to the following States : *Bolivia, Ghana, Pakistan*.

Convention No. 108 : Seafarers' Identity Documents, 1958*Guatemala* (ratification : 1960)

The Committee notes the information supplied to the Conference Committee in 1969 and in the Government's report in answer to a previous observation.

In the Conference Committee, the Government's representative stated that ratified Conventions had force of law. However, in the present case—as pointed out in the Conference Committee—practical measures of implementation would still be necessary, especially the issue by a competent national authority of seafarers' identity documents of the kind provided for in the Convention.

The Committee notes therefore with interest that a draft decree has been prepared which would provide for the issue of identity documents in accordance with the Convention. It hopes that this decree will be adopted at an early date, that practical measures for the issuing of identity documents will be taken, and that specimen copies of the identity document will be supplied with the Government's next report.

The Government's last report states that at present no ships falling within the definition contained in Article 1 of the Convention are registered in Guatemala. In this connection the Committee wishes to point out that, according to Articles 1 and 2 of the Convention, identity documents should be issued to national seafarers engaged on board vessels registered in *any* territory for which the Convention is in force. It trusts that the proposed measures will be formulated and applied accordingly.

Lastly, the Committee trusts that measures will also be taken to ensure to holders of identity documents issued in accordance with the Convention the rights of readmission and entry provided for in Articles 5 and 6 of the Convention, and that copies of the laws, regulations or instructions setting out these rights will be supplied.

Italy (ratification : 1963)

The Committee notes the statement made by a Government representative in the Conference Committee in 1969 that, to ensure the application of the Convention, the Ministry of the Merchant Marine was studying the problem of establishing seafarers' identity documents, in particular as regards the form and contents of the document, and that these questions would be considered in the light of consultations with organisations of shipowners and seamen. The Committee regrets, however, that the Government's report contains no further information on these matters.

Recalling its earlier comments in this connection, the Committee urges the Government to take the necessary measures as soon as possible to give effect to the Convention.¹

* * *

In addition, requests regarding certain other points are being addressed directly to the following States : *Canada, France, Iran, Tanzania* (Tanganyika).

Convention No. 110 : Plantations, 1958

Liberia (ratification : 1959)

The Government states in its report that it would be in a better position to give appropriate answers to the Committee's previous request after the new Labour Law, which is presently before the legislature, has been enacted, and refers more specifically to Articles 5 to 19, 24 to 35 and 46 to 50 of the Convention, as provisions which would receive fuller implementation through the proposed legislation. While expressing the hope that the proposed new Labour Law will be adopted soon and will include provisions to ensure the full application of these various Articles of the Convention, the Committee must note with regret that the Government has thus not supplied the detailed information requested on the measures existing or envisaged to give effect to many provisions of the Convention on the application of which the Committee has had occasion to comment in the past. The Committee must therefore deal with these points once again in detail in a direct request. It trusts that the Government will not fail to provide full information on these points in its next report.

Part XI. Labour Inspection.

The Committee regrets to note that no reply has been given by the Government to its request for information on the operation of labour inspection in the sector

¹ The Government is asked to supply full particulars to the Conference at its 54th Session and to report in detail for the period ending 30 June 1970.

of plantations. Referring also, in this connection, to point 8 of its observation under Convention No. 29, the Committee trusts that the necessary measures will be taken to ensure the regular inspection of plantations and that the Government will in future supply full information thereon, including specimen copies of inspection reports.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States : *Brazil, Liberia, Mexico*.

Convention No. 111 : Discrimination (Employment and Occupation), 1958

Requests regarding certain points are being addressed directly to the following States : *Central African Republic, Cuba, Dominican Republic, Ecuador, Gabon, Liberia, Libya, Morocco, Nicaragua, Portugal, Senegal, Spain, Tunisia, Ukraine*.

Information supplied by *Iceland, Ivory Coast, Malagasy Republic, Mexico* and *Yugoslavia* in answer to direct requests has been noted by the Committee.

Convention No. 112 : Minimum Age (Fishermen), 1959

A request regarding certain points is being addressed directly to *Liberia*.

Convention No. 113: Medical Examination (Fishermen), 1959

Liberia (ratification: 1960,

The Committee notes with regret that the measures announced from 1963 onwards by the Government with a view to implementing the provisions of the Convention have not yet been taken. In its previous observations and direct requests, the Committee pointed out that section 336 (*d*) of title 22 of the Liberian Code of Laws (as amended in 1964) excluded from the scope of the Code vessels of less than seventy-five tons and boats manned entirely by members of the same family. It recalled that the exemptions allowed in the Convention relate exclusively to vessels which do not normally remain at sea for periods of more than three days, or which are engaged in fishing in ports and harbours or in estuaries of rivers, or to individuals fishing for sport or recreation.

The Committee trusts that the adoption of the various measures required to ensure the application of this Convention will not be further postponed, and that the next report will indicate the progress made in this respect.

Spain (ratification: 1961)

With reference to its previous requests, the Committee notes with satisfaction that an Order respecting the medical examination of members of the crew of cod-fishing boats was approved on 23 January 1970, thereby giving effect in the legislation concerning this branch of fishing to Article 4, paragraph 1 (validity of medical certificate limited to one year in the case of young persons less than 21 years of age), and Article 5 (possibility for a fisherman who has been refused a certificate the first time to apply for a further medical examination) of the Convention.

* * *

In addition, request regarding certain other points are being addressed directly to the following States: *Belgium, Brazil, China, Costa Rica, Guatemala, Guinea, Tunisia, Yugoslavia*.

Convention No. 114: Fishermen's Articles of Agreement, 1959

Requests regarding certain points are being addressed directly to the following States: *China, Costa Rica, Cyprus, Guatemala, Guinea, Liberia, Mauritania, Peru.*

Information supplied by *Tunisia* in answer to a direct request has been noted by the Committee.

Convention No. 115: Radiation Protection, 1960

Iraq (ratification: 1962)

The Committee notes with interest from the Government's reply to its previous observation that the technical committees established for the purpose of drafting instructions concerning protection against ionising radiations are expected to complete their task in the near future. The Committee hopes that these instructions will soon be issued and will be such as to ensure full conformity with the Convention.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Barbados, Brazil, Ghana, Guinea, Guyana, Netherlands, Syrian Arab Republic, United Kingdom.*

Information supplied by *Norway* in answer to a direct request has been noted by the Committee.

Convention No. 117: Social Policy (Basic Aims and Standards), 1962

Ghana (ratification: 1964)

Article 8 of the Convention. The Committee notes from the Government's statement in reply to its direct request of 1968 that both international and internal migratory movements are of importance to Ghana but that no measures have yet been taken to give effect to this Article of the Convention, which relates to the protection of migrant workers.

The Committee also notes in this connection the deliberations of the Third African Regional Conference of the ILO in December 1969, and in particular a statement by the Prime Minister of Ghana in which he indicated that there were over 1 million aliens in the country and in which he referred to recent government measures to enforce the aliens regulations in regard to these persons, many of whom had had to leave the country, while at the same time seeking to mitigate the difficulties experienced by aliens who were still in Ghana.

Having regard to the amplitude of the problem, and to the difficulties facing the Government, on the one hand, and the hardship facing the foreign workers required to leave the country, on the other hand, the Committee points out that Article 8 of the Convention provides, in regard to migrant workers, for the conclusion of agreements between the countries concerned (paragraph 1), for provision in these agreements of protection and advantages for the migrant workers not less than those enjoyed by workers resident in the country (paragraph 2), and for facilities regarding the transfer of wages and savings of migrant workers (paragraph 3).

In these circumstances the Committee hopes that the Government will supply full information in regard to the measures taken to give effect to Article 8 of the Convention and particularly as to whether it has been possible to conclude agreements with the other governments concerned in respect of those migrant workers who may be

required to leave the country and in respect of those who have obtained the necessary residence permits and may remain in Ghana.¹

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Central African Republic, Congo (Kinshasa), Costa Rica, Ghana, Republic of Guinea, Israel, Jordan, Kuwait, Niger, Senegal, Syrian Arab Republic, Zambia.*

Convention No. 118: Equality of Treatment (Social Security), 1962

China (ratification: 1965)

Article 3, paragraphs 1 and 2, of the Convention. The comments made in connection with Convention No. 19 also apply to this Convention, in so far as insurance coverage in all the branches of social security in respect of which China has accepted the obligations of the Convention is concerned.

Ireland (ratification: 1964)

Article 6 of the Convention. With reference to its direct requests of 1967 and 1968 concerning the non-payment (with certain exceptions) of family allowances in respect of children residing abroad, the Committee notes from the Government's reply that no request for the making of an agreement in respect of family benefit was received from any other Member, and that no suitable opportunity has occurred for Ireland to raise the question of an agreement with any other Member, as the great majority of children emigrating from Ireland go to Great Britain, where British family allowances are payable in respect of them. The Committee wishes to point out in this respect that the payment of family allowances in respect of children residing abroad may concern not only children emigrating from Ireland, but also those children of foreign workers emigrating to Ireland who remain behind in the country of origin. It notes in this respect, from the statistics transmitted by the Government, that nationals of four of the eight other Members having accepted the obligations of the Convention in respect of family benefit are employed in Ireland. The Committee trusts therefore that the Government will not fail to take appropriate measures to ensure the full application of Article 6 of the Convention, which provides that the grant of family allowances shall be guaranteed both to nationals of the Member concerned and to those of any other Member which has accepted the obligations of the Convention for that branch, in respect of children who reside on the territory of any such Member, under conditions and within limits to be agreed upon by the Members concerned. The Committee hopes that the next report will contain information on the progress achieved in this respect.

Jordan (ratification: 1962)

Further to its earlier requests and observations, the Committee notes with regret that the Government's report supplies no fresh information but merely states that effect is given to the provisions of the Convention and that instruments to implement the principle of equality of treatment of nationals and non-nationals in social security are in preparation. The Committee feels bound to point out, however, that the only legislation in force—namely, the Labour Code (section 51 and sections 54 to 67)—refers to only two of the branches in respect of which the Government has accepted

¹ The Government is asked to report in detail for the period ending 30 June 1970.

the obligations of the Convention—branch (c) (maternity benefit) and branch (g) (employment injury benefit)—and that in the absence of legislation dealing with invalidity benefit and survivors' benefit (branches (d) and (f), in respect of which Jordan has likewise accepted the obligations of the Convention) it is impossible for full effect to be given to the Convention. The Committee has furthermore been informed that a Social Insurance Act is in preparation which deals, *inter alia*, with employment injury, invalidity benefit and survivors' benefit, and trusts (irrespective of the other proposed legislation on the recruitment and employment of foreign workers mentioned by the Government in its report) that this Act will be passed shortly and that it will be in conformity with the provisions of the Convention.

The Committee requests the Government to indicate in its next report what progress has been made towards giving full effect to the Convention.

Malagasy Republic (ratification: 1964)

Branch (d): invalidity benefit. Further to its previous requests, the Committee notes with satisfaction that an invalidity pension has been introduced by Decree No. 69-145 of 8 April 1969 establishing a Social Security Code within the framework of the Retirement Pension Scheme instituted by Act No. 68-023 of 17 December 1968, and that, according to the Government, no distinction is made between nationals and non-nationals in granting this pension.

Branch (g): employment injury benefit. Articles 4 and 5 of the Convention. Further to its previous requests, the Committee notes with satisfaction the amendment to section 221 of the Social Security Code introduced by Decree No. 69-145 of 8 April 1969 which formally abolishes the provisions limiting the rights of non-nationals in the event of residence abroad (in particular in countries other than those that were specified in the legislation).

Norway (ratification: 1963)

Branch (i) (family benefits). Articles 3 and 4 of the Convention. The Committee notes with satisfaction from the Government's reply to its previous direct request that the requirement of six months' residence to which entitlement to family benefit was subjected when neither of the parents is Norwegian has been abolished as from 1 January 1969, by an Act of 14 February 1969.

Syrian Arab Republic (ratification: 1963)

Article 5 of the Convention. Referring to its requests of 1966 and 1969, the Committee notes from the Government's report that the Social Insurance Establishment has the intention of amending section 94 of Act No. 92 of 1959, as amended by Act No. 143 of 1961, providing that workmen's compensation is no longer payable if the beneficiary leaves the national territory for good. The Committee again hopes that the Government will not fail to take the necessary measures to ensure, in conformity with Article 5, paragraph 1, of the Convention, the payment of employment injury pensions to beneficiaries resident abroad, in respect both of its own nationals and of the nationals of any other member State which has accepted the obligations of the Convention for this branch. The Committee asks the Government to indicate in its next report the measures that have been taken.

Article 7. The Committee notes with interest the existence of two draft conventions on social security prepared by the Council of the Arab Economic Union. It asks the Government to supply information in its next report on the position in respect of these drafts and on the various measures that it intends to take to safeguard acquired

rights and rights in course of acquisition. As the texts of these draft instruments were not attached to the report, the Committee also asks the Government to transmit a copy of them with its next report.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Central African Republic, China, Israel, Malagasy Republic, Norway, Sweden.*

Information supplied by the *Netherlands* and *Tunisia* in answer to a direct request has been noted by the Committee.

Convention No. 119: Guarding of Machinery, 1963

Requests regarding certain points are being addressed directly to the following States: *Central African Republic, Congo (Brazzaville), Cyprus, Dominican Republic, Ghana, Guatemala, Guinea, Kuwait, Malagasy Republic, Sierra Leone.*

Convention No. 120: Hygiene (Commerce and Offices), 1964

Syrian Arab Republic (ratification: 1965)

Following its previous direct requests, the Committee notes with satisfaction that Order No. 970 of 1969 ensures the fuller implementation of Article 4 (b) and Articles 12 to 14 of the Convention.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Bulgaria, Congo (Kinshasa), Costa Rica, Guinea, Jordan, Malagasy Republic, Norway, Syrian Arab Republic.*

Convention No. 121: Employment Injury Benefits, 1964

Requests regarding certain points are being addressed directly to the following States: *Cyprus, Netherlands, Senegal.*

Convention No. 122: Employment Policy, 1964

Requests regarding certain points are being addressed directly to the following States: *Costa Rica, Guinea, Malagasy Republic, Tunisia, Uganda.*

Convention No. 123: Minimum Age (Underground Work), 1965

Requests regarding certain points are being addressed directly to the following States: *China, Cyprus, Jordan, Malagasy Republic, Spain, Tunisia, Uganda, Zambia.*

Convention No. 124: Medical Examination of Young Persons (Underground Work), 1965

Requests regarding certain points are being addressed directly to the following States: *China, Cyprus, Jordan, Malagasy Republic, Tunisia, Uganda, Zambia.*

Appendix I. Detailed Reports Received and Detailed Reports Not Received by 25 March 1970

Reports received: 1,501 Reports not received: 320 Total: 1,821

(Article 22 of the Constitution)

Country	Reports received		Reports not received		Grand total
	Total	Conventions Nos.	Total	Conventions Nos.	
Afghanistan	4	4, 41, 95, 105	0	—	4
Albania ¹	0	—	16	5, 6, 10, 11, 16, 21, 29, 52, 58, 59, 77, 78, 87, 98, 100, 112	16
Algeria	5	3, 11, 24, 94, 95	30	6, 10, 13, 14, 17, 18, 19, 29, 32, 42, 44, 56, 62, 63, 69, 71, 73, 74, 77, 78, 81, 88, 89, 91, 92, 96, 97, 99, 100, 101	35
Argentina	31	2, 4, 6, 10, 12, 16, 17, 18, 19, 20, 22, 23, 29, 32, 34, 41, 42, 50, 52, 53, 71, 73, 77, 78, 79, 81, 88, 90, 95, 105, 107	0	—	31
Australia	12	10*, 12*, 16, 18*, 19*, 22, 29*, 42*, 63, 85*, 88, 105*	0	—	12
Austria	19	2, 4, 6, 10, 12, 17, 18, 19, 24, 25, 29, 42, 63, 81, 89, 94, 95, 101, 105	0	—	19
Barbados	15	12, 17, 19, 22, 29, 42, 63, 65, 74, 81, 94, 95, 101, 105, 115	0	—	15
Belgium	32	2, 6, 10, 12, 16, 17, 18, 19, 21, 22, 23, 29, 42, 53, 55, 56, 69, 73, 74, 81*, 82, 85, 88, 89, 92, 94, 96, 101, 105, 113, 114, 115*	0	—	32
Bolivia	4	26, 42, 96, 107	1	19	5
Brazil	21	6, 12, 16, 19, 22, 29, 42, 52, 53, 81, 88, 89, 92, 94, 95, 96, 101, 104, 105, 113, 115	0	—	21

For footnotes see end of table, p. 170.

OBSERVATIONS CONCERNING RATIFIED CONVENTIONS

Country	Reports received		Reports not received		Grand total
	Total	Conventions Nos.	Total	Conventions Nos.	
Bulgaria	30	6, 10, 12, 16, 17, 18, 19, 22, 23, 24, 25, 29, 34, 42, 44, 52, 53, 55, 56, 69, 71, 73, 77, 78, 79, 81, 94, 95, 112, 113	0	—	30
Burma	12	2, 6, 16, 17, 18, 19, 22, 29, 41, 42, 52, 63	0	—	12
Burundi	0	—	14	4, 12, 17, 18, 19, 26, 29, 42, 50, 84, 85, 89, 94, 105	14
Byelorussia *	11	10, 14, 16, 29, 52, 77, 78, 79, 87, 90, 95	0	—	11
Cambodia	3	4, 6, 29	0	—	3
Cameroon	4	19, 29, 94, 95	0	—	4
Eastern Cameroon . . .	3	4, 6, 85	0	—	3
Western Cameroon . . .	8	15, 16, 50, 64, 65, 81, 97, 105	0	—	8
Canada	9	16, 22, 63, 69, 73, 74, 88, 105, 108	0	—	9
Central African Republic .	0	—	26	2, 4, 6, 10, 17, 18, 19, 26, 29, 41, 52, 81, 87, 88, 94, 95, 98, 99, 100, 101, 104, 105, 111, 117, 118, 119	26
Ceylon *	7	18, 29, 63, 81, 89, 90, 96	1	16	8
Chad	4	4, 52, 81, 95	6	6, 29, 41, 87, 98, 105	10
Chile *	20	2, 4, 6, 8, 10, 12, 15, 16, 17, 18, 19, 22, 24, 25, 29, 34, 35, 36, 37, 38	1	63	21
China	16	14, 16, 19, 22*, 23, 53, 73*, 81, 104, 105, 113, 114, 117*, 118, 123, 124	2	95, 119	18
Colombia	14	1, 2, 4, 9, 12, 16, 17, 19, 20, 22, 23, 52, 88, 95	5	18, 24, 25, 81, 105	19
Congo (Brazzaville) * . . .	12	4, 5, 6, 11, 14, 26, 29, 33, 41, 87, 95, 119	0	—	12
Congo (Kinshasa)	14	4, 12*, 17*, 18*, 19*, 29, 85*, 89, 94, 117*, 118*, 119*, 120*, 121*	0	—	14

REPORT OF THE COMMITTEE OF EXPERTS

Country	Reports received		Reports not received		Grand total
	Total	Conventions Nos.	Total	Conventions Nos.	
Costa Rica	13	29, 81, 88, 89, 90, 92, 94, 95, 96, 105, 113, 114, 117	0	—	13
Cuba	30	4, 6, 10, 12, 16, 17, 18, 19, 22, 23, 29, 42, 52, 63, 77, 78, 79, 81, 87, 88, 89, 90, 92, 94, 95, 96, 101, 104, 105, 111	0	—	30
Cyprus	16	2, 16, 19, 29, 44, 81, 88, 89, 90, 94, 95, 105, 114, 121, 123, 124	0	—	16
Czechoslovakia	17	10, 12, 17, 18, 19, 24, 25, 29, 34, 42, 44, 52, 63, 88, 89, 90, 115	0	—	17
Dahomey	8	4, 6, 18, 29, 41, 85, 95, 105	0	—	8
Denmark	14	2, 6, 12, 16, 18, 19, 29, 42, 52, 53, 63, 81, 92, 105	1	94	15
Dominican Republic * . .	13	10, 19, 29, 52, 79, 81, 88, 89, 90, 104, 105, 106, 111	0	—	13
Ecuador	0	—	10	2, 24, 29, 35, 37, 39, 87, 95, 100, 105	10
El Salvador	0	—	3	12, 104, 105	3
Ethiopia	2	2, 88	0	—	2
Finland	15	2*, 12*, 16, 18*, 19*, 22, 29*, 42*, 52, 53, 73, 81*, 92, 96*, 105*	3	17, 63, 94	18
France	39	2, 6, 10*, 12, 16, 17, 18, 19, 22, 23, 24*, 29, 42, 44, 52, 53, 55, 56, 63, 69, 71, 73, 74, 77, 78, 81, 82, 85, 88, 89, 92, 94, 95, 96, 101, 108, 112, 113, 114	0	—	39
Gabon	0	—	24	3, 4, 5, 6, 10, 11, 12, 14, 19, 26, 29, 33, 41, 52, 85, 87, 95, 96, 98, 99, 100, 101, 105, 111	24
Fed. Republic of Germany	21	2, 10, 12, 16, 17, 18, 19, 22, 23, 24, 25, 29, 42, 56, 63, 81, 88, 96, 101, 105, 114	0	—	21

OBSERVATIONS CONCERNING RATIFIED CONVENTIONS

Country	Reports received		Reports not received		Grand total
	Total	Conventions Nos.	Total	Conventions Nos.	
Ghana	19	11, 16, 19, 22, 23, 29, 65, 69, 74, 81, 88, 89, 90, 92, 94, 105, 107, 115, 117	0	—	19
Greece	15	2, 6, 16, 17, 19, 29, 42, 52, 69, 81, 88, 89, 90, 95*, 105*	0	—	15
Guatemala	19	19, 63, 65, 77, 78, 79, 81, 88, 89, 90, 94, 95, 96, 101, 105, 108, 113, 114, 118	0	—	19
Repulic of Guinea	14	4, 6, 10, 16*, 17, 18, 52, 81, 89*, 90*, 95*, 100*, 105*, 113*	7	29, 94, 114, 115, 117, 118, 121	21
Guyana	14	2, 10, 12, 19, 29, 42, 65, 81, 82, 87, 94, 95, 105, 115	0	—	14
Haiti	17	1, 5, 12, 17, 19, 24, 25, 29, 30, 42, 77, 78, 81, 90, 98, 105, 107	3	14, 100, 106	20
Honduras*	2	42, 62	5	29, 32, 78, 95, 105	7
Hungary	19	2, 6, 10, 12, 16, 17, 18, 19, 24, 29, 41, 42, 48, 52, 77, 78, 87, 95, 101	0	—	19
Iceland*	11	2, 11, 15, 29, 58, 87, 91, 98, 100, 105, 111	1	102	12
India	13	4, 6, 16, 18, 19, 22, 29*, 42, 81, 88, 89, 90, 118	0	—	13
Indonesia*	3	19, 29, 100	0	—	3
Iran	4	29, 104, 105*, 108	0	—	4
Iraq	18	16, 17, 18, 19, 22, 26, 27, 29, 42, 52*, 77, 78, 81*, 88, 89, 95, 105, 115	0	—	18
Ireland	20	2, 6, 10, 12, 16, 19, 22, 23, 29, 42, 44, 63, 69, 74, 81*, 89, 92, 105, 118*, 122*	0	—	20
Israel*	16	10, 19, 29, 48, 52, 77, 78, 79, 81, 88, 90, 94, 95, 96, 101, 105	2	117, 118	18

REPORT OF THE COMMITTEE OF EXPERTS

Country	Reports received		Reports not received		Grand total
	Total	Conventions Nos.	Total	Conventions Nos.	
Italy	35	2, 4, 6, 10, 12, 16, 18, 19, 22, 23, 29, 42, 44, 48, 52*, 53, 55, 69, 71, 73, 77, 78, 79*, 81*, 88, 89, 90, 94, 95*, 96, 101*, 108, 114*, 117*, 118*	0	—	35
Ivory Coast	12	4, 6, 18, 19, 29, 41, 52, 85, 95, 96, 105, 111	0	—	12
Jamaica	6	16, 19, 29, 65, 81*, 105	2	94, 117	8
Japan	13	2, 10, 16, 18, 19, 22, 29, 42, 73, 81, 88, 96, 100	0	—	13
Jordan	6	29, 105, 117, 118, 119, 124	0	—	6
Kenya	14	2, 12*, 17*, 19, 29, 32, 63, 64, 65, 81, 86, 88, 89, 94	1	105	15
Kuwait	5	52, 81, 89, 105, 117	0	—	5
Laos*	4	4, 6, 13, 29	0	—	4
Lebanon	4	52, 81, 89, 90	0	—	4
Lesotho	0	—	10	5, 11, 14, 19, 26, 29, 64, 65, 87, 98	10
Liberia	12	29, 53, 55, 58, 65, 104, 105, 110, 111, 112, 113, 114	0	—	12
Libya*	9	29, 52, 88, 89, 95, 96, 98, 105, 111	2	100, 104	11
Luxembourg	25	2, 4*, 6*, 10, 12, 16*, 17, 18, 19, 22*, 23*, 24, 25, 29*, 42, 77*, 78*, 79*, 81, 88, 89*, 90*, 96*, 100*, 105*	0	—	25
Malagasy Republic	14	4, 6, 12, 19, 41, 52, 87, 95, 100, 101, 118, 122, 123, 124	1	29	15
Malawi	6	12, 19, 65, 81, 89, 104	0	—	6
Malaysia	5	29, 65, 81, 95, 105	0	—	5
States of Malaya	3	12, 17, 19	0	—	3
State of Sabah	2	16, 94	0	—	2

OBSERVATIONS CONCERNING RATIFIED CONVENTIONS

Country	Reports received		Reports not received		Grand total
	Total	Conventions Nos.	Total	Conventions Nos.	
State of Sarawak	4	12, 16, 19, 94	0	—	4
Republic of Mali*	10	4, 6, 17, 18, 19, 29, 41, 81, 95, 105	0	—	10
Malta	13	2, 10, 12, 16, 19, 22, 29, 42, 81, 88, 89, 95, 105	0	—	13
Islamic Republic of Mauritania*	22	4, 6, 15, 17, 18, 19, 22, 23, 29, 52, 53, 58, 81, 89, 90, 91, 94, 95, 96, 101, 112, 114	0	—	22
Mexico	19	12, 16, 17, 19, 22, 23, 29, 32, 34, 42, 52, 53, 55, 62, 63*, 87, 90, 95, 105	0	—	19
Morocco	19	2, 4, 12, 17, 18, 19, 22, 29, 41, 42, 52, 55, 65, 81, 94, 101, 104, 105, 111	0	—	19
Netherlands	31	2, 10, 12, 16, 17, 19, 22, 23, 24, 25, 29, 44, 48, 63, 69, 71*, 73, 74, 81, 88, 89, 90, 92, 94, 95, 96, 101, 105, 115, 118, 121	1	122	32
New Zealand	20	2, 10, 12, 16, 17, 22, 29, 42, 44, 52, 53, 63, 65, 74, 81, 82, 88, 89, 101, 104	0	—	20
Nicaragua	20	2, 4, 6, 7, 10, 12, 15, 16, 18, 19, 22, 23, 24*, 27, 29, 87, 98, 100, 105, 111	2	17, 25	22
Niger	11	4, 6, 18, 29, 41, 65, 85, 95, 104, 105, 117	1	102	12
Nigeria*	10	16, 19, 29, 65, 81, 88, 94, 95, 104, 105	0	—	10
Norway	28	2, 10, 12, 18, 19, 22, 24, 25, 29, 42, 44, 53, 56, 63, 69, 71, 73, 81, 88, 90, 92, 95, 96, 101, 105, 115, 118, 126	0	—	28
Pakistan	13	4, 6, 16, 18, 19, 22, 29, 81, 89, 90, 96, 105, 107	0	—	13
Panama*	12	3, 12, 17, 29, 30, 42, 52, 81, 87, 98, 100, 105	0	—	12

REPORT OF THE COMMITTEE OF EXPERTS

Country	Reports received		Reports not received		Grand total
	Total	Conventions Nos.	Total	Conventions Nos.	
Paraguay	0	—	17	11, 29, 52, 77, 78, 79, 81, 89, 90, 95, 99, 101, 111, 115, 119, 120, 124	17
Peru	9	22, 23, 29, 52, 53, 79, 90, 101, 114	22	1, 4, 10, 12, 19, 24, 25, 41, 44, 55, 56, 68, 69, 71, 73, 77, 78, 81, 88, 105, 113, 122	31
Philippines*	11	17, 23, 53, 59, 77, 88, 89, 90, 94, 95, 105	0	—	11
Poland	37	2, 6, 9*, 10, 12, 16, 17, 18, 19, 22, 23, 24, 25, 29*, 35, 36, 37, 38, 39, 40, 42, 48, 62*, 69, 73, 74, 77, 78, 79, 87*, 92*, 95*, 96, 101*, 105*, 111*, 115*	0	—	37
Portugal*	7	69, 73, 74, 92, 100, 104, 108	13	4, 6, 12, 14, 17, 18, 19, 29, 81, 89, 105, 106, 111	20
Rumania	7	2, 6, 10, 16, 24, 29, 89	0	—	7
Rwanda	9	4, 12, 17, 18, 19, 42, 89, 94, 105	0	—	9
Senegal	17	4, 6, 10, 12, 18, 19, 29, 52, 81, 89, 95, 96, 101, 105, 111, 117, 121	0	—	17
Sierra Leone	11	16, 17, 19, 22, 65, 81, 88, 94*, 95, 101, 105*	2	29, 126	13
Singapore	10	12, 16, 19, 22, 29, 65, 81, 88, 94, 105	0	—	10
Somali Republic	0	—	4	29, 65, 85, 105	4
Former Trust Territory of Somaliland	0	—	6	16, 17, 19, 22, 23, 45	6
Former British Somaliland	0	—	2	94, 95	2
Republic of South Africa ²	0	—	7	2, 19, 26, 42, 45, 63, 89	7
Southern Yemen (Aden)	0	—	7	16, 19, 29, 65, 94, 95, 105	7

OBSERVATIONS CONCERNING RATIFIED CONVENTIONS

Country	Reports received		Reports not received		Grand total
	Total	Conventions Nos.	Total	Conventions Nos.	
Spain	29	2, 4, 6, 10, 12, 16, 17, 18, 19, 22, 23, 24, 25, 29, 34, 42, 48, 81, 88, 89, 95, 97, 100, 105, 111, 113, 114, 115, 123	0	—	29
Sudan*	3	2, 19, 29	0	—	3
Sweden	18	2, 10, 12, 16*, 17, 19*, 29, 42, 63*, 73*, 81, 88, 92*, 96, 101*, 105, 115, 118*	0	—	18
Switzerland	14	2, 6, 16, 18, 19, 23, 29, 44, 63, 81, 88, 89, 105, 115*	0	—	14
Syrian Arab Republic . . .	20	2*, 17, 18, 19, 29*, 52, 53, 63, 81*, 88*, 89, 94, 95, 96*, 101, 104, 115, 117, 118, 120	1	105	21
Tanzania	0	—	13	12, 16, 17, 19, 26, 29, 50, 63, 65, 94, 95, 98, 105	13
Tanganyika	0	—	3	81, 88, 101	3
Zanzibar	0	—	5	5, 7, 58, 85, 97	5
Thailand*	3	14, 19, 104	0	—	3
Togo	6	4, 6, 29, 41, 85, 95	0	—	6
Trinidad and Tobago . . .	0	—	6	16, 19, 29, 65, 85, 105	6
Tunisia	18	12, 17, 18, 19, 29, 52, 65, 81, 89, 90, 95, 104, 105, 113, 114, 118, 123, 124	2	4, 6	20
Turkey*	4	2, 88, 96, 100	7	42, 81, 94, 95, 105, 111, 119	11
Uganda	12	12, 17, 19, 29, 65, 81, 94, 95, 105, 122, 123, 124	0	—	12
Ukraine	12	10, 14, 16, 29, 52, 77, 78, 79, 87, 90, 95, 111	0	—	12
USSR*	13	10, 16, 29, 52, 77, 78, 79, 87, 90, 95, 115, 120, 122	0	—	13

REPORT OF THE COMMITTEE OF EXPERTS

Country	Reports received		Reports not received		Grand total
	Total	Conventions Nos.	Total	Conventions Nos.	
United Arab Republic . .	24	1*, 2*, 14*, 17*, 18*, 19*, 29, 30*, 52, 53*, 63, 74*, 81*, 87, 88, 89*, 94, 96, 101*, 104*, 106*, 107*, 111*, 115*	3	95, 98, 105	27
United Kingdom	29	2, 10, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 56, 63, 65, 69, 74, 81, 82, 85, 88, 92, 94, 95, 101, 105, 115, 120, 124	0	—	29
United States	3	53, 55, 74	0	—	3
Upper Volta	7	4, 6, 18, 29, 41, 85, 95	0	—	7
Uruguay	21	2, 10, 12, 15, 16, 19, 22, 23, 27, 52, 58, 63, 73, 77, 78, 79, 89, 90, 94, 95, 101	4	17, 24, 25, 42	25
Venezuela*	1	26	9	2, 6, 19, 22, 29, 41, 81, 88, 105	10
Vietnam	0	—	5	6, 29, 52, 81, 89	5
Yugoslavia*	26	2, 12, 16, 17, 18, 19, 23, 24, 25, 29, 48, 52, 53, 56, 69, 73, 74, 81, 88, 89, 90, 91, 92, 101, 113, 114	1	22	27
Zambia	11	12, 17, 18, 19, 29, 65, 89, 105, 117, 123, 124	0	—	11
<i>Other State :</i> Nauru	5	18, 19, 29, 42, 105	0	—	5

* 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).

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	1 470	89.1
1967-1969	1 821 ⁴	249	13.4	1 501	82.4	—	—

¹ The Committee of Experts has generally met in March.

² The Conference did not meet in 1940.

³ First year for which this figure is available.

⁴ As a result of a decision by the Governing Body, detailed reports were requested only on certain ratified Conventions.

II. Observations on the Application of Conventions in Non-Metropolitan Territories

(Article 22 and Article 35, Paragraphs 6 and 8, of the Constitution)

A. GENERAL OBSERVATIONS

Denmark

The Committee notes that fifteen of the twenty-four reports in respect of the Faroe Islands which were due for examination last year were received, although after its session of 1969. It regrets, however, that this year once again no reports have been received in respect of this territory. It must draw attention to the fact that in the past six years no reports at all have been received in respect of seven of the Conventions accepted on behalf of the Faroe Islands (Nos. 14, 16, 18, 19, 98, 105 and 106). The Committee recalls the information given to the Conference Committee by a Government representative in 1967 regarding administrative arrangements which were being made to facilitate the submission of reports. It trusts that the Government will make renewed efforts to meet its reporting obligations in respect of the application of Conventions in the Faroe Islands.

France

The Committee notes that, while all the reports due have been supplied on all other territories, no reports have been received in respect of St. Pierre and Miquelon. It hopes that these reports will be available for examination at its next session.

In the light of information contained in the reports received, the Government may wish to consider the possibility of making declarations of application for the Overseas Departments and Overseas Territories in respect of Convention No. 108, as well as for French Polynesia in respect of Convention No. 71, and for New Caledonia in respect of Conventions Nos. 55, 56, 71 and 112.

United Kingdom

The Committee notes that no reports have been received in respect of the application of Conventions in Southern Rhodesia, and that accordingly no information is available in answer to the observations previously made with respect to this territory concerning Conventions Nos. 81, 82, 84, 86 and 105. In these circumstances the Committee can only refer to its previous observations.

The Committee also regrets that none of the reports due in respect of Jersey and St. Christopher-Nevis-Anguilla has been received. It hopes that these reports will be available for examination at its next session.

In the light of information contained in the reports received, the Government may wish to consider the possibility of making several further declarations of application in respect of the Gilbert and Ellice Islands (Conventions Nos. 2, 85, 88), as well as for Convention No. 101 (Grenada, Seychelles) and Convention No. 115 (Isle of Man, St. Helena).

B. INDIVIDUAL OBSERVATIONS

Convention No. 2: Unemployment, 1919

*Netherlands**Surinam.*

See paragraph 36 of the General Report.

* * *

Requests regarding certain points are being addressed directly to the *United Kingdom* (Gibraltar, Isle of Man, Seychelles).

Convention No. 5: Minimum Age (Industry), 1919

*Denmark**Faroe Islands.*

In its previous observations the Committee had drawn attention to the need for legislative measures to prohibit the employment of children in industrial undertakings, as required by Convention No. 5, and to prohibit the night work of young persons, as required by Convention No. 6.

The Committee notes the Government's statement that it intends to take up the question of the application of Conventions Nos. 5 and 6 for a discussion of principle with the Faroese local Government, so that if the latter fails to adopt the necessary legislation, the Government would consider disclaiming responsibility for the application of the two Conventions, in accordance with article 35, paragraph 3, of the ILO Constitution.

The Committee trusts that in its next report the Government will state the measures taken to ensure the application of these two Conventions.

*United Kingdom**St. Vincent.*

The Committee notes with satisfaction that, following its direct request of 1968, the Government has adopted Ordinance No. 12 of 1969, amended section 3 (3) of Ordinance No. 20 of 1935 on the employment of women, young persons and children, and established the obligation for heads of industrial undertakings to keep a register of all young persons employed by them, on which their date of birth must be recorded, in conformity with Article 4 of the Convention.

Convention No. 6: Night Work of Young Persons (Industry), 1919

*Denmark**Faroe Islands.*

See under Convention No. 5.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Denmark* (Greenland), *France* (Comoro Islands).

Convention No. 8: Unemployment Indemnity (Shipwreck), 1920

A request regarding certain points is being addressed directly to *Denmark* (Faroe Islands).

Convention No. 10: Minimum Age (Agriculture), 1921

Requests regarding certain points are being addressed directly to the *United Kingdom* (Gilbert and Ellice Islands, Jersey).

Convention No. 16: Medical Examination of Young Persons (Sea), 1921*Denmark**Greenland.*

Further to its previous observation, the Committee notes that the responsible authorities have been asked to obtain information concerning the number of persons who are holders of valid maritime passports.

The Committee notes with regret, however, that no steps have been taken towards the enactment of legislative provisions applying those of the Convention. It trusts that such action will be taken very soon, so as to bring the legislation into line with the Convention, which has been declared to be applicable to Greenland since 1954.¹

Convention No. 17: Workmen's Compensation (Accidents), 1925*Netherlands**Netherlands Antilles.*

The Committee notes that the Government has not replied to its previous observations and requests relating to the application of Articles 7, 8 and 10 of the Convention (dealing respectively with the provision of additional compensation to the victims of employment accidents whose condition necessitates the constant help of another person, the supervision and review of compensation payments and the right to renewal of artificial limbs and surgical appliances) but that its comments are at present being studied. It trusts that the necessary legislative provisions, first referred to by the Committee over twelve years ago, will be adopted in the very near future and that they will ensure the full application of the Convention on these points.

Surinam.

See paragraph 36 of the General Report.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Netherlands* (Netherlands Antilles), *United Kingdom* (Guernsey).

Convention No. 19: Equality of Treatment (Accident Compensation), 1925*Netherlands**Surinam.*

See paragraph 36 of the General Report.

* * *

In addition, a request concerning certain other points is being addressed directly to *France* (Overseas Departments: French Guiana, Guadeloupe, Martinique, Réunion).

Convention No. 22: Seamen's Articles of Agreement, 1926

Requests regarding certain points are being addressed directly to the *United Kingdom* (Bahamas, Seychelles).

¹ The Government is asked to supply full particulars to the Conference at its 54th Session.

Convention No. 24: Sickness Insurance (Industry), 1927

Requests regarding certain points are being addressed directly to the *United Kingdom* (Guernsey, Jersey).

Convention No. 25: Sickness Insurance (Agriculture), 1927

Requests regarding certain points are being addressed directly to the following States: *Netherlands* (Netherlands Antilles), *United Kingdom* (Guernsey).

Convention No. 29: Forced Labour, 1930*Netherlands**Surinam.*

The Committee regrets that the Government has provided no information on the measures taken or contemplated to lay down penal sanctions for the illegal exaction of forced labour, as required by Article 25 of the Convention. The Committee has drawn attention to the need for such measures since 1957, and must express its concern at the Government's continuing failure to implement this provision of the Convention.¹

*United Kingdom**Fiji.*

The Committee notes with satisfaction from the Government's reply to its previous direct request that Rotuma Regulations Nos. 15, 17 and 18, which provided for compulsory cultivation and permitted the exaction of compulsory labour for chiefs and communal services, have been repealed by the Rotuma (Lands Cultivation) (Revocation) Regulations, 1968, the Rotuma (Personal Services) (Revocation), Regulations, 1968, and the Rotuma (Communal Services) (Revocation) Regulations, 1968.

St. Vincent.

Following previous direct requests, the Committee notes with satisfaction that section 216 (5) of the Prisons Rules, 1945, under which special rules could have been issued concerning the employment of prisoners for the private benefit of any person, has been repealed and that section 67 of the Prisons Rules, 1968, contains an absolute (Gibraltar, Gilbert and Ellice Islands, Jersey).

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *France* (Comoro Islands, French Polynesia), *United Kingdom* (Gibraltar, Gilbert and Ellice Islands, Jersey).

**Convention No. 42: Workmen's Compensation (Occupational Diseases)
(Revised), 1934***France*

Overseas Departments (French Guiana, Guadeloupe, Martinique, Réunion).

See under Convention No. 42, *France*.

¹ The Government is asked to supply full particulars to the Conference at its 54th Session and to report in detail for the period ending 30 June 1970.

*Netherlands**Surinam.*

See paragraph 36 of the General Report.

*United Kingdom**British Honduras.*

Further to its previous requests, the Committee notes with satisfaction that the Workmen's Compensation (Scheduled Diseases) (Amendment) Order, No. 47 of 1968, has completed the table of occupational diseases given in the second schedule to Ordinance No. 9 of 1959, as amended, by including the alloys or compounds of lead, the amalgams and compounds of mercury, the compounds of phosphorus and arsenic, and the sequelae of poisoning by these substances, in conformity with the Convention.

Solomon Islands.

With reference to its previous comments, the Committee notes with satisfaction that Ordinance No. 7 of 30 June 1969 amending the Workmen's Compensation Ordinance of 1952 has established a new list of occupational diseases which corresponds to a large extent to that given in Article 2 of the Convention.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Netherlands* (Netherlands Antilles), *United Kingdom* (Bahamas, Bermuda, Brunei, Fiji, Gibraltar, Gilbert and Ellice Islands, Hong Kong, Solomon Islands).

Information supplied by *France* (Overseas Departments: French Guiana, Guadeloupe, Martinique, Réunion) in answer to a direct request has been noted by the Committee.

Convention No. 55: Shipowners' Liability (Sick and Injured Seamen), 1936*United States**American Samoa.*

Further to its previous requests, the Committee has taken note with satisfaction of the Workmen's Compensation Act (Public Law 10-15 of 30 March 1967, which entered into force on 1 July 1968) which according to the Government's statement also covers seamen, and consequently gives effect to certain provisions of the Convention.

* * *

In addition, a request regarding certain other points is being addressed directly to the *United States* (American Samoa).

Convention No. 56: Sickness Insurance (Sea), 1936

A request regarding certain points is being addressed directly to the *United Kingdom* (Guernsey).

Convention No. 62: Safety Provisions (Building), 1937*Netherlands**Surinam.*

The Committee notes with regret from the Government's reply to its observation of 1969 that the Safety Ordinance, which was promulgated in 1962, is not yet operative

and that consequently Articles 6, 12, 13 and 16 of the Convention are not applied and Articles 1, 2, 3, 7, 8, 9, 10, 14 and 15 are only partly applied.

The Committee also notes, however, that the adoption of the national decree, by which the Ordinance will be brought into force, is expected within the foreseeable future. It trusts therefore that the measures envisaged will be taken in the very near future and will ensure that full effect is given to this Convention, which was declared applicable to Surinam in 1951.¹

Convention No. 63: Statistics of Wages and Hours of Work, 1938

Requests regarding certain points are being addressed directly to the *United Kingdom* (Brunei, Gilbert and Ellice Islands).

Convention No. 69: Certification of Ships' Cooks, 1946

Netherlands

Netherlands Antilles.

The Committee notes the statement made by a Government representative to the Conference Committee in 1968 that a training scheme for ships' cooks was to be established at an early date, and the indications in the Government's last report concerning the number of persons who were granted a certificate for ships' cook in 1968. The Committee regrets, however, that the Government has provided no information concerning the steps taken to issue the regulations necessary to give effect to the requirements of the Convention. As this matter has been the subject of comments by the Committee since 1956 and the Government has referred since 1958 to its intention to adopt the necessary legislation to implement the Convention, the Committee trusts that appropriate laws or regulations will be adopted in the very near future.²

Convention No. 81: Labour Inspection, 1947

Netherlands

Surinam.

The Committee notes with regret that the Government's report has not been received. The Committee is bound, therefore, to repeat its previous observation, which was as follows:

The Committee notes that, in reply to its observation of 1967, the report merely indicates that, on the one hand, at the present time there are still no legal provisions governing the activities of the labour inspection service and that, on the other hand, certain sections of Decree No. 195 of 1962 establishing the status of officials came into force on 1 January 1966. However, as the extracts which were submitted with the Government's report had no bearing on the Convention, the Committee is unable to ascertain to what extent those sections of the decree of 1962 already in force give effect to Article 6 of the Convention.

Therefore, as no progress has been made in applying the Convention since 1956—this was the first occasion on which the Committee drew the Government's attention to the need for giving effect to Articles 6, 7, 8, 9, 12, 13, 20 and 21 which constitute fundamental provisions of the Convention—the Committee is bound to draw attention once again to the Government's continuing failure to fulfil the obligations incumbent upon it under this Convention. The Committee trusts that the necessary action will be taken in order to supply the detailed information requested in the report form and to give effect to this important Convention both in law and in practice.

The Committee hopes that the Government will make every effort to take the necessary action in the very near future.

¹ The Government is asked to supply full particulars to the Conference at its 54th Session.

² The Government is asked to supply full particulars to the Conference at its 54th Session, and to report in detail for the period ending 30 June 1970.

*United Kingdom**Antigua.*

Article 15, paragraph (c), of the Convention. The Committee notes from the Government's reply to its observation of 1968 that the revision of the Factories Ordinance, 1957, designed to give effect to Article 15 (c) of the Convention, is still in process, and it is too early to anticipate the outcome. The Committee trusts that the revision of the Ordinance will soon be completed, and will impose on labour inspectors the express obligation to treat as absolutely confidential the source of any complaint brought to their notice, in conformity with Article 15 (c) of the Convention.

Articles 20 and 21. The Committee observes that, whereas the Government's report contains all the information stipulated in Article 21 of the Convention, the annual general report on the work of the inspection services provided for in Article 20 of the Convention has still not been published. The Committee trusts that the Government will take the necessary action to ensure that such a report is published and transmitted within the time limits laid down in Article 20 of the Convention.

Brunei.

Articles 20 and 21 of the Convention. The Committee notes that the last annual report of the Department of Labour received in the ILO dates back to 1964. It observes, moreover, that the last two reports of the Government on the application of the Convention contained information which, according to Article 21 of the Convention, should appear in the annual report on the work of the inspection services provided for in Article 20 of the Convention.

Since, however, this information cannot be regarded as a substitute for such a report, the Committee hopes that the Government will take the necessary steps to ensure that an annual report on the work of the inspection services, containing all the information specified in Article 21 of the Convention, will be published within twelve months after the end of the year to which it relates, and transmitted to the ILO within three months after its publication, in conformity with Article 20 of the Convention.

Grenada.

The Committee notes from the Government's reply to its observation of 1968 that it is not intended to appoint a factories inspector, but that the inspection functions provided for in the Factories Ordinance of 1958 are exercised by the labour inspector.

With regard to the report on the work of the inspection services provided for in section 61, paragraph 5, of the Factories Ordinance, the Committee hopes that this document will be published and transmitted within the time limits prescribed by Article 20 of the Convention and that it will contain all the information specified in Article 21 of the Convention.

The Committee also notes that a new Bill currently being considered contains provisions obliging the labour inspector to observe secrecy as to the source of any complaints brought before him, in conformity with Article 15 (c) of the Convention. As the Government has been referring for some years to its intention to supplement the national legislation on this point, the Committee trusts that this Bill will be adopted at a very early date and that the text thereof will be transmitted with the next report.

Southern Rhodesia.

See General Observations in section II A above.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *France* (Overseas Departments: French Guiana, Guadeloupe, Martinique, Réunion), *Netherlands* (Netherlands Antilles), *United Kingdom* (British Honduras, Gibraltar, Guernsey, Jersey, Isle of Man).

Convention No. 82: Social Policy (Non-Metropolitan Territories), 1947*United Kingdom**Antigua.*

Article 16 of the Convention. In its reply to the observation of 1969, the Government states that the need to protect all categories of workers in the terms of this Article (advances on wages) in so far as such protection is necessary is fully appreciated and will be implemented at as early a date as the legislative process will allow. The Committee hopes that the necessary measures will soon be taken and that information on the progress made will be supplied in the next report.

Southern Rhodesia.

See General Observations in section II A above.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *France* (Comoro Islands, New Caledonia), *United Kingdom* (Gibraltar, St. Vincent).

Convention No. 84: Right of Association (Non-Metropolitan Territories), 1947*United Kingdom**Southern Rhodesia.*

See General Observations in section II A above.

Convention No. 85: Labour Inspectorates (Non-Metropolitan Territories), 1947*United Kingdom**Fiji.*

Article 5 of the Convention. Further to its previous direct requests, the Committee notes with satisfaction that section 4 of the Employment (Amendment) Ordinance, 1968, requires inspectors to treat the source of any complaint as confidential, and prohibits them from intimating to the employer that a visit of inspection has been made in consequence of such a complaint, in conformity with Article 5, paragraph (c), of the Convention.

Montserrat.

See paragraph 36 of the General Report.

St. Helena.

Further to its previous direct requests, the Committee notes with satisfaction that the Factories (Inspection) Rules, 1968, define the powers of labour inspectors in accordance with the terms of Article 4 of the Convention.

St. Lucia.

See paragraph 36 of the General Report.

* * *

In addition, requests regarding certain other points are being addressed directly to the *United Kingdom* (St. Christopher-Nevis-Anguilla, St. Helena).

Convention No. 86: Contracts of Employment (Indigenous Workers), 1947*United Kingdom**Southern Rhodesia.*

See General Observation in section II A above.

Convention No. 88: Employment Service, 1948*Netherlands**Surinam.*

See paragraph 36 of the General Report.

* * *

Requests regarding certain points are being addressed directly to the following States: *Netherlands* (Netherlands Antilles), *United Kingdom* (Bahamas).

Convention No. 89: Night Work (Women) (Revised), 1948

A request regarding certain points is being addressed directly to the *Netherlands* (Netherlands Antilles).

Convention No. 94: Labour Clauses (Public Contracts), 1949

Requests regarding certain points are being addressed directly to the following States: *Netherlands* (Netherlands Antilles), *United Kingdom* (Bahamas, Brunei, Dominica, Grenada, St. Christopher-Nevis-Anguilla, St. Vincent).

Convention No. 95: Protection of Wages, 1949*Netherlands**Surinam.*

The Committee notes the information communicated by the Government to the Conference Committee in 1969.

Article 2 of the Convention. The Committee notes the Government's statement—as regards manual workers in public employment—that under section 15, subsection 3, of the National Ordinance of 31 December 1962 (GB 1962, No. 195) the provisions of Book III, Part VII A, of the Civil Code are applicable to contracts of employment that have been concluded by the Government and that section 28, subsection 3, of the Ordinance applies to civil servants the provisions of civil law relating to the salary of an employee. However, as it appears that these two provisions have not yet entered into force, the Committee hopes that the Government will be able to indicate in its next report that the necessary measures have been taken.

Article 4, paragraph 2 (b). The Government refers to its report for 1958-59, which stated that the value of authorised payments of wages in kind was left to be agreed between the parties concerned. In its report for 1960-62 the Government stated that no measure could be taken to ensure that the value attributed to wages in kind was fair and reasonable, because of the economic situation. The Committee

must point out again that the application of this provision is particularly important if wages are to be satisfactorily protected and hopes that further consideration will be given to the adoption of appropriate measures to ensure that the value attributed to wages in kind is fair and reasonable.

Article 15 (d). The Committee notes that no provision has yet been made for the maintenance of records but that the matter was being studied. It hopes that the next report will contain information on the progress made in this regard.

United Kingdom

British Honduras.

Following its previous comments, the Committee notes with satisfaction that the Labour Ordinance, 1959, has been amended in order to ensure the application of Articles 3 and 4 of the Convention (payment of wages in legal tender, and partial payment of wages in kind).

Grenada.

The Government states, in reply to the Committee's previous observation, that a Bill on the protection of wages, which upon enactment will enable the territory to meet its obligations under the Convention, has been sent to the Legal Department for vetting. As the Government has been referring to the Bill since 1961, the Committee hopes that the proposed legislation will be enacted in the very near future and will take into account its previous comments relating to Article 3, paragraph 1, Article 4, Article 6, Article 8, paragraph 2, Article 10, Article 13 and Article 15 (*b*), (*c*) and (*d*) of the Convention.

St. Vincent.

Articles 2, 5, 6, 10, 12 and 15 of the Convention. The Committee notes that the draft of the Labour Ordinance which, according to the Government, will give effect to these Articles of the Convention has not yet been completed. As the matter has been raised since 1960, the Committee hopes that the appropriate measures will soon be taken to ensure the application of these provisions.

* * *

In addition, requests regarding certain other points are being addressed directly to the *United Kingdom* (Bahamas, Dominica, Jersey).

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. The Committee is bound, therefore, to repeat its previous observation, which was as follows:

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, a request regarding certain other points is being addressed directly to *Denmark* (Faroe Islands).

Convention No. 101: Holidays with Pay (Agriculture), 1952

Requests regarding certain points are being addressed directly to the following States: *Netherlands* (Surinam), *United Kingdom* (St. Christopher-Nevis-Anguilla).

Information supplied by the *United Kingdom* (St. Vincent) 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* (Antigua, Bahamas, Bermuda, British Virgin Islands, Fiji, Gilbert and Ellice Islands, Hong Kong, Montserrat, St. Christopher-Nevis-Anguilla, Seychelles, Solomon Islands).

Convention No. 106: Weekly Rest (Commerce and Offices), 1957

Denmark

Faroe Islands.

The Government having failed to reply 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 supply the information requested.

* * *

In addition, requests regarding certain other points are being addressed directly to *Denmark* (Faroe Islands, Greenland).

Convention No. 115: Radiation Protection, 1960

Requests regarding certain points are being addressed directly to the *United Kingdom* (British Honduras, Guernsey).

Information supplied by the *United Kingdom* (Bermuda) in answer to a direct request has been noted by the Committee.

Convention No. 118: Equality of Treatment (Social Security), 1962

A request regarding certain points is being addressed directly to the *Netherlands* (Surinam).

Convention No. 122: Employment Policy, 1964

A request regarding certain points is being addressed directly to the *Netherlands* (Netherlands Antilles).

Appendix. Detailed Reports Received and Detailed Reports Not Received by 25 March 1970

(Non-Metropolitan Territories)

Reports received: 1,040. Reports not received: 250. Total: 1,290.

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 1969 are 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	36		0		
New Guinea*	12	<i>10, 12, 16, 18, 19, 22, 29, 42, 63, 85, 88, 105</i>	0	—	1 680
Norfolk Island*	12	<i>10, 12, 16, 18, 19, 22, 29, 42, 63, 85, 88, 105</i>	0	—	1
Papua*	12	<i>10, 12, 16, 18, 19, 22, 29, 42, 63, 85, 88, 105</i>	0	—	620
Denmark	15		31		
Faroe Islands	0	—	31	<i>2, 5, 6, 7, 8, 9, 11, 12, 14, 15, 16, 18, 19, 21, 29, 42, 52, 53, 58, 63, 81, 87, 92, 94, 98, 100, 102, 105, 106, 111, 112</i>	38
Greenland	15	<i>2, 6, 12, 16, 18, 19, 29, 42, 52, 53, 63, 81, 92, 94, 105</i>	0	—	45
France	308		39		
Overseas Departments:					
French Guiana	38	<i>2, 6, 10*, 12, 16, 17, 18, 19, 22, 23, 24*, 29, 42, 44, 52, 53, 55, 56, 63, 69, 71, 73, 74, 77, 78, 81, 82*, 88, 89, 92, 94, 95, 96, 101, 108, 112, 113, 114</i>	0	—	46
Guadeloupe	38	ditto	0	—	318

For footnotes see end of table, p. 188.

REPORT OF THE COMMITTEE OF EXPERTS

Countries and territories	Reports received		Reports not received		Population ¹ (thousands)
	Number	Conventions Nos.	Number	Conventions Nos.	
Martinique	38	ditto	0	—	324
Réunion	38	ditto	0	—	426
<i>Overseas Territories :</i> Comoro Islands	39	2, 6, 10, 12, 16, 17, 18, 19, 22, 23, 24, 29, 42, 44, 52, 53, 55, 56, 63, 69, 71, 73, 74, 77, 78, 81, 82, 85, 88, 89, 92, 94, 95, 96, 101, 108, 112, 113, 114	0	—	260
French Polynesia	39	2, 6, 10, 12, 16, 17, 18, 19, 22, 23, 24, 29, 42, 44, 52, 53, 55, 56, 63, 69, 71, 73, 74, 77, 78, 81, 82, 85, 88, 89, 92, 94, 95, 96, 101, 108, 112, 113, 114	0	—	100
French Territory of Afars and Issas	39	ditto	0	—	81
New Caledonia	39	ditto	0	—	96
St. Pierre and Miquelon	0	—	39	2, 6, 10, 12, 16, 17, 18, 19, 22, 23, 24, 29, 42, 44, 52, 53, 55, 56, 63, 69, 71, 73, 74, 77, 78, 81, 82, 85, 88, 89, 92, 94, 95, 96, 101, 108, 112, 113, 114	5
Netherlands	61		6	.	
Netherlands Antilles	33	2, 10, 12, 16, 17, 19, 22, 23, 24, 25, 29, 42, 44, 48, 63, 69, 71, 73, 74, 81, 88, 89, 90, 92, 94, 95, 96, 101, 105, 115, 118, 121, 122	0	—	214
Surinam*	28	2, 10, 12, 16, 17, 22, 23, 24, 25, 29, 42, 44, 48, 62, 63, 69, 71, 73, 74, 88, 89, 90, 92, 94, 95, 105, 115, 121	6	19, 81, 96, 101, 118, 122	375
New Zealand	44		16		
Cook Islands	4	29, 65, 82, 104	16	2, 10, 12, 16, 17, 22, 42, 44, 52, 53, 63, 74, 81, 88, 89, 101	20

NON-METROPOLITAN TERRITORIES

Countries and territories	Reports received		Reports not received		Population ¹ (thousands)
	Number	Conventions Nos.	Number	Conventions Nos.	
Niue	20	2, 10, 12, 16, 17, 22, 29, 42, 44, 52, 53, 63, 65, 74, 81, 82, 88, 89, 101, 104	0	—	5
Tokelau Islands	20	ditto	0	—	2
United Kingdom	561		158		
Antigua	27	2, 10, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 56, 63, 65, 69, 74, 81*, 82*, 88, 92, 94, 95, 101, 115, 120*, 124	1	105	62
Bahamas*	16	2, 12, 16, 17, 19, 24, 25, 29, 44, 56, 69, 74, 81, 85, 92, 101	13	10, 22, 42, 63, 65, 82, 88, 94, 95, 105, 115, 120, 124	148
Bermuda	28	2, 10, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 56, 63, 65, 69, 74, 81, 82*, 88, 92, 94, 95, 101, 105*, 115, 120, 124	1	68	51
British Honduras	28	2, 10, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 56, 63, 65, 69, 74, 81, 82*, 88, 92, 94, 95*, 101, 105, 115*, 120*, 124	0	—	116
British Virgin Islands	29	2, 10, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 56, 63, 65, 69, 74, 81, 82*, 85, 88, 92, 94*, 95, 101, 105*, 115, 120, 124	1	108	9
Brunei	28	2, 10, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 56, 63, 65, 69, 74, 81, 82, 88, 92, 94, 95, 101, 105, 115, 120, 124	0	—	112
Dominica*	17	12, 16, 17, 19, 22, 24, 29, 42, 56, 65, 69, 74, 81, 92, 101, 105, 124	12	2, 10, 25, 44, 63, 82, 85, 88, 94, 95, 115, 120	72
Falkland Islands ² (Malvinas)	29	2, 10*, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 56, 63, 65, 69, 74, 81, 82, 85, 88, 92, 94, 95, 101, 105, 115, 120*, 124	0	—	2

REPORT OF THE COMMITTEE OF EXPERTS

Countries and territories	Reports received		Reports not received		Population ¹ (thousands)
	Number	Conventions Nos.	Number	Conventions Nos.	
Fiji	29	2, 10, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 56, 63, 65, 69, 74, 81, 82*, 85, 88, 92, 94, 95, 101, 105*, 115, 120*, 124	0	—	505
Gibraltar	28	2, 10, 12, 16, 17*, 19, 22, 24, 25, 29, 42*, 44*, 56, 63, 65, 69, 74, 81, 82, 88, 92, 94, 95, 101, 105, 115, 120, 124	0	—	25
Gilbert and Ellice Islands	29	2, 10, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 56, 63, 65, 69, 74, 81, 82, 85, 88, 92, 94, 95, 101, 105*, 115, 120, 124	0	—	57
Grenada	25	2, 10, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 56, 63, 65, 69, 74, 81, 88, 92, 95, 101, 105, 115, 124	3	82, 94, 120	103
Guernsey	19	12, 16, 17, 19, 22, 24, 25, 29, 42*, 44, 56, 63, 69, 74, 92, 94, 95, 101, 105	9	2, 10, 65, 81, 82, 88, 115, 120, 124	49
Hong Kong	28	2, 10, 12, 16*, 17*, 19, 22, 24, 25, 29, 42, 44, 56, 63*, 65, 69, 74, 81, 82*, 88, 92, 94*, 95*, 101, 105*, 115, 120, 124	0	—	3 925
Jersey	0	—	29	2, 10, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 56, 63, 65, 69, 74, 81, 82, 85, 88, 92, 94, 95, 101, 105, 115, 120, 124	68
Isle of Man	29	2, 10, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 56, 63, 65, 69, 74, 82, 84, 86, 88, 92, 94, 95, 101, 105, 115, 120, 124	1	81	50
Montserrat*	29	2, 10, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 56, 63, 65, 69, 74, 81, 82, 85, 88, 92, 94, 95, 101, 105, 115, 120, 124	0	—	15

NON-METROPOLITAN TERRITORIES

Countries and territories	Reports received		Reports not received		Population ¹ (thousands)
	Number	Conventions Nos.	Number	Conventions Nos.	
St. Christopher, Nevis and Anguilla	0	—	30	2, 10, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 56, 63, 65, 69, 74, 81, 82, 85, 88, 92, 94, 95, 101, 105, 115, 120, 122, 124	56
St. Helena	29	2, 10, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 56, 63, 65, 69, 74, 81, 82, 85, 88, 92, 94, 95, 101, 105, 115, 120, 124	0	—	5
St. Lucia	29	2, 10, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 56, 63, 65, 69, 74, 81, 82, 85, 88, 92, 94, 95, 101, 105, 115, 120, 124	0	—	108
St. Vincent	28	2, 5*, 10*, 12, 16, 17, 19, 22, 24, 25, 29*, 42, 44, 56, 63*, 65, 69, 74, 81*, 82*, 88, 92, 94*, 95*, 101*, 105*, 115*, 124*	4	50, 108, 120, 122	93
Seychelles*	29	2, 10, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 56, 63, 65, 69, 74, 81, 82, 85, 88, 92, 94, 95, 101, 105, 115, 120, 124	0	—	49
Solomon Islands	28	2, 10, 12, 16, 17, 19, 22, 24, 25, 29*, 42*, 44, 56, 63, 65*, 69*, 74, 81, 82, 88, 92*, 94*, 95, 101, 105*, 115, 120*, 124*	0	—	147
Southern Rhodesia ² . .	0	—	54	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, 120, 122, 124	4 670

REPORT OF THE COMMITTEE OF EXPERTS

Countries and territories	Reports received		Reports not received		Popula- tion ¹ (thou- sands)
	Number	Conventions Nos.	Number	Conventions Nos.	
United States of America .	15		0		
American Samoa	3	53, 55, 74	0	—	31
Guam	3	53, 55, 74	0	—	100
Puerto Rico	3	53, 55, 74	0	—	2 723
Trust Territory of Pacific Islands	3	53, 55, 74	0	—	96
Virgin Islands	3	53, 55, 74	0	—	58

* Reports received too late to be summarised in Report III (Part I).

¹ Source: United Nations: *Demographic Year Book*, 1968.

² Territory having no seaboard.

III. Submission to the Competent Authorities of the Conventions and Recommendations Adopted by the International Labour Conference (Article 19 of the Constitution)

A. General Review of the Discharge since 1950 of the Obligations concerning Submission to the Competent Authorities

1. Following the amendment to article 19 of the Constitution of the ILO adopted in 1946, which came into force in 1948, and the consequent changes made by the Governing Body of the ILO in the terms of reference of the Committee of Experts, the latter was entrusted with the task of examining and reporting on the information supplied by governments on the submission of Conventions and Recommendations to the competent national authorities. Having regard to the time limits of twelve to eighteen months laid down by the Constitution, the Committee of Experts considered this question for the first time in 1950. Since then this Committee, as well as the Conference Committee, has continued to supervise the effect given to this fundamental obligation, which is one of the special features of the international labour Conventions and Recommendations.

2. In its first general review, in 1960¹, the Committee noted in the first place that after some ten years of application of the amended provisions of article 19, about half the member States were not discharging their obligations within the prescribed time limits. As regards the substance of the matter it recalled that, in accordance with the Constitution, *all* Conventions and Recommendations must be submitted to the competent authorities *in all cases* irrespective of the government's intentions; it also recalled that these authorities were normally those which were empowered to legislate and noted the progressive disappearance of the uncertainties which had arisen; finding that a growing number of governments were fulfilling their obligations in relation to submission, it concluded by urging governments to report regularly on the decisions taken by the competent authorities concerning the instruments which had been submitted to them.

3. After twenty years of application of the amended provisions of article 19, the Committee has considered it useful to supplement these initial observations in a new general review. In doing so, it will place the main emphasis on the period 1960-70, in the course of which it has been called upon to make numerous observations and requests each year on various aspects, of varying importance, of the obligation to submit.

4. After examining the over-all situation of member States in relation to the submission procedure, the Committee proposes to review the main problems which arise and to clarify their salient features.

¹ Report of the Committee of Experts, 1960, General Report V, *Submission to the Competent Authorities of the Conventions and Recommendations Adopted by the International Labour Conference* (pp. 8-12).

I. GENERAL POSITION OF MEMBER STATES

5. The Committee has for many years had recourse to two methods in appraising the general position of member States with regard to the obligation to submit. First, it evaluates, in the light of the information in table I below, the proportion of States in which, during the period under review, the Conventions and Recommendations adopted at each session of the Conference have been submitted to the authorities considered competent within the time limits prescribed by the Constitution. It then reviews, in table II, the situation regarding the submission of all the instruments adopted by the Conference since its 31st Session, distinguishing the countries which have submitted all these instruments from those which have submitted only some of them.

6. It appears from table I that several phases can be distinguished in the development of the general position. To begin with, there was a fairly regular increase—from one-quarter to one-half—in the proportion of States which submitted the instruments adopted from the 31st (1948) to 40th (1957) Sessions within the prescribed time limits, thereby fulfilling their obligation under the Constitution in this respect. This period of progress was followed by a period of stability, the proportion remaining at around 45 per cent (41st to 44th Sessions). From 1961 onwards a marked fall was recorded for three years (45th to 47th Sessions); for the instruments adopted at the 47th Session (1963), the proportion of States submitting the instruments in the prescribed time limits reached a level (30 per cent) close to that noted for the 31st Session (1948). It must, however, be noted that the number of States Members of the Organisation had simultaneously risen from the 41st to 47th Sessions by more than one-third (from 79 to 108) and the relative regression concerning submission could be explained in part by the necessity for the new Members, which had to face numerous and urgent problems following independence, to become familiar with the obligation to submit and adapt themselves to it. This regression could also be explained in part by the fact that during this period the majority of Conventions adopted by the Conference were not of general interest to all member States and related to special questions such as maritime labour, plantations, fishermen, or protection against ionising radiation. However that may be, from the 48th Session (1964) onwards a clear improvement in the proportion of States which have fulfilled their obligations in the prescribed time limits is again noted.

7. Although more than half the member States are not yet meeting their obligation to submit instruments to the competent authorities within the time limit of twelve or eighteen months, a great number of them are doing so, however, after the expiry of these periods. Thus for the instruments adopted from the 31st Session (1948) to the 48th Session (1964) of the Conference, the over-all proportion of member States which have submitted them to the competent authorities within or after the set time limits now exceeds 80 per cent and reaches, in certain cases, 85 per cent or even higher.

8. Further, a comparison between the figures in 1960, at the time of the first general review, and those in 1970 shows that while the average delay in the discharge of the obligation to submit remained comparable, amounting to around three to four years after the expiration of the constitutional time limits, an improvement could be noted in this respect in the second decade. In fact, although before 1960 the general position became stabilised after three or four years, with around 60 to 70 per cent of the member States having submitted the instruments adopted, during the past ten years it has settled at about 70 to 80 per cent. The proportion of States which have now submitted the six instruments adopted at the 51st Session of the Conference

(1967) has progressed since the last session of the Committee from 37 to more than 50 per cent of the member countries, and illustrates and confirms this improvement.

9. Finally, one must not lose sight of the fact that, while the proportion of member States submitting the instruments to the competent authorities within the required time limits has remained steady for some years at around 50 per cent, this proportion is based on a considerably larger number of member States; it follows that in absolute figures a much greater number of States are giving effect to this provision within the prescribed time limits in 1970 than was the case in 1960 (fifty States in 1970 as against thirty-six States in 1960).

* * *

10. Such then is the general position of member States with regard to the obligation concerning submission, after twenty years of operation of the amended Constitution. The situation is certainly still far from satisfactory, and the Committee can no longer consider, as it has done in the past, that an important factor in the shortcomings noted is the number of new Members joining the ILO.

11. Nevertheless, noticeable progress has been initiated during the past few years. The Committee can only reiterate its hope that increasing compliance by governments with the time limits imposed will help to promote this encouraging trend during the coming years.

12. The Committee is aware, however, that alongside political or purely technical and administrative difficulties, such as the establishment of the competent services or the training of qualified personnel, other problems sometimes interfere with the submission procedure. Among these obstacles, the Committee of Experts as well as the Conference Committee have repeatedly stressed those which relate to the nature of the competent authorities, as well as to the extent or the form of the obligation concerning submission.

II. NATURE OF THE COMPETENT AUTHORITY

13. The Committee considers it useful to recall once more, as it has done repeatedly, that Conventions and Recommendations must be submitted to the authorities vested with the power to legislate in respect of the questions to which the instruments concerned relate. In the majority of countries, this authority is normally the national parliament. It is clear that the provisions of article 19 refer to the authority called upon to give effect, at the national level, to the Conventions and Recommendations concerned. An analysis of the preparatory work¹ reveals that it was the intention of the authors of article 19 that the competent authority should be the authority responsible for the application of the Convention or Recommendation, i.e. in most cases, the national legislative body which, being seized of the matter by virtue of the submission procedure, is required to continue, at the national level, the action of the international standard-setting body, the International Labour Conference. This concept is now very widely recognised by the member States.

14. The Committee has also noted with satisfaction that progress has been made in this field and that, taking account of its previous comments, some governments

¹ Cf. International Labour Conference, 26th Session, Report I: *Future Policy, Programme and Status of the International Labour Organisation* (Montreal, ILO, 1944), Appendix: "The nature of the Competent Authority Contemplated by Article 19 of the Constitution of the International Labour Organisation" (Memorandum by the Legal Adviser of the ILO), pp. 169-183.

which did not consider it necessary to submit Conventions and Recommendations to the authorities empowered to legislate have managed to adopt a new submission procedure in conformity with the provisions of article 19.

15. The Committee is aware, however, that special situations can exist. Thus, it is possible that temporarily there might not be a separate legislative body; the constitutional provisions may accord legislative power to the executive in certain matters or for a certain period; it is also possible that there might be a general delegation to the government by parliament. In such cases, the authority empowered to give effect to an ILO instrument might not be the ordinary legislative authority.

16. In such situations, when there is no separate legislative body for a certain period, submission must be to the authority for the time being empowered to legislate. Governments, however, must then specify the authority which is competent for the period concerned.

17. In other cases, legislative power may be shared or jointly exercised by the legislative body and the governmental body. It is then necessary to submit the instruments adopted by the Conference to both bodies.

18. Finally, it should be pointed out once again that, if the functions are divided among various organs of the national legislative body, it is desirable, for submission fully to attain its objective—which is also to obtain the widest possible publicity in the bodies which participate in the legislative process—that the instruments adopted by the Conference should also be submitted to the most representative body, i.e. to the full legislative assembly, which has full legislative power and in which, moreover, public opinion is widely represented.

19. In any case, and for all these reasons, it is necessary that governments specify, with respect to each Convention and Recommendation, the authority regarded as competent by them. Yet the Committee has found that the nature of the competent authority has not always been clearly specified by governments, and that doubts sometimes still exist on this score.

III. EXTENT OF THE OBLIGATION

20. The Committee recalls that Conventions and Recommendations must be submitted to the competent authorities *in all cases*, and not only when ratification of a Convention seems possible or when it is considered desirable to give effect to the provisions of a Recommendation.

21. The distinction between submission and ratification should be clearly established, as any confusion between these two quite different concepts can give rise to serious misunderstandings. Thus, certain governments until recently were submitting to their competent authorities only those Conventions the ratification of which they were contemplating, while others classified the instruments differently according to whether they were or were not open to ratification and consequently made a distinction between Conventions and Recommendations. Such practices were sometimes connected with questions of parliamentary procedure, namely, the difficulty of submitting to parliament instruments which were not being proposed for approval in the form of draft legislation. The Committee has noted, however, that this difficulty has been overcome in many cases by various means. In this connection, the methods followed by certain States or suggested by the International Labour Office have

enabled some governments to solve the problems which they were encountering. These methods sometimes consisted of temporary expedients which should evidently be progressively replaced by normal procedures such as communications or messages from the executive to the legislature, according to the procedure in force in several countries.

22. The Committee believes that the doubts which still persist on this important question result mainly from the mistaken concept that the competent authority for submission is that which is empowered to ratify international treaties, whereas in the special case of international labour Conventions¹, it is, as indicated above, the authority vested with the power to give effect internally to the Convention or Recommendation concerned.

23. The confusion of the concepts of submission and ratification would moreover result in excluding from the submission process, by reason of the fact that they are not subject to ratification, the many Recommendations adopted by the Conference, whereas the submission provisions of article 19 of the Constitution apply with equal force to these instruments.

24. The Committee accordingly wishes to recall that the obligation to submit Conventions and Recommendations to the competent authorities is general in character, but that it is not for that reason necessary to propose the ratification of a Convention or the acceptance of a Recommendation in submitting such instruments to these authorities.

25. With respect more particularly to the submission of Recommendations, it must be noted with regret that during the period under review, governments have sometimes paid less attention to these instruments. Indeed, some member States have omitted to submit Recommendations to their competent authority, no doubt on the grounds that, as they could not be ratified, their submission was of secondary importance. The Committee has therefore repeatedly called the attention of these governments to the fact that, by virtue of article 19, not only Conventions but also Recommendations must be submitted to the legislative authorities. In view, however, of the substantial progress noted in this regard during the past ten years², it can be considered that the problem of the submission of Recommendations is in process of being solved.

IV. FORM OF SUBMISSION

26. The manner in which Conventions and Recommendations are submitted to the competent authorities is one of the most important practical aspects of the discharge of the obligation to submit. In order fully to achieve this aim of submission, it is essential that the government should make explicit proposals in respect of the decisions of the Conference which are submitted to the competent authorities, or issue a statement setting out clearly the views of the government on the effect to be given to the ILO instruments. The content of such proposals or statements is moreover left entirely to the government's decision. It has also long been accepted

¹ In this connection, the Vienna Convention on the Law of Treaties, of 22 May 1969, provides in Article 5, concerning *treaties constituting international organisations and treaties adopted within an international organisation*: "The present Convention applies to any treaty which is the constituent instrument of an international organisation and to any treaty adopted within an international organisation without prejudice to any relevant rules of the organisation".

² For example Mexico, Paraguay, Spain and Yugoslavia have solved their difficulties in this respect.

practice that such explicit proposals may either accompany or even follow the submission of the instruments adopted by the Conference, and that governments may freely propose the adjournment of the examination of the instruments until the necessary opinions have been heard, on the condition that this will not leave the question pending indefinitely. Thus, governments may propose not to take any action, for the time being, on the decisions of the Conference.

27. In order to evaluate the manner in which submission to the competent authorities is carried out, the Committee must receive from the governments, as provided in the Memorandum adopted by the Governing Body, copies of the documents by means of which Conventions and Recommendations have been submitted to the competent authorities, as well as the proposals that may have been made. Although an appreciable number of countries transmit these documents regularly and some progress¹ has been made in this regard, the Committee has had on numerous occasions to note the serious shortcomings which still persist in this matter. It therefore urges the governments concerned to supply, at the same time as the necessary information concerning submission, a copy of the documents by which this is carried out.

V. OBLIGATIONS OF FEDERAL STATES

28. The submission in federal States of the instruments adopted by the Conference is governed by the special provisions of article 19, paragraph 7, of the Constitution, because of the special nature of the problems arising in these countries.

29. Some years ago, the Committee felt that it would be useful, in order to become more familiar with the submission procedure in federal States, to send a general request for information to these countries in particular with a view to supplementing the information at its disposal. In 1966² it was able to note with interest that, among the twelve federal States which had replied to this request, the six in which the federal and state authorities had concurrent jurisdiction in the matters dealt with by the Conventions and Recommendations, namely Argentina, Australia, Canada, India, Nigeria and the United States, had made effective arrangements for Conventions and Recommendations to be submitted to the federal authorities or the appropriate constituent units for legislative or other action in accordance with article 19, paragraph 7 (b) (i), of the Constitution of the ILO.

30. Moreover, without denying the special difficulties arising for federal States from the national Constitutions or the number of constituent units involved, the Committee pointed out that it was not clearly established that the instruments calling for action by the constituent units were also brought to the attention of the legislative authorities of these units. The Committee considered it desirable that these legislative bodies should also be seized of the decisions of the Conference. It therefore hopes that the States concerned will supply fuller particulars on this aspect of the question.

31. Finally, the Committee notes with interest that the periodical consultations between the federal authorities and the authorities of the constituent units provided for in article 19, paragraph 7 (b) (ii), of the Constitution exist in several federal States, and that they have produced positive results as regards the ratification of Conventions, especially in Australia, where there are permanent consultative bodies, and in Canada, where there are frequent consultations between the federal and

¹ Thus in recent years Ireland, Israel, Italy and New Zealand have taken measures to transmit their documents relating to submission or to make known the proposals made by the government.

² See RCE 1966, pp. 181-192.

provincial services. It hopes that such consultations will continue to be systematically organised and that all federal States to which this provision is applicable will ensure that full effect is given to them.

CONCLUSION

32. In concluding this brief general review of the discharge of the obligation to submit, after twenty years of application of the provisions of the amended article 19, the Committee feels it useful to set out the general trends in the present position as regards both compliance with the constitutional time limits, and the various aspects of the obligation itself.

33. As indicated above, the proportion of member States which fulfil the obligation to submit within the prescribed time limits has not increased and has sometimes even decreased noticeably during the past ten years. Since the 48th Session, however, a fairly clear improvement has again become apparent and the absolute number of States which discharge their obligation is growing with the increasing membership of the Organisation. In addition, more States than hitherto are discharging their obligation within three or four years after the expiry of the constitutional time limits.

34. The precise import of the requirement has itself given rise to a number of more or less serious misunderstandings. Regarding the nature of the competent authorities, which has not always been fully understood by some governments, it now appears to be generally accepted that they are the authorities empowered to legislate in respect of the questions covered by the instruments concerned, with a view to giving effect to them. A confusion between submission and ratification tends to persist, however, in certain cases. There are sometimes also shortcomings as to the form of submission. This should be accompanied by explicit proposals by the governments who thereby clarify their intentions with regard to the instruments adopted by the Conference, while remaining entirely free to suggest the ratification of a Convention, or the acceptance of a Recommendation. Submission can also be effected, as has often been stressed, subject to the government's subsequent comments. Finally, the documents by which submission is effected have so far been supplied only by a limited, although appreciable, number of governments.

35. It was in order to emphasise these various points that the Committee felt it necessary to outline again the essential features of the submission procedure, which is an original and fundamental characteristic of the system of international labour Conventions and Recommendations. The Committee wishes moreover to make an urgent appeal to governments on this occasion and to call their attention specifically to the obligations incumbent upon them under the Constitution of the ILO and to the vital importance of the provision regarding submission. If this obligation were not properly fulfilled, the Conventions and Recommendations adopted by the International Labour Conference would be in danger of remaining a dead letter, as the Committee has pointed out more than once during the past ten years.

36. It should also be recalled that, in the discharge of the obligation to submit, the procedure and practice followed by certain governments can serve as a guide to other member States facing similar problems. To this end, the ILO can make available to governments all the relevant documents and can also supply other information and particulars, if necessary by means of direct contacts.

37. Finally, the Committee must emphasise that it will be unable to carry out its own task if governments do not reply to the observations and direct requests which it

makes regarding the discharge of the obligation concerning submission. The Committee also considers it useful to renew the request which it made in 1965 to the International Labour Office to examine, on receipt, the information supplied by the governments and to ascertain whether the Committee's comments have been taken into account and whether the governments have supplied the information and documents called for in the Memorandum adopted by the Governing Body; if this is not the case, the Office would contact the governments concerned and request that the required information be sent.

Brazil

The Committee notes with regret that the Government has supplied no information in reply to its direct request of 1969. It requests the Government to indicate in the very near future whether the instruments adopted at the 50th and 51st Sessions of the Conference, other than Conventions Nos. 125 and 127, which have been approved by the competent authority, have been submitted to the latter. It hopes that the Government will also indicate whether Recommendation No. 132, adopted at the 52nd Session, has been submitted to the competent authorities, and that it will supply the information and documents called for in the Memorandum adopted by the Governing Body, in respect of all these instruments.

With regard more particularly to the submission to the competent authorities of Recommendations adopted by the Conference, the Committee once again recalls that by virtue of article 19 of the Constitution of the ILO, Recommendations, no less than Conventions, must be submitted in all cases to the authorities vested with the power to legislate in the matter in question. The Committee accordingly hopes that the Government will take the necessary action to submit shortly to the competent authority all the instruments listed in the last column of the table in the Appendix to this section, and will supply the information and documents called for in the Memorandum adopted by the Governing Body in this connection.

Bulgaria

The Committee notes, from the information supplied by the Government, that Recommendation No. 132, adopted at the 52nd Session of the Conference, has been submitted to the Presidium of the National Assembly. In this regard, the Committee reiterates the hope that the Government will find it possible to communicate the instruments adopted by the Conference to the National Assembly 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. It trusts that these documents will be supplied in the near future.

Burma

No information having been received in reply to its previous observation, the Committee once again requests the Government to supply at an early date the information and documents called for in the Memorandum adopted by the Governing Body, in connection with the instruments adopted by the Conference from its 44th to 51st Sessions.

It hopes that the Government will also indicate whether Recommendation No. 132, adopted at the 52nd Session, has been submitted to the competent authorities and will supply, in this connection, the information and documents mentioned above.

Burundi

The Committee has noted the information on the ratification of Conventions given by a Government representative to the Conference Committee in 1969, and his assurances to the effect that the instruments adopted by the Conference from its 47th to 51st Sessions would be submitted to the competent authorities before the end of the year. It regrets that no further information has been received on this subject, and

**B. 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

Further to its previous observation, the Committee notes with interest the information on the ratification of Conventions, supplied by a Government representative to the Conference Committee in 1969, as well as his statement that it has been found possible to translate some of the Conventions and Recommendations into the national language and that the Government would very shortly examine these instruments with a view to their submission to the competent authorities, and would soon be able to report on the measures taken in regard to the instruments adopted at the 46th to 51st Sessions of the Conference. As no additional information has been received regarding the submission of the instruments concerned, the Committee hopes that the Government will very soon be able to submit to the competent authorities the instruments adopted by the Conference from its 46th to 52nd Sessions, and will supply the information and documents called for in the Memorandum adopted by the Governing Body in this connection.

Algeria

The Committee notes with interest the statement made by the Government representative to the Conference Committee in 1969 that the instruments adopted from the 47th to the 51st Sessions of the Conference have been submitted to the Revolutionary Council. It hopes that the Government will supply the information and documents called for in the Memorandum adopted by the Governing Body in this connection, and will also indicate whether the Recommendation adopted at the 52nd Session of the Conference has been submitted to the competent authorities.

Bolivia

The Committee notes with interest, from the information communicated by the Government to the Conference Committee in 1969, that thirty-one of the Conventions and ten of the Recommendations adopted by the Conference at its 31st to 51st Sessions were submitted to the National Congress in January 1969, and that information would be supplied regarding the decisions taken with respect to these instruments by the competent parliamentary committees, who were studying them. The Committee would be grateful if the Government would indicate the instruments involved, and hopes that it will supply the documents called for in the Memorandum adopted by the Governing Body (item II (c) of the questionnaire) in this connection, and will also communicate in due course the decisions of the said competent authorities. It also hopes that the Government will soon be able to indicate that all the instruments listed in the last column of the table in the Appendix to this section have been submitted to the Congress, and will supply the information and documents called for in the Memorandum adopted by the Governing Body in this connection.

TABLE II. OVER-ALL POSITION OF MEMBERS AS AT 25 MARCH 1970

(Sessions in June)

Session	Number of States in which, according to information supplied by governments:						Number of States which were Members of the Organisation at the time of the sessions
	All the decisions have been submitted		Some of the decisions have been submitted		None of the decisions has been submitted (including cases in which no information has been supplied by the government)		
	No. of States	%	No. of States	%	No. of States	%	
31st 1948	52	86.6	7	11.6	1	1.8	60
32nd 1949	50	82.3	10	16.4	1	1.3	61
33rd 1950	51	80.9	— ³	—	12	19.1	63
34th 1951	53	82.8	8	12.5	3	4.7	64
35th 1952	55	83.4	6	9.9	5	6.7	66
36th 1953	57	86.3	— ³	—	9	13.7	66
37th 1954	58	85	— ³	—	11	15	69
38th 1955	57	82.5	7	10.1	5	7.4	69
39th 1956	63	82.8	— ³	—	13	17.2	76
40th 1957	65	84.5	11	14.3	1	1.2	77
41st 1958 ¹	66	83.5	3	3.7	10	12.8	79
42nd 1958	68	86	7	9	4	5	79
43rd 1959	64	78	7	8.8	9	11.2	80
44th 1960	70	84.4	6	7.2	7	8.4	83
45th 1961	80	79.2	13	10.8	8	10	101
46th 1962	76	74.5	11	10.8	15	14.7	102
47th 1963	82	75	5	5.6	21	19.4	108
48th 1964 ²	87	79.1	9	8.2	14	12.7	110
49th 1965	82	71.9	9	7.9	23	20.2	114
50th 1966	75	65.2	3	2.6	37	32.2	115
51st 1967	59	50.4	16	13.7	42	35.9	117

¹ April-May. ² June-July. ³ At this session, the Conference adopted one Recommendation only.

SUBMISSION TO COMPETENT AUTHORITIES

TABLE I. NUMBER OF STATES WHERE, ACCORDING TO THE INFORMATION SUPPLIED BY GOVERNMENTS, CONVENTIONS AND RECOMMENDATIONS HAVE BEEN SUBMITTED WITHIN THE PRESCRIBED TIME LIMITS

(Sessions in June)

Session	Number of States in which, according to information supplied by governments:						Number of States which were Members of the Organisation at the time of the sessions
	All the decisions have been submitted		Some of the decisions have been submitted		None of the decisions has been submitted (including cases in which no information has been supplied by the government)		
	No. of States	%	No. of States	%	No. of States	%	
31st 1948	16	26.6	7	11.6	37	61.8	60
32nd 1949	17	27.8	2	3.2	42	69	61
33rd 1950	21	33.3	—	— ^a	42	66.7	63
34th 1951	25	35.9	4	6.2	35	57.9	64
35th 1952	25	37.8	3	4.5	38	57.7	66
36th 1953	28	42.4	1	1.5	37	56.1	66
37th 1954	29	42	—	— ^a	40	58	69
38th 1955	24	34.7	4	5.8	41	59.5	69
39th 1956	38	50	1	1.3	37	48.7	76
40th 1957	38	49.3	13	16.8	26	33.9	77
41st 1958 ¹	34	43	3	3.8	42	53.2	79
42nd 1958	36	45.5	7	8.8	36	47.7	79
43rd 1959	34	42.5	8	10	38	47.5	80
44th 1960	38	45	1	1	44	54	83
45th 1961	34	34	9	8	58	58	101
46th 1962	38	38	6	6	58	56	102
47th 1963	32	30	9	8	67	62	108
48th 1964 ^a	37	33	6	5	67	62	110
49th 1965	49	42	6	5	59	53	114
50th 1966	53	46	2	1	60	53	115
51st 1967	43	37	13	11	61	52	117
52nd 1968	50	42.3	—	— ^a	68	57.7	118

¹ April-May. ² June-July. ^a At this session, the Conference adopted one Recommendation only.

trusts that the Government will take the necessary action in the very near future to submit to the competent authorities the instruments adopted from the 47th to the 52nd Sessions of the Conference, and to supply the information and documents called for in the Memorandum adopted by the Governing Body in this connection.

Byelorussia

The Committee notes from the information supplied by the Government that Recommendation No. 132, adopted at the 52nd Session of the Conference, has 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 further point out that, notwithstanding its repeated requests, the documents submitting the Conventions and Recommendations and particulars of the action taken by the competent authorities in their respect (article 19, paragraphs 5 (c) and 6 (c), of the Constitution) have never been supplied, as called for in the Memorandum adopted by the Governing Body. It trusts that the documents and information in question will be supplied in the near future.

Central African Republic

The Committee regrets that the Government has not supplied any information in reply to its observation of 1969. It hopes that the Government will indicate very soon whether the instruments adopted by the Conference from its 49th to 51st Sessions, and Recommendation No. 132, adopted at its 52nd Session, have been submitted to the competent authorities, and will also supply the information and documents called for in the Memorandum adopted by the Governing Body in this connection.

Ceylon

According to information communicated by the Government to the Conference Committee in 1968, the instruments adopted at the 47th and 48th Sessions of the Conference had been submitted to the House of Representatives and the Senate, and a memorandum indicating the action proposed by the Government was being prepared for submission to these bodies. The Government also indicated that the instruments adopted at the 49th and 50th Sessions would be submitted to the competent authorities as soon as they had been translated.

The Committee notes that no further information has been supplied by the Government on this subject. It trusts that the latter will indicate soon whether the instruments adopted by the Conference from its 49th to 52nd Sessions, and the Government's proposals concerning the instruments adopted since the 44th Session, have been submitted to the competent authorities, and will also supply the information and documents called for in the Memorandum adopted by the Governing Body in connection with the aforementioned instruments.

Chad

The Committee regrets that no information has been received in reply to its previous direct requests. It hopes that the Government will soon indicate whether the instruments adopted at the 50th and 51st Sessions of the Conference, and Recommendation No. 132, adopted at the 52nd Session, 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.

Chile

The Committee notes with regret that no information has been supplied in reply to its observation of 1969. It hopes that the Government will indicate very soon whether the instruments adopted at the 50th and 51st Sessions of the Conference, and Recommendation No. 132, adopted at the 52nd Session, have been submitted to the competent authorities, and will also supply the information and documents called for in the Memorandum adopted by the Governing Body in this connection, in respect of all the instruments adopted since the 49th Session of the Conference.

Colombia

The Committee notes with interest the information supplied by a Government representative to the Conference Committee in 1969 relating to the ratification of Conventions on the occasion of the fiftieth anniversary of the ILO. It also notes that a tripartite council has been set up with the official function of studying Conventions and Recommendations and ensuring their submission to the competent authorities.

The Government indicated subsequently that Conventions Nos. 108 and 117, as well as Recommendations Nos. 104, 105, 116 and 117, have been presented to the National Wage Council, which is the body responsible for examining the possibilities of implementing ILO Conventions and Recommendations, and information has also been supplied on the effect given to Recommendation No. 132. The Committee hopes that the Government will soon indicate whether the above instruments, as well as all the other instruments listed in the last column of the table in the Appendix to this section, have been submitted to the competent legislative authorities, and will supply the information and documents called for in the Memorandum adopted by the Governing Body in this connection.

Dahomey

The Committee notes the statements made by a Government representative to the Conference Committee in 1969, outlining the difficulties which have delayed the submission to the competent authorities of the instruments adopted since the 45th Session of the Conference, and giving an undertaking that the necessary measures would be taken before the next session of the Conference.

The Committee notes with regret that no additional information has been received on this subject. In view of the Government's statement that it had not been able to install the National Assembly, the Committee deems it useful to point out that the obligation deriving from article 19 of the Constitution of the ILO may be regarded as fulfilled if submission of the instruments adopted by the Conference is made to the authority presently vested with the power to legislate. It trusts that the Government will soon indicate whether the instruments adopted since the 45th Session 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

The Committee notes with interest the statement made by a Government representative to the Conference Committee in 1969 that the instruments adopted at the

44th to 51st Sessions of the Conference have been submitted to Congress. It would be glad if the Government would supply the information and documents called for in the Memorandum adopted by the Governing Body in connection with these instruments. It requests the Government to indicate also whether Recommendation No. 132, adopted at the 52nd Session of the Conference, has been submitted to Congress.

Ecuador

The Committee has noted the information communicated by the Government to the Conference Committee in 1969 to the effect that the Senate had approved the ratification of several Conventions and that the other Conventions and Recommendations were being studied by the competent service and would shortly be submitted to Congress.

The Committee notes with regret that no further information has been received on this subject. It trusts that the Government will indicate in the near future that all the Conventions and Recommendations listed in the last column of the table in the Appendix 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.

El Salvador

The Committee has noted the statement of a Government representative to the Conference Committee in 1969 to the effect that, although his Government fully realised that Conventions and Recommendations adopted by the ILO Conference had to be submitted to the competent authorities, it had preferred to wait until the draft Labour Code in course of preparation was presented to the Legislative Assembly.

The Committee notes with regret that, with the exception of three ratified Conventions, the Government appears to have taken no positive steps as yet to submit any of the instruments adopted since the 31st Session of the Conference to the competent authorities. It can only urge the Government to take the necessary action in order to fulfil in the near future the fundamental obligations incumbent upon it under article 19 of the Constitution of the ILO, and hopes that it will supply the information and documents called for in the Memorandum adopted by the Governing Body in this connection.

Ethiopia

The Committee notes that the instruments adopted at the 51st and 52nd Sessions of the Conference have been submitted to the Council of Ministers. With reference to its previous observations, it wishes to emphasise again that the objectives of article 19 of the Constitution can be regarded as fully attained only if the instruments adopted by the Conference are also submitted to the national legislative body. In this respect, it recalls the statement made in 1967 by a Government representative to the Conference Committee that it had been decided that Conventions and Recommendations would be submitted 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 once again expresses the hope that the Government will soon take the necessary action to submit all the instruments adopted by the Conference to Parliament also, and will supply the information and documents called for in the Memorandum adopted by the Governing Body in this connection.

Gabon

The Committee notes with regret that the Government has supplied no information in reply to its previous direct requests, and it again requests the Government to indicate whether the instruments adopted by the Conference from its 45th to 50th Sessions, which have been submitted to the Council of Ministers, have also been submitted to the National Assembly.

It hopes that the Government will also indicate whether the instruments adopted at the 51st and 52nd 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.

Greece

The Committee notes, from the information supplied by the Government, that the instruments adopted by the Conference from its 38th to 40th Sessions, and at its 51st and 52nd Sessions, are being studied by the competent administrative authorities and will then be submitted to the competent legislative authorities, with the proposals of the Government. The Government also indicated that the preparatory work with regard in particular to the instruments adopted at the 51st and 52nd Sessions has reached an advanced stage, that these instruments will be submitted to the competent legislative authority in the near future, and that efforts are also being made to secure the submission by stages of the instruments adopted by the Conference from its 38th to 46th Sessions.

The Committee trusts that the Government will soon indicate that all the aforementioned instruments 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.

Guatemala

The Committee notes with interest, from the information communicated by the Government to the Conference Committee in 1969, that all the Conventions and Recommendations adopted since the 32nd Session of the Conference which had not yet been submitted to the competent authorities were submitted to Congress on 22 May 1969, with the exception of Convention No. 128. It hopes that the Government will also submit the latter to Congress soon, and will supply the information and documents called for in the Memorandum adopted by the Governing Body in connection with the aforementioned instruments.

Haiti

According to the information communicated by the Government last year, the instruments adopted by the Conference which had not been submitted to the Legislative Chambers were to be submitted to them in April 1969. The Committee notes with regret that no further information has been received on this subject, and can only draw the attention of the Government to the fundamental importance of the obligation incumbent on member States under article 19 of the Constitution of the ILO. It trusts that the Government will spare no effort to take the necessary action very shortly to submit to the Legislative Chambers the numerous instruments listed in the last column of the table in the Appendix 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 notes from the statement made by a Government representative to the Conference Committee in 1969 that arrangements have been made between the Ministry of Labour and Social Welfare and the Ministry of Foreign Affairs, with regard to the submission of instruments adopted by the Conference to the competent authorities. The Committee notes with regret, however, that no information has yet been received with regard to the instruments adopted by the Conference since its 46th Session. It must once again stress the fundamental importance of the obligation incumbent upon member States, under article 19 of the Constitution of the ILO, to 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 give effect to the Recommendations.

The Committee trusts that the Government will take the necessary action in the very near future to submit the instruments concerned to the competent authorities, and will supply the information and documents called for in the Memorandum adopted by the Governing Body in this connection.

Hungary

The Committee notes the information supplied by the Government to the effect that Recommendation No. 132, adopted at the 52nd Session of the Conference, has been submitted to the Presidium of the Republic. In this respect, the Committee reiterates the hope that the Government will also find it possible to communicate the instruments adopted by the Conference 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. It trusts that these documents will be supplied in the near future.

Indonesia

As no information has been received in reply to its direct request made in 1969, the Committee once again requests the Government to indicate whether the instruments adopted at the 39th, 42nd, 47th, 49th, 50th and 51st Sessions of the Conference, which have already been submitted to the President of the Republic, have now been submitted to Parliament, and, if so, to supply the information and documents called for in the Memorandum adopted by the Governing Body in this connection. It also hopes that the Government will indicate whether Recommendation No. 132, adopted at the 52nd Session, has been submitted to the competent authorities.

Iceland

The Committee regrets to note that no information has been supplied in reply to its previous direct requests. It hopes that the Government will soon indicate if the instruments adopted at the 50th and 51st Sessions of the Conference, as well as Recommendation No. 132, adopted at the 52nd Session, have been submitted to the Althing (Parliament) and will supply the information and documents called for in the Memorandum adopted by the Governing Body in this connection.

Iraq

The Committee notes with interest, from the information supplied by the Government, that Conventions Nos. 99, 102, 103, 117, 118 and 122, and the instruments adopted at the 51st Session of the Conference, have been submitted to the competent legislative authority, and that a plan has been drawn up for the examination of the Conventions and Recommendations adopted by the Conference from its 31st to 51st Sessions, with a view to their submission.

The Committee hopes that the Government will indicate soon whether 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.

Jamaica

The Committee notes with regret that the Government has not yet supplied any information on the action taken to submit Conventions Nos. 127 and 128 and Recommendations Nos. 128 and 131, as well as the instruments adopted at the 48th, 49th and 50th Sessions of the Conference, to the competent authorities. It is hoped the instruments listed in the last column of the table in the Appendix to this section, as Recommendation No. 132, adopted at the 52nd Session, 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.

Jordan

The Committee notes with regret that no information has been received in reply to its direct request of 1969. It hopes that the Government will soon indicate whether the instruments listed in the last column of the table in the Appendix to this section, well as Convention No. 127 and Recommendations Nos. 127, 129, 130 and 131 (which have already been submitted to the Council of Ministers), have been submitted to the legislative body and will supply the information and documents called for in the Memorandum adopted by the Governing Body in this connection.

Laos

The Committee notes the information communicated by the Government to the Conference Committee in 1969, to the effect that the submission to the competent authorities of the instruments adopted since the 48th Session of the Conference had been delayed by political and administrative difficulties. It also notes that the Government would make every possible effort to rectify this situation before the meeting of the Committee of Experts in 1970.

As no information has been received on the subject, the Committee hopes that the Government will be able to indicate soon whether the instruments adopted from the 48th to the 52nd Sessions of the Conference have been submitted to the competent authorities, as is required by article 19, paragraphs 5 (b) and 6 (b), 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.

Lebanon

The Committee notes the statement made by a Government representative to the Conference Committee in 1969 that the submission of the Conventions and Recom-

mendations to the competent authority in Lebanon gave rise to a number of difficulties relating, for example, to the obligation to submit instruments even when their ratification is not proposed, to the purpose which this obligation is designed to meet, and to the definition of the competent authorities in question. In this connection, the Committee is bound to recall that under article 19, paragraphs 5 (b) and 6 (b), of the Constitution of the ILO, member States have an obligation to submit the Conventions and Recommendations adopted by the Conference to the competent authorities, so that the latter may, if they so decide, give effect to them at the national level, and that the expression "competent authorities" refers to the authority vested with the power to legislate in the fields to which the instruments considered relate, i.e. as a rule, the national Parliament. This obligation must be discharged *in all cases*, even when it is not proposed to ratify a Convention or to give effect to a Recommendation, it being understood that the Government remains free in each case to decide on the action to be taken on these instruments.

The Committee must note with regret that, with the exception of six Conventions, the Government has not submitted any of the instruments adopted since the 31st Session of the Conference to the competent authorities. The Committee trusts that the Government will spare no effort to submit to Parliament, in the very near future, the numerous instruments listed in the last column of the table in the Appendix to this section, and will supply the information and documents called for in the Memorandum adopted by the Governing Body in this connection.

Liberia

The Committee has taken due note of the information supplied by the Government to the Conference Committee in 1969, to the effect that the instruments adopted at the 48th, 49th and 50th Sessions of the Conference, which had already been submitted to the President, have also been subsequently submitted to the National Legislature, in accordance with the Liberian Constitution, which requires that instruments be submitted to the Legislature through the President, and that it has been the practice of the Government to submit all instruments to the Legislature and not only those instruments which the Government intends to ratify.

The Committee accordingly trusts that the Government will soon indicate whether the numerous instruments listed in the last column of the table in the Appendix to 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 refers to its observations made in 1968 and 1969 and notes with regret that with respect to the instruments adopted by the Conference from its 35th to 49th Sessions, which have been submitted to Parliament, the Government has not yet supplied the information and documents called for in the Memorandum adopted by the Governing Body. The Committee trusts that the Government will communicate the said information and documents in the near future. It also hopes that the Government will soon indicate whether the instruments adopted at the 50th, 51st and 52nd Sessions of the Conference have also been submitted to Parliament, and will also supply the aforesaid information and documents in respect of these instruments.

Malagasy Republic

The Committee notes the information supplied by the Government that when an international Convention relates to a matter within the competence of the Government, it may be ratified by a decree of the President of the Republic but when the ratification of a Convention involves an amendment to legislation, this ratification must be submitted to Parliament. The Committee would like to point out again the need to distinguish clearly between the obligation to submit Conventions and Recommendations to the competent authorities and the ratification of a Convention. By virtue of article 19 of the Constitution of the ILO, member States have the obligation to submit, in all cases, to the competent national authorities—i.e. to the body empowered to legislate in the field covered by the instruments in question—the Conventions and Recommendations adopted by the Conference even if it is not proposed to ratify a Convention or to give effect to a Recommendation, it being understood that the Government remains free to decide on the action to be taken with regard to each instrument.

The Committee trusts therefore that the Government will be able to take the appropriate measures to submit to the competent authorities Recommendations Nos. 115 to 125 as well as the instruments adopted from the 50th to 52nd Sessions of the Conference and will supply the information and documents called for in the Memorandum adopted by the Governing Body in this connection.

Malawi

The Committee has taken due note of the detailed information communicated by the Government to the Conference Committee in 1969, in reply to its previous observation. The Government stated that the competent authority in Malawi is the President and his Cabinet, and referred more particularly to the relevant provisions of article 19 of the Constitution of the ILO and to paragraph 46 (b) of the report of the Committee of Experts in 1953. In this connection, the Committee recalls that, in its relevant comment, which was subsequently incorporated in the Memorandum adopted by the Governing Body (page 4: I. Nature of the Competent Authority), it is indicated that “the expression ‘competent authority’ means the body empowered to legislate in respect of the questions to which the Convention or Recommendation relate—i.e. as a rule, the Parliament”, and that “in certain cases the power to legislate may be conferred on the governmental organ vested with executive power or the power to ratify, either because the national Constitution does not provide for the separation of powers, or in virtue of constitutional provisions which empower the executive to legislate in certain matters, or as a result of a general or special delegation of powers granted by Parliament to the Government”.

In its above-mentioned communication of 1969, the Government indicated that the President is the Head of the Executive of the Republic and also plays the leading role in the legislative process in that, by virtue of his position as Head of State, he may refuse approval of any legislation passing through Parliament. As it would seem, therefore, that the Parliament and the President intervene at successive stages of the legislative process, the Committee can only reiterate the hope that the Government will find it possible to submit all the instruments to Parliament (the National Assembly) also, and will supply the information and documents called for in points II (b) and (c) and III of the questionnaire on page 6 of the Memorandum adopted by the Governing Body.

Mali

The Committee notes the information supplied by the Government to the effect that the instruments adopted at the 51st Session of the Conference have been

examined by the Council of Ministers and submitted for consideration by the Military Committee of National Liberation. It hopes that the Government will also indicate whether Recommendation No. 132, adopted at the 52nd Session of the Conference, has been submitted to the competent authorities. It further notes with regret that in the case of the instruments adopted since the 44th Session of the Conference, the Government has not yet supplied the submission documents containing its proposals regarding the action to be taken on these instruments. It hopes that the Government will supply these documents in the near future, as requested under point II (c) of the questionnaire on page 6 of the Memorandum adopted by the Governing Body.

Mauritania

The Committee notes the information supplied by the Government concerning the submission to the National Assembly of the instruments adopted at the 53rd Session of the Conference. Further to its observation made in 1969, the Committee again requests the Government to indicate whether the instruments adopted at the 47th, 50th and 51st Sessions, as well as Recommendation No. 115, have been submitted to the National Assembly. It also hopes that the Government will indicate soon whether Recommendation No. 132, adopted at the 52nd Session, has been submitted to the competent authority, and will supply the information and documents called for in the Memorandum adopted by the Governing Body, in connection with Recommendation No. 115 and the instruments adopted by the Conference from its 47th to 52nd Sessions.

Mexico

The Committee notes with interest that Recommendation No. 132, adopted at the 52nd Session of the Conference, has been submitted to Congress.

It has further taken note of the information supplied by the Government concerning the submission of Conventions Nos. 127 and 128 to the House of Deputies. It reiterates the hope that the Government will indicate very soon whether all the instruments still listed in the last column of the table in the Appendix 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.

Netherlands

The Committee notes the information supplied by the Government on the decisions made concerning various instruments adopted at the 41st to 43rd, 50th and 51st Sessions of the Conference and on the measures taken with a view to their submission, as well as the information on the action which the competent authorities of the Netherlands Antilles and Surinam proposed to take with regard to the instruments adopted at the 51st Session. It wishes to emphasise that under article 19 of the Constitution of the ILO, all the instruments adopted by the Conference, regardless of whether or not effect is given to them at the national level, must be submitted to the competent authorities. It accordingly hopes that the Government will indicate soon whether such submission has taken place in respect of all the instruments listed in the last column of the table in the Appendix to the present section, and will supply the information and documents called for in the Memorandum adopted by the Governing Body in this connection.

Nicaragua

The Committee refers to its observation made in 1969 and hopes, in connection with the Recommendations adopted by the Conference from its 40th to 51st Sessions,

that the Government will soon supply information on the proposals made by it as to the action that should be taken with regard to these instruments, as well as information on any decisions taken by the competent authorities in this respect, as is requested in points II *(b)* and *(c)* and III of the questionnaire on page 6 of the Memorandum adopted by the Governing Body.

The Committee hopes that the Government will also indicate whether Conventions Nos. 127 and 128, adopted at the 51st Session, and Recommendation No. 132, adopted at the 52nd Session, have been submitted to the National Congress.

Pakistan

The Committee notes with regret that no information has been supplied in reply to its observation made in 1969. It hopes that the Government will indicate soon whether the instruments adopted at the 51st and 52nd 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.

Panama

The Committee notes from the statement made by the Government representative to the Conference Committee in 1969 that the new section established in the Ministry of Labour and Social Welfare has already submitted eleven Conventions to the competent authorities for ratification, and is expected to submit twenty other Conventions before the end of the year, and that the remaining Conventions and Recommendations would be considered subsequently and a number of them selected for submission to the competent authorities.

The Committee notes with regret that no further information has been received in this respect. It must recall once again that under article 19 of the Constitution of the ILO, the Conventions and Recommendations adopted by the Conference must be submitted to the competent authorities *in all cases*, and not only when it is proposed to ratify a Convention or give effect to a Recommendation, and also that Recommendations must be submitted in the same way as Conventions. The Committee can only urge the Government once again to take the necessary action soon 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 notes from the statement made by a Government representative to the Conference Committee in 1969 that, as a result of modifications of structure within the Ministry of Labour, the latter is now responsible for all questions relating to the ILO, including the question of submission, and that a Government committee had begun to examine all the instruments to be submitted. The Committee notes with regret that no further information has been supplied on this subject. It trusts that the Government will indicate in the near future whether all the instruments listed in the last column of the table in the Appendix to this section have been submitted to the competent authorities, and will supply the information and documents called for in the Memorandum adopted by the Governing Body in this connection.

Portugal

The Committee notes that Recommendation No. 132 has been submitted to the National Assembly. With further reference to its previous observations and requests,

the Committee notes with regret that, notwithstanding its repeated requests, the information and documents called for in points II (b) and (c) and III of the questionnaire on page 6 of the Memorandum adopted by the Governing Body, with regard to the instruments submitted to the National Assembly, have never been supplied. The Committee hopes that this information and these documents will be supplied in the near future.

Senegal

The Committee notes with satisfaction from the information supplied by the Government that various instruments adopted by the Conference from its 44th to 52nd Sessions have been submitted to the National Assembly, and has also taken note with interest of the Government's proposals as to the action to be taken on these instruments.

The Committee would be glad if the Government would indicate whether Recommendation No. 126, adopted at the 50th Session of the Conference, has also been submitted to the National Assembly.

Sierra Leone

The Committee notes from the information communicated by the Government that the instruments adopted from the 46th to the 49th Sessions of the Conference have been submitted to the Cabinet and will be examined subsequently by the Joint Advisory Committee. The Committee would be grateful to the Government for stating whether these instruments have also been submitted to Parliament, which according to the Government's indications is the competent authority under the National Constitution.

Furthermore, according to the information supplied by the Government in 1968, the instruments adopted at the 51st Session were to have been submitted to Parliament before the end of that year. The Committee notes with regret that no further information has been received on this subject, nor has the Government indicated whether Recommendation No. 132, adopted at the 52nd Session, has been submitted to Parliament. It hopes that the Government will indicate very shortly whether the instruments adopted at the 46th to 49th, 51st and 52nd Sessions of the Conference (with the exception of Convention No. 119, which has been ratified) have now been submitted to Parliament, and will supply the information and documents called for in the Memorandum adopted by the Governing Body in this connection.

Somali Republic

The Committee notes from the statement made by a Government representative to the Conference Committee in 1969 that the Government has been faced with serious administrative difficulties, as all instruments have to be translated before being submitted to Parliament, but that since most of the instruments have now been translated, their early submission could be expected. The Committee notes with regret that no further information has been received on the subject. It reiterates the hope that the Government will very shortly submit to the competent authorities the instruments adopted since the 45th Session, and will supply the information and documents called for in the Memorandum adopted by the Governing Body in this connection.

Spain

The Committee notes with interest from the information communicated by the Government to the Conference Committee in 1969 that the Conventions adopted by

the Conference at its 51st Session have been submitted to the Cortes and that Conventions Nos. 99, 120 and 122, and Recommendations Nos. 112 to 122, would also be submitted to the Cortes. It notes moreover from the information supplied by the Government that Recommendation No. 132, adopted at the 52nd Session of the Conference, has been transmitted to the Ministers of Labour and Agriculture, who are now preparing a report on the effect given to that instrument by the national legislative provisions. With reference also to the Government's communication to the Conference Committee in 1968, to the effect that the basic studies necessary for submission to the Cortes were being carried out in respect of all the instruments not yet submitted, the Committee hopes that the Government will indicate in the near future that all the Conventions and Recommendations still listed in the last column of the table in the Appendix to this section have been submitted to the Cortes, and will supply the information and documents called for in the Memorandum adopted by the Governing Body in this connection.

Sudan

The Committee notes with regret that no information has been supplied in reply to its observation made in 1969. It hopes that the Government will indicate soon whether the instruments adopted by the Conference from its 48th to 52nd 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, including indications concerning the authority or authorities regarded as competent (item I (a) and (b) of the questionnaire on page 6 of that Memorandum).

Syrian Arab Republic

The Committee notes with interest the information and documents transmitted by the Government, regarding the submission to the competent authorities of the instruments listed in the last column of the table in the Appendix to this section have No. 127 and Recommendation No. 128.

The Committee hopes that the Government will indicate shortly that all the instruments listed in the last column of the table in the Appendix 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.

Tanzania

The Committee notes from the information communicated by the Government that it has not been considered necessary to submit Recommendation No. 132, adopted at the 52nd Session of the Conference, to the National Assembly, since the categories of workers covered by that instrument do not exist in appreciable numbers in Tanzania. In that respect, the Committee recalls that under article 19 of the Constitution of the ILO, the Conventions and Recommendations adopted by the Conference must be submitted to the competent legislative authorities *in all cases*, even if it is not proposed to ratify a Convention or to give effect to a Recommendation.

Moreover, with reference to its observation made in 1969, the Committee hopes that the Government will shortly indicate that the instruments adopted by the Conference from its 47th to 52nd 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.

Thailand

The Committee notes with interest the information supplied by the Government concerning the action to be taken with respect to the instruments adopted by the Conference from its 48th to 50th Sessions. It would be grateful if the Government would indicate whether the instruments adopted at the 51st Session of the Conference, which have already been submitted to the Council of Ministers, as well as Recommendation No. 132, adopted at the 52nd Session, have been submitted to the competent legislative authorities.

Trinidad and Tobago

Referring to its previous request, the Committee would be glad if the Government would indicate whether the instruments adopted at the 47th, 48th and 49th Sessions of the Conference, already submitted to the Senate, have since been submitted to the House of Representatives, and hopes that it will also communicate the decisions taken in this connection by the Houses of Parliament. It regrets, however, to note that the Government has not yet supplied any information concerning the submission to the competent authority of the instruments adopted at the 50th and 51st Sessions of the Conference. It hopes that the Government will soon indicate whether these instruments, as well as Recommendation No. 132, adopted at the 52nd Session, have been submitted to Parliament and will supply the information and documents called for in Memorandum adopted by the Governing Body in this connection.

Tunisia

The Committee notes the information supplied by the Government that Recommendation No. 132 has been submitted to the technical department concerned for examination with a view to its possible submission to the National Assembly. It also notes that the Government has supplied no information in reply to its observation made in 1969. The Committee recalls that a Government representative stated to the Conference Committee in 1967 that in the case of international Conventions which the Government did not intend to ratify, it could only be a matter of communicating documents to the National Assembly for its information. As under article 19 of the Constitution of the ILO, the Government is free to decide on the proposals to be made to the legislative body, but nevertheless has the obligation to submit both Conventions and Recommendations *in all cases* to the National Assembly, as the body vested with the power to legislate, the Committee trusts that the Government will indicate soon whether the instruments adopted by the Conference from its 50th to 52nd Sessions have 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.

Ukraine

The Committee notes from the information supplied by the Government that the instruments adopted at the 51st and 52nd Sessions 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 further point out that, notwithstanding its repeated requests, the documents submitting the Conventions and Recommendations and particulars of the action taken by the competent authorities in their respect (article 19, paragraphs 5 (c) and 6 (c), of the Constitution) have never been supplied, as called

for in the Memorandum adopted by the Governing Body. It trusts that the documents and information in question will be supplied in the near future.

USSR

The Committee notes from the information supplied by the Government that Recommendation No. 132, adopted at the 52nd Session of the Conference, has 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 further point out that, notwithstanding its repeated requests, the documents submitting the Conventions and Recommendations and particulars of the action taken by the competent authorities in their respect (article 19, paragraphs 5 (c) and 6 (c), of the Constitution) have never been supplied, as called for in the Memorandum adopted by the Governing Body. It trusts that the documents and information in question will be supplied in the near future.

United Arab Republic

The Committee notes with interest the information and documents communicated by the Government concerning the submission of the instruments adopted by the Conference from its 50th to 52nd Sessions to the National Assembly.

As the Government indicated in 1966 and 1968 that all the instruments adopted by the Conference had been submitted to the National Assembly and that the delay in supplying full information was only due to administrative difficulties which would be overcome shortly, the Committee hopes that the Government will not fail to supply in the near future the information and documents called for in the Memorandum adopted by the Governing Body, in respect of all the instruments still listed in the last column of the table in the Appendix to this section.

Uruguay

The Committee notes that Recommendation No. 132 has been submitted to the General Assembly. It also notes the statement made by a Government representative to the Conference Committee in 1969 that the Conventions adopted at the 48th to 51st Sessions of the Conference were still being examined and would shortly be submitted to Parliament, and that the same action was being taken with regard to the Recommendations.

The Committee reiterates the hope that the Government will indicate in the near future whether the instruments adopted at the 48th to 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.

Viet-Nam

The Committee notes with interest from the information communicated by the Government that the instruments adopted by the Conference from its 45th to 51st Sessions, which have already been submitted to the Council of Ministers, as well as Recommendation No. 132, adopted at the 52nd Session, have been submitted to Parliament. It would be grateful if the Government would supply the information and documents called for in the Memorandum adopted by the Governing Body in this connection.

Yemen

The Committee notes with regret that the Government has not supplied any information in reply to its previous requests and observation. The Committee must draw the Government's attention to the fundamental importance of the obligation incumbent on it by virtue of article 19, paragraphs 5 (b) and 6 (b), of the Constitution of the ILO, to submit the instruments adopted by the Conference to the competent authorities. It trusts that the Government will take the necessary action to submit to the competent authorities the instruments adopted by the Conference from its 49th to 52nd Sessions, 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 to the following States: *Australia, Austria, Barbados, Belgium, Cameroon, China, Congo (Brazzaville), Congo (Kinshasa), Costa Rica, Cuba, Czechoslovakia, Ethiopia, Finland, France, Ghana, Guinea, Iran, Ivory Coast, Kenya, Kuwait, Lesotho, Malawi, Malaysia, Morocco, Nepal, Niger, Nigeria, Paraguay, Philippines, Poland, Rumania, Rwanda, Singapore, Togo, Uganda, United States, Upper Volta, Venezuela.*

Appendix. Information Supplied by Governments with Regard to the Obligation to Submit Conference Decisions to the Competent Authorities

(31st to 52nd Sessions of the International Labour Conference, 1948-68)

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, 51st and 52nd
Algeria	47th to 51st	52nd
Argentina	31st to 52nd	—
Australia	31st to 51st	52nd
Austria	31st to 46th (C 117; R 116, 117), 47th to 51st	46th (C 118) and 52nd
Barbados	—	51st and 52nd
Belgium	31st to 50th	51st and 52nd
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, 51st and 52nd
Brazil	31st to 45th, 46th (C 117, 118), 47th (C 119), 48th (C 120, 121, 122), 49th (C 123, 124; R 124, 125), 50th (C 125) and 51st (C 127)	46th (R 116, 117), 47th (R 118, 119), 48th (R 120, 121, 122), 49th (R 123), 50th (C 126; R 126, 127), 51st (C 128; R 128, 129, 130, 131) and 52nd
Bulgaria	31st to 52nd	—
Burma	31st to 51st	52nd
Burundi	—	47th, 48th, 49th, 50th, 51st and 52nd
Byelorussia	37th to 52nd	—
Cameroon	44th to 49th	50th, 51st and 52nd
Canada	31st to 52nd	—

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)
Central African Republic	45th to 48th	49th, 50th, 51st and 52nd
Ceylon	31st to 48th	49th, 50th, 51st and 52nd
Chad	45th to 49th	50th, 51st and 52nd
Chile	31st to 49th	50th, 51st and 52nd
China	31st to 50th, 51st (C 127; R 128, 129, 130, 131) and 52nd	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, 51st and 52nd
Congo (Brazzaville) . .	45th to 52nd	—
Congo (Kinshasa) . . .	45th to 51st	52nd
Costa Rica	31st to 52nd	—
Cuba	31st to 51st	52nd
Cyprus	45th to 52nd	—
Czechoslovakia	31st to 52nd	—
Dahomey	—	45th, 46th, 47th, 48th, 49th, 50th, 51st and 52nd
Denmark	31st to 52nd	—
Dominican Republic . .	31st to 51st	52nd
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 101, 102, 103), 36th, 38th (C 104), 40th (C 105, 106, 107), 42nd (C 110, 111), 43rd (C 112, 113), 44th (C 115), 45th (C 116), 46th (C 117, 118), 47th (C 119), 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 (R 93, 94, 95), 37th 38th (R 99, 100), 39th, 40th (R 103, 104), 41st, 42nd (R 110, 111), 43rd (C 114; R 112), 44th (R 113, 114), 45th (R 115), 46th (R 116, 117), 47th (R 118, 119), 48th (C 121, 122; R 120, 121, 122), 49th (R 123, 124, 125), 50th, 51st (C 128; R 128, 129, 130, 131) and 52nd
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, 51st and 52nd
Ethiopia	31st to 50th, 51st (C 127; R 128, 129, 130) and 52nd	51st (C 128; R 131)
Finland	31st to 50th	51st and 52nd

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)
France	31st to 52nd	—
Gabon	45th to 50th	51st and 52nd
Germany (Federal Republic)	34th to 52nd	—
Ghana	40th to 52nd	—
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, 51st and 52nd
Guatemala	31st to 50th, 51st (C 127; R 128, 129, 130, 131) and 52nd	51st (C 128)
Republic of Guinea	43rd to 52nd	—
Guyana	50th, 51st and 52nd	—
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, 51st and 52nd
Honduras	39th to 44th and 45th (C 116)	45th (R 115), 46th, 47th, 48th, 49th, 50th, 51st and 52nd
Hungary	31st to 52nd	—
Iceland	31st to 49th	50th, 51st and 52nd
India	31st to 52nd	—
Indonesia	33rd to 51st	52nd
Iran	31st to 50th	51st and 52nd
Iraq	31st, 32nd (C 95, 98), 34th (C 99, 100; R 90), 35th (C 102, 103), 40th (C 105, 106), 42nd (C 111; R 111), 43rd (C 112, 113, 114), 44th, 45th (C 116), 46th (C 117, 118), 48th (C 122), 49th (C 123, 124) and 51st	32nd (C 91, 92, 93, 94, 96, 97; R 84, 85, 86, 87), 33rd, 34th (R 89, 91, 92), 35th (C 101; R 93, 94, 95), 36th, 37th, 38th, 39th, 40th (C 107; R 103, 104), 41st, 42nd (C 110; R 110), 43rd (R 112), 45th (R 115), 46th (R 116, 117), 47th, 48th (C 120, 121; R 120, 121, 122), 49th (R 123, 124, 125), 50th and 52nd
Ireland	31st to 52nd	—
Israel	32nd to 52nd	—
Italy	31st to 52nd	—
Ivory Coast	45th to 49th	50th, 51st and 52nd

SUBMISSION TO COMPETENT AUTHORITIES¹

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)
Jamaica	47th and 51st (R 129, 130)	48th, 49th, 50th, 51st (C 127, 128; R 128, 131) and 52nd
Japan	35th to 52nd	—
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), 51st (C 128; R 128) and 52nd
Kenya	48th to 50th, 51st (C 127, 128; R 128, 131) and 52nd	51st (R 129, 130)
Kuwait	45th to 52nd	—
Laos	—	48th, 49th, 50th, 51st and 52nd
Lebanon	31st (C 88, 89, 90), 32nd (C 95), 34th (C 100) and 35th (C 103)	31st (C 87; R 83), 32nd (C 91, 92, 93, 94, 96, 97, 98; R 84, 85, 86, 87), 33rd, 34th (C 99; R 89, 90, 91, 92), 35th (C 101, 102; R 93, 94, 95), 36th, 37th, 38th, 39th, 40th, 41st, 42nd, 43rd, 44th, 45th, 46th, 47th, 48th, 49th, 50th, 51st and 52nd
Lesotho	—	51st and 52nd
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, 51st and 52nd
Libya	35th to 49th	50th, 51st and 52nd
Luxembourg	31st to 52nd	—
Malagasy Republic	45th to 48th and 49th (C 123, 124)	49th (R 123, 124, 125), 50th, 51st and 52nd
Malawi	49th to 51st	52nd
Malaysia	41st to 49th	50th, 51st and 52nd
Republic of Mali	44th to 51st	52nd
Malta	49th to 52nd	—
Mauritania	45th (C 116), 46th, 48th and 49th	45th (R 115), 47th, 50th, 51st and 52nd

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)
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, 51st and 52nd	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) and 49th (R 123, 124, 125)
Morocco	39th to 52nd	—
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), 51st (R 128, 129, 130, 131) and 52nd
New Zealand	31st to 52nd	—
Nepal	—	51st and 52nd
Nicaragua	40th to 50th and 51st (R 128, 129, 130, 131)	51st (C 127, 128) and 52nd
Niger	45th to 51st	52nd
Nigeria	45th (C 116), 46th (R 117) and 48th	45th (R 115), 46th (C 117, 118; R 116), 47th, 49th, 50th, 51st and 52nd
Norway	31st to 52nd	—
Pakistan	31st to 50th	51st and 52nd
Panama	31st (C 87, 88), 32nd (C 94, 95, 98), 34th (C 100), 38th (C 104), 40th (C 105), 42nd (C 111), 44th (C 115), 45th (C 116), 48th (C 120, 122), 49th (C 123, 124) and 51st (C 127)	31st (C 89, 90; R 83), 32nd (C 91, 92, 93, 96, 97; R 84, 85, 86, 87), 33rd, 34th (C 99; R 89, 90, 91, 92), 35th, 36th, 37th, 38th (R 99, 100), 39th, 40th (C 106, 107; R 103, 104), 41st, 42nd (C 110; R 110, 111), 43rd, 44th (R 113, 114), 45th (R 115), 46th, 47th, 48th (C 121; R 120, 121, 122), 49th (R 123, 124, 125), 50th, 51st (C 128; R 128, 129, 130, 131) and 52nd
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) and 52nd	41st (C 108, 109), 42nd (C 110), 43rd (C 112, 113, 114), 46th (C 118), 48th (C 121), 50th (C 125, 126) and 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, 51st and 52nd

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)
Philippines	31st to 51st	52nd
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, 51st and 52nd
Portugal	31st to 52nd	—
Rumania	39th to 52nd	—
Rwanda	47th to 51st	52nd
Senegal	44th to 49th, 50th (C 125, 126; R 127), 51st and 52nd	50th (R 126)
Sierra Leone	45th, 47th (C 119), 50th and 51st	46th, 47th (R 118, 119), 48th, 49th and 52nd
Singapore	50th to 52nd	—
Somali Republic . . .	—	45th, 46th, 47th, 48th, 49th, 50th, 51st and 52nd
Spain	39th to 42nd, 43rd (C 112, 113, 114), 44th (C 115), 45th (C 116), 49th, 50th and 51st (C 127, 128)	43rd (R 112), 44th (R 113, 114), 45th (R 115), 46th, 47th, 48th, 51st (R 128, 129, 130, 131) and 52nd
Sudan	39th to 47th	48th, 49th, 50th, 51st and 52nd
Sweden	31st to 52nd	—
Switzerland	31st to 52nd	—
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, 50th and 51st (C 127; R 128)	33rd, 37th, 38th (R 100), 43rd (R 112), 45th (R 115), 49th, 51st (C 128; R 129, 130, 131) and 52nd
Tanzania	46th	47th, 48th, 49th, 50th, 51st and 52nd
Thailand	31st to 51st	52nd
Togo	44th to 51st	52nd
Trinidad and Tobago .	47th to 49th	50th, 51st and 52nd
Tunisia	39th to 49th	50th, 51st and 52nd

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)
Turkey	31st to 52nd	—
Uganda	47th to 50th	51st and 52nd
Ukraine	37th to 52nd	—
USSR	37th to 52nd	—
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 52nd	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 52nd	—
United States	31st to 50th, 51st (C 127; R 128, 129, 130) and 52nd	51st (C 128; R 131)
Upper Volta	45th to 52nd	—
Uruguay	31st to 47th and 52nd	48th, 49th, 50th and 51st
Venezuela	31st to 50th, 51st (C 127; R 128) and 52nd	51st (C 128; R 129, 130, 131)
Viet-Nam	33rd to 52nd	—
Yemen	—	49th, 50th, 51st and 52nd
Yugoslavia	31st to 52nd	—
Zambia	49th to 52nd	—

PART THREE

GENERAL SURVEY ON THE REPORTS CONCERNING FOUR RECOMMENDATIONS DEALING WITH THE HEALTH, WELFARE AND HOUSING OF WORKERS (Nos. 97, 102, 112, 115)

CONTENTS

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INTRODUCTION

1. This is the first time since the introduction in the Constitution of the ILO of provisions calling for reports on unratified Conventions and on Recommendations that the Governing Body has decided to limit such reports exclusively to Recommendations. This decision was based on the desire to obtain current and authoritative information on the developments which have taken place in an important technical sphere, the protection and promotion of the health and welfare of workers. The four Recommendations selected for this purpose were adopted between 1953 and 1961, so that a comprehensive survey of the reports from member States should permit the governments as well as the ILO as a whole to assess the progress made and the problems encountered in the implementation of standards designed to provide guidance for the achievement of essential social objectives.

2. In recognition of the somewhat special circumstances which thus surround the present survey, the Committee deemed it advisable to arrange its finding under three separate headings, covering successively the Recommendations on health, welfare and housing questions. The Committee also felt that in view of the highly technical character of the instruments—and of the information provided on them in the governments' reports—it would be useful to sum up in an introductory section the main findings which have emerged from the Committee's examination. This section will be followed by the individual surveys on the three questions mentioned above.

3. Before entering into the substance of its findings, the Committee would also wish to recall that twenty years ago, exactly, it was required for the first time to undertake the task of examining reports, under article 19 of the Constitution, on the effect given to unratified standards. Since then the Governing Body has requested such reports on some eighty instruments (forty-three Conventions and thirty-eight Recommendations); in the case of certain particularly important instruments reports were called for on two or even three occasions. As a result, the Governing Body and the Conference of the ILO have had available information touching upon a large cross-section of the Organisation's standard-setting work. The data provided and analysed in this way over the past two decades were intended to provide a fuller picture of the position in an increasingly large number of countries. The Committee trusts that its successive surveys, and especially the findings below in regard to four important Recommendations, will prove of value in pursuing national and international action in the spheres covered by the various instruments which have formed the subject of article 19 reports.

SUMMARY OF FINDINGS

Protection of Workers' Health

4. "The protection of the worker against sickness, disease and injury arising out of his employment" ¹ has from the outset been one of the major preoccupations of

¹ Preamble to the Constitution.

the ILO. It was not until the 1950s, however, that it proved possible to adopt two general instruments concerning the prevention, at the workplace, of risks to workers' health: the Protection of Workers' Health Recommendation, 1953 (No. 97), and the Occupational Health Services Recommendation, 1959 (No. 112).

5. Instruments dealing in part with these or related problems had, of course, been adopted before then, and others have been adopted since. The most noteworthy of these are the Conventions and Recommendations relating to the prevention of specific occupational diseases, most of which date back to the early years of the ILO's existence, and those concerned with the medical examination of young persons and workers in specific branches of activity, such as seafarers and fishermen. In addition, the instruments dealing with labour inspection contain provisions on the notification of occupational diseases.

6. But the task still remained of compiling and assembling in one Recommendation—general both in purpose and in scope—the basic principles which should govern the protection of workers' health in the undertaking, as had already been done a long time ago with respect to industrial accident prevention, in Recommendation No. 31, adopted in 1930. It has indeed become more and more evident that accident prevention cannot be based solely upon measures devised specially for the purpose and that a close relationship exists and should be maintained between occupational safety and occupational health: to take only one aspect, the improvement of hygiene and of the working environment is not merely an end in itself but helps to prevent accidents by reducing fatigue, which is one of their causes. The implementation of the various measures advocated in Recommendation No. 97—technical measures of protection, medical examinations, notification of occupational diseases, first aid—requires the co-operation, under the responsibility of the employer, of a number of specialists: engineers, hygienists and above all industrial physicians. The adoption of this Recommendation in 1953 thus afforded an opportunity for intensifying research into the organisation and role of occupational health services in undertakings, which was to culminate six years later in the adoption of Recommendation No. 112. The time lapse in the adoption of these two instruments is merely a reflection of that shown in the evolution of the institutions concerned. Thus for instance, the setting up of occupational health services in undertakings has sometimes been preceded by the appointment of medical inspectors of labour who in some cases were required, in addition to their supervisory functions, to carry out medical examinations, as was the case in the United Kingdom as early as 1898, in the United States (Massachusetts) from 1907 onwards, in Italy from 1912 onwards and in France from 1916 onwards. However, occupational health services did not become generalised, through legislation or through collective agreements in the countries where this has been achieved, until after the Second World War, often in the light of the experience gained by services set up initially on a purely voluntary basis in undertakings.

7. The interdependence of the various aspects of health protection explains why Recommendations Nos. 97 and 112 are complementary to each other and why their implementation calls simultaneously for general measures such as the improvement of industrial hygiene and the medical surveillance of the different categories of workers, whatever the risks to which they have been exposed, for special measures for the protection, detection and notification of occupational diseases, and for the setting up of occupational health services capable of putting all these measures into effect or of collaborating in that task, and above all able to pinpoint the various factors likely to affect the health of the workers.

8. The influence which these two Recommendations have undoubtedly had since their adoption, even if only indirectly, may be evaluated on the basis of the many improvements introduced since then in the law and practice of member States, or which are under consideration: revision of laws and regulations relating to workers' protection, and the setting up of occupational health services in more and more countries.

9. Nevertheless, much remains still to be done, particularly as concerns technical measures for the prevention, reduction or elimination of the risk of certain occupational diseases, as regards regular medical examination of workers exposed to these risks and as regards the development of occupational health services, which is still lagging behind that of technical measures of protection; furthermore, in all the fields covered by the two Recommendations, workers employed in non-industrial occupations, especially agricultural workers, are still often insufficiently protected.

10. Occupational health services have been set up in a great many countries by one or another of the means advocated in Recommendation No. 112: by virtue of laws or regulations or of collective agreement or in any other manner approved by the competent authority after consultation with employers' and workers' organisations. It is to be noted in this respect that legislation, while remaining the method to which recourse is most commonly had, as with the implementation of the measures provided for in Recommendation No. 97, has not been the channel used up to now by some European countries where occupational health services have been set up solely within the framework of a national collective agreement. In many other countries, however, occupational health services have been introduced by methods which are not specifically provided for in the Recommendation, and in particular on a purely voluntary basis, usually by the employers themselves.

11. Supervision by an appropriate authority of such services, and more especially in the case of all services not set up by virtue of laws or regulations, appears to have been provided for only in a few rare cases. Moreover, little information is to be found in the reports about services instituted on a purely voluntary basis, or about those set up directly by virtue of a collective agreement in certain undertakings.

12. The interdependence of measures for the protection of health is sometimes invoked as a justification for the carrying out of curative functions by occupational health services. Such an attitude might however result in an expansion of curative activities at the expense of the preventive measures with which an occupational health service should, strictly speaking, concern itself. It is not unknown for this duplication of functions to be observed in certain developing countries where the shortage of medical staff constitutes an obstacle to the separation of functions expounded as a principle by Recommendation No. 112. Elsewhere the separation of the two functions is generally respected. In the countries of Eastern Europe which have supplied reports fully staffed occupational health services form part of a vast health service.

13. On the other hand, the protection of workers' health primarily through occupational health services whose functions are essentially preventive does not rule out a combined approach to preventive medicine and public health protection, provided that appropriate arrangements for co-ordination are made. Nevertheless, the fact that more stress is laid on one or on the other of these two objectives—workers' protection and general health policy—may account for the variety of ways in which occupational health services are organised, either at the undertaking level or for the benefit of larger groups, regional or national, occupational or interoccupational. The Occupational Health Services Recommendation (No. 112) does not debar

any form of service so long as it carries out the functions enumerated therein, or at least the most important of them, and not purely policy, supervisory, educative or research functions.

14. The organisation of occupational health services covering more than a single undertaking may be preferable for subsidiary but sometimes, in practice, decisive reasons such as the prevalence of small-scale undertakings, particularly in agriculture, the need to make optimum use of limited medical facilities, the off-setting of financial expenditure and the mobility of workers. The resulting transfer of responsibilities resembles in some respects that encountered in the closely related domain of social security with respect to compensation for employment injuries or the payment of family allowances. On the other hand, the integration of occupational health services in undertakings, where this is possible, gives these services a greater say in the employment and assignment of workers within the undertaking, in matters of hygiene and prevention, in the adaptation of jobs and in the organisation of first-aid facilities, which will always remain among the inalienable and inescapable responsibilities of the employer, whatever the way in which the occupational health problem is tackled. Moreover, integration within undertakings is not inconsistent with the development of other forms of preventive medicine if account is taken of medical examination carried out elsewhere, nor with the concern for public health protection if measures for the reduction or elimination of risks to which workers are exposed are planned so as not to involve contamination of the surrounding area—a problem whose increasing gravity will be stressed at the United Nations Conference on the Human Environment, to be held in 1972.

15. The impression might well be gained at first sight, however, that the various ways of organising occupational health services can be ascribed to two schools of thought: on the one hand, that which believes that they should be organised by the employers at the level of the undertaking or group of undertakings—the method preferred in most of the continental countries of Western Europe, the African countries with a French legal background and certain Latin American and Asian countries—and, on the other hand, that which favours their organisation by a medical health service or a public health service—the viewpoint held respectively in Chile, several countries of Eastern Europe and a certain number of countries with a tradition of British administration.

16. In reality the distinction is far less clear-cut, not only because a number of compromise formulae exist but because both systems may coexist within the same country, especially where the State plays a supporting role and encourages the development of occupational health services by undertakings on a voluntary basis.

17. In so far as it is possible to make any sort of classification—which, in any case, would not correspond exactly to the one just given—the difference in approach may stem also from the role allocated to legislation in the organisation of labour-management relations within undertakings. As institutions have developed it has also become apparent that different systems can be successively practised in one and the same country.

18. To sum up, it would appear that, while there are risks inherent in any partial solution, in certain circumstances such a solution may none the less be advantageous. Of course, the development of central administrative services for industrial hygiene and medicine may accentuate the imbalance in the distribution of medical practitioners over a country where they are in short supply; complex provisions on prevention, especially in regard to medical examinations and the notification of occupational diseases, may be hampered in their effectiveness if there are no occu-

pational health services to implement them; works medical services may be able to achieve only limited results in the field of occupational health where their role is mainly curative or where there are no adequate regulations concerning protective measures to which they may look for support. It should be borne in mind, however, that in view of the diversity in conditions, resources and traditions, it is possible to plan even partial solutions in such a way as to form the indispensable cornerstone and starting point for future developments.

19. This is the hope expressed in introducing, in this summary of findings, the more detailed survey which follows, and which, while stressing the significance of the progress already made, makes no attempt to dissimulate either the problems arising out of differences in approach and in circumstances or the long road that still lies ahead. The Committee hopes that this survey will furnish an opportunity for those responsible for social and health policy, both on the government side and in employers' and workers' organisations, to take stock of the situation in each country with a view to making further progress—guided by these two Recommendations and by what each can learn from the experience of the others—regarding the protection of workers' health.

Welfare Facilities for Workers

20. Following upon a general reference in the Declaration of Philadelphia to the need for "adequate nutrition, housing and facilities for recreation and culture", the International Labour Conference adopted successively in 1947 and 1956 a resolution and a Recommendation concerning welfare facilities for workers. Recommendation No. 102 of 1956 deals in some detail with the measures to be taken, where possible, to provide workers with feeding facilities, rest and recreation facilities at work, as well as with transport to their places of employment. The instrument indicates that it can be given effect by voluntary, governmental or other appropriate action.

21. The information appearing in the reports shows that the facilities contemplated in the Recommendation are provided primarily by the undertakings, often in collaboration with trade union organisations. Laws and regulations on the matter exist in a sizable number of countries.

22. Canteens were found to be most prevalent in larger enterprises. Where this has not proved feasible, buffets and trolleys are sometimes available. In other cases, workers are able to prepare their own meals. Use of all these facilities is generally optional.

23. Seats and rest rooms are fairly prevalent, mostly for women and young workers, and legislative requirements to this effect have been adopted in a number of countries. Facilities of this kind are reported to exist in both industry and commerce, but specific provisions concerning heating, ventilation and lighting are relatively rare.

24. Recreation facilities for workers and their families are organised in numerous cases. They often take the form of sports clubs, with meeting halls, centres and playing fields made available. Cultural, educational and similar activities are also encouraged through libraries, cinemas, theatrical performances, etc. The employers, the works councils, the trade unions and other specialised bodies initiate or share in the organisation of these various activities.

25. While welfare facilities are usually managed on a joint basis, their financing is to a large extent assumed by the employer, except for the cost of meals, the latter being as a rule, made available at cost. Special workers' welfare funds have been

established in some countries, usually through contributions from the State and the undertakings.

26. Transport services, especially by large-size enterprises, exist in many cases. They are provided free of charge or at a nominal fee. Improvements or adjustments in public transport, including the staggering of hours, are also mentioned.

27. The main difficulties delaying application of the Recommendation are connected with economic, social and financial conditions. Some countries indicate that they accept the Recommendation, but are unable to give effect to certain of its provisions. On the positive side, draft legislation on workers' welfare facilities is mentioned in several reports and other measures to the same end are referred to in a considerable number of other cases.

28. The main impression to emerge from the Committee's survey is that in the majority of reporting countries some at least of the provisions of Recommendation No. 102 are already given effect to, while measures in that direction are under way in others. It is significant that such measures are in no way limited to industrially advanced States and that some developing countries have made notable efforts to introduce welfare facilities for workers. Another interesting finding is the increasing realisation on the part of those most directly concerned (employers and workers) that the organisation of such services can prove of considerable mutual benefit in terms of efficiency and productivity.

29. The Committee must point out, however, that only in the rarest of cases does the situation with respect to workers' welfare seem fully satisfactory. If highly advanced facilities sometimes exist, they are usually limited to large-scale undertakings. The main effort needs therefore to be concentrated on the smaller undertakings and on the poorer sectors of the economy. In addition, the need for such facilities increases with technical developments involving greater strain and fatigue, use of noxious materials, siting of industries in out-of-the-way areas, etc.

30. Despite its necessarily limited and fragmentary character the Committee's survey has shown that the standards adopted by the International Labour Conference in 1956 can continue to play a useful role. They can serve as a guide to all concerned and help them to achieve gradual progress in a sphere where relatively modest investments are liable to produce notable improvements in conditions of work. The detailed indications contained in Recommendation No. 102, particularly as regards feeding, rest and transport facilities, should provide governments, employers and workers with a solid basis for securing gradual and concrete advances in an increasingly important sphere of social action.

Workers' Housing

31. The importance of providing workers with adequate housing has been recognised by the ILO, over the years, in a series of instruments dealing directly or indirectly with certain aspects of the question. But the first instrument specifically concerned with this problem is the Workers' Housing Recommendation (No. 115) adopted in 1961. The United Nations and other international organisations also have recognised responsibilities in the field of housing, and a certain degree of collaboration has therefore been established. Thus, the information made available by governments in their reports on Recommendation No. 115 should be of interest outside the ILO as well.

32. The Workers' Housing Recommendation enunciates a series of General Principles followed by specific Suggestions concerning the Methods of Application of these Principles. The main subjects dealt with in the instrument are the objectives of national housing policy, the responsibility of public authorities, the provision of housing by employers, financing, housing standards, measures to promote efficiency in the building industry, housebuilding and employment stabilisation, rent policy, and town, country and regional planning. }

33. A large number of countries supplied reports on the effect given to the Recommendation. The information thus available shows that governments are generally aware of the importance of workers' housing and are striving to find solutions to the problems encountered. While special legislation on the matter has been adopted in a few cases, it is clear from the reports that implementation of the Recommendation must form part of the over-all measures which make up housing policy in general.

34. The objectives of national housing policy involve the adoption of workers' housing programmes, the modernisation of existing facilities and the fixing of priorities for those whose needs are most urgent. The responsibility of the public authorities in laying down and attaining these various objectives is recognised in a large number of the reporting countries. Depending on administrative and other factors, this responsibility is shared by different government departments and by central, regional and local authorities or bodies. The resulting programmes, as described in the reports, range from public construction projects to fiscal and credit policies designed to stimulate private initiative. Some countries emphasise that the programmes are carried out within the framework of comprehensive development plans.

35. As regards the definition of specific priorities, slum clearance and the rehousing of slum dwellers are repeatedly mentioned. Other criteria for the provision of housing include preferential treatment for economically disadvantaged groups, for large families and for the handicapped and aged. Young persons and couples, as well as foreign workers, are also occasionally mentioned. Regional development is stated to play a role in some countries.

36. The contribution of employers' and workers' organisations to housing programmes is ensured in certain cases through their representation in central or consultative bodies. Family associations also play a role in this connection.

37. The respective parts taken by public and private initiative in the execution of workers' housing programmes raise the basic issue of the financial means available. The Committee found that the State often assumes responsibility for those most urgently in need of assistance, while stimulating socially oriented construction projects in the private sector, especially through building co-operatives for workers or for the population in general. In the latter cases, limits are imposed on the cost and on speculative activities. As indicated by some governments, rental and resale values are especially pertinent.

38. Financing through public loans at reduced rates of interest is mentioned in very many reports. Some countries supply information on loans by private or semi-public institutions such as savings banks, provident funds and social security institutions, co-operatives and, occasionally, trade unions. Direct or indirect financial assistance frequently takes the form of subsidies or tax concessions. Mortgage insurance or guarantees also are used to promote home ownership.

39. Numerous countries encourage workers to own and to build their dwellings. Long-term credit, sometimes by the employer, constitutes an essential method illustrated in several reports. Self-help housing schemes seem to assume increasing importance in promoting home ownership by workers.

40. In the sphere of rent policy various measures are mentioned to ensure that decent accommodation should not cost the worker more than a reasonable proportion of his income. In public housing, rents are often determined in relation to this factor. Rental allowances or even rent control are also used in certain cases.

41. As regards housing furnished by employers, labour legislation in certain countries includes an obligation to that effect, especially in areas located away from normal centres of population. Standards are often laid down on the minimum requirements to be satisfied for employer-provided housing, in relation to cost, hygiene and comfort; in some cases, information is given on the protection of workers' fundamental rights, including the right of association.

42. Full data are provided regarding the establishment in a large number of countries of minimum standards, applicable to housing in general, covering safety, facilities and other technical matters. As regards more particularly minimum standards of comfort, some governments have supplied exhaustive information on the subject. The public authorities, including in some cases the labour inspection services, are responsible for the enforcement of housing standards. The application of particular standards is also frequently a precondition for the granting of financial assistance out of public funds.

43. Certain reports describe measures taken to promote efficiency in the building industry. These include vocational training, often with the collaboration of employers' and workers' organisations. In a number of countries new building methods have been developed, and prefabricated and other modern materials are used with a view to facilitating year-round production as well as lowering construction costs. Research into the standardisation of materials and the simplification of working procedures is also mentioned repeatedly. Among the measures mentioned for speeding up the construction of workers' housing figures the reduction of seasonal unemployment in the building industry.

44. The Committee noted with interest that a large number of countries refer to town and country planning as an integral element in developing and executing workers' housing programmes. Special emphasis is placed in some cases on slum clearance and the rehousing of occupiers of slum dwellings. In a few reports, measures to prevent land speculation are specifically mentioned.

45. To sum up the main findings which emerge from the reports, the Committee was impressed with certain of the practical results already achieved in various parts of the world. But these accomplishments clearly have not sufficed, as recognised in a number of reports, to cope with housing shortages and the substandard conditions to be found in workers' housing, especially in the less developed countries. Some governments indicate that economic priorities prevent the adoption of programmes along the lines of the Recommendation. Even in the industrialised countries solutions need to be found to raise the level of efficiency and productivity in the building industry.

46. Despite these obstacles and difficulties, the Committee was able to conclude from its examination of the reports and the voluminous documentation available that national housing policies follow to a considerable extent the same principles as those

of the Recommendation. The Committee feels confident therefore that the terms and suggestions of this instrument can prove of continued assistance in promoting adequate and decent housing accommodation for workers and their families.

47. Taking into account the guidance provided by the Recommendation, as well as the information supplied by governments on its implementation, the Committee considers that action in a number of related spheres might facilitate further progress in the field of workers' housing. From a primarily technical point of view, two avenues of approach seem to offer particular promise: mass production of housing units on an industrial scale, and increasing emphasis on self-help housing schemes. The number of units built every year may also be raised materially through efforts to reduce seasonal unemployment. Similar results are likely to be obtained by improving and expanding facilities for vocational training of workers, supervisory staff and professional personnel.

48. In seeking progress along the lines described above, the collaboration of governments, employers and workers appears to the Committee to constitute an essential element of success. The availability of technical assistance through the United Nations Development Programme and otherwise should also prove of value in certain cases. The Committee noted with interest in this connection that several countries refer in their reports to technical co-operation activities of this type.

49. The Committee trusts, moreover, that its own findings will similarly contribute to a fuller realisation of the role which the Workers' Housing Recommendation may play in dealing at the national and international levels with an acute social problem of world-wide proportions and significance.

Protection of Workers' Health

**General Survey on the Reports Concerning the Protection of Workers' Health
Recommendation, 1953 (No. 97), and the Occupational Services
Recommendation, 1959 (No. 112)**

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INTRODUCTION

1. Since the ILO was founded the prevention of risks to the health of workers has been the theme for a host of detailed Conventions, Recommendations and directives which are worth recalling and which deal either with certain risks arising in connection with occupational diseases or with selected categories of workers, some of them being concerned with technical measures for protection and others with medical examinations, the notification of occupational diseases or first aid. But the two Recommendations adopted in the 1950s which are the subject of this survey—the Protection of Workers' Health Recommendation, 1953 (No. 97), and the Occupational Health Services Recommendation, 1959 (No. 112)—are the first generally applicable instruments dealing with the protection of workers' health and the major role to be played in this connection by occupational health services in places of employment.

RELATED INTERNATIONAL STANDARDS

2. *Technical measures* for health protection have been provided for in instruments concerning the prevention of certain occupational diseases—phosphorus and lead poisoning, anthrax infection, diseases caused by radiations¹—most of which were adopted in the early years of the ILO. The many instruments referring to medical examinations² are mostly concerned with young persons employed in different

¹ In 1919 the First International Labour Conference adopted a Recommendation (No. 6) inviting member States which had not already done so to adhere to the Convention adopted at Berne in 1906 on the prohibition of the use of white phosphorus in the manufacture of matches. Recommendation No. 3, concerning the prevention of anthrax—also adopted in 1919—advocates the making of arrangements for the disinfection of wool, either in the country exporting it or at the port of entry in the country importing it. The prevention of lead poisoning is the subject of two instruments: the Lead Poisoning (Women and Children) Recommendation, 1919 (No. 4), calls for the prohibition of the employment of women and young persons in certain processes involving exposure to the risk of poisoning by lead or lead compounds, and for the replacement of lead compounds by non-toxic substances, being more strictly regulated; the White Lead (Painting) Convention, 1921 (No. 13), prohibits, with certain exceptions, the use of white lead and sulphate of lead as pigments in the internal painting of buildings. More recently, the Radiation Protection Convention (No. 115) and Recommendation (No. 114), 1960, set forth basic measures for the protection of workers exposed to ionising radiations.

² The Medical Examination of Young Persons (Sea) Convention, 1921 (No. 16), stipulates that the employment at sea of any young person under 18 years of age shall be conditional upon a medical examination, to be repeated at least once a year. Conventions Nos. 77 and 78, concerning the medical examination of young persons in industry and in non-industrial occupations, respectively, and supplemented by a Recommendation (No. 79), 1946, also provide that the employment of young persons under 18 years of age shall be conditional upon a medical examination to be repeated at least once a year. The Medical Examination of Young Persons (Underground Work) Convention, 1965 (No. 124), contains similar provisions with respect to young persons under 21 years of age employed on work underground in mines. The Medical Examination (Seafarers) Convention, 1946 (No. 73), provides for the engagement of seamen for employment to be conditional upon a medical examination, to be repeated as a general rule at least once every two years, in the interests of the health and safety both of the seamen concerned and of the other persons on board. The Medical Examination (Fishermen) Convention, 1959 (No. 113), provides for medical examinations upon engagement and at periodic intervals, which may not be longer than a year in the case of persons under 21 years of age. The Vocational Rehabilitation (Disabled) Recommendation, 1955 (No. 99), stresses the importance of medical examinations for vocational guidance purposes. The Protection of

branches of activity (industry, non-industrial occupations, employment at sea, work underground), or workers in selected occupational categories (seafarers, fishermen); the medical examination of workers exposed to special risks is touched upon in passing in some of the instruments concerned with the prevention of occupational diseases. The great importance of the rapid rendering of first aid as far as the consequences of accidents are concerned is stressed in a number of Conventions and Recommendations relating to occupational safety.¹ Provision is made for the notification of occupational diseases in the Conventions dealing with labour inspection² "in such cases and in such manner as may be prescribed by national laws or regulations", but the purpose of such notification and the procedure to be followed are not specified.

3. Moreover, the various aspects of the protection of workers' health in places of employment are also provided for in model codes or regulations and codes of practice published by the International Labour Office³, as well as in a number of resolutions adopted by Industrial Committees, such as the Inland Transport Committee⁴, the Coal Mines Committee⁵, the Textiles Committee⁶, the Petroleum Committee⁷ and the Chemical Industries Committee.⁸

4. Several technical meetings also dealt with the protection of workers' health and adopted resolutions or conclusions in this connection. Among them, the following may be mentioned: Tripartite Technical Meeting for the Printing and Allied

Migrant Workers (Underdeveloped Countries) Recommendation, 1955 (No. 100), contains provisions on periodical medical examinations. Lastly, the instruments on lead poisoning (Recommendation No. 4 and Convention No. 13) and on radiation protection call for medical supervision of workers exposed to the risks in question. All these instruments make no specification as to whether these medical examinations should take place at an occupational health service, but confine themselves to stating that they should be carried out by a doctor "approved by the competent authority" (Conventions Nos. 16 and 113), a "medical practitioner" (Convention No. 73) or a "qualified physician approved by the competent authority" (Conventions Nos. 77, 78 and 124). Recommendation No. 79, however, goes so far as to provide that "measures should be taken to train a body of examining doctors who are qualified in industrial hygiene".

¹ Protection Against Accidents (Dockers) Convention, 1929 (No. 28), and Convention No. 32 on the same subject (revised), 1932; Prevention of Industrial Accidents Recommendation, 1929 (No. 31), and Safety Provisions (Building) Convention, 1937 (No. 62). The Protection of Migrant Workers (Underdeveloped Countries) Recommendation, 1955 (No. 100), contains provisions of a similar nature.

² Labour Inspection Convention, 1947 (No. 81), Plantations Convention, 1958 (No. 110), and Labour Inspection (Agriculture) Convention, 1969 (No. 129). In addition, Convention No. 13 requires the notification of cases of lead poisoning.

³ Model codes of safety regulations for industrial establishments and for underground work in coal mines, published by the International Labour Office in 1949 and 1950, respectively; code of practice relating to safety and health in dock work, drawn up by a group of experts in 1956.

⁴ Resolution No. 44 concerning the transport and handling of dangerous goods (Fourth Session), *Official Bulletin*, Vol. XXXIV, No. 2, Dec. 1951; Resolution No. 81 concerning safety and health of dock work (Seventh Session), *ibid.*, Vol. XLIV, No. 6.

⁵ Resolution No. 6 concerning safety and health (First Session), *ibid.*, Vol. XXX, No. 2, Sep. 1947; Resolution No. 16 concerning safety and health in coal mines (Second Session), *ibid.*, Vol., XXXI, No. 2, Sep. 1948.

⁶ Resolution No. 22 concerning the health of workers (Second Session), *ibid.*, Vol. XXXII, No. 1, June 1949.

⁷ Resolution No. 26 concerning occupational diseases (Third Session), *ibid.*, Vol. XXXIII, No. 4, Dec. 1950.

⁸ Resolution No. 8 concerning safety and hygiene in the chemical industries (Second Session), *ibid.*, Vol. XXXIII, No. 4, Dec. 1950; Resolution No. 16 concerning classification and labelling of dangerous substances (Third Session), *ibid.*, Vol. XXXV, No. 3, Dec. 1952.

Trades, 1962¹, Tripartite Technical Meeting for the Food Products and Drink Industries, 1963², Tripartite Technical Meeting for the Clothing Industry, 1964³, Meeting of Experts on Conditions of Work in Urban Transport Services, 1965⁴, Tripartite Technical Meeting for the Woodworking Industries, 1967.⁵

RECOMMENDATIONS NOS. 97 AND 112

5. Unlike the instruments which preceded it or were adopted subsequently, the Protection of Workers' Health Recommendation, 1953 (No. 97), lays down general principles applicable to the prevention of all risks of diseases recognised as being occupational or which could be recognised as such and in more general terms to hygiene in the workplace and environmental factors, along lines which have since been developed even further by the Hygiene (Commerce and Offices) Convention, 1964 (No. 120); furthermore, these principles cover not only technical measures for protection but also the medical examination of workers exposed to special risks, the notification of occupational diseases and first aid. The adoption of Recommendation No. 97 afforded an opportunity for intensifying the studies of the organisation of occupational health services being carried out with the aid of a panel of experts belonging to the ILO Correspondence Committee on Occupational Safety and Health, and in close collaboration with the WHO. These studies, based on national experience in different countries with a considerable number of projects that had been carried out with varying results, culminated in the adoption of the Occupational Health Services Recommendation, 1959 (No. 112), which contains provisions on the status and functions of such services.

6. It is worth pointing out that both Recommendations, No. 97 and No. 112, are essentially concerned with prevention and not compensation and medical care—the other facet of health protection, which is dealt with in the Conventions and Recommendations relating to social security—though this distinction should not cause one to lose sight of the interrelationship between prevention and compensation. Nor are these two Recommendations directly concerned with accident prevention, which is covered by a host of other ILO standards, although an improved work environment is likely to mean fewer accidents, and one of the functions of industrial physicians is to help to prevent accidents.

REPORTS RECEIVED

7. The present survey is based mainly on reports supplied in respect of both Recommendations No. 97 and No. 112 under article 19 of the Constitution of the International Labour Organisation by eighty-five member States⁶; reports on twenty

¹ *Official Bulletin*, Vol. XLVI, No. 2, Apr. 1963 (Conclusions (No. 2) concerning the protection of workers' health in the printing and allied trades).

² *Ibid.*, Vol. XLVII, No. 2, Apr. 1964 (Conclusions (No. 2) concerning health, hygiene and safety in the food products and drink industries).

³ *Ibid.*, Vol. XLVII, No. 4, Oct. 1964 (Conclusions (No. 1) concerning conditions of work in the clothing industry, paras. 50 and 51).

⁴ *Ibid.*, Vol. XLVIII, No. 3, July 1965 (harmful consequences of the intensity of modern urban traffic, paras. 39 to 44 of the conclusions adopted).

⁵ *Ibid.*, Vol. LI, No. 1, Jan. 1968 (Conclusions (No. 2) concerning safety, health and welfare in the woodworking industries).

⁶ Afghanistan, Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Bulgaria, Burma, Byelorussia, Cameroon, Canada, Ceylon, Chile, China, Colombia, Congo (Brazzaville), Congo (Kinshasa), Costa Rica, Cuba, Cyprus, Czechoslovakia, Dahomey, Denmark, Finland, France, Federal Republic

territories¹ were also submitted. Account has also been taken of reports supplied under article 22 of the Constitution by States which have ratified Convention No. 181², as well as of the survey of national law and practice carried out with respect to the latter Convention in pursuance of article 19 of the ILO Constitution in 1966.³ The legislation announced in the reports received on the two Recommendations under consideration and other laws and regulations, the texts of which are available to the International Labour Office, have also been taken into account.

ARRANGEMENT OF THE SURVEY

8. In view of their common aim, which is the protection of workers' health in places of employment, Recommendations Nos. 97 and 112 may be said to be complementary to each other and can be studied together. The present survey will discuss the action taken in the various member States with a view to giving effect to the provisions of these instruments. The first two chapters will deal with methods and scope. Chapter III will examine the measures taken for the protection of workers' health, analysing national law and practice from the standpoint of the various provisions of Recommendation No. 97—technical measures, medical examinations, notification of occupational diseases, first aid—but referring at the same time to analogous provisions in Recommendation No. 112. These various measures do in fact correspond to some of the functions of industrial physicians, although the latter have a far wider role to play. Occupational health services as such will be dealt with in Chapter IV, as concerns both their legal status—organisation, personnel and equipment—and their activities—functions and facilities for their performance. The following two chapters (V and VI) will discuss collaboration between workers and employers for the achievement of the aims pursued by both these Recommendations and arrangements for supervision, while the final chapter will deal with the difficulties encountered and progress made in giving effect to these instruments.

9. This survey obviously makes no claim to be exhaustive, and the information given in the footnotes is intended only as an illustration, taking examples which are as representative as possible⁴, of the measures taken to give effect to the standards laid down in these Recommendations, in so far as the data available will allow.

of Germany, Greece, Guatemala, Guinea, Guyana, Hungary, India, Iraq, Iran, Israel, Italy, Japan, Kenya, Kuwait, Lesotho, Liberia, Luxembourg, Malawi, Malaysia, Mali, Malta, Mauritania, Mexico, Morocco, Netherlands, New Zealand, Niger, Nigeria, Norway, Pakistan, Panama, Philippines, Portugal, Rumania, Rwanda, Senegal, Sierra Leone, Singapore, Spain, Sudan, Sweden, Switzerland, Syrian Arab Republic, Thailand, Togo, Tunisia, Turkey, Uganda, Ukraine, USSR, United Arab Republic, United Kingdom, United States, Upper Volta, Uruguay, Venezuela, Viet-Nam, Yugoslavia and Zambia. However, Australia, Upper Volta and Venezuela submitted reports only in respect of Recommendation No. 112, and Guyana and Yugoslavia supplied reports only concerning Recommendation No. 97.

¹ Australia (New Guinea, Norfolk Island, Papua); Netherlands (Netherlands Antilles); United Kingdom (Antigua, Bahamas, Bermuda, British Honduras, Brunei, Falkland Islands (Malvinas); Gibraltar, Gilbert and Ellice Islands, Guernsey, Hong Kong, Isle of Man, St. Helena, St. Lucia, Seychelles, Solomon Islands, Virgin Islands).

² This Convention has been ratified by seventy-three countries.

³ RCE, 1966, General Survey, paras. 57-59.

⁴ For fuller details as to the situation in the different States and territories in respect of which reports have been supplied see International Labour Conference, 54th Session, Geneva, 1970: Report III (Part 2): *Summary of Reports on Selected Recommendations*.

I. METHODS OF IMPLEMENTATION

10. Recommendation No. 97 refers several times to national laws or regulations, but does not state that such laws or regulations are the only means of implementing the instrument¹ (see, in particular, Paragraphs 1, 8, 14 and 18). Recommendation No. 112, on the contrary, provides (Paragraph 2) that, having regard to the diversity of national circumstances and practices, occupational health services may be provided, as conditions require, by virtue of laws or regulations, by virtue of collective agreement or as otherwise agreed upon by the employers and workers concerned, or in any other manner approved by the competent authority after consultation with employers' and workers' organisations.²

11. In nearly all the countries which have supplied reports, and where provisions exist corresponding to those of Recommendation No. 97, these provisions are to be found in laws or regulations—which generally go into great detail as concerns the special rules for their application to certain branches of activity or certain types of work³, or to protection against certain risks⁴, or both. In some of these countries the bodies responsible for administering the employment injuries insurance schemes are also empowered to order technical preventive measures.⁵ Provisions concerning industrial hygiene are also to be found in the works rules of individual undertakings.⁶ Collective agreements sometimes also go further than the legislation, as in Finland, where two national inter-occupational collective agreements dealing respectively with technical measures for protection and collaboration between employers and workers have recently been concluded.⁷

¹ Collective agreements are mentioned by this Recommendation, however, as being a means of dealing with the problem of remuneration for time lost for attendance at medical examinations (Paragraph 13 (2)).

² It is true that Paragraph 5 of Recommendation No. 112 mentions only laws or regulations, but this is not in contradiction with the provisions of Paragraph 2. Paragraph 5 provides for an alternative to the functions of an occupational health service as defined in Part IV, which could be put into practice even by virtue of a collective agreement or in any other manner provided for in Paragraph 2, so long as it is permitted by national laws or regulations.

³ For example: Austria, Ceylon, Colombia, Cyprus, Denmark, France (agriculture), Greece, Guyana, India, Netherlands, New Zealand, Norway, Pakistan, United Kingdom.

⁴ For example: Austria, Bulgaria, Finland, France, Hungary, Japan, Netherlands, New Zealand, Pakistan, Spain, United Kingdom.

⁵ Germany (Fed. Rep.) in particular (under section 546 of the Federal Insurance Code, as amended by the Code of 30 April 1963 (*LS* 1963—Ger. F.R. 2)), but also Bolivia, Colombia, Luxembourg, United States (certain states) (reports from Governments).

⁶ Chile (section 93 of Legislative Decree No. 178 of 13 May 1931, to ratify the Labour Code (*LS* 1931—Chil. 1)), Colombia (section 349 of Decree No. 2663 of 5 August 1950, to promulgate the Labour Code, as amended (*LS* 1950—Col. 3)), Hungary (report from Government), Spain (as provided for in section 16 of the Act of 16 October 1942 (*LS* 1942—Sp. 2), section 4, subsection 11, of the Decree of 12 January 1961, and section 5, subsection 42, of the Order of 6 February 1961 (*LS* 1961—Sp. 2 A and 2 B)).

⁷ Finland (collective agreements of 4 February 1969), Italy, Luxembourg, Spain, Turkey, USSR (reports from Governments).

12. As concerns occupational health services, the range of methods used is perhaps even wider than that provided for in Recommendation No. 112.¹ The greatest progress in the development of services introduced by virtue of laws or regulations has been made in certain countries on the European continent and in certain States in Latin America, French-speaking Africa and Asia.² In a great many countries, on the other hand³, occupational health services have been launched in undertakings on a purely voluntary basis without the formal approval of the competent authority being sought as required by the Recommendation; nor is it clear from the reports whether the employers' and workers' organisations were consulted beforehand. Between these two extremes a variety of intermediate systems have been introduced, such as the setting up of services by undertakings on a voluntary basis, but in pursuance of a basic collective agreement at the national and inter-occupational level, to which the national medical practitioners' associations are signatories on the same terms as the confederations of employers' and workers' organisations; such a system has been operating for some years in Norway, the Federal Republic of Germany and Sweden.⁴ Elsewhere, occupational health services have been introduced in undertakings by virtue of collective agreements of the traditional kind.⁵ In some countries the professional medical practitioners' associations, without entering into a collective agreement, have laid down guidelines which appear to command great respect, even though they are not legally binding.⁶ Lastly, the governments of a number of countries have issued official directives to encourage the development of occupational health services launched at the undertaking level, either on a purely voluntary basis or in pursuance of a national collective agreement.⁷

¹ However, a recommendation dated 20 July 1962 by the Commission of the European Economic Community to the member States of the Community, while restating and developing the principles embodied in Recommendation No. 112, refers only to laws or regulations (*Journal officiel des communautés européennes*, 31 Aug. 1962).

² In particular: Argentina (Buenos Aires), Belgium, Bulgaria, Cameroon, Chile, Czechoslovakia, France, Guinea, Japan, Mali, Morocco, Netherlands, Niger, Rumania, Senegal, Spain, Togo, Tunisia, USSR, Viet-Nam. As concerns occupational health services for employees of public services: Belgium, Canada, Malta, Netherlands, United States.

³ For example: Australia, Austria, Canada, Denmark, Greece, India, Italy, Luxembourg, Malawi, Malaysia, New Zealand, Switzerland, United Kingdom, United States.

⁴ Germany—collective agreement of 1 March 1953, replacing a collective agreement of 3 June 1950; Norway—system in operation for more than twenty years (report from Government); Sweden—collective agreement of 22 May 1967, following up a 1954 arrangement between the Swedish Employers' Confederation and the Swedish Trade Union Confederation.

⁵ Canada, Malaysia (in certain undertakings), United States, Venezuela (petroleum industry) (reports from Governments).

⁶ New Zealand—functions of industrial physicians as envisaged by the New Zealand branch of the British Medical Association; United States—*A Management Guide for Occupational Health Programs*, reprinted from *Archives of Environmental Health*, Sep. 1964, Vol. 9, by the Council on Occupational Health of the American Medical Association.

⁷ Germany (Fed. Rep.)—Directive V/7-5855-3150/66 dated 10 June 1966 of the Federal Minister of Labour and Social Affairs; United Kingdom—*Organisation of Industrial Health Services*, Safety, Health and Welfare, New Series, No. 21, booklet published by the Ministry of Labour.

II. SCOPE

13. Recommendation No. 97 contains no specific statement as to its intended scope; nor does it provide for any restrictions. Recommendation No. 112, on the other hand, is explicitly defined as being applicable to industrial, non-industrial and agricultural undertakings and public services (Paragraph 4).

14. Without attempting to go into detail, the present survey will examine the scope of the legislation (in its broad sense embracing all types of measures taken) in the three major sectors of activity—industry, activities which are neither industrial nor agricultural, agriculture—and in the public services, with special emphasis on occupational health services.

15. Some countries have legislation covering—in some respects at least—more than one occupation¹, being specifically concerned with industry, commerce or

¹ For example: Argentina—technical measures for protection (section 29 of the Act of 11 October 1915 respecting compensation for industrial accidents, as amended (*LS* 1957—Arg. 1 A)); Austria—notification of occupational diseases (General Social Insurance Act (*LS* 1955—Aus. 3)); Belgium—all measures provided for in both Recommendations (section 1 of the Act of 10 June 1952 respecting health and safety of workers (*LS* 1967—Bel. 1), and General Regulations of 1946 on Labour Protection) as concerns the notification of occupational diseases (Act of 23 December 1963 (*Moniteur Belge*, 21 Dec. 1963)); Bulgaria—technical measures for protection (section 1 of the Ukase of 13 November 1951 to promulgate the Labour Code (*LS* 1951—Bul. 2, 1957—Bul. 2, 1963—Bul. 1, 1968—Bul. 1 A)); Cameroon—all measures provided for in both Recommendations (section 1 of the Law of 12 June 1967 to institute the Labour Code (*LS* 1967—Cam. 1)); Chile—occupational health services (Social Insurance (Health Service) Act, No. 10383 of 28 July 1952 (*LS* 1952—Chil. 1)); Colombia—Section 349 of the Decree No. 2663 of 5 August 1950, to promulgate the Labour Code, as amended by Decree No. 3743 of 20 December 1950; Congo (Kinshasa)—section 1 of Legislative Ordinance No. 67/310 of 9 August 1967 to establish a Labour Code (*LS* 1967—Congo (Kin.) 1); Costa Rica—technical measures, medical examinations (section 2 of Decree No. 1 of 2 January 1967 to promulgate occupational health and safety regulations (*LS* 1967—C.R. 1)); Cyprus—section 2 of the Accident and Occupational Diseases (Notification) Law, No. 32 of 30 September 1953 (*LS* 1953—Cyp. 1); Czechoslovakia—section 1 of Act No. 65 of 16 June 1965 to promulgate a Labour Code (*LS* 1965—Cz. 1 A), Act No. 20 of 1966 on public health; Dahomey—Ordinance No. 33 of 28 September 1967 to promulgate a Labour Code (*LS* 1967—Dah. 1); Finland—technical measures, medical examinations, first aid (section 1 of the Act of 28 June 1958 respecting the protection of labour (*LS* 1958—Fin. 1), notification of occupational diseases (Act No. 638 of 29 December 1967 respecting occupational diseases (*LS* 1967—Fin. 2 A)); Germany (Fed. Rep.)—technical measures for protection, medical examinations, notification of occupational diseases, first aid (Federal Insurance Code and measures for its administration taken by the occupational associations responsible for operating the accident insurance scheme); in addition, in view of the wide range of competence of the signatory organisations—the German Employers' Confederation and the German Trade Union Confederation, in particular—the national collective agreement on occupational health services covers all sectors of activity, though the Government's report does not indicate whether occupational health services actually exist in all these sectors—in agriculture, for instance; Guinea—section 2 of the Act of 30 June 1960 to establish a Labour Code (*LS* 1960—Gui. 1); Italy—technical measures, medical examinations, first aid (Decree No. 303 of 19 March 1956 establishing general rules respecting industrial hygiene (*GU*, 30 Apr. 1956, Supplement)); Japan—notification of occupational diseases (Labour Standards Law, No. 49 of 5 April 1947 (*LS* 1947—Jap. 3), technical measures, medical examinations, occupational health services in undertakings (Ordinance No. 9 of 1947 on industrial safety and health, Japan Labour Code, 1952, p. 184)); Luxembourg—notification of occupational diseases (Grand Ducal Order of 30 July 1928 respecting the extension of compulsory accident insurance to occupational diseases (*LS* 1928—Lux. 1), first aid (measures taken by accident

agriculture or applicable to all forms of remunerated employment. In some of these countries, and in a few others as well, the legislation covers all sectors of activity with the exception of agriculture.¹ There are also certain countries with legislation which

insurance associations, report from Government)); Mali—section 1 of Act No. 62-67 of 19 August 1962 to promulgate a Labour Code (*LS* 1962—Mali 1), and section 2 of Act No. 62-68 of 9 August 1962 to promulgate a Social Insurance Code (*JO*, No. 128 of 15 Oct. 1962); Mexico—provided for in Recommendation No. 97 (Decree of 26 January 1946 embodying occupational health regulations); Morocco—medical examinations, notification of occupational diseases, first aid, occupational health services (Decree of 8 February 1958 to apply the Dahir of 8 July 1957 respecting the organisation of industrial medical services (*LS* 1959—Mor. 1)); New Zealand—notification of occupational diseases (Health Act of 1956); Senegal—Labour Code of 19 June 1961 (*LS* 1962—Sen. 2 B), General Order No. 5253 of 19 July 1954 respecting general health and safety measures (*LS* 1954—FWA 1), General Order No. 396 of 18 January 1955 to lay down general conditions for the functioning of medical and health services in undertakings (*Journal officiel de l'AOF*, 29 Jan. 1955); Spain—General Regulations on Occupational Safety and Health of 31 January 1940 (*BO del E*, 28 Feb. 1940), Decree No. 1036 of 10 June 1959 for the reorganisation of works medical services (*LS* 1959—Sp. 1); Sweden—protective measures (Workers' Protection Act, No. 1 of 3 January 1949 (*LS* 1949—Swe. 1, 1950—Swe. 1, 1956—Swe. 3), Royal Proclamation No. 208 of 6 May 1949 for the administration of the Act of 3 January 1949 (*LS* 1949—Swe. 4), medical examinations (Proclamation No. 211 of 6 May 1949 (*SF*, 1949, p. 419), as subsequently amended), notification of occupational diseases (section 3 of Proclamation No. 595 of 29 November 1968 respecting the notification of industrial injuries (*SF*, 1968, p. 1621)); Syrian Arab Republic—Law No. 92 of 6 April 1959 to promulgate the Social Insurance Code (*LS* 1959—UAR 2 and 1961—UAR 2); Tunisia—technical measures for protection, medical examinations (Act No. 66-27 of 30 April 1966 to promulgate a Labour Code (*LS* 1966—Tun. 1)); USSR—Labour Code of the RSFSR dated 1 May 1936 (*LS* 1936—Russ. 1), as amended, Regulations concerning state health inspection services, adopted by Ordinance of the Council of Ministers of the USSR on 29 October 1963; United Arab Republic—technical measures for protection, medical examinations, notification of occupational diseases, first aid, health services (Law No. 63 of 21 March 1964 establishing the Social Insurance Code (*LS* 1964—UAR 3)); Venezuela—Act of 4 May 1945 to amend the Labour Act in certain respects (*LS* 1945—Ven. 1); Viet-Nam—measures for protection (general principle), medical examinations, notification of occupational diseases, health services, first aid (Labour Code (*LS* 1956—V-N 1), Order No. 043/BLD/TTT of 13 March 1965 for the administration of sections 234 to 241 of the Labour Code (*JO*, 3 Apr. 1965)).

¹ For example: Austria—technical measures for protection, first aid (General Employees Protection Ordinance of 10 November 1951 (*BGBI.*, No. 265, 28 Dec. 1951)); Bolivia—technical measures for protection (Labour Code of 1939, as amended (*LS* 1939—Bol. 1)); Brazil—measures provided for in Recommendation No. 97 (Legislative Decree No. 5452 of 1943 to approve the Consolidation of Labour Laws (*LS* 1943—Bra. 1 and 1967—Bra. 2)); France—Book II, section 65, of the Labour Code, section 1 of the Act of 11 October 1946 respecting the organisation of industrial medical services (*LS* 1946—Fr. 11); Greece—technical measures for protection, notification of occupational diseases, first aid (Presidential Decree of 14-22 March 1934 (*LS* 1934—Gr. 11)); Hungary—section 6, subsection 1, and section 7, subsection 1, of Act No. 11 of 8 October 1967 to promulgate a Labour Code (*LS* 1967—Hun. 2 A); Iran—medical examinations (Act of 11 May 1960 respecting social insurance for workers (*LS* 1960—Iran 1)); Iraq—measures provided for in Recommendation No. 97 (Law No. 1 of 18 January 1958, to promulgate a Labour Code (*LS* 1961—Iraq 1 B)); Luxembourg—technical measures (Act of 28 August 1924 respecting the health and safety of persons employed in workshops and in industrial and commercial undertakings, and Grand Ducal Order of 28 August 1924, issued by virtue of the said Act (*LS* 1924—Lux. 2)); Morocco—technical measures for protection (Decree of 2 July 1947 to regulate conditions of employment (*LS* 1947—Mor. 1), Order of 4 November 1952 to determine general safety and health measures (*BOM*, 16 Jan. 1953)); Norway—technical measures, medical examinations, notification of occupational diseases (Workers' Protection Act, No. 2 of 7 December 1956 (*LS* 1968—Nor. 1)); Portugal—occupational health services (Legislative Decree No. 47511 of 25 January 1967); Syrian Arab Republic—see United Arab Republic; Tunisia—Decree of 25 October 1956 for the establishment of industrial medical services (*JOT*, 30 Oct. 1956); Turkey—measures provided for in Recommendation No. 97 (sections 2 and 3 of the Social Insurance Act, No. 506 of 17 July 1964 (*LS* 1964—Tur. 1), and sections 2 and 5 of the Labour Act, No. 931 of 28 July 1967 (*LS* 1967—Tur. 1)); United Arab Republic—technical measures for protection and medical examinations (Law No. 91 of 5 April 1959 establishing the Labour Code (*LS* 1959—UAR 1)).

applies, wholly or in part, to one or more of the three major sectors of activity: industry¹, non-industrial activities², agriculture.³ Lastly, occupational health services

¹ For example: Austria—technical measures for protection, medical examinations (Acts respecting specified branches of activity, or protection against specified risks, report from Government); Burma—technical measures for protection, medical examinations and first aid (Factories Act, No. LXV of 1951 (*LS* 1951—Bur. 6)); Ceylon—measures provided for in Recommendation No. 97 (Factories Ordinance of 1950, Ch. 128; Mines, Quarries and Minerals Ordinance, Ch. 120); Chile—technical measures (Decree No. 762 of 6 September 1956 to approve the regulations on minimum hygienic conditions in industry (*DO*, 28 Sep. 1956)); China—Regulations respecting Safety and Hygiene in Factories, promulgated on 14 October 1935 (*LS* 1935—Chin. 3); Colombia—technical measures, medical examinations (Order No. 2 of 17 February 1953 respecting safety and hygiene in coal mines (*DO*, 12 Mar. 1953), occupational health (Decree of 29 November 1949 to make regulations under Act No. 77 of 1948 establishing the National Industrial Medicine and Hygiene Office (*LS* 1949—Col. 2)); Cyprus—measures for protection (sections 4 and 5 of the Factories Law of 1956, Safety (Mines and Quarries) Regulations of 1953); Denmark—measures provided for in Recommendation No. 97 (Act No. 226 of 11 June 1954 respecting the protection of workers (*LS* 1954—Den. 1)); Germany (Fed. Rep.)—technical measures for protection (Industrial Code, as embodied in the Act of 30 June 1900); Greece—medical examinations (Acts respecting specified branches of industry and specified risks, report from Government); Guyana—measures provided for in Recommendation No. 97 (Factories Ordinance, Ch. 115, Mining Ordinance, Ch. 196); India—measures provided for in Recommendation No. 97 (Factories Act, No. 63 of 23 September 1948 (*LS* 1948—Ind. 4), as amended by Act No. 25 of 1954 (*LS* 1954—Ind. 1), Act No. 35 of 15 March 1952 respecting conditions of work and safety in mines (*LS* 1952—Ind. 3), as amended by Act No. 62 of 1959 (*LS* 1959—Ind. 2)); Italy—notification of occupational diseases (Decree No. 1124 of 30 June 1965 respecting insurance against industrial accidents and occupational diseases (*LS* 1965—It. 1)) (extends also to stock-breeding); Malawi—technical measures, notification of occupational diseases, first aid (Factories Ordinance, No. 21 of 17 March 1964); Malta—technical measures, first aid (Government Notice No. 458 of September 1945 applying the Safety, Health and Welfare Regulations); Netherlands—measures provided for in Recommendation No. 97 (Safety Act of 2 July 1934 (*LS* 1934—Neth. 2) (applies also to agriculture), Royal Decree of 19 November 1938 respecting safety in industry (*Staatsblad* 872), Act of 19 February 1959 respecting occupational health services (*LS* 1959—Neth. 2)); New Zealand—Factories Act, No. 43 of 12 October 1946 (*LS* 1946—NZ 4), Coal Mines Act, No. 39 of 1 October 1925 (*LS* 1925—NZ 2); Singapore—measures provided for in Recommendation No. 97 (Factories Ordinance of 1958 (*Government Gazette*, 31 Oct. 1958, Supplement) as amended by Ordinance No. 49 of 18 August 1959 (*ibid.*, 24 Aug. 1959)); Sudan—notification of occupational diseases (Factories and Workshops Ordinance of 31 December 1949); Switzerland—technical measures for protection (Ordinance III of 26 March 1969 on implementation of the Labour Act (*Recueil des lois fédérales*, No. 29, 1 Aug. 1969)); USSR—technical measures for protection (health standards for industrial undertakings, adopted by the State Committee for Building of the USSR on 5 June 1963, health rules governing the organisation of technological processes and health requirements of industrial equipment, approved by the Assistant Director of Health of the USSR on 23 November 1965); United Kingdom—measures provided for in Recommendation No. 97 (Factories Act of 22 June 1961 (*LS* 1961—UK 1), Coal Mines Act (*LS* 1926—GB 5), Mines and Quarries Act of 1954); Viet-Nam—technical measures for protection (Order No. 27 BLD/TTT/ND of 3 February 1967 establishing the measures to be taken respecting safety and health in industrial undertakings).

² For example: Ceylon—Act No. 19 of 1954 respecting shops and offices, Ch. 129 (*LS* 1954—Cey. 1, and 1957—Cey. 2); Denmark—measures provided for in Recommendation No. 97 (Act No. 227 respecting workers' protection in commercial establishments and offices (*LS* 1954—Den. 2); New Zealand—Shops and Offices Act, No. 32 of 20 October 1955 (*LS* 1955—NZ 1); United Kingdom—Offices, Shops and Railway Premises Act of 1963.

³ For example: Austria—technical measures for protection (numerous Acts passed by the nine Länder, report from Government); Denmark—measures provided for in Recommendation No. 97 (Act No. 228 of 11 June 1954 (*LS* 1954—Den. 3)); France—sections 983 to 991 of the Rural Code, Act of 26 December 1966 respecting occupational and preventive medicine in agriculture (*JORF*, 25, 26 and 27 Dec. 1966); India—measures provided for in Recommendation No. 97 (Act No. 69 of 2 November 1951 regulating conditions of work in Plantations (*LS* 1951—Ind. 5)); Netherlands—measures provided for in Recommendation No. 97 (Safety in Agriculture Decree of 25 March 1950 (*Staatsblad* No. K 107)); New Zealand—Agricultural Workers' Act, No. 137 of 14 December 1962 (*LS* 1962—NZ 1); Norway—technical measures for protection, notification of occupational diseases (section 1 of Act No. 4 of 3 December 1948 respecting the conditions of employment of agricultural workers (*LS* 1948—Nor. 6); United Kingdom—technical measures for protection (*inter alia*, Agriculture (Poisonous Substances) Act, 1952); Venezuela—notification of occupational diseases (Decree No. 119 of 4 May 1945 respecting employment in agriculture and stock-breeding (*LS* 1945—Ven. 2)).

are also said to exist, though only in a few countries, in the public services sector ¹—a term which, incidentally, may be applied to a variety of activities governed by various types of legislative provisions.

16. To gain a clearer idea of the situation it must be borne in mind that in one particular country there may be several different laws or regulations—dealing, for instance, with labour, social security, public health—which are not identical in scope and which take up, each within its own context, the various points, or just some of the major points, in the two Recommendations—technical measures for protection, medical examination, notification of occupational diseases, first aid, occupational health services. While some of the laws and regulations applicable to specific occupational groups harmonise with and complement one another, at least in certain respects ², workers in non-industrial activities are still—in some countries—insufficiently protected or even completely unprotected.

17. Among the various exemptions from the scope of legislation provided for in some cases, the most significant from the standpoint of the aim of the two Recommendations under consideration may be said to be those provided for to take account of the existence of special risks and those relating to the employment of a minimum number of workers.

18. The evolutionary stage of labour law from the starting-point of activities whose exercise is presumed to expose workers to special risks is not entirely over in countries where legislation applicable in principle to factories, or to a series of activities specified in an exhaustive list, or to the employment of manual workers, or to the use of power-driven machinery ³, implies observance of such a criterion. As far as medical examinations are concerned, this is also true of legislation applicable exclusively to workers exposed to the risk of certain occupational diseases.⁴ Legislation of this kind, while having the merit of affording protection against the most serious risks, does not allow for the taking into consideration of all the factors which may affect the health of workers, whatever the type of undertaking employing them or the kind of work they perform.

¹ Australia (Commonwealth); Belgium—General Regulations on Labour Protection, particularly section 104, subsection 3; Canada—report from Government; France—Decree of 9 September 1960 extending to the French National Railways Board the provisions of the Act of 11 October 1946 for the organisation of industrial medical services (*JORF*, 10 Sep. 1960), Decree of 18 April 1964 applying to the National Company “Air France” the Act of 15 March 1955 extending to air transport undertakings the provisions of section 1 of the Act of 11 October 1946 (*JORF*, 23 Apr. 1964); Malta—report from Government; Netherlands—report from Government; United Kingdom—British Railways (report from Government); United States—Bureau of the Budget Circular A-72: Federal Employees Occupational Health Service Programs.

² For example: legislation applicable to all branches of activity, with the exception of agriculture, may be supplemented by legislation applicable only to agriculture, as in Austria and Norway in the case of technical measures for protection in particular, or as in France as concerns both technical measures for protection and occupational health services. In Denmark and in the United Kingdom, in certain respects at least, laws and regulations applicable to industry, non-industrial activities and agriculture exist side by side.

³ For example: the Factories Acts in the United Kingdom and in countries whose legislation derives from that of the United Kingdom; undertakings covered by the accident insurance scheme in Switzerland (Act of 1911). Other examples are: Norway—undertakings employing one or more workers or using mechanical power exceeding one horse-power (Act No. 4 of 3 December 1948 respecting the conditions of employment of agricultural workers, Workers’ Protection Act, No. 2 of 7 December 1956); United Arab Republic—extension to agricultural undertakings where workers use machinery or are exposed to the risk of occupational diseases (Social Insurance Code).

⁴ See following chapter, Section B.

19. Exemptions relating to the minimum number of workers employed by an undertaking¹ are based in part upon similar considerations, since they are waived in some countries in cases where workers—no matter how few in number—are exposed to certain risks. They may also be designed—momentarily, at least—to facilitate supervision by the public authorities or compliance by undertakings with the legislation, particularly as concerns the organisation of occupational health services. The minimum number of employees, while ranging from five to twenty as far as the application of the general labour legislation is concerned, may rise in some countries to fifty or even several hundred for the purposes of occupational health services. The effect of such over-generous exceptions may be to exclude the majority of workers from the scope of the legislation, especially in agriculture.

¹ For example: Argentina—occupational health services, 150 employees; Burma—Factories Act, 10 employees if power-driven machinery is used, or otherwise 20 employees; Colombia—internal health and safety regulations, 10 employees; Hungary—occupational health service, 500 employees, or 300 if working conditions are harmful to the health; Japan—obligation to have a “health supervisor”, 50 employees, or 100 in agriculture, commerce and the services sector; Morocco—occupational health services, 50 employees; Netherlands—occupational health services, 750 employees; Spain—occupational health services, minimum number of employees fixed at 500 by the Decree of 21 August 1956 (*BO del E*, 13 Oct. 1956) and lowered to 100 by the Decree of 10 June 1959 (with certain exceptions); Sudan—Factories Ordinance, 10 employees, though extensions may be made by order; Tunisia—occupational health services, non-agricultural undertakings employing not less than 40 workers, though the provisions may be extended in the case of work involving exposure to special risks (as in tanneries—Decree No. 67390 of 6 November 1967); Turkey—obligation to entrust medical supervision to one or more medical practitioners limited to employers employing regularly at least 50 persons (Section 180 of the Public Health Act, No. 1593 of 24 April 1930 (*LS* 1930—Tur. 1).

III. MEASURES FOR THE PROTECTION OF WORKERS' HEALTH

A. TECHNICAL MEASURES

20. Part I of Recommendation No. 97 sets forth two series of technical measures for the protection of the health of workers: the measures in the first series, listed in Paragraph 2, relate to the general conditions of hygiene that should be the rule in places of employment as in any communal environment, while those in the second, enumerated in Paragraphs 3 and 5, are measures for protection against special risks of occupational diseases to which workers may be exposed due to the nature of their work. This form of presentation does not imply a clear-cut distinction between the two categories of measures—which, it should be stressed, are, on the contrary, complementary to each other. In the first place, an unhealthy working environment may be the indirect cause of employment injuries by increasing the risk of an industrial accident through fatigue and lowering body resistance to all kinds of illness, including occupational diseases; moreover, certain measures of hygiene such as ventilation or washing and changing facilities are of particular importance where workers are exposed to special risks. In the second place, for prevention purposes there is not the same need for defining exactly what is meant by an occupational disease as where compensation is involved, when, for legal and financial reasons, it is necessary to impose certain limitations. Lastly, it should not be forgotten that the same causes—noise or vibrations, for instance—may, depending upon the degree of intensity and the circumstances, bring about a deterioration in the general state of health or give rise to characteristic occupational diseases.

21. In some countries there exists a provision stating the principle of the employers' responsibility to protect the health of his employees¹, without prejudice

¹ For example: Belgium—Act of 10 June 1952 respecting health and safety of workers; Bolivia—section 67 of the Labour Code of 1939, as amended (*LS* 1939—Bol. 1); Bulgaria—section 105 of the Labour Code promulgated by Ukase No. 544 of 1951; Cameroon—section 107 of the Law of 12 June 1967 to institute the Labour Code; Chile—section 244 of Legislative Decree No. 178 of 13 May 1931 to ratify the Labour Code (*LS* 1931—Chil. 1); Colombia—section 57, subsection 2, of Decree No. 2663 of 5 August 1950 to promulgate the Labour Code, as amended by Decree No. 3743 of 20 December 1950; Congo (Kinshasa)—sections 138 and 139 of the Ordinance of 9 August 1967 to establish a Labour Code; no regulations have as yet been issued for its administration, the National Labour Council having not yet completed its work in this respect (report from Government); Costa Rica—section 193 of Act No. 2 of 27 August 1943 respecting the Labour Code (*LS* 1943—C.R. 1); Czechoslovakia—sections 1 to 6 of Act No. 20 of 1966 on public health; Guinea—section 168 of the Act of 30 June 1960 to establish a Labour Code; Panama—sections 201 and 202 of Act No. 67 of 11 November 1947 to establish a Labour Code (*LS* 1947—Pan. 1); Rumania—section 4 of Act No. 5 of 1965 on workers' protection (*BO*, 23 Dec. 1965); Switzerland—section 339 of the Code of Obligations, section 6 of the Federal Labour Act of 13 March 1964, and section 65 of the Act of 13 June 1911 on sickness and accident insurance; Tunisia—section 152 of Act No. 66-27 of 30 April 1966 to promulgate a Labour Code; Turkey—section 73 of the Labour Code; USSR—section 138 of the Labour Code of the RSFSR, health standards for designing industrial undertakings adopted by the State Committee for Building of the USSR on 5 June 1963; United Arab Republic—section 108 of the Labour Code, Law No. 91 of 5 April 1959, Venezuela—sections 112, 113 and 115 of the Act of 4 May 1945 to amend the Labour Act in certain respects, Decree No. 1290 of 18 December 1968 to regulate occupational health and safety conditions (*GO*, Special Number 1257, 15 Jan. 1969); Viet-Nam—sections 217 to 225 of the Labour Code.

to the detailed rules which exist in a great many countries and which are sometimes supplemented by rules applicable to specific branches of activity or dealing with the prevention of specific risks.

22. The general measures of hygiene enumerated—though not exhaustively—in Paragraph 2 of the Recommendation are nine in number:

- (a) measures should be taken to avoid the accumulation of dirt and refuse so as to cause risk of injury to health (subparagraph (a)). In many countries there are rules corresponding exactly to this provision or providing for the regular cleaning of places of employment¹;
- (b) the floor space and height of workrooms should be sufficient to prevent overcrowding of workers, or congestion owing to machinery, materials or products (subparagraph (b)). In many countries the minimum air space and ceiling height per worker are fixed by legislation.² In addition, the requirement sometimes

¹ For example: Austria—sections 47 and 59 of the General Employees Protection Ordinance, as amended by the Ordinance published in the *BGBI.*, No. 32/1962; Belgium—General Regulations of 1946 on Labour Protection, as amended; Bolivia—Decree of 21 July 1924 for the administration of the Occupational Accidents Act (*LS* 1924—Bol. 1 B); Brazil—Consolidation of Labour Laws; Bulgaria—instructions concerning the sanitary conditions in industrial undertakings (*Bulletin of the Ministry for Public Health and Social Welfare*, Nos. 6-7, 15 Apr. 1956); Burma—Factories Act, No. LXV of 1951; Cameroon—Order No. 23 of 27 May 1969 prescribing general conditions of health and safety in places of work; Ceylon—section 6 of the Factories Ordinance of 1 January 1950, Ch. 128; Chile—Decree No. 762 of 6 September 1956 to approve the regulations on minimum hygienic conditions in industry (*DO*, 28 Sep. 1956); China—Administrative Regulations concerning Hygiene and Safety in Factories, promulgated on 14 October 1935; Costa Rica—Decree No. 1 of 2 January 1967 to promulgate occupational health and safety regulations; Cyprus—Factories Law of 1956, Ch. 134; Dahomey—General Order No. 5253/IGTLS/AOF dated 19 July 1954, issued further to section 134 of the Overseas Labour Code and containing general instructions concerning health and safety applicable in French West Africa to workers in establishments of any kind (*LS* 1954—FWA 1); Denmark—Act No. 226 of 1954 respecting workers' protection generally; provisions similar to those in this Act are to be found in Act No. 227 of 1954 respecting workers' protection in commercial establishments and offices, and in Act No. 228 of 1954 respecting workers' protection in agriculture; Finland—section 19 of the Act of 28 June 1958 respecting the protection of labour; France—effect is given to this subparagraph and those which follow, with the exception of subparagraphs (h) and (i), by the Decree of 10 July 1913, as amended, respecting measures of protection and hygiene to be implemented in all establishments covered by the Labour Code; Federal Republic of Germany—Industrial Code of 30 June 1900; Hungary—section 21.1 of General Regulation No. 6/1965/XII.7 respecting the prevention of accidents and the protection of health; India—Factories Act, No. 63 of 23 September 1948, as amended; Iran—Regulations of 5 September 1969 respecting safety and health in undertakings, report from Government; Israel—section 6 of the Occupational Safety Ordinance of 1946; Italy—Decree No. 303 of 19 March 1956 establishing general rules respecting industrial hygiene; Japan—Ordinance No. 9 of 1947 on industrial safety and health; Kenya—Factories Ordinance, Ch. 514; Malawi—Factories Ordinance, No. 21 of 17 March 1964, Ch. 183; Mali—Act No. 62-67 of 19 August 1962 to promulgate a Labour Code; Mexico—Occupational Health Regulations of 26 January 1946; Morocco—Order of 4 November 1952 to determine general safety and health measures (*BOM*, 16 Jan. 1953); New Zealand—Factories Act of 1946 (*LS* 1946—NZ 4); Nigeria—Factories Act, Ch. 66; Rumania—Republican standards for workers' protection, 1966; Spain—General Regulations on Occupational Safety and Health approved by the Ordinance of 31 January 1940; Switzerland—Ordinance III of 26 March 1969 on implementation of the Federal Labour Act (health and accident prevention in industrial undertakings); Tunisia—Decree No. 68-328 of 22 October 1968 laying down general rules of hygiene applicable to the undertakings covered by the Labour Code (*JORT*, 22 Oct. 1968); United Kingdom—Factories Act of 22 June 1961, similar provisions in the Offices, Shops and Railway Premises Act, 1963; Yugoslavia—effect is given to this paragraph and those which follow by the Basic Act of 4 April 1965 respecting the Protection of Labour (*LS* 1965—Yug. 3).

² For example: Argentina (Buenos Aires)—floor space in proportion to the number of persons employed (report from Government); Austria—2 sq. m. per worker; Brazil—height of premises at least 3 m.; Burma—50 cu. ft. per worker; exclusive of air space more than 14 ft. above ground; Cameroon—not less than 8 cu. m. per person, or 12 cu. m. in premises open to the public; Chile—10 cu. m. per person, unless there is special ventilation, and a ceiling height of 2.8 m.;

- found that the permission of the supervisory authorities must be obtained prior to the building or equipping of new work premises is designed mainly to enable a check to be made to ensure that the layout is such as not to cause congestion ¹;
- (c) adequate and suitable lighting, natural or artificial, or both, should be provided (subparagraph (c)). Many countries have provisions—in some cases highly detailed—in this respect, the main aim being to prevent dazzle and pools of shadow ²;
 - (d) suitable atmospheric conditions should be maintained through compliance with provisions dealing in particular with the ventilation, temperature and degree of humidity of places of employment (subparagraph (d)). These points—particularly that referring to ventilation—are dealt with, in many countries, in legislation adapted to the climatic conditions ³;
 - (e) sufficient and suitable sanitary conveniences and washing facilities, and adequate supplies of wholesome drinking water should be provided and properly maintained (subparagraph (e)). Many countries have legislation laying down minimum requirements for sanitary conveniences—such as the number and type of W.C.'s in relation to the number of workers, men and women—and containing stipulations as to the number of washstands or showers, bearing in mind, in particular, the dirtiness or unhealthiness of the work performed, and the making available of drinking water or other drinks ⁴;
 - (f) changing-rooms or other suitable facilities should be provided for workers where it is necessary for them to change their clothing when commencing or ceasing work (subparagraph (f)). In many countries provision is made in the legislation for suitable facilities, comprising as a rule separate premises for men and for women equipped with individual cupboards ⁵;
 - (g) in cases where the workers are prohibited from consuming food or drink at their workplaces, there should be on the premises suitable accommodation for taking meals, unless appropriate arrangements exist for the workers to take their meals elsewhere (subparagraph (g)).⁶ The legislation of some countries include provisions which meet the requirements of Recommendation No. 97.⁷ In other

Dahomey—7 cu. m. per worker, or 10 cu. m. in premises open to the public; Mexico—10 cu. m. and a height of 2.5 m.; Morocco—7 cu. m. per person, or 10 cu. m. in premises open to the public; Spain—10 cu. m. per worker; Switzerland—10 cu. m. per worker, or 8 cu. m. if there is artificial ventilation; Tunisia—a minimum of 7 cu. m. of air space per worker.

¹ See Chapter 6 below.

² For example: Austria, Belgium, Bolivia, Brazil, Bulgaria, Burma (Section 19 of Factories Act, No. LXV of 1951), Cameroon, Ceylon (Factories (General Standards of Lighting) Regulation, 1965), Chile, China, Costa Rica, Cyprus, Dahomey, Denmark, Finland, Federal Republic of Germany, Hungary, Iran, Italy, Japan, Kenya, Malawi, Mali, Mexico, Morocco, New Zealand, Nigeria, Rumania, Spain, Switzerland, United Kingdom.

³ For example: Austria, Belgium, Bolivia, Brazil, Bulgaria, Burma, Ceylon, Chile, Colombia, Cyprus, Dahomey, Denmark, Federal Republic of Germany, Greece, Hungary, Italy, Japan, Kenya, Lesotho, Malawi, Mali, Mexico, New Zealand, Nigeria, Rumania, United Kingdom.

⁴ For example: Austria, Belgium, Bolivia, Brazil, Bulgaria, Chile, China, Cyprus, Dahomey, Denmark, Finland, Greece, Hungary, India, Iran, Italy, Japan, Malawi, Mali, Morocco, New Zealand, Nigeria, Switzerland, United Kingdom.

⁵ For example: Austria, Bolivia, Brazil, Burma, Cameroon, Chile, Colombia, Cyprus, Czechoslovakia (Act No. 65 of 16 June 1965 to promulgate a Labour Code (*LS* 1965—Cz. 1)), Denmark, Finland, Greece, Hungary, India, Iran, Kenya, Morocco, Switzerland.

⁶ As concerns the food and drink problem as a whole, see the General Survey in respect of the Welfare Facilities Recommendation, 1956 (No. 102).

⁷ For example: Austria, Canada (Prince Edward Island, New Brunswick, Ontario), Chile, Costa Rica, Israel, Japan, New Zealand (Noxious Substances Regulations), Tunisia.

countries, on the other hand, where the legislation prohibits the consumption of food or drink at the workplace in certain cases, or as a general rule¹, it does not appear that arrangements exist in all undertakings, irrespective of the number of workers they employ, to enable the workers to take their meals. In yet other countries there are provisions—in some cases detailed—governing canteens and other premises for taking meals, having regard to the number of workers, but not specifically imposing a ban upon the consumption of food or drink at the workplace²;

- (h) measures should be taken to eliminate or reduce noise and vibrations as far as possible (subparagraph (h)). Provisions on this subject exist in certain countries³;
- (i) dangerous substances should be stored under safe conditions (subparagraph (i)). Provisions to this effect—mainly concerned with the storage and labelling of dangerous substances—are to be found in the legislation of several countries.⁴

23. The measures provided for in Paragraph 3 of Recommendation No. 97 with a view to preventing, reducing or eliminating special risks are placed in a decreasing order of preference: first of all, the replacement of harmful substances, processes or techniques by harmless or less harmful substances, processes or techniques; then methods or arrangements designed to avoid the exposure of workers to risks that cannot be eliminated; and lastly, where other measures are impracticable or insufficient, the use of individual protective equipment.

24. In only a few countries does the legislation state the principle laid down in subparagraph (1) (a) of Paragraph 3 of the Recommendation that harmful substances, processes or techniques should be replaced "as far as possible".⁵ In addition, the national authorities of some countries have special powers to prohibit the use of certain harmful substances.⁶ In several countries this principle has been put into practice by banning certain products and ordering their replacement.⁷ Measures of

¹ For example: Guinea, Malawi, Mali, Morocco, United Kingdom.

² For example: Brazil—messroom compulsory where there are 300 or more employees, and consumption of food or drink in other parts of the premises prohibited; Burma—compulsory opening of canteens or messrooms where the number of employees exceeds 250 or 100, respectively; only in these cases is it prohibited to consume food or drink at the workplace; Ceylon; Czechoslovakia—Health Regulation No. 26/1961 respecting measures of hygiene and for the prevention of epidemics with respect to communal eating; Finland; Greece; India; Norway—dining-room required "where necessary"; Spain; Switzerland.

³ For example: Austria, Belgium, Brazil, Bulgaria, Chile, Czechoslovakia (Health Regulation No. 32/1967 respecting the protection of health against the harmful effects of noise), Denmark, Finland, Hungary, Iran, Italy, Japan, Mexico, Rumania, Spain, Switzerland, United States (as concerns public contracts), USSR, Yugoslavia.

⁴ For example: Austria, Belgium, Brazil, China, Costa Rica, Finland, Greece, Iran, Italy, Japan, Mexico, New Zealand, Senegal (as concerns inflammable substances only).

⁵ For example: Brazil, Costa Rica, Greece, Norway, Switzerland—"in so far as the risks justify it, and it is technically practicable and economically reasonable"; United States (Florida)—Regulations of 1957 respecting measures to combat and prevent occupational diseases in industry.

⁶ For example: Denmark—powers vested in the Minister; New Zealand—powers vested in the Governor-General.

⁷ In addition to the now classic examples of the prohibition of the use of white phosphorus in the manufacture of matches and the use of white lead in certain operations (see Introduction above), the replacement of benzene as a solvent is required in countries such as: Spain (section 6 of the Order of 14 September 1959); Switzerland (canton of Geneva) (section 4 of the Order of 7 May 1963); USSR (Regulations of 1957 on the use of cements, paints, varnishes, glues and lacquers); Uruguay (section 19 of the Decree of 14 September 1945 respecting benzene).

the kind called for, respectively, in subparagraph (1) (b), (c) and (d) of Paragraph 3 of the Recommendation are prescribed in some countries to prevent the liberation of harmful substances and to shield workers from harmful radiations¹, to ensure that hazardous processes are carried out in separate rooms or buildings occupied by a minimum number of workers², or in enclosed apparatus, so as to prevent personal contact with harmful substances and the escape into the air of the workroom of dusts, fumes, gases, fibres, mists or vapours, in quantities liable to injure health.³ Where it is not practicable to employ such methods, harmful dusts, fumes, gases, fibres, mists or vapours should be removed at or near their point of origin, as prescribed in subparagraph (1) (e) of the above-mentioned Paragraph; provisions to this effect exist in many countries.⁴

25. The wearing of individual protective clothing or equipment, to which reference is made in subparagraph (1) (f) of Paragraph 3 of Recommendation No. 97, is also provided for in many countries.⁵ In some it is specified, as provided for in subparagraph (2) of the same Paragraph 3, that such clothing and equipment must be supplied, cleaned and maintained at the employer's expense⁶ and that it must be kept in separate accommodation from ordinary clothing to avoid contamination, cupboards with two compartments being prescribed in most cases for this purpose.⁷

¹ For example: Austria—Radiation Protection Ordinance (*DRGBl.*, IS.88/1941), Ordinance for the protection of workers engaged in certain types of work (*BGBl.*, No. 259/1956); Belgium—radiations (section 58 of the General Regulations on Labour Protection); Brazil—radiations (sections 208 and 211 of the Consolidation of Labour Laws, Order No. 491 of 16 September 1965 (*DO*, 5 Oct. 1965)); Federal Republic of Germany—protection against radiations (first Ordinance on protection against the harmful effects of ionising radiations, as amended by the Order of 15 October 1965 (*BGBl.*, I, 22 Oct. 1965)); Hungary—protection against radiations (Government Decree No. 10/1964/V.7); Italy—radiations (section 22 of the general rules respecting industrial hygiene and Decree No. 185 of 13 February 1964); Japan—section 5 of the Pneumoconiosis Law, No. 30 of 31 March 1960 (*Japan Labour Laws*), section 172 of Ordinance No. 9 of 1947 on industrial safety and health; Malawi—section 31 of the Factories Ordinance; Rumania—ionising radiations (sections 460 to 493 of the Republican Standards for Workers' Protection); Switzerland—radiations (Ordinance of 19 April 1963 respecting protection against radiations (*Recueil de législation fédérale*, 25 Apr. 1963)).

² For example: Austria, Greece, Italy, Switzerland.

³ For example: Federal Republic of Germany, Guinea, Hungary, Iraq, Japan, Morocco, Rumania.

⁴ For example: Austria (evacuation of combustion gases), Bulgaria, Burma, Cameroon, Ceylon, Cyprus, Czechoslovakia, Denmark, Hungary, Italy, Japan, Malawi, Mali, Morocco, New Zealand, Rumania, Singapore, Spain, Switzerland, Tunisia, United Kingdom.

⁵ For example: Austria, Belgium, Brazil, Cameroon, Ceylon, China, Costa Rica, Cyprus, Finland, Federal Republic of Germany—standards laid down by the German Standards Committee and in the guide published by the Association of German Engineers; Hungary—Decree No. 7/1967/XII/24 of the Ministry of Health respecting the issue of protective clothing and industrial protective equipment; India—wearing of breathing apparatus when entering a vat or other confined space in which dangerous fumes are present; Iraq—Decree No. 13 of 1953 respecting occupational safety and health; Italy—general rules respecting industrial hygiene and Decree No. 547 of 27 April 1955 to regulate industrial accident prevention (*GU*, 12 July 1955); Japan, Kenya, Malawi, Mali, Mexico, New Zealand, Rumania, Singapore, Spain, Sweden, Switzerland, United Kingdom—Agriculture (Poisonous Substances) Regulations 1966 (*SI*, 1966, No. 1063), Ukrainian SSR; USSR; United States—Federal legislation respecting public contracts; Yugoslavia.

⁶ For example: Austria, Belgium, Bulgaria, Denmark—may be prescribed by the labour inspectorate, subject to any provisions in collective agreements; Finland, Hungary, Iran, Italy, Japan, Kenya, Mali, Mexico, Morocco, Norway—supply of protective footwear to workers by employers at a price agreed upon between the parties concerned (report from Government); Rumania, Spain, Switzerland.

⁷ For example: Austria, Brazil, Costa Rica—protective equipment may not be used by different workers without being disinfected beforehand; Denmark, Hungary, Iran, Morocco, Tunisia.

26. In a number of countries studies are undertaken of measures of industrial hygiene and for the prevention of special risks, as provided for in Paragraph 3, subparagraph (3), of Recommendation No. 97, either directly by the government departments concerned or by specialised institutes with the backing of the authorities, who in some countries have set up scientific councils to co-ordinate research and give advice on ways in which it may be applied.¹

27. Paragraph 5 of the Recommendation provides that information regarding maximum allowable concentrations of harmful substances in the atmosphere of workrooms should be published from time to time by the competent authorities, and that the atmosphere should be tested periodically at sufficiently frequent intervals by qualified personnel. Figures for maximum allowable concentrations, which are not always comparable as regards the way they are arrived at or the establishments to which they are intended to apply ², are in fact published in many countries.³ It is also

¹ For example: Austria—university institutes and employers encouraged by subsidies from the Federal Ministry of Social Administration; Belgium—"Technical Council", composed mainly of medical practitioners (Act of 24 December 1963 respecting compensation for occupational diseases (*Moniteur belge*, 21 Dec. 1963)); Brazil—functions assigned to the National Occupational Safety and Health Department (Act No. 4589 of 1964 and Ministerial Order No. 32 of 29 November 1968 (*DO*, 25 Mar. 1969)); Bulgaria—Institute of Scientific Research for the Protection of Workers; Colombia—Ministry of Labour and Colombian Social Insurance Institution; Costa Rica—functions assigned to the Occupational Safety and Health Council; Czechoslovakia—Scientific Council of the Ministry of Health entrusted with the task of co-ordinating research; Denmark—studies encouraged by the competent authority and carried out mainly by the State Institute for Industrial Hygiene; Finland—Occupational Health Institute (report from Government); France—ministries, National Employees' Sickness Insurance Fund, National Research and Safety Institute, study centres attached to "Charbonnages de France" and "Houillères de Bassins" (report from Government); Iran—Central Industrial Safety Council; Japan—Industrial Health Institute attached to the Ministry of Labour; New Zealand—Department of Health and Department of Labour; Switzerland—studies undertaken by the Federal Bureau for Industry, Arts and Crafts, and Labour and by the National Accident Insurance Fund; United Arab Republic—Department of Industrial Safety of the Social Insurance Organisation; United Kingdom—especially in agriculture, research co-ordinated by the Advisory Committee on Pesticides and Other Toxic Chemicals; USSR—Institute of Industrial Hygiene and Occupational Diseases, Academy of Medical Sciences; United States—National Institute of Environmental Health.

² Problems which are presently being studied by the Joint ILO/WHO Committee on Occupational Health.

³ For example: Argentina—no worker may be exposed to concentrations of toxic substances in the atmosphere higher than the levels specified in the regulations; see, for instance, Decree No. 5755 of 11 August 1967, *BO*, 18 Aug. 1967, on the textile and the ore-crushing industries; Austria—the maximum allowable concentrations published in Germany are taken into consideration; Bulgaria—it is compulsory to keep within the maximum limits (*Public Works and Architecture Bulletin*, No. 4, 1964); Cyprus—Part III of the Pneumoconiosis Prevention Regulation of July 1967, issued under the Mines and Quarries (Regulation) Law; Finland—maximum allowable concentrations approved by the Ministry of Social Affairs; Federal Republic of Germany—maximum allowable concentrations in places of employment (MAK) determined every two years by the German Research Association (Bad Godesberg) and published for guidance in the "Labour Protection" section of the Official Bulletin of the Ministry of Labour; Finland—maximum allowable concentrations approved by the Minister for Social Affairs; Hungary—Schedule II to General Regulation No. 6/1965/XII-7 respecting the prevention of accidents and the protection of health; Italy—Presidential Decree of 9 April 1959 issued under Act No. 198 of 5 March 1958 respecting safety and health in mines and quarries; Japan—recommendation of the Japanese Occupational Health Association on the standards to be observed in regard to the atmosphere of workplaces, 1967, published in *Sangayô Igaku*, a Japanese occupational health journal, Vol. 9, June 1967; Mexico—maximum concentrations of carbon dioxide and silica dust (sections 36 and 37 of the Occupational Health Regulations of 1946); Rumania—Republican Standards for Workers' Protection Nos. 182 and 702, laid down, respectively, on 1 September 1966 by the State Committee for Workers' Protection and on 2 September 1966 by the Ministry of Health and Social Affairs, in pursuance of section 4 of Act No. 5 of 1965 on workers' protection; Switzerland—measures taken by the Public Economy Department in pursuance of section 35 of Ordinance III on implementation of the Federal Labour Act; Syrian Arab Repub-

stipulated in some countries that the atmosphere of workrooms should be tested periodically, either on the undertaking's responsibility¹ or, as is more usual, by the competent occupational health service in the undertaking², or by the authorities responsible for supervision³, to ensure that toxic dusts, fumes, gases, mists or vapours are not present in quantities liable to injure health.

Conclusion

28. To sum up, technical measures for protection of the kind advocated in Recommendation No. 97 appear to be provided for to a varying degree in the legislation of a very large number of countries. However, the measures—which are the most common—providing for protection against special risks are of a kind which should really be resorted to only as a palliative, in the absence of more drastic provisions. In particular, in only a few countries are measures taken with a view to the elimination of noise and vibrations constituting a danger to health. Lastly, due to lack of information as to the existence and prevalence of risks in different countries, it is difficult to determine whether regulations applicable to specific activities or to the prevention of specific occupational diseases, which are indispensable to ensure the effective implementation of more general preventive measures, exist where work is performed involving exposure to the risks in question.

B. MEDICAL EXAMINATIONS

29. Part II of Recommendation No. 97 deals with the medical examinations which should be undergone by workers employed in occupations involving special risks to their health. In more general terms, Recommendation No. 112 mentions, among the functions of occupational health services in undertakings, medical examinations to ensure particular surveillance over certain classes of workers, such as women, young persons, handicapped persons and workers exposed to special risks (Paragraph 8, subparagraph (e)). More especially from the standpoint of the latter category, we shall examine successively the nature and purpose of examinations and the procedure followed, though the question of the physicians responsible for carrying them out and the cost of their activities will not be gone into until the next chapter, which deals with occupational health services.

lic—Ministerial Decree No. 159 of 1959; USSR—maximum allowable concentrations SN 245-63 published by the Ministry of Health; United Arab Republic—Ministerial Decree No. 159 of 1959; United States—federal legislation (sections 50-204 and 276 of the Regulations issued by the Department of Labor under the Public Contracts Act), maximum allowable concentrations prescribed by the American Conference of Governmental Industrial Hygienists, on which the regulations governing safety and health in naval dockyards are based; Yugoslavia—maximum concentrations published in *Službeni List SFRJ*, No. 28/1964.

¹ For example: Austria—in large undertakings; Costa Rica—by the occupational safety and health councils; United States.

² Belgium. In some countries the legislation does not specifically state whether the function assigned to industrial physicians of taking, or arranging to have taken, samples of materials and substances for purposes of analysis, comprises the testing of the atmosphere (for example France, Guinea; see the chapter on Occupational Health Services below).

³ For example: Austria—by engineers and medical practitioners attached to the inspection service; Denmark—by the Labour Inspectorate; Hungary—by the inspectors of the Central Trade Union Council; Mali, Switzerland—by the cantons and communes, which are the authorities responsible for the implementation of the Federal Labour Act.

Nature and Purpose of Examinations

30. In some countries all workers, whatever their age and the risks to which they are exposed, must undergo a medical examination upon entering employment and—especially where occupational health services exist—periodical examinations thereafter, usually at yearly intervals.¹ In addition, in most of these countries, and in many others where no provision is made for generalised medical examinations, specified classes of workers must be subject to particular medical surveillance. First and foremost among these are young workers², especially in countries which have ratified the Conventions on the medical examination of young persons. Among the

¹ For example: Argentina (Buenos Aires)—examination upon entering employment and yearly examinations (Decree No. 13803 of 7 August 1957 for the administration of Act No. 5773 of 27 August 1954); Brazil—examination upon entering employment (section 157 of the Consolidation of Labour Laws); Cameroon—workers engaged for more than three months' employment or required to live away from home (Order No. 3362 of 30 June 1954, as amended by Order No. 3646 of 1 June 1955); France—examination upon entering employment and yearly examinations (Decree No. 69-623 of 13 June 1969 for the administration of the Act of 11 October 1946 (*JORF*, No. 141, 18 June 1969)); Hungary—examination upon entering employment (Ordinance No. 19/1963/Eü.K.14 of the Ministry of Health); Iran—examination upon entering employment and at periodic intervals (section 80 of the Act of 11 March 1960 respecting social insurance for workers); Iraq—examination upon entering employment (section 47 of Law No. 1 of 1958 to promulgate the Labour Code); Mali—examination upon entering employment and yearly examinations (sections 51 to 54 of the Social Insurance Code, Act of 9 August 1962 (*JO*, 15 Oct. 1962)); Mexico—examination upon entering employment and twice-yearly examinations (section 15, subsection 1, of the Occupational Health Regulations of 26 January 1946); Morocco—examination upon entering employment and yearly examinations (Decree of 8 February 1958 for the administration of the Dahir of 8 July 1957 respecting the organisation of industrial medical services (*LS* 1959—Mor. 1 A and 1 B)); Portugal—examination upon entering employment and twice-yearly examinations (section 16 of Decree No. 47512 of 25 January 1967); Rumania—examination upon entering employment (section 738 of the Republican Standards for Workers' Protection, 1966); Spain—examination upon entering employment and yearly examinations (Decree No. 1036 of 10 June 1959 for the reorganisation of works medical services, and Order of 21 November 1959 for the administration of the regulations governing works medical services (*BO del E*, No. 284, 27 Nov. 1959)); Viet-Nam—examination upon entering employment and yearly examinations (Order No. 043 of 13 March 1965 (*JO*, 5 Apr. 1965)).

² For example: Belgium—examination upon entering employment and yearly examinations for workers under 21 years of age (sections 124 and 128 of the General Regulations on Labour Protection); Bulgaria—examination upon entering employment and yearly examinations for workers under 18 years of age (section 68 of the Ukase of 6 November 1957 to amend section 120 of the Labour Code (*LS* 1957—Bul. 2)); Burma—examination upon entering employment for workers under 18 years of age (Factories Act); Ceylon—examination upon entering employment for workers under 16 years of age (section 77 of the Factories Ordinance); Cuba—examination upon entering employment and periodical examinations for workers under 18 years of age (general bases for organising industrial safety and health, adopted on 8 September 1964); Finland—examination upon entering employment and periodical examinations (Act of 29 December 1967 respecting the protection of young workers); France—section 14 of the Decree of 13 June 1969; Hungary—examination upon entering employment and yearly examinations (Ordinance No. 19/1963/Eü.K.14 of the Ministry of Health); India—examination upon entering employment and yearly examinations (section 69 of the Factories Act, No. 63 of 23 December 1948); Kenya—medical examination before starting apprenticeship (section 10 of the Industrial Training Ordinance, No. 48 of 1959, Ch. 237); Mali—examination upon entering employment and periodical examinations (sections 51 to 54 of the Social Insurance Code); Norway—examination upon entering employment and yearly examinations for workers under 16 years of age, or in certain cases 18 years of age (section 35 of the Workers' Protection Act No. 2 of 7 December 1956); Portugal—examination upon entering employment and yearly examinations for young persons under 18 years of age (section 17 of Decree No. 47512 of 25 January 1967); Tunisia—examination upon entering employment and six-monthly examinations (sections 61 to 63 of the Labour Code, Act of 30 April 1966); United Kingdom—examination upon entering employment and yearly examinations (section 118 of the Factories Act). The age limits indicated above are the normal limits; in some countries the limits are raised in the case of young persons employed on work which involves a greater risk to health.

other categories most frequently cited are handicapped persons¹, persons resuming work after absence due to illness², pregnant women³, and persons whose employment would be likely to endanger the safety or health of others.⁴ In a great many countries workers exposed to special risks⁵ must undergo medical examinations (as advocated by Paragraph 8, subparagraph (1), of Recommendation No. 97), although there are a few countries whose legislation, according to the reports from their governments, makes no mention of this category of workers.⁶

¹ For example: Belgium, Cameroon, France, Hungary, Morocco, Netherlands, Togo.

² For example: Belgium, Cameroon, France, Guinea, Portugal, Rumania, Togo.

³ For example: Czechoslovakia, France, Hungary, Morocco.

⁴ As concerns workers employed in the food and drink industries (for example: Argentina (Buenos Aires), Costa Rica, Cuba, New Zealand), workers employed in the textile industries (New Zealand), drivers of motor vehicles, cranes or gantries (Belgium).

⁵ For example: Austria—*inter alia*, section 18 of the Lead and Zinc Industry Ordinance, section 18 of the Ordinance on the manufacture of articles in lead, section 14 of the Printing Industry Ordinance, section 11 of the House Painting, Varnishing and Decorating Ordinance, sections 8 and 12 of the Glass Manufacture Ordinance, section 7 of the Work in Compressed Air Ordinance, section 60 of the Ordinance for the protection of workers employed in building and allied or subsidiary work, sections 6 and 9 of the Iron and Steel Industry Ordinance; Belgium—sections 124 to 138 of the General Regulations on Labour Protection; Brazil—section 167 of the Consolidation of Labour Laws; Bulgaria—sections 1 and 2 of Ordinance A-87 of 7 September 1958, as amended, concerning preliminary medical examinations for wage and salary earners (*LS* 1958—Bul. 7); Burma—section 52 of the Factories Act, No. 65 of 1951; Chile—sections 1 and 2 of Act No. 6174 of 31 January 1938 respecting preventive medicine (*LS* 1938—Chil. 1 A); Colombia—section 2 of Order No. 20 of 11 July 1951 (*DO*, 19 July 1951); Cuba—section 468 of the general bases for organising industrial safety and health; Czechoslovakia—section 22 of Act No. 20 of 1966 on public health, Order No. 45/1966 in the Compilation of Laws; Denmark—Act No. 50 of 1968 respecting divers; Finland—section 44 of the Act of 28 June 1958 respecting the protection of labour, and the Cabinet Order of 3 May 1961 (*LS* 1961—Fin. 1); Federal Republic of Germany—section 546, subsection 1, and section 706, subsection 1, of the Social Insurance Code, instructions issued by the industrial accident insurance agencies; Greece—Royal Decree No. 362 of 1968 respecting hygiene and safety in tanneries, Royal Decree No. 464 of 1968 respecting hygiene and safety in the printing and allied trades, Royal Decree No. 796 of 1968 respecting hygiene and safety in warehouses for raw hides; Hungary—even in undertakings where there is no industrial physician, the examinations being carried out in a dispensary (Ordinance No. 19/1963/Eü.K.14 of the Ministry of Health); Japan—section 48 of Ordinance No. 9 of 1947 on industrial safety and health; Mexico—section 15, subsection 2, of the Occupational Health Regulations of 26 January 1946; Morocco—Decree No. 2-56-248 of 8 July 1957; Pakistan—section 52 of the Factories Act, No. 25 of 20 August 1934 (*LS* 1946—Ind. 1); Rumania—section 738 of the Republican Standards for Workers' Protection, 1966; Spain—section 20 of Decree No. 792 of 13 April 1961 on employment injuries insurance (*LS* 1961—Sp. 4); Sweden—Proclamation No. 211 of 6 May 1949, as amended, instituting an initial medical examination and periodical examinations with a view to preventing certain occupational diseases (*SF* 1949, p. 419, and 1963, p. 660); Syrian Arab Republic—workers in mines and quarries (section 142 of Law No. 91 of 5 April 1959 establishing the Labour Code, as amended), workers exposed to the risk of an occupational disease (section 43 of Law No. 92 of 6 April 1959) establishing the Social Insurance Code, and Order No. 12 of 9 July 1959 respecting the periodical medical examination of workers exposed to occupational diseases (*LS* 1959—UAR 5); Turkey—Regulation No. 2/15156 of 15 February 1941 respecting the protection of workers' health and occupational safety, Regulation No. 6/11172 of 7 January 1969 respecting arduous and dangerous occupations (*Resmî Gazete*, No. 13108); Ukrainian SSR; USSR; United Arab Republic—section 40 of Act No. 63 of 21 March 1964 establishing the Social Insurance Code; United Kingdom—section 11 of the Factories Act, National Insurance, Industrial Injuries (Prescribed Diseases) Regulations, 1959; employers in agriculture are strongly recommended to arrange for employees working with harmful substances such as pesticides to undergo medical examinations (report from Government); United States—legislation of a few states, particularly with respect to work in compressed air and work involving exposure to the risk of silicosis, and federal legislation concerning federal employees and employees of the Alaska Railroad (report from Government).

⁶ Ceylon (except in the case of examinations carried out by the services of the Department of Labour in connection with surveys on workplaces), Costa Rica, Kenya, Liberia (where there is a provision conferring powers to this effect (section 1506(13) of the Labour Laws), but no regulations have yet been issued for its administration), Sierra Leone.

31. As far as workers exposed to special risks—the only category with which we shall deal here—are concerned, the basic enactments generally empower the competent authorities to take measures for their administration adapted to various situations and subject to modification to take account of technological progress. Regulations on the subject—often highly detailed—are applicable either to specified occupations or activities¹ or to specified occupational disease risks.² In a few countries one comprehensive set of regulations lays down for each occupation or for each occupational disease risk—with or without indication of the corresponding activity—the periodicity and even in some cases the nature of the examinations to be undergone.³

32. In this respect Recommendation No. 97 provides (Paragraph 8, subparagraphs (2) and (3)) either for examinations upon entering employment or for periodical examinations, or for a combination of the two, the risks in respect of which one or other of these alternatives should be implemented being left to be determined by national laws or regulations or by an authority with powers to that effect. The Recommendation specifies, however, that the initial examination should be carried out “shortly before or after the worker enters employment”, though this latitude should not be taken as implying that delays are permissible which might multiply the possibilities of risks. Where it is not stipulated that the examination must be carried out before the worker takes up employment, the time which the legislation allows to elapse varies from two weeks to a month after engagement, or sometimes even longer, or it corresponds to the probation period.⁴ The interval which may elapse between periodical examinations, which in a few countries is the same for all risks⁵, is usually three, six or twelve months, depending upon the nature

¹ For example: Austria—lead and zinc industry, printing, painting, building, iron and steel industry; Denmark—divers; Greece—warehouses for raw hides, lead accumulators, printing and allied trades, tanneries; India—miners; Netherlands—stonemasons, work in caissons; New Zealand—electroplating, spray coating, lead processes; Norway—mines, foundries, exposure to radiations; Zambia—miners.

² For example: Japan—poisoning by solvents or by lead, disorders caused by ionising radiations, injuries caused by working in compressed air; Switzerland—silicosis, asbestosis and other pneumoconioses, chronic poisoning due to benzene, toluene, xylene, per- and trichlorethylene, carbon disulphide, carbon tetrachloride, tetrachloroethane, lead, mercury, aromatic amines, nitrated glycols, phosphoric esters, tar, bitumen, and the effects of compressed air and ionising radiations; Venezuela—disorders caused by radiations.

³ *Inter alia*: Belgium—Schedule II to the General Regulations on Labour Protection, which indicates, for the industries and processes corresponding to each occupational disease, the nature of the examination and the frequency with which examinations should be carried out; Bulgaria—Schedule 2 to the Ordinance A87 of 7 September 1958, which indicates the frequency of periodical examinations in regard to more than seventy branches of activity or occupations; Italy—Decree No. 303 of 19 March 1956 establishing general rules respecting industrial hygiene; Mexico—section 15, subsection 2, and Schedule 3 to the Occupational Health Regulations of 26 January 1946; Spain—regulations provided for in section 191 of Decree No. 907 of 21 April 1965, which approved an initial text for the administration of the Social Security Act, No. 193 of 28 December 1963 (*LS* 1966—Sp. 3); Syrian Arab Republic—Order No. 12 of 9 July 1969. See also the recommendation dated 27 July 1966 of the Commission of the European Communities to States Members concerning the medical supervision of workers exposed to special risks (*Journal officiel des Communautés européennes*, 17 Aug. 1966).

⁴ Belgium—within fourteen days of starting work “where circumstances do not allow the medical examination to take place or be completed before the worker enters employment”; Finland—one month; France—at the latest, before the expiry of the probation period following engagement; New Zealand—three months; Portugal—prior to entering employment or, if this is not possible, within ten days of starting work; Switzerland—fourteen days, except in the case of work in compressed air, when the examination must take place beforehand; Viet-Nam—one month.

⁵ Brazil—six-monthly examination for workers employed on unhealthy work; Cuba—six-monthly examination for workers employed on unhealthy or dangerous work; Iran—yearly examinations for workers exposed to specified occupational diseases; Uruguay—six-monthly examination for workers engaged in unhealthy activities.

and degree of the risks.¹ Where all workers have to undergo periodical examinations, the purpose of such regulations as may exist in respect of workers exposed to special risks is to stipulate shorter intervals between examinations. In some countries the administrative authority may require—or industrial physicians in undertakings may carry out—medical examinations in cases not provided for by the legislation or at shorter intervals than those prescribed where circumstances call for it.²

33. The medical practitioners empowered to carry out the prescribed examinations may be attached, depending on the country, to the health authorities³, the Ministry of Labour⁴ or the social security institutions⁵, or they may be appointed by the undertakings themselves⁶, especially those with an occupational health service of their own or affiliated to an inter-undertaking service.⁷ The next chapter will deal in more detail with the status, qualifications and remuneration of these medical practitioners.

34. The purpose of such examinations, according to Paragraph 9 of Recommendation No. 97, should be to detect as early as possible signs of an occupational disease and to ascertain whether there are medical objections to employment in a particular occupation. The provisions of Part II of Recommendation No. 97, being centred upon the prevention of special risks, do not exhaust all the aims to be achieved by medical examinations, which should include—even where no such risks are present—the assessment and verification of the aptitudes of workers so that advice can be given to management when they are placed or reassigned, as provided

¹ For example: Belgium—intervals of three, six or twelve months; Bulgaria—intervals of three, six, twelve or sometimes twenty-four months; Finland—intervals of three months, six months or even one, three or five years; India—five years (miners); Japan—intervals of six months or less; Mexico—intervals of one, three, six or twelve months; Venezuela—six months (radiations). The aforementioned Recommendation of the Commission of the European Communities seeks to standardise for each occupational disease risk the periodicity of the medical examinations carried out in the six member States.

² Particularly in the United Kingdom and in countries which have taken its legislation as a model, such as Ceylon, Malaysia, Pakistan, Singapore and Zambia, where provisions in the following terms exist: (a) in undertakings where cases of illness have occurred which there are grounds for believing to be occupational in origin; (b) where changes in any process or the introduction of new substances may entail risk of injury to health; or (c) where young persons are employed in work which may cause risk or injury to their health, the Minister may make special regulations requiring the medical supervision of the persons, or any class of the persons, employed in those undertakings. Similar provisions exist in Israel, and in countries such as: Austria, Belgium—at the discretion of the industrial physician; Italy—at the request of the labour inspectorate; New Zealand—on the initiative of the Medical Officer of Health; Syrian Arab Republic.

³ For example: Cuba, New Zealand. In certain socialist countries of Eastern Europe (Bulgaria, Byelorussia, Czechoslovakia, Hungary, Rumania, Ukraine and USSR), the medical staff of the occupational health services in undertakings are also attached to the official health service.

⁴ For example: Austria, Burma, Ceylon, Cyprus, Denmark, Guyana, India, Iraq, Pakistan, United Kingdom.

⁵ For example: Brazil—in accordance with the possibilities of the social security services (report from Government); Chile; United Arab Republic—working in collaboration with the medical practitioners attached to the Ministry of Labour (report from Government); Venezuela—report from Government. In addition, the social security institutions are responsible for organising occupational health services in undertakings in France (agriculture) and Mali (see next chapter).

⁶ For example: Greece—report from Government; Syrian Arab Republic (section 43 of the Social Insurance Code)—even where the number of employees is lower than that above which undertakings are required to provide the services of a medical practitioner under section 65 of the Labour Code.

⁷ For example: Belgium, Bulgaria, Cameroon, Congo (Kinshasa), Finland, France, Guinea, Hungary, Japan, Morocco, Portugal, Spain, Togo (or, where this is not done, by the public health services—report from Government); Tunisia (or, where this is not done, by the medical inspector of labour—report from Government); Viet-Nam (or by an official dispensary—report from Government).

for in Recommendation No. 112 (Paragraph 8, subparagraphs (e), (f) and (g)). The latter Recommendation does however establish an order of urgency (Paragraph 4, subparagraph (b), and Paragraph 5, subparagraph (b)), priority being given to the detection of the unfitness for certain kinds of employment of workers who are predisposed towards a given occupational disease, and in particular of those who already display symptoms of such a disease. Even if confined to the objectives specifically stated in Recommendation No. 97, medical examinations need not necessarily result in the dismissal of unfit workers, since the reference to medical objections is intended to apply only to "a particular occupation" (Paragraph 10, subparagraph (1)) involving exposure to the risk of a particular occupational disease. The positive function of guidance, retraining and rehabilitation, inside or outside the undertaking, to which attention is drawn in Recommendation No. 112 (Paragraph 8, subparagraphs (f) and (g), Paragraphs 9 and 10) is not therefore precluded by the function of selection. It will be recalled in this connection that the Conventions more particularly concerned with medical examination for fitness for employment of young persons contain provisions on vocational guidance and physical and vocational rehabilitation.¹

35. The purpose of medical examinations is rarely explicitly specified in legislation², but the function of detecting signs of occupational diseases is obviously implied where workers exposed to the risk of such diseases are specifically mentioned among those who must undergo examinations. As for the function of guidance or selection, evidence of this is to be found in the certificates that have to be issued after an examination.

Examination Procedure

36. The procedure for medical examinations involves three major participants, between whom certain communications have to be established, mainly in connection with information that has to be recorded. The medical practitioner should issue a certificate of fitness for employment in a particular occupation, and—particularly if he is on the staff of an occupational health service in an undertaking—should begin and keep up to date a confidential medical file for each worker; the employer, who should take the certificate into consideration, should keep it on file and make it available to the labour inspectorate or any other authority concerned with the protection of the health of workers in places of employment; the worker should be allowed to see the certificate, which should be made available to him. In the interests of medical secrecy, the document intended for the employer should contain only conclusions as to fitness for employment and the medical files should be accessible only to the medical practitioners and the staff attached to their service (Paragraphs 10 and 12 of Recommendation No. 97, and Paragraphs 12 and 21 of Recommendation No. 112).

37. Although the terminology used in legislation may sometimes give rise to confusion, the expression "individual record" not always having the same meaning

¹ Article 6 of Conventions Nos. 77 and 78. See in this connection "Protection of Young Workers in Industry: Minimum Age of Admission, Prohibition of Night Work, Medical Examination", International Labour Conference, 44th Session, Report III (IV), Part Three, paras. 91 to 95.

² Austria—purpose identical with that stated in Recommendation No. 97 (report from Government); Chile—section 1 of Act No. 6174 of 31 January 1938 for the establishment of preventive medicine services; France—examinations upon entering employment and supplementary examinations (sections 13 and 17 of the Decree of 13 June 1969); Portugal—sections 16, 17 and 18 of Decree No. 47512 of 21 January 1967; Rumania—section 743 of the Republican Standards for Workers' Protection. The countries where the medical examination assumes the character of a general examination for fitness are mainly those where all workers have to undergo such an examination.

in different countries, it is fairly common for a distinction to be made between the certificates destined for the employer¹ and the documents to be placed on the personal medical file. The scope of the certificate may vary according to whether it constitutes a strict counter-indication, against which it may be possible to appeal but non-compliance with which carries a penalty², or merely a warning which the employer is simply invited to bear in mind when employing or assigning work to a worker but which does not involve him in any liability.³ These points will be raised again later when we discuss the position of the industrial physician in the undertaking. In several countries it is laid down that certificates must be kept by the employer for a prescribed length of time so that he can make them available to officials of the labour inspectorate.⁴ In countries where occupational health services exist in undertakings or where there is a central service with responsibility for arranging for medical examinations to be carried out, provision is made for the keeping of individual files.⁵ In this way the observance of medical secrecy—specifically guaranteed by the legislation of some countries⁶—is ensured. On the other hand, the conditions for the observance of medical secrecy do not appear to be fulfilled where, in the absence of a medical service, the data compiled in connection with an examination are set forth in a medical report or recorded in a register kept by the employer.⁷

¹ For example: Austria, Cameroon, Congo (Kinshasa), Finland, France, Hungary, Mali, Portugal, Spain, Togo.

² For example: Belgium—possibility of prohibiting the assignment of a worker to or his maintenance in specified types of work; Bulgaria—ban (with penalties for non-observance) on the employment in specified types of work of workers suffering from certain diseases, with the possibility of appeal to medical boards of first and second instance; Finland—medical warning of unfitness binding upon the employer; Switzerland—a ruling of unfitness pronounced by the National Accident Insurance Fund on the basis of the findings of the medical examination is binding upon both the employer and the worker; Syrian Arab Republic—workers suffering from occupational diseases; United Arab Republic—workers suffering from occupational diseases.

³ Belgium—medical information other than declarations of unfitness; Finland—“any recommendation which may be deemed necessary as a result of the examination” (except, it would appear, where the medical practitioner decides that the worker is unfit for employment—see previous footnote); France—heads of undertakings are bound to “consider” the opinions expressed by the industrial physician when transferring workers from one post to another, for instance; in the event of difficulties or disagreement, the labour inspector is called in, and gives the final ruling after consulting the medical inspector of labour; Morocco—employers are bound to consider the opinions expressed by the industrial physician when transferring workers.

⁴ For example: Belgium—certificates to be kept for three years; Cameroon—see France; France—“medical examination records” to be kept so that they can be shown to the labour inspector or the medical inspector of labour; New Zealand—a copy to be communicated to the labour inspection service (section 28 of the Mining Act of 1926).

⁵ For example: Argentina (Buenos Aires)—individual records kept by the works medical service; Belgium—medical file kept by the industrial physician; Cameroon—medical file kept by the works medical and health service; Chile; Czechoslovakia—medical file; Finland—health card to be drawn up and kept by the works medical officer; Hungary—medical file; Portugal—records kept by the occupational health service; Spain—health file kept by the works medical service; Switzerland—records kept by the National Accident Insurance Fund; Togo—medical file.

⁶ For example: Argentina—section 18 of Decree No. 13803 of 7 August 1957; Austria—section 10 of the Medical Practitioners Act (*BGBI.*, No. 92, 1949); Chile—section 27 of Decree No. 360 of 9 May 1938; Czechoslovakia—report from Government; France; Hungary; Japan; Mali; Portugal—sections 21 and 22 of Decree No. 47512 of 25 January 1967; Syrian Arab Republic—section 8 of Order No. 12 of 9 July 1959.

⁷ For example: Iraq—Instruction No. 9362 of 11 March 1963 contains directives concerning the register of medical attendance to be kept in each undertaking, but does not indicate whether confidential personal medical files should be kept; Turkey—the medical report drawn up under Regulation No. 6/11-172 of 7 January 1969 on arduous and dangerous occupations has to be kept by the employer (report from Government).

38. Even though it is the workers who are the most directly concerned by the findings of medical examinations, there appears to be no stipulation that a copy of the medical certificate or the ruling as to their unfitness for employment must be made available to them automatically or at their request, except in a very few countries.¹ In some countries the workers themselves may appeal², or are entitled to cash compensation in the form of a preventive rest allowance³ or a change-of-employment allowance⁴, distinct from the normal benefits for temporary or permanent incapacity.

39. Even where the cost of the medical examination does not have to be borne by the worker—and this appears to be guaranteed, as required by Recommendation No. 97 (Paragraph 13, subparagraph (1)), except in a few countries⁵, it is important that the time lost for attendance at such examinations should not involve any loss of earnings (Paragraph 13, subparagraph (2), which specifically mentions the possibility of dealing with the matter by collective agreement). The problem may be solved in various ways: the examination may take place during working hours without any deduction from wages, which may give rise to difficulties where a worker is not easily replaceable or is paid at piece rates, or the examination may take place outside working hours, possibly with the consent of the worker concerned, the time taken up by the examination being treated in some cases as working time and remunerated as such.⁶

¹ For example: Argentina—worker must be informed by the medical practitioner; Belgium and Congo (Kinshasa)—automatic delivery to the worker by the medical practitioner of a copy of the certificate destined for the employer; France and Mali—delivery of a copy of the certificate to the worker at his request or when he leaves the undertaking; Portugal—copy delivered at the worker's request when he leaves the undertaking; Syrian Arab Republic and United Arab Republic—copy at the written request of the worker. In addition, a health card is kept in some cases by the worker, as in Belgium (mainly as a record of vaccinations), Spain and Switzerland (workers exposed to the risk of silicosis).

² For example: Belgium—an appeal against a ruling of unfitness (which does not involve its suspension) may be made to the Occupational Health and Hygiene Department of the Ministry of Employment and Labour; Bulgaria—appeal to a medical board, with the possibility of further appeal to a medical committee of experts whose decision is final; Mexico—possibility for the worker to request a further examination by another medical practitioner and, in the event of a divergence of opinion, appointment of a medical expert by mutual agreement between the two parties; Switzerland—an appeal (not as a rule involving their suspension) against the decisions of the National Accident Insurance Fund may be made to the Federal Social Insurance Bureau (section 22 of the Ordinance of 23 December 1960).

³ Chile—allowance in lieu of wages payable by the competent social security institution where temporary, total or partial preventive rest is prescribed (sections 4 and 5 of Act No. 6174 of 31 January 1938).

⁴ France—in the event of silicosis, compensation for a change of employment (Ordinance of 2 August 1945 (*JO*, 3 Aug. 1945)); Switzerland—resettlement allowance if ruled unfit for employment on work involving exposure to an occupational disease (section 18 of the Ordinance of 23 December 1960).

⁵ For example: New Zealand—the Government's report states that it is the worker who is expected, at least initially, to bear the cost of medical examinations.

⁶ For example: Argentina (Buenos Aires)—in principle during working hours, no reference to non-deduction from wages; Austria—where the examination takes place during working hours, no deduction may be made from wages under section 1154 (*b*) of the Civil Code, the details being settled in some cases by collective agreements; Belgium—the time taken up by medical examinations is looked upon as working time; examinations are carried out outside working hours only with the consent of the workers concerned (report from Government); France—time lost during working hours involves no loss of wages; if outside these hours, such time is remunerated as though it were normal working time; transport expenses borne by the employer; Guinea and Hungary—time taken up by examinations looked upon as working time; Portugal—during working hours, without any deduction from wages; Syrian Arab Republic—during working hours, without any deduction from wages.

Conclusion

40. Medical examinations are prescribed in a great many countries, especially for workers exposed to risks of occupational diseases in industry. In some cases, as required by Recommendation No. 97, such examinations must follow a procedure and take place at intervals adapted to the various special risks in conformity with appropriate regulations. However, specialisation of qualified physicians appears to be linked with the development of occupational health services which will facilitate—in so far as available resources permit—the extension of medical surveillance to other classes of workers, as provided for in Recommendation No. 112, and offer sounder guarantees both as to the observance of medical secrecy and as to the continuance of the examinations, once begun.

C. NOTIFICATION OF OCCUPATIONAL DISEASES

41. Paragraph 14, subparagraph (1), of Recommendation No. 97 states that national laws or regulations should require the notification of cases and suspected cases of occupational diseases. A distinction should be made between this type of notification and the prior notification of work processes or the use of substances involving exposure to occupational diseases, as provided for, for instance, in the Radiation Protection Convention, 1960 (No. 115). What we are concerned with here is the notification *a posteriori* that a contingency has occurred, without necessarily implying that the said contingency is occupational in origin in every case, since even cases where there are certain grounds for believing that this is so have to be notified. The notification provided for in the Recommendation accordingly resembles more closely the kind of notification which sets in motion the procedure for compensation under employment injuries insurance schemes, with the difference that its primary purpose is that of initiating measures of prevention, as specified in subparagraph (2) of Paragraph 14, although one notification may very well serve the two purposes, which are, moreover, linked in certain respects.

42. Under the legislation of the vast majority of countries it is compulsory, especially in the case of industrial workers, for cases of occupational disease to be notified¹, but in no country does the purpose of such a requirement appear to have

¹ For example: Argentina (Buenos Aires)—section 34 of Decree No. 13803 of 7 August 1957; Austria—section 363 of the General Social Insurance Act (*BGBI.*, No. 189 of 1955); Belgium—section 66 of the Act of 24 December 1963 concerning compensation in respect of occupational diseases (*Moniteur belge*, 21 Dec. 1963), section 147ter of the General Regulations on Labour Protection; Brazil—section 169 of Legislative Decree No. 229 of 28 February 1967 to amend the Consolidation of Labour Laws; Bulgaria—Ordinance No. 1873 of 20 May 1964 issued by the Ministry of Public Health and Social Assistance (*Bulletin of the Ministry of Public Health and Social Assistance*, No. 6-7, 1964); Burma—section 54 of the Factories Act of 1951; Cameroon—Ordinance No. 59-100 of 31 December 1959 and Orders No. 5 of 9 March 1962 and No. 00-191 of 23 June 1962; Ceylon—section 63 of the Factories Ordinance; China—report from Government; Colombia—Resolution No. 58/54 of the Colombian Social Insurance Institution; Congo (Kinshasa)—section 143 of the Legislative Ordinance of 9 August 1967 to establish a Labour Code, and Ordinance No. 66/370 of 9 June 1966 respecting the list of notifiable occupational diseases (*Moniteur congolais*, 1 Aug. 1966); Cyprus—section 5 of the Accident and Occupational Diseases (Notification) Law, No. 32 of 30 September 1953 (*LS 1953—Cyp.* 1 A); Denmark—sections 54 and 58 of Act No. 226 of 1954, section 25 of Act No. 227 of 1954, section 24 of Act No. 228 of 1954, Instruction No. 318 of 1965 making certain occupational diseases notifiable (*LS 1964—Den.* 1); Finland—Occupational Diseases Act of 29 December 1967 (*LS 1967—Fin.* 2), Cabinet Order No. 232 of 3 May 1961 respecting medical examinations (*LS 1961—Fin.* 1); France—sections 499 and 500 of the Social Security Code, section 19 of Decree No. 69-623 of 13 June 1969 for the administration of the Act of 11 October 1946 respecting the organisation of industrial medical services, sections 1146 and 1180 of the Rural Code; Federal Republic of Germany—section 551 of the Federal Insurance Code, as amended by the

been specifically stated. A study of the formalities to be complied with in making such a notification should enable an idea to be gained, however, as to whether its purpose is the same as that specified in the Recommendation: initiation of measures of prevention and ensuring of their effective application, investigation of the causes of occupational diseases, compilation of statistics, initiation or development of measures for compensation. Under the legislation of many countries the procedure prescribed in respect of industrial accidents is applicable by analogy to occupational diseases, albeit differing in a few respects to take account of the nature of such diseases and the time taken for symptoms to develop.

Act of 30 April 1963, Seventh Ordinance of 20 June 1968 respecting the notification of occupational diseases (*BGBI.* I, No. 42, 1968); Guinea—sections 133 to 136 of Act No. 21 of 12 December 1960 to establish a Social Security Code; Guyana—section 23 of the Factories Ordinance; Hungary—Ordinance No. 13/1967/Eü.K.10 of the Ministry of Health respecting compulsory notification of occupational diseases; India—section 89 of the Factories Act, No. 63 of 23 September 1948, section 25 of the Mines Act of 15 March 1952; Italy—section 139 of Decree No. 1124 of 30 June 1965 respecting compulsory insurance against industrial accidents and occupational diseases (*LS* 1965—It. 1); Japan—section 57 of the Ordinance for the administration of the Labour Standards Law; Kuwait—Labour Law (Private Sector), No. 38 of 1964, as amended by Law No. 43 of 1968; Liberia—Chapter 19, Part VI, of the Liberian Code of Laws; Luxembourg—Grand Ducal Order of 11 June 1926, Grand Ducal Order of 30 July 1928 (*LS* 1928—Lux. 1); Grand Ducal Order of 26 March 1945 (*Mémorial*, 1945, p. 130); Malaysia—section 32 of the Factories and Machinery Act, No. 64 of 26 September 1967; Mali—section 228 of the Labour Code, sections 57 and 80 of the Act of 9 August 1962 to establish a Social Insurance Code; Mauritania—section 56 of the Labour Code established by the Act of 23 January 1963 (*LS* 1963—Mau. 1); Mexico—section 18 of the Occupational Health Regulations of 26 January 1946; Morocco—section 18 of the Decree of 8 February 1958 to apply the Dahir of 8 July 1957 respecting the organisation of industrial medical services; Netherlands—Order No. 57094 of 21 June 1967 issued by the Ministry of Public Health (*Staatscourant*, No. 124, 29 June 1967); New Zealand—section 74 of the Health Act of 1956, and Health (Infectious and Notifiable Diseases) Regulations of 1966; Niger—section 134 of the Act of 13 July 1962 to institute a Labour Code, sections 115 and 121 of Decree No. 65-117 of 18 August 1965 (*JO*, 1 Sep. 1965); Nigeria—sections 56 and 58 of the Factories Act, No. 33 of 4 September 1955, Ch. 66; Norway—section 17 of the Workers' Protection Act, No. 2 of 7 December 1956, as amended by Act No. 2 of 10 May 1968, section 34 of Act No. 10 of 12 December 1958 respecting industrial accident and occupational disease insurance (*LS* 1958—Nor. 3), section 7 of Act No. 4 of 3 December 1948 respecting the conditions of employment of agricultural workers; Pakistan—sections 90 and 91 of the East Pakistan Factories Act, 1965; Philippines—Act No. 104 of 29 October 1936; Portugal—section 29 of Decree No. 47512 of 25 January 1967; Rumania—Decision No. 2896 of 22 December 1966 respecting the notification of industrial accidents and occupational diseases (*LS* 1966—Rum. 1); Senegal—Order No. 5345 of 22 July 1954 to prescribe the procedure for the notification of industrial accidents and occupational diseases (*JO*, 31 July 1954); Singapore—section 58 of the Factories Ordinance of 1958; Spain—section 25 of Decree No. 792 of 13 April 1961 respecting compulsory industrial accident and occupational disease insurance (*LS* 1961—Sp. 4), section 14 of Act No. 39 respecting the organisation of the inspectorate of labour (*LS* 1962—Sp. 4); Sudan—section 48 of the Factories and Workshops Regulations; Sweden—section 32 of Act No. 243 of 14 May 1954 respecting insurance against occupational injuries (*LS* 1954—Swe. 1); Switzerland—section 69 of the Act of 13 June 1911 respecting sickness and accident insurance; Syrian Arab Republic—section 44 of Law No. 92 of 6 April 1959 establishing the Social Insurance Code (*LS* 1959—UAR 2); Togo—section 137 of Act No. 52-1322 of 15 December 1952 to establish a Labour Code (*LS* 1952—Fr. 5); Turkey—section 28 of the Social Insurance Act, No. 506 of 17 July 1964; USSR—report from Government; United Arab Republic—section 40 of Law No. 63 of 21 March 1964 establishing the Social Insurance Code; United Kingdom—section 82 of the Factories Act of 1961, Agriculture (Poisonous Substances) Regulations, 1966 (*SI* 1966, No. 1063); United States (about half the states)—report from Government; Upper Volta—section 145 of the Act of 7 July 1962 to promulgate a Labour Code (*JO*, No. 33bis, 18 Aug. 1962); Venezuela—sections 134 and 135 of the Labour Act of 4 May 1945, sections 87 and 88 of Decree No. 119 of 4 May 1945 to regulate employment in agriculture and stock-breeding; Viet-Nam—Order No. 1065 of 20 June 1966 respecting the notification of occupational diseases (*JO*, 16 July 1966); French overseas territories—section 137 of the Act of 15 December 1952 to establish an Overseas Labour Code (*LS* 1952—Fr. 5); territories whose international relations are handled by the Netherlands; Netherlands Antilles—Accident Insurance Act of 1966 and National Safety Ordinance; territories whose international relations are handled by the United Kingdom: Bahamas—section 10 B of the Workmen's Compensation Act, Ch. 245; British Honduras—section 42 of the Workmen's Compensation Ordinance of 1958.

43. According to Paragraph 14, subparagraph (3), of Recommendation No. 97, the notification should be made to the labour inspectorate or other authority concerned with the protection of the health of workers in places of employment. Such a wording takes account of divergencies in the structure and functions of the services responsible for supervision. It is even wider in scope than that of the analogous provision in Conventions Nos. 81, 110 and 129, to which reference has been made above in paragraph 2 of this survey, and which lays down that the labour inspectorate must be notified, without necessarily implying that it has to be notified directly.

44. A study of the legislation reveals that the labour inspectorate—or the medical labour inspectorate—has to be informed in most countries, and in many cases notifications must be addressed to it directly.¹ This procedure is particularly common under systems where the employer is held liable and where the role of the labour inspectorate is both to approve the arrangements for compensation agreed upon between the employer and the sick or injured worker and to supervise preventive measures. However, even under a system like that in the Netherlands, where the very concepts of industrial accidents and occupational diseases have completely disappeared as a result of the total absorption of employment injuries protection into the other branches of social security, it is to be noted that these concepts subsist for the purposes of notification, which is required for prevention purposes only. In a few countries the notification has to be made simultaneously to the labour inspectorate and the industrial accident insurance agency², or to one or other of these two authorities, which keep each other informed.³ Where, in the interests of simplification, provision is made for the notifying of the industrial accident insurance agency alone, the latter is required to advise the labour inspectorate.⁴ In assessing the role played by the notification of occupational diseases in prevention, one should moreover bear in mind the responsibilities entrusted to the social security institutions in this respect in certain countries.⁵ Lastly, in a few countries cases of occupational disease must be notified to the public health services.⁶

45. This review of the situation, while fairly encouraging, should not make us lose sight of the fact that in some countries it does not appear to be compulsory to notify cases of occupational disease to the authorities concerned with the protection of the health of the workers.⁷

¹ For example: Argentina, Belgium, Bulgaria, Burma, Ceylon, China (labour inspectorate and local public health office), Cyprus, Denmark, India, Japan, Kuwait (services of the Ministry of Labour and the police), Malaysia, Mauritania, Netherlands, Philippines, Singapore, Spain, Sudan, United Arab Republic, Venezuela.

² For example, France, Luxembourg, Mali.

³ Federal Republic of Germany; Syrian Arab Republic—the medical practitioner informs the competent administrative authority, the social insurance institution and the employer; United Arab Republic—a medical practitioner attached to the Social Insurance Organisation examines the patient and notifies the Ministry of Labour.

⁴ For example: Austria, Congo (Brazzaville), Guinea, Norway. The report from the Greek Government merely states that the Social Insurance Institute collaborates with the Ministry of Labour's services in regard to prevention and penalties.

⁵ See Chapter I above, paragraph 11.

⁶ For example: China (public health authorities and labour inspectorate), New Zealand, Portugal (public health authorities and National Labour and Welfare Institute), Rumania, United States (in about half the states).

⁷ Afghanistan, Guatemala (except as concerns the notification of the social security institutions in the case of workers insured with them), Lesotho, Sierra Leone (reports from Governments). In addition, an examination of the reports supplied by the governments of States which have ratified the Labour Inspection Convention, 1947 (No. 81), reveals the following shortcomings: in Algeria no

46. Under the terms of Paragraph 15, subparagraph (a), of Recommendation No. 97, national laws or regulations should specify the persons responsible for notifying cases of occupational disease. In many countries it is the employer who is responsible, as with industrial accidents.¹ This is understandable in view of the employer's special responsibilities as far as prevention is concerned and of the fact that he is better placed than anyone else to supply certain information such as the number of posts occupied in his undertaking and the risks to which the worker has been exposed. The employer must have been notified in his turn by the worker—who in some countries has to notify the authorities himself²—or by the medical practitioner.³ In some countries all medical practitioners are personally responsible for notifying all cases and suspected cases of occupational disease which come to their knowledge.⁴ This obligation, which is analogous to that generally incumbent upon medical practitioners to notify cases of contagious disease to the health authorities in the interests of public health, is explained mainly by the fact that it is difficult for laymen to identify certain occupational diseases, especially in their initial stages, or to describe the symptoms with exactitude. While not always specifically designated to that effect, even where occupational health services exist in undertakings, in practice industrial physicians are the first upon whom this obligation falls in connection with the medical examinations they carry out. In some countries it is incumbent upon both the employer and the medical practitioner to notify cases of occupational disease.⁵

47. The time limit within which notification is required or, where applicable, the intervals at which cases must be notified should be specified by national laws or regulations, according to subparagraph (b) of Paragraph 15 of the Recommendation. To appreciate fully the bearing of this provision it is necessary to make a distinction between the time limit for notification and other time limits in connection with occupational diseases: length of exposure to risk which, if exceeded, justifies the presumption that a disease is occupational in origin, time limit within which the disease must be medically certified to be present to secure entitlement to compensation and, most important of all, the final deadline for claiming benefit, where one is specified. The time limit for notification is generally calculated from the same date as the deadline for claiming benefit—the date of the first medical attestation to the presence of the disease or the starting date of incapacity—but it is much shorter in order to enable investigations to be carried out and appropriate preventive measures to be taken while there is still time, as for instance in countries where medical

obligation appears to exist; in Costa Rica section 536 of the Labour Code provides for notification to be made to the labour judge, whose clerk communicates to the Ministry of Labour and Social Welfare only statistical information; in the Dominican Republic no obligation appears to exist; in Guatemala notification is not compulsory; in Jamaica notification is not compulsory in respect of mines and quarries; in Uganda no obligation exists.

¹ For example: Congo (Kinshasa), Finland, Japan, Liberia, Malaysia, Mexico, Norway, Philippines, Sudan, Togo, Turkey, Venezuela (see also in the last footnote to this paragraph a list of the other countries where it is compulsory for notification to be made by both the employer and the medical practitioner).

² For example: France, Niger.

³ Malaysia, Mali, Mexico (where notification must also be made by the medical practitioner), Syrian Arab Republic (where it is incumbent upon the medical practitioner alone, on pain of disciplinary sanctions, to inform simultaneously the employer and the competent authorities).

⁴ For example: Argentina (Buenos Aires), Belgium, Guinea, Morocco, New Zealand, Rumania, Spain, Viet-Nam (see also in the following footnote a list of the other countries where it is compulsory for notification to be made by both the medical practitioner and the employer).

⁵ For example: Austria, Brazil, Burma, Ceylon, Cyprus, Denmark, Federal Republic of Germany, India, Italy, Mali, Norway, Pakistan, United Arab Republic, United Kingdom; in France notification must be made by the worker and the medical practitioner.

examinations for the purpose of detecting signs of disease must be carried out in undertakings where cases of occupational disease have been diagnosed.¹ The time limit for notification—failure to observe which does not entail foreclosure of the right to compensation, but may give rise to penalties—is always short, as the Recommendation implies that it should be (requirement that notification be “immediate”), and in some cases very brief indeed, especially where the rules governing industrial accidents are applicable to cases of occupational disease²; where a time limit is specially fixed for the notification of occupational diseases, it may be as long as two weeks.³ The legislation of a few countries makes provision for cases to be notified only at specified intervals, especially if they are mild cases.⁴

48. Under the terms of Paragraph 16 of the Recommendation, the notification should provide the authority concerned with the protection of the health of workers with such information as may be necessary for the effective performance of its duties, including, in particular, details of the age and sex of the person concerned, of his last job (occupation, trade or industry, name and address of undertaking), of his illness and its possible causes and of jobs previously held which might have involved exposure to the risk concerned (names and addresses of undertakings, dates and duration of exposure to the risk). Obviously the value and accuracy of such information will vary according to who is supplying it—the employer, the medical practitioner or the worker. The particulars most usually required are details as to the identity of the sick worker and of his last employer and an indication as to the nature of the disease. Those the least commonly called for appear to be details as to the harmful agent and in particular as to exposure to the risk in previous jobs.

49. Notifiable occupational diseases, a list of which should be drawn up by the competent authority under the terms of Paragraph 17 of Recommendation No. 97, are in some cases the same as those carrying entitlement to compensation⁵, but in many countries they form a special category. In some of these countries the concept of a notifiable occupational disease is defined in narrower terms than that of a disease carrying entitlement to compensation, in that either the list comprises only a few diseases in respect of which particular surveillance is undoubtedly called for⁶ or the employer is obliged to notify only the most serious cases.⁷ There are countries, on the other hand, where the former concept is broader in scope, as when notification has to be made by a medical practitioner in respect of all cases of illness which in his view

¹ For example: Ceylon (section 16 of the Factories Ordinance), Finland (section 5 of the Cabinet Order of 3 May 1961), India (section 10 of the Factories Act, No. 63, section 11 of the Mines Act, No. 35 of 1952), Pakistan (section 11 of the East Pakistan Factories Act of 1965), United Kingdom (Factories Act).

² Immediately or within the shortest possible time: see, in particular, Cyprus, Japan, Liberia, New Zealand, Norway, Sweden, Switzerland. Within forty-eight hours: Colombia, Mali, Togo, Turkey.

³ For example: Austria (five days), China (five days), Congo (Kinshasa) (fifteen days), France (fifteen days for the worker), Guinea (fifteen days for the employer and the worker), Malaysia (fourteen days), Niger (fifteen days for the worker), Venezuela (four days, except in agriculture, where it is ten days).

⁴ For example: Japan (cases involving incapacity of less than eight days must be reported at quarterly intervals), Liberia (cases not resulting in death or permanent incapacity), Belgium (industrial physicians must report cases of pneumoconiosis among miners once a month).

⁵ For example: Austria, Bulgaria, Burma, Cameroon, India, Spain, Switzerland, Turkey.

⁶ For example: Ceylon, Guyana (five diseases—anthrax, and lead, phosphorus, arsenic, and mercury poisoning).

⁷ For example: Denmark (serious cases), Ghana (more than five days' incapacity), Japan (more than eight days' incapacity), Liberia (cases resulting in death or permanent incapacity), Norway (in agriculture, cases involving more than one week's incapacity).

show signs of being occupational in origin, whether or not the disease is one normally carrying entitlement to compensation.¹ It is interesting to note that this solution has been adopted even in countries where compensation is payable only in respect of the diseases enumerated in a conclusive list. There can be no doubt here that notification is intended to facilitate prevention, as well as enabling the authorities to see whether there is a need to lengthen the list of diseases carrying entitlement to compensation where presumed to be occupational in origin, thus attaining the purpose of notification mentioned in Paragraph 14, subparagraph (2) (*d*), of Recommendation No. 97.

Conclusion

50. It will be seen from the foregoing that the notification of occupational diseases, where it has been made compulsory—as it has in a very large number of countries—serves fairly satisfactorily the purposes set forth in Paragraph 14, subparagraph (2), of the Recommendation: the development of prevention and, subsidiarily, the extension of measures for compensation.

D. FIRST AID

51. Under the terms of Recommendation No. 97 (Paragraph 18), facilities for first aid and emergency treatment in case of accident, occupational disease, poisoning or indisposition should be provided in places of employment, in a manner to be determined by national laws or regulations. Recommendation No. 112 provides that first-aid personnel should consist exclusively of suitably qualified persons, and be readily available during working hours (Paragraph 18). These provisions are a necessary complement to measures of prevention, since speedy intervention is essential to prevent any deterioration in the condition of victims whose recovery might in some cases be irretrievably compromised by unsuitable treatment given by unqualified persons.

52. Provisions on first aid and emergency treatment exist in a very large number of countries.² The nature and scope of the measures prescribed depend mainly upon

¹ For example: Belgium, Denmark, France, Guinea, Morocco, Norway.

² For example: Belgium—sections 174 to 183 of the General Regulations on Labour Protection; Cameroon—sections 7, 8 and 11 of Order No. 3646 of 1 June 1955 to prescribe the procedure for the administration of the provisions of the Labour Code with respect to medical or health services in undertakings (*JOC*, 8 June 1955); Ceylon—section 50 of the Factories Ordinance; Chile—sections 38 to 41 of Decree No. 762 of 6 September 1956 to approve the regulation on minimum health conditions in industry; Colombia—sections 207, 208, 334 and 335 of the Labour Code; Costa Rica—section 238 of the Labour Code, Decree No. 1 of 2 January 1967 to promulgate general occupational health and safety regulations; Cuba—section 469 of the general bases for organising industrial safety and health; Czechoslovakia—section 14 of Instruction No. 45/1967, in the Official Bulletin of the Ministry of Health, concerning the giving of emergency treatment in undertakings; Federal Republic of Germany—sections 72, 801 and 865 of the Federal Insurance Code, and instructions on first aid issued by the occupational associations responsible for handling compulsory accident insurance (report from Government); Guinea—section 77 of the Social Security Code, General Orders Nos. 397 and 398 of 18 January 1955 (*JOAOF*, 29 Jan. 1955); India—section 45 of the Factories Act, No. 63 of 23 September 1948, section 21 of the Mines Act, No. 35 of 15 March 1952; Italy—sections 27 to 32 of the Decree of 19 March 1956 establishing general rules respecting industrial hygiene; Kuwait—Labour Law (Private Sector), No. 38 of 1964, as amended by Law No. 43 of 1968; Malawi—section 51 of the Factories Ordinance of 1964, Factories (First Aid) Regulations, 1964; Malaysia—section 25 of the Factories and Machinery Act, No. 64 of 1967; Mexico—Chapter IV of the Occupational Accident Prevention Regulations of 1934, section 14 of the Occupational Health Regulations of 26 January 1946; New Zealand—section 65 of the Factories Act of 1946, First Aid (Factories) Regulations of 1966, Rule 18 of the First Schedule to the Shops and Offices Act of 1955, section 28 of the Agricultural Workers Act of 1962; Pakistan—section 44 of the East Pakistan Factories Act of 1965; Rumania—sections 727 to 773 of the Republican Standards for

three variables: the nature and magnitude of the risks incurred, the number of workers employed and the distance of the place of employment from the nearest medical practitioner or suitable treatment centre. In most countries the employer is required to provide every workplace with a first-aid box or cupboard¹ and appropriate equipment—pharmaceutical products, bandages, stretchers, etc.—the nature of which is prescribed and may vary according to the nature of the work.² It is sometimes stipulated that this equipment must be placed under the charge of a person qualified to give first aid, that it should be kept in a place which is readily accessible and easy to find and that the contents of boxes should be checked at regular intervals. In some cases it is provided that a medical practitioner, qualified to give emergency treatment where necessary, should be available for calling out at any time, and that facilities should be available for transporting injured persons to a specialised treatment centre as comfortably and speedily as possible.³ Depending upon the number of workers they employ, undertakings may be required to be equipped with additional boxes or cupboards⁴, a first-aid post or even an infirmary⁵ staffed by one or more nurses.

53. The training of first-aid personnel selected from among the employees of the undertaking is provided for in some countries, possibly in collaboration with voluntary associations⁶, and under the supervision of the industrial physician for the undertaking, if there is one. In isolated places of employment and in countries where medical and hospital facilities are few and far between, the term "emergency" has to be interpreted more broadly: with no other resources near at hand, undertakings may be required or encouraged to make provision not only for first aid but for all kinds of day-to-day medical treatment in their own dispensary under the charge of a medical practitioner, and arrange in more serious cases for sick or injured workers to be taken to hospital.⁷

Workers' Protection; Spain—section 100 of the General Regulations on Occupational Safety and Health of 31 January 1940, section 51 of the Order of 21 November 1957 to approve the regulations on works medical services; Sweden—section 13 of the Workers' Protection Act, No. 1 of 3 January 1949, section 47 of Proclamation No. 208 of 6 May 1949 for the administration of the said Act; Switzerland—section 53 of Ordinance III of 26 March 1969 on implementation of the Labour Act; United Kingdom—First-aid Boxes in Factories Order, No. 906 of 1959, sections 21 to 26 of the Offices, Shops and Railway Premises Act of 1963.

¹ For example: Belgium, Burma, Cameroon, Ceylon, Chile, Congo (Kinshasa), Costa Rica, Guinea, India, Italy, Kuwait, Malawi, Pakistan, Rumania, Spain, Sudan, Switzerland (dressings supplied free of charge by the National Accident Insurance Fund).

² For example: Belgium—trolleys, stretchers and blankets in undertakings where there is a high risk of falls; products for the treatment of burns in places of employment where corrosive substances are handled, antiseptic solution for treating injuries in slaughterhouses; oxygen cylinders and recompression apparatus where work is done in caissons or wearing diving suits; breathing apparatus where there is a risk of drowning. As concerns differentiation in the contents of first-aid boxes according to the size of the undertaking, see, for example, Congo (Kinshasa), Malawi.

³ In the Federal Republic of Germany there is a network of medical specialists attached to the accident insurance agencies (*Durchgangsärzte*). In Singapore, for instance, 30 to 40 per cent of undertakings have made arrangements with medical practitioners for administering emergency treatment (report from Government).

⁴ For example: Burma, Ceylon, India, Italy, Kuwait, Mexico, Pakistan.

⁵ For example: Belgium, Burma, Chile, Costa Rica, India, Italy, Pakistan, Sweden.

⁶ For example: in collaboration with the Red Cross in Cuba, New Zealand, Switzerland and the United Kingdom. In Mexico the Ministry of Labour and Social Welfare publishes a first-aid manual.

⁷ Colombia—agricultural and forestry undertakings (Decree No. 8 of 11 January 1954 (*DO*, 28 Jan. 1954)); Switzerland—construction of hydro-electric power plants and mountain roads (report from Government). As a general rule, medical and health services in undertakings in certain developing countries (see next chapter).

Conclusion

54. A very large number of countries have provisions concerning the facilities for first aid and emergency treatment to be provided in places of employment for use in case of accident, occupational disease, poisoning or indisposition. However, these provisions are not always drafted in the same detail and do not always appear to be consonant with the variety of the hazards involved and of the available means for dealing with them.

IV. OCCUPATIONAL HEALTH SERVICES

55. Examination of the various measures designed to protect the workers' health has stressed the role which falls to physicians and specially to occupational physicians. Important as their contribution in this connection may be, it represents only part of the task to be performed by occupational health services in places of employment, these being defined in Paragraph 1 of Recommendation No. 112 as follows:

- (a) to protect the workers against any health hazard which may arise out of their work or the conditions in which it is carried on;
- (b) to contribute towards the workers' physical and mental adjustment, in particular by the adaptation of the work to the workers and their assignment to jobs for which they are suited; and
- (c) to contribute to the establishment and maintenance of the highest possible degree of physical and mental well-being of the workers.

This task, which reflects the range of *functions* to be performed by occupational health services, calls for a legal status which ensures that these services are integrated into the enterprise or at least permits them to become thoroughly familiar with the conditions of work there, while safeguarding the physician's independence in his dealings both with employers and with workers, whose confidence he must enjoy. The model laid down by the Recommendation was drafted in sufficiently flexible terms to permit adaptation to "the diversity of national circumstances and practices" (Paragraphs 2 and 3, the first part of Paragraph 8 and Paragraph 9). But this kind of flexibility also imposes limits: the various services concerned with occupational health in places of employment are not necessarily the undertaking's own services, and likewise the services concerned in one way or another with occupational health do not correspond to the essential subject-matter of the Recommendation, particularly where their functions relate solely to inspection, research, education or the treatment of tropical diseases; conversely, not all medical services are necessarily occupational health services, even those set up within undertakings. These are distinctions which the ambivalence of vocabulary does not always make it easy to observe, but they have to be pointed out in order to avoid confusion.

A. THE LEGAL STATUS OF OCCUPATIONAL HEALTH SERVICES IN PLACES OF EMPLOYMENT

Organisation

56. The flexibility of the Recommendation is noticeable first of all in regard to the organisation of services. It is provided that occupational health services may be organised by the undertakings themselves or be attached to an outside body; or alternatively that they may be a separate service within a single undertaking or a service common to a number of undertakings, the choice depending on the circumstances (Paragraph 3 of Recommendation No. 112). Where the organisation of an occupational health service is not possible the undertaking can make arrangements with a physician or a local medical service for administering emergency treatment,

carrying out medical examination prescribed by national laws or regulations, and exercising surveillance over hygiene conditions in the undertaking, but this solution should only be applied if geographical or other reasons defined by national laws or regulations make the organisation of a genuine occupational health service impracticable for the time being (Paragraph 5 of Recommendation No. 112).

57. The organisation of a *separate service within a single undertaking* is one of the most widespread forms. Such services are sometimes established in the first place on the employer's initiative alone and still exist on a voluntary basis in a number of countries which differ both in their geographical situation and in their degree of development, although the field of application appears to be limited to industry.¹ In some countries the existence of such services is based on collective agreements which established them or promoted their general introduction.² In a considerably larger number of countries such services have been made compulsory under the laws which govern their legal status.³ It will be considered later on to what extent separate works services or inter-enterprise services in the developing countries do fulfil the occupational health functions laid down in Recommendation No. 112.

¹ For example, Austria, Burma, Canada, Denmark, Finland, India, Italy, Luxembourg, Malawi, Malaysia, Mexico, New Zealand, United Kingdom and Zambia (reports from Governments); in Brazil, although the Government does not mention this in its report, it may be presumed that such services exist, seeing that "works doctors" are specially responsible for declaring occupational diseases (Legislative Decree No. 229 of 1967).

² Canada, United States, Malaysia, Venezuela (collective agreements); Federal Republic of Germany, Norway, Sweden (national collective agreement). See Chapter I above.

³ For example: Argentina (Buenos Aires) (Act No. 5316 of 6 November 1948, as amended by Act No. 5773 of 27 August 1954); Belgium (sections 104-148 of the General Regulations on Labour Protection, as amended by the Royal Order of 16 April 1965 establishing health services in undertakings, *Moniteur belge*, 4 June 1966); Cameroon (sections 105 and 106 of the Law of 12 June 1967 to institute the Labour Code; Order No. 3362 of 30 June 1954 concerning medical or health services in undertakings, *JOR*, 7 July 1954, as amended by Order No. 3646 of 1 June 1955, *JO*, 8 June 1955); Colombia (Resolution No. 20 of 11 July 1951); Congo (Kinshasa) (section 144 of Legislative Ordinance No. 67/310 of 9 August 1967 to establish a Labour Code; Order No. 68/02 of 29 January 1968 concerning occupational health services, *Moniteur Congolais*, 1 Mar. 1968); Dahomey (Labour Code of 1967 and General Orders Nos. 396/IGTLS/AOF of 18 January 1955 concerning medical services in undertakings, and 397/IGTLS/AOF of 18 January 1955 concerning classification of undertakings with reference to minimum standards of medical and sanitary staff to be observed by employers, *JOAF*, 29 Jan. 1955); France (Decree No. 69-623 of 13 June 1969 to apply the provisions of the Act of 11 October 1946, *JO*, No. 141, 18 June 1969); Iraq (Regulation No. 13 of 20 September 1957 and Instruction No. 9622 of 16 June 1964); Japan (Ordinance No. 9 of 1947 concerning industrial safety and health); Mali (sections 40-45 of Act No. 62/68 of 9 August 1962 to establish a Social Insurance Code); Morocco (Dahir No. 1-56-02 of 8 July 1957 concerning the organisation of occupational health services); Netherlands (Act of 19 February 1959 concerning occupational health services; sections 223-228 of the Mines Regulations, 1964, *Staatsblad*, No. 538, 1964; sections 143-149 of the Regulations concerning working of the continental shelf, *Staatsblad*, No. 158, 1967); Niger (sections 135-141 of the Labour Code; sections 351-383 of Decree No. 67-126/MFP/T of 7 September 1967, *JO*, 1 Oct. 1967); Nigeria (Orders in Council under the Wages Board Act, Cap. 211; section 128 of the Labour Code Act, Cap. 91); Philippines (Act No. 1054 of 12 June 1954 concerning free emergency medical and dental treatment); Portugal (Legislative Decree No. 47511 and Decree No. 47512 of 25 January 1967); Spain (Decree No. 1036 of 10 June 1959 concerning the organisation of works medical services; Ordinance of 21 November 1959 to regulate the organisation of works medical services, *BO del E*, No. 284, 27 Nov. 1959); Togo (General Orders Nos. 396, 397 and 398 of 18 and 19 January 1955, as quoted above, see Guinea); Tunisia (sections 153-156 of Act No. 66-27 of 30 April 1966 establishing a Labour Code; Decree of 25 October 1956 establishing occupational health services in commercial and industrial establishments and the professions, *JOT*, 30 Oct. 1956); Turkey (section 180 of Act No. 1593 of 24 April 1930 concerning public health, in conjunction with section 114 of Act No. 506 of 17 July 1964 concerning social insurance (*LS* 1964—Tur. 1); United Arab Republic (section 65 of Law No. 91 of 5 April 1959 establishing the Labour Code); Viet-Nam (sections 234-241 of the Ordinance of 8 July 1952 establishing a Labour Code; Order No. 043 of 13 March 1965 to apply the provisions of the Labour Code concerning the establishment and organisation of occupational health services in undertakings,

58. It is only the largest undertakings, however, which are able to organise the *ir* own services; unless other undertakings employ a physician part-time on their own account they have to use a joint service or some outside body. *Inter-enterprise services* do not appear to have been spontaneously established by employers except in rare cases¹, which explains why this method has almost always been provided for in countries where legislation in this field exists.² In the case of undertakings which are not simply excluded from the scope of legislation because of the small size of their workforce³ various solutions are possible: the law may lay down the number of workers below which membership of an inter-enterprise service is compulsory, with the possible requirement of a minimum number of workers to be covered by such a service, or it may, on the other hand, specify the number of workers above which an undertaking must have its own service, or alternatively the two solutions may be combined without giving any choice to undertakings whose workforce is above or below the limit or limits thus specified.⁴ Sometimes the territorial and occupational extent of coverage and the maximum size of inter-enterprise services are subject to certain limits. These rules are applied for a dual purpose: in order to avoid having very small separate services which would not be really efficient or would result in uneven distribution of limited medical resources; and in order to avoid having excessively large inter-enterprise services whose relationship with enterprises would become impersonal although medical resources might be sufficient.

59. Even if it is made compulsory the organisation of common services can leave some initiative to enterprises—without prejudice to administrative supervision of various kinds—at the stage of establishing such services and deciding which one to join, as well as in regard to actual management. In order that the application of legislation should not be delayed or compromised because those directly concerned fail to take the necessary initiative in the absence of any pre-existing cohesive

JO, 3 Apr. 1965). In general, compulsory medical services exist in countries and territories for whose international relations France has been or still is responsible and to which the French Overseas Labour Code (1952) was or still is applicable, as well as in countries whose legislation in this respect is comparable to that Code, namely: (1) States to which the Overseas Labour Code has been applied, and in particular Cameroon, Congo (Brazzaville), Dahomey, Guinea, Ivory Coast, Mali, Mauritania, Niger, Senegal, Togo and Upper Volta (some of which still maintain the Code); (2) non-metropolitan territories to which the Overseas Labour Code still applies; (3) States whose legislation with regard to occupational health services may be compared with the Code: Congo (Kinshasa); Viet-Nam.

¹ In the United Kingdom, however, such services exist (report from Government).

² See Chapter I, paragraph 12, above.

³ See Chapter II, paragraph 19, above.

⁴ For example: Belgium—compulsory membership of an inter-enterprise service in the case of undertakings not required to organise a committee for safety, health and the improvement of places of employment, which normally means undertakings having less than fifty workers, other undertakings being able to choose between the two methods of organisations; Cameroon—inter-enterprise services must cover at least 250 workers and their establishment is subject to approval, the relevant application having to specify the territorial and occupational scope of the proposed service; Congo (Kinshasa)—it is possible to organise an occupational health service common to several undertakings, provided that the number of workers employed in each undertaking is less than 1,000; France—undertakings whose occupational physician is required to provide at least 173 hours' service per month must establish their own occupational health service; below this limit they may choose between the two methods of organisation; however, inter-enterprise services may not normally employ more than five physicians, which indirectly limit their size; in addition, establishments whose workforce is not large enough to require at least two hours' service per week on the part of a works physician may not set up their own service. Portugal—any undertaking employing over 200 persons is required to set up its own service; small enterprises with an aggregate workforce of at least 500 within the same local area are required to set up a common service; Spain—undertakings employing over 1,000 persons are required to set up their own service; those with a workforce of less than 1,000 but over 100 must establish inter-enterprise services unless they already have a service of their own; Tunisia—an undertaking with over 300 employees must set up its own service.

element, some rather different solutions which it would be useful to compare have recently been adopted in France, when occupational health measures were extended to agriculture, and in Mali, where the approach previously described was first of all applied.¹ In these two cases, where small enterprises are in the majority, the social security bodies, which are themselves administered by those directly concerned, have been made responsible for establishing and running specialised inter-enterprise occupational health services, membership of which is compulsory, although it remains possible in exceptional cases for the largest undertakings to establish or retain their own services. With this reservation the system described is a sort of intermediate solution between the common service and the outside body as mentioned by the Recommendation.

60. A different combined system is applied in certain socialist countries of Eastern Europe.² In each of those countries occupational health is one of the functions of a national health service which has its branches in undertakings, or at least in the largest ones, resulting in a division of responsibility between the undertakings and the health services, in the manner described below in regard to personnel, equipment and financing. This system is to some extent comparable to the system which has been applied in Chile since 1938 under legislation which brings occupational health within the sphere of preventive medicine as a whole, under the responsibility of the national health services, which are bodies outside undertakings.³

61. In various other countries there is a wide range of *services outside undertakings*, but it is not always possible to determine whether they perform all or only some of the functions of an occupational health service at the level of the undertaking and, in the case of official services, to distinguish between those functions as such and supervisory functions. Reference should first be made to occupational health institutes, which may be private bodies or be vested with official powers, and which, in addition to engaging in education and research, assist enterprises so desiring.⁴ One of the most noteworthy examples in this connection is the National Accident Prevention

¹ France—Act No. 66-958 of 26 December 1966 respecting occupational and preventive medicine in agriculture, whose general application was to start from 1 January 1970 (*JO*, 25, 26 and 27 Dec. 1966); Mali—the above-quoted Social Insurance Code. The approach taken in Mali does not appear to have been followed by the other States whose legislation is derived from the French Overseas Labour Code (1952). However, it is comparable to the system applied in Israel, where the sickness insurance funds coming under the General Federation of Labour have set up the largest occupational health services in the country, on a purely private basis. In Spain an occupational health services organisation attached to the National Social Insurance Institute is now reported by the Government to be the superior authority co-ordinating the activities of services in undertakings and controlling the medical staff concerned (Ordinance of 8 April 1959 to apply Decree No. 242/1959 concerning the organisation of works medical services, *BO del E*, No. 93, 18 Apr. 1959); see also paragraph 97 below.

² See for example Bulgaria (section 60 of Ukase No. 466 of 6 November 1957 amending section 104 of the Labour Code (*LS* 1957—Bul. 2); Order No. 1411 of the Council of Ministers of 13 July 1951; Ordinance concerning the organisation, equipment and operation of works health services, *Izvestiya* No. 86/52); Czechoslovakia (Act of 17 March 1966 concerning public health, *Sbírka Zákonů*, No. 20; Order of 13 June 1966 respecting the system of health facilities, *Sbírka Zákonů*, No. 43); Hungary (Decree No. 70/1951/III.14 of the Council of Ministers and various ordinances of the Ministry of Health); Rumania (Decisions of the Council of Ministers Nos. 1830/1953 and 1365/1957 concerning the organisation and functions of works medical services); USSR (Order and Regulations of the Ministry of Health of the USSR of 27 August 1957 concerning occupational health services in places of work).

³ Act No. 6174 of 31 January 1938 creating preventive medicine services. The application of this Act now comes under the national health services introduced under Act No. 10383 of 28 July 1952 (*LS* 1952—Chil. 1), and for salaried employees by Act No. 16781 of 28 March 1968, *DO*, 2 May 1968.

⁴ Canada; Finland (Institute of Occupational Health).

Institute (ENPI) in Italy, which was established as a private body and is now semi-official, offering the facilities of its organisation relating to the medical supervision of workers and to matters of hygiene to small and medium-sized undertakings, including those in agriculture; the ENPI is in some ways like a major inter-enterprise service in a country where industrial medicine still has no legal status in undertakings although it has a lengthy tradition.

62. This role of occupational health services may also be performed by administrative services set up either under ministerial departments or as separate services with administrative and financial autonomy for which occupational health may or may not be the exclusive concern.¹ A first distinction has to be made between the functions which these services perform on behalf of the administrations themselves and their officials, and their competence with regard to undertakings, although it is also possible to combine the two. A second distinction has to be made between the standard-setting, planning and supervisory functions, on the one hand, and the functions which might be assigned to undertakings' own services, on the other hand; this distinction is more difficult to make because the services of undertakings, in common with inspection services, are required to visit workplaces and to give advice, and inspection services are not empowered in all countries to impose penalties themselves. It is significant, however, that the intervention of administrative services is mentioned more particularly in the countries where enterprise or inter-enterprise services have no legal foundation, which explains why they can play an important supporting part and contribute quite considerably to the development of undertakings' own services.² A possible criterion for evaluation of their functions might consist of the extent to which their activities at the level of the undertaking are decentralised, but little information is available on this aspect.

63. Two forms of approach should be especially mentioned. In the United Kingdom, appointed factory doctors³ numbering some 2,000 participate to some

¹ Australia (for example: New South Wales—Factory and Industrial Welfare Board; Queensland—Division of industrial medicine, State Department on Health and Home Affairs; South Australia—Occupational Health Section of the Department of Public Health); Bolivia—the National Occupational Health Institute co-ordinates the resources of the Occupational Health Department under the Ministry of Health, the National Social Security Fund and the major public mining and petroleum enterprises; Canada—the respective departments of labour (Workmen's Compensation Board), the departments of health and their specialised occupational health services in seven out of the ten provinces assist undertakings, particularly the smaller ones; Colombia—the Medical (Occupational Safety and Health) Section of the Ministry of Labour; Malaysia—the Industrial Health Unit of the Ministry of Labour; Malta—the Occupational Health Unit of the Ministry of Health; Mexico—the Department of Medical Services under the Secretariat of Labour and Social Welfare; New Zealand—industrial health centres which come under the Ministry of Health and assist all undertakings, specially the smaller ones; Switzerland—in addition to the Occupational Health Service of the National Accident Insurance Fund, the Federal Office of Industry, Arts, and Crafts has an Occupational Health Service (the same is true of the canton of Neuchâtel; it is planned to set up smaller services in the cantons of Geneva, Valais and Vaud); United States—with regard to the federal administration, see Bureau of the Budget Circular A-72 of 18 June 1965; in addition, forty-two states, the District of Columbia and Puerto Rico have occupational health services; in four states (New York, Massachusetts, Illinois, Washington) occupational health programmes come entirely under the responsibility of the Department of Labor; in the states of California, Ohio and Oregon and in Puerto Rico the Departments of Labor and Health are responsible for programmes of varying extent; Venezuela—Department of Occupational Safety and Health and Industrial Hygiene of the Venezuelan Social Security Institute; the occupational physicians coming under the Institute carry out medical examination of workers exposed to special risks.

² This is the case, for example, in Australia, Bolivia, Canada, Malaysia (where these services promote the development of services in undertakings), Mexico, New Zealand (where the Government's report states that enterprises of a sufficient size are encouraged to set up their own occupational health services), Switzerland, the United States and Zambia.

³ Sections 151-152 of the Factories Act of 22 June 1961.

extent in the functions of the factory inspectorate which appoints them from among registered doctors, pays them for their reports and investigations and empowers them to enter workplaces; on the other hand, however, the medical examination of young persons and workers exposed to special risks which these doctors are required to perform at the expense of employers, in the cases provided for by law, corresponds to one of the functions described in Paragraph 5 of Recommendation No. 112 in cases where the organisation of an occupational health service is not for the time being practicable. Although the functions of a medical examiner demand that the incumbent should have no interest in the undertaking they are not incompatible with those of a physician made responsible by an employer for the medical supervision of employees. The same type of medical examiner is found with variations and under different titles in most of the countries for whose international relations the United Kingdom was responsible before they became independent.¹ This original system may be compared to that of the "industrial physicians" in Denmark, who also come under the labour inspectorate and carry out medical examination of workers exposed to special risks, at the employers' expense.² The situation is somewhat different in Switzerland where some 400 doctors, coming not under the labour inspectorate but under the National Accident Insurance Fund, visit undertakings, examine workers exposed to or suffering from occupational diseases, direct the work of attending physicians in carrying out examinations and providing treatment, and assist enterprises through their advice on matters of occupational health and prevention of occupational diseases; a similar situation exists in the Federal Republic of Germany.³

64. In none of the above-mentioned cases, where doctors coming under a government department, a social security administration or a private institution perform certain functions of occupational health services, does it seem that enterprises are required by law to use such services, nor are the reasons for which the establishment of occupational health services might be impracticable, for the time being, as covered by Paragraph 5 of Recommendation No. 112, specified by law either. When such services do not exist or come under some outside body most countries require undertakings to make provision for emergency treatment, as referred to in the previous chapter.

65. This analysis of laws and collective agreements would be liable to misrepresent the situation if it were not accompanied by statistics. Some of the governments' reports gave figures concerning both services and medical staff⁴, and in particular these furnish some interesting indications of the way in which occupational health services have been developed in countries where nothing is contained in laws or collective agreements.

¹ For example: Burma (section 12 of the Factories Act 1951, No. LXV); Ceylon (section 104 of the Factories Ordinance 1942, No. 45, as amended by Ordinance No. 22 of 1946, Chapter 128 of the Legislative Enactments of Ceylon); Cyprus (section 23 of the Factories Act 1956, Chapter 134); Guyana (section 12 of the Factories Ordinance 1953, Chapter 115); India (section 10 of the Factories Act of 23 September 1948, No. 63, as amended; section 11 of the Mines Act of 15 March 1952, No. 35, as amended); Pakistan (section 11 of the East Pakistan Factories Act).

² Section 8 of Act No. 226 of 11 June 1954 concerning the protection of workers, as amended.

³ Reports from Governments.

⁴ Austria—in December 1968 in enterprises coming under the General Labour Inspectorate (which does not cover transport, mining or agriculture), 311 enterprises had works doctors, 30 of whom were engaged in occupational health as their main activity; Canada—the number of new occupational health services has increased in recent years; a total of 1,153 establishments, including 121 hospitals, provide such services; Chile—the National Health Service employs 78 fully qualified professional staff in the field of occupational health, namely 15 doctors, 17 engineers, 35 technicians and 11 psychologists (report communicated by the Government for the study on *Official Services for*

Personnel

66. According to Paragraph 13 of Recommendation No. 112 occupational health services should be placed under the direction of a physician. The principle involved in this requirement is not questioned.¹ In certain developing countries, however, a distinction is made among physicians depending on whether they have a graduate diploma in medicine or not; depending on their size, undertakings have to secure the services of one or the other of these types of physician, or if they have less than a specified number of workers they need the services of a nurse only.² This system is due to the shortage of medical staff and the dual functions of prevention and cure performed by separate works services in those countries.

67. The physician who is in charge of an occupational health service should, in accordance with the same Paragraph of Recommendation No. 112, be directly responsible for the working of the service either to the management or to the body to which the service is subordinated. This provision, which does not restrict the occupational physician's professional independence (see paragraph 69 below), is justified by the responsibilities which are placed on the heads of undertakings themselves with regard to protection of the workers' health and which they cannot shed even if they merely provide the material infrastructure for the service or join an inter-enterprise service; the provision is obviously not justified in the same manner when heads of undertakings take no part in the management of the outside body whose facilities they use under a compulsory or voluntary system. In practice, the occupational physician's responsibility in regard to the direction of the service is that of an adviser; this is characteristic of several of his functions, however the service may be organised³, together with the explicit obligation in certain countries to submit periodic reports on the activities of the service to the head of the undertaking or to the director of the common service.⁴

68. Recommendation No. 112 does not specify the proportion which should exist between the number of physicians and the number of workers, merely indicating in Paragraph 14 that the physicians in occupational health services should not have under their care a greater number of workers than they can adequately supervise, due

Occupational Safety and Health, Occupational Safety and Health Series, No. 13 (Geneva, ILO, 1968), p. 76); Finland—in 1966 at least 600 enterprises out of 90,000 provided occupational health services, but these enterprises employed 440,000 persons out of a total of 1 1/2 million; Mali—there is an inter-enterprise medical service in the chief town of each region; at Bamako this service consists of a principal centre and two secondary centres; New Zealand—63 undertakings employing 46 industrial medical officers and 87 industrial nurses; enterprises employing less than 100 persons, which are the most numerous, generally use the facilities of industrial health centres; Singapore—10 major enterprises (employing from 500 to 3,000 persons), representing 0.3 per cent of enterprises, have their own medical service; Spain—figures for March 1969: 2,864 works medical services (including 288 inter-enterprise services) corresponding to 4,565 enterprises and employing a total of 3,934 works doctors, 6,969 technical health assistants and 478 nurses.

¹ In Japan, however, there are "health supervisors" in undertakings, who may be either physicians with a knowledge of occupational medicine or persons who are not physicians but have received the approval of the chief of the Labour Standards Bureau; these requirements do not apply to the chief health supervisor, who has to be appointed when this function is performed by the chief of personnel or the chief of the undertaking's social services.

² This is the case in States and territories in which the French Overseas Labour Code has been or is still applied and for whose foreign relations France was or still is responsible, as well as in the Congo (Kinshasa) and Viet-Nam.

³ See below: "Functions of occupational health services."

⁴ For example: Argentina (Buenos Aires), Belgium, France, Iraq, Rumania and the countries and territories in which the French Overseas Labour Code and the Orders applying its provisions have been or still are applied.

account being taken of the particular problems that may be associated with the type and nature of the industry concerned. Although the problem arises for all forms of organisation of occupational health services, no standards appear to have been fixed except in countries where there are separate works services or inter-enterprise services. Various methods are used, sometimes in combination: for example, fixing the number of workers above which an undertaking must obtain the services of a full-time occupational physician, or in other words establish its own service; determining the minimum period that the physician must devote to his service in hours per month, in terms of a specified number of workers; differentiating as between wage earners and salaried employees, work demanding special supervision or not, or adults and young persons, etc.¹ There are two main considerations to be observed in a comparative examination of the standards fixed: the differences in the number of workers per occupational physician to some extent reflect the differing proportions between the number of inhabitants and the number of physicians, this in turn depending on the degree of development of the particular country; one Government mentions specifically that it is difficult to observe the Recommendation on this point in view of the short supply of doctors.² On the other hand, the number of workers per doctor may appear relatively high in certain countries because these doctors also have curative functions, and sometimes only curative functions.

69. Paragraph 15 of Recommendation No. 112 states that the physicians in occupational health services should enjoy full professional and moral independence

¹ For example: Argentina (Buenos Aires); Belgium (an average of at least one hour per year in respect of workers exposed to special risks or assigned to posts of responsibility, and three-quarters of an hour for other workers; possibility for the Minister to impose a longer duration in the light of the character and degree of risk); Cameroon (a full-time physician for upwards of 1,000 workers; below that figure, one hour per month for every 20 employees); France (the number of hours varying according to the number of employees and, in certain cases, the number of salaried employees, wage earners and young persons, and according to the degree of risk; a full-time physician upwards of 173 hours per month); Guinea (a graduate physician and two nurses upwards of 1,000 workers, a non-graduate physician and two nurses from 750 to 999 workers, a non-graduate physician and one nurse from 250 to 749 workers, a permanent nurse from 100 to 249 workers, and the periodic attendance of a nurse below 100 workers); the same provisions apply in Dahomey, Niger, Senegal and Upper Volta, while similar provisions exist in most of the States and territories in which the French Overseas Labour Code (1952) has been or is still applied; Hungary (a physician providing half an hour's attention per day for 300 to 800 workers, three hours per day for 800 to 1,100 workers, 6 hours per day for 1,100 to 1,800 workers, and a full-time physician providing 8 hours' service per day for 1,800 to 2,000 workers); Japan (one physician for up to 3,000 workers and two physicians above that number, plus a number of non-graduate health supervisors varying according to the number of workers); Morocco (the physician in the occupational health service is required to provide 1 hour's service per month for every 25 salaried employees, 15 wage earners, 10 young persons or 10 workers requiring special medical supervision); Portugal (1 hour per month for every 15 workers or fraction of 15 in industry and for every 25 workers or fraction of 25 in commerce); Spain (1 physician for every 1,000 workers and 1 for every 1,000 or fraction thereof above that figure); Tunisia (provisions similar to those existing in Morocco).

² Tunisia. This applies even more to countries where the number of inhabitants per doctor is higher than in Tunisia. This is borne out by the following examples taken from the *World Health Statistics Annual*, 1962, Vol. III (World Health Organization, Geneva, 1966):

Argentina (1962)	670	Mali (1964)	40 000
Austria (1963)	560	Morocco (1962)	9 700
Belgium (1963)	700	Netherlands (1963)	680
Brazil (1961)	3 600	New Zealand (1964)	670
Canada (1962-63)	890	Philippines (1963)	1 700
Ceylon (1962)	4 600	Rwanda (1962)	144 000
Colombia (1962)	2 000	Tunisia (1963)	10 000
France (1963)	870	Turkey (1963)	3 300
India (1962)	5 800	USSR (1963)	510
Kenya (1963)	9 700	United States (1963)	690
Liberia (1964)	12 000		

of both the employer and the workers and that their independence should be safeguarded by means of national laws or regulations or agreements referring in particular to their conditions of appointment and the termination of their employment. The physician must not appear to the workers to represent the employer's interests if he is to enjoy the confidence which will ensure their collaboration in attaining the aims of an occupational health service, which is also covered by the Recommendation, as described below. Similarly, the value attached to the occupational physician's opinions and the facilities he is given in order to perform his functions will depend on the degree of confidence which the employer places in the physician, who must not appear to be the agent of some outside supervisory body or the exclusive representative of the interests of the workers. This is why the Recommendation, despite its flexibility, gives some degree of preference to the various systems permitting occupational health services to be established in undertakings, which lends further weight to the problem of ensuring the independence of the physician. Even if rarely used, legal safeguards will by no means diminish the physician's moral integrity and cannot but help him in performing his delicate task.

70. A minimum guarantee in certain countries consists of requiring the signature of a contract which lays down the right and obligations of the parties¹; it is sometimes stipulated that such a contract must be in accordance with the rules of medical ethics or even submitted for prior approval by the professional body responsible for ensuring the application of such rules.² Insistence on the physician's independence towards the workers may mean that a physician who is not engaged full time in occupational health is forbidden to accept as a private patient an employee of an undertaking to which he is attached.³ This rule also helps to safeguard the occupational physician's freedom of judgment, because he may have to advise the management of the undertaking in a manner contrary to the worker's preferences; this problem does not of course arise in the same terms in countries where occupational physicians also have curative functions. The occupational physician's independence towards the employer is guaranteed by two types of rules: first, the need to submit the appointment or termination of employment of the occupational physician to the body representing the workers at the level of the undertaking or of the inter-enterprise service for its opinion and sometimes even for its approval⁴, and secondly, the need to refer any dispute arising between the occupational physician and the employer, especially in regard to the physician's career, to an arbitration authority outside the undertaking⁵; these two types of guarantees may also be combined, so that the outside authority intervenes in all cases after hearing the workers' representative body, or only if the employer and that body disagree.⁶ In certain countries appointment of occupational physicians by an employer or an inter-enterprise service is conditional upon the right of an administrative authority to

¹ For example, Cameroon, France, Portugal.

² For example, France, Federal Republic of Germany, Morocco.

³ France (obligation imposed on all physicians engaging in preventive medicine, under sections 51 ff. of the Code of Medical Ethics approved by Decree of 28 November 1955).

⁴ France (consent of the works council or the supervisory body of the inter-enterprise service); Federal Republic of Germany (consent of the works council); Tunisia (consultation of the staff representative or representatives).

⁵ Belgium (submission of disputes to the Medical Appointments Board, whose decision is binding); Netherlands (submission of disputes to the Advisory Industrial Medical Committee); Norway (Tripartite Appeals Committee).

⁶ France (after obtaining the opinion of the medical inspector of labour the labour inspectorate issues its decision in the event of disagreement between the employer and the works council).

submit nominations ¹, or this authority may have the right to approve appointments ²; although this right of approval limits the powers of the head of the undertaking, it does not always provide a career guarantee for the occupational physician, particularly when the administration may terminate his employment by withdrawing its approval. In countries where the appointment and continued employment of the occupational physician are under the exclusive control of a health service, a ministerial department or a social security body, the independence of physicians towards the undertaking—even when they are assigned to the undertaking, as in certain socialist countries of Eastern Europe ³—is safeguarded in principle, so that no problem arises.

71. With regard to professional qualifications, Recommendation No. 112 (Paragraph 16) merely states that the physician in charge of an occupational health service should have received, as far as possible, special training in occupational health, or at least should be familiar with industrial hygiene, special emergency treatment and occupational pathology, as well as with the laws and regulations governing the various duties of the service.⁴ As an applied science, occupational health comprises a range of medical disciplines in terms of their relationship with labour—such as hygiene, physiology, pathology and toxicology—while also using other relevant knowledge relating particularly to psychology, technology and ergonomics. Occupational health was already a subject of research and education in universities before it came to be broadly applied in undertakings; but the tendency towards general establishment of occupational health services now lends fresh impetus to research and education because the supply of specialists is not always in step with the demand, even in the developed countries.⁵ This makes it particularly important to give physicians the opportunity to improve their knowledge of occupational health (last sentence of Paragraph 16), particularly where their specialisation is based in the first place on practical experience only.

72. According to the information available, physicians in charge of occupational health services or required to perform certain of the functions of such services in certain countries must hold a diploma in occupational health ⁶ or at least have a

¹ Spain (list of qualifications established by the Occupational Health Services Organisation under the Order of 8 April 1959 applying the provisions of Decree No. 242/1959 concerning the organisation of works medical services).

² Belgium, France, Spain and the countries and territories to which the French Overseas Labour Code has been or still is applied.

³ Bulgaria, Byelorussia, Czechoslovakia, Hungary, Rumania, Ukraine, USSR.

⁴ Recommendation No. 97 merely states that medical examinations should be carried out by a qualified physician who should possess, so far as possible, knowledge of occupational health (Paragraph 11).

⁵ It is significant in this connection that a Recommendation made by the Commission of the European Communities to the six member States of those communities on 20 July 1962 (*Journal Officiel des Communautés Européennes*, 31 Aug. 1962) lays special stress on education in occupational health and the training of specialised physicians. The proportion of physicians specialising in occupational health to the total number of doctors does not vary significantly with the degree of development of countries (to the extent that the available statistics are comparable), although information for many countries is meagre or unavailable (*World Health Statistics Annual*, op. cit.). For example:

	%		%
Canada (1960)	0.8	Mali (1964)	0.9
Czechoslovakia (1963)	0.4	Niger (1964)	2.0
Finland (1963)	0.3	Poland (1963)	1.4
France (1963)	0.3	United States (1963)	0.6

⁶ For example: Argentina (Buenos Aires) (certificate of specialisation in occupational health); Belgium (supplementary diploma in occupational health, required by 1 January 1972); France

knowledge of occupational health.¹ This condition is not normally laid down in the developing countries, or at least not in any binding form. The possibilities of improving knowledge in the field of occupational health do not appear to be expressly provided for.² These indications give only a partial view of the situation, however, and in particular they fail to clarify the situation in countries where works health services have no legal status.

73. Recommendation No. 112 also provides that the qualifications of the nursing staff attached to occupational health services and the premises and equipment of such services should conform to the standards prescribed by the competent body (Paragraphs 17 and 19). These conditions are fulfilled in most of the countries where occupational health services have a legal status³, the role of nursing staff being particularly emphasised in countries where the number of doctors in proportion to the population is low.

Financing

74. The services provided by occupational health services in pursuance of Recommendation No. 112 should not involve the workers in any expense (Paragraph 23). This requirement appears to be respected⁴, although this does not exclude the possibility of various other forms of financing. When it is the enterprise's own service, the cost is normally borne directly by the employer. Recommendation No. 112 states in this connection (Paragraph 24) that where national laws or regulations do not provide otherwise, and in the absence of agreement between the parties concerned, the expense should be borne by the employer. The fact that small undertakings cannot meet the cost of having their own service is, together with certain technical points, one of the reasons for the development of inter-enterprise services; in extreme cases, if such services include a large number of small undertakings, the employers' actual responsibility for their operation may consist merely of paying a contribution. It is more difficult to find a proper financial balance when membership of an inter-enterprise service is voluntary, both for the undertaking and for the service, so that the development of the service's activities may vary according to the resources which the member enterprises can contribute. A more effective financial compensation is provided when all or some of the activities covered by the

(diploma in occupational hygiene, and, in the case of agriculture, a diploma issued by the National Institute of Agricultural Medicine); Netherlands (three years' full-time experience in occupational health or theoretical training supplemented by practical experience); Portugal (diploma in occupational health); Spain (diploma of the national school of occupational health).

¹ Austria (for physicians responsible for medical examinations); Japan (for health supervisors). In New Zealand, where services are established by enterprises on a voluntary basis, the tendency to employ part-time physicians who also serve other enterprises helps to establish a small group of highly skilled specialists.

² In Rumania the reference to improvement of knowledge used in the Government's report appears simply to mean that doctors who have not yet specialised in occupational health other than through practical experience should receive post-graduate training. The same applies to the facilities required to be granted to occupational physicians at present engaged in such work in Belgium until all such persons have a supplementary diploma in occupational health. These examples do not correspond exactly to the idea of continuous improvement of knowledge stated in the Recommendation. In Belgium, however, occupational physicians are required to maintain appropriate relations with university centres and specific institutions which can provide them with facilities for improving their knowledge. In addition there are occupational health associations (for example in Canada, the Federal Republic of Germany and Israel) which can help to improve their members' knowledge.

³ For example: Belgium, Cameroon, Congo (Kinshasa), Czechoslovakia, France, Mali, Morocco, Spain and Tunisia.

⁴ See also the references to the requirement that medical examination should be free of charge (paragraph 39 of this study).

Recommendation come under a centralised social security body; free services are then guaranteed because occupational health activities under those bodies are brought within a branch which is not financed by the workers¹ or they come within a specific service created for the purpose and financed by employers.² A further method mentioned by some governments, which makes it possible to respect the autonomy of enterprise or inter-enterprise services, consists of repayment of their expenditure by a social security body.³ Where occupational health comes under a government department this does not entail any expense for workers either, when the cost of services is borne by employers⁴ or when they are provided free of charge, in which event it is to the government's advantage to promote the organisation of services by the undertakings.⁵

B. FUNCTIONS OF OCCUPATIONAL HEALTH SERVICES IN PLACES OF EMPLOYMENT

75. The task of occupational health services is specially geared to the promotion of the workers' health at the level of the undertaking but it also entails certain limits (it is not designed to provide treatment or supervision) and broad perspectives, because it does not consist merely of work carried out in the surgery and it demands a combination of the various factors directly or indirectly affecting the workers' health. This means that occupational health services must maintain regular relations with other services or bodies, both inside and outside the undertaking, and enjoy efficient information facilities.

Limits

76. According to Paragraph 6 of Recommendation No. 112, the role of occupational health services should be essentially preventive. This principle raises a number of problems in countries where medical services in undertakings have important curative functions. Nobody intends to challenge the interdependence of prevention and treatment: it is axiomatic that the former should make it possible to avoid or limit the latter; likewise, appropriate early treatment may itself be a means of preventing complications or incurable disorders. But the complementary relationship of these two aspects of health protection is no reason for avoiding a division of functions, and the basis and scope of such a distinction must be clearly understood.

77. If the occupational physician provided curative treatment for workers, the relationship which would thus be established between him and the patient could, in certain cases, lead him into difficulties in relation both to the employer and to the worker, in case he was called upon to give an opinion—within the framework of the occupational health service—on claims made in connection with questions such as work assignment, or workload, fatigue, etc., which arise within the undertaking.

¹ For example: medical examination within the industrial injury branch (Switzerland, United Arab Republic); occupational health services coming under a health service (certain socialist countries of Eastern Europe (Bulgaria, Byelorussia, Czechoslovakia, Hungary, Rumania, Ukraine, USSR) with regard to remuneration of medical staff and the cost of medical equipment, the material installation of services being financed by the undertakings).

² France (agriculture), Mali.

³ Finland (report from Government); in 1969 subsidies covering up to 60 per cent of the cost were paid in respect of forty-one out of forty-six physicians employed by works medical services in New Zealand (report from Government); USSR (report from Government).

⁴ Medical examination by a doctor appointed by the Ministry of Labour in the United Kingdom and in countries whose legislation follows the same pattern.

⁵ As is done in New Zealand (report from Government).

Moreover, the extension of occupational health services' activities to cover curative treatment may result in transferring the expense of medical care to the employers. A further reason, which is purely practical but very important, is that this confusion of functions may lead occupational physicians to devote the greater part of their time to medical care, whose value is more clearly perceived by patients.

78. The principle stated by the Recommendation allows for two exceptions (Paragraph 8 (i)): (a) the obligation to give emergency treatment in case of accident or indisposition (because the duty to assist a person who is in danger comes before any other consideration); (b) the possibility, in certain circumstances and in agreement with those concerned (including the worker's own physician), to provide ambulatory treatment to workers who have not been absent from work or who have returned after absence. The second exception makes it possible, for example, to give injections or to renew a dressing, thereby helping to avoid absence by providing the workers with the necessary facilities on the spot so that the attending physician's requirements can be carried out.

79. In a number of countries, mainly in Western Europe and North Africa, the essentially preventive character of occupational health services is stressed in particular through laws and regulations or collective agreements, with exceptions which do not generally go further than allowed under the Recommendation.¹ In certain other countries the situation is quite different. In the first place, in certain socialist countries of Eastern Europe, where occupational health services are part of a general health service, there is no separation in principle between prevention and treatment. In any event, some of the reasons referred to above do not apply because the freedom to choose one's doctor is subject to certain limits and both prevention and cure are covered by the State budget. Prevention activities, which are highly developed, do not seem to suffer from this form of organisation.²

80. In the second place, there are a number of other countries, particularly developing ones, where the experience acquired elsewhere in the organisation of enterprise or inter-enterprise occupational health services has been used in order to set up medical services providing care for workers, and sometimes for their dependants, and helping to prevent endemic and epidemic diseases. In some of these countries it is specified, however, by law or regulation, that such services also have functions relating to occupational health³, these being specially important in view of the specific problems of the developing countries.⁴ In other countries this aspect is not explicitly mentioned.⁵ The general line followed by works medical services in

¹ Austria—services established on a voluntary basis (report from Government); Belgium; France; Federal Republic of Germany—preventive character without prejudice to medical assistance needed by workers in emergency cases, and thereafter with the consent of the attending physician; Japan; Morocco; New Zealand—services established on a voluntary basis (report from Government); Spain—essentially preventive, although treatment may be provided subject to the consent of the National Social Insurance Institute; Tunisia.

² Bulgaria, Byelorussia, Czechoslovakia, Hungary, Rumania, Ukraine, USSR (reports from Governments).

³ For example, States and territories to which the French Overseas Labour Code and the Orders issued under it have been or still are applied (see, for example, the above-quoted General Order No. 396/IGTLS/AOF of 18 January 1955); Colombia (Resolution No. 20 of 11 January 1951); Iraq (Instruction No. 9622 of 16 June 1964); Venezuela (petroleum extraction) (section 122 of the Labour Code); Viet-Nam (Order No. 197-BCD/TTT/ND of 23 September 1968, JO, 26 Oct. 1968).

⁴ Report of the Fifth Session of the Joint ILO/WHO Committee on Occupational Health, Occupational Safety and Health Series, No. 7 (Geneva, ILO, 1967), paras. 29-48).

⁵ Congo (Kinshasa), Nigeria, Philippines, United Arab Republic.

countries where they have been established on a purely voluntary basis is not always clear. When the standard of living makes it pointless to extend the private practice of medicine and it is impossible to make much use of existing health centres in view of their scarcity and the distances involved, it is only natural that enterprises should have taken over the organisation and cost of medical care, under voluntary or compulsory provisions; in several countries undertakings situated near a medical centre or an official clinic are allowed to make arrangements with it in order to use its services for treatment needed by their workers.¹ This approach, which is rather different from what the Recommendation states², as reflected in the actual designation of the services, corresponds to the concept applied in the Plantations Convention, 1958 (No. 110), Articles 89 to 91 of which state that adequate medical services should be provided for workers and members of their families. The Government of Tunisia, where the occupational health services are in theory essentially preventive in character, is the only one to have indicated in its report that "in the present state of public health, where the number of doctors is still insufficient, it is impossible to ensure that the strictly preventive character of occupational medicine is rigorously observed". This comment serves to illustrate the situation of most of the countries just mentioned.³ It therefore seems reasonable to consider to what extent there is a difference in practice among the various countries according to whether or not their legislation expressly mentions occupational health as one of the functions of works medical services. The same applies to services established on a voluntary basis where it would seem that they perform supplementary curative functions in countries where sickness insurance cannot yet be established or effectively applied with general coverage, and that they may nevertheless form the basis for the future development of genuine occupational health services.⁴

81. A further limit to the functions of an occupational health service is laid down by Recommendation No. 112 in Paragraph 7, which states that such services should not be required to verify the justification of absence on grounds of sickness. It is important that occupational physicians should not appear as supervisory agents if they are to have the workers' confidence. When there is a sickness insurance scheme which grants cash benefit, entitlement in some countries is conditional upon production of a certificate of incapacity signed by the attending physician, without excluding the possibility of further checks by social security authorities. This procedure, which is based on a distinction between the respective functions of the occupational physician, the attending physician and the medical adviser to the social security body, cannot be applied in the countries previously mentioned whose medical resources are

¹ For example, States and territories to which the French Overseas Labour Code has been or still is applied (section 140 of the Code and Orders issued under it).

² What Recommendation No. 112 provides in Paragraph 5 is the possibility of making arrangements with a physician or a local medical service solely for administering *emergency* treatment, carrying out medical examinations and exercising surveillance over hygiene conditions.

³ On the other hand, the Government of Turkey states that whereas physicians made responsible by undertakings for "health surveillance and medical treatment" under the Public Health Act of 24 April 1930 previously had both curative and preventive functions, their preventive functions are developing as sickness insurance and sanitary facilities are extended. In the Philippines, where the number of doctors is relatively high (see paragraph 68 above), the Government's report states that works medical services perform occupational health functions in practice, although by law they have only curative functions.

⁴ In Austria, however, where there is a sickness insurance scheme, the Government states that doctors who are engaged principally in the field of occupational health perform preventive functions such as those covered by the Recommendation, whereas those for whom occupational health is only a secondary activity tend to perform curative functions only. In Luxembourg the Government's report states that the services established on a voluntary basis have an essentially preventive role.

limited and where medical care is provided directly by the works medical service. In some of these countries it is provided that workers reporting sick should be examined each day.¹ The above-mentioned restriction contained in the Recommendation is not followed in certain socialist countries of Eastern Europe either: according to the explanation provided², physicians are able to benefit from the results obtained through treatment, in directing prevention. In the remaining countries this restriction, which is sometimes explicitly mentioned in legislation³, seems to be followed in general, apart from a very few exceptions.⁴ It is important to note the Recommendation's provision that occupational health services should not be precluded from ascertaining the conditions which may have led to a worker's absence on sick leave and obtaining information about the progress of the worker's illness, so that they will be better able to evaluate their preventive programmes. Despite the restrictions indicated, occupational health services can make an important contribution towards reducing absences through the indirect effect of the whole of their prevention activities.

Functions

82. Recommendation No. 112 gives a detailed list of functions of occupational services which should be progressively developed, in accordance with the circumstances, and having regard to the extent to which one or more of these functions are not adequately discharged by other appropriate services, while allowing the occupational physician to obtain any relevant information from other services (Paragraph 9). Although no classification can entirely avoid arbitrary selection, it will be noted that some of these functions properly belong to occupational health services (such functions including medical examination, emergency treatment and ambulatory treatment), while other functions can be performed in collaboration with other services or bodies, as is the case for job analysis, prevention of accidents and occupational diseases, surveillance of hygiene or training of first-aid personnel. Setting aside the curative functions involved, which are exceptional, the responsibilities in question relate primarily to investigation, education and advice: study of workplaces and of the working environment, and medical examination of workers; health education of the personnel and training of first-aid personnel; and advice to individual workers and to management relating especially to arrangement of workplaces, hygiene, and prevention of accidents, as well as the placing and reassignment of workers. In addition, occupational health services should maintain statistics concerning health conditions in the undertaking and contribute to research within their appointed field. Without repeating the details provided in the previous chapter with specific reference to medical examination and individual records, it will be seen that in some countries the functions allocated to occupational health services correspond in general to those

¹ In enterprises employing over 100 persons, under section 141 of the French Overseas Labour Code; this provision is maintained in the Labour Codes of States which have become independent and also exists in the Congo (Kinshasa) and Viet-Nam.

² Czechoslovakia, Hungary.

³ For example: Belgium (section 148 *quater*, subsection 1 of the General Regulations on Labour Protection); France (section 15 of the Decree of 13 June 1969); Portugal (section 18, paragraph 2, of Decree No. 47511 of 25 January 1967).

⁴ For example, in Norway (report from Government); in the Netherlands it has not been considered desirable to exclude verification of justification of absence in formal terms (report from Government); the restriction contained in the Recommendation is not applied in Austria in the postal and railway administrations where the main function of the medical services is to protect the respective administrations' interests; nor is it applied in Belgium in the civil service (section 148 *quater*, subsection 2, of the General Regulations on Labour Protection); the reports from other countries with occupational health services for the civil service do not refer to these points.

laid down in the Recommendation even if they are not always listed in such detail.¹ In other countries occupational health services appear to perform only some of the functions described.² Little information is available regarding the functions performed by services established by enterprises on a purely voluntary basis; in New Zealand, however, these services are supported by the social security authorities only if, in addition to providing emergency care, the occupational physicians examine workers exposed to special risks upon engagement, at regular intervals and upon return from sick leave, or if they perform all of the occupational health functions laid down by the New Zealand branch of the British Medical Association.³ The functions most rarely mentioned in laws and regulations relate to individual advice to workers and research (subparagraphs *(h)* and *(m)* of Paragraph 8 of the Recommendation), and to a lesser extent, to surveillance of the adaptation of jobs to workers, training of first-aid personnel and education of the personnel in health and hygiene (subparagraphs *(f)*, *(j)* and *(k)*). But it might perhaps be unwise to take these observations as the basis for an evaluation of activities which cannot easily be fitted into a codified system.

83. Governments' reports do not state whether physicians coming under an administrative service and performing certain functions described in the Recommendation are required to provide the occupational health services, which are voluntary services in the countries concerned, with whatever information those services might consider necessary.⁴

84. The requirement that occupational health services should maintain close contact with the departments, committees or persons concerned with health or social questions in the undertaking (as provided for in Paragraph 10 of Recommendation No. 112) is rarely mentioned specifically. In certain countries, however, it is provided that occupational health services should be represented at meetings of the health and safety committee⁵, and should maintain relations with the personnel department, which is an aspect of their role of advising the employer with regard to placing and reassignment⁶, or with the trade union organs in the enterprise.⁷ The requirement

¹ For example, Belgium (where legislation is very detailed), Bulgaria, Czechoslovakia, France, Federal Republic of Germany, Hungary, Morocco, Netherlands, Spain, Tunisia, Ukraine, USSR and United States (federal administration), as well as the countries and territories to which the French Overseas Labour Code and the enactments under it have been or still are applied.

² For example, Colombia (medical examination and relevant statistics, participation in prevention activities and surveillance of hygiene, health education for workers); Iraq (periodical medical examination, surveillance of sanitary installations); Japan (supervision of the use of individual protective equipment, supervision of hygiene, medical examination, health education, statistics).

³ As mentioned previously (paragraph 74), subsidies were paid in 1969 in respect of forty-one industrial physicians out of a total of forty-six.

⁴ The report by the Swiss Government states, however, that physicians belonging to the National Accident Insurance Fund "maintain close contacts with works physicians".

⁵ For example: Belgium (advisory attendance at every meeting of the committee for safety, health and improvement of places of employment); France (the occupational physician is a member of the health and safety committee, and his annual report must be submitted to the works council or the inter-enterprise service's supervisory body); Spain (the occupational physician is a member of the health and safety committee). See also the following chapter: "Information and Collaboration".

⁶ Belgium—the occupational physician advises the employer, the management, the service and the committee for safety, health and improvement of places of employment, the social service, the personnel department and any other department or body dealing with safety, health or social questions within the enterprise.

⁷ Belgium—at the request of an organisation representing the workers, the occupational physician must visit an enterprise under his surveillance without delay: USSR—the occupational physician participates in the work of the works trade union committee.

that relations should be maintained with bodies outside the enterprise dealing with questions of health, safety, retraining, rehabilitation, reassignment and welfare of the workers (as stated in Paragraph 11 of the Recommendation) also seems to be provided for in a small number of countries only.¹

85. In order to perform their functions efficiently, occupational health services should enjoy certain prerogatives designed essentially to provide them with information on conditions of work in the undertaking. The persons attached to these services must, however, be required to observe professional secrecy as regards both medical and technical information (Paragraphs 20 to 21 of Recommendation No. 112).

86. The prerogatives vested in occupational health services in this respect are derived from those of the labour inspectorate and are in some ways comparable even though the background is different. In countries where there is no very clear differentiation between functions, and physicians are appointed by the labour inspectorate to perform some functions of occupational health services in enterprises², it is significant that the powers of the labour inspectorate are specifically extended to them by law. On the other hand, where there are enterprise or inter-enterprise services, laws and regulations which do not contain a general reference to some other legislative provision³ only rarely specify the occupational physician's right of access to workplaces⁴, the need to inspect them at appropriate intervals⁵, the right to investigate production processes and the substances used⁶ and to undertake or request that approved technical bodies undertake sampling of the atmosphere and noxious substances, materials or agents.⁷ Finally it does not appear that the possibility for the occupational physician to request the competent authorities to ensure

¹ Belgium—all appropriate contacts with services and other bodies outside the enterprise dealing with questions of hygiene, health, safety and welfare, or rehabilitation, retraining or reassignment of handicapped persons, as well as any other useful relations with universities; Federal Republic of Germany—collaboration with the industrial accident insurance associations (instructions annexed to the collective agreement of 1 March 1953); Portugal—relations with the enterprise's social services; Spain—relations with the National Institute for Occupational Health and Safety, the National School of Industrial Medicine, the Directorate General for Labour, the health authorities and the social security authorities; Tunisia—relations with the Pasteur Institute, the Central Laboratory for the Study of Industrial Toxic Agents, the Tunisian Safety Association and the Tunisian Red Crescent.

² For example, in the United Kingdom (section 85, subsection 2, of the Factories Act) and similar provisions existing in countries whose legislation is derived from that of the United Kingdom.

³ Except in France, in agriculture, although occupational physicians do not come under the inspection services (section 1000-4 of the Rural Code, as amended by the Act of 26 December 1965).

⁴ For example: Argentina—where the employer is required in general to provide the physician with full assistance in performing his functions (section 11 of Act No. 5773 of 27 April 1954); Belgium—right of access specifically provides (section 148 *sexties* of the General Regulations on Labour Protection); France—right of access to non-agricultural enterprises (report from Government); in Japan it is stated in general terms that the employer is required to give the health supervisor full authority to take any necessary steps regarding industrial hygiene (section 16 of Ordinance No. 9 of 1947 on industrial safety and health).

⁵ For example: Belgium, Japan, Portugal.

⁶ For example: Belgium—the employer or his representative must supply any information requested by the physician and inform him concerning manufacturing processes, work techniques and substances and products used in the enterprise (section 147 *nonies* and 148 *octies* of the General Regulations on Labour Protection); France—the physician must be consulted by the employer regarding the introduction of any new manufacturing processes and informed of the composition of the products used (section 21 of the Decree of 13 June 1969); Mali—provisions similar to those in France (section 55 of the Social Insurance Code); Morocco (section 16 of the Decree of 8 July 1957); Portugal (section 26 of Decree No. 47512 of 25 January 1967).

⁷ For example: Belgium (section 147 *nonies* and 148 *octies* of the General Regulations on Labour Protection); France—the physician is empowered to take samples of noxious substances for purposes

compliance with occupational safety and health standards is specifically provided for.¹ However, the need to observe professional secrecy is laid down in a large number of countries with regard to medical information² and, particularly in the countries where the physician's right to obtain information is guaranteed, concerning any technical information which might come to his knowledge.³

CONCLUSION

87. The occupational health services in places of employment provided for in Recommendation No. 112 are shown by the Governments' reports to be less fully developed than the various statutory forms of health protection described in Recommendation No. 97. Even in the countries where the existence of these services is based on laws and regulations or agreements certain aspects of their legal status and functions are often insufficiently detailed, either with regard to safeguards for the independence of physicians, or with regard to the scope of the functions of occupational health functions or their resources. This comment should not, however, obscure the considerable achievements in this direction, which offer a great wealth of varying solutions and bear evidence of great interest and remarkable development, opening considerable prospects for the future.

of analysis, unless the employer appeals to the labour inspectorate (section 22 of the Decree of 13 June 1969); Guinea—the physician may request the labour inspectorate to authorise sampling (section 204 of the Labour Code); Mali—the physician may take samples if authorised by the labour inspectorate (section 55 of the Social Insurance Code).

¹ The Government of Canada states in its report that this provision (Paragraph 20 (*e*) of Recommendation No. 112) has not been considered necessary since the same result can be achieved through unofficial contacts with medical inspectors of labour.

² For example: Argentina (section 18 of Decree No. 13803 of 7 August 1957); Austria (section 10 of the Medical Practitioners Act (*BGBI.*, No. 92/1949)); Belgium (section 148 *septies* of the General Regulations on Labour Protection); Chile (section 27 of Decree No. 380 of 9 May 1938); Czechoslovakia—except with the consent of the person concerned or in the event of exemption by a person of higher rank authorised in the interests of the State (section 55 of the Public Health Act, No. 20 of 1966); France (section 273 of the Penal Code); Hungary (report from Government); Mali (section 51 of the Social Insurance Code); Spain—except where there would be obvious individual or social benefit from revelation of the information (section 42 of the Order of 27 November 1959); Syrian Arab Republic (section 8 of Order No. 12 of 9 July 1959).

³ For example: Belgium (section 148 *septies* of the General Regulations on Labour Protection); France (section 21 of the Decree of 13 June 1969); Mali (section 55 of the Social Insurance Code); Niger (section 366 of Decree No. 67-126/MFP/T of 7 September 1967); Spain (section 41 of the Order of 21 November 1959).

V. INFORMATION AND COLLABORATION

88. Information and consultation of workers, with a view to obtaining their collaboration in the application of technical prevention measures and in the activities of occupational health services, are covered by various provisions in the two Recommendations, together with information and consultation of employers, workers and their organisations by the competent authority, the labour inspectorate or any other authority responsible for protection of the workers' health (Paragraphs 4, 6, 7 and 8 (3) of Recommendation No. 97 and Paragraphs 8 (*k*) and 22 of Recommendation No. 112).

89. As mentioned in Paragraph 4 (1) of Recommendation No. 97, the purpose of direct information for the workers is to make them aware of the risks to which they are exposed, of the necessity of the measures of protection and of their obligation to co-operate in and not to disturb the proper functioning of such measures. These obligations are specifically covered by laws and regulations in a large number of countries, which sometimes also refer to the workers' obligation to point out any irregularity in protective measures.¹ The employers' duty to give workers the necessary information and training is also mentioned in most countries' laws and regulations.² This is sometimes done through the somewhat formal requirement that relevant extracts from health and safety regulations should be displayed in workplaces³ or that copies should be given to those concerned.⁴ In addition, a large number of countries make use of a wide range of instruction media such as lectures, courses, booklets, posters, films and broadcasts.⁵

90. In some countries the employers are supported in their work of education both by the competent authorities (Paragraph 6 of Recommendation No. 97)—either the labour administration⁶ or bodies specialising in prevention activities⁷, particular-

¹ For example: Argentina (report from Government); Brazil (section 161 of the Consolidation of Labour Laws); Costa Rica (section 6 of the Labour Code); Czechoslovakia (section 8 of Act No. 20 of 17 March 1966 concerning public health, section 40 (*c*) of Order No. 45/1966, *Sbírka Zákonů*, concerning the creation and maintenance of healthy living conditions); Hungary (section 75 of the Decree to apply the Labour Code (*LS* 1967—Hun. 1 B)); Italy (section 5 of the General Regulations respecting industrial hygiene); Japan (section 185 of Ordinance No. 9 of 1947 on industrial safety and health); Luxembourg (section 32 of the Grand-Ducal Order of 28 August 1944); Sweden (sections 7 and 12 of the Workers' Protection Act); Switzerland (section 3 of Ordinance No. III for the application of the Federal Labour Act); United Arab Republic (section 109 of the Labour Code).

² For example: Argentina, Austria, Belgium, Brazil, Bulgaria, Colombia, Costa Rica, Denmark, Finland, Greece, Hungary, Iraq, Italy, Japan, New Zealand, Switzerland, United Arab Republic.

³ For example: Brazil, Bulgaria, Costa Rica, Denmark, Malawi, Mali, Morocco, Spain, Sweden and USSR.

⁴ Netherlands.

⁵ For example: Finland—courses, study sessions, lectures, distribution of booklets, newspapers and periodicals, radio and television; Federal Republic of Germany—booklets distributed by the industrial accident insurance associations; Hungary—leaflets, posters, handbooks, films, etc.; Luxembourg—quarterly lectures at undertakings employing over 250 persons; Portugal—courses, films, posters; Turkey—posters, booklets, educational and documentary films; United Kingdom—especially in agriculture.

⁶ For example: Austria, Brazil, Ceylon, United Kingdom (especially through the Ministry of Agriculture, Fisheries and Food).

⁷ For example: Cameroon—Institute for the Prevention of Employment Accidents and Occupational Diseases (established by Ordinance No. 59/100 of 31 December 1959); Colombia—Social

ly social security institutions—and by the representatives of the workers. Although the individual co-operation of all workers in the application of prevention measures is an aim, consultation of their representatives by management is also a means towards that aim and a way of improving such measures (Paragraph 4 (2) of Recommendation No. 97).

91. In certain countries the bodies whose general purpose is to represent the labour force of an undertaking, whether in the form of committees, which may or not be jointly composed, depending on the country¹, or through workers' delegates, particularly in small enterprises², sometimes include among their functions surveillance of the application of health and safety regulations and propose appropriate action to the employer. In a large number of countries these functions are performed by specialised bodies such as safety and health committees³ or by workers' safety delegates.⁴ They sometimes participate with the management in analysing the causes of serious risks that have occurred, promote workers' education in safety and health, and are more especially associated in the work of labour inspection in the event of infringement of legal provisions. In the USSR the trade unions participate directly in the improvement of safety and health conditions through the signature, at the level of the undertaking, of special collective agreements annexed to the general collective

Insurance Institute; Denmark—Workers' Protection Fund (report from Government); Finland—Accident Prevention Association and Occupational Health Institute (report from Government); Federal Republic of Germany—industrial accident insurance associations; Luxembourg—Labour Safety Institute (report from Government).

¹ For example: Federal Republic of Germany—works councils (Act of 11 October 1952 (*LS* 1952—Ger. F.R. 6)); Iraq—works councils (section 41 of the Labour Code); New Zealand—works councils (section 7 of Act No. 6 of 16 August 1949 (*LS* 1949—N.Z. 1)); Tunisia—works councils (section 157 of the Labour Code); United Arab Republic—joint advisory boards (sections 111 and 112 of the Labour Code).

² For example: Cameroon (section 124 of the Labour Code) and the countries and territories to which the French Overseas Labour Code (1952) has been or is still applied; Tunisia (section 163 of the Labour Code). In Pakistan regulations of 1935 concerning dock workers provide for consultation of the workers' representatives to the fullest possible extent concerning matters of health and safety.

³ For example: Belgium—committees for health, safety and the improvement of workplaces (section 1 of the Act of 10 June 1952 concerning the health and safety of workers); Brazil—works prevention committees (section 164 of the Labour Code); Chile—joint health and safety committees (section 66 of Act No. 16744 of 23 January 1968 concerning insurance against employment accidents and occupational diseases); China—provision for the establishment of safety and health committees in mines; Costa Rica—joint safety committees (section 208 of the Labour Code); Cuba—committees for protection in workplaces (sections 472-474 of the General Bases for Organising Industrial Safety and Health); Denmark—safety committees (section 59 of the Workers' Protection Act); Finland—safety committees (national collective agreement of 4 February 1969); France—safety and health committees (Decree of 1 August 1947); Iraq—safety committees (Instruction No. 26999 of 29 December 1964); Italy—prevention and safety committees in chemical works (national collective agreement of 27 November 1966) and metal-working factories (national collective agreement of 15 December 1966); Japan—occupational health committees; Mexico—joint safety and health committees (sections 29-51 of the Occupational Accident Prevention Regulations, 1934); Norway—safety and health committees (section 11 of Act No. 2 of 1956 concerning workers' protection); Sweden—protection committees (sections 39 and 40 of Act No. 1 of 3 January 1949 concerning workers' protection); Turkey—occupational safety and health committees (Regulation No. 6/11974 of 5 June 1959, *Resmî Gazete*, No. 13248, 14 July 1969); United Kingdom—joint safety and health committees in certain industries including paper-making, cotton-spinning and weaving, wool textile manufacturing, pottery manufacturing and metal founding (information supplied by the Government for the study on *Official Services for Occupational Safety and Health*, op. cit.).

⁴ For example: Austria (report from Government); Belgium—mines (Act of 11 April 1897, *Moniteur*, 26-27 Apr. 1897); France—miners' delegates (Book II, section 120 of the Labour Code); Luxembourg (Grand-Ducal Order of 31 December 1929); Norway (sections 9 and 10 of Act No. 2 of 7 December 1956 concerning workers' protection); Sweden (sections 39 and 40 of Act No. 1 of 3 January 1949 concerning workers' protection); USSR—"public labour protection inspectors"

agreements¹; the role of the trade unions in the promotion of occupational safety and health is also important in certain other socialist countries of Eastern Europe.²

92. The collaboration of the workers and their organisations in attaining the objectives of occupational health services (Paragraph 22 of Recommendation No. 112), which it is especially necessary to obtain in the initial stages of the establishment of such services, is promoted in certain countries through the participation of workers' representatives in the body to which enterprise or inter-enterprise services are answerable.³ The physician in charge of the service is required in some countries to send his annual report to that body⁴ and to attend meetings of the safety and health committee, if there is one.⁵

93. At various levels outside undertakings consultations are organised in certain countries between the competent authorities, the employers and the workers, as provided for in Paragraph 7 of Recommendation No. 97. This applies in particular to joint advisory boards set up at the regional or industrial level.⁶ But it is most common for such consultations to take place at the national, inter-occupational level or within a national council having general competence for all labour questions⁷, or alternatively within specialised bodies such as the councils of social security institutions competent for prevention matters⁸ or those dealing with industrial medicine.

elected from among the workers in accordance with trade union rules (as indicated in the Government's communication for the study on *Official Services for Occupational Safety and Health*, op. cit.). See also the earlier report by the Committee of Experts on *Labour Inspection in Industry, Commerce and Mining and Transport Undertakings*, Report III (IV) to the 50th Session of the International Labour Conference (Geneva, 1966), Part IV, para. 117.

¹ Report from Government.

² See, for example, Czechoslovakia (section 135 of the Labour Code).

³ For example: Belgium—committee for safety, health and improvement of workplaces (section 108 of the General Regulations); France—works council, inter-enterprise committee or supervisory board with a greater number of workers' representatives than employers' representatives (section 7 of the Decree of 13 June 1969); Mali—a council composed of employers belonging to the service, workers' delegates and representatives of the National Social Insurance Institute (sections 40-45 of the Social Insurance Code); United Arab Republic—joint advisory board for each industry.

⁴ For example: Belgium, France.

⁵ Belgium (section 147 *octies* of the General Regulations on Labour Protection); China (report from Government); France (section 3 of the Decree of 1 August 1947); Turkey (report from Government). In Rumania occupational physicians carry out a quarterly analysis of the workers' health in collaboration with the management and the works trade union. See also Chapter IV above, para. 84.

⁶ For example: Belgium—occupational committee for safety, health and improvement of workplaces established at industry level (section 832 of the General Regulations on Labour Protection); New Zealand—local and special advisory boards (section 5 of Act No. 6 of 16 August 1949); Sweden—boards to advise the labour inspectorate which are set up in all districts (Instruction No. 776 of 3 December 1965).

⁷ For example: Cameroon—National Labour Council (section 121 of the Labour Code); similar bodies under the title of national or central labour council exist in most of the countries to which the French Overseas Labour Code (1952) has applied; Denmark—National Labour Council (section 61 of the Workers' Protection Act); Japan—Labour Standards Council (section 98 of Act No. 49 of 1947 concerning conditions of work); Kenya—Factories Committee of the Advisory Labour Board (report from Government); New Zealand—Advisory Labour Board (section 3 of Act No. 6 of 16 August 1949); Pakistan—Tripartite Labour Conference and Standing Labour Committee (report from Government); Switzerland—Federal Labour Committee (sections 40-43 of the Federal Labour Act); Tunisia—Labour Committee (sections 335-337 of the Labour Code); Uganda—tripartite Advisory Labour Board (report from Government).

⁸ As regards preventive measures: Costa Rica (Industrial Safety and Health Board); social security bodies concerned with prevention, in Chile, Federal Republic of Germany, Guinea and Switzerland, and concerned with occupational health services, for example in such countries as the

CONCLUSION

94. The information of employers, workers and their organisations, as well as collaboration between themselves and the competent authorities, which constitute indispensable means of ensuring effective protection of workers' health, are regulated in varying degrees in numerous countries. It is however not possible to assert on the basis of the available information that all that could be done in this field has in fact been realised.

Federal Republic of Germany—tripartite working party (report from Government)—and the Netherlands—Advisory Industrial Medical Committee (Act of 19 February 1959); special bodies have also been set up in some countries to study possible future developments in this area (see para. 105 below).

VI. SUPERVISION

95. Whereas Recommendation No. 97 contains only incidental references to the role of the labour inspectorate (Paragraphs 7 and 14 (3)), Recommendation No. 112 provides that national laws or regulations should specify the authority responsible for supervising the organisation and operation of occupational health services, and that they may in appropriate cases confer on recognised technical bodies the role of advisers in this field (Paragraph 25).

96. Without going into the general problems of labour inspection, which have previously been studied by the Committee¹, a few indications may be given concerning supervision of measures designed for the protection of the workers' health. In a large number of countries this comes mainly under the ministry of labour, being exercised through the labour inspectorate², while in certain countries it is exercised through a medical inspectorate of labour.³ Where social security authorities have competence in regard to prevention they generally supervise the technical measures which they themselves lay down, with the possibility of co-ordination of their representatives' action with that of labour inspectors.⁴ In other countries occupational health and hygiene come more specifically within the sphere of the ministry of health, with regard to the medical aspects⁵; this is particularly true of the USSR where supervision of occupational hygiene is the responsibility of the sanitary-epidemiological services, without affecting the possibility of additional supervision by the technical inspectors of trade unions to which physicians may be attached.⁶

97. The role of the supervisory authorities assumes a special aspect when the existence of occupational health services in enterprises is not based on any legal status or when such services are only slightly developed. In such instances the central authority is led itself to perform some of the functions noted above at the level of the undertaking⁷, but in certain countries⁸ it is also led to promote the development of occupational health services at this level. In pursuance of Paragraph 25 of Recommendation No. 112 the central authority should also supervise occupational health services established on a purely voluntary basis, but this does not always seem to be

¹ *Labour Inspection in Industry, Commerce, and Mining and Transport Undertakings*, op. cit.

² For example: Belgium, Bolivia, Brazil, Burma, Cameroon (and the other countries and territories to which the French overseas Labour Code has been or still is applied), Ceylon, Chile, Colombia, Congo (Kinshasa), Federal Republic of Germany, Guatemala, Italy, Japan, Morocco, Netherlands, New Zealand, Norway, Sudan, Sweden, Switzerland, Togo, Tunisia, United Arab Republic (Ministry of Labour in conjunction with the Occupational Health Department of the Ministry of Health), Viet-Nam.

³ For example: Belgium, Cameroon (and the other countries and territories to which the French Overseas Labour Code has been or still is applied), Colombia, Congo (Kinshasa), Federal Republic of Germany, Morocco, Tunisia, Viet-Nam. See also the countries quoted in para. 63 of this study.

⁴ For example: Australia, Austria, Federal Republic of Germany, Switzerland.

⁵ For example: Argentina, Bulgaria, Czechoslovakia, Hungary, Iraq, New Zealand, USSR, United Arab Republic.

⁶ Report from Government.

⁷ See Chapter IV, paras. 62 to 65.

⁸ Australia (especially South Australia), Israel, Malaysia, New Zealand (see para. 74 above), United Kingdom (wide distribution of a booklet to undertakings, as described in para. 12 of this study).

specifically provided for.¹ On the other hand, in countries where occupational health services established on the basis of laws or regulations are placed under fairly close supervision by a central organisation for occupational health services², and to an even greater extent when the organisation of occupational health facilities is centralised³, the inspection tends to be confined to internal supervision only.

CONCLUSION

98. There exists in a large number of countries an authority whose task is to supervise the application of measures for protecting workers' health as well as the activity of occupational health services, at least those whose institution is compulsory. Whilst not failing to recognise the importance of supervision, the Committee is not, however, in a position, in the context of the present study, to examine the full extent of it.

¹ During the second discussion of the draft of the Recommendation by the International Labour Conference, an amendment limiting supervision to the functions of occupational health services as laid down by law was considered but then withdrawn (see *Record of Proceedings*, International Labour Conference, 43rd Session, Geneva, 1959 (Geneva, 1960), Annex VII). In Norway such supervision is carried out; in the Netherlands the occupational health services established on a voluntary basis may place themselves under the supervision of the Advisory Industrial Medical Committee.

² Mali (National Social Insurance Institute); Spain (Works Medical Services Organisation, established by Decree No. 242/1959).

³ Chile and certain socialist countries of Eastern Europe (Bulgaria, Byelorussia, Czechoslovakia, Hungary, Rumania, Ukraine, USSR).

VII. DIFFICULTIES AND PROGRESS IN IMPLEMENTATION

DIFFICULTIES IN IMPLEMENTATION

99. Measures for the protection of workers' health corresponding to those laid down by Recommendation No. 97 exist in a large number of countries, although there are still occasional gaps on certain points: prevention of the harmful effects of noise, priority for the replacement of harmful substances and processes with others which are either harmless or less harmful, periodical analysis of the atmosphere at workplaces, or special prevention measures (technical measures, medical examination, listing of occupational diseases which must be declared) corresponding to the risks actually incurred. With regard to Recommendation No. 112 the situation is much more varied.

100. For the developing countries the main obstacle to the organisation of occupational health services remains the shortage of doctors and nurses, even more perhaps than the inadequacy of financial resources. Even where they do exist, medical services have to cope with a wide range of urgent functions, particularly the provision of care and the control of endemic and epidemic diseases, so that they cannot always perform the essentially preventive functions more germane to occupational health, as provided in Paragraph 6 of the Recommendation. Nor is it possible in practice for works doctors to avoid verifying the justification of absence on grounds of sickness when they combine the three functions of attending physician, supervisory physician and occupational physician.

101. For somewhat different reasons, due partly to the structure and functions of health services which combine prevention and care, in certain socialist countries of Eastern Europe¹, where medical facilities are well developed, participation by occupational physicians in the supervision of absence on grounds of sickness is considered to be part of their normal functions.

PROGRESS IN IMPLEMENTATION

102. Numerous changes have been made in national laws and regulations concerning protection measures, particularly since the adoption of Recommendation No. 97. In Finland the Recommendation was specifically taken as the basis for the drafting of the 1958 Act concerning workers' protection. Other examples include the amendments to the General Regulations on Labour Protection in Belgium, the Decree of 1956 laying down general regulations with regard to occupational hygiene in Italy, the Federal Labour Act of 1964 and the Ordinance of 1960 concerning prevention of occupational diseases in Switzerland, the general regulations on hygiene adopted in Tunisia in 1968, and the 1967 Labour Act in Turkey. In addition, on 27 July 1966 the Commission of the European Communities itself adopted a recommendation inspired by Recommendation No. 97 concerning the surveillance of workers exposed to particular risks.

103. When the work now being carried out in other countries is completed, their laws should correspond more fully to the provisions of Recommendation No. 97.

¹ Bulgaria, Byelorussia, Czechoslovakia, Hungary, Rumania, Ukraine, USSR.

This applies in particular to Colombia, where studies are being carried out by the Ministry of Labour and Social Security; Congo (Kinshasa), where the regulations concerning medical examination of workers are at present before the National Labour Council; Cyprus, where the Factories Act is being revised; the Federal Republic of Germany, where an Ordinance concerning dangerous substances is now being drafted; Guyana, where regulations governing the use of pesticides in agriculture are being examined; Iraq, where the Labour Code is being revised; Israel, where general regulations are being drafted fixing the intervals for medical examination for each industry where workers are exposed to special risks; Sierra Leone, where a Factories Bill is under consideration; Switzerland, where it is intended to issue regulations to apply the Federal Labour Act to non-industrial enterprises; Togo, where a draft decree laying down the general safety and health conditions for all types of establishments has been submitted to the Council of Ministers; Turkey, where safety and health regulations under the Labour Act of 1967 have been submitted for approval by the Council of State; the United Kingdom, where it is intended to issue statutory provisions covering workers in factories, commerce and offices in regard to safety, health and welfare; and Uruguay, where an Occupational Safety and Health Bill to replace Act No. 5032 of 21 July 1914 has been presented to Parliament. In addition, the prevention of the harmful effects of noise is being studied in the member States of the European Communities, in the United Kingdom and elsewhere.

104. It is in the field of occupational health services, however, where situations were most varied at the outset, that the most remarkable progress has been achieved or is anticipated. Whatever may be the interaction between national law and practice on the one hand and international standards on the other, it cannot be denied that Recommendation No. 112, which is reflected in the work of several regional organisations¹, has crystallised an approach which may be said by and large to result in consolidation in countries where occupational health services were already in existence, the extension of services or plans for their introduction in other countries, even including developing countries, and the tendency to institute legislation in place of systems based on agreements or voluntary participation, although this trend is still uncertain.

105. For example, in Belgium, where numerous occupational health services had already been voluntarily established by enterprises with the encouragement of the authorities, in order to meet requirements in regard to medical examination, before the Recommendation was adopted, these services were made compulsory under a Royal Order of 1965 and are now based on statutory provisions. A similar situation exists in Italy, where the Government states that the occupational health services, which are already well developed in different forms, are to be made compulsory under legislation now before Parliament. In France, the occupational health services set up by an Act of 1945 were extended to agriculture by law in 1966. In the Netherlands, where occupational health services were made compulsory in certain industrial enterprises by legislation in 1959, a Bill dated 25 March 1969 provides for their extension to non-industrial work. In Portugal, the obligation to establish occupational health services in undertakings where the workers are exposed to

¹ The above-mentioned recommendation of 20 July 1962 by the Commission of the European Communities and the work now going on in the Council of Europe with a view to the adoption of an instrument based very closely on Recommendation No. 112 and in some respects more detailed. Special reference was made to Recommendation No. 112 during the first American Congress on Medicine and Social Security held at Mexico City in January 1969 under the auspices of the Permanent Interamerican Committee on Social Security.

silicosis (Legislative Decree No. 44308 of 27 April 1962) was extended to commercial and industrial enterprises in general under Legislative Decree No. 47511 of 25 January 1967. In Spain, a Decree of 10 June 1959 reorganised the works medical services established under a Decree of 1956 and extended their scope at the same time. In Luxembourg a Bill in this connection is now being studied. In Finland, a tripartite committee was appointed by the Council of Ministers on 10 April 1969 to make proposals for legislation under which occupational health services would become compulsory. In Turkey, the extension of the scope of compulsory sickness insurance in 1964 made it possible to direct the action of medical services, which were already compulsory in the larger undertakings, towards industrial medicine more specifically. In the United Kingdom, it is proposed to reorganise the system of factory doctors appointed by the factories inspectorate so as to relieve them of certain forms of medical examination of young workers which are said to duplicate those carried out in schools or under the National Health Service, with a view to creating a specialised medical service with more extensive functions in regard to occupational health. Outside Europe draft legislation is under consideration in a number of countries.¹ In Latin America, where the pioneering role played by Chile in the field of preventive medicine should be stressed, certain countries have developed administrative services dealing with occupational health which come mainly under social security institutes or ministerial departments.

106. In the three countries where the creation of occupational health services by enterprises benefited from the stimulus of inter-occupational collective agreements at the national level the desirability of state intervention has been considered.² In Norway, however, the legislative provision empowering the labour inspectorate to require an employer to engage an occupational physician has never yet been applied.³ In Sweden, a tripartite Royal Commission appointed under an Ordinance of 4 March 1960 to consider whether Recommendation No. 112 should be put into effect through legislation or in the National Industrial Safety Board's own regulations decided after eight years' study that neither was necessary, but the employers' and workers' confederations proposed that the relevant action should be facilitated through the establishment of a standing joint committee on which various official national and local bodies would be represented. In the Federal Republic of Germany Parliament requested the Federal Government on 6 December 1968 to prepare and present a Bill concerning occupational health services in enterprises.

107. This survey of progress achieved would be incomplete if it failed to mention the development of services established on a purely voluntary basis, which is undoubtedly difficult to evaluate but which seems to be noteworthy in several countries, particularly in Australia, Canada, Israel and New Zealand.

¹ In Iran, draft regulations to organise occupational health services in enterprises are at present before the Central Occupational Safety and Health Council (report from Government); in Kenya the establishment of an official occupational health service is being considered (report from Government); in Canada, the reorganisation of health services for civil servants at present being carried out is based on the principles laid down in Recommendation No. 112 (report from Government); in India, the Government might consider early amendment of the Employees' State Insurance Act 1948 with a view to establishing occupational health services in enterprises (report from Government); in Uruguay, a Bill tabled on 10 October 1968 would empower the Government to require occupational health services to be set up in certain enterprises (report from Government); in Colombia and Liberia the subject is being studied.

² The above-quoted recommendation by the Commission of the European Communities and the work carried out in the Council of Europe recognise the priority of legislation in applying the relevant provisions.

³ Section 8 of Act No. 2 of 7 December 1956 concerning workers' protection.

Welfare Facilities

**General Survey of the Reports
concerning the Welfare Facilities Recommendation, 1956 (No. 102)**

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INTRODUCTION

1. The interest shown by the International Labour Organisation in welfare facilities is a natural consequence of its responsibility in matters affecting the general welfare of all workers. It was during the Second World War that the importance of welfare facilities was more widely recognised and, in 1944, the need to be concerned with the question found expression in the Declaration of Philadelphia, which establishes for the ILO the obligation to further programmes which will achieve for workers the provision of adequate nutrition, housing and facilities for recreation and culture. Soon after, in 1947, the International Labour Conference adopted a resolution concerning welfare facilities for workers. In this resolution the Conference requested the Governing Body, *inter alia*, to include in the agenda of an early session of the Conference the question of welfare facilities or such aspects of it as may be appropriate, and to refer to future regional conferences and to the Industrial Committees for consideration such aspects of the question as may present special problems in particular regions or industries. Discussion of this question at the Conference resulted in 1956 in the adoption of a Recommendation (No. 102) on welfare facilities which is the subject of the present survey.

CONTENTS OF THE RECOMMENDATION

2. The Recommendation begins with a definition of its scope, stating that it applies to all manual and non-manual workers, excluding workers in agriculture and sea transport. After suggesting methods for its implementation it sets out a series of principles which should be followed in the setting up and organisation of different types of welfare facilities, especially in the field of feeding facilities, with special reference to the installation, operation and use of canteens, buffets and trolleys, messrooms and other suitable rooms, mobile canteens and other facilities. The Recommendation also lays down certain standards relating to rest facilities as well as recreation facilities and transport. Certain methods for the management and financing of feeding and recreation facilities are suggested which the competent authorities, employers and workers should take into consideration.

OTHER STANDARDS ADOPTED BY THE ILO

3. In addition to Recommendation No. 102 on welfare facilities the Conference adopted a considerable number of instruments, applying mostly to certain categories of workers, which deal, sometimes accessorially, with welfare facilities.¹

¹ Among these instruments the following Conventions may be mentioned: Recruiting of Indigenous Workers Convention, 1936 (No. 50) (Articles 19 and 20); Food and Catering (Ships' Crews) Convention, 1946 (No. 68); Social Policy (Non-Metropolitan Territories) Convention, 1947 (No. 82) (Articles 1, 4, 15 (7), 18 (1) (f), (4)); Accommodation of Crews Convention (Revised), 1949 (No. 92) (Articles 11-13); Migration for Employment Convention (Revised), 1949 (No. 97) (Annex I, Article 6; Annex II, Article 7); Social Policy (Basic Aims and Standards) Convention, 1962 (No. 117) (Articles 1, 11 (7), 14 (1) (f)); Hygiene (Commerce and Offices) Convention, 1964 (No. 120) (Part II, Articles 12 and 14); Accommodation of Crews (Fishermen) Convention, 1966 (No. 126) (Articles 1 (6), 6 (4), (6) (10), 7 (1), 11 and 16), as well as the following Recommendations: Utilisation of Spare Time Recommendation, 1924 (No. 21); Seamen's Welfare in Ports Recommendation, 1936 (No. 48) (Part IV, Accommodation and Recreation, Paragraph 9); Social Policy in Dependent

4. Questions relating to welfare facilities have also been studied by other ILO organs. Thus the First Conference of American States Members of the ILO, which was held in Santiago, Chile, in 1936¹, the Second Asian Regional Conference, which was held in Ceylon in 1950², and the Regional Meeting for the Near and Middle East, which was held in Istanbul in 1947³, passed resolutions concerning certain aspects of welfare facilities.

5. Moreover, several industrial committees adopted resolutions or conclusions dealing with certain aspects of welfare facilities of particular importance to the industries concerned. This was the case with the Textiles Committee⁴, the Building Civil Engineering and Public Works Committee⁵, the Petroleum Committee⁶, the Iron and Steel Committee⁷, and the Inland Transport Committee.⁸

6. Moreover, the Asian Maritime Conferences (1953 and 1965)⁹, the Joint Maritime Commission (1947)¹⁰ and the Committee on Conditions of Work in the Fishing Industry (1962)¹¹ adopted resolutions concerning welfare facilities. Some

Territories Recommendation, 1944 (No. 70) (Articles 3 and 45); Migration for Employment Recommendation (Revised), 1949 (No. 86) (III, Paragraph 11 and Annex Model Agreement, Article 17 (2), (a), (iv), Article 19); Protection of Workers' Health Recommendation, 1953 (No. 97) (Paragraph 2 (g)); Protection of Migrant Workers (Underdeveloped Countries) Recommendation, 1955 (No. 100) (IV.F Supply of Consumer Goods); Plantations Recommendation, 1958 (No. 110) (VI Welfare Facilities, Paragraphs 34-44); Discrimination (Employment and Occupation) Recommendation, 1958 (No. 111) (II. Formulation and Application of Policy, Paragraph 2 (b), (vi)); Occupational Health Services Recommendation, 1959 (No. 112) (IV. Functions, Paragraph 8 (d), 10 and 11); Hygiene (Commerce and Offices) Recommendation, 1964 (No. 120) (Parts XI, Seats; XVIII, Mess-rooms; XIX, Rest Rooms); Conditions of Employment of Young Persons (Underground Work) Recommendation, 1965 (No. 125) (III. Health, Safety and Welfare, Paragraph 6 (a) and (c)).

¹ *International Labour Code*, 1951, Vol. II, Appendices, Geneva, 1954, p. 663.

² *Ibid.*, p. 794.

³ *Official Bulletin (OB)*, Vol. XXX, No. 4, 1 Dec. 1947, p. 222 (Resolution on Labour Policy: V, the Employment of Women and the Protection of Maternity, B. Other Measures of Protection for Women Workers, paragraph 43 (d)).

⁴ First Session, 1946: Resolution concerning Improved Working Conditions and Welfare Facilities (*OB*, Vol. XXX, No. 2, 15 Sep. 1947, p. 124); Second Session, 1948: Resolution No. 3 concerning Welfare Facilities for Textile Workers (*OB*, Vol. XXXII, No. 1, 15 June 1949, p. 14); Fourth Session, 1953: Memorandum No. 31 concerning Women's Employment in the Textile Industry, paragraph 6 (c) and 7 (a) (*OB*, Vol. XXXVI, No. 1, 1 June 1953, p. 4); Eighth Session, 1968: Conclusions No. 55 concerning Labour Problems in the Textile Industry in Developing Countries, paragraphs 21 and 22 (*OB*, Vol. LII, 1969, No. 1, p. 84).

⁵ Third Session, 1951: Resolution No. 25 concerning Welfare in the Construction Industry (*OB*, Vol. XXXIV, No. 2, 20 Dec. 1951, pp. 40-42); Fourth Session, 1953: Resolution No. 48 concerning Welfare in the Construction Industry in Underdeveloped Countries (*OB*, Vol. XXXVI, No. 5, 10 Dec. 1953, p. 119).

⁶ Resolution No. 32 concerning Social Problems in the Petroleum Industry (*OB*, Vol. XXXIII, No. 4, 20 Dec. 1950); Fourth Session, 1952: Memorandum No. 37 concerning Social Services in the Petroleum Industry (*OB*, Vol. XXXV, No. 3, 20 Dec. 1952, pp. 218-222).

⁷ Fourth Session, 1952: Resolution No. 31 concerning Welfare in the Iron and Steel Industry, (*OB*, Vol. XXXV, No. 3, 20 Dec. 1952, p. 172); Sixth Session, 1957: Memorandum No. 48 concerning Conditions of Work and Social Problems in the Iron and Steel Industry in Countries in the Course of Industrialisation (*OB*, Vol. XL, No. 5, 1957, p. 273).

⁸ Fifth Session, 1954: Resolution No. 52 concerning Welfare Facilities for Dockworkers, and Appendices (*OB*, Vol. XXXVII, No. 2, 15 Sep. 1954, p. 37); Seventh Session, 1961: Conclusion No. 73 concerning General Conditions of Work of Railwaymen: III. Staff Welfare (*OB*, Vol. XLIV, No. 6, 1961, pp. 424-426).

⁹ *OB*, Vol. XXXVI, No. 4, 30 Nov. 1953, p. 102. Vol. XLVIII, No. 3, July 1965, p. 288.

¹⁰ *OB*, Vol. XXX, No. 5, 31 Dec. 1947, p. 309.

¹¹ *OB*, Vol. XLVI, No. 2, Apr. 1963, pp. 271-278 (conclusions directed towards a draft instrument concerning Accommodation on Board Fishing Vessels: Part III, Article 11 (Mess Rooms)).

technical meetings also dealt with welfare facilities and adopted resolutions or conclusions in this connection. Among them the following may be mentioned: Tripartite Technical Meeting on the Timber Industry, 1958¹; the Tripartite Technical Meeting for the Woodworking Industries, 1967², the Tripartite Technical Meeting for the Food Products and Drink Industries, 1963³; the Tripartite Technical Meeting for the Clothing Industry, 1964⁴; the Permanent Agricultural Committee, 1960⁵; and the Advisory Committee on Salaried Employees and Professional Workers, 1952.⁶

7. It should also be mentioned that the Meeting of Experts on Welfare Facilities for Industrial Workers which was held in Geneva in 1964 adopted conclusions⁷ to supplement the principles laid down in Recommendation No. 102, particularly in connection with the provision of seats, rest rooms, messrooms, meal services, transport, cultural and recreational facilities, and methods of providing and financing welfare facilities.

8. More recently the Inter-American Advisory Committee adopted at its second session, which was held in San Salvador in 1969, conclusions emphasising, *inter alia*, the need to develop welfare facilities in American countries.⁸

9. This brief survey shows that the question of welfare facilities continues as in the past to arouse considerable interest within the framework of ILO activities.

REPORTS FROM GOVERNMENTS

10. In accordance with the decision adopted by the Governing Body at its 169th Session (Geneva, May-June 1967), reports were requested for 1969 from Governments under article 19 of the Constitution concerning the Welfare Facilities Recommendation, 1956 (No. 102). Such reports were received from eighty-five member States⁹, and on behalf of twenty non-metropolitan territories.¹⁰ The scope and amount

¹ *OB*, Vol. XLI, No. 7, 1958 (Memorandum No. 2 concerning Living Conditions in Logging Camps).

² *OB*, Vol. LI, No. 1, Jan. 1968, pp. 79-83 (Conclusion No. 2 concerning Safety, Health, and Welfare in the Woodworking Industries. Paragraph 45 (b), (d), (f), contains references to Recommendation No. 102 concerning Welfare Facilities).

³ *OB*, Vol. XLVII, No. 2, Apr. 1964, pp. 119-123 (Conclusion No. 2 concerning Health, Hygiene and Safety in the Food Products and Drink Industries, para. 16, Welfare).

⁴ *OB*, Vol. XLVII, No. 4, Oct. 1964, pp. 352-357 (Conclusion No. 1 concerning Conditions of Work in the Clothing Industry, para. 52, Welfare).

⁵ Document PAC. VI, 1960/R.2, p. 17.

⁶ *OB*, Vol. XXXV, No. 3, Dec. 1952, p. 105 (Resolution No. 12 concerning Hygiene in Shops and Offices, para. 14: Seats, para. 17: Facilities for Meals).

⁷ *OB*, Vol. XLVII, No. 4, Oct. 1964, pp. 376, 377, 378, 379-383, 385-387.

⁸ Document AM. AC/II/D. 10., pp. 23 and 24.

⁹ Afghanistan, Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Bulgaria, Burma, Byelorussia, Cameroon, Canada, Ceylon, Chile, China, Colombia, Congo (Brazzaville), Congo (Kinshasa), Costa Rica, Cuba, Cyprus, Czechoslovakia, Dahomey, Denmark, Finland, France, Federal Republic of Germany, Greece, Guatemala, Guyana, Hungary, India, Iran, Iraq, Ireland, Israel, Italy, Japan, Kenya, Kuwait, Lesotho, Liberia, Luxembourg, Malawi, Malaysia, Mali, Malta, Mauritania, Mexico, Morocco, Netherlands, New Zealand, Niger, Nigeria, Norway, Pakistan, Panama, Philippines, Poland, Rumania, Rwanda, Senegal, Sierra Leone, Singapore, Spain, Sudan, Sweden, Switzerland, Syrian Arab Republic, Thailand, Togo, Tunisia, Turkey, Uganda, Ukraine, USSR, United Arab Republic, United Kingdom, United States, Upper Volta, Uruguay, Venezuela, Viet-Nam, Yugoslavia, Zambia.

¹⁰ Australia (New Guinea, Norfolk Island, Papua), Netherlands (Netherlands Antilles), United Kingdom (Antigua, Bahamas, Bermuda, British Honduras, British Virgin Islands, Brunei, Falkland Islands, Gibraltar, Gilbert and Ellice Islands, Guernsey, Hong Kong, Isle of Man, St. Helena, St. Lucia, Seychelles, Solomon Islands).

of information supplied varies considerably with the countries. Even though certain reports contain detailed information on the degree of application of the provisions of the Recommendation, certain others are very incomplete and fragmentary and contain neither statistical data nor precise information on the position in the sphere of welfare facilities. On the whole, however, the information made available to the Committee has made it possible to assess the effect given to the provisions of the Recommendation. A detailed summary of the reports received up to 15 November 1961 is submitted to the International Labour Conference.¹

PLAN OF SURVEY

11. This survey follows the main lines of Recommendation No. 102. It will deal first with questions relating to scope and methods of implementation, feeding facilities, rest facilities, and recreation facilities. It will then deal with the management and financing of feeding and recreation facilities as well as transport facilities. It does not claim to be exhaustive in character, and references to any particular countries are given merely as illustrations. More precise references to national legislation concerning welfare services will be found in the Summary of Reports submitted to the Conference.²

I. SCOPE

12. The Recommendation specifies that it applies to manual and non-manual workers, excluding workers in agriculture and sea transport, and that in any case in which it is doubtful whether an undertaking is one to which this Recommendation applies, the question should be settled either by the competent authority after consultation with the organisations of employers and workers concerned, or in accordance with the law or practice of the country. (Paragraphs 1 and 2.)

13. In countries where there is legislation dealing with all or some of the aspects of welfare facilities such provisions apply sometimes to all workers in general.³ In other cases, on the other hand, some part of the legislation concerning certain aspects of welfare facilities may apply to some given categories of undertakings⁴ or to undertakings employing a minimum number of workers.⁵ In certain cases there are different provisions for the public and for the private sector.⁶

14. Where welfare facilities are established by virtue of collective agreements these generally apply only to undertakings and categories of workers covered by such agreements.

15. In some countries legislation concerning welfare facilities does not apply to certain categories of workers, for instance workers who perform their work at home, outside the supervision of the employer, and members of an employer's

¹ *Summary of Reports on Selected Recommendations* (Article 19 of the Constitution): Health, Welfare and Housing of Workers (Report III (Part 2), Geneva, ILO, 1970).

² Report III (Part 2): *Summary of Reports on Selected Recommendations*, op. cit.

³ For example: Bulgaria, Cuba, Czechoslovakia, Hungary, Japan, Rumania, USSR.

⁴ For example: Bolivia, Ceylon, Chile, Cyprus (all factories), India, Kuwait, New Zealand, Netherlands, Pakistan, United Arab Republic (mines and quarries, undertakings which are distant from populated centres), United Kingdom, Viet-Nam.

⁵ For example: Bolivia, Brazil, Burma, India, New Zealand, Pakistan, Viet-Nam.

⁶ For example: Ceylon, United States.

family employed by him¹, workers in handicrafts, commerce, and non-manual workers in general.²

II. METHODS OF IMPLEMENTATION

16. Paragraph 3 of the Recommendation specifies that welfare facilities may be provided by means of public or voluntary action. To take into account the variety of welfare facilities and of national practices in making provision for them, these services could be established not only through legislation or by virtue of collective agreements or other agreements entered into between the employers and workers concerned, but also in any other manner that may be approved by the competent authority after consultation with the organisations of employers and workers concerned. Thus there is a great measure of latitude in the choice of methods of implementation with respect to the principles contained in the Recommendation.

17. According to the reports received from governments, welfare facilities are established mainly on the initiative of undertakings³, and sometimes also on the initiative of workers⁴ (including trade union organisations), by joint action on the part of employers and workers⁵ or through state initiative.⁶

18. In a number of countries welfare facilities are set up by collective agreements⁷ (which supplement or strengthen existing laws, or else bring under regulation to a certain degree questions not provided for by law), or else by simple agreement between employers and workers or works councils.⁸

19. Welfare facilities are frequently inspired by legislative or administrative provisions⁹ which set up certain standards on the subject, some of which may be compulsory or optional and the scope of which varies greatly, as may be seen from the following sections of this survey.

¹ For example: Sweden.

² For example: Switzerland.

³ For example: Afghanistan, Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Bulgaria, Burma, Cameroon, Canada, Ceylon (private sector), Chile, China, Colombia, Congo (Kinshasa), Costa Rica, Cyprus, Czechoslovakia, Denmark, Finland, France, Greece, Guatemala, Hungary, India, Ireland, Israel, Italy, Japan, Kuwait, Liberia, Luxembourg, Malawi, Mali, Malaysia, Malta, Morocco, Netherlands, New Zealand, Niger, Nigeria, Norway, Pakistan, Philippines, Rumania, Senegal, Sierra Leone, Singapore, Spain, Sudan, Sweden, Switzerland, Syrian Arab Republic, Uganda, Ukraine, USSR, United Arab Republic, United Kingdom, United States, Venezuela, Yugoslavia, Zambia.

⁴ For example: Argentina, Bulgaria, Hungary, Rumania, United Arab Republic, USSR, United States.

⁵ For example: Austria, Belgium, Federal Republic of Germany, Hungary, Iraq, Rumania, Togo, USSR, United States.

⁶ For example: Ceylon (public sector), Cuba, Norway, Rumania, USSR.

⁷ For example: Argentina, Belgium, Colombia, Federal Republic of Germany (to a limited extent), Guyana, Israel, Italy, Liberia, Malaysia, Philippines, Poland, Rumania, Sudan, Turkey, Venezuela.

⁸ For example: Austria, Belgium, Federal Republic of Germany, Guatemala, Iraq, Mali, United States.

⁹ For example: Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Bulgaria, Burma, Byelorussia, Canada, Ceylon, Chile, Costa Rica, Cuba, Cyprus, Czechoslovakia, Denmark, Finland, France, Federal Republic of Germany, Greece, Guatemala, Hungary, India, Iraq, Ireland, Israel, Italy, Japan, Kuwait, Malawi, Mali, Malaysia, Morocco, Mexico, Netherlands, New Zealand, Nigeria, Norway, Pakistan, Philippines, Poland, Rumania, Senegal, Singapore, Spain, Sudan, Sweden, Switzerland, Syrian Arab Republic, Ukraine, USSR, United Arab Republic, United Kingdom, United States, Venezuela. Non-metropolitan territories: Netherlands (Netherlands Antilles), United Kingdom (British Honduras, Hong Kong, St. Lucia).

20. Some countries do not have any legislation on welfare facilities.¹ The governments of other countries have specially pointed out that they do not have legislation governing welfare facilities as a whole and that existing legislation deals only with certain aspects of such facilities.² One government stated that the legislative provisions in force were scarce and defective.³

21. In two countries ⁴ arbitration awards contain standards for welfare facilities for workers in certain occupations.

22. In some countries, even where there is partial legislation, the question of organising welfare facilities is left mainly to the initiative of employers.⁵

23. In countries where there is in force legislation concerning welfare facilities, enforcement of the legislation is generally the task of labour inspection authorities, sometimes assisted by health services, or else is entrusted to labour or health ministries or departments, some industrial committees, other public committees or bodies or occupational safety and health councils. These bodies are sometimes assisted by organisations of workers and employers or by works councils.

III. FEEDING FACILITIES

Canteens

24. The Recommendation lays down certain guidelines concerning the setting up of canteens. For instance, regard should be had to the number of persons employed by the undertaking and the demand for and prospective use of these facilities. Moreover the competent authority should take all necessary measures to give information, advice and guidance to individual undertakings with respect to technical questions involved in the setting up and operation of canteens. Documentation should be published concerning the installation and operation of canteens. The Recommendation states that this documentation should contain a number of suggestions, including suggestions concerning the layout of the canteens, their equipment and furniture, types of meals provided, standards of nutrition, type of service provided and standards of hygiene (Paragraphs 4 to 9).

25. In some countries ⁶ legislation provides for the creation of canteens, restaurants or cafeterias. The provision of canteens is sometimes compulsory for undertakings employing a minimum number of workers or belonging to a particular sector of the economic activity.⁷ In other cases canteens are opened at the request

¹ For example: Afghanistan, Cameroon, Colombia, Congo (Kinshasa), Kenya, Lesotho, Liberia, Luxembourg, Malta, Rwanda, Sierra Leone, Thailand, Togo, Uganda, Upper Volta (the only provisions in existence refer to stores), Zambia. Non-metropolitan territories: United Kingdom (Bahamas, Bermuda, Brunei, Gilbert and Ellice Islands, Guernsey).

² For example: Argentina, Belgium, Brazil, Burma, Ceylon, Chile, Cyprus, Dahomey, Federal Republic of Germany, Mali, Morocco, Niger, Philippines, Senegal.

³ Finland.

⁴ Australia, New Zealand.

⁵ For example: Federal Republic of Germany, Kenya, Liberia, Luxembourg, Malta, Philippines.

⁶ For example: Bulgaria, Burma, Byelorussia, Costa Rica, Hungary, India, Netherlands, New Zealand, Pakistan, Poland, Rumania, Spain, Ukraine, USSR, the United Arab Republic, United Kingdom.

⁷ For example: Burma (at least 250 workers), Byelorussia (industrial undertakings employing at least 250 workers per shift), Colombia (oil industry), India (factories or mines—250 workers, transport undertakings—100 workers, plantations—150 workers), New Zealand (factories—100 workers), Pakistan (factories—250 workers), Spain (50 workers), USSR (at least 250 workers per shift in industrial undertakings).

of the workers and employees concerned.¹ One country² stated in its report that most undertakings have internal regulations providing for the organisation of canteens.

26. In addition, the practice of setting up canteens or restaurants within or close to undertakings is very widespread³; sometimes, it concerns only the larger undertakings, but in others it is more or less general. It also occurs that workers of certain undertakings may take their meals in the canteens or restaurants operating in other undertakings nearby.⁴

27. In one country⁵ the competent authorities are required to take all necessary measures to develop and improve communal feeding through an extension of the network of canteens, cafés and restaurants, an improvement in the quality of the food served and the provision of a greater degree of comfort and cleanliness.

28. In some countries⁶ there are guidelines or standards concerning canteens, particularly with respect to conditions of health and hygiene.

29. Certain governments indicated that specialised or other bodies make recommendations or give advice or information concerning the installation, layout and equipment of canteens, technical questions in general and the provision of suitable meals. This, for instance, is being done by works councils⁷, by bodies specialising in occupational safety⁸, in labour inspection⁹, or other bodies.¹⁰

30. In one country¹¹ the Department of Agriculture as well as the Department of Health, Education and Welfare issue publications on, in particular, the layout and planning of canteens and their safety and sanitary standards. In another country¹² doctors and dieticians suggest measures capable of improving the operation of welfare facilities and hand out educational posters and booklets on the subject. In yet other countries¹³ some publications issued by the Department of Labour contain information on canteens.

¹ For example: Bulgaria.

² Syrian Arab Republic.

³ For example: Argentina, Australia, Austria, Bolivia, Bulgaria, Burma, Byelorussia, Cuba (in 1967 about 297,000 persons made use of workers' canteens), Czechoslovakia, Greece (set up by workers' centres), Guatemala, Hungary, India, Ireland, Israel, Italy, Japan (in almost all the large undertakings and in half of the medium and small undertakings), Kuwait, Liberia, Malawi, Malaysia, Mali, Malta, Netherlands, New Zealand, Nigeria, Norway (in state institutions), Philippines, Poland, Rumania, Senegal, Sierra Leone, Sudan, Sweden, Tunisia (about 1,400 workers take at least one meal a day in a canteen), Uganda, Ukraine, USSR, United Kingdom, United States, Venezuela, Yugoslavia.

⁴ For example: Czechoslovakia, Rumania, United Kingdom.

⁵ Ukraine.

⁶ For example: Austria, Czechoslovakia, France, Federal Republic of Germany, Hungary, India, Mali (with respect to food in general), New Zealand, Norway, Pakistan, Poland, United Arab Republic, United States.

⁷ For example: Federal Republic of Germany.

⁸ For example: Sweden.

⁹ For example: Austria.

¹⁰ For example: Australia, Japan, Tunisia, USSR (publication of books), United States. Non-metropolitan territories: United Kingdom (British Honduras).

¹¹ United States.

¹² Tunisia.

¹³ Australia, New Zealand.

Buffets and Trolleys

31. The Recommendation indicates that in undertakings where it is not practicable to set up canteens, and in other undertakings where such canteens already exist, buffets or trolleys should be provided in order to enable workers to buy packed meals or snacks as well as beverages. Such facilities should be made available to workers not only during the mid-day or mid-shift interval but also during the recognised rest pauses and breaks. Trolleys should not be introduced into workplaces in which dangerous or harmful processes are carried out in order to avoid that workers should partake of food in them (Paragraph 10).

32. Legislations rarely contain provisions concerning buffets and trolleys but some reports¹ indicate that in practice some undertakings have buffets where workers may buy packed meals or snacks as well as tea, coffee and other refreshments. Moreover trolleys are also made available to workers in certain cases.² These services sometimes operate in undertakings with scattered workplaces (for instance agricultural undertakings)³, forestry or the extracting industries.⁴ They operate during mid-shift intervals and recognised rest pauses.

33. Some countries forbid workers to partake of meals and beverages in places with harmful or dangerous processes⁵ or else merely require a special room to be made available to workers for partaking of their meals, while others extend this interdiction to cover all working premises.⁶

Messrooms and Other Suitable Rooms

34. The Recommendation specifies cases when messrooms should be made available to enable workers to prepare or heat and take their food. Minimum standards for such messrooms are laid down (Paragraph 11).

35. In a large number of countries, according to legislation, collective agreements or merely usage, the employer is generally required, when there are no canteens or where a certain number of workers are employed, to provide workers with messrooms or suitable premises where they can eat the food they have brought from home or bought in the nearby shops.⁷ Sometimes there is a requirement that messrooms or premises should be kept in a clean condition and should conform with all the sanitary conditions⁸, that it should be possible to heat them in cold weather⁹, that

¹ For example: Australia, Austria, Byelorussia (hot meals also served), Hungary (in large undertakings), India (in undertakings operating canteens), Kenya, Poland, Rumania, Tunisia, USSR (hot meals also served), United States.

² For example: Australia, Austria, India, Israel (in non-industrial undertakings), Philippines, Rumania, Sweden, USSR, United Kingdom, United States.

³ For example: Rumania.

⁴ For example: USSR.

⁵ For example: Australia (Victoria), Austria, Canada (Prince Edward Island, New Brunswick, Ontario), Ceylon, Cyprus, Ireland, Israel, Japan, Spain, Sudan, United States (in some states).

⁶ For example: Chile, Costa Rica (industrial or commercial establishments), Denmark, Italy, Mexico, Morocco, New Zealand, Panama, Tunisia.

⁷ For example: Australia, Austria, Belgium, Brazil (300 workers), Burma (100 workers), Cameroon, Canada, Chile, Costa Rica, Czechoslovakia, Denmark, Finland, France, Federal Republic of Germany, Greece, Guatemala, India (150 workers), Ireland, Israel, Italy, Liberia, Luxembourg, Malaysia, Malta, Mexico, Netherlands, New Zealand, Norway, Philippines, Rumania, Spain, Sudan, Sweden, Switzerland, Tunisia, USSR, United Arab Republic, United Kingdom, United States, Viet-Nam. Non-metropolitan territories: United Kingdom (Antigua, Gibraltar, British Honduras, St. Lucia, Seychelles).

⁸ For example: Australia, Belgium, Canada, Costa Rica, Finland, Mexico, Spain, United States.

⁹ For example: Austria, Belgium, Finland, Italy, Norway, Switzerland, USSR.

they should be provided with tables and chairs¹ or that they should have adequate ventilation and lighting.² It is also sometimes laid down that messrooms and other premises should provide workers with the means to heat the food they bring from home³ and that the installations should include drinking water.⁴

36. In the mining undertakings of one country⁵ snack cabins are usually used and in opencast working, especially in oil and natural gas wells, man-riding rail cars are used in which workers may eat their meals.

37. In another country⁶ the employer is bound, after advice from the works council or the staff representative, to provide workers with a messroom if the undertaking is one where at least twenty-five workers wish normally to take their meals at the workplace. There are also provisions requiring construction sites in building and public works to provide a shelter where workers can eat their meals and a food storage place for messrooms and kitchens as the case may be.

38. Some governments indicate that certain undertakings have installed automatic vending machines where workers may obtain sandwiches and non-alcoholic beverages.⁷

Mobile Canteens

39. The Recommendation advocates the provision of mobile canteens in undertakings where workers are dispersed over wide work areas (Paragraph 12).

40. In some countries⁸ mobile canteens operate in a limited number of undertakings, for instance in forestry, in the petroleum industry, in peat bogs and in undertakings engaged in the improvement of land⁹, in certain manufacturing industries where workers cannot leave their work to go to a canteen and in cases where there are no canteens¹⁰, and in undertakings where workers are engaged on assembly and construction outside inhabited localities.¹¹

Other Facilities

41. The Recommendation advocates that special measures be taken to enable workers on shift work to partake of meals and beverages and to provide workers with the facilities for purchasing foodstuffs, beverages or meals in cases where such facilities are insufficient (Paragraphs 13 and 14).

42. Few governments refer to special provisions in respect of shift workers. However, in one country¹² collective agreements sometimes provide that when, for

¹ For example: Australia, Austria, Belgium, Finland, France, Greece, Ireland, Israel, Italy, Mexico, New Zealand, Spain, Tunisia, Viet-Nam.

² For example: Austria, Belgium, Costa Rica, Italy, Mexico, New Zealand, USSR.

³ For example: Austria, Belgium, Costa Rica, Finland, France, Italy, Mexico, Norway, Spain, Sweden, Switzerland, Tunisia, USSR.

⁴ For example: Austria, Brazil, France, Israel, Mexico, New Zealand, Norway, Philippines, Spain, Sweden, Tunisia, United Kingdom.

⁵ Austria.

⁶ France.

⁷ For example: Austria, Czechoslovakia, Sweden, United Kingdom, United States.

⁸ For example: Australia, Byelorussia, Canada (Ontario), Hungary, Netherlands, Poland, USSR, United States.

⁹ For example: Byelorussia.

¹⁰ For example: United States.

¹¹ For example: Hungary.

¹² Federal Republic of Germany.

technical reasons, workers have to put in more than the normal shift time, the undertaking must provide a meal or a cash allowance. Similar provisions exist in another country.¹ In addition, some countries state that shift workers use obligatory premises in undertakings where they are able to take meals and beverages² or that the canteen service is provided to meet the needs of two working shifts.³ The reports from some governments⁴ state that, in the case of shift work, canteens are installed by big firms or arrangements are made for the workers to obtain hot drinks, and the report from another government⁵ specifies that whenever the manufacturing process goes on in shifts, arrangements for obtaining adequate meals are generally provided. In two countries⁶ a number of undertakings use the funds for social and cultural activities in order to provide food free of charge for workers on night shifts

43. In one country⁷ mining and quarrying undertakings must provide their workers with three meals a day and if all or part of the meals are served inside the mines, they must be hygienically packed or placed in tightly closed containers.

44. Some governments refer to undertakings which distribute drinks occasionally⁸, serve coffee or refreshments in the morning and afternoon⁹ or a free meal once a day.¹⁰

45. In one country¹¹, in workplaces which come under the State and in forestry, employers are sometimes required to provide a kitchen or cooking utensils. In other workplaces employers must in addition provide food storage facilities and a refrigerator. In another country¹², on isolated work sites where the workers are fed by their employers, the latter provide, free of charge, the necessary cooks and cooking utensils. In yet another country¹³ any person employing workers in isolated regions is required to provide them with food.

46. In some countries¹⁴ the employer has to provide a daily food ration for any worker who does not come from the place where he is employed, or is not normally resident there, if the worker has no means of obtaining food himself.

47. Sometimes there are grocery shops within the undertaking.¹⁵ In some cases¹⁶ the legislation forces the employers to keep supply stores, taking into account the number of the workers and the isolation of the workplace. Sales must be on a cash basis only and at no profit¹⁷ or else goods must be sold at cost price or at a maximum

¹ New Zealand.

² For example: Austria.

³ Hungary (only large works provide a canteen service for the third shift).

⁴ For example: Australia, Israel.

⁵ India.

⁶ Byelorussia, USSR.

⁷ United Arab Republic.

⁸ For example: Austria (mining).

⁹ For example: Guatemala.

¹⁰ For example: Turkey.

¹¹ Finland.

¹² Niger.

¹³ Syrian Arab Republic.

¹⁴ For example: Congo (Brazzaville), Dahomey, Mauritania, Niger, Senegal.

¹⁵ For example: Bolivia, Mauritania, Niger, Nigeria, Singapore, Turkey, Upper Volta.

¹⁶ For example: Bolivia.

¹⁷ For example: Mauritania, Upper Volta.

profit of 10 per cent.¹ Elsewhere, when there are supply problems, mobile shops are organised.²

Use of Facilities

48. The Recommendation establishes the principle that workers should not be compelled, except as required for reasons of health, to use any of the feeding facilities provided (Paragraph 15).

49. In general, there is no obligation to use the meal facilities or grocery shops except, for example, in the case of staff in the hotel industry and factory canteens or persons employed in work units where, for health reasons, meals are required to be taken in the canteens provided by the undertaking³, or in the case of workers in isolated regions, in forestry undertakings or those working on hydro-electric projects where there is no alternative.³

Some Statistical Data

50. In some countries partial surveys have shown the trends in the frequency of feeding facilities in undertakings. According to a sampling survey of sixty undertakings, carried out in Argentina in 1967, 56 per cent of the large firms had canteens and 50 per cent meal facilities, some firms having both canteens and other meal facilities. In the small and medium-sized firms meal facilities were most common and the caterers were subsidised. According to another survey conducted in 1964 in the United States, of 508 manufacturing companies⁴, 47 per cent had cafeterias, 96 per cent vending-machine services and 22 per cent mobile canteens; furthermore 60 per cent of 134 insurance companies and 49 per cent of 134 banks had a cafeteria, 90 per cent of ninety-two utility companies and 91 per cent of forty-five wholesale trade establishments had vending-machine services. Furthermore, a recent survey carried out in Greece revealed that out of 917 firms each employing more than fifty workers, 225 had a canteen and 453 had messrooms. According to another sampling survey carried out in Italy in 1966 by the General Confederation of Industry, covering member firms, 993 undertakings had canteens, 555 of which provided waiter service and 389 self-service. A survey in Sweden, carried out between 1963 and 1967, revealed that out of 1,800 workplaces, each with more than 100 workers, 67 per cent afforded their workers the possibility of having cooked meals (as compared with 49 per cent ten years before), whereas 18 per cent of the firms had food-vending machines, generally for hot drinks, and that in 22 per cent of firms there were arrangements for serving coffee, tea, sandwiches, etc.; in addition, in 14 per cent of undertakings in which shift work was practised, workers could have packed meals prepared by the staff restaurant and in 44 per cent of firms there were facilities for heating food brought by shift workers. As regards the number of canteens and their accommodation, in Byelorussia accommodation in canteens, cafés and restaurants more than doubled between 1960 and 1967 (2.1 times); canteens and their accommodation, in Byelorussia accommodation in canteens, went up by 27 per cent. In Ukraine 1,500 new canteens were built and put into service in industrial undertakings between 1966 and 1968. In the USSR the canteen network has been developed and between 1960 and 1967 accommodation in canteens, cafés and restaurants went up by more than 80 per cent.

¹ For example: Bolivia.

² For example: Hungary.

³ For example: New Zealand.

⁴ Only companies employing at least 250 persons were covered.

IV. REST FACILITIES

Seats

51. The Recommendation advocates that seats should be provided for workers who have reasonable opportunities to sit down during their work, particularly in the case of women and young persons, or of persons who can do much of their work sitting down. A number of principles are also established concerning the characteristics of these seats. The Recommendation provides further that the competent authorities should provide information, advice and guidance on the technical questions involved in the provision and maintenance of seats for workers (Paragraphs 16 to 18).

52. The practice of providing workers with seats at or near work posts, so that they can sit down whenever possible, is fairly common.¹ In some cases, however seats are only provided for women² or in certain types of undertakings such, for example, as retail shops and other commercial establishments³, industrial, handicraft or commercial undertakings in which work is not continuous, and in workshops for tobacco sorting, packing and processing.⁴ In two countries⁵ the provision concerning the obligation to provide seats covers industrial establishments and salaried employees and wage earners in commercial establishments.

53. In one country⁶ the occupational organisations and other institutions dealing with occupational safety and health have made recommendations on the shape and type of seats to be provided. In individual cases the labour inspection authorities of the State or of occupational associations decide whether a particular job can be done as effectively in a sitting as in a standing position. In other countries detailed provisions exist as to the shape, height and backs of seats⁷, as well as on cases where foot rests and arm rests should be provided.⁸ Sometimes the labour inspectorate, occupational safety services or labour departments give information, advice or guidance on the technical questions involved in the provision of seats⁹ or publish bulletins or special instructions in this respect.¹⁰

Rest Rooms

54. The Recommendation contains provisions in respect of rest rooms which should be provided in undertakings, having regard to the nature of the work. In par-

¹ For example: Argentina, Australia, Austria, Belgium, Brazil, Burma, Byelorussia, Canada, Costa Rica, Cuba, Denmark, Finland, Federal Republic of Germany, Guyana, Hungary, India, Ireland (factories), Israel, Italy, Japan, Malaysia, Malawi, Mexico, Netherlands, New Zealand, Norway, Panama, Poland, Sweden, Tunisia, USSR, United Kingdom, Zambia. Non-metropolitan territories: United Kingdom (British Honduras, Gibraltar, Hong Kong, St. Lucia).

² For example: Canada (British Columbia, Newfoundland), Ceylon, Cyprus, France, Ireland (shops and office premises), Mali, Morocco, Nigeria, Philippines (for children also), Senegal (for children also), Spain, United Arab Republic, United States (for women and young workers only, in nearly all states with one exception, where the provision also applies to men).

³ For example: Greece, Guatemala, Liberia, Singapore, Spain.

⁴ For example: Greece.

⁵ Chile, Venezuela.

⁶ Federal Republic of Germany.

⁷ For example: Austria, Costa Rica, Greece, Tunisia, United States.

⁸ For example: Austria, Tunisia.

⁹ For example: Australia, Austria, Israel, New Zealand, Switzerland, Zambia.

¹⁰ For example: Denmark, Federal Republic of Germany, Sweden.

ticular rest rooms should be provided for women, workers engaged in particularly arduous work and shift workers. National laws or regulations should empower the competent authorities to require the provision of rest rooms in certain undertakings. The Recommendation also indicates the minimum requirements to be met by these facilities (Paragraphs 19 and 20).

55. The need to ensure that workers have some relaxation during the working day has resulted in rest rooms becoming more common in industry and commerce. Rest rooms or sheltered premises where workers can rest during work breaks are required by law, or have been provided voluntarily in a large number of undertakings.¹

56. In some cases rest rooms are provided or required by law only for women workers², or only in firms employing a minimum number of workers³ or on work sites where the work involves the use of compressed air⁴ or in some textile mills.⁵

57. In one country⁶ there are special rest rooms for young workers, and in some countries⁷ rest rooms are provided for shift workers. In certain countries rest rooms have been specially provided for transport workers.⁸

58. In accordance with the law or the practice in some countries, rest rooms must be provided with a heating system⁹, as well as adequate ventilation and lighting.¹⁰ They must have suitable seats.¹¹ Still other regulations on the provision of rest rooms have been adopted in certain cases.¹²

V. RECREATION FACILITIES

59. The Recommendation establishes that appropriate measures should be taken in certain cases to encourage the provision of recreation facilities for the workers in or near the undertaking in which they are employed. The Recommendation mentions the persons or bodies who should take these measures, specifying that the latter should stimulate and support action by the public authorities and that workers

¹ For example: Argentina (rest rooms exist in approximately 10 per cent of undertakings, but there is a trend for them to be replaced by messrooms), Austria, Belgium, Bulgaria, Burma, Byelorussia, Canada, Czechoslovakia, Finland, Federal Republic of Germany, Greece, Hungary, India, Israel (messrooms are used as rest rooms), Japan, Kenya, Kuwait, Nigeria, Philippines, Rumania, Singapore, Sudan, Sweden, Syrian Arab Republic, Tunisia, USSR, United Kingdom, Yugoslavia, Zambia.

² For example: Australia, Canada (British Columbia, Ontario), Ceylon (also for public sector office staff), Malaysia, New Zealand (arbitration awards sometimes require rest rooms to be provided for all workers), Senegal (for children also), United States (in one state for men in the private sector also). Non-metropolitan territories: United Kingdom (British Honduras and St. Lucia).

³ For example: Burma (factories employing at least 100 workers), Greece (factories or workshops with more than 50 workers), India (factories employing at least 150 workers), Philippines, Zambia.

⁴ For example: France.

⁵ For example: Australia.

⁶ Austria.

⁷ For example: Austria, Byelorussia, Israel, Sierra Leone, Spain, USSR. Non-metropolitan territories: United Kingdom (Hong Kong).

⁸ For example: India, Sweden.

⁹ For example: Austria, New Zealand.

¹⁰ For example: Austria, Byelorussia, India, New Zealand, USSR.

¹¹ For example: Austria, Canada, India, Kuwait.

¹² For example: Byelorussia, Canada, Federal Republic of Germany, Sweden, USSR, United States.

should in no case be obliged to participate in the utilisation of recreation facilities (Paragraphs 21 and 22).

60. Recreation facilities have been organised for workers and their families in many countries.¹ These facilities often consist in providing the workers with premises and grounds for sports or athletics (sports grounds or rooms, sports clubs or athletics centres, etc.). In addition to sports, cultural and educational activities and general entertainment are also encouraged, by means of plays, films, libraries, orchestras, educational and cultural clubs and centres, photographic and philatelic clubs, excursions, etc.

61. Recreation facilities may be organised by undertakings², the workers, works councils, or trade union bodies³, by joint action by employers and social committees or clubs⁴, as well as by specialised welfare bodies or other public or private bodies⁵, and workers' participation is not compulsory.

62. In one country⁶ a special service of the Department of Labour has begun to encourage small firms to organise recreation activities for their workers. This service is concerned with building or otherwise providing workers with recreation centres.

Some Statistical Data

63. A recent survey in Greece revealed that out of 917 establishments, each employing more than 50 workers, 143 had cultural or recreation facilities and 175 organised, at their own expense, outings for their workers. In Japan the Employment Promotion Projects Corporation grants loans for the establishment and maintenance of welfare facilities. By this means 46 recreation or welfare centres (including 10 for port workers) have been set up. These centres generally include canteens, rest rooms, study or sports rooms, stores, etc. In addition, a youth centre has also been founded and in 1969 it is planned to build eight working youths' athletic facilities and 10 joint welfare facilities for workers in small undertakings. In Sweden, according to a survey carried out between 1963 and 1967, 87 per cent of 1,800 firms, on which the survey was based, arranged or subsidised recreation activities. In the USSR more than 230 sections of workers' clubs are run in workshops in which libraries have been set up; in the trade union clubs there are more than 400,000 groups of amateur entertainers made up of 10 million persons.

VI. MANAGEMENT OF FEEDING AND RECREATION FACILITIES

64. The Recommendation makes a number of suggestions in respect of the methods of managing feeding facilities (by works committees, by the management or

¹ Argentina, Australia (larger undertakings), Austria, Belgium, Bolivia, Bulgaria, Byelorussia, Cameroon, Canada (Ontario), Ceylon (public sector and commercial establishments), Cuba, Finland, Greece, Guatemala, Hungary, India, Iran, Ireland, Israel, Italy, Japan, Kuwait, Liberia (in a few cases only), Malaysia, Malta, Netherlands, New Zealand, Nigeria, Pakistan, Philippines, Poland, Rumania, Sierra Leone, Spain, Sweden, Syrian Arab Republic, Turkey, Uganda, USSR, United Arab Republic, United Kingdom, United States, Yugoslavia, Zambia. Non-metropolitan territories: United Kingdom (Antigua, British Honduras, Brunei, Hong Kong, St. Lucia, Seychelles).

² For example: Argentina, Austria, Bolivia, Bulgaria, Finland, Israel, Italy, New Zealand, Philippines, United Arab Republic.

³ For example: Argentina, Austria, Byelorussia, Israel, New Zealand, Tunisia, USSR, United Arab Republic, United States.

⁴ For example: Australia.

⁵ For example: Austria, Greece, Guatemala, India, Israel, Kenya, New Zealand, United States.

⁶ Philippines.

by catering contractors appointed by it in consultation with the workers) and recreation facilities (by works committees, by a central recreation committee elected by the workers, etc.). In accordance with the Recommendation, the competent authorities should arrange for the consultation of workers' and employers' organisations concerning both the methods of administration and the supervision of the welfare facilities (Paragraphs 23 and 24).

Management of Feeding Facilities

65. According to information supplied by governments, the operation of feeding facilities (canteens, buffets, messrooms, etc.) may be the direct responsibility of the management¹, of the workers or of trade union or workers' committees² or may be entrusted to works councils or other joint committees on which the workers and management of the undertaking are represented.³ When the managements runs the feeding services, it may entrust them to private catering contractors.⁴

Management of Recreation Facilities

66. The management of recreation facilities may be the responsibility of the workers, of workers' committees, of trade unions, of the works trade union committee⁵, or of the management if the latter has organised the recreation facilities.⁶ In the latter case, however, the workers may sometimes participate.⁷ Alternatively recreation facilities may be administered by a subcommittee of the works council, by a welfare committee⁸, or by management committees.⁹

Management of Welfare Facilities in General

67. Some governments¹⁰ state that welfare facilities are managed not only by undertakings but also by various organisations (generally non-profit-making), such, for example, as health insurance associations, co-operatives and mutual aid societies, where workers co-operate with employers. In one country¹¹ works councils are entitled to participate in the general management of welfare facilities. In another

¹ For example: Argentina (to a small extent), Australia, Cameroon, France, Israel (with the co-operation of workers' committees or of canteen committees including workers' representatives), Italy, Japan, Malaysia, Netherlands, New Zealand, Nigeria, Poland, Senegal, Tunisia, Turkey, United Arab Republic, United Kingdom, United States (workers may be consulted either through their trade union representatives or through special committees).

² For example: Argentina, Hungary (the works trade union committee decides, after consulting the undertaking, on the use to be made of available funds for building and equipping premises for workers' meals and recreation), Italy, Spain, Tunisia.

³ For example: Canada (Ontario), France, India, Israel, Mali, Malta, Nigeria, Pakistan, Rumania (representatives of the medical and health services also participate), USSR, United Arab Republic, United Kingdom.

⁴ For example: Argentina, Australia, Bolivia, Israel, Netherlands, Nigeria, Philippines, Sierra Leone, Tunisia, United Kingdom (joint advisory or liaison committees are sometimes appointed), United States.

⁵ For example: Argentina, Australia, Byelorussia, Hungary, Israel (with the co-operation of the Educational and Cultural Centre), Nigeria, Spain, USSR.

⁶ For example: Argentina, Cameroon, New Zealand (the workers may be consulted), Turkey.

⁷ For example: Argentina.

⁸ For example: India.

⁹ For example: Rumania.

¹⁰ For example: United States, Japan.

¹¹ Federal Republic of Germany.

country¹ the works council is entirely responsible for administering the welfare funds which it has set up for the workers. If similar funds are created by the owner of a firm, the works council participates in the management. The method of participation and the number of representatives are determined in agreement with the employer.

Some Statistical Data

68. It is worth pointing out that a sampling survey carried out in Italy in 1966 revealed that, out of 979 undertakings with canteens, 56 per cent were directly managed by the undertaking itself, whereas 33 per cent were administered by catering contractors; in 5 per cent of cases, the management had been determined by agreement between the workers and a catering establishment, and in 6 per cent there were other systems of management, particularly direct management by the workers.

VII. FINANCING OF FEEDING AND RECREATION FACILITIES

69. The Recommendation makes a number of suggestions concerning the choice of methods for financing and indicates that the following methods should be taken into account: in respect of feeding facilities, financing by the employer of expenditure for providing the premises and of the necessary equipment, furnishings and continuing overheads and maintenance; payment, for meals and other food supplied, by the workers using the facilities, and financing of expenditure for wages and insurance of food service personnel either by the employer or by the workers; as regards recreation facilities, financing by the employer of the same expenses as those mentioned in respect of feeding facilities and financing by the workers who use the recreation facilities of the day-to-day running expenses. The Recommendation further provides that in developing countries the welfare facilities may be financed through welfare funds and lays down standards in respect of cases where meals and other food supplies are made available to the workers directly by the employer or by a caterer or contractor. Lastly, the Recommendation specifies that workers should not be required to contribute towards the cost of welfare facilities which they do not wish to use and that, in cases where workers have to pay for welfare facilities, payment by instalment or delay in payment should not be permitted (Paragraphs 25 to 28).

Financing by Undertakings

70. The reports from many countries indicate that employers generally finance the construction or the provision of premises for feeding facilities and recreation activities.² They also finance the cost of equipment and furnishings and the general expenses for heating, lighting and cleaning, as well as the insurance and maintenance costs of the premises in a certain number of cases.³

71. In one country¹ feeding facilities and recreation facilities in concerns subject to the Transport Labour Inspectorate are assisted by the administration, which

¹ Austria.

² For example: Argentina, Australia, Austria, Bolivia, Bulgaria, Byelorussia, Czechoslovakia, Federal Republic of Germany, Hungary, India, Israel, Japan, Malaysia, Mali, Malawi, Malta, New Zealand, Nigeria, Pakistan, Philippines, Poland, Rumania, Sierra Leone, Spain, Sudan, Turkey, USSR, United Arab Republic, United Kingdom, Yugoslavia. Non-metropolitan territories: United Kingdom (British Honduras).

³ For example: Australia, Austria, Bulgaria, Byelorussia, Czechoslovakia, Hungary, India, Israel, Japan, Malaysia, Mali (excluding the cost of running canteens), Malta, Nigeria, Pakistan, Poland, Rumania, Spain, Sudan, USSR.

provides the premises and pays the lighting, heating and maintenance costs. In other countries ¹ undertakings sometimes subsidise the feeding facilities; these subsidies may represent as much as 30 per cent or even more of the operating costs.² Other undertakings provide subsidies for recreation activities.³

State Financing of Meal Facilities

72. Sometimes the construction of canteens also is paid for entirely or partly out of state funds ⁴, and at other times ministries, departments or provincial councils are responsible for constructing, expanding and equipping works canteens as well as using all available means to open cafés and restaurants in commercial premises or others suitably adapted.⁵

Payment for Meals

73. Generally, workers pay for the meals they eat in canteens or in other works food services. However this payment generally covers the cost price of the food consumed, at no profit to the employer ⁶, or low prices are charged for meals ⁷; in some undertakings the employer finances part or all of the cost of meals.⁸

74. In one country ⁹, when there is no canteen, the employer may give the workers restaurant vouchers at minimum cost to enable them to take their meals in a restaurant. In another country ¹⁰, new forms of meal payment have been introduced: season tickets and meal vouchers.

75. In one country ¹¹ employers have the choice of deciding whether or not workers should pay for all the meals provided by the undertaking and of fixing the prices of these meals; employers may consult the workers or their representatives if they so wish.

76. In some cases the prices fixed for meals in canteens can be changed only with the agreement of the works trade union organisation concerned.¹² At other times the prices charged in canteens must be approved by the canteen management committee.¹³

¹ For example: Argentina, Australia, Bolivia, United States.

² For example: United States.

³ For example: Finland.

⁴ For example: Byelorussia, Ceylon (public sector), Cuba, New Zealand (public sector), USSR.

⁵ For example: Ukraine.

⁶ For example: Austria, Czechoslovakia, Hungary, India, Malawi, Pakistan, USSR, United States.

⁷ For example: Argentina (some facilities are free), Bolivia, Cuba (one-seventh of the daily minimum wage of agricultural workers), Guatemala, India, Japan, Kuwait, Liberia, Malaysia, Mali, Nigeria, Norway, Syrian Arab Republic (one-third of the cost), Ukraine, USSR, United Arab Republic (one-third of the cost).

⁸ For example: Austria, Cuba (free meals for building workers), Hungary, Israel, Malta.

⁹ France.

¹⁰ Ukraine.

¹¹ New Zealand.

¹² For example: Czechoslovakia.

¹³ For example: Pakistan.

Financing of the Cost of Wages of Catering Staff

77. Expenditure connected with the wages and insurance contributions of catering staff may be financed either by the employer¹, or from the contributions of workers who have arrangements to eat regularly at the canteen.²

Payment for the Use of Recreation Facilities

78. Generally speaking only those workers who use recreation facilities pay for them.³ Sometimes these facilities may be used free of charge⁴ and their cost is met by the State, the trade unions or by other means. Elsewhere the trade unions finance recreation activities⁵, generally out of their members' contributions.

Joint or Special Financing of Recreation Facilities

79. Sometimes recreation facilities are financed by the undertaking and the workers⁶, by workers' committees and by the General Federation of Labour⁷, or by special bodies.⁸ In one country⁹ expenses connected with recreation activities are paid by subsidies from the State or the trade unions as well as by income from the sale of tickets for entertainment. In another country¹⁰ the works council may use money contributed by the employer, subsidies granted by local authorities, donations and legacies, as well as the income from events organised by the committee, to finance its welfare work. In another country¹¹ a Ministerial Decision provides for money from fines on workers to be used for their recreation and education.

Special Welfare Funds

80. Special funds for social and cultural activities or for the workers' welfare in general have been set up in some countries¹², in particular for certain industries. The State and the undertakings contribute to the financing of these funds, and in one country¹³ the works council may cover the cost of setting up and running the welfare fund by charging the workers a small contribution.

Some Statistical Data

81. According to a survey carried out in Greece, of 917 establishments each employing more than fifty workers, seventy-one provide meals either at their own expense or at a small cost to the workers.

¹ For example: Austria, Bulgaria, Czechoslovakia (out of the cultural and welfare funds), India.

² For example: Mali, Rumania.

³ For example: Austria (day-to-day running expenses), Hungary, Malta (members' contributions), United Arab Republic.

⁴ For example: Cuba, India, USSR.

⁵ For example: Argentina, Poland, USSR.

⁶ For example: Argentina, Australia (the workers meet the running expenses and costs of providing expendable equipment), Canada (Ontario), Malaysia, Turkey.

⁷ Israel.

⁸ For example: Greece (Workers' Centre).

⁹ Rumania.

¹⁰ France.

¹¹ United Arab Republic.

¹² For example: Austria, Bulgaria, Byelorussia, China, Czechoslovakia, India, New Zealand, Pakistan (coal mines), Poland, Ukraine, USSR, United Kingdom. Non-metropolitan territories: United Kingdom (British Honduras).

¹³ Austria.

VIII. TRANSPORT FACILITIES

82. The Recommendation points to the need to provide parking facilities for workers using their own means of transport, as well as to measures that should be taken when workers have transport difficulties in reaching their workplace (for example, staggering the times of starting and finishing work, the provision of transport facilities by the undertaking or the payment of a transport allowance). The Recommendation further establishes that undertakings should make provision for the transport of shift workers in cases where public transport services are inadequate, impracticable or non-existent (Paragraphs 29 to 34).

83. Many reports indicate that when workers provide their own means of transport to get to work, the undertakings provide them with parking places, garages or parking sheds for their cars, motor cycles or bicycles.¹

Transport Facilities Provided by the Employer or Financial Assistance

84. Some undertakings, particularly the large ones, have their own buses or hire cars to transport their employees.² These transport facilities are sometimes arranged by collective agreements between the employers' and workers' organisations.³

85. Furthermore, according to certain reports, undertakings employing persons in places where transport facilities are inadequate or non-existent, or in cases where the services of these persons are required at times when public transport is not available⁴, as well as undertakings which are a long way from the workers' homes⁵ or outside the capital⁶, are required to provide (or provide voluntarily) their workers with the necessary means of transport or to pay them a transport allowance. In some cases small firms pay their workers the cost of transport in public buses⁷ or transport allowances.⁸

86. Transport facilities provided by the employer may be free⁹ or the workers may be required to pay a nominal fare¹⁰; in some cases part or all of the transport costs are paid out of the social and cultural activities fund.¹¹

¹ For example: Australia, Austria, Federal Republic of Germany, Hungary, India, Japan, Mali, Netherlands, New Zealand, Nigeria, Sweden, USSR, United Kingdom (a survey carried out in the United Kingdom of only twenty-seven companies with between sixty and 4,400 employees stated that half of these undertakings had parking problems), United States. Non-metropolitan territories: United Kingdom (British Honduras).

² For example: Austria, Belgium, Bolivia, Bulgaria, Burma, Byelorussia, Ceylon (commercial establishments in the private sector), Cuba, Czechoslovakia (in exceptional cases), France, Greece, Guatemala, Hungary, Japan, Kuwait, Liberia, Luxembourg, Malaysia, Mali, Malta (only a few employers), Netherlands, Philippines, Rumania, Sierra Leone, Sudan, Sweden, Tunisia, Uganda, USSR, United Arab Republic, United Kingdom. Non-metropolitan territories: United Kingdom (Antigua, British Virgin Islands, Brunei, Gibraltar, Hong Kong, Solomon Islands).

³ For example: Belgium, Liberia, Malaysia. Non-metropolitan territories: United Kingdom (Antigua).

⁴ For example: Australia, Austria, Kuwait, Japan, Netherlands, New Zealand, Sierra Leone, Sudan, Syrian Arab Republic, USSR, United Arab Republic, United Kingdom, Zambia.

⁵ For example: Bolivia (2 kilometres), Bulgaria, Finland, Hungary, Ireland, Israel, Mali (10 kilometres), New Zealand, Niger (15 kilometres), Nigeria (9 miles), Turkey, Venezuela (2 kilometres).

⁶ For example: Costa Rica.

⁷ For example: Bolivia.

⁸ For example: Liberia.

⁹ For example: Austria, Byelorussia, Cuba, Guatemala, Kuwait, Sierra Leone, Tunisia, USSR United Kingdom.

¹⁰ For example: Byelorussia, Czechoslovakia, Sierra Leone, USSR, United Arab Republic.

¹¹ For example: Byelorussia, USSR.

Transport Facilities Provided by the Workers

87. In one country¹ the trade unions provide their members with transport facilities at a low cost. In another country² phosphate mine workers have set up a transport company and thus provide transport at reduced cost.

Reduction of Transport Rates

88. When public transport is used by the workers, they sometimes pay reduced fares on trains and buses.³

Measures Aimed at Improving Workers' Transport Conditions

89. When there are transport difficulties, or public transport does not run at times corresponding to the beginning and end of work, undertakings try to secure improvements and the necessary adjustments⁴; sometimes the competent labour officer approaches the transport agencies in order to settle the problem in accordance with the employers' needs.⁵ In some cases the times when work starts and finishes are changed or staggered to solve these transport problems.⁶ In other cases, changes in the transport time tables are being studied with a view to improving the workers' transport conditions.⁷ In some countries⁸ undertakings which are not on the normal public transport routes can make arrangements with the transport companies for special transport facilities to be provided.

Transport Facilities for Shift-Workers and Women

90. In some countries⁹ undertakings provide suitable facilities for those on shift-work at times of the day or night when public transport services are inadequate, impracticable or non-existent. In addition, in other countries¹⁰ employers may be obliged to provide adequate transport facilities for women night-workers in industry.

Some Statistical Data

91. According to a sampling survey carried out in Argentina in 1967, only five out of sixty undertakings had their own means of transport. According to another survey carried out in the United States in 1964, 96 per cent of 508 manufacturing firms provided their employees with parking facilities.

IX. DIFFICULTIES ENCOUNTERED

92. Some governments have reported certain difficulties in applying the Recommendation. In certain cases these difficulties relate to the Recommendation as a

¹ United Arab Republic.

² Tunisia.

³ For example: Czechoslovakia (an average of 83 per cent, the difference being paid by the State), Rumania.

⁴ For example: Austria, Bulgaria, Japan.

⁵ For example: India.

⁶ For example: Australia, Austria, Byelorussia, France, India, Japan.

⁷ For example: Mali.

⁸ For example: Byelorussia, Ireland, Israel, USSR.

⁹ For example: Australia, Austria, Kenya, Philippines.

¹⁰ For example: Canada (Ontario), Costa Rica.

whole and in others they are not specified. Some countries (Brazil, Cameroon, Ceylon, Congo (Brazzaville), Kenya, Niger, Uganda, Viet-Nam) consider that the prevailing economic, social, financial or political conditions prevent them from giving full effect to the provisions of the Recommendation or from amending their legislation to bring it into line with the Recommendation. The Government of Cameroon has pointed out that since the measures advocated in the Recommendation diverge from tradition and custom, their acceptance at the moment would be difficult, particularly as regards feeding, which remains essentially a family and community problem. Moreover, the low purchasing power of the workers and their low standard of literacy are further obstacles to the organisation of certain welfare facilities. For its part, the Government of Lesotho states that it is preferable to await the establishment of industries with labour concentrations before introducing welfare facilities.

93. In other cases, certain governments state their acceptance of the Recommendation as a whole, while at the same time expressing reservations on certain particular provisions. This is the case of Cyprus, which considers that it cannot give effect to the following Paragraphs of the Recommendation: 21 and 22 (recreation facilities), 23 (management of feeding and recreation facilities), 25 to 28 (financing of feeding and recreation facilities) and 31 (adjustment or staggering of times of starting and finishing work in order to overcome transport difficulties). For its part, New Zealand, whose Government has accepted the Recommendation, makes a number of restrictions concerning Paragraphs 10 (buffets and trolleys), 19 (provision of rest rooms), 24 (consultation of occupational organisations concerning the methods of administering and supervising welfare facilities), and 27 (standards for the prices of meals and other food). The Government of Pakistan also emphasises that it has accepted the Recommendation with the exception of Paragraphs 10 (buffets and trolleys), 12 (mobile canteens) and 29 to 34 (transport facilities). The Government of the United Kingdom also specifies that it accepts the objectives of the Recommendation with a few restrictions concerning Paragraphs 24, 27 and 28 (the latter paragraph states that workers should not share in the cost of welfare facilities by instalment or deferred payment).

94. The Government of Austria states that it is only in mining undertakings inspected by the Department of Mines that in many cases the Recommendation cannot be applied. It states that no changes appear necessary to adopt or apply the Recommendation, which is widely followed in undertakings supervised by the Labour Inspectorate.

X. PROGRESS IN THE IMPLEMENTATION OF PROVISIONS OF THE RECOMMENDATION, AND FUTURE PROSPECTS

95. The governments of certain countries state that new legislation now being drafted will enable wider effect to be given to the Recommendation. In the Federal Republic of Germany, for example, Bills provide for the extension of the right of participation of works councils in matters relating to welfare facilities, and instructions in respect of workplaces, including the provision of welfare rooms, are in preparation. In some countries (Burma, Dahomey, Iraq, Liberia) the new labour legislation or regulations thereunder which are being drafted will take account of the provisions of the Recommendation by widening their practical scope. The Government of Finland considers that when the draft agreement concerning industrial democracy at the level of an undertaking has been adopted, it will contribute to the fuller application of the Recommendation. In the Netherlands a Bill to amend the Safety Act

proposes to make it compulsory for rest rooms to be provided in factories or workshops; another Bill, designed to widen the scope of the provisions on canteens, is being studied. In Bolivia and India the provisions of the Recommendation are generally applied and any aspects on which regulations do not yet exist will eventually be covered by new laws or amendments to be introduced from time to time in the existing legislation.

96. Certain countries (Cuba, Syrian Arab Republic, Togo, United States) are taking or studying measures to improve the welfare facilities and are encouraging greater initiative in creating such facilities. For its part, the Government of Israel frequently reviews workers' needs concerning these facilities. The Governments of Colombia and Tunisia are studying measures which might be adopted in order to give effect to the Recommendation and the Government of Thailand intends shortly to adopt a number of measures giving effect to certain provisions of the Recommendation. Furthermore, the economic development of Upper Volta and of Senegal will enable them, in the near future, either to take measures giving effect to those provisions of the Recommendation that are not yet covered by national law or practice, or to accept the Recommendation.

97. The Governments of Belgium and Nigeria consider that voluntary action on the part of the employer or joint action by employers and workers (through agreements negotiated directly between them or through collective agreements) will suffice to ensure application of the Recommendation. For its part, the Government of Turkey states that if organisations of workers and employers were more familiar with the provisions of the Recommendation it would be possible to introduce clauses on welfare facilities in the collective agreements, thus filling gaps in the legislation and its application.

98. Lastly, some Governments (Malawi, Malta, Spain, Switzerland) consider that it is not necessary to issue laws or regulations on matters covered by the Recommendation since satisfactory practical measures already exist.

Workers' Housing

**General Survey on the Reports
concerning the Workers' Housing Recommendation, 1961 (No. 115)**

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INTRODUCTION

HISTORICAL BACKGROUND

(a) *ILO Action*

1. The Declaration of Philadelphia concerning the aims and purposes of the International Labour Organisation, which has been incorporated into the Constitution of the ILO, recognises the solemn obligation of the ILO to further among the nations of the world programmes which will achieve adequate housing (Annex, part III (*i*)). The special importance of workers' housing has been recognised by the ILO since it was set up, in a series of Conventions and Recommendations dealing in whole or in part with the provision of housing for specific categories of workers¹; the ILO's standard-setting work in this field culminated in the adoption in 1961 of the Workers' Housing Recommendation (No. 115). This Recommendation, which is general in scope, forms the subject of this survey.

2. In addition to these instruments, the International Labour Conference has adopted various resolutions concerning workers' housing², including the Resolution of 1961 concerning International Action in the Field of Workers' Housing, which recognises the importance of the speedy and continuous application of the Workers' Housing Recommendation (No. 115), bearing in mind the urgency of the problem of workers' housing throughout the world, and especially in the developing countries. The resolution calls in particular for increased practical assistance within the framework of the long-range programme of concerted international action, which will be referred to subsequently.³

3. The regional conferences of the ILO have, for their part, on several occasions adopted resolutions on the policy to be followed in various parts of the world with respect to workers' housing.⁴ Just recently the Inter-American Advisory Committee, at its Second Session, held in San Salvador in January 1969, considered housing

¹ In particular: Living-in Conditions (Agriculture) Recommendation, 1921 (No. 16); Utilisation of Spare Time Recommendation, 1924 (No. 21) (Part III: housing policy); Seamen's Welfare in Ports Recommendation, 1936 (No. 48) (Part IV: accommodation and recreation); Social Policy in Dependent Territories Recommendation, 1944 (No. 70) (Annex, Article 37, paras. 1, 3 and 4); Social Policy (Non-Metropolitan Territories) Convention, 1947 (No. 82) (Articles 4, 9 and 15); Migration for Employment Convention (No. 97) and Recommendation (No. 86) (Revised), 1949 (Convention: Article, 6 (1) (*a*) (iii); Recommendation: Para. 10 (*a*) and Annex (model agreement), Article 20); Protection of Migrant Workers (Underdeveloped Countries) Recommendation, 1955 (No. 100) (Part IV, section B, housing); Plantations Convention, 1958 (No. 110) (Part XII: housing); Social Policy (Basic Aims and Standards) Convention, 1962 (No. 117) (Articles 5 and 11); Employment Policy Recommendation, 1964 (No. 122) (Para. 14 (2) (*c*)); Co-operatives (Developing Countries) Recommendation, 1966 (No. 127) (Para. 3 (*e*)); Tenants and Share-Croppers Recommendation, 1968 (No. 132) (Para. 18).

² In particular: Resolution concerning workers' housing, 1932 (*Official Bulletin (OB)*, Vol. XVII, No. 2, Supplement 15 May 1932, p. 90); Resolution concerning housing construction, 1957 (*OB*, Vol. XL, No. 1, 1957, pp. 33-34); Resolution concerning international action in the field of workers' housing, 1961 (*OB*, Vol. XLIV, No. 1, 1961, pp. 26-27).

³ See para. 10.

⁴ Preparatory Asian Regional Conference, 1947: Resolution on housing (ILO, *International Labour Code*, Vol. II, pp. 793-794, Geneva, 1954; *OB*, Vol. XXX, No. 3, 15 Nov. 1947, p. 192); Regional Meeting for the Near and Middle East, 1947: Resolution concerning the economic policies

questions within the framework of the problem of remuneration and conditions of work in relation to economic development.¹

4. Furthermore, several industrial and analogous committees (for example the Coal Mines Committee², the Petroleum Committee³, the Iron and Steel Committee⁴, the Committee on Work in Plantations⁵, and the Building, Civil Engineering and Public Works Committee⁶) have made recommendations with a view to improving the housing conditions of workers in the industries with which they are concerned. The Permanent Agricultural Committee⁷, the Committee of Experts on Social Policy in Non-Metropolitan Territories⁸, the Meeting of Experts on Social and

designed to further in the Near and Middle East the social objectives of the ILO (*International Labour Code*, op. cit., Vol. II, p. 884; *OB*, Vol. XXX, No. 4, 1 Dec. 1947, pp. 238-246); Second Asian Regional Conference, 1950: Resolution concerning the promotion of facilities for workers' welfare in Asian countries (*International Labour Code*, op. cit., Vol. II, p. 796; *OB*, Vol. XXXIII, No. 1, 1 Apr. 1950, p. 11); Third Asian Regional Conference, 1953: Resolution concerning workers' housing (*OB*, Vol. XXXVI, No. 4, 30 Nov. 1953, pp. 86-89); First European Regional Conference, 1955: Resolution concerning housing construction (*OB*, Vol. XXXVIII, No. 2, 1955, pp. 90-92); Sixth Conference of American States Members of the ILO, 1956: General Resolution concerning co-operatives (*OB*, Vol. XXXIX, No. 8, 1956, pp. 465-466); Seventh Conference of American States Members of the ILO, 1961: Resolution concerning conditions of agricultural workers (wage-earning, semi-independent and independent) (Part IV, para. 14 (a)) (*OB*, Vol. XLIV, 1961, No. 2, p. 79).

¹ For the conclusions adopted on this topic see AM.A.C./II/D.10, p. 29, para. 111 (Spanish text).

² Second Session, 1947: Resolution concerning general problems of miners' housing (*International Labour Code*, op. cit., Vol. II, pp. 457-459; *OB*, Vol. XXXI, No. 2, 15 Sep. 1948, pp. 72-74); Resolution concerning the regulation of recruitment in coal mines (*International Labour Code*, op. cit., Vol. II, p. 441; *OB*, Vol. XXXI, No. 2, 15 Sep. 1948, pp. 55-71); Fifth Session, 1953: Conclusions (No. 39) concerning social welfare facilities and services in the coal mining industry (*OB*, Vol. XXXVI, No. 6, 20 Dec. 1953, pp. 147-149); Sixth Session, 1956: Resolution concerning recruitment in coal mines (*OB*, Vol. XXXIX, 1956, No. 5, p. 384).

³ Third Session, 1950: Resolution concerning permanent housing for petroleum workers (*International Labour Code*, op. cit., Vol. II, pp. 566-568; *OB*, Vol. XXXIII, No. 4, 20 Dec. 1950, pp. 143-145; Fourth Session, 1952: Memorandum (No. 37) concerning social services in the petroleum industry, para. 15 (*OB*, Vol. XXXV, No. 3, 20 Dec. 1952, pp. 218-221).

⁴ Fourth Session, 1952: Resolution concerning welfare services in the iron and steel industry (*OB*, Vol. XXXV, No. 3, 20 Dec. 1952, pp. 172-173); Sixth Session, 1957: Memorandum concerning conditions of work and social problems of the iron and steel industry in countries in the course of industrialisation (*OB*, Vol. XL, No. 5, 1957, pp. 273-276); Seventh Session, 1963: Resolution (No. 56) concerning housing in steel areas in developing countries (*OB*, Vol. XLVI, No. 4, Oct. 1963, p. 555).

⁵ First Session, 1950: Resolution concerning workers' housing on plantations (*International Labour Code*, op. cit., Vol. II, pp. 622-623; *OB*, Vol. XXXIII, No. 4, 20 Dec. 1950, pp. 175-176); Fourth Session, 1961: Resolution (No. 42) concerning workers' housing (*OB*, Vol. XLV, No. 2, Apr. 1962, pp. 156-157).

⁶ Third Session, 1951: Resolution (No. 26) concerning the reduction of seasonal unemployment in the construction industry, and Resolution (No. 33) concerning national housing programmes (*OB*, Vol. XXXIV, No. 2, 20 Dec. 1951, pp. 42-43 and 47); Fourth Session, 1953: Resolution (No. 49) concerning the policy of full employment as related to national housing programmes (*OB*, Vol. XXXVI, No. 5, 10 Dec. 1953, pp. 120-121); Fifth Session, 1956: Resolution (No. 55) concerning national housing programmes and full employment (*OB*, Vol. XXXIX, 1956, No. 7, pp. 424-425); Sixth Session, 1959: Resolution (No. 62) concerning the international migration of labour in the construction industry (*OB*, Vol. XLII, No. 4, 1959, pp. 129-132); Seventh Session, 1964: Conclusions (No. 70) concerning the regularisation of employment in the construction industry (*OB*, Vol. XLVII, No. 3, July 1964, pp. 242-247).

⁷ Third Session, 1949: Resolution concerning security of employment and occupation in agriculture (*International Labour Code*, op. cit., Vol. II, p. 606); Sixth Session, 1960: Conclusions concerning welfare facilities (social services) in agriculture (PAC. VI, 1960/R.2, pp. 19-20, roneoed).

⁸ Second Session, 1951: Resolution on housing (Report of the Committee of Experts on Social Policy in Non-Metropolitan Territories, Geneva, 1951, CNT/2/V, pp. 59-60); Third Session, 1953: Conclusions relating to workers' housing (Report of the Committee of Experts on Social Policy in Non-Metropolitan Territories, Geneva, 1954, *Minutes of the 124th Session of the Governing Body*, March 1954, pp. 82-84).

Economic Conditions of Teachers in Primary and Secondary Schools (1963)¹, and the Meeting of Experts on Welfare Facilities for Industrial Workers (1964)² have formulated various recommendations regarding aspects of housing coming within their terms of reference.

5. Within the framework of its programme of studies and research, the ILO has also concerned itself with the problem of housing, either as the principal subject or within the more general context of the conditions of work and life of workers. The relevant studies are listed in the bibliography appended to this survey.

6. At the practical level, the ILO provides governments, at their request, with technical assistance in matters relating to housing with which it is especially competent to deal.³

(b) Action by the United Nations and Other International Organisations

7. The Universal Declaration of Human Rights provides (article 25, paragraph 1) that everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including, amongst other things, housing. Similarly, article 11, paragraph 1, of the International Covenant on Economic, Social and Cultural Rights recognises the right of everyone to an adequate standard of living for himself and his family, including adequate housing, and to the continuous improvement of living conditions. Under the same provision States Parties to the Covenant are to take appropriate steps to ensure the realisation of this right.

8. There is not room to list in this document all the activities of the United Nations in relation to housing. Ever since 1949 the United Nations has played a leading role within the framework of the integrated programme in the field of housing and town and country planning laid down by the Administrative Committee on Co-ordination in 1949⁴, and approved in the same year by the Economic and Social Council and the United Nations General Assembly. At its 28th Session, in 1960, the Economic and Social Council approved a long-range programme of concerted international action in the more restricted field of low-cost housing and related community facilities⁵, which will be referred to subsequently.⁶ Noting that in countries throughout the world inadequate housing is one of the most urgent problems necessitating immediate action, the United Nations General Assembly, at its 20th Session in December 1965, adopted a Resolution (No. 2036) concerning housing, building and planning in the United Nations Development Decade. In this Resolution the General Assembly recommended that member States should assume a major role in the solution of the housing problem in their countries, and that towards that end they should take a number of specific measures which correspond for the most part to certain provisions of the Recommendation forming the subject of this survey; the Assembly also laid down certain objectives for international assistance to developing countries, with a

¹ Conclusions concerning the social and economic conditions of teachers in primary and secondary schools (housing: paras. 79-81) (OB, Vol. XLVII, No. 1, Geneva, 1964, p. 53).

² Conclusions concerning welfare facilities for industrial workers (OB, Vol. XLVII, No. 4, Oct. 1964, pp. 384-385).

³ See also para. 10 below.

⁴ United Nations: Housing and Town and Country Planning (E/1343), 9 June 1949.

⁵ Idem, Economic and Social Council, Social Commission, Twelfth Session: Long-range programme of concerted international action in the field of low-cost housing and related community facilities. Report by the Secretary-General (E/CN.5/339) 9 March 1959, roneoed.

⁶ See para. 10.

view to the earliest possible solution of the housing problem.¹ Recalling this Resolution, the General Assembly adopted, in December 1969, a Resolution (No. 2598 (XXIV)) on housing, building and planning, in which it points out the adverse impact that inadequate housing and community facilities are having upon social and economic development in rural and urban settlements, and urges, *inter alia*, that in the preparation of the strategy for the Second United Nations Development Decade, due attention be given to the problems in the field of housing, building and planning.

9. At the European level, the European Social Charter provides (article 16) that the Contracting Parties undertake to promote the protection of family life, in particular by the provision of family housing. Pursuant to article 19, paragraph 4, of the Charter, the Contracting Parties also undertake to secure for migrant workers and their families lawfully within their territories treatment not less favourable than that of their own nationals in respect, *inter alia*, of accommodation.² Furthermore, the Consultative Assembly of the Council of Europe adopted at its 18th Ordinary Session on 6 May 1966 a Resolution (No. 318) on certain economic and financial aspects of housing problems facing local authorities in Europe. For its part, the Commission of the European Economic Community adopted on 7 July 1965 a recommendation concerning the housing of workers and their families who are displaced within the community. Amongst other things, this instrument provides for the application, without any discrimination between national workers and workers who are nationals of other member States, not only of the standards in force in each country but also of the standards contained in the Workers' Housing Recommendation (No. 115) of the ILO and also, if necessary, for the adoption or revision of housing standards, in accordance with paragraph 19 of the General Principles and housing standards, in accordance with paragraph 19 of the General Principles of that Recommendation and paragraphs 7 to 11 of the Suggestions concerning methods of application of these principles.³

(c) *Concerted International Action*

10. The ILO co-operates with other international organisations towards the solution of housing problems. This co-operation is organised in particular under the auspices of the United Nations, within the framework of the long-range programme of concerted international action in the field of low-cost housing and related community facilities, the purpose of which is to co-ordinate the respective activities of the United Nations and of the specialised agencies in this sector. Under this programme the ILO supplies practical assistance, particularly to the developing countries, in the fields related to housing with which it is especially competent to deal.⁴ With a view *inter alia* to securing the co-operation of the ILO with all other organs concerned in the United Nations family, and particularly the Centre for Housing, Building and Planning, the United Nations Economic and Social Council adopted during its

¹ Some of the methods recommended have formed the subject of research and studies, particularly in the Housing, Building and Planning Committee of the Economic Commission for Europe (see in particular E/ECE/609, 25 Feb. 1966, paras. 24 and 25).

² This provision is inspired by Article 6, para. 1 (a), of the Migration for Employment Convention (Revised), 1949 (No. 97) of the ILO.

³ See in particular Chapter VII, Housing Standards, below.

⁴ This includes in particular co-operation to promote vocational training in the building construction industry, assistance provided to various governments by productivity specialists in the building construction and materials industries, the dispatch of experts or award of fellowships in the field of housing co-operatives, and the organisation, with the United Nations, of seminars which may help governments to formulate policies as regards workers' housing. See also the Resolution concerning international action in the field of workers' housing, adopted by the International Labour Conference in 1961, mentioned in para. 2 above.

44th Session, on 28 May 1968, a Resolution (No. 1299) concerning a world housing survey. In pursuance of that Resolution, consultations have been held between the United Nations and the ILO in order to ensure that the information on the application of the international labour Recommendation concerning workers' housing (No. 115) available in the reports of governments, and the conclusions drawn from that information in this survey, will prove of assistance to all parties concerned. In this way, the information supplied pursuant to article 19 of the Constitution of the ILO will contribute to the preparation of the quinquennial housing survey, the publication of which, on a broader basis, is also proposed in the aforesaid resolution of the United Nations Economic and Social Council.

REPORTS FROM GOVERNMENTS

11. Today, ten years after the question of workers' housing was placed on the agenda of the International Labour Conference for a first discussion in 1960, the Conference will be able, on the basis of this survey, to evaluate the effect given to the standards adopted in this field. In application of article 19 of the Constitution of the International Labour Organisation, the Governing Body of the International Labour Office has asked governments to report on the position of the law and practice in their country in regard to the matters dealt with in the Workers' Housing Recommendation (No. 115). Reports have been received from seventy-seven member States¹ and on behalf of seventeen non-metropolitan territories.² The scope and extent of the information supplied vary considerably from country to country. Some governments have transmitted very detailed data, while the reports sent in by others are very concise. On the whole, the information placed at the disposal of the Committee has enabled it to assess the effect given to the Recommendation. The summary of the reports by governments, including references to legislation in the field of workers' housing, is being placed before the Conference in a separate publication.³

ARRANGEMENT OF SURVEY

12. The arrangement of the survey broadly follows the General Principles of the Recommendation, account being also taken of the Suggestions appended to the latter. The first chapter outlines the methods of application and scope of the Recommendation. The survey then goes on to consider the main objectives of national housing policies, their co-ordination in the establishment of housing programmes, and the implementation of such programmes either through direct action by public authorities or through the use of financial incentives to stimulate action by housing co-operatives and private enterprise. Two aspects of housing policy, which go beyond the framework of housing programmes promoted by public authorities—namely rent

¹ Afghanistan, Argentina, Austria, Belgium, Bolivia, Brazil, Bulgaria, Burma, Byelorussia, Cameroon, Canada, Central African Republic, Ceylon, Chile, Colombia, Congo (Brazzaville), Congo (Kinshasa), Costa Rica, Cuba, Czechoslovakia, Dahomey, Denmark, Finland, France, Federal Republic of Germany, Greece, Guatemala, Hungary, India, Iraq, Ireland, Italy, Japan, Kuwait, Lesotho, Liberia, Luxembourg, Malawi, Malaysia, Mali, Malta, Mexico, Morocco, Netherlands, New Zealand, Niger, Nigeria, Norway, Pakistan, Panama, Poland, Portugal, Rumania, Rwanda, Senegal, Sierra Leone, Singapore, Spain, Sudan, Sweden, Switzerland, Syrian Arab Republic, Togo, Tunisia, Turkey, Uganda, Ukraine, USSR, United Arab Republic, United Kingdom, United States, Upper Volta, Uruguay, Venezuela, Viet-Nam, Yugoslavia, Zambia.

² Australia (Norfolk Island), Netherlands (Netherlands Antilles), United Kingdom (Antigua, Bahamas, Bermuda, British Honduras, British Virgin Islands, Brunei, Falkland Islands, Gibraltar, Guernsey, Hong Kong, Isle of Man, St. Helena, St. Lucia, Seychelles, Solomon Islands).

³ International Labour Conference, 54th Session, Geneva, 1970, Report III (Part 2): *Summary of reports on selected recommendations*.

policy and the question of housing provided by employers—are dealt with separately. Various technical, economic and social aspects of housing construction are considered in the following chapters: minimum housing standards; measures to promote efficiency in the building industry; the interaction between house building and employment stabilisation; and town, country and regional planning. After a survey of practical accomplishments in various countries, the final chapter discusses the difficulties encountered and progress achieved in applying the Recommendation.

I. METHODS OF APPLICATION AND SCOPE OF THE WORKERS' HOUSING RECOMMENDATION

METHODS OF APPLICATION

13. The preamble to the Recommendation (No. 115) says that each Member should, within the framework of its general social and economic policy, give effect to the General Principles set out in the Recommendation in such manner as may be appropriate under national conditions. None the less, Part X of the General Principles lays down that governments and the employers' and workers' organisations concerned should be guided, to the extent possible and desirable, by the Suggestions concerning Methods of Application of the Recommendation which follow and complement the provisions of the General Principles. Furthermore, the General Principles themselves provide some indication of methods to be adopted, as when, for example, they recommend that a "central body" should draw up workers' housing programmes (paragraph 8, (2) (b)), and provide for measures of financial assistance to ensure the execution of such programmes (paragraph 13).

14. Almost every country which has sent a report possesses rules and regulations bearing on some aspects of workers' housing. The scope and nature of the legislation concerned vary considerably from one country to another. Certain provisions relating to workers' housing, such as those laying down the circumstances in which employers are under an obligation to supply their workers with accommodation or with communal facilities, often appear in labour legislation ¹, as do provisions concerning the cost ² and quality ³ of accommodation provided by employers. On the other hand, general housing problems touched on in the Recommendation, such as national housing policy and town and country planning, are in many countries ⁴ subject to legislation not specifically concerned with workers as such, and the same applies to legislation on certain special matters such as the creation of bodies responsible for housing questions ⁵, the financing of housing ⁶, rent control ⁷, and housing standards in general.⁸

¹ See below, para. 68, footnote 6, p. 349.

² See below, para. 72, footnotes 6, 7 and 8, p. 351.

³ See below, para. 75, footnote 5, p. 352.

⁴ *Inter alia*: Argentina, Austria, Brazil, Bulgaria, Canada, Ceylon, Cuba, Czechoslovakia, Denmark, Finland, France, Federal Republic of Germany, Hungary, Ireland, Japan, Morocco, Netherlands, New Zealand, Rumania, Senegal, Singapore, Switzerland, Ukraine, USSR, United Kingdom, United States.

⁵ For example: Bolivia, Brazil, Canada, Chile, Costa Rica, Greece, Senegal, Spain, Venezuela.

⁶ For example: Brazil, Bulgaria, Canada, Chile, Colombia, Denmark, Finland, France, Hungary, Japan, Luxembourg, Mali, Morocco, Netherlands, United States, Venezuela.

⁷ For example: Austria, France, Japan, Malta, Netherlands, United Kingdom.

⁸ See below, para. 75, footnote 4, p. 352.

15. The governments of some countries state that, while they take an interest in housing problems, and have even, in some cases, launched housing programmes, there is no legislation on the subject; they do, however, apply the principles set out in the Recommendation through the use of administrative or practical measures.¹

16. Some countries have supplied information as to the clauses concerned with workers' housing which are incorporated in collective agreements.²

SCOPE OF THE RECOMMENDATION

17. Paragraph 1 of the General Principles states that the Recommendation shall apply to "the housing of manual and non-manual workers, including those who are self-employed and aged, retired, or physically handicapped persons". From paragraphs 2 and 7 of the General Principles, it appears that "workers' housing" within the meaning of the Recommendation includes the housing of their families. Hence the scope of the Recommendation concerning workers' housing coincides almost exactly with that of a national housing policy. The Recommendation provides a comprehensive approach to all aspects of housing with which the workers are concerned.

18. Paragraph 2 of the General Principles says that the Recommendation is to be put into effect "within the framework of general housing policy".³ As has already been said, several of the questions dealt with in the Recommendation are in many countries governed by legislation which does not deal specifically with workers. Very often housing policy and programmes are devised with an eye to the population as a whole⁴; other programmes are designed for the lowest income groups in the population or for other categories of people who, it is considered, should have priority.⁵ However, special provision may be made for workers and their families⁶ and for categories such as the self-employed, the retired, and the physically handicapped.⁷

II. OBJECTIVES OF A NATIONAL HOUSING POLICY

19. In order that adequate and decent housing accommodation and a suitable living environment should be made available to all workers and their families, the first objective which the Recommendation assigns to national housing policy is to promote the construction of new housing and related community facilities (paragraph 2 of the General Principles). In fact the emphasis of national housing policies is usually placed on the construction of new homes.⁸ But paragraph 2 of the General

¹ Afghanistan, Burma, Liberia, Sudan. Non-metropolitan territories: Netherlands (Netherlands Antilles), United Kingdom (Bahamas, Bermuda).

² For example: Mali, Senegal, Upper Volta, Uruguay, Viet-Nam.

³ See below, Chapter II: The Objectives of a National Housing Policy.

⁴ For example: Bulgaria, Cuba, Denmark, Finland (certain connected kinds of building with agriculture, forestry, etc., are excepted), France, Hungary, India, Japan, Malaysia, Norway, Spain, Sweden, Tunisia, USSR, United Kingdom, United States.

⁵ See below, para. 30 *et seq.*

⁶ For example: Bolivia, Chile, Congo (Kinshasa), Federal Republic of Germany, Greece, Italy, Panama, Sierra Leone, Turkey (workers covered by the social insurance scheme).

⁷ For example: Bolivia, Congo (Kinshasa).

⁸ For example: Argentina, Belgium, Bolivia, Brazil, Bulgaria, Canada, Chile, Congo (Kinshasa), Costa Rica, Cuba, Czechoslovakia, Federal Republic of Germany, Greece, Hungary, India, Iraq, Ireland, Italy, Kuwait, Malaysia, Netherlands, New Zealand, Poland, Rumania, Senegal, Sierra Leone, Singapore, Spain, Sudan, Sweden, Switzerland, Togo, Tunisia, Ukraine, USSR, United Kingdom, United States, Venezuela, Yugoslavia.

Principles has a twofold content, quantitative and qualitative: it envisages that housing shall be not only sufficient in quantity for all workers and their families, but also of decent quality and located in a suitable living environment.

20. As regards the adequacy and decency of housing, the General Principles (paragraph 7) indicate that each family, if it so desires, should have a "separate, self-contained dwelling". Other minimum standards are set forth in paragraph 19 of the General Principles and in Chapter II of the Suggestions, which also deals with "related community facilities".¹

21. The creation of a "suitable living environment" is considered in greater detail in Chapter IX of the General Principles and in Chapter IX of the Suggestions under the heading "Town, Country and Regional Planning".²

22. Paragraph 3 of the General Principles takes up once more the theme of quality, mentioned in paragraph 2, and demands that attention be given to the upkeep, improvement and modernisation of existing housing and related community facilities. In this connection, a number of countries have indicated that national policy already provides for the modernisation, repair and extension of existing houses.³

23. Paragraphs 5 and 6 of the General Principles set out the methods which the Recommendation provides for achieving the purposes set forth in paragraphs 2 and 3 of the General Principles: workers' housing programmes, and especially large-scale permanent housing construction, such programmes to be, on the one hand, such as to provide adequate scope for private, co-operative and public enterprise in house building⁴, and, on the other, co-ordinated with general social and economic policy.⁵

24. Before turning to the question of housing programmes, mention should be made, in addition to the construction and maintenance of adequate and decent housing accommodation, of a further objective laid down by the Recommendation, which relates to the cost of housing. According to paragraph 4 of the General Principles, such housing should not cost the worker more than a reasonable proportion of income, whether by way of rent for, or by way of payments towards the purchase of, such accommodation. To this end, the Recommendation foresees various methods, which will be examined below, namely financial assistance for housing construction and occupation (General Principles, Chapter V; Suggestions, Chapter V)⁶, a rent policy (Suggestions, Chapter VIII),⁷ and, less directly, measures to promote efficiency in the building industry (Principles, Chapter VII; Suggestions, Chapter VI).⁸

III. FORMULATION OF HOUSING PROGRAMMES

THE RESPONSIBILITY OF PUBLIC AUTHORITIES

25. According to the General Principles, paragraph 11, the authorities should, to the extent required and as far as practicable, assume responsibility either for providing

¹ See below, Chapter VII: Housing Standards.

² See Chapter X below.

³ For example: Belgium, Congo (Kinshasa), Finland, France, Federal Republic of Germany, Greece, Hungary, Luxembourg, Poland, USSR, United States, Yugoslavia.

⁴ See below, paras. 43 *et seq.*

⁵ See below, paras. 37 *et seq.*

⁶ See below, paras. 45, 47-60, and 63-65.

⁷ See Chapter V below.

⁸ See Chapter VIII below.

directly or for stimulating the provision of workers' housing. To ensure co-ordination of activities in this respect, the Recommendation provides, in paragraph 8 (1) of the General Principles, that the competent national authorities, having due regard to the constitutional structure of the country concerned, should set up a central body with which should be associated all public authorities having some responsibility related to housing.

26. In a large number of countries there is a central body responsible for housing, which may be a ministry, a department of state, or some other official or semi-official organ.¹ In federal countries there are also such bodies at the level of the federated States.² Sometimes, responsibility is divided among two or more central organs.³ Usually, regional or local authorities, or other organisations, are associated in the implementation of the housing policy adopted by the central authorities.⁴

THE PREPARATION OF SHORT-TERM AND LONG-TERM HOUSING PROGRAMMES

27. Paragraph 8 (2) (a) of the General Principles provides that the responsibilities of the central body should include "studying and assessing the needs for workers' housing and related community facilities". Paragraph 6 of the Suggestions states that "The collection and analysis of comprehensive building and population statistics as well as the undertaking of sociological studies should be encouraged as essential elements in the formulation and execution of long-term housing programmes." A number of countries have supplied information concerning the functions of central bodies in this connection.⁵ Paragraph 8 (2) (b) of the General Principles lays down that, in the light of the demand for housing and related facilities thus determined, housing programmes shall be formulated, while paragraph 9 provides that such programmes "should aim at ensuring, consistently with other national goals and within limits set by housing and related needs, that all private and public resources which can be made available for the purpose are co-ordinated and utilised" for building. In many countries national housing policies have found concrete expression in housing programmes designed to meet the expected demand in a wide variety of ways, from public authority building programmes to measures of fiscal policy and credit facilities designed to stimulate private enterprise.⁶

¹ For example: Afghanistan, Argentina, Austria, Belgium, Bolivia, Bulgaria, Burma, Canada, Ceylon, Chile, Congo (Kinshasa), Costa Rica, Denmark, Finland, France, Federal Republic of Germany, Guatemala, Hungary, Japan, Morocco, Netherlands, New Zealand, Panama, Sierra Leone, Singapore, Spain, Sweden, Switzerland, Ukraine, United Arab Republic, United Kingdom, United States, Yugoslavia, Zambia. Non-metropolitan territories: United Kingdom (Antigua, British Honduras, Hong Kong, Isle of Man, St. Lucia).

² For example: Austria, Brazil, Canada, Federal Republic of Germany, Switzerland, USSR, United States, Yugoslavia.

³ Brazil, Colombia, Congo (Brazzaville), Cuba, Czechoslovakia, Greece, Iraq, Ireland, Italy, Malaysia, Norway, Poland, Rumania, Senegal, Sudan, Tunisia, USSR, Venezuela.

⁴ For example: Belgium, Denmark, Finland, Ireland, Japan, Malaysia, Netherlands, New Zealand, Norway, Singapore, Sweden, Ukraine, USSR, United Kingdom, Venezuela, Yugoslavia.

⁵ For example: Argentina, Belgium, Bolivia, Canada, Chile, Costa Rica, Finland, France, Ireland, Japan, Morocco, Spain, Zambia.

⁶ *Inter alia*: Argentina, Belgium, Bolivia, Brazil, Burma, Canada, Chile, Congo (Kinshasa), Costa Rica, Cuba, Czechoslovakia, Finland, France, Federal Republic of Germany, Greece, Guatemala, Hungary, India, Ireland, Italy, Japan, Mali, Morocco, Netherlands, New Zealand, Norway, Panama, Poland, Rumania, Senegal, Sierra Leone, Spain, Sudan, Sweden, Tunisia, Ukraine, USSR, United Arab Republic, United Kingdom, United States, Venezuela. Non-metropolitan territories: United Kingdom (Gibraltar, British Honduras, Hong Kong, Isle of Man, St. Lucia).

28. In the longer term, paragraph 10 of the General Principles envisages that, "Where a substantial permanent increase of house-building capacity is required in order to meet national needs for workers' housing on a continuing basis, economic development programmes should include, consistently with other national goals, measures to provide in the long run the skilled manpower, materials, equipment and finance required for house building." Some governments report that national housing policy has been devised in the broader context of economic and social policy and as a part of economic development plans.¹ Measures to promote efficiency in the building industry by training skilled workers, the production of materials and equipment² are dealt with in greater detail in the Recommendation in Chapter VII of the General Principles and in Chapter VI of the Suggestions.

29. One way of ensuring that the supply of rented housing available is more effectively used is recommended in paragraph 4 of the Suggestions, which provides for the adoption of measures to encourage an exchange of occupancies in accordance with housing needs, arising for example from size of family or place of work. In some countries such exchanges are facilitated.³

PRIORITIES IN THE DRAWING UP AND EXECUTION OF PROGRAMMES

30. Paragraph 2 of the General Principles states that in national housing policy "a degree of priority should be accorded to those whose needs are most urgent". As paragraph 3 of the Suggestions indicates, the criteria for giving priority can be taken into account either when housing programmes are being drawn up (thus, special programmes can be established to cater for those whose needs are most urgent), or when general programmes are being put into effect (by laying down an order of priority for the assignment of homes, the granting of credits, and so on).

31. One extremely important task which falls within the responsibilities of the housing authorities is underlined in paragraph 8 (2) (b) of the General Principles, which provides that such programmes should "include measures for slum clearance and the rehousing of occupiers of slum dwellings". Some governments have provided information about action taken for the clearance of slums and shanty towns and the rehousing of the people living in them, as well as for the improvement of slum dwellings considered restorable.⁴ Paragraph 46 of the Suggestions deals at rather greater length with "the rehabilitation of slum areas by means such as renovation and modernisation of structures which are suitable for such action", within the framework of town planning.⁵

32. In some countries there is provision for priority in housing to be given to the victims of natural calamities.⁶

33. Very often, too, a person's income is taken as the criterion whereby the urgency of his needs is assessed. Many programmes are based on this criterion. They range from special housing programmes designed for the least well-off to national

¹ For example: Czechoslovakia, France, Hungary, Italy, Japan, Morocco, Norway, Rumania, Senegal, Tunisia, Ukraine, USSR, Venezuela, Yugoslavia. Non-metropolitan territory: United Kingdom (British Honduras).

² See Chapter VIII below.

³ For example: Norway, Rumania, USSR.

⁴ For example: Belgium, Brazil, Canada, Colombia, Cuba, Denmark, France, Greece, India, Ireland, Italy, New Zealand, Syrian Arab Republic, United States, Zambia.

⁵ See Chapter X below.

⁶ For example: Cuba, Greece.

housing assistance schemes which fix an income limit sufficiently high for the great majority of the population, and in particular of the workers, to be able to benefit from the advantages provided.¹

34. A person's age, his physical ability, or the size of his family provide further criteria. According to paragraph 3 of the Suggestions, in establishing and carrying out workers' housing programmes, special attention should be given at the local level to the size, age and sex composition of the worker's family, the relationship of the persons within the family, the particular circumstances of physically handicapped persons, persons living on their own, and aged persons. Paragraph 19 of the Suggestions, dealing with housing schemes financed or subsidised by the authorities, makes special mention of single persons and the heads of newly formed families.

35. Thus, priority is given to the following in the housing programmes of various countries: large families, which may, depending on the country, include families with at least two or three children², mothers living alone with their children³, in certain circumstances, married workers living too far from their place of work⁴; invalids and the physically handicapped⁵; people living alone⁶; retired persons and the elderly⁷; and families supporting an aged person.⁸ Some governments, too, have been concerned with the problem of housing the young, and have in particular constructed subsidised accommodation for young couples and hostels for young workers and students.⁹

36. Paragraph 5 of the Suggestions states that the authorities should give special attention to the particular problem of housing migrant workers, and, where appropriate, their families, with a view to achieving as rapidly as possible equality of treatment between migrant workers and national workers in this respect. Some governments provide information on the methods used to promote the construction of individual or collective housing for foreign workers¹⁰ and of social centres for their benefit.⁴ Others report on action taken to ensure equality of treatment, as regards housing, between migrant workers and their own nationals.¹¹

WORKERS' HOUSING AND ECONOMIC DEVELOPMENT

37. The Recommendation deals with several aspects of the relationship between workers' housing and economic development. In the first place, paragraphs 9 and 10

¹ For example: Argentina, Austria, Belgium, Brazil, Canada, Costa Rica, Finland, Federal Republic of Germany, Greece, India, Ireland, Italy, Kuwait, Luxembourg, Malaysia, Netherlands, New Zealand, Norway, Panama, Sierra Leone, Singapore, Sudan, Sweden, Switzerland, Tunisia, United States, Venezuela.

² For example: Cuba, Czechoslovakia, Finland, Federal Republic of Germany, Luxembourg, Norway, Rumania, United States.

³ For example: Federal Republic of Germany, Japan.

⁴ For example: Federal Republic of Germany.

⁵ For example: Bolivia, Brazil, Canada, Congo (Kinshasa), Denmark, Federal Republic of Germany, Netherlands, New Zealand, Sweden, Switzerland.

⁶ For example: France, Federal Republic of Germany, Netherlands.

⁷ For example: Bolivia, Brazil, Congo (Kinshasa), Federal Republic of Germany, Netherlands, New Zealand.

⁸ For example: Japan.

⁹ For example: Bulgaria, Canada, Denmark, Federal Republic of Germany, Norway, Rumania, Sweden.

¹⁰ For example: Federal Republic of Germany, Luxembourg.

¹¹ Among others: France, Sweden, Switzerland, United Kingdom.

of the General Principles indicate the importance of the house-building sector for any programme of economic development.¹ Account is taken, on the other hand, of the fact (brought out in the General Principles, paragraph 6, and in the Suggestions, paragraph 1) that large-scale housing programmes may conflict with the requirements of balanced economic development. Co-ordination between housing policy and general economic and social policy, called for in paragraph 6 of the General Principles, is generally ensured at government level²; however, it does not always lead to priority being given to housing needs. Thus it is that in certain countries economic circumstances have hitherto prevented the adoption of housing programmes which would give full effect to the Recommendation.³

38. However, housing programmes drawn up and carried out in accordance with the Recommendation may well stimulate the development of other key sectors of the economy, if account is taken (as is recommended in paragraph 2 of the Suggestions) of the needs of those workers already employed or to be employed in those industries or areas which are of great national importance.

39. Thus in certain countries, for example, workers in sectors of the economy where there is a dearth of manpower are granted loans to buy a house; these loans may be granted at a rate of interest decreasing with the worker's years of service⁴, or may even be free and non-reimbursable, provided the worker undertakes to stay in the undertaking for ten to fifteen years.⁵ In countries in the process of industrialisation there are housing programmes for workers in industry⁶ or in mines and ports.⁷ Sometimes, plantation workers or the rural sector as a whole also receive the benefit of special efforts to improve housing and community services.⁸ Elsewhere, workers' housing has been built and collective facilities improved in certain areas, as a stimulus to their industrial development or restructuring.⁹ A better balanced geographical distribution of economic activity, and the possibilities of introducing industry into an area, are also taken into account in certain other countries¹⁰ in housing assistance schemes, and in the formulation of house-building programmes.

40. One aspect of housing construction which also affects national economic development, namely, stabilisation of employment during a slowing down of economic activity in general, will be considered later on.¹¹

THE CONTRIBUTION OF EMPLOYERS' AND WORKERS' ORGANISATIONS TO HOUSING PROGRAMMES

41. Paragraph 8 (3) of the General Principles provides that representative employers' and workers' organisations, as well as other organisations concerned,

¹ See paras. 27 and 28 above.

² For example: Czechoslovakia, France, Hungary, Ireland, Italy, Japan, Morocco, Norway, Rumania, Senegal, Tunisia, Ukraine, USSR, Venezuela. Non-metropolitan territory: United Kingdom (British Honduras).

³ For example: Central African Republic, Lesotho, Niger, Nigeria, Uganda.

⁴ Belgium.

⁵ Czechoslovakia.

⁶ Burma

⁷ India.

⁸ For example: Costa Rica, Cuba, India, Morocco, Ukraine.

⁹ For example: Belgium, Federal Republic of Germany, United States.

¹⁰ For example: Sweden, Venezuela. As regards regional planning, dealt with in the Suggestions, para. 47, see also paras. 97 *et seq.* below.

¹¹ See paras. 95 and 96 below.

should be associated in the work of the body responsible for housing programmes. In some countries employers' and workers' organisations are represented on the central body or other bodies responsible for drawing up housing programmes and putting them into effect¹, or else on advisory committees attached to these bodies.² Elsewhere, the occupational organisations are consulted at the stage of drafting legislation concerning housing or town and country planning³, the trade unions are associated in the formulation of housing policy⁴ or even in the adoption of legislation on the subject.⁵ In certain instances, the implementation of programmes is undertaken in conjunction with the trade unions which may, among other responsibilities, supervise the use made of building funds or the allocation of the accommodation built.⁶

42. As regards the "other organisations concerned", mentioned in the Recommendation, they comprise family associations and organisations of a social nature which are sometimes represented on the bodies responsible for housing programmes.⁷

IV. THE IMPLEMENTATION OF HOUSING PROGRAMMES

PUBLIC RESPONSIBILITY AND PRIVATE ENTERPRISE

43. Paragraph 13 (1) of the General Principles of the Recommendation provides that "The competent authorities should take such measures as are appropriate to ensure the execution of the accepted programmes of workers' housing by securing a regular and continuous provision of the necessary financial means." On the other hand, sufficient scope should be left to private, co-operative and public enterprise, so that all available resources, both public and private, may be mobilised for the construction of housing and related facilities (General Principles, paragraphs 5 and 9).⁸ If they are to assume responsibility for the implementation of approved housing programmes, while leaving sufficient scope to private enterprise and co-operative ventures, the competent authorities must have at their disposal means of utilising and co-ordinating both public and private effort. To this end, Chapter V of the General Principles, and Chapter V of the Suggestions, bring certain instruments of financial and fiscal policy to their notice.

44. The relative importance of private, co-operative and public enterprise in the implementation of housing programmes obviously varies from one country to another. Most frequently, the initiative in housing matters is shared between the private and public sectors, with the State assuming responsibility for building in special cases, for example, to provide housing for the least well-off, but in general offering only inducements to private enterprise to encourage the construction of

¹ For example: Belgium, Bolivia, France, Greece, Japan, Senegal.

² For example: Finland, Netherlands, New Zealand, Sierra Leone.

³ For example: United States.

⁴ For example: Hungary, Poland.

⁵ Czechoslovakia.

⁶ For example: Hungary, Poland, Tunisia, USSR, Venezuela.

⁷ For example: Belgium, France.

⁸ However, it is not usually considered desirable that employers should themselves provide housing for their workers (see para. 12 (2) of the General Principles, and Chapter VI, Housing Provided by Employers, below).

homes for which there is a social need.¹ In other countries, where the public authorities themselves construct a large proportion of new buildings, inducements are offered to encourage the construction of family homes, while encouragement is also given on a broader level to housing co-operatives.² Elsewhere, co-operatives are similarly encouraged to be active in the field of workers' housing.³

45. Before going on to consider the methods by which the competent authorities can guide private enterprise in this field, the list of the responsibilities which the public authorities should discharge by the use of these methods should be completed. State participation, in one form or another, in private housing projects should not only encourage private enterprise to build as many homes and related facilities as the housing programmes provide for, but should also, among other things, give the State some control over housing costs, in view of the fact that paragraph 4 of the General Principles states that the amount a worker spends on adequate and decent housing accommodation should not exceed a "reasonable proportion" of his income, while paragraph 18 prohibits speculation in workers' housing built with assistance from public funds. In this connection, intervention by the State has a double bearing: first, investment costs used for the calculation of profit-earning capacity will vary by the amount of the contribution from public funds; and secondly, when the authorities provide facilities they can make the grant of such assistance subject to precise conditions concerning the rent charged for or the sale of the homes constructed.⁴

46. Similarly, any assistance they may give in the building of homes should enable the authorities to ensure that other conditions are complied with, relating for example to the standard of hygiene and comfort (General Principles, paragraph 19)⁵, and to the allocation of housing without discrimination based on race, creed, political opinion or trade union membership (Suggestions, paragraph 25).⁶

METHODS OF FINANCING

47. The methods of financing by which the competent authorities can ensure the implementation of approved workers' housing programmes are set forth in Chapter V of the General Principles, and Chapter V of the Suggestions.

48. According to paragraph 13 (2) (a) of the General Principles, "private and public facilities should be made available for *loans at moderate rates of interest*". What very often happens is that the public authorities, or the bodies representing

¹ For example: Argentina, Brazil, Canada, Denmark, Federal Republic of Germany, Finland, India, Ireland (local authorities are directly responsible for the provision of housing to those persons, including workers, who are in need of it), Italy, Luxembourg, Morocco, Netherlands, New Zealand, Norway, Spain, Sweden, Switzerland, United Kingdom, United States (where the authorities have in the past few years played a preponderant part in many housing programmes), Venezuela.

² For example: Bulgaria, Czechoslovakia, Hungary, Poland, Rumania, USSR.

³ For example: Bolivia, Brazil, Chile, Colombia, Guatemala, Iraq, Ireland, New Zealand, Norway, Singapore, Sweden, Tunisia, United States, Venezuela. Non-metropolitan territory: United Kingdom (Hong Kong). See also para. 58 below.

⁴ *Inter alia*: France, Finland, Federal Republic of Germany, Japan, Netherlands, New Zealand, Switzerland, United States. As regards rent policy, see also Chapter V below; for action to repress speculation see paras. 101 *et seq.* below.

⁵ See also paras. 75 and 81 below.

⁶ For example: France, Ireland, New Zealand, United States (where an executive order on equal opportunity in housing relates all activities of, and in particular all assistance from, the Federal authorities in the field of housing to the prevention of discrimination based on race, colour, creed or national origin).

them, finance housing schemes by granting building loans at low rates of interest.¹ Loans are also granted for the extension, repair and conversion of housing accommodation.² Some countries supply information on loans granted by private or semi-public institutions, such as banks and building societies³, insurance companies⁴, provident funds and social security institutions⁵, housing funds run by non-profit-making bodies such as family associations or similar organisations⁶, co-operatives⁷ and trade union organisations.⁸ In many countries financial assistance for the building or purchase of housing accommodation is given by undertakings to their own employees, particularly in the form of loans.⁹

49. Paragraph 13 (2) (b) of the General Principles provides that public and private credit facilities should be supplemented by other suitable methods of direct and indirect financial assistance to owners who fulfil certain conditions. Many governments have provided information on subsidies or bonuses¹⁰ and on tax advantages which may extend to the complete exemption of sums invested in building from certain taxes.¹¹ Such exemptions are granted, subject to certain conditions, to housing co-operatives and to the owners of housing which fills a social need.

50. Another, less direct means of encouraging the building of workers' housing consists in the establishment of public guarantees or national insurance systems for private mortgages, which is provided for in paragraph 16 of the General Principles for countries where a sound credit market exists. Such mortgage insurance systems or public guarantees, designed to promote the grant of credits bigger than would be offered on the basis of an unsupported property mortgage, have been instituted in particular to promote the building of low-cost housing and homes held under the joint ownership system, and the acquisition of ownership of the family home.¹²

51. Paragraph 17 (a) of the General Principles provides that private savings should be stimulated so as to increase the funds available for the building of workers'

¹ For example: Argentina, Austria, Bolivia, Brazil, Bulgaria, Burma, Canada, Chile, Colombia, Costa Rica, Czechoslovakia, Denmark, Finland, France, Federal Republic of Germany, Greece, Hungary, India, Ireland, Italy, Japan, Kuwait, Mali, Malta, New Zealand, Norway, Poland, Portugal, Rumania, Singapore, Spain, Sudan, Sweden, Switzerland, Tunisia, Ukraine, USSR, United Kingdom, United States, Upper Volta, Uruguay, Venezuela, Yugoslavia.

² For example: Canada, Colombia, Costa Rica, Finland, Federal Republic of Germany, India, Italy, Mali, Malta, Norway, Portugal, United States, Uruguay.

³ For example: Belgium, Bolivia, Brazil, Colombia, Czechoslovakia, Iraq, New Zealand, Switzerland, Syrian Arab Republic, Turkey, United Kingdom, Venezuela, Yugoslavia.

⁴ For example: Argentina, Bolivia, United Kingdom.

⁵ For example, Bolivia, Brazil, Colombia, Japan, Syrian Arab Republic, Turkey, United Kingdom.

⁶ For example: Belgium, Brazil, United Kingdom.

⁷ For example: Argentina, Bolivia, Brazil, Japan, New Zealand, Venezuela.

⁸ For example: Argentina, Canada, Colombia.

⁹ For example: Bulgaria, Colombia (the worker can demand the payment of his pension for the purchase, construction or improvement of his home or to pay off a mortgage thereon), Czechoslovakia, Finland, Hungary, Japan, Poland, Senegal, Switzerland, USSR, Yugoslavia (workers' solidarity funds are financed jointly by various undertakings).

¹⁰ For example: Austria, Belgium, Canada, Denmark, Finland, France, Federal Republic of Germany, India, Japan, Luxembourg, Netherlands, New Zealand, Norway, Spain, Sweden, Switzerland, United Kingdom, United States, Uruguay.

¹¹ For example: Argentina, Belgium, Bolivia, Bulgaria, Chile, Denmark, Finland, France, Federal Republic of Germany, Hungary, Ireland, Japan, New Zealand, Portugal, Rumania, Spain, Tunisia, United Kingdom, Upper Volta.

¹² For example: Austria, Belgium, Canada, Denmark, Finland, Federal Republic of Germany, Japan, New Zealand, Switzerland, United Kingdom, United States.

housing. Furthermore, under paragraph 17 (*b*), individuals, co-operatives and private institutions should be encouraged to invest in the construction of workers' housing. A system designed for private individuals and based on these two principles is that of "home-savings" under which, in some countries, such savings are stimulated by the grant of bonuses or tax exemptions and, after a time, the funds so accumulated can be withdrawn—plus a credit at a low rate of interest—for investment in property to be used as a home.¹ In one country the private and public organisations which build homes for families with modest incomes can have recourse to the technical assistance and, for their administrative costs, to the financial assistance of a public fund specially set up for this purpose.² Investments in the form of building loans granted by co-operatives and private bodies, and by the provident funds and social security organisations more especially mentioned in paragraph 21 of the Suggestions, have already been referred to.³

RENTAL HOUSING AND HOME OWNERSHIP

52. Paragraph 11 of the Principles declares that the authorities should assume responsibility for providing workers' housing on a rental or home-ownership basis. Although the Recommendation recognises both systems, it does nevertheless express certain preferences which vary with the circumstances.

53. For certain groups of workers, namely "heads of newly formed families", "single persons", and "those whose mobility is desirable for a balanced development of the economy", paragraph 19 of the Suggestions states that the authorities should either finance directly or give financial assistance to rental housing schemes. Thus, some governments have ensured that rental housing or hostels were constructed for young couples⁴, or for people living alone⁵, for young workers and students⁶, and for migrant workers.⁷

54. Except in the circumstances defined in paragraph 19 of the Suggestions, the Recommendation urges that workers should be encouraged to become owners of the homes in which they live. To this end, among other matters, public and private loan facilities should be available to cover the whole or a substantial part of the initial cost of housing; such loans should be repayable over a long period of time and the rate of interest charged thereon should be moderate (General Principles, paragraph 15; Suggestions, paragraph 20), so that the workers concerned do not have to spend more than a reasonable proportion of their income on acquiring a home (General Principles, paragraph 4).

55. In many countries private individuals, and more especially workers, are encouraged to build a home of their own or to become owners of the premises in which they live, by obtaining loans or having recourse to financial aid of some other kind.⁸ Often, too, the low-cost housing built by public bodies or with their

¹ For example: France, Federal Republic of Germany, Japan, Mali, Poland.

² United States.

³ See para. 48 above.

⁴ For example: Bulgaria, Federal Republic of Germany.

⁵ For example: France, Netherlands.

⁶ Among other countries: Canada, Federal Republic of Germany, Norway.

⁷ For example: Federal Republic of Germany, Luxembourg.

⁸ For example: Belgium, Canada, Chile, Colombia, Czechoslovakia, Finland, Federal Republic of Germany, Hungary, India, Italy, Japan, Kuwait, Luxembourg, Mali, Malta, Netherlands, New Zealand, Norway, Poland, Portugal, Rumania, Spain, Sweden, Switzerland, Turkey, Ukraine, USSR (one-third of the total number of homes erected are built by individual owners), United Kingdom, United States, Uruguay, Venezuela.

assistance can be sold on credit to the workers who occupy them.¹ The time for repayment of the debt is usually fairly long and can go up to forty-five years. Public loans are invariably granted at moderate rates of interest. Sometimes there is a kind of hire-purchase system managed by a public fund, under which workers who have paid rent for their homes over a certain number of years may become the owners thereof without having spent more than a reasonable proportion of their income for this purpose.²

56. Elsewhere, the worker buys or builds his home with a private loan obtained on the open market, part of the interest on which may be paid by the State, either under a housing allowances scheme³ or in lieu of a tax allowance if the worker so requests.⁴

57. In certain countries undertakings grant loans to their workers for the construction or purchase of a home.⁵ Of the other forms of assistance already mentioned under the heading of methods of financing, the bonuses and credits granted under home-saving schemes are designed in particular to facilitate the construction or purchase of family or individual dwellings by the persons concerned.⁶ The mortgage insurance systems⁷ may, among other benefits, protect a worker and his family against the loss of his own capital which he has invested in a home, in accordance with paragraph 22 of the Suggestions.

HOUSING CO-OPERATIVES

58. Paragraph 5 of the General Principles provides that workers' housing programmes should provide adequate scope for private, co-operative and public enterprise in house building. However, in paragraph 14 of the Principles, the Recommendation expresses a preference for co-operative and similar non-profit housing societies, which should be encouraged by governments and employers' and workers' organisations. Mention has already been made above of the part played by housing co-operatives in the implementation of the housing programmes of many countries.⁸ They are frequently granted financial aid, particularly in the form of free or preferential loans covering most of the building costs involved, or of a mortgage insurance on their building projects, or of tax privileges and exemptions.⁹ Sometimes, too, the government offers a co-operative a building site.¹⁰

¹ For example: Belgium, Bolivia, Brazil (homes are sold for less than seventy-five times the minimum monthly fiscal wage, payable in 240 months), Canada, Chile, France, Greece, India, Iraq, Italy, New Zealand, Portugal, Rumania, Senegal, Tunisia, Venezuela, Viet-Nam.

² For example: Bolivia, Cameroon, Congo (Kinshasa), Cuba (rent is paid for a period varying between five and twenty years), Kuwait, Tunisia.

³ For example: Austria, Belgium, Finland, Luxembourg, Sweden.

⁴ For example: United Kingdom.

⁵ See para. 48 above.

⁶ See para. 51 above.

⁷ See para. 50 above.

⁸ See paras. 44 and 48 above.

⁹ Among other countries: Belgium, Czechoslovakia, Finland, France (low-interest loans for subsidised dwellings and fiscal privileges), Hungary (free or preferential loans of up to 80 per cent of building costs, for thirty years), India (financial help offered to plantation workers' co-operatives for 90 per cent of house-building costs; 25 per cent as a subsidy and 65 per cent as a loan), Ireland, Syrian Arab Republic, Tunisia, Turkey, Ukraine, USSR, United States.

¹⁰ For example: Bulgaria, Iraq, Ireland (the site may be provided by the local authority with the aid of a state subsidy) Poland, USSR; see also para. 106 below.

SELF-HELP BUILDING SCHEMES

59. Paragraphs 12, 13, 29 and 44 of the Suggestions recommend governments and employers' and workers' organisations to adopt a series of detailed measures for the development of new and simple building techniques and the provision of all requisite technical and material assistance, so that the workers concerned may themselves participate in building homes which they will own or at least build for themselves provisional dwellings which will provide an improvement in housing conditions, particularly in rural areas of developing countries.

60. Some governments have supplied information on the measures taken to stimulate the construction of individual dwellings through the work of the persons to be accommodated themselves.¹ As a general rule the authorities make the land available, together with technical assistance in planning and construction. The cost of purchase and transport of prefabricated parts and other building materials is met by public loan on easy terms. In one country² the persons concerned are invited to contribute a certain number of hours of manual labour on building sites within the framework of housing schemes for persons with low incomes.

V. RENT POLICY

61. When a worker becomes the owner of his own dwelling, the aim set forth in paragraph 4 of the Principles, namely that his housing expenses should represent no more than a reasonable proportion of his income, should in the ordinary course of events be achieved by measures affecting purchase or building costs.³ The same does not necessarily apply to rental housing, the rent of which may be influenced by factors other than building costs. However, action taken to reduce building costs, notably by increasing productivity in the building trade⁴, should—in accordance with paragraph 40 (1) of the Suggestions—contribute to a progressive diminution of the rent paid as measured against the worker's income. However, it is clear from paragraph 40 (3) of the Suggestions that additional measures may be required to avoid an excessive rise in rents at a time of housing shortage. In this respect, programmes for the construction of decent homes in sufficient number to meet the demand are clearly the most important instrument in a long-term rent policy.

62. The ratio between rent and income can be more directly influenced when the authorities themselves build rental housing. In such cases, the rent is frequently fixed by reference to the tenant's income⁵, account being sometimes also taken of the size and degree of comfort of the home.

¹ Morocco, Rumania, Sierra Leone (the government is envisaging a programme with financial aid from FAO within the framework of the World Food Programme), United States, USSR, Venezuela (the first experimental programme was launched in 1965; it provided sixty-one dwellings; two other schemes, for sixty-eight and 278 dwellings, were then embarked on; a scheme for the building of 300 dwellings is now under way, and others are under study), Zambia.

² Burma.

³ See paras. 54 *et seq.* above.

⁴ See Chapter VIII below on measures to promote efficiency in the building trade.

⁵ For example: Burma (16.6 per cent of income), Canada (16.6 per cent or more), Hungary (3 to 5 per cent), Rumania, USSR (4 to 5 per cent).

63. Similarly, assistance provided by public authorities to private initiatives for the construction of rental housing permits the former to insist on reasonable levels of rent in exchange for the assistance given.¹

64. Paragraph 23 of the Suggestions calls on the public authorities to provide special financial assistance for workers unable, by reason of inadequate wages or the weight of their family responsibilities, to afford decent accommodation. In some countries the authorities can pay a rent or housing allowance to families of modest means, especially to retired persons and large families²; this way of ensuring that rents do not exceed a reasonable proportion of the tenant's income becomes especially important when the State is not directly involved in the construction of the building.

65. Finally, paragraph 40 (3) of the Suggestions provides that during periods of acute housing shortage, temporary measures should be taken to prevent an undue rise in rents of existing workers' housing. Thus, in some countries, rents are regulated or controlled by the State.³ Sometimes the progressive relaxation of these measures is facilitated by a system of housing allowances.⁴

66. The questions relating more particularly to the rent of dwellings provided by employers for their workers are considered in Chapter VI below.⁵

VI. HOUSING PROVIDED BY EMPLOYERS

THE ROLE OF EMPLOYERS IN WORKERS' HOUSING

67. Because of the special relationship between employers and workers, the housing of workers by their own employers raises a number of particular problems, which are dealt with in Chapter IV of the General Principles and Chapter IV of the Suggestions. Paragraph 12 (1) and (2) of the General Principles lays down that it is preferable, as a rule, that workers should be housed by bodies separate from the undertaking itself, on condition that such housing is provided on an equitable basis. According to paragraph 12 (2) of the Principles, it is only in certain situations, where the circumstances make it necessary, that employers should provide housing for their workers directly, for example when an undertaking is located at a long distance from normal centres of population, or when the job is such that the worker must be available at short notice.

68. In some countries labour legislation requires the employer to provide his workers with suitable housing.⁶ Sometimes provisions to this end are also included

¹ Thus, in the United States there is a federal scheme for assisting needy families living in rented dwellings. Under this scheme, the amounts the owner has to pay for a mortgage obtained at the market rate, plus interest and insurance costs, are reduced to what would be needed for a mortgage at 1 per cent; in exchange for this, rents are reduced to a basic rate which may not exceed 25 per cent of the income of the adults in the family, with additional deductions for every minor child. See also para. 45 above.

² For example: Austria, Finland (allowances vary from 20 to 70 per cent of rent, according to the family income, number of dependants and size of flat), France, Federal Republic of Germany, Norway, Spain, Sweden.

³ For example: Argentina, Austria, Colombia, Denmark, Finland, France, Federal Republic of Germany, Japan, Malta, Norway, Poland, Sweden, United Kingdom (except Northern Ireland).

⁴ See para. 64 above.

⁵ See paras. 71 and 72 below.

⁶ For example: Bolivia, Cameroon, Central African Republic, Congo (Brazzaville), Congo (Kinshasa), Costa Rica, Dahomey, Finland, India, Iraq, Kuwait, Lesotho, Malaysia, Mali, Mauritania, Mexico, New Zealand, Niger, Rwanda, Senegal, Spain, Togo, United Arab Republic, Upper Volta, Viet-Nam, Zambia. Non-metropolitan territories: United Kingdom (Gilbert and Ellice Islands, Solomon Islands).

in concession agreements between the State and private undertakings¹ or in collective agreements.² As a rule, an employer is subject to this obligation only in respect of workers employed in areas far from centres of population or difficult of access³, or of workers recruited outside the area in which they will be employed⁴; sometimes, the obligation is imposed only in respect of specified branches of economic activity.⁵ In some cases, the undertaking is required to put up housing for a specified proportion of its workers⁶ or set aside a specified proportion of its profits⁷ or a sum corresponding to a specified percentage of its total wage bill⁸, for house building. In addition, some governments grant loans and subsidies to employers for the construction of housing for certain kinds of worker, such as migrants or agricultural workers.⁹ Sometimes, too, employers put up housing for their workers without being invited to do so by the State, as, for example, when the work site is far from population centres.¹⁰ However, the employer's initiative in this respect is not, it seems, always limited to the particular circumstances provided for in the Recommendation.

WORKERS' AND EMPLOYERS' RIGHTS IN THE CASE OF HOUSING PROVIDED BY EMPLOYERS

69. According to the Recommendation, whenever a worker occupies housing provided by his employer, certain reciprocal rights should in particular be guaranteed. First, the fundamental human rights of the workers, and especially freedom of association, should be recognised (General Principles, paragraph 12 (3) (a)), as should free access for persons having social or business relations, including trade union business, with a worker (paragraph 17 of the Suggestions). In this respect, some governments state that the worker remains in full enjoyment of his fundamental rights when housed by the employer¹¹, who is not entitled to prevent the worker from exercising his trade union rights, nor to expel him from his dwelling for exercising those rights.¹²

¹ For example: Liberia.

² For example: Mali, Senegal, Upper Volta, Uruguay (low-cost housing funds administered by joint committees are established by collective agreements), Viet-Nam.

³ For example: Kuwait, Lesotho, Liberia, Mali (when a worker is employed at a site more than six miles from his normal place of residence), Spain (provided that the number of workers employed reaches a certain minimum), United Arab Republic, Upper Volta.

⁴ For example: Cameroon, Central African Republic, Congo (Brazzaville), Congo (Kinshasa), Dahomey, Mali, Mauritania, Niger, Rwanda, Senegal, Togo, Upper Volta.

⁵ For example: Costa Rica (agriculture and stock-breeding), Finland (forestry, rafting of wood, and in certain state undertakings), India (plantations), Iraq (industrial undertakings), New Zealand (agricultural labour and sheep shearing), United Arab Republic (mines and quarries), Viet-Nam (rubber plantations).

⁶ For example: Spain.

⁷ For example: Iraq, United Arab Republic.

⁸ For example: France (undertakings can choose the form of investment), Yugoslavia.

⁹ For example: Federal Republic of Germany (migrant workers and certain other workers recruited outside the area of employment), India (plantations, the employer receives assistance for the construction of rent-free housing equivalent to 75 per cent of building costs—25 per cent as a subsidy and 50 per cent as a loan), Luxembourg (migrants).

¹⁰ For example: Afghanistan, Argentina (remote undertakings and large public works undertakings), New Zealand (forestry camps and dairy co-operatives, and some local authorities in remote places), Sierra Leone (notably in mines).

¹¹ For example: France, New Zealand, Sierra Leone, Singapore.

¹² New Zealand.

70. Furthermore, paragraph 16 of the Suggestions provides for the normal maintenance of the premises by the worker while paragraph 12 (3) (b) of the Principles and paragraph 15 of the Suggestions contain detailed provisions relating to the repossession of the premises within a reasonable period after the worker's employment ceases, in accordance with the national law and custom governing tenancies, including agricultural tenancies. Some governments state that relations between employer and worker, as far as housing is concerned, are governed by the general legislation governing the relations between landlord and tenant.¹ The conditions of the tenancy and especially the period of notice to be given for vacating a dwelling on the termination of the employment relationship may also be laid down by collective agreement.² In some countries a worker leaving his job cannot be expelled from his dwelling by the employer who provided it³, or vacation can take place only in the cases specified by law and on the basis of a judicial decision⁴, or a suitable alternative dwelling must be provided for a worker who leaves a service flat provided by a state undertaking or government department.⁵

RENT AND WAGE POLICY

71. The rent for adequate and decent housing provided by the employer should not exceed a reasonable proportion of the worker's income, and must not in any event include a speculative profit (General Principles, paragraph 12 (3) (c)). According to paragraph 12 (4), the provision by employers of housing or communal services as payment for work should be prohibited or regulated to the extent necessary to protect the interests of the workers.

72. In some countries the maximum permitted deduction from wages to cover the cost of housing provided by the employer is laid down by law or administrative decision.⁶ Sometimes the housing has to be provided free by the employer⁷, or it is provided in addition to the minimum wage and may be replaced by a housing allowance.⁸ Some governments say that rents paid to employers are reasonable⁹, or even generally lower than normal rent levels.¹⁰

TRANSFER OF OWNERSHIP OF HOUSING

73. Paragraph 18 of the Suggestions provides for the possibility of a public authority or other institution or of the worker-occupants themselves acquiring ownership of housing provided by the employer, except in cases where such housing is within the operational area of the undertaking. This possibility does not seem to be generally envisaged in the countries which have reported. In some cases, however, the workers are granted certain possibilities of purchasing housing provided by their employer.¹¹

¹ For example: Austria, France, Poland.

² For example: Mali.

³ For example: USSR.

⁴ For example: Rumania, Yugoslavia.

⁵ For example: Hungary.

⁶ For example: Cameroon, Central African Republic, Luxembourg, Malawi, Mali, Mexico, United Kingdom (as regards minimum wages in agriculture), Upper Volta.

⁷ For example: Finland (forestry and wood rafting), India (subsidised housing in plantations).

⁸ For example: Zambia.

⁹ For example: Singapore.

¹⁰ For example: Hungary, Japan, New Zealand.

¹¹ For example: Japan, Kuwait (a hire-purchase scheme has been introduced for this purpose).

74. Independently of the direct provision of housing, undertakings often grant loans to their workers, or to co-operatives formed by their workers, to enable them to acquire or build their homes.¹ Sometimes, too, the public authorities require or help the employer to provide housing for his workers in certain circumstances, but also make it easier for the workers, either individually or in co-operatives, to acquire or build their homes, for example by creating a loans fund² or giving the workers financial assistance more generous than that given to employers.³

VII. HOUSING STANDARDS

GENERAL RECOMMENDATIONS

75. To ensure structural safety and reasonable levels of decency, hygiene and comfort, the competent authorities are recommended, in paragraph 19 of the General Principles, to establish minimum housing standards in the light of local conditions. Such standards exist in the majority of the countries from which reports have been received. On the one hand, building codes or similar regulations lay down standards for safety and hygiene, and for other technical aspects of building operations in general⁴, while labour legislation may include special clauses governing the quality of the housing provided for his workers by an employer.⁵ Further, the public authorities frequently require the observance of certain minimum housing standards as a condition for providing financial assistance in the building or modernisation of housing and related community facilities⁶; such minimum standards for subsidised housing may be higher than the minimum standards normally applied⁷, or, in countries where minimum technical standards vary from one area to another, may stimulate the introduction of uniform standards of a high level.⁸

76. Some governments, too, have provided information about the revision of housing standards, called for in paragraph 9 of the Suggestions.⁹

PARTICULAR RECOMMENDATIONS

77. Mention has already been made of one standard which is included among the objectives of national policy: according to paragraph 7 of the General Principles, each family should have a separate, self-contained dwelling if it so desires.¹⁰ Apart from the building of collective dwellings, mainly by the employers concerned, for certain categories of worker, such as those not permanently resident at their place of

¹ See para. 48 above.

² For example: Congo (Kinshasa).

³ For example: India (plantations).

⁴ For example: Argentina, Austria, Canada, Denmark, France, Federal Republic of Germany, Hungary, Ireland, Italy, Japan, Malaysia, Morocco, Netherlands, New Zealand, Norway, Poland, Portugal, Sierra Leone, Singapore, Switzerland, Syrian Arab Republic, USSR, United Kingdom, United States, Uruguay, Zambia. Non-metropolitan territory: United Kingdom (British Honduras).

⁵ For example: Argentina, Belgium, Cameroon, Central African Republic, Czechoslovakia, Dahomey, Finland, Malaysia, Mali, Mexico, Niger, Senegal, Togo, Upper Volta, Non-metropolitan territories: United Kingdom (Gilbert and Ellice Islands, Solomon Islands).

⁶ For example: Austria, Belgium, France, Federal Republic of Germany, Ireland, Luxembourg, Sweden, Switzerland, United Kingdom, United States.

⁷ For example: United Kingdom.

⁸ For example: Switzerland, United States.

⁹ For example: France, New Zealand.

¹⁰ See para. 20 above.

work, and the building of hostels for students, apprentices and other persons living alone¹, the huge majority of national housing programmes are designed either implicitly or explicitly² to promote the building of family homes in sufficient numbers for every family to have a separate, self-contained dwelling. The priorities granted to families in the allocation of homes³ and the encouragement given to the purchase of the family home⁴ have already been mentioned. Sometimes, too, the legislation concerning the provision of housing by the employer lays down that every family must be provided with a separate dwelling.⁵

78. Paragraph 7 of the Suggestions provides that special standards should be adopted, in particular in respect of the minimum space per person or per family, the supply of safe water, adequate sewage and garbage disposal systems, adequate protection against heat, cold, damp, noise, fire and insects, adequate sanitary and cooking facilities, ventilation and natural and artificial lighting, a minimum degree of privacy as between people in the family as well as against external factors, and separation from quarters for animals. Paragraphs 10 and 11 urge that as a general rule workers' housing and related community facilities should be of durable construction and make use of the most suitable materials available.

79. In most of the countries which have building codes or similar regulations for the building of housing in general or of subsidised dwellings, the existing provisions are in accordance with paragraphs 7, 10 and 11 of the Suggestions; some governments have supplied exhaustive information on this point.⁶ Sometimes, too, labour legislation on housing provided by the employer lays down detailed standards applicable to individual and family homes⁵, although such legislation often concentrates on the special standards to be met by collective accommodation.

COLLECTIVE HOUSING ACCOMMODATION

80. As regards collective housing accommodation designed for single workers or workers separated from their families, paragraph 8 of the Suggestions lays down minimum standards which embody some of the requirements already outlined, as regards hygiene and comfort, in paragraph 7. It calls in addition for a separate bed for each worker, separate accommodation of the sexes, and common dining-rooms, canteens, rest and recreation rooms and health facilities, when not otherwise available in the community. In a number of countries there are special regulations governing collective accommodation for workers, which are generally in line with paragraph 8 of the Suggestions.⁷ One government⁸ reports that its relevant regulations have been based on the Recommendation.

ENFORCEMENT OF STANDARDS

81. Paragraph 19 of the General Principles provides that the competent authorities should take appropriate measures to enforce observance of minimum housing

¹ See paras. 35 and 36 above and para. 80 below.

² For example: France, Japan, Poland, Uruguay.

³ See para. 35 above.

⁴ See paras. 54 *et seq.* above.

⁵ For example: Cameroon.

⁶ For example: Austria, Belgium, Canada, New Zealand, Switzerland, United Kingdom, United States, Uruguay.

⁷ For example: Argentina, Belgium, Cameroon, Central African Republic, Czechoslovakia, Finland, France, Luxembourg, (subsidised housing).

⁸ Luxembourg.

standards. In countries where minimum standards are included in building codes or similar regulations, the public authorities are usually empowered to grant, refuse, or withdraw a building licence, and sometimes a permit to occupy a building, on the basis of the observance or non-observance of those minimum standards of safety, hygiene, decency and comfort, the observance of which it is their responsibility to enforce at the planning and building stages as well as after completion.¹ When the grant of a subsidy from public funds is made conditional on the observance of minimum housing standards, the competent authorities may withdraw their assistance if such standards are not in fact observed.²

82. When housing standards are laid down by labour legislation, responsibility for their enforcement is usually assigned to the labour inspection and health inspection authorities.³

VIII. EFFICIENCY IN THE BUILDING INDUSTRY

BUILDING INDUSTRY AND HOUSING POLICY

83. The effective implementation of housing programmes formulated by the competent authorities does not depend only on public and private enterprise and the available financial means.⁴ The success of a housing policy needs, as an essential condition, a competent building industry, if homes are to be built in adequate numbers; if standards of quality are to be maintained, and if the sums invested are to produce a proper return. According to the terms of paragraph 20 of the General Principles, in order to promote efficiency in the building industry, governments, in association with employers' and workers' organisations, should promote measures to achieve the most efficient use of available resources in the building and associated industries, and, where necessary, should encourage the development of new resources.⁵ In greater detail, the Suggestions (paragraphs 26 to 34) make a number of proposals for the training in and use of special skills on the one hand, and recourse to appropriate building methods and materials on the other, in the light of research undertaken by national or international institutions.

TRAINING AND USE OF SKILLS

84. Paragraph 27 of the Suggestions deals with the training of skilled and semi-skilled workers, supervisory personnel, contractors and professional personnel. Some governments have provided information about training courses run for building workers and organised by the public authorities, usually with assistance from employers' and workers' organisations.⁶ In one country a pilot programme has been launched, with assistance from an ILO expert.⁷ Sometimes employers are offered financial inducement to release their staff, on full pay, to attend training courses

¹ For example: Austria, Canada, France, Federal Republic of Germany, Hungary, Ireland, New Zealand, Switzerland, USSR, United Kingdom.

² See above, para. 75, footnote 6, p. 352.

³ For example, Belgium, Cameroon, Dahomey, Finland, Luxembourg, Mali, Niger, Senegal, Upper Volta.

⁴ In this connection, see Chapter IV above.

⁵ As regards the broader question of co-operation between the central authorities and occupational organisations in the field of housing, see para. 41 above.

⁶ Amongst others: Austria, France, India, Ireland, New Zealand, United Kingdom, United States.

⁷ India.

during working hours and sometimes a grant is made to the persons concerned, who may be persons anxious to learn a new building trade, or unemployed building workers who wish to improve their qualifications, particularly during the winter.¹ Several reports contain information about technical schools, colleges, advanced technological institutes, engineering colleges and universities, which train people in the special skills needed by all sectors of the building industry.² As far as small-scale building contractors are concerned—whose efficiency should be promoted by a variety of measures set out in paragraph 33 of the Suggestions—they enjoy in particular the benefit of research into the economic and technical problems of the building industry, undertaken, in some countries, by public institutions.³

85. To ensure that the capacity of contractors, building-material suppliers and workers in the building industry are fully utilised in the interests of output, quality and financial viability, paragraph 31 of the Suggestions calls particularly for the elimination of restrictive practices on the part of the persons concerned. A number of governments have reported on action taken with this end in view, sometimes by the enactment of general legislation⁴, or within the framework of the procedure for awarding public authority building contracts for official purposes⁵; or again, the unions may help by supervising the implementation of building projects at all levels, including, *inter alia*, the rational use of skills and funds, and the quality of the results.⁶

MATERIALS AND METHODS OF BUILDING

86. Paragraph 30 of the Suggestions provides that: "Special attention should be given, among other measures, to improved planning and organisation of work on the site, to greater standardisation of materials and simplification of working methods and to the application of the results of building research." More detailed suggestions are contained in paragraph 26⁷, concerning the spreading of work over the year; in paragraph 28, concerning the production of the requisite materials and equipment; in paragraph 29, concerning the introduction of regulations to permit the use of new building materials and methods; in paragraph 32, concerning research into social, economic and technical problems of housing, undertaken nationally or internationally; and in paragraph 33, concerning the dissemination of information on low-cost materials and methods of building.

87. The various aspects of the general problem, which consists in finding the technical means of meeting, with the national resources available, the demand for housing, have caused certain countries to seek a far-reaching solution which corresponds to the size of the problem. Thus, efforts are being made to introduce industrial techniques of production into the building trade⁸, where traditional structures may restrict workers' productivity. The mass production in factories, working the whole year round, of prefabricated parts which are quickly assembled on site makes it possible to increase the output of annual building programmes in countries suffering from shortages of labour and materials⁹, and to cut costs while maintaining high

¹ For example: Austria, United Kingdom, United States.

² For example: Argentina, Congo (Kinshasa), France, United Kingdom.

³ See para. 89 below.

⁴ For example: New Zealand.

⁵ For example: Argentina, France.

⁶ For example: USSR.

⁷ See also para. 22 of the General Principles and paras. 92 *et seq.* below.

⁸ Among other countries: Cuba, Denmark, France, Hungary, Ireland, Japan, New Zealand, Norway, Poland, Sweden, USSR, United States.

⁹ For example: Poland.

wages.¹ To attract the investments needed to launch new methods of production, the authorities sometimes give their approval and patronage to building programmes calling for the construction of dwellings in very large numbers.²

88. Moreover, in countries or regions short of investment capital but with reserves of unskilled labour, the authorities themselves sometimes facilitate the building of homes by the very people who will live in them, as recommended in paragraph 29 of the Suggestions.³ It should be noted that the introduction of industrialised building methods and of self-help building schemes can very well complement each other since prefabrication of a number of parts of a house simplifies work on the site.⁴

89. Some governments provide information on sociological research⁵ or economic and technological investigations undertaken in the field of housing by or with the help of public bodies, and on the standardisation of materials and the simplification of building techniques which are among the results of such research.⁶ Sometimes building centres are set up with United Nations assistance, within the framework of the United Nations Development Programme, to consider housing problems and to devise building methods suitable for local conditions⁷; elsewhere, co-operation in housing and building research is regionally organised.⁸ The results achieved are as a rule made available to the public, and especially to the smaller building concerns⁹, which can also apply for practical assistance in the hiring of special equipment.

90. Paragraph 34 of the Suggestions recalls that measures for reducing building costs should not result in a lowering of the standards of housing. From no report would it appear that housing standards have in fact been relaxed because of the introduction of new building techniques. In fact, some governments declare that simplification and standardisation have resulted in a steady increase in the quality of housing.¹⁰ However, by reason of the size of certain buildings constructed by the use of new low-cost methods, additional provisions have sometimes been adopted to ensure that safety standards are maintained.¹¹

IX. HOUSE BUILDING AND EMPLOYMENT POLICY

91. Chapter VIII of the General Principles, and Chapter VII of the Suggestions deal, from various angles, with the relationship between the building of homes and employment policy.

¹ For example: Denmark, Sweden.

² For example: Denmark (7,000 homes a year for five years); Sweden (10,000 homes, at least 1,000 being of the same type, a year for five years, subject to total costs and use of manpower being below the average in the building trade); United States (for each type of home, at least 1,000 a year for five years).

³ See para. 60 above.

⁴ For example: USSR.

⁵ See also para. 27 above.

⁶ For example: Austria, Denmark, Finland, France, India, Ireland, Japan, Morocco, New Zealand, Norway, Sweden, Switzerland, United Kingdom.

⁷ For example: Syrian Arab Republic, Togo.

⁸ The Nordic countries: Denmark, Finland, Norway, Sweden.

⁹ For example: France, New Zealand.

¹⁰ For example: Austria, France.

¹¹ For example: Denmark.

92. Paragraph 22 of the General Principles recommends that appropriate measures should be taken to increase the annual output of workers' housing and related facilities by reducing seasonal unemployment in the building industry. This clause was inspired by a concern similar to that which found expression in the provisions made concerning ways and means of increasing efficiency in the building industry, and especially in paragraph 26 of the Suggestions, on spreading the work over the entire year.¹ To reduce seasonal unemployment in the building trade, paragraph 38 of the Suggestions recommends the use of all appropriate plant, machinery, materials and techniques to enable construction work to be carried out in a safe and satisfactory manner and to protect the worker during periods traditionally regarded as unfavourable for the carrying out of construction operations; the education of all concerned regarding the technical feasibility and social desirability of not interrupting construction in unfavourable climatic conditions; the payment of subsidies to offset in whole or in part additional costs which might be involved; and the timing of various operations in housing programmes in such manner as will help to reduce seasonal unemployment.

93. Certain governments provide information about technical matters, such as insulation and heating of the shell of buildings and the planning of work both outside and inside in such a way that building workers can be kept busy throughout the year.² The major progress made in this field is attributable to the introduction of mass-production methods, which means that many of the jobs previously done on the building site are now done in the factory, with the result that seasonal variations in employment can be eliminated.³

94. It sometimes happens that the authorities make arrangements to ensure that their own building plans, and housing schemes carried out with their financial help, are staggered in time, so as to avoid seasonal unemployment; in other cases, subsidies are offered to compensate for the extra costs incurred when building proceeds in the off-season⁴, the authorities themselves undertaking to inform the parties concerned about the feasibility of spreading the work involved over the whole year.⁵

95. While, on the one hand, paragraph 22 of the General Principles recommends that appropriate measures be taken to increase annual building by reducing seasonal unemployment, paragraph 21 states, on the other hand, that national housing programmes should be planned so as to permit a speeding-up of building during slack periods of economic activity. This provision relates to the more general matter of the relationship between economic development and housing programmes, discussed above.⁶ In countries where the level of employment may vary according to the economic situation, housing programmes are usually flexible enough to enable building activities to be increased or reduced by various monetary or fiscal policy measures.

96. Paragraphs 36, 37 and 38 of the Suggestions provide for various means whereby building can be stimulated and employment thus rendered more stable: extension of borrowing power, reduction in the rate of interest, administrative and financial co-ordination between central and local authorities, and between the public authorities and private bodies. Since reports by governments have usually covered

¹ See para. 86 above.

² For example: Hungary, New Zealand, Poland, United Kingdom, United States.

³ See also para. 87 above.

⁴ For example: Austria, Japan, United States.

⁵ For example: United States.

⁶ See paras. 37 *et seq.* above.

much the same ground in discussing methods of financing housing programmes¹, they do not as a rule supply information specifically on these particular suggestions. However, a number of governments provide information about housing schemes launched in economically depressed areas with a view to encouraging industrial development or restructuring, and in order to create immediate employment for local manpower in the building industry.²

X. TOWN, COUNTRY AND REGIONAL PLANNING

PLANNING PRINCIPLES

97. Paragraph 2 of the General Principles of the Recommendation requires that national housing policy should, amongst other things, provide all workers and their families with a suitable living environment. According to paragraph 23, the development and execution of workers' housing programmes should conform to sound town, country and regional planning practice. With a view to ensuring as agreeable an environment as possible for the worker and his family and to minimising the time spent and risks incurred by workers in going to and from work (paragraph 45 of the Suggestions), certain town planning rules are set out in Chapter IX of the Suggestions; thus in particular, the provision in towns and cities of inter-related residential, commercial and industrial zones (paragraph 45 of the Suggestions); the co-ordination of urban and rural development on a regional basis (paragraph 47 of the Suggestions); the siting of workers' housing with due consideration for the possibility of air pollution from factories, and topographical conditions relevant to the disposal of surface run-off and of sewage and other wastes (paragraph 43 of the Suggestions); and for easy accessibility to places of employment and proximity to community facilities, such as schools, shopping centres, recreation areas and facilities; finally, the housing should be so sited as to form attractive and well-laid-out neighbourhoods, including open spaces (paragraph 41 of the Suggestions).

98. In many countries town and country planning schemes have been designed to protect certain areas against an undesirable change in the use of land, and to guide and control urban expansion and the rehabilitation of certain districts.³ Sometimes the central government offers financial inducements to local or regional authorities to draw up the requisite plans.⁴ A number of governments provide information about over-all plans for road-building and for public services and installations⁵, action against air pollution⁶, and nature conservation.⁷ Some countries, with a view in particular to ensuring a better balance between urban and rural development, have taken action to improve housing conditions for rural workers and the community facilities available to them.⁸ Mention has already been

¹ See paras. 47 *et seq.* above.

² For example, certain countries already mentioned in para. 39 above, notably the United States.

³ For example: Austria, Belgium, Canada, Ceylon, Costa Rica, Cuba, Denmark, Finland, Federal Republic of Germany, Hungary, Ireland, Japan, Morocco, New Zealand, Norway, Poland, Portugal, Singapore, Sweden, Switzerland, Ukraine, USSR, United Kingdom, United States; see also para. 102 below.

⁴ For example: Switzerland, United States.

⁵ Notably: Canada, Costa Rica, Cuba, Finland, Ireland, Morocco, New Zealand, Norway, Poland, Switzerland, Ukraine, USSR, United States.

⁶ For example: United Kingdom.

⁷ For example: Denmark, Switzerland.

⁸ For example: Costa Rica, Cuba, India, Morocco, Ukraine.

made of other cases in which housing programmes have been used as a means of ensuring a more even regional distribution of economic activity.¹

99. Paragraph 42 of the Suggestions recommends that in the design of houses and the planning of new communities for workers, every effort should be made to consult those bodies representative of future occupants. Certain governments report on action taken in this connection.²

SLUM CLEARANCE

100. Paragraph 8 (2) (b) of the Principles, which, within the framework of the responsibilities of the public authorities, deals with the development of workers' housing programmes, indicates that such programmes should include slum clearance schemes. Paragraph 46 of the Suggestions requires the competent authorities to take all necessary measures to clear slums, in collaboration, as appropriate, with the civic and other organisations concerned, as well as with landlords, home owners and tenants. It is recommended, amongst other measures, that suitable buildings should be modernised and that buildings of architectural or historical interest should be preserved.

101. Furthermore, paragraph 8 (2) (b) of the Principles provides that housing programmes should include provision for the rehousing of slum-dwellers, while paragraph 46 of the Suggestions calls on the authorities to ensure adequate accommodation for families which may be temporarily displaced while rehabilitation is being carried out. Paragraph 44 states that in the construction of short-life housing it is particularly important to ensure community planning and control over density of occupancy.

102. Various countries have reported on the action taken to eliminate slums, to restore buildings worthy of preservation, and to rehouse the occupants.³ With a view to the clearance of housing unsuitable for restoration, compulsory purchase powers⁴ or subsidies from the central government⁵ may be granted to the local authorities or to duly licensed companies. Sometimes the owner of unfit housing who takes the initiative in pulling the property down or restoring it is entitled to a bonus or financial assistance from the State.⁶ As a rule, the inhabitants of slums due to be demolished are found accommodation in housing managed by the public authorities. Furthermore, because people often encounter difficulties of adaptation, and because of the increase in housing costs, persons who leave a building unfit for human habitation and take up residence in another building considered suitable are in some countries eligible for removal, installation and rent allowances.⁷ According to one report, the State provides improved drainage, water supply, etc., and prepares the sites on which the persons concerned can build their own homes.⁸

¹ See para. 39 above.

² For example: Canada, New Zealand, United Kingdom, United States.

³ For example: Belgium, Brazil, Canada, Colombia, Cuba, Denmark, France, Greece, India (shelters are also built for the homeless), Ireland, Italy, New Zealand, Syrian Arab Republic, United States, Zambia.

⁴ For example: Belgium, Canada, Denmark, France, New Zealand, United States; see also para. 105 below.

⁵ For example: Belgium, Denmark, India, United States.

⁶ For example: Belgium, Denmark (when a majority of property-owners in the zone concerned act jointly).

⁷ For example: Belgium, Denmark.

⁸ Morocco; see also para. 60 above.

LAND POLICY

103. Paragraph 24 (1) of the General Principles recommends that the authorities take all appropriate steps to prevent land speculation. With a view to the construction of workers' homes and related community facilities and in order to facilitate the planning thereof, public authorities should be empowered, according to paragraph 24 (2) of the Principles, to acquire land at a fair price and to create land reserves in appropriate situations. Paragraph 24 (3) indicates that such land should be made available for building at a fair price.

104. Among the steps taken by the competent authorities in various countries to prevent speculation in land, the following should be mentioned: taxes on increments in the value of land resulting from development carried out or envisaged by the public authorities, and in particular from the inclusion of agricultural land within an urban extension plan ¹; taxation of profits made on the short-term purchase and resale of land ²; restrictions on the price of land in urban areas ³; and control of the sale or lease of plots covered by a joint development plan ⁴; conditional approval of a development plan, provided that building starts and is completed within a specified period.⁵

105. In many countries various methods of acquiring land at a fair price for the construction of workers' homes and related community facilities are available to the public authorities. They sometimes enjoy rights of pre-emption in towns or in areas zoned for priority urbanisation.⁶ Often, too, they have compulsory purchasing powers in case of public interest, to promote the development of certain areas, or more particularly for the construction of workers' housing or low-cost housing.⁷ In such circumstances, the compensation assessed is usually subject to judicial review. In some countries the central government assists local authorities financially in acquiring and developing land reserves ⁸, or in providing building plots for persons of modest means.⁹ Sometimes, too, the State makes its own land available to local authorities.¹⁰

106. Some reports indicate that the creation of large land reserves enables the authorities to stabilise the market in land.¹¹ Sometimes land is equipped and divided up into plots for sale to individuals ¹², especially to persons of modest means.¹³ Sometimes individuals or co-operatives may be granted a right to build on public land, in perpetuity ¹⁴ or for a specified period, with or without the possibility of acquiring ownership at a later stage.¹⁵

¹ For example: Denmark (proposed legislation), United Kingdom.

² Among other countries: France, Japan.

³ For example: Cuba.

⁴ For example: United States.

⁵ For example: Singapore.

⁶ For example: Denmark (draft legislation), France, Norway, Poland, Sweden.

⁷ Among other countries: Ireland, Japan, Morocco, Netherlands, New Zealand, Norway, Portugal, Sweden, United Kingdom; see also para. 102 above, footnote 4, p. 359.

⁸ For example: Canada, Ireland, Norway, Sweden, United States.

⁹ For example: India.

¹⁰ For example: Bulgaria, Sweden.

¹¹ For example: Denmark, Morocco, Norway, Sweden.

¹² For example: Canada, Denmark, France, India, Japan, Morocco, Norway, United Kingdom (the authorities use the land in the first place for their own building projects).

¹³ For example: India, Morocco (where payment by instalments, and leasehold, are possible).

¹⁴ For example: Bulgaria, Poland.

¹⁵ For example: Sweden, Venezuela.

XI. SOME PRACTICAL ACHIEVEMENTS

107. Many reports provided information about what has actually been achieved, or is likely to be achieved, as regards the housing of workers. The following examples will suffice to give some idea of the scope of the housing schemes mentioned in this paper.

108. In the Federal Republic of Germany 10,500,000 dwellings were completed between 1948 and 1968, 5 million of them with assistance from the authorities. Between 1965 and 1969 1,700 collective dwellings, accommodating, all in all, 100,000 people, were built for the benefit of migrant workers and with the help of credits from public funds. It is planned to build 400,000 homes a year over the next ten years. Half of these will be subsidised from public funds.

109. In Argentina the plan for 1969 called for the construction of 160,000 housing units. This represents the building of 6.3 dwellings for every 1,000 persons. There is an annual investment plan to do away with the substandard accommodation in which some 20,000 families are still living; it provides for the building of 8,000 temporary homes (to house families for a year) per annum, while 8,000 permanent homes will be provided every year for seven years. In the same country one trade union has itself built 2,147 homes, and given assistance in the building of 3,187 others, while a housing co-operative organised by it has built 1,772 houses.

110. In Canada, during 1968, work began on the building of 196,878 homes, i.e. almost as many as the target figure of 200,000 laid down by the Canadian Economic Council for 1970. Loans for the building of cheap homes for the masses have helped in the construction of some 8,287 housing units. Schemes for the construction of low-rent homes, managed by non-profit-making companies, have produced 4,233 housing units and 5,912 places in hostels or residences (designed especially for the poorer families, old people, and other priority groups).

111. In France some 470,000 new homes a year are built, more than one-third of them under low-cost housing schemes. In 1969 the aim was to produce 120,000 low-rent housing units, and 35,000 units for sale.

112. In Guatemala more than 3,000 low-cost houses are made available, for a very modest sum, to the workers every year.

113. In Hungary the housing development plan provides for the construction of roughly a million homes between 1961 and 1975; as part of this programme 476,000 housing units were built between 1961 and 1968. Something like 60 per cent of the new homes are to be built in the capital, in industrial cities and in working-class suburbs. Between 1960 and 1968 the number of housing units available increased from 280 to 309 per 1,000 persons.

114. In India, within the framework of public housing schemes, 163,715 housing units were built for industrial workers between 1952 and 1968 (126,437 by state governments, 5,478 by co-operatives and 31,800 by employers); another 123,234 units were built between 1954 and 1968 for low-income groups; 40,680 units were completed or improved between 1957 and 1968 in villages; between 1956 and 1967 57,728 housing units were finished under the slum-clearance programme; in the coal mining industry 33,179 housing units were built by undertakings up to the end of February 1969; while, for 1969-70, 1,132 housing units are to be erected for dockers.

115. In Italy (July 1961 to December 1966) 94,945 rooms were constructed under the first two housing plans for employed agricultural workers.

116. In Japan the five-year housing plan provides for the building of 6,700,000 houses.

117. In Kuwait the State built some 9,000 housing units for the poorer families between 1953 and 1967, and a five-year plan provides for the construction of another 10,000 houses (2,000 a year, from 1965-66 onwards), besides which the Thrift and Credit Bank is at present responsible for building 6,000 houses in various parts of the country.

118. In Malaysia, as part of the first Malayan plan, some 30,000 to 35,000 cheap housing units are to be built between 1966 and 1970. About the same number will be built by the Ministry of Public Works, the Ministry of Posts and Telecommunications, and other official bodies. Between 1957 and 1967 41,911 new workers' housing units were erected by employers and 21,732 old buildings were modernised in accordance with approved standards.

119. In New Zealand a National Housing Council was set up in 1953, and since then the number of houses built a year increased from 16,000 in 1953 to 26,000 in 1966. Twenty-four thousand seven hundred houses were built in 1967 and 23,300 in 1968.

120. In the Netherlands financial assistance is given to the building of some 100,000 homes out of the 125,000 on which work begins every year.

121. In Poland the plan calls for nearly 960,000 homes to be built between 1966 and 1970, 28 per cent of them by the State, 45 per cent by co-operatives and 27 per cent by individuals.

122. In Rumania the present five-year plan calls for the building of 342,000 housing units.

123. In Sweden there has been a steady increase in the amount of housing built per year, from 40,000 dwellings in 1951 to 100,000 in 1967. For 1968, 1969 and 1970 the minimum target figure set was 95,000 homes.

124. In Switzerland 770,646 housing units were built between 1945 and 1967 in communes of more than 2,000 inhabitants. At present the average number of units built per year exceeds 50,000.

125. In Czechoslovakia there has been an increase these past few years in the amount of housing built. In 1964, 77,301 dwellings were built; in 1968, 88,900. In 1964, 41.2 per cent of all dwellings erected were built by the State, 1 per cent by undertakings, 33.4 per cent by co-operatives and 24.4 per cent by private individuals. In 1968 these figures were respectively 20.5, 3.6, 53.7 and 22.2.

126. In Tunisia the four-year plan for 1966-69 provided that 17,000 homes should be built for the country as a whole, of which 3,445 would be workers' homes and 11,775 " low-cost housing ".

127. In Venezuela the Workers' Bank built 96,548 homes from its creation in 1928 to the end of 1968. More than half of these were built between 1959 and 1968.

128. In Hong Kong roughly one-third of the total population, or 1,082,500 persons, were rehoused by the Government between 1954 and 1968. The current plan provides for the housing of another 700,000 people between 1968 and 1974.

XII. DIFFICULTIES AND PROGRESS IN THE IMPLEMENTATION OF THE RECOMMENDATION

129. Few countries report difficulties in implementing the Recommendation. However, the following few examples seem to be representative of some problems which are fairly frequently encountered.

130. Some governments state that economic conditions have been such that they have hitherto been unable to adopt housing programmes which would give full effect to the Recommendation.¹ According to one report, the housing standards set forth in the Recommendation are difficult to attain in the short run in view of the stage of development of the country.² In deciding how their national resources should be used, certain countries, clearly, have a very difficult choice to make. It should, however, be remembered that the building of workers' housing may well contribute to the development of sectors of the economy regarded as having priority.³ Furthermore, the Recommendation has in view in particular countries poor in investment capital but rich in unskilled manpower, when it suggests the adoption of extensive self-help housing programmes, making use of simple techniques and the materials locally available.⁴

131. Some governments provide information on the shortage of housing⁵ which exists principally in urban centres and on the resulting extension of slum areas⁶ as well as on the measures taken to deal with these difficulties, based upon the standards laid down in Recommendation No. 115 on Workers' Housing⁷, *inter alia* the development of self-help housing⁸, and the encouragement of housing co-operatives.⁹ One government provides detailed information on the progress made through housing co-operatives, whilst pointing out that there is still a long way to go in developing initiatives in this field with the co-operation of the sectors of the population concerned.¹⁰

132. The comment made by the Federation of Employers' Associations of one country¹¹ underlines the speed and scale of the progress made in housing construction, which puts the country among the most advanced of all the industrialised countries in this field.¹² Nevertheless, the Federation observes that there is still a housing shortage in the large towns. According to the Union of Autonomous Trade Unions of this same country, the shortage of adequate housing in urban areas particularly affects the workers, by reason of the increase in rents which compels them to devote an unreasonable proportion of their earnings to housing. The difficulty in meeting workers' housing needs, which persists despite considerable progress in the field of building, seems characteristic of the situation in a number of industrialised countries.

¹ For example: Central African Republic, Lesotho, Niger, Nigeria, Uganda.

² Pakistan.

³ See paras. 37 *et seq.* above.

⁴ See paras. 59-60, 86 and 88-89 above.

⁵ Brazil, Morocco, Turkey.

⁶ Brazil, Morocco.

⁷ Turkey.

⁸ Morocco.

⁹ Brazil.

¹⁰ Venezuela.

¹¹ Switzerland.

¹² See also para. 124 above.

One possible solution to this problem might be found in the introduction of industrialised methods of production leading to a considerable increase in the productivity of the building industry. A number of governments are indeed encouraging this development.¹

133. One country supplied information on technical difficulties encountered in the construction of very large buildings, which led to the adoption of stricter technical standards.²

134. While it may be true that certain difficulties encountered in the field of workers' housing call for a sustained effort of all the parties concerned in order to achieve the objectives set forth in the Recommendation, it emerges from this survey that national housing policy in many countries is inspired by the same principles as the Recommendation. To give but one example, the problem of the conditions to be met by workers' collective housing accommodation has in a number of countries been settled in a manner in accordance with the standards set forth in paragraph 8 of the Suggestions³; one government expressly states that relevant national regulations in such matters have been based on the Recommendation.⁴

¹ See above, paras. 86 and 87.

² Denmark; see also para. 90 above.

³ See para. 80 above.

⁴ Luxembourg.

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Appendix. Reports Requested and Reports Received under Article 19 of the Constitution

States	Recommendations Nos.				Reports received	States	Recommendations Nos.				Reports received
	97	112	102	115			97	112	102	115	
Afghanistan	×	×	×	×	4	Guinea	×	×	—	—	2
Algeria	—	—	—	—	0	Guyana	×	—	×	—	2
Argentina	×	×	×	×	4	Haiti	—	—	—	—	0
Australia*	—	×	×	—	2	Honduras	—	—	—	—	0
Austria	×	×	×	×	4	Hungary	×	×	×	×	4
Barbados	—	—	—	—	0	Iceland	—	—	—	—	0
Belgium	×	×	×	×	4	India	×	×	×	×	4
Bolivia	×	×	×	×	4	Indonesia	—	—	—	—	0
Brazil	×	×	×	×	4	Iran	×	×	×	×	3
Bulgaria	×	×	×	×	4	Iraq	×	×	×	×	4
Burma	×	×	×	×	4	Ireland*	—	—	×	×	2
Burundi	—	—	—	—	0	Israel*	×	×	×	—	3
Byelorussia*	×	×	×	×	4	Italy	×	×	×	×	4
Cameroon	×	×	×	×	4	Ivory Coast	—	—	—	—	0
Canada	×	×	×	×	4	Jamaica	—	—	—	—	0
Central African Republic	—	—	—	×	1	Japan	×	×	×	×	4
Ceylon	×	×	×	×	4	Jordan	—	—	—	—	0
Chad	—	—	—	—	0	Kenya	×	×	×	×	3
Chile	×	×	×	×	4	Kuwait	×	×	×	×	4
China	×	×	×	—	3	Laos	—	—	—	—	0
Colombia	×	×	×	×	4	Lebanon	—	—	—	—	0
Congo (Brazzaville)*	×	×	×	×	4	Lesotho	×	×	×	×	4
Congo (Kinshasa)	×	×	×	×	4	Liberia	×	×	×	×	4
Costa Rica	×	×	×	×	4	Libya	—	—	—	—	0
Cuba	×	×	×	×	4	Luxembourg	×	×	×	×	4
Cyprus	×	×	×	—	3	Malagasy Republic	—	—	—	—	0
Czechoslovakia	×	×	×	×	4	Malawi	×	×	×	×	4
Dahomey	×	×	×	×	4	Malaysia	×	×	×	×	4
Denmark	×	×	×	×	4	Mali	×	×	×	×	4
Dominican Republic	—	—	—	—	0	Malta	×	×	×	×	4
Ecuador	—	—	—	—	0	Mauritania*	×	×	×	×	4
El Salvador	—	—	—	—	0	Mexico	×	×	×	×	4
Ethiopia	—	—	—	—	0	Mongolia	—	—	—	—	0
Finland	×	×	×	×	4	Morocco	×	×	×	×	4
France	×	×	×	×	4	Nepal	—	—	—	—	0
Gabon	—	—	—	—	0	Netherlands	×	×	×	×	4
Federal Republic of Germany	×	×	×	×	4	New Zealand	×	×	×	×	4
Ghana	—	—	—	—	0	Nicaragua	—	—	—	—	0
Greece	×	×	×	×	4	Niger	×	×	×	×	4
Guatemala	×	×	×	×	4	Nigeria*	×	×	×	×	4
						Norway	×	×	×	×	4

REPORT OF THE COMMITTEE OF EXPERTS

States	Recommendations Nos.				Reports received		States	Recommendations Nos.				Reports received
	97	112	102	115				97	112	102	115	
Pakistan	X	X	X	X	4		Togo	X	X	X	X	4
Panama*	X	X	X	X	4		Trinidad and Tobago	—	—	—	—	0
Paraguay	—	—	—	—	0		Tunisia	X	X	X	X	4
Peru	—	—	—	—	0		Turkey*	X	X	X	X	4
Philippines	X	X	X	—	3		Uganda*	X	X	X	X	4
Poland*	—	—	X	X	2		Ukraine	X	X	X	X	4
Portugal*	X	X	—	X	3		United Arab Rep. .	X	X	X	X	4
Rumania	X	X	X	X	4		United Kingdom . .	X	X	X	X	4
Rwanda	X	X	X	X	4		United States . . .	X	X	X	X	4
Senegal	X	X	X	X	4		Upper Volta	—	X	X	X	3
Sierra Leone	X	X	X	X	4		Uruguay	X	X	X*	X	4
Singapore	X	X	X	X	4		USSR	X	X	X	X	4
Somali Republic . . .	—	—	—	—	0		Venezuela	—	X	X	X	3
Spain	X	X	X	X	4		Viet-Nam	X	X	X	X	4
Sudan	X	X	X	X	4		Yemen	—	—	—	—	0
Sweden	X	X	X	X	4		Yugoslavia*	X	—	X	X	3
Switzerland	X	X	X	X	4		Zambia	X	X	X	X	4
Syrian Arab Republic	X	X	X	X	4							
Tanzania	—	—	—	—	0							
Thailand*	X	X	X	X	4							
							Total . . .	82	83	85	79	329

Note : A total of 78 reports has also been received in respect of the following non-metropolitan territories: Australia (New Guinea, Norfolk Island, Papua); Netherlands (Netherlands Antilles); United Kingdom (Antigua, Bahamas, Bermuda, British Honduras, Brunei, Falkland Islands (Malvinas), Gibraltar, Gilbert and Ellice, Guernsey, Hong Kong, Isle of Man, St. Helena, St. Lucia, Seychelles, Solomon Islands, Virgin Islands).

X = Report received.

— = Report not received.

* = Report received too late to be summarised in Report III (Part 2).