

**REPORT III**

**(PART 4 A)**

**International Labour Conference**

**FIFTY-SEVENTH SESSION**

**GENEVA, 1972**

**Third Item on the Agenda**

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

**REPORT OF THE COMMITTEE OF EXPERTS  
ON THE APPLICATION OF CONVENTIONS  
AND RECOMMENDATIONS**

**(Articles 19, 22 and 35 of the Constitution)**

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**Volume A**

**General Report and Observations  
concerning Particular Countries**

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**INTERNATIONAL LABOUR OFFICE  
GENEVA 1972**

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

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### PART THREE

#### **GENERAL SURVEY ON THE REPORTS RELATING TO THE EMPLOYMENT POLICY CONVENTION AND RECOMMENDATION, 1964**

This Part of the Report is published in a separate volume as Report III (Part 4B).

### PART FOUR

#### **GENERAL SURVEY ON THE REPORTS RELATING TO TWO RECOMMENDATIONS CONCERNING SOCIAL CONDITIONS OF SEAFARERS (Nos. 107 AND 108)**

This Part of the Report is published in a separate volume as Report III (Part 4C).

# **INDEX TO OBSERVATIONS MADE BY THE COMMITTEE (CLASSIFIED BY COUNTRIES)<sup>1</sup>**

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General Report, paragraphs 104, 108, 142, 143.  
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I B Nos. 17, 42, 44, 77, 81, 88, 89.  
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## **Australia:**

I B No. 42.

## **Austria:**

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## **Belgium:**

I B Nos. 42, 56, 92, 96, 102.

## **Bolivia:**

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I A and B Nos. 5, 26, 42, 87, 96, 107.  
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## **Brazil:**

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## **Bulgaria:**

General Report, paragraph 139.  
I B No. 81.  
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## **Burma:**

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## **Burundi:**

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I B No. 94.  
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## **Byelorussia:**

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I B Nos. 11, 29, 52, 87, 98.  
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## **Cameroon:**

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I B Nos. 4, 18, 29, 41, 87, 105.  
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I B Nos. 18, 81.  
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## **Chad:**

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I A and B Nos. 13, 29, 33, 81, 111.  
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## **Chile:**

General Report, paragraphs 104, 108, 142.  
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## **Colombia:**

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## **Congo:**

I B Nos. 4, 13, 87.

## **Costa Rica:**

General Report, paragraphs 104, 108.  
I A and B Nos. 89, 94, 96.

## **Cuba:**

I B Nos. 11, 17, 27, 29, 42, 52, 63, 67, 81,  
87, 92, 98, 101, 105.

<sup>1</sup> The roman numerals and the letters refer to sections of Part Two of this report and the arabic numerals to the numbers of the Convention.

**Cyprus:**

I B Nos. 44, 88, 121, 124.

**Czechoslovakia:**

General Report, paragraphs 104, 108.

I A and B Nos. 42, 63, 87, 111.

**Dahomey:**

General Report, paragraphs 104, 108.

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**Denmark:**

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**Dominican Republic:**

General Report, paragraph 108.

I A and B Nos. 1, 29, 52, 79, 81, 87, 88, 90, 98, 105.

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**Ecuador:**

I A and B Nos. 2, 24, 29.

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**Egypt:**

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**El Salvador:**

General Report, paragraphs 142, 143.

I B No. 105.

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**Ethiopia:**

General Report, paragraphs 104, 108.

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I B No. 42.

**France:**

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**Gabon:**

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I A and B Nos. 19, 29, 52.

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I B Nos. 79, 118.

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**Jamaica:**

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I A and B No. 105.  
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I B Nos. 17, 81.

**Kuwait:**

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General Report, paragraphs 104, 142, 143, 146.  
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I A and B Nos. 81, 89.  
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**Liberia:**

General Report, paragraphs 104, 108.  
I A and B Nos. 29, 53, 58, 111, 113.  
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**Libyan Arab Republic:**

I B Nos. 52, 89, 95.

**Luxembourg:**

I B Nos. 27, 28, 42, 96.

**Madagascar:**

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**Malawi:**

I B No. 64.  
III.

**Malaysia:**

I B Nos. 17, 105.

**Mali:**

I B No. 81.

**Mauritania:**

General Report, paragraph 108.  
I A and B Nos. 3, 18, 29, 33, 52, 81, 87, 94.  
III.

**Mauritius:**

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I A.

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General Report, paragraphs 104, 108.  
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**Pakistan:**

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I A and B Nos. 12, 42, 81, 111.  
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I A and B Nos. 89, 90, 95, 99.  
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I B Nos. 17, 53, 59, 89, 90, 94, 95.

**Poland:**

General Report, paragraph 142.  
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I A and B Nos. 16, 22.

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General Report, paragraph 139.

I B Nos. 11, 29, 52, 87, 98.

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**USSR:**

General Report, paragraph 139.

I A and B Nos. 11, 29, 52, 87, 98.

III.

**United Kingdom:**

I B Nos. 42, 88, 105.

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**Upper Volta:**

I A and B Nos. 18, 29, 87, 111.

**Uruguay:**

I A and B Nos. 2, 15, 24, 25, 42, 58, 59, 60, 63, 67, 77, 78, 94.

**Venezuela:**

General Report, paragraph 108.

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**Republic of Viet-Nam:**

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**Yemen Arab Republic:**

General Report, paragraphs 104, 142, 146.

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**People's Democratic Republic of Yemen (Aden):**

General Report, paragraph 108.

**Yugoslavia:**

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**Zaire:**

General Report, paragraphs 104, 108.

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I B Nos. 123, 124.



**PART ONE**

**GENERAL REPORT**



# GENERAL REPORT

## I. Introduction

1. The Committee of Experts on the Application of Conventions and Recommendations, appointed by the Governing Body of the International Labour Office to examine the information and reports submitted under articles 19, 22 and 35 of the Constitution by States Members of the International Labour Organisation on the action taken with regard to Conventions and Recommendations, held its 42nd Session in Geneva from 16 to 29 March 1972. The Committee has the honour to present its report to the Governing Body.

2. The Committee learned with profound regret of the death of one of its members, Sir Grantley Adams, former Prime Minister of the West Indies. It paid tribute to his memory as a distinguished statesman and as a leader throughout his life in the struggle for social justice and the observance of human rights. During the twenty-three years in which he served on the Committee he made a contribution of inestimable value in promoting the application of international labour standards in non-metropolitan countries prior to their independence, in reaffirming the authority of the ILO's supervisory bodies, and in maintaining the Committee's traditions of objectivity, independence and impartiality.

3. The Committee noted the Governing Body's decision to appoint Mr. Gajendragadkar (India). It was pleased to welcome three new members who participated for the first time in the work of the Committee: Mr. Gajendragadkar, Mr. van der Ven, and Mr. Earl Warren.

The United Nations was represented at the meeting.

4. The composition of the Committee is now as follows:

The Right Honourable Sir Adetokunbo ADEMOLA, G.C.O.N., K.B.E., C.F.R., P.C. (Nigeria),

former Chief Justice of Nigeria;

Mr. Günther BEITZKE (Federal Republic of Germany),

Professor of Civil Law and Private International Law at the University of Bonn;  
Director of the Institute of Private International Law and Comparative Law at the University of Bonn;

Mr. Boutros BOUTROS-GHALI (Egypt),

Professor of the Faculty of Economics and Political Science of the University of Cairo;  
Director of the Department of Political Science;

Mr. Pralhad Balacharya GAJENDRAGADKAR (India),

former judge of the Bombay High Court (1945-57); former judge of the Supreme Court (1957-64); former Chief Justice of India (1964-66); former Vice-Chancellor, University of Bombay (1966-71); Chairman of the Indian National Commission on Labour (1967-69); Chairman, Law Commission;

Mr. E. GARCÍA SAYÁN (Peru),

former Professor of Civil Law and Political Economy at the Universities of Lima; former Minister of Foreign Affairs; Member of the Advisory Council on Foreign Affairs; Chief Delegate to the Third Session of the United Nations General Assembly (Paris, 1948); President of the Peruvian Red Cross Society;

Mr. Arnold GUBINSKI (Poland),

Doctor of Laws; Professor of Law at the University of Warsaw;

Begum Raána Liaquat Ali KHAN (Pakistan),

former Ambassador to Italy and to Tunisia; former Ambassador to the Netherlands; former Professor of Economics at the Indrapastha College, Delhi; former delegate to the United Nations General Assembly; former Member of the Syndicate and the Senate of the Karachi University Executive Committee and of the Managing Body of the Pakistan Red Cross Society; Honorary Member, International Montessori Association; first recipient of the International Gimbel Award for services to humanity (1961-62); Founder-President of the All-Pakistan Women's Association;

Mr. H. S. KIRKALDY (United Kingdom),

Barrister; Fellow and formerly Vice-President of Queens' College in the University of Cambridge; Professor Emeritus of Industrial Relations in the University of Cambridge; member of the United Kingdom delegation to the sessions of the International Labour Conference, 1929-44;

Mr. L. A. LUNZ (USSR),

Scientist Emeritus of the RSFSR; Doctor of Juridical Sciences; Professor of Civil Law and Private International Law at the All-Union Research Institute of Soviet Law in Moscow; Professor of Private International Law at Moscow University; Member of the Foreign Trade Arbitration Commission at the USSR Chamber of Commerce;

Mr. Jean MORELLET (France),

Honorary Councillor of State; Member of the High Court of Arbitration of Collective Labour Disputes;

Mr. E. RAZAFINDRALAMBO (Madagascar),

Chief Justice of Madagascar; Arbitrator of the International Centre for the Settlement of Investment Disputes (IBRD) and of the International Civil Aviation Organisation; Professor of Law at the University of Tananarive;

Mr. Paul RUEGGER (Switzerland),

Ambassador; former Minister in Rome and London; President of the International Committee of the Red Cross, 1948-55; Member of the Permanent Court of Arbitration; Member of the Institute of International Law; Member of the Curatorium of the Academy of International Law;

Mr. Isidoro RUIZ MORENO (Argentina),

Professor of Public International Law at the University of Buenos Aires; Member of the Permanent Court of Arbitration; Member of the National Academy of Law, of the Academy of Sciences and of the Academy of Political Science; former Adviser to the Ministry of Foreign Affairs;

Mr. Arnaldo Lopes SUSSEKIND (Brazil),

former Judge of the Supreme Labour Court; former principal law officer of the Labour Courts Law Office; former President of the Permanent Commission on Labour Law; former Minister of Labour and Social Welfare; autonomous legal consultant;

Mr. Joseph J. M. van der VEN (Netherlands),

Professor of Labour Law, of the Sociology of Law and of the Philosophy of Law at the University of Utrecht; former Dean of the Law Faculty; former Rector of the University; former President of the Social Insurance Council of the Netherlands;

Mr. Joza VILFAN (Yugoslavia),

Member of the Permanent Court of Arbitration; former Attorney-General of Yugoslavia; former Head of the Yugoslav Mission to the United Nations; former Ambassador to India;

Mr. Earl WARREN (United States),

former Chief Justice of the United States;

Mr. Kisaburo YOKOTA (Japan),

former Chief Justice, Supreme Court of Japan; Member of the Japan Academy; Member of the Permanent Court of Arbitration; Member of the Institute of International Law; former Professor of International Law and Dean of the Law Department, Tokyo University; former President of the Japanese Institute of International Law; former Member of the International Law Commission of the United Nations.

5. The Committee elected Mr. GARCÍA SAYÁN as Chairman and Mr. RAZAFINDRALAMBO as Reporter of the Committee.

6. In pursuance of its terms of reference, as revised by the Governing Body at its 103rd Session (Geneva, 1947), the Committee was called upon "to examine:

- (i) the annual reports under article 22 of the Constitution on the measures taken by Members to give effect to the provisions of Conventions to which they are parties, and the information furnished by Members concerning the results of inspection;
- (ii) the information and reports concerning Conventions and Recommendations communicated by Members in accordance with article 19 of the Constitution;
- (iii) information and reports on the measures taken by Members in accordance with article 35 of the Constitution".

7. The Committee, after an examination and evaluation of the above-mentioned reports and information, drew up its present report which consists essentially of the following three parts: (a) review of reports from governments on ratified Conventions supplied under articles 22 and 35 of the Constitution (see paragraphs 99-118 below, and Part Two (sections I and II); (b) review of information supplied by governments under article 19, paragraphs 5-7, of the Constitution on the measures taken to bring Conventions and Recommendations before the competent authorities for the enactment of legislation or other action (see paragraphs 128-144 below, and Part Two (section III); and (c) review of reports supplied by governments under article 19 of the Constitution on the Employment Policy Convention and Recommendation, 1964 (No. 122), and on the Seafarers' Engagement (Foreign Vessels) Recommendation, 1958 (No. 107), and the Social Conditions and Safety (Seafarers) Recommendation, 1958 (No. 108) (see paragraphs 145-148 below, and Part Three, Volume B and Part Four, Volume C). In addition, the Committee took full account of the Report of the Conference Committee on the Application of Conventions and Recommendations, including, in particular, information on the implementation of Conventions supplied by governments to the said Committee.

## II. General

### *New Conventions and Recommendations*

8. The Committee was informed that, since it last met, four new instruments were adopted by the International Labour Conference (56th Session, 1971), bringing the total number of Conventions to 136 and of Recommendations to 144. The instruments in question are the Workers' Representatives Convention (No. 135) and Recommendation (No. 143) and the Benzene Convention (No. 136) and Recommendation (No. 144).

### *Obligations Binding Member States*

9. By the end of 1971 the number of ratifications of Conventions had reached a total of 3,815. This includes the 120 new ratifications by twenty-seven States registered during the year. Some of these ratifications have made it possible for three recently adopted Conventions to enter into force in the first half of 1972. With these new ratifications, the average number of ratifications for each of the 120 States Members now stands at nearly 32. In addition, four new declarations rendering Conventions applicable to non-metropolitan territories were made during the year. The number of such declarations at the end of 1971 stood at 981 declarations without modification and 114 declarations with modifications, that is an average of over twenty-three declarations per territory.

10. Since the Committee last met there have been five denunciations of ratified Conventions (apart from denunciations in relation with the ratification of revising Conventions), bringing to twenty-one the total since the ILO was established. These recent denunciations having been notified to the Governing Body, the latter endorsed the general principle that any government considering the denunciation of a Convention should first consult the representative employers' and workers' organisations about the problems encountered and the measures to be taken to resolve them. Furthermore, if a government did decide to proceed with denunciation, it should be requested to supply indications regarding the reasons which had led to this decision, for the information of the Governing Body.

11. The Committee was informed of the recognition by the Governing Body in November 1971 of the Government of the People's Republic of China as the representative Government of China in the ILO. It noted the statement made by the Director-General in the Governing Body that the question of treaty obligations assumed since 1950 as regards China was a complex one which arises throughout the United Nations system. The Committee hopes to be informed at its next session of any developments in this connection.

### *Special Procedures*

12. The Committee had been informed at previous sessions of the representation which the General Confederation of Italian Agriculture had addressed to the Director-General of the International Labour Office, pursuant to article 24 of the ILO Constitution, concerning the application by Italy of Article 4, paragraph 3, of the Employment Service Convention (No. 88), 1948, and of the appointment by the Governing Body of a committee to examine the case in accordance with the established procedure. The Committee of Experts had accordingly adjourned its



consideration of the application of the Convention by Italy until a decision was reached on the representation. Since then, the Governing Body Committee has submitted its final report, and the Government of Italy has now denounced the Convention (for further information on this matter, reference may be made to the observation in Part Two (section I) of this report).

*Procedure of Direct Contacts with Governments*

13. The Committee notes that, despite the financial difficulties of the ILO, which in some cases have led to the postponement of the direct contacts contemplated with certain governments, a number of these contacts have taken place since its last session. This proved possible with Yugoslavia, the Dominican Republic and Uruguay.

14. As regards Yugoslavia, the representative of the Director-General of the ILO visited the country from 11 to 16 May 1971 and had discussions concerning the application of Convention No. 22 both at the federal level and at the level of the undertakings; these discussions took place with representatives of the Government and also with representatives of workers' organisations and of the shipping companies concerned. The Committee notes that these direct contacts led to a general agreement on the subject and that the Federal Executive Council, on 29 December 1971, resolved to bring the problem of the application of this Convention to the notice of the executive councils of the Republics of Croatia, Slovenia and Montenegro with a view to the adoption of the necessary regulations. The Committee further notes that these direct contacts made it possible to discuss other problems regarding the application of standards in a national system of federalism and of self-management.

15. In the case of the Dominican Republic, direct contacts took place between 25 November and 3 December 1971. During that period the representative of the Director-General of the ILO had discussions with the State Secretariat of Labour and with the heads of various departments of the secretariat, and also with representatives of the appropriate organisations of employers and workers. As a result of these contacts, a Bill was drafted to bring the national legislation into conformity with the provisions of Conventions Nos. 1, 52, 79 and 90.

16. Direct contacts with Uruguay took place between 6 and 17 December 1971, in connection with the application of Conventions Nos. 15, 58, 59, 60, 67, 77 and 78. The representative of the Director-General of the ILO met and had discussions with the Minister of Labour and Social Security, the Under-Secretary, the Director-General and the Legal Adviser of the Ministry and with the President of the Children's Council, as well as with representatives of the employers' and workers' organisations concerned. As a result of these contacts, three legislative texts were adopted with a view to ensuring conformity with the provisions of Conventions Nos. 15, 58, 59, 60, 77 and 78. It should moreover be pointed out that during the direct contacts in Uruguay, discussions were also held on the subject of other Conventions with regard to which the Committee had made observations, and a Decree was approved with a view to ensuring conformity with Convention No. 42.

17. Full information will be found in Part Two (section I) of this report as to the present situation and the results of these various direct contacts.

18. As regards direct contacts with the Government of Pakistan (Convention No. 96) and the Government of Peru (Conventions Nos. 4, 8, 27, 41, 68, 69, 77, 78,

79 and 90), the Committee noted that so far it had not proved possible to arrange them, but it hoped that they could take place at an early date.

19. The Committee noted that the procedure of direct contacts with governments, which it suggested four years ago as an additional means of resolving doubts and difficulties encountered in the application of ratified Conventions had already, notwithstanding the difficulties mentioned above, given definitely encouraging results. The Committee also noted that during the discussions in the Conference Committee in 1971 concerning individual cases, a number of governments referred to the possibility of using the method of direct contacts. The same occurred in connection with the discussion on the general survey prepared by the Committee of Experts on the Discrimination (Employment and Occupation) Convention and Recommendation, 1958. The Committee noted in addition that, more recently, the Seventh Asian Regional Conference, held in Teheran in December 1971, referred in its conclusions to the procedure of direct contacts as a means of promoting and ensuring the fuller application of the Conventions ratified by countries of the region. (See also paragraph 23 below.)

20. Accordingly, the Committee considers that the procedure of direct contacts, which began to be used in 1969 on an experimental basis, should now be viewed as an established procedure for helping governments to overcome any difficulties they may meet in the application of ratified Conventions, and that a fuller use of this procedure by governments, in accordance with the principles and methods already approved, will tend to lend support to the ILO's efforts in promoting fuller application of Conventions.

#### *Comments by Employers' and Workers' Organisations*

21. The Committee has considered in detail this year various aspects of the role which employers and workers and their organisations can play in the implementation of ILO standards (see below, paragraphs 28-98). In so far as the application of ratified Conventions is concerned, the Committee noted that comments were received from organisations in the following countries: Austria<sup>1</sup> (Convention No. 103), Colombia<sup>2</sup> (Convention No. 107), Italy<sup>3</sup> (Convention No. 88), Japan<sup>4</sup> (Conventions Nos. 16, 22, 98), and Madagascar<sup>5</sup> (Convention No. 29). See also paragraph 141 below.

#### *General Survey on Freedom of Association*

22. The Committee will be called upon, in 1973, to make a comprehensive survey of the effect given by all the States Members of the ILO to the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98). This is to be based on the examination of the reports on these two Conventions, as selected for reporting by the Governing Body, in accordance with article 19 of the Constitution of the ILO. The Committee trusts that the information thus available will make it possible to assess exactly the bearing of the measures taken in various countries to

<sup>1</sup> Austrian Chamber of Workers.

<sup>2</sup> National Agrarian Federation (FANAL); Latin American Federation of Farm Workers (FCL).

<sup>3</sup> General Confederation of Italian Agriculture; General Confederation of Italian Industry (CGII).

<sup>4</sup> Only the report on Convention No. 98 indicates the name of the organisation concerned: General Council of Trade Unions of Japan (SOHYO).

<sup>5</sup> Federation of Trade Unions of Madagascar (FISEMA).

give effect to these Conventions, whether or not they have ratified the Conventions in question. This survey would be greatly facilitated if on this occasion the reports of the countries having ratified the Conventions contained detailed replies on all the points listed in the report forms adopted by the Governing Body and on any matters raised by the Committee of Experts in its observations and direct requests to the countries concerned. The supply of the most recent and most complete information possible is particularly desirable in view of the fact that most of the countries which have ratified these Conventions did so many years ago. Moreover, in order to have a uniform basis for the information required for this survey, the Committee would ask the governments of ratifying countries to take account, as far as possible, in the preparation of their reports not only of the report forms under article 22 of the ILO Constitution but also of the additional points included in the forms under article 19.

#### *Action Undertaken in the Field of Discrimination*

23. The Committee was informed of the decisions taken by the Governing Body at its 184th Session (November 1971) regarding the action to be taken on the resolution concerning *apartheid* and the Contribution of the International Labour Organisation to the International Year for Action to Combat Racism and Racial Discrimination, adopted by the Conference at its 56th Session (June 1971). The Committee noted that in this connection the Governing Body invited it to give special attention, when examining reports on Convention No. 111, "to problems relating to the elimination of all forms of discrimination in employment on grounds of race, colour, religion, national extraction and social origin and other similar criteria, including problems of minorities". The Governing Body also invited the Committee to recommend to governments of ratifying countries where questions relating to the application of the Convention might appear to require clarification to envisage direct contacts with a view to a fuller examination of these questions, in accordance with the established procedure. The Committee draws the attention of governments to this possibility in a general observation (see below, Part Two, section I). Finally, the Committee noted with interest that the Governing Body considered that the programme of the International Labour Office in the field of discrimination should include the preparation, with the agreement of the government concerned, of impartial surveys on national situations; such reports could thus be undertaken outside the context of the application of Convention No. 111, that is also in regard to countries which had not ratified it. These possibilities of direct contacts and impartial surveys had been considered by the Committee in its General Survey in 1971 (paragraph 107) as means which would enable further progress to be made towards solving the practical problems in this field, in view of the specific circumstances in each country.

#### *Measures relating to Recommendations*

24. The Committee recalled that both the Conference Committee and the Governing Body Committee on Standing Orders and the Application of Conventions and Recommendations had concerned themselves with the possibility of making greater use of Recommendations, particularly as regards those which were adopted at the same time and on the same subject as Conventions and were designed to supplement these Conventions and to set out the methods by which they could be applied. It welcomed the decision taken by the Governing Body (November 1971) that the text of fifteen such international labour Recommendations would be annexed to the report forms for the corresponding Conventions when they are sent to governments under article 22 of the Constitution. It also noted that an explanatory note would be included, indicating that the sole object of appending the text of the Recommenda-

tion was to contribute to a better understanding of the requirements laid down in the Convention and to facilitate its application and that governments were under no obligation to supply in their reports on the application of the Convention information on the measures which may have been taken to give effect to the Recommendation as such. The note also indicated, however, that if governments deemed it useful to supply such information, by way of indications concerning practical application, this would make it possible to assess more precisely the extent to which the Convention was applied and the problems which may have arisen in its application. The Committee expresses the hope that this new arrangement will prove useful in promoting the application of ILO standards.

#### *Regional Seminars on National and International Labour Standards*

25. The Committee, which has at previous sessions welcomed the practice of organising seminars for the purpose of familiarising national labour administration officials with the obligations of member States and the procedures of the ILO relating to Conventions and Recommendations, learned with interest that a further such seminar was held in Dakar (Senegal) in November 1971 for participants from French-speaking African countries. It notes that it is planned to hold further regional seminars of this kind.

#### *Collaboration with Other International Organisations*

26. The Committee noted that the ILO continued to collaborate actively with other international organisations as regards matters relating to the supervision of instruments adopted under their auspices. Thus in accordance with the usual practice, copies of article 22 reports on the Indigenous and Tribal Populations Convention, 1957 (No. 107), had been sent for comment to the United Nations, FAO, UNESCO and WHO, and copies of reports on the Social Policy (Basic Aims and Standards) Convention, 1962 (No. 117), had been sent to the United Nations, FAO and UNESCO. Due account was taken of these comments by the Committee when examining the situation in the countries concerned. Collaboration with these organisations was also ensured, through the attendance of a representative of the United Nations when the Indigenous and Tribal Populations Convention, 1957, was discussed.

27. As regards the Council of Europe, ILO representatives had again participated, as provided in Article 26 of the European Social Charter, in the meetings of the Committee of Independent Experts entrusted with the supervision of the Charter. The ILO has also continued to collaborate actively with the Council of Europe regarding the supervision of the European Code of Social Security and its Protocol, in accordance with Article 74, paragraph 4, of the Code. The procedure followed in this regard, which is designed to promote a uniform approach by the supervisory bodies of the two organisations in respect of provisions dealing with identical or similar matters, was described briefly in the Committee's previous report.

### **III. Role of Employers and Workers and their Organisations in the Implementation of ILO Standards**

28. At its 56th Session (June 1971) the International Labour Conference adopted a resolution concerning the Strengthening of Tripartism in the Over-all Activities of

the International Labour Organisation.<sup>1</sup> One of the preambular paragraphs of this resolution refers to "the development of the International Labour Code and the functioning of supervisory machinery in respect of standards" as examples of the solid foundation provided by the tripartite element in the ILO. Operative paragraph 2 (c) and (d) of the resolution invited the Governing Body of the ILO to request the Committee of Experts on the Application of Conventions and Recommendations "to give particular attention to the question of whether equality of representation between workers and employers is being accorded in tripartite bodies where provision is made for this in international labour instruments" and to consider measures which the ILO could take to ensure effective implementation of article 23, paragraph 2, of the Constitution. At its 183rd Session (May-June 1971) the Governing Body authorised the Director-General to request the Committee of Experts to consider appropriate action in pursuance of the above-mentioned paragraph.

29. At the same session of the International Labour Conference the Committee on the Application of Conventions and Recommendations indicated in its report that "new measures were called for to ensure that the ILO's principle of tripartism was applied more effectively at the national level in furthering the application of standards" (paragraph 33) and that the Conference Committee might consider in 1972 "what improvements could be introduced in tripartite consultation and collaboration at the national level as regards the implementation of ILO standards" (paragraph 35).

30. The requests and indications which have thus emerged from the 1971 session of the International Labour Conference focus attention on various aspects of the role employers and workers and their organisations are called upon to play in giving effect to the instruments adopted by the Conference. The Committee of Experts has often drawn attention to this role and in particular to the opportunities afforded in this connection to the representative organisations of employers and workers. Because of the broader context within which this matter was placed at the 1971 session of the Conference, it may be useful for the Committee to review now each of the aspects mentioned above. This review deals in turn with tripartite consultation and collaboration at the national level, with cases where equality of representation between workers and employers is envisaged in ILO Conventions, and with the communication of copies of information and reports to the representative organisations (article 23, paragraph 2, of the Constitution).

### *1. Association of Employers and Workers in the Application of Certain Conventions*

31. The possibility of introducing more systematic tripartite consultations at the national level in regard to the application of ratified Conventions was considered at the last session of the Conference (Conference Committee Report, paragraph 35). It was suggested by the Workers' members that consideration be given by the Conference Committee in 1972 to the improvements which could be introduced in such tripartite consultation and collaboration; they recalled in this regard that over fifty Conventions provided expressly for consultation with employers' and workers' organisations. The Employers' members stressed the assistance which tripartite bodies could give governments in overcoming the difficulties or problems which often

<sup>1</sup> The Seventh Asian Regional Conference of the ILO (Teheran, December 1971) adopted a resolution concerning the tripartite character of the International Labour Organisation which endorses and reaffirms the objectives of the resolution of the General Conference.

arose regarding the application of Conventions. The need to strengthen tripartism in the implementation and supervision of standards was also stressed, as indicated above, in resolutions adopted by the General Conference in June 1971 and by the Asian Regional Conference in December 1971.

32. In view of the interest expressed by the Conference Committee in these questions, a brief review of the matter is to be found below. This review refers in particular to difficulties encountered and to improvements which might be envisaged.

33. It is significant, in the first place, that about half of the 121 Conventions now in force or likely soon to enter into force lay down obligations concerning the consultation of or collaboration with employers and workers or their organisations. There has in fact been a marked trend in recent years to introduce such clauses more systematically in all Conventions: thus, while 35 per cent of the Conventions adopted up to 1946 contained such clauses, 90 per cent of those adopted since then provide specifically for collaboration or consultation in one form or another with employers and workers or their organisations.

34. The nature and scope of the obligations in question vary considerably in the fifty-nine Conventions concerned, but they may be classified under three general headings: (a) obligation to consult employers and workers or their organisations prior to the adoption of legislation or regulations; (b) obligation to create special machinery in the operation of which the representatives of employers and workers are associated; and (c) obligation to seek the collaboration of the organisations concerned in applying the legislation or Convention.

#### *Consultation Prior to the Adoption of Legislative Measures.*

35. Some fifty Conventions provide that employers' and workers' organisations must be consulted either prior to the adoption of all implementing laws and regulations<sup>1</sup>, or as regards given mandatory and permissible clauses<sup>2</sup> or, finally, as regards certain permissible exemptions or exceptions.<sup>3</sup>

36. In considering how effect is given to such provisions, the Committee has to take into account that implementing legislation is often brought to its knowledge only after this legislation has been adopted and that it may even have been enacted prior to ratification. It is of course not possible in such cases to insist on prior consultation of employers' and workers' organisations. The application of consultation requirements could, however, be facilitated through arrangements at the national level whereby all draft legislation and regulations affecting working conditions or employment are automatically submitted for advice to a body on which employers and workers are represented.

37. Since such arrangements (for example through tripartite labour advisory councils) are the best guarantee for the observance of consultation requirements in Conventions, it may be useful to recall that measures along these lines are suggested in the Consultation (Industrial and National Levels) Recommendation, 1960 (No. 113), and would also be particularly appropriate in view of the general call for reinforced tripartism in the implementation of standards made in the Conference

<sup>1</sup> Conventions Nos. 67, 92, 109, 115, 119, 120, 124, 126, 127, 133.

<sup>2</sup> Conventions Nos. 20, 26, 33, 52, 73, 82, 94, 99, 113, 117, 123, 125, 131.

<sup>3</sup> Conventions Nos. 1, 13, 14, 15, 30, 34, 41, 62, 79, 86, 89, 90, 91, 95, 96, 101, 103, 106, 108, 110, 111, 114, 129, 130, 132, 134, 136.



resolution of June 1971, and in view of the appeal to Asian States made by the Asian Regional Conference in December 1971 to set up advisory or other tripartite bodies for the purpose, *inter alia*, of ensuring follow-up action on ILO decisions.

38. In any event, the Committee will continue to follow the question of clauses in Conventions which require the prior consultation of employers' and workers' organisations, and will endeavour to promote their better implementation.

*Participation in Prescribed Bodies.*

39. A total of twelve Conventions<sup>1</sup> provide for the creation of special bodies or machinery and specify—with varying degrees of emphasis—that employers' and workers' representatives are to participate in their operation.

40. As a rule, in such cases, the Committee ascertains, as part of its normal work, that provision is made for the creation of bodies complying with the requirements of the Convention concerned. In certain cases the Committee also seeks further information at given intervals on the functioning of these bodies (for example in regard to minimum wage boards). In view of the concern which is increasingly being expressed in the active participation of employers' and workers' organisations in the implementation of Conventions, the Committee deems it essential that the reports supplied by governments provide, on a continuing basis, clear information on the relevant situation in practice, that is, indicate whether the bodies in question are meeting regularly and are carrying out the functions required under the terms of the Convention concerned.

*Collaboration in Application of Relevant Legislation or Other Measures.*

41. A third group of thirteen Conventions is composed of those which provide for the association of employers' and workers' organisations in the implementation of the Conventions, by specifying that the competent authorities must collaborate with employers and workers as regards the application of all relevant legislation or of the Convention<sup>2</sup>, or as regards continuing promotional measures required under the Convention<sup>3</sup>, or that collaboration should be sought on a more limited basis.<sup>4</sup>

42. Past experience shows that in some of the above cases regular procedures or machinery have been created in order to associate employers and workers in the application or administration of the relevant legislation, and that there is therefore some guarantee that the collaboration will be pursued. In other cases, however, when the Committee seeks to ascertain whether such obligations are observed, the main element of information available is a governmental statement that the collaboration of employers and workers is ensured; as indicated under section C below, the parties concerned have an opportunity, under article 23, paragraph 2, of the Constitution, to express their own views on the matter.

43. Compliance with the above-mentioned obligations to secure the collaboration of employers' and workers' organisations would of course be best ensured by the creation, in those countries which have not yet taken such steps, of appropriate

<sup>1</sup> Conventions Nos. 2, 9, 26, 82, 84, 88, 99, 101, 109, 110, 117, 131 (this list includes some texts with consultation clauses, already enumerated above).

<sup>2</sup> Conventions Nos. 20, 68, 92, 115, 126, 133.

<sup>3</sup> Conventions Nos. 100, 111, 122.

<sup>4</sup> Conventions Nos. 13, 81, 110, 129.

machinery for regular collaboration. The Committee will, in any case, endeavour to ascertain periodically whether the arrangements regarding collaboration of governments with employers and workers are still operative and working satisfactorily.

\* \* \*

44. The purpose of the measures indicated above is to ensure that employers and workers are actively associated in the application of ratified Conventions, in their own countries. Yet, the practical value of such measures largely depends on whether the employers' and workers' organisations at the national level are in a position to take advantage of the opportunities thus afforded to them. Accordingly, some additional action may be found necessary, such as arrangements whereby employers' and workers' organisations in member States are informed of their role under the fifty-nine Conventions which provide that they must be consulted or associated in the application of the instruments, or arrangements to ensure that these organisations are made more fully aware of any observations or requests addressed to their governments by the Committee regarding the application of these provisions on consultation or collaboration. It will be for the Conference Committee, in the course of its proposed discussion on the subject, to consider what action regarding the above or any other points might be envisaged with a view to promoting the fuller observance of the principle of tripartism in the implementation of international labour standards and in the supervision of such implementation.

## *2. Consultation and Participation on a Basis of Equality*

### *Relevant Provisions.*

45. Of the ILO Conventions which provide, as part of the methods and measures of application, for consultation of or participation by employers and workers, a certain number explicitly lay down the rule of equality between the two parties. Such provisions exist in eight instruments and apply to four different subjects.

46. In the case of employment services, there are the Placing of Seamen Convention, 1920 (No. 9, Article 5), and the Employment Service Convention, 1948 (No. 88, Article 4, paragraph 3, and Article 5); as regards minimum wages, the Minimum Wage-Fixing Machinery Convention, 1928 (No. 26, Article 3, paragraph 2 (2)), the Minimum Wage Fixing Machinery (Agriculture) Convention, 1951 (No. 99, Article 3, paragraph 3), the Plantations Convention, 1958 (No. 110, Article 24, paragraph 2), and the Minimum Wage Fixing Convention, 1970 (No. 131, Article 4, paragraph 3 (a)); as regards holidays with pay, the Holidays with Pay (Agriculture) Convention, 1952 (No. 101, Article 2, paragraph 3 (b)); and the Plantations Convention, 1958 (No. 110, Article 37, paragraph 3 (b)); as regards methods of settling labour disputes, the Right of Association (Non-Metropolitan Territories) Convention, 1947 (No. 84, Article 7), and the Plantations Convention, 1958 (No. 110, Article 57, paragraph 2).

### *Methods Prescribed.*

47. The methods of participation or consultation prescribed in those eight Conventions and the terms in which they are drafted vary to some extent. Conventions Nos. 9 and 88 provide for the constitution of advisory committees consisting of an equal number of representatives of employers and workers. Conventions Nos. 26, 84 and 110 (Article 37, paragraph 2) prescribe the participation or association of employers and workers "in equal numbers and on equal terms" in the task of fixing



minimum wages or settling disputes. According to Conventions Nos. 99, 101 and 110 (Article 37, paragraph 3 (b)), "the employers and workers concerned shall participate" in the application of methods of fixing minimum wages or in the regulation of holidays with pay, as the case may be, "or be consulted or have the right to be heard . . . on a basis of complete equality". Convention No. 131 provides for direct participation "on a basis of equality" by representatives of organisations of employers and workers concerned in the operation of the minimum wage-fixing machinery; Convention No. 110 (Article 24, paragraph 2) prescribes methods for fixing minimum wages "in consultation with representatives of the employers and workers" and their organisations "on a basis of complete equality".

48. Except for the two Conventions Nos. 9 and 88 concerning the employment service which, as has been noted, prescribe the constitution of joint committees, there is a certain flexibility as to the methods of achieving participation or consultation, which may be:

- (a) in such manner and to such extent as may be determined by national laws (Conventions Nos. 26 and 99; Convention No. 101; Convention No. 110, Article 37, paragraph 3 (b));
- (b) wherever the manner in which provision is made permits (Convention No. 101, Convention No. 110, Article 37, paragraph 3 (b), and Convention No. 131);
- (c) where practicable (Convention No. 84 and Convention No. 110, Article 57, paragraph 2).

49. According to the wording and scope of the various provisions in question, the part which employers and workers are expected to play may involve participation as members of joint bodies (such as the committees contemplated by Conventions Nos. 9 and 88, the wages boards<sup>1</sup> in the case of Conventions Nos. 26, 99 and 110, Article 24, paragraph 2); the arbitration tribunals and conciliation bodies in the case of Conventions Nos. 84 and 110, Article 57, paragraph 2; participation in the application of various methods (for example the right of persons or organisations concerned to be heard by industrial tribunals or wages boards); consultation through established bodies (for example advisory labour councils) or direct consultation with the employers or workers concerned or with their organisations, or various combinations or variants or these methods.

50. According to circumstances, respect for the principle of equality may be achieved by representation in equal numbers—or with an equal number of votes<sup>2</sup>—in a joint body, or by equal treatment when other methods of participation or consultation are employed.

#### *Degree of Application.*

51. As regards the relevant provisions of Conventions Nos. 9 and 88, the Committee, by means of observations in its reports or direct requests to the governments, has always paid the greatest attention, and will continue to do so, to

<sup>1</sup> The Minimum Wage-Fixing Machinery Recommendation, 1928 (No. 30, Part II, paragraphs (1) and (2)), provides for direct joint participation (in equal numbers or with equal voting strength) in trade boards, arbitration tribunals and joint bodies in general. The Minimum Wage Fixing Machinery (Agriculture) Recommendation, 1951 (No. 89, paragraph 4), and the Plantations Recommendation, 1958 (No. 110, paragraph 19), advocate similar participation in minimum wage-fixing bodies.

<sup>2</sup> Cf. preceding footnote.

their full application by governments which have ratified these instruments from the point of view both of the setting up of the prescribed advisory committees and of equality of representation on those committees. In connection with the relevant provisions of the other Conventions mentioned above, the Committee, making due allowance for the flexibility of the wording and the differing methods of national application, has also been careful to ascertain, and will continue to do so, that consultation and participation are on a basis of equality.

52. A general survey of the situation during the period 1962 to 1972 shows that (except for Convention No. 131, which was not yet in force) the Committee had to make comments regarding the application of the provisions in question and to note progress to the following extent<sup>1</sup>:

53. Convention No. 9: eleven cases, including four in which the Committee noted information subsequently supplied and seven in which comments are still pending; Convention No. 88: 37 cases, including 2 of progress, 15 in which the Committee noted information subsequently supplied and 20 of comments pending.

54. Convention No. 26: 30 cases, including three of progress, 17 in which the Committee noted information subsequently supplied and 10 of comments pending; Convention No. 99: 12 cases, including 1 of progress, 4 in which the Committee noted information subsequently supplied and seven of comments pending; Convention No. 110 (Article 24, paragraph 2): one case in which the Convention has been subsequently denounced; Convention No. 110 (Article 37, paragraph 3 (b)): one case (Convention subsequently denounced).

55. Convention No. 101: one case in which the Committee noted information subsequently supplied.

### *Proposed Action.*

56. In the light of the resolution concerning the strengthening of tripartism in the over-all activities of the ILO and with a view to being able to follow in detail any

<sup>1</sup> *Convention No. 9*: Cases of information noted: Bulgaria (1964), Spain (1963), Uruguay (1970); Netherlands (Netherlands Antilles) (1967); Comments pending: Finland, Israel, Mexico, Nicaragua, Peru, Poland, Romania.

*Convention No. 88*: Cases of progress: Australia (1970), Sierra Leone (1965); Cases of information noted: Costa Rica (1970), Cuba (1970), Czechoslovakia (1965), Ghana (1968), Luxembourg (1964), Malta (1962), Nigeria (1968), New Zealand (1972), Spain (1968), Switzerland (1972), Tunisia (1972), Yugoslavia (1969), United Kingdom (British Honduras) (1966), (Gibraltar) (1966), (Mauritius) (1964); Comments pending: Algeria, Brazil, Canada, Colombia, Dominican Republic, Egypt, Ethiopia, Guatemala, Iraq, Ireland, Israel, Italy, Libyan Arab Rep., Philippines, Singapore, Sweden, Syrian Arab Republic, Venezuela; Netherlands (Surinam), United Kingdom (Bahamas).

*Convention No. 26*: Cases of progress: Portugal (1972), Tunisia (1969), United Kingdom (Swaziland) (1965); Cases of information noted: Bolivia (1970), Cuba (1969), Czechoslovakia (1969), Ecuador (1969), Gabon (1967), Luxembourg (1969), Morocco (1963), Spain (1969), Syrian Arab Republic (1965), Tanzania (Tanganyika) (1967), Uganda (1969), Zaire (1969); United Kingdom (St. Christopher-Nevis-Anguilla) (1968) (Dominica) (1964), (Falkland Islands (Malvinas)) (1963) (Gilbert and Ellice Islands) (1969), (Montserrat) (1969); Comments pending: Burundi, Chile, Iraq, Nicaragua, Portugal, Rwanda, Tanzania (Zanzibar), Uruguay; United Kingdom (British Virgin Islands, Solomon Islands). *Convention No. 99*: Case of progress: Peru (1967); Cases of information noted: Czechoslovakia (1969), Ivory Coast (1965); United Kingdom (St. Christopher-Nevis-Anguilla) (1968) (Solomon Islands) (1969); Comments pending: Paraguay, Uruguay; France (French Guiana, Guadeloupe, Martinique, Reunion), United Kingdom (Seychelles).

*Convention No. 110, Article 24 (2)*: Liberia (Convention denounced in 1971); *Convention No. 110, Article 37 (3) (b)*: Liberia (Convention denounced in 1971).

*Convention No. 101*: Case of information noted: Morocco (1966).

developments in the application of the provisions mentioned above, the Committee would emphasise the importance of governments continuing to provide all the information requested in the report forms and in the Committee's comments regarding the measures taken nationally to give effect to these provisions. It also expresses the hope that, for their part, governments and the organisations of employers and workers concerned will see to it that the relevant provisions of the Convention are strictly applied in practice in their respective countries.

### *3. Effective Implementation of Article 23, Paragraph 2, of the Constitution*

57. Paragraph 2 (d) of the above-mentioned resolution concerning the Strengthening of Tripartism in the Over-all Activities of the International Labour Organisation invites the Governing Body of the ILO "to request the Committee of Experts on the Application of Conventions and Recommendations to consider measures which the International Labour Organisation could take to ensure effective implementation of article 23, paragraph 2, of the Constitution".

58. At its 183rd Session (May-June 1971) the Governing Body authorised the Director-General to request the Committee of Experts to consider appropriate action in pursuance of the above paragraph of the resolution.

59. Article 23, paragraph 2, of the Constitution provides that "each Member shall communicate to the representative organisations recognised for the purpose of article 3 copies of the information and reports communicated to the Director-General in pursuance of articles 19 and 22".

60. Since this provision came into force in 1948, the Committee has always sought to determine to what extent governments were observing it, taking as a basis the information supplied by governments in reply to the question, in the report forms relating to article 22 and article 19 of the Constitution and in the Governing Body memorandum on submission, requesting them to "indicate the representative organisations of employers and workers" to which the information and reports submitted to the Director-General had been communicated.

61. The report forms under article 22 also contain a question asking governments to state "whether they have received from the organisations of employers or workers concerned any observations, either of a general kind or in connection with the present or the previous report, regarding the practical fulfilment of the conditions prescribed by the Convention or the application of the legislation or other measures implementing the Convention".

62. The report forms under article 19 do not contain any corresponding question. Since reports submitted under article 19 provide an opportunity for considering more particularly the difficulties which may be proving an obstacle to ratification or to the application of the instruments in question, and also whether the standards laid down are still up to date or may require revision, it might be useful to give employers' and workers' organisations an opportunity to express their views on the substance of the reports or on the subject-matter of the particular instrument. The Governing Body might therefore consider inserting a question to this effect in the report forms.

63. It is of course mainly in order to give the employers' and workers' organisations an opportunity of submitting their observations on the way in which their governments fulfil their obligations under the Constitution and under the Con-

ventions they have ratified that the obligation to communicate to these representative organisations copies of the reports and information submitted to the ILO was laid down. So far, the number of observations received from the organisations annually has remained quite small<sup>1</sup>, and the Committee of Experts and the Conference Committee on the Application of Conventions and Recommendations have on several occasions expressed concern at this situation. An improvement in the extent to which and the manner in which governments fulfil the obligation laid down in article 23, paragraph 2, of the Constitution might therefore lead to fuller participation by employers' and workers' organisations in the work of the ILO's supervisory bodies.

64. In pursuance of the above-mentioned resolution of the Conference, a general survey of the way in which article 23, paragraph 2, of the Constitution is applied will be found below. After examining the general situation of States Members in this respect, some of the special problems arising in connection with the application of this provision will be mentioned and proposals will be made concerning measures which might be taken to improve the application thereof.

#### *General Situation.*

65. In the case of reports on the application of ratified Conventions and on unratified Conventions and on Recommendations, the very great majority of governments fulfil their obligation to send copies to the representative organisations. Thus, 90 per cent of the reports received this year under article 22 and 82 per cent of the reports received this year under article 19 indicate the representative organisations of employers and workers to which copies were communicated in accordance with article 23, paragraph 2, of the Constitution.

66. When the Committee finds that a government has not fulfilled this obligation or has not provided precise information on the subject—that is, when the reports do not indicate whether copies have been communicated, or state that they *will be*, or when they state that they have been communicated but do not name the organisations—it notes this fact in an observation or in a direct request regarding the country concerned. Thus, it made eleven observations in 1970 and ten in 1971 regarding States which submitted reports under article 22 containing no indication as to communication to the representative organisations. When a report states that copies were not communicated because no representative organisations exist, no observation is made, since article 3 of the Constitution, to which article 23, paragraph 2, refers, prescribes consultation of representative organisations “if such organisations exist”. In 1971 only one member State<sup>2</sup> mentioned in its reports that no representative organisations existed in its territory.

67. The situation seems less satisfactory as regards information concerning submission to the competent authorities. Although the Committee has on several occasions recalled that the obligation to communicate copies to the occupational organisations applies also to information regarding submission, a large number of governments still do not communicate this information, or do so only in an irregular manner. In these circumstances, in 1971, the Committee had to recall this point once more in paragraph 71 of its general report. This year again, only some 40 per cent of

<sup>1</sup> It has never exceeded fifteen, and the average number over the past five years has been twelve. As regards the present reporting period, see paragraph 21 of the report.

<sup>2</sup> Khmer Republic.

the countries which transmitted information on submission gave indications on the communication of copies of this information to the representative organisations.

68. A considerable effort is therefore called for in order to achieve fuller compliance with the obligation to communicate to employers' and workers' organisations information on submission, and steps need to be taken in an appreciable number of countries to this end. In some countries the existence of procedures for regular consultation of employers' and workers' organisations, either directly or through a tripartite committee, as to the action to be taken on ILO instruments submitted to the competent authorities may—as was noted by the Committee in 1971—to some extent meet the purpose of article 23, paragraph 2, of the Constitution. Nevertheless, in order to comply with the terms of that article, governments would have to give the representative organisations copies of all the information they transmit to the Director-General of the ILO.

*Organisations to Which Copies of Reports and Information Are to Be Communicated.*

69. Which are the organisations to which copies of reports and information should be communicated? Article 23, paragraph 2, of the Constitution refers to “the representative organisations recognised for the purpose of article 3” of the Constitution. This deals with the composition of delegations to the Conference, and paragraph 5 provides that non-government representatives will be nominated by the Members “in agreement with the industrial organisations, if such organisations exist, which are most representative of employers or workpeople in their respective countries”. The rule therefore is that the representative organisations of employers and workers to which copies of the reports and information must be communicated in each country are the organisations which satisfy the conditions for being consulted on the nomination of employers' and workers' delegates to the Conference.

70. In practice, the following cases may arise <sup>1</sup>:

- Communication to the central organisations of employers and workers <sup>2</sup>; this is the most usual case.
- Communication both to the central organisations and to various organisations representative of a particular sector or branch of the economy, the organisations chosen varying sometimes according to the subject dealt with in the particular instrument.<sup>3</sup>
- In the case of instruments concerning one special sector or branch of the economy, communication to various non-central organisations representative of the sector or branch in question. For instance, reports concerning instruments relating to agricultural employment are communicated to organisations in the agricultural sector, and those concerning instruments relating to maritime work

<sup>1</sup> Except where otherwise stated, the examples which follow are taken from reports received this year.

<sup>2</sup> Examples: Algeria: reports communicated to the General Union of Algerian Workers and the General Confederation of Algerian Employers. Mexico: Confederation of Mexican Workers and Confederation of Chambers of Industry of the United States of Mexico. United Kingdom: Trades Union Congress and Confederation of British Industries.

<sup>3</sup> Example: Italy: all reports are communicated to the General Confederation of Italian Industry, the Italian Confederation of Workers' Unions (CISL), the Italian General Confederation of Labour (CGIL), the Italian Labour Union (UIL) and the Italian Confederation of National Workers' Unions (CISNAL). They are also communicated to other organisations according to the instrument to which the report refers.

are communicated to the organisations of shipowners and seafarers.<sup>1</sup> These latter instruments are the ones which most often receive special treatment as regards the communication of reports. Most of the reports submitted this year under article 19, on the maritime Recommendations (Nos. 107 and 108), were communicated to the organisations of shipowners and seafarers. It should be noted that the organisations in question are those represented at the special sessions of the Conference which adopt instruments dealing with maritime labour.

- Communication to the central organisations of employers and workers and to a national advisory body on which employers and workers are represented.<sup>2</sup>
- Communication to a national advisory body on which employers and workers are represented.<sup>3</sup>
- Communication to a single trade union organisation, grouping both employers and workers.<sup>4</sup>
- Communication to the central organisation of workers and to the managements of various undertakings.<sup>5</sup>
- Communication to the central workers' organisation.<sup>6</sup>
- Communication to the central employers' organisation.<sup>7</sup>
- The reports state that they have not been communicated because no representative organisations of employers and workers exist.<sup>8</sup>

71. If one compares these varying practices with the provisions of the Constitution on the subject, one finds that it is the most widespread practice—communicating copies to the central organisations of employers and workers—which seems to correspond most closely to the terms of article 23, paragraph 2, of the Constitution. Indeed, these central organisations are the ones which are usually consulted for the appointment of employers' and workers' delegates to the Conference.

72. However, having regard to the purpose of this provision, which is to enable the employers' and workers' organisations, on the basis of a full knowledge of the facts, to submit observations on the application of ILO instruments in their country, it might be considered that the practice followed by certain governments of sending copies of the reports and information to organisations in the sector with which the instrument covered by the report or information deals, can also achieve this purpose.

<sup>1</sup> Example: France: moreover, the principal central organisations—French Democratic Federation of Labour, French Confederation of Christian Workers, General Confederation of Labour, General Confederation of Labour-Force Ouvrière, General Confederation of Executive Staffs and National Council of French Employers—receive copies of reports concerning instruments not dealing either with agricultural employment or with maritime employment.

<sup>2</sup> Malaysia: reports are communicated to the Congress of Trade Unions of Malaysia, the Council of Employers' Organisations of Malaysia and the National Joint Advisory Labour Council.

<sup>3</sup> This practice was followed until last year by Malaysia and Singapore, which communicated copies of their reports to the National Joint Advisory Labour Council and the State Economic Advisory Council respectively. The Government of the Netherlands communicated a copy of the report submitted under article 19 concerning the Convention and Recommendation (No. 122) on Employment Policy to the Council for the Labour Market.

<sup>4</sup> Spain.

<sup>5</sup> Byelorussia, Cuba, Ukraine, USSR.

<sup>6</sup> Romania.

<sup>7</sup> Rwanda.

<sup>8</sup> Khmer Republic.



73. It would certainly be useful to send copies of reports and information both to central organisations and to organisations in the sector concerned. If they were sent only to the central organisations, these bodies would probably ensure that they were brought to the attention of their affiliated organisations in the sector concerned. In the case of non-metropolitan territories, it would be useful to send copies of the reports also to the employers' and workers' organisations in such territories.

74. One of the practices mentioned above—communication to a national advisory body on which employers and workers are represented—also deserves to be noted. When copies are also communicated to the representative organisations of employers and workers, this practice raises no problems of compatibility with the Constitution. It would even seem desirable, since the information and reports transmitted by the Government to the ILO will thus receive wider publicity, while at the same time being sent directly to the organisations concerned. But a more delicate question arises when copies are communicated only to such an advisory body, despite the fact that representative organisations of employers and workers exist in the country. In so far as these organisations are represented on the advisory body, it may be assumed that they will normally be informed by their representatives thereon. It would nevertheless be desirable, in order to give full effect to article 23, paragraph 2, of the Constitution, for governments in all cases to communicate copies directly to the representative organisations.

75. Generally speaking, it would be desirable that governments, in their reports and information, give relevant details of any particular circumstances existing in their countries as regards to the situation of employers' and workers' organisations or as regards the procedure followed in communicating the reports and information transmitted to the ILO. In particular, when the reports are communicated only to employers' or to workers' organisations, or when they are not communicated, they should mention, if such is the case, that no representative organisations of employers and/or of workers exist; when they are communicated to bodies other than employers' or workers' organisations, or with regard to which doubts might be raised as to their exact nature, the composition and role of such bodies should be clearly indicated. The question concerning communication which appears in the report forms under article 22 and article 19 and in the memorandum on submission might perhaps be supplemented to this effect.

#### *Types of Information to Be Communicated.*

76. What is the nature of the data which must be communicated to the representative organisations? According to article 23, paragraph 2, of the Constitution, it is the information and reports communicated to the Director-General in pursuance of articles 19 and 22 of the Constitution.

77. As was indicated above, since article 23, paragraph 2, came into force, the Committee has periodically drawn attention to the fact that it applies not only to reports submitted under article 22 on the application of ratified Conventions, but also to reports and information submitted under article 19 concerning unratified Conventions, Recommendations and submission to the competent authorities. It may be useful to examine more closely what is meant by "reports and information".

78. In the case of article 22 reports, the question would at first appear simple: governments must periodically submit reports on the application of the Conventions which their country has ratified, and it is copies of these reports which must be

communicated to the representative organisations. As has been seen, most governments communicate these reports regularly.

79. However, some governments are in the habit of submitting their reports in two parts: firstly, the body of the report proper, which contains the information called for in the report form and which states, in reply to the last question in the form, that copies have been sent to such and such organisations, in accordance with article 23, paragraph 2, of the Constitution; secondly, the reply to the comments of the Committee submitted on one or several separate sheets which normally contain no indication as to whether they were communicated to the organisations.

80. Similarly, when the replies to the comments of the Committee are submitted separately—for example in reply to a letter from the ILO pointing out that the initial report contains no reply—there is rarely any indication whether copies have been communicated in accordance with article 23, paragraph 2, of the Constitution.

81. However, the replies to the comments of the Committee constitute by their very nature an important part of the information supplied under article 22 of the Constitution. Failure to communicate these replies prevents the representative organisations from having cognisance of an essential factor in the situation, on which their observations might be of great help to the Committee in assessing the position. They should therefore, like the report itself, be communicated to the representative organisations, and governments should state to which organisations they have been sent.

82. In the case of information regarding submission to the competent authority, the Governing Body adopted a memorandum recalling the various points on which the information required by the Constitution is to be supplied. The memorandum contains a number of questions concerning the nature of the competent authority or authorities, the date of submission, the proposals made by the government as to the measures which might be taken, the decisions, if any, taken by the competent authorities and any reasons which may have prevented submission within the time limit laid down in the Constitution. It is, of course, the information supplied by the government in reply to these questions which must be communicated to the representative organisations of employers and workers.

83. The memorandum also asks that copies of the documents by which the Conventions and Recommendations were submitted be sent to the ILO, together with any proposals which may have been made. When the information supplied replies in detail to all the questions in the memorandum, the communication of this information alone is normally sufficient to enable the organisations of employers and workers to know what action the government proposes. But when the information given merely refers, as often happens, to appended documents (white paper or other parliamentary document) which contain the particulars called for in the memorandum, communication of this information alone to the representative organisations does not by itself enable them to be correctly informed of the situation. In such cases, it is only if the documents appended to the information supplied by the government are also communicated to the organisations—as is done by some governments—that the purpose of article 23, paragraph 2, of the Constitution is really achieved.

84. It would certainly be easier for the representative organisations to understand the information communicated to them and to present comments on this information if the forms on the basis of which governments have to prepare their reports were



also made available to these organisations. One Government<sup>1</sup> sends the report forms to the organisations along with copies of its reports under article 22 of the Constitution. Another Government<sup>2</sup> does so for first reports, with which it sends the appropriate forms.

85. In its report for 1971 the Committee pointed out that resort to this practice in other countries might well facilitate the task of the representative organisations since the report forms contain not only the text of the Conventions but also a series of questions which elucidate their meaning. Consequently, the International Labour Office has offered to supply additional copies of the report forms under article 22 to governments which requested them so as to communicate them to the organisations along with copies of their reports. So far, one Government has asked for such additional copies.<sup>3</sup>

86. It would clearly be advantageous to extend this practice to the report forms under article 19 and the memorandum on submission to the competent authorities.

*Date of Communication.*

87. Little information is available regarding the practice of governments as to the date at which they communicate to the representative organisations copies of the reports and information which they transmit to the ILO.

88. Most of the reports merely state that they "have been communicated" to the representative organisations. A sizeable number state that they "are being communicated" to these organisations. These expressions tend to suggest that, in the great majority of cases, communication to the organisations takes place before or at the same time as despatch to the ILO.

89. When reports are communicated to the representative organisations before being sent to the ILO, governments have an opportunity of mentioning any comments made by these organisations and replying to them, if they wish, in the actual reports. Thus the Committee is made aware without delay of any comments made by employers' or workers' organisations.

90. When the reports are communicated at the same time to the representative organisations and to the ILO, and the government subsequently receives observations from the organisations on a report in sufficient time for those comments to be considered by the Committee of Experts, it can, in order to avoid undue delay, transmit those comments to the ILO, along with any comments it may wish to make, in an additional communication. Observations received too late must be mentioned in the following report in accordance with the relevant question in the report form, which refers to observations received "in connection with the present or the previous report". It should be recalled in this connection that this question requests governments to mention not only observations bearing on a given report but also observations "of a general kind" regarding the practical application of the Convention. Governments should therefore mention such observations also.

91. In any case, the reports and information should be communicated to the representative organisations at latest at the same time as they are transmitted to the

<sup>1</sup> Mexico.

<sup>2</sup> United Kingdom.

<sup>3</sup> Canada.

ILO, so as to enable the Committee to ascertain that the obligation imposed by article 23, paragraph 2, of the Constitution has been respected.

92. Where, for any reason, reports have not yet been communicated to the representative organisations at the date of their despatch to the ILO, it is essential that this be done as soon as possible thereafter and that governments should inform the ILO that this has been done.

*Conclusion.*

93. The resolution adopted by the Conference requests the Committee of Experts to consider measures which the ILO could take to ensure effective implementation of article 23, paragraph 2, of the Constitution.

94. In the first place, the Committee will continue, in accordance with the mandate entrusted to it, to verify the extent to which governments comply with their obligation to communicate to the representative organisations copies of the information and reports transmitted to the ILO in virtue of articles 19 and 22 of the Constitution and to draw attention to cases in which this obligation has not been duly fulfilled.

95. *Scope of the obligation.* In this connection, it would appear useful to recall first of all the basic rules deriving from article 2, paragraph 2, of the Constitution which governments should observe:

- in all cases, reports must be communicated to the organisations of employers and workers which have to be consulted in the nomination of employers' and workers' delegates to the Conference, normally the central organisations;
- all the information submitted to the ILO under articles 19 and 22 of the Constitution must be communicated, including the replies to comments of the Committee of Experts, and—when the information concerning submission to the competent authorities transmitted to the ILO merely refers to one or more appended documents containing the information requested by the Governing Body memorandum—these appended documents must also be communicated;
- the reports and information should be communicated to the organisations at latest at the same time as their despatch to the ILO. If they are sent subsequently, the governments should so inform the ILO in an additional communication.

96. *Proposed measures.* With a view to improving the procedures for communication so as to achieve the purpose of article 23, paragraph 2, of the Constitution, the Committee suggests that governments be guided by the following practices:

- copies of report forms and of the memorandum on submission could be communicated to the representative organisations along with the copies of the reports and information. In this connection, reference may be made again to the ILO proposal to send, to governments which so request, additional copies of the report forms;
- the practice of certain governments which, when communicating their reports to the occupational organisations, draw special attention to the fact that they are entitled to submit comments, deserves to be more widely followed;
- copies of the reports and information could be communicated at the same time to the central organisations of employers and workers and to organisations in the particular sector which may be concerned with the instrument to which the report and information refer.

97. The Governing Body of the ILO might, in order to facilitate the presentation of information by governments and the task of the Committee of Experts in regard thereto, contemplate supplementing or amending the report forms under article 19 and article 22 of the Constitution and the memorandum on submission along the following lines:

- the question concerning the application of article 23, paragraph 2, of the Constitution, which appears in the report forms and the memorandum on submission, might be supplemented by asking governments to mention any particular circumstances existing in their country which would explain the procedure followed in the communication of the reports and information transmitted to the ILO;
- a new question might be added by the Governing Body concerning any observations made by employers' and workers' organisations regarding the reports and information transmitted in accordance with article 19.

98. Finally, certain practical steps might be taken by the International Labour Office:

- the Office might be asked to ascertain, on receiving information and reports from governments, whether the information and reports concerned reply to the questions regarding communication of copies to employers' and workers' organisations, which appear in the report forms and in the memorandum on submission, and, if not, to write to the governments concerned, requesting the necessary information on this point;
- the offer to supply governments with additional copies of the report forms for communication to employers' and workers' organisations should be maintained and should be extended to cover the report forms under article 19 and the Governing Body memorandum on submission;
- the action already undertaken by the Office to promote understanding of the standards and procedures of the International Labour Organisation by employers' and workers' organisations should be continued and developed.

## IV. Reports on Ratified Conventions

### (Articles 22 and 35 of the Constitution)

#### *1. Supply of Reports*

##### *Reports Requested and Received.*

99. By far the greater part of the Committee's work is based on the examination of the reports<sup>1</sup> supplied by governments on Conventions which have been ratified by member States and on those which have been declared applicable to non-metropolitan territories.

100. Since 1960 detailed reports are normally requested at two-yearly intervals, in accordance with a procedure approved by the Governing Body and the Conference. Under this two-yearly reporting procedure, Conventions are divided into two groups in respect of which detailed reports are requested every other year. This year the

<sup>1</sup> ILO: *Summary of Reports on Ratified Conventions*, Report III (Part 1), to the 57th Session of the International Labour Conference (Geneva, 1972).

reports before the Committee related to fifty-five Conventions<sup>1</sup> and covered the period from 1 July 1969 to 30 June 1971. By way of exception to this two-yearly procedure, detailed reports were also requested, in accordance with the Governing Body's decision, from certain governments on other Conventions, either because the first report was due after ratification or because serious problems had previously been noted in the application of the Convention, or again because reports due for the previous period had not been received or did not contain the information requested.

101. In accordance with the above procedure, 1,992 reports (or over twice as many reports as in 1960) were requested from governments on the application of ratified Conventions in States Members (article 22 of the Constitution). At the end of the present session of the Committee 1,504 reports, or 75.5 per cent of those requested, had been received by the Office. A table showing the reports received and those which are overdue, classified by country and by Convention, is given in Part Two (section I, Appendix I) of the present report. There is also set out in Part Two (section I, Appendix II) a table showing, for each year since 1933 in which the Committee has met, the number and percentage of reports which were received by the prescribed date, by the date of the meeting of the Committee and by the date of the session of the International Labour Conference.

102. In addition, 507 reports were requested on Conventions which have been declared applicable with or without modification to non-metropolitan territories (articles 22 and 35 of the Constitution). Of these, 351 reports, or 69.2 per cent, had been received by the end of the present session. A further 789 reports were requested on Conventions ratified by the member States but not declared applicable to the non-metropolitan territories; of these 572 or 72.5 per cent were received. A list of the reports received and those which are overdue, classified by territory and by Convention, may be found in Part Two of this report (section II, Appendix).

103. Apart from the above-mentioned reports, governments also supplied general reports on the Conventions for which detailed reports were not due for the period under review (Australia, Belgium, Cuba, Cyprus, Federal Republic of Germany, India, Kenya, Khmer Republic, Libyan Arab Republic, Luxembourg, Malaysia, New Zealand, Norway, Sierra Leone, Singapore, Sweden, Switzerland). These general reports sometimes contained full information and thus enabled the Committee to take note of any changes in national legislation and practice without delay.

#### *Compliance with Reporting Obligations.*

104. The great majority of the 118 governments from which reports were due on the application of ratified Conventions in States Members have supplied all or most of the reports requested. The Committee deeply regrets, however, that once again a number of governments have not complied with their fundamental obligation to supply reports on ratified Conventions. Thus, none of the reports due has been received from the following twenty-three countries: Afghanistan, Bolivia, Burma, Chile, Costa Rica, Czechoslovakia, Dahomey, Ethiopia, Haiti, Honduras, Ivory Coast, Laos, Lebanon, Liberia, Mauritius, Nicaragua, Panama, Paraguay, Tanzania, Togo, Trinidad and Tobago, Yemen Arab Republic, Zaire.

#### *Supply of First Reports.*

105. The Committee emphasises once again the special importance which it attaches to the first reports supplied by governments after ratification, as their

<sup>1</sup> 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, 127.

examination constitutes the basis for the assessment of the situation regarding the Convention in question. It therefore welcomes the fact that 88 such first reports were received by the time the meeting opened. It must however express its regret that a number of countries have failed to supply the reports in question, sometimes for more than a year. Thus, certain first reports on ratified Conventions have not been received from the following States since 1970: Gabon (Convention No. 123), Paraguay (Conventions Nos. 105, 123), Sierra Leone (Convention No. 125), Thailand (Convention No. 123); or since 1969: Paraguay (Conventions Nos. 11, 29, 81, 115, 119, 120, 124), Sierra Leone (Convention No. 126). The Committee urgently requests the governments concerned to do everything in their power to supply these reports so that they can be examined at its next session.

### *Replies to Committee's Comments.*

106. The procedure for the examination of reports can only function satisfactorily if governments not only supply the detailed reports requested but also reply fully to the Committee's observations and requests. In this connection the Committee once again underlines the importance of governments taking carefully into account in preparing their reports the report forms adopted by the Governing Body of the ILO.

107. As regards more particularly those cases where the Committee's earlier comments call for a reply from the government, the process of supervision is seriously jeopardised when the reports due are not supplied. The same situation arises when a report is supplied but does not contain a reply to previous comments. In this connection the Committee recalls that the International Labour Office, in its capacity as the Secretariat of the Committee, is responsible for ascertaining upon receipt of governments' reports whether these reports take account of the previous comments of the Committee and, if they do not, for writing immediately to the governments concerned requesting them to supply the necessary information without delay in order to enable the Committee to fulfil its task. Under this procedure the International Labour Office communicated with twenty-eight governments; in some cases these letters of reminder are of very recent date, but thirteen governments have already sent the information requested.

108. The Committee must however note with regret that there are a number of cases in which no reply has been received to the majority or even the totality of the observations or requests relating to Conventions on which reports were requested this year. A total of twenty-four governments has thus failed, in a significant number of cases, to reply to the Committee's comments.<sup>1</sup>

<sup>1</sup> Afghanistan (Conventions Nos. 4, 41, 45, 95, 105, 106), Bolivia (Conventions Nos. 5, 14, 26, 42, 87, 96, 107), Burma (Conventions Nos. 1, 17, 26, 29, 52, 63), Chile (Conventions Nos. 2, 17, 18, 19, 24, 25, 34, 37, 63), Costa Rica (Conventions Nos. 29, 81, 88, 89, 90, 92, 94, 95, 96, 98, 107, 111, 113, 114, 117), Czechoslovakia (Conventions Nos. 19, 29, 42, 44, 52, 63, 87, 88, 111), Dahomey (Conventions Nos. 18, 29, 105), Denmark (Conventions Nos. 94, 102, 105), Dominican Republic (Conventions Nos. 29, 81, 87, 88, 98, 105, 106, 119), Ethiopia (Conventions Nos. 2, 88), Gabon (Conventions Nos. 13, 19, 52, 101, 105), Haiti (Conventions Nos. 1, 24, 25, 29, 30, 42, 81, 90, 100, 105), Honduras (Conventions Nos. 29, 42, 78, 87, 95, 105), Jordan (Conventions Nos. 29, 105, 117), Ivory Coast (Conventions Nos. 5, 11, 29, 33, 52), Liberia (Conventions Nos. 55, 58, 65, 87, 98, 104, 111, 112, 113, 114), Mauritania (Conventions Nos. 19, 22, 29, 53, 90, 114, 118), Nicaragua (Conventions Nos. 2, 6, 8, 12, 13, 17, 18, 22, 24, 25, 26, 28, 29, 30, 87, 98, 100, 105, 111), Panama (Conventions Nos. 3, 12, 17, 29, 30, 42, 81, 87, 98, 100, 105, 111), Paraguay (Conventions Nos. 52, 77, 78, 79, 89, 90, 95, 99, 106), Tanzania (Conventions Nos. 17, 29, 50, 63, 65, 81, 97, 98, 105, 108), Venezuela (Conventions Nos. 1, 2, 22, 88), People's Democratic Republic of Yemen (Conventions Nos. 19, 95, 105), Zaire (Conventions Nos. 4, 17, 18, 29, 89, 94, 117, 118, 120, 121).

109. In view of this failure to supply the reports requested, or the replies to its comments, the Committee can only repeat once again the observations or requests that it has made previously on the Conventions in question. As the failure of the governments concerned to fulfil their obligation is bound to impede the task of both the Committee of Experts and the Conference Committee, the Committee cannot emphasise too strongly the special importance attaching to the supply of reports and of replies to previous comments when, as in the cases listed above, the application of ratified Conventions has given rise to problems. The value of such replies to direct requests may not always be immediately apparent from the Committee's report; yet all the information thus available is carefully examined and weighed and the Committee wishes to express its appreciation to the many governments which, often at the cost of considerable effort, supply additional particulars in response to the Committee's requests.

#### *Late Reports.*

110. Finally, the Committee has noted that in all too many cases the reports continue to arrive after the prescribed date. It must once again insist on the importance of sending reports within the established time limit, that is to say by 15 October, in order to ensure the normal functioning of the supervision procedure, having regard to the time needed for possible translations and the examination of reports, legislation, etc. The Committee strongly urges governments to do all they can in the future to supply the reports due by the date indicated.

111. The communication of reports in due time is particularly important in cases requiring detailed examination by the Committee, as in the case of first reports or in cases of important divergences in the application of a Convention. The Committee has thus been compelled to defer to its next session the examination of certain reports, as their study could not be completed within the time available, with the necessary degree of care. Similarly, at its present session, it has had to examine a number of reports deferred from 1971.

## *2. Examination of Reports*

112. In examining the reports received on Conventions which have been ratified and those which have been declared applicable to non-metropolitan territories the Committee followed its usual practice, that is, it assigned to each of its members the initial responsibility for a group of Conventions; reports received in sufficient time were circulated to the members concerned in advance of the session, and each member then submitted to the whole Committee his preliminary findings on the instruments concerned.

#### *Observations and Direct Requests.*

113. The Committee found, as regards the great majority of cases considered by it, that no comment was called for regarding the manner in which the obligations freely undertaken in respect of Conventions were complied with. In other cases, however, the Committee found it necessary to draw the attention of the governments concerned to the need to take further action to give effect to ratified Conventions or to supply additional information on given points. As in previous years, these comments have been drawn up either in the form of "direct requests" or in the form of "observations". In addition, in the case of observations which it deemed particularly important, the Committee has continued its usual practice of asking the



government, in a footnote, to supply full particulars to the Conference at its next session in June 1972 or to report in detail for the period 1971-72.

114. In considering what may seem to be a large number of comments by the Committee, it is important to bear in mind that for a great many of these cases the Conventions may in fact be satisfactorily applied and that the Committee merely requires fuller information on the relevant legislation and practical application. In other cases it may be that the basic provisions of the Convention are fully complied with but that the Committee has noted the absence of legislation or other measures ensuring the application of a provision of lesser importance. Thus, examination of the observations in Part Two of the present report will show that there are extremely few cases in which the Committee has found that no legislative or other measures of any kind have yet been taken to ensure the application of the substantive provisions of the Convention in question. On the other hand, it will be apparent from the Committee's comments that because of the wide range of the matters dealt with in certain Conventions, particularly those relating to human rights, the questions raised in the observations and direct requests dealing with such Conventions often vary considerably in their degree of importance, from country to country.

115. The Committee's observations are set out in Part Two (sections I and II) of the present report, together with a list, under each Convention, of any direct requests. The direct requests themselves are not published but are communicated directly to the individual governments concerned.

#### *Practical Application.*

116. The Committee's first task, in examining reports, is to ascertain the degree of conformity between national legislation and ratified Conventions. Neither the Committee of Experts nor the Conference Committee has, however, lost sight at any time of the importance of the effective application of Conventions in practice. Particularly in recent years, the Committee of Experts has attempted, on the basis of the means available for assessing the extent to which actual effect is given to Conventions, to obtain as much information as possible in this respect. The Committee has had to rely mainly, for this purpose, on the information which governments are asked to provide in their reports in reply to various questions included in the report forms adopted by the Governing Body. Depending on the nature of the instruments, the information requested relates to such matters as relevant decisions by courts of law, the results of labour inspection, the number of workers protected, statistics of industrial accidents and occupational diseases, minimum wage rates, the amount of social security benefits granted, etc. The Committee has also taken into account information contained in the labour inspection reports communicated by governments to the ILO.

117. This year more than 50 per cent of the reports supplied on Conventions for which such particulars are specifically requested by the report forms did contain data of this nature. This percentage constitutes a further improvement as compared with previous years and the Committee notes with particular appreciation the efforts made by the governments of the following countries to provide information in a large majority of their reports as to the manner in which Conventions are applied in practice: Australia, Austria, France, Federal Republic of Germany, Italy, Japan, Netherlands, New Zealand, Norway, Switzerland, United Kingdom. As regards those countries which have failed to supply similar information in their reports, the Committee has raised the matter in direct requests in order to draw attention to the

importance of replying as fully as possible to the various questions on practical application which appear in the report forms.

118. The Committee has also noted with interest the decisions of courts of law on questions of principle relating to the application of ratified Conventions to which certain countries referred in their reports. Some twelve reports contained information of this kind, and threw additional light on the problems which have arisen in these cases in giving practical effect to the terms of the Conventions concerned.

## **V. Positive Measures by Governments to Give Effect to ILO Standards**

119. The Committee of Experts is called upon, under its mandate, to examine and report on a large body of data made available by governments from year to year in pursuance of articles 19, 22 and 35 of the ILO Constitution, including the results of inspection. In the performance of this task, the Committee's principal concern is to ascertain the extent to which governments have complied with their obligations under the above articles of the Constitution and under the Conventions they have ratified. As a result, the bulk of the Committee's findings necessarily focuses attention on those cases where difficulties have been encountered by certain countries in securing the effective observance of a ratified Convention or in bringing the instruments adopted by the International Labour Conference before the competent legislative authorities.

120. This primary emphasis on some of the more negative aspects—which is inherent in the supervisory function entrusted to the Committee—should however not be allowed to overshadow the numerous instances of positive action which also emerge from the Committee's examination. Every year the Committee of Experts, as well as the Conference Committee on the Application of Conventions and Recommendations, are able to point to a significant number of cases where governments have adopted concrete measures in order to satisfy their obligations under ratified Conventions, or to give effect to unratified Conventions and Recommendations. In many of these cases the Committee has found it possible, moreover, to stress the link which clearly exists between the action taken in a country and the observations or requests made in respect of that country in previous years.

121. Impressed by the increasing frequency of such findings, the Committee began, almost ten years ago, to list systematically in its general report "the cases in which it was able to express its satisfaction at measures taken by governments to make the necessary changes in their legislation or practice following earlier comments by the Committee". The form which these comments traditionally take, either as observations in the Committee's report or as requests sent directly to the governments concerned, facilitated the identification and listing of cases of progress in the application of ratified Conventions, so that the documentary evidence now available in this sphere is more comprehensive than in relation to unratified Conventions and to Recommendations.

122. This year again the Committee has formally welcomed in Part Two of the present report instances where the law or practice of a number of countries has been changed in response to past observations or direct requests concerning ratified



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Conventions. The list of 81 cases of this kind (involving 41 States Members and 7 non-metropolitan territories) is as follows:

Countries	Conventions Nos.
Algeria . . . . .	17
Argentina . . . . .	17
Australia . . . . .	42
Barbados . . . . .	17, 19, 42
Belgium . . . . .	56, 102
Byelorussia . . . . .	52
Canada . . . . .	63
Chad . . . . .	33, 81
Colombia . . . . .	3, 12, 24, 25
Cuba . . . . .	81
Cyprus . . . . .	121, 124
Denmark . . . . .	52
Egypt . . . . .	17
Greece . . . . .	81
Guatemala . . . . .	108
Guyana . . . . .	42
Iraq . . . . .	17, 52, 81, 95
Israel . . . . .	118
Italy . . . . .	60
Jamaica . . . . .	81
Libyan Arab Republic . . . . .	52, 89, 95
Malawi . . . . .	64
Malaysia . . . . .	17
Mali . . . . .	81
Mexico . . . . .	42, 52, 90, 102
Netherlands . . . . .	44, 89, 90
Norway . . . . .	29, 44, 63, 96
Peru . . . . .	12
Philippines . . . . .	95
Portugal . . . . .	1, 18, 26
Senegal . . . . .	52
Sierra Leone . . . . .	32
Singapore . . . . .	81
Switzerland . . . . .	29
Turkey . . . . .	95
Ukraine . . . . .	52
USSR . . . . .	29, 52, 87
United Kingdom . . . . .	105
Upper Volta . . . . .	111
Uruguay . . . . .	15, 42, 58, 59, 60, 63, 77, 78
Zambia . . . . .	123, 124

## Non-Metropolitan Territories

<i>France</i>	
New Caledonia . . . . .	82
<i>Netherlands</i>	
Surinam . . . . .	95
<i>United Kingdom</i>	
Bahamas . . . . .	5
British Virgin Islands . . . . .	5
Gibraltar . . . . .	108
Guernsey . . . . .	56
Hong Kong . . . . .	42

123. Without attempting to draw up an exhaustive balance sheet, it may be of interest to sketch out certain of the findings emerging from previous attempts, since 1964, to highlight annually some of the tangible effects of the Committee's work. Over the nine-year period ending in 1972 some 680 cases of progress have been

recorded. Certainly the importance of these cases varies considerably and the fact that progress has been noted does not necessarily signify that there is no longer any problem in applying the Conventions in question. If the positive measures thus noted by the Committee are analysed, the proportion of cases for each subject-area covered by Conventions is as follows—basic human rights: 14 per cent; labour administration: 7 per cent; employment policy and human resources development: 2 per cent; general conditions of employment: 16 per cent; employment of children and young persons: 12 per cent; employment of women: 7 per cent; industrial safety, health and welfare: 5 per cent; social security: 20 per cent; migration: 1 per cent; seafarers: 10 per cent; indigenous and tribal populations: 4 per cent; social policy (general standards): 2 per cent.

124. Analysis on a country-by-country basis also shows that most of the countries where Conventions are in force have at some time or other taken steps to ensure a fuller degree of compliance with the terms of ILO instruments. A regional tabulation of the 131 countries involved is particularly revealing: of the 680 odd cases included, 28 per cent come from the African continent, 26 per cent from the Americas, 16 per cent from Asia and Oceania and the remaining 30 per cent from Europe. A full tabulation of all these cases will be found in the Appendix to the present report.

125. The Committee would not wish to elaborate on the figures cited above, except to underline how very many developing countries figure among those which have given concrete evidence of their determination to meet more fully their obligations under ILO Conventions.

126. The Committee is also aware that the examples of progress to which it is able to point from year to year represent only a limited proportion of the cases where international labour standards and the procedures to promote their implementation are liable, in various ways, to exert a positive influence. As indicated in 1971, there are many, less visible, cases "where legislative and other measures are taken as a result of a government's decision to ratify; where measures are taken in relation with the submission of instruments to the competent authority even if the instrument is not ratified; or where steps taken with a view to giving effect to the minimum standards of a ratified Convention . . . act as a catalyst for further measures going beyond the requirements of the Convention". Evidence to this effect can come to light through the information governments supply on unratified Conventions and on Recommendations. Thus, over the past few years governments in all parts of the world have reported on legislative measures adopted in order to implement Conventions not yet ratified by them. In 1969 the Committee noted in its general survey of the ratification outlook of selected key Conventions that measures of this kind had been taken, for example in Kenya (Minimum Wage Fixing Machinery (Agriculture) Convention, 1951 (No. 99)), in Togo (Social Security (Minimum Standards) Convention, 1952 (No. 102)), in Lesotho and Upper Volta (Abolition of Forced Labour Convention, 1957 (No. 105)), and in Malta (Social Policy (Basic Aims and Standards) Convention, 1962 (No. 117)). In the same general survey the Committee noted measures then under way to enable certain countries to ratify the Conventions reviewed. The completion of these measures subsequently led to the ratification, e.g. by Japan of the Minimum Wage-Fixing Machinery Convention, 1928 (No. 26), by Ireland of the Employment Service Convention, 1948 (No. 88), and by Cameroon of the Minimum Wage Fixing Machinery (Agriculture) Convention, 1951 (No. 99). In its 1970 survey of the effect given to the Protection of Workers' Health Recommendation, 1953 (No. 97), the Committee noted that in Finland, for instance, this Recommendation was specifically taken as the basis for the draft of the 1958 Act

concerning workers' protection. This year again in its general survey on the employment policy standards, the Committee notes that in Austria action has been taken to bring about legislative conformity with the Employment Policy Convention, 1964 (No. 122). As regards the same Convention, the Committee had previously learned that in Costa Rica the Decree creating the National Council of Human Resources specifically refers to the instrument in question.

127. The Committee has cited the various figures and examples above not so much to draw any hard and fast conclusions but rather to indicate how its examination of a vast body of reports and related data from all parts of the world has led it not only to call for a fuller degree of compliance with international obligations but also to record many instances where concrete action has been taken by governments. The evidence available in this connection testifies to the role of ILO standards as a positive influence and confirms the validity of the work of examination exercised jointly by the present Committee and the International Labour Conference.

## VI. Submission of Conventions and Recommendations to the Competent Authorities

### (Article 19 of the Constitution)

128. In accordance with its terms of reference, the Committee this year examined the following information<sup>1</sup> supplied by governments of member States, pursuant to article 19 of the Constitution of the International Labour Organisation:

- (a) information on action taken to submit to the competent authorities, within the constitutional time limits of twelve or eighteen months, the instruments adopted by the Conference at its 54th Session (1970), namely: the Minimum Wage Fixing Convention (No. 131), the Holidays with Pay Convention (Revised) (No. 132), the Minimum Wage Fixing Recommendation (No. 135) and the Special Youth Schemes Recommendation (No. 136);
- (b) additional information on action taken to submit to the competent authorities the instruments adopted by the Conference from its 31st (1948) to 53rd (1969) Sessions (Conventions Nos. 87 to 130 and Recommendations Nos. 83 to 134);
- (c) replies to the observations and direct requests made by the Committee at its 1971 Session.

#### *54th Session*

129. The Committee noted with interest that the governments of the forty-two member States listed below have stated that they have submitted to the competent authorities all the instruments adopted by the Conference at its 54th Session: Argentina, Bulgaria, Byelorussia, Canada, Central African Republic, Cuba, Cyprus, Czechoslovakia, Denmark, Egypt, France, Federal Republic of Germany, Guinea, Hungary, Indonesia, Ireland, Japan, Khmer Republic, Kuwait, Libyan Arab Republic, Madagascar, Malaysia, Mali, Malta, Morocco, New Zealand, Nigeria, Norway,

<sup>1</sup> ILO: *Summary of Information on the Submission to the Competent Authorities of Conventions and Recommendations Adopted by the International Labour Conference*, Report III (Part 3) to the 57th Session of the International Labour Conference (Geneva, 1972).

Philippines, Portugal, Romania, Senegal, Singapore, Spain, Sweden, Switzerland, Trinidad and Tobago, Turkey, Ukraine, USSR, United Kingdom, Zambia.

130. The Governments of the following four countries have indicated that they have submitted to the competent authorities some of the instruments adopted by the Conference at its 54th Session: Colombia, Greece, Syrian Arab Republic, Viet-Nam.

131. In the majority of cases the procedure for submission was completed either within the normal time limit of twelve months or within the exceptional time limit of eighteen months, as required by article 19 of the Constitution of the International Labour Organisation.

#### *31st to 53rd Sessions*

132. The Committee further noted with interest that since its last session fifteen countries (Austria, Belgium, Canada, Congo, Denmark, Iceland, Libyan Arab Republic, Madagascar, Nigeria, Philippines, Singapore, Spain, Trinidad and Tobago, Turkey, United States of America) have indicated that they have submitted to the competent authorities all the instruments adopted at the 53rd Session of the Conference, bringing the total number of countries which have fulfilled the obligation in regard to the instruments in question to sixty-four.

133. The Committee further noted with satisfaction the appreciable progress made by certain countries in submitting to the competent authorities various instruments adopted by the Conference since its 31st Session, particularly in the following cases: Colombia (various Conventions from the 47th to the 53rd Sessions), Iceland (50th to 53rd Sessions), Spain (various instruments from the 47th to the 53rd Sessions), Trinidad and Tobago (50th to 53rd Sessions).

134. The table in Appendix I to section III of Part Two of the Committee's report shows the position of each State Member, as it emerges from the information supplied by the governments, with regard to the obligation to submit to the competent authorities the Conventions and Recommendations adopted by the Conference.

#### *Comments by the Committee and Replies from Governments*

135. As it does every year, in section III of Part Two of this report, the Committee makes individual observations on the points which it considers should be brought to the special attention of governments. Requests with a view to obtaining supplementary information on other points have also been addressed directly to a number of countries which are listed at the end of the above-mentioned section III.

136. The Committee notes with regret that, notwithstanding its repeated requests, many governments have again failed to supply replies to its observations, even after reminders have been sent by the Office in accordance with a request made to it by the Committee in 1965. The Committee trusts that governments will endeavour in future to supply all the required information and documents.

#### *Nature of the Competent Authority*

137. The question of the nature of the competent authority has always been, and still is, a matter of concern to the Committee and to the Conference Committee. It is understood that the competent authority is the body which, under the national constitution of each State, is vested with the power to legislate or to take other action to give effect to Conventions and Recommendations. In most cases, the legislative

body, and consequently the competent authority, is the Parliament. Where the legislative power of the Parliament is shared with the executive organ, submission to Parliament is likewise necessary. Finally, in the case of instruments not requiring action in the form of legislation, it would be desirable—to ensure that the purpose of submission, which is also to bring Conventions and Recommendations to the knowledge of the public, is fully met—to submit these instruments also to the parliamentary body. In this connection the Committee notes with satisfaction that, as a result of its comments, the Government of the Malagasy Republic has submitted to Parliament the instruments adopted at the 53rd and 54th Sessions and that the Government of Singapore, as it had announced in 1971, has submitted to Parliament the instruments adopted from the 51st to the 54th Sessions, those of the 51st and 52nd Sessions having already been submitted to the Cabinet.

138. In this context it is necessary to recall the clear distinction that must be made between the ratification of Conventions on the one hand and, on the other hand, the obligation to submit to the competent authorities all the instruments adopted by the Conference—that is both Recommendations and Conventions. In this connection, certain governments have considered submitting only Conventions—which alone can be ratified—to the legislative body, which, under their constitutional system, is also the body empowered to ratify international agreements. Conversely, some governments have taken the view that the authority with the power to ratify (in their country, the head of the executive) is the competent authority to which the instruments adopted by the Conference should be submitted. Although misunderstandings of this kind have now largely been cleared up, the Committee trusts that, where appropriate, the governments concerned will take into account its comments on this point, as has already been done by some other countries, and will submit to the legislative authority both Conventions and Recommendations, it being clearly understood that governments are free to propose what action should be taken on each instrument.

#### *Form of Submission—Communication of Documents*

139. While submission does not imply any obligation to give effect to Conventions or Recommendations, or to ratify the former, it must be pointed out that it is essential—as indicated in the Memorandum adopted by the Governing Body—that the submission of these instruments to the competent authorities should be accompanied by explicit proposals by the government concerning them. Moreover, the Committee must stress once again the importance of the supply by governments to the Office of the information and documents called for by points II and III of the Memorandum adopted by the Governing Body. A growing number of governments concerned supply copies of the submission documents and the government's proposals, as well as the decisions of the competent authorities on the instruments submitted to them. There are, however, still a number of countries which do not transmit this information. In particular, the following countries have not supplied the documents relating to the submission of the instruments adopted during at least the last ten sessions of the Conference under consideration (45th to 54th): Bulgaria, Byelorussia, Hungary, Portugal, Ukraine, USSR. The Committee trusts that all the governments concerned will take the necessary steps to communicate the information and documents in question.

#### *Federal States*

140. The Committee considers it useful also to refer to the general survey which it included in its report for 1966 regarding the submission of Conventions and Recom-

mendations to the competent authorities in federal States. According to article 19, paragraph 7 (b) (i), of the Constitution of the ILO, in the case of instruments which the federal government regards as appropriate under its constitutional system, in whole or in part, for action by the constituent states rather than for federal action, the government in question must make effective arrangements for the reference of the instruments in question, within eighteen months, to the appropriate federal and state authorities. The Committee would point out that in such cases, as required by the Memorandum adopted by the Governing Body and in accordance with paragraph 7 (b) (iii) of article 19 of the Constitution of the ILO, the federal governments must provide information on the submission of the instruments to the appropriate authorities with particulars of the authorities regarded as appropriate and of the action taken by them.

#### *Communication of Copies of Information to Representative Organisations*

141. A recapitulative list based on the indications of governments concerning the communication of copies of information regarding submission to representative organisations of employers and workers will be found at the end of the summary of information (Report III (Part 3)). The Committee would stress again this fundamental obligation under article 23, paragraph 2, of the Constitution of the ILO, which is the subject of special study this year in paragraphs 57-98 above. In this connection, the Committee notes with interest the comments on the instruments adopted at the 54th Session of the Conference which were submitted by the National Federation of Trade Unions of Pakistan and the Pakistan Labour Organisation.

#### *Special Problems*

142. The position in certain countries is still a matter of grave concern to the Committee. In these cases, either no measures have been taken or no information has been supplied as to the actual submission to the competent authorities of the instruments adopted by the Conference at several consecutive sessions: 50th to 54th Sessions (Chad, Chile, Haiti, Ivory Coast, Poland); 49th to 54th Sessions (Yemen Arab Republic); 48th to 54th Sessions (Laos); 46th to 54th Sessions (Afghanistan, Bolivia, Honduras); 45th to 54th Sessions (Somali Republic); 41st to 54th Sessions (El Salvador); in the case of one country (Lebanon) the instruments involved are all those adopted since the 36th Session of the Conference.

143. The Committee therefore notes with regret that in the following cases no information has been supplied to indicate that the Conventions and Recommendations adopted during at least the last seven sessions of the Conference under consideration (48th to 54th) have actually been submitted to the competent authorities: Afghanistan, Bolivia, El Salvador, Honduras, Laos, Lebanon, Somalia.

\* \* \*

144. The Committee trusts that all the governments concerned, and more especially those of the countries mentioned above, will take into account the comments made both in the preceding paragraphs and in its other observations and direct requests, so as to ensure full compliance with the fundamental obligation placed on them by article 19 of the Constitution of the ILO.

## VII. Reports on Unratified Conventions and on Recommendations

### (Article 19 of the Constitution)

145. In accordance with decisions taken by the Governing Body, reports were requested under article 19, paragraphs 5, 6 and 7, of the ILO Constitution on two groups of instruments, that is, the Employment Policy Convention and Recommendation, 1964 (No. 122), on the one hand, and the Seafarers' Engagement (Foreign Vessels) Recommendation, 1958 (No. 107), and the Social Conditions and Safety (Seafarers) Recommendation, 1958 (No. 108), on the other hand.

#### *Supply of Reports*

146. A total of 206 reports were requested on the two employment policy instruments and of these 136 were received (i.e. 66 per cent), as well as 25 reports concerning non-metropolitan territories.<sup>1</sup> As regards the two maritime Recommendations, 240 reports were requested, of which 121 (i.e. 50 per cent) were supplied<sup>2</sup>, as well as 15 reports concerning non-metropolitan territories. Tables showing the reports supplied by the various governments are appended to Parts Three and Four of the present report (Volumes B and C). The Committee regrets in this connection that for the past five years the following countries have not supplied any of the reports on unratified Conventions and on Recommendations requested under article 19 of the Constitution of the ILO: Burundi, Haiti, Laos, Paraguay, Trinidad and Tobago, Yemen Arab Republic.

#### *General Surveys*

147. In selecting the employment policy instruments for reporting, the Governing Body expressed the view that a comprehensive survey, based on information to be supplied by a large number of governments, would contribute substantially to the World Employment Programme, which constitutes one of the major tasks of the ILO during the present decade. As in the case of other instruments of similar importance, governments were asked to draw up their reports on the basis of a special report form adopted for that purpose by the Governing Body. The Committee accordingly approved a general survey (reproduced in Part Three of the present report (Volume B)) on the basis of the reports supplied by the Government on the two employment policy instruments, which also takes account of reports supplied under article 22 of the Constitution by countries having ratified the Convention. This survey, in accordance with the practice followed in previous years, was prepared on the basis of a preliminary examination by a working party comprising four members of the Committee, chosen by it at its previous session. In the course of the general discussion on this survey, emphasis was laid on the essential importance in the present world context of the formulation and implementation of appropriate employment policies. It was suggested therefore that the Committee's General Survey on the subject should be widely distributed by the Office to all government services and to

<sup>1</sup> ILO: *Summary of Reports on Unratified Conventions and on Recommendations*, Report III (Part 2A) to the 57th Session of the International Labour Conference (Geneva, 1972).

<sup>2</sup> Idem: *Summary of Reports on Two Recommendations*, Report III (Part 2B) to the 57th Session of the International Labour Conference (Geneva, 1972).

all institutions and organisations liable to be directly concerned in any aspect of employment policy.

148. The Governing Body's decision to call for reports on the two maritime Recommendations was taken in order to give effect to the resolution concerning flags of convenience, adopted by the International Labour Conference at its 55th (Maritime) Session in October 1970. The Committee's general survey on the reports concerning these two Recommendations was prepared on the basis of a preliminary examination by a member of the Committee having special responsibility for maritime standards. It will be found in Part Four of this report (Volume C).

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149. The Committee would like to emphasise the invaluable assistance rendered to the Committee by the officials of the ILO, whose competence and devotion to duty have once again earned the appreciation of the members of the Committee.

Geneva, 29 March 1972.

(Signed) E. GARCÍA SAYÁN,  
*Chairman.*

E. RAZAFINDRALAMBO,  
*Reporter.*



# Appendix. Cases of Progress in the Application of Ratified Conventions, 1964-72

Countries	Relevant Conventions	No. of cases
Albania	52	1
Algeria	17 (twice), 19, 24, 32, 42 (twice)	7
Argentina	3, 8, 13, 17 (twice), 22, 27, 33, 73, 77, 78, 79 (twice), 81, 90	15
Australia	27, 42 (twice), 88	4
Austria	2, 42, 63, 89, 94	5
Barbados	11, 17, 19, 42, 63	5
Belgium	42, 56, 94, 97, 102 (twice), 113	7
Botswana	29 (twice), 50, 64, 65, 82, 86, 105 (twice)	9
Brazil	5, 11 (twice), 81, 88, 92, 95, 96	8
Bulgaria	12, 13, 29 (twice), 30 (twice), 32, 35, 36, 37, 38, 39, 40, 42, 52, 53, 71, 81	18
Burundi	4, 18, 42 (twice), 50, 89	6
Byelorussia	52, 103	2
Cameroon	6, 29, 65, 81, 87, 95	6
Eastern Cameroon	33	1
Canada	1 (three times), 14, 63, 105	6
Ceylon	41	1
Chad	4, 33, 81	3
Chile	2, 3, 4, 6, 11, 17, 24, 25, 45	9
Colombia	1, 3 (twice), 4, 5, 12, 13, 17 (twice), 24 (twice), 25 (twice), 95	14
Congo	33	1
Costa Rica	88	1
Cuba	81	1
Cyprus	81, 105, 121, 124	4
Czechoslovakia	1, 29 (three times), 35 (twice), 36, 37, 38, 39, 40, 43, 44, 49, 63, 89, 90	17
Dahomey	87	1
Denmark	5, 42 (twice), 52, 94, 102, 106 (twice)	8
Egypt	17, 63	2
El Salvador	12, 105	2
Fiji	5, 29 (three times), 85, 94	6
Finland	30, 62, 94	3
France	3 (three times), 6, 19, 62, 69, 77 (twice), 78, 96	11
Gabon	3, 4, 13, 87	4
Fed. Rep. of Germany	3 (twice), 87, 102	4
Ghana	16, 29, 59, 81, 88, 90, 106, 108, 120	9
Greece	1 (twice), 14 (twice), 16, 42, 52, 81 (twice)	9
Guatemala	87, 98, 108, 111	4
Guyana	42	1
Haiti	24, 25, 42 (twice), 81	5
Hungary	3, 13, 29 (twice), 45, 52 (three times), 77, 78, 103	11
Iceland	100	1
India	1, 14, 26, 27, 29, 88	6
Iraq	1, 13, 14, 17, 26, 29, 30, 42 (twice), 52, 58, 59, 81 (twice), 95, 106	16
Ireland	2, 89	2
Israel	77, 78, 79, 94, 102, 118	6
Italy	3, 55, 60 (twice), 73, 77, 78, 79, 90	9
Ivory Coast	3, 13, 18 (twice), 19, 29, 85, 95	8
Jamaica	81	1

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Countries	Relevant Conventions	No. of cases
Japan	21, 98	2
Kenya	15, 29, 58, 59, 65, 94, 105	7
Kuwait	1, 30	2
Lesotho	29, 65, 105	3
Liberia	29, 55, 110	3
Libyan Arab Republic	52, 89, 95	3
Luxembourg	30, 59, 60, 77, 78, 79, 90	7
Madagascar	19, 29, 118	3
Malawi	64 (twice), 85, 87	4
Malaysia	17, 81, 95, 98	4
Mali	18, 81	2
Malta	32, 42, 88, 95	4
Mauritania	3, 5, 6, 18, 73, 87, 90	7
Mauritius	65, 81, 82, 94	4
Mexico	8, 42, 43, 49, 52, 90 (twice), 102	8
Morocco	22 (twice), 29, 42, 81, 94	6
Netherlands	44, 48 (twice), 68, 87, 89, 90	7
New Zealand	17, 22	2
Nicaragua	1, 2, 3, 5, 6, 7, 8, 11, 13 (twice), 15, 16, 17, 18, 22, 27, 28, 30	18
Niger	5, 18, 29 (twice), 33, 87	6
Norway	29, 30, 42, 44, 63, 96, 105, 118	8
Pakistan	27, 59, 81, 87, 89, 90, 98, 106	8
Peru	10, 11, 12, 24 (twice), 25, 35 (twice), 36, 37 (twice), 38, 39 (twice), 40, 99, 102	17
Philippines	17, 87, 95 (twice)	4
Poland	45, 69, 101	3
Portugal	1, 4, 6, 7, 17 (twice), 18, 26, 27, 29, 68, 69, 73, 74, 89, 92, 105 (twice)	18
Romania	6, 29, 89	3
Rwanda	3, 13	2
Senegal	52	1
Sierra Leone	16, 17, 32, 64, 65, 87, 88, 95, 105	9
Singapore	5, 22, 81, 88	4
Somalia		
(former British Somaliland)	50, 95	2
Spain	3 (twice), 20, 24, 25, 42, 48, 62, 103, 113	10
Swaziland	26, 29, 82, 105	4
Sweden	19, 29, 63, 102	4
Switzerland	29, 105	2
Syrian Arab Republic	1, 17, 18, 29, 30, 63, 81, 89, 98, 106, 120	11
Tanzania	15 (twice), 50	3
Tanganyika	81, 95 (twice)	3
Togo	6	1
Tunisia	17, 26, 52 (twice), 62, 81, 90, 95, 106 (twice)	10
Turkey	14, 81, 95 (twice), 98, 105	6
Uganda	17 (twice), 81 (twice), 94	5
Ukraine	29, 52, 103	3
USSR	29 (twice), 52, 87, 103	5
United Kingdom	17, 87, 98, 105	4
Upper Volta	87, 111	2
Uruguay	15, 16 (twice), 17, 22, 23, 27, 42, 43, 52, 58, 59, 60, 62, 63, 73 (twice), 77, 78, 89, 90, 103 (four times)	25
Venezuela	3, 11, 26	3
Viet-Nam	6, 14	2
Yugoslavia	3, 14, 45, 90, 102, 103, 106	7
Zaire	4, 17, 42, 50, 89	5
Zambia	5, 18, 29 (twice), 50, 65 (twice), 82, 85, 117, 123, 124	11
<i>Non-Metropolitan Territories</i>		
<i>Australia</i>		
New Guinea	11	1
Papua	11	1

# GENERAL REPORT

Countries	Relevant Conventions	No. of cases
<i>Denmark</i>		
Faroe Islands	8	1
Greenland	19	1
<i>France</i>		
Overseas Departments: (French Guiana, Guadeloupe, Martinique and Reunion)	3 (twice), 62, 69	4
Comoro Islands	3	1
French Territory of the Afars and the Issas	6 (twice)	2
New Caledonia	82	1
St. Pierre and Miquelon	6, 33	2
<i>Netherlands</i>		
Netherlands Antilles	17, 42, 81	3
Surinam	13, 95 (twice), 96	4
<i>United Kingdom</i>		
Bahamas	5, 82, 84, 85, 94, 95, 105	7
Bermuda	29, 82, 94	3
British Honduras	42, 64, 95, 101	4
British Virgin Islands	5	1
Brunei	81, 105	2
Dominica	94, 95	2
Falkland Islands (Malvinas)	5, 10	2
Gibraltar	39, 82, 95, 108	4
Gilbert and Ellice Islands	7	1
Guernsey	56	1
Hong Kong	7, 42, 50, 64, 81, 86, 105	7
Jersey	10, 24	2
St. Christopher-Nevis-Anguilla	82, 85	2
St. Helena	85	1
St. Lucia	82, 94, 101	3
St. Vincent	5, 29	2
Seychelles	5 (twice), 7, 82 (twice), 108	6
Solomon Islands	5, 7, 8, 29 (twice), 42, 64, 81 (twice), 94, 95, 105 (twice)	13
Southern Rhodesia	81, 84, 86	3
<i>United States</i>		
American Samoa	55	1
Trust Territory of the Pacific Islands	53	1



**PART TWO**

**OBSERVATIONS CONCERNING PARTICULAR COUNTRIES**



## OBSERVATIONS CONCERNING PARTICULAR COUNTRIES

### I. Observations concerning Annual Reports on Ratified Conventions (Article 22 of the Constitution)

#### A. GENERAL OBSERVATIONS

##### *Afghanistan*

Since 1958 the Government has been referring to a draft labour law which is intended to give effect to the Conventions ratified by Afghanistan. According to information supplied by a Government representative to the Conference Committee in 1971 in reply to an observation made on this subject by the Committee in 1971, the draft labour law, which was based directly on international labour standards, had just been submitted to the Government and its adoption was dependent on that of the draft law concerning associations.

The Committee notes with regret that the reports due, including two first reports (Conventions Nos. 100 and 111), have not been received and that, accordingly, no new information is available on the progress made in the adoption of this draft labour law. It must recall that at the present time, because of the absence of appropriate legislative provisions, effect is not given to Conventions Nos. 4, 13, 14, 41, 45, 95 and 106 on the points raised by the Committee in its observations relating to these Conventions.

In these circumstances, the Committee trusts that the Government will not fail in the future to discharge its obligation to supply reports on the application of ratified Conventions and that in its next reports it will be able to mention the adoption of the draft labour law.

##### *Albania*

The Committee notes with regret that the reports due have not been received. It must recall once again that under article 1, paragraph 5, of the Constitution of the ILO, States continue to be bound, even after their withdrawal from the Organisation, to ensure the observance of ratified Conventions for the period provided for in such Conventions and to report on their application.

In the absence of any information from the Government, the Committee is bound to refer to the observations made, for a number of years, in its previous reports, concerning the application of Conventions Nos. 6, 11, 16, 29, 52, 77, 78, 87 and 98.

##### *Bolivia*

The Committee notes with regret that for the second year in succession the reports due have not been received. It trusts that the Government will not fail in future to discharge its obligations to report on the application of ratified Conventions.



*Burma*

The Committee notes with regret that the reports due have not been received. It hopes that the Government will not fail in future to discharge its obligation to report on the application of ratified Conventions.

*Chad*

The Committee notes that the reports do not indicate whether copies thereof have been communicated to the representative organisations of employers and workers, in accordance with article 23, paragraph 2, of the Constitution of the ILO. The Committee hopes that future reports will indicate whether this has been done.

*Chile*

The Committee notes with regret that the reports due have not been received. It hopes that the Government will not fail in future to discharge its obligation to report on the application of ratified Conventions.

*Costa Rica*

The Committee notes with regret that the reports due have not been received. It hopes that the Government will not fail in future to discharge its obligation to report on the application of ratified Conventions.

*Czechoslovakia*

The Committee notes with regret that the reports due have not been received. It hopes that the Government will not fail in future to discharge its obligation to report on the application of ratified Conventions.

*Dahomey*

The Committee notes with regret that the reports due have not been received. It hopes that the Government will not fail in future to discharge its obligation to report on the application of ratified Conventions.

*Dominican Republic*

The Committee has noted with interest the direct contacts which took place from 25 November to 3 December 1971 between the national competent services and a representative of the Director-General of the ILO, concerning Conventions Nos. 1, 52, 79 and 90, the application of which had been the subject of comments by the Committee. It has noted with interest that as a result of these contacts, a Bill to amend sections 142, 148, 168, 172, 180 and 224 of the Labour Code, in accordance with the provisions of the Conventions mentioned above, was prepared with the assistance of the representative of the Director-General and that it was submitted to the President of the Republic and then to the National Congress. The Committee trusts that this Bill will be adopted at an early date in order to bring the national legislation into conformity with the Conventions in question.

The Committee must note that, for the second year in succession, most of the reports due have not been received. It trusts that in the future the Government will

not fail to discharge its obligation to supply all reports on the application of ratified Conventions.

Furthermore, the Committee has noted that the reports received do not state whether copies thereof have been communicated to representative organisations of employers and workers, in accordance with article 23, paragraph 2, of the Constitution of the ILO. It hopes that in future the reports will indicate whether this has been done.

#### *Ecuador*

The Committee notes with regret that most of the reports due, including fourteen first reports (Conventions Nos. 86, 101, 104, 106, 107, 110, 112, 113, 117, 119, 120, 123, 124 and 127), have not been received. It hopes that in the future the Government will not fail to supply the reports due, including in particular the first reports mentioned above.

Furthermore, the Committee has noted that the reports received do not indicate whether copies thereof have been communicated to representative organisations of employers and workers, in accordance with article 23, paragraph 2, of the ILO Constitution. The Committee hopes that in the future all reports will indicate whether this has been done.

#### *Ethiopia*

The Committee notes with regret that the reports due have not been received. It hopes that the Government will not fail in future to discharge its obligation to report on the application of ratified Conventions.

#### *Gabon*

The Committee notes with regret that most of the reports due, including a first report which has been due for two years (Convention No. 123), have not been received. Since no reports were received in 1969 and 1970, and most of the reports due in 1971 were not received, the Committee must express its concern with this repeated failure to discharge the fundamental obligation to report on the application of ratified Conventions. It recalls the assurances given in this regard by Government representatives to the Conference Committee in 1970 and 1971 and it trusts the Government will take all the steps necessary to ensure that in the future all the reports due, including the first report mentioned above, will be supplied.

#### *Haiti*

The Committee notes with regret that the reports due have not been received. It hopes that the Government will not fail in future to discharge its obligation to report on the application of ratified Conventions.

#### *Honduras*

The Committee notes with regret that the reports due have not been received. It hopes that the Government will not fail in future to discharge its obligation to report on the application of ratified Conventions.

#### *Iran*

The Committee notes with regret that once more the reports do not indicate whether copies thereof have been communicated to the representative organisations

of employers and workers, in accordance with article 23, paragraph 2, of the Constitution of the ILO. The Committee trusts that in future the reports will indicate whether this has been done.

*Ivory Coast*

The Committee notes with regret that for the second year in succession the reports due have not been received. Recalling that in 1971 a Government representative gave assurances to the Conference Committee that the reports would be sent by October 1971, the Committee trusts that the Government will not fail in the future to discharge its obligation to supply reports on the application of ratified Conventions.

*Jordan*

The Committee notes with regret that for the fourth year in succession the reports do not indicate whether copies thereof have been communicated to the representative organisations of employers and workers, in accordance with article 23, paragraph 2, of the Constitution of the ILO. It can only reiterate its hope that in future the reports will indicate whether this has been done.

*Laos*

The Committee notes with regret that for the third time in four years, the reports due have not been received. It must express its concern in this regard and trusts that the Government will not fail in future to discharge its obligation to supply reports on the application of ratified Conventions.

*Lebanon*

The Committee notes with regret that the reports due have not been received and that the reports communicated during the 1971 Conference in reply to its 1971 general observation were copies of reports that had already been supplied. The Committee trusts that the Government will in the future take the necessary measures to discharge its obligation to supply reports on the application of ratified Conventions.

*Lesotho*

In a communication received on 15 July 1969 the Government of Lesotho notified the Director-General of its decision to withdraw from the International Labour Organisation. In acknowledging receipt of this notification, the Director-General informed the Government of Lesotho that it would continue to be bound by the obligations arising under the Conventions which it had ratified, or relating thereto, after the date from which its withdrawal from the Organisation became effective and for the period provided for in each of the said Conventions, in conformity with article 1, paragraph 5, of the ILO Constitution which stipulates that: "No Member of the International Labour Organisation may withdraw from the Organisation without giving notice of its intention so to do to the Director-General of the International Labour Office. Such notice shall take effect two years after the date of its reception by the Director-General, subject to the Member having at that time fulfilled all financial obligations arising out of its membership. When a Member has ratified any international labour Convention, such withdrawal shall not affect the continued validity for the period provided for in the Convention of all obligations arising thereunder or relating thereto."

In these circumstances, the Committee notes with regret that for the fourth year in succession the reports due, including two first reports (Conventions Nos. 14 and 98), have not been received. The Committee therefore draws again the Government's attention to its obligation to supply the reports due on the application of Conventions ratified by Lesotho (Conventions Nos. 5, 11, 14, 19, 26, 29, 45, 64, 65, 87 and 98).

*Liberia*

The Committee notes with regret that the reports due have not been received. It hopes that the Government will not fail in future to discharge its obligation to report on the application of ratified Conventions.

*Madagascar*

The Committee notes that the reports do not indicate whether copies thereof have been communicated to the representative organisations of employers and workers, in accordance with article 23, paragraph 2, of the Constitution of the ILO. The Committee hopes that future reports will indicate whether this has been done.

*Mauritania*

The Committee notes that the reports indicate that copies will be communicated to representative organisations of employers and workers. The Committee hopes that in the future the reports will indicate that this has been done, in accordance with article 23, paragraph 2, of the Constitution of the ILO.

*Mauritius*

The Committee notes with regret that, for the second year in succession, the reports due have not been received. Recalling the assurances given by the Government representative to the Conference Committee in 1971, that the reports on ratified Conventions would be supplied shortly, the Committee trusts that the Government will not fail in the future to discharge its obligation to report on ratified Conventions.

*Nicaragua*

The Committee notes with regret that for the second year in succession the reports due have not been received. It trusts that the Government will not fail in future to discharge its obligation to report on the application of ratified Conventions.

*Norway*

The Committee notes that the reports indicate that copies thereof will be communicated to representative organisations of employers and workers. The Committee hopes that in the future the reports will indicate that this has been done, in accordance with article 23, paragraph 2, of the Constitution of the ILO.

*Panama*

The Committee notes with regret that, for the second year in succession, no report has been received. In this connection it notes a communication from the Government announcing that, as a new Labour Code had recently been adopted

and would come into force on 2 April 1972, the Government would at an early date send the reports which were due, and that they would be based on the new legislative provisions.

The Committee hopes that the Government will submit the reports in question (including the first reports on Conventions Nos. 8, 9, 10, 11, 13, 15, 16, 19, 20, 21, 22, 23) and also its replies to the comments made by the Committee in respect of Conventions Nos. 3, 12, 17, 29, 30, 42, 52, 81, 87, 98, 100, 105, 111, and that in future the Government will not fail to comply with the obligation to submit the reports on ratified Conventions.

#### *Paraguay*

The Committee notes with regret that once more the reports due, including ten first reports (Conventions Nos. 11, 29, 81, 115, 119, 120, 124, on which reports have been due for three years, Conventions Nos. 105, 123, on which reports have been due for two years, and Convention No. 107), have not been received. The Committee must express its concern in this regard, and it hopes that, in the future, the Government will not fail to discharge its obligation to supply reports (and, in particular, the first reports mentioned above) on the application of ratified Conventions.

#### *Peru*

The Committee notes that most of the reports received do not indicate whether copies thereof have been communicated to representative organisations of employers and workers and that the other reports received indicate that copies will be communicated to organisations of employers and workers, without specifying the names of the organisations in question. As the Committee has had, on several occasions, to draw the Government's attention to its obligation, under article 23, paragraph 2, of the Constitution of the ILO, to communicate copies of its reports to representative organisations of employers and workers, the Committee trusts that in the future, all reports will indicate, in accordance with this article, that copies thereof have actually been communicated to representative organisations of employers and workers, and will specify the names of these organisations.

#### *Rwanda*

The Committee notes that the reports indicate that copies thereof have been communicated to a representative organisation of employers only. It hopes that in future the reports will be communicated to organisations of employers as well as to organisations of workers, if such exist, and that they will indicate whether this communication has been done, in accordance with article 23, paragraph 2, of the Constitution of the ILO.

#### *Western Samoa*

The Committee wishes to express its appreciation of the Government's action in continuing to supply regularly reports on the Conventions which had been declared applicable on behalf of Western Samoa prior to the latter's accession to independence.

#### *Somalia*

The Committee notes that the reports do not indicate whether copies thereof have been communicated to the representative organisations of employers and

workers, in accordance with article 23, paragraph 2, of the Constitution of the ILO. The Committee hopes that future reports will indicate whether this has been done.

*Republic of South Africa*

The Committee notes with regret that the reports due have not been received. It must recall once again that under article 1, paragraph 5, of the Constitution of the ILO, States continue to be bound, even after their withdrawal from the Organisation, to ensure the observance of ratified Conventions for the period provided for in such Conventions and to report on their application.

In the absence of any information from the Government, the Committee is bound to refer to the observations made, for a number of years, in its previous reports, on the application of Conventions Nos. 42 and 89.

*Syrian Arab Republic*

The Committee notes that most of the reports do not indicate whether copies thereof have been communicated to the representative organisations of employers and workers, in accordance with article 23, paragraph 2, of the Constitution of the ILO. The Committee hopes that all future reports will indicate whether this has been done.

*Tanzania*

The Committee notes with regret that the reports due have not been received. It hopes that the Government will not fail in future to discharge its obligation to report on the application of ratified Conventions.

*Thailand*

The Committee notes with regret that only one of the reports due, which include six first reports (Convention No. 123, on which a report has been due for two years, and Conventions Nos. 29, 88, 105, 122 and 127), has been received. Since none of the reports due in 1971 was received, and considering the statement of a Government representative to the Conference Committee in 1971 according to which no problems were envisaged as regards the sending of future reports, the Committee trusts that the Government will not fail in the future to discharge its obligation to supply all the reports due on ratified Conventions.

The Committee notes moreover that the report received does not indicate whether a copy thereof has been communicated to representative organisations of employers and workers, in accordance with article 23, paragraph 2, of the Constitution of the ILO. It hopes that future reports will indicate whether this has been done.

*Togo*

The Committee notes with regret that for the second year in succession the reports due have not been received. It trusts that the Government will not fail in future to discharge its obligations to report on the application of ratified Conventions.

*Trinidad and Tobago*

The Committee notes with regret that for the third consecutive year the reports due have not been received. It must express its concern with the repeated failure to

send the reports due, and trusts that the Government will take the measures necessary to discharge in the future its obligation to report on ratified Conventions.

#### *Turkey*

The Committee notes with regret that for the third consecutive year most of the reports due have not been received. It trusts that the Government will not fail in future to discharge its obligation to report on the application of all ratified Conventions.

#### *USSR*

The Committee has noted the statement made by a Government representative to the Conference Committee in 1971 that all the Union Republics were reviewing their Labour Codes, on the basis of the Fundamental Principles governing the Labour Legislation of the USSR and the Union Republics adopted by the Supreme Soviet of the USSR on 15 July 1970. It has also noted that a new Labour Code for the Russian Soviet Federative Socialist Republic was adopted on 9 December 1971, and will enter into force on 1 April 1972.

The Committee hopes that the Government will provide information concerning the adoption of new Labour Codes in the other Union Republics, and will supply copies of any such Codes. It also hopes that the Government's reports will indicate the effect of the new Labour Codes on the implementation of the various Conventions ratified by the USSR.

#### *Upper Volta*

The Committee notes that most of the reports do not indicate whether copies thereof have been communicated to the representative organisations of employers and workers, in accordance with article 23, paragraph 2, of the Constitution of the ILO. The Committee hopes that all future reports will indicate whether this has been done.

#### *Uruguay*

The Committee notes with interest the direct contacts which took place from 6 to 17 December 1971 between the competent national services and a representative of the Director-General of the ILO in connection with Conventions Nos. 15, 58, 59, 60, 67, 77 and 78, on the application of which various comments had been made.

The Committee notes with satisfaction that, as a result of these contacts, the Children's Board on 10 December 1971 approved a resolution to prohibit young persons under 18 years of age from working on board ship as trimmers and stokers, and to prohibit young persons under 15 years of age from working on board ship, in accordance with Conventions Nos. 15 and 58; and that on 16 December 1971 approval was given to Decrees Nos. 852/971 and 851/971, dealing respectively with the minimum age for the employment of young persons in industrial undertakings and in non-industrial employment and the medical examination of young persons in industry and in non-industrial employment, in accordance with Conventions Nos. 59, 60, 77 and 78.

The Committee also notes with interest that, also as a result of the direct contacts, a draft Decree has been prepared to ensure fuller application of Convention No. 67.

Finally, the Committee notes with satisfaction that, on the occasion of the direct contacts, Decree No. 853/971, establishing a schedule of toxic substances and the



corresponding occupational diseases, in accordance with Convention No. 42, was adopted on 16 December 1971.

*Venezuela*

The Committee notes with regret that most of the reports due have not been received. It hopes that the Government will not fail in future to discharge its obligation to report on the application of all ratified Conventions.

*Yemen Arab Republic*

The Committee notes with regret that the reports due have not been received. It hopes that the Government will not fail in future to discharge its obligation to report on the application of ratified Conventions.

*Zaire*

The Committee notes with regret that the reports due, including four first reports (Conventions Nos. 88, 95, 98 and 100), have not been received. Recalling that already in 1971 most of the reports due had not been received, the Committee trusts that the Government will not fail in the future to discharge its obligation to report on the application of ratified Conventions.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States: *Algeria, Argentina, Austria, Barbados, Botswana, Bulgaria, Cameroon, Central African Republic, Cuba, Ecuador, Gabon, Ghana, Guatemala, Guinea, Indonesia, Libyan Arab Republic, Malaysia, Mauritania, Mongolia, Nauru, Nicaragua, Nigeria, Pakistan, Paraguay, Peru, Romania, Somalia, Upper Volta, Uruguay, People's Democratic Republic of Yemen (Aden), Zaire.*

## B. INDIVIDUAL OBSERVATIONS

### **Convention No. 1 : Hours of Work (Industry), 1919**

*Dominican Republic (ratification : 1933)*

Further to its earlier observations, the Committee notes with interest that, as a result of direct contacts between the responsible national services and a representative of the Director-General of the ILO, a Bill has been drafted and submitted to the President of the Republic and, subsequently, to the National Congress, to amend sections 142 and 148 of the Labour Code, so as to bring them into conformity with the Convention.

The Committee trusts that this Bill will be adopted soon and requests the Government to communicate the decision taken in the matter.

*Haiti (ratification : 1952)*

The Committee notes with regret that the Government's report has not been received. The Committee is bound, therefore, to repeat its previous observation which was as follows :

*Article 1 of the Convention.* Further to its previous observations, the Committee notes with regret that pending the development of a programme of industrialisation the Government does not contemplate amending section 104 of the Labour Code, which currently excludes certain undertakings from the scope of the hours of work provisions (notably land transport, which is covered by Convention No. 1, chemists' shops, hairdressers and certain grocery shops, which are covered by Convention No. 30). The Committee recalls that in the Government's report for 1963-64 the need to amend section 104 of the Code had been recognised.

*Article 6.* The Committee again points out that section 100 of the Labour Code, which allows up to twenty extra hours to be worked per week, does not constitute an adequate safeguard, and that an additional limit must be fixed. The Committee once more recalls that Article 6, paragraph 2, of Convention No. 1 requires regulations to be made by the public authority—after consultation with the organisations of employers and workers concerned—to fix the maximum additional hours which may be authorised in each instance, while Article 7, paragraph 3, and Article 8 of Convention No. 30 require that this maximum shall be fixed per day in the case of permanent exceptions, and per day and per year in the case of temporary exceptions, the same procedure being followed.

The Committee trusts that the Government will reconsider the position and make every effort to take the appropriate steps in the very near future.<sup>1</sup>

#### *Nicaragua (ratification : 1934)*

The Committee regrets that no report has been received since 1968 and that in its communication to the Conference Committee in 1971 the Government only referred to certain existing provisions of the Labour Code. It trusts that the Government will very shortly take the necessary measures in regard to the following points raised by the Committee since 1959 :

*Article 1 of the Convention.* The Committee trusts that section 169 of the Labour Code, which authorises a working week of up to sixty hours for workers in land transport undertakings, except urban transport, will be amended so as to extend to this category of workers the benefit of the 48-hour week prescribed by the Code.

*Article 6.* The Committee trusts that appropriate measures will also be adopted (after consultations with the employers' and workers' organisations concerned) with a view to determining the circumstances and conditions in which overtime may be worked as well as the maximum number of additional hours that may be authorised in accordance with Article 6, paragraph 1 (*b*) and paragraph 2 of Convention No. 1 and Article 7, paragraph 2 (*c*) and (*d*) and paragraphs 3 and 4 of Convention No. 30. The Committee recalls, in this connection, that the provisions of section 56 of the Labour Code, which allow the working of overtime in special cases, to the extent of three additional hours per day and three days per week, cannot be regarded as adequate in respect of the requirements of the two Conventions.

#### *Peru (ratification : 1945)*

The Committee notes from the information supplied by the Government to the Conference Committee in 1971 that the Committee set up by Presidential Resolution No. 270 of 26 October 1970 to draft various labour laws has submitted the corresponding Bills, which are being studied by the Government and which have regard to the observations made by the Committee in connection with Articles 4, 5 and 6 of the Convention.

In its last report, the Government states that it is drafting a General Labour Act in place of the Labour Code which was formerly planned, and that this Act will take

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 57th Session.

into consideration the provisions of ILO Conventions in respect of overtime. The Committee can only reiterate the hope that the draft General Labour Act or other relevant legislation will be adopted very shortly and will give full effect to the Convention, in particular as regards Articles 3, 4, 5 and 6 (time worked in excess of the normal working hours).<sup>1</sup>

*Portugal* (ratification : 1928)

Further to its previous comments, the Committee notes with satisfaction that Legislative Decree No. 409/71 of 27 September 1971 has repealed Decree No. 22500 of 10 May 1943 and Legislative Decree No. 24402 of 24 August 1934 and has brought national legislation into fuller conformity with the Convention. The Committee is also addressing a direct request to the Government for further clarification in regard to certain points.

*Venezuela* (ratification : 1935)

The Committee notes with regret that the Government's report has not been received. The Committee is bound, therefore, to repeat its previous observation :

*Article 2 of the Convention.* The Committee takes due note of the information supplied regarding the matter of defining the status of persons employed in a confidential capacity, from which it appears in particular that this status must depend on the nature of the work done and not merely on a family relationship that may exist between the worker and his employer.

The Committee hopes therefore that there is no obstacle to the repeal of article 56 of the Labour Regulations (so that the exclusion may be permitted only of establishments in which members of the same family only are employed) and that the Government will take the necessary measures in the very near future, as indicated in its report for the period 1965-66.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States : *Burma, Egypt, Portugal, Syrian Arab Republic.*

**Convention No. 2 : Unemployment, 1919**

*Argentina* (ratification : 1933)

The Committee notes the information supplied by the Government in reply to its direct request.

*Article 2 of the Convention.* See under Convention No. 88.

*Colombia* (ratification : 1933)

The Committee notes with interest that a new National Employment Service has been set up, with a pilot office operating in Bogotá, and that it is proposed to extend the Service to cover the whole country. It hopes that the Government will continue to supply information on the progress made in this field.

*Ecuador* (ratification : 1962)

The Committee notes the Government's report, received in May 1971, and also the information given to the Conference Committee in June 1971.

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 57th Session.

*Article 1 of the Convention.* The Government states in its report that it proposes to establish a system of labour statistics with the technical assistance of the ILO. The Committee hopes progress will be made in this field.

*Article 2, paragraph 1. (a)* The report states that, in addition to the employment agency in Quito, a second agency is being established in Guayaquil and that, on the basis of this experience, the work of the employment services will be extended to other cities. The Committee hopes that the Government will soon be able to report further progress in this direction.

*(b)* The report states that the Minister of Social Welfare and Labour will convene in the immediate future the first meeting of the advisory committees provided for in section 498 of the Labour Code. According to information given to the Conference Committee in 1970 and 1971, a Bill on this subject is being prepared. The Committee requests the Government to state whether the committees in question have already been set up and whether the Bill has been adopted.

*Article 2, paragraph 2.* The report states that there are no free private employment agencies. As the Government, in its statements to the Conference Committee in 1970 and 1971, referred to free employment agencies managed by the trade unions, and as the Bill referred to above is intended to co-ordinate their activities on a provincial and regional basis, the Committee requests the Government to confirm whether such employment exchanges exist and to state what measures have been taken or are contemplated to co-ordinate their activities.

#### *Sudan (ratification : 1957)*

The report for 1969-70 stated that the National Manpower and Employment Council has been established and has held its first session. The Committee hopes that the Government will supply full information of the composition and functions of the Council together with a copy of the Council of Ministers' Resolution by which it was established.

#### *Uruguay (ratification : 1933)*

*Article 2 of the Convention.* Further to its earlier observations, the Committee notes with interest that, according to the information supplied by the Government to the Conference Committee in 1971 and according to its latest report, steps have been taken to increase the resources of the Employment Service and that the Government has asked for technical assistance from the ILO in this respect. It recalls that, apart from the specialised employment exchanges set up for certain occupations and undertakings, there is so far no system of free public employment agencies under the control of a central authority. The Committee trusts, therefore, that the Government will in the near future take the necessary measures to apply the Convention.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States : *Chile, Colombia, Egypt, Morocco, Nicaragua, Sudan, Syrian Arab Republic, Venezuela.*

Information supplied by *Kenya* in answer to a direct request has been noted by the Committee.

**Convention No. 3 : Maternity Protection, 1919***Colombia (ratification : 1933)*

Further to its earlier observations, the Committee notes with satisfaction, from the information given by the Government to the Conference in 1971 and from its latest report, that Decree No. 433 of 27 March 1971 to reorganise the Colombian Social Security Institute has been adopted. This decree extends the social security system, including maternity insurance, to new categories of beneficiaries and, in particular, repeals the provisions of sections 5 and 6 of Act No. 90 of 1946 which excluded from maternity insurance members of the employer's family and persons employed on temporary contracts. The Committee also notes that, according to sections 4 and 7 of the above decree, this extension will only take place progressively, according to a definite plan of priorities, and that it will be for the Social Insurance Institute to issue regulations determining the benefits, social services and other advantages which will gradually be made available to the various groups of the working population in different geographical areas.

The Committee hopes that these regulations will be issued soon and that at the same time the appropriate measures will be taken to ensure that maternity insurance covers all the categories of women workers mentioned in the Convention throughout the country.

The Committee has in the past also made comments on the application of the Convention on other points: Article 3 (a) and (b) (maternity leave of twelve weeks, of which six must be after confinement) and Article 3 (c) (payment of benefit during the extension of the leave because of a mistake by the doctor or midwife in estimating the date of confinement). The Government states, as regards the first point, that the provisions to be issued later will take account of the requirements of the Convention, but that at present the financial resources of the social welfare bodies do not permit them to grant maternity leave for more than eight weeks; and, on the second point, that maternity leave is strictly limited to those eight weeks for all women workers. The Committee notes these statements but trusts that the necessary steps will be taken in the very near future to ensure the full application of those basic provisions of the Convention to all women workers covered by the instrument, including public employees and women workers in government services. It asks the Government to report any progress made in this direction.

*Guinea (ratification : 1966)*

Further to its earlier observations, the Committee notes with interest the amended text of the draft order to regulate the employment of women and young persons, which was transmitted by the Government by letter of 17 January 1972. This order is intended, *inter alia*, to bring the national legislation into conformity with certain provisions of the Convention, more particularly with Articles 3 (a) (compulsory nature of the leave after confinement), 3 (c) (payment of maternity benefit in the event of a mistake by the doctor or midwife in estimating the date of confinement), 3 (d) (right to a break of at least half an hour twice a day to nurse the child) and 4 (prohibition of dismissal when the woman is absent on maternity leave or its prolongation).

The Committee also notes that the National Social Security Fund will gradually assume responsibility for paying the whole of the maternity benefit (which will thus be equal to 100 per cent of wages).

The Committee hopes that the draft order, as amended, will be adopted in the very near future and that the Government will report progress in the matter.

*Mauritania* (ratification : 1963)

*Article 3 (c) of the Convention.* The Committee notes that, despite the direct contacts which took place in October 1969 regarding this Convention, the necessary steps have not yet been taken to ensure the full application of this provision of the Convention. In its last report the Government merely states that it intends to amend certain relevant provisions of its legislation so as to ensure complete conformity with the Convention. The Committee hopes that the Government will in the near future take the necessary measures to ensure that women workers who have not completed the qualifying period for the receipt of benefit under the social security scheme will also receive this benefit, charged, for example, to public assistance funds.

*Nicaragua* (ratification : 1934)

The Committee notes the information supplied by the Government to the Conference in reply to its earlier observations.

*Article 3 (d) of the Convention.* The Government refers to section 128 of the Labour Code, which provides for rooms for nursing mothers in undertakings employing more than thirty women, and to section 51 of the Code concerning breaks granted to all workers in general during the normal working day. The Committee must point out that these provisions do not ensure full compliance with the above-mentioned Article of the Convention, which states that a woman who is nursing her child must in any case be allowed half an hour twice a day for that purpose. It trusts that the Government will take the necessary steps to bring its legislation into conformity with the Convention on this point, as promised in statements contained in its reports received in 1964 and 1965.

*Article 4.* The Government refers again to the provisions of section 130 of the Labour Code which forbid an employer to dismiss a woman because of pregnancy or nursing her child. In earlier reports the Government indicated that, in the light of the interpretation placed on this clause by the Ministry of Labour, a woman could in no case be dismissed during her absence on maternity leave, because the reasons held to justify dismissal as defined in section 119 of the Labour Code can exist only while services are being rendered. This being so, the Committee requests the Government to supply any information which can confirm this interpretation in practice (judicial decisions to this effect, administrative circulars, etc.); it hopes that, in the course of the forthcoming revision of the Code, steps will be taken to confirm this practice by a formal provision, in accordance with the Convention and with the statement made by the Government in its report for 1966-68.

The Committee also notes with interest the new extensions of the social security scheme and repeats its hope that the scheme will soon be extended to cover all workers, so that employers will no longer be obliged to meet directly the cost of maternity benefits, as is the case at present for women workers not covered by insurance. The Committee would ask the Government to report any progress made in this direction.

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In addition, requests regarding certain points are being addressed directly to the following States : *Colombia, Panama, Upper Volta.*

**Convention No. 4 : Night Work (Women), 1919***Afghanistan (ratification : 1939)*

Further to its previous observation, the Committee notes the information supplied by the Government to the Conference Committee in 1971 to the effect that the application of Conventions Nos. 4 and 41 was guaranteed by religious standards and by custom, that no woman was employed on night work and that there was little probability of anyone attempting to introduce such employment in the foreseeable future.

In view, on the one hand, of the need to adopt legislative measures to give effect to those two Conventions concerning night work for women, and also to Convention No. 45 concerning the employment of women on underground work and Conventions Nos. 14 and 106 (weekly rest in industry, commerce and offices) and, on the other hand, of the fact that since 1958 the Government has been referring to the early adoption of a draft Labour Code, the Committee hopes that in the near future the Government will, either as part of a Labour Code or by means of some other legislative measures, adopt provisions which will give full effect to the five Conventions mentioned above.<sup>1</sup>

*Central African Republic (ratification : 1960)*

Further to its earlier observations, the Committee notes the Government's statement to the Conference Committee in 1971, which was repeated in its report for 1969-71, that a draft decree, which was submitted to the Council of Ministers on 12 May 1971, repeals section 3 (2) of the General Order No. 3759 of 25 November 1954, which permits exceptions to the prohibition of night work for women in industry for particularly serious economic reasons, contrary to the provisions of Article 3 of the Convention.

The Committee hopes that the next report will indicate that the Decree has been adopted and will contain a copy of the text.

*Congo (ratification : 1960)*

Further to its previous direct requests, the Committee notes that the Government ratified the Night Work (Women) Convention (Revised), 1948, on 4 June 1971 and on the same date denounced Convention No. 4.

*Nicaragua (ratification : 1934)*

Further to its previous observations, the Committee notes the Government's statement to the Conference Committee in 1971, repeating what had been said in 1970 to the effect that the problems concerning Convention No. 4 were being studied with a view to bringing the legislation into conformity with the Convention.

The Committee also notes that the latest report makes no mention of any measures taken or contemplated to bring the legislation into conformity with the Convention and mentions only the prohibition of night work for minors, who include women under 18 years of age.

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 57th Session and to report in detail for the period ending 30 June 1972.



The Committee trusts that the studies undertaken by the Government will very shortly culminate in the adoption of measures prohibiting the employment of women of any age during the night, as required by the Convention.<sup>1</sup>

*Peru* (ratification : 1945)

See paragraph 18 of the General Report.

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In addition, requests regarding certain points are being addressed directly to the following States : *Austria, Cameroon* (Eastern Cameroon), *Chad, Gabon, Italy, Khmer Republic, Tunisia*.

### **Convention No. 5 : Minimum Age (Industry), 1919**

*Bolivia* (ratification : 1954)

*Article 2 of the Convention.* Since 1963 the Committee has been drawing the Government's attention in observations and direct requests to the fact that section 58 of the General Labour Act of 1942 authorises the employment of children under the age of 14 years as apprentices, contrary to this Article of the Convention ; it had therefore requested the Government to take the necessary steps within the framework of the drafting of a Labour Code, to which the Government has referred. The Committee notes with regret that since that time no action has been taken in this respect, and that for the second time in succession no report has been received.

The Committee trusts that the Government will not fail to supply a detailed report for examination at its next session, and to take steps in the very near future to amend section 58 of the General Labour Act so as to bring it into conformity with the Convention.<sup>2</sup>

*Guinea* (ratification : 1959)

For several years the Government has been referring to a draft Order concerning the employment of children which would ensure the application of *Article 4 of the Convention*. The Committee has taken note of the new draft Order, section 21 of which requires the employer to keep a register of all children employed by him, with their dates of birth. The Committee trusts that the draft will be adopted in the very near future and that the Government will transmit a copy of the provisions, once adopted.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States : *Bolivia, Congo, Guinea, Ivory Coast, Singapore*.

Information supplied by *Chad* in answer to a direct request has been noted by the Committee.

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<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 57th Session and to report in detail for the period ending 30 June 1972.

<sup>2</sup> The Government is asked to supply full particulars to the Conference at its 57th Session.

**Convention No. 6 : Night Work of Young Persons (Industry), 1919***Hungary* (ratification : 1928)

The Committee notes the information given in reply to its earlier direct request. It notes that, on the basis of section 38, subsection 4, of the Labour Code, exceptions to the prohibition of night work have been authorised so as to permit the employment of young persons of 16 years in light industry, and in the case of skilled workers in the metal and engineering industries, as well as for young persons of 17 years in heavy industry ; these exceptions are contrary to the provisions of the Convention.

While noting that the Government states that it is anxious to reduce as much as possible the employment of young workers at night, the Committee trusts that the Government will take the necessary steps to ensure that the exceptions authorised under section 38, subsection 4, to the rule prohibiting night work for young persons of from 16 to 18 years, are restricted to the cases permitted by the Convention.

*Republic of Viet-Nam* (ratification : 1953)

The Committee notes that, in reply to its earlier observation, the report states that the possible revision of sections 168 and 171 of the Labour Code forms part of the general revision which has already been reported and which is now proceeding.

The Committee trusts that any revision of sections 168 and 171 of the Labour Code will take account of its earlier comments, namely that section 168 prohibits night work for young labourers or apprentices only, whereas the provisions of the Convention apply to all young manual or non-manual workers in industry, and that section 171 permits wider exceptions to the prohibition of night work for young persons than are authorised by the Convention.

The Committee trusts that the Government will report any progress made in this field.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States : *Algeria, Belgium, Ireland, Khmer Republic, Laos, Nicaragua, Romania, Senegal, Tunisia, Upper Volta.*

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

Information supplied by *Singapore* in answer to a direct request has been noted by the Committee.

**Convention No. 8 : Unemployment Indemnity (Shipwreck), 1920***Colombia* (ratification : 1933)

Further to its previous observations concerning Conventions Nos. 8, 22 and 23, the Committee notes with regret once more that the divergencies pointed out

between the national legislation and the provisions of these Conventions, which were ratified as long ago as 1933, have not yet been eliminated. It appears from the report of the Government on Convention No. 8 that the Senate did not accept the objections raised by the executive authority to Bill No. 131, as approved by the Congress; the Government therefore proposes to ask the Senate to consider the Bill afresh. In these circumstances, the Committee can only urge the Government to make every effort to secure without further delay the adoption of legislative provisions to give full effect to the Conventions mentioned above and to provide full information on this matter.<sup>1</sup>

*Peru* (ratification : 1962)

See paragraph 18 of the General Report.

\* \* \*

In addition requests regarding certain points are being addressed directly to the following States : *Nicaragua, Singapore, Tunisia*.

### **Convention No. 9 : Placing of Seamen, 1920**

*Mexico* (ratification : 1939)

The Committee notes with regret that the Government's report does not reply to its comments. The Committee is bound, therefore, to repeat its previous observation which was as follows :

*Articles 4 and 5 of the Convention.* The Committee notes with regret from the Government's report that no joint advisory committees of shipowners and seamen appear to exist and that the placing of seamen is conducted largely through co-operatives, whose members can be regarded as both employers and workers, and through shipping agents who act for the shipowner, *inter alia*, in the engagement of seamen.

The Committee recalls that according to the Government's earlier reports (and in particular those for 1955-56 and 1962-64) free placement agencies for seamen, run by joint committees of shipowners and seamen, had been established at Acapulco, Guaymas, Manzanillo, Mazatlán and Tampico. The Committee therefore expresses the hope that in its next report the Government will supply full information as to the system in operation for the placement of seamen and will indicate the steps taken with a view to the adoption of any measures which may be necessary to bring such system into full conformity with Articles 4 and 5 of the Convention.

*Nicaragua* (ratification : 1934)

The Committee notes the information given by the Government to the Conference Committee in 1971. However, it must note with regret once more that no report has been received.

*Article 2, paragraph 1, of the Convention.* The Government states that there are no private employment agencies in the country, but that it will make certain that, if any such agencies should be set up, they would not receive fees for placing in employment, subject to becoming liable to the sanctions of a general nature prescribed in the Code for offences for which no specific penalties are laid down. In this connection the Committee feels obliged to point out that section 12 of the

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 57th Session.

Labour Code, as amended by Decree No. 39 of 14 April 1969, makes provision for a public and free employment service, but also provides for the possible co-existence of private employment agencies supervised by a national authority. Since, however, there is no express provision in the legislation prohibiting the payment of any fee whatsoever for the placing of seamen by such private agencies, the Committee hopes that the Government will take the necessary steps to introduce such a prohibition, together with appropriate penalties for infringements, in accordance with this Article of the Convention.

*Article 4.* The Committee requests the Government to supply in future, as is required by the report form, all available information on the activities of the seamen's employment service, whether undertaken by the Managua employment office or by the labour inspectorate in various seaports.

*Article 5.* The Committee trusts that committees will be set up, as provided for in section 12 of the Labour Code, and that they will be consulted on the activities of finding employment for seamen.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States : *Israel, Peru, Romania.*

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

Requests regarding certain points are being addressed directly to the following States : *France, Guinea.*

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

*Byelorussia* (ratification : 1956)

See under Convention No. 87.

*Cuba* (ratification : 1935)

See under Convention No. 87.

*Ukraine* (ratification : 1956)

See under Convention No. 87.

*USSR* (ratification : 1956)

See under Convention No. 87.

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In addition, requests regarding certain points are being addressed directly to the following States : *Ivory Coast, Rwanda.*

**Convention No. 12 : Workmen's Compensation (Agriculture), 1921***Colombia (ratification : 1933)*

Further to previous requests and observations, the Committee notes with satisfaction the adoption of Decree No. 433 of 27 March 1971, whereby all categories of the economically active population, including the rural population, are covered by the compulsory insurance scheme which also provides for employment injury and disease compensation.

The Committee also notes that actual extension of the scheme to the groups of the population concerned, in conformity with section 4 of the above-mentioned Decree, will be introduced by stages, by means of regulations to be issued by the Social Insurance Institution and which will prescribe, in conformity with section 7 of the Decree, the social security benefits, services and other facilities applicable to each group of the population. The Committee therefore hopes that, in so far as the rural population is concerned, the appropriate regulations will be issued in the near future and will cover all the agricultural workers provided for in the Convention.

*Nicaragua (ratification : 1934)*

The Committee notes with regret that the Government's report has not been received. The Committee is bound, therefore, to repeat its previous observations and requests on the incompatibility with the Convention of section 103 of the Labour Code (authorising the reduction of compensation to one-eighth of the full amount in the case of accidents that have occurred in small commercial, agricultural or stock-raising undertakings, or in domestic service). In its report for 1965-67 and to the Conference Committee in 1968 the Government indicated that the amendment of this section has been found inappropriate on account of the economic depression in the agricultural sector, but that the National Social Security Institute is studying the possibility of incorporating various rural areas in the compulsory insurance scheme.

The Committee trusts that extension of the social security scheme (which does not include any such restrictions) to the rural areas and to agricultural workers who are as yet unprotected will take place in the near future, so as to ensure the full application of the Convention, and asks the Government to indicate the progress made in this respect.

*Panama (ratification : 1958)*

The Committee notes with regret that the Government's report has not been received. It hopes that a report will be supplied for examination by the Committee at its next session and that it will indicate whether the new Labour Code has amended section 212, subsection 4, of the Labour Code of 1947. As was pointed out by the Committee in its previous requests, this provision excludes from coverage in respect of workmen's compensation workers in undertakings engaged in agriculture, forestry or animal husbandry employing less than ten persons on a permanent basis (unless the undertakings use power-driven machinery), whereas Article 1 of the Convention provides that the laws and regulations which provide for the compensation of workers for occupational injuries must extend to *all* agricultural wage earners.

See also under General Observations.

*Peru* (ratification : 1962)

The Committee notes with satisfaction, from the Government's reply to its earlier observations, that Legislative Decree No. 18,846 of 28 April 1971 extended insurance against industrial accidents and occupational diseases to all workers in the private sector and to those in the public sector not covered by Legislative Decree No. 11,377; thus all agricultural workers now enjoy the protection of the Convention, and not merely those working in agricultural undertakings using power-driven machinery and those exposed to danger from machines, as was the case so far.

The Committee hopes that it will be possible to implement the provisions of this Decree in the near future; it asks the Government to give full information on this subject in its next reports.

\* \* \*

In addition, a request regarding certain points is being addressed directly to *Brazil*.

Information supplied by *Finland* in answer to a direct request has been noted by the Committee.

**Convention No. 13 : White Lead (Painting), 1921***Chad* (ratification : 1960)

The Committee notes from the Government's reply to its previous direct request that the regulations referred to by the Government in a number of earlier reports have not yet been issued. The Committee recalls that these are necessary to give effect to the Convention and in particular to Article 5, paragraph 1 (a) and (b) (use of white lead and measures to be taken in order to prevent danger arising from the application of paint in the form of spray).

The Committee therefore trusts that the necessary regulations will be issued in the near future and that a copy thereof will be communicated by the Government.

*Congo* (ratification : 1960)

Further to its previous direct requests, the Committee regrets to note from the Government's report that no measures have yet been taken to bring national legislation into conformity with certain provisions of the Convention. In its previous direct requests on this matter the Committee has pointed out that the existing provisions of the national regulations are not sufficient to give full effect to Article 5, I (a) of the Convention, which states that white lead shall not be used in painting operations except in the form of paste or paint ready for use, nor to Article 5, I (b), which lays down that measures shall be taken to prevent danger arising from the application of paint in the form of spray. It hopes, therefore, that the Government will find it possible to take the necessary legislative measures in the very near future.

*Mexico* (ratification : 1938)

The Committee notes with interest the information supplied by the Government to the Conference Committee in 1971 in reply to the Committee's previous observation concerning Articles 2, 3 and 5. The Government indicates that a

number of measures have been taken : lead poisoning was included in the Schedule of Occupational Diseases under Title IX of the new Federal Labour Act, which came into force in May 1970 ; extensive and precise guidelines (which are enforceable) on the use of white lead in all sectors were issued by the Secretariat of Labour and Social Security with a view to giving full effect to the provisions of the Convention ; and the aforementioned guidelines state that women and young persons under 18 are prohibited from employment in industrial painting work.

The Committee further notes the Government's statement that a number of cases of lead poisoning have been observed, and in accordance with its previous direct request on this subject, it would recall that under Article 7 of the Convention, statistics of morbidity and mortality among working painters due to lead poisoning must be compiled.

It would be grateful if the Government would supply a copy of the text of the above-mentioned guidelines and the relevant statistics compiled in accordance with Article 7.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States : *Algeria, Gabon, Guinea, Nicaragua, Poland, Senegal, Upper Volta, Yugoslavia.*

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

Requests regarding certain points are being addressed directly to the following States : *Bolivia, Burundi, Lebanon, Thailand.*

Information supplied by *Turkey* in answer to a direct request has been noted by the Committee.

#### **Convention No. 15 : Minimum Age (Trimmers and Stokers), 1921**

*Uruguay* (ratification : 1933)

Further to its earlier observations, the Committee notes with satisfaction that, as a result of the direct contacts which took place between the competent national services and a representative of the Director-General of the ILO, the Children's Board on 10 December 1971 approved a resolution prohibiting the employment of young persons under 18 years of age as trimmers or stokers on board vessels, in accordance with the provisions of this Convention.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States : *Romania, Turkey.*

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

*Somalia* (Former Trust Territory) (ratification : 1960)

Further to its earlier observations, the Committee notes from the Government's report that the Maritime Code is being revised and that efforts will be made to

include in the Code the substance of Article 3 of the Convention (repetition of medical examination of fitness at intervals of not more than one year).

The Committee trusts that this amendment to the Maritime Code will be made in the near future.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States : *Cameroon* (Western Cameroon), *Ceylon*, *Guinea*, *Iraq*, *Japan*, *Sweden*.

Information supplied by *Hungary* in answer to a direct request has been noted by the Committee.

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

#### *Algeria* (ratification : 1962)

*Article 10 of the Convention.* Further to its previous requests and observations, the Committee notes with satisfaction the instructions given to the social security funds to abolish any contribution to the cost of benefits in kind by workers injured in occupational accidents, so that the cost of minor appliances and dental prostheses is also covered.

#### *Argentina* (ratification : 1950)

*Article 2 of the Convention.* The Committee notes with satisfaction, in connection with its earlier requests, that the new Act No. 19233 of 14 September 1971 amended the first paragraph of Article 2 of the Act No. 9688 so as to cover all workers and employees.

*Article 5.* The Committee also notes that the new legislative texts mentioned in the Government's report, while assuring fuller application of Article 11 of the Convention (protection against insolvency of the employer or insurer), do not alter section 8 of Act No. 9688, as amended by Act No. 18018 of 1968 (with regard to which the Committee has also made observations in the past), which provides that, in the event of permanent incapacity or death, compensation will be in the form of a maximum capital sum, payable to the victim or to his dependants (as is brought out also by section 9 of Act No. 9688 as amended by Act No. 19233).

The Committee hopes that the necessary steps will be taken to ensure that, on this point also, there is full conformity with the Convention, which, in case of permanent incapacity or death, requires compensation to be in the form of periodical payments, without limit of time, subject only to the proviso that, exceptionally, it may be wholly or partially paid in a lump sum if the competent authority is satisfied that it will be properly utilised.

#### *Barbados* (ratification : 1967)

Further to its earlier direct requests, the Committee notes with satisfaction that the National Insurance and Social Security Act, 1966, came into force on 4 January 1971, together with the administrative regulations of 1970 which give effect to the provisions of the Convention.



*Burma (ratification : 1956)*

The Committee notes with regret that the Government's report has not been received. The Committee is bound, therefore, to repeat its previous comments, made since 1959, which referred to the following points :

*Article 5 of the Convention.* The Workmen's Compensation Act, 1924, as amended (which applies to the majority of workers, since the Social Security Act is enforced only with respect to certain categories of workers and regions of the country) provides, in cases of disability or death, for the payment of compensation in the form of a lump sum, whereas the Convention requires that compensation must be paid in the form of periodical payments, and only allows payment in a lump sum in exceptional cases, if the competent authority is satisfied that it will be properly utilised. (Section 8, subsection 7, of the 1924 Act to which the Government refers, only concerns compensation payable in the form of a lump sum to women or to persons without legal capacity.)

*Article 10.* The Workmen's Compensation Act and the Social Security Act and the regulations made under it (section 65, subsection 2) fix an upper limit for the free supply and renewal of artificial limbs and surgical appliances, which might result in the workers affected having to participate in the cost of these appliances, whereas the Convention provides that the supply and normal renewal of such appliances as are recognised to be necessary is entirely at the cost of the employer or insurer.

*Article 11.* The provisions of the Workmen's Compensation Act (section 40) affording certain safeguards against the insolvency of employers, where these have taken out insurance with private companies, do not suffice to guarantee *in all circumstances*, in conformity with the Convention, the payment of compensation to workmen injured in industrial accidents or their dependants, and to protect them against insolvency not only of the employer but also of the insurer.

In 1967 the Government representative stated to the Conference Committee—and the Government confirmed in its report received in 1968—that the necessary action would be taken within the framework of the new rules issued under the Law defining the basic rights and responsibilities of workers. However, the reports received from the Government since then have not contained any indication of progress that may have been made in this respect.

In these circumstances the Committee can only refer to the question again and trust that the Government will make every effort to ensure the full application of the Convention with respect to the points mentioned above. One appropriate measure, for example, would consist in extending the application of the Social Security Act to the whole of the national territory and widening its scope so as to include all categories of workers, regardless of the nature of the undertaking and the number of the persons employed there. In particular with respect to Article 10 of the Convention, an adjustment of the maximum limit fixed by the legislation to correspond with the actual cost of the appliances referred to therein would represent a first step towards full application.

The Committee trusts that the Government will not fail to advise it of any progress made in this respect.

*Cuba (ratification : 1928)*

Further to its previous observations, the Committee notes the information supplied by the Government and also the statement made by the representative of the Government to the Conference Committee in 1971. It notes with regret that these do not throw any fresh light on the points which the Committee had raised.

1. With regard to cases of suspension or extinction of benefits provided for by Act No. 1100 on social security in sections 63 (f) (beneficiaries sentenced to imprisonment for a term or more than thirty days) and 64 (g) (beneficiaries sentenced for counter-revolutionary offences), the Government states that the dependants of these beneficiaries are protected, as necessary, by the social assistance regulations and practices, under which they are granted cash benefits,

health services and other social services free of charge. The Committee requests the Government to supply more detailed information on how the national regulations concerning social assistance are applied in practice to the dependants of the beneficiaries in question, and more particularly to indicate, by examples, the amount of the cash benefits provided as compared to the amount provided by Act 1100. With reference more especially to cases of extinction of benefits (section 64 (g) of the Act), the Committee feels bound to recall once again that the Convention does not provide for any exceptions other than those specified in Article 2, paragraph 2, and in Article 3. The Committee hopes that the Government would reconsider this question and would take all necessary steps to ensure that the Convention is fully applied in this respect.

2. With regard to the additional compensation provided for in Article 7 of the Convention, the Government refers to sections 4 to 6, 19, 35 and 42 of Act No. 1100, which apply to *all* workers who suffer an industrial accident and which deal with the cash benefits, medical and hospital care and the supply of artificial limbs and surgical appliances prescribed in Articles 5, 6, 9 and 10 of the Convention. As the Committee explained in its earlier observations, Article 7 of the Convention deals with the special case of injured workmen whose state of health no longer requires hospital treatment in the strict sense but whose incapacity calls for the constant help of another person in order to meet their daily needs. It is in order to enable them to defray the extra expense arising from this situation that the Convention provides for additional compensation, for which provision was made in section XVI of Decree No. 2687 of 17 November 1933, which was repealed by Act No. 1100. The Committee hopes that on this point also the Government will bring its legislation into complete harmony with the Convention.

*Egypt (ratification : 1960)*

*Article 7 of the Convention.* The Committee notes with satisfaction that, as a result of its earlier requests, Act No. 63 of 1971 amended section 87 of the Social Insurance Code so as to abolish the requirement of a qualifying period for the payment of additional compensation in the case of total incapacity or death.

*Iraq (ratification : 1960)*

The Committee has noted with satisfaction that Law No. 151 of 10 August 1970 (Labour Law) and Law No. 39 of 9 March 1971 (Workers' Pensions and Social Security Law) have given effect to a number of Articles of the Convention upon which the Committee had previously had cause to comment.

*Kenya (ratification : 1964)*

*Article 5 of the Convention.* In reply to earlier requests by the Committee, the Government states that, in order to give effect to this Article of the Convention, it continues, even on a wider scale, to rely on the arrangements made earlier with the Savings Bank of the East African Postal and Telecommunications Administration. Under these arrangements, compensation in respect of industrial accident was paid to beneficiaries periodically when deemed necessary. The Committee, while recognising that such administrative arrangements provided a guarantee for the beneficiaries, nevertheless considers that, since the payments are made only "when deemed necessary" and are not continued once the maximum amounts prescribed

by national legislation have been reached, the arrangements cannot be deemed to give full effect to this provision of the Convention. The Convention provides that, in the event of permanent incapacity or death, compensation must be paid in the form of periodical payments and that, as an exceptional measure, it may be wholly or partially paid in a lump sum, but only when the competent authority is satisfied that it will be properly utilised. The Committee hopes, therefore, that the Government will consider, in accordance with the intentions which it manifested in earlier reports, what steps should be taken to ensure the full application of the Convention on this point in particular since, according to the statistical information supplied by the Government, the number of persons involved in occupational accidents has almost doubled in the period covered by the report.

*Articles 9 and 10.* The Committee—as in its earlier observations—requests the Government to indicate whether the maximum figures laid down in section 32 of the Workmen's Compensation Act, 1962, for medical expenses and the supply of artificial limbs and surgical appliances have been raised or eliminated, since the Convention does not specify any limit in this respect.

*Article 11.* The Committee noted that, according to the Government's reply to its earlier requests, recourse was never had in practice to the provision of section 26 (i) of the Workmen's Compensation Act concerning compulsory insurance for certain types of undertakings. The Committee nevertheless feels that a system of compulsory insurance or, failing that, the establishment of a guarantee fund in which all undertakings would share, would be one of the most suitable means of ensuring in all circumstances the payment of compensation to beneficiaries and would safeguard them against the risk of insolvency of the employer or the insurer. The Committee hopes that the Government will re-examine this question and that it will take the necessary steps to ensure the full application of this Article of the Convention.

#### *Malaysia (States of Malaya) (ratification : 1957)*

Further to its earlier observations, the Committee notes with satisfaction that, according to the Government's report, the Employees' Social Security Act No. 4 of 1969 came into force in October 1971 in one of the five pilot centres and that the Government intends to extend its scope so as to cover all the categories of workers covered by the Convention, including those working in undertakings employing fewer than five persons.

The Committee hopes that the extension of this Act to the whole territory and to all the workers mentioned in the Convention will take place in the very near future, and that the Government will report all progress made in this respect.

#### *New Zealand (ratification : 1938)*

*Article 5 of the Convention.* The Committee notes, from the Government's reply to its earlier observations, that the recommendations of the Royal Commission of Inquiry into Compensation for Personal Injury in New Zealand were referred to a Parliamentary Select Committee, which has already submitted its report to Parliament.

The Committee also notes with interest that legislation to give effect to these recommendations is already being prepared and will shortly come before Parliament. The Committee hopes that this legislation will be adopted in the very

near future and will take account of the recommendations of the Royal Commission of Inquiry and of the Committee's own observations by providing, as required by the Convention, that compensation in the event of death or permanent incapacity resulting from an industrial accident will take the form of periodical payments, without limit of time, and that payment in the form of a lump sum may be authorised only as an exceptional measure when the competent authority is satisfied that it will be properly utilised.

*Nicaragua* (ratification : 1934)

In its previous observations, the Committee pointed out that, contrary to what the Government had led the Conference Committee to understand in 1968, Decree No. 39 of 14 April 1969 amending the Labour Code did not eliminate the divergencies between this legislation and the following Articles of the Convention : 5 (periodical payments of compensation), 7 (additional compensation for injured workmen requiring the constant help of another person), 10 (supply and renewal of artificial limbs and surgical appliances) and 11 (provision to ensure in all circumstances the payment of compensation in the event of the insolvency of the employer or insurer). Moreover, the Committee noted the Government's statement that the social insurance scheme would be extended to further regions of the country.

In the information which it communicated to the Conference Committee in 1971, the Government indicated that the national legislation had not been revised in relation to this Convention ; the Government representative nonetheless stated that the Ministry of Labour would attempt, taking into account the economic evolution of the country, to take the necessary steps to give effect to all provisions of the Convention.

The Committee notes these statements and trusts that the necessary measures will be taken in the very near future (a) to bring the Labour Code (whose provisions relating to occupational accidents are the only ones applicable throughout the national territory) into full conformity with the Convention, and (b) to extend the social security scheme, including the scheme for protection against employment injuries and occupational diseases, to the workers and regions not yet covered.

The Committee also hopes that the Government will not fail to report on the progress made in this respect.<sup>1</sup>

*Philippines* (ratification : 1960)

In reply to earlier observations and requests the Government states in its report that the failure to apply *Articles 5 and 7 of the Convention* is due to the economic situation of the country, but that the responsible authorities are conscious of the need to comply with the international commitments they have accepted. The Government adds that the draft new Labour Code—to which it referred in its previous report—which will increase to 10,000 pesos the maximum compensation payable (either in weekly instalments or as a lump sum) in the event of permanent incapacity or death, is at present before Congress for approval, and that another bill based on the principle of the Convention and providing for the transformation of the present system of employers' liability into one of state insurance has also been submitted to Congress.

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 57th Session.

While noting these improvements, the Committee hopes that the new legislation will take due account of the observations which it has been making for several years back regarding Article 5 of the Convention (according to which the compensation due in the event of permanent incapacity or death must be paid in the form of periodical payments, without limit of time) and Article 7 (which prescribes the payment of additional compensation when the injured workman must have the constant help of another person). In connection with this latter point, it notes that the provisions of section 13 of Act No. 3428 as amended, to which the Government refers and which provides for the possible services of a nurse until the injured person has recovered his physical powers, are not sufficient to ensure the complete application of the Convention in this respect.

*Rwanda (ratification : 1962)*

*Article 7 of the Convention.* The Committee notes from the Government's reply to its earlier observations that the Bill to amend the Social Security Act of 15 November 1962 has not yet been adopted. One of the purposes of the Bill was to bring the legislation into harmony with this provision of the Convention, which calls for additional compensation when the victim of an industrial accident has a degree of incapacity requiring the constant help of another person.

The Committee notes, however, that the Bill will be placed before the National Assembly during its 1972 session, and it hopes that the Bill will be adopted in the near future.

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In addition, requests regarding certain points are being addressed directly to the following States : *Barbados, Belgium, Burundi, Chile, Colombia, Egypt, Guinea, Iraq, Malaysia (States of Malaya), Mexico, Netherlands, Panama, Poland, Sierra Leone, Somalia, Tanzania, Uganda, United Kingdom, Uruguay, Zaire.*

Information supplied by *Finland, Mali and Yugoslavia* in answer to a direct request has been noted by the Committee.

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

*Central African Republic (ratification : 1964)*

In its earlier requests and observations the Committee pointed out that the list of occupational diseases appended to Ordinance No. 59/60 of 20 April 1959 was not in conformity with the schedule in Article 2 of the Convention : (a) because, under headings 1 and 2 concerning diseases caused by lead and mercury poisoning respectively, it gives a list of certain types of disease which can be caused by "lead and its compounds" and "mercury and its compounds", but this enumeration is necessarily *restrictive*, whereas the Convention is drafted in *general* terms on these points and covers all diseases which may be caused by these substances (and also by lead alloys and by amalgams of mercury, which are not specifically mentioned in the left-hand column of the list), and (b) because, in item 18 it mentions, among the processes which can cause anthrax infection, the loading, unloading or transport of animals *infected with anthrax*, the carcasses or parts of carcasses of such animals and containers having held such carcasses, whereas the Convention refers *in general* to the operations of loading, unloading or transport of

merchandise, irrespective of its nature (such merchandise may in fact have been contaminated by mere contact with infected articles, and this fact may not be known to the worker involved and might be very difficult, if not impossible, to prove).

In this connection, the Committee notes the information given by the Government to the Conference Committee in 1971, that the necessary steps would be taken to bring the list contained in the Ordinance in question into complete harmony with the Convention.

The Committee trusts that these steps, which were already mentioned by the Government in its report for 1966-68, will be taken in the near future. One possible solution for the first point mentioned above would be to make it clear that the list appended to the Ordinance of 1959 was merely indicative by inserting, for example, "in particular" between the different diseases and the list of symptoms, or by replacing the term: "diseases caused by" by the term: "main diseases caused by...". In this connection the Committee would point out that this practice is followed by other countries in the area which have similar legislation.

*Ceylon (ratification : 1952)*

Further to previous requests and observations, the Committee notes that the draft amendment to the present Ordinance on employment injury compensation has not yet been submitted to Parliament. The Committee notes, however, from the Government's statement that every effort will be made to submit the draft to Parliament without delay. It trusts that the draft concerned will be adopted in the very near future and that it will bring national legislation fully into line with the Convention by adding to the schedule of occupational diseases "poisoning by amalgams and compounds of mercury" and including in the operations liable to give rise to anthrax infection, the "loading, unloading or transport of merchandise" in general, and not merely merchandise liable to be infected by animals or parts of animal carcasses.

*Colombia (ratification : 1933)*

Further to its earlier observations and requests, the Committee notes the report and the information given by the Government to the Conference in 1971. According to this information, a special commission is at present making preparatory studies with a view to new general legislation on insurance against industrial accidents and occupational diseases in conjunction with the reorganisation of the Colombia Social Insurance Institute in virtue of Legislative Decree No. 433 of 1971. The Committee further notes that at the same time the schedule of occupational diseases established by Agreement No. 191 of 1965 will be revised in the light of the provisions of Article 2 of the Convention.

The Committee trusts that this revision will be carried through in the very near future and will bring the national legislation into complete conformity with the Convention as regards both the schedule of occupational diseases and the corresponding occupations and also the presumption of occupational origin of these diseases, all the more so as in practice, according to the Government's statement in its report, workers are not obliged to prove the occupational origin of their disease.

*Dahomey (ratification : 1960)*

In its observation of 1970 the Committee noted that the new Labour Code had been adopted, but that the regulations under it, which the Government stated in its

previous reports would eliminate the divergencies between the list of occupational diseases in the schedule to Ordinance No. 10/SLM of 21 March 1959 and the list contained in Article 2 of the Convention, had not yet been made. These divergencies relate to *poisoning by lead, its alloys and compounds* (the Ordinance contains only a limitative list of pathological manifestations due to such poisonings), *poisoning by mercury, its amalgams and compounds* (the Ordinance makes no mention of these cases of poisoning or of the operations liable to cause them) and *anthrax infection* (the Ordinance does not mention the loading and unloading or transport of merchandise in general).

As the Government has not submitted a report, the Committee is obliged to return to the question and trusts that the regulations under the new Labour Code will be adopted in the near future and will ensure that the Convention is fully applied on these points. It also hopes that the Government will submit a report for consideration at the next session of the Committee and will indicate the progress made in this connection.

*Guinea* (ratification : 1959)

Further to the Committee's requests and observations, the Government forwarded with its report for 1965-67 a draft Order designed to bring the schedule of occupational diseases and corresponding operations in Section 136 of the Social Security Code into conformity with the Convention as regards poisoning by lead or mercury, as well as anthrax infection and the industries and processes liable to give rise to such poisoning or disease. In its last report, the Government states that effect will be given to the Committee's observations in due course, after adoption of the new Social Security Code. The Committee, taking note of this statement, trusts that the Code will be adopted in the near future and that the necessary steps will be taken to give full effect to the Convention. It further requests the Government to indicate the progress achieved in this regard.

*Mauritania* (ratification : 1961)

The Committee is obliged to note that the Government's report contains no new element taking account of its earlier comments or of the direct contacts which took place with the Government in October 1969 concerning, *inter alia*, certain points on which the national legislation (namely Decree No. 67,142 of 5 July 1967) was not in conformity with the Convention. It is a question in particular: (a) of the *restrictive character* of the list of pathological manifestations given in the left-hand column of the schedule to the Decree concerning occupational *lead poisoning and mercury poisoning* (items 1 and 23); and (b) of the *more restricted scope* of the operations of *loading, unloading or transport* in the right-hand column of the schedule as being among the operations liable to cause *occupational anthrax* (item 24).

In its earlier comments the Committee pointed out that the Convention, which is drafted in general terms as regards these items, is intended to cover, under the first point, *all poisoning by lead, mercury and their alloys, amalgams, compounds and their sequelae* and, as regards the second point, *all operations of loading, unloading or transport of merchandise of any kind and not merely of animal carcasses or parts thereof which may be infected or containers in which these have been packed*.

The Committee trusts that the amendments to the legislation which the Government mentioned in its special report received in January 1970 and in the information communicated to the Conference in 1970 will be adopted in the near future.



*Portugal (ratification : 1931)*

Further to its earlier requests, the Committee notes with satisfaction from the Government's reports for 1967-70 and 1970-71, that the schedule of occupational diseases provided for in section XXV of Act No. 2127 of 3 August 1965 applicable to metropolitan Portugal has been drawn up and corresponds very closely to that contained in the Convention.

The Committee also notes with satisfaction that, following its earlier observations, Decree No. 806 of 26 December 1969 has made applicable to *São Tomé e Príncipe* the schedule of occupational diseases appended to Act No. 1942 of 27 July 1936.

The Committee further notes with interest that steps have been taken to draw up for *Cape Verde* a list of processes corresponding to the diseases enumerated in section 152 of Act No. 1330 of 1958. The Committee hopes that this list will be adopted in the near future and will give full effect to the Convention.

*Switzerland (ratification : 1927)*

The Committee notes the reply of the Government to its earlier requests, to the effect that the preparatory work for the revision of certain provisions of the federal legislation concerning agriculture is now under way and that the possibility of inserting a clause to extend accident insurance to cover occupational diseases will be examined in the course of this revision.

As this is merely a question of incorporating in the legislation a practice which, according to the Government, already exists, the Committee ventures to hope that the revision in question, which the Government has been mentioning since 1958, will soon be carried out and will permit the inclusion of occupational diseases in the industrial accidents insurance scheme for agriculture.

*Tunisia (ratification : 1959)*

In its observation of 1970 the Committee noted with regret that the draft decree to amend the list of occupational diseases in the schedule to Act No. 57/73 of 11 December 1957 had not yet been adopted, owing to difficulties encountered in translating certain technical terms into Arabic. The draft was to bring the national legislation into conformity with Article 2 of the Convention, by changing the list of pathological manifestations due to poisoning by lead, its alloys or compounds, and by mercury, its amalgams and compounds, so that it is no longer limitative, and by adding the "loading and unloading or transport of merchandise" in general to the operations likely to cause anthrax infection.

As the Government has not submitted a report, the Committee has no information as to whether this decree, which was drafted seven years ago, has been adopted or not. Consequently, the Committee has no option but to return to the question; it trusts that the Government will not fail to state whether the draft has been adopted and, if not, what measures have been taken to bring the national legislation into complete conformity with the Convention on these points.

*Upper Volta (ratification : 1960)*

The Committee notes with interest the reply of the Government to its earlier observations, to the effect that a draft Social Security Code covering industrial



accidents and occupational diseases had been drawn up and would be submitted at the beginning of 1972 to the National Assembly for approval.

The Committee hopes that this draft Code will be adopted in the very near future and that the new schedule of occupational diseases to replace that at present appended to Act No. 3-59/ACL of 3 January 1959, will cover also :

- (a) all poisoning by lead, its alloys or compounds and their sequelae ;
- (b) poisoning by mercury, its amalgams and compounds and their sequelae and the occupations liable to give rise to such poisoning ; and
- (c) the loading, unloading or transport of merchandise in general, as being operations liable to give rise to anthrax infection.

*Yugoslavia (ratification : 1927)*

The Committee notes that, in reply to its earlier observations, the Government states that a new and amended schedule of occupational diseases has been drawn up as part of a Bill concerning basic rights under invalidity and old-age insurance, which is at present before the Federal Assembly.

The Committee also notes that the definition of the processes corresponding to *anthrax infection* in the new amended schedule is based on the wording of the Employment Injury Benefits Convention, 1964 (No. 121), which the Government ratified in 1970, but is not in conformity with Convention No. 18, which requires the inclusion in the schedule of occupational diseases, as processes which may cause anthrax infection, the "loading and unloading or transport of merchandise" in general (and not merely of merchandise which may have been contaminated by infected animals or parts of their carcasses). The Committee hopes that the Government will be prepared to contemplate taking appropriate steps in this matter.

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In addition, requests regarding certain points are being addressed directly to the following States : *Chile, Colombia, Egypt, Finland, Nicaragua, Portugal, Senegal, Zaire.*

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

*Barbados (ratification : 1967)*

Referring to its earlier comments, the Committee has noted with satisfaction that with the incorporation of employment injury compensation in the National Insurance and Social Security Scheme, pursuant to the Employment Injury (Benefit) Regulations, 1970, provision has been made for equality of treatment for foreigners and nationals, without any condition as to residence.

*Cameroon (ratification : 1962)*

*Article 1, paragraph 2, of the Convention.* Further to its previous comments, the Committee notes with regret from the Government's report that the legislative text which is to repeal section 57 of Ordinance No. 59/100 of 31 December 1959 is

still being considered. The Government further states that this section, which provides for different treatment for nationals and non-resident foreigners, is not applied. The Committee hopes that the legislation will be brought into full conformity with the Convention. The Committee requests the Government to indicate the progress made in this respect.

*Gabon (ratification : 1962)*

*Article 1, paragraph 2, of the Convention.* The Committee notes with regret that the Government's report does not reply to its previous comments concerning the adoption of a social security code. The Committee hopes that this code will be adopted in the very near future and that it will, as was stated by the Government in its previous reports, make express provision for equality of treatment *ipso jure* in respect of workmen's compensation between its own nationals and nationals of a State which has ratified the Convention even in cases in which the latter reside or move abroad, as is required by the Convention. The Committee hopes in addition that the Government will take the necessary measures to ensure that equality of treatment is also accorded to workers injured before the entry into force of the code (or to their survivors) even if the compensation payable continues to be governed by Decree No. 57.245 of 24 February 1957.

*Rwanda (ratification : 1962)*

With reference to its previous comments, the Committee notes that the draft revision of the Social Security Act of 15 November 1962, which the Government mentioned in its report for 1969 and which is intended, *inter alia*, to bring the national legislation expressly into conformity with the Convention, is to be submitted by the Government to the National Assembly during its 1972 session. The Committee hopes that, in its next report, the Government will be able to announce that this revision has been adopted.

*Senegal (ratification : 1962)*

*Article 1, paragraph 2, of the Convention.* The Committee notes with interest that the Ministry of the Civil Service and Labour has drafted a text to abolish the restrictions affecting the rights of foreigners and their dependants in respect of industrial accident pensions if they cease to reside in Senegal (conversion of the pension into a lump sum) or, in the case of dependants only, if they were not resident in the country at the date of the accident (lapse of rights). Since 1965 the Committee has been making direct requests concerning those restrictions, which are based on section 29 of Decree No. 57-245 of 24 February 1957. According to the Government's report, the new draft text forms part of the reform of the family allowances and industrial accidents schemes on which there has been wide consultation and which should normally have been adopted before December 1971. The Committee hopes that the Government can send information on the adoption of this text, which is destined to guarantee to foreigners who are citizens of a State for which the Convention is in force the same treatment as nationals without any condition of residence.

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In addition, requests regarding certain points are being addressed directly to the following States : *Algeria, Chile, Czechoslovakia, Egypt, France, Lesotho, Mada-*

*gascar, Mauritania, Upper Volta, People's Democratic Republic of Yemen (Aden), Yugoslavia.*

Information supplied by *Brazil, Ghana and Thailand* in answer to a direct request has been noted by the Committee.

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

*Colombia* (ratification : 1933)

See under Convention No. 8.

*Federal Republic of Germany* (ratification : 1930)

Further to its earlier observation, the Committee notes with interest the statement made by a Government representative to the Conference Committee in 1971 and also the information contained in the last report, to the effect that the Government had resumed negotiations with the organisations of employers and workers concerned with a view to drafting section 63, sub-section 3, of the Seamen's Act of 1957 in such a way as to bring it into conformity with Article 9, paragraph 1, of the Convention, on the basis of the suggestions made by the Committee in its observation of 1970.

The Committee trusts that these negotiations will lead to positive results in the near future.

*Mexico* (ratification : 1934)

*Article 5, paragraph 2, of the Convention.* The Committee is obliged to note that the report contains no information in response to its earlier observation, in which it expressed the hope that the Ministry of the Marine would consider the possibility of eliminating from the seaman's booklet any reference to the quality of the seaman's work.

*Article 9, paragraph 1.* In connection with its earlier observations on this point, the Committee notes the new Federal Labour Act and the explanations given in the Government's report. The Committee notes that, although section 209 IV of the new Act permits seamen to terminate an agreement for an indefinite period by giving 72 hours' notice in advance, this provision does not apply, according to paragraph III of the same section, "when the vessel is *abroad*, in uninhabited places or in port, in the latter case if the vessel is exposed to any danger because of bad weather or other circumstances". It appears from the text quoted that, while the prohibition of terminating the agreement in port applies only when there is a possible danger due to bad weather or other circumstances (which is in fact in conformity with Article 9, paragraph 3, of the Convention), the rule against terminating the agreement abroad is absolute. Consequently, the Committee can only note that the discrepancy which led to its observations in earlier years still exists, and express the firm hope that the words "and in the latter case" will at an early date be deleted from paragraph III of section 209 of the Federal Labour Act, since they make it impossible to consider that all the exceptions permitted by that paragraph are limited to the "exceptional circumstances" referred to in paragraph 3 of this Article.

*Article 9, paragraph 2.* The Committee notes that, according to paragraph IV of section 209 of the new Federal Labour Act, the period of notice is 72 hours in

the case of an agreement for an indefinite period. However, the Act does not specify whether the notice must be given in writing nor the manner in which it must be given. The Committee hopes that the necessary measures will be taken to supplement the provisions in question in an appropriate manner.

*Pakistan* (ratification : 1932)

Further to its previous observation concerning the application of Article 1 of the Convention, the Committee notes from the Government's report that the Draft Merchant Shipping Ordinance 1969 has not yet been placed before the National Assembly. It trusts that this draft, which would extend the application of the provisions of the Convention to cover seamen engaged in any port outside Pakistan for service on Pakistani vessels, will be promulgated in the near future.

*Peru* (ratification : 1962)

*Article 9, paragraph 1, of the Convention.* In reply to the comments made by the Committee in repeated direct requests, the Government has stated that section 673 of the Harbour Masters and National Merchant Marine Regulations stipulates that an agreement for an indefinite period may be terminated only in the port in which the seaman was engaged, that this provision constitutes a guarantee that a seaman cannot be left in any other port, and that it is not considered desirable, from the shipowner's point of view, for a seaman to be able to leave the vessel during the voyage.

While appreciating the reasons put forward by the Government, the Committee can only repeat that this provision of the Convention is of fundamental importance in that it guarantees freedom of choice and movement to seamen, by granting them the right to terminate an agreement for an indefinite period in any port at which the vessel loads or unloads, on condition that the agreed notice is given. Since agreements for an indefinite period are authorised by law, it should be possible to terminate these agreements under the conditions laid down in the Convention.

The Committee therefore hopes that the Government will consider the possibility of revising the relevant legislation in the light of the foregoing comments.

*Somalia* (Former Trust Territory) (ratification : 1960)

Further to its previous observations, the Committee notes from the Government's report that steps have been taken to include the relevant provisions of the Convention in the draft revised Maritime Code before this draft is finally approved by the competent authority.

The Committee recalls that its earlier comments dealt with the following points :

*Article 6, paragraph 3 (10) (c) of the Convention.* The national legislation does not provide that, where an agreement has been made for an indefinite period, it must indicate the conditions which entitle either party to rescind it and also the required period of notice, which must not be less for the shipowner than for the seaman.

*Article 9, paragraph 1.* The Maritime Code provides that an agreement for an indefinite period may not be rescinded by the seaman except in the port of destination of the vessel, whereas the Convention provides that such an agreement

may be terminated by either party in any port where the vessel loads or unloads, provided that the required notice has been given.

*Article 9, paragraph 2.* The national legislation does not require notice to be given in writing.

*Articles 4, 8, 13 and 14.* The national legislation contains no provisions to give effect to these Articles of the Convention.

The Committee trusts that the necessary provisions will be included in the Maritime Code in the near future.

#### *Venezuela (ratification : 1944)*

The Committee notes with regret that no report has been received from the Government. In connection with its earlier observations concerning the discrepancies between the legislation and Articles 4, 6, 8, 9, 13 and 14 of the Convention, it notes the statement made by a Government representative to the Conference Committee in 1971 to the effect that, as it had not yet proved possible to adopt the draft Shipping Act, which was intended to remove these discrepancies, the Government was contemplating a different solution—namely, to have these Articles incorporated in the collective agreements, which were due for renewal in 1972.

While the solution envisaged by the Government would certainly be a positive step, the Committee must point out that, in the case of Articles 4, 8 and 9, paragraphs 2 and 3, the Convention calls for legislative measures.

Consequently, the Committee ventures to hope that the Government will spare no efforts to ensure the early adoption of all necessary measures to secure complete conformity with the provisions of the Convention.

#### *Yugoslavia (ratification : 1929)*

Further to its previous comments, the Committee notes with interest the information supplied by the Government in its last report.

The Government indicates that the problem arising in the application of the Convention in Yugoslavia from the fact that there are no articles of agreement under the system of self-management has been the subject of detailed study. A form of solution designed to ensure the fuller application of the Convention was worked out, and the direct contacts with a representative of the Director-General of the ILO in May 1971 led to a common understanding on the matter.

The measures envisaged consisted of amendments to the legislation which would first empower the Federal Executive Council to adopt regulations designed to ensure the application of international labour Conventions, and secondly to provide for penalties to be imposed on undertakings which admit seamen to employment in contravention of the regulations made for the application of the Convention. Under the proposed regulations, a worker would on engagement receive a written decision setting out his rights and duties as well as the other particulars specified in the Convention. This decision would take effect upon certification by the worker on a copy of the document addressed to the competent administrative authority that he has understood his rights and duties within the organisation in which he is to work.

Subsequently, on 29 December 1971, because of recent constitutional reforms under which jurisdiction over this question is attributed to the republics, the Federal Executive Council decided, pending the revision of the labour legislation



which has been made necessary by these constitutional reforms, to bring the problem concerning the application of the Convention to the notice of the Executive Councils of the Republics of Croatia, Slovenia and Montenegro in order that the necessary regulations might be adopted. The Government does not foresee any difficulties in view of the fact that all those concerned were able to take part in the direct contacts. In addition, the Association of Yugoslav Navigation Undertakings is at present preparing a standard form for the proposed document referred to above; its approval by the organisations concerned will undoubtedly facilitate the adoption of the necessary measures by the republics.

The Committee appreciates the efforts already made to achieve the full application of the Convention and requests the Government to supply information on the implementation of the proposed changes in the national legislation and practice.

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In addition, requests regarding certain points are being addressed directly to the following States : *Brazil, Ghana, Iraq, Japan, Mauritania, Mexico, New Zealand, Nicaragua, Peru, Sierra Leone, Spain, Tunisia.*

### **Convention No. 23 : Repatriation of Seamen, 1926**

#### *Argentina (ratification : 1950)*

Further to its previous observations, the Committee notes from the information in the Government's report that the Navigation Bill, designed to bring the law into conformity with certain requirements of the Convention, has not yet been promulgated.

The Committee can do no less than recall that the discrepancies to which it has been drawing attention for several years relate to the following provisions of the Convention : Article 3, paragraph 4 (conditions under which a foreign seaman engaged in a country other than his own has a right to be repatriated); Article 4 (*b*) (expenses of repatriating seamen in the event of shipwreck); and Article 5, paragraph 1 (expenses of maintaining the repatriated seamen, up to the time of their departure and during the journey).

In these circumstances, the Committee trusts that the above Bill will be enacted shortly in order to give full effect to the provisions of the Convention.<sup>1</sup>

#### *Colombia (ratification : 1933)*

See under Convention No. 8.

#### *Ireland (ratification : 1930)*

*Article 3, paragraph 1, of the Convention.* For several years, the Committee has been making comments on section 32 of the Merchant Shipping Act, 1906. Under the provisions of this section, the right to repatriation is not recognised (*a*) when a seaman is landed in a country of the Commonwealth, or (*b*) when a foreign seaman is engaged in a foreign port and landed in another foreign port. The

<sup>1</sup> The Government is asked to report in detail for the period ending 30 June 1972.

Committee had pointed out the incompatibility of these exceptions with the above-mentioned Article of the Convention and had noted, from the Government's report for the period 1963-65, that consolidation of the legislation on merchant shipping was under review and that the Committee's comments would be taken into consideration. The Government confirmed the information in its subsequent reports.

As, according to the report for the period 1969-71, the situation remains unchanged, the Committee trusts that the Government will be able to indicate in the near future that it has adopted the necessary measures to give full effect to the Convention.<sup>1</sup>

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In addition, requests regarding certain points are being addressed directly to the following States : *Peru, Philippines, Tunisia, Uruguay, Yugoslavia.*

Information supplied by the *USSR* in answer to a direct request has been noted by the Committee.

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

*Colombia* (ratification : 1933)

*Article 2 of the Convention.* Further to its earlier observations, the Committee notes with satisfaction, from the information given by the Government to the Conference in 1971 and in its latest report, the adoption of Decree No. 433 of 1971 reorganising the Social Insurance Institute, which provides for the extension of the social security scheme to additional categories of workers, covering all groups of the active population, including the rural population (and covering workers on temporary jobs and members of the employer's family). The Committee also notes that, under sections 4 and 7 of the Decree in question, this extension will only be carried out progressively on the basis of a fixed order of priority, and that regulations issued by the Social Insurance Institute will fix the benefits, social services and other advantages to be granted gradually to the various groups of the working population in different geographical areas.

The Committee hopes that the regulations in question will be adopted in the near future and that adequate measures will be taken to enable sickness insurance to cover effectively all groups of workers coming within the scope of the Convention throughout the national territory. The Committee asks the Government to supply information on the progress made towards this goal and to state—as it has been asked to do on several occasions in the past—whether it has been able to overcome the administrative and financial difficulties which, according to its earlier statements, in practice prevented the extension of the scheme to cover *domestic servants*.

*Article 4, paragraph 1.* In earlier observations the Committee also drew attention to the fact that regulation 7 of the General Regulations concerning Sickness and Maternity Insurance, which fixes a contribution period of five weeks for entitlement to medical care, was not in conformity with the Convention, which does not provide for a qualifying period for the grant of medical treatment and the supply of medicines and appliances. The Committee hopes that on the occasion of

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<sup>1</sup> The Government is asked to report in detail for the period ending 30 June 1972.

the recent reorganisation of the Social Insurance Institute and the adoption of new regulations under Decree No. 433 of 1971, steps can be taken to abolish this requirement of a qualifying period.

*Ecuador (ratification : 1962)*

The Committee notes the information provided by the Government in reply to its earlier observations and requests. It notes that *out-workers* are covered by the general social security scheme and that *domestic workers* also receive cash benefits under the regulations of the National Welfare Institute.

The Committee also notes with interest that a draft Social Security Code is at present being discussed at the national level and that it will contain all the necessary provisions to ensure application of the Convention.

The Committee hopes that the Code will be adopted in the near future and will be in complete conformity with the Convention, more particularly as regards both its *scope* (by including foreigners and permitting exceptions only in the case of the categories of workers mentioned in Article 2, paragraph 2, of the Convention) and the *qualifying period* (while the Convention authorises a qualifying period or minimum contribution period before the worker becomes entitled to sickness benefit, it does not provide for any such qualifying period for medical care, which must be given as from the commencement of the illness in accordance with Article 4, paragraph 1).

The Committee requests the Government to report progress towards the adoption of this Code.

*Haiti (ratification : 1955)*

The Committee notes with regret that the Government's report has not been received. The Committee is bound, therefore, to repeat its previous observation which was as follows :

Further to the observations and direct requests made by it since 1957, the Committee notes with concern that the provisions of the Acts of 12 September 1951 and 18 September 1967, both of which provided for the establishment of a health insurance scheme, have so far never been implemented. It notes that the Government finds itself unable to give effect to such an insurance scheme in the present circumstances as priority has been given to other objectives.

The Committee trusts that the Government will take the necessary action in the very near future to fulfil the international obligations entered into by it as a result of its ratification of this Convention, which took place in 1955. It requests the Government to indicate the progress made in this respect.<sup>1</sup>

*Nicaragua (ratification : 1934)*

The Committee notes that the Government's report has not been received. It has however noted with interest the information communicated by the Government to the Conference in 1971 on Convention No. 3 concerning the further extensions of the social security scheme, including sickness insurance, to new regions of the country.

The Committee hopes that this scheme will soon cover the whole of the country and all the categories of workers coming within Conventions Nos. 24 and 25, and that the Government will not fail to supply information—and particularly statistics—on further progress made to this end, as it did in its report for 1967-69.

<sup>1</sup> The Government is asked to report in detail for the period ending 30 June 1972.



*Peru (ratification : 1945)*

*Article 4 of the Convention.* In its reply to the Committee's previous observations and requests pointing out that the qualifying period (payment of a specified number of contributions) to which the grant of medical care is made subject in both the workers' and the employees' insurance schemes is contrary to the Convention, the Government refers to the amendment of sections 55 and 56 of Act No. 13724 (employees' insurance) which concern the constitution of the resources of the insurance scheme and not the qualifying periods in question. However, the Government indicated in its report for 1966-68 that a Bill reforming workers' social insurance and containing provisions to this end had been submitted to Parliament and, in its report for 1969-70 on Convention No. 35 it indicated that special committees responsible for the reorganisation of the two social insurance schemes had been set up under a Supreme Decree of 28 January 1969 and a Legislative Decree of 29 September 1970. Since the Government's reply contains no new information on this question, the Committee is compelled to draw attention to it once again, in the hope that the necessary measures will be taken shortly.

The Committee also requests the Government to indicate whether the social insurance scheme has been extended to further regions of the country.

*Romania (ratification : 1929)*

*Article 3, paragraph 2, of the Convention.* Further to its earlier requests concerning the provisions of section 25 of Decision No. 880/1965 of the Council of Ministers (suspension of cash benefits because the worker was absent without reason during the thirty days preceding sick leave), the Committee notes that no steps have yet been taken to bring the national legislation into conformity with the Convention, which makes no provision for such suspension. The last report shows that the draft new Labour Code, which, according to an earlier statement by the Government, would remove this discrepancy, is still under discussion and that a certain time must still elapse before the draft can be adopted.

The Committee hopes that the above provisions of the national legislation can be amended at an early date, either by the adoption of the draft new Labour Code or by an amendment to the above-mentioned decision, and that the Government will report any progress in this matter.

*Spain (ratification : 1933)*

*Article 3 of the Convention.* Further to its earlier observations, the Committee notes with interest the information given by the Government to the Conference Committee in 1970 and in its latest report ; it also notes the Bill appended to the report, which is intended, *inter alia*, to amend section 129 of Decree No. 907 of 21 April 1966 by repealing the provision under which benefits are paid only if the illness lasts for at least seven days. The Committee hopes that this Bill will be adopted soon and that the national legislation will thus be brought into complete conformity with the Convention, which does not prescribe any minimum duration of incapacity in order to qualify for sickness benefit.

*Uruguay (ratification : 1933)*

For some years the Committee has been drawing attention to the fact that there is no general sickness insurance scheme and that the various laws which have set up

special schemes for certain categories of workers either do not cover large numbers of workers covered by the Convention or do not give full effect to its provisions. In its various reports on the application of the Convention, the Government referred to a number of Bills designed to introduce a general scheme, and the Committee examined these Bills and made appropriate comments on them.

In its report for 1969-71, the Government refers to two new Bills communicated to the Office in May 1971, and on which it asks for the Committee's views. The Committee believes that the Bills in question are the Bill for the creation of the National Social Security Institute and the National Health Service Bill (which also provides for sickness benefits).

As regards the National Health Service Bill, the Committee examined it in 1968 and made comments on it in its observation of 1968 (repeated in 1970 and 1971), to which it draws the Government's attention.

As regards the Bill for the creation of the National Social Security Institute, the Committee notes that this Bill is designed to bring about the progressive co-ordination and centralisation of the administration of all the social insurance schemes, including the sickness scheme, but that it does not contain provisions corresponding to those of the Convention. In any event, the Government indicates in its supplementary report received in February 1972 that it has not yet been possible for these Bills to be adopted in view of the renewal of the national Parliament, but that once the new legislature is installed it will take action in regard to them.

The Committee trusts that the necessary measures will be taken to ensure the full application of the Convention as regards both its scope (*Article 2*) and certain other provisions mentioned in its previous observations (*Article 3*: waiting period of three days and limitation of the grounds for suspending benefits to the cases set out in paragraph 3 of this Article; *Article 4*: grant of medical, pharmaceutical and therapeutic care until the expiry of the period prescribed for the grant of financial benefit, i.e. a minimum period of twenty-six weeks). The Committee requests the Government to indicate the progress made to this end.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States: *Chile, Peru*.

Information supplied by the *Netherlands* in answer to a direct request has been noted by the Committee.

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

*Colombia* (ratification : 1933)

See under Convention No. 24.

*Haiti* (ratification : 1955)

See under Convention No. 24.<sup>1</sup>

<sup>1</sup> The Government is asked to report in detail for the period ending 30 June 1972.

*Nicaragua* (ratification : 1934)

See under Convention No. 24.

*Peru* (ratification : 1945)

See under Convention No. 24.

*Spain* (ratification : 1932)

See under Convention No. 24.

*Uruguay* (ratification : 1933)

See under Convention No. 24.

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In addition, requests regarding certain points are being addressed directly to the following States : *Chile, Peru*.

Information supplied by the *Netherlands* in answer to a direct request has been noted by the Committee.

**Convention No. 26 : Minimum Wage-Fixing Machinery, 1928***Bolivia* (ratification : 1954)

The Committee notes with regret that for the second year in succession the Government's report has not been received. The Committee is bound, therefore, to repeat its previous observation, which was as follows :

The Committee notes with interest that a National Wages Council has been set up by Decree No. 08436 of 29 July 1968, and that it is empowered, *inter alia*, to examine and propose the fixing of minimum wages. The Committee trusts that, as was indicated in the Government's report, the National Wages Council will proceed in the near future to a study of the Convention and that this study will lead to the establishment of minimum wage-fixing machinery meeting the requirements of the Convention.

*Portugal* (ratification : 1959)

Further to its previous comments, the Committee notes with satisfaction that Legislative Decree No. 49212 of 28 August 1969, as amended by Legislative Decree No. 492/70 of 22 October 1970, prescribes in section 1, sub-section 2, and section 26, sub-section 3, the means by which employers' and workers' organisations should be consulted and participate (Articles 2 and 3, paragraphs 2 (1) and (2), of the Convention).

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States : *Burma, Burundi, Italy, Lebanon, Luxembourg, Nicaragua, Portugal, Rwanda*.

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

*Cuba* (ratification : 1954)

The Committee notes from the Government's reply to its previous observation that the adoption of formal measures to ensure the application of Article 1, paragraph 4, of the Convention (national laws or regulations to determine the person or body responsible for the marking of weight) is still under consideration. Recalling that this Convention was ratified as long ago as 1954, the Committee trusts that the necessary legislative measures will be taken in the near future.<sup>1</sup>

*Luxembourg* (ratification : 1931)

Further to its previous observation, the Committee notes from the Government's reports that no legislative provisions concerning the application of either this Convention or of Convention No. 28 have yet been adopted. It recalls, in this connection, that according to the statement of a Government representative to the Conference Committee in 1969, the Government intended to proceed with the preparation of regulations giving effect to both Conventions.

The Committee must again express the hope that regulations providing for the marking of weights on packages as required by this Convention and for the protection of dockers against accidents as required by Convention No. 28 will be issued in the near future.

*Peru* (ratification : 1962)

See paragraph 18 of the General Report.

\* \* \*

In addition, a request regarding certain points is being addressed directly to *Pakistan*.

**Convention No. 28 : Protection against Accidents (Dockers), 1929**

*Luxembourg* (ratification : 1931)

See under Convention No. 27.

\* \* \*

In addition, a request regarding certain points is being addressed directly to *Nicaragua*.

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

*Argentina* (ratification : 1950)

In its observations of 1968 and 1970 the Committee had referred to section 47 of the National Defence Act (Act No. 16,970) of 6 October 1966 and sections 2

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 57th Session.

and 8 of Act No. 17,192 of 2 March 1967 on civil defence service, under which all inhabitants over 14 years of age, of either sex, other than those performing military service, may be called up for compulsory service, *inter alia*, to preserve the welfare of the community and the normal and full functioning of the activities and services which ensure the development of the nation. It had observed that the compulsory service which might be exacted under these provisions was distinct from compulsory military service within the meaning of Article 2, paragraph 2 (a), of the Convention and was not confined to cases of emergency as defined in Article 2, paragraph 2 (d), and that the legislation thus permitted the imposition of a form of forced or compulsory labour prohibited by the Convention.

In 1970 a government representative stated in the Conference Committee that in practice there was no discrepancy between the situation in Argentina and the Convention, since forced labour had never been used. He also stated that an amendment to section 2 of the National Defence Act had been drawn up to bring that Act into conformity with the Convention by providing that forced labour might be imposed only in cases of emergency. However, in its report for 1969-71, the Government indicates that no amendment of the legislation is contemplated, on the ground that the purposes to which the legislation is directed—"satisfying the needs of national security", "preserving internal order", "contributing directly or indirectly to the preparation or maintenance that the effort of war requires"—bring it within the exception in respect of emergencies provided for in Article 2, paragraph 2 (d), of the Convention.

The Committee observes that the above-mentioned purposes, quoted by the Government in its report, are only some of those for which compulsory call-up of labour is permitted by the legislation in question, section 2 of Act No. 17,192 listing in addition thereto "the preservation of the well-being of the community and of the normal and full development of the activities and services which ensure the development of the nation". Moreover, action for "satisfying the needs of national security" may cover a wide range of activities, since, by virtue of sections 2 and 3 of Act No. 16,970, this would comprise all measures taken by the State "to protect the vital interests of the nation from substantial interference and disturbance". The Committee recalls—as it had already noted in its observation of 1968—that the memorandum accompanying Act No. 16,970 explained the need for new legislation, *inter alia*, on the ground that earlier legislation had not taken account of the interdependence of the security and the development of the nation. It has therefore to be concluded that the powers to call up labour under Acts Nos. 16,970 and 17,192 are not limited, either in wording or in intent, to circumstances of emergency within the meaning of Article 2, paragraph 2 (d), of the Convention.

The Committee trusts that measures will be taken at an early date to bring the legislation in question into conformity with the Convention.

#### *Byelorussia (ratification : 1956)*

1. The Committee regrets to note that the Government's report once again contains no information in answer to the Committee's direct request relating to legislation governing the treatment of persons evading socially useful work.

The Committee notes that, under the Ukase of the Presidium of the Supreme Soviet of the Byelorussian SSR of 15 May 1961 to intensify the campaign against persons evading socially useful work and leading an anti-social, parasitic way of life, as amended by Ukase of the Presidium of the Supreme Soviet of the Byelorussian SSR of 30 March 1970, persons may be compulsorily directed to employment

by decision of the Executive Committee of a Soviet of Working People's Deputies ; wilful non-compliance with such a decision is punishable with imprisonment or corrective labour for up to one year, under section 6 of the Ukase of 1961 (as amended) and section 204<sup>1</sup> of the Penal Code of the Byelorussian SSR (inserted by Ukase of the Presidium of the Supreme Soviet of the Byelorussian SSR of 30 March 1970).

The Committee is obliged to point out once more that work undertaken pursuant to compulsory direction to employment by the Executive Committee of a Soviet of Working People's Deputies under the above-mentioned legislation is labour performed under the menace of a penalty and for which the person concerned has not offered himself voluntarily. Such work accordingly falls within the definition of "forced or compulsory labour" contained in Article 2, paragraph 1, of the Forced Labour Convention, and is not covered by the exception provided for in Article 2, paragraph 2 (c), of the Convention relating to labour exacted as a consequence of a conviction in a court of law.

In the light of the above indications and the explanations contained in paragraph 55 of the general survey of forced labour in its report of 1968, the Committee trusts that measures will be taken at an early date to bring the legislation in question into conformity with the Convention, which provides for the suppression of forced or compulsory labour in all its forms.

2. The Committee also regrets that the Government has once again failed to supply copies of various legislative texts which the Committee has been requesting for a number of years. It trusts that these texts (which it is once more enumerating in a direct request) will be supplied with the next report.

\* \* \*

Professor Lunz stated that he could not associate himself with the observations in respect of Byelorussia, Ukraine and the USSR concerning the Ukases of 1970 as to "intensification of the campaign against persons evading socially useful work...": these Ukases were not designed to institute forced labour, but their purpose was to reinforce the principle of the general obligation to work, i.e. to uphold the rule that a person capable of working has the right and is obliged to choose by himself any kind of socially useful activity.

#### *Central African Republic (ratification : 1960)*

In previous observations the Committee has noted that, by virtue of Ordinance No. 4 of 8 January 1966 and Ordinance No. 66/38 of 3 June 1966, all persons, of either sex, aged between 18 and 55 years, who are not incapacitated from work or registered at an educational establishment and who are unable to prove that they belong to one of eight categories of the active population, are liable to penal sanctions and can be directed to work of general interest, particularly the cultivation of land, and that compulsory cultivation may also be imposed under section 28 of Act No. 60/109 of 27 June 1960 concerning the development of the rural economy. The Committee has pointed out that these provisions, which grant the authorities extensive powers to impose forced or compulsory labour, are incompatible with the Government's obligations under the Convention.

The Committee notes the statement made by a government representative to the Conference Committee in 1971, and repeated in the latest report, that a note requesting the amendment of Ordinances Nos. 4 of 8 January 1966 and 66/38 of



3 June 1966 would be submitted to the Government for decision. It recalls the statements made to the Conference Committee in 1966, 1968 and 1970 that measures to ensure the observance of the Convention would be taken ; according to the statement made in 1970, draft legislation to repeal the two Ordinances of 1966 had already been submitted to the Council of Ministers.

The Committee once more expresses the hope that the two Ordinances of 1966 will be repealed, and Act No. 60/109 amended, in the very near future.<sup>1</sup>

#### *Chad (ratification : 1960)*

The Committee notes with regret that no report has been received, and that therefore no information is available in answer to its previous direct requests, in which it had pointed out the following discrepancies between the national legislation and the Convention :

1. Act No. 28-62 of 28 December 1962 provided for the insertion in the General Code of Direct Taxes of a new section (260*bis*) permitting the exaction of labour for the recovery of taxes, contrary to Article 10 of the Convention.

2. Under section 2 of Act No. 14 of 13 November 1959, persons convicted of any offence whatsoever entailing a restriction on residence may be used for work of public utility during a period of time to be fixed by order of the Prime Minister not exceeding one-third of the period of restriction of residence. As, under section 46 of the Penal Code, persons sentenced to hard labour, detention or penal servitude are subject to a restriction on residence for up to twenty years, these provisions empower the administrative authorities to exact forced labour from the persons concerned for prolonged periods following completion of their sentence. The exaction of labour in these circumstances is contrary to the Convention.

The Committee once more expresses the hope that measures will be taken to bring the above-mentioned legislation into conformity with the Convention.

#### *Cuba (ratification : 1953)*

The Committee notes that, under Act No. 1231 of 16 March 1971, all men between the ages of 17 and 60 years who are able to work, but are not enrolled at an educational institution or connected with a work centre without just cause, or who are connected with a work centre but have abandoned it (unjustified absence for more than fifteen working days being considered as abandonment of work), or who are connected with a work centre and have been punished at least three times for unjustified absence by the labour committee of the work centre and repeat the offence are considered to be in a precriminal state of idleness (section 3). They may then be subjected to various security measures, all involving an obligation to work (section 4). Failure to comply with security measures or subsequently again falling into any of the precriminal states of idleness constitutes the crime of idleness, and is punishable with imprisonment in a rehabilitation centre for from twelve to twenty-four months with an obligation to work (sections 8 and 9). Decisions to impose security measures on persons in a precriminal state of idleness and decisions to impose imprisonment as a punishment for the crime of idleness are taken by

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 57th Session and to report in detail for the period ending 30 June 1972.

administrative bodies (sections 13 to 22)—the former either by the labour committee of the work centre or the Regional Appellate Committee (consisting of two officials of the Ministry of Labour and a representative of the Central Organisation of Cuban Trade Unions), the latter by the Regional Appellate Committee.

The Committee observes that the above-mentioned legislation grants extensive powers to impose forced or compulsory labour within the meaning of the Convention, that is, "work of service which is exacted from any person under the menace or a penalty and for which the said person has not offered himself voluntarily". It accordingly trusts that, in accordance with the obligations incumbent upon the Government under the Convention, measures for the repeal of the provisions in question will be taken at an early date.

*Dahomey (ratification : 1960)*

1. The Committee regrets that no report has been received, and that accordingly no information is available on the measures taken to bring national legislation into conformity with the Convention. The Committee must once more draw attention to the fact that the following legislation provides for the imposition of forced labour, in violation of the Convention :

- (a) Act No. 62-21 of 14 May 1962, which empowers the Minister of Labour, in the absence of voluntary manpower, to call up any able-bodied Dahomeyan citizen between 18 and 50 years of age who is not able to prove that he is regularly engaged in permanent and lawful employment providing him with normal means of subsistence ;
- (b) Decree No. 239 of 1 June 1962 concerning collective village fields, which provides for the establishment and cultivation in every village of collective fields in accordance with directives given by the Departmental Committee for Rural Development concerning the area to be cultivated, the crops to be grown within the framework of the National Plan, the timing of operations and the system of rotation of crops ;
- (c) Ordinance No. 62 PR/MDRC of 29 December 1966, requiring all able-bodied men to work full time in the zones designated as priority zones in each village, subprefecture and prefecture, with a view to attaining the production targets fixed by the Five-Year Plan of Economic and Social Development.

While noting the statement made by a government representative to the Conference Committee in 1970 that in practice the above-mentioned legislation had not been applied, the Committee must once more express the hope that the texts in question—two of which have now been in force for ten years—will be repealed at the earliest possible moment.

2. Notwithstanding the Committee's repeated requests since 1964, a copy of the provisions regulating prison labour has not yet been supplied. In these circumstances, the Committee is unable to satisfy itself of the observance of the conditions laid down in Article 2, paragraph 2 (c), of the Convention. It urges the Government to supply a copy of the regulations now in force in this regard.<sup>1</sup>

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 57th Session and to report in detail for the period ending 30 June 1972.



*Dominican Republic* (ratification : 1956)

The Committee notes with regret that the Government's report supplies no information in reply to direct requests repeatedly addressed to the Government since 1967. The Committee is once more addressing a direct request to the Government and urges it to supply full information on the matters mentioned therein.

See also under Convention No. 105.

*Ecuador* (ratification : 1954)

With reference to its previous observations concerning the observance of the conditions laid down in Article 2, paragraph 2 (c), of the Convention in regard to prison labour, the Committee notes from the Government's report that the administration of prisons and agricultural penal colonies has been reorganised by Decree No. 1053 of 29 December 1970, section 3 (c) of which provides for the issue of regulations governing the operation of prisons and penitentiaries. The Committee also notes, from the information submitted by the Government to the Conference Committee in 1971, that provisions concerning prison labour are being studied by a group of experts with a view to ensuring the observance of the Convention. The Committee accordingly hopes that the Government will be able to supply with its next report copies of the provisions adopted to regulate the work of prisoners in penitentiaries, agricultural penal colonies and prisons.

*Gabon* (ratification : 1960)

In observations made since 1964, the Committee has noted that, by virtue of Ordinance No. 50/62 of 21 September 1962, any physically fit citizen over 18 years of age who does not prove that he has an occupation or is registered at an educational establishment may be required, subject to penal sanctions, to take up employment to which he is directed by the authorities. The Committee has pointed out that these provisions, which grant the authorities extensive powers to impose forced or compulsory labour, are incompatible with the Government's obligations under the Convention.

The Committee notes the information communicated by the Government to the Conference Committee in 1971, indicating that the provisions of the above-mentioned Ordinance of 1962 had never been applied, that important amendments to the Ordinance had been prepared by the Ministry of Labour and were then before the National Assembly for adoption, and that the Government had not found it easy to repeal the Ordinance which formed part of a series of laws and regulations aimed at attenuating the bad effects of instability of workers in employment and of their geographical mobility and at combating unemployment and vagrancy.

The Committee notes with regret that the report due from the Government has not been received, so that no further information is available on the measures adopted to bring national legislation into conformity with the Convention. It recalls that already in 1966 the Government informed the Conference Committee that the Ministry of Labour had submitted to the Government draft legislation to repeal Ordinance No. 50-62, and that similar statements were made to the Conference Committee in 1968, 1969 and 1970.

The Committee must point out that the Ordinance of 1962 has now been in force, in violation of the Convention, for almost ten years, and once more expresses the hope that it will be repealed at the earliest possible moment.<sup>1</sup>

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 57th Session and to report in detail for the period ending 30 June 1972.

*Guinea* (ratification : 1961)

See under Convention No. 105.

*Haiti* (ratification : 1958)

The Committee regrets to note that no report has been supplied, and that accordingly no information is available in answer to its previous observation, in which it had pointed out the following discrepancies between the national legislation and the Convention :

1. Section 230 of the Penal Code—according to which persons convicted of vagrancy are required, after having served their sentence, to reside in a place designated by the public prosecutor and to work on state works—provides for the imposition of forced or compulsory labour in circumstances not permitted by the Convention.

2. National legislation does not lay down penal sanctions for the illegal exaction of forced or compulsory labour, as required by Article 25 of the Convention.

The Committee once more expresses the hope that measures will be taken to bring national legislation into conformity with the Convention in regard to the above-mentioned points.

*Honduras* (ratification : 1957)

In its previous observations, the Committee noted that—

- (a) the Police Act of 8 February 1906 granted the police extensive powers to compel persons to perform labour against their will, contrary to the Convention ;
- (b) that offences against the Police Act were tried not by courts of law but by officials and agents of the police, and that the penalties which might be imposed included imprisonment, involving, by virtue of section 98 of the Penal Code and section 70 of the Prison Regulations Act, an obligation to perform labour, contrary to Article 2, paragraph 2 (c), of the Convention, which permits the exaction of such labour only as a consequence of a conviction *in a court of law* ;
- (c) that, under section 98 of the Penal Code, persons sentenced to penal servitude may be required to perform work for private employers, contrary to the requirement in Article 2, paragraph 2 (c), of the Convention, that convicts shall not be hired to or placed at the disposal of private persons, companies or associations.

In its report for 1968-70 the Government stated that it was proposed to set up an interministerial committee to draft the measures required to bring the above-mentioned legislation into conformity with the Convention.

The Committee regrets that this year no report has been supplied, so that no information is available on the action taken or contemplated to eliminate the existing discrepancies between the national legislation and the Convention. It trusts that these measures will be taken in the very near future.

*Iraq (ratification : 1962)*

In previous comments, the Committee had noted that, under Act No. 41 of 1943 regulating the economic life, labour might be called up for production and preparation of commodities in factories or on works carried on by the Government or under its supervision. It had requested that measures be taken to bring this legislation into conformity with the Convention.

The Committee notes, from the Government's report for 1969-71, that the above-mentioned Act has been repealed and replaced by Act No. 20 of 1970 regulating internal and foreign trade. It observes that, under section 3 (11) of the new Act, the council for regulating internal and foreign trade may when necessary, with the approval of the President, summon labourers for employment in public services producing and providing manufactured and semi-manufactured goods. Penal sanctions for non-compliance with such a summons and for refraining from working in a factory, workshop or trading establishment taken over by the said council are laid down in sections 10 (1) and 16 of the Act.

The above-mentioned provisions permit the exaction of forced labour, contrary to the Convention. The Committee trusts that they will be repealed at an early date.

*Liberia (ratification : 1931)*

The Committee regrets that no report has been received. It has, however, noted the statements made by a Government representative to the Conference Committee in 1971 and the replies to its last observations subsequently supplied. There appears to have been little change in the situation regarding the implementation of the Convention, and the Committee finds it necessary to revert to its previous comments :

1. *Article 25 of the Convention.* Consequent upon the repeal of the original Chapter 16 of the Labour Practices Law on 18 February 1966, national legislation no longer lays down penal sanctions for the illegal exaction of forced or compulsory labour, as required by Article 25 of the Convention. The Government has indicated its intention to include an appropriate provision in the proposed new Penal Law. The Committee recalls the assurance given by the Government to the Conference Committee in 1969 that, if the revised Penal Law could not be introduced in the session of the Legislature opening in October 1969, amendments to the existing Penal Law would be introduced to bring it into conformity with Article 25 of the Convention.

The urgency of enacting the necessary penal provisions is underlined by the fact that, in the case of forced labour reported to the ILO in 1969, while certain disciplinary measures were taken against a government official involved in the matter, no action of any kind appears to have been taken against the plantation owner who employed labourers under compulsion.

2. *Amendment to section 346 (b) of the Penal Law.* The Commission of Inquiry appointed under article 26 of the ILO Constitution had recommended, in paragraphs 419 and 420 of its report of 1963, that section 346 (b) of the Penal Law (which laid down an extensive definition of vagrancy, and might be used as an indirect means of compulsion to work) should be repealed during the legislative session 1963-64. In 1969 the Government informed the Conference Committee that the new Penal Law would take account of this recommendation and that, if the new Penal Law was not introduced for adoption in the legislative session opening in

October 1969, the Government would have the existing Law appropriately amended. Neither the new Penal Law nor the necessary amendment to the existing Penal Law appears to have been adopted.

3. *Article 2, paragraph 2 (c), of the Convention.* The Government stated in 1969 that the revised penal legislation would provide specifically, as required by the Convention, that work of convicted persons should be performed under the supervision and control of a public authority and that prisoners should not be hired to or placed at the disposal of private individuals, associations or companies. The Government has stated that, pending the enactment of the new Penal Law, it has issued an Executive Order on this matter, which is being scrupulously followed. The Committee hopes that a copy of this Executive Order will be supplied.

4. *Incorporation of ILO Conventions in the Liberian Code of Laws.* The Commission of Inquiry noted that, although according to the Liberian Government a ratified Convention became part of the law of Liberia upon its publication by virtue of section 80 of the Foreign Relations Law, the Liberian Code of Laws of 1956 contained no reference to international labour Conventions ratified by Liberia. In addition to recommendations on matters in respect of which specific legislative action appeared to be necessary, the Commission of Inquiry therefore recommended (in paragraph 421 of its report of 1963) that, when a revised edition of the Code of Laws was issued, the texts of these Conventions should be incorporated in it and that, pending the issue of such a revised edition, an appropriate supplement to the existing Code of Laws should be issued without delay and made generally available. The Government has repeated its assurance that the Conventions will be incorporated in the Code of Laws as soon as possible; the necessary action remains to be taken.

5. *Concession agreements.* The Commission of Inquiry recommended (in paragraphs 444, 449 and 451 of its report) that all clauses in concession agreements providing for government assistance in securing and maintaining an adequate labour supply should be abrogated not later than the legislative session of 1963-64. While specific action was taken for the amendment of one such agreement (as noted by the Committee in 1966), similar action was not taken in respect of others, but an Act of 18 February 1966 sought to make void any provision in any concession agreement which might even remotely violate Convention No. 29. However, the Committee noted that another Act adopted on the very same day had given legislative approval to a concession agreement containing a clause relating to assistance in securing and maintaining an adequate labour supply identical in its terms to that which had been criticised by the Commission of Inquiry. The Government informed the Conference Committee in 1966 and in 1970 that, under the provisions of the Act of 18 February 1966, it was negotiating the recommended changes with two of the companies concerned (the Liberian Mining Company and the Liberian Agricultural Corporation). In 1971 the Government stated that the two companies, having taken cognisance of the Act of February 1966 abrogating the clause concerned, consider this clause deleted from their respective agreements.

Having regard to the fact that the clause in question was contained in agreements formally approved by an Act of the Legislature and that in another case the deletion of a similar clause from a concession agreement was effected by formal agreement also approved by the Legislature, the Committee once more expresses the hope that copies of the letters from the two companies renouncing their rights under the clause will be supplied.

6. *Local public works.* The Commission of Inquiry recommended, in paragraph 453 of its report, that a thorough review be made by the Government of policy and practice as regards the procurement of labour for work on secondary roads and public works other than those executed under major contracts. The Commission of Inquiry made this recommendation because it had been unable to reach any definite conclusion on the allegations of forced labour in public works in so far as secondary roads and public works other than those executed under major contracts were concerned. It is to be noted that, under sections 72 and 220 of the Aborigines Law, responsibility for local public works, including the construction of roads and bridges, in areas under tribal jurisdiction rests on the tribal authorities, and that section 223 of this Law provides for the supply by the Central Government for such works only of material, equipment and tools, thus leaving to the tribal authorities the responsibility for procuring the necessary labour. Evidence to this effect was also given to the Commission of Inquiry in relation to the execution of an extensive programme for the construction of secondary roads (as noted in paragraph 279 of its report).

The comprehensive review of policy and practice in regard to the procurement of labour for local public works recommended by the Commission of Inquiry appears not to have been made. The Government has merely provided certain explanations of the situation, from which it appears that roads are constructed under the supervision of the Department of Public Works, but that the Government looks to the tribal authorities to implement local self-help projects, on a voluntary basis.

From the provisions of the Aborigines Law, noted above, it appears that the type of works to be carried out by unpaid tribal labour goes beyond "minor communal services" (as excepted from the Convention by Article 2, paragraph 2 (e)) and constitutes local public works within the meaning of Article 10 of the Convention. The Committee accordingly once more expresses the hope that the comprehensive review of the manner in which labour is procured for work on secondary roads and other public works not executed under major contracts, recommended by the Commission of Inquiry in 1963, will be made, as a basis for the issue of clear regulations on the matter.

7. *Employment services.* The Commission of Inquiry, in paragraphs 456 and 458 of its report, pointed out the need for action in the field of manpower policy to ensure the effective observance of the Convention. The Government has once more indicated that the development of employment services is among the priority projects of the National Labour Affairs Agency. The Committee hopes that precise information on the organisation and activities of the employment services will be supplied in future reports.

8. *Enforcement of the prohibition of forced or compulsory labour.* Under Articles 24 and 25 of the Convention, the Government is under an obligation to ensure that the legislation relating to the prohibition of forced or compulsory labour is strictly enforced. The Commission of Inquiry indicated, in paragraphs 455 and 458 of its report, that action in the field of labour inspection was necessary to guarantee the effective fulfilment, in fact as well as in law, of the obligations which Liberia has assumed.

The Committee has repeatedly drawn attention to the importance of ensuring the strict observance of the Convention in the agricultural sector, since it was there that some of the major difficulties in the application of the Convention had existed in the past. It regrets that, notwithstanding the assurance given by a Government



representative to the Conference Committee in 1971 that detailed information on labour inspection in agriculture would be supplied, no such information has been provided. It can only emphasise once more the need for effective labour inspection in the agricultural sector in order to ensure the strict observance of the Convention, in accordance with the obligations arising out of Articles 24 and 25 of the Convention.

Having regard to the fact that action on the above-mentioned matters has been outstanding for a considerable time, the Committee hopes that positive measures to deal with them will be taken at a very early date.<sup>1</sup>

*Madagascar (ratification : 1960)*

In its observation of 1971 the Committee had taken note of a series of recommendations made by a government committee for legislative amendments on matters which had previously been the subject of comments in regard to the application of this Convention. It has noted the following developments on these questions :

1. *Development works carried out by fokonolona (local communities).* In its previous comments the Committee had noted that, under Ordinance No. 62-004 of 24 July 1962 laying down the competence, responsibilities and powers of *fokonolona*, labour might be exacted for works undertaken in implementation of the development plan, particularly in relation to the provision of roads, agricultural hydraulic works and the development of production. The Committee notes with interest that, in accordance with a recommendation made by the above-mentioned government committee, section 3 of Ordinance No. 62-004 was amended by Act No. 71-005 of 30 June 1971 so as to delete the power of the Sub-Prefect to prescribe the means of participation of the *fokonolona* in the execution of development works in the absence of an agreement on this matter signed by the representatives of the *fokonolona*.

The Committee is bound to observe, as it did in a direct request addressed to the Government in 1971, that in view of other provisions of the Ordinance of 1962 defining the obligations of the *fokonolona* to participate in development works and the nature of the works in question, the labour exacted under this Ordinance appears not to be limited to "minor communal services" (excluded from the Convention by Article 2, paragraph 2 (e), thereof) but to be used for the execution of public works of local or general interest. The Committee is once more addressing a direct request to the Government on this matter, and hopes that it will be able to take the necessary additional measures to ensure the observance of the Convention.

2. *Forced labour in connection with non-payment of taxes.* The previously mentioned government committee recommended the repeal of the provisions of the Labour Code and of Ordinance No. 62-065 relating to the imposition of labour as a means of recovery of taxes or as a punishment by administrative decision for non-payment of taxes, and their replacement by a provision making tax defaulters liable to imprisonment for up to twenty-nine days upon conviction by a magistrate's court. In this connection, the Committee has noted the comments communicated to the ILO by the Federation of Trade Unions of Madagascar (FISEMA), indicating that the amendments in question are under consideration by the National Assembly

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 57th Session and to report in detail for the period ending 30 June 1972.

and stating the opinion that the provision for punishment by imprisonment of tax defaulters would be contrary to the spirit of Article 10 of the Convention.

The Committee considers that, while the provisions at present in force are contrary to Article 10 of the Convention in so far as they permit the imposition of labour for the recovery of taxes and are also incompatible with Article 2, paragraph 2 (c), in so far as they permit the imposition of labour as a punishment by administrative decision, a provision for punishment of tax defaulters by imprisonment (with a consequent obligation to perform work as provided for in the prison regulations) would be compatible with the Convention so long as such punishment was imposed as a consequence of a conviction in a court of law and the other conditions laid down in this connection in Article 2, paragraph 2 (c), were respected.

The Committee hopes that the necessary amendments will be adopted at an early date.

3. *Prison labour.* The previously mentioned government committee recommended various amendments to Decree No. 59-121 of 27 October 1959 to organise the prison services so as to remove therefrom provisions permitting the hiring out of prisoners to private undertakings or persons, which are contrary to Article 2, paragraph 2 (c), of the Convention. The Committee notes that this matter is still under consideration, and hopes that the amendments in question will be adopted at an early date.

#### *Mauritania (ratification : 1961)*

1. In direct requests addressed to the Government since 1964 the Committee had noted that Ordinance No. 62-101 of 26 April 1962 empowered district officers to requisition persons "with a view to meeting the needs arising from the circumstances", and had requested the Government to take measures to restrict recourse to such powers to cases of emergency as defined in Article 2, paragraph 2 (d), of the Convention. In its report for 1968-69 the Government recognised that this Ordinance might permit abuse and indicated that it would be amended with a view to limiting the powers in question.

The Committee notes with regret that the Government's report for 1969-71 supplies no further information on this matter. It trusts that Ordinance No. 62-101 will be amended at an early date so as to limit the possibility of calling up labour to cases of emergency as defined in the Convention.

2. The Committee notes that, by virtue of sections 1 and 2 of Act No. 70.029 of 23 January 1970 concerning requisitioning of personnel, officials and employees of public and semi-public administrations, services, enterprises and establishments and employees in the private sector may be obliged, subject to penal sanctions, to perform their functions whenever circumstances so require, and particularly to ensure the operation of a service considered indispensable to meeting essential needs of the country or of the population. The Committee notes that the last-mentioned example merely illustrates the circumstances in which the powers of requisition may be exercised and does not limit the general nature of these powers, exercisable "whenever circumstances so require". It hopes that measures will be taken to amend Act No. 70.029 of 23 January 1970 so as to limit recourse to the powers of requisition provided for therein to cases of emergency as defined in Article 2, paragraph 2 (d), of the Convention.

*Nicaragua (ratification : 1934)*

In a series of direct requests and observations made since 1958, the Committee has repeatedly requested the Government to supply copies of the Police Code and any other laws and regulations governing prison labour.

The Committee regrets to note that no report has been received this year, and that, although the Government submitted certain information to the Conference in 1971, it did not supply the texts requested. The Committee can only reiterate that as a result of the Government's persistent failure to make the relevant legislation available, the Committee has been unable to satisfy itself that the conditions and guarantees laid down in Article 2, paragraph 2 (c), of the Convention, with respect to the exaction of work or services from persons convicted in a court of law, are observed in Nicaragua.<sup>1</sup>

*Norway (ratification : 1932)*

In previous direct requests the Committee had referred to section 5 of the Vagrancy Act, 1900, under which certain categories of convicted persons might be required to perform labour for private individuals, contrary to Article 2, paragraph 2 (c), of the Convention. The Committee notes with satisfaction that this provision (which, according to the Government's previous reports, was not applied in practice) has been repealed by Act No. 27 of 6 May 1970.

*Pakistan (ratification : 1957)*

1. *Restrictions on termination of employment.* In previous observations and direct requests the Committee has drawn attention to the fact that, under the Pakistan Essential Services (Maintenance) Act, 1952, it is an offence punishable with imprisonment for up to one year, for any person in employment (of whatever nature) under the Central Government to terminate his employment without the consent of his employer, notwithstanding any express or implied term in his contract providing for termination by notice (sections 2, 3 (1), (b) and explanation 2, and section 7 (1)). Pursuant to section 3 of the Act, these provisions may be extended to other classes of employment. Persons to whom the Act applies may also be ordered, subject to penal sanctions, not to leave specified areas (sections 4, 5 (c) and 7 (1)).

Similar provisions are contained in the West Pakistan Essential Services (Maintenance) Act, 1958, as regards persons in employment under the West Pakistan Government or any agency set up by it or a local authority or any service relating to transport or civil defence.

The Committee has pointed out that, by prohibiting workers from terminating their employment without the employer's consent, even by notice, the above-mentioned legislation permits the exaction, subject to penal sanctions, of labour for which the persons concerned no longer offer themselves voluntarily, and which accordingly constitutes forced or compulsory labour within the meaning of Article 2, paragraph 1, of the Convention. The Committee has expressed the hope that the provisions in question would either be repealed or amended so as to confine their application to cases of emergency as defined in Article 2, paragraph 2 (d), of the Convention.

<sup>1</sup> The Government is asked to supply full information to the Conference at its 57th Session and to report in detail for the period ending 30 June 1972.



In its latest report, the Government states that the Pakistan Essential Services (Maintenance) Act, 1952, is invoked extremely rarely for rejecting resignation from service, and has been mainly used to prevent central government employees from striking. The Government accordingly considers that the Act does not provide for forced or compulsory labour. It also states the view that continuance of the Act in central government service is essential to ensure that there is no breakdown of the structure of services at any stage thereby impairing the well-being of the nation as a whole.

The Committee observes that, while the Pakistan Essential Services (Maintenance) Act provides a basis for prohibiting strikes in employment subject to its provisions, its effect is not limited to such circumstances. Nor is the Act confined to cases where the maintenance of employees in particular services is essential to meet or avert circumstances endangering the well-being of the population (in respect of which the exception for cases of emergency provided for in Article 2, paragraph 2 (d), of the Convention could be invoked). The Act makes it possible at all times to retain employees in the services concerned against their will, subject to penal sanctions, and is accordingly incompatible with the Convention.

The Committee once more expresses the hope that the Pakistan Essential Services (Maintenance) Act, 1952, will be amended so as to bring it into conformity with the Convention, and that the West Pakistan Essential Services (Maintenance) Act, 1958 (in regard to which the Government has provided no information in its report), will also be the subject of appropriate amendments.

2. *Direction of labour under the Control of Employment Ordinance, 1965.* The Committee had previously noted that, although the emergency which had occasioned the promulgation of the Control of Employment Ordinance, 1965, had been terminated, the provisions of this Ordinance and the regulations issued thereunder which permitted the imposition of compulsory labour continued in force. It had expressed the hope that these provisions would be repealed.

In its latest report, the Government states that the Defence of Pakistan Ordinance, 1971, had subsequently been issued in connection with a state of emergency.

The Committee hopes that the Government will in its next report provide full information on the measures taken to repeal the provisions of the Control of Employment Ordinance, 1965, and the regulations thereunder permitting compulsory labour and—if the Defence of Pakistan Ordinance, 1971, remains in force—on the effect of this Ordinance and of any regulations issued under it on the application of the Convention.

3. *Article 25 of the Convention.* In 1968 a Government representative stated in the Conference Committee, with reference to allegations of recourse to coercion by certain labour recruiters, that stringent legal action had been taken against the persons involved under the existing laws. In answer to the Committee's direct request for fuller information on these matters, the Government states that information is being collected from the Governments of Punjab and Sind. The Committee recalls that, under Article 25 of the Convention, ratifying States are required to ensure that the penalties imposed by law for the illegal exaction of forced or compulsory labour are strictly enforced. It accordingly hopes that full information will be supplied concerning the action taken to comply with this requirement.

#### *Sierra Leone (ratification : 1961)*

The Committee notes the statement made by a Government representative to the Conference Committee in 1971 that the Government had not lost sight of the

Committee's request for repeal of the provisions of the Chiefdom Councils Act (Cap. 61) relating to compulsory cultivation. The Government's latest report indicates that, in the view of the Attorney-General, this form of compulsory labour is permitted by the Sierra Leone Constitution, but that the Government will continue to keep the matter under review and that it will take steps to effect the necessary amendments as and when circumstances permit.

The Committee once more expresses the hope that measures will be taken at an early date either to repeal the relevant provisions of the Chiefdom Councils Act or to amend them so as to permit the imposition of compulsory cultivation only in cases of emergency as defined in Article 2, paragraph 2 (d), of the Convention.

*Switzerland* (ratification : 1940)

In previous direct requests the Committee had noted that, under the legislation of the majority of Cantons, decisions for the placement in labour institutions of vagrants and other categories of persons leading an anti-social life were taken by administrative authorities. It had pointed out that the obligation to perform labour imposed in these circumstances was not compatible with the Convention, since Article 2, paragraph 2 (c), excepts such labour from the scope of the Convention only when it is exacted as a consequence of a conviction in a court of law.

The Committee has noted with interest the circular sent by the Federal Government to the Cantonal Governments on 6 July 1970, drawing their attention to the Committee's comments, and requesting those Cantons whose legislation or practice are contrary to the provisions of Article 2, paragraph 2 (c), of the Convention to amend their legislation or practice so as to vest competence to order internment in a judicial authority in all cases where the person interned is obliged to work.

The Committee notes with satisfaction that in the Canton of Schwyz an Order of 16 October 1970 repealed the legislation which permitted internment in labour institutions by administrative decision (Act of 7 August 1896, Decree of 22 August 1901 and Police Regulation of 17 May 1892) and that in the Canton of St. Gallen an Act of 5 May 1971 has repealed the principal provisions relating to this matter (Act of 1 August 1872 and Regulations of 21 August 1872, Act of 22 December 1924, and the provisions in section 61 of the Public Assistance Act of 18 May 1964 relating to internment in a labour institution).

The Committee also notes that in various other Cantons the revision of the relevant legislation is under consideration and that in the Canton of Uri it has been decided, pending such revision, to use the existing powers extremely sparingly having regard to the obligations arising out of the ratification of the Convention.

The Committee hopes that the Government will be in a position to indicate in the next report further progress in bringing the relevant Cantonal legislation into conformity with the Convention.

*Tanzania* (ratification : 1962)

*Tanganyika.*

The Committee has taken note of the statement made by a Government representative to the Conference Committee in 1971. It regrets however that the report due for the period 1970-71 has not been received, and that accordingly no information is available on the measures taken with a view to eliminating the existing discrepancies between national legislation and the Convention. The Committee must accordingly once more draw attention to the following matters :

1. *Compulsory cultivation.* Prior to its amendments in 1962, paragraph 45 of section 52 (1) of the Local Government Ordinance authorised a local authority to require persons to plant specified crops only for themselves and their families in cases where there existed a danger of a shortage of foodstuffs. This provision was amended by Act No. 64 of 1962 so as to grant local authorities general powers to impose compulsory cultivation. The Employment Ordinance was similarly amended by Act No. 82 of 1962 to except such cultivation from the prohibition of forced labour contained in that Ordinance.

Before the Conference Committee in 1971, a Government representative stated that the powers to impose compulsory cultivation had not been used in practice, that the Government's rural development programme had had such an impact on the rural population that the imposition of compulsory cultivation was not necessary, and that the legislation in question would never be applied since it conflicted with government policy.

The Committee has however noted, from Government Notices published in the *Gazette*, that many by-laws imposing compulsory cultivation have been made by local authorities, and approved by the competent Minister.

Moreover, as the Committee pointed out in 1971, the powers to impose compulsory cultivation appear to have been used with increasing stringency. The by-laws made initially under the above-mentioned provisions generally required the cultivation of not more than one acre of land and left a choice among various crops. More recent by-laws frequently require the cultivation of at least three acres and impose the obligation to grow the specific crops directed by the authorised officer of the District Council concerned (for example, Government Notices Nos. 7, 61, 108, 157, 159, 167, 187 and 241 of 1968).

The Committee expresses the hope that measures will be taken at the earliest possible date either to repeal the relevant provisions of the Local Government Ordinance and the Employment Ordinance or to amend them so as to limit the possibility of imposing compulsory cultivation to cases of actual or threatened famine falling within the exception in respect of emergencies provided for in Article 2, paragraph 2 (d), of the Convention.

2. *Forced labour for public works and portorage.* The Committee notes the statement made by the Government representative to the Conference Committee in 1971 that the provisions of the Employment Ordinance permitting recourse to forced labour for public works and portorage had not been used since Tanganyika's independence in 1961. The Committee must once more recall that, notwithstanding its requests for formal repeal of the provisions in question and the fact that the Employment Ordinance has been amended on several occasions since 1961, these provisions remain in force. It trusts that they will be repealed in the near future.

### *Zanzibar.*

The Preventive Detention Decree, 1964, which authorises the detention of persons by administrative decision, provides in section 5 that regulations may be made applying to such detainees any of the provisions of the Prisons Decree relating to convicted prisoners. Notwithstanding the requests repeatedly made by the Committee since 1966, the Government has failed to supply information on the regulations which have been made in this regard. The Committee is accordingly not in a position to satisfy itself that the terms of Article 2, paragraph 2 (c), of the Convention (which permits the exaction of labour only from persons *convicted in a*

*court of law*) are being respected in the case of persons detained under the Preventive Detention Decree.<sup>1</sup>

*Ukraine (ratification : 1956)*

1. In previous direct requests the Committee had referred to section 11 of the Labour Code of the Ukrainian SSR—which permitted the call-up of labour in exceptional cases, including cases of shortage of labour for carrying out important state work—and had expressed the hope that these provisions would be amended so as to limit the powers in question to cases of emergency as defined in the Convention. The Government had indicated that these provisions had not been used for many years, and previously had been used only in cases of natural calamities.

The Committee notes with interest from the Government's last report that a new Labour Code adopted by the Supreme Soviet of the Ukrainian SSR on 10 December 1971 contains no provisions corresponding to section 11 of the previous Code. The Committee hopes that a copy of the new Code will be available for examination with the Government's next report.

2. In its first report on the Convention, presented in 1958, the Government provided certain extracts from the Administrative Code of the Ukrainian SSR relating to compulsory service in cases of emergency. Since 1959 the Committee has requested the Government to supply a copy of the full text of this Code. It notes with regret that this text has still not been supplied, and can only urge the Government once more to make it available.

3. The Committee regrets that the Government's report also contains no information in answer to previous direct requests concerning the Ukase of the Presidium of the Supreme Soviet of the Ukrainian SSR of 12 June 1961 to intensify the campaign against persons evading socially useful work and leading an anti-social, parasitic way of life, as amended by Ukase of the Presidium of the Supreme Soviet of the Ukrainian SSR of 18 March 1970. Under this legislation, persons may be compulsorily directed to employment by decision of the Executive Committee of a Soviet of Working People's Deputies; wilful non-compliance with such a decision is punishable with imprisonment or corrective labour for up to one year, under section 6 of the Ukase of 1961 (as amended) and section 214<sup>1</sup> of the Penal Code of the Ukrainian SSR (inserted by Ukase of the Presidium of the Supreme Soviet of the Ukrainian SSR of 18 March 1970).

The Committee is obliged to point out once more that work undertaken pursuant to compulsory direction to employment by the Executive Committee of a Soviet of Working People's Deputies under the above-mentioned legislation is labour performed under the menace of a penalty and for which the person concerned has not offered himself voluntarily. Such work accordingly falls within the definition of "forced or compulsory labour" contained in Article 2, paragraph 1, of the Forced Labour Convention, and is not covered by the exception provided for in Article 2, paragraph 2 (c), of the Convention relating to labour exacted as a consequence of a conviction in a court of law.

In the light of the above indications and the explanations contained in paragraph 55 of the general survey of forced labour in its report of 1968, the Committee

<sup>1</sup> The Government is asked to supply full particulars to the 57th Session of the Conference and to report in detail for the period ending 30 June 1972.

trusts that measures will be taken at an early date to bring the legislation in question into conformity with the Convention, which provides for the suppression of forced or compulsory labour in all its forms.

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See the opinion of Professor Lunz, under Byelorussia.

*USSR (ratification : 1956)*

1. In previous direct requests the Committee had referred to section 11 of the Labour Code of the RSFSR of 1922 (as amended)—which permitted the call-up of labour in exceptional cases, including cases of shortage of labour for carrying out important state work—and had expressed the hope that these provisions would be amended so as to limit the powers in question to cases of emergency as defined in the Convention. The Government had indicated that in practice recourse was had to these provisions only very rarely, in cases of natural calamities.

The Committee notes with satisfaction that the new Labour Code of the RSFSR adopted on 9 December 1971, which is due to come into force on 1 April 1972, does not contain any provisions corresponding to section 11 of the previous Labour Code.

The Committee would appreciate information on the position in this regard in the other Union Republics.

2. The Committee regrets that the Government's report contains no information in answer to the Committee's observation of 1971 concerning the Ukase of the Presidium of the Supreme Soviet of the RSFSR of 4 May 1961 to intensify the campaign against persons evading socially useful work and leading an anti-social, parasitic way of life, as amended by Ukase of the Presidium of the Supreme Soviet of the RSFSR of 25 February 1970. Under this legislation, persons may be compulsorily directed to employment by decision of the Executive Committee of a Soviet of Working People's Deputies; wilful non-compliance with such a decision is punishable with imprisonment or corrective labour for up to one year, under section 6 of the Ukase of 1961 (as amended) and section 209<sup>1</sup> of the Penal Code of the RSFSR (inserted by Ukase of the Presidium of the Supreme Soviet of the RSFSR of 25 February 1970).

The Committee is obliged to point out once more that work undertaken pursuant to compulsory direction to employment by the Executive Committee of a Soviet of Working People's Deputies under the above-mentioned legislation is labour performed under the menace of a penalty and for which the person concerned has not offered himself voluntarily. Such work accordingly falls within the definition of "forced or compulsory labour" contained in Article 2, paragraph 1, of the Forced Labour Convention, and is not covered by the exception provided for in Article 2, paragraph 2 (c), of the Convention relating to labour exacted as a consequence of a conviction in a court of law.

In the light of the above indications and the explanations contained in paragraph 55 of the general survey of forced labour in its report of 1968, the Committee trusts that measures will be taken at an early date to bring the legislation in question into conformity with the Convention, which provides for the suppression of forced or compulsory labour in all its forms.



The Committee hopes that appropriate measures will also be taken in regard to the corresponding legislation in force in the other Union Republics.

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See the opinion of Professor Lunz, under Byelorussia.

*Upper Volta* (ratification : 1960)

In observations made since 1965, the Committee has drawn attention to the following discrepancies between national legislation and the Convention :

- (a) under Act No. 6-63-AN of 12 February 1963 (as amended by Ordinance No. 45/PRES of 30 October 1966), all men and women over 18 years of age may be called up by the Government, for successive periods of two years, for work of national interest (including private undertakings), contrary to Articles 1 and 4 of the Convention ;
- (b) under section 2 of the Labour Code and sections 91 and 99 of the Order of 4 December 1950 to issue prison regulations, prisoners may be hired out to private persons or undertakings, contrary to Article 2, paragraph 2 (c), of the Convention ;
- (c) under section 14 of Act No. 25-60 of 3 February 1960 (as amended by Ordinance No. 43/PRES of 3 October 1966), forced labour may be imposed for the recovery of taxes, contrary to Article 10 of the Convention.

The Government informed the Conference Committee in 1970 that an inter-ministerial committee had been established to prepare the amendments required to bring national legislation into conformity with the Convention. A Government representative confirmed, before the Conference Committee in 1971, the Government's intention to submit the necessary Bills to the National Assembly.

In view of these assurances, the Committee regrets that the Government's latest report no longer makes any reference to measures to change national legislation, but is limited to stating : " The Government has repeatedly emphasised to the Conference and in its reports that no form of forced labour exists in Upper Volta, and it maintains its earlier remarks ".

The Committee must point out that it is the Government's obligation to make the provisions of the Convention effective in both law and practice. The legislation mentioned above permits serious infringements of the Convention. The Committee urges the Government to take the necessary measures with a view to the repeal of all provisions contrary to the Convention.<sup>1</sup>

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In addition, requests regarding certain points are being addressed directly to the following States : *Algeria, Austria, Belgium, Brazil, Burma, Burundi, Byelorussia, Cameroon, Ceylon, Chad, Congo, Costa Rica, Czechoslovakia, Dahomey, Dominican Republic, Ecuador, Egypt, Finland, Gabon, Federal Republic of Germany, Greece, Honduras, Iceland, India, Indonesia, Iran, Iraq, Israel, Italy, Ivory Coast,*

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 57th Session and to report in detail for the period ending 30 June 1972.

*Kenya, Kuwait, Laos, Lesotho, Libyan Arab Republic, Luxembourg, Madagascar, Malaysia, Mali, Morocco, Netherlands, Nigeria, Norway, Pakistan, Panama, Peru, Senegal, Singapore, Sudan, Switzerland, Syrian Arab Republic, Tanzania, Togo, Tunisia, Uganda, Ukraine, USSR, United Kingdom, Venezuela, Republic of Viet-Nam, Zaire, Zambia.*

Information supplied by *Jordan* in answer to a direct request has been noted by the Committee.

### **Convention No. 30 : Hours of Work (Commerce and Offices), 1930**

*Haiti* (ratification : 1952)

See under Convention No. 1.<sup>1</sup>

*Nicaragua* (ratification : 1934)

*Article 7, paragraph 2 (c), (d), and paragraphs 3 and 4 ; Article 8 of the Convention.* See under Convention No. 1, Article 6.

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In addition, requests regarding certain points are being addressed directly to the following States : *Panama, Syrian Arab Republic.*

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

*Argentina* (ratification : 1950)

Further to its previous observations, the Committee notes with interest the adoption of Resolution No. 31/70 of the Director of the port of Buenos Aires and Dock Sud, "approving" the application of the Convention in this port, a copy of which was supplied with the Government's report. The report, however, does not provide information either on the application of the Convention in the other ports, harbours, etc., covered by Article 1 thereof, or on the adoption of certain additional measures required by Articles 4, 6, 9, 11, 12, 13 and 17. Recalling the Government's previous statements that the necessary legislative measures were being considered in order to give full effect to the Convention, the Committee trusts that the Government will be able to take the required measures in the near future concerning the points mentioned above, which are dealt with in more detail in a direct request.

*Italy* (ratification : 1933)

The Committee notes from the information supplied by the Government to the Conference Committee in 1971 that the safety and hygiene regulations, which will provide for the protection of dockers against accidents, have not yet been adopted by the Ministry of Labour and Social Welfare as the Bill authorising this action is

<sup>1</sup> The Government is asked to supply full information to the 57th Session of the Conference.

still pending before Parliament. The Committee reiterates its hope that every effort will be made to ensure the speedy adoption of this Bill.<sup>1</sup>

*Sierra Leone* (ratification : 1961)

Further to its previous direct request, the Committee notes with satisfaction from the Government's report that posters embodying summaries of the relevant regulations have been prepared and are posted in prominent places in the docks, as required by Article 17 (3) of the Convention.

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In addition, requests regarding certain points are being addressed directly to the following States : *Argentina, Peru, Singapore, USSR*.

**Convention No. 33 : Minimum Age (Non-Industrial Employment), 1932**

*Chad* (ratification : 1960)

*Article 3 of the Convention.* Further to its earlier comments, the Committee notes with satisfaction the adoption on 8 February 1969 of Decree No. 55/PR concerning the employment of children, which subjects the exceptions which are authorised for light work for children over 12 years of age to certain guarantees and limitations prescribed by the Convention.

*Mauritania* (ratification : 1961)

Referring to its earlier observations concerning Order No. 084 of 16 February 1967 laying down exceptions to the minimum age for admission to employment, the Committee must note that no change has yet been made to the legislation following the direct contacts which took place in October 1969. The Government in fact repeats in its report the assurances given previously that it intends to amend the legislation in order to bring it into conformity with the provisions of the Convention. The Committee trusts that the Government will take the necessary steps to amend Order No. 084 of 16 February 1967, and particularly section 1 thereof, in the very near future, so as to prohibit expressly the employment of children legally of school age on light work during the hours fixed for school attendance, and to limit the duration of such work to two hours per day, on either school days or holidays, the total number of hours spent at school and on light work not to exceed seven per day, as required by paragraph 1 (c) of Article 3 of the Convention.

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In addition, requests regarding certain points are being addressed directly to the following States : *Chad, Guinea, Ivory Coast, Senegal, Upper Volta*.

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 57th Session.



**Convention No. 34 : Fee-Charging Employment Agencies, 1933***Chile* (ratification : 1935)

The Committee notes with regret that the Government's report has not been received. The Committee is bound therefore, to repeat its previous observation, which was as follows :

Further to its previous observations, the Committee notes from the Government's report that, in view of the demands upon the resources of the newly established National Employment Service in other fields, the Government has decided not to abolish the existing fee-charging employment agencies for the time being but to subject them to supervision.

The Committee trusts that the National Employment Service will be rapidly expanded to a point where it is possible to abolish all fee-charging employment agencies conducted with a view to profit, that pending their abolition such agencies will be regulated in accordance with the requirements of Article 3, paragraph 4, of the Convention and that in its next report the Government will supply details of the measures adopted to ensure such regulation.

The Committee further notes with interest that the first steps have been taken with a view to abolishing a new category of fee-charging employment agencies which place employees and professional staff. The Committee would be glad if the Government would in future reports provide detailed information as to the number of such agencies as may continue to exist and the nature of their activities, as well as the measures taken with a view to their total abolition in accordance with Article 2 of the Convention.

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In addition, requests regarding certain points are being addressed directly to the following States : *Argentina, Mexico*.

**Convention No. 35 : Old-Age Insurance (Industry, etc.), 1933***France* (ratification : 1939)

*Article 12 of the Convention.* The Committee notes the information given by the Government to the Conference Committee in 1971, and also in its latest report, in response to the observations it has been making for several years regarding the supplementary allowance introduced by the Act of 30 June 1956, which is paid only to French nationals and to nationals of countries which have signed an "international reciprocity agreement". (The allowance is intended to supplement the invalidity and old-age benefits granted under various social insurance schemes.)

Noting that this information does not contain any new element which would alter the existing situation, the Committee trusts that the Government will reconsider the matter and take measures to extend the benefit of this allowance—which in the near future will be financed entirely out of public funds—to all foreigners fulfilling the conditions laid down in the national legislation who are nationals of States bound by the Convention, in accordance with Article 12, paragraph 3, of the instrument.

As the Committee pointed out in its earlier observations, the Convention should—as regards Article 12, paragraph 3—be considered as a general treaty of reciprocity binding all the States which have ratified it. Consequently, the payment of the above allowance to nationals of States which are parties to the Convention would not be contrary to national legislation (section L.707 of the Social Security Code), as claimed by the Government in its statements, and would not involve an

undue financial burden, since, in virtue of bilateral agreements, the allowance is already being paid to foreign workers who are nationals of some of the countries in question.

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

*France* (ratification : 1939)

*Article 12 of the Convention.* See under Convention No. 35.

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

*Chile* (ratification : 1935)

The Committee notes with regret that the Government's report has not been received. The Committee is bound, therefore, to repeat its previous observation, which was as follows :

*Article 5 of the Convention.* In the observations and requests that it has been making to the Government since 1961, the Committee has drawn attention to the provisions of the legislation establishing for most of the schemes applicable to *employees* a qualifying period longer than that prescribed by the Convention for entitlement to invalidity pension. In reply to these comments, the Government indicated to the Conference in 1967 and in its report for 1966-68, received in 1970, that a Bill for the revision of the social security system was before the National Congress, and would take into account the points raised by the Committee, namely: (a) the non-conformity with the Convention of section 10 of Act No. 10475 of 1952, under which employees in the private sector who are 45 years old or over must have completed a qualifying period of more than five years; (b) the non-conformity with the Convention of Acts Nos. 1340 *bis* of 1930 (section 23) and 8569 of 1946 (section 35), and of Decree No. 2259 of 1931 (section 1), applying respectively to public employees, bank employees, and employees of the state railways, which provide for periods of contribution longer than those prescribed by the Convention.

While regretting to learn from additional information communicated by the Government that this Bill was not adopted by the National Congress, the Committee notes that the Government has not lost sight of this reform which continues to occupy a position of priority in its programme and that the comments of the Committee are being taken into consideration. The Committee hopes that the Government will make every possible effort to bring national legislation into conformity with the Convention in the near future.

*France* (ratification : 1939)

*Article 13 of the Convention.* See under Convention No. 35, Article 12.

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

*France* (ratification : 1939)

*Article 13 of the Convention.* See under Convention No. 35, Article 12.

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

*Afghanistan* (ratification : 1939)

See under Convention No. 4.<sup>1</sup>

<sup>1</sup> The Government is asked to report in detail for the period ending 30 June 1972.

*Central African Republic* (ratification : 1960)

See under Convention No. 4.

*Hungary* (ratification : 1936)

Further to its previous observations regarding the need to take steps to ensure the application of the basic provisions of the Convention, the Committee notes, from the statement made by the Government representative to the Conference Committee in 1971 and from the report for the period 1970-71, that efforts to restrict night work for women in industry are continuing.

As national legislation does not contain a general prohibition of night work for women in industry, the Committee urges once again that the necessary steps be taken to ensure complete application of the Convention, which was ratified a considerable number of years ago.<sup>1</sup>

*Peru* (ratification : 1945)

See paragraph 18 of the General Report.

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In addition, a request regarding certain points is being addressed directly to *Gabon*.

**Convention No. 42 : Workmen's Compensation (Occupational Diseases)  
(Revised), 1934***Algeria* (ratification : 1962)

In its reports submitted in 1968 and 1970, the Government stated that the points raised by the Committee in its earlier comments would be studied with a view to bringing the provisions of the Order of 22 March 1968 into conformity with the Convention. The Committee notes with regret, however, that no action has yet been taken to bring these provisions, and in particular the schedule of occupational diseases appended to the Order in question, into conformity with the Convention as regards : (a) the restrictive nature of the list of pathological manifestations deemed to be diseases caused by the substances listed in the Schedule to the Convention ; (b) poisoning caused by *all* compounds of arsenic, *all* halogen derivatives of hydrocarbons of the aliphatic series and *all* compounds of phosphorus ; (c) anthrax infection (addition of loading, unloading or transport of merchandise in general to the relevant list of processes).

Consequently, the Committee is obliged to revert to the question and to point out again to the Government in a direct request the reasons why it considers that the existing legislation does not fully give effect to the Convention. The Committee hopes that the Government will reconsider the matter and take the necessary action in the near future.

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 57th Session and to report in detail for the period ending 30 June 1972.

*Argentina* (ratification : 1950)

The Committee notes the information supplied by the Government in reply to its previous observations and notes further that the new legislation (namely Act No. 18,913 of 31 December 1970), while enlarging the definition of occupational diseases, does not change the present situation.

The Committee recalls that its previous comments concerned the schedule of occupational diseases appended to the Decree of 14 January 1916 (as amended by the Decrees of 19 February 1932 and 29 April 1936) which :

- (a) only mentions certain of the diseases and poisonous substances set forth in the Schedule to the Convention ;
- (b) does not raise a presumption that these diseases are occupational in origin since it does not list the occupations or activities liable to give rise to them, as does the Convention.

The Committee trusts that the Government will adopt in the very near future the necessary measures to bring national legislation fully into line with the Convention.

*Australia* (ratification : 1959)

Further to its previous comments, the Committee notes with satisfaction the adoption of the new Compensation (Commonwealth Employees) Act (No. 48 of 1971) and the Regulations No. 112 made under the Act, which contain a list of occupational diseases and the corresponding occupations as required by the Convention.

As to the other points on which the Committee made comments concerning the legislation of the various states, the Committee also notes with interest the information supplied by the Government, according to which in certain cases (Australian Capital Territory, Northern Territory, New South Wales, Tasmania) the necessary amendments were already being studied, whereas in other cases (Western Australia and Victoria) the question would be submitted again to the competent authorities.

The Committee hopes that the necessary measures can be taken in the near future, so that the legislation of the various states concerned can be brought formally into complete conformity with the Convention as regards the various points mentioned in a further direct request.

*Barbados* (ratification : 1967)

Further to its earlier comments the Committee notes with satisfaction that the compensation scheme for industrial accidents and occupational diseases has been incorporated in the National Insurance and Social Security Scheme and that a schedule of occupational diseases was laid down by the Employment Injury (Prescribed Diseases) Regulation, 1971.

*Belgium* (ratification : 1949)

Further to its earlier comments regarding certain points in the schedule of occupational diseases, the Committee notes that Belgium has ratified the Employment Injury Benefits Convention, 1964 (No. 121), and that consequently Convention No. 42 has been denounced *ipso jure* as from the date on which the new Convention comes into force for Belgium.

*Bolivia (ratification : 1954)*

For several years the Committee has been pointing out to the Government that there are certain discrepancies between the national legislation and the Convention, in particular on the following points : (a) *anthrax infection* (the table of occupational diseases in Schedule I to the Social Security Code does not list anthrax infection among the occupational diseases in respect of which compensation is payable) ; (b) *silicosis in association with tuberculosis* (the national legislation covers tuberculosis only when the worker is directly exposed to this risk and not when it appears in association with silicosis) ; (c) *all the nitro- and amido-derivatives of benzene or its homologues* (the table in question sets out only certain of the nitro- and chloro-nitro-compounds of benzene or its homologues) ; (d) *the list of occupations likely to result in any of the occupational diseases listed in the Convention* (the Social Security Code does not contain a list of this nature, from which it is to be assumed that it is for the worker to prove the occupational origin of his disease ; this is contrary to the Convention, which establishes in this respect a presumption of occupational origin in the worker's favour for all the diseases listed in the left-hand column of the schedule to Article 2 of the Convention when they afflict workers employed in the corresponding trades, industries or processes listed in the right-hand column of the schedule).

Since the report for 1968-69 contained no new information and since for the second consecutive year no report has been received, the Committee trusts that the Government, in accordance with the assurance given in its reports received in 1965 and 1967, will not fail to take the necessary measures to supplement in the above-mentioned respects the table of occupational diseases in Schedule I to the Social Security Code, and that it will indicate in its next report the progress made in this regard.<sup>1</sup>

*Cuba (ratification : 1936)*

The Committee notes with interest, from the Government's reply to its previous comments, that the competent national authorities are still examining the points referred to therein, and that it is hoped that an instrument, to supplement current legislation on occupational diseases, will be drafted very shortly. The Committee hopes that these measures will be taken in the very near future and that the proposed legislation will include, in conformity with the provisions of Article 2 of the Convention : (a) poisoning by lead (as a metal) and its alloys, and by mercury ; (b) primary epitheliomatous cancer of the skin caused by bitumen, mineral oils and paraffin, or their compounds, products or residues ; (c) pulmonary tuberculosis in association with silicosis ; (d) a list of all the trades, industries or processes liable to give rise to the occupational diseases set forth in the Convention.

*Czechoslovakia (ratification : 1949)*

In reply to the Committee's previous comments concerning the list of occupational diseases appended to Notification No. 102/1964 SB, and in particular concerning the inclusion among the occupations likely to cause anthrax infection of the "loading and unloading or transport of merchandise" in general (so as formally to release workers thus employed from the onus of proving the occupational origin

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 57th Session and to report in detail for the period ending 30 June 1972.



of their disease and thus confirm the established practice) the Government indicated in its report for 1965-67 that it would take account of this point when the above-mentioned Notification was revised.

In its report for 1967-69 the Government indicated that the question continued to be under consideration. Since no report has been received for examination at the present session, the Committee can only raise the question once again in the hope that the proposed revision will be undertaken in the near future and that it will also take account of the comments made concerning lead compounds and amalgams of mercury.

#### *Finland (ratification : 1950)*

Further to its earlier comments, the Committee notes that Finland has ratified the Employment Injury Benefits Convention, 1964 (No. 121), and that consequently Convention No. 42 has been denounced *ipso jure* as from the date on which the new Convention came into force for Finland.

#### *France (ratification : 1948)*

The Committee notes with regret that the Government's report has not been received. The Committee is bound, therefore, to repeat its previous observation, which was as follows :

1. As far as the restrictive nature of the list of pathological manifestations appearing in the schedule in the French legislation is concerned, the Government states that the inquiries being undertaken at the present time have not brought to light any new occupational diseases of such a nature as to be excluded from the right to compensation. In this connection the Committee can only remind the Government that the restrictive enumeration in the legislation of certain symptoms and pathological manifestations establishes a system of coverage which is more limited than that required under the Convention, the deliberately broad wording of which is such as to ensure that compensation is paid for every disorder, even if it is atypical or new which may appear as the result of poisoning.

The Committee has further taken note of the Government's statement that it is keeping the question under active consideration, and trusts that the necessary measures will consequently be taken in the near future in order to give an indicative character to the list of the various pathological manifestations appearing under each of the diseases set out in the schedules of the national legislation, which will permit compensation, in accordance with the Convention, in respect of disorders which are not included in these schedules but which may result from the toxic substances and agents listed in the Convention.

2. So far as the other points of divergence between French legislation and the Convention are concerned, the Government states that the technical studies, which have been started are continuing and confirms its intention to submit to the Industrial Health Committee the conclusions which are reached as a result of these studies.

The Committee trusts that the necessary measures, which have been brought to the attention of the Government since 1958, will be adopted soon and that the schedules of occupational diseases at present in force can be added to so as to include, as is required by the Convention, poisoning by *all* the halogen derivatives of hydrocarbons of the aliphatic series and by all the compounds of phosphorus, as well as primary epitheliomatous cancer of the skin caused by tar, bitumen, mineral oil, paraffin and the compounds and residues of these substances.<sup>1</sup>

#### *Guyana (ratification : 1966)*

The Committee notes with satisfaction that, in accordance with its earlier comments, a new schedule of occupational diseases was introduced by Regulations No. 34 of 1969, issued in virtue of the National Insurance and Social Security Act, No. 15 of 1969.

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 57th Session to report in detail for the period ending 30 June 1972.

*Haiti (ratification : 1955)*

The Committee notes with regret that the Government has sent no report in response to the requests for information on the practical application of the Convention which it has been making since 1966. In its previous report the Government merely stated that as compensation for occupational diseases had not yet given rise to any court cases, there were no statistics in this respect. However, the Committee's request related not to the outcome of possible cases in the courts, but to information such as the number of cases of occupational disease compensated following the extension of the compulsory accident insurance system and the amount of compensation paid by the Occupational Accident, Sickness and Maternity Insurance Office. In view of the fact, moreover, that the aforesaid Office includes *inter alia* a statistical and actuarial service, the functions of which are defined in detail in section 118 of the Act of 18 September 1967 concerning the Department of Social Affairs, and that, furthermore, section 174 of this Act requires the said Office to report any cases of occupational disease regularly to the General Labour Inspectorate, the Committee trusts that in its next report the Government will supply detailed information on the number of cases of occupational diseases, the amount of compensation paid and any other information to throw light on the way in which the legislation in question is applied in practice.

*Luxembourg (ratification : 1958)*

The Committee notes the information supplied by the Government to the Conference in 1971 and in its report for 1969-71 in reply to the comments made in earlier years.

As regards poisoning by *lead alloys* and *amalgams of mercury*, the Committee notes the Government's statement that the provisions of the national legislation (items 22 and 19 of the Regulations of 26 May 1965) are interpreted by the responsible authorities in the widest sense so as to cover all diseases caused by harmful substances which have lead or mercury as a base.

As to the fact that *the schedule to this legislation does not contain an enumeration of the trades, industries or processes which are liable to give rise to occupational diseases* (including anthrax infection) the information given by the Government seems to confirm that, under the system of compensation at present in force, the victim suffering from one of the diseases listed in the schedule to the 1965 regulations may be required to produce proof of the occupational origin of his disease, which is contrary to the Convention. As the Committee pointed out in its earlier observations and requests, the fact that the Convention lists in the right-hand column of its schedule the industries and occupations liable to cause the diseases shown in the left-hand column automatically raises a presumption of occupational origin in favour of workers engaged in these industries or occupations when they develop one of the diseases in question.

The Committee notes, however, that the questions arising out of its comments are to be referred for study to the Supreme Commission on Occupational Diseases ; it hopes that the necessary steps will be taken, either by legislation or by administrative action (e.g. ministerial circulars or instructions) to give full effect to the Convention on this point.

*Mexico (ratification : 1937)*

With reference to its earlier observations, the Committee notes with satisfaction that the provisions of the new Federal Labour Act of 2 December 1969 and more



particularly the schedule of occupational diseases contained in section 513 of the Act conform, to a great extent, to the provisions of the Convention.

*New Zealand* (ratification : 1938)

The Committee notes with interest that the Government, in reply to earlier observations, reports that legislation is being drafted on the basis of the recommendations of the Select Committee of the House of Representatives, which had before it comments of the Royal Commission of Inquiry into the system of compensation for occupational injuries.

The Committee hopes that this legislation will be adopted in the near future and will supplement the system of over-all coverage at present in force by a "dual schedule" system which would establish a presumption of occupational origin for the diseases listed in Article 2 of the Convention.

*Panama* (ratification : 1959)

Further to its earlier observations, the Committee regrets to note that the Government has not submitted a report and that it therefore has no information as to the steps taken to give effect to the Convention by establishing a list of occupational diseases and the corresponding trades, industries and processes, as required by Article 2 of the Convention. The Committee trusts that the Government will make a point of submitting a report to its next session, indicating the measures taken or contemplated.

See also under General Observations.

*Turkey* (ratification : 1946)

The Committee notes with regret, in connection with its earlier observation and direct requests, that the provisions giving effect to sections 11B and 135A (f) of the Social Insurance Act of 1964 have not yet been adopted. It notes that the draft regulations drawn up in 1965 for this purpose and containing a list of occupational diseases are still being studied by the Council of State.

The Committee trusts that the draft regulations in question will be adopted soon and will remove the discrepancies at present existing between the national legislation and Article 2 of the Convention, to which reference is made in a further direct request to the Government.

*United Kingdom* (ratification : 1936)

The Committee notes with interest that the Government intends to submit the points raised in its earlier requests and observations to the Industrial Hygiene Advisory Council, which is responsible, *inter alia*, for revising the schedule of "prescribed diseases".

The Committee hopes that the Government will find it possible in the near future to include this revision in the programme of work of the Advisory Council and that the schedule of occupational diseases can thus be supplemented to meet the requirements of the Convention as regards anthrax infection, poisoning by the halogen derivatives of hydrocarbons of the aliphatic series and manifestations due to radiations.

*Uruguay* (ratification : 1954)

Further to its earlier observations, the Committee notes with satisfaction the adoption of Decree No. 853/971 of 16 December 1971 which contains a new schedule of occupational diseases in conformity with that contained in Article 2 of the Convention.

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In addition, requests regarding certain points are being addressed directly to the following States : *Algeria, Australia, Barbados, Brazil, Denmark, Guyana, Honduras, Iraq, Malta, Mexico, Nauru, Norway, Poland, Turkey, Uruguay.*

**Convention No. 44 : Unemployment Provision, 1934***Algeria* (ratification : 1962)

The Committee, referring to comments which it has made since 1965, is concerned to note that there are no provisions to apply the Convention. Indeed, the operation of the only existing provisions concerning assistance to involuntarily unemployed workers—which, in the absence of an unemployment insurance scheme were not adequate to give effect to the Convention—has had to be suspended, as was stated by the Government in its report for 1968-69.

The Committee can only note the economic difficulties to which the Government continues to refer in its recent reports and which have led it to reserve all available resources for the creation of permanent jobs within the framework of the economic plan. Nevertheless, it would be grateful if the Government could give consideration to the measures which it proposes to take, in the light of this situation, to fulfil obligations which it accepted by ratifying this Convention.

*Cyprus* (ratification : 1965)

Further to its earlier observation regarding the non-payment of unemployment benefits to Turkish Cypriot workers, the Committee notes the information given by the Government to the Conference Committee in 1970 and also in its letter of 26 May 1971 and its report for 1969-71. It notes that consultations took place with the parties concerned and that a tripartite committee comprising Greek Cypriots and Turkish Cypriots has been set up to study the problem of reintegrating Turkish Cypriot workers into the social insurance scheme but that the principles drawn up by that committee were not entirely accepted by the persons concerned.

The Committee can only express the hope once again that a solution can be found to this question by agreement among all concerned in view of the importance of the problem. It would ask the Government to keep it informed of developments.

*Netherlands* (ratification : 1966)

*Article 16 of the Convention.* With reference to its previous direct request, the Committee notes with satisfaction that the period of residence in the Netherlands required of foreigners in order that they may qualify for unemployment allowances (which come out of funds to which the claimants have not contributed) has been

abolished by Decree of 10 July 1969 in respect of citizens of States which have ratified the Convention, as required by this provision of the Convention.

*Norway* (ratification : 1957)

*Article 11 of the Convention.* Further to its previous direct requests, the Committee notes with satisfaction that, on the occasion of the incorporation of the unemployment insurance scheme into the National Insurance, the Act of 27 November 1970 fixed a minimum of thirteen weeks for the duration of unemployment benefit.

*Peru* (ratification : 1962)

The Committee notes with regret that no report has been received. It is bound, therefore, to repeat its previous observation, in which, referring to the comments it had been making since 1965, it expressed its regret that no progress had been made in the application of the Convention.

On several occasions the Government had indicated that the Committee set up to draft a new Labour Code was considering the establishment of a system of unemployment insurance guaranteeing benefit or allowances to persons habitually employed for wages or salary who became involuntarily unemployed. However, the Government's report for the period 1969-70 made no further reference to this question, and in a statement made at the 56th Session of the Conference a Government representative merely indicated that the various questions relating to the Convention should be considered in the light of the principles underlying the policy of developing social security—principles which had been spelled out in a draft decree prepared by a special committee.

The Committee of Experts can only express once again the firm hope that the Government will do everything it can, within the framework of this policy, to fulfil the commitments into which it entered on ratifying this Convention, and request the Government to inform it of any progress made in this respect.<sup>1</sup>

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In addition, requests regarding certain points are being addressed directly to the following States : *Cyprus, Czechoslovakia, Netherlands, Switzerland.*

**Convention No. 45 : Underground Work (Women), 1935**

*Afghanistan* (ratification : 1937)

See under Convention No. 4.

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

*Hungary* (ratification : 1937)

Further to its previous observations and requests concerning the applicability of the Convention in the absence of bilateral agreements, and irrespective of the

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 57th Session and to report in detail for the period ending 30 June 1972.

nature of the migratory movements in question, the Committee notes the statement made by the Government in its report that it will continue to examine the possibility of implementing the Convention. The Committee trusts that the Government will keep it informed of any measures taken or contemplated to this end.

*Poland* (ratification : 1938)

The Committee notes with regret that for the second year in succession no report has been received and therefore no reply has been given to its previous direct requests. The Committee is accordingly compelled to raise the question once again in a further direct request.

*Yugoslavia* (ratification : 1946)

The Committee notes with interest, from the information supplied by the Government in its report for 1969-71, that the difficulties in applying the Convention, on which the Committee had made previous comments (Parts II and III of the Convention concerning the setting up of a scheme for the maintenance of acquired rights and rights in course of acquisition in conjunction with all other States bound by the Convention) might be removed in 1972 as a result of the current revision of the legislation, which should come into effect as from 1 January 1973. The Committee hopes that the Government will be able to report progress in this field.

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In addition, requests regarding certain points are being addressed directly to the following States : *Hungary, Poland, Yugoslavia*.

Information supplied by *Spain* in answer to a direct request has been noted by the Committee.

**Convention No. 50 : Recruiting of Indigenous Workers, 1936**

Requests regarding certain points are being addressed directly to the following States : *Burundi, Cameroon* (Western Cameroon), *Rwanda, Singapore, Tanzania* (Zanzibar).

**Convention No. 52 : Holidays with Pay, 1936**

*Burma* (ratification : 1954)

The Committee notes with regret that the Government's report has not been received. The Committee is bound, therefore, to repeat its previous observation, which was as follows :

The Government states in its report that the comments of the Committee are under consideration in amending the Leave and Holiday Act, 1951. The Committee recalls that the Government has been referring since 1959 to the adoption of new legislation or regulations to give effect to the Convention on the various points raised since 1957 in the Committee's previous comments and relating to Article 1 (scope), Article 2, paragraph 2 (longer annual holiday for young workers), Article 2,

paragraph 3 (exclusion from the annual holiday of public holidays and interruptions of work due to sickness), and Article 4 of the Convention (restriction of the right to postpone the annual holiday).

The Committee once more urges the Government to make every effort to take the necessary measures at the earliest date.<sup>1</sup>

*Byelorussia* (ratification : 1952)

Further to its previous comments, the Committee notes with interest that section 32 of the Fundamental Principles governing the Labour Legislation of the USSR and the Union Republics prohibits payment of cash compensation in substitution for annual leave, except when the worker is dismissed before having used up his leave.

The Committee would be grateful if the Government would indicate whether, following the adoption of the above Fundamental Principles of Labour Legislation, a new Labour Code has been adopted and entered into force, and whether in this Code the national legislation has been brought into conformity with the Convention on the points raised by the Committee in its comments since 1959 concerning the postponement of the whole holiday from one year to the next and the division of the holiday into several parts without a guarantee of a minimum continuous period of holiday.

*Cuba* (ratification : 1953)

*Article 2, paragraph 1, of the Convention.* Further to its previous comments, the Committee has taken due note of the Government's renewed statement that the postponement of holidays permitted under section 1, paragraph G, of Resolution No. 111 of 1965 has an exceptional character and is granted for brief periods to meet cases of appreciable increase of work. The Committee wishes to point out once again that, under paragraph G, postponements may be authorised beyond those already allowed by paragraph F of section 1 of the resolution, which provides that annual holidays—or fractions thereof—may be deferred for a period of not more than half the duration of the respective qualifying periods giving entitlement to such holidays, as laid down in paragraph C of section 1 of the resolution. In so far as such postponements may result in the worker not being granted, in the course of a whole year, a minimum holiday of at least six working days, the provisions in question are not in conformity with the Convention which lays down the principle of an *annual* holiday. The Committee therefore trusts that the Government will take appropriate steps to ensure that recourse to paragraphs F and G of section 1 of the resolution will not deprive the worker of the minimum annual holiday prescribed by the Convention.

*Denmark* (ratification : 1959)

Further to its earlier comments, the Committee notes with satisfaction that the Holidays with Pay Act, No. 273 of 1970, as amended in 1971, provides in sections 9 and 11 that in cases of division of annual holidays, at least 12 days must be granted consecutively, thus ensuring conformity with Article 2, paragraph 4, of the Convention.

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 57th Session and to report in detail for the period ending 30 June 1972.

*Dominican Republic* (ratification : 1956)

Further to its earlier observations, the Committee notes with interest that, as a result of direct contacts between the responsible national services and a representative of the Director-General of the ILO, a Bill has been drafted and submitted to the President of the Republic and, subsequently, to the National Congress, to amend sections 168, 172 and 180 of the Labour Code, so as to bring them into conformity with the Convention.

The Committee trusts that this Bill will be adopted soon and requests the Government to inform it of the decision taken in the matter.

*Gabon* (ratification : 1961)

The Committee notes with regret that no report has been received. It hopes that a report will be supplied for examination by the Committee at its next session and will contain full information on the points raised in its comments since 1968 and which are taken up once again in a new direct request.

*Iraq* (ratification : 1960)

Further to its previous comments, the Committee notes with satisfaction the adoption of Labour Law No. 151 of 1970, as a result of which certain discrepancies between national legislation and Articles 1 and 2, paragraph 4, of the Convention have been eliminated.

*Italy* (ratification : 1952)

The Committee notes, from the Government's report, that the Bill, first mentioned in the report for 1965-67, has not been resubmitted to the current legislature, as was the Government's indicated intention, but that the preparation of a new text is now in an advanced stage. It refers to the statement by a Government representative to the Conference Committee in 1970, that although existing legislation does not contain express provisions in regard to the points raised by the Committee concerning the division of holidays into parts and the exclusion of periods of sickness from the duration of the holiday, the national Constitution and collective agreements, including those having force of law, contain provisions meeting such requirements. The Committee recalls its past comments on the desirability of a comprehensive legislative text to ensure the full application of the Convention to all the workers concerned and can only reiterate the hope that the new Bill will be adopted soon and will meet all the requirements of the Convention.

*Libyan Arab Republic* (ratification : 1962)

Further to its previous comments, the Committee notes with satisfaction the adoption of the Labour Law of 1970 which has brought national legislation into conformity with Articles 2, paragraph 4, 3 (a), 4 and 7 of the Convention.

*Mauritania* (ratification : 1963)

The Committee must note that following the direct contacts which took place in regard to this Convention in October 1969, appropriate amendments to the legislation have not yet been made. In its last report the Government merely states that, as a result of the Committee's observations, it has initiated studies with a view



to amending the national legislation on holidays with pay. The Committee trusts that the Government will, in the very near future, take the necessary measures to amend section 24 of Book II of the Labour Code, which makes it possible to postpone the actual grant of a holiday for a period of as long as three years, so as to ensure that the postponement of the holiday can be permitted only in respect of that part which exceeds the minimum of six working days prescribed by the Convention.

*Mexico (ratification : 1938)*

Further to its previous comments, the Committee notes with satisfaction that the new Federal Labour Act of 1970 has extended the application of the holiday with pay provisions to workers in small-scale industries.

*Peru (ratification : 1960)*

The Committee notes from the Government's report that a General Labour Act is being drafted. It can therefore only reiterate the hope that the new legislation will be adopted soon and will give effect to the Convention on the following points, raised by the Committee since 1963.

*Article 2, paragraph 3 (b), of the Convention.* The Committee recalls that section 7 of Supreme Decree No. 17 of 24 October 1961, which lays down that absence due to illness will be counted as working days for the purpose of calculating the length of service which gives entitlement to holidays, and that section 32 of Law No. 13724 of 1961, which prohibits the dismissal of the employee during the period when he is in receipt of social security benefit, do not specifically ensure that the periods of illness are not counted in the annual holidays. The Committee trusts that the new General Labour Act will include provisions giving effect to the Convention on this point.

*Article 3 (a).* The Committee recalls that, under existing provisions (Supreme Decree No. 17 of 1961, sections 8 and 9), holiday remuneration includes only the cash equivalent of food. It reiterates the hope that provisions will also be adopted which will expressly include, in the remuneration of holidays, the cash equivalent of *all* remuneration in kind.

*Article 4.* The Government refers to Section 3 of Act No. 13683 of 1961, which provides that an employee must take a minimum of ten days of his annual holiday entitlement, only the remainder being replaceable by double remuneration in payment for his work and by way of compensation for his holiday. The Committee must recall, however, as it had pointed out previously, that section 13 of Supreme Decree No. 17 of 1961 and Supreme Decree No. 4 D.T. of 26 November 1957 both permit the accumulation of holidays due over two consecutive years. The Committee reiterates the hope that the General Labour Act will contain provisions to ensure that the postponement of annual holidays will be permitted only for that part of the holidays which exceeds the minimum of six working days prescribed by the Convention.

*Senegal (ratification : 1962)*

Further to its earlier observations, the Committee notes with satisfaction the adoption of Act No. 71-54 of 28 July 1971 amending, *inter alia*, section 145 of the Labour Code so as to ensure that, if the holiday is postponed, a minimum of six



working days must nevertheless be taken every year (Article 2, paragraph 1, and Article 4 of the Convention).

*Ukraine* (ratification : 1956)

Further to its previous comments the Committee notes with satisfaction from the Government's report that section 83 of the new Labour Code of the Ukrainian SSR, adopted on 10 December 1971, prohibits the payment of cash compensation in substitution for annual leave, except when the worker is dismissed in circumstances which make it impossible for him to take his leave.

The Committee hopes that a copy of the new Code will be available for examination with the Government's next report, and that the report will include information in particular on the effect of the new Code on the other points raised by the Committee in its comments since 1959, concerning the postponement of the whole holiday from one year to the next, and the division of the holiday into several parts without a guarantee of a minimum continuous period of holiday.

*USSR* (ratification : 1952)

1. Further to its previous comments the Committee notes with satisfaction that section 66 of the new Labour Code of the Russian SFSR, adopted on 9 December 1971, prohibits the payment of cash compensation in substitution for annual leave, except when the worker is dismissed before having used up his leave.

2. The Committee notes with regret, however, that section 74 of the new Labour Code still allows in certain cases the postponement of the whole of the holiday from one year to the next. As the Committee has pointed out in its comments since 1959, such postponement is not in conformity with the Convention which establishes the principle of an *annual* holiday, and provides that "any agreement to relinquish the right to an annual holiday with pay or to forgo such a holiday, shall be void". The Committee accordingly hopes that the necessary measures will be taken by the Government to bring the legislation in question into conformity with the Convention on this point.

3. In its earlier comments the Committee had also pointed to the need for the amendment of regulation 19 of the regulations of 30 April 1930 so as to ensure, in conformity with the Convention, that when holidays are divided into parts, one of these parts shall be of at least the minimum duration prescribed by the Convention. The Committee would be grateful if the Government would supply information on the effect of the new Labour Code of the Russian SFSR on the question of division of holidays.

4. The Committee would also appreciate information on the position in the other Union republics in respect of the points raised above.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States : *Central African Republic, Chad, Czechoslovakia, Egypt, Gabon, Greece, Guinea, Ivory Coast, Kuwait, Lebanon, Libyan Arab Republic, Madagascar, Mali, Morocco, Panama, Paraguay, Syrian Arab Republic, Upper Volta.*

Information supplied by *Hungary* in answer to a direct request has been noted by the Committee.

**Convention No. 53 : Officers' Competency Certificates, 1936***Liberia* (ratification : 1960)

The Committee has noted from the Government's report for the period 1970-71 that the Government intended to prepare a detailed report which would contain a reply to the previous observation and direct requests. In the absence of such report, the Committee must request the Government once again to supply statistics on the number of officers' competency certificates issued in each specific licence grade and information on the number and nature of the contraventions reported and the action taken on them, as required in point V of the report form adopted by the Governing Body.

*Philippines* (ratification : 1960)

The Committee notes with regret that the Government's report has not been received. The Committee is bound, therefore, to repeat its previous observation, which was as follows :

The Committee had noted that while the Revised Philippine Merchant Marine Regulations provided for the certification of officers, in accordance with the Convention, they did not contain provisions regarding inspection and enforcement in relation to these requirements, as provided for in Articles 5 and 6 of the Convention. The Committee notes from the Government's report that new Merchant Marine Regulations, which contain appropriate provisions on these matters, have been submitted to Congress for approval. The Committee trusts that these new Regulations will be approved at an early date, and that copies thereof can be supplied with the next report.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States : *Bulgaria, Mauritania, Peru*.

Information supplied by the *Syrian Arab Republic* in answer to a direct request has been noted by the Committee.

**Convention No. 55 : Shipowners' Liability (Sick and Injured Seamen), 1936***Morocco* (ratification : 1958)

*Article 8 of the Convention.* Further to its earlier requests concerning the shipowner's obligation to take measures for safeguarding property left on board by sick, injured or deceased seafarers, the Committee notes from the Government's report that no progress has been made towards the adoption of the draft Code of Maritime Trade which was to bring national legislation into line with this provision of the Convention. In view of the fact that the Government has been referring to this draft since as far back as 1964, and the fact that its report for 1967-69 stated that it had reached the stage of ministerial visas, the Committee hopes that the draft will be adopted in the near future and that the Government will report all progress made in this respect.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States : *Greece, Liberia, Peru*.

**Convention No. 56 : Sickness Insurance (Sea), 1936***Belgium (ratification : 1948)*

*Article 2, paragraphs 4 and 5, of the Convention.* Further to its previous direct requests, the Committee notes with satisfaction that the Royal Order of 28 December 1971 has repealed subsection 1 (4) of section 125 of the Royal Order of 4 October 1936 as amended by the Royal Order of 7 January 1958 which provided for the suspension of cash benefits in cases where the insured person had been guilty of insulting or assaulting any person belonging to the insurance administration.

*Article 3.* The Committee notes, however, that the new order does not seem to have repealed the provision of subsection 2 of section 125 of the above-mentioned Royal Order of 1936 which relates to suspension of benefits in kind on similar grounds. The Committee hopes that on the occasion of a future revision of the national regulations, the Government will be able to ensure their conformity with the Convention also on this point.

*Peru (ratification : 1962)*

*Article 7 of the Convention.* In direct requests made since 1966 the Committee has drawn the Government's attention to the need to provide, in accordance with this Article of the Convention, for the right to *compulsory insurance* benefit to continue, after the termination of the last engagement, for a period fixed by national laws or regulations in such a way as to cover the normal interval between successive engagements.

The Committee regrets to note that the Government's report has not been received, and that consequently no reply has been given to the above-mentioned comments. The Committee can only raise the question once again and hopes that the Government will not fail to indicate the measures taken or envisaged to ensure the full application of the Convention on this point.

**Convention No. 58 : Minimum Age (Sea) (Revised), 1936***Guatemala (ratification : 1961)*

With reference to its earlier observation, the Committee notes the information given by the Government to the Conference Committee in 1971, and also in its latest report. The Committee regrets to note that, according to that information, no legislation has yet been adopted to introduce the reforms which are essential for the application of Article 2, paragraph 1, of the Convention which fixes at 15 years the minimum age for the admission of children to employment at sea.

With regard to Article 4 of the Convention, which requires a register to be kept of all persons under the age of 16 years employed on board and of the dates of their births, the Committee notes that the labour inspectors have been instructed to check that such a register is kept. Nevertheless, the Committee would be grateful if the Government would indicate the provisions which provide for penalties when the master or owner fails to comply with this obligation.

The Committee trusts that the Government will at an early date take such steps as are still necessary to give full effect to the provisions of the Convention.<sup>1</sup>

*Liberia (ratification : 1960)*

Further to its observations of 1970 and 1971, the Committee notes with regret that the Government's report has not been received.

In its earlier comments the Committee had noted that while the Maritime Law (Title 22 of the Liberian Code of Laws, 1956) lays down a minimum age of 16 years, this applied only to employment on vessels of 1,600 tons or more engaged in trade between foreign ports or between Liberian ports and foreign ports. It had pointed out that these limitations were not in conformity with the Convention, which applies to all ships and boats, of any nature whatsoever, engaged in maritime navigation.

While the Maritime Law had been amended by the Merchant Seamen's Act, 1964, the Committee had pointed out that, under section 326 of the revised Law, the minimum age requirement was still limited to employment on Liberian vessels engaged in foreign trade (as defined in section 291 of the Law) and that, by virtue of section 290 (2) (a), it did not apply to employment of children on vessels of less than 75 net tons.

The Committee urges the Government to take measures in the near future with a view to applying the Convention to all vessels without any exception other than those provided for by the Convention itself.<sup>1</sup>

*Uruguay (ratification : 1954)*

Further to its earlier observations, the Committee notes with satisfaction that, as a result of the direct contacts which took place between the competent national services and a representative of the Director-General of the ILO, the Children's Board on 10 December 1971 approved a resolution prohibiting the employment of children under 15 years of age on board vessels, in accordance with the provisions of this Convention.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States : *Turkey, People's Democratic Republic of Yemen (Aden)*.

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

*Philippines (ratification : 1960)*

Further to its earlier comments, the Committee notes the information supplied by the Government in its report regarding the adoption of Act No. 6237 to amend the Woman and Child Labour Law, Act No. 679. It notes more particularly the Government's statement that section 2 of Act No. 679, as amended, prohibits the employment of children under 16 years in industrial undertakings. The Committee regrets to note, however, from the information contained in the Government's

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 57th Session and to report in detail for the period ending 30 June 1972.

report, that section 1 (a) of Act No. 679, as amended, permits the employment of children between 12 and 15 years of age in light work, and that section 1 (b) permits the employment of children between 12 and 15 years of age in industrial establishments if it can be shown that the child concerned knows how to read and write, contrary to Article 2 of the Convention.

The Committee trusts that the Government will not fail to take the necessary measures to bring its legislation into complete conformity with the Convention.<sup>1</sup>

*Uruguay* (ratification : 1954)

Further to its earlier observations, the Committee notes with satisfaction that, as a result of the direct contacts which took place between the competent national services and a representative of the Director-General of the ILO, the President of the Republic on 16 December 1971 approved Decree No. 852/971, which regulates the minimum age for the employment of young persons in industrial undertakings in accordance with the provisions of this Convention.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States : *Mongolia, People's Democratic Republic of Yemen (Aden)*.

**Convention No. 60 : Minimum Age (Non-Industrial Employment) (Revised), 1937**

*Italy* (ratification : 1952)

Further to its previous comments concerning Article 3, paragraph 6 (a), and Article 8 (a) of the Convention, the Committee notes with satisfaction the adoption on 4 January 1971 of Decree No. 36 which defines the forms of light work on which children over 14 years of age may be employed.

*Uruguay* (ratification : 1954)

Further to its earlier observations, the Committee notes with satisfaction that, as a result of the direct contacts which took place between the competent national services and a representative of the Director-General of the ILO, the President of the Republic on 16 December 1971 approved Decree No. 852/971, which regulates the age of admission of young persons to non-industrial occupations in accordance with the provisions of this Convention.

\* \* \*

In addition, a request regarding certain points is being addressed directly to *Italy*.

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

*Mexico* (ratification : 1941)

Further to its previous observations, the Committee notes from the Government's report that no legislative measures have yet been adopted to bring the

<sup>1</sup> The Government is asked to supply full information to the 57th Session of the Conference.

legislation into conformity with certain provisions of the Convention to which the Committee has been referring over a period of several years. The Committee recalls that notwithstanding the provisions of the federal legislation in the field of occupational safety, contained in the Federal Labour Act and in the 1934 regulations concerning the prevention of industrial accidents, certain provisions of the Convention require in addition the adoption of regulations for the protection of building construction workers. The Committee had pointed out that no measures appeared to have been adopted in conformity with Article 8, paragraph 2, of the Convention, to regulate the construction of working platforms, gangways and stairways, etc., or to determine the height in excess of which these regulations shall apply. It had also referred in particular to the need for regulations on hoisting machines and tackle and their attachments used in building construction, with particular regard to their quality and strength (Article 11 of the Convention), periodical inspection and testing (Article 12) and the determination of their safe working load (Article 14, paragraph 1), as well as for the application of Article 17 (special means of protection when work is carried on in proximity to places where there is a risk of drowning). The Committee had furthermore pointed out with respect to these matters that the regulations on building and urban services in force in the Federal District did not contain the necessary provisions, and that in the states and territories of the Republic there appeared to be no safety regulations applying to building construction workers.

For these reasons, the Committee had expressed the hope that the Government would take steps at the federal level, either through Congress or through some other competent federal authority, for the introduction of measures ensuring the application of the Convention. In this connection, the Committee noted that although the new Federal Labour Act, which entered into force in 1970, does not contain provisions giving effect to the aforementioned requirements of the Convention, section 512 of the Act provides that the measures that must be taken for the prevention of occupational risks shall be laid down by regulations made under the Act.

In its report as well as in a communication to the Conference Committee in 1971, the Government again refers to the eventual incorporation of appropriate provisions in the building regulations for the Federal District, and in such regulations as may be adopted by the states. With respect to the Federal District, the Government indicates that the Committee formerly established to revise the existing regulations has been replaced by a Legislative Studies Committee, to whose attention the Government has brought the need to bring the above-mentioned regulations into conformity with the Convention. The Government adds that positive results are expected in the near future.

The Committee cannot but express hope that the necessary action will be taken soon, not only in respect of the regulations applicable to the Federal District, but also with a view to an effective application of all provisions of the Convention in respect of the whole country. The Committee trusts that no effort will be spared in order to give full effect to this Convention, which was ratified in 1941.<sup>1</sup>

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States : *Algeria, Burundi, Guinea, Peru.*

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 57th Session and to report in detail for the period ending 30 June 1972.



**Convention No. 63 : Statistics of Wages and Hours of Work, 1938***Canada (ratification : 1946)*

*Article 6 (a) of the Convention.* Further to its observation of 1970, the Committee notes with satisfaction that the statistics of average earnings now include all cash payments and bonuses received from the employer by the persons employed, including bonuses paid at long or irregular intervals, which had previously been excluded from the compilation.

*Chile (ratification : 1957)*

The Committee notes with regret that for the third year in succession the Government's report has not been received. The Committee is bound, therefore, to repeat its previous observation, which was as follows :

*Part II of the Convention.* The Committee regrets to note that the data currently compiled continue not to include the following: (a) statistics of average earnings in the building and construction industries; (b) statistics of hours actually worked by wage earners in the principal mining and manufacturing industries, including building and construction.

In these circumstances the Committee must reiterate the hope that the Government will do all in its power to give full effect to the various requirements of Part II of the Convention.

*Part IV.* The Committee also notes that no statistics are as yet compiled of wages in agriculture, and only to a very limited extent of hours of work in agriculture. The Committee trusts that the Government will take early action in respect of this Part of the Convention as well.

*Part III.* The Committee would point out that, under Article 2, paragraph 3, of the Convention, every Member is required to indicate periodically the extent to which any progress has been made with a view to the application of Parts of the Convention excluded from its acceptance.

*Cuba (ratification : 1954)*

The Committee regrets to note once more that the Government's report fails to mention any progress in the compilation and publication of statistics on wages and hours of work. It can only reiterate the hope that all necessary steps will be taken without delay to ensure the application of this Convention, which was ratified many years ago.<sup>1</sup>

*Czechoslovakia (ratification : 1950)*

The Committee notes with regret that the Government's report has not been received. The Committee is bound, therefore, to repeat its previous observation, which was as follows :

*Article 21 of the Convention.* The Committee notes that annual index numbers have not been compiled so far. In this connection the Government states that statistics of wage rates would not accurately reflect the trend of wages in Czechoslovakia, and their compilation would be very complicated and costly, but that the Federal Statistical Office will re-examine the possibility of giving effect to this provision of the Convention. The Committee trusts that the Government will be able to take the necessary action towards this end.

*Denmark (ratification : 1939)*

The Committee notes with interest that statistics of hours actually worked in manufacturing industries, building and construction are in course of compilation

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 57th Session and to report in detail for the period ending 30 June 1972.



after the acceptance of the Government's proposals by the Committee on labour market statistics. The Committee would be glad if the Government would indicate the publications in which these statistics were transmitted to the ILO.

*Mexico (ratification : 1942)*

The Committee notes with interest the information given in the Government's report and its appendices, more especially as regards the application of Article 5, paragraph 2 (criteria for selecting representative establishments and wage earners).

*Part II, Article 5, of the Convention.* The Committee trusts that the Government will soon take the necessary measures to publish statistics of average earnings and hours of work in the mining industry and will, in its next report, indicate the publications containing these data.

*Articles 6, 7 and 8.* Please state what measures have been taken to put into effect the provisions of these Articles concerning the elements (in particular, social benefits) to be included in statistics of average earnings and the supplementary information to be given on allowances in kind (as well as family allowances, whenever possible).

*Article 12.* Please state what steps have been taken to compile and publish index numbers of the general movement of earnings.

*Part III and IV.* The information supplied by the Government on minimum wage rates and normal hours of work does not show any change in the application of Part III (statistics of time rates of wages and of normal hours of work in mining and manufacturing industries) and Part IV of the Convention (wages and hours of work in agriculture). The Committee trusts that in the near future measures will be taken to apply fully these provisions.

*Norway (ratification : 1940)*

*Article 12 of the Convention.* Further to its previous direct requests, the Committee notes with satisfaction that index numbers showing the general movement of average hourly earnings for the whole of mining and industry, and also for building and construction, are now regularly compiled and published.

*Uruguay (ratification : 1954)*

*Article 12 of the Convention.* Further to its previous comments, the Committee notes with satisfaction that index numbers showing the general movement of wages (manufacturing industries, etc.) are now compiled.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States : *Australia, Barbados, Botswana, Burma, Canada, Ceylon, Denmark, Egypt, Finland, Guatemala, Kenya, New Zealand, Norway, Syrian Arab Republic, Tanzania, United Kingdom, Uruguay.*

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

*Malawi* (ratification : 1966)

Further to its previous observations, the Committee notes with satisfaction that the standard contract forms used for workers engaged for employment in South Africa by the Mines Labour Organisation (Wenela) Limited have been amended so as to provide, as required by Article 13 of the Convention, that repatriation expenses are to be borne wholly by the employer.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States : *Burundi*, *Cameroon* (Western Cameroon), *Rwanda*, *Singapore*, *Somalia* (former British Somaliland).

**Convention No. 65 : Penal Sanctions (Indigenous Workers), 1939**

*Uganda* (ratification : 1963)

The Committee regrets to note that no report has been received, and that accordingly no information is available concerning the action taken to repeal the provisions permitting the imposition of penal sanctions for breaches of contracts of employment contained in sections 61 (1) (b) and 64 of the Employment Act. The Committee recalls that the Government had indicated already in its report for 1963-64 that legislation which would repeal these provisions was shortly to be introduced. It hopes that measures to bring the Employment Act into conformity with the Convention will be adopted at an early date.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States : *Ghana*, *Kenya*, *Liberia*, *Nigeria*, *Singapore*, *Tanzania*, (Tanganyika), *Trinidad and Tobago*.

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

*Cuba* (ratification : 1953)

The Committee notes the information supplied in the Government's reports for the periods 1968-70 and 1970-71.

*Article 18, paragraph 3, of the Convention.* The Government reiterates its views that the socialist nature of the state undertakings concerned ensure the application by the appropriate authorities of the relevant legislation and other workers' protection measures. It further states that the absence of an individual control book does not hinder the implementation of the Convention, which is ensured through measures taken in each undertaking, relating to the organisation of work, the

establishment of timetables and work shifts and the rotation of staff, and that compulsory compliance with such measures is reflected in records and control documents kept by the undertakings. While appreciating these considerations, the Committee is bound to point out (a) that the Convention, under Article 1, paragraph 2, applies to "all vehicles, whether publicly or privately owned" and (b) that the present provision does not concern the enforcement authorities as such (dealt with in paragraph 1 of Article 18) but aims at providing such authorities with a specific means of control, in addition to the keeping of appropriate records, already required under paragraph 2 of this Article. The Committee therefore notes with interest the Government's statement that the competent bodies will continue to keep under consideration the point raised above and hopes that the Government will find it possible to introduce individual control books, as required by the Convention.

*Uruguay* (ratification : 1954)

Further to its earlier observations, the Committee notes with interest that, as a result of the direct contacts which took place between the competent national services and a representative of the Director-General of the ILO, a draft decree has been prepared which takes into account the comments made by the Committee concerning the application of this Convention.

The Committee hopes that this draft will be adopted at an early date, so as to bring the national legislation into conformity with the provisions of the Convention, and it would ask the Government to keep it fully informed on the matter.

**Convention No. 68 : Food and Catering (Ships' Crews), 1946**

*Argentina* (ratification : 1956)

Further to its previous observation, the Committee notes with regret that no progress has been made in adopting the Bill which was to bring the national legislation into conformity with the Convention. Although the Government indicates in its report that certain standards relating to food and catering are applied in the enterprise ELMA, the Committee must once more point out that necessary legislation and other implementing measures have to be adopted to give effect to the requirements of the Convention which was ratified some years ago.<sup>1</sup>

*Peru* (ratification : 1962)

See paragraph 18 of the General Report.

\* \* \*

In addition, a request regarding certain points is being addressed directly to *Portugal*.

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

*Peru* (ratification : 1962)

See paragraph 18 of the General Report.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States : *Ukraine, USSR*.

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 57th Session.

**Convention No. 71 : Seafarers' Pensions, 1946**

Requests regarding certain points are being addressed directly to the following States : *Netherlands, Peru.*

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

Requests regarding certain points are being addressed directly to the following States : *Peru, Sweden, Tunisia.*

**Convention No. 74 : Certification of Able Seamen, 1946**

A request regarding certain points is being addressed directly to *Egypt.*

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

*Algeria* (ratification : 1962)

*Article 1, paragraph 2 (a), of the Convention.* Further to its earlier observation, the Committee notes from the Government's report that the draft legislation to extend the application of the provisions of the Act of 11 October 1946 concerning the organisation of medical services in underground and open-cast mines and quarries, to which the Government has been referring since 1968, has not yet been adopted.

*Article 1, paragraph 2 (d).* The Committee notes from the Government's report that in practice the labour and social welfare inspectors and supervisors ensure the application of the labour regulations concerning medical inspection to workers of all ages and both sexes employed in all the undertakings falling within the new scope of the regulations. It must point out, however, that, in accordance with section 3 of the Decree of 14 December 1956 and section 1 of the Order of 2 August 1957, detailed provisions concerning the medical examination of workers have still to be adopted for all types of transport undertakings.

The Committee trusts that appropriate steps will be taken at an early date to give effect to the above-mentioned provisions of the Convention.

*Guatemala* (ratification : 1952)

Further to its earlier observations, the Committee notes the information contained in the report to the effect that the Government hopes in the very near future to announce some progress in its national legislation. The Committee trusts that the necessary measures will be taken in the near future to ensure the complete application of the Convention, and more particularly on the following points :

*Article 3, paragraphs 2 and 3, of the Convention.* Repetition of the medical examination at intervals of not more than one year, and definition of the special

circumstances in which a medical examination will be required at more frequent intervals.

*Article 4.* Medical re-examination until at least the age of 21 years in occupations which involve high health risks.

*Article 5.* While noting that, according to the Government's report, medical examinations carried out by the dispensaries of the Ministry of Public Health and Social Welfare do not involve the child or young person, or his parents, in any expense, the Committee would appreciate it if the Government would indicate what legislative text or regulations guarantee that the examinations are free of charge, and would supply a copy of the text.

*Peru* (ratification : 1962)

See paragraph 18 of the General Report.

*Uruguay* (ratification : 1954)

Further to its earlier observations, the Committee notes with satisfaction that, as a result of the direct contacts which took place between the competent national services and a representative of the Director-General of the ILO, the President of the Republic on 16 December 1971 approved Decree No. 851/971, which regulates medical examinations for children and young persons in industry, in accordance with the provisions of this Convention.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States : *Argentina, Guatemala, Luxembourg, Paraguay, Uruguay.*

Information supplied by *Italy* in answer to a direct request has been noted by the Committee.

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

*Guatemala* (ratification : 1952)

As regards the application of Articles 3, 4 and 5 of the Convention, see the observation on Convention No. 77.

The Committee trusts that effect will also be given in the near future to the provisions of Article 7, paragraph 2 (a), of the Convention concerning "children and young persons engaged either on their own account or on account of their parents in itinerant trading or in any other occupation carried on in the streets or in places to which the public have access".

*Honduras* (ratification : 1960)

The Committee notes with regret that the Government's report has not been received. The Committee is bound, therefore, to repeat its previous observation, which was as follows :

*Article 2 of the Convention.* In its reply to the Committee's direct request of 1970, the Government states that measures are required to prescribe a medical examination for workers under 18 years of age. As no such measures have been taken as yet, the Committee trusts that the necessary steps will be taken to bring the national legislation into harmony with the various provisions of this Article.

*Article 3.* The Committee notes the Government's statement that labour inspectors for safety and hygiene require, during their visits to enterprises, that periodical medical examinations be conducted. The Committee trusts that the Government will adopt the necessary legislative measures to provide for the repetition of medical examinations for young persons under 18 years of age at intervals of not more than one year, and to determine the special circumstances in which a medical re-examination is required in addition to the annual examination or at more frequent intervals, or empowering the competent authority to require medical re-examinations in exceptional cases.

*Article 4.* The Committee regrets to note that the Government has not replied to its previous request concerning this point. It must therefore express the hope that the Government will take appropriate action—as the Government has already promised in its first report—as regards occupations involving high health risks.

*Article 5.* The Committee notes from the Government's reply to its previous request that the Ministry of Public Health and Social Assistance has been asked to ensure that medical examinations be free of any charge. It would be glad if the Government would indicate in its next report what steps have been taken in this respect.

*Article 6.* It appears from the Government's statement in reply to the previous request that the Youth Guidance Centre at Jalteva is not a centre for the vocational guidance and physical and vocational rehabilitation of handicapped young persons. In these circumstances, the Committee would be glad if the Government would indicate what measures have been taken or are contemplated to give effect to the various provisions of this Article.

*Article 7.* The Committee notes from the Government's reply to its previous request that appropriate measures will be taken, in due course, to give effect to the provisions of this Article. The Committee trusts that these measures will be taken in the very near future.

The Committee trusts that the Government will not fail to indicate in its next report the measures taken to give effect to the above-mentioned Articles of this Convention, which was ratified more than ten years ago.

#### *Peru (ratification : 1962)*

See paragraph 18 of the General Report.

#### *Uruguay (ratification : 1954)*

Further to its earlier observations, the Committee notes with satisfaction that, as a result of the direct contacts which took place between the competent national services and a representative of the Director-General of the ILO, the President of the Republic on 16 December 1971 approved Decree No. 851/971, which regulates medical examinations for young persons in non-industrial occupations in accordance with the provisions of this Convention.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States: *Algeria, Argentina, France, Guatemala, Iraq, Israel, Luxembourg, Paraguay, Uruguay.*

Information supplied by *Italy* in answer to a direct request has been noted by the Committee.

### **Convention No. 79 : Night Work of Young Persons (Non-Industrial Occupations), 1946**

#### *Dominican Republic (ratification : 1953)*

Further to its earlier observations, the Committee notes with interest that, as a result of direct contacts between the responsible national services and a representa-

tive of the Director-General of the ILO, a Bill has been drafted and submitted to the President of the Republic and subsequently to the National Congress, to amend section 224 of the Labour Code so as to bring it into conformity with the Convention.

The Committee trusts that this Bill will be adopted soon and requests the Government to inform it of the decision taken in the matter.

*Guatemala (ratification : 1952)*

Further to its earlier observation the Committee notes from the Government's report that a Commission on Labour and Social Welfare Legislation has been given the task of revising the Labour Code, and that, *inter alia*, the draft Code is to take full account of Article 6, paragraph 1 (b), of the Convention concerning the employer's obligation to keep a register of all young persons under 18 years of age in his employment.

It hopes that the Government will also take measures to ensure the identification and supervision of persons under 18 years of age engaged in employment in the streets or in public places, in accordance with Article 6, paragraph 1 (c), of the Convention and will report all developments in these fields.

*Israel (ratification : 1953)*

Further to its earlier observations, the Committee notes with regret that the Government's report contains no fresh information concerning the revision of section 25 (e) of the Act of 1963 concerning the employment of children, as amended, which permits the employment of young persons on shift work until midnight, whereas the Convention does not permit any such exception.

The Committee once again expresses the hope that the amendment in question will be adopted in the very near future.

*Peru (ratification : 1962)*

See paragraph 18 of the General Report.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States : *Bulgaria, Guatemala, Israel, Italy, Paraguay.*

**Convention No. 81 : Labour Inspection, 1947**

*Algeria (ratification : 1962)*

*Articles 20 and 21 of the Convention.* Further to its earlier comments, the Committee notes with interest the Government's statement concerning the establishment, within the Ministry of Labour, of a sub-directorate for occupational affairs, which will make it possible to compile and publish a general annual report on the work of the labour inspection services. As such a document has not been published for a number of years, the Committee trusts that this report, which is required under Article 20 of the Convention and should contain all the information required by Article 21, will be published and transmitted to the ILO in the near future.



*Argentina (ratification : 1955)*

*Article 14 of the Convention.* For a number of years, the Committee has been drawing attention to the need to supplement the national legislation so as to make the notification of occupational diseases compulsory, in accordance with Article 14 of the Convention, and a Government representative mentioned to the Conference Committee in 1964 a draft decree which would give effect to this Article. However, as neither of the last two reports of the Government contains any information as to action taken in this matter, the Committee trusts that the necessary legislative provisions will be adopted in the very near future.

*Articles 20 and 21.* The Committee has taken note of a number of reports in typescript on the work of the national inspection service and of various provincial services in 1970, which were appended to the Government's report on the application of the Convention. As the Committee has already pointed out in its observation in 1971, the central inspection authority is required, according to Article 20 of the Convention, to publish an annual general report on the work of the inspection services under its control. It is therefore the responsibility of the Ministry of Labour to prepare a general report giving all the information required by Article 21 of the Convention and providing a synthesis of the information supplied by its own services and the provincial inspection services. The Committee trusts that, within the framework of the reorganisation of the inspection services which has been going on since 1970, it will prove possible to take the necessary measures at an early date so that in future such a report can be regularly published and transmitted to the ILO.

*Austria (ratification : 1949)*

*Article 10 of the Convention.* In its observation of 1970, the Committee indicated that comments had been made by the Congress of Austrian Workers' Chambers to the effect that the number of labour inspectors was insufficient to ensure that workplaces were regularly inspected. In reply, the Government states that 79.1 per cent of the workplaces liable to inspection were inspected in 1968 and 80.6 per cent in 1969. It also refers to the difficulties encountered in the recruitment of technical inspectors with a high level of qualification, as a result of which the strength of the inspection service has remained stationary in recent years.

The Committee takes note of this information. It hopes that the Government will continue its efforts to resolve its recruiting difficulties by taking suitable measures to attract qualified personnel into the inspection service in sufficient numbers to ensure effective inspection.

*Brazil (ratification : 1957)*

1. Further to its previous comments, the Committee can only note that this Convention was denounced by Brazil in 1971.

2. The Committee has further duly noted the information given in the last report concerning the merging of the labour inspection services and the social welfare inspection services; this information throws useful light on certain points which had been raised earlier by the Committee.

3. The Committee also takes due note of the Government's statement in its report that it intends to continue to ensure the application of the Convention. The

Committee is prepared to examine any report which the Government may wish to submit on this subject in future.

*Bulgaria (ratification : 1952)*

*Article 20 of the Convention.* The Committee notes that the most recent report on the work of the Labour Inspectorate received in the ILO covered the year 1967. Since during the past ten years only two annual reports on the work of the inspection services have been transmitted to the ILO, the Committee recalls that Governments are, by virtue of Article 20 of the Convention, under an obligation to publish an annual report on the work of the inspection services within twelve months of the end of the year to which it relates and to transmit a copy to the ILO within three months of publication. It trusts that the reports for 1968 and 1969 will soon be received in the ILO and that in future such reports will be regularly published and transmitted to the ILO within the prescribed time limits.

*Ceylon (ratification : 1956)*

The Committee notes the information supplied by the Government in response to its observation and direct request of 1970.

*Article 6 of the Convention.* The Committee notes that so far there has been no change in the situation as regards the promotion prospects of labour inspection, concerning which the Labour Officers' Association sent certain comments to the ILO in 1968. It notes, however, that the Salaries Commission, which is still studying the question, has been informed of the Committee's interest in the matter, and it hopes that the Government will soon be able to report on the progress made towards ensuring that labour inspectors, as required by Article 6 of the Convention, enjoy conditions of employment and career prospects corresponding to their responsibilities and are protected against improper external influences. It hopes to receive copies of the final reports of the Salary Anomalies Committee and the Salaries Commission.

*Article 13, paragraphs 2 (b) and 3.* The Committee notes with interest that a draft amendment to section 44 of the Factories Ordinance to empower inspectors of factories to order measures with immediate executory force to be taken in cases of imminent danger is at present being examined by the Legal Draftsman. It hopes that this draft will soon be adopted so as to give full effect to these paragraphs of the Convention.

*Article 15 (c).* The Committee notes that the Bill requiring inspectors to treat as absolutely confidential the source of any complaint, in accordance with this Article of the Convention, has not yet been submitted to Parliament. As the Government has been referring to this Bill since 1965, the Committee trusts it will be adopted in the very near future and that a copy of the text will be transmitted with the next report.

*Chad (ratification : 1964)*

*Article 20 of the Convention.* Further to its previous direct requests, the Committee notes with satisfaction the report on the work of the Labour Inspectorate in 1970, which was published and transmitted to the ILO in accordance with Article 20 of the Convention.

*Cuba (ratification : 1954)*

*Articles 12 and 13, paragraph 2 (b), of the Convention.* Further to its earlier observations and direct requests, the Committee notes with satisfaction—from the information given by the Government to the Conference Committee in 1971 and also in its report—that the Regulations of 18 July 1967 concerning protection and hygiene in mines and quarries gives labour inspectors in mines the power of supervision required under Article 12, paragraph 1 (a) and (c) (ii), of the Convention, and the power to make orders with immediate executory force provided for in Article 13, paragraph 2 (b).

Consequently, the Committee hopes that provisions covering all sectors of economic activity can likewise be adopted soon so as to confer expressly on labour inspectors all the powers required under these Articles of the Convention, either by way of administrative regulations under the General Basic Rules concerning Industrial Protection and Hygiene, to which the Government refers, or within the framework of the Labour Inspection Regulations mentioned in earlier reports.

*Article 15 (c).* The Committee notes from the information supplied by the Government that no steps have so far been taken to apply this provision of the Convention. In view of the statement by the Government representative to the Conference Committee in 1971 that the matter was still being studied, the Committee trusts that this study will very soon lead to the inclusion in the legislation of a clause expressly referring to the absolutely confidential character of complaints made to labour inspectors.

*Article 20.* The Committee notes with regret that no annual report has yet been published on the work of the inspection services. As no such report has been transmitted to the ILO since the Convention was ratified, the Committee can only urge the Government once more to take the necessary steps to ensure that such reports are published and transmitted to the ILO as required by this Article of the Convention.<sup>1</sup>

*Dominican Republic (ratification : 1953)*

The Committee notes that the Government's report contains no information on the points raised previously. The Committee can therefore only recall once again the points on which information should be supplied or measures taken :

*Article 6 of the Convention.* According to the report for 1965-67, the Civil Service Act was to ensure stability of employment for officials of the labour inspection service and a statute for the inspection service was being studied. In view of the importance of this provision of the Convention, the Committee trusts that the draft texts in question will be adopted and enter into force as soon as possible.

*Article 7.* The Committee requests the Government to indicate the various training courses for labour inspectors to be organised, in pursuance of Ministerial Order No. 7/67, and to indicate the results thereof.

*Article 13, paragraphs 2 (b) and 3.* The Committee requests the Government to indicate what means of enforcement are available to inspectors in order to ensure that the measures with immediate executory force required in the event of

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 57th Session, and to report in detail for the period ending 30 June 1972.

imminent danger are effectively taken. Please also indicate any problems encountered in this connection.

*Article 14.* Regulation 56 of the Industrial Hygiene and Safety Regulations which, according to the Government, gives effect to this Article, only provides for compulsory notification in the case of *industrial accidents*. The Committee requests the Government to take the necessary action to ensure that notification of *occupational diseases* is also made compulsory.

*Articles 20 and 21.* In its report for 1965-67 the Government referred to Article 55 of the Dominican Constitution, which requires that each year Secretaries of State submit to Parliament a report on the activities of their administration for the past year. For the above Articles of the Convention to be fully applied, the report in question should contain all the information required under Article 21 and be communicated to the International Labour Office. The Committee therefore hopes that in future the reports on labour administration will be communicated to the ILO and will contain information on the work of the labour inspection services.<sup>1</sup>

*France (ratification : 1950)*

*Articles 20 and 21 of the Convention.* For some years, the Committee has been drawing attention to the Government's obligation, under Article 20 of the Convention, to publish annually a "general report" on the work of the inspection services, containing all the information required by Article 21. The last general report was published in September 1966 and covered the year 1964. Since then, the Government has appended to its reports on the application of the Convention certain statistical information regarding the work of the inspection service, but this was not published until April 1970, when some statistics for 1965, 1966 and 1967, corresponding to the items listed in Article 21, (c), (d) and (e) of the Convention, were published in "Statistiques Sociales". The most recent statistics received by the ILO refer to the work of the inspection service in 1968; these were published in January 1971, but are incomplete, as were those published in 1970.

Consequently, the Committee trusts that the Government will very shortly take the necessary measures to ensure that in future a general report on the work of the inspection services will again be published regularly within the time limits prescribed by the Convention.

*Ghana (ratification : 1959)*

*Articles 20 and 21 of the Convention.* The Committee notes that the most recent annual report of the Department of Labour to reach the ILO covered the year 1963-64. It recalls that, according to Article 20 of the Convention, the annual report on the work of the inspection services must be published within the twelve months following the end of the year to which it refers and must be transmitted to the ILO within three months after publication. The Committee trusts that the Government will take the necessary steps to ensure that in future these time limits are respected.

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 57th Session and to report in detail for the period ending 30 June 1972.

*Greece (ratification : 1955)*

Further to its earlier observations, the Committee has duly noted the annual report on the activities of the labour inspectorate in 1970, which was published and transmitted to the ILO within the time limits laid down in *Article 20 of the Convention* and which contained all the information required by *Article 21*.

*Article 12, paragraph 1 (c) (i) of the Convention.* Further to its earlier observations, the Committee notes with satisfaction, from the information given by the Government to the Conference Committee in 1970 and in its last report, that section 5, subsection 2 (b), of Legislative Decree No. 515 of 1970 concerning the hours of work of wage earners authorises the labour inspectors to interrogate the employers or the staff of the undertaking on any matters concerning the application of the legal provisions in force, as required by *Article 12, paragraph 1 (c) (i), of the Convention*.

*Articles 12, paragraph 1 (c) (iv), and 13.* The Committee notes with interest that a draft Legislative Decree to amend section 5 of Legislative Decree No. 515 of 1970 so as to give effect to *Article 13 of the Convention* (power of inspectors to make orders) will be submitted shortly to the Council of Ministers.

As the present wording of section 5 (b) of Legislative Decree No. 515 is too general to give effect to *Article 12, paragraph 1 (c) (iv), of the Convention*, the Committee hopes that the draft Legislative Decree mentioned above will also give inspectors power to take samples in accordance with this *Article*, and that it will be adopted in the near future.

*Guatemala (ratification : 1952)*

The Committee notes with regret, from the information supplied by the Government in reply to its observation of 1970, that no progress has been made in dealing with the points it has been raising for a number of years.

*Articles 14 and 15 (a) and (c) of the Convention.* Since 1957 the Committee has been drawing attention to the need to supplement the Labour Code so as to require notification of occupational diseases, in conformity with *Article 14 of the Convention*, and to prohibit labour inspectors from having any interest in the undertakings under their supervision and from revealing the source of any complaint brought to their notice, in accordance with *Article 15 (a) and (c)*. The Committee notes that the draft amendment to the Labour Code, which, according to information given by the Government from 1967 onwards, is to contain provisions in conformity with the above-mentioned *Articles of the Convention*, is still being studied by the National Congress. The Committee trusts that the legislative texts in question will be adopted in the very near future.

*Article 20.* The Committee notes that no report on the work of the labour inspectorate has been published or transmitted to the ILO since that for 1962-66. It recalls that, by virtue of this *Article of the Convention*, the Government is under an obligation to publish an annual report on the work of the inspection services within twelve months of the end of the year to which it relates and to transmit it to the ILO within three months after publication. It trusts that the Government will take

the necessary steps to ensure that in future the time limits laid down in the Convention are respected.<sup>1</sup>

*Guinea (ratification : 1959)*

*Article 13, paragraph 2 (b), of the Convention.* Since 1966, in reply to observations made by the Committee, the Government has been referring to a revision of the Labour Code designed to give labour inspectors power to make or have made orders requiring measures with immediate executory force in the event of imminent danger, as provided for by this paragraph of the Convention. The Committee notes, from the last report, that this revision has not yet been completed. It trusts that it will be completed very shortly and that the text of the amendments will be forwarded with the next report.

*Article 20.* The Committee regrets to note that, despite repeated assurances given by the Government, no annual report on the work of the inspection services has so far been received by the ILO. The Committee recalls that, under this Article of the Convention, an annual report on the work of the inspection services must be published within twelve months after the end of the year to which it relates, and that a copy must be transmitted to the ILO within three months after publication. It must once again urge the Government to take the necessary steps to have such reports published and transmitted to the ILO.

*Iraq (ratification : 1951)*

*Articles 20 and 21 of the Convention.* Further to its earlier observations and direct requests, the Committee notes with satisfaction that the annual report on the work of the labour inspectorate in 1970 was published, as required by Article 20 of the Convention, and that it contains all the information called for by Article 21.

*Article 12, paragraph 1 (c) (iv).* The Committee notes with interest, from the information given by the Government to the Conference Committee in 1971, that the regulations for the labour inspectorate will empower inspectors to take samples of materials and substances used, in accordance with this provision of the Convention. As this question has been raised by the Committee since 1960, it hopes that in the very near future the national legislation will be supplemented so as to give effect to this clause.

*Italy (ratification : 1952)*

Since 1970 the Committee has been examining comments received between June 1969 and March 1971 from various branches of the National Association of Labour Inspectors (ANIL) and from its national headquarters regarding in particular the application of Articles 6, 10, 11, paragraph 2, and 16 of the Convention, and the information supplied by the Government on the points raised in these comments.

According to ANIL, the labour inspectors do not receive sufficient remuneration having regard to the importance and difficulty of their duties, and the labour inspection service does not have sufficient staff, in view of the large number of workplaces subject to its supervision, to discharge its functions effectively. At the

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 57th Session and to report in detail for the period ending 30 June 1972.



54th (1970) Session of the Conference, the Government referred to two Bills designed to improve, one, the career prospects and the salary scales of all personnel employed by the State, and the other the mission allowances of labour inspectors, and it supplied information as to the number of labour inspectors and the frequency of inspection visits, while recognising the need to increase the number of technically qualified inspectors and make inspection more effective. In reply, ANIL stated that Decree No. 1077 of 28 December 1970 on the reorganisation of the careers of persons employed by the State had modified the salary scales of state employees without, however, improving the status of labour inspectors in keeping with their responsibilities, and that the Bill designed to provide for increased mission allowances had been rejected, while the sum paid at present did not cover all the expenses incurred.

The Committee has taken note of the statements made by Government representatives to the Conference Committee in 1971 and of the information supplied by the Government during the 1971 Session of the Conference and in its last report. As regards inspectors' conditions of service (Article 6 of the Convention) the Government states that the basic salary of labour inspectors is the same as that of other public officials of the same grade, and that their over-all remuneration is more favourable by reason of the bonuses from which they may benefit because of the special nature of their work. It adds that Decree No. 1077 has improved the career advantages and salary scale of labour inspectors in the same way as those of other officials, with certain supplementary career advantages for technical staff. In regard to the size of the inspection service staff and the effectiveness of supervision (Articles 10 and 16 of the Convention), the Government supplies detailed information on the number and qualifications of inspection service officials, from which it emerges in particular that the proportion of posts provided for in the budget which are actually filled has increased—for the two categories of staff which undertake inspection duties—from 57.2 per cent and 73 per cent in 1966 to 69.77 per cent and 91.18 per cent respectively in 1971, an increase which is stated to be greater than the increase in the number of workers subject to inspection. The Government also refers to certain measures for the internal reorganisation of the labour inspection services which have been taken since the beginning of 1971 with a view to increasing and strengthening the supervisory activities of these services.

The Committee notes this information with interest. It also takes note of the statement made by a Government representative to the Conference Committee in 1971, that despite recent improvements in the situation additional measures were still required to increase the effectiveness of labour inspection and that the Government was moving in that direction. It consequently hopes that the Government will in future indicate any further progress made in ensuring the full application of Articles 6, 10 and 16 of the Convention, with a view to attracting to, and retaining in, the labour inspection service a staff sufficient in quality and in numbers to carry out frequent and effective supervision of the workplaces liable to inspection.

In regard to the reimbursement of expenses incurred by inspectors in the performance of their duties (Article 11, paragraph 2, of the Convention) the Committee has noted that, while transport costs are fully reimbursed to inspectors who travel by public transport, other expenses incurred while on inspection visits are reimbursed by a fixed sum. According to the statement made by a Government representative to the Conference Committee in 1971, a new Bill regulating mission indemnities had been laid before Parliament. Since Article 11, paragraph 2, of the



Convention provides that any travelling and incidental expenses necessary for the performance of their duties shall be reimbursed to labour inspectors, the Committee hopes that the Bill in question will fix labour inspectors' mission indemnities so as to comply with this provision and that it will be enacted in the near future.

*Jamaica (ratification : 1962)*

*Article 15 (c) of the Convention.* Further to its previous direct requests, the Committee notes with satisfaction that staff circular AD.21 of 13 August 1970 instructs labour officers to treat as strictly confidential the source of any complaint and not to give any intimation to the employer or his representative that a visit of inspection was made as a consequence of the receipt of a complaint, thus giving effect to Article 15 (c) of the Convention.

*Article 12, paragraph 1 (c) (i).* The Committee notes from the Government's reply to its previous direct request that it is no longer proposed to adopt a formal provision empowering inspectors to interrogate alone, or in the presence of witnesses, the employer or the staff of an undertaking, since the provisions of the present legislation already empower inspectors to carry out "any inspection or inquiry" which they may consider desirable for ensuring the proper observance of the legislation. Since, as was already pointed out in the direct request of 1966, these provisions are drafted in terms too general to give effect to this very specific clause of the Convention, the Committee trusts that the Government will be able to re-examine this question with a view to including a provision in the national legislation giving full effect to Article 12, paragraph 1 (c) (i), of the Convention.

*Article 13, paragraphs 2 (b) and 3.* The Committee notes with interest that, with a view to giving effect to its previous direct requests, an application has been made to the competent authority to consider the adoption of provisions empowering labour inspectors to apply to a magistrate with a view to his ordering the immediate closure of a factory in cases of imminent danger to the safety of workers, in conformity with Article 13, paragraphs 2 (b) and 3, of the Convention.

*Article 14.* The Committee notes that the 'Draft Mining Regulations, which contain a provision requiring the notification of occupational diseases in mines, as required by Article 14 of the Convention, are still under consideration. It hopes that these draft regulations, to which the Government has been referring since 1965, will be adopted shortly.

*Article 20.* Following its previous observations, the Committee has taken note with interest of the reports of the Factory and Minimum Wage Inspectorates for 1963 to 1969, and of the reports of the Ministry of Labour and National Insurance for 1962, 1963 and 1964, and of the draft reports of this Ministry for 1965 and 1966. It notes from the Government's report for 1968-70 that the subsequent reports of the Ministry were in preparation. It hopes that the reports of the Ministry of Labour for the years 1965 and 1969 will be published shortly, and that in future the annual inspection reports will be published and communicated to the ILO within the time limits laid down by Article 20 of the Convention.

*Kenya (ratification : 1964)*

*Article 15 (c) of the Convention.* For several years the Government has been referring to a Bill requiring labour inspectors to treat as absolutely confidential the source of any complaint, as required by this Article of the Convention. The

Committee notes from the Government's reply to its previous observation that this Bill has not yet been adopted and that it will be submitted shortly to the competent authority. The Committee trusts that it will be adopted in the very near future.

*Lebanon (ratification : 1962)*

The Committee notes with regret that the Government's report has not been received. The Committee is bound, therefore, to repeat its previous observation, which was as follows :

*Articles 3, 10, 12 and 13, paragraphs 2 (b) and 3, of the Convention.* The Committee notes with interest from the Government's reply to its direct request of 1968 that plans for reorganising the Ministry of Labour and Social Affairs are under way, and will give full effect to Articles 3 and 10 of the Convention (by strengthening the staffing of the labour inspection service and confining the duties of inspectors to inspection work) and to Article 12 of the Convention (by defining in detail the powers of labour inspectors).

The Committee hopes that this scheme will soon be adopted and that it will also contain provisions empowering inspectors to make or to have made orders requiring measures with immediate executory force in the event of imminent danger to the health or safety of the workers, in accordance with Article 13, paragraphs 2 (b) and 3, of the Convention. It appears in fact that Articles 107 and 108 of the Labour Code, as amended by the Act of 17 September 1962, to which the Government report refers, do not confer the authority to order the immediate closing of an undertaking at risk, since the Director-General of the Ministry can take the decision to close down an establishment only if the safety measures ordered in the warning issued by the competent board have not been taken by the employer; this procedure necessarily implies a certain delay during which an imminent danger might materialise.

*Article 20.* The Committee notes that no report on the work of the inspection services has so far been received in the ILO. As, under Article 20 of the Convention, the annual report on the work of the inspection services must be published within twelve months after the end of the year to which it relates, and transmitted to the ILO within three months after its publication, the Committee hopes that the Government will not fail to carry out its intention, expressed in its report, to take the necessary steps to ensure that in future these annual reports are published and communicated to the ILO within the prescribed time limits.

*Mali (ratification : 1960)*

*Articles 20 and 21 of the Convention.* Further to its earlier direct requests, the Committee notes with satisfaction the annual report on the work of the inspection services in 1969, which was published and transmitted to the ILO within the time limits laid down in Article 20 and which contained all the information called for under Article 21 of the Convention.

*Mauritania (ratification : 1963)*

Further to its previous observations and direct requests, the Committee notes that the last report of the Government contains no information as to the measures taken, as a result of the direct contacts in October 1969, to give effect to the following provisions of the Convention.

*Article 13, paragraph 2 (b), of the Convention,* according to which the labour inspector must be empowered to make or to have made orders requiring measures with immediate executory force in the event of imminent danger to the health or safety of the workers.

*Article 19,* according to which the labour inspectors or local inspection offices must be required to submit to the central inspection authority periodical reports of a general nature on the results of their inspection activities.

*Articles 20 and 21*, according to which the central inspection authority must publish and transmit to the ILO, within certain time limits, an annual general report on the work of the inspection services under its control.

The Committee trusts that the necessary measures to give effect to these provisions will be taken at an early date.

*Morocco* (ratification : 1958)

*Articles 20 and 21 of the Convention.* The Committee notes the report on the work of the labour inspectorate for 1969 and 1970, which was appended to the Government's report on the application of the Convention. It notes that this report, like the previous inspection report, has not been published and covers a period of two years. Moreover, it notes that it is incomplete (it does not contain statistics of industrial accidents and occupational diseases as prescribed by Article 21 (f) and (g) of the Convention). Since, under Article 20 of the Convention, a report on the work of the labour inspectorate must be published each year, the Committee trusts that the necessary steps will be taken to ensure that future reports, containing all the information required under Article 21 of the Convention, will be published annually, as prescribed by the Convention.

*Pakistan* (ratification : 1954)

*Article 20 of the Convention.* The Committee notes that the last annual Report on the Working of Labour Laws received by the ILO covered the year 1966. It notes from the information supplied by the Government in its last report on the application of the Convention, in reply to the previous observation, that steps have been taken with the competent authorities with a view to ensuring that in future the annual reports on the activities of the inspection services are published and transmitted within the time limits laid down by the Convention. In view of the repeated assurances given on this subject by the Government in its previous reports, the Committee trusts that the Reports on the Working of Labour Laws for 1967, 1968 and 1969 have been published, that they will shortly be transmitted to the ILO and that in future the time limits laid down by the Convention will be respected.

*Panama* (ratification : 1958)

In its earlier observations and direct requests the Committee drew attention to the need for the adoption of laws or regulations to give effect to the following provisions of the Convention :

*Article 6* (stability of employment and independence of inspectors) ;

*Article 12, paragraph 1* (a) and (c) (i) and (iv) (right of inspectors to enter freely at any hour of the day or night any workplace liable to inspection, to interrogate employers and staff and to take samples of materials and substances used) ;

*Article 13, paragraph 2* (b) (right of inspectors to make or to have made orders requiring measures with immediate executory force in the event of imminent danger to the health or safety of the workers) ;

*Article 15* (c) (duty of inspectors to treat as absolutely confidential the source of any complaint).

The Committee notes with regret that no report has been received, and that consequently no information is available, in reply to its earlier comments, as to the

position in regard to certain draft texts which were designed to take the Committee's comments into account (draft regulations for the staff of the administration and a Bill organising the Ministry of Labour and Social Welfare). The Committee has however been informed of the recent adoption of a new Labour Code, and it trusts that the Government will not fail to indicate what action has been taken to give effect to the above-mentioned provisions of the Convention, mentioning any changes that have been brought about in the situation as a result of the new Labour Code.

*Articles 20 and 21.* The Committee has taken note with interest of the annual report of the Ministry of Labour for 1969-70, which contains information on the work of the inspection services. Nevertheless, since this report does not give the information called for in clauses (a), (b), (c) and (g) of Article 21 of the Convention, the Committee hopes that in future all this information will be included in the annual reports on the work of the inspection services.<sup>1</sup>

*Peru (ratification : 1960)*

For a number of years, the Committee has been drawing attention to the need to confer on labour inspectors the powers provided for by Articles 12, paragraph 1 (a), (b) and (c) (iv), and 13, paragraph 2 (b), of the Convention, and to prohibit them from having any direct or indirect interest in the undertakings under their supervision, as required by Article 15 (a). The Committee notes from the Government's latest report that no measures to this end have yet been taken or envisaged. Thus Supreme Decree No. 003-71-TR of 12 July 1971, which contains provisions relating to labour inspection, does not take into account the comments made by the Committee and in particular reproduces, in section 7 (a), a provision relating to labour inspectors' rights of entry, to which the Committee had drawn attention as being insufficient to give full effect to the Convention. In these circumstances, the Committee recalls that at the present time the Convention is not fully complied with in the following respects :

*Article 12, paragraph 1 (a).* Section 7, subsection 1, of the Supreme Decree of 23 March 1938 and section 7 (a) of the Supreme Decree of 12 July 1971 empower labour inspectors to enter workplaces liable to inspection only during working hours, whereas under this provision of the Convention the right of entry must be available outside working hours as well.

*Article 12, paragraph 1 (b).* National legislation does not contain any provision empowering inspectors to enter by day any premises which they have reasonable cause to believe to be liable to inspection.

*Article 12, paragraph 1 (c) (iv).* National legislation does not contain any provision empowering inspectors to take samples of materials and substances used in the workplace.

*Article 13, paragraph 2 (b).* National legislation does not contain any provision empowering inspectors to make or have made orders requiring measures with immediate executory force in the event of imminent danger.

*Article 15 (a).* National legislation does not expressly prohibit inspectors from having any direct or indirect interest in the undertakings under their supervision.

<sup>1</sup> The Government is asked to report in detail for the period ending 30 June 1972.

The Committee trusts that the necessary measures will be taken very shortly to amend or complete the national legislation on these points.

*Articles 20 and 21.* In reply to the observation of 1970, the Government repeats its statement that, because of budgetary restrictions, the elements necessary for the publication of an annual report on the work of the labour inspection services—both in personnel and in material resources—are lacking. As no annual inspection report containing the information provided for by Article 21 of the Convention has been published since the Convention was ratified, the Committee trusts—in view of the importance of such a report—that the Government will take all necessary measures in order to ensure that this report is published very shortly and transmitted regularly to the ILO in accordance with Article 20 of the Convention.<sup>1</sup>

*Portugal (ratification : 1962)*

*Articles 20 and 21 of the Convention.* The Committee notes from the Government's reply to its previous observations that the annual report on the work of the labour inspection services for which provision is made, in conformity with Articles 20 and 21 of the Convention, in section 36 of the Labour Inspection Regulations, has not so far been prepared because it would have overlapped with reports published by other official bodies, which contain some of the information called for by section 36. The Committee also notes that steps have now been taken to ensure the publication of separate inspection reports for Portugal and for its overseas provinces.

The Committee would point out that, according to Article 20 of the Convention, the central inspection authority is required to publish and to transmit to the ILO within certain time limits an annual general report on the work of the inspection services under its control, and that the report must contain all the information listed in Article 21 of the Convention. The Committee expresses the hope that in future such reports will be prepared for Portugal and for its overseas provinces and will be published and transmitted to the ILO within the time limits laid down in the Convention.

*Sierra Leone (ratification : 1961)*

The Committee has noted the information supplied by the Government to the Conference Committee in 1970, and in its last report, in reply to the observation of 1970.

*Article 12 of the Convention.* The Committee notes that, with a view to giving effect to Article 12, paragraph 1 (c) (iv), of the Convention, it is proposed to insert in the Employers' and Employed Act and in the Wages Boards Act a provision empowering labour inspectors to take samples of materials and substances "likely to be harmful to the health or safety of workers". The Committee considers that this qualification constitutes a restriction on inspection rights which is not provided for by the Convention. Since this question has been the subject of comments for a number of years, the Committee trusts that the above-mentioned provision will be amended accordingly and enacted very shortly, and that similar powers will be conferred on inspectors of machinery under the Machinery (Safe Working and Inspection) Act.

<sup>1</sup> The Government is asked to report in detail for the period ending 30 June 1972.



*Article 15 (c).* The Committee notes that an amendment to the Wages Boards Act providing that inspectors must treat as absolutely confidential the source of any complaint had been sent to the Attorney-General in 1967 and was being examined by him. Since this question has been the subject of comments for a number of years, the Committee trusts that the aforementioned amendment will be adopted very shortly so as to give effect to this provision of the Convention, and that analogous provisions will also be introduced into the other legislative texts relating to labour inspectors.

*Articles 20 and 21.* The Committee notes that the last report on the activities of the labour inspection service received by the ILO covered the year 1967. It recalls that under Article 20 of the Convention the annual inspection reports must be published in the year following the end of the year to which they relate and transmitted to the ILO within three months of publication. It hopes that in future these time limits will be respected and that the annual inspection reports will contain all the information required under Article 21 of the Convention.

*Singapore (ratification : 1965)*

*Article 21 of the Convention.* Further to its earlier direct requests, the Committee notes with satisfaction that the annual report on the work of the labour inspection services in 1969 contains all the information required under this Article of the Convention, including the statistics of occupational diseases called for in clause (g).

*Tanzania (ratification : 1962)*

*Tanganyika.*

The Committee notes with regret that the Government's report has not been received. The Committee is bound, therefore, to repeat its previous observation, which was as follows :

*Article 12 of the Convention.* For several years the Committee has been drawing the Government's attention to the need to remove the restriction on the powers of labour inspectors imposed by section 9, subsection 2, of the Employment Ordinance, by virtue of which a labour inspector may not enter a place of work and carry out the inspections provided for in the Ordinance " unless the inspector has been previously authorised in writing by the Labour Commissioner ". The Government has stated, in particular in 1963, that this restriction was explained by the lack of training and experience of the new inspectors recruited in the country, but that it was implementing a policy for the training of inspectors which should allow this limitation to be removed in due course.

The Committee notes that the Government's latest report, like the previous ones, merely indicates that the training of inspectors is being continued, and reaffirms the Government's intention to amend section 9 (2) of the Ordinance, in conformity with the Convention. The Committee wishes to recall that the restriction of the powers of labour inspectors which is provided for by section 9 (2) of the Employment Ordinance is not only inconsistent with Article 12 of the Convention, but also seems likely to have an adverse effect on the efficiency of the inspection work and the authority of the inspectors; the Committee trusts that in the present circumstances the Government will have no difficulty in taking the necessary action to abolish this limitation, and that the next report will give details of the steps taken towards this end.

*Article 20.* The Committee notes that the last annual report on the work of the labour inspection services received at the ILO dates from 1963. It recalls that under Article 20 of the Convention, such reports must be published within twelve months after the end of the year to which they relate, and be communicated to the ILO within three months after their publication; the Committee accordingly trusts that the Government will take the necessary steps to ensure that in future these reports are published and communicated within the prescribed time limits.

*Turkey (ratification : 1951)*

*Articles 20 and 21 of the Convention.* The Committee notes, from the information given by the Government to the Conference Committee in 1971 and in its last report, in reply to the Committee's previous observation, that a circular has been sent to the Regional Labour Directorates and that approaches have been made to the judicial authorities with a view to collecting the statistical data required for the publication of an annual report on the work of the inspection services. Since 1963, when the last report on these services, dealing with 1959, was published, the Government has referred to various steps taken to ensure the regular publication of such a report. The Committee therefore trusts that these steps will lead in the near future to the publication, within the prescribed time limits, of annual reports on the work of the inspection services, as required by Articles 20 and 21 of the Convention.

*Uganda (ratification : 1963)*

*Articles 12, paragraph 1 (c) (i), and 15 (c), of the Convention.* For several years, the Government has been referring to a Bill designed to give effect to Article 12, paragraph 1 (c) (i), of the Convention, which empowers labour inspectors to carry out interrogations in the course of their inspections, and to Article 15 (c) which requires them to treat as absolutely confidential the source of any complaint. The Committee notes with regret, from the Government's reply to its previous observation, that the Bill has not yet been adopted and is still being examined. It trusts that it will be adopted in the very near future and that the text will be sent with the next report.

*Article 20.* The Committee notes that the last report on the work of the labour inspectorate to reach the ILO deals with 1966. It also notes, from the Government's reply to its previous observation, that the reports for 1967, 1968 and 1969 will not be published. It trusts that in future the annual reports of the Ministry of Labour will be published regularly and transmitted to the ILO within the time limits laid down in this Article of the Convention.

*Yugoslavia (ratification : 1955)*

*Article 12, paragraph 1 (a), of the Convention.* The Committee notes that the last report of the Government does not contain any new element in reply to its previous direct requests, in which it pointed out that section 105 of the Basic Workers Protection Act, which authorises labour inspectors—competent to supervise the application of the provisions governing health and safety in employment—to enter undertakings liable to inspection during working hours, does not give full effect to this provision of the Convention, which does not limit the right of inspectors to enter premises at any hour of the day or night. The Committee trusts that the necessary measures will be taken—possibly as part of the general revision of the legislation to which the report refers—so as to ensure complete conformity with the Convention on this point.

*Article 12, paragraphs 1 (c) (i) and (iv) and 2, and Article 15 (c).* The Committee notes from the Government's reply to its previous direct request that, because of recent constitutional changes, it has not so far been possible to revise and codify the national legislation as planned, but that this will be done soon and that, on this occasion, the Committee's comments will be brought to the attention



of the competent authorities. The Committee hopes that the Labour Protection Act will soon be supplemented so as to confer expressly on labour inspectors the powers of supervision laid down by Article 12, paragraphs 1 (c) (i) and (iv) and 2, of the Convention and to require them to treat information as confidential as provided for by Article 15 (c) of the Convention.

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In addition, requests regarding certain points are being addressed directly to the following States: *Algeria, Argentina, Austria, Barbados, Bulgaria, Cameroon, Chad, Costa Rica, Cuba, Cyprus, Denmark, Egypt, Finland, France, Federal Republic of Germany, Guyana, Haiti, India, Iraq, Ireland, Italy, Jamaica, Japan, Kenya, Kuwait, Lebanon, Luxembourg, Malawi, Malaysia, Malta, Mauritania, Netherlands, New Zealand, Nigeria, Norway, Pakistan, Peru, Senegal, Sierra Leone, Switzerland, Syrian Arab Republic, Turkey, Uganda, Venezuela, Republic of Viet-Nam, Yugoslavia, Zaire.*

Information supplied by *Greece, Israel and Spain* in answer to a direct request has been noted by the Committee.

**Convention No. 82 : Social Policy (Non-Metropolitan Territories), 1947**

A request regarding certain points is being addressed directly to *Guyana*.

**Convention No. 84 : Right of Association (Non-Metropolitan Territories), 1947**

A request regarding certain points is being addressed directly to *Somalia*.

**Convention No. 85 : Labour Inspectorates (Non-Metropolitan Territories), 1947**

*Niger*

The Committee notes with interest, from the reply to its previous direct request, that the Government proposes to ratify the Labour Inspection Convention, 1947 (No. 81), and that the procedure for this purpose will be set in motion in the very near future.

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In addition a request regarding certain points is being addressed directly to *Trinidad and Tobago*.

**Convention No. 86 : Contracts of Employment (Indigenous Workers), 1947**

A request regarding certain points is being addressed directly to *Singapore*.

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

One member of the Committee, Mr. Gubinski, stated that he insisted on the fact that, as last year, he could not associate himself with the Committee's observations

regarding the application of the Freedom of Association Conventions in certain socialist countries since, in his opinion, account should be taken of the economic and social system existing in these countries. This statement was supported by another member of the Committee, Professor Lunz, who added that the appropriate approach would show the great positive role of the trade unions in many spheres of social life of the socialist countries, backed by their respective legislation, and the compatibility of the latter with the principles of Convention No. 87.

The Committee wishes to emphasise once again in this connection, as it has done since 1962, its opinion that "in compliance with its terms of reference, while noting the various political, economic and social conditions in different countries, it is not called upon to express any view concerning the systems of different countries, but simply to examine from a purely legal point of view, to what extent the countries which have ratified Conventions give effect in their legislation and practice to the obligations which derive therefrom". The Committee, in performing its functions in connection with Convention No. 87, applied the same criteria as in the case of all other Conventions.

#### *Argentina (ratification : 1960)*

The Committee notes the comments supplied by the Government in its latest report with regard to the Committee's observation concerning the rights granted to the most representative trade unions and the removal of trade union leaders by the public authorities.

The Committee had observed that the distinction made under Act No. 14455 between the most representative trade unions having trade union personality as such and other unions had the effect of conferring on the former a number of exclusive rights which, in practice, covered all normal trade union activities. In the Government's opinion, the more representative character of the associations with trade union personality justifies their playing a bigger part in relations with the State. The Government adds that if the same functions were conferred on associations that were less representative, trade union activity would thereby be weakened. The Committee considers that the fact of granting certain preferential or exclusive rights to the most representative organisations does not infringe the principles of freedom of association, but it is obliged to repeat that the privileges thus granted by law should not exceed, in particular, exclusive or preferential rights as regards collective bargaining, consultation with governments and representation in international organisations. The trade unions that do not have this character should be able to represent their members, particularly in the event of individual claims. Consequently, the Committee requests the Government to consider what measures it might take in the light of the previous observations.

As regards the observation made by the Committee concerning the removal of trade union leaders by the public authorities, the Government states that this is done by legislative means when incidents occur that are totally alien to the pursuit of occupational interests and are frequently of a subversive nature. In practice, the Government adds, its interventions have been short-lasting and have terminated with the free election of new leaders. In these circumstances, the Committee can only repeat that the removal of trade union leaders, in cases where violations of the legislation or of the union rules have been proved, as well as the appointment of temporary administrators, should be effected only through the courts, and it requests the Government to take the necessary measures to this effect.

*Bolivia* (ratification : 1965)

The Committee regrets to note that once again the Government's report has not been received.

The Committee recalls having noted in 1971 that Supreme Decree No. 7822 concerning trade unions, on which it had commented in a previous direct request, had been repealed by Supreme Decree No. 8937 of 26 September 1969. This latter Decree also establishes that provisions guaranteeing freedom of association and the free and democratic election of trade union leaders are to be drawn up with the participation of workers' organisations established at the national level.

In this connection, the Committee would draw the Government's attention to the comments made in its direct requests of 1967 and 1969 concerning trade union legislation. It again requests the Government to supply information in its next report on the measures taken, and on the legislation in force concerning trade unions.

*Byelorussia* (ratification : 1956)

The Committee notes the discussion in the Conference Committee in 1971, and also the report submitted by the Government, which contains no new information. The Committee observes that in the discussion in question reference was made to the future adoption of new Labour Codes in the Union Republics of the USSR. The Committee trusts that, with its next report, the Government will be able to send a copy of the new Labour Code of Byelorussia, so that the Committee can examine it. If so, the Committee would ask the Government also to indicate more particularly whether it is legally possible for workers belonging to a category to set up an organisation other than the trade union committee which represents that category; whether it is legally possible for managers of undertakings to set up and to join trade unions other than those to which the workers in these undertakings belong; and what are the trade union rights of members of, and other workers on, collective farms, and those of foreign workers.

*Central African Republic* (ratification : 1960)

The Committee notes with interest the information supplied by the Government to the effect that, on the one hand, the provision of the new draft Labour Code prescribing that officers of a trade union must have been engaged in the occupation concerned for a period of one year, was to be deleted in order to conform with the Convention and, on the other hand, that adoption of the draft Code presented no particular problem.

The Committee would be glad if the Government would be good enough to supply a copy of the new Code as soon it has been adopted.

*Congo* (ratification : 1960)

The Committee notes the Government's report and the discussion which took place in the Conference Committee in 1971 concerning the application of the Convention and, in particular, the statements made by a Government representative as to the scope and significance of Act No. 40/64 of 17 December 1964 which established a single trade union organisation.

The Committee notes with interest from the Government's report that it intends, after thorough study and after consulting the Congolese Trade Union Confederation, to propose to the Council of State the repeal of Act No. 40/64 and also that

of the supplementary Act No. 3/65 of 25 May 1965 ; the Government adds that, in any case, these texts cannot be repealed unless the workers' trade union organisations agree.

The Committee requests the Government to supply information on any measures taken to bring its legislation into conformity with the Convention on the various points to which it has drawn attention since 1968.

*Cuba (ratification : 1952)*

The Committee notes that the Government's last report contains no new information.

The Committee remains prepared to consider further the points raised in preceding years at such time as any new elements shall have been brought to its attention. The Committee would be grateful if the Government would keep it informed of any developments in this connection.

*Czechoslovakia (ratification : 1964)*

The Committee notes with regret that the Government's report has not been received. The Committee is bound, therefore, to repeat that it remains prepared to consider further the points raised previously once it has been provided with new information. Meanwhile, the Committee requests the Government to keep it informed of any developments in this connection.

*Dominican Republic (ratification : 1956)*

The Committee notes with regret that the Government's report has once again not been received. The Committee is bound, therefore, to repeat its previous observation, which was as follows :

With respect to the questions that gave rise to its comments which were repeated in 1969 in an observation and a direct request, the Committee notes the information given in the Government's report for 1968-69 concerning the appointment of a new committee responsible for studying the revision of the Labour Code. The Committee also notes the statement of the Government representative to the Conference Committee in 1969 to the effect that this committee had been set up two years before to consider improvements to the Labour Code, and had drawn up a report which was to be submitted to Congress, and that a tripartite committee has also been appointed with a view to advising on the proposed texts. The representative added that all the comments made by the Committee of Experts would be brought to the attention of these bodies and taken into account so that the Government would soon be in a position fully to meet its obligations regarding the application of the Convention.

In its previous direct requests and observations, the Committee has referred repeatedly to the situation of various categories of workers who are outside the scope of the Labour Code, such as public servants and other workers employed by the State, and various categories of agricultural workers. The Committee has also referred to sections 368 to 379 of the Code, the concurrent application of which might seriously restrict the right to strike.

In view of the statements made concerning the revision of the legislation, the Committee asks the Government to specify in its next report the action taken to ensure that persons not covered by the Labour Code enjoy full freedom of association, in conformity with Article 1 of the Convention, and to amend sections 368 to 379 of the Code so that they do not impair the rights guaranteed to trade unions by the provisions of Articles 3 and 8, paragraph 2, of the Convention.

*Egypt (ratification : 1957)*

The Committee notes with interest the information communicated by the Government in its report that a joint committee, on which the Ministry of Labour and the General Federation of Labour are represented, met several times in February 1971, and that work was in progress on a final draft of the amendments

proposed by this committee with regard to that part of the Labour Code dealing with trade unions. From additional information supplied by the Government the Committee notes that the proposals of this joint committee have now been submitted to the National Assembly.

The Committee notes, however, from the report, that the above-mentioned proposals do not take full account of all the points which it last raised in its observation of 1970, in particular regarding sections 182 and 183 of the Labour Code (which restrict the formation of more than one general federation) and sections 203, 205 and 232 of the Labour Code (which may lead to a denial of the right to strike).

The Committee also wishes to point out that the proposal to transfer to the General Federation of Labour the present prerogatives of the Ministry of Labour with regard to trade unions might lead to a situation where it would be legally or practically impossible to form trade unions not affiliated with the General Federation, thereby infringing the right of workers to establish and to join organisations of their own choosing (Article 2 of the Convention) and the right of such organisations to draw up their constitution and rules, to elect their representatives in full freedom, to organise their administration and activities and to formulate their programmes (Article 3).

The Committee trusts that full account of all the matters which it has raised in its previous and present observations will be taken in the revision of the Labour Code, and that the Government will supply information on the progress made in this connection.

*Greece (ratification : 1962)*

The Committee has examined the report of the Government, a communication supplied to the Conference Committee in 1971, the statement made by a Government representative to that Committee, a letter dated 18 March 1972 from the Government to the Director-General and has also been informed of the discussions on the matter which took place in the Governing Body.

The Committee recalls that in its previous observation it endorsed the recommendations made in its report by the Commission of Inquiry established to examine the observance by Greece of the freedom of association Conventions, and requested the Government to amend those provisions of Legislative Decrees Nos. 185 and 186 of 1969 which were not in conformity with Convention No. 87.

The Committee observes that the Governing Body of the ILO continues to keep under review the whole question of the effect given to the recommendations of this Commission of Inquiry and that it has had before it various communications from the Government indicating the steps which have been taken, or which it is proposed to take, to ensure conformity with the freedom of association Conventions.

The Committee notes with interest that two new legislative decrees concerning trade unions and their financing (Nos. 890 and 891, respectively) were promulgated in May 1971, the former having the effect of repealing Legislative Decree No. 185/1969, the latter repealing certain sections of Legislative Decree No. 186/1969. Having examined these new legislative decrees, the Committee makes the following observations. On certain other matters, the Committee is making a direct request to the Government.

*Articles 3 and 4 of the Convention.* The Committee of Experts and the Commission of Inquiry considered that sections 9 and 10 of Legislative Decree No. 185, which laid down occupational requirements for the holding of trade union office



and the remuneration of union officers, staff and legal advisers, were contrary to Article 3 of the Convention. These provisions, following the repeal of Legislative Decree No. 185, are no longer operative.

The Committee, however, notes that section 17 (3) of Legislative Decree No. 890 provides that a member of an executive committee of an occupational organisation or federation who has completed 15 years' continuous service in that capacity shall not be re-elected to office until five years have elapsed from the date on which he completed his 15 years' service. This period will commence to run from the date of commencement of the Decree. According to sections 14 and 31, only a person actually carrying on his occupation and trade (with limited exceptions) is qualified to hold trade union office. Under section 38, workers and employers shall cease to be members of their occupational associations (and thus be prevented from holding union office) as from the date on which they are pensioned off under a major insurance institution, and workers who, pursuant to Legislative Decree No. 185/1969, have retired from the executive committee of an organisation and are in receipt of a retirement pension or other benefit from the Auxilliary Fund for trade union officers and personnel, or from the Workers' Fund, or from both simultaneously, shall be considered as retired pensioners and shall not be entitled to be members of an occupational organisation. The Committee is of the opinion that these provisions, in so far as they restrict trade unions in the election of their representatives in full freedom, are not in conformity with Article 3 of the Convention.

The Committee, in accordance with the recommendation of the Commission of Inquiry, also requested the Government to give detailed information about any judicial decision interpreting or applying the provisions of section 6 of Legislative Decree No. 185 which provided, *inter alia*, that trade unions should be dissolved by order of the court if their purpose or activity was directed against the territorial integrity of the State or its security, or its political or social order, or the civil liberties of the citizen. From the statement made by a Government representative to the Conference at its 56th Session (June 1971), as well as from the information contained in the Government's report, it appears that no judicial decisions were taken applying this provision, which has now been repealed following the enactment of Legislative Decree No. 890.

The Committee notes, however, that sections 21 and 22 of Legislative Decree No. 795, which was promulgated in December 1970, provide for the suspension or dissolution of associations in circumstances similar to those envisaged in section 6 of Legislative Decree No. 185. The Committee, accordingly, repeats its request to the Government to supply information on any judicial decisions applying these provisions of Legislative Decree No. 795.

With regard to the system of financing trade unions introduced by sections 10 to 15 of Legislative Decree No. 186/1969, the Committee recalls that it was of the same view as the Commission of Inquiry that this system was not in conformity with the Convention. The Committee, however, notes that sections 10 to 15 of Legislative Decree No. 186 have been repealed and replaced by Legislative Decree No. 891 of 1971.

This decree provides for the setting up of an organisation known as the "Trade Union Special Fund Management Organisation" (ODEPES), the object of which is the financial support of all workers' occupational associations and federations which are lawfully active in the country, and the safeguard of the free exercise of trade union rights. This organisation shall be administered by a managing committee of seven members consisting of the chairman or, in his absence, the

Secretary-General of the General Confederation of Labour, and six workers' representatives elected for a two-year period by the chairman or secretaries-general of the lawfully active federations. According to this Decree, the assets of the organisation shall be made up, in particular, of 25 per cent of the annual income of the Workers' Fund. Trade unions shall be entitled to financial support from the organisation if they fulfil certain conditions laid down in the decree. Following the commencement of the activities of the new organisation on 1 January 1972, all collective agreements or arbitration awards respecting the check-off system for trade union dues and other modes of paying such dues to associations and federations ceased to have effect.

Having regard to the new provisions for the financing of trade unions, the Committee feels bound to express its regret that under the new system, unions are still basically dependent for their finances on the state-controlled Workers' Fund—the income of which is made up by compulsory contributions of all workers. The Committee would appreciate information concerning the means, if any, by which unions are allowed to collect contributions from their own members, and whether these means include check-off arrangements established by collective agreements.

While noting the Government's statement that trade unions are no longer dependent on the Workers' Fund, the Committee is of the opinion that the new system continues to be restrictive and can only repeat that any form of state control, either through the Workers' Fund or by any other form of direct or indirect intervention, should be abolished in order that the trade union movement may achieve the financial independence which is a prerequisite for the enjoyment of the guarantees laid down in the Convention.

In addition, the Committee notes that section 12 (2) of Legislative Decree No. 890/1971 lays down that all books, registers, accounts, etc., of a union shall be kept available for inspection *at any time* by the supervisory authority. In this connection, the Committee takes the view that such wide power conferred on the authorities is liable to lead to abuse and constitutes a risk of limiting the right of organisations to organise their administrations and activities without interference by the public authorities. The Committee considers that such control should be limited to exceptional cases where there are serious circumstances justifying this course, for instance, presumed irregularities in the annual statement of accounts or irregularities reported by members of the organisation.

Section 5 of the same decree prohibits organisations from becoming dependent upon a political party, or from becoming involved in activities having direct or indirect political aims. In this connection, the Committee considers that a prohibition in general terms of the engagement by trade unions in political activities could give rise to difficulties by reason of the fact that the interpretation given to the relevant provisions could, in practice, change at any moment and thus restrict the possibility of action of the organisation. It would therefore seem desirable that the Government should be able, without prohibiting political activities of organisations in general terms, to entrust to the judicial authorities the task of repressing abuses which might, in certain cases, be committed by occupational organisations which had lost sight of the fact that their fundamental objective should be the economic and social advancement of their members.

*Articles 5 and 6.* Section 2 of Legislative Decree No. 890 provides that at least five unions shall be required in order to constitute a federation, and at least five federations to constitute a confederation. Although section 2 qualifies this by



permitting the establishment of federations grouping together unions of the same branch of activity where five unions of the same branch do not exist, the Committee is of the opinion that legislation which requires a minimum number of organisations to form an organisation of a higher degree is incompatible with the Convention.

*Article 8.* In its previous observation the Committee, in endorsing the view of the Commission of Inquiry, had recalled the resolution concerning trade union rights and their relation to civil liberties adopted by the International Labour Conference in 1970, which states that the rights conferred upon workers' and employers' organisations must be based upon respect for those civil liberties which have been enunciated in particular in the Universal Declaration of Human Rights and in the International Covenant on Civil and Political Rights and that the absence of these civil liberties removes all meaning from the concept of trade union rights. In that resolution the Conference placed special emphasis on such rights as the rights to freedom and security of person, freedom from arbitrary arrest and detention, freedom of opinion and expression, freedom of assembly, the right to a fair trial by an independent and impartial tribunal and the right to protection of the property of trade union organisations. The Committee, noting that the Constitution of 1968 has not yet been fully brought into force and that the state of siege has not been lifted as regards the whole country, wishes again to recall the above principles, and to express the hope that the Government will, in the near future, be able to report that those rights which are essential for the normal exercise of trade union rights have been fully restored in Greece.

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The Committee trusts that the Government will supply information on any progress made to bring the legislation into full conformity with the Convention, and that steps will soon be taken to bring into force the remaining provisions of the Constitution and to repeal the legislation which maintains the existence of the state of siege in certain parts of the country.

#### *Guatemala (ratification : 1952)*

The Committee notes the Government's report and also the information given to the Conference Committee in 1971 and the statement made by a representative of the Government to that Committee.

1. In particular, the Committee notes with interest that the Ministry of Labour and Social Welfare considers that consideration should be given to the view that it would be desirable to remove from the legislation those provisions which are contrary to international standards and are liable to cause confusion. The Committee notes that the Council of State felt there was no obligation to keep amending the Labour Code on account of the ratification of international Conventions, which thus became part of internal law, and that the continuous incorporation of Conventions into the Code would create a sense of uncertainty as to what was basic labour law. The Committee, on the other hand, believes that the adoption of specific provisions to bring the legislation into line with ratified Conventions would be the best means of avoiding any uncertainty in the matter on the part of any of the persons concerned. In the meanwhile, the Committee thinks it would be a step forward if measures were taken along the lines suggested by the

Council of State, namely that, with a view to facilitating the application and consultation of Conventions ratified by Guatemala and thus becoming part of national law, it would be desirable "to incorporate these texts in a future edition of the Labour Code, indicating in the relevant chapters the sections which were linked up with such treaties and Conventions", and therefore suggesting to the executive that "it should arrange for a new edition of the Labour Code to be published along the lines suggested".

The Committee notes the statement of the Government representative to the Conference Committee that national legislation was being revised and that the Government intended to include in the new Labour Code provisions which were in conformity with the Convention, thus avoiding problems of its application. The Committee trusts that this revision will be completed soon and will take into account the comments it has made in previous years regarding section 222 (a) of the Code (prohibiting re-election of trade union leaders), section 211 (a) and (b) (government supervision of trade unions), section 226 (a) (dissolution of unions for intervening in electoral affairs or party politics) and section 211 (c) (prohibiting the establishment of minority unions in undertakings). The Committee requests the Government to indicate in its next report any progress made in this matter.

2. In its previous observation, the Committee indicated that it would be desirable for the Government to lay down specific standards concerning the trade union rights of workers employed either directly or indirectly by the State and who are excluded from the scope of the Labour Code and the Civil Service Law. The Committee notes that this observation was passed on to the competent authorities for consideration; it requests the Government, in its next report, to supply information on any measures taken in the matter.

3. As regards Decree No. 1786 of 1968, which prohibits recourse to strikes or to arbitration in respect of collective economic demands by the employees of autonomous or semi-autonomous state undertakings engaged in economic activities similar to those of private undertakings, the Committee must stress that this represents a serious restriction on the possibilities of action and on the activities of the unions concerned. The Committee recalls once again that, although the Committee on Freedom of Association of the Governing Body considered that the prohibition of strikes might be acceptable in the case of certain special categories of workers, it was referring particularly to civil servants and persons engaged in essential services. Moreover, the Committee has pointed out that it would not appear to be appropriate that all state undertakings should be treated on the same basis as regards restrictions on the right to strike, without distinguishing in the relevant legislation between those which were genuinely essential in that any interruption might cause public hardship, and those which were not essential according to that criterion. It should be added that, if strikes are prohibited for the workers in question, such prohibition should be accompanied by adequate, impartial and speedy conciliation and arbitration procedures in which the parties can take part at every stage. Consequently, the Committee again requests the Government to state in its next report what measures have been taken in the light of the above considerations.

4. With regard to section 63 of the Civil Service Law, which permits civil servants to associate freely for occupational purposes, the Committee notes that no regulations to give effect to this provision were issued during the period 1969-71.

The Committee trusts that the Government will, in the near future, issue the necessary measures to enable civil servants to exercise fully their trade union rights in accordance with the standards of the Convention.

5. The Committee notes Decree No. 31-71, which regulates certain trade union activities during a state of emergency and refers to the existence of another decree which suspended the operation of trade union activities. Decree No. 31-71 makes it possible (with the approval of the Ministry of Labour and Social Welfare) to extend the term of office of union leaders when it is impossible to hold union meetings because of a state of emergency, and authorises these leaders to undertake only activities connected with the termination or negotiation of collective agreements. The Committee realises that these provisions represent progress as compared with the decree under which it appeared that trade union activities in general had been suspended. Nevertheless, since the normal functioning of trade union organisations is still seriously affected, the Committee would draw attention to the desirability of taking steps to permit these organisations to engage in all legitimate trade union activities. The Committee requests the Government to be good enough to supply information in its next report on any measures taken to this end.

#### ● *Honduras* (ratification : 1956)

The Committee notes with regret that the Government's report has not been received. The Committee is bound, therefore, to repeat its previous observation, which was as follows :

With regard to the observation which it has repeatedly addressed to the Government over a number of years, the Committee notes the statement made in the Government's last report, confirming the need to review the various problems raised in the observation, in consultation with the workers' organisations. In view of the time that has elapsed without any progress being made, the Committee trusts that the Government will proceed without further delay to bring its legislation into conformity with the provisions of the Convention and that it will indicate in its next report what measures have been taken to this effect.

The following list indicates the points that have previously been raised, and, in addition, two others that have been the subject of direct requests by the Committee.

1. Harmonisation of sections 475 and 504 of the Labour Code with Article 2 of the Convention, to eliminate the requirement that at least 90 per cent of the members of a trade union must be Honduran workers.

2. Amendment of section 472 of the Labour Code, which provides, contrary to Article 2 of the Convention, that there should be not more than one trade union within any undertaking, institution or establishment, and that, where several trade unions exist together, only the one comprising the largest number of workers should be retained.

3. Amendment of section 510 (c) of the Labour Code, which provides, contrary to Article 3 of the Convention, that trade union leaders must, at the time of their election, be normally engaged in the occupation or trade represented by the union and have been normally so engaged for more than six months during the previous year.

4. Harmonisation of the following provisions with Article 4 of the Convention, which stipulates that workers' and employers' organisations shall not be liable to be dissolved or suspended by administrative authority:

- (1) sections 570 and 571 of the Labour Code, which provide that the Ministry of Labour and Social Welfare may, by order, impose sanctions which may go as far as the dissolution of a trade union which has engaged in or supported a strike not decided upon by the necessary majority;
- (2) section 500 (2) (b), under which trade union leaders responsible for infringements of the Code may be suspended by administrative authority; and
- (3) section 500 (2) (c), under which the Ministry of Labour and Social Welfare may temporarily withdraw the legal personality of a trade union responsible for infringements of the Code.

5. Harmonisation with Article 6 of the Convention of section 537, under which federations and confederations of trade unions have no right to declare a strike, and section 541, which prescribes that the leaders of federations or confederations must have been engaged in the occupation or trade concerned for more than one year before their election.

6. Amendment of section 2 of the Labour Code, to extend the right of association to workers belonging to agricultural or stockbreeding, undertakings not permanently employing more than ten persons, which would achieve compliance with Article 2 of the Convention.

7. Amendment of section 500 (5) of the Labour Code, which provides that any member of the Committee of management of a trade union who has caused the union to incur the sanction of dissolution may be deprived of the right of association in any form for up to three years, which is incompatible with Article 2 of the Convention.

### *Mauritania (ratification : 1961)*

The Committee must note that, following its observations and those of the Conference Committee, as well as the direct contacts established with the Government, the Government states in its report that the national legislation is presently being amended with a view to bringing it into conformity with the Convention.

The Committee requests the Government to indicate the amendments made to bring the national legislation into conformity with the Convention. It hopes that these amendments will take account of the points raised by the Committee in its previous direct requests (and which are again set out in a request communicated directly to the Government), with regard to sections 1 and 7 of Book III and sections 40 and 48 of Book IV of the Labour Code.

Furthermore, the Committee observes that, in terms of Act No. 70.030 of 23 January 1970, persons engaged in the same occupation, similar trades or related occupations concerned with the production of articles of a specified type, or exercising the same liberal profession, may freely form only one occupational trade union for each category of persons thus defined, and that every worker or employer shall be free to join the union for his occupation. It also appears to the Committee that only one trade union confederation is recognised and that no trade union which is not affiliated to this confederation is allowed to exist.

In this connection, the Committee feels bound to point out to the Government that unification of the trade union movement imposed through state intervention by legislative means runs counter to the principle embodied in Article 2 of the Convention according to which workers and employers shall have the right to establish and to join organisations of their own choosing.

The Committee has emphasised in this regard that there is a fundamental difference, with respect to the guarantees of freedom of association and protection of the right to organise, between a situation in which a trade union monopoly is instituted or maintained by legislation and the *factual situations* which are found to exist in certain countries in which all the trade union organisations join together *voluntarily* in a single federation or confederation, without this being the direct or indirect result of legislative provisions applicable to trade unions and to the establishment of trade union organisations. The fact that workers and employers generally find it in their interest to avoid a multiplication of the number of competing organisations does not, in fact, appear sufficient to justify direct or indirect intervention by the State, and, especially, intervention by the State by means of legislation.

The Committee trusts that account will be taken of the above considerations in the proposed amendments to the national legislation.



*Pakistan* (ratification : 1951)

The Committee notes with interest the information supplied by the Government to the Conference Committee in 1971 according to which a draft Government Servants (Staff Relations) Ordinance is currently under examination and that this Ordinance is aimed at the effective implementation of the Convention so far as government servants are concerned. The Committee hopes that this Ordinance will soon be brought into force and that copies of the Ordinance, as promulgated, will be supplied. The Committee is addressing a direct request to the Government concerning the draft Ordinance, of which a copy has been supplied by the Government.

*Peru* (ratification : 1960)

The Committee notes with interest the information supplied by the Government to the Conference Committee in 1971, according to which the Committee set up by the Government in 1970 to prepare draft labour legislation is considering, *inter alia*, questions raised in the observations made in connection with the application of the present Convention. The Committee also takes note of the statements in the Government's report regarding the constitution of two new workers' confederations and the right conferred on members of the teaching profession, under section 21 of the Education Act (No. 15215), to form trade union organisations for the defence of their occupational interests.

The Committee hopes that when the new labour legislation is drafted, full account will be taken of the comments made in previous observations and direct requests concerning the right to organise of public servants, workers in state enterprises and other categories of workers ; the minimum percentage of workers in an undertaking required to form a union ; the free election of trade union leaders ; the political activities of trade unions ; the establishment of unions representing an industry ; the constitution of federations without restriction as to the minimum number of trade unions or the branch of activity to which they belong ; and the exercise of the right to strike.

The Committee requests the Government to supply information on any developments in the matter.

*Poland* (ratification : 1957)

The Committee notes that the Government's last report contained no new information.

The Committee remains prepared to consider further the points raised in preceding years at such time as any new elements shall have been brought to its attention. The Committee would be glad if the Government would keep it informed of any developments in this connection.

*Trinidad and Tobago* (ratification : 1963)

The Committee observes that the Government's report contains no new information concerning the observations which it previously addressed to the Government. The Committee can, therefore, only repeat the matters which it mentioned in its previous observation as being contrary to the Convention. These were as follows :

Section 24 of the Civil Service Act, 1965, provides that for the purpose of recognition by the Minister an association formed pursuant to subsection (2)—or, by subsection (1), an existing

organisation—may not be representative of any class or classes of civil servants already represented by an appropriate recognised association nor may it admit to its membership a civil servant who is a member of an appropriate recognised association. Similar provisions are contained in section 72 of the Education Act, 1966; section 28 of the Fire Service Act; and section 26 of the Prison Service Act, 1965.

According to these provisions and to the information sent by the Government, it would appear that whenever a category of civil servants is already represented by an association, such civil servants may form or join other associations, but the latter would not have any right to represent their members.

The Committee considers that this legislation is not in conformity with Article 2 of the Convention, which establishes that workers shall have the right to establish and join organisations of their own choosing, and with Article 3, which guarantees the right of workers' organisations to organise their activities without the interference of the public authorities.

The Committee further considers that if the system of representation of a whole class of civil servants by a single association for purposes of consultation and bargaining is maintained, it would be necessary to establish adequate safeguards and objective criteria for the determination of the most representative associations entitled to carry out these functions. Such safeguards and criteria should include, in particular, the following: the representative organisation to be chosen by a majority vote of the employees in the unit concerned and the right of an organisation which failed to secure a sufficiently large number of votes to ask for new elections after a stipulated period.

The Committee also notes that as a result of sections 27 and 28 of the Fire Service Act, fire officers may form associations but may not be represented by the Civil Service Association nor by any other trade union recognised as a bargaining body for any class or classes of public officers immediately before the commencement of the Civil Service Act, 1965. Such provision is equally contrary to Article 2 of the Convention.

The Committee trusts that the Government will, at an early date, adopt appropriate measures in the light of the above observations so as to ensure full compliance with the provisions of the Convention.

#### *Ukraine (ratification : 1956)*

The Committee notes the discussion in the Conference Committee in 1971 and the report submitted by the Government. It observes that on 10 December 1971 a new Labour Code was adopted in the Ukraine, and it trusts that a copy will be sent by the Government with its next report, so that it can be examined by the Committee. The Committee would also ask the Government to indicate more particularly whether it is legally possible for workers belonging to a category to set up an organisation other than the trade union committee which represents that category; whether it is legally possible for managers of undertakings to set up and to join trade unions other than those to which the workers in these undertakings belong; and what are the trade union rights of members of and other workers on collective farms, and those of foreign workers.

#### *USSR (ratification : 1956)*

The Committee notes the report submitted by the Government and, more particularly, the statement made by the Government representative to the Conference Committee in 1971, in reply to an earlier observation. The Committee further observes that on 9 December 1971 a new Labour Code was adopted by the RSFSR and that on 27 September 1971 a Decree was issued to approve the Regulations on the Rights of Factory, Works or Local Trade Union Committees.

According to the statement of the Government representative, while, under sections 152 and 153 of the Labour Code of the RSFSR trade unions had to be registered with the Central Council of Trade Unions in order to operate legally, these provisions had not been operative for many years back. Consequently, ac-



According to the Government representative, the obligation to register had been eliminated from the Constitution of the trade unions in the USSR ; there was no clause to this effect in the model statute adopted by the XIII Trade Union Congress in 1963. The representative also referred to Article 95 of the " Fundamental Principles governing the Labour Legislation of the USSR and the Union Republics " which state that trade unions do not require to register with any government authority, and he indicated that this reflected current practice.

The Committee notes with satisfaction that section 225 of the new Labour Code of the RSFSR of 1971 reproduces the wording of Article 95 of the Fundamental Principles and does not contain any other clause obliging a trade union to be registered with an inter-union organisation or with any other body.

In view of the adoption of the new Labour Code, the Committee is making a direct request to the Government on the following points on which it made detailed observations, the last occasion being in 1962, namely the right of workers to set up an organisation other than the trade union committee which represents the category to which they belong and the right to organise of managers of undertakings, of members of collective farms and of foreign workers.

As regards the other provisions, not contained in the Labour Code, which the Committee had considered as contrary to, or liable to be contrary to, the rights and guarantees laid down in the Convention, the Committee remains prepared to consider further the points raised in preceding years in the light of any new elements which should be brought to its attention.

#### *Upper Volta (ratification : 1960)*

In its previous observation the Committee noted that sections 223 and 230 of the Labour Code might in practice lead to a prohibition of strikes *in all cases*. It pointed out that a general prohibition of the right to strike applying to all workers would represent a considerable restriction on the action of organisations to further and defend the interests of their members (Article 10 of the Convention). The provision might therefore be contrary to Article 8, paragraph 2, of the Convention, which provides that " the law of the land shall not be such as to impair, nor shall it be so applied as to impair, the guarantees provided for in this Convention ", including the right of unions to organise their activities in full freedom (Article 3). It therefore requested the Government to take the necessary measures to ensure the conformity of the legislation with the Convention in this respect.

In its latest report the Government states that a Bill to take account of the Committee's observations and to amend sections 223 and 230 of the Labour Code will be submitted to the National Assembly early in 1972.

The Committee notes this information with interest and requests the Government to forward with its next report the text of the Bill in question, or of the Act itself if it has already been promulgated.

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In addition, requests regarding certain points are being addressed directly to the following States : *Austria, Botswana, Chad, Egypt, Gabon, Greece, Guatemala, Hungary, Liberia, Mauritania, Mongolia, Nicaragua, Pakistan, Panama, Trinidad and Tobago, USSR.*

**Convention No. 88 : Employment Service, 1948***Algeria* (ratification : 1962)

Further to its previous comments, the Committee has taken note of Ordinance No. 71.42 of 17 June 1971 for the organisation of the National Labour Office. It notes with interest that section 14 of the Rules of the Office provides for the setting up of a guidance council, which must study and advise on all matters concerning the operation and management of the Office. It hopes that this council will be established at an early date (Articles 4 and 5 of the Convention) and that representatives of employers and workers will be appointed to it in equal numbers, as required by the Convention.

*Argentina* (ratification : 1956)

Further to its earlier observation, the Committee notes from the Government's report that, within the framework of the plan for the decentralisation of the Employment Service, agreements have been concluded with several provinces (Chubut, Neuquén, Rio Negro, Santa Cruz and Tierra del Fuego) for the establishment of provincial employment services. It would ask the Government to state whether these services have already been established and to provide information as to the proposed development of the network of provincial services and as to the working and results of those already in existence.

The Committee regrets to note, on the other hand, that no other progress appears to have been made in the reorganisation of the Employment Service. As this reorganisation was referred to by the Government in its first report on the application of the Convention in 1958, the Committee trusts that the necessary steps will be taken in the very near future, so as to ensure the application of the Convention.

*Cyprus* (ratification : 1960)

The Committee thanks the Government for the information supplied in reply to its direct request. It also notes the information given to the Conference Committee in 1970, and the discussion which took place there regarding a communication of 1969 from the Federation of Turkish Trade Unions of Cyprus, according to which there are no public employment offices in the Turkish areas of the island and no representatives of Turkish employers or workers on the Labour Advisory Boards.

On the first point, the Government states that the location of employment offices has not changed since 1959, and that they are open to all Cypriot citizens without discrimination and that the establishment of offices in the Turkish sectors was made difficult by the attitude of the Turkish Cypriot community. On the second point, it appears from the discussion that representatives of the Turkish Cypriot workers take part in the work of certain joint bodies but not in the Labour Advisory Board. The Government states that this is due to the refusal of the parties concerned to participate.

As the problems mentioned above seem to fall within the more general context of the situation in Cyprus, the Committee can only express the hope that a solution to these problems can be found on the basis of an agreement between the various parties concerned and that future reports will show how matters have evolved in this respect.

*Dominican Republic* (ratification : 1953)

In its last report on the Convention, which covered the period 1967-68, the Government indicated that the advisory committees required under Articles 4 and 5 (including the National Advisory Committee on Employment for which provision had been made in Decree No. 574 of 5 May 1960) had not yet been set up. On the other hand, a Government representative informed the Conference Committee in 1971 that the question of the establishment of regional committees was being examined by the National Advisory Committee on Employment.

In view of the fact that for the second year in succession no report has been received from the Government, the Committee trusts that the Government will supply detailed information on any advisory committees, national or regional, that have been set up or are contemplated.<sup>1</sup>

*Guatemala* (ratification : 1961)

The Committee notes the information supplied by the Government in reply to its earlier observation.

*Article 3 of the Convention.* The Government states that it has not yet been able to establish the regional employment offices contemplated within the framework of the Highlands Development Programme because of a shortage of resources, but that a plan has been prepared for which the Government has requested assistance from the United Nations Special Fund. In this connection the Committee would point out that so far no employment office has been opened outside the capital; it hopes that in the near future the Government will be able to report progress towards the establishment of a national network of employment offices, as required by this Article.

*Articles 4 and 5.* The Committee notes with regret that the report does not contain the information requested on the work of the Advisory Employment Council.

*Article 9.* The Committee notes that section 28 of the Civil Service Act makes provision for staff regulations for the various government services. It hopes that the regulations governing the staff of the employment service will soon be drawn up and that the Government will send a copy of the text, together with any other relevant information concerning the recruiting and status of that staff. The Government has also indicated that the national programme for training the staff of the labour administration service, including the employment service, was launched in January 1971. The Committee hopes that, in consequence, the information previously requested on the training of the staff of the employment service can now be supplied.

In this connection the Committee notes that the report refers also to a technical assistance mission of the ILO in 1970. It trusts that the results of this mission will contribute to the adoption of appropriate measures to give effect to the above-mentioned Articles, and also Articles 6, 7, 8, 10 and 11 of the Convention, to which the Committee has also referred in its earlier observations.

*Italy* (ratification : 1952)

The Committee refers to its earlier comments on the application of Article 4,

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 57th Session.

paragraph 3, of the Convention, the study of which it had postponed pending a decision on the representation made by the General Confederation of Italian Agriculture, in accordance with article 24 of the Constitution of the ILO, concerning the application of this Article of the Convention.

It notes that the Committee set up by the Governing Body to consider this representation submitted its report to the Governing Body in November 1971. It has taken note of this report, and also of the following points which emerge from the conclusions of that Committee.

The said Committee considered that any disparity of representation was contrary to the rule of equality of representation, which is laid down in absolute terms by Convention No. 88. It thought that, in view of the express terms of the Convention, inequality of representation in the committees of the Italian Employment Service could not be justified as a more favourable condition for the workers concerned on the basis of article 19, paragraph 8, of the Constitution of the ILO, since this clause in the Constitution had to be understood as applying to national provisions which went beyond the requirements of a Convention but did not conflict with them. The Committee also considered that these basic considerations were not affected by the argument that it was the Italian system as a whole which should be considered more favourable than that prescribed by the Convention since the representation of employers and workers was built into the Employment Service itself in the form of committees with powers of decision instead of their co-operation being limited to participation in advisory committees outside the service.

As regards the related question of committees having executive functions, the Workers' member of the said Committee considered that, in view of the different nature of these functions, the committees could be considered as bodies of a different kind from those contemplated by Article 4, and therefore were beyond its scope. On the other hand, the other two members of the said Committee were of the opinion that the fact that the committees had executive functions—which the Committee considered to be compatible with the Convention—did not mean that they were not the bodies envisaged by Article 4 of the Convention for associating employers and workers with the Employment Service and that there was no reason why equality of representation should not apply to such committees; the Employers' member indeed expressed the view that such equality was *a fortiori* necessary in such cases.

The Committee of Experts has taken note of the conclusions of the Committee as summarised above. It also notes that Italy denounced the Convention on 9 August 1971, the Government stating in doing so that it reserved the right to propose a revision of the Convention so as to make the principle of equality of representation a minimum guarantee which could permit more favourable treatment for the workers.

Finally, the Committee notes the comments submitted by the General Confederation of Italian Agriculture and the General Confederation of Italian Industry. In their comments, these organisations stressed particularly that equality of representation of the two social partners was a basic element in achieving the aims of general interest of the Employment Service. The General Confederation of Italian Industry further pointed out that it had made reservations regarding, *inter alia*, sections 33 and 34 of Act No. 300 of 20 May 1970 and regarding the Government's statement concerning the participation of employers' and workers' organisations in the realisation of employment policy, at least as regards certain aspects of the Employment Service.

*Peru* (ratification : 1962)

The Committee notes from the Government's reply to its observation in 1971 that the resources available at present do not permit the local offices in Trujillo, Arequipa and Huanacaya to engage in placing activities.

The Committee recalls that, such being the case, there are only four employment offices in operation in the country (in the Lima-Callao area), and it trusts that in the near future measures will be taken to extend the placing functions of the Employment and Human Resources Service to the existing local offices and to other parts of the country, so as to give effect to Articles 1 to 3 of the Convention.

*United Kingdom* (ratification : 1949)

The Committee must note the denunciation of the Convention by the United Kingdom in 1971.

The Committee notes in this connection the Government's statement that the object of the denunciation is to ensure that the Convention does not preclude the development of the public employment services in directions which may make it both necessary and desirable to make charges to employers who benefit from them.

The Committee further notes, with interest, the Government's statement that in all respects except the charging of employers for special services the Government, in spite of its denunciation, will consider itself still bound by the Convention and will, on a voluntary basis, render the reports described in article 22 of the Constitution of the ILO. The Committee remains prepared to examine all future reports communicated for this purpose.

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In addition, requests regarding certain points are being addressed directly to the following States : *Algeria, Belgium, Brazil, Canada, Colombia, Costa Rica, Cuba, Czechoslovakia, Egypt, Ethiopia, Iraq, Ireland, Libyan Arab Republic, Peru, Singapore, Sweden, Syrian Arab Republic, Tunisia, Venezuela.*

Information supplied by *Greece, New Zealand* and *Switzerland* in answer to a direct request has been noted by the Committee.

**Convention No. 89 : Night Work (Women) (Revised), 1948***Algeria* (ratification : 1962)

Further to its previous observations concerning section 22 (a) of Book II of the Labour Code (suspension of the prohibition of night work for women employed in undertakings working for national defence), the Committee notes with interest the Government's statement in the report that account has been taken of its observations in drafting the new Algerian Labour Code.

The Committee hopes that the draft will be adopted in the near future and will give full effect to the Convention.

*Costa Rica* (ratification : 1960)

The Committee notes with regret that the Government's report has not been received. The Committee is bound, therefore, to repeat its previous observation, which was as follows :



*Article 5 of the Convention.* Further to its previous observation concerning the discrepancy between section 88 (b) of the Labour Code, as amended (which empowers the Ministry of Labour to authorise night work for women employed in undertakings rendering services of public interest), and Article 5 of the Convention (which permits the suspension of night work, after consultation with the employers' and workers' organisations concerned, only "when in case of serious emergency the national interest demands it"), the Committee notes the Government's statement that within the framework of the current revision of the Labour Code steps will be taken to ensure its full compliance with this Article of the Convention.

The Committee trusts that the necessary measures will be adopted in the near future to ensure that any exceptions to the night work prohibition meet the requirements of Article 5 of the Convention.

*Lebanon (ratification : 1962)*

In an earlier direct request the Committee noted that the Government intended to propose amendments to section 26 of the Labour Code (which provides for a night rest period of nine hours only) so as to extend the period to conform with Article 2 of the Convention (which requires a night rest period of at least eleven consecutive hours).

The Committee notes that the report submitted in June 1971 contains no new information. It trusts that the Government will, in the very near future, take the necessary measures to give effect to Article 2 of the Convention.

*Libyan Arab Republic (ratification : 1962)*

Further to its previous observation, the Committee notes with satisfaction that section 96 of the Labour Act of May 1970 prescribes that night work for women is prohibited between 8 p.m. and 7 a.m., being a period of eleven consecutive hours, as required by Article 2 of the Convention.

*Netherlands (ratification : 1954)*

Further to its earlier observations, concerning the need to amend section 83 (7) of the Labour Act of 1919 so as to bring it into conformity with Article 4 (a) of the Convention (cases of *force majeure*), the Committee notes with satisfaction the adoption of Decree No. 224 of 25 March 1971 amending the Labour Act accordingly.

*Paraguay (ratification : 1966)*

The Committee regrets that no report has been received.

In its earlier comments the Committee noted that section 127 (d) of the Labour Code exempted from the prohibition of night work for women cases where "the nature of the work itself requires it to be executed at night and by women". Since such an exception, in so far as it applies to industrial undertakings, is not permitted under the Convention, the Committee hopes that in the near future the Government will take the necessary measures to amend this provision of the Labour Code.

*Philippines (ratification : 1953)*

Referring to its earlier comments, the Committee has taken note with interest of the information supplied by the Government in its report concerning the adoption, on 19 June 1971, of Act No. 6237, bringing the national legislation into line with Conventions Nos. 89 and 90. The Committee hopes that the text of this Act will be available in the near future.



The Committee also notes the Government's statement in its report to the effect that section 7 (b) of the Act of 19 June 1971 is to be amended again. The Committee hopes that the proposed amendment will take due account of Article 2 of the Convention, which defines "night" as signifying a period of at least eleven consecutive hours, including an interval of at least seven consecutive hours falling between 10 o'clock in the evening and 7 o'clock in the morning.<sup>1</sup>

*Yugoslavia (ratification : 1956)*

Further to its previous observations, the Committee notes the Government's statement in its report for 1969-71 that, in the course of the revision of the Labour Code, which is at present being considered, the comments of the Committee regarding the application of the Convention will be submitted to the competent legislative bodies so that they may regulate the matter more fully. The comments in question referred to the discrepancies between section 5 (3) of the Basic Labour Relations Act of 4 April 1965, which permits night work to be authorised "when justified by special circumstances of a public, economic, social, etc., nature" and Article 5 of the Convention, which permits such exceptions only "when in case of serious emergency the national interest demands it".

According to the Government's report, 426 authorisations were given during 1970 for night work by 50,000 women workers. While duly noting the Government's statement that it endeavours to restrict recourse to night work by women, the Committee observes that the corresponding totals for 1966 and 1967 were 37,500 and 35,500 respectively.

Consequently, the Committee can only reiterate its hope that the necessary measures will be taken in the near future to bring section 54 (3) of the Act and also national practice into conformity with Article 5 of the Convention.

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In addition, requests regarding certain points are being addressed directly to the following States : *Algeria, Belgium, Brazil, Greece, Guatemala, Guinea, Iraq, Ireland, Italy, Kuwait, Libyan Arab Republic, Luxembourg, Republic of Viet-Nam, Zaire.*

**Convention No. 90 : Night Work of Young Persons (Industry) (Revised), 1948**

*Dominican Republic (ratification : 1957)*

Further to its earlier observations, the Committee notes with interest that, as a result of direct contacts between the responsible national services and a representative of the Director-General of the ILO, a Bill has been drafted and submitted to the President of the Republic and subsequently to the National Congress, to amend section 224 of the Labour Code so as to bring it into conformity with the Convention.

The Committee trusts that this Bill will be adopted soon and requests the Government to inform it of the decision taken in the matter.

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 57th Session and to report in detail for the period ending 30 June 1972.

*Greece (ratification : 1962)*

Further to its earlier observation, the Committee notes the information supplied by the Government in its report, to the effect that it contemplates legislative action to bring its legislation into conformity with the Convention. The Committee hopes these measures will be taken soon so as to ensure the application of the Convention on the following points.

*Article 2, paragraphs 1 and 2, of the Convention.* According to this Article, the prohibition of night work covers a period of at least twelve consecutive hours, including, in the case of young persons under 16 years of age, the interval between 10 p.m. and 6 a.m., whereas, according to section 6 of Act No. 4029 of 1912, the period during which night work is prohibited is of only eleven consecutive hours, including the interval between 9 p.m. and 5 a.m.

*Article 4, paragraph 2.* Section 7 of the Act does not limit the possibility of suspending the prohibition of night work "in case of emergencies which could not have been foreseen and which are not of a periodical character, or are the result of accidents" to young persons between 16 and 18 years of age, as required by the Article. Moreover, section 8 of the Act permits a reduction of the period during which night work is prohibited in "undertakings or for types of work in which there is regularly an increased demand for labour at certain periods of the year (seasonal activities) or in cases of an exceptional backlog of work", whereas such exceptions are not permitted by the Convention.

*Article 6, paragraph 1 (d) (organisation and maintenance of a system of inspection adequate to ensure effective enforcement) and paragraph 1 (e) (keeping by every employer of a register showing the names and dates of birth of all persons under 18 years of age employed by him).* The Committee also notes the Government's reply to its earlier comments to the effect that the provisions of Royal Decrees Nos. 235 and 289, Legislative Decree No. 1254 and the Decision of the Minister of Labour No. 9107 lay down a minimum age which ensures the application of the Convention in road transport undertakings. It requests the Government to state what corresponding provisions of the legislation apply to rail transport and airports, as covered by Article 1, paragraph 1, of the Convention.

*Guatemala (ratification : 1952)*

As regards the provisions of Article 6, paragraph 1 (e), see under Convention No. 79 the observation concerning Article 6, paragraph 1 (b) (register of young persons under 18 years of age).

*Haiti (ratification : 1957)*

The Committee notes with regret that the Government's report has not been received. The Committee is bound, therefore, to repeat its previous observation, which was as follows :

*Article 3 of the Convention.* The Committee has since 1960 drawn the Government's attention to the need for measures to bring the Labour Code (section 85 of which prohibits night work in industry for apprentices only) into conformity with Article 3 of the Convention (which requires such prohibition in respect of all young persons under 18 years). The Government explains in its report for 1969-70 that in practice minors under 18 years are not employed either in industrial or in commercial

undertakings. In these circumstances, the Committee trusts that the Government will have no difficulty in introducing the necessary legislative measures, to which reference was made for the first time in the report for the period 1959-60 in the context of a new draft Labour Law, and thus ensure that full effect will be given to the basic requirements of the Convention in the very near future.<sup>1</sup>

*Mexico (ratification : 1956)*

The Committee notes with satisfaction that section 175, II, of the new Federal Labour Act, which came into force on 1 May 1970, prohibits night work for young persons under 18 years of age in industry, in accordance with Article 3, paragraph 1, of the Convention.

The Committee also notes that section 60 of the new Act reproduces in substance the provisions of sections 68 and 71 of the Federal Labour Act of 18 August 1931, which defined the night as the period from 8 p.m. to 6 a.m., which means ten consecutive hours instead of the twelve prescribed in Article 2, paragraph 1, of the Convention. The Committee hopes that the Government will be able to remove this serious discrepancy between its legislation and the terms of the Convention.

*Netherlands (ratification : 1954)*

Further to its earlier observations concerning the need to amend section 83 (7) of the Labour Act of 1919 so as to bring it into conformity with Article 4, paragraph 2, of the Convention (cases of emergency), the Committee notes with satisfaction the adoption of Decree No. 224 of 25 March 1971, amending the Labour Act accordingly.

*Pakistan (ratification : 1951)*

The Committee notes that in its report the Government states, in reply to the Committee's observations, that the provisions of Article 3, paragraph 3, of the Convention (whereby young persons of 16 years employed in night work for purposes of apprenticeship or vocational training must be granted a rest period of at least thirteen consecutive hours between two working periods) and in Article 6, paragraph 1 (e) (which requires the employer of persons under 18 years of age to keep a register showing their dates of birth), have already been incorporated in the draft Mines Ordinance, 1970, and the draft Factories Ordinance, 1970.

The Committee trusts that the Government will adopt these draft texts in the near future so as to comply with the provisions of the Convention.

*Paraguay (ratification : 1966)*

The Committee regrets that for the third consecutive year no report has been received.

*Article 2, paragraph 1, of the Convention.* Section 122 of the Labour Code prohibits the employment at night of young persons under 18 years of age during a period of eleven consecutive hours, whereas the Convention prescribes a night period of twelve consecutive hours. The Government is requested to indicate the measures taken or envisaged in order to remove this discrepancy between the national legislation and the Convention.

*Article 2, paragraph 2.* Under section 122 of the Code, the night period during which all young workers under 18 years shall not be employed includes the hours

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 57th Session and to report in detail for the period ending 30 June 1972.

between 10 p.m. and 5 a.m. (a seven-hour interval); the Convention, however, requires, for young persons under 16 years of age, the inclusion in the night period of the interval between 10 p.m. and 6 a.m. (an eight-hour interval). The Government is requested to indicate the measures taken or envisaged with a view to bringing the national legislation into conformity with this provision of the Convention.

*Peru* (ratification : 1962)

See paragraph 18 of the General Report.

*Philippines* (ratification : 1953)

See under Convention No. 89.

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In addition, requests regarding certain points are being addressed directly to the following States : *Costa Rica, Guatemala, Guinea, Israel, Lebanon, Mauritania, Yugoslavia*.

Information supplied by *Poland* in answer to a direct request has been noted by the Committee.

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

Requests regarding certain points are being addressed directly to the following States : *Israel, Netherlands, Poland, Portugal, Tunisia*.

#### **Convention No. 92 : Accommodation of Crews (Revised), 1949**

*Belgium* (ratification : 1962)

In its previous requests the Committee had drawn attention to the need of bringing the national legislation on the accommodation of crews into conformity with Article 10, paragraphs 1 and 2, Article 13, paragraph 2, Article 14, paragraph 1, and Article 15, paragraph 2, of the Convention. The Government had indicated in reply that the working group which had been studying the revision of the Maritime Inspection Regulations and which was in favour of measures to bring the national legislation into conformity with these Articles of the Convention, was nearing the end of its work. The Committee notes that the Maritime Inspection Regulations have not yet been amended, but that the preparatory work is practically completed. It trusts that the necessary amendments will be made at an early date to give full effect to the above-mentioned Articles of the Convention.

*Cuba* (ratification : 1952)

Further to its previous observations, the Committee notes both from the Government's report for 1969-70 and from the statement made by a Government representative to the Conference Committee in 1971 that the recently established Ministry of Merchant Shipping and Ports will stimulate research and studies leading to the adoption by the Government of the legislative provisions which should be adopted in view of the ratification by Cuba of the Convention.

As, according to the Government, the Convention is already implemented in practice, the Committee trusts that appropriate legislative measures will be taken at a very early date to give full effect to the various provisions of the Convention.

*Poland* (ratification : 1954)

Further to its previous observation the Committee notes from the Government's report that the draft regulations to give effect to the various Articles of the Convention (which, according to a statement by a Government representative in the Conference Committee in 1971, were already prepared and expected to be adopted shortly) are now being redrafted to take account also of the provisions of the Accommodation of Crews (Supplementary Provisions) Convention, 1970 (No. 133). Bearing in mind that Convention No. 92 was ratified as long ago as 1954, the Committee trusts that the Government will make every effort to issue the regulations in question in the near future.<sup>1</sup>

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In addition, requests regarding certain points are being addressed directly to the following States : *Costa Rica, Yugoslavia*.

**Convention No. 94 : Labour Clauses (Public Contracts), 1949**

*Austria* (ratification : 1951)

The Committee notes with interest, from the information supplied by the Government to the Conference Committee in 1970 and from its latest report, that Upper Austria puts into effect the Federal instructions concerning labour clauses in public contracts and that Vorarlberg has been asked to provide information immediately as to the steps it proposes to take to apply the Convention. The Committee also notes the Government's statement to the effect that the application of the Convention by municipalities can be ensured by means of instructions issued by the Federal and provincial authorities, which can supervise their application on the basis of the applicable laws and regulations in each case. It hopes that future reports will continue to contain information on the application of the Convention by provincial and local authorities.

*Brazil* (ratification : 1965)

In reply to the observation made in 1970, the Government states that, having studied the purpose of the Convention, it does not think it necessary to take new legislative measures, since the existing legislation is in conformity with the Convention in that all contracts entered into by the public authorities with private individuals—except as regards administrative formalities and specific financial and fiscal rules—are governed by common law standards and that, consequently, all the standards of labour and social welfare legislation are automatically applied to the workers employed by the contracting undertakings.

The Committee would stress in this connection—as it has had occasion to do in its comments concerning the application of this Convention and more particularly

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 57th Session and to report in detail for the period ending 30 June 1972.

in its General Observations in 1956 and 1957—that the basic obligation deriving from it is the inclusion in public contracts of appropriate clauses, according to Article 2 of the Convention, to ensure to the workers concerned wages, hours of work and other conditions of labour which are not less favourable than those established for work of the same character in the trade or industry concerned by collective agreement, arbitration or national laws or regulations. This obligation must be fulfilled even when national legislation on these matters exists and is applicable to all workers, since the legislation often prescribes only minimum conditions which can be improved upon by collective agreement. Similarly, the obligation to include appropriate clauses must also be observed when there are collective agreements governing the conditions of work in question, since those collective agreements may not be of general application. Finally, the inclusion of the labour clauses required by the Convention is an additional guarantee that the conditions of employment laid down by law or by collective agreement will be observed, because of the sanctions provided for by Article 5 of the Convention.

The Committee hopes that the Government will be good enough to re-examine the question in the light of the above observations and will take the necessary steps to ensure full compliance with the Convention.

*Burundi (ratification : 1963)*

The Committee notes the information and the two new Bills supplied by the Government. As the Government had already announced two earlier Bills in 1969, the Committee hopes that the present texts will be approved in the very near future and will ensure complete application of the Convention.

The Committee would also point out that, under Article 1, paragraph 4, of the Convention, the limit of expenditure below which the Convention will not apply to public contracts must be fixed after consultation with the organisations of employers and workers concerned, where such exist. In this connection the Committee notes that the draft legislative decree containing a provision for fixing such a limit does not mention—as is done in the case of the other drafts submitted by the Government—whether the National Labour Council was consulted in advance. It hopes that the Government will take the necessary steps to ensure the consultation required by the Convention on this point.

*Costa Rica (ratification : 1960)*

The Committee has noted from the Government's report for the period 1968-70 that the necessary steps had been taken for the promulgation of a new executive decree with a view to giving effect to the Convention, and that the following report would indicate the results achieved in this connection. The Committee notes with regret that the report due this year has not been received. It recalls that measures are necessary to ensure compliance with the following provisions of the Convention: Article 1, paragraph 1 (scope), Article 1, paragraph 2 (application to contracts awarded by authorities other than central authorities), Article 1, paragraph 3 (application to subcontractors and assignees), Article 2 (terms of the clauses to be included), and Article 5 (sanctions and other measures to ensure the observance and application of the provisions of the labour clauses).

The Committee hopes that the Government will inform it shortly of the measures taken to ensure the application of the Convention.



*Mauritania* (ratification : 1963)

The Committee recalls the direct contacts which took place in 1969 with regard to this Convention and notes with interest the information supplied by the Government to the effect that, after consulting the National Labour Council, the Council of Ministers adopted in January 1972 the proposals regarding Decree No. 65,049 of 25 February 1965 concerning public contracts, so as to bring it into conformity with the Convention. The Committee hopes that the Government will soon be able to state what action has been taken to ensure the application of the Convention, and more particularly its Articles 1, 2 and 5.

*Philippines* (ratification : 1953)

In its previous observation, the Committee had referred to the assurance given by a Government representative to the Conference Committee in 1970 that immediate steps would be instituted by the Government to implement the Convention fully through legislation and it regretted that the Government's report for 1969-70 referred neither to the new provisions which were to ensure full conformity with the Convention as regards public works contracts, nor to steps for the introduction of legislative measures regarding other types of public contracts (i.e. public contracts for the manufacture, assembly, handling and shipment of materials, supplies or equipment and for the performance or supply of services (Article 1, paragraph 1 (c), of the Convention)). A Government representative indicated to the Conference Committee in 1971 that the draft Bill to give effect to the Convention had not been adopted because of certain difficulties, including that of bringing together public contractors for hearings before the Labour Committee, but that every effort would be made to have this legislation enacted during the next session of Congress.

The Committee must note with regret that the Government's report has not been received and no further information is thus available on any progress in the matter. As observations have been addressed to the Government since 1956 regarding the manner in which the Convention is applied, the Committee can only reiterate the hope that, as stated before the Conference Committee in 1970 and 1971, immediate steps will be taken to ensure that the appropriate labour clauses are inserted in all public contracts as defined in the Convention, that the organisations of employers and workers concerned are consulted regarding the terms of these clauses, and that all the other provisions of the Convention are satisfactorily observed.<sup>1</sup>

*Turkey* (ratification : 1961)

The Government states in its report that it intends to hold consultations between the ministries concerned regarding the inclusion in public contracts of labour clauses in harmony with the requirements of the Convention, even in cases where legislation and collective agreements already exist.

In view of the fact that the Government stated to the Conference Committee in 1970 that the competent authorities would, in the very near future and in consultation with the employers' and workers' organisations, proceed to draft a decree providing for the inclusion of labour clauses in all public contracts in accordance

<sup>1</sup> The Committee is asked to supply full particulars to the Conference at its 57th Session and to report in detail for the period ending 30 June 1972.

with Article 1 of the Convention, and also for the posting up of notices concerning conditions of employment, the Committee trusts that appropriate measures will be taken in the very near future.

*Uruguay (ratification : 1954)*

The Committee notes with regret that the Government's report contains no reply on the following points which were raised in its earlier observation.

*Article 1, paragraph 1 (c) (ii) and (iii), of the Convention.* The Government stated in its previous report that these provisions of the Convention were fully applied. The Committee asks the Government to specify what measures exist to ensure the application of the Convention to contracts for the manufacture, assembly, handling or shipment of materials, supplies or equipment and for the performance or supply of services.

*Article 1, paragraph 3.* The Committee hopes that the Government will also indicate the measures which ensure the application of the Convention in respect of work carried out by subcontractors or assignees of contracts. It would point out that, even if subcontractors and assignees are subject to all the provisions of labour law, including the decisions of wage-fixing boards and collective agreements, specific provisions concerning respect for these provisions in carrying out public contracts are not superfluous, since they are a supplementary guarantee, backed by the sanctions mentioned in Article 5 of the Convention.

*Article 4 (a) (ii) and (iii), and (b).* The Committee hopes that the Government will state what are the exact provisions which require the posting of notices and will supply copies of such notices and also specimens of the records of time worked and wages paid.

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In addition, requests regarding certain points are being addressed directly to the following States: *Barbados, Denmark, Finland, Ghana, Guatemala, Guinea, Malaysia (Sarawak), Morocco, Philippines, Syrian Arab Republic, Zaire.*

Information supplied by *Jamaica* in answer to a direct request has been noted by the Committee.

**Convention No. 95 : Protection of Wages (1949)**

*Afghanistan (ratification : 1957)*

The Committee notes that the Government has again stated, before the Conference Committee in 1971, that all the requirements of the Convention will be met by the draft Labour Law (see above, General Observation).

The Committee must therefore point out once again that the 1946 Regulations, the only relevant legislative provisions currently in force, do not ensure conformity with the Convention, particularly as regards Article 2 (scope) (the Regulations being applicable only to industry), Article 4 (remuneration in kind), Article 12 (2) (wage rights on termination of employment) and Article 13 (time and place of payment).

Accordingly, the Committee can only urge the Government to take early steps to ensure the full application of the Convention.<sup>1</sup>

*Barbados (ratification : 1967)*

*Articles 4 and 10 of the Convention.* The Committee notes from the Government's reply to its previous observation that the necessary legislation is being prepared to give effect to these provisions of the Convention (regulation of payments in kind, measures on the attachment or assignment of wages). It hopes that the legislation in question will be enacted soon and that the Government will supply a copy thereof.

*Egypt (ratification : 1960)*

The Committee notes with interest the information supplied in the report for 1970-71 in reply to earlier observations.

*Article 2 of the Convention.* As regards government employees, the report refers to Act No. 46 of 1964 promulgating the regulations governing civilian workers in government service and states that the Act is of general application in respect of the workers in the public service who are covered and that its provisions ensure the application of the Convention to such workers. As the Act of 1964 does not appear to guarantee the protection of wages for this group of workers, as required by the Convention, the Committee would be grateful if the Government would state what steps have been taken or are contemplated to give effect to the various provisions of the Convention in regard to these workers.

As regards temporary workers, who are excluded from the scope of Book II, Chapter II, of the Labour Code by section 88 (a), the Committee notes the statement in the report that amendments on this point are being considered in the new draft Labour Code. In this connection the Committee would point out that temporary workers are also excluded from the scope of Book I, Chapter III, by virtue of section 20 (a), and that for this reason they do not appear to be protected against deductions from wages for the purpose of obtaining or retaining employment (Article 9 of the Convention).

*Article 4.* The Government's report states that there are no clauses providing for the payment of wages in kind in the public sector, that such a system is non-existent in the private sector and, finally, that section 45 of the Labour Code prescribes payment in legal tender of wages and other sums owing to the worker. However, section 3 of the Labour Code appears to provide for the possibility of partial payment in kind (since the definition of wages in that section includes allowances in kind), and such payment is expressly permitted in certain types of work, such as in hotels, restaurants, cafés and bars (section 3, last clause); the Committee therefore reiterates the hope that the Government will take the necessary steps to regulate the payment of wages in kind, in accordance with paragraph 2 (a) and (b) of Article 4 of the Convention.

*Article 5.* With regard to the payment of wages directly to the worker, the Government refers to section 690 of the Civil Code, according to which employers must pay their workers on the date and in the place prescribed by the contract or

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 57th Session and to report in detail for the period ending 30 June 1972.

by custom. As these provisions seem to relate more to Article 13, paragraph 1, of the Convention (time and place of payment) than to Article 5, the Committee hopes that the Government will take the necessary steps to amend section 46 of the Labour Code and ensure that wages are paid directly to the worker.

*Greece (ratification : 1955)*

*Articles 4 and 7, paragraph 2, of the Convention.* The Committee notes with interest that (a) the Supreme Labour Council, to which the Government had referred the Committee's observations on the need to bring national legislation into line with the above Articles of the Convention (concerning payments in kind and control of prices in works stores), had unanimously given a favourable opinion, and that (b) the question had been referred to the competent authority for action. The Committee hopes that the new provisions will soon be adopted and will be in harmony with the Convention.

*Iraq (ratification : 1960)*

Further to its earlier observations, the Committee notes with satisfaction that the new Labour Code (Law No. 151 of 1970) takes account of Articles 2 and 4 concerning the scope of the Convention and partial payment of wages in kind.

*Libyan Arab Republic (ratification : 1962)*

Further to its previous observations, the Committee notes with satisfaction that the Labour Code of 1970 provides for the fuller application of the Convention, particularly as regards the following provisions : Article 3 (1) (payment of wages in legal tender) ; Article 5 (payment of wages directly to the workers) ; Article 7 (1) (prohibition of coercion in use of works stores) ; and Article 13 (time and place of wage payments).

*Paraguay (ratification : 1966)*

The Committee regrets to note that for the third year in succession the Government has failed to supply a report in reply to the Committee's previous direct request, which related to the following matters :

*Article 2 of the Convention.* The Committee notes that the division of the Labour Code dealing with tillage and stock-raising (Book I, Title III, Chapter 5, Division I) does not expressly specify that the general provisions of the Code are applicable to this sector, unlike the divisions dealing with other categories of workers, which contain explicit provisions to this effect (e.g. sections 143, 179, 184 and 185). Please indicate whether the Labour Code in general and, more particularly, the provisions regarding the protection of wages are applicable to agricultural and stock-raising work.

*Article 4, paragraph 1.* The Committee notes that section 232 of the Labour Code does not expressly prohibit the payment of wages in the form of liquor of high alcoholic content or noxious drugs, and that the prohibition laid down in section 187 covers only indigenous workers. Please indicate what measures are envisaged to prohibit in a general way the payment of wages in the form of liquor of high alcoholic content or noxious drugs, as required by the Convention.

*Article 7, paragraph 2.* The Committee notes that section 242, subsection 2, of the Labour Code contains no provision prescribing, in conformity with this Article of the Convention, that stores or services established in connection with an undertaking are not operated for the purpose of securing a profit but for the benefit of the workers concerned. Please indicate what measures are envisaged to bring the legislation fully into conformity with this provision of the Convention.

*Article 8, paragraph 2.* Please indicate the measures taken or contemplated to ensure that workers are informed of the conditions under which and the extent to which deductions from wages may be made.

The Committee trusts that the Government will make every effort to take the necessary action in the near future.

*Philippines (ratification : 1953)*

Further to its previous direct requests, the Committee notes with satisfaction that Republic Act No. 6129 of 17 June 1970 extends the wage protection provisions of the Minimum Wage Law to workers in retail and service enterprises employing not more than five employees.

*Syrian Arab Republic (ratification : 1957)*

*Articles 2 and 9 of the Convention.* The Committee notes with regret that the Government's report has not been received. In its previous observation the Committee noted that the proposed amendments to sections 20 (a) and 88 (a) of the Labour Code, which were to extend the protection of wages provisions of the Labour Code to casual workers and thus bring the national legislation into conformity with these provisions of the Convention, had not been adopted. The Committee trusts that the Government will make every effort to adopt the necessary amendments in the near future.

*Article 4.* See the direct request, made in 1971, on Convention No. 99 (payments in kind to agricultural workers).

*Turkey (ratification : 1961)*

*Article 2 of the Convention.* The Committee notes with satisfaction that, pursuant to its earlier direct requests, the new Labour Law of 25 August 1971 extends the scope of the labour legislation to apprentices over 18 years of age.

The Committee also notes that the new Labour Law continues to except tradesmen and small handicraft undertakings employing not more than three workers (section 5). It hopes that the favourable evolution of economic and social conditions pointed out by the Government in its report for 1968-70 will permit the elimination of this restriction in the near future.

The Committee notes the statement by the Government to the Conference Committee in 1971 in regard to the state of advancement of the draft Labour Law relating to agriculture and reiterates its hope, stated in its observation of 1971, that the legislation in question will be adopted shortly, and that it will be such as to ensure the protection of their wages to agricultural workers.

*Uganda (ratification : 1963)*

The Committee regrets that the Employment (Amendment) Bill, to which reference has been made since 1965, has not yet been submitted to Parliament. It can merely repeat the hope expressed in its earlier observation that legislative measures taking full account of its previous comments concerning Articles 2 (2), 4, 5, 6, 8 (1), 9, 12 and 13 of the Convention will be enacted in the very near future.

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In addition, requests regarding certain points are being addressed directly to the following States: *Algeria, Argentina, Cameroon, Central African Republic, Colombia, Costa Rica, Cyprus, Guatemala, Guyana, Honduras, Iraq, Italy, Libyan Arab Republic, Malaysia, Niger, Nigeria, Philippines, Sierra Leone, Somalia (former British Somaliland), Turkey, Uruguay, People's Democratic Republic of Yemen (Aden).*

Information supplied by *Ecuador, Guinea and Malta* in reply to a direct request has been noted by the Committee.

### **Convention No. 96 : Fee-Charging Employment Agencies (Revised), 1949**

#### *Belgium (ratification : 1958)*

The Committee notes with interest, from the Government's reply to its previous direct requests, that the problem of temporary work is being studied in depth since the considerable expansion of this type of work in Belgium makes it necessary to adopt legislative measures in this field.

The Committee hopes that in preparing the proposed legislation or regulations, the Government will bear in mind the requirements of the Convention. Thus, while agencies falling within the scope of the Convention may be allowed to operate, this should be subject to the conditions laid down in Article 5, paragraph 1, of the Convention, and to the existence of regulations and penalties as prescribed in Article 5, paragraph 2, and Article 8 of the Convention.

The Committee hopes that the Government will continue to supply information on the progress made in regard to the proposed legislative measures.

#### *Bolivia (ratification : 1954)*

The Committee regrets that for the second year in succession no report has been received and recalls that the Government's last report, covering the period 1968-69, failed to reply to the Committee's direct request of 1968. It therefore hopes that a report will be supplied for examination at its next session and will contain full information on the matters which it is again raising in a direct request.

#### *Brazil (ratification : 1957)*

Further to its previous direct requests, the Committee notes that the Convention (of which the Government had accepted Part II) was denounced on 14 January 1972. It recalls in this regard that in an observation of 1969 it had expressed its satisfaction on the adoption of legislation designed to ensure improved compliance with the terms of the Convention, and had subsequently requested the Government to supply further information regarding the application of this legislation.

The Committee has been informed of the reasons given by the Government for its denunciation of the Convention. It notes with interest in this regard that, while it was not possible for the Government to fix a time-limit for the abolition of fee-charging agencies conducted with a view to profit as required by Part II of the Convention, such agencies are in fact regulated as provided for by Part III. In these circumstances, the Government may wish to consider what further action might be envisaged with regard to the Convention, taking into consideration the measures already in force within the framework of Part III thereof.



*Costa Rica (ratification : 1960)*

The Committee notes with regret that the Government's report has not been received. The Committee is bound, therefore, to repeat its previous observation, which was as follows :

The Committee notes from the reply to its direct request made in 1968 that intermediaries do from time to time, though not on a systematic or permanent basis, act as middlemen for the purpose of supplying workers for an employer, and that these activities, because they are carried out on a casual basis, do not appear to be prohibited by section 80 of the Organic Act of 1955. Under the terms of the Convention, however, such activities conducted with a view to profit are prohibited even if they are occasional or intermittent.

As regards the Government's reference to Articles 6 and 7 of the Convention, the Committee ventures to point out that they deal only with agencies *not* conducted with a view to profit. In connection with the Government's contention that middlemen come within the exceptions provided for by Article 5 of the Convention, the Committee points out that such exceptions must be made in respect of categories of persons exactly defined by national laws or regulations for whom the public employment service cannot make appropriate arrangements and that the intermediaries so excepted must be regulated in accordance with Article 5, paragraph 2.

The Committee would be glad if the Government would indicate in its next report the measures taken to ensure that the provisions of Article 5 of the Convention are complied with in respect of middlemen or to prohibit them from acting, even occasionally, as intermediaries between employers and workers in accordance with Article 3 of the Convention.

*France (ratification : 1953)*

The Committee takes note with interest of Decree No. 71-971 of 3 December 1971—issued in application of Act No. 69-1185 of 26 December 1969 relating to the placement of theatrical artists—which regulates the manner in which licences may be issued, renewed or suspended, in accordance with Article 5 of the Convention.

The Committee also takes note with interest of the publication on 3 January 1972 of Act No. 72-1 on temporary work. It recalls that the question of undertakings for temporary work had been the subject of an observation in 1970 and notes that the new Act provides for the protection of the rights of the workers concerned in such fields as contracts of employment, conditions of work, social security, workers' representation, participation in the benefits resulting from industrial expansion, vocational training, etc., that restrictions are imposed on the recruitment or placing of foreign workers abroad, that it establishes the responsibilities of the temporary work undertakings and of the utilisers, that the temporary work undertakings are required to make a declaration to the administrative authority, and that provision is made for supervision and penalties.

The Committee has also noted that during the debate on the Bill relating to temporary work in the National Assembly, the Secretary of State for Labour, Employment and Population indicated that after some experience had been obtained in the application of the Act, it would be possible to decide whether, in the light of that experience, amendments were necessary.

The Committee accordingly hopes that the Government will supply information (a) on any decrees issued in application of the Act; (b) on the practical application, in the light of experience, of the Act of 3 January 1972, with special reference to any fields in which the supervision of temporary work undertakings

may have been found insufficient ; and (c) on any regulations governing activities whereby French workers may be made available to utilisers abroad (the new Act regulates such activities only as regards foreign workers).

The Committee also hopes that the Government will indicate in future reports what measures it may be considering with a view to supplementing the protection afforded under the Act by providing for further regulation and supervision of temporary work undertakings, on the lines indicated in Articles 5 and 8 of the Convention.

*Federal Republic of Germany (ratification : 1954)*

Further to its previous direct requests, the Committee notes with interest the information supplied in the Government's report concerning the activities of agencies which place temporary staff at the disposal of other undertakings. It notes in particular that it was decided in judgments of the Federal Constitutional Court and the Federal Social Court concerning the applicability of sections 35 and 37 of the Placement and Unemployment Insurance Act (now replaced by sections 4 and 13 of the Employment Promotion Act, 1969) to such agencies, that these may only supply temporary workers to undertakings if no placing activities are involved ; and that such placing activities are involved if the person or agency supplying the temporary worker does not assume the risks of an employer in full ; for the assumption of these risks, it is necessary that there should exist a genuine employment relationship between the agency and the worker which guarantees the latter's social protection, that this employment relationship should be of longer duration than the period for which the worker is made available to an undertaking and that the worker should be entitled to remuneration even if the agency cannot provide him with a mission.

The Committee further notes from the report that the above-mentioned judgments which appear to confirm that it is unlawful for agencies for temporary staff to act as intermediaries within the meaning of Article 1 of the Convention, form the basis of draft legislation for the regulation of such agencies which is designed to ensure, *inter alia*, that such agencies do not, under the guise of placing their employees temporarily at the disposal of other undertakings, in fact conduct placing activities, and provides in particular that there shall be a stable and lasting employment relationship between the agency and the worker.

The Committee would be glad if the Government would supply a copy of the legislation when it is adopted and provide information in future reports on its practical application.

*Guatemala (ratification : 1953)*

Further to its previous observations, the Committee notes with interest that, according to the Government's report, the draft reform of the Labour Code, which is at present being examined by the Labour and Social Welfare Committee of Congress, includes provisions relating to the total suppression of the system of private recruitment of workers for agriculture and its replacement by regional employment offices. The Committee trusts that the amendments to the Labour Code will be enacted shortly and will give full effect to the requirements of the Convention in regard to recruiting agents in agriculture.

The Committee points out in this connection that according to the terms of the present Labour Code, recruiting agents may operate in fields other than agriculture (for example sections 34 and 35 of the Code contain provisions relating to recruiters of Guatemalan workers for employment abroad) ; it hopes that the amendments being considered by the Government will also extend to recruiting activities in general. The Committee recalls in this regard that the Convention provides for alternative lines of action : such agents should in principle be prohibited under Article 3 ; if, however, appropriate placing arrangements cannot conveniently be made within the framework of the public employment service for any particular category of workers, an exception to the prohibition may be made in accordance with Article 5, paragraph 1, provided that the activities of the agents so excepted are regulated in accordance with Article 5, paragraph 2.

Finally, the Committee recalls that failure to comply with any new provisions adopted in this respect should be the subject of penalties in accordance with Article 8.

*Luxembourg (ratification : 1958)*

The Committee notes with interest, from the Government's reply to its previous direct requests regarding temporary work agencies, that a Bill concerning the reform of the National Labour Office contains a provision reaffirming formally that placing activities lie within the exclusive competence of the public employment service. It also notes that the question of possible exceptions under Article 5 of the Convention is still being considered.

The Committee hopes that the Government will continue to supply information on any developments which occur in this field. It also points out that, in so far as the Government may decide to authorise exceptions for certain categories of persons, these should be subject to the conditions laid down in Article 5, paragraph 1, of the Convention, and to the existence of regulations and penalties as prescribed in Article 5, paragraph 2, and Article 8 of the Convention.

*Norway (ratification : 1950)*

Further to its direct request of 1970 concerning the activities of agencies for temporary staff, the Committee notes with satisfaction that, by an Act of 18 June 1971 amending the Employment Promotion Act of 27 June 1947, no person is allowed to carry on activities with a view to placing persons employed by him at the disposal of a third party, but that exceptions may be granted to this prohibition subject to such conditions as are deemed appropriate by the Labour Department.

*Pakistan (ratification : 1952)*

See paragraph 18 of the General Report.

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In addition, requests regarding certain points are being addressed directly to the following States : *Bolivia, Egypt, Finland, France, Libyan Arab Republic, Netherlands, Norway, Pakistan, Sweden, Syrian Arab Republic, Turkey.*

Information supplied by *Japan* in answer to a direct request has been noted by the Committee.

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

*France* (ratification : 1954)

*Article 6, paragraph 1 (b), of the Convention.* Further to its previous comments, the Committee notes that the Government has maintained, both in the statement made by its representative to the Conference Committee in 1971 and in its report, that the conditions of nationality for the grant of a special birth allowance, known as a "maternity allowance" (provided for by section L 519 of the Social Security Code) are justified by the demographic considerations which inspired this allowance which, in spite of its inclusion in the family benefits scheme, is not intended, like other family benefits, to contribute to the upkeep of children.

The Committee, while it does not underestimate the scope and diversity of the efforts made for the reception of migrants, as set out in the report, once again expresses the hope that the Government will re-examine its position with a view to granting a maternity allowance to immigrants who are lawfully in the country. Although in the Government's view this allowance is inspired by demographic considerations, the Committee nevertheless considers that this allowance is one of the social security benefits designed to cover "family responsibilities" which must be granted without discrimination in respect of nationality under Article 6, paragraph 1 (b), of the Convention.

*Tanzania (Zanzibar)* (ratification : 1964)

In its comments made over a number of years, the Committee has asked the Government to take the necessary measures to extend the provision of medical attention to members of migrant workers' families authorised to accompany them, as required by *Article 5 of the Convention*.

No report having been submitted by the Government since 1965 the Committee has consequently no information as to the measures which may have been taken in this matter, or on the general situation of migrant workers. It, therefore, urges the Government not to fail to submit a report for consideration at the next session of the Committee, and trusts that the report will contain full information on the application of the Convention, and also on the question whether the majority of immigrants are still seasonal workers—as the Government stated in its first report—and whether these workers are accompanied by members of their families.

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In addition, requests regarding certain points are being addressed directly to the following States : *Cameroon* (Western Cameroon), *Spain*, *Upper Volta*, *Yugoslavia*.

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

*Byelorussia* (ratification : 1956)

See under Convention No. 87.

*Cuba* (ratification : 1952)

See under Convention No. 87.

*Dominican Republic* (ratification : 1953)

With regard to certain categories of agricultural workers, see under Convention No. 87.

*Greece* (ratification : 1962)

The Committee takes note of the information communicated by the Government to the Conference Committee in 1971, and confirmed by the Government in its report and in a letter dated 18 March 1972, that a draft legislative decree on collective bargaining will soon be brought before the Council of Ministers for adoption. According to the Government the effect of this decree will be to bring the legislation into conformity with the provisions of the Convention.

In its previous observation, the Committee made certain comments on the provisions of Legislative Decree No. 186/1969 establishing basic minimum membership and certain other criteria which had to be fulfilled by trade unions in order that they might be recognised as representative for the purpose of collective bargaining. The Committee recalled that the Commission of Inquiry established under article 26 of the Constitution of the ILO found that the effect of the basic membership requirement had been to reduce substantially the number of organisations capable of concluding collective agreements. Furthermore, the Committee considered that the criteria established by the legislation relating to an attitude of absolute independence towards any influence unrelated to the trade union objectives pursued by it and the activities developed within the limits of such objectives, were not sufficiently precise for their objective implementation.

The Committee trusts that the new legislative decree will be promulgated at an early date and that it will eliminate any divergencies which exist between the present legislation and the Convention. In this connection, the Committee also wishes to draw the attention of the Government to the comments made in a direct request in 1971 with regard to the approval by the authorities of collective agreements, as required by section 20 (2) of Act No. 3239 of 1955 as amended by section 8 of Legislative Decree No. 3755 of 1957.

The Committee requests the Government to supply information on the progress of the draft legislative decree, and to supply copies thereof when it has been promulgated.

*Japan* (ratification : 1953)

The Committee has taken note of certain observations communicated by the General Council of Trade Unions of Japan (SOHYO) and of the comments made by the Government concerning this information. The Committee proposes to deal with the questions raised by SOHYO in so far as they relate to Convention No. 98.

In its communication the General Council of Trade Unions of Japan refers to a productivity improvement campaign launched by the National Railway Authority in order to eliminate its financial deficit. According to SOHYO, the Authority had been conducting courses, during which the National Railway Workers' Union (Kokuro) and the National Railway Motive Power Workers' Union (Doryokusha) were accused of opposing the rationalisation programme of the Authority which involved the dismissal of 165,000 employees. After these courses, continues SOHYO, certain of the management personnel adopted anti-union policies and

used the productivity campaign as a means to canvass severance from the unions and even the disintegration of the unions. Furthermore, states SOHYO, the Authority does not observe normal labour practices in the workshop and disregards what has been confirmed either orally or in writing between the union and management. SOHYO refers, in particular, to instructions issued by the Chief of Personnel at one plant (OHI) in which non-renewal or repudiation of an agreement is encouraged where such an agreement is disadvantageous to the plant authority, and in which it is stated that where there is any opposition by a union to any suggestion made to it, no conditions suggested by the union should be accepted.

In its comments on the information supplied by SOHYO, the Government states that, as a result of the huge deficit in the finances of the National Railways, the Authority had, since 1969, conducted a productivity drive at the central and local levels. The unions had rigorously opposed the productivity drive and submitted complaints against unfair labour practices to the Public Corporation and National Enterprise Labour Relations Commission (KOROI) and to the competent court. The Government provides detailed information concerning the legislation and procedure relating to unfair labour practices, including acts of anti-union discrimination. With regard to the dispute in question, the Government states that the Minister of Labour, in an effort to settle the matter, arranged for voluntary talks between the unions and the President of the National Railways. The Government also indicates that agreement was reached on most of the cases of unfair labour practices brought before the KOROI. The productivity education, continues the Government, was postponed temporarily on 29 October 1971.

From the information supplied by SOHYO, the Committee observes that there are essentially two questions which call for examination, namely (a) acts of anti-union discrimination, and (b) unfair labour practices with regard to collective bargaining.

With regard to the former question, the Committee notes that the unions concerned have had recourse to the existing machinery for protection against acts of anti-union discrimination and that several decisions have been taken by the competent bodies in connection with the complaints. The Committee further notes that an agreement was reached on most of the cases of unfair labour practices.

The Committee hopes that the Government will continue to supply information regarding the steps taken to provide adequate protection to workers and unions against acts of anti-union discrimination, in accordance with Article 1 of the Convention and that it will supply full information on further developments regarding the dispute between the unions and the National Railways.

As regards collective bargaining, the Committee notes that, by virtue of Article 7 of the Trade Union Law, the refusal to bargain collectively without fair and appropriate reason is considered an unfair labour practice. The Committee also notes, however, that the Public Corporation and National Enterprise Labour Relations Law provides that matters affecting the management and operation of public corporations and national enterprises shall be excluded from collective bargaining. The Committee recalls that the Fact-Finding and Conciliation Commission on Freedom of Association concerning Persons Employed in the Public Sector in Japan drew attention in its report to the restrictions on the right of organisations to negotiate by the systematic removal of subjects from the scope of bargaining on the ground that they are matters solely for the decision of the employer. The Commission considered that questions such as personnel strength or manning and personnel transfers should not be regarded as outside the scope of collective bargaining conducted in an atmosphere of mutual good faith and trust.



The Committee hopes that the Government will examine the situation in the light of the above considerations and that it will continue to adopt all necessary measures to ensure the full development of voluntary collective bargaining, in accordance with Article 4 of the Convention. The Committee requests the Government to supply information on any measures taken in this connection.

*Poland* (ratification : 1957)

See under Convention No. 87.

*Singapore* (ratification : 1965)

Further to the comments made in its previous direct requests of 1969 and 1970, which the Government states have been noted, the Committee must again draw attention to the points raised therein regarding the Employment Act, 1968 and the Industrial Relations (Amendment) Act, 1968. The Committee had noted that section 7 of the Industrial Relations (Amendment) Act inserts a new section, 24A, in the Industrial Relations Ordinance whereby collective agreements made in certain new undertakings may not contain provisions more favourable than those in Part IV of the Employment Act, unless such provisions are approved by the Minister. In addition, sections 5 of the Industrial Relations (Amendment) Act and 46 (1) of the Employment Act impose a number of limitations on collective bargaining. The Committee considers that such limitation on and ministerial control over the areas of negotiation is not consonant with "the full development and utilisation of machinery for voluntary negotiation between employers or employers' organisations and workers' organisations with a view to the regulation of terms and conditions of employment by collective agreement" as provided for in Article 4 of the Convention. The Committee trusts that the Government will re-examine this legislation in the light of Article 4 of the Convention.

*Ukraine* (ratification : 1956)

See under Convention No. 87.

*USSR* (ratification : 1956)

See under Convention No. 87.

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In addition, requests regarding certain points are being addressed directly to the following States : *Chad, Costa Rica, Ecuador, Egypt, Hungary, Jordan, Liberia, Libyan Arab Republic, Mongolia, Nicaragua, Panama, Portugal, Tanzania, Trinidad and Tobago, People's Democratic Republic of Yemen* (Aden).

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

*Paraguay* (ratification : 1964)

The Committee regrets that for the fourth year in succession no report has been received. It trusts that a report will be supplied for its next session and will contain

full information on the matters raised in its previous direct requests, which it is bound to repeat once more.

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In addition, requests regarding certain points are being addressed directly to the following States : *Hungary, Malta, Paraguay.*

### **Convention No. 100 : Equal Remuneration, 1951**

#### *Argentina (ratification : 1956)*

The Committee notes from the report of the Government, in reply to its earlier observations, that only 16 collective agreements out of the 281 which had been renewed as of 24 May 1971 provided for different rates of remuneration between men and women workers for work of equal value, whereas some other collective agreements contain clauses concerning equal wages for work of equal value.

The Committee notes that certain of the sixteen collective agreements containing expressly differing wage rates apply to sectors in which the proportion of women employed seems to be particularly high : tobacco, clothing, dry cleaning and cleaning industries and the oil, foodstuffs, meat and pork butchers' branches. As regards the new Collective Agreement No. 47/71, the Committee notes that the wording of section 64 is identical with that of section 66 of the renewed Collective Agreement No. 29/70, on which it had already commented ; this agreement prescribed different wage categories and wage rates for male and female workers, putting women as a group at the bottom of the wage scale, below the level of male labourers. The mere renewal in section 64 of Collective Agreement No. 47/71 of section 66 of Collective Agreement No. 29/70, without removing these explicit disparities in employment groups and in rates of remuneration, does not meet the requirements of the Convention, which are based on the assumption that considerations of sex must not be among the criteria or factors entering into the fixing of wages.

The Committee requests the Government to supply fuller information as to the measures taken or contemplated to ensure the application of the principle of equal remuneration in sectors and industries employing large numbers of women, and more especially to change those clauses of collective agreements which still differentiate expressly between the wages of women workers and those of men. It would be glad if the Government would supply copies of the collective agreements for industries employing large numbers of women, and also of the above-mentioned agreement No. 47/71, together with fuller information as to the steps which the Government proposes to take to promote an objective appraisal of jobs on the basis of the work to be performed (Article 3 of the Convention).

#### *Haiti (ratification : 1958)*

The Committee notes with regret that no report has been supplied by the Government since 1967 in reply to its previous observations.

The Committee is therefore compelled to renew its previous comments in which it has since 1968 invited the Government to supply copies of all decisions of the Higher Wage Board, fixing minimum rates of remuneration in accordance with section 39 of the Schedule to the Labour Code.

The Committee hopes that the information requested will indicate the measures taken or proposed to this end.<sup>1</sup>

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In addition, requests regarding certain points are being addressed directly to the following States : *Chad, Ecuador, Israel, Jordan, Libyan Arab Republic, Luxembourg, Mongolia, Nicaragua, Norway, Panama, Turkey, Upper Volta.*

Information supplied by *Egypt*, in answer to a direct request has been noted by the Committee.

### **Convention No. 101 : Holidays with Pay (Agriculture), 1952**

*Cuba* (ratification : 1954)

*Article 2 of the Convention.* See under Convention No. 52.

*Senegal* (ratification : 1952)

See under Convention No. 52.

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In addition, requests regarding certain points are being addressed directly to the following States : *Algeria, Central African Republic, Colombia, Gabon, Italy, Madagascar, Mauritania, Peru, Upper Volta.*

Information supplied by *Poland*, in answer to a direct request, has been noted by the Committee.

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

*Belgium* (ratification : 1959)

*Part VI, Employment Injury Benefit.* Further to its previous comments, the Committee notes with satisfaction that the Act of 24 April 1971 has made insurance against industrial accidents compulsory.

*Denmark* (ratification : 1962)

*Part IV of the Convention—Unemployment Benefit.* The Committee notes with regret that the Government's reports for the period 1968-70 and for the period ending 30 June 1971 contain no information concerning the application of this Part of the Convention, and that accordingly no reply has been given to its earlier requests with respect to Articles 22 (rate of benefit) and 24 (in relation with Article 69 : cases where benefit may be suspended) of the Convention. The Committee is bound, therefore, to raise the matter again in a new request addressed directly to the Government.

<sup>1</sup> The Government is asked to report in detail for the period ending 30 June 1971.

*Federal Republic of Germany (ratification : 1958)*

Further to its previous comments, the Committee notes the statement of the Government representative at the Conference in 1971 and the information given by the Government in its report concerning the following points.

*Part II. Medical Care—Articles 10 and 12 of the Convention.* The Government states that, according to the jurisprudence of the Federal Social Insurance Tribunal, the sickness insurance funds may no longer refuse hospitalisation—by virtue of the discretionary power conferred on them by the Social Insurance Code—when that is the only means of diagnosis or treatment. The Government also gives information as to the expenditure incurred by the sickness funds for such hospitalisation and indicates once more its intention of amending the legislation by means of the third Sickness Insurance (Amendment) Act so as to establish a formal right to hospitalisation in the light of the above-mentioned jurisprudence.

*Part XIII. Common Provisions—Article 69 (e) and (f).* The Government also states that it intends, under the third Sickness Insurance (Amendment) Act, to bring section 192 of the Social Insurance Code (which authorises the suspension of sickness benefit when the sickness is due to the insured person having culpably taken part in a brawl) into conformity with the Convention (which limits the possibilities of suspension to cases of criminal offences or wilful misconduct of the person concerned).

The Committee hopes that these changes will be made, as the Government indicates, before the end of the present legislative period in 1973 and requests the Government to report what measures are taken to this end.

*Mexico (ratification : 1961)*

1. *Part VI (Employment Injury Benefit—Article 34, paragraph 2 of the Convention.* Further to its previous comments, the Committee notes with satisfaction that section 487 of the new Labour Act of 2 December 1969 defines the medical care to which victims of employment injuries are entitled, and that a description of this care is also given in the regulations for the medical services of the Mexican Social Security Institute, a copy of which the Government supplied.

2. *Parts II (Medical Care), III (Sickness Benefit), V (Old-Age Benefit), VI (Employment Injury Benefit), IX (Invalidity Benefit) and X (Survivors' Benefit—Articles 9, 15, 27, 33, 48, 55 and 61 (Scope).* Further to its previous comments, the Committee notes that the fragmentary statistical data supplied in the Government's report do not make it possible, over ten years after the Convention came into force, to determine whether the number of protected persons reaches the percentages required by each Part for which Mexico has accepted the obligations of the Convention. The Committee deals with this point in greater detail in a new direct request. It expresses the hope that the Government will pursue the efforts already made to extend the scope of its legislation and that, in its next report, on the basis of all available statistics, it will supply the information called for by the report form.

*Yugoslavia (ratification : 1964)*

*Part IV : Unemployment Benefits, Articles 21 and 22 of the Convention.* Further to its previous comments, the Committee notes with regret from the Govern-

ment's report for 1968-70 that it has not been thought possible, in the course of the recent amendments to the Unemployment Insurance Act, to delete the clauses authorising a reduction in unemployment benefit according to the means available to the beneficiary and his family during the contingency covered. The Committee therefore feels obliged to return to the question and to express once more the hope that it can be reconsidered by the Government in connection with the present general revision of the social security system, so that the national legislation can be brought into complete harmony with the Convention, which only permits the granting of unemployment benefit to be made subject to an income criterion when protection is extended to *all residents* (and not only to certain categories of employees, as in the case in Yugoslavia). However, the Convention does authorise a certain flexibility in other respects (paragraph 4 of Article 24) in the case of seasonal workers, and this flexibility might help to meet certain difficulties, having regard to the structure of the national labour force as described by the Government in its reports.

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In addition, requests regarding certain points are being addressed directly to the following States : *Austria, Denmark, Federal Republic of Germany, Italy, Mexico, Netherlands, Senegal.*

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

*Austria* (ratification : 1969)

In its first report on the application of the Convention the Government refers to a communication it has received from the Austrian Chamber of Workers ; a request is being addressed to the Government, *inter alia*, on this matter.

*Brazil* (ratification : 1965)

*Article 4, paragraph 8, of the Convention.* Further to its earlier observations, the Committee notes from the Government's report for 1968-70 that the Bill which was intended to prescribe the payment of maternity benefit under the social welfare system and thus bring national legislation into conformity with the above-mentioned provision of the Convention (under which an employer may in no case be individually liable for the cost of such benefits due to women employed by him), has been approved by the Minister of Labour and Social Welfare and is now being considered by the Ministry of Planning and General Co-ordination.

The Committee hopes that the draft will be adopted in the very near future and that the Government will not fail to report all progress made to this end.

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In addition, requests regarding certain points are being addressed directly to the following States : *Austria, Brazil, Ecuador, Luxembourg, Mongolia, Uruguay.*

### **Convention No. 104 : Abolition of Penal Sanctions (Indigenous Workers), 1955**

Requests regarding certain points are being addressed directly to the following States : *Liberia, Nigeria.*

**Convention No. 105 : Abolition of Forced Labour, 1957***Central African Republic (ratification : 1964)*

In previous observations and direct requests the Committee had noted that, according to paragraph 4 of the Constitution of the national movement "MESAN", approved by Act No. 63-411, every active citizen must belong to the MESAN movement and must respect its political line and the decisions taken by its executive bodies. Under section 4 of the Act, anyone who constitutes or attempts to constitute any other party, movement, group, association or organisation of a political character may be sentenced to imprisonment for up to one year (involving, by virtue of section 62 of Order No. 2,772 of 18 August 1955, an obligation to perform labour). Sentences of imprisonment involving compulsory labour may also be imposed upon any person engaging in political activities in any form whatsoever outside the MESAN movement (section 5 of Act No. 63-411, read together with sections 2, 4 and 5 of Act No. 64-20 of 6 May 1964).

The Committee had expressed the hope that the Government would take measures in regard to the above-mentioned provisions to ensure that, in accordance with Article 1 (a) of the Convention, no form of forced or compulsory labour (including compulsory prison labour) might be imposed as a means of political coercion or as a punishment for holding or expressing political views or views ideologically opposed to the established political, social or economic system.

In its last report the Government states that political detainees, political agitators and persons convicted on account of their political opinions are not subjected to forced labour, but are placed under house arrest or interned in disciplinary establishments. The Committee observes however that, in the information communicated to the Conference Committee in 1971, the Government, while providing similar indications with regard to political detainees and political agitators, stated that "persons sentenced by the judicial authorities are subject to forced labour, in accordance with the provisions of section 4 (c) of the Labour Code". The Committee also observes that, by virtue of section 62 of Order No. 2772 of 18 August 1955, an obligation to perform labour is imposed on all persons sentenced to imprisonment (except those serving sentences not exceeding one month). Accordingly, persons sentenced to imprisonment for violating Acts Nos. 63-411 and 64-20 would be subject to this obligation.

The Committee is bound to point out once more that the imposition of forced or compulsory labour (including compulsory prison labour) for engaging in any political activity outside the MESAN movement or constituting any other group or association of a political character is contrary to Article 1 (a) of the Convention. It hopes that measures will be taken at an early date to ensure the observance of the Convention in this regard.

With reference to Article 1 (b) of the Convention, see under Convention No. 29.

*Cuba (ratification : 1958)*

*Article 1 (b) and (c) of the Convention.* See under Convention No. 29.

*Dominican Republic (ratification : 1958)*

The Committee notes with interest, from the information provided in the Government's report on Convention No. 29, that sections 270 and 271 of the



Penal Code, containing provisions relating to the repression of vagrancy by administrative authorities which appear incompatible with Conventions Nos. 29 and 105, are to be repealed, and that it is also proposed to amend Act No. 3134 of 11 December 1951, under which imprisonment (involving compulsory labour) may be imposed in certain circumstances for failure to perform work by the agreed date or within the time necessary for its execution, contrary to Article 1 (c) of Convention No. 105. The Committee hopes that measures to eliminate the existing discrepancies between the above-mentioned legislative provisions and the Convention will be adopted at an early date.

The Committee regrets that no information has been supplied in regard to the other matters raised in its previous comments, concerning the imposition of penal labour for purposes falling within Article 1 (a) and (d) of the Convention by virtue of the following provisions :

- (a) sections 2 and 3 of Act No. 1443 of 14 June 1947, prohibiting publications, meetings (whether public or private) and groups or associations aimed at propagating theories or views incompatible with the civil, republican, democratic and representative character of the Government of the Republic ;
- (b) the provisions of the Labour Code making strikes illegal in a number of cases and imposing imprisonment as a penalty for contravention of such prohibitions (sections 370, 373, 374, 640, 678 (15) and 679 (3)).

The Committee once more expresses the hope that the Government will take the necessary measures in relation to the above-mentioned provisions to ensure that no form of forced or compulsory labour may be imposed by virtue thereof for any of the purposes mentioned in Article 1 of the Convention.

The Committee regrets that the Government has again failed to supply information on the practical application of a number of legislative provisions, which has been repeatedly requested by the Committee. It is once more addressing a direct request to the Government on these matters, and trusts that full information thereon will be supplied.

#### *El Salvador (ratification : 1958)*

In direct requests and observations since 1964 the Committee has drawn the Government's attention to a number of provisions of the Penal Code (sections 139A to 139C and 139E to 139G) and of Legislative Decree No. 876 of 27 November 1952 (sections 1 (7), (15) and (16), 3 and 4) by virtue of which penalties involving an obligation to perform labour may be imposed on persons advocating certain doctrines. The Committee had expressed the hope that the necessary measures would be taken in relation to these provisions to ensure that, in accordance with Article 1 (a) of the Convention, no form of forced or compulsory labour might be used as a means of political coercion or as a punishment for expressing political views or views ideologically opposed to the established political, social or economic system.

In 1969 and again in 1970 the Conference Committee was informed by the Government that the above-mentioned observations had been brought to the attention of the Ministry of Justice and of the committee which was considering the revision of the Penal Code, with a view to the deletion of the relevant provisions of the Penal Code.

The Committee notes the Government's statement in the latest report that these provisions have never been applied in practice but that it remains the Government's intention to remove them from the national legislation. The Committee hopes that the necessary repealing legislation will be adopted at an early date.

*Greece (ratification : 1962)*

Referring to its previous observations concerning the suspension of a number of constitutional guarantees, the Committee notes from the Government's report that during the period 1 July 1970 to 30 June 1971 the constitutional guarantees relating to freedom from arbitrary arrest and detention and the right of assembly subject to conditions laid down by law were brought into force. It appears, however, that the constitutional provisions concerning freedom of expression and of the press and freedom of association and to form political parties are still not in force. The Committee notes that the Government has not indicated the measures taken to ensure that these restrictions do not lead to the imposition of forced or compulsory labour (including labour exacted as a consequence of a conviction in a court of law) in circumstances falling within the scope of the Convention. The Committee hopes that the next report will contain specific information on this matter.

The Committee has further taken note of fifteen legislative decrees adopted at the end of December 1970, copies of which were communicated by the Government, and which relate, *inter alia*, to public meetings, associations and unions, political parties and states of siege. A number of comments concerning these texts are addressed to the Government in a direct request.

In direct requests previously addressed to the Government, the Committee referred to a number of provisions of the Penal and Disciplinary Code of the Merchant Marine which authorised the imposition of a sentence of imprisonment (involving, by virtue of the legislation on the prisons, an obligation to work) for certain disciplinary offences. It pointed out that, in so far as the offences concerned did not relate to acts affecting the safety of the ship or persons on board, these provisions were incompatible with Article 1 (c) of the Convention, which prohibits any form of forced or compulsory labour as a means of labour discipline.

The Committee notes that a new Penal and Disciplinary Code of the Merchant Marine has been brought into force by Legislative Decree No. 654 of 1970. It regrets to note that this Code contains provisions essentially corresponding to those which were the subject of its earlier comments. It hopes that the necessary measures will be taken to bring Legislative Decree No. 654 of 1970 into conformity with the Convention, with due regard to the more detailed comments addressed to the Government in a direct request.

*Guatemala (ratification : 1959)*

For a number of years the Committee has addressed comments to the Government on various matters relating to the application of Article 1 (a) and (b) of the Convention. The Committee notes from the Government's report that these comments are still being considered by the competent authorities. The Committee trusts that full information on the measures taken to ensure the application of the Convention in regard to these matters will be available for examination at its next session.<sup>1</sup>

<sup>1</sup> The Government is asked to report in detail for the period ending 30 June 1972.

*Guinea (ratification : 1961)*

1. *Organisation for Work Centres of the Revolution.* In previous observations, the Committee had referred to Decree No. 416/PRG of 22 October 1964. This decree provided for the establishment of an "Organisation for Work Centres of the Revolution", aimed, *inter alia*, at ensuring the rapid liquidation of the technical and economic underdevelopment of the Republic (section 1). By virtue of section 2, all persons between 16 and 25 years (both male and female) are members of this organisation. Provision is made for the organisation of members in work brigades in the countryside and on work sites, and the carrying on of production activities, the net proceeds of which are to be credited to the investment funds of the nation (sections 1 to 7).

Since the above-mentioned provisions have the effect of placing all persons between 16 and 25 years at the service of the Organisation for Work Centres of the Revolution, the Committee had asked the Government to indicate the measures taken or contemplated, in regard to the Decree of 1964, to ensure that, in accordance with Article 1 (b) of the Convention, no form of forced or compulsory labour was used as a method of mobilising and using labour for purposes of economic development.

The Committee notes the statement made by a Government representative to the Conference Committee in 1971, and repeated in its report, that Decree No. 416 of 1964 was an anachronism and not needed, and that it would be repealed. The Committee hopes that the Decree of 1964 will be repealed in the very near future.

2. *Supply of legislative texts.* The Committee regrets that the Government has once more failed to supply copies of a number of legislative texts repeatedly requested since 1967, namely laws and regulations (other than the Penal Code, which is already available to the Committee) concerning prison labour, the preservation of public order, the press and publications, meetings and associations, vagrancy and idle persons, and discipline of seamen. It urges the Government to supply the legislative texts in question, as in their absence the Committee is unable to satisfy itself of the conformity of the legislation concerned with the Convention.<sup>1</sup>

*Haiti (ratification : 1958)*

The Committee regrets to note that no report has been received and that consequently no information is available in regard to the matters raised in the observations made since 1967. In these observations the Committee had noted that every year since 1960 a decree had been issued granting full powers to the President of the Republic and suspending for a period of six to eight months a considerable number of constitutional guarantees which represent necessary safeguards for the effective observance of the Convention. Among the constitutional provisions suspended have been those guaranteeing individual liberty, trial by the courts established by the Constitution and the law and the right of peaceful assembly, reserving jurisdiction over cases involving civil or political rights to the courts of law, prohibiting the trial of political offences *in camera*, and requiring the courts to enforce orders and regulations made by the public authorities only to the extent that they conformed to the law (respectively articles 17, 18, 31, 112, 113, 122 (second para-

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 57th Session and to report in detail for the period ending 30 June 1972.

graph) and 125 (second paragraph) of the Constitution of 1971, reproducing corresponding provisions of the Constitutions of 1957 and 1964).

While the Committee has recognised that the suspension of constitutional guarantees may in certain circumstances be necessary, it has emphasised that such exceptional measures should be resorted to only in cases of extreme gravity constituting emergencies (that is, endangering the existence or well-being of the population). The Committee has noted that the regular, yearly suspensions of constitutional guarantees in Haiti have not been confined to such circumstances, but have been motivated in the relevant legislative texts by such considerations as the wish to prevent the slowing up of economic processes and to permit the taking of prompt and energetic political and economic measures.

The Committee notes that by Decree of 11 September 1971 the previously mentioned constitutional guarantees were again suspended for a period of over six months. In the light of these repeated and prolonged suspensions of the constitutional guarantees in question, the Committee cannot be satisfied that the provisions of the Convention are effectively observed. It once more urges the Government to reconsider its practice in the matter in the light of the obligations accepted under the Convention.

In its previous observations and direct requests, the Committee had drawn attention to the fact that, in so far as persons sentenced to imprisonment are required to perform labour (section 26 of the Penal Code) :

- (a) sections 2 to 6 of the Legislative Decree of 19 November 1936—providing for punishment by imprisonment of any profession of Communist faith or the propagation of Communist or anarchist doctrines—might result in the imposition of forced or compulsory labour for purposes mentioned in Article 1 (a) of the Convention ;
- (b) sections 162 and 165 of the Penal Code—prescribing imprisonment as a punishment for the making of speeches or publication of writings by clergymen criticising the Government or public authorities—might likewise lead to the imposition of forced or compulsory labour in circumstances falling within Article 1 (a) of the Convention ;
- (c) section 3 of the Decree of 8 December 1960 concerning the obligation of workers to respect working hours—providing for punishment by imprisonment of any official or employee of a public or private administration, a bank or a commercial or industrial undertaking who abandons his work with the evident object of paralysing the national economy—might lead to the imposition of forced or compulsory labour as a punishment for breach of labour discipline or for having participated in a strike, within the meaning of Article 1 (c) and (d) of the Convention.

In its report for the period ending 30 June 1965 the Government had stated that it intended to amend section 26 of the Penal Code so as to ensure that no form of forced or compulsory labour falling within the Convention might be imposed by virtue of the above-mentioned legislation. No such amendments, however, appear to have been adopted. The Committee urges that appropriate measures be adopted at an early date to ensure the observance of the Convention in relation to this legislation.<sup>1</sup>

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 57th Session and to report in detail for the period ending 30 June 1972.

*Jordan* (ratification : 1958)

The Committee regrets to note that no information has been supplied in answer to the direct requests made by the Committee in 1969 and 1970. The Committee is once more addressing a direct request to the Government, concerning the application of Article 1 (a) and (b) of the Convention, and trusts that full information on all the matters raised will be available for examination at its next session.

*Malaysia* (ratification : 1958)

In direct requests and observations made since 1961, the Committee has drawn the Government's attention to a certain number of matters relating to the application of Article 1 (a), (b), (c), (d) and (e) of the Convention. The Committee notes from the Government's latest report that the examination of these matters, although actively pursued, has not yet been completed. In view of the importance of the questions outstanding, the Committee trusts that the Government will supply detailed information on the measures taken or contemplated to ensure compliance with the Convention.<sup>1</sup>

*Singapore* (ratification : 1965)

In its previous comments the Committee had observed that imprisonment (involving, by virtue of the provisions of the Prisons Ordinance, liability to compulsory labour) might be imposed as a penalty for contravention of a number of legislative provisions which appeared to have a bearing on the application of Article 1 (a) of the Convention. The Committee had referred in particular to the following provisions :

- (a) sections 3, 7, 7A and 7B of the Printing Presses Ordinance (Cap. 226, as amended by Ordinance No. 11 of 1960), making it an offence to keep and use any printing press or to print or publish any newspaper except under a licence which may be granted and revoked by the competent minister in his absolute discretion ;
- (b) clause 7 of the conditions for newspaper licences laid down in the Printing Presses (Application and Permits) Rules, 1961 (as amended by Government Notice No. S 78 of 1961), read together with sections 7 and 17 of the Printing Presses Ordinance, making it an offence for a newspaper to publish " any article ing Presses Ordinance, making it an offence for a newspaper to publish " any which is likely to cause ill will or misunderstanding between the Government and the people of Singapore and the Government and the people of the Federation of Malaya " ;
- (c) sections 3 and 4 of the Undesirable Publications Act, 1967, empowering the competent Minister, in his absolute discretion, to prohibit particular publications or series of publications or all publications by any person (whether published or printed within or outside Singapore) and making it an offence to publish, sell, distribute or reproduce or to possess without reasonable excuse any such prohibited publication ;
- (d) sections 22, 24 and 25 of the Internal Security Act, 1960 (made applicable to Singapore, under the provisions of the Malaysia Act, 1963, by the Modification of Laws (Internal Security and Public Order) (Singapore) Order, 1963), grant-

<sup>1</sup> The Government is asked to report in detail for the period ending 30 June 1972.

ing similar powers to prohibit, *inter alia*, publications considered prejudicial to the national interest, public order or security) ;

- (e) sections 4, 14 to 18 and 24 of the Societies Act, 1966, requiring the registration of every association of ten or more persons, but excluding from registration, *inter alia*, any association whose registration is considered contrary to the national interest or which has affiliations or connections with any organisation outside Singapore considered to be contrary to the national interest, and making it an offence to act as a member of an unregistered society, to publish, sell or possess matter issued by or on behalf or in the interests of such a society, etc.

In its report for 1967-69 the Government stated that it considered the above-mentioned provisions necessary, in the present context, to combat subversion, in the national interest, and that they were not used as a means of political coercion or as a punishment for the expression of views. The Committee pointed out, however, in its observation of 1970, that, in one of the above-mentioned cases, penal sanctions involving liability to compulsory labour might be imposed for the publication of particular views, and that the other provisions were a basis for depriving individuals, by a discretionary administrative decision which was not dependent on the commission of any offence and not subject to judicial review, of the possibility of publishing their views or of associating for the purpose of advocating particular policies, ideologies or views. The Committee concluded that, in so far as such restrictions were enforced by penalties involving liability to compulsory labour, they would appear to fall within the scope of Article 1 (a) of the Convention. It accordingly expressed the hope that the Government would review the above-mentioned legislation, in the light of the provisions of Article 1 (a) of the Convention and of the comments concerning the scope of these provisions contained in paragraphs 90 to 92 and 101 to 116 of the general survey of forced labour in Part Three of the Committee's report of 1968, with a view to the adoption of appropriate measures to guarantee the observance of the Convention.

The Committee notes with regret that the Government's report for 1969-71 contains no indication that any further consideration has been given to the above-mentioned problems, the Government merely asserting that forced or compulsory labour is not practised in Singapore. The Committee can only stress once again that the imposition of compulsory labour by virtue of the above-mentioned legislative provisions is not compatible with the obligations incumbent upon the Government under the Convention.

#### *Syrian Arab Republic (ratification : 1958)*

In previous observations and direct requests the Committee had referred to a number of matters relating to the application of Article 1 (a), (c) and (d) of the Convention. It notes with interest the Government's statement that an inter-ministerial committee has been set up to consider the Committee's observations together with the question of bringing national legislation into conformity with the Convention. It hopes that the Government will be able to indicate in the next report the measures taken in this regard.

#### *Tanzania (ratification : 1962)*

##### *Tanganyika.*

The Committee regrets to note that no report has been received and that consequently it has no new information at its disposal on various matters which



have been the subject of direct requests for a number of years. The Committee is once more addressing a direct request to the Government, concerning the application of Article 1 (a), (b), (c) and (d) of the Convention, and trusts that full information on all the matters raised will be available for examination at its next session.

As regards Article 1 (b) of the Convention, the Committee also refers to its observation concerning Convention No. 29.

#### *Zanzibar.*

The Committee regrets that for the fifth year in succession no report has been supplied, so that the comments repeatedly made since 1967 remain unanswered.

In its previous comments the Committee had referred in particular to the Afro-Shirazi Party Decree, 1965, by virtue of which the Afro-Shirazi Party was declared the sole political party and all other political parties, organisations or societies were declared unlawful (sections 2 and 8). Under sections 4 and 5 of the Decree, membership or management of any prohibited party, organisation or society is punishable with imprisonment. In so far as persons serving a sentence of imprisonment are required to perform compulsory labour (section 47 of the Prisons Decree), the foregoing provisions permit the imposition of forced or compulsory labour as a means of political coercion, within the meaning of Article 1 (a) of the Convention. The Committee once more expresses the hope that measures will be taken to ensure the observance of the Convention in this regard.

A number of other matters, relating to Article 1 (a), (c) and (d) of the Convention, are once more the subject of a direct request. The Committee urges the Government to provide the information so requested.

#### *United Kingdom (ratification : 1957)*

With reference to its previous direct requests relating to the application of Article 1 (c) and (d) of the Convention and the comments regarding these provisions in its general surveys of forced labour of 1962 (paragraphs 117 and 137) and of 1968 (paragraphs 121 and 127), the Committee notes with satisfaction that the Merchant Shipping Act, 1970—the relevant provisions of which the Government expects to bring into force in 1972—will :

- (a) repeal sections 222-224 of the Merchant Shipping Act, 1894, which provided for the forcible return of deserters to their ship,
- (b) abolish the penalty of imprisonment (involving an obligation to perform labour) provided for in sections 221 and 225 of the 1894 Act for breaches of discipline by seamen, except in the case of offences endangering the ship or persons on board (which fall outside the purview of the Convention), and
- (c) extend to seafarers the exemption from criminal liability in respect of acts done in contemplation of furtherance of a trade dispute provided for in the Conspiracy and Protection of Property Act, 1875.

The Committee hopes that the relevant provisions of the Merchant Shipping Act, 1970, will be brought into force at an early date.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States : *Afghanistan, Argentina, Australia, Austria, Belgium, Cameroon, Canada, Central African Republic, Chad, Cyprus, Dahomey, Denmark, Dominican*

*Republic, Ecuador, Finland, Gabon, Federal Republic of Germany, Ghana, Greece, Guinea, Guyana, Haiti, Honduras, Iceland, Iran, Ireland, Italy, Jamaica, Jordan, Kenya, Liberia, Libyan Arab Republic, Malaysia, Mali, Mexico, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Pakistan, Panama, Peru, Philippines, Senegal, Sierra Leone, Singapore, Somalia, Spain, Sweden, Syrian Arab Republic, Tanzania, Trinidad and Tobago, Tunisia, Turkey, Uganda, Uruguay, People's Democratic Republic of Yemen (Aden).*

Information supplied by *Cuba* in answer to a direct request has been noted by the Committee.

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

*Afghanistan* (ratification : 1963)

See under Convention No. 4.

*Kuwait* (ratification : 1961)

*Articles 2, 7 and 8 of the Convention.* The Committee notes with regret that the Government's report for 1968-70 contains no information on the progress made towards adoption of the amendments intended to apply fully the provisions of these Articles. It trusts that the Government will indicate the measures taken to ensure the application of : (a) a weekly rest for workers employed for a period of less than six months, the exclusion of whom is contrary to Article 2 of the Convention ; (b) a compensatory rest for workers who are obliged to work during the normal weekly rest period, as required by Articles 7 and 8 of the Convention.

*Article 11.* The Committee notes the explanations given in the report and would be glad if the Government would supply detailed information as to the days fixed as weekly rest days for the various categories of persons and types of establishments.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States : *Dominican Republic, Egypt, Haiti, Iran, Italy, Paraguay, Syrian Arab Republic, Ukraine.*

### **Convention No. 107 : Indigenous and Tribal Populations, 1957**

#### *General Observation*

The Committee has taken note of the resolution adopted in May 1971 by the United Nations Economic and Social Council on the problem of indigenous populations (Resolution No. 1587 (L)).

It notes in particular the appeal addressed to the States concerned to take account of the needs of such populations in their policies of economic and social development, and to take any necessary legislative or other measures for the protection of such populations, for the elimination of discrimination against them, and for their progressive integration in the national community.

The Committee wishes to emphasise in this connection the many measures taken in this field by the countries concerned since the adoption in 1957 of the

Indigenous and Tribal Populations Convention. This is borne out, both by the fact that the Convention has been ratified by twenty-four States including most of those in which indigenous and other tribal and semi-tribal populations exist, and by the numerous measures already taken in these countries to promote the progressive application of the Convention, and the additional measures constantly being introduced.

Nevertheless, in view of the action being considered in relation with the above-mentioned resolution, the Committee would be glad if the governments of all ratifying States would endeavour to supply particularly full information in their next reports on the Convention, both as regards new measures being contemplated, and as regards the over-all effect of existing plans and legislation and the proportion of the indigenous populations benefiting therefrom.

*Bolivia (ratification : 1962)*

The Government having failed to reply to the previous direct requests on the application of this Convention, the Committee must take up the matter once again in a new direct request and it hopes that the Government will make every effort to take the necessary measures and supply the information requested.

*Brazil (ratification : 1965)*

The Committee has noted the information contained in the Government's report and particularly the information on proposals to extend the activities of the National Foundation of Indians (FUNAI) to new geographic areas, and on new projects to be initiated in such fields as education and health.

The Committee notes, however, that only 70,000 Indians are at present assisted through the FUNAI, out of a total which is estimated by the Government to be between 120,000 and 180,000. It hopes that the Government will take the necessary measures to speed up the extension of the protective services of the responsible body to all Indians, particularly in view of the schemes now being actively pursued for the economic development of areas traditionally occupied by Indians.

The Committee notes also that the information supplied is insufficient to permit, for example, an assessment of the number of Indians benefiting from health services (including immunisation against diseases introduced from the exterior). The Committee hopes therefore that the next report will supply full information on the present situation regarding the protection of Indians, in accordance with the direct request and the report form on this Convention.

*Colombia (ratification : 1969)*

The Committee was informed that a communication signed by the National Agrarian Federation (FANAL-UTC) and another forwarded by the Latin American Federation of Farm Workers (*Federación Campesina Latinoamericana*) were received by the International Labour Office in August and September 1970 expressing deep concern about the alleged ill treatment of the indigenous population of the region of Planas (Meta) in Colombia, and that the text thereof was communicated to the Government for comment.

The Committee notes with interest that, in a reply sent in December 1970 the Director-General of Community Integration and Development (Ministry of Interior) indicated that as a result of the events which occurred in Planas, the programmes and policies relating to indigenous populations were being analysed

and that the problem of Planas was symptomatic of the situation facing a large part of the indigenous population. The Committee also notes from the Government's reply that the measures being envisaged to remedy the situation include the following: a revision of the present indigenous policy with the assistance of the Anthropology Department of the National University; the reorganisation of the General Directorate for Community Integration and Development; the creation in 1971 of six new regional commissions for the assistance and protection of the indigenous populations; the training of indigenous leaders and of officials; the training of "promoters of social change" to act as intermediaries; the reinforcement of the Indigenous Affairs Division; and the study of new legislative measures for the protection of the indigenous populations.

The Committee notes that the Government's first report (for the period ending 15 October 1971) on the present Convention does not show to what extent the measures outlined in the above communication are being implemented. It trusts therefore that full information will be supplied on these matters and on the other points set out in the direct request on this Convention, so as to ensure that urgent measures for the protection of the indigenous populations concerned are taken, as envisaged by the Government and required by the Convention.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States: *Bolivia, Brazil, Colombia, Costa Rica, Egypt, India, Mexico, Pakistan, Portugal.*

#### **Convention No. 108 : Seafarers' Identity Documents, 1958**

*Guatemala* (ratification : 1960)

Further to its previous observations, the Committee notes with satisfaction that Governmental Decision No. 8-70 relating to seafarers' identity documents was issued on 10 February 1970 to give effect to the Convention.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States: *Greece, Guatemala, Tanzania* (Tanganyika), *USSR.*

#### **Convention No. 110 : Plantations, 1958**

A direct request regarding certain points is being addressed to the *Philippines.*

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

##### *General Observation*

The Governing Body of the International Labour Office, at its 184th Session (November 1971), invited the Committee to commend for use as appropriate, in cases where questions relating to the application of Convention No. 111 might appear to require clarification, direct contacts whereby a fuller examination of

those questions might be carried out in agreement with the government concerned, in accordance with the procedure introduced in 1968 as one of the general methods of work of the Committee.

The Committee considers that recourse to this procedure could be particularly useful to governments in the fields covered by Convention No. 111, where questions of assessing measures taken or to be taken in the light of national circumstances often arise. The Committee also feels that, in general, this procedure could be used by governments to help them in their own efforts to establish the facts, to determine whether or not certain measures are necessary or to overcome differences of opinion by an objective examination of the situation, based on the principles of the Convention.

The Committee therefore specially invites governments, when they are considering the measures to be taken in connection with earlier comments or, more generally, the information to be collected or the measures to be contemplated in the fields covered by this Convention, to give consideration to the possibility of having recourse to the procedure mentioned above in all appropriate cases.

#### *Chad (ratification : 1966)*

The Committee notes with regret this year again that the Government's report has not been received. The Committee is bound, therefore, to repeat its previous observation, which was as follows :

The Committee regrets that, in the absence of a report it has received no replies to the points raised in its previous direct request. It hopes that the Government will not fail to supply information on these points which are repeated in detail in a new direct request and which concern the following: the need to supply information on the various questions listed in the report form; the practical application of national policies against discrimination; the types of employment from which women are excluded under the Public Service Regulations "by reason of special requirements of physical aptitude"; and finally, the measures taken for the promotion of equal opportunity in vocational training and employment for different ethnic and social population groups as well as for both sexes.

#### *Czechoslovakia (ratification : 1964)*

The Committee regrets that the report which the Government had been asked to supply for examination at the present session, in accordance with the request made by the Conference Committee in 1971, has not been received. It has however taken note of the statements made by a Government representative to the Conference Committee concerning the points raised in the observation made in 1971.

In that observation, the Committee noted that, by virtue of amendments made to the Labour Code in 1969, a worker could be dismissed, *inter alia*, if "his activity has been such as to constitute a breach of the socialist social order and he is therefore not sufficiently reliable to hold his previous office or post..." (new section 46 (1) (e) of the Code and new section 53 (1) (c)). It observed that the general wording of these provisions made it possible for the employment rights of individuals to be infringed for reasons connected with their political opinions, and therefore invited the Government to revise this legislation in order to bring it into conformity with the provisions of the Convention.

According to the statement made by a Government representative to the Conference Committee, the above-mentioned provisions were aimed at an activity directed against certain principles laid down in the Constitution defining the socialist social order, which it was necessary to distinguish from a simple activity based on a divergent political opinion; in addition, the reference to the worker's not being sufficiently reliable showed that these provisions were only applicable to workers



holding posts of a certain importance in the state administrative and economic apparatus ; for these reasons, the provisions in question were considered not to go beyond the measures authorised under Article 4 of the Convention for the protection of the security of the State.

The Committee notes that the principles of the national Constitution (Chapter 1) described in the statements referred to above are political principles, and that the criteria on the basis of which an activity directed against these principles could be distinguished from an activity based on a divergent political opinion have not been specified. It observes that, in protecting workers against discrimination on the basis of political opinion, the Convention implies that this protection shall be afforded to them in respect of activities expressing or demonstrating opposition to the established political principles—subject only to the limitations referred to below—since the protection of opinions which are neither expressed nor demonstrated would be pointless, and that the protection afforded by the Convention is not limited to simple differences of opinion within the framework of the established principles.

While it is true that Article 4 of the Convention permits the exclusion from this protection of “activities prejudicial to the security of the State”, this term should not be defined in a manner which would authorise measures inconsistent with the basic protection provided for by the Convention. While it is also true that, subject to this same limitation, special requirements for certain specified forms of employment may relate to the reliability or restraint which may be expected from their incumbents in political matters, it does not appear from the wording of the 1969 amendments to the Labour Code that their scope is so limited. On the contrary, the effect of these amendments was to add certain supplementary provisions to sections 46 and 53 of the Labour Code which already authorised the dismissal of a worker who, for example, did not fulfil the conditions or standards set for the performance of his habitual job, or who had committed serious breaches of labour discipline or who had been convicted of a serious offence.

The Committee can only observe once again that the general terms of the 1969 amendments to the Labour Code referred to above make it possible for workers to be penalised on account of their political opinion, and it trusts that both national legislation and national practice will be brought into conformity with the Convention.<sup>1</sup>

#### *Liberia (ratification : 1959)*

The Committee notes with regret that the Government's report has not been received. The Committee is bound, therefore to repeat its previous observation, which was as follows :

The Committee notes with regret that the report of the Government does not contain any reply to its previous direct request and only repeats the contents of the previous report. It hopes that the Government will supply information on the points which are again listed in a direct request and which concern: the eligibility of women, in law and practice, for vocational training opportunities; equality of pay without regard to sex; the repeal of article 53 of the Public Land Law (providing different conditions for aborigines and other citizens of the Republic in matters of rights to land) which had been announced by the Government, in view of the fact that this article no longer corresponded to existing conditions and was incompatible with the national policy of unification and integration. The Committee would also be grateful if the Government would supply further information on results achieved in the general application of this policy of unification and integration and on the results obtained in the areas covered by the Convention.

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 57th Session.



*Nicaragua (ratification : 1967)*

The Committee notes with regret that this year again the Government's report has not been received. The Committee is bound, therefore, to repeat its previous observation which was as follows :

The Committee notes with regret that in the absence of a report . . . it has received no replies to the points raised in its previous direct request. It hopes that the Government will not fail to provide information on these points which are repeated in detail in a new direct request and which concern : measures to promote equality of practical opportunities for training, employment and the improvement of working conditions of particular ethnic groups, for example in the Atlantic coast regions; the practical promotion of equality between the sexes in matters of training and employment; the application of a policy of non-discrimination in the public service; and finally, the safeguards and appeal procedures which ensure the elimination of discrimination based on political opinion, particularly in view of article 116 of the national Constitution.

*Panama (ratification : 1966)*

The Committee notes with regret this year again that the Government's report has not been received. The Committee is bound, therefore, to repeat its previous observation, which was as follows :

The Committee . . . regrets that no specific reply to its previous request has been received. It hopes that the Government will not fail to supply information on the points mentioned once again in a direct request, and which relate to: the application of Act No. 25 of 9 February 1956 punishing refusal to engage an applicant for employment on the grounds of social or racial origin, sex, religion or political opinion; measures taken to further in practice equality of opportunity in employment and occupation for indigenous and rural populations, in particular under the integration policy provided for in Act No. 18 of 1952 (which set up the National Institute of Native Studies) and in article 94 of the national Constitution; the practical promotion of equality between the sexes as regards access to vocational training and employment and conditions of employment; and finally the guarantees provided to persons who might be affected, as regards employment, by measures based on "the security of the State" (Article 4 of the Convention).

See also under General Observations.

*Portugal (ratification : 1959)*

The Committee has taken note of the report provided by the Government for examination at the present session, in accordance with the request made by the Conference Committee in 1971. It has also noted statements made by the representative of the Government of Portugal to the Conference Committee regarding the points raised in its observation of 1971.

In its observation the Committee noted that in Angola and Mozambique particularly there were differences between different categories of workers as regards the legislation applicable to them and their membership of trade unions. It asked the Government for information as to the practice followed with regard to the classification of workers in these categories, the breakdown of workers of different racial origins in each category, and the status of workers of different categories in regard to trade union matters. Finally, it asked what policies the Government intended to adopt regarding the extension to all categories of workers of a similar status.

In the light of the available information it would appear that the "Rural Labour Code" of 1962, which is applicable to workers considered to be unskilled, and which replaced the earlier "Native Labour Code" of 1928, applies in practice only to indigenous workers; it would not appear, in the absence of any regulation issued pursuant to section 288 of the Rural Labour Code, that "rural workers" have up to the present been included in the trade union organisation.

Workers belonging to other occupational categories are, in Angola, covered by the 1957 Labour Code and, in Mozambique, by Legislative Instrument No. 1595 of 1956, which grant them a more favourable status; however, within these categories, further subdistinctions are made according to whether the workers are skilled or semi-skilled, and trade union members or not. This legislation is applicable to workers of different racial groups, but the Committee has not received any information as to the extent of the respective participation of these groups in the different types of employment falling under these categories (it noted from the report that the Government would attempt to compile statistics in this regard).

The Committee considers that a hierarchy of status among workers which, although it may not be exactly on racial lines, nevertheless corresponds to a considerable extent in practice to such a division, makes it difficult to determine whether the objectives of the Convention can be fully attained. It considers that one step towards a more satisfactory solution would be the introduction of uniform legislation ensuring, on all essential matters, the same status for all categories of workers. It notes from the report that the Government does not consider it possible, for the time being, to determine precisely to what extent such uniformity might be appropriate in view of the large-scale phenomenon of migration of rural workers to the towns. However, for the reasons indicated above and since this phenomenon might on the contrary be considered as making such a reform all the more justified, the Committee hopes that the Government will take the necessary steps to eliminate the difference between the legislative status of "rural workers" and that of other workers, as well as any other differences of status mentioned above.

As regards the present situation, the Committee has noted the other information contained in the statements of the Government representative or in the report, concerning the measures intended to bring about in Mozambique changes such as have already taken place in Angola (where a higher proportion of workers has ceased to be governed by the "Rural Labour Code"), as well as the responsibilities of each overseas Labour, Social Security and Social Welfare Institute in supervising the occupational classifications resulting from written contracts or the internal regulations of undertakings, and in imposing fines in cases of false declarations on the nature of the work performed. It hopes that, pending the more far-reaching reform mentioned above, the Government will provide detailed information on the measures taken and the results achieved with a view to ensuring an appropriate classification of workers, irrespective of their former status.

The Committee has also noted with interest from the report that amendments to the national Constitution published on 23 August 1971 introduced new references to non-discrimination in respect of race and eliminated the provisions which specifically referred to "natives". It has also noted that two decrees of 27 July 1971 dealt with the reorganisation of the overseas Labour, Social Security and Social Welfare Institutes and with the establishment of an Employment Service overseas and that, according to the report, the measures to be taken in pursuance of this legislation should promote equality of opportunity and treatment in respect of conditions of work, vocational training and access to various occupations, as well as trade union matters. The Committee hopes that the Government will supply detailed information on the changes which already have taken place in this respect and on the results achieved. It also hopes that the Government will supply, as announced in its report, the previously requested information concerning access to public employment overseas.

Finally, the Committee again notes that, in the Government's opinion, all the desired information regarding the application of the Convention could be collected

by an inquiry in accordance with articles 26 to 34 of the Constitution of the ILO. In these circumstances, the Committee suggests, within the framework of its own terms of reference, that these matters might be dealt with by direct contacts between a representative of the Organisation and the Government.<sup>1</sup>

*Upper Volta* (ratification : 1961)

The Committee notes with satisfaction from the information supplied by the Government in reply to its earlier comments that sections 7 and 22 of Decree No. 435-PRES of 1960 which excluded women from the staff of the labour inspectorate, were repealed by Decree No. 278/PRES/TFP of 28 July 1965.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States : *Algeria, Chad, Colombia, Ecuador, Egypt, Guinea, Italy, Jordan, Liberia, Libyan Arab Republic, Mongolia, Nicaragua, Panama, Poland, Senegal, Somalia, Syrian Arab Republic, Ukraine.*

Information supplied by the *Central African Republic* in answer to a direct request has been noted by the Committee.

**Convention No. 112 : Minimum Age (Fishermen), 1959**

Requests regarding certain points are being addressed directly to the following States : *Guinea, Liberia, Tunisia.*

**Convention No. 113 : Medical Examination (Fishermen), 1959**

*Guatemala* (ratification : 1961)

Further to its earlier direct requests, the Committee notes with regret that, according to the Government's report, the necessary legislative measures have still not been taken to give effect to the provisions of the Convention. The Committee trusts that the Government will soon be able to announce the adoption of these measures.

*Liberia* (ratification : 1960)

Further to its observations of 1970 and 1971, the Committee notes with regret that the Government's report has not been received and that, therefore, no information is available on the adoption of measures to give effect to the various provisions of the Convention.

The Committee recalls that these measures should be designed (a) to broaden the scope of the relevant legislation (Chapter X of Title 22 of the Liberian Code of Laws, as amended in 1964) so as to include vessels of less than 75 tons and boats manned entirely by members of the same family, since the exemptions allowed in the Convention relate exclusively to vessels which do not normally remain at sea for periods of more than three days ; (b) to supplement this legislation by detailed provisions concerning the medical examination of fishermen, since section 336 (d) by no means suffices to ensure application of the Convention.

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 57th Session.

The Committee trusts that these measures will be taken at an early date.<sup>1</sup>

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States : *Belgium, Brazil, Costa Rica, Guinea, Tunisia, Yugoslavia.*

**Convention No. 114 : Fishermen's Articles of Agreement, 1959**

*Guatemala* (ratification : 1961)

See under Convention No. 113.

*Yugoslavia* (ratification : 1961)

See under Convention No. 22.

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In addition, requests regarding certain points are being addressed directly to the following States : *Costa Rica, Cyprus, Guinea, Liberia, Mauritania, Peru.*

**Convention No. 115 : Radiation Protection, 1960**

Requests regarding certain points are being addressed directly to the following States : *Barbados, Brazil, Ghana, Guinea, Guyana, Iraq, Netherlands, Syrian Arab Republic, Turkey.*

Information supplied by *Hungary, Switzerland*, and the *United Kingdom* in answer to direct requests has been noted by the Committee.

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

*Ghana* (ratification : 1964)

*Article 8 of the Convention.* The Committee has taken due note of the Government's statement, in reply to the observation made in 1971, that information concerning the conclusion of international agreements regulating matters of common concern arising in connection with migrant workers will be communicated as soon as it becomes available. The Committee hopes that the next report will be able to point to significant progress in the application of these provisions of the Convention, which are designed to protect migrant workers and ensure that they receive equality of opportunity and treatment with national workers.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States : *Costa Rica, Ghana, Guinea, Israel, Italy, Kuwait, Madagascar, Niger, Senegal, Syrian Arab Republic, Zaire, Zambia.*

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<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 57th Session and to report in detail for the period ending 30 June 1972.

**Convention No. 118 : Equality of Treatment (Social Security), 1962***Ireland (ratification : 1964)*

*Article 6 of the Convention.* Further to its previous comments concerning the non-payment (with certain exceptions) of family allowances in respect of children resident abroad, the Committee notes with interest that, at the request of one State, Italy, which, like Ireland, has accepted the obligations of the Convention in respect of family benefit, the Government has considered entering into a bilateral agreement with a view to guaranteeing, in accordance with the Convention, the grant of family allowances to workers residing in the territory of either of the States in question even though their children reside in the territory of the other. It also notes with interest that there is now a movement towards a multilateral arrangement (which would also cover two other States, Netherlands and Norway, which have accepted the obligations of the Convention in respect of the same branch). The Committee hopes that the Government will endeavour to guarantee the implementation of this provision of the Convention (the scope of which, incidentally, is not restricted to the children of wage earners) and that it will report the progress made to this end.

*Israel (ratification : 1965)*

*Articles 5 and 6 of the Convention.* With references to its previous comments the Committee notes with satisfaction, from the Government's reports for the periods 1968-69 and 1969-70, that certain conditions of residence which were required under the National Insurance Act for the payment of death grants and family benefit have been repealed in virtue of sections 11 and 34 of the National Insurance Act (Amendment No. 2), 1969.

The Committee asks the Government to state whether the regulations mentioned in section 11 of this amendment have been issued, and to supply information on the application of the new provisions in practice (more particularly in the event of the death of a pensioner who was resident abroad), and on certain other points raised in a direct request to the Government.

*Madagascar (ratification : 1964)*

*Article 7 of the Convention.* Further to its previous comments, the Committee notes with interest, from the Government's report, the conclusion in January 1971 of a multilateral social security agreement designed more particularly to establish a system for the maintenance of acquired rights and rights in course of acquisition under the legislation of the Malagasy Republic and that of other States Members of the Common African, Malagasy and Mauritian Organisation (OCAMM) for which the present Convention is also in force. It requests the Government, in its next reports, to supply information as to the steps taken to put this system of maintenance of rights into effect.

*Syrian Arab Republic (ratification : 1963)*

See paragraph 111 of the General Report.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States : *Brazil, Guinea, Israel, Italy, Madagascar, Mauritania, Norway, Sweden, Zaire.*



**Convention No. 119 : Guarding of Machinery, 1963**

*Niger* (ratification : 1964)

Further to its previous observation, the Committee notes the Government's report, in which reference is made to Decree No. 5253/IGTLS/AOF, dated 19 July 1954. Although this decree contains certain provisions concerning dangerous machinery, the Committee must recall that measures are still required to give effect in particular to the following provisions of the Convention :

*Article 1 (2) of the Convention.* The competent authority shall determine the extent to which machinery operated by manual power is to be considered as machinery for the purposes of the Convention.

*Articles 2 to 4.* Measures are required to regulate the sale, hire, transfer and exhibition of machinery.

*Article 10.* Steps shall be taken to ascertain that workers are informed about the relevant laws and regulations, and instructed on the dangers involved and the precautions to be taken.

*Article 11.* The obligation to work only when the guards are in position, and not to make guards inoperative, shall be prescribed.

Having noted further the Government's statement that the draft decree concerning hygiene and safety which is to deal with these matters, is still under study, the Committee once more expresses the hope that the necessary legislative measures to give full effect to the provisions of the Convention will be taken in the near future, and that in their elaboration the employers' and workers' organisations concerned will be consulted, as required by Article 16 of the Convention.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States : *Algeria, Central African Republic, Congo, Dominican Republic, Guinea.*

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

Requests regarding certain points are being addressed directly to the following States : *Algeria, Byelorussia, Finland, Guinea, Jordan, Mexico, Poland, Senegal, Ukraine, Zaire.*

**Convention No. 121 : Employment Injury Benefits, 1964**

*Cyprus* (ratification : 1966)

Further to its previous direct requests, the Committee notes with satisfaction that the Social Security Act, 1964, was amended by Act No. 23 of 1970 so as to comply fully with the Convention on the following points : *Article 1 (e)* (definition of the term "dependent child" by reference to the age of 15 years) ; *Article 8* (list of occupational diseases caused by chrome or its toxic compounds and by the toxic halogen derivatives of hydrocarbons of the aliphatic series, primary epithelio-



matous cancer of the skin and anthrax infection); *Article 18, paragraph 2* (funeral benefit), and *Article 22, paragraph 2* (payment of part of the cash benefit to dependants of the insured person when benefit is suspended).

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States : *Cyprus, Finland, Guinea, Ireland, Netherlands, Senegal, Zaire.*

### Convention No. 122 : Employment Policy, 1964

#### *General Observation*

The Committee wishes to draw the attention of all ratifying countries to the General Survey on the Reports concerning the Employment Policy Convention and Recommendation, 1964 (Nos. 122), contained in Volume B of its report for 1972. This survey does not attempt to describe or evaluate the situation in individual countries; such an evaluation is undertaken by the Committee within the framework of article 22 of the ILO Constitution and has been reflected most recently in the individual requests addressed directly to governments in 1971 and 1972.

The general survey does however contain indications as to the scope of the Convention and the bearing of the detailed provisions of the Employment Policy Recommendation, 1964, upon the more general terms of the Convention. The Committee hopes that in preparing the detailed reports which will be due on the Convention from all ratifying countries for the period ending 30 June 1972 governments will take these indications into account, as well as any points raised in the direct requests mentioned above.

Having regard to the comprehensive and promotional character of the Convention, and to the role which representatives of employers and workers are called upon to play in its application, the Committee hopes that the reports supplied will be such as to enable it to keep abreast of developments in all relevant fields and to frame its possible observations or direct requests on the basis of information covering all matters relevant to employment policy as defined in the Convention.

In this regard, the Committee wishes to point out that many aspects of an active employment policy go beyond the immediate competence of the ministry responsible for labour questions, so that the preparation of a full report on the Convention will normally require the collaboration of other ministries or government agencies such as those dealing with economic affairs, planning, education, industry, trade, public works, etc. The Committee has noted in this regard that such a practice already appears to be followed by a number of countries and trusts that all governments will be able to do likewise in preparing their future reports.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States : *Belgium, Brazil, Guinea, Hungary, Jordan, Senegal, United Kingdom.*

Information supplied by *Norway* in answer to a direct request has been noted by the Committee.

**Convention No. 123 : Minimum Age (Underground Work), 1965**

*Zambia* (ratification : 1967)

*Article 4, paragraphs 4 and 5, of the Convention.* Further to its earlier comments, the Committee notes with satisfaction the adoption of the Mines Regulations of 1971, paragraph 2117 (3) and (4) of which requires the employer to keep a register and to make it available to the inspectors and to authorised representatives of the trade unions.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States : *Bulgaria, Kenya, Mexico, Netherlands, USSR, Zambia.*

**Convention No. 124 : Medical Examination of Young Persons  
(Underground Work), 1965**

*Cyprus* (ratification : 1967)

Further to its previous direct request, the Committee notes with satisfaction that the Mines and Quarries (Pneumoconiosis Prevention) (Amending) Regulations were adopted in 1970 to give effect to the provisions of the Convention.

*Zambia* (ratification : 1967)

Further to its earlier direct request, the Committee notes with satisfaction the adoption of the Mining Regulations, 1971, which extend to quarries the scope of the Mines and Minerals Act, 1969, introduce a system of inspection to ensure compliance with the provisions of the Act and require employers to keep records which must be available to inspectors and also to the duly authorised representatives of trade unions, at their request.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States : *Bulgaria, Finland, Gabon, Hungary, Madagascar, Mexico, Netherlands, Poland, Tunisia, Uganda, USSR, Zambia.*

**Convention No. 125 : Fishermen's Competency Certificates, 1966**

Requests regarding certain points are being addressed directly to the following States : *Belgium, Senegal.*

**Convention No. 126 : Accommodation of Crews (Fishermen), 1966**

Requests regarding certain points are being addressed directly to the following States : *Belgium, Spain.*

**Convention No. 127 : Maximum Weight, 1967**

A request regarding certain points is being addressed directly to *Spain*.

**Convention No. 128 : Invalidity, Old-Age and Survivors' Benefits, 1967**

A request regarding certain points is being addressed directly to *Austria*.

**Appendix I. Receipt of Detailed Reports on Ratified Conventions (States Members)  
as at 29 March 1972**

*(Article 22 of the Constitution)*

Reports received: 1,504      Reports not received: 488      Total: 1,992

State Member	Reports received		Reports not received		Grand total
	Total	Convention Nos.	Total	Convention Nos.	
Afghanistan . . . . .	0	—	8	4, 41, 45, 95, 100, 105, 106, 111	8
Algeria . . . . .	32	6*, 10*, 13, 14, 17, 18*, 19, 24*, 29, 42, 44*, 63*, 69*, 71*, 73*, 74*, 77*, 78, 81, 88, 89, 92*, 94*, 95, 96*, 101, 105*, 111, 119, 120, 122*, 127*	1	56	33
Argentina . . . . .	29	2, 4, 6, 10, 12, 16, 17, 18, 19, 22, 23, 29, 32, 34, 41, 42, 52, 53, 68, 71, 73, 77, 78, 79, 81, 88, 90, 95, 105	0	—	29
Australia . . . . .	14	10, 12, 16, 18, 19, 22, 29, 42*, 63, 85*, 88, 99*, 105*, 122*	0	—	14
Austria . . . . .	27	2, 4*, 6, 10, 11, 12, 17, 18*, 19, 21, 24, 25, 27, 29, 42, 63, 81, 87, 89, 94, 95, 98, 101, 102, 103, 105, 128	0	—	27
Barbados * . . . . .	15	12, 17, 19, 22, 29, 42, 63, 65, 74, 81, 94, 95, 101, 105, 115	0	—	15
Belgium * . . . . .	34	2, 6, 10, 12, 16, 17, 18, 19, 22, 23, 29, 42, 53, 55, 56, 69, 73, 74, 81, 82, 85, 88, 89, 92, 94, 96, 101, 105, 113, 114, 115, 122, 125, 126	0	—	34
Bolivia . . . . .	0	—	8	5, 14, 19, 26, 42, 87, 96, 107	8
Brazil . . . . .	26	6, 12, 16, 19, 22, 29, 42, 52, 53, 81, 88, 89, 92, 94, 95, 96, 101, 104, 105, 107, 113, 115, 117, 118, 120, 122	0	—	26

For footnotes see end of table, p. 223.

## OBSERVATIONS CONCERNING RATIFIED CONVENTIONS

State Member	Reports received		Reports not received		Grand total
	Total	Convention Nos.	Total	Convention Nos.	
Bulgaria * . . . . .	31	6, 10, 12, 16, 17, 18, 19, 22, 23, 24, 25, 29, 34, 42, 44, 52, 53, 55, 56, 69, 71, 73, 77, 78, 79, 81, 94, 95, 113, 123, 124	0	—	31
Burma . . . . .	0	—	18	1, 2, 6, 11, 14, 15, 16, 17, 18, 19, 21, 22, 26, 27, 29, 42, 52, 63	18
Burundi . . . . .	16	4, 11, 12, 14, 17, 18, 19, 26, 27, 29, 42, 50, 62, 64, 89, 94	1	105	17
Byelorussia * . . . . .	12	10, 16, 29, 52, 77, 78, 79, 87, 90, 95, 98, 115	0	—	12
Cameroon * . . . . .	10	3, 9, 10, 16, 19, 29, 81, 94, 95, 105	0	—	10
Eastern Cameroon *	2	4, 6	0	—	2
Western Cameroon . .	0	—	4	50, 64, 65, 97	4
Canada . . . . .	8	16, 22, 63, 69, 73, 74, 88, 105	0	—	8
Central African Republic *	28	2, 3, 4, 6, 10, 11, 17, 18, 19, 29, 33, 41, 52, 67, 81, 87, 88, 94, 95, 98, 99, 101, 104, 105, 111, 117, 118, 119	1	14	29
Ceylon . . . . .	8	16, 18, 29, 63, 81, 89, 90, 96	0	—	8
Chad * . . . . .	9	4, 5, 13, 33, 52, 81, 87, 98, 100	9	6, 11, 14, 26, 29, 41, 95, 105, 111	18
Chile . . . . .	0	—	16	2, 4, 6, 10, 12, 16, 17, 18, 19, 22, 24, 25, 29, 34, 37, 63	16
Colombia . . . . .	26	2, 3*, 4, 8, 12, 16, 17*, 18, 19, 22, 23, 24, 25, 29*, 30*, 52, 81*, 88, 95*, 99*, 101*, 104*, 105, 106*, 107*, 111*	1	62	27
Congo * . . . . .	13	4, 5, 6, 11, 13, 14, 26, 29, 33, 41, 87, 95, 119	0	—	13
Costa Rica . . . . .	0	—	16	29, 81, 88, 89, 90, 92, 94, 95, 96, 98, 105, 107, 111, 113, 114, 117	16

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State Member	Reports received		Reports not received		Grand total
	Total	Convention Nos.	Total	Convention Nos.	
Cuba . . . . .	30	3, 6, 10, 12, 16, 17, 18, 19, 22, 23, 29, 42, 52, 63, 77, 78, 79, 81, 87, 88*, 89, 90, 92, 94, 95, 96, 98, 101, 104, 105	0	—	30
Cyprus . . . . .	15	2, 16, 19, 29, 44, 81, 88, 89, 90, 94, 95, 105, 114, 121, 124	0	—	15
Czechoslovakia . . . . .	0	—	19	10, 12, 17, 18, 19, 24, 25, 29, 34, 42, 44, 52, 63, 87, 88, 89, 90, 111, 115	19
Dahomey . . . . .	0	—	8	4, 6, 18, 29, 41, 85, 95, 105	8
Denmark . . . . .	15	2*, 6*, 12*, 16*, 18*, 19*, 29*, 42*, 52*, 53*, 63*, 81*, 92*, 102, 118*	2	94, 105	17
Dominican Republic * . .	3	29, 79, 81	19	1, 5, 7, 10, 19, 26, 45, 52, 87, 88, 89, 90, 98, 100, 104, 105, 106, 107, 119	22
Ecuador . . . . .	9	2, 24, 29, 95, 98, 100, 103, 105, 111	15	26, 86, 101, 104, 106, 107, 110, 112, 113, 117, 119, 120, 123, 124, 127	24
Egypt * . . . . .	19	2, 17, 18, 19, 29, 52, 53, 63, 74, 81, 88, 89, 94, 95, 96, 101, 104, 105, 115	0	—	19
El Salvador . . . . .	3	12, 104, 105	0	—	3
Ethiopia . . . . .	0	—	3	2, 88, 98	3
Finland . . . . .	21	2, 12, 16, 17, 18, 19, 22, 29, 52, 53, 63, 73, 81, 92, 94, 96, 105, 118*, 119*, 121, 124	0	—	21
France . . . . .	39	2, 6, 10, 12, 16, 22, 23, 24*, 29, 35*, 36, 37*, 38, 44, 52, 53, 55, 56, 63, 69, 71, 73, 74, 77, 78, 81, 82, 85, 88, 89, 92, 94, 95, 96, 97*, 101, 105, 113, 114	4	17, 18, 19, 42	43
Gabon . . . . .	8	3*, 4*, 6*, 13, 19, 45*, 105*, 124	19	5, 10, 11, 12, 14, 26, 29, 33, 41, 52, 85, 87, 95, 96, 98, 99, 100, 101, 123	27



## OBSERVATIONS CONCERNING RATIFIED CONVENTIONS

State Member	Reports received		Reports not received		Grand total
	Total	Convention Nos.	Total	Convention Nos.	
Fed. Republic of Germany*	22	2, 10, 12, 16, 17, 18, 19, 22, 23, 24, 25, 29, 42, 56, 63, 81, 88, 96, 101, 102, 105, 114	0	—	22
Ghana . . . . .	17	16, 19, 22, 23, 29, 65, 69, 74, 81, 88, 89, 90, 92, 94*, 105*, 115, 117*	0	—	17
Greece . . . . .	18	2, 6, 16, 17, 19, 29, 42, 52, 55, 69, 81, 87*, 88, 89, 90, 95, 98, 105	0	—	18
Guatemala * . . . . .	21	19, 58, 63, 65, 77, 78, 79, 81, 87, 88, 89, 90, 94, 95, 96, 101, 105, 108, 113, 114, 118	0	—	21
Guinea . . . . .	23	10, 16, 17, 18, 29, 52, 62, 81, 89, 90, 94, 95, 105, 112, 113, 114, 115, 117, 118, 119, 120, 121, 122	0	—	23
Guyana . . . . .	13	2, 10, 12, 19, 29, 42, 65, 81, 82, 94, 95, 105, 115	0	—	13
Haiti . . . . .	0	—	17	1, 12, 14, 17, 19, 24, 25, 29, 30, 42, 77, 78, 81, 90, 100, 105, 106	17
Honduras . . . . .	0	—	6	29, 42, 78, 87, 95, 105	6
Hungary * . . . . .	24	2, 6, 10, 12, 16, 17, 18, 19, 24, 29, 41, 42, 48, 52, 77, 78, 87, 95, 98, 99, 101, 115, 122, 124	0	—	24
Iceland . . . . .	3	2, 29, 105	0	—	3
India . . . . .	13	4, 6, 16, 18, 19, 22, 29, 42, 81, 88, 89, 90, 118	0	—	13
Indonesia . . . . .	2	19, 120*	1	29	3
Iran * . . . . .	3	29, 104, 105	0	—	3
Iraq . . . . .	16	16, 17, 18, 19, 22, 29*, 42, 52, 77, 78, 81*, 88, 89, 95, 105, 115*	0	—	16
Ireland . . . . .	20	2, 6, 10, 12*, 16, 19, 22, 23, 29, 44, 63, 69, 74, 81, 88, 89, 92, 105, 118*, 121*	0	—	20

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State Member	Reports received		Reports not received		Grand total
	Total	Convention Nos.	Total	Convention Nos.	
Israel . . . . .	19	9, 10*, 19*, 29*, 48*, 52*, 77*, 78*, 79*, 81*, 88*, 90*, 94*, 95*, 96*, 101*, 105*, 117, 118*	1	53	20
Italy . . . . .	35	2*, 4*, 6*, 10*, 12*, 16, 18*, 19*, 22, 23, 29*, 42*, 44*, 48*, 52*, 53, 55*, 69, 71, 73, 77*, 78*, 79*, 81*, 88*, 89*, 90*, 94*, 95*, 96*, 101*, 105*, 114*, 117*, 118*	0	—	35
Ivory Coast . . . . .	0	—	25	3, 4, 5, 6, 11, 13, 14, 18, 19, 26, 29, 33, 41, 45, 52, 85, 87, 95, 96, 98, 99, 100, 105, 110, 111	25
Jamaica . . . . .	10	7, 16, 19*, 26*, 29, 65, 81, 94, 105*, 117*	0	—	10
Japan . . . . .	12	2, 10, 16, 18, 19, 22, 29, 42, 73, 81, 88, 96	0	—	12
Jordan * . . . . .	6	29, 81, 105, 117, 118, 124	0	—	6
Kenya . . . . .	14	2, 12, 17, 19, 29*, 45, 63, 65, 81, 88, 89, 94, 105, 123	0	—	14
Khmer Republic . . . . .	3	4, 6, 29	0	—	3
Kuwait . . . . .	6	29*, 52, 81*, 89, 105*, 117*	0	—	6
Laos . . . . .	0	—	4	4, 6, 13, 29	4
Lebanon . . . . .	0	—	5	45, 52, 81, 89, 90	5
Liberia . . . . .	0	—	13	29, 53, 55, 58, 65, 87, 98, 104, 105, 111, 112, 113, 114	13
Libyan Arab Republic * . . .	7	29, 52, 88, 89, 95, 96, 105	1	104	8
Luxembourg . . . . .	22	2, 6, 10, 12, 17, 18, 19, 24, 25, 27, 28, 29, 42, 77*, 78*, 79*, 81, 88*, 90, 96*, 103, 105	5	4, 16, 22, 23, 89	27
Madagascar . . . . .	12	4*, 6*, 12*, 19*, 29*, 41*, 52*, 95*, 101*, 117, 118*, 124*	0	—	12
Malawi * . . . . .	6	12, 19, 65, 81, 89, 104	0	—	6

## OBSERVATIONS CONCERNING RATIFIED CONVENTIONS

State Member	Reports received		Reports not received		Grand total
	Total	Convention Nos.	Total	Convention Nos.	
Malaysia * . . . . .	5	29, 65, 81, 95, 105	0	—	5
States of Malaya * . . .	3	12, 17, 19	0	—	3
State of Sabah * . . . .	2	16, 94	0	—	2
State of Sarawak * . . .	4	12, 16, 19, 94	0	—	4
Mali * . . . . .	11	4, 6, 17, 18, 19, 29, 41, 52, 81, 95, 105	0	—	11
Malta . . . . .	14	2, 10, 12, 16, 19, 22, 29, 42, 81, 88, 89, 95, 99, 105	0	—	14
Mauritania * . . . . .	23	3, 5, 6, 17, 18, 19, 22, 23, 29, 33, 52, 53, 81, 87, 89, 90, 94, 95, 96, 101, 102, 114, 118	0	—	23
Mauritius . . . . .	0	—	32	2, 5, 7, 8, 11, 12, 14, 15, 16, 17, 19, 26, 29, 32, 42, 50, 58, 59, 63, 64, 65, 74, 81, 84, 86, 94, 95, 97, 98, 99, 105, 108	32
Mexico * . . . . .	19	9, 12, 16, 17, 19, 22, 23, 29, 34, 42, 52, 53, 55, 62, 63, 90, 95, 105, 124	0	—	19
Mongolia . . . . .	6	59, 87, 98, 100, 103, 111	0	—	6
Morocco . . . . .	18	2, 4, 12, 17, 18, 19, 22, 29, 41, 42, 52, 55, 65, 81, 94, 101, 104, 105	0	—	18
Netherlands . . . . .	31	2*, 10, 12, 16, 17, 19, 22, 23*, 24, 25, 29, 44, 63*, 69, 71, 73, 74, 81, 88, 89, 90, 91, 92, 94, 95, 101, 105, 115, 118, 123, 124	4	48, 96, 121, 128	35
New Zealand * . . . . .	21	2, 10, 12, 16, 17, 22, 29, 42, 44, 52, 53, 63, 65, 74, 81, 82, 88, 89, 101, 104, 105	0	—	21
Nicaragua . . . . .	0	—	34	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 87, 98, 100, 105, 111	34
Niger * . . . . .	11	4, 6, 18, 29, 41, 65, 85, 95, 104, 105, 117	0	—	11

**REPORT OF THE COMMITTEE OF EXPERTS**

State Member	Reports received		Reports not received		Grand total
	Total	Convention Nos.	Total	Convention Nos.	
Nigeria . . . . .	10	16, 19, 29, 65, 81, 88, 94, 95, 104, 105	0	—	10
Norway . . . . .	29	2*, 10*, 12*, 18*, 19*, 22, 24*, 25*, 29*, 42*, 44*, 53, 56*, 63, 69, 71, 73, 81*, 88*, 90*, 92, 95*, 96*, 101, 105*, 115*, 118*, 119*, 126	0	—	29
Pakistan * . . . . .	13	4, 6, 16, 18, 19, 22, 27, 29, 81, 89, 90, 96, 107	2	105, 118	15
Panama . . . . .	0	—	26	3, 8, 9, 10, 11, 12, 13, 15, 16, 17, 19, 20, 21, 22, 23, 29, 30, 42, 45, 52, 81, 87, 98, 100, 105, 111	26
Paraguay . . . . .	0	—	24	11, 14, 26, 29, 52, 77, 78, 79, 81, 89, 90, 95, 99, 101, 105, 106, 107, 115, 117, 119, 120, 122, 123, 124	24
Peru . . . . .	24	1*, 10*, 12*, 19*, 22, 23, 24*, 25*, 29*, 52*, 53, 55, 62*, 68, 71, 73, 79*, 81*, 87, 90*, 101*, 105*, 113, 114	11	4, 8, 27, 32, 41, 44, 56, 69, 77, 78, 88	35
Philippines * . . . . .	8	17, 59, 77, 88, 89, 90, 95, 105	3	23, 53, 94	11
Poland . . . . .	33	2*, 6*, 10*, 12*, 16*, 17*, 18*, 19*, 22*, 23*, 24*, 25*, 29*, 42*, 69*, 73*, 74*, 77*, 78*, 79*, 87*, 90*, 92*, 95*, 96*, 98*, 101*, 105*, 111*, 115*, 120, 123*, 124*	1	48	34
Portugal * . . . . .	16	4, 6, 12, 17, 18, 19, 29, 69, 73, 74, 81, 89, 92, 104, 105, 111	0	—	16
Romania . . . . .	7	2, 6, 10, 16, 24, 29, 89	0	—	7
Rwanda * . . . . .	9	4, 12, 17, 18, 19, 42, 89, 94, 105	0	—	9
Senegal . . . . .	17	4, 6, 10, 12, 18, 19, 29, 52, 81, 89, 95, 96, 101, 105, 117, 121, 125*	0	—	17

## OBSERVATIONS CONCERNING RATIFIED CONVENTIONS

State Member	Reports received		Reports not received		Grand total
	Total	Convention Nos.	Total	Convention Nos.	
Sierra Leone . . . . .	11	17, 19, 22, 29, 65, 81, 88, 94, 95, 101, 105	3	16, 125, 126	14
Singapore * . . . . .	10	12, 16, 19, 22, 29, 65, 81, 88, 94, 105	0	—	10
Somalia *	6	29, 65, 84, 85, 105, 111	0	—	6
Former Trust Territory of Somaliland*	6	16, 17, 19, 22, 23, 45	0	—	6
Former British Somaliland * . . . . .	4	50, 64, 94, 95	0	—	4
Spain . . . . .	27	2, 4, 6, 10, 12, 16, 17, 18, 19, 22, 23, 24, 25, 29, 34, 42, 48, 81, 88, 89, 95, 105, 113, 114, 115, 126, 127	0	—	27
Sudan * . . . . .	3	2, 19, 29	0	—	3
Sweden . . . . .	17	2*, 10, 12, 16, 19, 29, 63, 73, 81*, 88*, 92*, 96*, 101, 105, 115, 118*, 121*	0	—	17
Switzerland . . . . .	14	2, 6, 16, 18, 19, 23, 29, 44, 63, 81, 88, 89, 105, 115	0	—	14
Syrian Arab Republic	17	2, 17, 18, 19*, 29*, 53, 63, 81*, 88, 89, 94, 101, 104, 105, 115*, 118*, 125*	7	1, 30, 52, 95, 96, 106, 117	24
Tanzania . . . . .	0	—	11	12, 16, 17, 19, 29, 63, 65, 94, 95, 98, 105	11
Tanganyika . . . . .	0	—	4	81, 88, 101, 108	4
Zanzibar . . . . .	0	—	5	5, 7, 58, 85, 97	5
Thailand * . . . . .	1	19	8	14, 29, 88, 104, 105, 122, 123, 127	9
Togo . . . . .	0	—	9	4, 5, 6, 14, 29, 41, 84, 85, 95	9
Trinidad and Tobago . . .	0	—	6	16, 19, 29, 65, 85, 105	6
Tunisia . . . . .	24	4, 6, 8, 12, 16, 17, 19, 22, 23, 52, 65, 73, 81, 88, 89, 90, 91, 95, 104, 112, 113, 114, 118, 124	3	18, 29, 105	27
Turkey * . . . . .	2	42, 115	7	2, 81, 88, 94, 95, 96, 105	9

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State Member	Reports received		Reports not received		Grand total
	Total	Convention Nos.	Total	Convention Nos.	
Uganda . . . . .	7	12, 19, 29, 81, 94, 95, 124	3	17, 65, 105	10
Ukraine * . . . . .	18	10, 15, 16, 23, 29, 52, 69, 73, 77, 78, 79, 87, 90, 92, 95, 98, 111, 115	0	—	18
USSR * . . . . .	22	10, 16, 23, 27, 29, 32, 52, 69, 73, 77, 78, 79, 87, 90, 92, 95, 98, 108, 115, 119, 123, 124	2	113, 126	24
United Kingdom . . . . .	28	2, 10, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 56, 63, 65, 69, 74, 81, 82, 85, 88*, 92, 94, 95, 101, 105, 115*, 124	0	—	28
United States . . . . .	2	53, 74	1	55	3
Upper Volta * . . . . .	23	3, 4, 5, 6, 11, 13, 14, 17, 18, 19, 26, 29, 33, 41, 52, 85, 87, 95, 97, 98, 100, 101, 111	0	—	23
Uruguay * . . . . .	23	2, 10, 12, 16, 17, 19, 22, 23, 24, 25, 42, 52, 63, 73, 77, 78, 79, 89, 90, 94, 95, 101, 105	0	—	23
Venezuela * . . . . .	1	81	9	1, 2, 6, 19, 22, 29, 41, 88, 105	10
Republic of Viet-Nam * . .	5	6, 29, 52, 81, 89	0	—	5
Yemen Arab Republic . .	0	—	2	104, 111	2
People's Democratic Republic of Yemen . . .	13	15*, 16*, 19*, 29*, 58*, 59*, 64*, 65*, 86*, 94*, 95*, 98, 105	0	—	13
Yugoslavia * . . . . .	27	2, 8, 12, 13, 16, 17, 18, 22, 23, 24, 25, 29, 48, 52, 53, 56, 58, 69, 73, 74, 81, 88, 89, 92, 101, 113, 114	2	19, 90	29
Zaire . . . . .	0	—	18	4, 11, 12, 17, 18, 19, 29, 81, 88, 89, 94, 95, 98, 100, 117, 118, 120, 121	18
Zambia . . . . .	11	12, 17*, 18, 19, 29*, 65, 89, 105*, 117, 123, 124*	0	—	11



## OBSERVATIONS CONCERNING RATIFIED CONVENTIONS

State Member	Reports received		Reports not received		Grand total
	Total	Convention Nos.	Total	Convention Nos.	
<i>Other States</i>					
Albania <sup>1</sup> . . . . .	0	—	16	5, 6, 10, 11, 16, 21, 29, 52, 58, 59, 77, 78, 87, 98, 100, 112	16
Lesotho <sup>2</sup> . . . . .	0	—	11	5, 11, 14, 19, 26, 29, 45, 64, 65, 87, 98	11
Rep. of South Africa <sup>3</sup> . .	0	—	7	2, 19, 26, 42, 45, 63, 89	7
Western Samoa . . . . .	3	29, 65, 104	0	—	3

\* Reports received too late to be summarised in Report III (Part 1).

<sup>1</sup> The notice given by Albania of its withdrawal from the ILO expired on 5 August 1967, but this State continues to be bound by the Conventions which it has ratified (article 1, paragraph 5, of the Constitution).

<sup>2</sup> The notice given by Lesotho of its withdrawal from the ILO expired on 15 July 1971, but this State continues to be bound by the Conventions which it has ratified (article 1, paragraph 5, of the Constitution).

<sup>3</sup> The notice given by the Republic of South Africa of its withdrawal from the ILO expired on 11 March 1966, but this State continues to be bound by the Conventions which it has ratified (article 1, paragraph 5, of the Constitution).

# REPORT OF THE COMMITTEE OF EXPERTS

## Appendix II. Statistical Table of Reports on Ratified Conventions at 29 March 1972

(Article 22 of the Constitution)

Period	Reports requested	Reports received at the date requested		Reports received in time for the session of the Committee <sup>1</sup>		Reports received in time for the session of the Conference	
		Number	Percentage	Number	Percentage	Number	Percentage
1931-1932	447	—	—	406	90.8	423	94.6
1932-1933	522	—	—	435	83.3	453	86.7
1933-1934	601	—	—	508	84.5	544	90.5
1934-1935	630	—	—	584	92.7	620	98.4
1935-1936	662	—	—	577	87.2	604	91.2
1936-1937	702	—	—	580	82.6	634	90.3
1937-1938	748	—	—	616	82.4	635	84.9
1938-1939	766	—	—	588	76.8	— <sup>2</sup>	—
1943-1944	583	—	—	251	43.1	314	53.9
1944-1945	725	—	—	351	48.4	523	72.2
1945-1946	731	—	—	370	50.6	578	79.1
1946-1947	763	—	—	581	76.1	666	87.3
1947-1948	799	—	—	521	65.2	648	81.1
1948-1949	806	134 <sup>3</sup>	16.6	666	82.6	695	86.2
1949-1950	831	253	30.4	597	71.8	666	80.1
1950-1951	907	288	31.7	705	77.7	761	83.9
1951-1952	981	268	27.3	743	75.7	826	84.2
1952-1953	1 026	212	20.6	840	81.8	917	89.3
1953-1954	1 175	268	22.8	1 077	91.7	1 119	95.2
1954-1955	1 234	283	22.9	1 063	86.1	1 170	94.8
1955-1956	1 333	332	24.9	1 234	92.5	1 283	96.2
1956-1957	1 418	210	14.7	1 295	91.3	1 349	95.1
1957-1958	1 558	340	21.8	1 484	95.2	1 509	96.8
1958-1959	995 <sup>4</sup>	200	20.4	864	86.8	902	90.6
1958-1960	1 104 <sup>4</sup>	256	23.2	838	76.1	963	87.4
1959-1961	1 362 <sup>4</sup>	243	18.1	1 090	80.0	1 142	83.8
1960-1962	1 309 <sup>4</sup>	200	15.5	1 059	80.9	1 121	85.6
1961-1963	1 624 <sup>4</sup>	280	17.2	1 314	80.9	1 430	88.0
1962-1964	1 495 <sup>4</sup>	213	14.2	1 268	84.8	1 356	90.7
1963-1965	1 700 <sup>4</sup>	282	16.6	1 444	84.9	1 527	89.8
1964-1966	1 562 <sup>4</sup>	245	16.3	1 330	85.1	1 395	89.3
1965-1967	1 833 <sup>4</sup>	323	17.4	1 551	84.5	1 643	89.6
1966-1968	1 647 <sup>4</sup>	281	17.1	1 409	85.5	1 470	89.1
1967-1969	1 821 <sup>4</sup>	249	13.4	1 498	82.4	1 601	87.9
1968-1970	1 898 <sup>4</sup>	360	18.9	1 463	77.0	1 549	81.6
1969-1971	1 992 <sup>4</sup>	237	11.8	1 504	75.5	—	—

<sup>1</sup> The opening date of the session of the Committee of Experts has, in general, been the end of March or the beginning of April. In a number of cases, however, the session has opened on other dates, varying between 29 February in 1932 and 23 July in 1945; the date limit for the receipt of reports has accordingly varied.

<sup>2</sup> The Conference did not meet in 1940.

<sup>3</sup> First year for which this figure is available.

<sup>4</sup> As a result of a decision by the Governing Body, detailed reports were requested only on certain ratified Conventions.

## **II. Observations on the Application of Conventions in Non-Metropolitan Territories (Article 22 and Article 35, Paragraphs 6 and 8, of the Constitution)**

### **A. GENERAL OBSERVATIONS**

#### *Denmark*

The Committee notes with regret that only four of the nineteen reports due in respect of the Faroe Islands and seven of the sixteen reports due in respect of Greenland have been received. It hopes that the remaining reports will be available for examination at its next session.

#### *France*

The Committee notes with regret that none of the reports due in respect of French Polynesia has been received. It hopes that the reports in question will be available for examination at its next session.

#### *United Kingdom*

The Committee notes that no reports have been received in respect of the application of Conventions in Southern Rhodesia, and that accordingly no information is available in answer to the observations previously made with respect to this territory concerning Conventions Nos. 81, 82, 84, 86 and 105. In these circumstances, the Committee can only refer to its previous observations.

The Committee also notes with regret that none of the reports due in respect of Bahamas, Brunei, St. Christopher-Nevis-Anguilla, St. Lucia and St. Vincent has been received. It hopes that the reports in question will be available for examination at its next session.

The Committee notes with interest from the reports of Hong Kong in respect of Conventions Nos. 95 and 124 that, following recent legislative measures, improved declarations are under consideration. In the light of information contained in the report of the Gilbert and Ellice Islands in respect of Convention No. 74, the Government may also wish to consider the possibility of making a declaration of application in that case.

\* \* \*

In addition, a request regarding certain points is being addressed directly to *Australia*.

### **B. INDIVIDUAL OBSERVATIONS**

#### **Convention No. 2 : Unemployment, 1919**

A request regarding certain points is being addressed directly to the *Netherlands* (Surinam).

**Convention No. 5 : Minimum Age (Industry), 1919***Denmark**Faroe Islands.*

Further to its earlier observations made since 1957, the Committee notes from the information supplied by the Government that a Bill on occupational safety, health and welfare is to be drawn up and will ensure conformity with the Minimum Age (Industry) Convention, 1919 (No. 5), and the Night Work of Young Persons (Industry) Convention, 1919 (No. 6). The Committee hopes that the necessary measures to prohibit the employment of children in industrial undertakings, in accordance with Convention No. 5, and night work for children, in accordance with Convention No. 6, will be adopted in the very near future.

*United Kingdom**Bahamas.*

*Article 4 of the Convention.* Further to its earlier comments, the Committee notes with satisfaction that section 29 of the Fair Labour Standards Act, No. 13 of 1970, makes it compulsory for the employer to keep a record showing, *inter alia*, the names and ages of the persons employed.

*British Virgin Islands.*

*Article 4 of the Convention.* Further to its earlier direct request, the Committee notes with satisfaction that the specimen copy of the return giving information on the number and working conditions of workers, which employers are required to supply at the request of the labour inspector under section 6, subsection 1 (b) of the Labour Ordinance, has been amended so as to include the dates of birth of the workers, as required by this Article of the Convention.

\* \* \*

In addition, a request regarding certain points is being addressed directly to the *United Kingdom* (Bahamas).

**Convention No. 6 : Night Work of Young Persons (Industry), 1919***Denmark**Faroe Islands.*

See under Convention No. 5.<sup>1</sup>

\* \* \*

In addition, a request regarding certain points is being addressed directly to *France* (Comoro Islands).

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

Requests regarding certain points are being addressed directly to the *United Kingdom* (Bahamas, St. Vincent).

<sup>1</sup> The Government is asked to report in detail for the period ending 30 June 1972.

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

Requests regarding certain points are being addressed directly to the following States : *Denmark* (Faroe Islands), *United Kingdom* (Solomon Islands).

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

Requests regarding certain points are being addressed directly to *France* (Overseas Departments : French Guiana, Guadeloupe, Martinique, Réunion).

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

A request regarding certain points is being addressed directly to the *United Kingdom* (St. Christopher-Nevis-Anguilla).

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

A request regarding certain points is being addressed directly to the *Netherlands* (Netherlands Antilles).

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

A request regarding certain points is being addressed directly to *Denmark* (Faroe Islands).

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

*Netherlands*

*Netherlands Antilles.*

The Committee notes the Government's reply to its earlier observations, and also the declaration of the Government representative to the Conference Committee in 1970. It notes the information supplied on the application of *Article 8 of the Convention* (supervision and methods of review of compensation) and wishes to draw attention to the following points :

*Article 7 of the Convention.* The Government refers to section 4, paragraphs 2 (e) and (f) and paragraph 3 of Ordinance No. 14 of 6 January 1966 concerning benefits (transport of the vietim, instruction in the use of artificial limbs, and cash payments in place of medical aid) other than those required by this Article of the Convention. The Article in question provides for additional compensation where the injury results in incapacity of such a nature that the injured workmen must have the constant help of another person in order to meet daily needs. The Committee therefore hopes that the Government—in accordance with its intention as declared to the Conference—will take the necessary steps to amend its legislation on this point, more especially as, according to its report, every case of this kind is in practice examined and dealt with according to circumstances.

*Article 10.* The Committee notes from the statement of the Government representative at the Conference that in practice every injured workman may request the renewal of his artificial limbs (the supply of which is provided for in section 4, paragraph 2 (d) of Ordinance No. 14 of 1966) when they do not come up to standard. The Committee hopes that a formal clause to this effect will be incorporated in the legislation in the course of the amendment referred to above.

*Surinam.*

The Committee notes with interest the information supplied by the Government in response to its earlier observations and requests, to the effect that the draft amendment to Decree No. 145 of 1947 concerning industrial accidents and occupational diseases has been submitted to the states of Surinam.

The Committee trusts that this amendment, which is intended to give effect to Articles 7 and 10 of the Convention (concerning respectively additional compensation when the injured workman must have the constant help of another person and the renewal of artificial limbs and surgical appliances), will be adopted at a very early date.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States: *Netherlands* (Netherlands Antilles); the *United Kingdom* (Guernsey).

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

A request regarding certain points is being addressed directly to *Denmark* (Faroe Islands).

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

*Netherlands*

*Surinam.*

Further to its previous observations, the Committee notes with interest, from the Government's report for 1970-71, that the draft Ordinance concerning compensation for industrial accidents, which will provide equality of treatment for all workers irrespective of nationality, has been submitted for approval to the states of Surinam. The Committee trusts that this draft, to which the Government has been referring since 1964, will be adopted in the near future and that the Government will be able to supply information on the subject (see also the direct request concerning Convention No. 118).

\* \* \*

In addition, requests regarding certain points are being addressed directly to: *France* (Overseas Departments: French Guiana, Guadeloupe, Martinique, Réunion).

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

*United Kingdom*

*Bahamas.*

The Committee regrets that no report has been received and that therefore no information is available on the matter raised in its previous direct requests,



concerning the measures needed to give effect in Bahamas to the various Articles of the Convention.

\* \* \*

In addition, a request regarding certain points is being addressed directly to the *United Kingdom* (Seychelles).

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

Requests regarding certain points are being addressed directly to the *United Kingdom* (Guernsey, Jersey).

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

Requests regarding certain points are being addressed directly to the following States : *Netherlands* (Netherlands Antilles), *United Kingdom* (Guernsey, Jersey).

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

A request regarding certain points is being addressed directly to the *United Kingdom* (Virgin Islands).

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

Requests regarding certain points are being addressed directly to the following States : *France* (French Polynesia), *Netherlands* (Surinam).

Information supplied by *France* (Comoro Islands), *United Kingdom* (Gibraltar, Jersey) in answer to direct requests has been noted by the Committee.

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

A direct request regarding certain points is being addressed directly to the *United Kingdom* (Falkland Islands (Malvinas)).

**Convention No. 33 : Minimum Age (Non-Industrial Employment), 1932**

*Netherlands*

*Netherlands Antilles.*

*Article 5 of the Convention.* The Committee notes from the Government's reply to its earlier comments that the National Decree to determine the types of employment in which persons under 18 years of age are prohibited to engage, in accordance with section 17 (1) of the Ordinance of 22 August 1952, will be adopted upon the completion of the current reorganisation of the labour inspectorate. In this connection the Committee recalls that, in the Government's report for 1966-68,

such measures were already referred to within the framework of the revision of the labour regulations. The Committee therefore trusts that the above-mentioned National Decree will be adopted in the very near future so as to give full effect to this Article of the Convention.

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

A request regarding certain points is being addressed directly to *France* (Comoro Islands).

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

#### *France*

*Overseas Departments* (French Guiana, Guadeloupe, Martinique, Réunion).

See under Convention No. 42, France.

#### *Netherlands*

#### *Surinam.*

In its previous observations and requests, the Committee has pointed out that the national list of occupational diseases is not fully in conformity with the Convention on the following points : (a) the loading, unloading and transport of merchandise are not included in the operations liable to give rise to anthrax infection ; (b) the list in question does not mention the mercury and lead compounds and the homologues of benzene.

In its last report, the Government indicates that the relevant section of the draft text which will amend and supplement Decree No. 145 of 1947 on occupational injuries has been brought into full conformity with Article 2 of the Convention and that the draft is being submitted to the states of Surinam for approval.

The Committee notes the above information with interest and hopes that the draft text will be adopted very soon. It requests the Government to supply information on the progress achieved in this connection.

#### *United Kingdom*

#### *Hong Kong.*

The Committee notes with satisfaction that, in reply to its earlier direct requests, the Workmen's Compensation Ordinance (Amendment of Second Schedule) Order No. 14, 1970, added the loading, unloading or transport of merchandise in general to item 14 of the schedule of occupational diseases appended to the Ordinance and dealing with anthrax infection.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States : *Australia* (New Guinea and Papua), *Netherlands* (Netherlands Antilles), *United Kingdom* (Bahamas, Brunei, Gibraltar, St. Lucia, Solomon Islands).

Information supplied by the *United Kingdom* (Bermuda) in answer to a direct request has been noted by the Committee.

**Convention No. 50 : Recruiting of Indigenous Workers, 1936**

A request regarding certain points is being addressed directly to the *United Kingdom* (Solomon Islands).

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

A request regarding certain points is being addressed directly to the *United States* (Eastern Samoa).

**Convention No. 56 : Sickness Insurance (Sea), 1936***United Kingdom**Guernsey.*

*Article 5 of the Convention.* With reference to its earlier requests, the Committee notes with satisfaction the adoption of the Social Insurance (Amendment) (Guernsey) Law, 1971, and the Social Insurance (Maternity Benefit) (Guernsey) Regulations, 1971, issued under the amended Law. These Regulations make provision for a maternity allowance and a maternity grant, the latter being payable also to the wives of insured persons in the event of childbirth.

\* \* \*

In addition, a request regarding certain points is being addressed directly to the *United Kingdom* (Guernsey).

**Convention No. 58 : Minimum Age (Sea) (Revised), 1936***Netherlands**Netherlands Antilles.*

Further to its previous observations, the Committee notes with interest, from the Government's report, that the National Seamen (Signing on) Decree (PB 1960, No. 201) is to be amended so as to prohibit the employment on board ship of young persons under 16 years of age.

The Committee hopes that the amendment will be adopted in the near future.

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

Further to its previous observation, the Committee notes from the Government's statement to the Conference Committee in 1971, that the question of making operative the Safety Ordinance of 1962 required further consultations in view of its technical complexity. The Committee further notes from the Government's report that the matter is being examined in co-operation with the Ministry of Public

Works and Transport and that the Government anticipates positive results at an early date.

The Committee therefore hopes that the Government will be able to report in the near future on the adoption of the measures necessary to give full effect to the various provisions of the Convention which have been the subject of its previous comments.<sup>1</sup>

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

Requests regarding certain points are being addressed directly to the *United Kingdom* (Brunei, St. Lucia).

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

A request regarding certain points is being addressed directly to the *United Kingdom* (Solomon Islands).

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

*Netherlands*

*Netherlands Antilles.*

The Committee notes from the Government's reply to its previous observation that it has been decided to submit a draft national ordinance of 1962, giving effect to the provisions of the Convention, to the competent authorities for approval as soon as the School of Navigation founded in 1966 is able to include in its programme a course for certificated ships' cooks. The Committee trusts that the necessary steps will be taken in the near future.

**Convention No. 81 : Labour Inspection, 1947**

*Netherlands*

*Surinam.*

The Committee notes with interest the draft Labour Inspection Ordinance prepared in order to take account of its earlier comments. It notes that the draft ensures fuller application of the Convention and more particularly of Articles 12 and 13 concerning the powers of inspectors, and it hopes that it will be adopted in the near future.

*United Kingdom*

*Antigua.*

The Committee notes with regret that the Government's report has not been received. The Committee is bound, therefore, to repeat its previous observation, which was as follows :

*Article 15, paragraph (c) of the Convention.* The Committee notes from the Government's reply to its observation of 1968 that the revision of the Factories Ordinance, 1957, designed to give effect to Article 15 (c) of the Convention, is still in process, and it is too early to anticipate the outcome. The

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<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 57th Session and to report in detail for the period ending 30 June 1972.

Committee trusts that the revision of the Ordinance will soon be completed, and will impose on labour inspectors the express obligation to treat as absolutely confidential the source of any complaint brought to their notice, in conformity with Article 15 (c) of the Convention.

*Article 20.* The Committee also notes with interest that, as a result of its earlier observations, the annual report of the Department of Labour for 1968, containing information on the work of the labour inspectorate, was transmitted to the ILO. It hopes that the report for 1969 will soon reach the ILO and that in future the time limits laid down in this Article for the publication of the annual reports on the inspection service and their transmission to the ILO will be respected.

*Brunei.*

The Committee notes with regret that the Government's report has not been received. The Committee is bound, therefore, to repeat its previous observation, which was as follows :

*Articles 20 and 21 of the Convention.* The Committee notes that the last annual report of the Department of Labour received in the ILO dates back to 1964. It observes, moreover, that the last two reports of the Government on the application of the Convention contained information which, according to Article 21 of the Convention, should appear in the annual report on the work of the inspection services provided for in Article 20 of the Convention.

Since, however, this information cannot be regarded as a substitute for such a report, the Committee hopes that the Government will take the necessary steps to ensure that an annual report on the work of the inspection services, containing all the information specified in Article 21 of the Convention, will be published within twelve months after the end of the year to which it relates, and transmitted to the ILO within three months after its publication, in conformity with Article 20 of the Convention.

*Grenada.*

The Committee notes with regret that the Government's report contains no reply to previous comments. It is bound therefore to repeat its previous observation, which was as follows :

The Committee notes from the Government's reply to its observation of 1968 that it is not intended to appoint a factories inspector, but that the inspection functions provided for in the Factories Ordinance of 1958 are exercised by the labour inspector.

With regard to the report on the work of the inspection services provided for in section 61, paragraph 5, of the Factories Ordinance, the Committee hopes that this document will be published and transmitted within the time limits prescribed by Article 20 of the Convention and that it will contain all the information specified in Article 21 of the Convention.

The Committee also notes that a new Bill currently being considered contains provisions obliging the labour inspector to observe secrecy as to the source of any complaints brought before him, in conformity with Article 15 (c) of the Convention. As the Government has been referring for some years to its intention to supplement the national legislation on this point, the Committee trusts that this Bill will be adopted at a very early date and that the text thereof will be transmitted with the next report.

*Southern Rhodesia.*

See General Observation in section II A above.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States : *France* (Overseas Departments : French Guiana, Guadeloupe, Martinique, Réunion), *Netherlands* (Netherlands Antilles and Surinam), *United Kingdom* (Antigua, British Honduras, Gibraltar, Guernsey, Isle of Man, St. Vincent and Solomon Islands).

**Convention No. 82 : Social Policy (Non-Metropolitan Territories), 1947***France**New Caledonia.*

*Article 19 of the Convention.* The Committee notes with satisfaction that by Resolution No. 284 of 16 December 1970 (brought into force by Order No. 53 of 7 January 1971) the Territorial Assembly has made primary instruction compulsory for children of both sexes, French as well as foreign, residing within the territory and between the ages of 6 and 14 years.

The above-mentioned documents not having been received, the Committee requests the Government to supply them with the next report.

*United Kingdom**Antigua.*

The Committee notes with regret that the Government's report has not been received. The Committee is bound, therefore, to repeat its previous observation, which was as follows :

*Article 16 of the Convention.* In its reply to the observation of 1969, the Government states that the need to protect all categories of workers in the terms of this Article (advances on wages) in so far as such protection is necessary is fully appreciated and will be implemented at as early a date as the legislative process will allow. The Committee hopes that the necessary measures will soon be taken and that information on the progress made will be supplied in the next report.

*Bermuda.*

*Article 18 of the Convention.* The Committee notes that the Government has not replied to its previous direct request regarding the activities of the recently created Race Relations Board. The Committee also notes in this regard that a Bermuda Workers' observer stated before the Conference Committee in 1971 (paragraph 63 of the said Committee's report) that despite the existence of constitutional and legislative provisions, problems of discrimination continued to exist in practice, particularly because of different systems of education and the consequences of such inequalities on employment.

The Committee would therefore be glad if the Government would indicate, as already requested, what results have been achieved in promoting equality of opportunities through the Race Relations Board, and also any other measures which may have been taken, in accordance with this Article of the Convention, to abolish all discrimination between workers.

*Southern Rhodesia.*

See General Observation in section II A above.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States : *France* (Comoro Islands, French Territory of the Afars and the Issas), *United Kingdom* (Bermuda, Gibraltar, St. Vincent).

**Convention No. 84 : Right of Association (Non-Metropolitan Territories), 1947***United Kingdom**Southern Rhodesia.*

See General Observation in section II A above.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the *United Kingdom* (Brunei, Solomon Islands).

Information supplied by the *United Kingdom* (Bahamas) in answer to a direct request has been noted by the Committee.

### **Convention No. 85 : Labour Inspectorates (Non-Metropolitan Territories), 1947**

#### *United Kingdom*

##### *Montserrat.*

See paragraph 111 of the General Report.

##### *St. Christopher-Nevis-Anguilla.*

The Committee regrets that for the third year in succession no report has been received. It trusts that a report will be supplied for examination by the Committee at its next session and will contain full information on the matter raised in its previous direct requests, which read as follows :

The Committee has noted the Labour Ordinance, No. 8 of 1966, and wishes to draw the Government's attention to the following point.

*Article 4, paragraph 2 (a) of the Convention.* Section 12 (a) of the Labour Ordinance 1966 provides that the inspector may enter and inspect premises "at any working hour of the day and night". This provision is more limited than this paragraph of the Convention, which provides that inspectors may enter freely and without previous notice "at any hour of the day or night" any workplace liable to inspection.

The Committee hopes that the Government will not fail to indicate any measures adopted or envisaged with a view to bringing national legislation into conformity with the Convention on this point.

##### *St. Lucia.*

The Committee notes with regret that the Government's report has not been received. The Committee is bound, therefore, to repeat its previous observation, which was as follows :

*Article 4 of the Convention.* The Committee notes from the Government's reply to its observation of 1969 that the Labour Bill which is to contain provisions conferring on labour inspectors the power to enforce the posting of notices required by the legal provisions, and of interrogating the employer or the staff, in conformity with Article 4 of the Convention, has not yet been adopted.

Since this Bill has now been in preparation for more than ten years, the Committee trusts that the Government will take all the necessary steps to ensure that it is adopted very soon, and that it will transmit a copy of it with its next report.

### **Convention No. 86 : Contracts of Employment (Indigenous Workers), 1947**

#### *United Kingdom*

##### *Southern Rhodesia.*

See General Observation in section II A above.

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

Requests regarding certain points are being addressed directly to the *Netherlands* (Surinam), *United Kingdom* (Bahamas, Dominica, St. Vincent, Seychelles).



Information supplied by the *United Kingdom* (Gilbert and Ellice Islands) in answer to a direct request has been noted by the Committee.

**Convention No. 88 : Employment Service, 1948**

*Netherlands*

*Surinam.*

The Committee notes with interest that a Vocational Training Council on a tripartite basis has been set up and that it is intended to establish local employment offices. It requests the Government to indicate in future reports the progress made in setting up these offices.

*Articles 4 and 5 of the Convention.* The Committee further notes that the question of the establishment of advisory committees is still under consideration. It recalls that the co-operation and consultation of employers and workers as regards the operation and general policy of the employment service can also be ensured through committees which fulfil other functions in the labour field if that is the most appropriate arrangement under national conditions, provided always that the members comprise equal numbers of employers and workers, appointed after consultation of their representative organisations. The Committee therefore trusts that the Government will be able to make appropriate arrangements in this regard.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the *Netherlands* (Netherlands Antilles), *United Kingdom* (Bahamas).

**Convention No. 89 : Night Work (Women) (Revised), 1948**

A request regarding certain points is being addressed directly to the *Netherlands* (Netherlands Antilles).

**Convention No. 90 : Night Work of Young Persons (Industry) (Revised), 1948**

A request regarding certain points is being addressed directly to the *Netherlands* (Netherlands Antilles).

**Convention No. 94 : Labour Clauses (Public Contracts), 1949**

Requests regarding certain points are being addressed directly to : *Netherlands* (Netherlands Antilles, Surinam), *United Kingdom* (Brunei, Dominica, Grenada, St. Christopher-Nevis-Anguilla, St. Vincent, Solomon Islands).

**Convention No. 95 : Protection of Wages, 1949**

*Netherlands*

*Surinam.*

*Article 2 of the Convention.* The Committee refers to its earlier observations and notes with satisfaction the coming into force of the National Public Service Ordinance (Government Decree No. 195 of 1962), which extends the national

legislation concerning the protection of wages to cover civil servants and public employees under contract.

*Article 4, paragraph 2 (b), and Article 15 (d).* As regards the value of allowances in kind and the question of the maintenance of records, with reference to which several earlier observations and requests have been made, the Committee requests the Government to provide additional information concerning the Bill referred to in the report under Article 4, paragraph 2 (b), and also on the progress made in giving effect to Article 15 (d) of the Convention.

#### *United Kingdom*

##### *Grenada.*

The Committee notes with regret that the Government's report has not been received. The Committee is bound, therefore, to repeat its previous observation, which was as follows :

The Government states, in reply to the Committee's previous observation, that a Bill on the protection of wages, which upon enactment will enable the territory to meet its obligations under the Convention, has been sent to the Legal Department for vetting. As the Government has been referring to the Bill since 1961, the Committee hopes that the proposed legislation will be enacted in the very near future and will take into account its previous comments relating to Article 3, paragraph 1, Article 4, Article 6, Article 8, paragraph 2, Article 10, Article 13 and Article 15 (b), (c) and (d) of the Convention.

##### *St. Vincent.*

The Committee notes with regret that the Government's report has not been received. The Committee is bound, therefore, to repeat its previous observation which was as follows :

*Articles 2, 5, 6, 10, 12 and 15 of the Convention.* The Committee notes that the draft of the Labour Ordinance which, according to the Government, will give effect to these Articles of the Convention has not yet been completed. As the matter has been raised since 1960, the Committee hopes that the appropriate measures will soon be taken to ensure the application of these provisions.

\* \* \*

In addition, a request regarding certain points is being addressed directly to the *United Kingdom* (Bahamas, Jersey, Montserrat, St. Lucia).

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

Requests regarding certain points are being addressed directly to the *United Kingdom* (Dominica, Grenada, Seychelles).

Information supplied by the *United Kingdom* (Gilbert and Ellice Islands) in answer to a direct request has been noted by the Committee.

#### **Convention No. 101 : Holidays with Pay (Agriculture), 1952**

Requests regarding certain points are being addressed directly to the *Netherlands* (Surinam), *United Kingdom* (St. Christopher-Nevis-Anguilla).

**Convention No. 105 : Abolition of Forced Labour, 1957**

*United Kingdom*

*Southern Rhodesia.*

See General Observation in Section II A above.

\* \* \*

In addition, requests regarding certain points are being addressed to the following States : *Denmark* (Faroe Islands), *Netherlands* (Netherlands Antilles, Surinam), *New Zealand* (Niue), *United Kingdom* (Antigua, Bahamas, Bermuda, British Virgin Islands, Montserrat, St. Christopher-Nevis-Anguilla, Seychelles).

Information supplied by the *United Kingdom* (Hong Kong) in answer to a direct request has been noted by the Committee.

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

A request regarding certain points is being addressed directly to *Denmark* (Faroe Islands).

**Convention No. 108 : Seafarers' Identity Documents, 1958**

*United Kingdom*

*Gibraltar.*

Further to its previous direct requests, the Committee notes with satisfaction that a Standing Order has been issued to give effect to Article 6 of the Convention.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the *United Kingdom* (Bermuda, British Virgin Islands, Brunei, Dominica, Falkland Islands (Malvinas), Grenada, St. Christopher-Nevis-Anguilla, Seychelles).

Information supplied by the *United Kingdom* (Gilbert and Ellice Islands, St. Lucia) in answer to a direct request has been noted by the Committee.

**Convention No. 115 : Radiation Protection, 1960**

Information supplied by the *United Kingdom* (British Honduras) in answer to a direct request has been noted by the Committee.

**Convention No. 122 : Employment Policy, 1964**

Requests regarding certain points are being addressed directly to the *Netherlands* (Netherlands Antilles, Surinam).

**Appendix. Receipt of Detailed Reports on Ratified Conventions (Non-Metropolitan Territories)  
as at 29 March 1972**

*(Articles 22 and 35 of the Constitution)*

Reports received: 923      Reports not received: 373      Total: 1,296

The numbers of Conventions in respect of which declarations of application without modifications or declarations of application with modifications had been registered by 1 January 1971 are underlined.

The territories enumerated below are listed without prejudice to any questions of a political character, regarding which the Committee is not competent to express an opinion.

States and Territories	Reports received		Reports not received		Population <sup>1</sup> (thousands)
	Total	Convention Nos.	Total	Convention Nos.	
Australia . . . . .	38		4		
New Guinea * . . . . .	12	<u>10, 12, 16, 19, 22, 29, 42, 63, 85, 88, 99, 105</u>	2	<u>18, 122</u>	1 750
Norfolk Island * . . . . .	14	<u>10, 12, 16, 18, 19, 22, 29, 42, 63, 85, 88, 99, 105, 122</u>	0	—	1
Papua * . . . . .	12	<u>10, 12, 16, 19, 22, 29, 42, 63, 85, 88, 99, 105</u>	2	<u>18, 122</u>	670
Denmark . . . . .	11		24		
Faroe Islands . . . . .	4	<u>5*, 6*, 8, 106</u>	15	<u>2, 12, 16, 18, 19, 29, 42, 52, 53, 63, 81, 92, 94, 105, 118</u>	40
Greenland * . . . . .	7	<u>2, 6, 16, 52, 63, 81, 118</u>	9	<u>12, 18, 19, 29, 42, 53, 92, 94, 105</u>	50
France . . . . .	284		55		
<i>Overseas Departments :</i>					
French Guiana . . . . .	33	<u>2, 6, 10, 12, 16, 22, 23, 24*, 29, 44, 52, 53, 55, 56, 63, 69, 71, 73, 74, 77, 78, 81, 82, 88, 89, 92, 94, 95, 96, 101, 105, 113, 114</u>	4	<u>17, 18, 19, 42</u>	50
Guadeloupe . . . . .	33	ditto	4	ditto	330
Martinique . . . . .	33	ditto	4	ditto	340
Reunion . . . . .	33	ditto	4	ditto	450

For footnote see end of table, p. 244.

**REPORT OF THE COMMITTEE OF EXPERTS**

States and Territories	Reports received		Reports not received		Population <sup>1</sup> (thousands)
	Total	Convention Nos.	Total	Convention Nos.	
<i>Overseas Territories :</i>					
Comoro Islands * . . . .	38	2, 6, 10, 12, 16, 17, 18, 19, 22, 23, 24, 29, 42, 44, 52, 53, 55, 56, 63, 69, 71, 73, 74, 77, 78, 81, 82, 85, 88, 89, 92, 94, 95, 96, 101, 105, 113, 114	0	—	270
French Polynesia . . . . .	0	—	38	2, 6, 10, 12, 16, 17, 18, 19, 22, 23, 24, 29, 42, 44, 52, 53, 55, 56, 63, 69, 71, 73, 74, 77, 78, 81, 82, 85, 88, 89, 92, 94, 95, 96, 101, 105, 113, 114	110
French Territory of the Afar and the Issas * .	38	2, 6, 10, 12, 16, 17, 18, 19, 22, 23, 24, 29, 42, 44, 52, 53, 55, 56, 63, 69, 71, 73, 74, 77, 78, 81, 82, 85, 88, 89, 92, 94, 95, 96, 101, 105, 113, 114	0	—	100
New Caledonia * . . . . .	38	2, 6, 10, 12, 16, 17, 18, 19, 22, 23, 24, 29, 42, 44, 52, 53, 55, 56, 63, 69, 71, 73, 74, 77, 78, 81, 82, 85, 88, 89, 92, 94, 95, 96, 101, 105, 113, 114	0	—	110
St. Pierre and Miquelon *	38	2, 3, 6, 10, 12, 16, 17, 18, 19, 22, 23, 24, 29, 42, 44, 52, 53, 55, 56, 63, 69, 71, 73, 74, 77, 81, 82, 85, 88, 89, 92, 94, 95, 96, 101, 105, 113, 114	1	78	5
Netherlands . . . . .	92		3		
Netherlands Antilles . .	58	2, 5, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 21, 22, 23, 24, 25, 26, 27, 29, 32, 33, 42, 44, 45, 48, 58, 62, 63, 68, 69, 71, 73, 74, 81, 87, 88, 89, 90, 91, 92, 94*, 95, 96, 97, 99, 101, 102, 105, 112, 115, 118, 121, 122, 123, 124, 128	0	—	220
Surinam * . . . . .	34	2, 10, 12, 16, 17, 19, 21, 22, 23, 24, 25, 42, 44, 48, 62, 63, 69, 71, 73, 74, 81, 88, 89, 90, 92, 95, 96, 101, 115, 118, 121, 123, 124, 128	3	29, 94, 105	390

**NON-METROPOLITAN TERRITORIES**

States and Territories	Reports received		Reports not received		Popula- tion <sup>1</sup> (thou- sands)
	Total	Convention Nos.	Total	Convention Nos.	
New Zealand . . . . .	47		16		
Cook Islands . . . . .	5	29, 65, 82, 104, 105	16	2, 10, 12, 16, 17, 22, 42, 44, 52, 53, 63, 74, 81, 88, 89, 101	20
Niue * . . . . .	21	2, 10, 12, 16, 17, 22, 29, 42, 44, 52, 53, 63, 65, 74, 81, 82, 88, 89, 101, 104, 105	0	—	5
Tokelau Islands * . . .	21	2, 10, 12, 16, 17, 22, 29, 42, 44, 52, 53, 63, 65, 74, 81, 82, 88, 89, 101, 104, 105	0	—	2
United Kingdom . . . . .	441		266		
Antigua * . . . . .	23	2, 10, 12, 16, 17, 19, 24, 25, 29, 42, 44, 56, 63, 65, 69, 74, 88, 92, 94, 95, 101, 115, 124	5	22, 81, 82, 99, 105	60
Bahamas . . . . .	0	—	30	2, 7, 10, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 56, 63, 65, 69, 74, 81, 82, 85, 87, 88, 92, 94, 95, 101, 105, 115, 124	160
Bermuda * . . . . .	29	2, 10, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 56, 63, 65, 69, 74, 81, 82, 85, 88, 92, 94, 95, 101, 105, 108, 115, 124	0	—	50
British Honduras * . . .	27	2, 10, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 56, 63, 65, 69, 74, 81, 82, 88, 92, 94, 95, 101, 105, 115, 124	0	—	130
British Virgin Islands * .	27	2, 10, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 56, 63, 65, 69, 74, 81, 82, 85, 88, 92, 94, 95, 101, 105, 124	1	115	10
Brunei . . . . .	0	—	33	2, 7, 10, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 50, 56, 63, 65, 69, 74, 81, 82, 84, 88, 92, 94, 95, 101, 105, 108, 115, 120, 122, 124	120

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States and Territories	Reports received		Reports not received		Population <sup>1</sup> (thousands)
	Total	Convention Nos.	Total	Convention Nos.	
Dominica * . . . . .	27	2, 10, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 56, 63, 65, 69, 74, 81, 85, 88, 92, 94, 95, 101, 105, 115, 124	4	26, 82, 99, 108	70
Falkland Islands (Malvinas) * . . . . .	28	2, 10, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 56, 63, 65, 69, 74, 81, 82, 85, 88, 92, 94, 95, 101, 105, 115, 124	0	—	2
Gibraltar * . . . . .	28	2, 10, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 56, 63, 65, 69, 74, 81, 82, 88, 92, 94, 95, 101, 105, 108, 115, 124	0	—	30
Gilbert and Ellice Islands*	28	2, 10, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 56, 63, 65, 69, 74, 81, 82, 85, 88, 92, 94, 95, 101, 105, 115, 124	0	—	60
Grenada * . . . . .	22	10, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 56, 63, 65, 69, 74, 81, 82, 92, 101, 115, 124	6	2, 88, 94, 95, 105, 108	100
Guernsey . . . . .	13	2, 10, 12, 17, 19, 24, 25, 42, 44, 56, 81*, 88, 115	14	16, 22, 29, 63, 65, 69, 74, 82, 92, 94, 95, 101, 105, 124	47
Hong Kong . . . . .	27	2, 10, 12, 16, 17, 19, 22*, 24, 25, 29, 42, 44, 56, 63, 65*, 69, 74, 81*, 82*, 88, 92, 94, 95, 101, 105*, 115*, 124	0	—	4 090
Jersey . . . . .	26	2, 10, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 56, 63, 65, 69, 74, 81*, 88, 92, 94, 95, 101, 105, 115, 124	7	50, 64, 82, 84, 86, 120, 122	64
Isle of Man * . . . . .	31	2, 10, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 50, 56, 63, 64, 65, 69, 74, 81, 82, 84, 86, 88, 92, 94, 95, 101, 105, 115, 124	0	—	50
Montserrat * . . . . .	26	2, 10, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 56, 63, 65, 69, 74, 81, 82, 85, 88, 92, 94, 101, 115, 124	2	95, 105	20



NON-METROPOLITAN TERRITORIES

States and Territories	Reports received		Reports not received		Population <sup>1</sup> (thousands)
	Total	Convention Nos.	Total	Convention Nos.	
St. Christopher-Nevis-Anguilla . . . . .	0	—	31	2, 10, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 56, 63, 65, 69, 74, 81, 82, 85, 86, 88, 92, 94, 95, 101, 105, 115, 120, 122, 124	60
St. Helena * . . . . .	27	2, 10, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 56, 63, 65, 69, 74, 81, 82, 88, 92, 94, 95, 101, 105, 115, 124	1	85	5
St. Lucia . . . . .	0	—	32	2, 10, 12, 16, 17, 19, 22, 24, 25, 26, 29, 39, 40, 42, 44, 56, 63, 64, 65, 69, 74, 81, 82, 85, 88, 92, 94, 95, 101, 105, 115, 124	120
St. Vincent . . . . .	0	—	43	2, 5, 7, 10, 12, 16, 17, 19, 22, 24, 25, 26, 29, 32, 35, 36, 37, 38, 42, 44, 50, 56, 63, 65, 69, 74, 81, 82, 87, 88, 92, 94, 95, 97, 99, 101, 102, 105, 108, 115, 120, 122, 124	100
Seychelles * . . . . .	28	2, 10, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 56, 63, 65, 69, 74, 81, 82, 85, 88, 92, 94, 95, 101, 105, 115, 124	0	—	50
Solomon Islands * . . .	24	2, 10, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 56, 63, 65, 69, 74, 81, 88, 92, 101, 105, 115, 124	3	82, 94, 95	160
Southern Rhodesia . . .	0	—	54	2, 5, 7, 8, 10, 11, 12, 15, 16, 17, 19, 22, 24, 25, 26, 29, 32, 35, 36, 37, 38, 39, 40, 42, 44, 45, 50, 56, 63, 64, 65, 68, 69, 74, 81, 82, 84, 86, 87, 88, 92, 94, 95, 97, 98, 99, 101, 102, 105, 108, 115, 120, 122, 124	5 270

**REPORT OF THE COMMITTEE OF EXPERTS**

States and Territories	Reports received		Reports not received		Popula- tion <sup>1</sup> (thou- sands)
	Total	Convention Nos.	Total	Convention Nos.	
United States	10		5		
American Samoa . . . . .	2	53, 74	1	55	30
Guam . . . . .	2	53, 74	1	55	100
Puerto Rico . . . . .	2	53, 74	1	55	2 840
Trust Territory of Pacific Islands	2	53, 74	1	55	100
Virgin Islands . . . . .	2	53, 74	1	55	60

\* Reports received too late to be summarised in Report III (Part 1).

<sup>1</sup> Source: United Nations: *Demographic Year Book*, 1970.

### **III. Observations concerning the Submission to the Competent Authorities of the Conventions and Recommendations Adopted by the International Labour Conference (Article 19 of the Constitution)**

#### *Afghanistan*

The Committee refers to its observation of 1971 and to the statement of a Government representative to the Conference Committee in 1971 to the effect that the instruments adopted from the 46th to the 52nd Sessions of the Conference had been examined by an interministerial committee which had referred them to the competent government authorities. The Committee notes with regret that no further information has been received on this matter. It requests the Government to specify the authorities to which the instruments in question were submitted and to provide in this connection the information and documents called for in the Memorandum adopted by the Governing Body. The Committee also hopes that the Government will soon be able to submit to the competent authorities the instruments adopted at the 53rd and 54th Sessions of the Conference, and that it will supply also in this respect the information and documents referred to above.

#### *Algeria*

The Committee notes, from the information given by the Government to the Conference Committee in 1971, that in the elaboration of labour legislation account has been taken to a considerable extent of the instruments adopted at the 52nd and 53rd Sessions of the Conference, which were due to be submitted to the Council of the Revolution in the near future. The Committee notes with regret that the Government has not supplied any subsequent information on this matter and has still not sent, as regards the instruments adopted from the 47th to the 51st Sessions of the Conference, which were submitted to the Council of the Revolution in 1969, the information and documents called for in the Memorandum adopted by the Governing Body (points I, II and III of the questionnaire).

The Committee trusts that the Government will soon indicate whether the instruments adopted at the 52nd, 53rd and 54th Sessions have been submitted to the competent authorities, and will provide the information and documents mentioned above in respect of the instruments adopted from the 47th to the 54th Sessions of the Conference.

#### *Barbados*

The Committee has taken note of the information supplied by the Government to the Conference Committee in 1971 with regard to the instruments adopted at the 51st, 52nd and 53rd Sessions of the Conference which were shortly to be submitted to Parliament. The Committee hopes that the Government will soon be able to indicate that these instruments, as well as those adopted at the 54th Session of the Conference, have been submitted to the legislature and that it will supply in this

connection the information and documents called for in the Memorandum adopted by the Governing Body (points II and III of the questionnaire).

#### *Bolivia*

The Committee again notes with regret that the Government has supplied no information in answer to its previous observations. It recalls that the Government indicated to the Conference Committee in 1969 that of the Conventions and Recommendations adopted from the 31st to the 51st Sessions of the Conference, thirty-one Conventions and ten Recommendations had been submitted to the National Congress in January 1969. In the absence of any further information on the subject, the Committee can only once again request the Government to specify which are the instruments in question and to communicate the relevant information and documents requested in the Memorandum adopted by the Governing Body (points II (c) and III of the questionnaire).

The Committee also trusts that the Government will indicate in the near future that all the instruments listed in the last column of the table in Appendix I to the present section have been submitted to the competent authority and that it will supply in this connection the above-mentioned information and documents.

#### *Brazil*

The Committee notes, from the information transmitted by the Government, that Recommendations Nos. 126 and 128 have been submitted to the National Congress. It once more expresses the hope that the Government will soon be able to indicate that all the instruments adopted from the 46th to the 53rd Sessions of the Conference and not yet submitted to the competent authorities (as enumerated in the last column of the table in Appendix I to this section), and also those adopted at the 54th Session, have been submitted to Congress, and that it will transmit, in respect of all the instruments mentioned above, the information and documents required by the Memorandum adopted by the Governing Body.

#### *Bulgaria*

The Committee notes from the information supplied by the Government that the instruments adopted at the 54th Session of the Conference have been submitted to the Presidium of the National Assembly, which took note of them and transmitted them to the competent ministries and bodies so that account may be taken of them in the framing of a new Labour Code and of statutory instruments concerning the training and employment of young people. The Committee once again expresses the hope that the Government will be able to submit the instruments adopted by the Conference also to the National Assembly itself.

The Committee must further point out that, notwithstanding its repeated requests, the documents regarding the submission of Conventions and Recommendations, which are called for in the Memorandum adopted by the Governing Body (point II (c) of the questionnaire) have never been supplied. It trusts that these documents will soon be supplied and that they will be communicated regularly in future, whenever new instruments are submitted.

#### *Burma*

The Committee notes with regret that since 1969 the Government has supplied no information in reply to its observations. It trusts that the Government will in the

near future supply the information and documents requested in the Memorandum adopted by the Governing Body (points II and III of the questionnaire) with respect to the instruments adopted from the 44th to the 51st Sessions of the Conference.

The Committee hopes that the Government will also indicate whether the instruments adopted at the 52nd, 53rd and 54th Sessions of the Conference have been submitted to the competent authorities and that it will supply the above-mentioned information and documents relating thereto.

#### *Burundi*

In its previous observation the Committee had noted the statement of a Government representative to the Conference Committee in 1970 to the effect that a certain number of instruments adopted at the 47th to 52nd Sessions of the Conference, and also the instruments adopted at the 53rd Session, had already been submitted to the competent authorities and that efforts would be made to submit all these instruments. The Committee then asked the Government for additional information on this point. It must note with regret that, notwithstanding the statement by a Government representative to the Conference Committee in 1971, according to which information regarding the submission of certain instruments to the competent authorities was already with the Ministry of Foreign Affairs for transmission to the ILO, no information on the matter has so far been received. The Committee can merely repeat the hope that in the near future the Government will specify the instruments which have already been submitted and will take the necessary measures to submit to the competent authorities all the instruments adopted from the 47th to the 54th Sessions of the Conference which have not yet been submitted, and that it will supply in this respect the information and documents called for in the Memorandum adopted by the Governing Body (points I, II and III of the questionnaire).

#### *Byelorussia*

The Committee has taken note of the information supplied by the Government according to which the instruments adopted during the 54th Session of the Conference were submitted to the Presidium of the Supreme Soviet. In this connection, it reiterates the hope that the Government will be able to communicate the instruments adopted by the Conference also to the Supreme Soviet itself.

Furthermore, the Committee must point out that notwithstanding its repeated requests, the documents submitting the Conventions and Recommendations and particulars of the action taken by the competent authorities in their respect (article 19 (5) (c) and (6) (c) of the Constitution) have never been supplied, as called for in the Memorandum adopted by the Governing Body. It trusts that the documents and information in question will be supplied soon and that they will be communicated regularly, in the future, whenever new instruments are submitted.

#### *Central African Republic*

The Committee has noted from the information supplied by the Government that the instruments adopted at the 54th Session of the Conference have been submitted to the competent authorities and that Conventions Nos. 123 and 124, adopted at the 49th Session of the Conference, and Convention No. 127, adopted at the 51st Session, are to be submitted very shortly, ratification of these Conventions posing no particular problem. Referring to its previous observation, the Com-

mittee hopes that the Government will soon be in a position to indicate that all the instruments adopted from the 49th to the 52nd Sessions of the Conference have been submitted to the competent authorities, and that it will supply, in respect of the instruments adopted from the 49th to the 54th Sessions of the Conference, the documents whereby they were submitted as well as information on any decision taken by the competent authorities, as called for in the Memorandum adopted by the Governing Body (points II (c) and III of the questionnaire).

#### *Ceylon*

The Committee has taken note of the documents submitting to Parliament the instruments adopted at the 49th, 50th and 51st Sessions of the Conference and hopes that the Government will soon indicate that the instruments adopted at the 52nd and 53rd Sessions, which had been translated and were being printed for presentation to Parliament, and those adopted at the 54th Session have also been submitted to the legislature.

The Government also indicates that a further communication will follow as regards its proposals concerning the instruments adopted since the 44th Session. The Committee trusts that the Government will supply in respect of all the instruments mentioned above the particulars required in the Memorandum adopted by the Governing Body, regarding the Government's proposals and any decisions taken by the competent authorities on the instruments considered.

#### *Chad*

The Committee notes with regret that once again no information has been supplied in answer to its comments made since 1967. It trusts that the Government will state in the very near future whether the instruments adopted from the 50th to the 54th Sessions of the Conference have been submitted to the competent authorities and that it will supply in this respect the information and documents called for in the Memorandum adopted by the Governing Body.

#### *Chile*

The Committee notes once again with regret that the Government has supplied no information in answer to its previous observations. It trusts that the Government will state in the very near future whether the instruments adopted from the 50th to the 54th Sessions of the Conference have been submitted to the competent authorities, and that it will also supply, in respect of all the instruments adopted since the 49th Session of the Conference, the information and documents called for in the Memorandum adopted by the Governing Body.

#### *Colombia*

The Committee has taken note with interest of the information and documents supplied by the Government regarding the submission to the National Congress with a view to ratification of numerous Conventions adopted since the 31st Session of the Conference. The Committee has also noted that certain other Conventions, including all those not yet submitted to the competent authorities, will be submitted to Parliament at its ordinary session beginning in July 1972, and that, furthermore, a large number of Recommendations, some thirty of which were adopted from the 31st to the 54th Sessions of the Conference, have been submitted to the National Labour Council.

The Committee hopes that the Government will soon be in a position to indicate that all Recommendations and Conventions still listed in the last column of the table in Appendix I to the present section, have been submitted to the legislature, and that the Government will supply in this respect the information and documents requested in the Memorandum adopted by the Governing Body (points II and III of the questionnaire).

*Dahomey*

The Committee notes the statement made by a Government representative to the Conference Committee in 1971, according to which Conventions Nos. 123 and 124 and Recommendations Nos. 124, 125 and 132 have been submitted, with a view to ratification or other appropriate measures, to the Presidential Council, which is the competent legislative authority. It notes with regret, however, that the only information received subsequently shows that Recommendation No. 136 is being studied with a view to its submission to the competent authorities. The Committee trusts that the Government, which has stated that it is conscious of its obligations under article 19 of the ILO Constitution, will in the very near future take the necessary measures to submit to the competent authorities all the instruments adopted from the 45th to the 54th Sessions of the Conference, and that it will supply in this connection the information and documents called for in the Memorandum adopted by the Governing Body (points II and III of the questionnaire).

*Dominican Republic*

The Committee notes with regret that once more no information has been received in reply to its earlier observations. It trusts that the Government will supply in the near future with regard to the instruments adopted at the 51st Session of the Conference, already submitted to Congress, the information and documents called for in the Memorandum adopted by the Governing Body. It hopes that the Government will also state whether the instruments adopted at the 52nd, 53rd and 54th Sessions of the Conference have been submitted to Congress and will supply in this connection the information and documents mentioned above.

*Ecuador*

The Committee has noted from the information supplied by the Government to the Conference Committee in 1971 that various instruments adopted from the 31st to the 51st Sessions had been submitted to the President of the Republic, who was at that time the competent authority, and that the Ministry of Labour would shortly transmit to the International Labour Office replies to the Memorandum adopted by the Governing Body. The Committee notes with regret that no further information has been received in this respect. It trusts that the Government will supply very shortly, in respect of the instruments in question, the information and documents called for in the said Memorandum (points I, II and III of the questionnaire). It hopes that the Government will also indicate whether the instruments adopted from the 52nd to the 54th Sessions of the Conference (except Convention No. 131 which has been ratified) have been submitted to the competent authorities, and that it will supply the necessary information and documents also in respect of these instruments.

*Egypt*

The Committee notes the information and documents concerning the submission to the National Assembly of the instruments adopted at the 54th Session of the



Conference. It hopes that the Government will soon be in a position to indicate that the instruments listed in the last column of the table of Appendix I of this section have also been submitted to the competent authorities, and that it will supply in this connection information and documents called for in the Memorandum adopted by the Governing Body.

#### *El Salvador*

In its previous observation the Committee noted from the information supplied by the Government that the Minister of Labour had transmitted to the Minister of Foreign Affairs the instruments adopted by the Conference from its 46th to its 52nd Session, with a view to their submission to the Legislative Assembly. The Government indicated at the same time that the instruments adopted at the 54th Session had also been transmitted to the Minister of Foreign Affairs. The Committee also notes that, according to the statement of a Government representative to the Conference Committee in 1971, the International Services Department of the Ministry of Labour had had contacts with the Ministry of Foreign Affairs, which was responsible for considering the ratification of Conventions, and the Government hoped that this year it would be able to supply information regarding the submission of Conventions to the Legislative Assembly.

The Committee recalls once again that Conventions and Recommendations must in every case be submitted to the legislative authorities, even if it is not intended to ratify a Convention or give effect to a Recommendation. The Committee must emphasise that it has no information regarding the actual submission of any of the instruments adopted from the 31st to the 54th Sessions of the Conference to the competent authorities except in the case of three ratified Conventions. The Committee urges the Government to take the necessary steps for the submission to the competent authorities in the near future of all the instruments in question, and to supply the relevant information and documents called for in the Memorandum adopted by the Governing Body.

#### *Ethiopia*

The Committee notes the statement made by a Government representative to the Conference Committee in 1971 and repeated in the Government's reply to its previous observation, to the effect that article 30 of the national Constitution gives exclusive power to the Emperor to ratify international agreements and to determine which international agreements shall be subject to ratification before becoming binding upon the Empire, and that consequently the Government's terms of reference are to submit instruments adopted by the Conference to the Council of Ministers and, through this body, to the Emperor alone.

In this connection, the Committee wishes to point to the clear distinction which must be drawn between "submission" and "ratification". The former constitutes an obligation of a general character established by the ILO Constitution. It does not, however, imply the obligation to propose that a Convention be ratified or a Recommendation accepted. As indicated in points I and II (c) of the Memorandum adopted by the Governing Body, the "competent authority" for the purpose of submission (article 19, paragraphs 5, 6 and 7, of the Constitution of the International Labour Organisation) means the body empowered, by the national Constitution, to legislate in respect of the questions to which a Convention or Recommendation relates.

The Committee observes, in this respect, that the Government also refers to article 71 of the Constitution of Ethiopia, which provides that "in all cases in

which legislation is deemed to be necessary or appropriate, the decision made in Council and approved by the Emperor shall be communicated by the Prime Minister to Parliament in the form of a proposal for legislation". In addition, under article 86, paragraph (b), of the national Constitution, laws may be proposed to either or both Chambers of Parliament by ten or more members of either Chamber of Parliament. It thus appears that under the Constitution of Ethiopia, the body empowered to legislate is the Parliament, which must accordingly be considered as being in principle the "competent authority" for the purposes of article 19 of the Constitution of the International Labour Organisation.

The Committee hopes that in the light of the above comments, the Government will be able to reconsider the position and that the instruments adopted by the Conference will be submitted not only to the Emperor through the Council of Ministers, but also to Parliament. It also hopes that the Government will soon indicate whether the instruments adopted at the 53rd and 54th Sessions of the Conference have been submitted to the competent authorities and will supply in this connection the information and documents called for in the Memorandum adopted by the Governing Body.

#### *Gabon*

In its communication to the Conference Committee in 1971 the Government stated that the procedure for ratification often involved rather long delays and that international labour Conventions were at that time being examined by the National Assembly. The Committee notes with regret that it has received no further information on this matter. It thinks it, however, useful to recall that a clear distinction must be drawn between ratification and the submission of instruments adopted by the Conference. Under article 19 of the Constitution of the ILO, governments are required in every case to submit Conventions and Recommendations to the competent authorities; this obligation, however, does not necessarily imply that ratification of a Convention or acceptance of a Recommendation must be proposed.

The Committee trusts that the Government will soon indicate whether the instruments adopted from the 45th to the 50th Sessions of the Conference, which have already been submitted to the Council of Ministers, have also been submitted to the National Assembly. It would ask the Government to state also whether the instruments adopted from the 51st to the 54th Sessions of the Conference have been submitted to the competent authorities and to supply in this connection the information and documents called for in the Memorandum adopted by the Governing Body.

#### *Greece*

The Committee has taken note of the information and documents communicated by the Government concerning the submission to the competent authorities of Conventions Nos. 104, 107, 131, and 132 and Recommendations Nos. 99, 101, 102, 104 and 135. It also notes the Government's intention to submit at an early date to the competent authorities Convention No. 106 and Recommendations Nos. 100, 103 and 136. The Committee hopes that these instruments, as well as the other instruments listed in the last column of the table in Appendix I to the present section, will be submitted to the competent authorities in the near future, and that the Government will supply in this regard the information and documents requested in the Memorandum adopted by the Governing Body.

*Guatemala*

The Committee notes with regret that the Government has not yet provided, in respect of the numerous instruments whose submission to Congress it reported in 1969, the information and documents called for in the Memorandum adopted by the Governing Body (points II (b) and (c) and III of the questionnaire). The Committee trusts that the Government will soon supply the information and documents in question and will also state whether Convention No. 130 and Recommendations Nos. 133 and 134, adopted at the 53rd Session of the Conference, and the instruments adopted at the 54th Session, have been submitted to Congress, and that it will supply, in respect of the instruments adopted at the 53rd and 54th Sessions of the Conference, the information and documents mentioned above.

*Haiti*

The Committee notes with regret that once more the Government has not supplied any information concerning the submission to the competent authorities of the numerous instruments adopted by the Conference at various sessions from the 31st to the 54th and listed in the last column of the table in Appendix I to this section.

It must insist on the fundamental importance of the obligation incumbent on member States under article 19 of the ILO Constitution to submit to the competent legislative authorities all of the Conventions and Recommendations adopted by the Conference, it being understood that the Government remains entirely free to decide whether it is appropriate to ratify a Convention or to give effect to a Recommendation.

The Committee hopes that the Government will take the necessary measures with a view to submitting in the near future the above-mentioned instruments to the Legislative Chambers and that it will supply in this regard the information and documents called for in the Memorandum adopted by the Governing Body.

*Honduras*

The Committee notes with regret that, although a Government representative indicated to the Conference Committee in 1970 that the measures concerning the submission procedures were under study at the Ministry of Labour and Social Security, the Government has supplied no information regarding the submission to the competent authorities of the very numerous instruments adopted by the Conference from the 45th to the 54th Sessions which are listed in the last column of the table in Appendix I to this section.

The Committee can only recall once again the fundamental importance of the obligation which is incumbent on member States by virtue of article 19 of the Constitution of the ILO. It trusts that the Government will not fail to take the necessary measures for the submission to the competent authorities of all the instruments in question and that it will supply, in this regard, the information and documents requested in the Memorandum adopted by the Governing Body.

*Hungary*

The Committee notes that the instruments adopted at the 53rd and 54th Sessions of the Conference have been submitted to the Presidential Council. In this

connection the Committee reiterates the hopes that the Government will be in a position to communicate the instruments adopted by the Conference to the National Assembly itself.

The Committee must further point out that, notwithstanding its repeated requests, the documents submitting the instruments adopted by the Conference have never been supplied, as called for in the Memorandum adopted by the Governing Body. It trusts that these documents will be supplied soon and that they will be communicated regularly in future, whenever new instruments are submitted.

#### *Indonesia*

The Committee notes, from the information supplied by the Government, that the instruments adopted at the 54th Session of the Conference have been submitted to the competent authorities. The Committee has also taken note of the statement made by a Government representative to the Conference Committee in 1971 to the effect that everything was being done in order that the instruments already submitted to the President of the Republic for transmission to Parliament should be submitted to Parliament as soon as possible.

The Committee notes with regret that no information has since been supplied by the Government on the submission to Parliament of the instruments concerned. It trusts that the Government will soon be in a position to indicate that the instruments concerned as well as those adopted at the 52nd and 53rd Sessions of the Conference have been submitted to the competent authorities and that it will supply in respect of all the above instruments, including those of the 54th Session, the information and documents called for in the Memorandum adopted by the Governing Body.

#### *Iraq*

The Committee notes with regret that the Government has not supplied any information in reply to the previous observation. It trusts that the Government will soon be able to indicate whether the numerous instruments listed in the last column of the table in Appendix I to this section have been submitted to the competent authorities, and that it will supply in this regard the information and documents requested in the Memorandum adopted by the Governing Body.

#### *Ivory Coast*

The Committee notes with regret that the Government has not replied to its previous observation. It hopes that the Government will soon be in a position to indicate whether the instruments adopted from the 50th to the 53rd Sessions, as well as those adopted at the 54th Session, have been submitted to the National Assembly, and that it will supply in this connection the information and documents called for in the Memorandum adopted by the Governing Body.

#### *Jamaica*

The Committee has taken note of the information and documents supplied by the Government on the submission to the House of Representatives of Conventions Nos. 123 and 124 and Recommendations Nos. 124 and 125. It also has noted the statement made by a Government representative to the Conference Committee in 1971 that Conventions Nos. 125, 126 and 128 and Recommendations Nos. 126, 128 and 131 were being examined by various ministries and other bodies

concerned. As no further information has however been supplied on the submission of these instruments to the competent authority, the Committee hopes that the Government will soon be in a position to indicate that the instruments in question as well as all the other instruments listed in the last column of the table in Appendix I to this section have been submitted to the competent authority, and that it will supply in this connection the information and documents called for in the Memorandum adopted by the Governing Body.

#### *Jordan*

The Committee notes with regret that the Government has supplied no information in answer to the observation of 1971. The Government had indicated previously that the Conventions and Recommendations must be submitted to the Council of Ministers, which in turn submits them to Parliament, and that all the Conventions and Recommendations adopted by the Conference had been submitted to the Council of Ministers.

The Committee hopes that the Government will soon be in a position to indicate that all the instruments listed in the last column of the table in Appendix I to this section, as well as those adopted at the 51st and 53rd Sessions of the Conference, have been submitted to Parliament and that it will supply in this connection the information and documents called for in the Memorandum adopted by the Governing Body.

#### *Laos*

The Committee notes that the Government has supplied no information in reply to its previous observations. It trusts that the Government will soon be in a position to indicate that all the instruments adopted from the 48th to the 54th Sessions of the Conference have been submitted to the competent authorities and will supply in this connection the information and documents called for in the Memorandum adopted by the Governing Body.

#### *Lebanon*

The Committee notes the information communicated by the Government to the Conference Committee in 1971, according to which inter-ministerial consultations had permitted the establishment of a simplified procedure for the submission of Conventions and Recommendations to the competent authority, thus enabling the Government to fulfil its obligations. The Government had indicated, in addition, that a decision of the Council of Ministers authorising the Minister of Labour and Social Affairs to present the instruments directly to the President of the Council with a view to their submission to the competent authority, was already in the executory stage and that the Minister of Labour was preparing a detailed list of the Conventions adopted by the Conference from its 35th to its 52nd Session with a view to their submission to the President of the Council who would have them processed in accordance with the new procedure.

The Committee notes with regret that no further information has been received in this regard. It trusts that the Government will very soon be able to indicate that the numerous instruments adopted from the 31st to the 54th Sessions of the Conference, which are listed in the last column of the table in Appendix I to this section, have been submitted to Parliament and that it will supply in this regard, the information and documents requested in the Memorandum adopted by the Governing Body.

*Liberia*

Further to its previous observation the Committee notes with regret that a Government representative at the Conference Committee in 1971 merely repeated the information given earlier by the Government to the effect that all instruments had been submitted to the President for submission to the legislature, and indicated that the Committee of Experts would be informed when they had been transmitted to the legislature. In the absence of any further information on this matter, the Committee can only reiterate the hope that the Government will not fail to indicate in the near future whether the numerous instruments listed in the last column of the table in Appendix I to this section have been submitted to the legislature, and that it will supply, with regard to those instruments, the information and documents called for in the Memorandum adopted by the Governing Body.

*Madagascar*

Following its earlier comments, the Committee notes with satisfaction the text of the decrees by which the Government has submitted to Parliament the instruments adopted during the 53rd and 54th Sessions of the Conference. In this connection, it hopes that the Government will also communicate in the future—in particular, as regards Recommendations and non-ratified Conventions—information on the proposals which may have been made by the Government when submitting instruments and on the decisions taken in respect of these proposals.

*Malawi*

Further to its previous observations the Committee has noted the statement made by a Government representative to the Conference Committee in 1971 and repeated in a subsequent communication by the Government to the effect that under the Constitution of Malawi the competent authorities to which instruments were to be submitted were the President and the Cabinet. In this connection, the Committee must once more point out that the expression "competent authority" refers to the body empowered under the National Constitution to legislate in respect of the questions to which the Convention or Recommendation relates. Since it appears from article 18 of the National Constitution that the legislative power of the Republic vests in the Parliament which consists of the President and the National Assembly, the Committee trusts that the Government will in future submit all the instruments adopted by the Conference which call for legislative action not only to the President but also to the National Assembly.

The Committee hopes that the Government will soon indicate whether the instruments adopted at the 54th Session of the Conference have been submitted to the competent authority and that it will supply in this connection the information and documents called for in the Memorandum adopted by the Governing Body.

*Mauritania*

The Committee notes the information given by the Government to the Conference Committee to the effect that Conventions Nos. 119, 125, 126, 127 and 128 and Recommendations Nos. 115 and 132 had been submitted to the legislature. The Committee hopes that the Government will soon be able to indicate that

Recommendations Nos. 118, 119, 126, 127, 128, 129, 130 and 131, as well as the instruments adopted at the 54th Session of the Conference, have also been submitted to the National Assembly, and that, in respect of Recommendation No. 115 and all instruments adopted from the 47th to the 52nd Sessions and at the 54th Session, it will supply the information and documents called for in the Memorandum adopted by the Governing Body.

#### *Nepal*

The Committee notes with regret that the Government has once more failed to supply any information in reply to its previous comments. It hopes that the Government will soon be in a position to indicate whether the instruments adopted from the 51st to the 54th Sessions of the Conference have been submitted to the competent authorities, in conformity with article 19, paragraphs 5 (b) and 6 (b), of the ILO Constitution.

The Committee recalls that the authorities to whom these instruments should be submitted are those empowered to legislate in respect of the questions covered by the instruments concerned, i.e. as a rule the national Parliament. It hopes that the Government will also supply in this connection the information and documents called for in the Memorandum adopted by the Governing Body (points II and III of the questionnaire).

#### *Netherlands*

Further to its previous observation the Committee notes that Recommendation No. 111 has been submitted to Parliament, that Convention No. 110 and Recommendation No. 110 are before the Council of Ministers and will soon be submitted to Parliament, and that steps are being taken with a view to submitting Recommendations Nos. 107 and 109, while Conventions Nos. 129 and 130 and Recommendations Nos. 105, 106, 108 and 126 to 134 will be submitted as soon as the viewpoints of the Netherlands Antilles and Surinam have reached the Government. The Committee trusts that the Government will soon be in a position to indicate that all instruments listed in the last column of the table in Appendix I to this section have been submitted to Parliament and that it will supply in this connection the information and documents called for in the Memorandum adopted by the Governing Body.

#### *Nicaragua*

The Committee notes, from the statement made by a government representative to the Conference Committee in 1971, that the Recommendations submitted to the Legislative Chambers in 1968 are in the process of examination. It requests the Government once again to supply, in the near future, in regard to the Recommendations adopted by the Conference from its 40th to 51st Sessions, information on the proposals made by the Government and on the decisions ultimately taken by the competent authorities as to future action in regard to these instruments, as requested in points II (b) and (c) and III of the questionnaire in the Memorandum adopted by the Governing Body.

The Committee trusts that the Government will also indicate whether Conventions Nos. 127 and 128, adopted at the 51st Session, as well as the instruments adopted from the 52nd to the 54th Sessions of the Conference have been submitted to the National Congress and that it will supply in this regard, the information and documents requested in the above-mentioned Memorandum.



*Pakistan*

Further to its previous observations, the Committee hopes that the Government will soon be in a position to indicate whether Conventions Nos. 127 and 128 and Recommendations Nos. 128 and 131, and the instruments adopted at the 52nd to 54th Sessions of the Conference have been submitted to the competent authorities, and that it will supply in this connection the information and documents called for in the Memorandum adopted by the Governing Body.

*Panama*

In the observation made in 1971 the Committee recalled that Conventions, as well as Recommendations, must be submitted to the competent authorities in all cases, but that the submission does not imply an obligation to propose ratification of a Convention or the acceptance of a Recommendation. It trusts, consequently, that the Government will not fail to take, within the near future, the measures necessary for the submission to the competent authorities of the numerous instruments listed in the last column of the table in Appendix I to this section, and that it will supply, in this regard, the information and documents requested in the Memorandum adopted by the Governing Body.

*Paraguay*

The Committee notes with regret that no information has been supplied in reply to its previous requests. It hopes that the Government will soon be able to indicate that the Conventions adopted at the 41st to 51st Sessions of the Conference which appear in the last column of the table of Appendix I to this section, as well as the instruments adopted during the 53rd and 54th Sessions of the Conference, have been submitted to the competent authorities and that it will supply in this regard the information and documents called for in the Memorandum adopted by the Governing Body (points II (b) and (c) and III of the questionnaire).

*Peru*

The Committee notes the information supplied by the Government regarding the measures taken to communicate Convention No. 129, Recommendation No. 133 and the instruments adopted at the 54th Session of the Conference to certain legal and governmental organs, and the opinions given by the latter on these instruments. It notes with regret, however, that the Government has supplied no information on the actual submission of Conventions and Recommendations to the President and the Council of Ministers, who are at present the competent authorities according to the Government's indication in its letter of 12 March 1970. It trusts that the Government will be able to state in the very near future whether all the instruments listed in the last column of the table in Appendix I to this section have been submitted to the competent authorities, and that in this connection it will supply the information and documents called for in the Memorandum adopted by the Governing Body.

*Poland*

The Committee notes with regret that once again no information has been supplied in reply to its previous comments. It trusts that the Government will indicate in the near future whether the numerous instruments listed in the last

column of the table of Appendix I to this section have been submitted to the competent authorities and that it will supply in this regard the information and documents requested in the Memorandum adopted by the Governing Body.

#### *Portugal*

The Committee notes that the instruments adopted at the 54th Session of the Conference have been submitted to the National Assembly. It also must observe that, in spite of its repeated requests, the information and documents called for in points II (b) and (c) and III of the questionnaire in the Memorandum adopted by the Governing Body, have never been supplied. It trusts that the documents and information in question will soon be forwarded and that they will be supplied as a regular practice in future when new instruments are submitted.

#### *Sierra Leone*

The Committee notes from the information communicated by the Government and from the statement made by a government representative to the Conference Committee in 1971 that Recommendation No. 132 had been submitted to Parliament in 1970, that all the instruments adopted from the 46th to the 49th Sessions of the Conference were being discussed in the Joint Consultative Committee and that Conventions Nos. 118, 122, 129 and 130 and Recommendations Nos. 116, 117, 120, 122 and 123 and the instruments adopted at the 54th Session were submitted to the Cabinet.

The Committee recalls in this connection that the authorities to which these instruments should be submitted are those empowered to legislate, i.e. as a rule, Parliament. The Committee hopes that the Government will soon be in a position to indicate whether the above-mentioned instruments (except Convention No. 119 which has been ratified) and others adopted at the 51st, 53rd and 54th Sessions of the Conference have been submitted to Parliament, and that it will supply in this connection the information and documents called for in the Memorandum adopted by the Governing Body.

#### *Somalia*

The Committee notes with regret that the Government has supplied no information in answer to the observation made in 1971. The Committee once more expresses the hope that the Government will not fail to take the necessary action in order to submit to the competent authorities the instruments adopted from the 45th to the 54th Sessions of the Conference, and that it will supply, in this connection, the information and documents called for in the Memorandum adopted by the Governing Body.

#### *Syrian Arab Republic*

The Committee notes the information and documents communicated by the Government in regard to the submission to the Council of Ministers, stated by the Government to be the competent legislative authority, of several Conventions and Recommendations, as well as the measures taken with a view to the submission of other instruments still listed in the last column of the table in Appendix I to this section. The Committee hopes that the Government will soon be able to indicate that all the instruments so far not submitted to the competent authorities will be submitted and that it will supply, in this regard, the information and documents called for in the Memorandum adopted by the Governing Body.

*Tanzania*

The Committee notes with regret that the Government has supplied no information in answer to its previous observation. The Committee trusts that the Government will soon supply, with regard to the instruments adopted by the Conference at its 47th to 53rd Sessions, the information and documents called for in the Memorandum adopted by the Governing Body, and that it will also indicate whether the instruments adopted at the 54th Session of the Conference have been submitted to the competent authorities.

*Thailand*

The Committee notes the information supplied by the Government on the action taken regarding Recommendation No. 122. It regrets, however, that the Government has supplied no information in reply to its previous observation. The Committee hopes that the Government will soon be in a position to indicate whether the instruments adopted from the 52nd to 54th Sessions have been submitted to the competent authorities, and that it will supply, in this connection, the information and documents called for in the Memorandum adopted by the Governing Body.

*Togo*

The Committee notes with regret that the Government has supplied no information in reply to the direct requests which were addressed to it in 1970 and 1971. The Committee trusts that the Government will soon be able to indicate whether the instruments adopted from the 52nd to the 54th Sessions of the Conference have been submitted to the competent authorities and that it will also communicate, in this regard, the information and documents requested in points II and III of the questionnaire in the Memorandum adopted by the Governing Body.

*Trinidad and Tobago*

Further to its previous observations, the Committee has taken note with satisfaction of the information and documents communicated by the Government with regard to the submission to Parliament of the instruments adopted at the 50th to 54th Sessions of the Conference.

*Ukraine*

The Committee notes from the information supplied by the Government that the instruments adopted at the 54th Session of the Conference have been submitted to the Presidium of the Supreme Soviet. In this connection, it reiterates the hope that the Government will find it possible to communicate the instruments adopted by the Conference also to the Supreme Soviet itself.

The Committee must further point out that, notwithstanding its repeated requests, the documents submitting the Conventions and Recommendations and particulars of the action taken by the competent authorities in their respect (article 19, paragraphs 5 (c) and 6 (c), of the Constitution) have never been supplied, as called for in the Memorandum adopted by the Governing Body. It trusts that the documents and information in question will be supplied soon, and that they will be communicated regularly in future whenever new instruments are submitted.

*USSR*

The Committee notes from the information supplied by the Government that the instruments adopted at the 54th Session of the Conference have been submitted to the Presidium of the Supreme Soviet. In this connection, it reiterates the hope that the Government will find it possible to communicate the instruments adopted by the Conference also to the Supreme Soviet itself.

The Committee must further point out that, notwithstanding its repeated requests, the documents submitting the Conventions and Recommendations and particulars of the action taken by the competent authorities in their respect (article 19, paragraphs 5 (c) and 6 (c), of the Constitution) have never been supplied, as called for in the Memorandum adopted by the Governing Body. It trusts that the documents and information in question will be supplied soon, and that they will be communicated regularly in future, whenever new instruments are submitted.

*Republic of Viet-Nam*

The Committee notes the information communicated by the Government regarding the submission to Parliament of Recommendations Nos. 133 and 134 (53rd Session of the Conference) and Recommendations Nos. 135 and 136 (54th Session) and regarding the decision of the Council of Ministers concerning the possibility of ratifying Conventions Nos. 129 and 130. The Committee hopes that the Government will soon be able to indicate that these two Conventions, as well as Conventions Nos. 131 and 132, adopted during the 54th Session of the Conference, have also been submitted to Parliament.

Referring to its previous observations, the Committee again requests the Government to supply in the near future, in regard to the instruments adopted from the 45th to the 52nd Sessions of the Conference which were submitted to Parliament in 1969, as well as in regard to all the instruments subsequently submitted, the information and documents requested in the Memorandum adopted by the Governing Body.

*Yemen Arab Republic*

The Committee again notes with regret that the Government has so far failed to supply any information concerning the submission of the instruments adopted by the Conference to the competent authorities. It once more draws the Government's attention to the fundamental importance of the obligation incumbent on it by virtue of article 19, paragraphs 5 (b) and 6 (b), of the Constitution of the ILO, to submit the instruments adopted by the Conference to the competent authorities. It hopes that the Government will soon be in a position to indicate that the instruments adopted from the 49th to 54th Sessions of the Conference have been submitted to the competent authorities and that it will supply in this connection the information and documents called for in the Memorandum adopted by the Governing Body.

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In addition, requests regarding certain points are being addressed directly to the following States: *Australia, Austria, Belgium, Cameroon, Congo, Costa Rica, Czechoslovakia, Finland, Ghana, Guyana, Iceland, India, Iran, Israel, Italy, Kenya, Kuwait, Luxembourg, Malaysia, Mauritius, Mexico, Mongolia, Niger, Nigeria, Rwanda, Spain, Sudan, Tunisia, Turkey, Uganda, United States, Upper Volta, Uruguay, Venezuela, People's Democratic Republic of Yemen (Aden), Yugoslavia, Zaire.*

**Appendix I. Information Supplied by Governments with Regard to the Obligation to Submit Conventions and Recommendations to the Competent Authorities**

*(31st to 54th Sessions of the International Labour Conference, 1948-70)*

*Note :* The number of the Convention or Recommendation is given in parentheses, preceded by the letter "C" or "R" as the case may be, when only some of the texts adopted at any one session have been submitted. Ratified Conventions are considered as having been submitted.

Account has been taken of the date of admission or readmission of States Members to the ILO for determining the sessions of the Conference whose texts are taken into consideration.

State	Sessions of which the adopted texts have been submitted to the authorities considered as competent by governments	Sessions of which the adopted texts have not been submitted (including cases in which no information has been supplied)
Afghanistan . . . . .	31st to 45th	46th, 47th, 48th, 49th, 50th, 51st, 52nd, 53rd and 54th
Algeria . . . . .	47th to 51st	52nd, 53rd and 54th
Argentina . . . . .	31st to 54th	—
Australia . . . . .	31st to 52nd	53rd and 54th
Austria . . . . .	31st to 46th (C 117; R 116, 117), 47th to 53rd	46th (C 118) and 54th
Barbados . . . . .	—	51st, 52nd, 53rd and 54th
Belgium . . . . .	31st to 53rd	54th
Bolivia . . . . .	31st (C 87), 32nd (C 96), 40th (C 107), and 45th (C 116)	31st (C 88, 89, 90; R 83), 32nd (C 91, 92, 93, 94, 95, 97, 98; R 84, 85, 86, 87), 33rd, 34th, 35th, 36th, 37th, 38th, 39th, 40th (C 105, 106; R 103, 104), 41st, 42nd, 43rd, 44th, 45th (R 115), 46th, 47th, 48th, 49th, 50th, 51st, 52nd, 53rd and 54th
Brazil . . . . .	31st to 45th, 46th (C 117, 118), 47th (C 119), 48th (C 120, 121, 122), 49th (C 123, 124; R 124, 125), 50th (C 125; R 126), 51st (C 127; R 128) and 53rd (R 133, 134)	46th (R 116, 117), 47th (R 118, 119), 48th (R 120, 121, 122), 49th (R 123), 50th (C 126; R 127), 51st (C 128; R 129, 130, 131), 52nd, 53rd (C 129, 130) and 54th
Bulgaria . . . . .	31st to 54th	—
Burma . . . . .	31st to 51st	52nd, 53rd and 54th
Burundi . . . . .	53rd	47th, 48th, 49th, 50th, 51st, 52nd and 54th
Byelorussia . . . . .	37th to 54th	—

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State	Sessions of which the adopted texts have been submitted to the authorities considered as competent by governments	Sessions of which the adopted texts have not been submitted (including cases in which no information has been supplied)
Cameroon . . . . .	44th to 49th	50th, 51st, 52nd, 53rd and 54th
Canada . . . . .	31st to 54th	—
Central African Republic	45th to 48th, 53rd and 54th	49th, 50th, 51st and 52nd
Ceylon . . . . .	31st to 51st	52nd, 53rd and 54th
Chad . . . . .	45th to 49th	50th, 51st, 52nd, 53rd and 54th
Chile . . . . .	31st to 49th	50th, 51st, 52nd, 53rd and 54th
Colombia . . . . .	31st to 39th, 40th (C 105, 106, 107; R 103), 41st (C 109; R 105, 106, 108), 42nd to 44th, 45th (C 116), 46th (C 118), 47th (C 119), 48th (C 120, 121, 122), 49th (C 123, 124), 50th (C 125, 126), 51st (C 127), 53rd (C 129, 130) and 54th (C 131, 132)	40th (R 104) and 41st (C 108; R 107, 109), 45th (R 115), 46th (C 117; R 116, 117), 47th (R 119), 48th (R 120, 121, 122), 49th (R 123, 124, 125), 50th (R 126, 127), 51st (C 128; R 128, 129, 130, 131), 52nd, 53rd (R 133, 134) and 54th (R 135, 136)
Congo . . . . .	45th to 53rd	54th
Costa Rica . . . . .	31st to 53rd	54th
Cuba . . . . .	31st to 54th	—
Cyprus . . . . .	45th to 54th	—
Czechoslovakia . . . . .	31st to 54th	—
Dahomey . . . . .	49th (C 123, 124; R 124, 125) and 52nd	45th, 46th, 47th, 48th, 49th (R 123), 50th, 51st, 53rd and 54th
Denmark . . . . .	31st to 54th	—
Dominican Republic . . . . .	31st to 51st	52nd, 53rd and 54th
Ecuador . . . . .	31st to 51st and 54th (C 131)	52nd, 53rd and 54th (C 132; R 135, 136)
Egypt . . . . .	31st, 32nd (C 91, 92, 93, 94, 95, 96, 98; R 84, 85, 86, 87), 34th (C 100; R 89, 91, 92), 35th (C 101, 102; R 93, 94, 95), 38th, 39th, 40th, 42nd, 44th, 45th, 46th (C 118; R 116, 117), 48th to 54th	32nd (C 97); 33rd, 34th (C 99; R 90), 35th (C 103), 36th, 37th, 41st, 43rd, 46th (C 117) and 47th
El Salvador . . . . .	38th (C 104) and 40th (C 105, 107)	31st, 32nd, 33rd, 34th, 35th, 36th, 37th, 38th (R 99, 100), 39th, 40th (C 106; R 103, 104), 41st, 42nd, 43rd, 44th, 45th, 46th, 47th, 48th, 49th, 50th, 51st, 52nd, 53rd and 54th

SUBMISSION TO COMPETENT AUTHORITIES

State	Sessions of which the adopted texts have been submitted to the authorities considered as competent by governments	Sessions of which the adopted texts have not been submitted (including cases in which no information has been supplied)
Ethiopia . . . . .	31st to 52nd	53rd, 54th
Finland . . . . .	31st to 50th	51st, 52nd, 53rd and 54th
France . . . . .	31st to 54th	—
Gabon . . . . .	45th to 50th	51st, 52nd, 53rd and 54th
Germany (Federal Republic) . . . . .	34th to 54th	—
Ghana . . . . .	40th to 53rd	54th
Greece . . . . .	31st to 37th, 38th (C 104; R 99), 39th, 40th (C 105, 107; R 104), 41st (C 108), 47th to 53rd and 54th (C 131, 132; R 135)	38th (R 100), 40th (C 106; R 103), 41st (C 109; R 105, 106, 107, 108, 109), 42nd, 43rd, 44th, 45th, 46th and 54th (R 136)
Guatemala . . . . .	31st to 52nd and 53rd (C 129)	53rd (C 130; R 133, 134) and 54th
Guinea . . . . .	43rd to 54th	—
Guyana . . . . .	50th to 53rd	54th
Haiti . . . . .	31st (C 90), 32nd (C 98), 34th (C 99, 100), 40th to 44th, 46th to 49th	31st (C 87, 88, 89; R 83), 32nd (C 91, 92, 93, 94, 95, 96, 97; R 84, 85, 86, 87), 33rd, 34th (R 89, 90, 91, 92), 35th, 36th, 37th, 38th, 39th, 45th, 50th, 51st, 52nd, 53rd, and 54th
Honduras . . . . .	39th to 44th and 45th (C 116)	45th (R 115), 46th, 47th, 48th, 49th, 50th, 51st, 52nd, 53rd and 54th
Hungary . . . . .	31st to 54th	—
Iceland . . . . .	31st to 53rd	54th
India . . . . .	31st to 53rd	54th
Indonesia . . . . .	33rd to 51st and 54th	52nd and 53rd
Iran . . . . .	31st to 52nd	53rd and 54th
Iraq . . . . .	31st, 32nd (C 95, 98), 34th (C 99, 100; R 90), 35th (C 102, 103), 40th (C 105, 106), 42nd (C 111; R 111), 43rd (C 112, 113, 114), 44th, 45th (C 116), 46th (C 117, 118), 48th (C 122), 49th (C 123, 124) and 51st to 53rd	32nd (C 91, 92, 93, 94, 96, 97; R 84, 85, 86, 87), 33rd, 34th (R 89, 91, 92), 35th (C 101; R 93, 94, 95), 36th, 37th, 38th, 39th, 40th (C 107; R 103, 104), 41st, 42nd (C 110; R 110), 43rd (R 112), 45th (R 115), 46th (R 116, 117), 47th, 48th (C 120, 121; R 120, 121, 122), 49th (R 123, 124, 125), 50th and 54th
Ireland . . . . .	31st to 54th	—



REPORT OF THE COMMITTEE OF EXPERTS

State	Sessions of which the adopted texts have been submitted to the authorities considered as competent by governments	Sessions of which the adopted texts have not been submitted (including cases in which no information has been supplied)
Israel . . . . .	32nd to 53rd	54th
Italy . . . . .	31st to 52nd	53rd and 54th
Ivory Coast . . . . .	45th to 49th	50th, 51st, 52nd, 53rd and 54th
Jamaica . . . . .	47th, 49th (C 123, 124; R 124, 125), 50th (R 127) and 51st (R 129, 130)	48th, 49th (R 123), 50th (C 125, 126; R 126) 51st (C 127, 128; R 128, 131), 52nd, 53rd and 54th
Japan . . . . .	35th to 54th	—
Jordan . . . . .	40th (C 105), 42nd (C 111; R 111), 45th (C 116), 46th (C 117, 118), 47th (C 119), 48th (C 120, 122), 49th (C 123, 124), 50th (R 127), 51st (C 127; R 129, 130, 131) and 53rd	39th, 40th (C 106, 107; R 103, 104), 41st, 42nd (C 110; R 110), 43rd, 44th, 45th (R 115), 46th (R 116, 117), 47th (R 118, 119), 48th (C 121; R 120, 121, 122), 49th (R 123, 124, 125), 50th (C 125, 126; R 126), 51st (C 128; R 128), 52nd and 54th
Kenya . . . . .	48th to 52nd and 53rd (C 130; R 133, 134)	53rd (C 129) and 54th
Khmer Republic . . .	53rd and 54th	—
Kuwait . . . . .	45th to 54th	—
Laos . . . . .	—	48th, 49th, 50th, 51st, 52nd, 53rd and 54th
Lebanon . . . . .	31st (C 88, 89, 90), 32nd (C 95), 34th (C 100) and 35th (C 103)	31st (C 87; R 83), 32nd (C 91, 92, 93, 94, 96, 97, 98; R 84, 85, 86, 87), 33rd, 34th (C 99; R 89, 90, 91, 92), 35th (C 101, 102; R 93, 94, 95), 36th, 37th, 38th, 39th, 40th, 41st, 42nd, 43rd, 44th, 45th, 46th, 47th, 48th, 49th, 50th, 51st, 52nd, 53rd and 54th
Liberia . . . . .	31st (C 87), 32nd (C 98), 38th (C 104), 40th (C 105), 42nd, 43rd (C 112, 113, 114), 48th, 49th and 50th	31st (C 88, 89, 90; R 83), 32nd (C 91, 92, 93, 94, 95, 96, 97; R 84, 85, 86), 33rd, 34th, 35th, 36th, 37th, 38th (R 99, 100), 39th, 40th (C 106, 107; R 103, 104), 41st, 43rd (R 112), 44th, 45th, 46th, 47th, 51st, 52nd, 53rd and 54th
Libya . . . . .	35th to 54th	—
Luxembourg . . . . .	31st to 53rd	54th
Madagascar . . . . .	45th to 54th	—
Malawi . . . . .	49th to 53rd	54th
Malaysia . . . . .	41st to 54th	—

SUBMISSION TO COMPETENT AUTHORITIES

State	Sessions of which the adopted texts have been submitted to the authorities considered as competent by governments	Sessions of which the adopted texts have not been submitted (including cases in which no information has been supplied)
Mali . . . . .	44th to 54th	—
Malta . . . . .	49th to 54th	—
Mauritania . . . . .	45th, 46th, 47th (C 119), 48th, 49th, 50th (C 125, 126), 51st (C 127, 128), 52nd and 53rd	47th (R 118, 119), 50th (R 126, 127), 51st (R 128, 129, 130, 131) and 54th
Mauritius . . . . .	—	53rd and 54th
Mexico . . . . .	31st, 32nd (C 91, 92, 93, 94, 95, 96, 97, 98), 34th (C 99, 100; R 89, 90), 35th (C 101, 102, 103), 38th (C 104), 40th to 44th, 45th (C 116), 46th (C 117, 118), 47th (C 119; R 119), 48th (C 120, 121, 122), 49th (C 123, 124), 50th, 51st, 52nd and 53rd (R 133, 134)	32nd (R 84, 85, 86, 87), 33rd, 34th (R 91, 92), 35th (R 93, 94, 95), 36th, 37th, 38th (R 99, 100), 39th, 45th (R 115), 46th (R 116, 117), 47th (R 118), 48th (R 120, 121, 122), 49th (R 123, 124, 125), 53rd (C 129, 130) and 54th
Mongolia . . . . .	—	53rd and 54th
Morocco . . . . .	39th to 54th	—
Netherlands . . . . .	31st to 40th, 41st (C 108, 109), 42nd (C 111; R 111), 43rd to 49th, 50th (C 125, 126) and 51st (C 127, 128)	41st (R 105, 106, 107, 108, 109), 42nd (C 110; R 110), 50th (R 126, 127) and 51st (R 128, 129, 130, 131), 52nd, 53rd and 54th
New Zealand . . . . .	31st to 54th	—
Nepal . . . . .	—	51st, 52nd, 53rd and 54th
Nicaragua . . . . .	40th to 50th and 51st (R 128, 129, 130, 131)	51st (C 127, 128), 52nd, 53rd and 54th
Niger . . . . .	45th to 51st (C 127; R 128, 129, 130), 52nd and 53rd	51st (C 128; R 131), 54th
Nigeria . . . . .	45th to 54th	—
Norway . . . . .	31st to 54th	—
Pakistan . . . . .	31st to 50th and 51st (R 129, 130)	51st (C 127, 128; R 128, 131), 52nd, 53rd and 54th
Panama . . . . .	31st (C 87, 88, 89), 32nd (C 92, 94, 95, 96, 98), 34th (C 100), 38th (C 104), 40th (C 105, 107), 41st (C 108), 42nd (C 110, 111), 43rd (C 112, 113, 114), 44th (C 115), 45th (C 116), 46th (C 117), 47th (C 119), 48th (C 120, 122), 49th (C 123, 124), 50th (C 125, 126), 51st (C 127)	31st (C 90; R 83), 32nd (C 91, 93, 97; R 84, 85, 86, 87), 33rd, 34th (C 99; R 89, 90, 91, 92), 35th, 36th, 37th, 38th (R 99, 100), 39th, 40th (C 106; R 103, 104), 41st (C 109; R 105, 106, 107, 108, 109), 42nd (R 110, 111), 43rd (R 112), 44th (R 113, 114), 45th (R 115), 46th (C 118; R 116, 117), 47th (R 118, 119), 48th (C 121; R 120, 121, 122), 49th (R 123, 124, 125), 50th (R 126, 127), 51st (C 128; R 128, 129, 130, 131), 52nd, 53rd and 54th

REPORT OF THE COMMITTEE OF EXPERTS

State	Sessions of which the adopted texts have been submitted to the authorities considered as competent by governments	Sessions of which the adopted texts have not been submitted (including cases in which no information has been supplied)
Paraguay . . . . .	40th, 41st (R 105, 106, 107, 108, 109), 42nd (C 111; R 110, 111), 43rd (R 112), 44th, 45th, 46th (C 117), 47th, 48th (C 120, 122; R 120, 121, 122), 49th, 50th (R 126, 127), 51st (R 128, 129, 130, 131) and 52nd	41st (C 108, 109), 42nd (C 110), 43rd (C 112, 113, 114), 46th (C 118), 48th (C 121), 50th (C 125, 126), 51st (C 127, 128), 53rd and 54th
Peru . . . . .	31st to 43rd, 44th (C 115), 45th (C 116), 46th (C 117, 118), 47th (C 119), 48th (C 120, 121, 122), 49th and 50th (C 125, 126; R 126)	44th (R 113, 114), 45th (R 115), 46th (R 116, 117), 47th (R 118, 119), 48th (R 120, 121, 122), 50th (R 127), 51st, 52nd, 53rd and 54th
Philippines . . . . .	31st to 54th	—
Poland . . . . .	31st (C 87, 89, 90), 32nd (C 91, 92, 93, 94, 95, 96, 97, 98; R 84, 85, 86), 34th (C 100; R 90, 91, 92), 35th (C 101; R 93, 94), 36th, 38th (C 104; R 100), 40th (C 105, 106, 107; R 104), 41st, 42nd, 43rd (C 112, 113, 114), 44th, 45th, 46th (C 117; R 116, 117), 47th (R 118, 119), 48th (C 120, 122; R 120) and 49th (C 123, 124; R 124, 125)	31st (C 88; R 83), 32nd (R 87), 33rd, 34th (C 99; R 89), 35th (C 102, 103; R 95), 37th, 38th (R 99), 39th, 40th (R 103), 43rd (R 112), 46th (C 118), 47th (C 119), 48th (C 121; R 121, 122), 49th (R 123), 50th, 51st, 52nd, 53rd and 54th
Portugal . . . . .	31st to 54th	—
Romania . . . . .	39th to 54th	—
Rwanda . . . . .	47th to 52nd	53rd and 54th
Senegal . . . . .	44th to 54th	—
Sierra Leone . . . . .	45th, 47th (C 119), 50th and 52nd	46th, 47th (R 118, 119), 48th, 49th, 51st, 53rd and 54th
Singapore . . . . .	50th to 54th	—
Somalia . . . . .	—	45th, 46th, 47th, 48th, 49th, 50th, 51st, 52nd, 53rd and 54th
Spain . . . . .	39th to 45th, 46th (R 116, 117), 47th, 48th (C 120, 122; R 120, 121, 122), 49th to 54th	46th (C 117, 118), 48th (C 121)
Sudan . . . . .	39th to 53rd	54th
Sweden . . . . .	31st to 54th	—
Switzerland . . . . .	31st to 54th	—
Syrian Arab Republic . . . . .	31st, 32nd, 34th, 35th, 36th, 38th (C 104; R 99), 39th to 48th, 49th (C 123; R 124), 50th, 51st (C 127, 128; R 128, 129), 52nd, 53rd (C 129; R 133) and 54th (C 131; R 135)	33rd, 37th, 38th (R 100), 49th (C 124; R 123, 125), 51st (R 130, 131), 53rd (C 130; R 134) and 54th (C 132; R 136)

SUBMISSION TO COMPETENT AUTHORITIES

State	Sessions of which the adopted texts have been submitted to the authorities considered as competent by governments	Sessions of which the adopted texts have not been submitted (including cases in which no information has been supplied)
Tanzania . . . . .	46th to 53rd	54th
Thailand . . . . .	31st to 51st	52nd, 53rd and 54th
Togo . . . . .	44th to 51st	52nd, 53rd and 54th
Trinidad and Tobago .	47th to 54th	—
Tunisia . . . . .	39th to 53rd	54th
Turkey . . . . .	31st to 54th	—
Uganda . . . . .	47th to 52nd	53rd and 54th
Ukraine . . . . .	37th to 54th	—
USSR . . . . .	37th to 54th	—
United Kingdom . . .	31st to 54th	—
United States . . . . .	31st to 50th, 51st (C 127; R 128, 129, 130), 52nd and 53rd	51st (C 128; R 131) and 54th
Upper Volta . . . . .	45th to 52nd	53rd and 54th
Uruguay . . . . .	31st to 53rd	54th
Venezuela . . . . .	31st to 50th, 51st (C 127, 128; R 128) and 52nd	51st (R 129, 130, 131), 53rd and 54th
Viet-Nam . . . . .	33rd to 52nd, 53rd (R 133, 134) and 54th (R 135, 136)	53rd (C 129, 130) and 54th (C 131, 132)
Yemen Arab Republic .	—	49th, 50th, 51st, 52nd, 53rd and 54th
PDR of Yemen (Aden).	—	53rd and 54th
Yugoslavia . . . . .	31st to 52nd	53rd and 54th
Zaire . . . . .	45th to 53rd	54th
Zambia . . . . .	49th to 54th	—

## Appendix II. Position of Member States with Regard to the Obligation to Submit Conventions and Recommendations to the Competent Authorities

TABLE I. NUMBER OF STATES WHERE, ACCORDING TO INFORMATION SUPPLIED BY GOVERNMENTS, CONVENTIONS AND RECOMMENDATIONS HAVE BEEN SUBMITTED TO THE COMPETENT AUTHORITIES WITHIN THE PRESCRIBED TIME LIMITS

Number of States in which, according to information supplied by governments,	Sessions at which decisions were adopted																							
	31st (June 1948)	32nd (June 1949)	33rd (June 1950)	34th (June 1951)	35th (June 1952)	36th (June 1953)	37th (June 1954)	38th (June 1955)	39th (June 1956)	40th (June 1957)	41st (April/May 1958)	42nd (June 1958)	43rd (June 1959)	44th (June 1960)	45th (June 1961)	46th (June 1962)	47th (June 1963)	48th (June/July 1964)	49th (June 1965)	50th (June 1966)	51st (June 1967)	52nd (June 1968)	53rd (June 1969)	54th (June 1970)
All the texts have been submitted .	16	17	21	25	25	28	29	24	38	38	34	36	34	38	34	38	32	37	49	53	43	50	47	42
Some of these texts have been submitted . . . . .	7	2	— <sup>1</sup>	4	3	1	— <sup>1</sup>	4	1	13	3	7	8	1	9	6	9	6	6	2	13	— <sup>1</sup>	8	4
None of these texts has been submitted (including cases in which no information has been supplied by the Government)	37	42	42	35	38	37	40	41	37	26	42	36	38	44	58	58	67	67	59	60	61	68	66	75
Number of States which were Members of the Organisation at the time of the Session . . . . .	60	61	63	64	66	66	69	69	76	77	79	79	80	83	101	102	108	110	114	115	117	118	121	121

<sup>1</sup> At this session the Conference adopted one Recommendation only.

TABLE II. OVER-ALL POSITION OF MEMBER STATES AT 29 MARCH 1972

Number of States in which, according to information supplied by governments,	Sessions at which decisions were adopted																						
	31st (June 1948)	32nd (June 1949)	33rd (June 1950)	34th (June 1951)	35th (June 1952)	36th (June 1953)	37th (June 1954)	38th (June 1955)	39th (June 1956)	40th (June 1957)	41st (April/May 1958)	42nd (June 1958)	43rd (June 1959)	44th (June 1960)	45th (June 1961)	46th (June 1962)	47th (June 1963)	48th (June/July 1964)	49th (June 1965)	50th (June 1966)	51st (June 1967)	52nd (June 1968)	53rd (June 1969)
All the texts have been submitted .	54	50	51	53	55	56	58	57	65	65	65	69	67	69	84	77	83	90	84	79	58	77	64
Some of these texts have been submitted . . . . .	5	9	— <sup>1</sup>	7	4	—	— <sup>1</sup>	6	—	11	4	6	6	2	6	11	10	7	14	8	14	— <sup>1</sup>	7
None of these texts has been submitted (including cases in which no information has been supplied by the Government)	1	2	12	4	7	10	11	6	11	1	8	4	7	12	11	14	15	13	16	28	45	41	50
Number of States which were Members of the Organisation at the time of the Session . . . . .	60	61	63	64	66	66	69	69	76	77	79	79	80	83	101	102	108	110	114	115	117	118	121

<sup>1</sup> At this session the Conference adopted one Recommendation only.