

INTERNATIONAL LABOUR CONFERENCE

Fifty-Seventh 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)



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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.

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 1969 to 30 June 1971, 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.

Voluntary reports (in respect of Conventions which are not in force for the countries concerned) supplied by certain governments have been also taken into account.

A decision taken by the Governing Body at its 134th Session (March 1957) was designed to reduce the size of the volume to a strict minimum. The present volume therefore includes, as regards first reports after ratification, 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 order to simplify further the presentation of this volume, subsequent reports are listed at the end of the summary, with an indication of the type of information they contain.

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 group¹ as well as other reports due under the above-mentioned decision: (a) first reports; (b) reports relating to cases in

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.

INTRODUCTION

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 15 November 1971. 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).

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

APPLICATION OF CONVENTIONS

(Articles 22 and 35 of the Constitution)

Convention No. 8: Unemployment Indemnity (Shipwreck), 1920

TUNISIA

Act 62-13 to promulgate a Merchant Shipping Code, dated 24 April 1962 (Journal Officiel (J.O.), 27 April 1962, No. 22, p. 483; 4 May 1962, No. 23, p. 510).

Act 67-52 to promulgate a Maritime Labour Code dated 7 December 1967 (J.O., 12 December 1967, No. 52, p. 1563; errata: *ibid*, 16 January 1958, No. 2, p. 30. LS 1967 - Tunisia 2).

Act 69-28 to ratify Convention No. 8, dated 9 May 1969 (J.O., 13 May 1969, No. 19, p. 580).

Decree 70-235 of 16 July 1970 to publish international labour Convention No. 8 (J.O., 12 July 1970, No. 35, p. 932).

Article 1 of the Convention. The provisions of Article 1 are covered by section 1 of the Maritime Labour Code and by section 3 of the Merchant Shipping Code.

Article 2. The Maritime Labour Code provides, in section 64, that where a vessel is shipwrecked a seaman shall be paid his wages down to the date of the accident and shall be entitled from that date and for any actual period of unemployment consequent upon the accident to compensation calculated in accordance with the provisions of section 63 of the same Code which provide that where a voyage cannot be undertaken or continued on account of an act of God or force majeure, the seaman shall be paid in proportion to the number of days spent in the service of the vessel and shall also be entitled to compensation equal to half the wages that would have been due for the estimated duration of the voyage: provided that such compensation shall not exceed 30 days on half pay.

Section 64 provides moreover that unemployment (shipwreck) compensation shall not in any circumstances exceed 150 days on half pay.

Where a seaman is remunerated by the voyage, he shall receive his agreed wages, without any extra compensation, if the estimated duration of the voyage was due to end within two months of the date of the accident.

The expression "loss through shipwreck" includes damage which, although it may be and is subsequently repaired, is so considerable that it prevents the completion, as a commercial undertaking, of the voyage during which it occurred. Moreover, the Maritime Labour Code provides, in section 99, that a seaman serving on board a vessel other than a vessel engaged in the coasting trade shall be entitled to his food for as long as his name is entered on the crew list.

Article 3. Section 87 of the Maritime Labour Code provides that the statutory provision governing the protection of the remuneration of wage and salary earners from assignment and attachment shall apply to seamen. Officers and Masters shall, for the purposes of those provisions, be placed on the same footing as salaried employees.

Wages and shares of the seaman who is absent or missing at the time of payment are handed to the maritime authority for transmission to his surviving heirs.

Application of the above-mentioned laws and rules is entrusted to the maritime authority which comes under the ministry responsible for the merchant fleet (Ministry of Public Works and Dwellings, Department of Air and Maritime Services).

The maritime authority also supervises the application of the provisions of contracts concerning the seaman's engagement. This authority is represented at the central level by an assistant director of the central administration, head of the Merchant Fleet Division, and at the local level by six maritime areas under the authority of two maritime regions.

The merchant fleet includes two main offices specialising in the field of inspection: the Navigation Inspection and Maritime Labour Supervision Office, and the Navigation Office. Abroad the maritime authorities are represented by the consul.

Convention No. 9: Placing of Seamen, 1920

ISRAEL

Employment Exchange Law, 13 January 1959 (Sefer Hakhukim, 23 January 1959, No. 270, p. 32) (LS 1959 - Isr. 1).

Order under the Employment Exchange Law (Recognition of the Seamen's Employment Exchange), 1959.

There exists in Israel a separate Employment Exchange operating for all seamen. It is not run for profit but as a public service by

the Seamen's Union under the auspices of the Government. Representatives of the shipowners and seamen advise on matters concerning the carrying on of the Employment Exchange and the Government's policy in this field. There is freedom of choice of employment and freedom of shipowners to accept or reject a crew sent by the Employment Exchange.

The Department of Labour, through the Employment Exchange, administers the legislation and regulations concerning seamen.

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

ECUADOR

Political Constitution of the State, 1967.

Labour Code.

Article 1 of the Convention. Article 64 of the Constitution and section 407 of the Labour Code guarantee the right of association of employers and workers with a view to occupational advancement. The right of association is enjoyed by all workers, and agricultural workers constitute no exception.

There are two trade union organisations grouping agricultural workers: the Ecuadorian Federation of Indians and the Ecuadorian Federation of Agricultural Workers.

The legislative provisions in this connection are applied through the Ministry of Social Welfare and Labour and the competent officials of the General Directorate of Labour and the National Inspectorate of Labour.

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

TUNISIA

Maritime Commercial Code, Act No. 62-13 of 24 April 1962.

Maritime Labour Code, Act No. 67-52 of 7 December 1967.

Act No. 69-62 of 23 December 1969 to ratify Convention No. 16.

Act No. 69-62 of 23 December 1969 to ratify the Medical Examination of Young Persons (Sea) Convention (No. 16), 1921 provides, in its sole section, for its enforcement as a law of the State.

Article 1 of the Convention. Section 3 of the Tunisian Maritime Commercial Code provides that navigation is described as maritime navigation when it takes place at sea, in ports and roadsteads, on salt-water lakes, pools, canals and rivers communicating with the sea; section 4 of the Code provides that the term "vessel" refers to boats engaged in maritime navigation.

Warships are excluded from the scope of the above provision.

Articles 2 and 3. Section 18 of the Maritime Labour Code provides that subject to the special provisions applicable to ships' boys and apprentice seamen, no person shall be eligible for mustering if he has not reached the age of 18 years. No woman shall be eligible for mustering if she has not reached the age of 20 years.

Section 20 of the same Code provides that no seaman shall be entered on the crew list of a vessel regularly making voyages of more than 72 hours at sea unless he has been medically examined at the shipowner's expense by a medical practitioner designated by the maritime authority.

The medical certificate issued to a person under 20 years of age shall be valid for a period not exceeding one year from the date of its delivery. If the validity of a certificate expires during a voyage, the certificate shall remain valid until the end of the voyage.

Article 4. In urgent cases, the maritime authority may give permission for a seaman to be embarked without his passing a medical examination, on condition that he is examined at the first port where the maritime authority is represented.

Enforcement of the laws and regulations mentioned above is entrusted to the maritime authority, which comes under the Ministry responsible for the mercantile marine (Ministry of Public Works and Housing - Directorate of Air and Maritime Services).

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

UPPER VOLTA

Act No. 26-62 AN to approve the Labour Code dated 7 July 1962 promulgated by Decree No. 348-PRES-AN of 17 August 1962. (J.O. of the Republic of Upper Volta No. 33 bis special, 4th year, 18 August 1962).

Act No. 3-59 AGI of 30 January 1959 instituting the system of compensation and prevention of industrial accidents and occupational diseases (J.O. of the Republic of Upper Volta of 16 February 1959).

Article 2 of the Convention. Any accident, whatever its cause, which occurs to any worker covered by the provisions of the Labour Code and is due to or is connected with his work shall be considered as an industrial accident.

The following are also considered as industrial accidents: an accident to a worker during his journey from his home to his place of work and vice versa, provided that the journey was not interrupted or deviated for a reason not connected with his employment, as well as an accident occurring during journeys the costs of which are borne by the employer. Moreover, the benefits of the system of compensation for industrial accidents are extended to members of co-operative societies, managers of limited companies, the chairman and managing director of a joint stock company, apprentices and pupils of vocational training centres.

Article 3. Only civil servants are excluded from the scope of the Act. They come under a more favourable system.

Article 4. The law applies to all branches of activity.

Article 5. Benefits payable to victims include a daily allowance during temporary disability, benefits other than the pensions due following an accident resulting in death; pensions to victims suffering permanent disability and pensions to survivors.

After a period of five years from the moment when the pension becomes due the pension payable to a victim may be replaced in part or totally by a lump sum according to the conditions prescribed.

A request of redemption is made to the Fund within two years following the period of five years and decision is taken after consultation with the labour inspector. If the insured person is a minor the redemption is delayed until he reaches his legal majority.

Article 6. A daily allowance is paid to the victim from the first day following the day he stopped working and is payable until recovery or death.

Article 7. In case of permanent total disability compelling the victim to make use of the help of a third person for carrying out the actions of daily life the amount of the pension is increased by 40 per cent.

Article 8. The law provides precise conditions for the revision of the pension payable to the victim following an increase or decrease of his disability.

Article 9. The whole of the benefits payable for medical and surgical care, pharmaceutical costs and accessories, hospital expenses and the supply, repair and renewal of artificial limbs and orthopaedic equipment, the costs of transporting the victim to the appropriate medical centre (with the exception of first aid which is borne directly by the employer) is borne by the Fund.

Article 10. Everything connected with the equipment mentioned above is dealt with by an equipment committee which operates under the authority of the Minister of Public Health.

Article 11. Payment of compensation to victims is undertaken by the Social Security Fund which operates under the control and permanent guarantee of the State.

Enforcement of the rules and regulations referring to industrial accidents is carried out by the Labour Inspectorate and the Social Security Fund, both of which are answerable to the Ministry of Labour.

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

TUNISIA

Maritime Commercial Code, Act No. 62-13 of 24 April 1962.

Maritime Labour Code, Act No. 67-52 of 7 December 1967.

Act No. 69-28 of 9 May 1969 to ratify Convention No. 22.

Decree No. 70-235 of 16 July 1970 to publish Convention No. 22.

Article 1 of the Convention. The scope of the Convention corresponds to the relevant provisions in the Maritime Labour Code.

The tonnage limit in respect of vessels engaged in the "home trade" will be the subject of a special study when the legislations of the Maghreb countries are co-ordinated.

Article 2. The definitions of the terms "seaman", "master" and "vessel" given in section 1 of the Maritime Labour Code and in section 4 of the Maritime Commercial Code correspond to the definitions given in Article 2(a), (b) and (c). As regards (d), the term "home trade vessel" defines:

- (a) vessels engaged in the national coasting trade, or vessels engaged in coastal navigation (less than 20 miles from the coast and with a tonnage not exceeding 100 tons) which are granted special exemption to make voyages to the ports of neighbouring countries;
- (b) vessels engaged in distant trade, or in the international coasting trade, since the latter covers the whole of the Mediterranean, the Black Sea and the port of Casablanca.

Article 3, paragraph 1. Section 23 of the Maritime Labour Code provides for the articles to be signed by the shipowner or his representative and the seaman. Facilities must be given to the seaman and, where applicable, to his adviser, to examine the articles of agreement before they are signed.

Paragraph 2. The provisions of sections 15 and 16 of the Maritime Labour Code are in conformity with those of this paragraph.

Paragraph 3. Every clause and stipulation in the articles of agreement must be set down in writing. They must be entered on or appended to the crew list and mentioned in the seaman's book, failing which they are null and void. In the absence of the appropriate stipulations or where, through force majeure, the appropriate stipulations have not been made in writing, section 21 of the Maritime Labour Code specifies that the parties shall be presumed to have referred to the provisions of the relevant Part. No claim seeking to prove that the parties intended to depart from them shall be receivable.

Paragraph 4. The articles of agreement are valid only if concluded between the shipowner or his representative and the seaman himself.

The maritime authority is not involved in these operations but endorses the articles after satisfying itself by questioning the parties and, where necessary, by reading the clauses and conditions of the articles aloud that the parties are aware of them and understand them. The maritime authority must refuse to endorse the articles if they contain stipulations conflicting with the provisions of the Code or public policy.

Paragraph 5. The provisions of sections 15 and 16 of the Maritime Labour Code correspond to those of paragraph 5.

Paragraph 6. Parts II, III and IV of the Maritime Labour Code deal respectively with articles of agreement; seamen's obligations

and the arrangement of work on board ship; shipowners' obligations towards seamen; and the promulgation of the various texts under the Maritime Labour Code, thereby providing all the necessary safeguards to protect the interests of both shipowners and seamen.

Article 4, paragraph 1. Section 40 of the Maritime Labour Code stipulates that, except in cases where an agreement to the contrary is possible under the Code, the parties may not depart from the rules fixing the conditions governing contracts concluded in Tunisia.

Paragraph 2. Section 153 of the Maritime Labour Code stipulates that appearance at conciliation proceedings before the maritime authority is compulsory and that such proceedings may be opened on application, including even an oral application, by either of the parties to the maritime authority. The authority convenes the other party through administrative channels.

Article 5, paragraph 1. All the clauses in the articles must be entered in the seaman's book.

Paragraph 2. This book may not contain any statement as to the quality of the seaman's work.

Article 6. Section 26 of the Tunisian Maritime Labour Code provides that articles of agreement should indicate the duration of the engagement or of the voyage for which they are concluded. If they are concluded for an unspecified period, they must indicate the period of notice to be given in the event of termination. This period must be the same for both parties.

Section 27 of the Maritime Labour Code mentions all the particulars listed under points 1 to 11 of paragraph 3 of this Article.

Article 7. Section 21 of the Maritime Labour Code corresponds to the provisions of Article 7 (see under Article 3, paragraph 3).

Article 8. Section 25 of the Maritime Labour Code provides that the text of the laws and regulations governing the articles of agreement must be kept on board for communication by the master to the seaman if he so requests. Moreover, section 24 of the same Code stipulates that a copy of the articles, certified by the maritime authority, must be displayed on board in a place accessible to the crew or, if this is impossible, must be held by the master at the seaman's disposal.

Article 9, paragraph 1. Section 33 of the Maritime Labour Code stipulates that where articles of agreement are concluded for an unspecified period, they may only be terminated by the parties in a Tunisian port, and then only after notice has been given to the other party. Termination is subject to a period of notice of 24 hours in the coasting trade and 48 hours in the distant trade.

Paragraph 2. Section 37 of the Maritime Labour Code provides that notice of termination, marking the beginning of a period of notice, must be given in writing (or by word of mouth in the presence of two witnesses) and transmitted by the party terminating the agreement to the other party. This notice of termination must be recorded in the crew list.

Paragraph 3. The Tunisian Maritime Labour Code determines as follows the exceptional circumstances under which notice of termination even if properly given does not terminate the agreement:

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- (a) where an agreement concluded for a specific period expires in the course of a voyage, the seaman's engagement shall not end until the vessel arrives in the first port of call in which it engages in any commercial operation; nevertheless the engagement shall be prolonged until the vessel's arrival in a Tunisian port if it is due to return to Tunisia within one month of the expiry of the agreement (section 32, paragraph 2 of the Maritime Labour Code);
- (b) where an agreement is concluded for an unspecified period, it may only be terminated by the parties in a Tunisian port and then only after notice has been given in person to the other party (section 33, paragraph 1 of the Maritime Labour Code);
- (c) if the period of notice is due to expire after the time fixed by the master of the vessel which is due to sail for the crew to begin watches prior to departure. However, a seaman may not be refused his right to leave his employment 24 hours before the time fixed for the departure of the vessel, except in the event of unforeseen circumstances that can be duly proved;
- (d) if the period of notice is due to expire before the time fixed by the master of a vessel going into port for the crew to end watches. However, a seaman may not be refused his right to leave his employment 24 hours after the vessel reaches its moorings, except in the event of unforeseen circumstances that can be duly proved.

Article 10. Section 30 of the Maritime Labour Code provides that articles of agreement of any kind may be terminated: on the expiry of the agreed period or the end of the agreed voyage; by mutual agreement between the parties; by notice given by one party to the other in accordance with the provisions of the Code; as provided in section 34 of the Code; on the seaman's being put ashore on account of illness or an injury; on its cancellation, duly confirmed or ordered by decision of a court; on the seaman's being called up for service in the armed forces; on the seaman's death; in the event of the loss, officially recognised unseaworthiness, seizure or capture of the vessel.

Article 11. A master may not dismiss a seaman without notice or order him to be put ashore at once unless a serious reason likely to endanger the safety of the vessel or cause a disturbance among the crew has arisen to justify such action and then only after the maritime authority has given its permission. The reason for the dismissal shall be recorded in the crew list. In this case the seaman shall not be entitled to compensation. Damages may be claimed if the shipowner has sustained loss as a result of the dismissal (section 34 of the Maritime Labour Code).

Any unjustified delay in a seaman's joining his vessel on the appointed date and at the appointed time shall afford lawful grounds for the termination of his agreement by the shipowner. Where a seaman is absent from his vessel on account of force majeure or an Act of God three hours before the vessel is due to sail, he may be replaced but he shall be entitled to compensation equal to three days' wages. A seaman's absence from his vessel in the course of a voyage without permission from the master shall afford lawful grounds for the termination of his agreement, even abroad, if he is not on board when the vessel sails (section 42 of the Maritime Labour Code).

The following also afford lawful grounds for the termination of an agreement without compensation for the seaman:

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- (a) if he is arrested and charged with a crime or offence;
- (b) if it is duly established that he has committed a serious fault for which he is put ashore as a disciplinary penalty (section 43 of the Maritime Labour Code).

Article 12. Section 35 of the Maritime Labour Code stipulates that a seaman may terminate his agreement on the grounds that the shipowner has failed to discharge his obligations but that the maritime authority may, after making an inquiry, give permission for a seaman to be put ashore at once if there are serious reasons for so doing.

Article 13. Section 36 of the Maritime Labour Code corresponds exactly to the provisions laid down in paragraphs 1 and 2 of Article 13 of the Convention.

Article 14. Section 39 of the Maritime Labour Code provides that, on the expiry of his agreement, a seaman may require the shipowner or his representative to provide him with a certificate indicating that he has fully discharged his obligations under the agreement.

The certificate issued to a seaman shall be exempt from stamp duty and registration fees, even where it contains other particulars than those mentioned in the preceding paragraph, on condition that such particulars do not involve any obligation, receipt or agreement on which a proportionate tax is chargeable.

The foregoing exemption applies also to the words "free of any engagement for sea service" or any other annotations concerning the expiry of the agreement.

Application of the above laws and regulations is entrusted to the maritime authority which comes under the ministry responsible for the mercantile marine (Ministry of Public Works and Housing - Directorate of Air and Maritime Services).

The maritime authority ensures that the contractual provisions concerning engagement for sea service are enforced (cf. Parts II and IV of the Tunisian Maritime Labour Code dealing respectively with articles of agreement and with shipowners' obligations towards seamen).

The merchant fleet has two offices specialising in inspection: the Navigation Inspection and Maritime Labour Supervision Office, and the Navigation Office.

The maritime authority is represented abroad by the consul.

Convention No. 23: Repatriation of Seamen, 1926

TUNISIA

Maritime Commercial Code, Act No. 62-13 of 24 April 1962.

Maritime Labour Code, Act No. 67-52 of 7 December 1967.

Act No. 69-28 of 9 May 1969 to ratify Convention No. 23.

Decree No. 70-235 of 16 July 1970 to publish Convention No. 23.

Article 1 of the Convention. Section 1 of the Maritime Labour Code confines its sphere of application to engagements for service on board Tunisian vessels that are required to keep a crew list.

No tonnage limit has yet been prescribed in respect of vessels engaged in the "home trade". This matter will be the subject of a special study when the legislations of the Maghreb countries are coordinated.

Article 2. The definitions given in section 4 of the Maritime Commercial Code and in section 1 of the Maritime Labour Code correspond to those given in subparagraphs (a), (b) and (c) of Article 2. As regards subparagraph (d), the term "home trade vessel" defines:

- (a) vessels engaged in the national coasting trade or vessels engaged in coastal navigation (less than 20 miles from the coast with a tonnage not exceeding 100 tons) which are granted special exemption to make voyages to the ports of neighbouring countries;
- (b) vessels engaged in distant trade or in the international coastal trade since the latter covers the whole of the Mediterranean Sea, the Black Sea and the port of Casablanca.

Article 3. Section 110 of the Maritime Labour Code stipulates that "a seaman who is put ashore or left behind when his contract ends abroad shall be entitled to be repatriated at the vessel's expense to the port of disembarkation stipulated in the contract".

The expenses of repatriating a seaman who is put ashore in the course of a voyage, after his contract is terminated by common consent, are settled by agreement between the parties under the supervision of the maritime authority.

Article 4, (a), (b) and (c). The cost of repatriation is borne by the shipowner, as stipulated in sections 110 and 71 of the Maritime Labour Code.

(d). Where a contract is wrongfully terminated by or through the fault of the shipowner, section 69 of the Maritime Labour Code provides that the seaman may be awarded damages, in addition to the dismissal compensation referred to in section 68 of the Code, at a rate to be fixed by a magistrate in accordance with custom, the nature and length of the services performed and any other relevant circumstances.

Article 5. Repatriation comprises transport, accommodation and food for the repatriated seaman (section 110 of the Maritime Labour Code).

The seaman is remunerated for his services either by a fixed wage or by a share in any profits or freight, or by a combination of the two.

Enforcement of the above-mentioned laws and regulations is entrusted to the maritime authority which comes under the Ministry

responsible for the mercantile marine (Ministry of Public Works and Housing - Directorate of Air and Maritime Services).

The maritime authority supervises the application of the contractual provisions concerning engagement for sea service (cf. Parts II and IV of the Tunisian Maritime Labour Code dealing respectively with contracts for sea service and shipowners' obligations towards seamen).

The mercantile marine has two departments specialising in inspection: the Navigation Inspection and Maritime Labour Supervision Office, and the Navigation Office.

USSR

Merchant Shipping Code of the USSR, 17 September 1968.

Consular Rules of the USSR of 8 January 1926, as amended 1929 by Collection of Laws of the USSR, No. 41, text 365, and No. 61, text 567.

Articles 1 and 2 of the Convention. Seamen of all vessels engaged in maritime transport of passengers and/or cargo are covered by legislation dealing with repatriation. There are no exceptions based on tonnage or the engagement of vessels in "home trade".

Articles 3-5. Section 47 of the Merchant Shipping Code provides that, when a crew member is dismissed by the management, the shipping company or shipowner is obliged to arrange and pay for his return to the port specified by collective agreement, or in the absence of any such specification, to the port at which he was engaged, his maintenance being payable until his arrival at that port.

In case of illness or employment injury, all expenses connected with the treatment of a seaman abroad and his return to the Soviet Union are covered by the shipowner or shipping company.

Under section 128 of the Consular Rules, a crew member who is obliged by sickness to remain behind in a foreign port is entitled on his recovery to be repatriated with the help of the Soviet Consul. All expenses connected with his repatriation are payable by the shipping company or shipowner. The same provisions exist in the event of shipwreck (section 117 of the Consular Rules).

As regards the repatriation of foreign seamen, under section 41 of the Merchant Shipping Code only Soviet citizens can be members of a vessel's crew. Exceptions to this rule may be permitted subject to procedures laid down by the Council of Ministers of the USSR. Hitherto, such exceptions have been limited to a very small number of foreign citizens. Section 128 of the Consular Rules states that a foreign crew member who is obliged to remain behind in a foreign port

is entitled to be repatriated to the place specified in his articles of agreement or, in the absence of any such specification, to be conveyed, according to his choice, to the port at which he was engaged, his home country, or the USSR. All expenses connected with his treatment and repatriation are payable by the shipping company or ship-owner.

Article 6. Responsibility for supervising the repatriation of seamen lies with the Ministry of Shipping; abroad it lies with the consuls and representatives of Soviet shipping companies, who are empowered to pay all expenses connected with repatriation.

Convention No. 52: Holidays with Pay, 1936

MALI

Labour Code, Act No. 62-67 A.N. - R.M. of 9 August 1962 (Journal Officiel de la République du Mali, 15 October 1962, No. 128, p. 708) (LS 1962 - Mali 1) Part III, Chapter VII, sections 152-170.

Article 1 of the Convention. Annual holiday is granted to every worker; no salaried employee is excluded from the benefit of an annual holiday (section 1 of the Labour Code).

Article 2. 1. A worker gains the right to holiday after a working period of twelve months' service; leave being calculated on the basis of one and one-half working days for every month worked during the base period (sections 154 and 157 of the Labour Code).

2. Young workers and apprentices under 18 years of age benefit from a holiday of two days for every month worked; workers of less than 18 years may receive 21 working days' leave irrespective of the length of service annually (section 158).

3. Public holidays are not considered as working days. To determine the duration of accrued leave, absences from work because of sickness or disability as a result of an industrial accident as well as rest periods for women on the occasion of their confinement are considered as periods of employment (section 155).

4. Section 163 authorises the division into parts of the annual paid holiday provided that the parties concerned agree and at least twelve working days of continuous leave is taken at one time.

5. Section 161 provides that a period of leave is increased by two working days after fifteen years' service in the undertaking, four after twenty years', six after twenty-five years'.

Article 3. Every worker receives before he departs on leave an allowance equal to one-sixteenth of the total remuneration in cash and in kind paid to the worker during the base period (equal to one-twelfth for young workers) which corresponds to the workers' normal remuneration (section 164).

Article 4. Section 169 forbids any agreement providing for compensation in lieu of leave.

Article 6. In the event of the breach or expiry of the contract before the worker has become entitled to leave, compensation based on the rights which have accrued under section 163 will be granted in lieu of leave (section 169).

Article 7. The date of entry of the worker, the duration and dates of his annual holiday as well as his remuneration are required to be entered by the employer in the registry of the employer as provided for by section 134 of the Labour Code and Decree No. 6554 of 3 September 1953.

Article 8. Sanctions amounting to fines of 1,000 to 10,000 francs and of 10,000 to 18,000 francs for second offenders may result from breach of sections 154-156(1), 157-158, 161-163(1), 164-66, 169 and 170(2) (section 381).

The Labour Inspection Services are responsible for the application of the Labour Code (section 345).

No decision of the tribunals has been given which involves questions of principle relating to the application of the Convention.

Convention No. 59: Minimum Age (Industry)
(Revised), 1937

MONGOLIA

Labour Code of 1941.

Decree of the Council of Ministers No. 20 of 1958.

Decree of the Council of Ministers No. 397 of 1964.

Article 1 of the Convention. All the undertakings listed in this Article are industrial. The Labour Code draws distinctions between industry, trade and agriculture.

Article 2. Under section 91 of the Labour Code any employment of children under the age of fifteen is strictly forbidden. According to section 8 of the Code, children over the age of fifteen may be employed only with the permission of their parents or guardians and the trade union organisation.

Article 3. Vocational training schools accept children who have reached the age of fourteen. The programme of practical activities in these schools is approved by the State, as provided by Decree No. 397 of 1964.

Article 4. In every undertaking, the management and the trade union organisation keep a list of young persons under eighteen.

Article 5. Under section 92 of the Labour Code young persons under eighteen may not be employed underground, or in hazardous or arduous occupations. The list of these jobs approved by Decree No. 20 of 1958 is attached to the report.

Under the same decree young persons under seventeen may not be employed in loading or handling operations.

The public prosecutor is responsible for supervising that the above-mentioned legislation is complied with. The State Labour and Wages Committee of the Council of Ministers undertakes inspection to ensure compliance with labour legislation and the Convention. Supervisory duties are also performed by the trade unions in accordance with their statutes.

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

TUNISIA

Maritime Commercial Code, Act No. 62-13 of 24 April 1962.

Maritime Labour Code, Act No. 67-52 of 7 December 1967.

Act No. 69-28 of 9 May 1969 to ratify international labour Convention No. 73.

Decree No. 70-235 of 16 July 1970 to publish international labour Convention No. 73.

Article 1 of the Convention. 1. The sphere of application of the Maritime Labour Code is restricted to engagements for service on board Tunisian vessels that are required to keep a crew list (section 1 of the Maritime Labour Code).

2. Section 3 of the Tunisian Maritime Commercial Code defines maritime navigation.

Articles 2 and 3. The provisions of section 20 of the Maritime Labour Code apply to seamen entered on the crew list in conformity with the provisions of section 13 of the Code and in particular with subsection 3 thereof which stipulates that unless it is his first embarkation, each seaman shall be in possession of his book or identity certificate and, where required, a medical certificate or exemption from the maritime authority, as provided in section 20 of this Code.

Article 4. The medical examination for which provision is made in subsection 1 of section 20 of the Maritime Labour Code must take account of the seaman's age and of the type of work on which he is to be employed. The nature of the medical examination is determined by the maritime authority after consultation with the occupational organisations of shipowners and seamen (section 20, subsection 2 of the Maritime Labour Code).

A draft provision on the nature of the medical examination is under consideration.

Article 5. 1. Section 20 of the Maritime Labour Code provides that the medical certificate issued to a person over 20 years of age is valid for a period to be fixed by the maritime authority.

2. Every master, officer, engineer, engine-room artificer, lookout or uncertificated person entrusted with watch duties on the bridge or in the engine room shall also, on mustering, present a certificate from a qualified medical practitioner as evidence of his eyesight, hearing and colour vision. This certificate must be renewed at least every 5 years.

3. Should the validity of the certificate expire during a voyage, the certificate remains valid until the end of the voyage.

Article 6. Section 20 of the Maritime Labour Code also provides that in urgent cases the maritime authority may give permission for a seaman to be embarked without his passing a medical examination, on condition that he is examined at the first port where the maritime authority is represented.

Article 7. When cadets from the mercantile marine school in Susa go on board merchant ships for periods of training, evidence consists in verification of their application for admission to the school since this is subject to the furnishing of a medical certificate similar to that required for embarkation on the vessels covered by the Convention.

Article 8. Section 20, paragraph 7 of the Maritime Labour Code stipulates that a seaman who has been refused a health certificate shall be entitled to have himself re-examined by a

medical referee unconnected with any shipowner or organisation of shipowners and designated for the purpose by the maritime authority.

Application of the above-mentioned laws and regulations is entrusted to the maritime authority which comes under the ministry responsible for the mercantile marine (Ministry of Public Works and Housing - Directorate of Air and Maritime Services).

The mercantile marine has two departments specialising in inspection: the Navigation Inspection and Maritime Labour Supervision Office, and the Navigation Office.

Convention No. 81: Labour Inspection, 1947

ZAIRE

Legislative Ordinance No. 67/310 to establish a Labour Code dated 9 August 1967 (Moniteur congolais, No. 16, of 15 August 1967) (LS 1967 Congo (Kin.) - 1).

The report quotes provisions from the Labour Code (articles 155-168) which implement the Convention.

Convention No. 87: Freedom of Association and
Protection of the Right to Organise, 1948

MONGOLIA

Constitution of the People's Republic of Mongolia.

Mongolian Labour Code.

Decree No. 18 of 6 February 1960.

Criminal Code of the Republic.

Article 1 of the Convention. In ratifying the Convention, Mongolia has undertaken to apply this Article.

Articles 2, 3, 4, 5 and 6. The Constitution guarantees to workers the right to establish organisations of their own choice, without prior authorisation, and to join organisations. No legislation requires prior authorisation or sets forth any procedure for the running, or winding-up of organisations, or any limits within which their statutes must remain. Nor does the State interfere in the drafting of programmes. The Labour Code (section 104) provides that trade unions shall operate within the law.

Articles 7 and 8. The acquisition of legal personality is optional and generally obtained through the statutes themselves. Section 87 of the Constitution safeguards freedom of speech, assembly, of the press and of demonstration. The Constitution and the Criminal Code safeguard the workers' constitutional rights.

The Criminal Code lays down penalties for persons who obstruct trade union activities, or prejudice the rights and interests of citizens.

In the armed forces and militia, occupational organisations do not exist, although there is no prohibition against it.

Article 10. By "organisation" is meant workers' organisations or organisations of socialist undertakings, designed to protect and defend occupational interests.

No judicial decisions have been rendered concerning the application of the Convention, and no comments have been received from workers' organisations or organisations of socialist undertakings on the application of the legislation.

Convention No. 88: Employment Service, 1948

IRELAND

Article 1 of the Convention. A free public employment service has existed since 1909 and operates through a network of employment exchanges. With the development of an active manpower policy and following a study of the effectiveness of the service, a new National Manpower Service has been set up; regional offices have been opened in five centres and will shortly be opened in two others; the employment exchanges will act as local offices of the service until it has developed sufficiently to take over full responsibility for its functions, which it is hoped will be largely achieved by the end of 1972.

Article 2. Functions of the National Manpower Service include: placement, information and forecasts concerning manpower

supply and demand, co-operation with employers' and workers' organisations, and other public or private bodies concerned with industrial and economic development.

Article 3. The new service will be extended until all localities are adequately served; as the development programme progresses, the position will be kept under constant review.

Articles 4 and 5. The National Manpower Advisory Committee, which comprises two workers' representatives, two employers' representatives nominated by their respective organisations, and a senior officer of the Department of Labour, is a consultative body for proposals referred to it concerning manpower policy. There are also other tripartite bodies which examine particular aspects of manpower policy. Regional advisory committees, which will include representatives of workers and employers are being set up in areas where regional directors have been appointed.

Article 6(a). Placement officers are trained to obtain all relevant information from job-seekers and to find for them the most suitable job; training or retraining where deemed useful is encouraged; the Service co-operates closely with the industrial training authority. Details of unplaced workers and unfilled jobs are referred to the regional or national office for circulation.

(b) Occupational mobility is facilitated through the industrial training authority. Geographical mobility is encouraged by financial help to the workers concerned; arrangements between employers and trade unions have so far met the needs for temporary transfers. As regards Article 6(b)(iv), movement between countries has not so far been approved by the Government.

(c) Functions of the Service include information and forecasts concerning the employment market.

(d) Unemployed persons are registered with the Service which co-operates closely with the authorities responsible for unemployment benefits and relief.

(e) The Service assists local development bodies in carrying out manpower surveys.

Article 7(a). Some degree of specialisation exists (e.g. for female industrial workers, clerical workers) but outside Dublin, there is not sufficient concentration of industry to justify strict specialisation by occupations or industries which might also render staff less effective in giving guidance to job-seekers.

(b) The needs of the blind, other disabled persons and prisoners are catered for by specialist organisations, but the placement functions of these organisations may eventually be taken over by the Service.

Article 8. Careers information and guidance is provided by the Department of Education and the National Manpower Service; advice on job opportunities is given by placement officers and it is proposed to recruit specially trained guidance officers.

Article 9. Staff come from inside and outside the public service. The conditions of service and status of regional directors and placement officers are those of permanent civil servants. They are recruited through open competition with selection by an interview board on which employers and workers are represented. On appointment, regional directors and placement officers are given a special course of training covering interviewing, selection, job analysis, carrying out of manpower surveys, visits to factories and contacts with organisations with which they will have to work.

Article 10. The Minister of Labour in public statements and the staff of the Service urge employers' and workers' organisations to make the maximum use of the Service. This will also be a function of the advisory committees.

Article 11. The Service co-operates, nationally and regionally, with private employment agencies not conducted with a view to profit (mainly those mentioned under Article 7(b), which have representatives of the Service on their management).

Convention No. 91: Paid Vacations (Seafarers)
(Revised), 1949

TUNISIA

Act No. 67-52 of 7 December 1967 to promulgate the Maritime Labour Code.

Act No. 69-28 of 9 May 1969 to ratify Convention No. 91.

Decree No. 70-235 of 16 July 1970 to publish Convention No. 91.

Article 1 of the Convention. National legislation as laid down in the Maritime Labour Code, does not restrict the tonnage in applying the provisions of this Convention but provides for the seaman's right to leave, in relation to the type of navigation concerned, whether:

- (a) distant trade navigation or international coasting;
- (b) coastal navigation;
- (c) towage.

Article 2. According to the Code (sections 132 and following), collective agreements may contain provisions whereby certain categories of personnel on board are exempted from the application of the Convention.

Article 3, paragraphs 1, 2, 3 and 4. Section 112 of the Code provides that seamen serving on board merchant vessels engaged in the distant trade or the international coasting trade are entitled to leave with pay as stipulated in paragraph 1(a) of the Convention, and that seamen serving on board merchant vessels engaged in the coasting trade, other than vessels operating solely on the basis of a share in the catch or profits, and seamen serving on board tugs, are entitled to one working day for every month's employment on board ship.

Paragraphs 5 and 7. Section 114 of the Code.

Article 4. Section 113 of the Code.

Article 5. Section 115 of the Code.

Article 6. Section 117 of the Code provides that every agreement whereby a seaman waives his right to annual leave with pay or accepts cash compensation in lieu shall be null and void.

Article 7. Section 116 of the Code.

Article 8. According to the terms of Decree No. 70-235 of 16 July 1970 to publish Convention No. 91, the Ministers concerned are responsible for the application of the Convention.

Convention No. 97: Migration for Employment
(Revised), 1949

YUGOSLAVIA

Decree of 4 April 1965 to promulgate a Basic Act respecting the organisation and financing of placement (Službeni List SFRJ, Nos. 15/65, 47/66, 55/69 and 9/70) (LS 1965 - Yug. 2 and 1966 - Yug. 2).

Regulations respecting the special conditions governing the admission of aliens to employment in an organisation where workers are employed (Službeni List SFRJ, No. 49/65).

Basic Act respecting health insurance (Službeni List SFRJ, Nos. 22 and 53/62, 15/65, 29 and 52/66 and 23/67).

Basic Act respecting pension insurance (Službeni List SFRJ,
Nos. 51/64, 18, 31 and 54/67, 17 and 55/68 and 11 and 55/69)
(IS 1964 - Yug. 3, 1966 - Yug. 3 and 1969 - Yug. 1).

Basic Act respecting disability insurance (Službeni List SFRJ,
Nos. 10/65, 14/66, 1 and 23/67 and 56/69).

Article 153 of the Constitution of the Socialist Federal Republic of Yugoslavia states that international agreements apply from the date of their commencement, unless provision to the contrary is made in the instrument of ratification.

Article 1 of the Convention. National legislation provides for the free migratory movement of workers, their placement abroad, and the employment, on an equal footing with Yugoslav workers, of foreign workers temporarily or permanently resident in Yugoslavia.

Article 2. All operations connected with the placement of workers abroad are carried out by specialised social placement services, placement offices and the Federal Placement Bureau. The Bureau receives offers of employment for workers abroad from foreign employers, agencies and institutions and concludes contracts of employment laying down the working and other conditions to be enjoyed by workers so employed. All placement services are provided free of charge.

Article 3. The Federal Placement Bureau and the placement offices provide information on vacancies in Yugoslavia and abroad. A certain amount of educational work in this connection is also carried on by the Yugoslav trade unions. Notwithstanding all these efforts, problems are encountered in connection with the recruitment of workers and their placement abroad otherwise than through the official placement offices, and these problems, in turn, give rise to other difficulties.

Article 4. The placement offices provide workers with advice and assume responsibility for all operations connected with their placement abroad. Special arrangements with some countries provide for facilities to be available for vocational training for specific jobs and for the learning of foreign languages.

Article 5. On the basis of international agreements, Yugoslav workers employed abroad enjoy the same rights in connection with health protection as the workers belonging to the countries concerned, and foreign workers enjoy the same rights as Yugoslav workers in Yugoslavia.

Article 6. Article 64 of the Constitution states that aliens employed in Yugoslavia are to enjoy fundamental human rights and freedoms and are to have any other rights and discharge any other obligations laid down by law or international agreement. Aliens employed in Yugoslavia have the same rights as Yugoslav workers at their workplaces and for the purposes of social security. They are entitled to join trade unions and to sue and be sued.

Article 7. National legislation lays down that the Federal Placement Bureau is to co-operate with the appropriate institutions abroad and study the experience acquired by other countries in the employment field.

Article 8. The law provides for a foreign worker to be entitled to medical care and sick leave for a continuous period of two years. Only on the expiry of this period is the employment relationship terminated, in which case the worker concerned is covered by the Disability Insurance Act.

Article 9. The regulations currently in force do not prevent foreign workers from transferring their savings abroad.

Article 10. Agreements on the employment of Yugoslav workers have been signed with the Netherlands, Belgium, Australia, Luxembourg, France, Austria and the Federal Republic of Germany. Special agreements have also been concluded between the Yugoslav placement services and their counterparts abroad in connection with the employment of Yugoslav workers.

Article 11. Seamen, artists and members of the liberal professions working as such for a short period are not regarded as migrants for employment.

Annexes I and II

1. The placement of workers abroad is not subject to prior authorisation.

2. The law explicitly prohibits private agencies and individuals from acting as intermediaries in the placement of workers.

3. Under the agreements currently in force, the individual placement of workers is permitted only in the case of members of the families of workers already employed abroad or workers who have already been employed by a particular employer abroad.

4. Persons wishing to work abroad are issued by the placement office with an undertaking to recruit them and, before their departure, with a copy of the contract concluded with the foreign employer.

The employment of a foreign worker in Yugoslavia is not subject to prior authorisation.

The relevant legislation is applied by the placement offices and the Federal Placement Bureau.

Convention No. 98: Right to Organise and Collective
Bargaining, 1949

MONGOLIA

Constitution of the People's Republic of Mongolia.

Labour Code.

Decree No. 18 (6 February 1960).

Criminal Code of Republic.

Article 1 of the Convention. A worker's recruitment is unaffected by membership or non-membership of a union. Section 9 of the Labour Code, dealing with reasons for the dismissal of a worker, makes no mention of trade union membership or activity. Persons guilty of infringing a worker's rights as regards recruitment are liable to penalties (Criminal Code s. 102).

Article 2. The Labour Code (s. 104) provides that a trade union enjoys all the rights enjoyed by a recognised corporate entity. No financial support is given to unions by the State. State undertakings must provide unions with premises and equipment necessary for their work. Unions derive their funds from entrance fees and contributions, activities undertaken by them and from the use of equipment and premises. In this way, unions are adequately protected against interference by the Government.

Articles 3 and 4. Conditions of employment are regulated by collective agreement, in accordance with instructions ratified by a joint decree of the Council of Ministers and the Presidium of the Council of Mongolian Trade Unions (No. 179/41, 1967).

Articles 5 and 6. The Labour Code applies to all persons working in organisations, undertakings, in the armed forces and in the militia, i.e. to any person working for reward, whether a worker or a civil servant.

No judicial decisions have been rendered relating to the application of the Convention, and no comments have been received from workers' or employers' organisations.

Convention No. 99: Minimum Wage Fixing Machinery
(Agriculture), 1951

BELGIUM

Act respecting the protection of workers' remuneration dated 12 April 1965 (LS 1965 - Belgium 2) (Moniteur belge, 30 April 1965, No. 84, p. 4710).

Act relating to the payment of deferred wages in agriculture and horticulture dated 28 December 1967 (Moniteur belge, 20 January 1968, No. 14, p. 579).

Act respecting collective industrial agreements and joint committees dated 5 December 1968 (Moniteur belge, 15 January 1969, No. 10, p. 267) (LS 1968 - Belgium 1).

Royal Decree to prescribe the names, competence and composition of joint committees, dated 5 January 1957 (Moniteur belge, 10 January 1957, No. 10, p. 124).

Royal Decree instituting the national joint committee for undertakings engaged in agricultural and horticultural work of a technical nature (Moniteur belge, 15 June 1963, No. 120, p. 6249).

Joint national committees consisting of delegates of employers and workers meet in order to conclude collective agreements which, at the request of the committee or of one of the parties, may be made compulsory by royal decree. Collective agreements are concluded in the following sectors: agriculture, horticulture, floriculture, viticulture, nurseries, planting and upkeep of parks and gardens, fruit cultivation, cultivation of mushrooms and truffles, forestry undertakings and agricultural and horticultural undertakings of a technical nature.

Partial payment in kind of the minimum wage is authorised in conditions specified by law.

Employers and workers are informed through their respective organisations and the official journal.

Control is carried out independently of the judicial police officials, by social inspectors and controllers as well as by social conciliators from the Ministry of Employment and Labour.

Workers who have suffered prejudice may appeal to the Conciliation Board or else bring a civil action by reporting the breach of the law to the social inspection service.

MALTA

Conditions of Employment (Regulation) Act (No. XI of 1952) as amended (LS 1952 - Malta 1 and 1969 - Malta 1).

Agriculture and Allied Industries Wages Council Order, 1967 (L.N. 81 of 1967).

Article 1 of the Convention. The Agriculture and Allied Industries Wages Council Order, 1967, has established a Wages Council for all employees in agriculture and allied industries.

Article 2. The partial payment of minimum wages in the form of allowances in kind is not prevalent in Malta; should this be introduced in future, necessary measures will be taken to ensure that such allowances meet the requirements of this Article.

Article 3. Before a Wages Council is established, the Minister is required to publish a notice of intention at least 21 days in advance. The Minister may also seek the Labour Board's advice set up under Part II of the Act No. XI of 1952. The Wages Council is composed of not more than three independent members, three members representing employers and an equal number representing workers appointed in consultation with the organisations concerned. The Council is empowered to hear witnesses and to take evidence on oath. The presence of independent members enables effective decisions. The Wages Council's functions include advising Minister and submitting proposals concerning the regulation of conditions of employment of workers. These proposals are published in the Government Gazette and after examining any representations made within a period of 21 days, the Minister promulgates a Wage Regulation Order which is binding on employers and employees concerned. The Act permits any group of employees to be exempted provided that in respect of such employees a Joint-Industrial Council exists for the regulation of their conditions of employment.

Article 5. Proposals submitted by the Agriculture and Allied Wages Council are being examined by the Minister. The information required under Article 5 is published annually in the Report on the Working of the Department of Labour and Emigration.

The Director of Labour and Emigration supervises the enforcement of the legislation concerned. Employers are required to keep appropriate records; fines for contraventions are prescribed. Employers convicted of paying wages at less than the rates prescribed and making illegal deductions may be ordered by the courts to pay the employee the amount due. Wage Regulation Orders are published in the Government Gazette and the employers are required to bring them to the notice of employees.

Convention No. 100: Equal Remuneration, 1951

GHANA

Labour Decree, 1967 (National Liberation Council Decree No. 157, adopted on 10 April 1967) (LS 1967 - Ghana 1).

Labour Regulations, 1969 (Legislative Instrument 632 of 15 September 1969) (LS 1969 - Ghana 1C).

Articles 1-3 of the Convention. Paragraphs 67-71 of the Labour Regulations, 1969, provide that no employer shall employ a female employee for any work at a rate of pay that is less than the rate at which a male employee is employed by that employer for identical or substantially identical work (paragraph 67), that work for which a female employee is employed and work for which a male employee is employed shall be deemed to be identical or substantially identical if the job, duties or services the employees are called upon to perform are identical or substantially identical (paragraph 68) and that it does not constitute a failure to comply with the Regulations if the difference between the rates of pay is based on length of service or seniority or any other factor than sex (paragraph 69).

Article 4. The Advisory Board referred to in paragraphs 64 and 65 of the Labour Regulations, 1969, consists of an equal number of persons appointed by the Labour Commissioner, after consultation with organisations representing employers and workers, or both employers and workers. The Board advises and assists the Labour Commissioner in his functions under the Labour Decree, 1967.

Application of the legislation is supervised by officers of the Labour Department, who are empowered for the purpose by paragraph 48 of the Labour Decree, 1967.

MALI

Act No. 62/67 ANRM of 9 August 1962 to promulgate a Labour Code (J.O. de la République du Mali, 15 October 1962, No. 128, p. 708) (LS 1962 - Mali 1).

Articles 1-3 of the Convention. Section 85 of the Labour Code establishes the principle of equal remuneration for men and women "in equal conditions as regards work, skill and output".

Section 68 of the Code stipulates that collective agreements must contain provisions regarding the method of applying this principle. Collective agreements lay down rates of remuneration, the remuneration itself consisting of the basic wage and wage supplements, such as benefits in kind, compulsory gratuities, tips, bonuses and allowances (for output, length of service, diligence, overtime, night work, etc.). Workers are placed in categories specified in the occupational classifications appended to collective agreements. The public authorities fix the rate of the guaranteed minimum inter-occupational wage after consultation with the Superior Labour Board (section 86 of the Code).

Works agreements may adapt the provisions of collective agreements to meet the special conditions obtaining in particular undertakings.

The labour inspection services (sections 345 ff of the Labour Code) supervise compliance with the national legislation governing the matters dealt with in the Convention.

MONGOLIA

Constitution of the People's Republic of Mongolia Labour Act.

Article 1 of the Convention. The meaning of the term "remuneration" and of the expression "equal remuneration for men and women workers for work of equal value" as determined in the legislative texts correspond to the meaning given to them in the Convention.

Articles 2 and 3. Legislation and practice encourage and guarantee the application to all workers of the principle of equal remuneration and do not admit any difference in the remuneration of men and women for work of equal value.

The trade unions and the competent organs of the State exercise strict control over the implementation of the above-mentioned constitutional principle.

UPPER VOLTA

Labour Code: Act No. 26/62/AN of 7 July 1962 (promulgated by Decree No. 348-PRES-LAN of 17 August 1962 - Journal Officiel 18 August 1962, special issue).

Articles 1 and 2 of the Convention. Section 90 of the above-mentioned Act stipulates that, given equal conditions of work, skill and output, equal remuneration is paid to all workers without discrimination based on sex.

After consulting the Advisory Labour Board, the Council of Ministers determines wage scales and minimum inter-occupational wages and other factors of remuneration (housing, benefits in kind, etc.). If there are no collective agreements, or if these points are not covered in collective agreements, the texts applicable are Decrees concerning occupational categories and minimum wages, minimum hourly rates, length of service benefits and attendance bonuses.

Article 3. Jobs are classified in categories according to the type of work involved and by collective agreement.

The Joint Advisory Labour Board set up under the Ministry of Labour, is consulted on labour and manpower matters.

The labour inspectorate is responsible for supervising the application of the laws and regulations relating to the Convention. No observations concerning the application of the Convention have been made by either employers' or workers' organisations.

Convention No. 102: Social Security (Minimum Standards), 1952

AUSTRIA

General Social Insurance Act (ASVG) (Bundesgesetzblatt No. 189/1955) (LS 1955 - Aus. 3) as amended.

Family Allowances Act (FLAG) (LS 1967 - Aus. 2) in the amended text of 1 July 1971 (Amtsblatt der österreichischen Finanzverwaltung of 8 September 1971)

Part II - Medical Care

Article 9 of the Convention. Recourse is had to subparagraph (a). The group of persons protected includes in principle all persons working in Austria for account of others and their wives and children, but not persons whose employment relationship is governed by public law. (Sections 4, 5 and 123 ASVG.) The number of employees protected as per cent of total number of employees amounts to 86 per cent.

Article 10. The sickness insurance scheme provides inter alia for the contingencies of sickness and maternity. The insured person is entitled to benefits for himself and his dependants. Hospitalisation in a public hospital is provided if, and as long as, the character of sickness so requires. As regards medical practitioner care, no provision is made for participation in the cost by persons insured under ASVG, or their dependants. As regards medicines, a prescription charge is made in principle. The cost of hospitalisation is, as a rule, borne entirely by the insurance institution in

case of the insured person, or 90 per cent for the first five weeks of hospitalisation of a dependant.

Article 11. No qualifying period is provided for persons compulsorily insured.

Article 12. No provision is made for a waiting period. Medical care is provided during insurance, for the duration of the sickness without limit of time. Benefits may be suspended as long as the person concerned is serving a term of imprisonment, or is resident abroad or fails to submit to an examination (ASVG sections 3, 84, 89 and 99).

Article 28. Recourse is had to Article 65.

Part VII - Family Benefit

Article 40. Entitlement to family allowances is in respect of children under age 21, adult children until completion of the 27th year if being trained for occupation, and all adult children if unable to support themselves. Children must belong to the protected person's household or live mainly at his expense (FLAG section 2).

Article 41. The protected persons include all inhabitants of Austria.

Article 42. The benefit is a monthly allowance.

Article 43. In principle there is no qualifying period, except for persons who are not domiciled or ordinary residents in Austria.

Article 44. The total amount of the cash benefits paid in 1970 and the wages of the typical male employee multiplied by the aggregate number of children of all protected persons, stand at an approximate ratio of 7.9 to 11.8.

Article 45. The family allowance is granted throughout the duration of the contingency, so long as the protected person is not entitled to a foreign allowance of the same kind.

Part VIII - Maternity Benefit

Article 48. See Article 9 above.

Article 49. See above Article 10.

Article 50. The maternity allowance is equal to the woman's daily earnings for the preceding 13 weeks (ASVG section 162).

Article 51. No qualifying period is attached to the granting of benefits.

Article 52. The maternity allowance is paid in respect of the 6 weeks preceding the probable date of confinement, the date of confinement itself, and the 6 weeks following it, or up to 8 weeks if the mother is breast-feeding her child. In the case of a premature birth, the allowance is paid for 12 weeks. Suspension and reduction of maternity allowances under certain conditions.

Part XI - Standards for Periodical Payments

Reference is made to Articles 28, 44 and 50.

Part XII - Equality of Treatment for Non-National Residents

Article 68. The acquisition of rights under the sickness insurance scheme is in general irrespective of the person's nationality. In the domain of family allowances the nationality is entirely irrelevant. In so far as the acquisition of rights under the general social insurance scheme depends on possession of Austrian nationality, the nationals of other Members accepting this Convention are entitled to equality of treatment only if provision is made for it in a bilateral agreement respecting social security.

Part XIII - Common Provisions

Article 69. See Articles 12, 45 and 52 above.

Article 70. A protected person who considers himself to have been wrongfully treated by a ruling on the part of a social insurance institution, may start proceedings before the social insurance arbitration tribunal. There is such a tribunal in each of the nine provinces of Austria. Appeal may be made to the High Court at Vienna. As regards family allowances, any claimant is entitled to take legal action if the benefit is refused in whole or in part. Recourse is not had to paragraph 2 of this Article.

Article 71. The funds required to pay the benefits for which provision is made in the General Social Insurance Act are obtained by way of contributions from insured persons and their employers and contributions from the Federation and provinces. The ability of the social insurance institutions to provide benefits is ensured by regulations concerning their financial conduct. Actuarial investigations and calculations are made before legislative changes (sickness insurance).

Article 72. The organs of management of each insurance institution established under the general social insurance scheme consist in principle of representatives of employed persons and

employers. The administration of family allowances is in the hands of a government agency responsible to parliament.

Application of the social insurance provisions is in the hands of the sickness funds, which are subject to supervision at the federal level. As regards family allowances the Federal Minister of Finance is the statutory authority entrusted with application.

IRELAND

Social Welfare Act No. 11 of 1952 (LS 1952 - Ire. 1).

Social Welfare (Amendment) Act No. 25 of 1960 (LS 1960 - Ire. 1).

Social Welfare (Insurance Inclusions and Exclusions) Regulations 1952 to 1968.

Social Welfare (Insurance Appeal) Regulation, No. 576 of 1952.

Social Welfare (General Benefit) Regulation No. 160 of 1953.

II. Part I - General Provisions

Article 1 of the Convention. (d) The condition that the wife be maintained by her husband at the time of his death does not determine the title to widow's pension.

(e) The upper age-limit for a dependant child of a recipient of disability, unemployment and survivors' benefits is 16 years. Children between 16 and 21 years who undergo full-time education are included in this category in case of survivors' benefits.

(f) The term "qualifying period" means a period of contributions.

Article 2. The ratification covers benefits under Parts III, IV and X.

Article 6. Protection effected by way of voluntary insurance is not taken into account.

Part III - Sickness Benefit

Article 14. Sickness benefit, statutorily termed "disability benefit" is payable in respect of any day of incapacity for work which forms part of a period of interruption of employment

(sections 15(1) and 3(c) of the Social Welfare Act, 1952). Incapacity for work is defined as incapacity for work by reason of specific disease or bodily or mental disablement (section 2(1) of this Act).

Article 15. Recourse is had to subparagraph (a). The persons protected comprise those between the ages of 16 and 70 years who are employed under a contract of service or apprenticeship, subject to a number of exemptions relating especially to civil servants, employees of local authorities and of statutory transport undertakings who are in a permanent and pensionable capacity (section 4 and First Schedule of the Social Welfare Act of 1952 as amended). The number of the protected employees constitutes 86 per cent of the total number of employees.

Article 16. Recourse is had to Article 66 and to paragraph 4(b) thereof. The typical ordinary labourer has been selected as the one who constituted some 50 per cent of the subgroup "creamery butter, cheese, condensed milk, chocolate crumb, ice cream and other edible milk products industry" in the food manufacturing industry (excluding beverage industries). The time on which the wage of the ordinary adult labourer is calculated is the normal working week fixed by collective agreements. The same time base is used for calculating family allowance.

During the period covered by the report, the percentage of the benefit plus the family allowances for the standard beneficiary (man with wife and two children) varied between 55 per cent and 66 per cent of the standard wages and family allowances.

Article 17. The length of the qualifying period is 26 weeks' insurance. In addition, effective insurance is required at the date of claim (48 weekly contributions paid or credited in the contribution year, preceding the benefit year in which the claim is made) (Fourth Schedule of the Social Welfare Act, 1952 as amended).

Article 18. The benefit is limited to 52 weeks' duration in any period of interruption of employment if the person concerned has less than 156 contributions paid on his behalf; otherwise duration throughout the contingency is unaffected (section 16 of the Social Welfare Act, 1952). There exists a waiting period of 3 days (section 15(2) of this Act). The benefit may be suspended and reduced in the circumstances referred to in Article 69, clauses (a) to (g) of the Convention.

Part IV - Unemployment Benefits

Article 20. Unemployment benefit is payable in respect of any day of unemployment which forms part of a period of interruption of employment (sections 15(1) and 3(c) of the Social Welfare Act, 1952). The term "suspension of earnings" is not statutorily defined but a maximum amount of remuneration or profit which a claimant may receive from a subsidiary occupation is applied.

Articles 21, 22 and 23. See Articles 15, 16 and 17, above.

Article 24. Unemployment benefit is payable for a period of 52 weeks in a period of interruption of employment. This limit does not apply if the claimant is between 65 and 70 years who has at least 156 contributions paid. If the claimant is under 18 years, or a married woman living with or wholly or mainly maintained by her husband, the duration of benefit is limited to 26 weeks (section 16(2) of the Social Welfare Act, 1952, as amended). The benefit may be suspended or reduced in the circumstances referred to in Article 69, clauses (a), (c), (d), (e), (f), (g), (h) and (i) of the Convention.

There is a waiting period of the first 3 days in a period of interruption of employment (section 15(3)(c) of the Social Welfare Act, 1952).

Part X - Survivors' Benefit

Article 60. Survivors' benefit, statutorily termed widow's pension, is payable to a woman on the death of her husband (section 22 of the Social Welfare Act, 1952, as amended). The right to a widow's pension is not made conditional on her being presumed to be incapable of self-support and the pension is payable irrespective of whether the beneficiary is engaged in any gainful employment.

Article 61. A. Recourse is had to (a).

B. The information furnished under Part III, Article 15, is applicable to this Article, except that this Part takes into account the wives and children of permanent and pensionable civil servants, and employees of local authorities and statutory transport undertakings. The total number of employees thus protected constitutes 92.4 per cent of the total number of employees.

Article 62. Information given under Article 16 about the wages of the ordinary adult male labourer is applicable. The benefit to a widow with children during the period under review varied between 36.9 and 44.1 per cent of standard wage and for a childless widow it was between 24 and 29 per cent.

Article 63. Recourse is had to paragraphs 1 and 2 of this Article. To qualify for a widow's pension at the maximum rate the widow must satisfy the following contribution conditions either on her husband's or on her own insurance:

- (a) payment of 156 contributions over any period;
- (b) an average of 39 contributions paid or credited in the 3 or 5 years before the date of the husband's death or his reaching age 70; or
- (c) if the condition at (b) is not satisfied, a yearly average of at least 48 contributions paid or credited for the period between date of entry into insurance and date of death of the husband or his reaching age 70.

Where the yearly average of contributions is less than 48 but not less than 24 pension at a reduced rate is payable. The lowest rate of pension represents 87 per cent of the appropriate standard rate.

A minimum duration of the marriage is not required.

Article 64. Payment of a widow's contributory pension continues throughout contingency. The benefit may be suspended or reduced in the circumstances envisaged in Article 69, clauses (c), (d) and (j).

Part XII - Equality of Treatment of Non-National Residents

Article 68. Residents who are not nationals have the same rights as national residents.

Persons protected who are nationals of another Member which has accepted obligations of Part III of the Convention automatically have the same rights as nationals without existence of reciprocal agreements.

Part XIII - Common Provisions

Article 70. Decisions concerning questions in relation to a claim for benefit may be referred to an Appeal Officer, the decision of whom is final and conclusive, subject to revision by

another Appeal Officer in the light of new evidence and by the Chief Officer (sections 43 to 46 of the Social Welfare Act, 1952; Social Welfare (Insurance Appeals) Regulations, 1952).

Article 71. The scheme is a comprehensive one with regard to the contingencies covered (unemployment, disability (sickness), survivor's, maternity, old-age, etc. benefits) and is financed as to roughly two-thirds, by employment contribution, the amount of which is broadly shared in equal parts by employees and employers. The total of employees' contribution as a percentage of the total cost of the contingencies covered was 30.5 per cent for the year ended on 31 March 1969 and 31.4 per cent for the year ended on 31 March 1970. The scheme is financed on an assessment basis. The rates of benefits are kept in line with the variation of different economic factors and the contribution is adjusted accordingly.

Part XV - Miscellaneous Provisions

Article 77. Seamen and sea fishermen are not excluded from the number of employees taken into account for calculating the percentage of employees protected.

Convention No. 103: Maternity Protection (Revised), 1952

AUSTRIA

Federal Act respecting maternity protection of 13 March 1957, (Bundesgesetzblatt, BGBL, No. 22, Text 76 (Maternity Protection Act)) (LS 1957 - Aus. 1).

Agricultural Labour Act of 2 June 1948 (BGBL, No. 140, section 75 et seq.) (LS 1948 - Aus. 1).

General Social Insurance Act of 9 September 1955 (BGBL, No. 50, Text 189) (LS 1955 - Aus. 3).

The Government indicates that the adaptation of national law to the provisions of the Convention is subject to consultation, as legislative changes will be necessary in particular, also in the field of social insurance.

Various federal ministers, including the Federal Minister for Social Administration are responsible for the application of the Maternity Protection Act. It is applied by the Labour Inspectorate within the area of competence of the Ministry for Social Administration.

The Government adds that the Austrian Chamber of Workers has declared that infringements of the protective provisions are particularly common in hotels, restaurants and drink establishments.

LUXEMBOURG

Act of 29 August 1951 respecting sickness insurance for public officials and salaried employees (Mémorial du Grand-Duché de Luxembourg, No. 51, 6 September 1951) (LS 1951 - Lux. 1).

Act of 24 April 1954 to amend and supplement the Social Insurance Code (Books I-IV), the Act of 29 August 1951 respecting sickness insurance for public officials and salaried employees, the Act of 29 August 1951 to reform pension insurance for salaried employees in private service and the Act of 21 May 1951 to set up a pensions fund for craftsmen (Mémorial, 24 April 1954, p. 327).

Act of 29 April 1964 respecting family benefits (Mémorial, A, 30 April 1964, No. 35, p. 777), amended by the Act of 24 July 1967 (Mémorial, A, 28 July 1967, No. 52, p. 823).

Various other Ministerial Orders and Regulations.

Article 4 of the Convention. Maternity benefits are granted under two compulsory insurance schemes, one applying to wage earners and the other to civil servants and salaried employees.

Rates of Cash Benefits

A. Wage Earners' Insurance (Act of 24 April 1954)

Insured women who have been members of one or more sickness funds for at least ten months during the twenty-four month period preceding the confinement, including at least six months during the year immediately preceding, receive a cash maternity benefit. This benefit amounts to between 70 and 75 per cent of the basic wage - according to the fund - which may not exceed a maximum determined by regulations of the public administration.

Mistakes on the part of the doctor or midwife in estimating the date of the confinement do not prevent the insured woman from receiving the benefit to which she is entitled, as from the date given on the medical certificate until that on which the confinement takes place, but the total cash benefits may not be paid for more than 14 weeks.

B. Insurance for Public Officials and Salaried Employees (Act of 29 August 1951)

Women who have been compulsorily insured with a sickness fund for six months prior to the confinement receive a cash maternity benefit at the rate, per calendar day, of one-sixtieth of the last monthly remuneration on which contributions were paid.

Care Included in Medical Benefits

A. Wage Earners' Insurance

1. During pregnancy: Repayment in full of the necessary medical expenses incurred on the basis of the rates fixed by an agreement between the Association of Doctors and Dentists and the Union of Sickness Insurance Funds. The funds also repay the cost of two pre-natal consultations of a midwife. The cost of medicaments is refunded at 85 per cent of the official rate.

2. During the confinement: Insured women receive a lump-sum payment covering all or part of the cost of care by a midwife, medical supplies and a nine-day stay in a maternity home or clinic. Expenses incurred by the need for treatment by a doctor and prolongation of the period of hospitalisation are fully repaid by the sickness funds on the basis of the official rates.

In principle the cost of the confinement is fully covered by the payment of a birth grant.

B. Insurance for Public Officials and Salaried Employees

1. During pregnancy: Refund of medical expenses on the basis of rates established by agreement and of the rates fixed in the rules of the funds (75 to 100 per cent according to the fund). The cost of medicaments is refunded at between 70 and 80 per cent of the official rate according to the fund.

2. During the confinement: Payment of a lump sum equal either to the rate applied by the state maternity hospital for a nine-day stay at the third-class tariff (in which case the cost of medicaments is refunded separately), or fixed so as not to exceed the expenses actually paid (including the cost of medicaments). Expenses incurred if treatment by a doctor is required and hospitalisation prolonged are refunded separately at the rates determined by the rules of the funds. In principle the cost of the confinement is fully covered by the payment of a birth grant.

The sickness-maternity insurance contributions are paid by the employer (one-third) and by the insured persons (two-thirds), regardless of sex. According to the fund, they vary between 6 and 6.9 per cent of wages in the case of wage earners, and between 3.6 and 4.2 per cent of remuneration in the case of public officials and salaried employees.

Supervision of the sickness funds, which are responsible for paying maternity insurance benefits, is carried out by the Social Institutions Inspectorate which comes under the Minister of Labour and Social Security.

MONGOLIA

Constitution of the People's Republic of Mongolia.

Labour Code.

Criminal Code.

Decree No. 20 of 1958 issued by Council of Ministers.

Regulations concerning State Inspection of conditions of labour, ratified by a joint Decree No. 317 of 1967 promulgated by the Council of Ministers and the Presidium of the Central Council of Mongolian Trade Unions.

Article 1 of the Convention. The Convention is applied to all women employed in state institutions, co-operatives, public organisations, and undertakings both industrial and non-industrial, independently of the kind of work done (as listed in paragraphs 2 to 4 of the present Article), or privately employed at home.

Article 2. The terms "women" and "child" are interpreted just as they are in the Convention.

Articles 3 and 4. Section 93 of the Labour Code provides that a woman who has worked without interruption for seven months shall be released from work for 45 days before childbirth and for 45 days thereafter, during which time she shall enjoy full pay.

It further provides that a woman who has worked for between three and seven months shall be released from work during the same periods, during which time she shall be on half pay. A woman who has given birth to twins or has suffered complications at childbirth shall be released from work for six days thereafter, during which time she shall receive the requisite assistance. Should a woman be transferred to lighter (less well-paid) duties - as a result of a medical examination - until such time as she begins to receive her pre-birth leave, the monthly allowances to which she is entitled shall be calculated as the average of the wage received over the last sixty days.

Monetary assistance has to be paid out at the place of work, from social insurance funds, under section 114 of the Labour Code (general provision) and section 115, paragraph 2, of that same Code (concerning compulsory financial assistance to be given to pregnant women and women after childbirth, from social security funds).

The general practice is for women - whether they be employed or not - to give birth in state maternity homes. Like all citizens, they receive free medical care as guaranteed by law (Constitution, Article 79), together with free board and lodging.

Single women, or women requiring material assistance but unable to claim social security assistance, are entitled to assistance from the administrative authorities. This assistance is given from an official fund.

Social security funds are chiefly built up from state subsidies, and from contributions paid in by undertakings, organisations or individuals employing workers. The person insured must not be debited with any part of the cost thereof, nor must any deduction be made for this purpose from that person's wages (Labour Code, section 116).

Article 5. Under section 94 of the Labour Code, nursing mothers are entitled to supplementary breaks lasting not less than thirty minutes each (and counted as working time), over and above the ordinary time off.

Article 6. Under the Criminal Code, section 104, persons who have refused to recruit a pregnant woman because of her pregnancy or have dismissed her for the same reason, or have refused to recruit, or have dismissed, a nursing mother, or have reduced the woman's wages for such reasons, may be sentenced to corrective labour for up to eighteen months.

Article 7. In ratifying the Convention, Mongolia has made no exceptions therein.

The public prosecutor (Constitution, article 72) and the Labour and Wages Committee of the Council of Ministers supervise compliance with the provisions of the above-mentioned legislation. Trade union organisations, women's associations and other collective organisations likewise ensure that the law concerning the protection of mothers and children is strictly complied with by organisations, undertakings, officials and citizens.

Convention No. 105: Abolition of Forced Labour, 1957

FRANCE

Acts of 11 April 1946 and 15 December 1952 to establish a Labour Code for overseas territories (LS 1952 - Fr. 5).

Forced labour is practically unknown in France. The Act of 11 April 1946 and 15 December 1952 to establish a Labour Code for overseas territories expressly prohibit forced labour (section 228).

Sanctions applicable in cases of illegal exaction of forced or compulsory labour are: (a) in the case of public officials, section 114 of the Penal Code under which arbitrary acts or acts against the freedom of the individual or against the civil rights of one or more persons are punishable; (b) as regards private individuals, section 341 et seq of the Penal Code, whereby unlawful arrest and arbitrary imprisonment are punishable when such unlawful acts have allowed the use of certain forms of forced labour.

Overseas DepartmentsFrench Guiana, Guadeloupe, Martinique, Reunion

See under France, Convention No. 105.

ITALY

Forced labour within the meaning of the Convention does not exist in Italy. Article 23 of the Constitution lays down the principle that no personal service or tax may be exacted except by virtue of a law. The only personal services required by law are military service and the services required from private citizens in the event of a public emergency.

Any public official or private individual who exacted forced labour would be committing a criminal act which, depending on the nature of the circumstances would be classified as personal violence, abduction or attempted enslavement or kidnapping.

URUGUAY

Constitution of 27 November 1966, articles 5, 7-8, 10-12, 14-23, 26-28, 30, 31, 33, 35, 36, 38, 39, 45, 53-72, 256, 261, 309, 332.

Convention No. 106: Weekly Rest (Commerce and Offices), 1957

BYELORUSSIA

Act No. 2-VIII of 15.7.1970 (LS 1970 - USSR 1).

In accordance with article 30 of Act No. 2-VIII of 15 July 1970 of the Supreme Soviet of the USSR to approve the fundamental principles governing the labour legislation of the USSR and the Union Republics, workers are entitled to two days off each week where a five-day working week is observed and to one day off where the six-day working week is observed. It is provided that the weekly rest period shall not be less than 42 consecutive hours' duration. Work on rest days is forbidden. Certain manual and non-manual workers may be required to work on the weekly rest days, but only with the consent of the works, local or branch union committee and only in exceptional cases provided for in the legislation of the Union Republics. Each weekly rest day on which work is performed shall be compensated by a day off granted within the two following weeks. Compensation in cash is forbidden.

The legislation on weekly rest which is in force in the Byelorussian SSR applies to every person working for remuneration in a state establishment, a co-operative or a public undertaking so that no category of worker may be deprived of the right to enjoy this rest period and there is no question of restricting or refusing the workers' enjoyment of this right in any particular sector of the nation's economy, such as trade, offices or social or community institutions.

IRAN

Labour Act, dated 17 March 1959 (26 Esfand 1337) (LS 1959 - Iran 1).

Article 1 of the Convention. Sections 11 to 15 of the above Act.

Articles 2, 3 and 4(1). Sections 5 to 8 of the Act.

Article 4, paragraph 2. Sections 37 to 46 of the Act.

Article 5. Section 7 of the Act.

Articles 6, 7 and 8. Sections 14 and 15 of the Act.

Article 9. Section 14 of the Act.

Article 10. Sections 37 to 46, 54 to 56 and 69 of the Act.

Article 11. Sections 5 to 8 of the Act.

Article 12. Section 31 of the Act.

Article 13. Sections 37 to 46, 52, 53 and 69 of the Act.

UKRAINE

Constitution of the Ukrainian SSR, section 99.

Ukraine Labour Code, 1962.

Ordinance No. 647, respecting Changeover to a Five-Day Working Week for Persons Employed in Ministries and Governments, in Party, Soviet, and Social Organisations (Official Gazette, Ukrainian SSR, 1967, No. 11, p. 154).

Fundamental Legislation of the USSR and the Union Republics on Labour. Promulgated on 15 July 1970 (LS 1970 - USSR 1).

Under section 99 of the Constitution the citizens of the Ukrainian SSR are entitled to rest. To this end, wage and salary earners have a seven-hour day.

It is a general rule that all persons working a six-day week get one rest day simultaneously on Sunday. It is forbidden to refuse a worker an uninterrupted weekly rest period on the day scheduled for that worker. As a rule, it is not allowed to compensate in the form of cash the weekly rest which is not taken.

Section 110 of the Labour Code provides for the granting of a weekly rest day to wage and salary earners in undertakings and organisations where, due to the nature of the work done, not everybody can take a rest on Sundays. These are undertakings and organisations in which work can be interrupted on any day of the week, but not, for reasons having to do with the public interest, on Sunday, the normal day of rest. Theatres, museums, stadia, exhibitions, shops, etc. are cases in point. In such undertakings, the whole of the staff are simultaneously granted a rest day which does not fall on the normal rest day.

Ordinance No. 647 adopted by the Central Committee of the Ukrainian Communist Party and the Council of Ministers, on 7 October 1967, rules that with effect from 1 January 1968, there shall be a changeover to a five-day working week with two days of rest, with the weekly working hours remaining the same, for persons employed in Party, Soviet, and economic and social organisations in towns, provinces and regions.

On 15 July 1970, the Presidium of the Supreme Soviet of the USSR promulgated an Act confirming the Fundamental Labour Legislation of the USSR and Union Republics. The fundamental legislation took effect on 1 January 1971. Under its section 21, the normal working week for wage and salary earners in undertakings, institutes and organisations must not exceed 41 hours; and, when economic and other conditions permit, the working week will be further reduced. Under section 23, workers and employees have a five-day working week with two days off per week. When the nature of production or working conditions make the five-day week inexpedient, a six-day week shall be worked, with one day off.

The weekly rest must be at least 42 consecutive hours. Work on rest days is forbidden. A person may be employed on rest days only with the consent of the local or factory trade union committee and only in exceptional circumstances. Work on a rest day shall be compensated for by another rest day in the course of the next two weeks.

Convention No. 108: Seafarers' Identity Documents, 1958

UNITED KINGDOM

British Virgin Islands

Immigration and Passport Ordinance, No. 4 of 1969.

Article 2 of the Convention. Seafarers' identity documents or passports are issued upon application, without preference to any special class of seafarers. Identity documents may also be issued to foreign seafarers.

Article 4. Seafarers' identity documents conform with the requirements of this provision of the Convention.

Articles 5 and 6. Entry into the British Virgin Islands is regulated by the provisions of the Immigration and Passport Ordinance, 1969.

Convention No. 110: Plantations, 1958

PHILIPPINES

Constitution of the Philippines.

Agricultural Land Reform Code (R.A. 3844).

Civil Code of the Philippines (R.A. 386).

Minimum Wage Law (R.A. 602) (LS 1951 - Phi. 1) and Amendments.

Act Amending the Minimum Wage Law (R.A. 6129 of 1970).

Rules and Regulations to Implement the Minimum Wages Law.

Wage Payment Law (Commonwealth Act No. 303).

Act on Engagement and Recruitment of Workers (Act No. 2486).

Termination Pay Law (R.A. 1052).

Woman and Child Labour Law (R.A. 679) (LS 1952 - Phi. 1, 1954 - Phi. 2).

Blue Sunday Law (R.A. 946).

Rules and Regulations to Implement the Blue Sunday Law.

Workmen's Compensation Act (No. 3428) and Amendments.

Industrial Peace Act (R.A. 875) (LS 1953 - Phi. 1).

Executive Order No. 218 of the President of the Philippines.

Private Employment Agency Act (No. 3957) and Amendments.

Free Emergency Medical and Dental Law (R.A. 1054).

Part I

Article 1 of the Convention. Workers in private establishments are classified as agricultural or non-agricultural employees; both categories of workers enjoy practically the same benefits. Plantation workers may be classified as agricultural workers if they are employed in purely agricultural work; as non-agricultural workers if their work is connected with manufacturing or processing of plantation products.

Article 2. The Philippine Constitution grants equal protection of law to all citizens.

Articles 3 and 4. With the exception of Parts III, V, XII and XIII, all other parts of the Convention are adequately complied with.

Part II

Articles 5 to 9. Under the provisions of Act No. 2486, on the Engagement and Recruitment of Workers, all persons or entities occupied in the engagement, enlisting or contracting labour are required to pay an annual tax of 500 and to obtain a licence from the Director of the Bureau of Labour, which is to be renewed every year. All contracts with the labourers are supervised by the Director of Labour who does not permit the contracting of minors under 15 years of age and minors under 18 years without the written consent of their parents or guardians; any violation of the law is punishable by a fine not exceeding 2,000 pesos and/or imprisonment for not more than two years. Sections 3, 11 and 19 of the Private Employment Agency Act (Act No. 3957 as amended) lays down that no person shall directly or indirectly establish, direct or manage any employment agent or act as agent or recruiter without first securing a licence issued by the Director of Labour; to be valid, the contract between the recruiter and the employee should be written in a language or dialect known to the latter and should be executed before a Public Defender, Clerk of the Court or Justice of the Peace, who should carefully explain to the parties concerned the effects of the contract, to satisfy himself regarding the correctness of any debt or obligation set forth therein including the fees of the agent and to sign the contract. When the employee is recruited for employment outside the country, the public officer, before whom the contract is executed, requires the production of the birth certificate of the applicant; if the applicant is a female person under 14 years of age, no contract is executed. In the case where a plantation, estate or factory designates any of its employees for prospecting or hiring of labour, a list of the agents or employees designated for the purpose is to be provided to the Bureau of Labour.

Article 10. Copies of documents of this kind are not available; an information drive is being conducted at the start of the sugar-cane milling season, at the places of origin of plantation workers.

Article 11. There is no law requiring plantation workers to be medically examined although some contractors or recruiters do this on their own initiative.

Articles 12 and 13. The labour contractors normally advance money to workers for their transportation subject to subsequent reimbursement. With the establishment of local employment offices, it is hoped that these articles will be fully implemented.

Article 14. Act No. 2486 prescribes that free return passage be furnished by the recruiter to the labourer, provided he has complied with the terms of his contract or has become unfit for work due to physical incapacity.

Article 15. No available information.

Article 16. Contractors would not be likely to advance amounts beyond the earning potential of the workers.

Article 17. Section 20(b) of Act No. 3957 makes it unlawful for any licensee to give knowingly any false notice or voluntarily deceive any applicant for employment or employees with false information.

Article 18. See under Articles 10 and 12.

Article 19. No information available; members of the families of plantation workers seldom accompany them.

Part III

Article 20. Article 1306 of Republic Act 386 provides that contracting parties are free to stipulate terms and conditions which they may deem beneficial as long as it is not contrary to law, morals, good customs, public order and public policy.

Articles 21 to 23. There is no law imposing a penal sanction for breach of contract as defined in Article 23 of the Convention. Article 23 of Republic Act 1052 provides that in cases of employment without a definitive period, an employer or employee may terminate at any time the employment with just cause, or without just cause in the case of an employee by serving written notice on the employer at least one month in advance or one-half month for every year of service; the employer upon whom no such notice is served, in case of termination of employment without just cause, may hold the employee liable for damages.

Part IV

Article 24. Republic Act 6129 of 1970, amending the Minimum Wage Law, fixes a minimum wage of 4.75 pesos for agricultural workers. The Act also establishes a Wage Commission for fixing minimum wages. The wages fixed may be increased through collective bargaining between the representatives of the employers and employees.

Article 25. The employer is under an obligation to pay the statutory minimum wage or higher rates fixed through collective bargaining. Section 10(K) of Republic Act 602 contains provisions concerning obligations to inform the employees concerning wages.

Article 26. Commonwealth Act No. 303 requires employers to pay wages in the legal tender of the Philippines.

Article 27. Applied by the Minimum Wage Law Rules and Regulations and by Commonwealth Act No. 303. The provision of housing, foodstuffs

and other essential services as part of remuneration are allowed only if their total value does not reduce the basic cash wage fixed under Republic Act 6129.

Articles 28 and 29. They are covered by Republic Act 602, as amended and its implementing Regulations.

Article 30. Where goods, merchandise or services are obtainable from the employer's store within the employers' premises, only fair and reasonable value without profit may be deducted from the wages of the employee.

Article 31. See section 10(f) of the Minimum Wage Law; deductions from wages are permissible only if they do not reduce the basic cash wage fixed under this Law.

Article 32. Under Republic Act 602, such deductions are considered unlawful. See also Act No. 2486 and its implementing Rules and Regulations.

Article 33. See section 10(H) of the Minimum Wage Law.

Articles 34 and 35. See section 10(k) of the Republic Act 602. If the legal provisions relating to notification of employment conditions are not followed, the omission is punishable under section 15 of the Minimum Wages Law.

Part V

Articles 36 to 42. Annual holidays with pay are usually granted through court awards or by collective agreements or on employment practice.

Part VI

Articles 43 to 45. Paragraph 38(2) of the Blue Sunday Rules and Regulations provides for a weekly rest of 24 consecutive hours a week by prohibiting work on Sundays and legal holidays.

Part VII

Articles 46 to 50. Under section 8 of Republic Act 679, women employees who are pregnant are entitled to leave with pay not less than 60 per cent of regular earnings for six weeks prior to the expected date of delivery and for a further eight weeks after normal delivery or miscarriage.

Part VIII

Articles 51 to 53. If an employee suffers an injury or contracts illness or dies from an injury or sickness arising out of and in the course of employment, the employee is entitled to benefits under the provisions of the Workmen's Compensation Law.

Part IX

Articles 54 to 61. Section 6, article 3 of the Constitution of the Philippines guarantees the right to form associations for purposes not contrary to the law. Section 3 of Republic Act 875 grants to employees the right to organise, form or join labour organisations for the purpose of collective bargaining through the representatives of their choosing and for mutual aid or protection. Republic Act 3844 granted similar rights to agricultural workers.

Part X

Articles 62 to 70. See comments under Part IX.

Part XI

Articles 71 to 74. Inspectorates are located in each of the twelve strategically placed labour regional offices and are charged with the inspection of working conditions in agricultural and non-agricultural establishments. The trained inspectors are authorised, in addition to their general duties, to make informal settlements of violations within prescribed policies and standards.

Article 75. The inspection service in most cases is limited to the inspection of working conditions; employers and workers normally co-operate with the labour inspectors.

Article 77. These facilities are provided.

Article 78. Inspectors may enter the establishments only while the workers are engaged in actual work during the day or night.

Article 79. As civil service employees, labour inspectors are prohibited from having any direct or indirect interest in the undertakings under their supervision. Revelation of confidential information acquired in the course of the performance of their duties may subject them to disciplinary action and criminal liability.

Article 80. Headquarters is notified of all industrial accidents and occupational health cases.

Article 81. Periodic inspection of establishments is normally the rule. Where an establishment is suspected of violating the law, more frequent inspections are necessitated.

Article 82. Employers are warned of trivial violations. If the warning is ignored, the inspector must report violation for the purpose of commencing, if applicable, criminal action.

Article 83. Violations of the Implementing Rules and Regulations of the Minimum Wage Law are penalised under Republic Act 6129.

Article 84. This procedure is practised, report forms being prepared by the central authority.

Part XII

Articles 85 to 88. Housing facilities are provided to employees either by grant of the employer or as a result of collective bargaining. Under section 2(3) of the Minimum Wage Law Rules and Regulations, employers are allowed to charge the workers only fair and reasonable rents.

Part XIII

Articles 89 to 91. There is no legal provision for medical care except for the Free Emergency Medical and Dental Law (R.A. 1054) which provides for first aid to worker victims of accidents or sickness.

Only a few court decisions involving agricultural workers have been rendered.

Plantation workers are covered by the general provisions of law applicable to agricultural and industrial workers; there are no laws in the Philippines specifically applicable to the plantation workers.

Convention No. 111: Discrimination (Employment and Occupation), 1958

ALGERIA

Decree No. 63-153 of 25 April 1963.

Ordinance No. 66-133 of 2 June 1966.

Ordinance No. 66-154 of 8 June 1966.

Decree No. 67-60 of 27 March 1967.

Ordinance No. 69-77 of 18 September 1969.

Ordinance No. 70-10 of 20 January 1970.

Decree No. 70-107 of 20 July 1970.

In Algeria ratified Conventions do not take priority over national legislation.

There are no distinctions, exclusions or preferences in law or administrative practice nor in practical relationships between persons or groups of persons.

The four-year plan basic Act governing the entire economic and social activity of the country during the period 1970-1973 (section 2 of Ordinance No. 70-10 of 20 January 1970) is designed to guarantee employment and a stable income for every Algerian citizen so that they can live and keep their families in conditions to which every human being is entitled.

The whole of the Labour Code applies to all persons exercising a remunerated activity.

The general civil service rules (Ordinance No. 66-133 of 2 June 1966) are based on the guiding principle of equality of opportunity in the civil service for all citizens.

Foreigners who are subject to the work permit requirement (unless reciprocity arrangements have been made between Algeria and their country) have the same rights and obligations as regards access to employment and to occupation as Algerian nationals.

All vocational training centres, technical colleges, schools and similar establishments, administrative training centres, the National Administration School, and the universities are open to all Algerian citizens and, where applicable, to foreigners provided they meet the requirements concerning age and qualifications or have passed an entrance examination.

Through their representative organisations, workers and employers attend joint meetings with the labour administration, the National Manpower Council, the Adult Vocational Training and Guidance Council, etc., at which they collaborate in the formulation of national policy, the acceptance and observance of which are ensured by the legislative provisions mentioned above.

In the case of any discriminatory act as regards labour law, it is for the person concerned to approach the Inspectorate of Labour and Social Affairs for his area (Decree No. 67-60 of 27 March 1967). The complainant also has the possibility of taking legal action to secure recognition of his rights by appealing to the competent court in accordance with the provisions of the code of civil procedure (Ordinance No. 66-154 of 8 June 1966, as amended by Ordinance No. 69-77 of 18 September 1969).

There are no legislative or administrative measures governing the employment or occupation of persons suspected of activities prejudicial to the security of the State.

Special measures are contained in the laws designed to protect ex-service men (reserved employment).

Application of the legislative provisions referred to above is entrusted to the Ministry of Labour and Social Affairs.

MONGOLIA

Constitution of 6 July 1960.

Labour Act.

Penal Code.

The Mongolian People's Republic normally ratifies only those Conventions whose provisions correspond to its own legislation.

There is no distinction, exclusion or preference either in law or in administrative practice or in practical relationships between persons or groups of persons.

Under the Constitution, citizens of the Mongolian People's Republic enjoy equal rights without distinction as to sex, race, nationality, religion, national extraction or social origin (Article 76); they have the right to education (Article 80) and to work (Article 77) and, whatever their nationality, they enjoy equal rights in all fields of the country's public, economic, cultural, social and political life; any direct or indirect restriction of the rights of citizens on grounds of race or nationality, and any propaganda of chauvinistic or nationalistic ideas are forbidden by law (Article 83).

Women enjoy the same rights as men as regards all aspects of economic, public, cultural, social and political life. The exercise of these rights is ensured by granting men and women equal conditions as regards work, rest, social insurance and education and any attempt whatsoever to undermine equality of rights between men and women is forbidden by law (Article 84). All citizens of the Mongolian People's Republic are fully entitled to report any illegal acts, committed by administrative bodies or individual officials, to any of the bodies of the State or of the administration (Article 85).

In accordance with the provisions of the Penal Code, any person found guilty of propagating ideas or of causing disturbances designed to arouse hatred between national groups, to restrict rights or to create a privileged situation for the representatives

of any particular nationality is liable to imprisonment for a maximum of three years (section 58); any person who has prevented a woman from exercising her right to education or to work in an organisation or state undertaking, by means of force or threats or by any other method, is liable to imprisonment for a maximum of three years (section 99); the dismissal of or refusal to employ a pregnant woman or nursing mother, or the reduction of a woman's remuneration for the same reasons carry a penalty of a maximum of 18 months' corrective work (section 104).

In accordance with the Ordinance of the Council of Ministers of the Mongolian People's Republic (No. 377 of 1964), any person of at least 15 years of age who has completed seven or eight years' general schooling is entitled, without any restriction, to free training in a technical school. In accordance with sections 82 to 90 of the Labour Act, any person of at least 15 years of age who wishes to acquire qualifications, to improve his skills or to retrain is entitled, regardless of nationality, sex, social origin, etc., to free training in an establishment for advanced education or on special courses, with or without interrupting his employment, and is granted certain facilities if the training is undergone without an interruption of employment. In particular he is given extra leave without a reduction in wages to take entrance examinations and any other subsequent examinations.

Socialist undertakings and organisations of workers co-operate closely in the field of labour and employment.

All workers can join trade unions without any distinction as to sex, race, nationality, political opinion or social origin.

In the event of infringement of rights in the field of labour and employment, workers have the right to lodge complaints with the Labour Disputes Committee (sections 110 and 111 of the Labour Act).

There are no legislative or administrative measures governing the employment or occupation of persons suspected of activities prejudicial to the security of the State and there are no legislative provisions authorising such measures.

Supervision of the application of the above-mentioned legislative provisions is carried out by the services of the Public Prosecutor and by the Committee on Labour and Wage Matters of the Council of Ministers.

Mongolian trade unions are also empowered to supervise the exercise of workers' rights in matters of employment and occupation (sections 104 and 109 of the Labour Act).

There have been no court decisions relating to the application of the Convention.

The provisions of the Convention are fully applied and their application has raised no difficulties.

Convention No. 115: Radiation Protection, 1960

BYELORUSSIA

Constitution of the Byelorussian Soviet Socialist Republic.

Labour Code of the BSSR.

Health rules of 25 June 1960 respecting work with radio-active substances and sources of ionising radiations.

Ordinance of 29 October 1963 respecting state health supervision in the USSR

Byelorussian Health Protection Act of 4 June 1970.

Under section 139 of the Labour Code, all organisations and institutions shall take the necessary action to eliminate dangerous or unhealthy conditions of work, to prevent accidents and to ensure that workplaces are kept suitably clean. Section 24 of the Byelorussian Health Protection Act requires that the heads of undertakings, organisations and collective farms ensure that, when premises and houses or facilities of public use are constructed, reconstructed, designed or planned, any pollution of the air, water courses, underground springs or the soil shall be eliminated. The heads of undertakings are responsible for any breach of these provisions.

In accordance with the ordinance respecting state health supervision, the epidemiological authorities issue special rules governing safety precautions and healthy working conditions in all fields of production, as well as in scientific research and medicine, and - without any exception - in all fields of activity where sources of ionising radiations are used. Such rules have the force of law.

The health rules of 25 June 1960 respecting work with radio-active substances and sources of ionising radiations are an important legislative enactment in this field. Section 3 of these rules provides that they do not apply to activities in which radio-active substances are used when the doses of ionising radiations received from them are below a specified level. The rules provide for a wide range of action to ensure effective and reliable protection against the effects of ionising radiations.

Provision is made for special procedures concerning the reception, transport and storage of, as well as work with, radio-active substances. The above-mentioned rules contain a number of additional requirements on the protection against radiation.

The rules prescribe the maximum permissible level of radiation in respect of the various classes of workers concerned. No person under the age of 18 years is employed on arduous work or on work harmful or dangerous to health.

The management is responsible for giving safety training and instructions to workers. All persons working with radio-active substances and apparatus generating ionising radiations are trained in safe working procedures and the use of means of protection. They are required to pass a technical examination, and their knowledge is tested every six months.

All objects, equipment, means of transport which might constitute a radio-active danger have to carry a specified sign indicating this.

Radio-activity is systematically measured in all plants in which radio-active substances or sources of ionising radiations are used.

All workers performing arduous work or working in risky or dangerous conditions shall undergo a preliminary and thereafter periodical medical examination with a view to ascertaining their fitness for the work they are supposed to perform and preventing occupational diseases. These examinations are compulsory. All persons working with radio-active substances and sources of ionising radiations undergo medical examinations at intervals prescribed in a special list of trades and occupations. If the worker's health is found affected due to radiation, he is transferred to other work which does not involve exposure to this risk. It is up to the doctor to decide whether such transfer is temporary or permanent.

The health rules contain a number of provisions to be applied in the case of accident or mishap.

In virtue of section 205 of the health rules, the management has to keep individual cards for all persons engaged in radiation work. These cards record the doses of external radiation received, the characteristics of the atmosphere, and the degree of pollution in the workplace.

Section 34 of the Byelorussian Health Protection Act provides that the production, use, storage, transport and burial of radio-active substances, sources of ionising radiation, poisonous and highly reactive substances shall be carried out under the supervision of the epidemiological authorities. Section 212 of the Byelorussian Penal Code qualifies any breach of the rules governing the storage, transport, use and disposal of radio-active materials as a criminal offence.

HUNGARY

Ordinance No. 22/1966 respecting the health protection of workers exposed to ionising radiations.

Decree No. 1 of 7 May 1964 of the Ministry of Health.

Standards for protection against radioisotopes.

Article 1 of the Convention. The application of the Convention is ensured by law. The relevant provisions have been drawn up in consultation with the Central Council of Trade Unions and other workers' representatives and also with employers' representatives.

Article 2. Paragraph 1 is applied by Ordinance No. 22 of 1966. The values for the levels of radioactivity are given in the Standards for protection against radioisotopes.

Article 3. Three categories of workers are established by Ordinance No. 22 of 1966.

Article 4. Activities involving exposure to ionising radiations are conducted in accordance with the legislation giving effect to Part II of the Convention.

Article 5. The requirements of this Article are met by compliance with the relevant provisions, which is regularly supervised by the inspection services, and also by activities undertaken among the workers concerned.

Article 6. The maximum permissible doses of ionising radiations from external or internal sources have been laid down by Ordinance No. 22 of 1966.

Article 7. Section 5.121 of Ordinance No. 22 of 1966 lays down that only persons over 18 years of age are permitted to work with radio-active substances. Ordinance No. 4 of 5 April 1962 also prohibits the employment of persons under 18 years of age on work involving X-rays and other ionising radiations.

Article 8. Permissible radiation levels are fixed in the relevant provisions for workers who are not directly engaged in radiation work.

Article 9. Section 4.2 of the Standards for protection against radioisotopes indicates how warnings must be given. Provisions relating to the information to be given to workers are contained in Chapter 3 of Ordinance No. 22 of 1966.

Article 11. Provision for the monitoring of workers and places of work is made in Decree No. 1 of 1965 and Decree No. 8 of 1965/Eü.K.5.

Article 12. Decree No. 1/1964/V.7/Eü.M lays down rules for the medical examination of workers; further rules are contained in Ordinance No. 22 of 1966.

Article 13(a). Provision is made in instructions from the Ministry of Health for emergency medical examinations.

(b) The employer is required to submit a report in accordance with Decree No. 1 of 7 May 1964.

(c) Provision is made for action to be taken by a radiologist.

(d) The employer's obligations are laid down in the appropriate provisions.

Article 14. Instructions from the Ministry of Health provide for periodic medical examinations and physical fitness examinations.

TURKEY

Labour Act.

Regulations concerning protection against radiation (Resmî Gazete, 25 April 1967, No. 12582).

Administrative regulations concerning protection against radiation (Resmî Gazete, 6 December 1968, No. 13070).

Article 1 of the Convention. Draft laws and regulations are submitted for opinion, if necessary, to employers' and workers' organisations.

Article 2. The regulations of 1968 apply to all activities involving exposure to ionising radiation.

Article 3. The provisions of the regulations are based on the most recent scientific data.

Article 4. The regulations of 1968 contain detailed provisions respecting protection against radiation.

Article 5. The regulations of 1968 and 1970 establish measures for reducing to a minimum exposure of the workers.

Article 6. The amounts of maximal admissible doses correspond to the most recent international recommendations.

Articles 7-15. These provisions are applied by legislation and by practical measures.

Ministry of Labour inspectors have the task of inspecting workplaces where ionising radiations are used.

UKRAINE

Health rules of 7 February 1955 respecting industrial gamma-defectoscopy (issued by the State Health Inspection of the USSR).

Health rules of 14 January 1957 respecting the transport, storage and handling of radio-active substances (issued by the State Health Inspection of the USSR).

The rules of 14 January 1957 lay down requirements to be met by enterprises as regards ventilation and equipment. In all premises where work is carried on with radio-active substances, there must be a provision for changing the air at least five times an hour. Special requirements relate to work with large amounts of radio-active substances. Detailed provisions are prescribed for work with radio-active isotopes.

The fourth chapter of these rules deals with the question of eliminating waste-matter containing radio-active isotopes and rendering them harmless.

Individual protective equipment is prescribed for any work with radio-active isotopes. It differs in accordance with the kind of work performed. Individual protective equipment is required for everybody in premises where work with radio-active substances is carried on. Nobody may take food or keep it in the laboratory. Special dining rooms equipped with wash-basins are provided for meals.

The management of every laboratory shall draw up appropriate instructions setting forth working procedures, the required equipment of premises and means of personal protection.

Every person working with radio-active isotopes shall know how to carry out health protection measures and use related technical equipment. They must also be familiar with the rules concerning personal hygiene and occupational safety techniques. They must pass examinations on these questions and their knowledge is checked every six months thereafter.

All candidates for work in these laboratories shall undergo a thorough medical examination. Subsequently, their health is checked once or twice a year.

Appropriate monitoring of all premises is carried out to measure the exposure of workers to radiation with a view to avoiding over-exposure and the absorption of radio-activity by the human organism.

Convention No. 117: Social Policy
(Basic Aims and Standards), 1962

BRAZIL

Constitution of Brazil, 15 March 1967.

Legislative Decree No. 5452 of 1 May 1943 (Diário Oficial, 9 August 1943) (LS 1943 - Bra. 1).

Decree No. 1390 of 3 July 1951 (Diário Oficial, 10 July 1951).

Act No. 4214 of 2 March 1963 (Diário Oficial, 18 March 1963) (LS 1963 - Bra. 1).

Decree No. 4504 of 30 November 1964 (Diário Oficial, 30 November 1964).

Legislative Decree No. 229 of 28 February 1967 (Diário Oficial, 28 February 1967 (LS 1967 - Bra. 2)).

Decree No. 60597 of 19 April 1967 (Diário Oficial, 24 April 1967).

Legislative Decree No. 941 of 13 October 1969 (Diário Oficial, 15 October 1969).

Decree No. 66280 of 27 February 1970 (Diário Oficial, 2 March 1970).

Legislative Decree No. 66496 of 27 April 1970 (Diário Oficial, 30 April 1970).

Legislative Decree No. 1106 of 16 June 1970 (Diário Oficial, 17 June 1970).

Supplementary Act No. 7 of 7 September 1970 (Diário Oficial, 8 September 1970).

Supplementary Act No. 11 of 25 May 1971 (Diário Oficial, 26 May 1971).

Legislative Decree No. 1179 of 6 July 1971 (Diário Oficial, 6 July 1971).

Articles 1 and 2 of the Convention. A signed Convention, approved and promulgated by Decree No. 66496 of 27 April 1970, is part of national law and has the effect of repealing or amending any statutory provision already in existence which was inconsistent with the terms of the Convention.

Article 3. The Draft National and Economic Development Plan (1972-74) is based on planning areas which are homogeneous from the social and economic point of view. Agrarian reform, under Law No. 4504 of 30 November 1964, provides that expropriated lands are to be distributed by sale, in the form of "family properties", of the model size to be determined by region (section 24). Preference to parcel buyers is given to small owners in the region, whose lands are insufficient to maintain their families (section 25). The National Agrarian Reform Fund provides loans for land purchases.

The National Manpower Department and the Brazilian Statistical Institute collect population survey data which include migration statistics. The National Economic and Social Development Plan calls for construction of 840,000 new residential units during the period 1972-74. The Government has set up housing financing schemes through the National Housing Bank, a new social insurance programme for rural workers, a scheme for the transfer of medical practitioners to the new development areas, and made provision for expanded general and adult education.

Article 4(a). Act No. 4214, Part IX (paragraphs 158-172), 1963, provide a provident fund and other assistance and services to rural workers and agricultural producers. Act No. 4504 of 1964 (sections 81-86) establishes a system of long-term financial assistance for rural workers; this was expanded by provisions of Legislative Decree No. 1179 (Rural Workers Assistance Fund - FUNRURAL).

(b) Act No. 4504, sections 16-26, provides for control of farm land sales; the Ministry of Agriculture and the National Institute for Land Settlement and Reform (INCRA) review all land transactions in the planning priority areas.

(c) Act No. 4504, section 1(1), states that land use shall be planned in accordance with principles of social justice as well as with the aim of higher productivity.

(d) Act No. 4504 specifies three-year terms for tenancy contracts unless fixed otherwise. A maximum rent of 15 per cent of land value is stipulated (section 95); share cropping is controlled with limits on share to the owner, from 10 to 50 per cent depending on facilities provided by the owner; compensation for improvements by tenants is required (section 96).

(e) Decree No. 60597 of 1967, established the National Co-operative Fund to provide financial support for co-operatives.

Article 5. 1. The National Sample Housing Survey collects information on living conditions throughout the country. The Government has established social security and health care services for rural workers (Supplementary Act No. 11, 1971, PRORURAL); the National Manpower Department carries out vocational training and manpower preparation programmes.

2. The guarantee of minimum wages, which vary regionally and locally as to amounts, is regulated by Legislative Decree No. 5452 of 1943 (section 76) and by Decree No. 4504 (section 46).

Article 6. This provision is not contained in the national legislation.

Article 7. Legislative Decree No. 1179 of 1971 (section 6) provides for one of several savings incentive systems in existence.

Article 8. The Constitution (article 150) guarantees equal rights of employment and working conditions to all residents. Legislative Decree No. 941 of 1969 governs the conditions of immigration into Brazil.

Legislative Decree No. 5452 (sections 352-8) specifies that the proportion of aliens in certain branches of non-rural commerce and in industry is limited to one-third of all employees; aliens with more than ten years' residence in Brazil who are married to Brazilians are exempt from this restriction.

Article 9. See under Article 5 above.

Article 10. The Government refers to its report on Convention No. 98. Legislative Decree No. 5452, of 1 May 1943, as amended, (sections 611-613) concerns the negotiation of collective contracts of employment; its section 118 guarantees recovery of wages where applicable minimum rates have not been paid.

Article 11. 1. Applied by Legislative Decree No. 5452 (section 464).

2. Applied by Legislative Decree No. 5452 (section 463).

3. Applied by Legislative Decree No. 5452 (section 464).

4. Applied by Legislative Decree No. 5452 (section 458), as modified by Legislative Decree No. 229 of 28 February 1967.

5. Applied by Legislative Decree No. 5452 (section 465).

6. Applied by Legislative Decree No. 5452 (section 459).

7. Applied by Legislative Decree No. 5452 (section 458).

8. (a) This provision is not contained in the national legislation.

(b) Applied by Legislative Decree No. 5452 (section 462).

(c) Applied by Legislative Decree No. 5452 (section 82 and section 458), as modified by Legislative Decree No. 229 of 28 February 1967.

Article 12. This provision is not contained in national legislation.

Article 13. The Social Integration Programme as established by Supplementary Act No. 7, of 7 September 1970 includes provisions for participation by every worker in the Federal Economic Fund and in a length-of-service Guarantee Fund; union members may receive financial assistance from their unions.

Article 14. The Constitution (article 150, paragraphs 1, 5, 6) guarantees equality of rights and freedom from discrimination to Brazilians and foreigners residing in the country. Legislative Decree No. 5452 (section 461) guarantees equal remuneration for identical duties performed.

Article 15. The Constitution (article 168(3)) establishes free compulsory public education for all children from age 7 to 14. Legislative Decree No. 5452 (section 403), prohibits employment of young persons under 14 years; sections 404 and 405 prohibit the employment of young persons in night work and in dangerous, unhealthy, or otherwise unsuitable workplaces. Decree No. 66280 of 27 February 1970 restricts exceptions of light work by children under the age of 14 to sectors outside industry and land and sea transport.

Article 16. The National Manpower Department of the Department of Labour controls technical training activities and vocational training policy. Attached to the National Manpower Department is a Manpower Advisory Board which is composed of government officials as well as representatives of employers' and workers' organisations.

MALAGASY REPUBLIC

Decree No. 55-972 of 16 July 1955 respecting the attachment, assignment and deduction of wages and salaries (J.O.M., 13 August 1957 and 18 May 1957).

Constitution of 29 April 1959 (Notes et Etudes Documentaires, No. 2995, 30 May 1963 (Paris, La Documentation française).

Act No. 60.009 of 5 July 1960 to approve the Agreements initialled on 2 April 1960 and signed on 27 June 1960 between the Government of the French Republic and the Government of the Malagasy Republic (J.O.R.M., 9 July 1960).

Ordinance No. 60.119 of 1 October 1960 to establish a Labour Code (LS 1960 - Mad. 1, LS 1964 - Mad. 2, LS 1969 - Mad. 2).

Ordinance No. 62.045 of 19 September 1962 to make rules for métayage and tenant farming (J.O.R.M., 28 September 1962).

Decree No. 63.622 of 20 November 1963 to increase minimum wages and alter the wage zones (J.O.R.M., 23 November 1963).

Social Security Convention concluded on 8 May 1967 between the Government of the French Republic and the Government of the Malagasy Republic (J.O.R.M., 14 January 1967 and 29 August 1970).

Decree No. 69-145 of 8 April 1969 to establish a Social Insurance Code (LS 1969 - Mad. 1).

Articles 2 and 3 of the Convention. To harmonise economic development with the healthy evolution of the communities concerned, the Ministry of Planning, when drawing up economic development programmes, consults the various circles concerned and bases its work on a number of preliminary analyses. Steps are taken to provide training in farming for a large number of the unemployed members of the urban population. Considerable efforts are made by social and economic institutions to improve living conditions in rural areas where incentives are provided to establish suitable industries.

Article 4. (a) To eliminate the causes of chronic indebtedness, incentives are provided for multiple cropping and more rational stockbreeding methods.

(b) The practice of alienating agricultural land to non-agriculturalists is virtually unknown in Madagascar.

(c) The inspectors and officials of the land ownership services ensure that land and other natural resources are protected, improved or worked in the best interests of the inhabitants of the country.

(d) The texts relating to métayage contain provisions ensuring that tenant farmers enjoy an equitable share and the highest practicable standards of living.

(e) The Secretariat of State for the Co-operative Movement is responsible for encouraging and assisting producers' and consumers' co-operatives.

Article 5. (a) The principle that material security should be guaranteed is written into the Constitution. Funds may be advanced by the National Malagasy Development Bank.

(b) The fact that wage rates are reviewed in the light of the rising cost of living ensures the maintenance of minimum living standards.

(c) Official inquiries into living conditions are carried out by the Ministry of Agriculture and the Statistical Service. No steps are taken without the approval of the National Labour Council.

(d) Provisions governing the account to be taken of essential family needs in ascertaining the minimum standards of living are contained in the Labour Code and in the texts instituting the social insurance scheme, works medical services and educational leave.

Article 6. The legislation in force (section 56 of the Labour Code) provides that a worker living away from his home may take his family with him and, if he is unable by his own efforts to obtain suitable accommodation for himself and his family, the employer is to provide accommodation in the manner laid down by order. The same obligation exists as regards essential foodstuffs. The conditions of employment of migrant workers of foreign nationality are governed by the labour legislation in force in Madagascar, subject to any special provisions made in virtue of international treaties or conventions.

Article 7. Migrant workers or workers living away from their homes are fully at liberty to transfer their wages or savings to their places of origin.

Article 8. Applications have been submitted by certain private undertakings. They relate to persons from the Comoro Islands (of French nationality), who are treated on an equal footing with Malagasy nationals under a Franco-Malagasy Settlement Convention.

Article 9. The minimum wage rate varies with the cost of living in the five wage zones fixed by decree. Any changes are automatically applicable to migrant workers.

Article 10, paragraphs 1 and 2. The Government encourages the negotiation of collective or works agreements, which are not allowed to contain less favourable provisions for the workers than those embodied in the legislation in force. Section 57 of the Labour Code lays down that decrees are to be made fixing wage zones and guaranteed minimum inter-occupational wages and also, in the absence of collective agreements or where there is no provision for such matters in existing agreements, the minimum wages payable in each occupational group. These decrees are made after consultation with the National Labour Council, which is a tripartite body consisting of representatives of government, employers and workers.

Article 10, paragraphs 3 and 4. Texts relating to minimum wages are published in the official gazette. Under section 59 of the Labour Code employers are required to post up minimum wage rates in their offices and in the places where workers are paid. The officials working for the labour services also provide information on wage questions and on changes in minimum wages.

A worker who has not been paid a wage corresponding to the guaranteed minimum inter-occupational wage currently in force may make representations to his employer or apply to the labour inspection services or the labour courts, which may order the employer to pay the difference due; if he fails to do so, he is liable to punishment.

Article 11, paragraph 1. Under section 63 of the Labour Code the employer is required to keep a pay register and issue individual pay slips.

Paragraphs 2 and 3. Under the first paragraph of section 61 of the Labour Code wages are payable in legal tender.

Paragraph 4. Under the second paragraph of section 61 of the Labour Code it is unlawful to pay all or part of the wages in the form of alcohol or alcoholic beverages.

Paragraph 5. Under the fourth paragraph of section 61 of the Labour Code wages are not to be paid in any circumstances in a tavern or store except in the case of workers normally employed there.

Paragraph 6. Under section 62 of the Labour Code wages must be paid at such regular intervals as are laid down in the Code.

Paragraph 7. The cash value of housing and food is regulated by Decree No. 63.622 of 20 November 1963.

Paragraph 8(a). See Article 10(3) of this Report.

(b) Deductions from wages are regulated by law, the relevant legislation being section 69 of the Labour Code, Decree No. 55-972 of 16 July 1955 (which relates to the attachment, assignment and deduction of wages), Ordinance No. 60-096 of 12 September 1960 (which fixes the maximum amounts to be deducted) and Act No. 61-022 of 9 October 1961 (which relates to the assignment and attachment of wages to cover payments to public credit institutions).

Article 12, paragraphs 1 and 2. In addition to the texts governing deductions from wages, section 69 of the Labour Code (which lays down certain formalities for advances) may, if strictly applied, result in practice in fewer applications for advances being made.

Paragraph 3. Any advance of wages must be granted in such a way as not to involve the worker in an abnormal position of indebtedness. This is checked by the magistrate or authorities when the document acknowledging the debt is drawn up. Deductions from wages are subject to supervision by the officials of the labour services and must be legally evidenced by the employer.

Article 13, paragraph 1. The Government encourages workers and producers to deposit their savings in the Savings Bank.

Paragraph 2. The National Malagasy Development Bank pursues the aims indicated in this paragraph (protection against usury).

Article 14. The Constitution of the Malagasy Republic and the provisions of the Labour Code prohibit any discrimination on the various grounds listed in this Article.

Article 15, paragraph 1. It is the duty of the various government departments concerned to develop systems of education, vocational training and apprenticeship.

Paragraph 2. There is no statutory school-leaving age. Children may not be employed, even as apprentices, before the age of 14. The conditions of employment of children under 18 years of age are laid down in Decree No. 62.152 of 28 March 1962.

Paragraph 3. Measures have been taken to give effect to this paragraph (which prohibits the employment during school hours of children who are below the school-leaving age) in the form of information provided during trade union lectures, public addresses, radio programmes and the supervision by the labour inspection services of compliance with the texts governing the employment of children.

Article 16, paragraph 1. Training in new production techniques is provided in various forms (both theoretical and practical) by a number of firms, institutions and services.

Paragraph 2. The authorities responsible for organising or supervising vocational training are the Ministry of Cultural Affairs, the Ministry of Agriculture and Rural Development and, more particularly, the Ministry of Labour. The trade union organisations are consulted.

Convention No. 118: Equality of Treatment
(Social Security), 1962

BRAZIL

Decree No. 66.497 of 27 April 1970 to promulgate the text of the Convention.

Act No. 3807 of 26 August 1960 to promulgate the Social Insurance Act (Diario Oficial, 5 September 1960 No. 204) (LS 1960 - Bra. 1-A) and subsequent provisions.

Decree No. 60.501 of 14 March 1967 to promulgate General Social Insurance Regulations (Diario Oficial, 28 March 1967, No. 58).

Social Insurance Agreement between the Governments of Brazil and Spain (25 April 1969).

Social Insurance Agreement between the Governments of Brazil and Portugal (18 October 1969).

Article 2 of the Convention. The Brazilian Government accepted the obligations of the Convention as regards the branches of social security listed in subparagraphs (a) to (g) inclusive of paragraph 1.

Article 3. The nationals of any other member State for which the Convention is in force enjoy equality of treatment, as regards both coverage and the right to benefits. Survivors' benefits are granted and paid irrespective of nationality.

Article 4. Brazilian law ensures equality of treatment between nationals and foreigners working within the country. There are no transitional schemes as provided for under Article 2, paragraph 6(b) of the Convention. Special arrangements have been made with Spain and Portugal to prevent the cumulation of benefits.

Article 5. In the case of residence abroad, provision is made for the payment of benefits in sections 137, 146 and 148 of the General Social Insurance Regulations. Furthermore special agreements have been reached with Spain and Portugal.

Article 7. A scheme for the maintenance of acquired rights, for the totalisation of periods of insurance and sharing of the cost of benefits is in force in connection with Spain and Portugal only, by virtue of agreements reached with these countries.

Article 10. Brazilian law makes no distinction whatsoever between refugees and stateless persons for the purposes of social security. Brazilian laws on social security do not cover the employees of foreign firms or those of foreign or international official bodies operating in Brazil provided these persons are covered by their own social security scheme.

Article 11. Provision for mutual administrative assistance is made in the agreements reached with Spain and Portugal.

The National Social Insurance Institute (INPS), which comes under the Ministry of Labour and Social Welfare, is responsible for enforcing the laws and regulations on social security. The INPS has a supervisory service whose inspectors are responsible for ensuring the collection of contributions due from employers and workers. Insured persons are entitled to appeal against decisions of the INPS to the Social Insurance Appeals Board, the Social Insurance Appeals Council and, in the last resort and in exceptional cases, to the competent ministerial authority.

Convention No. 119: Guarding of Machinery, 1963

ALGERIA

Labour Code.

Decrees of 10 July 1913 and 14 February 1921.

Order of 6 October 1958 concerning the protection of women and minors in dangerous occupations.

Order of 17 April 1954 concerning dangerous machinery.

Decree No. 67-60 of 27 March 1967 concerning the Labour Inspectorate.

Article 2 of the Convention. Section 2 of the 1954 Order.

Article 5. Section 5(3) of the 1954 Order.

Article 6. Sections 1 and 2 of the 1954 Order.

Article 9. Sections 3 and 5 of the 1954 Order.

Article 10. Section 9 of the 1954 Order.

Article 15. Section 173 of the Algerian Labour Code and Decree No. 67-60 of 27 March 1967.

Article 16. Section 4 of the 1954 Order.

Article 17. Section 1 of the 1954 Order.

Convention No. 120: Hygiene (Commerce
and Offices), 1964

BRAZIL

Legislative Decree No. 5452 to approve the consolidation of labour laws, dated 1 May 1943, amended by Article 5 of Legislative Decree No. 229 of 28 February 1967.

Articles 2, 3 and 4 of the Convention. Brazilian legislation applies this Convention to all workplaces.

Article 5. The relevant legislation was adopted prior to ratification of the Convention.

Article 6. The federal system of labour inspection, which comes under the Ministry of Labour and Social Security, ensures compliance with all laws and regulations as well as ratified Conventions throughout the country. Any breach of the provisions of Chapter V (on safety and health) of the Consolidation of Labour Laws is punished by a fine.

Article 7. Section 220 of the Consolidation contains the obligation of keeping the places of work clean.

Article 8. Section 183 of the Consolidation provides for the obligation to install good ventilation in places of work. If working conditions are difficult because of heat, it provides for the obligation to use protective equipment.

Article 9. Section 181 of the Consolidation requires that good or artificial lighting be provided in places of work.

Article 10. The legislation considers that a temperature above 28°C is unhealthy and does not allow this maximum to be exceeded.

Article 11. Sections 170-182 and 209-210 of the Consolidation cover all the requirements concerning the good installation and healthy conditions of working premises.

Article 12. Section 218 of the Consolidation requires drinking water to be provided.

Article 13. Sections 214 and 215 of the Consolidation comply with the requirement for sanitary installations. They provide for special measures in regions where there are no drains.

Article 14. Section 213 of the Consolidation refers to the obligation to provide seating for the workers.

Article 15. The obligation to provide cupboards and cloakrooms is contained in section 216 of the Consolidation.

Article 16. Section 206 of the Consolidation and Government Instruction No. 225 of 1969 provide for special measures to protect workers working in compressed air; such measures include periodical medical examinations.

Article 17. Protection of workers against harmful and toxic substances and dangerous methods of work is provided in sections 211, 165 and 166 of the Consolidation and in section 2 of Government Instruction No. 491 of 1965, as is also the provision of personal and collective protective equipment.

Article 18. Measures to reduce or eliminate noise and vibrations in places of work are specified in section 207 of the Consolidation and in List XI of Government Instruction No. 491 of 1965. The legislation considers that a level of noise equal to or higher than 85 decibels is harmful.

Article 19. Provision of medical aid and medicine chests is required by section 18 of Act No. 5316 of 1967. The undertaking is responsible for first medical aid if the place of work concerned is not covered by social security.

BYELORUSSIA

The Constitution of the Byelorussian SSR.

The Labour Code of the Byelorussian SSR.

The Byelorussian Health Act of 4 June 1970.

Building Standards and Rules adopted by the State Building Committee of the Council of Ministers of the USSR on 9 July 1968.

Occupational Safety and Health Rules for Commercial Undertakings.

The national labour legislation applies to all workers, including those in commercial undertakings and institutions.

The enforcement of industrial safety and health measures is under the permanent supervision of the voluntary or state inspectorate services.

The Labour Code lays down the obligation to enforce strictly industrial safety and health measures in all workplaces, particularly as regards cleanliness, the supply of drinking water, the provision of bathrooms, cloakrooms, personal protective equipment, etc. The managers of undertakings are responsible for the application of all these measures.

Special rules lay down health standards and the maximum permissible levels of gases, vapours, sprays and toxic dust in the atmosphere of workplaces as well as standards concerning temperature, humidity, draughts, natural or artificial lighting, measures to counteract noise, vibrations, ultrasounds, etc.

Sanitary amenities must be provided according to the number and sex of the employees.

Every undertaking, organisation or institution must also have its own medical service or a first-aid post depending on the number of workers.

FINLAND

The Occupational Safety Act (Finlands Författningssamling (F.F.), No. 299 of 1958; LS 1958 - Fin. 1).

The Decree respecting the application of the Occupational Safety Act to work referred to in section 2 of the Act (F.F., No. 45 of 30 January 1959).

Resolution of the Council of State respecting medical examinations of workers employed in work referred to in section 44 of the Occupational Safety Act of 3 May 1961 (F.F., No. 232; LS 1961 - Fin. 1).

The Public Health Act (469/65) of 27 August 1965.

The Public Health Decree (55/67) of 3 February 1967.

Article 1 of the Convention. The provisions relating to safety and hygiene in places of employment are applied to all work mentioned in the Convention. The preparation of uniform administrative regulations is under way.

Article 2. Some types of work are excluded from the application of the above legislation (work carried out by persons residing in the employer's household, work carried out by an employer at home, etc.).

Article 3. Doubtful cases shall be submitted to the Labour Council for decision.

Article 5. All organisations representing the parties concerned were consulted on the proposed laws or regulations.

Article 6. Supervision of occupational safety and health conditions is ensured by the labour inspection services in co-operation with the public health services and with other authorities. Coercive measures may be taken by the Labour Inspectorate.

Articles 7-19. According to national legislation, the employer shall ensure: orderliness and cleanliness in workplaces, ventilation and lighting, comfortable temperature, a supply of wholesome drinking water, adequate washing facilities, suitable seating facilities, appropriate facilities for the changing, storage and drying of clothes, and personal protective equipment. Appropriate measures shall be taken to protect the health of employees against any harmful effect due to toxic substances, unhealthy processes and techniques, noise and vibration, work in underground or windowless premises. A sufficient number of dressings, medicaments and other first-aid supplies shall be made available.

MEXICO

Federal Labour Act of 2 December 1969.

Occupational Health Regulations of 26 January 1946.

Article 2 of the Convention. So far advantage has not been taken of the exceptions allowed under this Article.

Article 5. Consultation of organisations of employers and workers is a frequent practice in Mexico; these organisations were heard in Congress during discussions on the present Federal Labour Act.

Article 6. Section 540 of the Federal Labour Act refers to the Inspectorate of Labour and defines its functions: to ensure the fulfilment of labour standards; to provide advice and to report failure to observe, and violations of, the labour standards; to make studies and collect data with a view to improving relations between workers and employers, etc. The duties of the labour inspectors are listed in section 541: to inspect undertakings during the hours of work; to put questions to workers and employers; to require the production of books and registers; to suggest that any defects be put right and

the adoption of preventive measures in the case of any danger; to examine the substances and materials used in undertakings, etc. There is an Inspectorate of Labour with a recently created Health Inspection Department.

Article 7. The Occupational Health Regulations contain four sections (47-50) dealing with the cleanliness and maintenance of premises.

Article 8. Sections 36-39 of the Regulations (ventilation of work premises and maximum permissible concentrations of carbon dioxide and of silicabearing and silica-free dust).

Article 9. Sections 30-32 of the Regulations (lighting of work premises and intensity of light according to the situation of the premises and the work to be performed).

Article 10. Sections 33-35 of the Regulations (suitable temperature in workplaces and a satisfactory temperature/humidity ratio; suitable protection for work in very high or low temperatures).

Article 11. Subsection 16 of section 132 of the Federal Labour Act makes it compulsory for employers to equip workplaces (factories, workshops and offices) in accordance with the principles of safety and hygiene and to adopt suitable protective measures. This protection is referred to in several sections of the Regulations.

Article 12. Sections 43-46 of the Regulations (making it compulsory to supply workers with the necessary amount of drinking water in accordance with specific health regulations).

Article 13. Sections 49-56 of the Regulations (provision and maintenance of washing facilities and sanitary conveniences in workplaces).

Article 14. Section 132 of the Federal Labour Act and section 57 of the Regulations.

Article 15. Sections 58 and 59 of the Regulations.

Article 16. See reply under Article 8 of the Convention.

Article 17. Subsection 16 of section 132 of the Federal Labour Act and sections 6, 7, 8, 12 and 13 of the Regulations (supply of personal protective equipment to workers and precautions to be taken in work involving the use of dangerous substances or materials).

Article 18. Sections 40 and 41 of the Regulations (various protective measures and the reduction of noise and vibrations).

Article 19. Subsection 17 of section 132 of the Federal Labour Act and sections 63, 64 and 69 of the Regulations.

POLAND

Act of 30 March 1965 respecting occupational safety and health
(Dziennik Ustaw, 6 April 1965, No. 13, text 91) (LS 1965 - Pol. 1).

Decree of Ministers for Work and Social Care, Health, Industry,
Reconstruction, Public Administration and Retrieved Lands on
General Rules respecting health and occupational safety
(6 November 1946).

Decree of the Minister for Construction and Building Materials
(29 June 1966) (Construction Journal No. 10 - item 144).

Decree of 10 November 1954 transferring to the trade unions certain
responsibilities as regards the enforcement of occupational
safety and health legislation and labour inspection (D.U.,
25 April 1960, No. 20, text 119, and 6 April 1965, No. 13,
text 91)).

Articles 1 to 3 of the Convention. All categories of workers
including those employed in establishments to which Article 1 of the
Convention applies are covered by the above-mentioned legislation.
There are no exclusions.

Articles 4 to 6. The Council of Ministers in co-ordination with
the Council of Trade Unions and the Ministers for Social Care are
responsible for giving effect to the provisions of the Convention by
means of safety and health regulations and through the national law
and practice concerning work inspection.

Articles 7 and 8. The 1946 Decree provides that working premises
should be kept clean and suitably ventilated.

Article 9. Sufficient lighting is ensured by the 1946 Decree.

Articles 10 and 11. Work stations shall be arranged so that
there is no harmful effect on the health of the workers (the Law dated
30 March 1965).

Article 12. The 1946 Decree requires that workers shall be
supplied by the enterprise with a sufficient amount of drinking water.

Articles 13, 14 and 15. Washing facilities, sanitary con-
veniences, suitable seats and suitable facilities for changing,
leaving and drying clothes are provided for by the 1946 Decree.

Article 16. Premises where people stay permanently cannot be
situated underground according to the 1966 Decree.

Article 17. Protection against harmful or unhealthy substances is ensured and special protective equipment is prescribed by the 1946 Decree and the Law dated 30 March 1965.

Article 18. The 1946 Decree requires that measures shall be taken to reduce noise and vibrations likely to have a harmful effect on workers.

Article 19. Regulations contained in collective branch labour agreements require enterprises to maintain sanitary posts supplied with kits for first-aid treatment.

UKRAINE

Health Standards to be observed in the planning of industrial undertakings (adopted on 5 June 1963).

The Convention is applied by the above-mentioned standards and other administrative regulations.

Convention No. 121: Employment Injury Benefits, 1964

FINLAND

Employment Accident Insurance Act of 20 August 1948 (LS 1948 - Fin. 4).

Public Servants and State Employees Accident Compensation Act of 12 February 1935.

Occupational Diseases Act of 29 December 1967 (LS 1967 - Fin. 2).

Survivors' Pension Act of 17 January 1969 (LS 1969 - Fin. 1).

Article 4 of the Convention. 1. The employer is liable to insure his employees in an accident insurance company. The cases of employment injuries in state employment are dealt with by a special state institution (sections 8 and 9 of the Employment Accidents Insurance Act (EAIA), 1948).

2. Recourse is had to the exceptions authorised under subparagraphs (a) and (c) (sections 2(1) and (2) of the EAIA).

Article 6. The minimum degree of loss of earning capacity is at least 10 per cent and the degree of initial incapacity for work 20 per cent (sections 17, 18 and 19 of the EAIA).

Article 7. Accidents occurring in the course of employment, accidents arising out of employment (including commuting accidents) and accidents while attempting to protect or save employer's property or human life in connection with employment are covered by the legislation (section 4 of the EAIA).

Article 8. Occupational Diseases Act, Occupational Diseases Decree, 1967, and Resolution of the Ministry of Social Affairs of 23 December 1967 issuing directives for the detection of occupational diseases.

Article 9. Medical care and cash benefits are granted throughout contingency. They are not subject to a qualifying period. The daily allowances are payable from the day of the accident, that day excluded, subject to the conditions that the contingency lasts longer than three days (section 17 of the EAIA).

Article 13. Recourse is had to Article 19 for the purpose of the calculation of the benefit. The daily allowances to an injured person with no dependants is 1/600 and otherwise 1/450 of his annual earnings. It is payable for each day including Sundays and holidays. The annual earnings are computed on the basis of the wage the injured person received at the time of accident. There is no limit for the annual earnings (sections 16, 17, 28 of the EAIA). A turner has been selected as a skilled manual male employee. The time basis is the average annual earnings fixed by collective agreements for 1970. The amounts of annual earnings for different categories of communes are provided. The benefit to the standard male beneficiary (a man with a wife and two children) constitutes about 80 per cent of previous earnings; to a woman employee with no dependants it is 60 per cent. The maximum period for which daily allowances are paid is one year. After that period daily allowances are commuted into annuity (sections 17 and 19 of the EAIA).

Article 14. An annuity is paid if the loss of the working capacity is at least 30 per cent. If it is less than 30 but not less than 10 per cent a lump-sum compensation is payable (section 19 of the EAIA). Recourse is had to Article 19 for the purpose of the calculation of the benefit.

The annuity payable to a person without dependants is 60 per cent of his annual earnings. It is supplemented by 30 per cent for his first dependant and by 20 per cent for each subsequent one. The limit is 90 per cent of the annual earnings (section 18 of the EAIA). The annuities to the standard male beneficiary and to a woman without children constitute respectively about 79 and 60 per cent of the annual earnings supplemented by family allowances. The minimum amount of annual earnings in respect of annuity is 5,100 Fmk.

In case of partial loss of earning capacity, the annuity is granted at the rate proportional to the loss; it is increased by a supplement which is respectively higher for higher degrees of incapacity (section 18 of the EAIA).

Article 15. When the rate of annuity is less than 30 per cent of the maximum amount, the beneficiary may with the consent of the Insurance Court convert it into a lump sum equal to its capitalised value (section 19(4) of the EAIA).

Article 16. Supplementary benefits are granted to persons in need of constant help (section 20 of the EAIA).

Article 17. The amounts of periodical benefits may be adjusted in the cases referred to in this Article (section 46 of the EAIA).

Article 18. Periodical benefits are granted to the widow, to the dependent widower, to dependent children up to the age of 17 or up to 19 (for the continuation of studies) and to prescribed other dependants. Recourse is had to Article 19 for the purpose of the calculation of the benefits. Pension to widow or to full orphan is 30 per cent and to a child or to some other dependants 15 per cent of the annual earnings of the deceased, subject to the maximum of 72 per cent thereof (section 23 of the EAIA). The periodical payment made to a widow with two children is about 60 per cent of the previous earnings of the breadwinner; it is about 30 per cent for a widow with no dependants.

Article 21. The Act of 9 March 1962 empowers the Council of State to decide on payment of cost-of-living increases if the level of wages has risen. Under the Resolution of the Council of State, 1970, these increases were 18 per cent in respect of accidents which occurred in 1968 and earlier and 7 per cent in respect of accidents in 1969, which correspond to the rise in the index of wages.

Article 22. Benefits may be withheld or reduced in cases referred to in subparagraphs (b) to (f) (sections 5 and 27 of the EAIA). Part of the cash benefits may be paid to the injured person's dependants in cases referred to in subparagraphs (b) and (f) (sections 21 and 63 of the EAIA).

Article 23. The claimant can exercise his right of appeal in the Insurance Court and in the Supreme Court.

Article 24. Employers' and workers' organisations are represented in an advisory committee set up by the Association of Accident Insurance Companies. They are also represented in the Accident Compensation Board set up by an order of the Ministry of Social Affairs and Health.

Article 25. Inspectors of the Ministry of Social Affairs and Health carry out inspections in insurance companies. In addition,

the Accident Compensation Board supervises that the cases of compensation are dealt with in a uniform way.

Article 26. Preventive measures are taken and rehabilitation services provided.

Article 27. Foreign citizens who work in Finland are covered by the accident insurance and entitled to benefits.

GUINEA

Act No. 21-AN instituting the Social Security Code, dated
12 December 1960.

Article 1 of the Convention. Guinea abides by the terms used in the Convention.

Article 3. Seafarers are covered by the general social security system (section 64 of the Social Security Code) but civil servants are excluded (section 7).

Article 4. Sections 62, 63 and 64 of the Social Security Code specify the categories of protected persons.

Article 6. 1. A worker is recognised as unfit for work if his state of health does not enable him to earn, in any occupation whatsoever, wages greater than one-third of the normal remuneration earned in the same region by workers of the same category in the occupation which he carried on before invalidity was recognised for the first time.

2. Disability is measured in the light of the remaining ability to work, the general state of health, the age and the physical and mental faculties of the worker, as well as his aptitudes and vocational training received.

3. Assessment of such disability is carried out by the worker's own doctor and the doctor of the social security fund. A worker who becomes disabled is classified in the light of his ability to work as falling either into the first or the second category of disability as far as his future professional career is concerned.

Article 7. Any accident, whatever its cause and whether due to work or occurring on the occasion of work, to any wage earner or person working in any place whatsoever for one or more employers or heads of undertakings, whatever the amount and nature of his remuneration, and the form, nature or validity of the contract, is considered as an industrial accident.

Accidents occurring on the way to and from work or accidents occurring during journeys undertaken at the expense of the employer are treated as industrial accidents.

Article 8. Article 136 of the Social Security Code provides a list of occupational diseases.

Article 9. The benefits granted include benefits in kind and in cash (daily allowance and pension to the victim and the survivors). Entitlement to various benefits is not made dependent on any length of employment, membership of payment of membership fees. Benefits are granted during the whole of the contingency.

Article 10. Medical care includes care on the part of general practitioners and specialists, whether in hospital or outside, dental care, nursing at home or in hospital or in any other medical institution, a period in a convalescent home, dental, pharmaceutical and other supplies, including artificial limbs, their maintenance and replacement, as well as spectacles and emergency care.

Article 11. If the victim of an employment accident is hospitalised in a public establishment, the rate shall be the same as the rate for a paying patient of the same category. The same rules apply to the rate and manner of payment of fees and accessory expenses in connection with care provided to a victim in a private hospital.

Article 13. (Sections 100-102 of the Social Security Code).

Article 14. (Sections 104-106 of the Social Security Code).

Article 15. (Sections 114-118 of the Social Security Code).

Article 16. (Section 106, 2^o, of the Social Security Code).

Article 17. (Section 119 of the Social Security Code).

Article 18. (Section 107 of the Social Security Code).

SWEDEN

Act of 14 May 1954 (No. 243) on employment injuries insurance as amended in 1962, 1967, 1968 and 1971.

Act of 15 December 1967 (No. 916) concerning the index regulations of annuities for employment injuries, etc.

National Insurance Act of 25 May 1962 (No. 381) as amended up to 1 July 1971 (LS 1962 - Swe. 1(a)).

Article 4 of the Convention. Recourse is had to the exceptions provided for in subparagraph (c) of paragraph 2. The total number of employees is approximately 3,470,000 and the number of employees excepted from compulsory employment injury insurance is 80,000 (estimate).

Article 6. During a "co-ordination period" of ninety days after the injury, sickness benefits are paid by the insurance office in accordance with the National Health Rules, in the same way as for any illness. Then, compensation in its entirety is paid by the employment injury insurance. The sickness benefit is paid during sickness when the working capacity is reduced by, at least, 50 per cent. An annuity is paid when subsequent to the sickness the working capacity is reduced for a shorter or longer period by, at least, 10 per cent.

Article 7. The definition of "industrial accident" given by the national legislation includes commuting accidents.

Article 8. The term "occupational disease" is not used in Swedish legislation. Certain diseases are directly covered by regulations, others are classified by a special statute under the heading of employment injury.

Article 9. All benefits are assured throughout the period of claim with the exception of cases indicated under Article 22 below. The benefits in question are assured without any condition as regards employment, or insurance period, or the payment of premiums.

Article 10. The legislation covers all the forms of care listed under paragraphs 1(a)-(g) with the following exceptions: no reimbursement is provided during the "co-ordination period" for care by a nurse at home and, subsequent to the co-ordination period, for care at a home for convalescents.

Article 11. Compensation for an employment injury during the co-ordination period is paid in accordance with the rules of the National Health Insurance. During this period the Employment Injury Insurance meets the cost of certain types of care which are met only partially by the National Health Insurance (care abroad, dental care, artificial limbs, glasses, etc.). Under the National Health Insurance Rules the insuree during the co-ordination period is responsible for a certain minor proportion of the cost of open care by a doctor. The insuree pays the private doctor's fee and the National Health Insurance reimburses him three-quarters of the charge subject to the prescribed maximum. As regards care provided by public institutions, the insuree pays S. Krs. 7 for each visit to a doctor and S. Krs. 15 for a visit by a doctor to the patient's home; the remaining S. Krs. 31 are paid by the National Health Insurance directly to the doctor's employer. Dental care resulting from sickness is reimbursed by the National Health Insurance at prescribed rates. Compensation for hospital care is paid for unlimited periods with the exception of persons over 67 years and persons under 67 years drawing a national basic pension or a full advance pension. For

these persons there exists a limit of 365 days. Travel expenses to and from doctors and hospitals are partially reimbursed with the exception of travel abroad. Compensation for convalescent care is paid up to three-quarters of the prescribed rates. Medical preparations in public and similar hospitals are provided free of charge. In other cases medicines are provided to insurees free of charge or at reduced prices. The rules regarding the insuree's participation in paying the costs of health and medical services do not cause financial obstacles to the individuals.

Article 13. Recourse is had to Article 19 of the Convention for the calculation of benefits.

Sickness benefit with children's allowance is paid during sickness. Sickness benefit is payable subject to reduction of working capacity by at least 50 per cent. The full benefit is paid when the working capacity is completely reduced, otherwise half the benefit is paid. During the co-ordination period the National Health Insurance pays to each insuree the basic sickness benefit of S. Krs. 6 plus a supplementary benefit varying from S. Krs. 1 to 46 for those with the annual earned income from S. Krs. 2,600 to 39,000 and above, respectively. After the co-ordination period the sickness benefit is payable according to the table applied for health insurance. This benefit cannot be lower than that for the other types of sickness benefits.

If employment injury entails the loss of working capacity of at least 10 per cent, a disability annuity is paid. In certain cases, a nursing allowance can also be obtained. The amount of the annuity depends on the degree of disability and on the amount of the earned annual income. The annual earned income cannot be calculated at a lower sum than S. Krs. 1,800 and cannot exceed five times the base sum applying in January of the year of injury (base sum in January 1971 constitutes S. Krs. 6,400). The amount of the annuity for 100 per cent disability constitutes eleven-twelfths of the "basis of compensation", which comprises the entire annual income falling within the amount of twice the base sum, plus 75 per cent of the amount falling within the amount of 2-3 times the base sum and plus 50 per cent of the income within 3-5 times the base sum. This amount is payable until the age of 67, when it is reduced by 25 per cent.

Article 19, paragraph 6 is applied.

The income of a standard beneficiary has been calculated per calendar year, 1,950 hours. The same time unit is applied in the income compensation between an able-bodied employee and one completely disabled. The annual income of a standard beneficiary in 1971 is estimated at S. Krs. 30,244. As from 1 January 1971, children's allowance is S. Krs. 1,200 per child per year.

The sickness benefit to a standard beneficiary constitutes 56 per cent and the annuity approximately 72 per cent of the income of the standard employee.

In principle, female and male employees are fully equated for the purposes of employment injury insurance.

The minimum of the sickness benefit is S. Krs. 6.

No time limit is set, in principle, as regards drawing sickness benefit and annuity.

Article 14. At least 10 per cent on termination of the state of sickness is required for the payment of cash benefits.

Recourse is had to Article 19 of the Convention for the calculation of benefits.

If the working capacity is reduced by at least 30 per cent, the annuity constitutes a proportion of the basis of compensation corresponding to the degree of incapacity reduced by one-twelfth. If the working capacity is reduced by less than 30 per cent, the annuity is the proportion of two-thirds the basis of compensation corresponding to the degree of incapacity.

Article 15. An annuity or a part thereof can be paid in a lump sum on application by the insured person subject to availability of due reason for that. Without application a lump sum can be paid to a foreign national, non-resident in Sweden within the limits of 50 per cent (maximum) and 20 per cent (minimum) of the capital value of the compensation, subject to the consent of the insured person. The capital value is calculated in accordance with special rules.

Article 16. Nursing allowance of S. Krs. 5 per day in case of drawing sickness benefit and S. Krs. 18,000 per year in case of drawing annuity is payable.

Article 17. If there is major change in the circumstances on which compensation was based, the National Social Insurance Board can review the case. Compensation cannot be reduced retroactively.

Article 18. The deceased's widow has the right to an annuity as long as she remains unmarried. In certain circumstances an annuity can also be paid to a widower. Children of the deceased who are under 19 years receive an annuity. If the deceased was unmarried, an annuity can also be drawn by a woman cohabiting with him for any considerable period under circumstances resembling matrimony. In certain circumstances, the deceased's parents can receive an annuity.

The annuity paid to a widow until the age of 67 years constitutes one-third of the deceased's annual earned income and on attaining the age of 67 the annuity is reduced to 25 per cent thereof. The annuity terminates if the woman concerned cohabits for any considerable period with a man in circumstances resembling matrimony.

Recourse is had to Article 19 of the Convention for the calculation of benefits.

For a widow with two dependent children, the benefit constitutes approximately 69 per cent of the standard income supplemented by children's allowance. For a widower the benefit constitutes approximately 33.3 per cent of the standard income. No minimum benefit has been prescribed.

Article 21. The value of annuities is assured by their being linked to the base sum which is established each month and follows the general development of prices. No review of the amount of annuities has been made during the period under review.

Article 22. The benefits may be suspended or reduced in circumstances provided for in subparagraphs (c) to (g) of this Article.

Article 23. Appeal against a decision by the National Insurance Office concerning benefits payable during the co-ordination period can be made to the National Social Insurance Board which is the first body of appeal. The National Insurance Court is the final court of appeal. The insuree is given an opportunity to complain to the medical authorities concerned regarding health and medical services which have been refused to him.

Article 25. The State is ultimately responsible for the due payment of the employment injury benefits in accordance with the requirements of the Convention.

Article 26. Preventive measures are taken; medical and occupational rehabilitation are provided.

Convention No. 122: Employment Policy, 1964

BRAZIL

First National Economic and Social Development Plan, 1972-74 (Draft).

Legislative Decree No. 61 of 30 November 1966, approving the Convention.

Legislative Decree No. 66,499 of 27 April 1970, promulgating the Convention (Diario Oficial, 30 April 1970).

By virtue of its promulgation, the Convention has become part of national law, and its provisions have served as a basis for government measures to give effect to the principles which it embodies.

Articles 1 and 2 of the Convention. A Bill incorporating the First National Development Plan for 1972-74 has just been submitted to Congress. It sets forth measures which will help to raise employment figures to a satisfactory level, one of its goals being to achieve by 1974 an annual increase in the gross domestic product of between 8 and 10 per cent by means, *inter alia*, of an increase in the rate of employment expansion to 3.2 per cent annually by 1974 with an average increase of 3.1 per cent for 1971-74. The Plan provides for a self-supporting and integrated development process, which should lead to a fairer distribution of the fruits of progress among all income groups in all parts of the country. One chapter deals specifically with employment and human resources as a factor in expansion. It examines the employment situation and outlook on the basis of the 1970 census and the prospects for employment expansion.

The work of the National Industrial Apprenticeship Service and the National Commercial Apprenticeship Service in the field of vocational training is contributing to the implementation of the full employment policy.

Article 3. Employers' and workers' organisations serve as channels for collaboration with the public authorities, and the Government seeks their co-operation in planning measures designed to improve employment conditions. No formal consultative procedures have been established.

The application of the Convention is entrusted to the Ministry of Labour and Social Welfare. Statistical data are to be found in the Plan sent with the report.

BYELORUSSIA

Constitution of the Byelorussian Socialist Soviet Republic.

Labour Code of the BSSR.

Statute of the BSSR State Planning Committee, approved by Decision of the Council of Ministers of 22 May 1969.

Statute of the BSSR State Committee for Utilisation of Manpower Resources, approved by Decision of the Council of Ministers of 21 September 1967.

Statute of the BSSR State Committee for Technical and Vocational Training, approved by Decision of the Council of Ministers of 6 November 1969.

Regulations governing the allocation of young specialists finishing their studies at higher and specialised secondary educational establishments, approved by Order No. 220 of the Minister of Higher and Specialised Secondary Education of the USSR, of 18 March 1968 (Byulletin Ministerstva Vysshego i Srednego Spetsialnogo Obrazovaniya SSR, June 1968, No. 6., p. 2).

The Constitution protects each citizen's right to work and prohibits any form of discrimination in the field of labour relations. The right to work is guaranteed by the socialist system of organisation and continuous growth of the national economy; and every citizen enjoys full freedom of choice of employment and occupation. This right to choose the type and place of one's work is fully respected in the light of the wishes of the individual concerned and of the public welfare. Under the labour legislation, workers may terminate their contract of employment by giving two weeks' notice.

The continuous growth of the national economy ensures a rapid growth in productivity. Since the rate of growth of production exceeds that of the population of working age, employment policy must be aimed at ensuring the most rational use of human resources. The State Planning Committee of the Council of Ministers makes an annual forecast of manpower needs and estimates the extent to which they can be filled by local resources or must be met from elsewhere. The State Committee of the Council of Ministers for the Utilisation of Manpower is responsible for organising the retraining of redundant workers, the placement of manpower, the transfer of persons with a view to taking up employment and the placement of young persons completing general education. The State Committee of the Council of Ministers for Vocational and Technical Training organises such training through a series of training schools and assures the placement of young persons completing their training.

A continuous effort is made to update and improve education and vocational training so as to adapt them to the needs of technological progress. The measures taken include systematic retraining and on-the-job training.

Special provisions exist to protect the right to work of certain categories of workers such as young specialists graduating from higher educational establishments, handicapped workers and young persons completing general education, and to ensure that they obtain work suited to their qualifications and abilities.

Young specialists who have received higher education are guaranteed employment through a plan providing for exchanges of such persons between the various administrations and republics of the Union, and their assignment to employment in keeping with their qualification and choice of occupation. The placement of young persons completing general education is entrusted to committees of the executive committees of the Soviets of working people's deputies, which can require enterprises in their area to reserve a given number of jobs for such young persons.

The right of handicapped persons to work is fully guaranteed. In so far as such persons wish to work and are fit for work - which is determined by a special medical commission - they are

provided with the necessary training and placed in suitable employment. Responsibility in this field is vested in a specialised service of the Ministry of Social Security.

FINLAND

Decree on the Administration of Manpower Affairs of 16 September 1960
(Suomen Asetuskokoelma - Finlands Forfätningssamling,
No. 382/60).

Decree on the Ministry of Labour of 23 January 1970 (Ibid.
No. 46/70).

Employment Act of 28 June 1963 (Ibid. No. 331/63).

Employment Decree of 19 September 1969 (Ibid. No. 602/69).

Employment Service Act of 2 June 1959 (Ibid. No. 246/59), as amended
by Act of 29 May 1964 (LS 1959 - Fin. 1).

Decree on the Promotion of Labour Mobility of 8 June 1964 (Ibid.
No. 312/64).

Act on Vocational Training Courses for the Promotion of Employment
of 10 September 1965 (Ibid. No. 493/65), as amended by Act
of 6 February 1970.

Decree on Temporary Employments in Administrative Offices of
29 July 1949 (Ibid. No. 547/49).

Vocational Guidance Act of 22 January 1960 (Ibid. No. 43/60)
(LS 1960 - Fin. 1).

Unemployment Compensation Act of 22 December 1967 (Ibid. No. 645/67).

Act respecting Employment Exchange for Emigrants of 5 January 1956
(Ibid. No. 11/56).

Act respecting Economic Development in Developing Areas in 1970-1975
of 30 December 1969 (Ibid. No. 876/69).

Act respecting Interest Subsidy Credits for Small-Scale Industry
of 30 December 1969 (Ibid. No. 878/69).

Act and Decree respecting Investments Credits for Industry and Certain
Other Trades in Developing Areas of 22 April 1966 (Ibid.
No. 246/66), amended on 24 January 1969 (Ibid. No. 68/69) and
on 30 December 1969 (Ibid. No. 880/69).

Act respecting Credits for Developing Areas of 30 December 1969 (Ibid. No. 881/69).

Act respecting Reduction of Taxes designed to promote productive activities in developing areas of 30 December 1969 (Ibid. No. 894/69).

Act on the Establishment of a Governmental Counter-cyclical Fund of 30 December 1969 (Ibid. No. 891/69).

Act respecting Contracts of Employment of 1 June 1922 (Ibid. No. 141/22), amended on 30 April 1970 (Ibid. No. 320/70).

Resolution of the Council of State respecting Employment Criteria for State Subsidies and State Loans and State Interest Subsidy Loans of 4 September 1969 (Ibid. No. 567/69).

Article 1, paragraphs 1 and 2 of the Convention. Employment policy is defined by the Employment Act, 1963, section 1 of which lays down that the Government shall endeavour to provide employment by measures taken within the framework of general economic policy.

Special vocational training courses are held to assist those who are unemployed or threatened with unemployment through lack of skills. To counteract unemployment caused by geographical factors, efforts are made both to promote labour mobility and to direct enterprises to areas suffering from underemployment. Special individual placement measures exist to help those unemployed as a result of disability. For those who cannot be placed otherwise, employment is provided in the service of the commune or the State. Unemployment benefit or compensation is paid to those who have been unable to obtain employment through any of these means.

The measures described above also contribute to the growth of productivity. Employment on public works is exclusively on productive projects, the employment criterion playing a role only in the timing of the works. The whole of Finnish employment legislation is based on freedom of choice of employment, and placement according to individual qualifications and aptitudes is promoted by vocational guidance.

Article 1, paragraph 3 and Article 2. The Planning Division of the Ministry of Labour, in co-operation with the institutes for economic and social planning, studies objectives and methods and prepares programmes for the implementation of employment policy. The Economic Council, which is linked to the Cabinet Office, pays particular attention to the effects general economic policy has on employment through its employment policy section. The Council of State submits an annual report to Parliament on measures taken to implement the Employment Act.

Article 3. The Ministry of Labour is assisted by an Employment Council, on which employers' and workers' organisations are represented, and which prepares proposals and makes statements on the questions within the competence of the Ministry.

The Ministry of Labour is primarily responsible for the implementation of employment policy and for supervising its application. Some sectors of such policy are entrusted to the Ministry of Social Affairs and Health and to the Ministry of Education.

UKRAINE

The right to work is guaranteed by section 98 of the Constitution of the Ukrainian SSR and safeguarded by the socialist organisation of the economy and the steady growth of the productive forces of Soviet society.

The State Committee on the Utilisation of Manpower of the Council of Ministers and its local bodies organise employment placing. The placing of young persons between 15 and 18 years of age and those who have completed secondary education is the responsibility of specialised committees of the executive committees of the regional and local Soviets of workers' deputies. Special bodies also exist to undertake the placing of certain classes of people, such as invalids, redundant management personnel and former members of the armed forces.

Convention No. 123: Minimum Age (Underground Work), 1965

BULGARIA

Ukase No. 544 to promulgate the Labour Code (Izvestia na Prezidiuma na Narodnoto s'branie, 12 November 1951, No. 91, p. 1) (LS 1951 - Bul. 2).

Ukase No. 466 of 6 November 1957 to promulgate an Act to amend and supplement the Labour Code (Izvestia, 15 November 1957, No. 92, p. 1) (LS 1957 - Bul. 2).

Act No. 467 of 5 November 1957 on Mines and Quarries (Izvestia, No. 92, 1957, p. 6).

Regulation No. 80 of 23 April 1959 to amend and supplement the Regulations of 11 July 1958 respecting the trade union labour protection authorities exercising state supervision over the protection of labour (Izvestia, No. 44, 1959, p. 1).

Ordinance No. 149 of 20 March 1953 on workbooks (Izvestia, No. 26, 1953, p. 2).

Decree No. 595 of 26 July 1952 of the Council of Ministers approving a list of occupations considered particularly arduous or unhealthy (Izvestia, No. 65, 1952, p. 2).

List of particularly arduous or unhealthy occupations adopted in compliance with Ordinance No. 3145 of 26 November 1952 (Izvestia, No. 12, 1953, p. 4).

Article 1 of the Convention. Section 3 of the Act of 1957 on mines and quarries defines as a "mine" any undertaking engaged in the extraction of any useful substance found in the subsoil. For the purposes of the Act, section 3, subsection 3, also give a definition of quarries.

Articles 2 and 3. Section 112(4) of the Labour Code states that no wage or salary earner below the age of 18 years shall be required to do particularly laborious or unhealthy work; the types of work which are deemed to be laborious or unhealthy, shall, by virtue of section 115 of the Labour Code, be specified by Ordinance. Underground work is included among the types of work contained in the two lists drawn up by virtue of this Article of the Labour Code. However, it provides that subject to special authorisation by the medical authorities young workers aged between 16 and 18 years may as an exceptional measure be admitted to underground work. This possibility of making an exception is not applied in practice and its deletion is at present being considered. The abolition of this exception would be followed by a declaration made by the Government in accordance with Article 3 of the Convention.

Article 4. The provisions making it possible to control the age of admission to underground work are contained in sections 4, 172-174 and 178 of the Labour Code, as well as in sections 1 and 7 of the regulations relating to the trade union labour protection authorities exercising state supervision over the protection of labour.

The staff register and pay sheets as well as the workbook delivered to each worker (sections 1-5 of the Ordinance on workbooks) perform the function of registers required by the Convention.

Section 178 of the Labour Code governs the powers of inspectors whose task it is to control also the persons admitted to underground work and who are less than two years older than the specified minimum age. Paragraph (b) of this section of the Labour Code provides that inspectors shall be entitled "to require ... to be given all necessary explanations, as well as to be shown all papers, documents and information connected with the performance of their tasks".

HUNGARY

Labour Code, Act No. II of 1967 (LS 1967 - Hung. 2).

Governmental Decree No. 34/1967/X.8 for the application of Act No. II (LS 1967 - Hung. 2B).

Decree No. 4/1962/IV.5 of the Minister of Labour.

Article 1 of the Convention. Decree No. 4/1962/IV.5 classifies underground work in mines and quarries among types of work on which young persons under 18 may not be employed.

Article 2. According to Annex 2 of the above-mentioned Decree, persons who have not reached the minimum age may not be employed underground except in the case of adolescents not performing manual work or employed in the health services and, according to section 2 of the same Decree, with the exception of adolescents who have obtained a skilled worker's certificate. The specified minimum age is 16.

Article 4. The Central Council of Trade Unions is responsible for organising and supervising conditions of work.

The manager of an undertaking may be obliged to remedy any shortcoming that infringes the provisions governing employment by the trade union supervisory body which can impose fines and institute criminal proceedings. The undertaking is required to provide the labour protection inspector with all the necessary information and any documents he may need.

Article 5. Questions concerning conditions of work and life are governed by the Council of Ministers in collaboration with the Central Council of Trade Unions.

KENYA

The Mining Act (Laws of Kenya, Chapter 306).

The Mining (Safety) Regulations (Laws of Kenya, Chapter 306, Subsidiary Legislation).

The Employment of Women, Young Persons and Children Act (Laws of Kenya, Chapter 227).

Articles 1 and 2 of the Convention. Applied by the aforementioned legislation.

Article 4. The afore-mentioned legislation prescribes penalties in the event of contraventions.

The appropriate inspection service is maintained by the Ministry of Labour.

No requests have so far been made to any employer by workers' representatives for lists of persons employed underground and who are less than 2 years older than the specified minimum age of 16 years.

MEXICO

Political Constitution of the United States of Mexico, 1917.

Federal Labour Act of 2 December 1969 (LS 1969 - Mexico 1)
(Diário Oficial (D.O.) 1 April 1970, No. 26, p. 1).

Regulations respecting the employment of women and children in dangerous and unhealthy occupations, dated 31 July 1934
(LS 1934 - Mexico 3) (D.O. 11 August 1934, No. 36, p. 740).

Article 2 of the Convention. The provisions of section 175 I(d) of the Federal Labour Act and of section 13 of the Regulations respecting the employment of women and children in dangerous and unhealthy occupations which forbid the employment of minors under 16 years on underground work, implement this Article of the Convention.

Article 4, paragraph 1. The penalty for contravening the provisions of the Convention is contained in the provisions of sections 879 of the Federal Labour Act (which provides for a fine for an employer who violates the standards governing the work of minors) and 24, 25 and 27 of the Regulations respecting the employment of women and children in dangerous and unhealthy occupations.

Paragraph 2. An adequate inspection service is ensured by virtue of sections 540 I and 541 I of the Federal Labour Act which provide, in particular, that labour inspectors shall supervise the observance of labour standards, particularly those governing the work of women and minors.

Paragraph 3. Employers are responsible for the due observance of the provisions of the Convention.

Paragraphs 4 and 5. These provisions are self-sufficient since they obviously do not require regulations. By virtue of article 133 of the Constitution the fact of ratifying an international Convention incorporates these provisions in Mexican legislation with all the obligations that this implies.

Article 5. Before coming into force the Federal Labour Act was the subject of discussion in which all persons physical and moral who were liable to be affected in any manner by these new

provisions could take part. The Mexican Workers' Confederation even printed a special edition, at their own expense, of the draft which served as a basis for the discussion of the initiative which was subsequently submitted to the Congress of Mexico. The age of 16 years, specified as a minimum age by the Convention, for work underground is the result of the widest possible consultation.

NETHERLANDS

Act of 1810 respecting mines (underground and opencast) and quarries (Bulletin des lois, 1810, No. 285).

Act of 27 April 1904 respecting mines (Staatsblad, 1904, No. 73).

Royal Order of 20 January 1947 respecting quarries (ibid., 1947, No. 427).

Royal Order of 21 December 1964 respecting mines (ibid., 1964, No. 538).

Royal Order of 28 March 1968 (ibid., 1968, No. 168).

Royal Order of 28 June 1971 (ibid., 1971, No. 433).

Article 1 of the Convention. See section 9, subsection 1 of the Act of 1904 respecting mines and section 1, subsection 1 of the Order of 1964.

The laws and regulations on mines contain no provision applicable to underground work in quarries and the regulations laid down in this respect in section 9, subsection 2 of the Act of 1904 respecting mines are designed only to cover safety in the undertaking.

Article 2. The minimum age for employment in mines was fixed at 16 in 1906 and subsequently at 17 1/2 in 1965. In accordance with the provisions of Recommendation No. 124, Order No. 433 of 1971 raises this age to 18. This applies only to male workers since underground work always has been and still is absolutely forbidden for women.

Article 3. See under Article 2.

Article 4, paragraphs 1, 2 and 3. The application of this Article is ensured by the provisions of the Order of 1964 respecting mines, the enforcement of which is entrusted to the National Service for the Supervision of Mines (sections 324 et seq., of the Order of 1964). In accordance with section 325, the general inspector of mines and officials specially appointed for the purpose are responsible for supervision; these persons are also

entrusted, under Article 327, with reporting infringements. They carry out their duties in accordance with instructions laid down in section 331.

Sanctions provided for in the case of contravention of the provisions of the Order of 1964 respecting mines are contained in section 11 of the Mines Act of 1904.

Paragraph 4. Section 14 of the Order of 1964 stipulates that records must be kept of the relevant information and section 16 requires these records to be made available to officials of the National Service for the Supervision of Mines.

Paragraph 5. Section 16 of the Order of 1969 also stipulates that a copy or extract of these documents must be kept at the disposal of the said officials as well as of the worker-inspectors who are considered in this respect to be "workers' representatives". The documents mentioned in paragraphs 4 and 5 are attached to the report.

Article 5. The Mining Industry Board and the consultative body of the coal mining industry, comprising representatives of employers and workers, were able to state their views concerning amendments made to the Order of 1964 in connection with the provisions of the Convention.

Netherlands Antilles

There are no underground mines in the country.

Convention No. 124: Medical Examination of Young Persons (Underground Work), 1965

BULGARIA

Ukase No. 544 to promulgate the Labour Code (Izvestia na Prezidiuma na Narodonoto S'branie, (IPNB) 13 November 1951, No. 91, p. 1) (LS 1951 - Bul. 2).

Ukase No. 466 of 6 November 1957 to promulgate an Act amending and supplementing the Labour Code (Izvestia na Prezidiuma na Narodonoto S'branie, 15 November 1957, No. 92, p. 1) (LS 1957 - Bul. 2).

Ordinance No. A-87 of 7 September 1958 in respect of the pre-employment and subsequent periodical medical examination of wage earners and salaried employees (IPNB, 7 October 1958, No. 80, 1958) (LS 1958 - Bul. 7).

Act No. 467 of 5 November 1957 respecting mines and quarries
(IPNE, No. 92, 1957, p. 6).

Article 1 of the Convention. Section 3, subsection 2 of the Act respecting mines and quarries defines "mines" as referring to undertakings engaged in the extraction of substances from under the surface of the earth. Subsection 3 of the same section states that quarries can be opencast or underground.

Article 2. Section 120, subsections 1 and 3 of the Labour Code provides, in the case of wage earners and salaried employees under 18 years of age, for a pre-employment medical examination and for subsequent periodical examinations. A special list attached to the Ordinance respecting the pre-employment and periodical medical examination of wage earners and salaried employees specifies the processes and occupations concerned.

All persons engaged in underground work, including those under 21 years of age, must therefore undergo pre-employment and periodical medical examination.

The intervals between periodical examinations vary from 3 to 12 months.

Article 3. List No. 3, attached to Ordinance No. A.87, indicates the specialists who carry out the examinations and the laboratory analyses that must be made.

Article 4. Sections 4, 172 to 174 and 178 of the Labour Code, and sections 4 and 7 of the Regulations in respect of the trade union labour protection authorities exercising supervision on behalf of the State, provide for a system of inspection. In accordance with section 178 of the Labour Code and with section 18 of the Regulations in respect of the labour protection authorities, the labour inspectorate has access at all times to the up-to-date medical records of young persons under 21 years of age.

FINLAND

Occupational Safety Act (299/58) of 28 June 1958.

Decree respecting the application of the Occupational Safety Act to work referred to in section 2 of the Act (45/59) of 30 January 1959.

Resolution of the Council of State respecting medical examination of workers (referred to in section 44 of Occupational Safety Act 232/61) of 3 May 1961 (LS 1961 - Fin. 1).

Mines Act (503/65) of 17 September 1965.

Mines Decree (663/65) of 17 December 1965.

Labour Inspection Act (72/27) of 4 March 1927, (LS 1927 - Fin. 1.A).

Article 1. The term "mine" is not defined but in the Mines Act reference is made to that term. Extractive work, other than the work carried out to extract minerals from mines, is counted among operations to be supervised under the Occupational Safety Act.

Article 2. An obligatory medical examination is required in respect of all miners and a periodic re-examination (at intervals of 3 years) of workers exposed to the risk of silicosis.

Article 3. Only a registered physician can carry out a medical examination. An X-ray film is required both on the initial and on the periodic medical examination. The employer shall bear the cost involved by the medical examination.

Article 4. The national legislation provides methods of enforcement including the penalties for omission in this field and defines the authorities entrusted with the supervision. The record of persons employed is required without information on fitness for employment.

Article 5. Organisations of employers and workers give their views on regulations in this matter.

GABON

Decree No. 275 of 5 December 1962.

Article 1. The term "mine" excludes the extraction of hydrocarbons and similar substances (operation of quarries, gravel and sand pits).

Article 2. National legislation requires a pre-employment medical examination as well as subsequent periodical medical examinations.

Article 3. Undertakings may call on approved doctors to carry out medical examinations; they bear the costs of such examinations.

Article 4. Enforcement of these provisions is carried out by labour inspectors and controllers.

Article 5. A technical consultative committee on safety and hygiene has been set up.

HUNGARY

Act No. II of 1967 to promulgate a Labour Code (Magyar Közlöny, 8 October 1967, No. 67, p. 503).

Decree No. 34/1967.X.8 of the Government on the application of the Labour Code.

Decree No. 4/1962.IV.5 of the Ministry of Labour.

Decree No. 19/1963.IX.14 of the Ministry of Health.

Decree No. 134/1951.XII.12 of the Ministry of Health.

Employment of a worker on work implying risks to his health requires previous medical examination.

In all cases where the health of the worker is endangered as a result of the working conditions, periodical medical examinations are required. The medical examinations are carried out free of charge.

All workers employed underground shall, regardless of their age, undergo a medical examination to determine their fitness for work as well as periodical examinations carried out by doctors approved by the competent authorities. These examinations as well as the medical opinion concerning their fitness for the work in question shall be controlled by the National Institute of Hygiene.

By virtue of the legislation in force, minors below the age of 18 may not be admitted to work underground in mines, except as qualified workers having passed a medical examination to show their fitness for the work concerned. Young persons have to undergo an annual medical examination. X-ray of the lungs is part of the initial medical examination upon employment.

The Central Council of Trade Unions supervises the application of the provisions relating to conditions of work. The Ministry of Health supervises the implementation of measures concerning the protection of the worker's health, together with other state bodies.

Regulations concerning the conditions of work and life of workers are adopted together with the trade unions concerned.

MEXICO

Constitution of 1917.

Federal Labour Act of 1969.

Occupational Health Regulations of 1946.

Regulations respecting the Employment of Women and Children in Dangerous and Unhealthy Occupations, 1934.

Article 1 of the Convention. The Government states that account is taken of the provision and particularly of the fact that the Convention covers employment or work underground in quarries.

Article 2. Section 15 of the Occupational Health Regulations requires employers to arrange for their workers to be medically examined upon recruitment and at least every two years thereafter. Section P of Annex 3 of the same Regulations stipulates that the examination must take place annually in the case of work underground in mines.

Article 3. According to article 40 of the Constitution, the exercise of the medical profession requires authorisation from the competent official bodies. The certification of medical examinations is covered by sections 17 and 20 of the Occupational Health Regulations, which make it compulsory for the employer to keep a medical record of each worker in which all the information is certified by the competent authorities. Annex 2 of the said Regulations makes it compulsory to carry out X-ray examinations, particularly in the case of dust-generating industries. Section 15 of the Regulations provides that these examinations must be carried out free of charge.

Article 4. Section 879 of the Federal Labour Act stipulates the fines to be imposed on employers who fail to observe the provisions respecting the employment of minors. Penalties in this respect are also laid down in sections 72-76 of the Occupational Health Regulations. The Labour Inspectorate and General Directorate of Social Welfare supervise the observance of labour regulations. Sections 17 and 20 of the Regulations make it compulsory for medical records to be kept of all workers.

Article 5. The Government states that account is taken of the fact that the competent authority has to consult organisations of employers and workers.

NETHERLANDS

Mining Act of 1903 (Stb. 73, 1904).

Mining Regulations of 1964, Royal Decree of 21 December 1964 (Stb. 538, 1964).

Royal Decree of 28 March 1968 (Stb. 168 of 1968).

Royal Decree of 28 June 1971 (Stb. 433 of 1971).

Quarrying Regulations of 1947. Royal Decree of 20 January 1947 (Stb. 27, 1947).

Article 1 of the Convention. The term "mine" is defined in Article 9, paragraph 1 of the Mining Act of 1903, as well as Article 1, paragraph 1 of the Mining Regulations of 1964. The Mining legislation does not contain any provisions concerning labour in underground quarries.

Article 2. Persons under the age of 21, before they are employed underground, should be subjected to a medical examination "with a view to the dangers which their mental or physical condition may present to others and with a view to the particular health hazards to which they may be exposed in the execution of their work" and "for their suitability to perform work in underground workings" (Article 229, paragraph 1, as amended, of Mining Regulations 1964). Under paragraph 4 of Article 229, as amended, these persons should periodically be subjected to a medical examination, every time within a period of at most one year.

The practical implementation of these provisions will not meet with any objections. In actual fact these aspects - particularly the "suitability for employment underground" - formed part of the medical examinations without having been prescribed expressly.

2(2). Provision for an alternative medical check-up as referred to in this paragraph has been made in paragraph 6 of Article 229, as amended.

For the time being it is unlikely that this possibility will be utilised.

Article 3, 1(a) and (b). The medical examinations should be performed by the Industrial Medical Service, which should be attached to a coal mining enterprise.

The duties of the Industrial Medical Service have been laid down in Article 226 of the Mining Regulations of 1964. The Industrial Medical Service should be accredited by the Minister of Economic Affairs. Before proceeding to such an accreditation, the advice is taken of the Board of Assistance and Advice for Industrial Medicine. This Board also advises the Minister of Economic Affairs with regard to the accreditation of the industrial medical officers attached to the Industrial Medical Service.

The data obtained through the medical examination are administered by the Industrial Medical Service and kept in the files of the Service. Provision for the professional secrecy of the medical and administrative staff in the employment of the Industrial Medical Service has been made under Article 225 of the Mining Regulations of 1964.

In this connection reference is made to the provision contained in Article 252a of the Mining Regulations of 1964, as amended, and particularly to the second paragraph of this article.

2. Provision for the radiographic examination of the lungs has been made under Article 229a, paragraph 3, of the Mining Regulations of 1964, as amended.

3. The medical examinations take place within the framework of industrial medicine and, consequently, the person concerned does not have to pay for them.

Article 4. 1, 2, 3. All the statutory regulations required to satisfy the provisions of the Convention have been included in the Mining Regulations of 1964.

The State Control Service of the Mines is in charge of the supervision of the observance of the provisions of these Regulations. This Service comes under the competence of the Minister of Economic Affairs. The supervision is exercised by the Inspector-General of the Mines and other officials designated under Article 325 of the Mining Regulations of 1964.

Under Article 327 of these Regulations they are in charge of detecting any infringements upon the Regulations.

In the exercise of their duties they act in accordance with their instructions laid down in Article 331 of the Mining Regulations of 1964. The sanction on any infringements upon provisions of the Mining Regulations of 1964 has been laid down in Article 11 of the Mining Act of 1903.

4. The data referred to under (4) should be registered in pursuance of the provisions contained in Article 14 of the Mining Regulations of 1964. Article 16 of these Regulations provides, inter alia, that the officials of the State Control Service of the Mines should be given access to the relevant documents.

Article 5. The Council for the Mining Industry, which is the consultative body for the coal mining industry composed of representatives of both employers and workers, is given the opportunity to state its views with regard to any modifications of the Mining Regulations of 1964 considered necessary in connection with the provisions of the Convention.

Netherlands Antilles

There are no underground mines in the Netherlands Antilles.

POLAND

Act of 30 March 1965 respecting occupational safety and health
(Dziennik Ustaw, No. 13 of 6 April 1965) (LS 1965 - Pol. 1).

Decree of 22 April 1968 of the Minister for Health and Social Care
respecting prophylactic medical examination of workers
(Dziennik Ustaw, No. 14 of 15 May 1968).

Decree of 2 August 1968 of the Minister for Health and Social Care
respecting the register of factors harmful for health
(Monitor Polski, No. 39 of 17 September 1968).

Decree of 2 August 1968 of the Minister for Health and Social Care
respecting the scope of prophylactic examination and health
obstacles to admission to employment (Official Bulletin of the
Ministry of Health and Social Care, No. 17 of 1968).

The Act of 30 March 1965 introduces an obligation of initial medical examination for all workers. Besides, workers are subject to periodic re-examinations during their employment. The Minister for Health and Social Care determines, in consultation with the Committee for Labour and Wages and with the Central Council of Trade Unions, the types of examinations required, categories of workers covered by periodic re-examinations, and health obstacles to admission to employment.

The management of every undertaking is obliged to ensure that medical examination is carried out and to keep a register of the examination. Every worker is obliged to undergo such medical examination.

By the Decree of 22 April 1968, the Minister for Health and Social Care has determined the procedure for carrying out the examination, and has decided which medical services are competent to conduct it.

Pursuant to the above-mentioned Decree, initial medical examination is required for fitness for employment, as well as for workers who are to be employed at work harmful for their health. The initial examination also comprises a radiophotographic examination of the lungs.

The medical service which conducts the initial examination issues a certificate indicating whether there exist or not obstacles to admission of the person concerned to the particular job.

The above-mentioned Decree also requires that every worker undergo periodic re-examinations during his employment, if the work he performs is harmful for health or particularly heavy. The Decree of 2 August 1968 respecting the register of factors harmful for health contains a list of harmful factors in employment which require periodic re-examination of the workers concerned.

According to the provisions of the Decree of 2 August 1968 respecting the scope of prophylactic examination and health obstacles to admission to employment, the medical examination of workers employed underground is carried out by a physician from the factory dispensary, or by a physician from the labour hygiene dispensary, or by a district physician from the public medical service. These physicians are supervised by the regional industrial dispensaries. They must be qualified and approved by the health protection authority within local people's councils.

USSR

Fundamental Principles governing the labour legislation of the USSR and the Union Republics, adopted by Act of 15 July 1970 (Vedomosti Verkhovnogo Soveta SSSR-22.7.1970, n. 29, Text 265) (LS 1970 - USSR 1).

Fundamental Principles governing the health legislation of the USSR and the Union Republics - 1.7.1970.

Order No. 400 of the Minister of Health, dated 30 May 1969, concerning the conduct of pre-employment and periodical medical examination for workers.

Article 1 of the Convention. The term "mines" means any undertaking engaged in the extraction of useful minerals. Regulations concerning compulsory medical examinations in mines also apply to persons working in quarries.

Article 2. All young persons between the ages of 18 and 21 years must undergo compulsory medical examinations. Standard procedures and intervals have been laid down for the medical examination of all young people entering employment or working in mines.

Article 3. The examinations are carried out by a qualified practitioner of the medical and health unit, hospital or polyclinic responsible for the workshop concerned, and an X-ray film of the lungs is required on the occasion of the initial and of the periodical examinations. All types of medical care in the USSR are free of charge.

Article 4. The competent authority to ensure the effective enforcement of the legislation on medical examinations is the Trade Union Organisation. The appropriate penalties are provided. It is a generally accepted practice for undertakings to keep full records of workers, showing their dates of birth, the nature of their occupations, their fitness for particular types of work, etc. Representatives of supervisory authorities may acquaint themselves with these records upon request.

Article 5. A systematic supervision is exercised by the government authorities, the trade unions and the general public.

Convention No. 125: Fishermen's Competency
Certificates, 1966

BELGIUM

Act of 25 August 1920 on the safety of ships, amended by Article 10 of the Act of 30 July 1926 (Moniteur Belge, No. 223 of 11 August 1926).

Royal Order of 12 December 1957 to issue regulations for the inspection of ships (with its amendments) (Moniteur Belge, No. 354 of 20 December 1957).

Royal Order of 21 May 1958 on conferring of "brevets" diplomas, certificates and licences in the merchant marine, sea fisheries and pleasure craft (with its amendments) (Moniteur Belge, No. 172 of 21 June 1958).

Article 1 of the Convention. Under section 1 of the Royal Decree of 21 May 1958 the following are considered as fishing vessels: all ships and boats generally engaged in fishing, including those of less than 25 gross registered tons excepting, however, fishing vessels that are generally hand powered.

Article 2. Certain legal provisions apply specially to coastal fishing. That type of fishing is determined by the tonnage of the vessel, the maximum being 30 tons.

Article 3. The definitions given by this Article correspond in practice to the definitions used in Belgium.

Article 4. Sections 94.1 (b) and (c), and 94.2 of the Royal Decree of 12 December 1957, as well as various sections of the Royal Decree of 21 May 1958 amended by the Decrees of 14 March 1967 and 10 April 1970, lay down the standards relating to the qualifications entitling the holders of a certificate to perform the duties of skipper, mate or engineer on board a fishing vessel.

Article 5, paragraphs 1 and 2. The provisions of these two paragraphs are covered by section 94.1 of the Royal Decree of 12 December 1957.

Paragraph 3. These provisions are covered by section 94.2 of the same Decree, as amended by the Decree of 14 March 1967.

Paragraph 4. For sea fisheries the following certificates are issued:

- (a) diploma of trainee-skipper for fishing;
- (b) certificate of skipper for coastal fishing;

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- (c) certificate of skipper for second-class fishing;
 - (d) certificate of skipper for first-class fishing;
 - (e) licence to operate motors of less than 120 hp on board fishing vessels;
 - (f) certificate of seaman-mechanic (up to 275 hp);
 - (g) certificate of mechanic (up to 750 hp).

Under section 154 of the Order of 12 December 1957 the chief of the maritime inspection district may grant total, partial or conditional release from the application of one or more of the provisions if special circumstances make it possible to do so without endangering the ship or the crew.

Article 6, paragraph 1. The minimum age fixed by the Order of 21 May 1958 is:

- (a) skipper: 21 years;
- (b) mate: 21 years;
- (c) engineer: 20 years.

Paragraph 2. With respect to coastal fishing the minimum age is as follows:

- (a) skipper: 21 years;
- (b) mate: 18 years;
- (c) engineer: 18 years.

Article 7. There is no mate's certificate properly speaking. To act as mate on board ships of 200 gross tons the requirement is of at least 24 months' navigation, after completing the 3-year course of studies for trainee-skipper in fishing. The 3-year course provides for practical courses at sea.

Article 8, paragraph 1. The minimum professional experience required by the Order of 21 May 1958 to receive a skipper's certificate is equal or higher than the provisions of the Convention, according to the type of certificate, and is 96 months for a skipper's certificate in first-class fishing.

Paragraph 2. There is no requirement for part of the service to have been performed as a certificated mate. This is however generally the rule.

Article 9, paragraphs 1 and 3. According to Articles 29 and 30 of the Order of 21 May 1958 the minimum professional experience required to receive an engineer's certificate is 4 years, 2 of which are as a seaman-mechanic.

Article 10. With respect to certificates of skipper for second-class and first-class fishing, the trainee-skipper's diploma for fishing (requiring 3 years' study) is taken into account for deducting 12 months' navigation.

Article 11. All examinations for the certificates of skipper and engineer are held before a central jury organised by the State. The programmes of examinations amply cover the subjects provided for in this part of the Convention.

Article 12. Examinations for skippers include under the heading "sea fishing" the following subjects:

- manufacture, maintenance, manipulation and operation of fishing gear;
- measures to protect the reserve of sea fish and processing of fish on board.

Article 13. No use is made of the possibility mentioned in this provision.

Article 14, paragraph 1. The maritime inspection service and the maritime commissioner supervise the national provisions with respect to the professional capacity of fishermen.

Paragraph 2. Articles 1, 3, 11, 14 and 16 of the Act of 25 August 1920 on the safety of ships cover the provisions of paragraph 2 of this Article of the Convention.

Penal or disciplinary sanctions are provided by Articles 25 et seq., of the Act of 25 August 1920.

The maritime inspection service organised by Royal Decree of 12 December 1957, as well as the service of the maritime commissioners supervise the application of the legal provisions concerning the safety of ships.

Convention No. 127: Maximum Weight, 1967

SPAIN

Order of 2 June 1961 (Boletín Oficial del Estado, No. 143, 16 June 1961).

Decree of 26 July 1957 (Boletín Oficial del Estado, No. 217, 26 August 1957) (LS 1957 - Sp. 1).

Order of 6 February 1971 (Boletín Oficial del Estado, No. 47, 24 February 1971).

Article 1 of the Convention. The Order of 2 June 1961 applies to loads and devices used in manual transport, loading and unloading. In the regulations on work prohibited to women and young persons on account of its dangerous or unhealthy nature, approved by the Decree of 1957, limitations are laid down for males under 16 and between 16 and 18 years of age and for females under 18, between 18 and 21, etc.

Article 2. The Convention applies to all branches of economic activity and the Labour Inspectorate is competent with regard to all these branches.

Article 3. The Order of 2 June 1961 prohibits the manual transport of loads exceeding 80 kilos.

Articles 4, 5 and 6. The provisions of these three Articles are complied with by virtue of special regulations for each sector, such as the regulations on the safety, health and welfare of dock workers (Order of 6 February 1971), as well as the internal regulations of individual undertakings.

Article 7. The manual transport of loads is included in the classification of work performed by male labourers and is not generally performed by women or young workers. Subsection (f) of section 1 of the Decree of 1957 establishes limits for work in which loads are transported, pushed or pulled by female and young workers, according to age and the means used.

The inspection services come under the laws and regulations governing the National Labour Inspectorate.

Convention No. 128: Invalidity, Old-Age and
Survivors' Benefits, 1967

AUSTRIA

General Social Insurance Act ("ASVG") (Bundesgesetzblatt
No. 189/1955) (LS 1955 - Aus. 3) as amended.

Part III

Article 15 of the Convention. Persons are entitled to old-age pensions at age 65 (males) or age 60 (females). (ASVG section 253, section 270 and section 276). An insured person is entitled at age 60 (males) or age 55 (females) to an anticipated old-age pension in case of unemployment, or if he has completed a prolonged period of insurance (ASVG section 253(a) and (b) and

section 276(a) and (b). No statutory provisions exist for lowering the initial pensionable age to below 65 years in respect of persons who have been engaged in arduous or unhealthy occupations.

Article 16. The persons protected cover all employees, including apprentices.

Article 17. Recourse is had to the provisions of Article 26 of the Convention for the calculation of benefits. The old-age pension consists of a basic amount equal to 30 per cent of the pensionable earnings, and of an increment equal to a prescribed proportion of the pensionable earnings.

Article 18. The qualifying period which must be completed in order that a person may be entitled to the old-age pension amounts to the minimum of 180 valid months of contributions and in general the one-third coverage. After 15 years insurance the old-age pension amounts to 50 per cent, and the miner's old-age pension (without supplementary benefit) to 55 per cent, of the pensionable earnings.

Article 19. The old-age pensions are principally paid throughout the contingency. Suspension of entitlement to benefits is in general provided during absence abroad, during imprisonment and during receipt of cash sickness benefit. Where the right to pension is suspended, one half of the suspended pension shall be paid to dependants resident in Austria who would be entitled to a survivor's pension.

Part V

Article 29. Adjustment of old-age pensions (or miner's old-age pensions) to changes in cost of living is determined each year. On the basis of a recommendation of the Advisory Council on pension adjustment the Federal Minister of Social Administration decides whether the coefficient to be used in adjustment of pensions should be the changes in the average level of pensionable earnings or whether some other factor should be applied (ASVG, section 108e, subsection 10). Old-age pensions, for which the day of reference was prior to January of the previous year are increased by application of the coefficient with effect on 1 January of each year. This adjustment is automatically applied (ASVG, section 108k).

Part VI

Article 30. The right to any of the benefits is subject to the general condition that the qualifying period and the one-third coverage must be completed by insurance months. For the purpose

of completing the qualifying period and the one-third coverage, credit is given for valid insurance months in any branch of the pension insurance scheme; in the case of miner's pensions, credit is given only for valid insurance months under the miner's pension insurance scheme.

Article 31. There is entitlement to an old-age pension or miner's old-age pension only if - among other conditions - the insured person is not compulsorily covered by pension insurance on the day of reference. As regards partial suspension of entitlement to benefit while the pensioner is in receipt of earnings, the basic amount of the premium is reduced. Such reduction ceases as soon as the pensioner reaches age 65, and the number of months of contribution amounts to not less than 540 (ASVG section 94, subsection 1).

Article 33. The invalidity pension is paid as an old-age pension when the beneficiary reaches the pensionable age.

Article 34. There is a social insurance arbitration tribunal in each of the nine provinces. The appellant can be represented by a lawyer of his own choice or by some other qualified person of his own choice.

Article 35. The ability of the pension institution to provide benefits is insured, in addition to the contributions of employees and employers, by contributions from the Federal Government and by public supervision. The financial conduct of the pension institutions is governed precisely by the Financial Regulations for Austrian Insurance Institutions.

Article 36. The organs of management of each insurance institution established under the general social insurance scheme consist in principle of representatives of employed persons and employers.

Part VII

Article 37. The grandparents, adoptive parents and step-fathers or step-mothers of the employer, and also children, grandchildren, adopted children, step-children and children-in-law of a farmer, whether such persons live in the same house as the employer or not, if they are employed on his farm as their main occupation and draw their livelihood mainly from the proceeds of the farm, are excluded from the obligation to be insured under pension insurance. Employees and home workers are excluded from the obligation to be insured in respect of petty (geringfügige) employment (ASVG section 5, subsection 1).

Article 38. No use has been made of paragraph 1 of this Article.

Article 39. A declaration has been made to the effect that public servants are excluded from application of the Convention. According to the Pension Act 1965 a retired federal official is entitled to a monthly retirement benefit equivalent to those required in the Convention, if his total pensionable service is not less than 10 years.

Pension insurance of wage earners is applied by three institutions. Application for salaried employees lies with an autonomous institution, miner's pension insurance is applied by the Insurance Institution for the Austrian Mines. The insurance institutions, together with their establishment and equipment, are subject to supervision at the federal level. This is incumbent on the Federal Minister of Social Administration as supreme supervisory authority.

CYPRUS

Law No. 2 of 6 April 1964 to amend and consolidate the Social Insurance and Workmen's Compensation Laws, and to institute a scheme providing cash benefits for marriage, maternity, sickness, unemployment, widowhood, orphanhood, old age, accidents and death (Episemos Ephemeris (E.E.), 6 April 1964, No. 307, First Supplement, Part I, p. 189) (LS 1964 - Cyp. 1), as amended by Laws Nos. 3 of 1966 (E.E., 3 February 1966, No. 474, First Supplement, Part I, p. 303), 18 of 1968 (E.E., 22 March 1968, No. 643, First Supplement), 48 of 1969 and 23 of 1970.

Article 1(h) of the Convention. The term "child" is legally defined as a person who is under the age of 15 years, or between the ages of 15 and 18 years if he is receiving education. The law also covers unmarried persons over 15 years of age who are permanently incapable of self-support.

Article 2. Cyprus has accepted the obligations of the Convention in respect of Part IV.

Article 6. Effect is given to Part IV of the Convention by means of the compulsory insurance scheme administered by the Government.

Article 20. National legislation provides for the payment of widows' pensions, orphans' benefits and death grants.

Article 21. A widow whose husband satisfied the relevant contribution conditions at the date of his death is entitled to a widow's pension, irrespective of whether she was supported by him or not. Orphan's benefit is payable to a person having the care of a child at least one of whose parents was insured.

Article 22. National legislation protects the widows and children of all employed and self-employed persons, constituting 82 per cent of the total economically active population.

Article 23. Survivors' benefits are calculated in accordance with Article 27 of the Convention. The ordinary labourer selected in accordance with Article 27(4)(b) is a labourer in the building industry. His wages amount to £8.400 mils per week. The amount of benefit granted is £3.200 mils per week (i.e. £2, increased by £1.200 mils for two dependants). No family allowances are payable. The benefit payable during the contingency is 43 per cent of the ordinary labourer's standard wage.

Article 24. Entitlement to a widow's pension is conditional on the completion by the breadwinner of a qualifying period of three years' contributions and a yearly average of contributions paid and credited of not less than 50. A reduced pension is payable if the yearly average of contributions is not less than 20.

Article 25. A widow's pension is payable for life or until the widow remarries. Orphan's benefit is payable until the beneficiary ceases to be a child within the meaning of the law. A widow's pension is not suspended for any of the reasons given in Article 32 of the Convention.

Article 29. The Minister may order a review of the rates of benefit in relation to changes in the cost of living.

Article 30. The question of maintaining rights in course of acquisition does not arise.

Article 33. A person entitled to two benefits at the same time receives the benefit at the higher rate.

Article 34. Where a claim to benefit is disallowed in full or in part, the claimant is entitled to appeal and to be represented on appeal by a qualified person.

Article 35, paragraph 1. The Minister has power to order a review of the financial condition of the insurance institution every five years and also to order interim reviews at any time.

Paragraph 2. The social insurance scheme is administered by a government department.

Article 37. No employees or self-employed persons are excluded from protection.

Article 38. National legislation covers persons employed in the agricultural sector.

The administration of the social insurance scheme is entrusted to the Department of Social Insurance of the Ministry of Labour and Social Insurance. The application of the legislation is supervised by an inspectorate under the direction and control of the Department of Social Insurance.

NETHERLANDS

Netherlands Antilles

Old-age pensions and widows' and orphans' pensions exist for the whole population, but do not attain the percentage stated in the Convention.

NORWAY

National Insurance Act of 17 June 1966 (Norsk Lovtidend, n. 23, 1966) (LS 1966 - Nor. 3).

Act on Compensation Supplement to Benefits from the National Insurance Scheme of 19 June 1969 (N.L. n. 19, 1969).

Act on Appeals to the Social Security Review Board of 16 December 1966 (N.L. n. 1, 1967).

Part II - Invalidity Benefit

Article 8 of the Convention. To qualify for an invalidity pension, it is required that the earning ability has been permanently reduced by at least one-half due to illness, injury or a defect.

Article 9. Paragraph 1(a) is applied. The National Insurance Act includes all the groups mentioned. The total number of employees was, in 1969, 1,199,529 and the number of protected employees was 1,199,529.

Article 10. Article 26 is applied. The invalidity pension consists of the basic pension and the supplementary pension which is calculated in relation to a set basic amount. The basic amount is adjusted each year in accordance with changes in the cost of living and the general level of income. The full basic pension is granted after 40 insured years. If the combined period of insurance is less than 3 years no basic pension is given.

The supplementary pension is calculated on the basis of the beneficiary's previous earned income. Anyone who has a wage income or other earned income larger than the basic amount is credited with pension points every year. The recipient must have at least 3 point-years. If he has 40 point-years he receives the full supplementary pension. Fewer than 40 point-years results in a correspondingly reduced pension. In addition to the invalidity pension the beneficiary has a right to compensation supplements. If the basic pension is reduced because the insured periods is shorter than 40 years, the compensation supplement is correspondingly reduced. To the extent that the beneficiary has not earned a supplementary pension he will also be entitled to special supplements. If full invalidity pension is not granted because of the earning ability being only partially reduced, the special supplement is determined proportionally. It ceases to the extent a supplementary pension is granted by the National Insurance Scheme. The benefit rates for invalidity pensions are calculated on the basis of the wages of the skilled male employee. After 15 insured years, the benefit increased by the family allowance payable during the contingency attains, for a man with a wife and two children 55.1 per cent of the previous earning plus family allowances.

Article 11. The minimum requirement for entitlement to an invalidity pension is 3 insured years immediately prior to the time when the claim is made, or 1 insured year immediately prior to the claim being made if the claimant, during this period, has been mentally and physically able to engage in a normal earning capacity for at least 1 year.

Article 12. A granted invalidity pension is given as long as the contingency lasts or until the beneficiary becomes eligible for old-age benefits.

The invalidity pension (both the basic and the supplementary pension) is granted in principle only as long as the beneficiary remains in the country.

If the pension is suspended because of conditions set out in Article 32, paragraph 1(a), (c) or (f) of the Convention, the suspension also applies to the family supplement. In cases where the pension is reduced on account of conditions set out in Article 32, paragraph 1(b), special provisions apply for calculating the family supplement.

Article 13. A national rehabilitation machinery has been set up to facilitate the placing in employment of persons who are functionally handicapped because of illness, injury or defect. The expenditures in the rehabilitation are covered by the Government. Sheltered undertakings for the vocationally handicapped have been established. In those cases where it is not possible to obtain work as an employee for the handicapped person on the open labour market, the invalidity benefit scheme will be able to finance the establishing of an independent occupational activity. This financing can be done in the form of a grant and/or loan.

Part III - Old-age Benefit

Articles 14 and 15. A person becomes eligible for an old-age pension when he reaches the age of 70. The age limit is 65 years for forestry workers, fishermen and seafarers.

Article 16. See Article 9 above.

Article 17. See Article 10 above.

The standard beneficiary is a man with a wife who is of pensionable age. According to the National Insurance Act, section 7, paragraph 2, the wife in such a situation will be entitled to an independent pension. Her husband's insured period will form the basis of her pension if that is the longer of the two. She will also be eligible for the special supplement and the compensation supplement. After thirty years of insurance, the benefit for the standard beneficiary attains 66.9 per cent of the previous earning.

Article 18. Forty insured years (point-years) are required for a full pension. A standard beneficiary who has completed an insured period of 15 years is eligible for basic pension, supplementary pension, compensation supplement.

Article 19. An old-age pension is granted until the death of the beneficiary. The old-age pension is granted regardless of where the beneficiary lives. Reference is made to Article 12.

Part IV - Survivors' Benefit

Article 21. There is no definite age limit as a requirement for a survivor's pension. The pension is granted if the surviving spouse, from the point of view of age, earning ability, actual occupational possibilities and other circumstances, cannot be assumed able to obtain an annual earned income surpassing 50 per cent of the basic amount. In the case of a higher anticipated income, the pension is reduced according to a fixed scale.

If the surviving spouse is disabled or has the care of the children of the deceased and for that reason cannot be expected to have an annual earned income beyond 50 per cent of the basic amount, she will be granted full survivor's benefits.

The marriage must have lasted for at least five years.

Article 22. See Article 9 above.

Article 23. Reference is made to information under Article 10 above.

The full survivors' pension consists of a basic pension equal to the basic amount supplemented by 55 per cent of the supplementary pension which the deceased would have received if he, prior to his death, has been entitled to full invalidity benefits, or 55 per cent of the supplementary pension the deceased was entitled to as a disabled pensioner with full disability or as an old-age pensioner.

If the deceased, because of the length of the insured period, would have received or had a reduced basic pension, the survivors' basic pension is reduced proportionately, although in such a way that the survivors' own insured period, calculated forward to the time when the survivor will reach the age of 70, is made the basis, if this period is longer.

In addition to the survivors' pension, the beneficiary is eligible for benefit under the Act on compensation supplement and, to the extent to which the deceased had not earned the right to a supplementary pension, under the Act on special supplements.

The benefits for a standard beneficiary include basic pension, supplementary pension, children's pension for two children and compensation supplement for the first quarter of 1970; it attains 58.5 per cent of the previous earnings plus family allowances.

Article 24. The minimum requirement for eligibility for survivors' benefits is three years' insured period immediately prior to the time the claim is made. Paragraphs 1 and 2 are applied when calculating the percentage of coverage. Forty insured years (point-years) are required for full pension. If the insured period of the surviving spouse is longer than that of the deceased, her period is made the basis for the calculations. The widow of a standard beneficiary who had completed an insured period of five years will be entitled to the survivors' pension depending on how long it is until the deceased would have been 70 or how long it is until she will be 70 years old.

Article 25. Survivors' benefits are granted as long as the contingency lasts. See under Article 12 above.

Part VI - Common Provisions

Article 31. In the case of old-age benefits none of these provisions are applied.

Eligibility for the invalidity pension is dependent on the earning ability of the beneficiary being permanently reduced by at least one half.

Eligibility for a survivors' pension is dependent on the fact that the surviving spouse, because of age and earning ability, the

existing earning possibilities and other circumstances cannot be expected to have an annual earned income that exceeds 50 per cent of the basic amount.

Article 33. Granted disability pensions cease when the beneficiary becomes entitled to an old-age pension. The full invalidity pension and the full old-age pension are in principle equal to each other. A person who becomes disabled after reaching the age of 70 is not eligible for invalidity benefits.

Granted survivors' pensions cease when the beneficiary becomes eligible for either an old-age pension or an invalidity pension. In no case can the old-age pension or the invalidity pensions be less than the benefit the beneficiary has earned as a survivor.

In the event a person is eligible for benefits from several social insurance schemes because of the same contingency, the benefits of the National Insurance Scheme are to be paid in full. Any reduction is to be made in any other benefits to which the beneficiary is entitled. No reduction can ever be made by a larger amount than what is to be paid under the National Insurance Act.

Article 34. The right to appeal a decision on individual rights and duties under the social insurance Acts is assured and the time limit for appeals is six weeks from the date a written announcement on the decision and on the right to appeal and the time limit for the appeal has been received by the beneficiary. The beneficiary has the right to legal counsel. The court costs in the Social Security Review Board are free. The legality of the decision handed down by the Social Security Review Board can be tried by the regular courts.

Article 36. See Article 35.

Part VII - Miscellaneous Provisions

Article 37. Alien seafarers aboard Norwegian ships in traffic abroad are not covered by the National Insurance Scheme unless they reside in Norway. If these persons are to be included, point (c) is applied.

Article 38. Article 38 is not applied.

Insurance schemes under this Convention are administered by the National Insurance Institution, with county committees and local insurance offices as local bodies. The National Insurance Institution supervises the local bodies and issues more detailed rules and regulations as to the duties of such bodies (Chapter 13 in the National Insurance Act).

SWEDEN

Public Insurance Act of 25 May 1962 (No. 381) (LS 1962 - Swe. 1), as amended by the Acts of 10 May 1968 (No. 239), 6 December 1968 (No. 628), 23 May 1969 (No. 161), 9 May 1969 (No. 203), 9 May 1969 (No. 206), 5 December 1969 (No. 650), 27 May 1970 (No. 141) and 27 May 1970 (No. 186).

Act of 25 May 1962 respecting spouses' allowances and municipal housing grants, as amended by the Act of 9 May 1969 (No. 208) and Act No. 189 of 1970.

Act of 9 May 1969 (No. 205) respecting general supplements to national pensions, as amended by the Act of 27 May 1970 (No. 187).

Act of 25 May 1962 (No. 398) respecting the financing of the national pension scheme, as amended by Acts Nos. 74 and 147 of 1965 and 39 and 648 of 1967.

Act of 31 May 1963 (No. 192) and the Act of 28 May 1968 (No. 243) respecting the contribution rates for supplementary pension insurance for the years 1965-69 and 1970-74.

Part I - General Provisions

Article 2 of the Convention. Sweden has accepted the obligations of the Convention in respect of Parts II to IV.

Part II.- Invalidity Benefit

Article 8. Invalidity benefit is payable if a person's capacity to engage in gainful activity is reduced by at least 50 per cent on account of sickness or any other impairment of his physical or mental faculties, if such impairment is deemed to be permanent or is expected to persist for a considerable period of time. Special attention must be paid to the capacity of elderly insured persons to continue to earn a living from gainful activity.

Article 9. Recourse is had to paragraph 1(b). The whole of the economically active population is protected, but only Swedish citizens are entitled to a national pension.

Article 10. Basic and supplementary invalidity, old-age and survivors' pensions are paid together every month. To maintain the value of the benefits, the base amount is calculated every month and related to the official consumer price index. The rate is increased or reduced whenever the index rises or falls by 3 per cent. The basic pension is paid at a fixed rate, regardless

of earnings or employment. The basic pension is increased by a general supplement and a children's supplement, which are also calculated as a percentage of the base amount. The supplementary pension is calculated in the light of the average number of pension points credited to the insured person in proportion to his income in the course of his career. The rate of invalidity benefit granted to an ordinary beneficiary (a man with a wife and two children) is equal to 44.8 per cent of his previous earnings, plus family allowances, in the case of a skilled male worker.

Article 11. Entitlement to an invalidity pension is not conditional on any qualifying period. Entitlement to a full supplementary invalidity pension is conditional on the beneficiary's accrual of pension points for at least 30 years.

Article 12. A basic pension and supplementary pension are granted until the beneficiary reaches the age of 67 or acquires an entitlement to an old-age pension. In certain cases a pension is suspended if the person is not resident in Sweden and, in certain other cases, it is reduced if the beneficiary is maintained at public expense. In these latter cases, the remaining fraction of the pension is paid wholly or partly to any person who is dependent on the beneficiary.

Part III - Old-Age Benefit

Article 15, paragraph 1. The prescribed age for a pension is 67.

Paragraph 2. A full pension is granted if the beneficiary ceases to engage in gainful activity. Benefit may be paid before the age of 67, but not before the age of 63, the rate of the pension being reduced by 0.6 per cent for each month remaining until the prescribed age.

Paragraph 3. No particular provision is made for persons engaged in arduous or unhealthy occupations; special account has nevertheless to be taken of age in assessing the capacity of persons claiming invalidity pensions.

Article 16. Recourse is had to paragraph 1(b). All the economically active population is protected, but the basic pension is granted only to Swedish citizens, unless provision to the contrary is made by international convention.

Article 17. See Article 10 above. For an ordinary beneficiary (a man with a wife who has reached the pensionable age), the benefit is equal to 82.3 per cent of his previous earnings.

Article 18, paragraph 1. Entitlement to a basic pension is not conditional on a qualifying period, but a full supplementary pension is conditional on a qualifying period of 30 years.

Paragraph 2. If the beneficiary has accrued pension points for 15 years, he is entitled to 50 per cent of the supplementary pension.

Article 19. In principle the basic pension and the supplementary pension are granted throughout the contingency.

Part IV - Survivors' Benefit

Article 21, paragraph 1. A childless widow is entitled to a basic widow's pension if she had reached the age of 36 on her husband's death. No minimum age is prescribed for the supplementary pension.

Paragraph 2. No age is prescribed for the basic pension if the widow has dependent children; no account is taken of invalidity.

Paragraph 3. To be entitled to a basic pension and a supplementary pension, a childless widow must have been married for at least 5 years.

Article 22. Recourse is had to paragraph 1(b). Protection is provided for the widows and dependent children of gainfully active beneficiaries; the basic pension is in principle granted only to Swedish citizens.

Article 23. Recourse is had to Article 26. See Article 10 above. Entitlement to a supplementary pension is conditional on a qualifying period of 5 years. The benefit payable to an ordinary beneficiary (a widow with two children) is equal to 42.4 per cent of the deceased breadwinner's earnings, plus family allowances, in the case of a skilled male worker.

Article 24. Entitlement to a basic pension is not conditional on a qualifying period. To be entitled to a full supplementary survivors' pension, a beneficiary must have accrued pension points for at least 30 years.

Article 25. The basic pension for a widow is payable until the age of 67 or until she is granted an old-age pension at an earlier age. The basic pension for a child is payable until the age of 16.

The supplementary pension for a widow is payable for life and the supplementary pension for a child until the age of 19.

If the person is not domiciled in Sweden, the basic pension is suspended. A widow's or child's pension may be reduced if the beneficiary is maintained at public expense.

Both the basic pension and the supplementary pension may also be suspended or reduced in the cases covered by Article 32 (1)(c), (d), (e) and (g).

Part VI - Common Provisions

Article 30. The basic pension is not conditional on a qualifying period. The pension points accrued each year on the basis of the person's earnings are taken into account in the calculation of supplementary pensions.

Article 33. If a person is entitled to two or more widows' pensions, only the higher or highest rate is payable or, if the rates are equal, the rate deriving from the person's last husband. If a person is entitled to a basic pension on account of both invalidity and widowhood, only one pension is payable, at the option of the beneficiary.

Article 34. Every person has the right to appeal if benefit is refused and to complain against the conditions in which, or rate at which, benefit is granted.

Article 35. The Swedish Government is in the last instance responsible for the grant of benefit and the administration of the pension schemes.

Article 36. See Article 35.

Part VII - Miscellaneous Provisions

Article 41. Recourse is had to paragraph 2(b). The number of persons receiving widow's or children's benefit was 142,000 on 1 January 1969. The basic pension for a child is granted until the age of 16, with no possibility of a prolongation for children referred to in Article 1(h)(ii). In the case of a childless widow, there is no exception to the prescribed age of 36, as provided for in Article 21(3)(a). The entitlement of a childless widow to a supplementary widow's pension is conditional on her marriage having taken place not later than her husband's sixtieth birthday. In these three respects, Swedish legislation prescribes somewhat narrower provisions than the Convention.

On the other hand, Swedish legislation has no recourse to the provisions of Article 21(2) and (3).

The application of the pension scheme as a whole is supervised by a central national board, which is directly responsible to the Government.

This central board is also the first instance of appeal and is competent to examine complaints made after the expiry of the time allowed for an appeal.

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 reports have been communicated: Algeria, Argentina, Australia, Austria, Brazil, Burundi, Canada, Ceylon, Colombia, Cyprus, El Salvador, Finland, France, Gabon, Ghana, Greece, Guinea, Guyana, Iceland, India, Indonesia, Iraq, Ireland, Israel, Italy, Jamaica, Japan, Kenya, Kuwait, Luxembourg, Malta, Morocco, Netherlands, Nigeria, Senegal, Sierra Leone, Sweden, Switzerland, Syrian Arab Republic, Tunisia, Uganda, United Kingdom, United States, People's Democratic Republic of Yemen, Zambia.

The Government of Cuba has stated that copies of its reports have been communicated to the Cuban Workers' Union and to the managements of agricultural, industrial, transport and foreign trade undertakings.

The Government of Mongolia has stated that copies of its reports have been communicated to the Central Council of Mongolian Trade Unions and to the Central Council of Industrial Co-operatives.

The Government of Norway has stated that copies of its reports will be communicated to the General Confederation of Trade Unions in Norway and to the Norwegian Employers' Confederation.

The Government of Poland has indicated that copies of its reports have been sent to the Central Council of Trade Unions and to the Polish Employers' Office for International Co-operation.

The Government of Rumania has stated that copies of its reports have been sent to the General Federation of Trade Unions.

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.

France. Copies of the reports have been communicated to the local employers' and workers' organisations in the overseas departments (French Guiana, Guadeloupe, Martinique, Reunion).

COMMUNICATION OF COPIES OF REPORTS TO THE REPRESENTATIVE 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 relating to Hong Kong have been communicated to the Labour Advisory Board.

The reports from the following territories state that at present there are no representative employers' or workers' organisations: Guernsey, Jersey.

In addition, copies of all reports supplied in respect of non-metropolitan territories have been communicated to the British Employers' Confederation and to the Trades Union Congress.

LIST OF REPORTS CONTAINING INFORMATION WHICH
HAS NOT BEEN SUMMARISED

- A. Reports containing information on important changes in the implementation of Conventions, or information supplied in reply to Observations or Direct Requests made by the Committee of Experts.
- B. Reports containing information on the practical effect given to Conventions, or on minor changes in their implementation.
- C. Reports merely repeating or referring to the information previously supplied.

Country	A Conventions Nos.	B Conventions Nos.	C Conventions Nos.
Algeria	17, 29, 78, 81, 88, 95	14, 19, 42, 89, 101	13
Argentina	2, 29, 32, 68, 81, 88, 95, 105	4, 6, 12, 16, 17, 18, 19, 22, 41, 42, 73, 79, 90	10, 23, 34, 52, 53, 71, 77, 78
Australia	18	10, 19, 63, 88	12, 16, 22, 29
Austria	19, 81, 94	2, 6, 12, 17, 24, 25, 29, 42, 63, 89, 95, 101, 105	10, 11, 21, 27, 87, 98
Brazil	12, 19, 81, 88, 94, 96, 105, 113, 115	6, 22, 42, 52, 89, 95, 101, 107	16, 29, 53, 104
Burundi	14, 26, 29, 50, 62, 64	4, 12, 17, 18, 19, 89, 94	11, 27, 42
Canada	63, 105	88	16, 22, 69, 73, 74
Ceylon	16, 29, 81	18	63, 89, 90, 96
Colombia	2, 8, 12, 22, 23, 24, 25, 88	18	4, 16, 19, 52, 105

INFORMATION NOT SUMMARISED

Country	A Conventions Nos.	B Conventions Nos.	C Conventions Nos.
Cuba	29, 52, 92, 101, 105	17, 18, 42, 79	4, 6, 10, 12, 16, 19, 22, 23, 63, 77, 78, 81, 87, 89, 90, 94, 95, 96, 98, 104
Cyprus	44, 88, 95, 105, 114, 121, 124	2, 81	16, 19, 29, 89, 90, 94
Denmark	-	102	-
Faroe Islands	8	106	-
Ecuador	2, 24, 29, 95, 98, 103, 105, 111	100	-
El Salvador	105	-	12, 104
Finland	12, 29, 63, 81, 96, 105	2, 17, 22, 53, 92, 94	16, 18, 19, 52, 73
France	10, 36, 38, 52, 53, 55, 77, 78, 92, 96, 101	12, 22, 44, 56, 71, 73, 74, 81, 88, 95, 114	2, 6, 16, 23, 29, 63, 69, 82, 89, 94, 113
Overseas Departments:			
French Guiana	10, 53, 55, 77, 78, 92	12, 22, 44, 56, 71, 73, 81, 95	2, 6, 16, 23, 29, 52, 63, 69, 74, 82, 85, 88, 89, 94, 96, 101, 113, 114
Guadeloupe	10, 53, 55, 77, 78, 92	12, 22, 44, 56, 63, 71, 73, 81, 95	2, 6, 16, 23, 29, 52, 69, 74, 82, 85, 88, 89, 94, 96, 101, 113, 114
Martinique	10, 53, 55, 77, 78, 92	12, 22, 44, 56, 63, 71, 73, 81, 95	6, 16, 23, 29, 52, 69, 74, 82, 85, 88, 89, 94, 96, 101, 113, 114

INFORMATION NOT SUMMARISED

Country	A Conventions Nos.	B Conventions Nos.	C Conventions Nos.
Reunion	10, 53, 55, 77, 78, 92	12, 22, 44, 56, 63, 71, 73, 81, 95	2, 6, 16, 23, 29, 52, 69, 74, 82, 85, 88, 89, 94, 96, 101, 113, 114
Gabon	-	19	13
Ghana	19, 65, 81, 115	22, 74, 89	16, 23, 29, 69, 88, 90, 92
Greece	29, 52, 55, 81, 88, 95, 98, 105	2, 6, 17, 69, 89, 90	16, 19, 42
Guinea	10, 52, 62, 81, 94, 95, 115, 117, 118, 120, 122	16, 17, 18, 89, 90, 105, 112, 113, 114, 119	29
Guyana	12, 19, 42, 81, 82, 105, 115	-	2, 10, 29, 65, 94, 95
Iceland	2, 29, 105	-	-
India	29, 81, 88, 111	16, 18, 26, 42, 89, 90	4, 6, 19, 22, 118
Indonesia	-	19	-
Iraq	16, 17, 18, 19, 42, 52, 77, 78, 88, 95, 105	22, 89	-
Ireland	105	6, 10, 44, 63, 69, 74, 81, 89	2, 16, 19, 22, 23, 29, 92
Israel	117	-	-
Italy	-	22, 23, 53, 69, 71	16, 73
Jamaica	81, 94	-	7, 16, 29, 65
Japan	16, 81, 96	18, 22, 42, 88	2, 10, 19, 29, 73
Kenya	2, 63, 81, 88	12, 17	19, 45, 65, 89, 94, 105
Khmer Republic	29	4, 6	-
Kuwait	52	89	-

INFORMATION NOT SUMMARISED

Country	A Conventions Nos.	B Conventions Nos.	C Conventions Nos.
Luxembourg	2, 29	12, 17, 18, 19, 24, 25, 42	6, 10, 27, 28, 81, 90, 105
Malta	81, 95	12, 42	2, 10, 16, 19, 22, 29, 88, 89, 105
Morocco	2, 55, 94, 101, 105	4, 12, 17, 18, 41, 42, 52, 81	19, 22, 29, 65, 104
Netherlands	24, 25, 29, 44, 71, 81, 88, 91, 105, 115	16, 69, 73, 74, 89, 90, 95, 101	10, 19, 22, 92, 94, 118
Netherlands Antilles	14, 17, 25, 33, 69, 88, 105, 122	24, 26, 42, 58, 63, 74, 81, 89, 90, 102, 118	2, 5, 8, 9, 10, 11, 12, 13, 15, 16, 19, 21, 22, 23, 27, 29, 32, 44, 45, 48, 62, 68, 71, 73, 87, 91, 92, 95, 96, 97, 99, 101, 112, 115, 121
New Zealand			
Cook Islands	-	105	29, 65, 82, 104
Niger	119	-	-
Nigeria	29, 81, 88, 95, 105	94	16, 19, 65, 104
Norway	63, 71	22, 53, 69, 73, 92	101, 126
Peru	55, 68, 87, 114	22, 23, 71, 113	53, 73
Rumania	24	2	6, 10, 16, 29, 89
Senegal	19, 29, 52, 81, 101, 105, 117, 121	4, 6, 12, 18, 89	10, 95, 96
Sierra Leone	29, 81, 88, 95, 105	17, 22, 65, 94	19, 101

INFORMATION NOT SUMMARISED

Country	A Conventions Nos.	B Conventions Nos.	C Conventions Nos.
Spain	24, 25, 48, 105, 126	29, 81	2, 4, 6, 10, 12, 16, 17, 18, 19, 22, 23, 34, 42, 88, 89, 95, 113, 114, 115
Sweden	16, 73, 105, 115	63	10, 12, 19, 29, 101
Switzerland	29, 81, 88, 115	6, 18, 19, 63, 89	2, 16, 23, 44, 105
Syrian Arab Republic	2, 53, 63, 88, 94, 105	-	17, 18, 89, 101, 104
Tunisia	88, 124	112, 113	4, 6, 12, 17, 19, 52, 65, 81, 89, 90, 95, 104, 114, 118
Uganda	81, 95, 124	-	12, 19, 29, 94
United Kingdom	17, 19, 29, 63, 74, 105	12, 24, 25, 42, 56, 69, 81, 92, 94, 95, 101, 124	2, 10, 16, 22, 44
Guernsey	17, 24, 25, 56	12, 19, 42	2, 10, 44, 88, 115
Hong Kong	17, 19, 42	2, 44, 63, 94, 95	10, 12, 16, 24, 25, 29, 56, 69, 74, 88, 92, 101, 124
Jersey	24, 25, 29, 95	2, 17, 19, 56, 88	10, 12, 16, 22, 42, 44, 63, 65, 69, 74, 92, 94, 101, 105, 115, 124
United States	-	53	74
American Samoa	-	53	74
Guam	-	53	74
Puerto Rico	-	53	74

INFORMATION NOT SUMMARISED

Country	A Conventions Nos.	B Conventions Nos.	C Conventions Nos.
Trust Territory of Pacific Islands	-	53	74
Virgin Islands	-	53	74
People's Dem. Rep. of Yemen	98	-	105
Zambia	117, 123	12, 89	19, 65
<u>Non-member State:</u>			
Western Samoa	-	104	29, 65