

International Labour Conference
58th Session 1973

Report III
(Part 1)

Third Item on the Agenda
Information and Reports on the Application
of Conventions and Recommendations

Summary of Reports on Ratified Conventions

(Articles 22 and 35 of the Constitution)



International Labour Office
Geneva 1973

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

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INTRODUCTION

Article 19 of the Constitution of the International Labour Organisation prescribes, in paragraphs 5, 6 and 7, that Members shall bring the Conventions and Recommendations adopted by the International Labour Conference before the competent authorities within a specified period. Under the same provisions the governments of member States shall inform the Director-General of the International Labour Office of the measures taken to submit the Conventions and Recommendations to the competent authorities, and also communicate particulars of the authority or authorities regarded as competent, and of the action taken by them.

In accordance with article 23 of the Constitution a summary of the information communicated in pursuance of article 19 is submitted to the Conference. The present summary contains information relating to the submission to the competent authorities of the Conventions and Recommendations adopted by the Conference at its 65th Session held in Geneva from 6 to 27 June 1979.

The period of one year provided for the submission to the competent authorities of the instruments in question expired on 27 June 1980, and the period of 18 months on 27 December 1980.

The present report also contains a summary of additional information relating to the submission to the competent authorities of the Conventions and Recommendations adopted by the Conference at its 31st to 64th Sessions (1948 to 1978). The information summarised in this report consists of communications which were forwarded to the Director-General of the International Labour Office after the close of the 66th Session of the Conference and which could not, therefore, be laid before the Conference at that session.

The report contains a summary of the information received from governments up to the date of the meeting of the Committee of Experts on the Application of Conventions and Recommendations; the Committee examined, during its session from 12 to 25 March 1981, the information received from the governments, as stated in its report.

List of instruments adopted by the Conference at its
54th to 65th Sessions¹

54th Session (1970)

Minimum Wage Fixing Convention (No. 131).
Holidays with Pay Convention (Revised) (No. 132).
Minimum Wage Fixing Recommendation (No. 135).
Special Youth Schemes Recommendation (No. 136).

55th Session (1970)

Accommodation of Crews (Supplementary Provisions)
Convention (No. 133).
Prevention of Accidents (Seafarers) Convention
(No. 134).
Vocational Training (Seafarers) Recommendation
(No. 137).
Seafarers' Welfare Recommendation (No. 138).
Employment of Seafarers (Technical Developments)
Recommendation (No. 139).
Crew Accommodation (Air Conditioning) Recommendation
(No. 140).
Crew Accommodation (Noise Control) Recommendation
(No. 141).
Prevention of Accidents (Seafarers) Recommendation
(No. 142).

56th Session (1971)

Workers' Representatives Convention (No. 135).
Benzene Convention (No. 136).
Workers' Representatives Recommendation (No. 143).
Benzene Recommendation (No. 144).

57th Session (1972)²

¹ A list of the instruments adopted from the 31st to the 53rd Sessions of the Conference will be found in the corresponding Report III (Part 3) presented to presiding sessions of the Conference.

² At this session, the Conference did not adopt any Conventions or Recommendations.

58th Session (1973)

Dock Work Convention (No. 137).
Minimum Age Convention (No. 138).
Dock Work Recommendation (No. 145).
Minimum Age Recommendation (No. 146).

59th Session (1974)

Occupational Cancer Convention (No. 139).
Paid Educational Leave Convention (No. 140).
Occupational Cancer Recommendation (No. 147).
Paid Educational Leave Recommendation (No. 148).

60th Session (1975)

Rural Workers' Organisations Convention (No. 141).
Human Resources Development Convention (No. 142).
Migrant Workers (Supplementary Provisions) Convention
(No. 143).
Rural Workers' Organisations Recommendation (No. 149).
Human Resources Development Recommendation (No. 150).
Migrant Workers Recommendation (No. 151).

61st Session (1976)

Tripartite Consultation (International Labour
Standards) Convention (No. 144).
Tripartite Consultation (Activities of the Inter-
national Labour Organisation) Recommendation
(No. 152).

62nd Session (1976)

Continuity of Employment (Seafarers) Convention
(No. 145).
Seafarers' Annual Leave with Pay Convention (No. 146).
Merchant Shipping (Minimum Standards) Convention
(No. 147).
Protection of Young Seafarers Recommendation (No. 153).
Continuity of Employment (Seafarers) Recommendation
(No. 154).
Merchant Shipping (Improvement of Standards)
Recommendation (No. 155).

63rd Session (1977)

Working Environment (Air Pollution, Noise and Vibration) Convention (No. 148).
Nursing Personnel Convention (No. 149).
Working Environment (Air Pollution, Noise and Vibration) Recommendation (No. 156).
Nursing Personnel Recommendation (No. 157).

64th Session (1978)

Labour Administration Convention (No. 150).
Labour Relations (Public Service) Convention (No. 151).
Labour Administration Recommendation (No. 158).
Labour Relations (Public Service) Recommendation (No. 159).

65th Session (1979)

Occupational Safety and Health (Dock Work) Convention (No. 152).
Hours of Work and Rest Periods (Road Transport) Convention (No. 153).
Occupational Safety and Health (Dock Work) Recommendation (No. 160).
Hours of Work and Rest Periods (Road Transport) Recommendation (No. 161).

Summary of information relating to the submission to the competent authorities of the Conventions and Recommendations adopted by the International Labour Conference at its 65th Session (Geneva, 1979) and supplementary information on the texts adopted at its 31st to 64th Sessions (1948 to 1978)

Algeria. The instruments adopted by the 64th Session of the Conference were submitted to the President of the Republic on 24 May 1980. Ratification of Conventions Nos. 150 and 151 is likely.

Angola. The instruments adopted by the 65th Session of the Conference were submitted to the State Revolutionary Council on 24 January 1980.

Argentina. The instruments adopted by the 65th Session of the Conference have been submitted to the President of the Republic.

Australia. The instruments adopted at the 65th Session of the Conference were submitted to Parliament on 3 December 1980.

Austria. The instruments adopted by the 64th Session of the Conference have been submitted to the National Council.

Bahrain. The instruments adopted by the 65th Session of the Conference were submitted to the Council of Ministers on 6 May 1980.

Bangladesh. The instruments adopted by the 65th Session of the Conference have been submitted to the competent authorities.

Barbados. The instruments adopted by the 64th and 65th Sessions of the Conference were submitted to Parliament on 11 January 1980.

Belgium. Convention No. 153 and Recommendation No. 161, which were adopted by the 65th Session of the Conference, have been submitted to the competent authorities of the European Communities.

Bulgaria. The instruments adopted by the 65th Session of the Conference were submitted to the Council of State on 29 January 1981.

Burma. The instruments adopted by the 62nd and 63rd Sessions of the Conference were submitted to the People's Assembly on 13 October 1980.

Burundi. Conventions Nos. 150 and 151, adopted by the 64th Session of the Conference, and the instruments adopted by the 65th Session of the Conference have been submitted to the President of the Republic.

Byelorussian SSR. The instruments adopted by the 64th and 65th Sessions of the Conference were submitted to the Presidium of the Supreme Soviet of the Byelorussian Soviet Socialist Republic in May 1980.

United Republic of Cameroon. The instruments adopted by the 65th Session of the Conference were submitted to the National Assembly on 31 May 1980.

Chile. The instruments adopted by the 65th Session of the Conference were submitted to the Junta on 22 July 1980.

Colombia. The instruments adopted by the 65th Session of the Conference were submitted to Congress on 2 November 1979. Ratification of the Conventions has been proposed.

Congo. Convention No. 149 and Recommendation No. 157, adopted by the 63rd Session of the Conference, have been submitted to the Council of Ministers.

Cuba. Convention No. 148, which was adopted by the 63rd Session of the Conference and Conventions Nos. 150 and 151, adopted at the 64th Session, have been ratified.

Cyprus. The instruments adopted by the 64th Session of the Conference have been submitted to the House of Representatives. Ratification of Conventions Nos. 150 and 151 and acceptance of Recommendations Nos. 158 and 159 have been proposed.

Czechoslovakia. The instruments adopted by the 64th and 65th Sessions of the Conference were submitted to the Federal Assembly on 16 May 1980 and 9 February 1981.

Denmark. The instruments adopted by the 65th Session of the Conference were submitted to Parliament on 6 May 1980. Convention No. 153 and Recommendation No. 161 have also been submitted to the competent authorities of the European Community.

Djibouti. The instruments adopted by the 64th and 65th Sessions of the Conference were submitted to the National Assembly on 27 October 1979.

Egypt. The instruments adopted by the 65th Session of the Conference have been submitted to the National Assembly.

France. The instruments adopted by the 65th Session of the Conference were submitted to Parliament on 26 December 1980. Ratification of Convention No. 152 is likely. Convention No. 153 and Recommendation No. 161 were also submitted to the competent authorities of the European Communities.

German Democratic Republic. The instruments adopted by the 65th Session of the Conference have been submitted to the People's Chamber.

Federal Republic of Germany. Convention No. 149 and Recommendation No. 157, adopted by the 63rd Session of the Conference, and Convention No. 150 and Recommendation No. 158, adopted by the 64th Session, were submitted to the Bundesrat on 8 and 11 April 1980 respectively. Convention No. 150 has been ratified. Convention No. 153 and certain parts of Recommendation No. 161, both of which were adopted by the 65th Session of the Conference, have been submitted to the competent authorities of the European Communities.

Haiti. The instruments adopted at the 64th and 65th Sessions of the Conference have been submitted to the Legislative Chamber.

Honduras. The instruments adopted by the 65th Session of the Conference were submitted to the Junta on 6 March 1980.

Hungary. The instruments adopted by the 62nd and 65th Sessions of the Conference have been submitted to the Presidential Council.

India. The instruments adopted at the 65th Session of the Conference were submitted to Parliament on 19 February 1981.

Indonesia. The instruments adopted by the 63rd Session of the Conference have been submitted to Parliament. Ratification of Convention No. 148 has been proposed.

Iraq. Convention No. 149, which was adopted by the 63rd Session of the Conference, has been ratified.

Italy. Convention No. 153 and Recommendation No. 161 (as regards certain activities covered by this Recommendation), which were adopted by the 65th Session of the Conference, have been submitted to the competent authorities of the European Communities.

Japan. The instruments adopted by the 65th Session of the Conference were submitted to the Diet on 16 May 1980.

Luxembourg. The instruments adopted by the 65th Session of the Conference were submitted to the Chamber of Deputies on 15 January 1980. Convention No. 153 and Recommendation No. 161 were also submitted to the competent authorities of the European Communities.

Madagascar. The instruments adopted by the 65th Session of the Conference were submitted to the National Popular Assembly on 30 April 1980.

Mali, The instruments adopted by the 64th Session of the Conference have been submitted to the National Assembly.

Malta. Conventions Nos. 133, 134, 137 to 139 and 141 to 143 and Recommendations Nos. 137 to 142, 144 to 147, 149 to 151 and 153 to 155, which were adopted by the 55th to 60th and 62nd Sessions, have been submitted to the House of Representatives.

Mauritius. The instruments adopted by the 62nd Session of the Conference were submitted to Parliament on 11 November 1980.

Mexico. The instruments adopted by the 62nd to 65th Sessions of the Conference have been submitted to the competent authorities. The ratification of Conventions Nos. 150, 152 and 153 has been proposed.

Nepal. The Government has taken due note of the instruments adopted at the 65th Session of the Conference.

Netherlands. Convention No. 153 and Recommendation No. 161, adopted by the 65th Session of the Conference, have been submitted to the competent authorities of the European Communities.

New Zealand. The instruments adopted by the 65th Session of the Conference were submitted to the House of Representatives on 15 October 1980.

Nicaragua. Recommendations Nos. 156 and 157, adopted by the 63rd Session of the Conference, and Recommendations Nos. 158 and 159, adopted by the 64th Session, were submitted to the Junta on 2 September 1980.

Norway. The instruments adopted by the 65th Session of the Conference were submitted to Parliament on 9 May 1980. Convention No. 152 has been ratified.

Pakistan. The instruments adopted by the 62nd and 63rd Sessions of the Conference were submitted to Cabinet on 17 February 1980.

Panama. The instruments adopted by the 64th Session of the Conference were submitted to the National Assembly on 18 May 1979.

Philippines. The instruments adopted by the 65th Session of the Conference were submitted to the President of the Republic on 9 April 1980 for transmission to the interim National Assembly.

Poland. Convention No. 149, adopted by the 63rd Session of the Conference, has been ratified.

Romania. The instruments adopted by the 65th Session of the Conference were submitted to the competent authorities on 31 May 1980.

Rwanda. The instruments adopted by the 65th Session of the Conference were submitted to the President of the Republic on 11 January 1980.

Saudi Arabia. The instruments adopted by the 65th Session of the Conference have been submitted to the Council of Ministers.

Senegal. The instruments adopted by the 65th Session of the Conference were submitted to the National Assembly on 24 June 1980.

Singapore. The instruments adopted at the 64th Session of the Conference have been submitted to Parliament.

Suriname. The instruments adopted at the 65th Session of the Conference were submitted to the competent authorities on 21 September 1979.

Sweden. The instruments adopted by the 65th Session of the Conference have been submitted to Parliament. Convention No. 152 has been ratified.

Switzerland. The instruments adopted by the 64th and 65th Sessions of the Conference have been submitted to Parliament. Conventions Nos. 150 and 151 have been ratified.

Syrian Arab Republic. Convention No. 140 and Recommendation No. 158 have been submitted to the People's Council.

Turkey. The instruments adopted by the 65th Session of the Conference have been submitted to the National Security Council.

Ukrainian SSR. The instruments adopted by the 65th Session of the Conference have been submitted to the Presidium of the Supreme Soviet of the Ukrainian Soviet Socialist Republic.

United Arab Emirates. The Government communicated information and documents on the submission to the National Council of the instruments adopted from the 58th to 63rd Sessions of the Conference.

United Kingdom. The instruments adopted at the 65th Session of the Conference have been submitted to Parliament. Convention No. 153 and Recommendation No. 161 have also been submitted to the competent authorities of the European Communities.

Uruguay. Convention No. 142 and Recommendation No. 151, adopted by the 60th Session of the Conference, as well as the instruments adopted by the 61st Session, have been submitted to the Council of State.

Zambia. The instruments adopted at the 63rd and 64th Sessions of the Conference have been submitted to the National Assembly. Ratification of Conventions Nos. 148, 149, 150 and 151 has been proposed.

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 51st Session in Geneva from 12 to 25 March 1981. The Committee has the honour to present its report to the Governing Body.

2. The composition of the Committee is as follows:

The Right Honourable Sir Adetokunbo ADEMOLA, GCON, KBE, CFR, PC (Nigeria),

former Chief Justice of Nigeria; honorary Bencher of the Middle Temple, London; honorary Member of the International Commission of Jurists; former member of the International Civil Service Advisory Board; former President of the Nigerian Red Cross Society; Chancellor of the University of Nigeria; Chairman, the Commonwealth Foundation;

Mr. Roberto AGO (Italy),

Judge of the International Court of Justice; former Professor of International Law, Faculty of Law, University of Rome; former member and President of the United Nations International Law Commission; President of the Vienna Conference for the Codification of the Law on Treaties (1968-69); former Chairman of the ILO Governing Body; member of the Institute of International Law; president of the Curatorium of the Academy of International Law at The Hague; member of the Permanent Court of Arbitration;

Mr. Günther BEITZKE (Federal Republic of Germany),

former Professor of Civil Law and Private International Law at the University of Bonn; former Director of the Institute of Private International Law and Comparative Law at the University of Bonn; honorary Doctor of the Universities of Bordeaux and Reykjavik; Corresponding Member of the Austrian Academy;

Mr. Prafullachandra Natvarlal BHAGWATI (India),

Judge of the Supreme Court of India; former Chief Justice of the High Court of Gujarat; former Chairman, Legal Aid Committee and Judicial Reforms Committee, Government of Gujarat; former Chairman, Committee on Juridicare, Government of India; Chairman, Research Committee of the Indian Law Institute; member of the Executive Committee of the Indian Branch of the Inter-

national Law Association; Chairman of the Committee appointed by the Government of India for implementing legal aid schemes in the country;

Mrs. Hanna BOKOR-SZEGŐ (Hungary),
Head of the International Law Department, Institute for Legal and Administrative Sciences, Hungarian Academy of Sciences; Professor of International Law, University of Economics, Budapest; former member and Chairman of the United Nations Commission on the Status of Women; President of the Hungarian Branch of the International Law Association; former member of the delegation of Hungary at the International Labour Conference;

Mr. Antonio Ferreira CESARINO, Jr. (Brazil),

Professor Emeritus of Labour Law of the State University of Sao Paulo and Professor of Occupational Medicine of the State Catholic University; honorary Professor of the Central University of Venezuela; honorary President of the International Society of Labour Law and Social Security; honorary Member of the Society of Occupational Medicine of Strasbourg;

The Right Honorable Sir William DOUGLAS, PC (Barbados),

Chief Justice of Barbados; Chairman, Inter-American Juridical Committee; member, Commonwealth Caribbean Council of Legal Education; former Judge of the High Court of Jamaica;

Mr. Arnold GUBINSKI (Poland),

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

Mr. Frank W. McCULLOCH (United States),

Scholar in residence, former Professor of Law at the University of Virginia; former Chairman of the National Labor Relations Board (1961-70); arbitrator; member, Public Review Board, United Auto Workers; member, Board of Directors, Migrant Legal Action Programme.

Mr. E. RAZAFINDRALAMBO (Madagascar),

First President of the Supreme Court of Madagascar; President of the High Court of Justice; Arbitrator of the International Centre for the Settlement of Investment Disputes (ICRAD) and of the International Civil Aviation Organisation; former Professor of Law at the University of Tananarive;

Mr. Jose Maria RUDA (Argentina),

Judge of the International Court of Justice; member of the Institute of International Law; Professor of Public International Law at the University of Buenos Aires; former representative to the United Nations; former Under-Secretary of Foreign Affairs; former member of the United Nations International Law Commission;

Mr. Boon Chiang TAN (Singapore),

LLB (London), Barrister-at-Law and solicitor, Singapore; President of the Industrial Arbitration Court of Singapore since 1965; Chairman, Tenants' Compensation Board; member of the Executive Committee of the International Society of Labour Law and Social Security;

GENERAL REPORT

Mr. Senjin TSUPUOKA (Japan),

member of the United Nations International Law Commission; Ambassador to the Holy See (1958-59), Sweden (1962-66) and Switzerland (1966-67); formerly Permanent Representative to the United Nations (1967-71); member of the Curatorium of the Academy of International Law at The Hague;

Mr. Grigory TUNKIN (USSR),

Head of the Department of International Law at the University of Moscow; Corresponding Member of the Academy of Sciences of the USSR; Scientist Emeritus of the RSFSR; President of the Soviet Association of International Law; member of the Institute of International Law; member of the Curatorium of the Academy of International Law at The Hague;

Mr. Fernando URIBE RESTREPO (Colombia),

Judge of the Supreme Court of Colombia, President of the Labour Division; Professor of International Labour Law at the National University of Colombia; former Professor of the Philosophy of Law at the Bolivarian University of Medellin;

Mr. Joseph J.M. VAN DER VEN (Netherlands),

former 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. Jean-Maurice VERDIER (France),

Honorary President of the University of Paris X, honorary Dean of the Faculty of Law and Economics; Director of the Institute for Research on Undertakings and Industrial Relations of the University of Paris X; former Professor of the Faculties of Law and Economics at Tunis (1956-61) and Algiers (1965-68); President of the International Society of Labour Law and Social Security;

Mr. Joza VILPAN (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;

Sir John Wood (United Kingdom),

CBE, LL.M.; Barrister-at-Law; Edward Bramley Professor of Law at the University of Sheffield; Member of the Conciliation and Arbitration Service, 1974-76; Chairman of the Central Arbitration Committee since 1976.

3. The Committee regretted that Mr. Tunkin did not attend its session this year.

4. The Committee elected Sir Adetokunbo Ademola as Chairman and Mr. Razafindralambo as Reporter of the Committee.

5. 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 the 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."

6. 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 69 to 94 below), and Part Two (I and II); (b) review of information supplied by governments under article 19, paragraphs 5 to 7, of the Constitution on the measures taken to submit Conventions and Recommendations to the competent authorities for the enactment of legislation or other action (see paragraphs 95 to 104 below), and Part Two (III); and (c) review of reports supplied by governments under article 19 of the Constitution on the Minimum Age Convention (No. 138) and Recommendation (No. 146), 1973. (See paragraphs 105 to 109 below, and Part III, which is published in a separate volume as Report III (Part 4B).)

7. In carrying out its functions, which are to point out the extent to which it appears that the position in each State is in conformity with the terms of the Conventions and the obligations which that State has undertaken by virtue of the Constitution of the ILO, the Committee followed the principles of independence, objectivity and impartiality which it has emphasised in previous reports.

8. The United Nations was represented at the session by the Director of the Human Rights Division, Mr. T. van Boven, who informed the Committee of the work of the Human Rights Commission at its recent session. He went on to express his appreciation of the contribution of the Committee of Experts to the protection of human rights, and his admiration for the procedures developed by the ILO in the framework of the application of international labour standards. He further underlined the importance of ILO activities in the over-all context of international action for the promotion of human rights, and welcomed the co-operation which existed between the ILO and the United Nations in areas such as the fight against discrimination, the protection of trade union rights, the elimination of the exploitation of child labour and the protection of migrant workers and their families.

II. GENERAL

Membership of the Organisation

9. Lesotho has again become a Member of the ILO. Equatorial Guinea, St. Lucia and Zimbabwe have also become Members, bringing the total membership to 145.

New Conventions and Recommendations

10. The Committee noted that at its 66th Session (June 1980) the International Labour Conference adopted an amended list of the occupational diseases appearing in the schedule to the Employment Injury Benefits Convention, 1964 (No. 121). The Conference also adopted the Older Workers Recommendation, 1980 (No. 162).

Obligations binding member States

11. In the course of 1980, 90 ratifications by 27 member States were registered. Of these, 60 were new ratifications and 30 represented the confirmation by St. Lucia (23) and Zimbabwe (7) of obligations previously undertaken in their name. Once again, most of these ratifications were by developing countries. At 31 December 1980 the total number of ratifications was 4,856.

12. The ratifications of the Merchant Shipping (Minimum Standards) Convention, 1976 (No. 147), the Labour Relations (Public Service) Convention, 1978 (No. 151) and the Occupational Safety and Health (Dock Work) Convention, 1979 (No. 152) will permit the entry into force of these Conventions on 28 November, 25 February and 5 December 1981 respectively.

13. In 1980, 29 new declarations were registered concerning the application by Denmark, New Zealand and the United Kingdom of Conventions to non-metropolitan territories. Six of these were declarations of application without modification and seven with modifications; in 16 cases the Governments concerned stated that they reserved their decisions or that the Conventions were not applicable. The total number of declarations at 31 December 1980 included 1,033 declarations of application without modification and 81 with modifications. The territory of Southern Rhodesia having acquired independence (under the name of Zimbabwe) in 1980, the number of non-metropolitan territories at 31 December 1980 was down to 28.

14. One denunciation unaccompanied by the ratification of a revised Convention was registered during 1980 by Ireland in respect of the Night Work (Bakeries) Convention, 1925 (No. 20). The total number of denunciations unaccompanied by the ratification of a revised form of the Convention was 31 at 31 December 1980.

Functions in regard to other international and regional instruments

International Covenant on Economic, Social and Cultural Rights

15. Under the procedure established by the Economic and Social Council of the United Nations by Resolution 1988 (LX) of 11 May 1976, the International Labour Organisation is called upon to report to the Council, in accordance with Article 18 of the International Covenant on Economic, Social and Cultural Rights, on the progress made in achieving the observance of the provisions of the Covenant falling within the scope of its activities. The Governing Body of the International Labour Office has entrusted this task to the present Committee, which, at its sessions from 1978 to 1980 examined the position in a number of States Parties to the Covenant with respect to the implementation of Articles 6 to 9 of the Covenant, which were the subject of reports in the first stage of the reporting programme established by the Economic

and Social Council. Its reports were transmitted to the Secretary-General of the United Nations and duly submitted to the Council.¹

16. At its present session, the Committee was called upon to examine the situation with respect to the implementation of Articles 10 to 12 of the Covenant, under the second stage of the reporting programme established by the Council, as regards matters falling within the scope of the ILO's activities. The Committee had before it reports concerning these articles submitted by the following 22 States: Australia, Austria, Byelorussian SSR, Chile, Cyprus, Czechoslovakia, Denmark, Finland, German Democratic Republic, Federal Republic of Germany, Iraq, Mongolia, Norway, Panama, Poland, Romania, Senegal, Sweden, Syrian Arab Republic, Tanzania, USSR and the United Kingdom. The Committee also had before it a report from Madagascar in respect of Articles 6 to 9 of the Covenant. Following the practice of previous years, the preliminary examination of these reports was entrusted to a working party, appointed by the Committee, of two of its members, whose conclusions were presented to the Committee for consideration and approval. A separate report on this matter is being transmitted to the Economic and Social Council.

17. Under Article 18 of the Covenant, the reports submitted to the Economic and Social Council by specialised agencies are to deal with matters falling within the scope of their activities. The Committee noted that a number of questions covered by Articles 10 to 12 such as family status, marriage, the provision of adequate food, clothing and housing, and the protection of health, are primarily the responsibility of other agencies within the UN system. However, two questions, dealt with in paragraphs 2 and 3 of Article 10, fall directly within the particular competence of the International Labour Organisation, namely, maternity protection and the protection of children and young persons in relation to employment and work. The Committee therefore considered it appropriate to examine them in detail in its report to the Economic and Social Council. At the same time, the Committee draws attention to the fact that its earlier reports relating to the implementation of Articles 6 to 9 of the Covenant dealt with a number of matters which also have an incidence on certain rights covered by the second stage of the reporting programme. Thus measures in the field of vocational training and employment policy, measures to ensure an adequate level of remuneration to workers, and measures in the field of social security to guarantee income in case of loss of earnings or to provide family benefits, which were considered in connection with Articles 6, 7 and 9 of the Covenant, are means of ensuring an adequate standard of living, within the meaning of Article 11 of the Covenant. Similarly, measures aimed at ensuring safe and healthy working conditions and the provision of health care within the framework of social security, which the Committee considered in connection with Articles 7 and 9 of the Covenant, form part of the steps designed to safeguard health, within the meaning of Article 12 of the Covenant. It is therefore appropriate to refer to the indications on these various matters contained in the reports presented by the Committee in the first stage of the reporting programme. The Committee proposes to continue to examine these questions in the further reports which it will be called upon to present in due course on the situation with respect to the implementation of Articles 6 to 9 of the Covenant, so as to maintain uniformity of presentation and to avoid duplication.

18. Mr. van Boven, Director of the Human Rights Division of the United Nations, expressed his deep appreciation of the Committee's

¹ Documents E/1978/27 of 6 April 1978, E/1979/33 of 9 April 1979 and E/1980/35 of 10 April 1980.

outstanding contribution to the supervision of the implementation of the International Covenant on Economic, Social and Cultural Rights, particularly of those Articles which are more especially within the competence of the ILO. He stressed the weight which he attached to the conclusions of an expert body such as the Committee, and indicated that in the United Nations much thought was given to means of strengthening the expert character of the working group of the Economic and Social Council which was entrusted with examining reports on the application of the Covenant.

European Code of Social Security

19. Under the procedure for the supervision of the European Code of Social Security, copies of reports transmitted to the ILO by the Secretary-General of the Council of Europe on the Code and the Protocol thereto from ten ratifying States were examined by the Committee, which was able to note that these instruments were generally applied satisfactorily. The Council of Europe was represented at the sitting of the Committee at which the Code was discussed by Mr. S.G. Magel, Chief of the Social Security Section of the Directorate of Economic and Social Affairs. The conclusions of the Committee on these reports will be communicated to the Council of Europe. The Committee also noted that the Steering Committee for Social Security of the Council of Europe at its session in December 1980 at Strasbourg had again approved the conclusions of the Committee of Experts and again expressed its confidence in the supervision procedure of the ILO and its satisfaction at the action taken by almost all the governments concerned on the comments relating to them.

Collaboration with other international organisations

20. The arrangements under which the ILO collaborates with other international organisations on questions concerning the supervision of international instruments on matters of interest to more than one organisation continued to function as in the past. Thus, in conformity with the usual practice, copies of reports supplied, under article 22 of the ILO Constitution, on the Indigenous and Tribal Populations Convention, 1957 (No. 107), were sent for comment to the United Nations, the Food and Agriculture Organisation of the United Nations (FAO), the United Nations Educational, Scientific and Cultural Organisation (UNESCO), and the World Health Organisation (WHO). Copies of reports received from American States on the above-mentioned Convention were also sent to the Inter-American Indian Institute (Instituto Indigenista Interamericano) of the Organisation of American States in the context of the collaboration of the ILO in the implementation of the Five-Year Inter-American Indian Action Plan of this Institution. Copies of reports on the Social Policy (Basic Aims and Standards) Convention, 1962 (No. 117), were sent to the United Nations, FAO and UNESCO; copies of reports on the Prevention of Accidents (Seafarers) Convention, 1970 (No. 134), were sent to the Intergovernmental Maritime Consultative Organisation (IMCO); copies of reports on the Rural Workers' Organisations Convention, 1975 (No. 141), were sent to the United Nations and FAC; copies of reports on the Human Resources Development Convention, 1975 (No. 142), to UNESCO; copies of reports on the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143) to the United Nations, WHO and UNESCO; and a copy of the first report received on the Nursing Personnel Convention, 1977 (No. 149) to WHO.

21. Information, which was taken into consideration by the Committee, was received on the application of these Conventions from

FAO, IMCO and WHO. The representatives of these organisations also had the opportunity of participating in the sittings of the Committee of Experts at which the above Conventions were discussed, and the Committee heard a statement by Mr. J.P. Dobbert, Legal Counsel of the FAO, emphasising the FAO's interest in intensifying its co-operation with the ILO, in particular as regards the supervision of the application of Conventions Nos. 107, 117 and 141.

22. In the field of discrimination, arrangements for co-operation with the United Nations Committee on the Elimination of Facial Discrimination, which is responsible for supervising the application of the Convention on the Elimination of All Forms of Racial Discrimination, adopted in 1965, under United Nations auspices, continued to function as in the past. Thus, the report of the Committee of Experts for 1980, and in particular its comments on the application of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), were brought to the attention of the United Nations Committee, and the ILO was represented at the meetings of that Committee in 1980. Similarly, the documents relating to the work of the United Nations Committee were communicated to the Committee of Experts, which took note of them with interest.

23. The Committee noted that, in connection with the drafting, decided by the United Nations General Assembly, of an international Convention on the protection of the rights of all migrant workers and their families, the ILO had sent the United Nations the General Survey prepared by the Committee of Experts in 1980 on Conventions Nos. 97 and 143 and Recommendations Nos. 86 and 151 concerning migrant workers and the conclusions of the discussions that took place on this matter in the Conference Committee in June 1980.

Application of Conventions to offshore industrial installations

24. The Committee this year considered the applicability of international Labour Conventions to fixed and mobile installations for the detection and extraction of mineral resources in the sea bed (offshore industrial installations). The application of Conventions to such installations involved many complex questions arising out of the scope of the Conventions concerned, the nature of the installations (some of which may be industrial and others maritime in nature) and the basis on which a State exercises jurisdiction over such installations.

25. The Committee learned with interest that the question of "conditions of work in offshore industrial activities" was one of the possible subjects for new instruments identified in the course of the in-depth review of international labour standards concluded in 1979, and that developments in this sector are being followed closely with a view to the possible adoption of standards in due course.

26. In the meantime, the Committee considers that it would be useful if the governments of States under whose jurisdiction offshore industrial activities are carried on would provide information in their reports under article 22 of the Constitution on the extent to which and the manner in which the Conventions which they have ratified and which are relevant to work on offshore industrial installations are applied to such work, and on any difficulties encountered in this respect.

Application of Conventions in export processing zones

27. The Committee this year considered the effect on the application of ratified international Conventions of the increasing

practice of setting up export processing zones in various parts of the world, both industrialised and developing.

28. The Committee considers that it would be desirable for member States to provide, in their reports under article 22 of the Constitution, information concerning the effects of setting up export processing zones on the rights of workers under ratified Conventions.

Regional examination of the application of standards

29. The Committee learned with interest that the Ninth Asian Regional Conference (Manila, 2-11 December 1980) had examined the question of the ratification and application of international labour standards in the countries of the region, with the emphasis on certain Conventions considered to be of special importance to the region, several of which concern fundamental human rights. The 18 Conventions considered were Nos. 11, 79, 81, 87, 95, 98, 100, 102, 105, 111, 121, 122, 129, 131, 135, 138, 141 and 144. The Committee noted that, in the conclusions it had adopted in this connection, the Conference had stated that ratified Conventions should be fully applied. Attention was called, however, to the difficulties facing certain developing countries in ensuring the complete observance of these Conventions. The Conference also emphasised the basic importance of impartial and objective supervision and noted that the supervisory bodies of the ILO had always striven after a better understanding of the difficulties of the countries and had always welcomed or even encouraged efforts to obtain the necessary assistance, an assistance to be continued and extended. The Conference recognised that the universality of standards and basic rights and freedoms should be maintained, but it pointed out that attention should be concentrated, when new standards are being drawn up, on provisions that it was possible to apply both in the developed countries and in the developing countries. Lastly, the Committee noted that the Conference had also put special emphasis on Conventions Nos. 87 and 98 concerning freedom of association and called attention to the instruments concerning labour relations in the public service (Convention No. 151 and Recommendation No. 159) and to Convention No. 144, inviting the countries of the region to set up and make use of tripartite machinery or procedures such as those provided for in this last Convention.

30. The Committee also learned with interest that the Seventh Session of the African Advisory Committee (Libreville, 27 January-4 February 1981) had examined the question of the ratification and application of standards by African countries, particularly those of the Convention concerning fundamental human rights. The following instruments were discussed: Nos. 29, 87, 97, 98, 100, 105, 111, 118, 135, 141, 143, 144 and 151. In the conclusions it adopted in this connection, the Advisory Committee emphasised the part played by standards in stimulating national action by the countries concerned, though it noted the limited number of ratifications that had taken place in recent years. It also mentioned the effort made to establish an up-to-date set of standards corresponding to the needs of the world today, and particularly of the developing countries. The Committee noted that those attending the meeting had referred to certain measures to counteract the difficulties met with in ratifying and applying standards. The simplification of procedures in recent years and the spirit of dialogue marking the supervisory procedure - particularly in the system of direct contacts - were emphasised in this connection, and also the value of specific measures respecting administrative organisation, the training of the officials concerned and the practice of national tripartite consultations on standards. The Committee also noted that the meeting had laid special emphasis on the need of African

countries to ratify Convention No. 144 and on the application of Conventions Nos. 87 and 98, already ratified by many countries. Lastly, reference was made to the importance of the Conventions concerning migrant workers and of the Equality of Treatment (Social Security) Convention, 1962 (No. 118).

Regional seminars on national and international labour standards

31. The Committee welcomed the continuation of the programme of seminars designed to familiarise the officials of national labour administrations with the obligations of member States and with ILO procedures relating to Conventions and Recommendations. It noted that a seminar held at Arusha (Tanzania) from 8 to 19 September 1980 for English-speaking African countries had been attended by 19 officials directly responsible for relations with the ILO from 16 countries of the region and by an employers' representative and a workers' representative nominated by the Governing Body.

32. The Committee also learnt with interest that a national seminar had been organised by the ILO at Gaborone (Botswana) from 28 April to 2 May 1980. This seminar, the third to be organised on a national basis, was attended by some 20 participants, comprising officials from the Department of Labour and from outlying offices, representatives of the most important employers and of the Botswana Employers' Federation and representatives of four trade unions and of the Botswana Federation of Trade Unions.

33. Lastly, the Committee noted with interest that a Seminar on International Labour Standards was held at Rio de Janeiro (Brazil) from 3 to 7 November on the initiative of the National Labour Academy of Brazil, which brought together about 100 participants.

Constitutional procedures of complaint

34. The Committee was informed that direct contacts had taken place on the two complaints presented by France under article 26 of the Constitution concerning the observance by Panama of the Officers' Competency Certificates Convention, 1936 (No. 53), the Repatriation of Seamen Convention, 1926 (No. 23) and the Food and Catering (Ships' Crews) Convention, 1946 (No. 68) between representatives of the Governments concerned, and of the Director-General, at Paris in December 1979 and Panama in April 1980. As a result of these contacts the Government of Panama requested the technical co-operation of the ILO to assist it in preparing laws and regulations on labour and labour relations in the shipping industry and in adopting the various measures needed to ensure and supervise their application. An expert on maritime questions began to work in Panama at the beginning of 1981. The Committee noted that the Governing Body had therefore decided at its 214th Session (November 1980), in accordance with the request of the French Government, to keep in suspense the procedure for the examination of the complaints in question.

35. The Committee was also informed that the Governing Body Committee on Freedom of Association had continued to examine the complaints under article 26 of the Constitution on the application of the Conventions on freedom of association by Argentina and Uruguay. The questions raised in these complaints were discussed during direct contacts missions held in these two countries in December 1980 and January 1981 respectively between the competent national authorities and a representative of the Director-General.

III. IMPLEMENTATION OF PROMOTIONAL STANDARDS,
PARTICULARLY RELATING TO EMPLOYMENT POLICY

36. The Committee has from time to time in the past described the approach which it adopts to what have come to be called "promotional Conventions", namely those which, rather than laying down precise standards which a State binds itself to achieve on ratification, set objectives to be attained by means of a continuing programme of action. Nowhere is this promotional character more apparent than in the Employment Policy Convention, 1964 (No. 122) whose goal of "full, productive and freely chosen employment" requires a co-ordinated policy in a wide range of economic and social fields and, even when it has been achieved at a given point in time, calls for continuing measures to ensure that it is maintained in the face of constantly changing national and international conditions.

37. At its present session, the Committee had to examine reports from a number of countries which have experienced a significant increase in unemployment which they state to be due, in greater or lesser degree, to factors such as the world economic recession, the increase in petroleum prices, the changing pattern of world trade and the decline of their traditional industrial sectors. The problems facing these countries, and the varying manner in which they reported on their response to them, led the Committee to hold an exchange of views on its approach to the supervision of the application of the Convention.

38. In view of the complexity of the issues involved, the Committee decided to revert to this question at its next session. However, it felt it would be appropriate to set out certain conclusions in its present report.

39. By ratifying Convention No. 122, a State undertakes "to declare and pursue, as a major goal, an active policy designed to promote full, productive and freely chosen employment". When a country is faced with changing circumstances which result in rising unemployment, therefore, it is the Committee's task to seek to ascertain that the protection and promotion of employment are among the central goals of national policy. It thus has to follow, year by year, the changes in the levels of employment and the measures being taken to respond to them. In doing so, it has felt it necessary to make comments to most of the ratifying countries, usually in the form of direct requests but in some cases in the form of observations. The fact that it has made such comments does not necessarily mean that the Committee considers that the Convention is not being applied; its comments should rather be viewed as part of a dialogue which may assist governments in their pursuit of a policy corresponding to the goal of the Convention.

40. In certain cases, in the face of the brevity of the Government's report, the Committee has had to ask in general terms for a full report on the measures being taken to apply the Convention. It is indeed essential that governments should provide, in each report, a clear account of the action taken during the period covered by the report, not only in the employment market field but also in the other areas where the policies being implemented have an impact on employment, in particular planning and over-all economic policy. It is also essential that the Committee should have at its disposal clear and detailed statistical data with each report on the application of the Convention, so that it can follow trends in the size and composition of the labour force and the changing pattern of employment and unemployment.

41. The inadequacy of many of the reports received this year led the Committee to make a general observation under this Convention in which it draws governments' attention to the points on which it wishes them to focus more particularly in their next reports. While noting that the revision of the report form on the Convention, undertaken by the Governing Body in 1977 on the suggestion of the Committee, has led to improved reports from several countries, the Committee considers that it might be appropriate to examine the desirability of a further revision in order to bring into sharper focus the essential data which should be provided with governments' reports.

42. The Committee refers in another section of its report to the contribution made to its work by comments from employers' and workers' organisations on the application in their country of ratified Conventions. The comments of these organisations may be particularly useful in the case of the promotional Conventions, and the Committee would find it very helpful if employers' and workers' organisations were to communicate their observations on the application in their country of Convention No. 122, as well as of other promotional Conventions such as the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), the Equal Remuneration Convention, 1951 (No. 100) and the Human Resources Development Convention, 1975 (No. 142).

IV. ACTION FOR THE ELIMINATION OF DISCRIMINATION

43. The Committee was informed of developments in the action of the ILO in this field during recent months, including the publication of articles and documents concerning directly or indirectly the application of the relevant standards. A series of articles attempting to take stock of the experience and approaches of various countries concerning protective legislation for women workers and its bearing on problems of equality of opportunity and treatment in employment was published in the International Labour Review. In 1980, too, the publication by the Office of a compilation of ILO standards and policy statements concerning women and work was financed by the Voluntary Fund for the United Nations Decade for Women.

44. Seminars were held with a view to promoting the necessary knowledge and action for the application of anti-discrimination standards in certain regions. A seminar on equality of treatment for women workers in southern Africa was held in October 1980 to study problems met by the women of this region in labour matters and to help to promote practical action to eliminate discrimination in employment and occupation both in southern African and at the international level. Another tripartite seminar was held in Zimbabwe in December 1980 to study the elimination of all discrimination from the labour legislation and to promote action to bring the legislation of this country into conformity with international standards.

45. In the programme proposals for 1982-83 approved by the Governing Body at its 215th Session in March 1981, it is proposed to resume promotional and educational activities on a wider scale: there are plans, in particular, to organise seminars and to prepare guides for government services, employers and trade unions that might serve to improve the knowledge in all countries of the practices to follow in operations concerning employment with a view to avoiding discrimination.

46. With special reference to the action for the elimination of apartheid in South Africa in the field of labour, important decisions

were taken by the Governing Body at its 214th Session in November 1980 to follow up the conclusions of the Committee on Apartheid set up by the Conference at its 66th Session in June 1980. In accordance with these decisions, the Conference at its next session will have to discuss the bringing up to date of the 1964 Declaration concerning the Policy of Apartheid of the Republic of South Africa, and to examine the action of governments, employers and workers for the elimination of this policy, on the basis of the 17th Special Report of the Director-General on Apartheid. A tripartite international meeting will be held in May in Zambia with the participation of the OAU and the United Nations Special Committee against Apartheid to plan a joint international programme of action in this field. The report of this meeting will be submitted to the Conference as an appendix to the 17th Special Report of the Director-General.

V. PROCEDURE OF DIRECT CONTACTS AND OTHER
FORMS OF ASSISTANCE TO GOVERNMENTS

47. The Committee noted that governments continue to appreciate the possibility of having recourse to consultations in their own countries with a representative of the Director-General in order to seek solutions to problems related to standards. Direct contacts missions were carried out in 1980 in the following countries: four States members of the Andean Group (Colombia, Ecuador, Peru and Venezuela), Argentina and Haiti.

48. The direct contacts in the countries of the Andean Group, in September and October 1980, followed contacts held in 1976 with a view to bringing the labour and social security legislation of these countries into harmony on the basis of 25 Conventions of the ILO, including Conventions in the field of basic human rights. Several draft texts were prepared during these contacts for submission to the national legislative authorities.

49. The direct contacts in Argentina, in December 1980, dealt with the application of all ratified Conventions.

50. The direct contacts in Haiti, in December 1980, dealt with the application of the Conventions on forced labour.

51. The Government of Poland invited a representative of the Director-General to carry out an official visit with a view to proceeding, jointly, to a general review of the application of ratified Conventions with a view to finding a solution to the difficulties encountered in applying some of them. Two visits took place in May and October 1980, during which special attention was given to questions concerning the application of the Conventions on freedom of association.

52. In May 1980, short missions took place in Kenya and Tanzania, in order to examine questions concerning submission to the competent authorities, the despatch of reports, the application of Conventions or the prospects of ratification.

53. In October 1980, a mission was carried out in the USSR by a representative of the Director-General, at the invitation of the Government, to examine various questions concerning international labour standards.

54. A mission was held in Colombia in October 1980 to assist the Government in preparing legislation on indigenous populations, within the framework of Convention No. 107.

55. The Committee noted that the three regional advisers on standards who had been appointed in 1980 for Africa, Latin America and the Caribbean and for Asia and the Pacific respectively, carried out two series of missions, the first in April and May and the second from September to December 1980. The regional advisers visited a considerable number of countries in the three regions, their main duty being to help the governments to carry out their constitutional obligations in respect of international labour standards or to take part in seminars concerning standards. The countries visited were the following: in Africa: Benin, Burundi, Cameroon, Cape Verde, Central African Republic, Congo, Djibouti, Ethiopia, Gabon, Guinea, Guinea-Bissau, Mauritania, Senegal, Upper Volta, Zaire; in Latin America and the Caribbean: Brazil, Colombia, Costa Rica, Dominican Republic, Ecuador, Guatemala, Haiti, Jamaica, Panama, Peru, Venezuela; in Asia and the Pacific: Bangladesh, Burma, Fiji, India, Indonesia, Malaysia, Nepal, Papua New Guinea, Singapore, Sri Lanka, Thailand.

56. The Committee noted that the employers' and workers' members of the Conference in June 1980 and several government members had again expressed their appreciation of the value of the direct contacts procedure and the other forms of assistance to governments. The Committee also noted that the Ninth Asian Regional Conference and the Seventh Session of the African Advisory Committee had pointed out the value of resorting to the direct contacts procedure.

57. Lastly, the Committee was informed that the Government of Guinea had asked for direct contacts with a view to examining the methods of applying the ratified Conventions that had been the subject of the comments of the Committee and also of those that had been ratified in recent years and had not yet given rise to the adoption of laws and regulations at the national level. Furthermore, the Government of Guinea-Bissau requested direct contacts with a view to examining the problems raised by the application of ratified Conventions. These contacts are to take place during 1981.

58. The Committee remains appreciative of the very positive results frequently achieved through recourse to the procedure of direct contacts and is confident that the procedure will continue to prove its value as a means of assisting governments in overcoming difficulties encountered in the application of ratified Conventions or in the discharge of their constitutional obligations in regard to standards.

VI. THE ROLE OF EMPLOYERS' AND WORKERS' ORGANISATIONS

59. At each session, the Committee draws the attention of governments to the role that employers' and workers' organisations are called upon to play in the application of Conventions and Recommendations and to the fact that numerous Conventions require the consultation of employers' and workers' organisations, or their collaboration on a variety of matters.

60. The Committee has noted with satisfaction again this year that almost all governments have indicated in the reports supplied under article 22 of the Constitution the representative organisations of employers and workers to which, in accordance with article 23, paragraph 2, of the Constitution, they have communicated copies of the

reports supplied to the ILO.¹ Almost all governments have also indicated the organisations to which they have communicated copies of the information supplied to the ILO on the submission to the competent authorities of the instruments adopted by the Conference and of the reports sent under article 19 of the Constitution.²

61. In accordance with the established practice, the ILO sent to the representative organisations of employers and workers a letter concerning the various opportunities open to them of contributing to the implementation of Conventions and Recommendations, accompanied by relevant documentary material, including a list of the reports due by their respective governments and copies of the Committee's comments to which each government was invited to reply in its reports.

62. The Committee notes that a study course on international labour standards and ILO procedures in the matter was organised by the ILO at Manila on 1 December 1980 for Workers' delegates and advisers taking part in the Ninth Asian Regional Conference.

Observations by employers' and workers'
organisations

63. Fifty-three observations, mostly communicated by workers' organisations, were examined by the Committee this year. Most of the observations received relate to the application of ratified Conventions;³ the rest relate to reports provided by governments under

¹ An observation has, however, been addressed by the Committee to Bolivia (see under General Observations) and direct requests have been addressed to Rwanda and Thailand.

² The following States have not indicated whether they have communicated this information: Bangladesh, Denmark, Egypt, Philippines and Turkey.

³ Austria: Austrian Congress of Labour Chambers on Conventions Nos. 103, 122 and 128; Cyprus: Cyprus Workers' Confederation (SEK), Pancyprrian Federation of Labour (PEO), Cyprus Turkish Trade Unions Federation (ETYK), Cyprus Civil Servants' Trade Union (PASYDY) on Convention No. 111; Finland: Finnish Employers' Confederation on Conventions Nos. 111, 122 and 142, Confederation of Commerce Employers on Conventions Nos. 111 and 142, Confederation of Salaried Employees on Conventions Nos. 111 and 115, Central Organisation of Finnish Trade Unions on Conventions Nos. 111, 115, 122 and 144; Confederation of Technical Employee Organisations and Central Organisation of Professional Workers on Convention No. 115; France: National Federation of Maritime Trade Unions on Conventions Nos. 22, 56, 91, 145 and 146; National Trade Union of Inspection Personnel on Social Laws in Agriculture (SNPIISA) on Convention No. 129; France (New Caledonia): trade union organisations on Conventions Nos. 26 and 84; Greece: Centre of Workers and Employees of Arcadia on Convention No. 89; Ireland: Irish Congress of Trade Unions on Conventions Nos. 20, 63, 81, 87, 132 and 138; Italy: Confederation of Agriculture (Confagricoltura) on Convention No. 11; Japan: General Council of Trade Unions (SOHYO) on Conventions Nos. 87 and 98; Malta: Confederation of Malta Trade Unions on Conventions Nos. 87 and 98; Netherlands: Netherlands Council of Employers' Federations on Convention No. 144; Pakistan: Marine Engineers' Association of Pakistan on Convention No. 22; Portugal: Confederation of Portuguese Industry on Convention No. 98; Union of Captains, Officers, Pilots, Purser and Radio Technicians of Merchant Ships on Convention No. 92; Free Trade Union of Workers of Embroidery, Tapestry and Textile Industries of Fafeira on Convention No. 26; Spain:
(Footnote continued on next page)

article 19 of the Constitution on the Minimum Age Convention and Recommendation, 1973 (No. 138 and No. 146),¹ and to the submission to the competent authorities of the instruments adopted by the International Labour Conference.² The Committee also examined ten other observations by employers' and workers' organisations whose examination had been postponed from the last session because the observations of the organisations or the replies of the governments had arrived just before or just after the session.

64. The Committee notes with interest that the great majority of observations received have been transmitted, often with the full text, by the governments with their reports. In accordance with established practice, where the observations were addressed direct to the ILO they were referred to the governments concerned for comments. The comments of the Committee on the cases in which the observations received raised a question affecting the application of ratified Conventions will be found in the second part of this report.

65. The Committee followed its usual practice of examining the observations received as soon as the comments of the governments arrived, whether a report on the Convention was due or not. It examined the substance of the observations nevertheless, if the government concerned did not send its comments within a reasonable period.

66. The Committee had to postpone the examination of a number of observations to its next session, since they arrived too close to its meeting for a full examination of the questions raised or for the governments concerned to send their comments in time for examination.

67. The Committee also noted that the participation of employers' and workers' organisations in supervising the application of ratified Conventions helps to improve their application and that governments often act on the observations of these organisations. This is true this year, for example, of the measures under consideration by the Governments of Finland for Convention No. 53, Ireland for Convention No. 81 and Portugal for Convention No. 92.

68. Finally, the Committee took note of the invitation of the Ninth Asian Regional Conference to countries of the region to establish and use tripartite machinery and procedures of the type provided for by the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), in order to review and assess the possibilities and difficulties of ratifying and applying ILO standards.

(Footnote continued from previous page)

Unitary Trade Union of Workers on Convention No. 111; Confederation of Employers' Organisations of Spain on Convention No. 122.

Observations have been received from the World Confederation of Labour (WCL) on the application of Convention No. 122 in Chile, the World Federation of Trade Unions (WFTU) on the application of Convention No. 111 in the Federal Republic of Germany and from the International Union of Food and Allied Workers' Associations (IUF) on the denunciation of Convention No. 20 by Argentina.

¹ Netherlands: Netherlands Council of Employers' Organisations; United Kingdom: Trade Unions Congress (TUC).

² The Chamber of Commerce of Nicaragua has made an observation on the authority which it considers competent for the purposes of submission.

It also noted with interest that this Convention has so far received 21 ratifications and that 42 States have expressed their intention of ratifying it in the near future. Further, reports on the Convention and on the supplementary Recommendation (No. 152) have been requested this year under article 19 of the Constitution, so that the Committee will next year be making a general survey on the manner in which effect is given to these instruments in member States.

VII. REPORTS ON RATIFIED CONVENTIONS

(Articles 22 and 35 of the Constitution)

Supply of reports

69. The Committee's principal task consists in the examination of the reports supplied by governments on Conventions which have been ratified by member States or which have been declared applicable to non-metropolitan territories.¹

70. In accordance with the procedure for detailed reporting that has been in force since 1977, detailed reports from all ratifying States, covering the period ended 30 June 1980, were due to be examined this year in respect of 43 Conventions.² In addition, detailed reports were also requested from certain governments on other Conventions, in accordance with the criteria for more frequent reporting approved by the Governing Body and set out in paragraph 38 of the Committee's 1977 report.

Reports requested and received

71. A total of 1,581 detailed reports 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, 1,302 of these reports have been received by the Office. This figure corresponds to 82.2 per cent of the reports requested, compared with 79.8 per cent last year. The Committee welcomes this return to a fuller response to the request for reports on ratified Conventions, which again reaches the levels recorded in earlier years. It must, however, record its regret that, as is pointed out in paragraph 80 below, many of the reports received were incomplete and did not enable it to reach a conclusion as to the application of the Conventions concerned. A table showing the reports received and those which are overdue, classified by country and by Convention, is to be found in Part Two (section I, Appendix I). Another table (section I, Appendix II) shows, 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.

72. In addition, 439 reports were requested on Conventions which have been declared applicable with or without modification to

¹ ILO: Summary of reports on ratified Conventions, Report III (Part 1), International Labour Conference, 67th Session, Geneva, 1981.

² Conventions Nos. 1, 3, 7, 9, 11, 15, 20, 26, 30, 35, 36, 37, 38, 39, 40, 43, 47, 49, 58, 67, 68, 84, 87, 91, 92, 97, 98, 99, 102, 103, 110, 111, 112, 119, 120, 122, 126, 128, 131, 137, 143, 144 and 146.

non-metropolitan territories (articles 22 and 35 of the Constitution). Of these, 335 reports, or 76 per cent, had been received by the end of the Committee's session. This is a considerably higher proportion than that of the last two years, and the Committee hopes that the governments concerned will continue to make every effort to supply the reports requested on non-metropolitan territories. A list of the reports received and those which are overdue, classified by territory and by Convention, may be found in the appendix to section II of Part Two of this report.

73. Apart from the above-mentioned reports, 22 governments also supplied general reports on the Conventions for which detailed reports were not due for the period under review (Australia, Belgium, Chile, Comoros, Congo, Costa Rica, Cyprus, Ethiopia, Gabon, India, Mexico, Mongolia, Netherlands, New Zealand, Nicaragua, Poland, Senegal, Sierra Leone, Singapore, Suriname, Switzerland and Yugoslavia.)

74. In those cases in which the reports were not accompanied by copies of the relevant legislation, statistical data or other documentation necessary for their full examination, and this material was not otherwise accessible, the Office, as requested by the Committee, wrote to the governments concerned asking them to supply the necessary texts in order to enable the Committee to fulfil its task.

Compliance with reporting obligations

75. Most of the governments from which reports were due on the application of ratified Conventions in States Members have supplied all or most of the reports requested, as can be seen from Appendix I to Part Two, section I. However, 17 governments have not complied with their obligation to supply reports on ratified Conventions. Thus, none of the reports due this year have been received from the following countries: Brazil, Cape Verde, Democratic Yemen, Ivory Coast, Democratic Kampuchea, Lesotho, Malawi, Malaysia, Qatar, Saudi Arabia, Seychelles and Somalia. No reports have been received for the last two years from Upper Volta or Yemen, or for the last three years from Guinea-Bissau.

76. The Committee wishes to stress its special concern at the cases in which no report has been received for six years or more: Chad (six years), Lao Republic (seven years).

77. The Committee urges the governments of these countries and also those which have sent only some of the reports due to make every effort to supply the reports requested on ratified Conventions. Where no reports have been sent for a number of years, it seems likely that some particular problem of an administrative or technical nature is preventing the government concerned from fulfilling its constitutional obligations, and it may be that in cases of this kind assistance from the Office, in particular the help of the Regional Advisers on Standards, would enable the government to overcome its difficulties.

Supply of first reports

78. A total of 90 first reports on the application of ratified Conventions were received by the time the meeting opened. However, a number of countries have failed to supply the reports in question, some of which are more than a year overdue. Thus, certain first reports on ratified Conventions have not been received from the following States since 1976: France (St. Pierre and Miquelon) (Conventions Nos. 2, 44, 63, 88, 96 and 122); since 1977: Libyan Arab Jamahiriya (Conventions

Nos. 102, 103, 121, 128 and 130); since 1978: Liberia (Convention No. 22); or since 1979: Bolivia (Conventions Nos. 95, 117, 118, 124, 128, 129, 130, 131 and 136); Guinea (Convention No. 135); Lebanon (Conventions Nos. 59, 77, 78, 88, 95, 98, 100, 105, 106, 111, 115, 120, 122, 127 and 131). Particular importance attaches to the first reports, on the basis of which the Committee makes its initial assessment of the observance of ratified Conventions. The Committee therefore requests governments to make a special effort to supply these reports.

Replies to comments of the supervisory bodies

79. Governments are requested to reply in their reports to the observations and direct requests of the Committee, and the majority of governments provided the replies requested. In accordance with the established practice, the International Labour Office wrote to all governments which failed to do so requesting them to supply the necessary information. Of the nine governments contacted in this way, only two have sent the information requested.

80. There remain a considerable number of cases in which replies to the Committee's comments were not available, in most cases because no report was received on the Convention in question and, in a few cases, because the report did not contain a reply. A total of 24 governments, compared with 16 last year, have thus failed to reply to most or all of the observations and direct requests in relation to Conventions on which reports were requested this year, with a total of 112 cases,¹ compared with 121 last year and 127 the year before. In cases of failure to reply, the Committee has to repeat the observations or requests that it made earlier on the Conventions in question. Furthermore, in a considerable number of cases, the replies of the governments are too brief or too incomplete to enable the Committee to do otherwise than repeat its earlier comments.

81. The failure of governments to supply the reports requested or to reply in full to the Committee's comments delays the work of both the Committee of Experts and the Conference Committee. Although the number of cases has gone down, the Committee regrets to note that the number of countries that have not replied to its comments has increased so substantially. The Committee must therefore once again urge upon governments the special importance of ensuring that the reports requested are in fact communicated and that they reply in full to the Committee's comments.

¹ Angola (Conventions Nos. 98 and 111); Bolivia (Conventions Nos. 26, 77, 78, 81, 103 and 107); Brazil (Conventions Nos. 91, 98, 103, 107, 108, 111 and 122); Chad (Conventions Nos. 13, 29, 52, 81, 87, 98, 100, 105 and 111); Democratic Yemen (Conventions Nos. 58 and 98); Guinea-Bissau (Convention No. 29); Iraq (Conventions Nos. 1, 15, 23, 30, 81, 111 and 132); Ireland (Conventions Nos. 23, 81 and 122); Ivory Coast (Conventions Nos. 3, 111 and 136); Jordan (Conventions Nos. 29, 81, 98, 105, 111, 118 and 120); Lesotho (Conventions Nos. 11, 87 and 98); Libyan Arab Jamahiriya (Conventions Nos. 1, 29, 52, 53, 81, 100, 105, 111, 118, 122 and 131); Malawi (Conventions Nos. 81, 99 and 129); Malaysia (Conventions Nos. 98, 119 and 123); Mozambique (Convention No. 18); Niger (Conventions Nos. 102 and 119); Nigeria (Conventions Nos. 26, 87 and 98); Qatar (Convention No. 111); Saudi Arabia (Convention No. 1); Seychelles (Convention No. 87); Somalia (Convention No. 111); Tanzania (Conventions Nos. 29, 98 and 105); Upper Volta (Conventions Nos. 3, 18, 19, 81, 87, 97, 129 and 132); Yemen (Conventions Nos. 29, 81, 87, 98, 100, 111, 131, 132 and 135).

Late reports

82. The Committee has noted that once again the great majority - an even higher proportion than in the past - of reports reached the ILO after 15 October, the date for which they were requested (see Part Two, section I, Appendix II). The communication of reports in due time is essential if the Committee is to be able to examine them with the necessary degree of care, and it has been compelled to defer to its next session the examination of certain reports which arrived well after the due date, since their study could not be completed within the time available. Similarly, at its present session, it has had to examine a number of reports deferred from 1980.

Examination of reports

83. 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 of assigning to each of its members the initial responsibility for a group of Conventions. Reports received in sufficient time were sent 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, for discussion and approval.

Observations and direct requests

84. In the majority of cases, the Committee found that no comment was called for regarding the manner in which ratified Conventions were implemented. 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 certain provisions of Conventions or to supply additional information on given points. As in previous years, its comments have been drawn up in the form either of "observations", which are reproduced in the Committee's report, or of "direct requests", which are communicated to the governments concerned.

85. As previously, the Committee has indicated by footnotes those cases in which, because of the nature of the problems met in the application of the Conventions concerned, it seemed appropriate to ask the governments to supply a detailed report earlier than would otherwise have been the case. Within the system of spacing out reports over a four-year period applicable to most Conventions, such earlier reports have been requested after an interval of either one or two years, according to the circumstances. In some instances, the Committee has also requested the government to supply full particulars to the Conference at its next session in June 1981.

86. 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. An index of all observations and direct requests - classified by country - will be found at the beginning of this report.

Practical application

87. As in previous years, the Committee has been concerned to assess, on the basis of the information available, the extent to which the national legislation giving effect to ratified Conventions is applied in practice. A number of questions designed to elicit

information on this point are included in the report forms approved by the Governing Body for the Conventions, and the governments' replies to these questions constitute an appreciable though uneven source of information on practical application available to the Committee. The Committee has also taken into account other authoritative sources of information. These consist in the annual reports of labour inspection services, statistical yearbooks published by States or by the ILO, observations of employers' and workers' organisations, compilations of judicial or administrative decisions, reports on direct contacts, reports of technical co-operation projects and missions, and other official publications such as manuals, studies and economic and social development plans.

88. This year, nearly 39 per cent of the reports supplied on Conventions for which information on practical application was specifically requested contained such data.

89. This proportion shows marked progress in comparison with that of last year, which was 32 per cent. It remains, however, lower than the average of the past ten years. The Committee therefore hopes that governments will continue their efforts to include in their reports the information asked for. Direct requests on this matter have been sent to certain countries that have not replied to the questions of the report form concerning practical application.

90. A number of countries, on the other hand, have supplied information of this kind in more than half their reports: Australia, Austria, Belgium, Burundi, Cyprus, Czechoslovakia, Egypt, Ethiopia, Fiji, Finland, France, Federal Republic of Germany, Greece, Grenada, Guyana, Iceland, India, Ireland, Israel, Italy, Jamaica, Japan, Mali, Malta, Netherlands, New Zealand, Norway, Philippines, Poland, Portugal, Sri Lanka, Sudan, Sweden, Switzerland, Tanzania, United Kingdom, Upper Volta, Uruguay, Yugoslavia and Zambia.

91. The Committee has also noted with interest the judicial and administrative decisions on questions of principle relating to the application of ratified Conventions to which certain countries referred in their reports. Twenty-seven 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.

Cases of Progress

92. In accordance with its established practice, the Committee has drawn up a list of the cases in which it has been able to express its satisfaction at certain measures taken by governments to make necessary changes in their law or practice following earlier comments by the Committee on the degree of conformity between national law or practice and the provisions of a ratified Convention. Details concerning the countries in question are to be found in Part Two of this report, and cover 74 instances in which measures of this kind have been taken, in 37 States and two non-metropolitan territories. The full list is as follows:

<u>Country</u>	<u>Conventions Nos.</u>
Argentina	3
Austria	111
Belgium	91,97
Burundi	1
Chile	30
Congo	13
Costa Rica	92,94,95,113,114,120,127
Cuba	81
Cyprus	87
Ecuador	24,103,118
France	100
Gabon	26
Fed. Rep. of Germany	111
Guatemala	30,95,96,110,113,114
Guinea	3,10,16,33,45,112
Ireland	81,102
Luxembourg	26
Malta	88,111
Mexico	22
Netherlands	100
Nigeria	81
Norway	30,102
Panama	9,42
Papua New Guinea	42
Paraguay	119
Peru	32,52,87,98
Philippines	87
Poland	87
Portugal	1,111
Rwanda	42
Spain	74,88,98,103,111
Sri Lanka	58
Sweden	128
United Kingdom	8,81
Uruguay	81,129
Yugoslavia	81,92,102
Zaire	120

Non-metropolitan territories

United Kingdom:

Montserrat	26
St. Helena	17

93. Thus the total number of cases in which the Committee has been led to express its satisfaction with the progress achieved following comments made by it has now risen to nearly 1,400 since the Committee began listing them in its reports in 1964. In addition, there have been numerous cases in which the Committee has taken note with interest of a variety of measures being taken, also following its comments, with a view to ensuring a fuller application of ratified Conventions. These different measures provide an indication of the efforts made by governments to ensure that their national law and practice are in conformity with the provisions of the ILO Conventions they have ratified.

94. These various cases do not, however, as the Committee regularly points out, exhaust the instances in which Conventions and Recommendations have a measurable influence on the law and practice of member States. For instance, the Committee again noted a number of

cases this year in which it emerged from the first report on the application of a Convention that new legislative or other measures were adopted shortly before or after ratification: Argentina (Conventions Nos. 115 and 139); Finland (Conventions Nos. 115, 139, 144 and 145); France (Convention No. 134); Spain (Convention No. 142); Syrian Arab Republic (Convention No. 136); Sweden (Conventions Nos. 132 and 146) and the United Kingdom (Convention No. 142).

VIII. SUBMISSION OF CONVENTIONS AND RECOMMENDATIONS
TO THE COMPETENT AUTHORITIES

(Article 19 of the Constitution)

95. In accordance with its terms of reference the Committee this year examined the following information¹ supplied by the Governments of member States, pursuant to article 19 of the Constitution of the International Labour Organisation:

- (a) information on the steps taken to submit to the competent authorities within the time limit of 12 or 18 months, as provided in the Constitution, the following instruments, adopted at the 65th (1979) Session of the Conference: the Occupational Safety and Health (Dock Work) Convention (No. 152) and Recommendation (No. 160), 1979; the Hours of Work and Rest Periods (Road Transport) Convention (No. 153) and Recommendation (No. 161), 1979;
- (b) additional information on the steps taken to submit the Conventions and Recommendations adopted by the Conference from its 31st (1948) to its 64th (1978) Sessions to the competent authorities (Conventions Nos. 87 to 151 and Recommendations Nos. 83 to 159);
- (c) replies to observations and direct requests made by the Committee in 1980.

65th Session

96. The Committee has noted with interest that the Governments of the following 42 member States have indicated that they have submitted to the authorities considered to be competent by them the instruments adopted by the Conference at its 65th Session: Angola, Argentina, Australia, Bahrain, Bangladesh, Barbados, Burundi, Byelorussian SSR, Chile, Colombia, Czechoslovakia, Denmark, Djibouti, Egypt, France, German Democratic Republic, Haiti, Honduras, Hungary, India, Israel, Japan, Jordan, Liberia, Luxembourg, Madagascar, Mongolia, Morocco, Nepal, New Zealand, Norway, Panama, Philippines, Romania, Rwanda, Saudi Arabia, Senegal, Swaziland, Switzerland, Turkey, Ukrainian SSR and United Kingdom. The following member States have submitted some of these instruments: Belgium, Federal Republic of Germany, Italy, Kuwait, Mexico, Netherlands and Sweden.

97. Certain countries of the European Community (Belgium, Denmark, France, Federal Republic of Germany, Italy, Luxembourg,

¹ 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), International Labour Conference, 67th Session, Geneva, 1981.

Netherlands and United Kingdom) have also informed the Director-General of the ILO that in the fields covered by the Hours of Work and Rest Periods (Road Transport) Convention, 1979 (No. 153), adopted at the 65th Session of the Conference, and in the fields, or some of them, covered by the supplementary Recommendation (No. 161), adopted at the same Session, the obligation to submit would be met in accordance with a procedure peculiar to the Community, taking account of the fact that these fields are governed by Community regulations. These countries have therefore submitted these instruments, for the fields in question, to the competent authorities of the European Community.

98. This is a new procedure, which seems to involve, in the performance of the obligation to submit, certain legal and practical aspects that call for attention. The Committee has requested further information on it and intends to follow up the question with the governments concerned. It has noted that an Office paper on this question was submitted to the Governing Body at its 215th Session (March 1981), and that an exchange of views on the question took place in the Committee on Standing Orders and the Application of Conventions and Recommendations.

31st to 64th Sessions

99. The Committee has noted with interest that appreciable progress has been made by several countries in submitting instruments adopted by the Conference since its 31st Session to the competent authorities, particularly in the following cases: Costa Rica (numerous instruments adopted from the 54th to the 64th Sessions), Liberia (numerous instruments adopted from the 31st to the 64th Sessions), Malta (numerous instruments adopted from the 55th to the 62nd Sessions), Portugal (instruments adopted from the 58th to the 64th Sessions).

100. 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 discharge of the obligation to submit to the competent authorities the Conventions and Recommendations adopted by the Conference. Appendix II shows the over-all position in this respect for the instruments adopted from the 31st to the 65th Sessions of the Conference.

Comments by the Committee and replies from governments

101. 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 that section.

102. The Committee regrets to note that a number of governments have again failed to provide replies to its comments, even after reminders have been sent by the Office in accordance with the request made to it by the Committee. The Committee again expresses the hope that governments will endeavour in future to supply all the required information and documents.

103. The Committee wishes to recall the importance of the communication by governments of the information and documents called for in points II and III of the questionnaire in the Memorandum adopted

by the Governing Body. Some countries do not communicate the information and documents in question. The Committee trusts that all the governments concerned will endeavour to take suitable measures to comply with the Memorandum on submission to the competent authorities.

Special problems

104. The position in several countries is still a matter of concern to the Committee. It thus notes with regret that, in the following cases in particular, no information has been supplied showing that the Conventions and Recommendations adopted by the Conference during at least the last seven sessions under consideration (59th to 65th) have in fact been submitted to the competent authorities: Chad, Ethiopia, Lao Republic, Lebanon, Malawi, Malaysia, Mauritania, Niger and Tanzania.

IX. REPORTS ON UNRATIFIED CONVENTIONS AND RECOMMENDATIONS

(Article 19 of the Constitution)

105. In accordance with the decision taken by the Governing Body, governments were requested to supply reports under article 19, paragraphs 5 and 7, of the ILO Constitution on the Minimum Age Convention (No. 138) and Recommendation (No. 146), 1973. These are instruments on a subject whose perennial importance makes it a field of traditional concern to the International Labour Organisation.

106. Of a total of 262 reports requested, only 170 have been received.¹ While this represents 64.8 per cent of those requested, a higher proportion than that of last year, the Committee regrets that it is lower than that of recent years, namely over 70 per cent, when the instruments concerned deal with a subject as important as minimum age.

107. More particularly, the Committee notes with regret that the Lao Republic has not, for the past five years, supplied any of the reports on unratified Conventions and on Recommendations requested under article 19 of the Constitution of the ILO.

108. The Committee can only urge governments once again to provide the reports requested, so that its General Surveys can be as comprehensive as possible.

109. Part Three of this report (issued separately as Report III (Part 4B)) contains the Committee's General Survey on the questions covered by the instruments in question. This survey, in accordance with the practice followed in previous years, has been prepared on the basis of a preliminary examination by a working party comprising three members of the Committee, appointed by it.

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110. Lastly, the Committee would like to express its appreciation of the invaluable assistance again rendered to it by the officials

¹ ILO: Minimum Age: Summary of reports on Convention No. 138 and Recommendation No. 146, Report III (Part 2), International Labour Conference, 67th Session, 1981.

of the ILO, whose competence and devotion to duty make it possible for the Committee to accomplish its increasingly complex tasks in a limited period of time.

111. The Committee learned that Mr. Nicolas Valticos, Assistant Director-General and Adviser on International Labour Standards, who has been Chief of the International Labour Standards Department for 26 years, was shortly to retire. His vast experience and wise counsel have been of the greatest value to the Committee in the discharge of its functions, and it wishes to place on record its deep appreciation and gratitude for the services which he has rendered to it over so many years.

Geneva, 25 March 1981.

(Signed) Adetokunbo Adenola,
Chairman.

E. Razafindralambo,
Reporter.

PART TWO

**OBSERVATIONS CONCERNING PARTICULAR
COUNTRIES**

OBSERVATIONS CONCERNING PARTICULAR COUNTRIES

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

A. GENERAL OBSERVATIONS

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 unable to ascertain to what extent effect is now given to the Conventions by which Albania remains bound (Nos. 5, 6, 10, 11, 16, 21, 29, 52, 58, 59, 77, 78, 87, 98, 100 and 112).

Bolivia

The Committee notes the information supplied by the Government indicating that it is not at present possible to give effect to the provisions of article 23, paragraph 2, of the Constitution of the ILO, since the trade union organisations have been dissolved and their activity suspended by Government order because they were highly politicised. The Committee notes that the Governing Body of the ILO, at its 214th Session in November 1980, adopted a recommendation of the Committee on Freedom of Association "to call the Government's particular attention to Article 4 of Convention No. 87, ratified by Bolivia, according to which workers' organisations shall not be liable to be dissolved by administrative authority". The Committee hopes that the Government will not fail to provide the employers' representative organisations with a copy of the reports supplied to the ILO under article 22 of its Constitution. The Committee further trusts that a copy of these reports will also be supplied to the representative trade union organisations of the workers as soon as they have been set up again.

Brazil

The Committee notes with regret that 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.

Chad

The Committee notes with regret that for the sixth 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.

Democratic Yemen

The Committee notes with regret that 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.

Ecuador

The Committee has noted that information was received from the Government during its session concerning the application of a number of Conventions. Due to the late date of its receipt, the Committee had to defer examination of this information to its next session.

Guinea

The Committee notes with interest that the Government has requested the establishment of direct contacts with the ILO with a view to examining the means of application of the ratified Conventions which have been the subject of comments by the Committee (Conventions Nos. 3, 5, 13, 29, 33, 62, 81, 90, 94, 105, 111, 113, 114, 115, 118, 119, 120, 121 and 122) as well as of those which have been ratified in recent years and have not yet been the subject of national laws or regulations (Conventions Nos. 132, 134, 135, 136, 139, 140, 143).

The Committee hopes that the direct contacts will take place shortly, and will lead to the full application of the Conventions ratified by Guinea.

Guinea-Bissau

The Committee notes that for the third consecutive year the reports due have not been received. The Committee notes however that the Government has requested the establishment of direct contacts with the ILO to examine the problems encountered in the application of ratified Conventions. It hopes that the direct contacts will enable the Government to ensure the application of the Conventions ratified by Guinea-Bissau, and to discharge its obligation to report on the application of ratified Conventions.

Iraq

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

Ivory Coast

The Committee notes with regret that 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.

Democratic Kampuchea

In the absence of any reports, the Committee has not been able to examine the current position as regards the application of ratified Conventions.

Lao Republic

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

Lebanon

The Committee notes with regret that most of the reports due including 14 first reports (Conventions Nos. 59, 77, 78, 88, 95, 98, 100, 105, 111, 115, 120, 122, 127 and 131 on which reports have been due for two years) have not been received. It trusts that the Government will not fail in future to discharge its obligation to supply all the reports due on the application of ratified Conventions.

Lesotho

The Committee notes with regret that 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.

Libyan Arab Jamahiriya

The Committee notes with regret that most of the reports due including five first reports (Conventions Nos. 102, 103, 121, 128, 130 on which reports have been due for four years) 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.

Malawi

The Committee notes with regret that 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.

Malaysia

The Committee notes with regret that 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.

Qatar

The Committee notes with regret that the report due has 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.

Saudi Arabia

The Committee notes with regret that 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.

Seychelles

The Committee notes with regret that 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.

Somalia

The Committee notes with regret that 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.

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 ILC, 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 unable to ascertain to what extent effect is now given to the Conventions by which South Africa remains bound (Nos. 2, 19, 26, 42, 45, 63 and 89).

Tanzania

The Committee notes with regret that 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.

Upper Volta

The Committee notes with regret that 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.

Yemen

The Committee notes with regret that 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.

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In addition, requests regarding certain points are being addressed directly to the following States: Afghanistan, Bangladesh, Benin, Bolivia, Brazil, Bulgaria, Byelorussian SSR, United Republic of Cameroon, Central African Republic, Chile, Comoros, Congo, Costa Rica, Cuba, Denmark, Djibouti, Ecuador, Egypt, Gabon, Ghana, Guinea, Haiti, Iran, Iraq, Jordan, Kuwait, Libyan Arab Jamahiriya, Madagascar, Mauritania, Mozambique, Nigeria, Papua New Guinea, Peru, Philippines, Romania, Rwanda, Senegal, Sierra Leone, Suriname, Syrian Arab Republic, Thailand, Togo, Turkey, Ukrainian SSR, USSR.

B. INDIVIDUAL OBSERVATIONS**Convention No. 1: Hours of Work (Industry), 1919**Burundi (ratification: 1971)

With reference to its earlier comments, the Committee notes with satisfaction the adoption of Ministerial Ordinance No. 630/117 of 9 May 1979, which governs the permanent and temporary exceptions that may be allowed for certain classes of persons or certain work and establishes the procedure for paying overtime. It also notes the measures taken to make compulsory the posting of notices relating to hours of work and rest periods.

Chile (ratification: 1925)

In its previous observation the Committee noted that section 42 of Legislative Decree No. 2200 of 1978, which provides that, in operations that by their very nature are harmless to the health of workers, up to two hours' overtime per day can be agreed to in writing, is not in conformity with these provisions of Article 6, paragraphs 1(b) and 2, of the Convention and it asked the Government to take the necessary measures to bring the legislation into conformity with these provisions of the Convention. In reply to this, the Government states that the national legislation is not, in its opinion, contrary to the above-mentioned provisions of the Convention, since overtime is resorted to only occasionally, on a voluntary basis, and the number of hours, their remuneration and the conditions in which they may be worked are governed by regulations.

The Committee notes the explanations provided by the Government but must point out that, under Article 6, paragraph 1(b), of the Convention, temporary exceptions to normal hours of work are allowed only "so that establishments may deal with exceptional cases of pressure of work" and that, under Article 6, paragraph 2, of the Convention, the maximum of additional hours authorised must be fixed

after consultation with the organisations of employers and workers. The Committee therefore asks the Government to reconsider its position and to take the necessary measures so that overtime may be resorted to only in exceptional cases of pressure of work and that the total number of hours authorised shall be limited in a reasonable way.

Egypt (ratification: 1960)

With reference to its earlier comments, the Committee notes that the amendment to Ministerial Decision No. 62 of 1960 intended to restrict exceptions to normal hours of work to intermittent activities, in accordance with Article 6 of the Convention, has not yet been adopted. It hopes that this measure will be taken shortly and requests the Government to keep it informed of any development.

India (ratification: 1921)

The Committee has noted the information communicated by the Government following the previous comments.

Normal weekly hours. The Committee has noted with interest that the recommendations made by the Railway Labour Tribunal in 1969 in regard to normal weekly hours of work provided in the Hours of Employment Regulations, have been implemented as far as the running staff is concerned and to a certain extent as regards other categories of railway workers. It has noted that a proposal for amending the Hours of Employment Regulations is accordingly being finalised. The Committee would be grateful if the Government would keep it informed of any development relating thereto.

Maximum daily hours. The Committee has also noted that following the amendment of the Hours of Employment Regulations, the Government will undertake to incorporate in the subsidiary instructions the necessary legislative provisions concerning the maximum daily hours of work in the light of the recommendations made by the Railway Labour Tribunal in 1969, according to which a single stretch of duty by the running staff should not exceed ten hours.

Overtime. The Committee has noted that overtime is not normally resorted to in the railways and that section 71C(4) of the Indian Railways Act, 1890, permits overtime only under certain temporary exceptions. It draws the attention of the Government to the fact that, according to Article 6, paragraph 2, of the Convention, regulations made by public authorities shall fix the maximum permitted hours of overtime in cases of permanent and temporary exceptions. The Committee hopes that measures will be taken to give effect to this requirement of the Convention.

Iraq (ratification: 1965)

The Committee notes that the Government's report has not been received. It must therefore repeat its previous observation which read as follows:

Article 6, paragraph 1, of the Convention. The provision contained in section 67(b) (5) of the Labour Code (as amended by Act No. 110 of 1978), under which normal hours of work may be extended if the work is required for development purposes or with a view to increasing production, is not in conformity with the Convention, which authorises temporary exceptions only to enable

establishments to deal with exceptional cases of pressure of work. The Committee therefore requests the Government to take the necessary measures to bring the legislation into conformity with the Convention on this point.

Article 8. The Committee notes that the draft regulations concerning inspection of labour, to which the Government has been referring for some years, will soon be adopted and will contain provisions on the posting of time-tables of work and rest periods and on the employer's obligation to keep a record of overtime worked by his employees.

The Committee hopes that the Government will make every effort to take the necessary action in the very near future.

Kuwait (ratification: 1961)

Articles 1 and 2 of the Convention. The Committee notes that a committee has been set up following Ministerial Decision No. 48 of 1980, with a view to extending the scope of the Labour Law (Private Sector) to temporary workers and workers in small undertakings in order to give full effect to these provisions of the Convention. The Government has been repeating its intention since 1964 of amending the labour legislation to bring it into conformity with the Convention, and the Committee hopes that the proposed measures will be taken very shortly.

Article 6, paragraphs 1(b) and 2. Under section 34 of the Labour Law (Private Sector), a worker may be called on to work up to two hours of overtime per day to deal with exceptional cases of pressure of work. The Committee wishes to call the attention of the Government to the fact that, under the provisions of the Convention, it is necessary in exceptional cases of pressure of work to fix the maximum of additional hours in each instance. The calendar year is generally taken as the basis for fixing limitations in time. The Committee therefore hopes that when the labour legislation is next amended, suitable changes may be made in section 34 to give full effect to these provisions of the Convention.

With regard to Legislative Decree No. 15 of 1979 respecting the public service, the Committee notes that it contains no details concerning the maximum daily or annual hours of overtime that may be authorised or the exceptions that may be allowed to enable public undertakings to deal with exceptional cases of pressure of work. The Committee requests the Government to indicate in its next report the measures it intends to take to give full effect to these provisions of the Convention in the public sector.

Nicaragua (ratification: 1934)

In the comments that it has been making for many years to the Government, the Committee has pointed out that suitable provisions should be adopted to determine (after consultation with the organisations of employers and workers concerned) the circumstances in which overtime may be worked and to fix the maximum number of additional hours authorised, in conformity with Article 6, paragraphs 1(b) and 2, of Convention No. 1 and Article 7, paragraphs 2(c) and (d) and 3, of Convention No. 30. It again points out that a draft amendment to section 56 of the Labour Code was prepared for this purpose during the direct contacts that were held in 1975 between the competent national services and a representative of the Director-General of the ILO.

The Committee notes from the information provided by the Government that no progress has yet been made to ensure the application of Conventions Nos. 1 and 30 on the above-mentioned points, but that its comments will be taken into consideration during the forthcoming reform of the Labour Code. It trusts that the Government will not delay in taking the necessary measures to amend the legislation so as to bring it into full conformity with the above-mentioned provisions of Conventions Nos. 1 and 30.¹

Paraguay (ratification: 1964)

In the comments it has been making for a number of years, the Committee has called the attention of the Government to the necessity of taking the measures provided for by section 180 of the Labour Code to ensure the application of the Convention in road transport undertakings, and of bringing section 205 of the Labour Code, under which the working day can be permanently extended in certain cases to a maximum of 12 hours, into conformity with the provisions of the Convention. On the latter point, direct contacts took place in 1977 between the competent national authorities and a representative of the Director-General of the ILO, during which a Bill was drawn up to repeal section 205 of the Labour Code.

The Committee notes from the last report of the Government that no progress has yet been made in bringing the national legislation into conformity with the Convention on the above points. It trusts that the necessary measures will be adopted shortly.¹

Peru (ratification: 1945)

With reference to its earlier comments, the Committee takes note of the information provided by the Government in its report and that contained in a statement by a government representative to the Conference Committee in 1980. It notes, in particular, that a draft decree taking account of Articles 3 to 6 of the Convention has been drawn up and will be adopted in the near future. The Committee trusts that the Government will be able to announce the adoption of this draft in its next report.¹

Portugal (ratification: 1928)

With reference to its previous comments, the Committee takes note with satisfaction of the adoption of the order of the Ministry of Labour of 3 May 1979 ensuring the application of the provisions of Article 6 of the Convention on over-time in all undertakings covered by the Convention.

Syrian Arab Republic (ratification: 1960)

Article 6 of the Convention. The Committee regrets to note that the Bill to take account of its earlier comments, to which the Government has been referring for many years, has still not been adopted. It again expresses the hope that this Bill will be adopted very shortly to amend section 117 of the Labour Code so that, except in the case of intermittent work laid down by the Convention, the presence

¹ The Government is asked to report in detail for the period ending 30 June 1982.

of the worker at his workplace shall not be required outside authorised hours of work.¹

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In addition, requests regarding certain points are being addressed directly to the following States: Angola, Bolivia, Burundi, Canada, Chile, Iraq, Libyan Arab Jamahiriya, Portugal, Saudi Arabia.

Convention No. 2: Unemployment, 1919

Uruguay (ratification: 1938)

The Committee notes with interest that, following the restructuring of the National Human Resources Directorate in November 1979, steps are being taken to develop a national employment service and that initially efforts are being concentrated on the collection and analysis of information on the situation of the employment market and on an occupational guidance programme.

The Committee notes that in addition a register of applicants for employment has been set up by the National Human Resources Directorate, that applicants are given vocational guidance and assisted in finding training where appropriate; that employers have begun to apply to this register, and that the number of job offers now exceeds the number of applicants registered. The Committee hopes therefore that the progressive development of the National Human Resources Directorate will lead in due course to the establishment, within the framework of the Government's over-all employment policy which the Committee is examining in the context of the Employment Policy Convention, 1964 (Fo. 122), of a national system of free public employment agencies as part of the national employment service.

Convention No. 3: Maternity Protection, 1919

Argentina (ratification: 1933)

1. Article 3(c) of the Convention

(a) Mistake in estimating the date of confinement

Referring to its earlier comments, the Committee has noted with satisfaction the information supplied by the Government in its report, that by virtue of Resolution CASFP No. 236 of 23 March 1979, the duration of maternity leave may exceed 90 days when the duration of prenatal leave exceeds 45 days in the event of an error in estimating the presumed date of confinement, in conformity with the above-mentioned provision of the Convention.

¹ The Government is asked to report in detail for the period ending 30 June 1981.

(b) Cash benefits

The Committee has also noted that a reduction was made in the qualifying period for the entitlement to the birth grant and children's allowances by Decree No. 3.250 of 1976. The Committee would be grateful if the Government would indicate whether women who fail to fulfil the qualifying period of three months, laid down in sections 3 and 4 of Act No. 18017 for the granting of the maternity allowances under the social security scheme, are entitled to certain financial aid, for example, in the framework of a public assistance scheme.

2. The Committee has noted with interest the improvements made by Act No. 21.824 of 1978 on the maternity protection scheme, particularly in respect of the rate of cash benefits and the protection against dismissal during the absence on maternity leave.

Colombia (ratification: 1933)

With reference to its previous observations, the Committee has examined the information supplied in the Government's report as well as in its letter of 19 May 1980.

1. The Committee has noted that the extension of the sickness and maternity insurance scheme is carried on gradually so as to cover all of the economically active population in Colombia. It hopes that this scheme will soon be applied in practice throughout the country and that, in the meantime, women workers who are covered by the Convention but not by this scheme or who do not fulfil the qualifying conditions, set forth in section 17 of Decree No. 770 of 1975, will be able to enjoy medical care and financial help by means of, for example, a public assistance scheme (Article 3(c) of the Convention, second sentence).

2. The Committee regrets, on the other hand, that no progress has been made in respect of the points raised for many years in its previous comments which read as follows:

Article 3(a), (b) and (c) of the Convention. (i) Section 236 of the Labour Code, and section 33 of Decree No. 1848 of 1969, which make provision for 8 weeks' maternity leave, are incompatible with the above-mentioned provisions of the Convention, which provide for 12 weeks of maternity leave, of which 6 must be taken after confinement. The above-mentioned legislative provisions, moreover, are not in conformity with the Convention in that they make no provision for an extension of pre-natal leave in the event of a mistake by the doctor or midwife in estimating the date of confinement.

(ii) Section 16(b) of Decree No. 770 of 1975 laying down general Sickness and Maternity Insurance Regulations also restricts the payment of maternity benefits to a period of 8 weeks, instead of 12 weeks as laid down in the Convention and, moreover, makes no provision for the extension of this benefit in the event of delayed confinement.

The Committee trusts that the revision of the Labour Code and the necessary amendments to the above-mentioned provisions will take place in the very near future so as to ensure compliance with these fundamental provisions of the Convention. It requests the Government to indicate the progress made in this direction.¹

¹ The Government is asked to supply full particulars to the Conference at its 67th Session and to report in detail for the period ending 30 June 1981.

Guinea (ratification: 1966)

With reference to its previous comments, the Committee has noted the Government's report and Order No. 221 of 16 June 1980; it notes with satisfaction that, under Article 10 of this Order, a woman is entitled to leave her work if she produces a medical certificate stating that her confinement will probably take place within six weeks, in accordance with Article 3(b) of the Convention. The Committee also notes with satisfaction that this Order does not maintain the restrictions placed by the former legislation, on the length of maternity leave in the event of the death of a new-born child.

With regard to the other points made in its earlier comments, the Committee refers to its general observation and expresses the hope that the direct contacts asked for by the Government will help in solving the difficulties in the application of certain provisions of Article 3(c) of the Convention.

The Committee also hopes that the Government will be able to indicate how the free nature of the medical care provided for by Article 12 of the Order of 1980 and Article 3(c) of the Convention in the event of pregnancy and confinement is ensured in practice.

Libyan Arab Jamahiriya (ratification: 1971)

With reference to its earlier observations, the Committee has noted the information provided by the Government in its report and of the statement made by a Government representative to the Conference Committee in 1980. It has noted with interest that new labour legislation is being drafted and that this legislation - in particular the part respecting women workers with family responsibilities - will take account of the comments made by the Committee.

The Committee has also studied the new Social Security Act, No. 13 of 1980, adopted in April 1980, which is to come into force in June 1981. The Committee hopes that the provisions of section 25 of this Act (which prescribe, though only for self-employed women workers, the payment during a period of three months of maternity allowance at a rate equal to 100 per cent of the presumed income of these workers), may also apply, in the same conditions, to the groups of women workers covered by the Convention and that the regulations to be adopted respecting these women workers under the above-mentioned Act, will provide, in accordance with Article 3(c) of the Convention -

- (a) that the payment of the maternity benefit shall be made by the Insurance Fund and not by the employer as prescribed at present by the last paragraph of section 25 of the Act; and
- (b) that the women workers in question shall, in the event of maternity, receive free attendance by a doctor or midwife.

The Committee also hopes that the new labour legislation will be adopted in the very near future and that it will also ensure - as the Government has stated - the application of the other provisions of Article 3 of the Convention (namely those of clauses (a), (b) and (c) (last sentence), together with Article 4), in the following way: (i) by abolishing the qualifying period for entitlement to maternity leave; (ii) by increasing the length of this leave from the 50 days provided for at present to 12 weeks, of which 6 weeks must be taken after confinement; and (iii) by providing for the possibility of extending pre-natal leave (and the payment of maternity benefit) where confinement takes place after the estimated date and also where illness arises out of pregnancy or confinement.

The Committee requests the Government to indicate any progress made in applying the above-mentioned provisions of the Convention.¹

Nicaragua (ratification: 1934)

Referring to its earlier comments, the Committee notes with interest the Government's reply that medical assistance is provided for all the population whether or not the person is covered by the social insurance scheme, and that, in respect of cash benefits, a draft law on social security and its regulations provide for the possibility to extend the social security scheme to all sectors including those which have not been covered up to now.

The Committee therefore hopes that the Government will be able to overcome the difficulties encountered and it will make every possible effort to achieve this extension in the very near future; in this way, it will lead to the ending of the present obligation on the employer, to assume himself the cost of maternity benefits for women workers who are not yet covered by insurance, which is contrary to Article 3(c) of the Convention. The Committee requests the Government to supply information in its next report on the progress made in this connection.

Venezuela (ratification: 1944)

The Committee takes note of the reply by the Government to its earlier comments and of the information on the application of Article 3(c) of the Convention (last sentence) concerning the payment of benefits in case of extension of pre-natal leave due to a mistake in estimating the date of confinement.

The Committee requests the Government to provide the following information:

1. Articles 1 and 3 of the Convention (scope of the social insurance scheme). The Government states in its report that 21.5 per cent of the economically active female population in 11 federal units are covered by the insurance scheme and are entitled, in the event of maternity, to the medical care and cash benefits provided for by the Convention. Please state whether this percentage includes in practice all women wage earners in industrial and commercial undertakings, whether public or private throughout the national territory, as provided by the Convention. Please also state whether women public officials or employees of municipalities, of public autonomous institutes or of other public bodies have been included in the social insurance scheme for medical care and cash benefits in the event of sickness or maternity and, if so, under what provision, since these women workers were excluded from the scheme for the above-mentioned contingencies by virtue of section 4 of the Social Insurance Act and the general regulations issued under it.

2. Article 3(d) and Article 4 (only for women public officials or public employees). Please indicate under what provision in laws or regulations these women workers are entitled to nursing breaks and are protected against dismissal, as provided by the Convention, since sections 109 and 112 of the Labour Act, which prescribe this protection

¹ The Government is asked to report in detail for the period ending 30 June 1982.

for other workers, are not applicable to them, by virtue of section 4 of the Act.

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In addition, requests regarding certain points are being addressed directly to the following States: Algeria, United Republic of Cameroon, Chile, Federal Republic of Germany, Ivory Coast, Panama, Upper Volta.

Information supplied by Gabon and Greece in answer to a direct request has been noted by the Committee.

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

Bolivia (ratification: 1954)

The Committee notes from the information provided by the Government in reply to its previous observation that a high-level committee has been appointed to bring the provisions of the labour legislation up to date and into conformity with the Conventions ratified by Bolivia. The Committee recalls that it has for many years been pointing out the necessity of amending section 58 of the General Labour Act of 1942, which authorises the employment of children under 14 years of age as apprentices, in order to give full effect to Article 2 of the Convention. It trusts that this amendment, which would also remove the discrepancy existing at present between this section of the Act and section 66 of the Minors' Code of 1975, will be adopted very shortly and that the next report will mention its adoption.

Guinea (ratification: 1966)

The Committee refers to its general observation. It also takes note of Order No. 221/OIT of 15 June 1980 to regulate the employment of children and women, which, however, does not give full effect to Article 4 of the Convention which has been the subject of earlier comments. The Committee hopes that the direct contacts asked for by the Government will make it possible to solve the problems concerning the application of the Convention.

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

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

Seychelles (ratification: 1978)

In its earlier comments, the Committee has pointed out that the restriction provided for by section 157 of the United Kingdom Merchant Shipping Act 1894, which remains applicable to the Seychelles, is not in conformity with the Convention, since it subordinates the right to unemployment indemnity, in case of loss or foundering of the ship, to the condition that the seaman shall have exerted himself to the utmost to save the ship, cargo and stores. The Committee has therefore asked the Government to take the necessary measures to ensure the application on this point of the Convention, which contains no such restrictions.

In reply to these comments and contrary to what it has previously stated, the Government mentions certain difficulties that prevent the amendment of the national legislation, which the Government does not consider to be incompatible with the Convention.

The Committee takes note of these difficulties, but is obliged to return to the question, expressing the hope that the Government will reconsider its position and bring the national legislation into full conformity with the Convention on the above-mentioned point, as other States with comparable legislation have done.

Singapore (ratification: 1964)

The Committee regrets to note, from the reply of the Government to its earlier comments, that the revision of the Merchant Shipping Act, which was to extend to masters the right to the unemployment indemnity granted to seamen under section 77 of this Act, has not yet been carried out.

The Committee trusts that the revision of the Act will be carried out in the very near future and that it will ensure the full application of the Convention on this point, which has been the subject of comments for a number of years.

United Kingdom (ratification: 1926)

With reference to its earlier comments, the Committee notes with satisfaction that, with effect from 1 August 1979, section 37 of the Merchant Shipping Act 1979 has amended section 15 of the 1970 Act so as: (a) to extend the scope of this Act to masters, in accordance with Article 1 of the Convention, and (b) to abolish, in accordance with Article 2 of the Convention, the restrictions regarding the unemployment indemnity of seamen who did not make reasonable efforts to save the ship, persons and property carried in it.

The Committee also notes with interest that the Government has written to the non-metropolitan territories seeking agreement to the corresponding amendment of section 157(1) of the Merchant Shipping Act 1894. The Committee requests the Government to keep it informed of all further progress.

Convention No. 9: Placing of Seamen, 1920

Colombia (ratification: 1933)

Article 2 of the Convention. The Committee notes that no measures have yet been taken to prohibit private employment agencies, and recalls that statistics provided with the last report showed that 62.9 per cent of such agencies (including many in principal port towns) operate without authorisation or effective supervision. It trusts that steps will be taken to ensure that these agencies are effectively prevented from acting as employment agencies for seamen, and that the Government will provide information on the measures taken to ensure that the prohibition laid down in the Convention is respected.

Articles 4 and 10. The Government has not yet provided any information on the placing of seamen by the regional employment offices established since 1976. It notes however that measures have not yet

been taken to ensure that the staff of the regional employment offices dealing with the placing of seamen include persons having practical maritime experience. The Committee hopes that measures will be taken to this end, and that the Government will be able to provide particulars of the number of regional employment offices which provide a placement service for seamen, the number of applications received from seamen, the number of vacancies for seamen notified, and the number of seamen placed in employment by such offices.

Article 5. The Committee again expresses the hope that advisory committees including representatives of shipowners and seamen will be appointed to advise on the carrying on of the regional employment offices which provide a placement service for seamen.

The Committee notes that the Government has requested the assistance of the Inter-American Centre for Labour Administration on matters relating to the employment service, and hopes that with such assistance it will be able to take steps to give effect to all the provisions of the Convention.

Mexico (ratification: 1939)

For many years, the Committee has been drawing attention to the need to provide a system of public employment offices for seamen in accordance with Articles 4 and 5 of the Convention. In recent reports, the Government had indicated that this would be done through the public employment service which was being developed by the Co-ordinating Unit for Employment and Training under agreements with the states of the federation.

In its latest report the Government provides no information on progress in the establishment of public employment offices in the ports of the country, nor on plans for ensuring that the placing of seamen is entrusted to such offices, but states that, as had been indicated in earlier reports, the recruiting of seamen is undertaken by occupational organisations. Over the years the Government has also stated that the placing of seamen was effected through co-operatives and shipping agents or that it was proposed to entrust the placing of seamen to the National Ports Co-ordinating Committee.

The Committee notes that there is still no regular, organised system for the placing of seamen, although the Mexican merchant fleet has been growing steadily, from 132 ships in 1970 to 336 ships in 1978. It must therefore once again stress that the Convention requires the establishment of an efficient and adequate system of employment offices for finding employment for seamen in accordance with Articles 4 and 5 of the Convention. The Committee is making suggestions as to the manner in which this might be ensured in a direct request.¹

Panama (ratification: 1970)

The Committee notes with satisfaction that in October 1979 the Seafarers' Section of the National Directorate of Employment opened seafarers' employment offices in three ports of the country, thus giving effect to Article 4 of the Convention. The Committee also notes

¹ The Government is asked to report in detail for the period ending 30 June 1981.

with interest the information supplied in answer to its earlier comments on Articles 5, 8 and 10.

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In addition, requests regarding certain points are being addressed directly to the following States: Argentina, United Republic of Cameroon, Cuba, Djibouti, Mexico, Nicaragua, Panama, Poland, Romania, Yugoslavia.

Information supplied by Greece, New Zealand and Sweden in answer to a direct request has been noted by the Committee.

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

Guinea (ratification: 1966)

Further to its previous comments, the Committee has noted with satisfaction the adoption of Order No. 224/MT of 15 June 1980 which regulates the employment of children under 14 years of age in agricultural undertakings in accordance with the provisions of the Convention.

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

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

Poland (ratification: 1924)

The Committee is examining the questions relating to the registration of organisations grouping independent workers in the agricultural sector under Convention No. 87.

Rwanda (ratification: 1962)

With reference to its previous observation, the Committee notes the information provided by the Government to the effect that the right of association is guaranteed to agricultural workers by virtue of sections 19 and 31 of the new Constitution of the Rwandese Republic, adopted on 20 December 1978.

The Committee had raised the problem of section 186 of the Labour Code, which excludes workers employed in agriculture from the provisions of the Code.

The Committee notes with interest the information supplied by the Government that a draft revision of the Labour Code has been prepared providing for the inclusion of these workers in the provisions of the labour legislation.

The Committee hopes that the revision will bring the legislation into full conformity with the Convention by extending the rights enjoyed by industrial workers to agricultural workers.

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In addition, requests regarding certain points are being addressed directly to the following States: Burma, Gabon, Lesotho, Mozambique, Peru, Tanzania.

Information supplied by Burundi, Kenya, Morocco, Papua New Guinea and Sri Lanka in answer to a direct request has been noted by the Committee.

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

Afghanistan (ratification: 1959)

The Committee notes the statement by the Government to the effect that, pending the adoption of the Labour Code by the Revolutionary Council, the Ministry of Justice is again considering the promulgation of a decree based on the text worked out in 1974 during direct contacts between the competent national services and a representative of the Director-General of the ILO to bring the legislation into conformity with Convention No. 13. The Committee trusts that the Government will soon be able to report the adoption of the above-mentioned decree.

Algeria (ratification: 1962)

In its earlier observations, the Committee has noted that the legislation applying the Convention ceased to be in force in 1975. The Committee notes the reply of the Government to the effect that an inter-ministerial committee has accepted a Bill on the prevention of occupational risks and a draft Decree on the general conditions of occupational safety and health issued under Act No. 78-12 of 5 August 1978 to make general provision for workers' conditions of employment, and that these texts will shortly be put before the National People's Assembly. It hopes that these texts, which, according to the Government, will make it possible to meet the requirements of the Convention, will be issued shortly, and asks the Government to provide copies as soon as they are adopted.¹

Congo (ratification: 1960)

With reference to its earlier comments, the Committee notes with satisfaction that full effect has been given to the provisions of Article 5, paragraph 1(a) and (b), of the Convention following the adoption of Decree No. 79/396 of 7 July 1979 to amend General Order No. 718/I GT.LS of 15 February 1957 governing the use of white lead.

Guinea (ratification: 1966)

The Committee refers to its general observation, and expresses the hope that the direct contacts requested by the Government will lead to the solution of the issues raised in its previous comments concerning the application of Articles 3 and 7 of the Convention.

¹ The Government is asked to report in detail for the period ending 30 June 1982.

Upper Volta (ratification: 1960)

With reference to its earlier comments, the Committee takes note with interest of the statement by the Government to the effect that the Ministry of Labour is to send a circular to all undertakings concerned, instructing them to notify cases of lead poisoning, which will make it possible to draw up statistics in this field. It hopes that the Government will thus be able in its future reports to provide statistics on cases of morbidity and mortality due to lead poisoning, as required by Article 7 of the Convention.

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In addition, requests regarding certain points are being addressed directly to the following States: Benin, Panama.

Convention No. 15: Minimum Age (Trimmers and Stokers), 1921Sierra Leone (ratification: 1961)

Article 2 of the Convention. With reference to its earlier observations, the Committee again points out that section 55(2) (b) of the Employers and Employed Act, which allows young persons of 16 to 18 years to be employed as trimmers or stokers on vessels engaged in coastal shipping, is incompatible with the Convention. The Committee notes that the Government is still considering the ratification of the Minimum Age Convention, 1973 (No. 138). It hopes that Convention No. 15 will soon be applied in full through the adoption of suitable measures.

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In addition, requests regarding certain points are being addressed directly to the following States: Iraq, Mauritius, Panama.

Convention No. 16: Medical Examination of Young Persons (Sea), 1921Guinea (ratification: 1966)

With reference to its earlier comments, the Committee notes with satisfaction that sections 22 to 24 of Order No. 224/MT of 15 June 1980 give effect to the provisions of the Convention.

Convention No. 17: Workmen's Compensation (Accidents), 1925Kenya (ratification: 1964)

The Committee notes from the information provided by the Government in its reports received in 1978 and 1980 that the revision

of the Workmen's Compensation Act has not yet been completed. It also notes that the Government is in the process of changing the National Social Security Fund into a pensions scheme that will cover workmen's compensation.

The Committee hopes that the revision of the legislation in question and the introduction of a pensions scheme will be completed in the near future and that its earlier comments referring to the following points in the Convention will be taken into account:

(a) Article 5 (the Workmen's Compensation Act of 1962 provides that compensation in the event of permanent incapacity or death can be granted in the form of periodical payments, equivalent to a certain number of months' wages, whereas Article 5 of the Convention provides in these cases for the payment of compensation in the form of periodical payments made throughout the duration of the contingency and authorises the conversion of these periodical payments into a lump sum only exceptionally and where the competent authority is satisfied that this will be properly used); (b) Articles 9 and 10 (section 32 of the above-mentioned Act lays down maxima for medical expenses and for the supply and renewal of artificial limbs and surgical appliances, which is contrary to the Convention); and (c) Article 11 (guarantee in all circumstances, in the event of the insolvency of the employer or insurer, of the payment of the compensation due to workmen or to their dependants).

Nicaragua (ratification: 1934)

In reply to the earlier comments of the Committee concerning certain discrepancies between the Labour Code and the provisions of the Convention and the extension of the social security scheme to the categories of workers covered by the Convention throughout the national territory, the Government again states in its report (received in December 1980) that the discrepancies pointed out by the Committee will be taken into consideration in the revision of the Labour Code and that preparations are going on with a view to extending the social security scheme to certain provinces with good hospitals and to the rural workers of certain state enterprises administered by Agro-Inra.

The Committee notes this information and trusts (a) that the reform of the Labour Code under consideration will be carried out in the very near future and that it will take into account the provisions of the following Articles of the Convention: Article 5 (payment of compensation in the event of permanent incapacity or death in the form of periodical payments throughout the contingency and the conversion of these periodical payments into a lump sum only on certain conditions and in exceptional cases), Article 7 (additional compensation where the incapacity is such that the injured workman must have the constant help of another person) and Article 10 (supply and renewal of artificial limbs and surgical appliances); (b) that the social security scheme, and in particular employment injury insurance, will be gradually extended throughout the national territory so as to cover all workers coming under the Convention.

The Committee requests the Government to indicate any progress made to this end.

With regard to the application of Article 11, the Committee asks the Government to state whether there have in practice been cases where the provisions of the Labour Code have proved to be inadequate to ensure, in the event of the insolvency of the employer, the payment of compensation to workmen injured in industrial accidents or their dependants.

Philippines (ratification: 1960)

The Committee has examined the information furnished by the Government to the Conference Committee in June 1980 and in its report, received in October 1980, and takes note of the measures adopted respecting the proper utilisation of compensation paid in a lump sum to certain classes of survivors where death results from an industrial accident (Article 5 of the Convention). The Committee has also examined with interest the amendments to Presidential Decree No. 626, which were sent with the report.

With regard to the other points raised in its previous comments, the Committee wishes to point out the following:

1. Article 5 of the Convention (benefits in the case of partial permanent incapacity). The Government states in its report that, if payments for life were to be granted to the beneficiary in the case of partial permanent incapacity, the monthly pension would be too low to have any appreciable effect on the worker, but that it will nevertheless study the feasibility of instituting periodical payments for life in accordance with the Convention and as suggested in the ILO technical memorandum drawn up during the direct contacts held in 1977. The Committee notes this statement and hopes that the necessary measures will be taken to bring the legislation into full conformity with the Convention on this point.

2. Article 7. The Committee notes that the actuarial study announced by the Government, which was to lead to the inclusion in the Labour Code of a provision corresponding to that of the Convention, under which additional compensation must be paid to injured workmen whose incapacity requires the constant help of another person, has not yet been carried out. The Government adds, however, that the Employees' Compensation Commission, which is responsible for the matter, will consider bringing this point of the new Employees' Compensation Programme into full conformity with the Convention as soon as practicable.

The Committee trusts that the Government will adopt the necessary measures very shortly to give full effect to this provision of the Convention too.

Convention No. 18: Workmen's Compensation (Occupational Diseases), 1925Central African Republic (ratification: 1960)

The Committee takes note of the information provided by the Government in its report of May 1980 and supplied to the Conference Committee during the 1980 Session in reply to its earlier comments. According to this information, a draft decree has been submitted to the President of the Republic following the direct contacts that took place between the competent national services and a representative of the Director-General of the ILO. This draft would eliminate in the national schedule of occupational diseases (Ordinance No. 59-60 of 1959) the exhaustive character of the list of pathological manifestations apt to be caused by lead poisoning and mercury poisoning and would add to the list of activities apt to cause anthrax infection the loading and unloading or transport of merchandise in general, in conformity with the Convention.

The Committee trusts that the draft decree will be adopted very shortly and asks the Government to report any progress made.¹

Upper Volta (ratification: 1960)

The Committee notes that the Government has not provided the report requested. It also notes from the information supplied to the Conference Committee in 1979 that the list of occupational diseases has not yet been revised but that the publication of the texts to be issued under the Social Security Code has begun.

The Committee hopes that the decree provided for in section 43 of this Code, which is to establish a new list of occupational diseases, will be adopted in the near future and that it will include, in conformity with Article 2 of the Convention:

- (a) all forms of poisoning by lead, its alloys or compounds and their sequelae (not only certain pathological manifestations due to the above forms of intoxication);
- (b) poisoning by mercury, its amalgams and compounds, and their sequelae and the activities apt to cause such poisoning;
- (c) the loading and unloading or transport of merchandise in general, to be included among the various activities apt to cause anthrax infection.

The Committee asks the Government to indicate any progress in this matter in its next report.

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

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

Requests regarding certain points are being addressed directly to the following States: Central African Republic, Comoros, Djibouti, Grenada, Syrian Arab Republic.

Information supplied by Upper Volta in answer to a direct request has been noted by the Committee.

Convention No. 20: Night Work (Bakeries), 1925

Argentina (ratification: 1955)

The Committee has been informed of a communication from the International Union of Food and Allied Workers' Associations, dated 13

¹ The Government is asked to supply full particulars to the Conference at its 67th Session.

November 1980, which states that the Government has repealed legislation prohibiting night work in bakeries and has suspended the application of the Convention.

The Committee has noted that the denunciation of the Convention was registered on 11 March 1981. It has also noted that Act No. 11.338 prohibiting night work in bakeries (and other related texts) was rescinded by Act No. 22.299 of 7 October 1980. In this connection, the Committee wishes to draw the attention of the Government to the fact that, in accordance with Article 11 of the Convention the obligations which it assumed on ratifying the instrument remain binding until the denunciation comes into force, i.e. 1 year after the date on which it is registered with the ILO.

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

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

France (ratification: 1926)

Article 9, paragraph 1, of the Convention. The Committee refers to its earlier comments and to the information supplied by the Government to the Conference Committee in 1980. According to this information, the combined effect of sections 95 and 98 of the Maritime Code is favourable to seamen in limiting the possibility of dismissal by the captain outside metropolitan ports without affecting question the right of the seaman to terminate the agreement wherever he may be. The Committee takes due note of this information. It has the impression, however, that the right of the seaman to terminate his contract outside metropolitan ports (or ports regarded as metropolitan ports) does not appear clearly in the relevant provisions. In addition to special cases of failure by the shipowner to honour obligations and serious grounds under section 101 of the Code, the seaman has, in general, the right to terminate his agreement in accordance with section 95 of the Code, which applies only in metropolitan ports. A geographic limitation on the seaman's right to terminate thus seems to follow, and this is not lifted by any other explicit provision in the Code that has been brought to the knowledge of the Committee. The Committee therefore hopes that the Government will be able to consider suitable measures to remove all uncertainty in this connection and to confirm by legislation the situation as it appears from the information provided.

Federal Republic of Germany (ratification: 1930)

Article 9, paragraph 1, of the Convention. The Committee refers to its earlier comments concerning section 63(3) of the Seafarers Act, 1957, which restricts the right of a seaman to terminate an agreement for an indefinite period in a foreign port. It notes with interest from the report of the Government that the consultations with the social partners have shown that an agreement seems possible on the basis of the following points among others: if the notice given by the seaman expires in a port that is not in the territory of the Federal Republic of Germany or of an adjoining State, an extension of contract by three months at the most would be possible, unless the seaman

ensures his own repatriation and a substitute is available without additional expense for the shipowner. Furthermore, after three years of engagement, the notice for seamen will be six weeks and must expire at the end of the calendar quarter.

The new arrangement would be a distinct improvement over the provisions at present in force, under which the contract may be extended for up to six months, as long as the vessel does not reach a national port. The new system under consideration, however, is not yet in full conformity with the Convention, which lays down that the seaman is entitled to terminate a contract for an indefinite period in any port where the vessel loads or unloads.

The Committee hopes that the Government will be able in its next report to indicate the amendments made to the 1957 Act, bearing in mind the provisions of the Convention.

Iraq (ratification: 1966)

With reference to its earlier comments, the Committee notes with interest the information supplied by the Government to the Conference Committee in 1980 to the effect that a Bill for a new Maritime Act has been completed and submitted to the competent authorities for final consideration. The Committee hopes that this Bill will be adopted shortly and give full effect to the Convention, and in particular Articles 3, 5, 6, 8 and 9.

Mauritania (ratification: 1963)

Article 9, paragraph 1, of the Convention. The Committee refers to its previous comments in which it pointed out that section 138 of the Merchant Marine and Sea Fisheries Code, which prohibits seamen from leaving the ship outside a Mauritanian port without the permission of the marine authority, is incompatible with the above-mentioned provision of the Convention. The Committee notes that according to the Government report, the draft ordinance which was drawn up at the time of the 1979 direct contacts with a view to eliminating discrepancies between the legislation and the Convention, has yet to be adopted but that it is hoped that it will shortly be introduced. The Committee trusts that this text will shortly be adopted.

Mexico (ratification: 1954)

With reference to its earlier comments, the Committee notes with satisfaction that a new form of seaman's book has been drawn up in which the entry referring to the quality of the seaman's work no longer appears, Article 5, paragraph 2, of the Convention thus being complied with.

Article 9, paragraph 1, of the Convention. The Committee refers to the intention of the Government of removing all possibility of discrepancy between the Federal Labour Act, section 209(III), and this provision of the Convention, which prescribes the seaman's right to terminate an agreement for an indefinite period in any port where the vessel loads or unloads, provided that the agreed notice has been given. It notes that the Government is still studying the possibility of amending the legislation and it hopes that suitable measures will be adopted in the near future.

Pakistan (ratification: 1932)

In its previous observations, the Committee has pointed out that, by virtue of Article 1, the Convention also applies to seamen engaged on Pakistani ships in ports outside Pakistan, whereas the Merchant Shipping Act of 1923 limits the articles of agreement to seamen engaged in a Pakistani port. It recalls that the Government has, for many years, referred to a new merchant shipping Bill which would take into account the provisions of the Convention.

The Government's report for 1978-80 indicates that action on the Committee's comments are under active consideration. The Committee trusts that the Government will shortly take appropriate measures to ensure conformity with the Convention on this point.

Article 5, paragraph 2, and Article 14, paragraph 2, of the Convention. The Committee refers to the communication (a copy of which was sent by the ILO to the Government for comments) from the Marine Engineers Association of Pakistan, according to which the continuous discharge certificate issued to a Pakistani seaman contains headings concerning ability and conduct and that such indications are entered on the certificate notwithstanding the seaman's request to the contrary. The Government has stated in this connection that, as shown by the discharge document, endorsements regarding the seaman's ability or general conduct are made only if the seaman should ask for it. The Committee wishes to point out that Article 5, paragraph 2, of the Convention, provides that the record of employment document shall not contain any statement as to the quality of the seaman's work.

The Committee further recalls that, according to Article 14, paragraph 2, of the Convention, a seaman shall at all times have the right, in addition to the record mentioned in Article 5, to obtain from the master a separate certificate as to the quality of his work or, failing that, indicating whether he has fully discharged his obligations under the agreement. The Committee hopes that measures will be taken to ensure compliance with these provisions of the Convention.

Panama (ratification: 1970)

Article 9, paragraph 1, of the Convention. In its earlier observations, the Committee has pointed out the discrepancy between section 257 of the Labour Code, which prohibits the termination of an agreement in any port but that where the seaman was signed on, and this provision of the Convention, which lays down that a contract for an indefinite period may be terminated in any port where the vessel loads or unloads, provided that the agreed period of notice is observed.

The Committee notes that the Government expects to be able to give a satisfactory reply on the bringing of section 257 into conformity with the provisions of the Convention, through the technical co-operation it has asked of the ILO for questions concerning the work of seafarers, which is to be carried out during 1981.

Peru (ratification: 1962)

Article 5, paragraph 2, Article 6, paragraphs 3(8) and (11), Article 7 and Article 9, paragraph 2, of the Convention. The Committee regrets to note that this year again the Government has failed to provide the information and documents concerning the application of these Articles that have been asked for in earlier direct requests. It hopes that the Government will indicate the measures taken to give effect to these provisions of the Convention.

Article 9, paragraph 1, of the Convention. With reference to its earlier observations concerning the discrepancy between section 673 of the Harbourmasters' Offices and National Merchant Marine Regulations and this provision of the Convention, the Committee takes note of the information furnished by the Government in its reports. The Government considers that no better protection is possible for seafarers than that provided for by the legislation in question (under which a contract for an indefinite period may be terminated only in the port of embarkation). It states that the Directorate-General of Harbourmasters' Offices, to which the comments of the Committee have been referred, is of the opinion that it is desirable to continue applying the present system, which ensures that a seafarer shall not be abandoned in a foreign port. The Committee can only point out, as it has already done in its observations of 1974 and 1977, 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 where the vessel loads or unloads, provided 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 hopes that the next report of the Government will contain information on measures adopted to give effect to this provision.

Somalia (ratification: 1960)

With reference to its earlier observations, the Committee notes with interest from the information supplied by the Government to the Conference Committee in 1980 that a committee of experts appointed by the Government to revise the Maritime Code has completed its activities and submitted proposals to the Standing Committee of the People's Assembly. The Committee hopes that the revised Code will ensure conformity with Article 6, paragraph 3(10)(c), and Article 9, paragraphs 1 and 2, and also give effect to Articles 4, 8, 13 and 14 of the Convention. It asks the Government to provide a copy of the provisions adopted with its next report.

Venezuela (ratification: 1944)

Article 9, paragraph 1, and Article 14, paragraph 2, of the Convention. In earlier comments, the Committee has observed that: (i) section 289 of the regulations issued under the Labour Act, which prohibits the termination of an agreement when the vessel is in a foreign port, is contrary to Article 9, paragraph 1, of the Convention, and (ii) nothing in the legislation provides that a seaman shall have the right to obtain from the master a separate certificate as to the quality of his work, as provided by Article 14, paragraph 2, of the Convention.

The Committee takes note of the preliminary draft of regulations on seafarers' articles of agreement sent by the Government with its report. It observes, however, that section 18 of the preliminary draft reproduces the provisions of section 289 of the regulations issued under the Labour Act and that the provisions of Article 14, paragraph 2, of the Convention have not been incorporated.

Articles 8 and 13, paragraph 1, of the Convention. The Committee refers to its earlier direct requests and observes that the preliminary draft contains no provisions based on Article 8 (measures to enable a

seaman to obtain clear information on board as to the conditions of employment) or those of Article 13, paragraph 1 (possibility for the seaman to take his discharge to obtain a post of a higher grade).

The Committee hopes that the preliminary draft may still be amended and supplemented in the light of the foregoing and that the next report of the Government will contain information in this connection.

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In addition, requests regarding certain points are being addressed directly to the following States: Ghana, Panama, Uruguay.

Convention No. 23: Repatriation of Seamen, 1926

Ireland (ratification: 1930)

The Committee notes with regret that the Government's report has not been received. It must therefore repeat its previous observation which read as follows:

Article 3, paragraphs 1 and 4 of the Convention. For some years the comments of the Committee have related to section 32 of the Merchant Shipping Act of 1906, which does not cover the right to repatriation of (a) a seaman who leaves the ship in a Commonwealth country or (b) a foreign seaman who joins the ship in a foreign port and leaves it in another foreign port. The first exception set out in section 32 is incompatible with Article 3, paragraph 1, of the Convention and the second exception, applying to a foreign seaman who joins a ship in his own country, is contrary to paragraph 4 of the same Article. Though maintaining that national practice in this field is in conformity with the Convention, the Government has referred since 1965 to a proposed revision of the merchant shipping legislation. The latest report indicates that this revision is proceeding but that as it is a work of considerable magnitude and the requirements of the Convention are fully met in practice, it would not be justifiable to give priority to a special amendment over more pressing draft legislation.

The Committee notes this information. It is, however, bound to recall that as long as section 32 has not been amended, the seamen concerned will not enjoy in national law the protection to which they are entitled through the ratification of the Convention by Ireland. The Committee therefore trusts that the Government will soon take suitable measures to bring national law into conformity with the Convention.

Philippines (ratification: 1926)

Article 3, paragraph 4, of the Convention. With reference to its previous observation, the Committee takes due note of the statement by the Government that, in the very rare case of the engagement of foreign seamen on board Philippine vessels, the foreign seaman engaged in a port of his own country can count on being repatriated on the termination of his contract because Philippine shipowners, by virtue of international maritime customs and usage, are bound to guarantee the free passage of this seaman to the port of engagement.

The Committee hopes that the Government will soon adopt suitable provisions incorporating this practice in order to ensure conformity with the Convention in legislation too.

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In addition, requests regarding certain points are being addressed directly to the following States: Iraq, Liberia.

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

Chile (ratification: 1931)

Article 4, paragraph 1, of the Convention. The Committee notes with regret that the Government's report has not been received. With reference to its previous observation, the Committee requests the Government to indicate whether the contemplated reform of the national social security system has taken place, and whether it guarantees the full application of Article 4, paragraph 1, of the Convention, so that the insured person shall be entitled free of charge, as from the commencement of his illness and at least until the period prescribed for the grant of sickness benefit expires, to the supply of proper and sufficient medicines and appliances.¹

Colombia (ratification: 1933)

The Committee has examined the report of the Government and hopes that with its next report it will supply the texts under which compulsory sickness insurance has been extended to all the departments of the country.

Ecuador (ratification: 1962)

The Committee has examined the reports supplied by the Government and it notes with interest that the Ecuadorian Social Security Institute (IESS) is at present working on a draft to revise and consolidate the Compulsory Social Insurance Act, in which account will be taken of the comments made by the Committee on social security.

Article 2, paragraph 3, of the Convention. The Committee takes note with satisfaction of the repeal, by Decree No. 3016 of 23 November 1978, of section 4 of the Compulsory Social Insurance Act, so that foreign workers are now entitled to the same advantages, guarantees and benefits as insured nationals.

Article 4. In its earlier comments, the Committee has called the attention of the Government to the discrepancy between section 7 of the Rules of the Medical Department of the Social Insurance Service, under which the granting of medical assistance was made subject to the completion of a qualifying period, and Article 4 of the Convention which does not authorise such a period.

The Government states in its report that section 7 of the above-mentioned Rules does not make the granting of medical assistance

¹ The Government is asked to report in detail for the period ending 30 June 1981.

subject to a waiting period, since this assistance is granted at once, from the beginning of the sickness, to the insured person who has fulfilled certain essential requirements concerning contributions (six monthly payments) and period of service. The Committee, while taking note of this statement, ventures to call the attention of the Government again to the fact that Article 4 of the Convention does not make the granting of medical assistance subject to the completion of a qualifying period either, as section 7 of the above-mentioned rules does.

The Committee takes note with interest of the statement by the Government that it will ask the Ecuadorian Social Security Institute to take steps to eliminate the qualifying period required by section 7 of the above-mentioned rules.¹

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A request regarding certain points is being addressed directly to Colombia.

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

Chile (ratification: 1931)

See under Convention No. 24.¹

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

Bolivia (ratification: 1954)

The Committee takes note of the information supplied by the Government to the Conference Committee in 1980, concerning the recent setting up of an Inter-Agency Wages Committee, which has fixed the minimum living wage for a family of five persons and is now to fix minimum wages taking into account various economic and financial factors. The Government refers to circumstances of a structural nature that have prevented the full application of the Convention. It also mentions that the above committee has amalgamated with the National Wage Board. In the absence of a report, the Committee requests the Government to state which is the body presently responsible for minimum wage fixing and repeats its earlier request to the Government to communicate in its next report the rates of minimum wages that have been fixed and the approximate number of workers to whom they apply (Article 5 of the Convention).¹

¹ The Government is asked to report in detail for the period ending 30 June 1981.

Gabon (ratification: 1960)

With reference to its earlier comments concerning the consultation and participation on an equal footing of representatives of the employers and workers concerned and of their organisations in the fixing of minimum wages as provided in Article 3, paragraph 2 (1) and (2), of the Convention, the Committee notes with satisfaction that, under Decree No. 75/PR/MTE of 4 July 1980, the National Wage Review Committee includes, in addition to five Government representatives, one representative of the Employers' Confederation of Gabon and one representative of the Trade Union Confederation of Gabon.

In its earlier comments, the Committee has noted that section 89 of the new Labour Code of 1978, under which minimum wages by occupation may be fixed by decree, no longer provides for the consultation of the employers and workers, previously called for by section 94 of the old Labour Code, which required, in this connection, the opinion of the Advisory Committee on Labour and Manpower. It hopes that the Government will take suitable measures to ensure, in accordance with the above-mentioned provisions of Article 3 of the Convention, that the employers and workers of the occupational groups concerned and their organisations are consulted beforehand and they take part in the fixing of wages.

Luxembourg (ratification: 1958)

With reference to its earlier comments, the Committee notes with satisfaction that the right to the minimum social wage has been extended to homeworkers by an Act of 23 December 1976, which has made the scope of the minimum social wage general.

Portugal (ratification: 1959)

The Committee has taken note of a communication from the Free Trade Union of Embroidery, Carpeting and Textile Workers of Madeira, concerning conditions of employment and wages of women homeworkers in embroidery trades. This communication has been sent by the Office to the Government for its comments. The Committee will examine the questions relating to this communication at its next session, when additional information requested from the Government is received.⁴

Rwanda (ratification: 1962)

Article 4, paragraph 1, of the Convention. With reference to its earlier observations, the Committee takes due note of the statement by the Government to the effect that explicit sanctions for failure to observe the minimum wages fixed under section 85 of the Labour Code will be established during the forthcoming amendment of the Code, the draft of which will soon be submitted to the competent bodies for adoption. It again expresses the hope that suitable measures will be taken shortly.

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In addition, requests regarding certain points are being addressed directly to the following States: Argentina, Benin, Central

⁴ The Government is asked to report in detail for the period ending 30 June 1981.

African Republic, Colombia, Comoros, Guyana, Lebanon, Mauritania, Mauritius, Nigeria, Portugal, Sudan, Switzerland, Togo, Tunisia, United Kingdom, Venezuela.

Information supplied by Chile, Federal Republic of Germany, Jamaica, Paraguay and Rwanda in answer to a direct request has been noted by the Committee.

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

Panama (ratification: 1970)

The Committee notes with interest that a draft Decree to ensure the application of the Convention, has been sent to the Ministry of the Presidency to be submitted to the President for signature. It hopes that this Decree will be issued shortly and that a copy will be supplied with the next report.

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In addition, requests regarding certain points are being addressed directly to the following States: Banladesh, France.

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

Luxembourg (ratification: 1931)

In its previous observations, the Committee has pointed out that there are no national regulations to give effect to the Convention although a river port has been operating in the country since 1966.

The Committee notes that the Government is now reconsidering the question, particularly in connection with the adoption of a directive by the European Economic Community laying down the technical specifications of vessels employed on inland navigation.

The Committee therefore hopes that suitable measures will be taken shortly to give effect to the provisions of the Convention.

Convention No. 29: Forced Labour, 1930

Belgium (ratification: 1944)

The Committee notes with interest the information provided by the Government, in its last report, concerning the restrictions on the right of career officers and non-commissioned officers to resign.

With regard to the situation of military personnel under 18 years of age, the Committee recalls that, in the present state of the texts, youths are entitled to leave the service only during the first three months of their engagement. The Committee notes with interest that the

Government is at present studying an amendment to section 15 of the Royal Order of 8 November 1977 respecting the enlistment and re-enlistment of volunteers in time of peace, an amendment promoted by respect for the wishes and interest of the individual, under which the young temporary soldier would obtain the termination of his engagement from his commanding officer if he applies in writing before reaching the age of 18. The Committee hopes that this amendment will be adopted in the near future.

With regard to career military personnel over 18 years of age, the Committee has noted that the application for release will, as a rule, be accepted only when the person concerned has served for at least one-and-a-half times his training time, for example nine years of service after a training period of six years; in addition, officers must have reached the rank of captain. The Committee notes the information provided by the Government, in its report, to the effect that each application is examined individually and that a number of officers and non-commissioned officers who did not meet the conditions have had their application for release accepted, just as, on the other hand, circumstances peculiar to the military service may lead the Minister to refuse an application for release although the person concerned meets the conditions of the administrative rule. It notes that the obligation placed on the Minister to give the reasons for his decision to refuse, indicating the factors peculiar to the case or to the situation of the person concerned constitutes the fullest possible protection against any arbitrary administrative action and that the Government can on no account set aside the priority of the public interest over private interest.

The Committee observes that the Convention itself takes account of the public interest in its definition of work or service exempted from its scope by Article 2, paragraph 2, which authorises in particular the retention of workers in their employment to deal with cases of emergency. However, as the Committee has pointed out in paragraphs 67 to 73 of its General Survey of 1979, the Convention does not permit a person in the service of the State to be deprived, for more than a reasonable period, of the right to choose his work freely. The Committee recalls that, under sections 43 to 45 of the Military Penal Code, any career soldier who is absent from his unit for more than 15 days without permission shall be deemed to be a deserter and be liable to the penalties laid down in section 6 or 46, as the case may be, of the Code. It again would ask the Government to examine the situation in the light of the Convention and to consider the adoption of measures enabling those concerned to leave the service in time of peace by unilateral decision, within reasonable periods, either at specified intervals or by means of notice, subject to the conditions that may normally be imposed to ensure the continuity of the service.

Central African Republic (ratification: 1960)

1. With reference to its earlier comments and the direct contacts that have taken place between the Government and a representative of the Director-General of the ILO, the Committee notes with interest from the report of the Government that two draft ordinances have been prepared with a view to repealing Ordinance No. 66/004 of 8 January 1966 respecting the suppression of idleness, as amended by Ordinance No. 72/083 of 18 October 1972, and also section 11 of Ordinance No. 66/038 of 3 June 1966 respecting the supervision of the active population and sections 2 and 6 of Ordinance No. 75/005 of 5 January 1975 respecting commercial, agricultural and pastoral activities. The Committee hopes that these draft ordinances will be adopted in the near future.

2. In its earlier observations, the Committee has also referred to section 28 of Act No. 60/109 of 1960 respecting the development of the rural economy, which provides that minimum surfaces for cultivation shall be fixed for each rural community. Since the Government has already expressed its intention of bringing this text into conformity with the Convention, the Committee trusts that the necessary measures will also be taken shortly.

Chad (ratification: 1960)

Following the discussion on the application of this Convention that took place in 1979 in the Conference Committee, the Committee regrets to note that no report has been provided by the Government since 1968 and that it has received no new information in reply to its earlier comments.

The Committee has however noted that section 5 of the Labour Code prohibits the use of forced or compulsory labour in the very wording of Article 2 of the Convention and that section 72 repeals all legislative provisions conflicting with the Code.

It again requests the Government to state whether the following provisions of earlier legislation to which it has referred previously are regarded as repealed:

- section 260 bis of the General Code of Direct Taxes, inserted by Act No. 28-62 of 28 December 1962, enabling authorities to exact labour for the recovery of taxes;
- section 2 of Act No. 14 of 13 November 1959, empowering authorities to exact forced labour for work of public interest from persons subject to restrictions on residence following completion of a sentence;
- section 7, paragraph 4, of Ordinance No. 2 of 27 May 1961 on the organisation and recruitment of the armed forces and sections 3 and 4 of Decree No. 9 of 6 January 1962 on the recruitment of the army, providing for the assignment of conscripts to work of general interest.

Guinea (ratification: 1961)

The Committee refers to its observation on Convention No. 105.

Haiti (ratification: 1958)

With reference to its earlier comments on the application of the Convention, the Committee notes with interest that, during the direct contacts that took place between the competent national services and representatives of the Director-General of the ILO in December 1980, draft legislation was prepared, firstly, to repeal the provisions of section 230 of the Penal Code, which empower the public prosecutor to require persons convicted of vagrancy who have already served their sentence to reside in a designated place and to work on state work and, secondly, to amend section 4 of the Labour Code so as to make the illegal exaction of labour subject to penalties, in accordance with Article 25 of the Convention. The Committee trusts that these amendments will be adopted in the near future and that the Government will report the measures taken to this end.

Indonesia (ratification: 1950)

In earlier observations, the Committee noted that large numbers of persons had been detained for many years without having been tried by a court of law, and asked the Government to report in detail on the measures taken to ensure the observance of the Convention in their respect. It also noted that, according to press reports mentioned in the Conference Committee in 1979, a great number of contract labourers in North Sumatra and Aceh, including many persons who had formerly been detained without trial, were unable to return home at the expiration of their contracts, and it asked the Government to supply information on the measures taken to investigate these allegations and punish any abuses discovered.

The Committee notes that the Government refers in its report to the explanations it has given in its statement to the Conference Committee in 1980.

As regards the "B category" detainees, who were not to be brought to trial, the Committee notes with interest the Government's statement that their release had been completed at the end of December 1979, making a total of 9,285 releases of this category in 1979, which had been witnessed by national and foreign correspondents and by the representatives of several countries, and that former detainees were completely free to live and work where they liked.

The Committee notes the question raised by a member of the Conference Committee in 1980 regarding the discrepancy between the final figure of 9,285 releases then mentioned by the Government and that of 9,739 prisoners of category B stated in 1979 to be due for release that year; it also recalls the statement by another member of the Conference Committee in 1979 that in late 1978, the Government had mentioned that 12,000 persons were still detained. The Committee notes the Government's explanation at the Conference Committee in 1980 that discrepancies might have been caused by the reclassification of certain detainees from category B to category C.

Recalling the Government's earlier statements that there were no more C category detainees since 1975, the Committee would ask the Government to supply more detailed information on the situation of the former B category detainees concerned as well as of any other persons newly included in any category of detainees.

As regards A category detainees, whom it was proposed to bring to trial, the Committee notes the Government's statement at the Conference Committee in 1980 that all detainees but one (who was to be tried as soon as his health permitted) had been brought to trial in conformity with Indonesian legislation. The Committee would ask the Government to supply details on the action taken, including the number of persons acquitted or convicted and the measures taken to ensure that those who are acquitted, or whose sentences do not involve further detention are permitted to recover their free choice of employment.

With regard to former C category detainees and other contract labourers on plantations in North Sumatra and Aceh, the Committee notes the Government's statement to the Conference Committee in 1980 that most of them had returned to their villages upon the expiration of their contracts, but that 1,758 workers still remained in Sumatra, 1,494 of whom had chosen to stay permanently, while the return of the 264 others had been delayed and the Government was taking measures against the companies concerned to expedite these workers' return. The Committee hopes that the Government will soon be able to indicate that all the workers concerned have returned to full and effective freedom

of choice of employment and that it will also supply particulars on the measures taken to ensure, in conformity with Article 25 of the Convention, that all illegal exaction of work is punished as a penal offence.

Libyan Arab Jamahiriya (ratification: 1961)

In earlier comments, the Committee referred to the provisions of section 1 of Act No. 20 (1962) under which women who are accused repeatedly of certain offences can be committed by court order to a correctional institution for a period from six months to three years. The Committee also referred to section 6 of the Royal Decree of 5 October 1955 under which any person who, having been previously convicted or suspended several times, again becomes suspected of such offences, is liable to detention for a period from one to five years, also by decision of a judge. The Committee understood that in both cases the persons concerned would have to perform labour.

The Committee pointed out that section 6 of the 1955 Act and section 1 of the 1962 Act make it possible to impose sentences involving compulsory labour on persons who are simply accused or suspected. It would again refer to paragraph 77 of its general survey of forced labour of 1968 and paragraph 90 of its corresponding survey of 1979, where it is stated that the exception foreseen in Article 2, paragraph 2(c), of the Convention applies to labour imposed on persons found guilty of an offence and that, in the absence of such a finding of guilt, compulsory prison labour may not be imposed, even as a result of a decision by a court of law.

The Committee notes with regret that the Government has once more failed to supply a report on the application of the Convention. Since this matter has been the subject of comment for a number of years, the Committee trusts that measures will soon be taken to bring the legislation as well as practice into conformity with the Convention.

Morocco (ratification: 1956)

In its earlier direct requests, the Committee has referred to a number of points concerning the observance of Article 2, paragraph 2(a), (c) and (d), and Article 25 of the Convention. The Committee notes the information provided by the Government in its last report to the effect that the observations of the Committee relating to Article 2, paragraph 2(a) and (d), of the Convention have been communicated to the competent national authorities but that the draft legislative texts that have been in question since 1963 and 1969 respectively to bring the national legislation into conformity with Article 2, paragraph 2(c), and Article 25 of the Convention have not yet been adopted.

The Committee trusts that the Government will shortly take the necessary measures to bring its legislation into conformity with the Convention and that in its next report it will provide detailed information on the measures taken and also on the other questions that have been raised in earlier direct requests concerning, in particular, the practice relating to the assignment to general work of those called up for military service.

Peru (ratification: 1959)

Article 2, paragraph 2(c), of the Convention. With reference to its earlier comments, the Committee notes with interest that during the

direct contacts that took place between the Government and a representative of the Director-General of the ILO in 1980, a Bill was drawn up with the purpose of amending section 132 of the Penal Code. The Committee hopes that the Bill in question will be adopted shortly.

Tanzania (ratification: 1962)

The Committee notes that despite the discussion which took place at the Conference Committee in 1980 concerning the application of the Convention in Tanzania, the Government has failed to supply a report.

Tanganyika

In previous comments the Committee has observed that, contrary to the Convention, compulsory labour may be exacted under the following provisions:

- section 52(1), paragraph 45, of the Local Government Ordinance (as amended by Act No. 64 of 1962) and section 121(e) of the Employment Ordinance (as amended by Act No. 82 of 1962) permit the imposition of compulsory cultivation by local authorities. A number of by-laws imposing such obligations have been made by local authorities and approved by the competent minister as recently as 1976;
- Part X of the Employment Ordinance under which forced labour may be exacted for public purposes;
- section 6 of the Ward Development Committees Act, 1969, which gives Ward Development Committees the power to make orders requiring all adult citizens resident of the area of the ward to participate in the implementation of any scheme for agricultural or pastoral development, the construction of roads or public highways, the construction of works or buildings for the social welfare of residents, the establishment of any industry or the construction of any work of public utility.

The Committee had noted from the information supplied by the Government representative to the 1978 Conference that amendment of the above-mentioned provisions had been recommended and drafts would be submitted for enactment.

The Committee notes the statement by a Government representative to the 1980 Conference Committee that the provisions concerned did not permit compulsory cultivation but were to encourage cultivation in regions where there were frequent food shortages, and to encourage self-sufficiency, and that the powers of the democratically elected Ward Development Committees were used in conformity with Article 2, paragraph 2(e), of the Convention for community work which was not imposed by the Government but only organised by it.

The Committee wishes to point out however that, while Article 19 of the Convention authorises recourse to compulsory cultivation as a method of precaution against famine or a deficiency of food supplies, the provisions mentioned above are not limited in scope to such cases of emergency, and the by-laws referred to specifically restrict the production of food crops since they oblige landholders to cultivate and maintain an area of not less than 1 acre of cash crops, any contravention being punishable with a fine and imprisonment.

Furthermore, while the Convention exempts from its scope under certain conditions minor communal services, these must be "minor

services", i.e. related primarily to maintenance work and - in exceptional cases - to the erection of certain buildings intended to improve the social conditions of the population of the community itself; they also must be performed "in the direct interest of the community" and not related to the execution of works intended to benefit a wider group. The Ward Development Committees Act, 1969, provides for the making of orders requiring citizens to participate in a much wider range of development schemes, mentioned above; under section 10 such orders may be enforced through the courts.

Noting also the Government's statement to the Conference Committee in 1980 that it was still studying proposals to amend the legislation, the Committee again expresses the hope that the Government will soon be able to indicate progress made on the adoption of the draft amendments it had mentioned in 1978.

Zanzibar

In previous comments the Committee noted that, under section 5 of the Preventive Detention Decree, 1964, regulations may be made applying to persons detained by administrative order any of the provisions of the Prisons Decree, relating to convicted prisoners. As no information has been submitted on the regulations which may have been made in this regard, the Committee has been unable to ascertain 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.

Noting the statement of the representative of the Government of Tanzania to the Conference in 1980 that the Government was still trying to get reports from Zanzibar, the Committee hopes that the Government will soon be able to forward full information on the application of the Convention in Zanzibar.¹

Togo (ratification: 1960)

The Committee notes with regret that the Government's report contains no reply to previous comments. It must therefore repeat its previous observation which read as follows:

Work exacted from persons awaiting trial and the placing of prison labour at the disposal of private individuals. With reference to its earlier comments concerning section 21 of Order No. 488 of 1 September 1933, under which persons detained while awaiting trial are obliged to perform prison labour and prisoners may be placed at the disposal of private persons, but which the Government states to have fallen into disuse, the Committee notes that the report refers to the information previously supplied according to which the draft text which is to bring the legislation into conformity with the Convention has not yet been adopted.

The Committee trusts that the legislation will be amended in the very near future to bring both law and practice into conformity with the Convention on these points.

¹ The Government is asked to supply full particulars to the Conference at its 67th Session.

Zaire (ratification: 1960)

Following the discussion held in the Conference Committee in 1980 on the application of the Convention in Zaire, the Committee points out that it has for several years been calling attention to the need to take measures in order to:

- bring sections 18 to 21 of the Legislative Ordinance on minimum personal contributions, No. 71/087 of 14 September 1971, under which tax defaulters may be imprisoned by the chief of the local community or the burgomaster with the obligation to work, into conformity with Article 2, paragraph 2(c), of the Convention, which authorises the exaction of prison labour only as a consequence of a conviction in a court of law;
- amend Ordinance No. 15/APAJ of 20 January 1938 on the prison system in indigenous districts in respect of the work of prisoners, in order to ensure that prison labour can be exacted only from persons sentenced in a court of law, in accordance with section 64 of Ordinance No. 344 of 17 September 1965, section 2 of the Labour Code of 1967 and Article 2, paragraph 2(c), of the Convention;
- insert a provision in the legislation laying down penalties for those illegally exacting forced or compulsory labour, in accordance with Article 25 of the Convention;
- bring the legislation authorising the calling up of Zairian graduates and physicians (Legislative Ordinances No. 72-058 of 22 September 1972 and No. 68-071 of 1 March 1968 as amended in 1969), which the Government states to have been adopted as exceptional and temporary measures, into conformity with the Convention, taking into account also the indications contained in the Special Youth Schemes Recommendation, 1970 (No. 136).

The Committee notes the statement by the Government to the Conference Committee in 1980 to the effect that the legislation on minimum personal contributions and on the calling up of physicians and holders of school-leaving certificates has fallen into abeyance, that the Executive Council was aware of the need to take measures to bring the legislation into conformity with the Convention and that the Department of Labour was endeavouring to overcome the difficulties of collaboration between various departments of the Executive Council, difficulties that had caused a certain delay. The Committee notes that the Government has not yet indicated the measures adopted since. It trusts that the necessary action will be carried out in the near future and that the Government will report any progress made.¹

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In addition, a general direct request concerning the freedom of certain persons in the service of the State to terminate their employment is being addressed to all States having ratified one of the Conventions on forced or compulsory labour. Requests regarding certain points are being addressed directly to the following States: Central African Republic, Congo, Djibouti, France, Ghana, Guinea Bissau, Honduras, Iran, Nigeria, Panama, Sri Lanka, Tanzania, Upper Volta, Yemen.

¹ The Government is asked to supply full particulars to the Conference at its 67th Session.

Convention No. 30: Hours of Work (Commerce and Offices), 1930**Chile** (ratification: 1935)

With reference to its earlier comments, the Committee notes with satisfaction that the exception permitting the exclusion of certain wage earners from the scope of the provisions concerning hours of work (section 108, subsection 2, of the Labour Code) has been omitted from Legislative Decree No. 2200 of 1 May 1978 which lays down the standards concerning contracts of employment and the protection of workers.

The Committee is addressing a direct request to the Government on another point.

Guatemala (ratification: 1961)

With reference to its earlier comments concerning Article 7, paragraphs 2 and 3, of the Convention, the Committee takes note with satisfaction of the adoption of Government Decision No. 6-80 of 9 May 1980 containing regulations to give full effect to the provisions of the Convention.

Iraq (ratification: 1962)

The Committee notes that the Government's report has not been received. It must therefore repeat its previous observation which read as follows:

Article 7 of the Convention. The following provisions of the Labour Code, as amended by Act No. 110 of 1978, are not in conformity with this Article of the Convention, which lists exhaustively the cases in which exceptions to normal hours of work may be authorised:

- section 67(b)(5), under which normal hours of work may be extended if the work is required for development purposes or with a view to increasing production;
- section 68(b)(3), which, for work other than industrial, limits the number of hours of overtime to four per day without specifying the cases in which an extension of normal hours of work is permitted.

The Committee requests the Government to take the necessary measures to bring the legislation into conformity with this Article of the Convention.

Article 11. The Committee notes that the draft legislation concerning labour inspection, to which the Government has been referring for some years, will soon be adopted and will contain provisions on the posting of timetables of work and rest and on the obligation for the employer to keep a record of overtime worked by his employees.

Kuwait (ratification: 1961)

See comments made under Articles 1, 2 and 6, paragraphs 1(b) and 2, of Convention No. 1.

Nicaragua (ratification: 1934)

See comments made under Convention No. 1.¹

Norway (ratification: 1953)

Article 7 of the Convention. With reference to its earlier comments, the Committee notes with satisfaction that section 25, paragraph 1(e), of the Workers' Protection Act of 1956, respecting overtime in certain state undertakings, has not been maintained in the Workers' Protection and Working Environment Act of 1977, which replaces the 1956 Act.

Paraguay (ratification: 1966)

Articles 7 and 8 of the Convention. See comments made under Convention No. 1 concerning section 205 of the Labour Code.

Syrian Arab Republic (ratification: 1960)

Article 7 of the Convention. See comments made under Article 6 of Convention No. 1.

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In addition, requests regarding certain points are being addressed directly to the following States: Bolivia, Chile, Ghana, Morocco, Panama.

Convention No. 32: Protection against Accidents (Dockers) (Revised), 1932Algeria (ratification: 1962)

The Committee notes that it is intended to give effect to the Convention through model regulations governing dockworkers to be issued under Act No. 78-12 of 5 August 1978 on the general status of workers, and that regulations may be issued under Ordinance No. 75-31 of 29 April 1975 on conditions of work in the private sector and under Ordinance No. 76-80 of 23 October 1976 instituting a maritime code.

The Committee recalls that, although the Government has stated that the legislation which previously applied the Convention continues to be applied in practice, this legislation was formally repealed by Ordinance No. 73-29 which came into force on 5 July 1975. There is accordingly no formal legal basis on which the previous legislation can be enforced. The Committee therefore hopes that legally-binding

¹ The Government is asked to report in detail for the period ending 30 June 1982.

provisions ensuring the application of the Convention in both private and the public sectors will be adopted shortly.¹

Peru (ratification: 1962)

With reference to its earlier observations, the Committee takes note with satisfaction of the approval on 9 May 1978 of the Safety and Health Regulations for Workers in Seagoing and Inland Navigation in all ports of the Republic, which ensures the application of Articles 2, 3, 5 (paragraphs 1, 3 and 6), 6, 7, 8, 10 and 11 (paragraphs 1 to 5 and 8) of the Convention.

The Committee is sending the Government a direct request concerning the application of other Articles of the Convention.

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

Convention No. 33: Minimum Age (Non-Industrial Employment), 1932

Central African Republic (ratification: 1962)

Article 3 paragraphs 1(c), 2(b) and 4(b). The Committee notes with interest from the information supplied by the Government at the Conference Committee in 1980 that following direct contacts with a representative of the Director-General a draft decree has been prepared to lay down the conditions of employment of children between 12 and 14 years. The Committee hopes that the draft in question will take account of the points raised in its previous observations and will be adopted at an early date. It requests the Government to transmit the text of the new decree when adopted.

Guinea (ratification: 1959)

With reference to its earlier observations and direct requests, the Committee notes with satisfaction that Order No. 221/MT of 15 June 1980 respecting the work of women and young persons provides for exceptions to the minimum age that are authorised by the Convention. It notes, however, that this Order does not contain the list of dangerous forms of employment prohibited to young persons less than 18 years of age under Article 8(b) of the Convention, and it hopes that the direct contacts asked for by the Government will make it possible to give full effect to this provision of the Convention.

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

¹ The Government is asked to report in detail for the period ending 30 June 1982.

Convention No. 34: Fee-Charging Employment Agencies, 1933

A request regarding certain points is being addressed directly to Argentina.

Convention No. 35: Old-Age Insurance (Industry, etc.), 1933France (ratification: 1939)

The Committee notes the information supplied by the Government in its report and to the Conference Committee in June 1980 in reply to its earlier observations concerning the "supplementary allowance" paid as a supplement to a basic old-age and invalidity benefit: an allowance that is payable - under sections L.685 and L.707 of the Social Security Code - only to French nationals and to nationals of other countries that have signed a reciprocity agreement with France.

The Committee notes that the difficulties respecting the obligations arising out of the Convention, which have been the subject of its comments for a number of years, have not yet been removed. In these conditions, the Committee suggests that the Government reconsider the possibility of ratifying the Invalidity, Old-Age and Survivors' Benefits Convention, 1967 (No. 128), at least in respect of Parts II (invalidity) and III (old age), whose provisions are more flexible and whose acceptance would involve ipso jure - at the date of the Convention's coming into force for France - the denunciation of Conventions Nos. 35, 36, 37 and 38.

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In addition, requests regarding certain points are being addressed directly to the following States: Argentina, Chile, Djibouti, Poland.

Convention No. 36: Old-Age Insurance (Agriculture), 1933France (ratification: 1939)

See under Convention No. 35. The comments made under that Convention apply also to Convention No. 36 (Article 12).

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In addition, requests regarding certain points are being addressed directly to the following States: Argentina, Chile, Djibouti, Poland.

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

France (ratification: 1939)

See under Convention No. 35. The comments made on this Convention are also applicable to Convention No. 37 (Article 13).

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

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

France (ratification: 1939)

See under Convention No. 35. The comments made under that Convention apply also to Convention No. 38 (Article 13).

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

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

A request regarding certain points is being addressed directly to Poland.

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

A request regarding certain points is being addressed directly to Poland.

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

Central African Republic (ratification: 1960)

For many years, the Committee has been drawing the Government's attention to the fact that section 3 of Order No. 3759 of 25 November 1954 authorises derogations from the prohibition of night work by women in circumstances which are not permitted by this Convention, but which are close to those authorised by Article 5 of Convention No. 89. The Committee has noted with interest that, following the direct contacts which took place in 1978 between the competent national service and a representative of the Director-General, the Government is envisaging the ratification of Convention No. 89 after amending section 3 of Order No. 3759 so as to bring it into line with the terms of Article 5 of

that Convention. It hopes therefore that the Government will be able very shortly to ratify Convention No. 89 and to adopt the decree amending Order No. 3759 in accordance with that Convention.

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

Panama (ratification: 1959)

The Committee has examined the amended text of section 18 of the General Regulations respecting insurance benefits for occupational risks, as approved by the Managing Board of the Insurance Fund, a copy of which has been provided by the Government.

The Committee notes with satisfaction that the amended text now gives effect to the Convention in respect of: (a) poisoning by benzene or its homologues or their nitro- and amino-derivatives; (b) poisoning by the halogen derivatives of hydrocarbons of the aliphatic series; (c) pathological manifestations due to radiation; and (d) anthrax infection. The Committee also notes with satisfaction that this text contains a list of activities apt to cause these troubles.

The Committee notes, however, that the amended text does not take account of the change drafted during the direct contacts of 1977 with a representative of the Director-General to paragraph XI(c) of section 18 of the above-mentioned Regulations concerning the establishment of an automatic presumption of occupational origin for diseases and poisonings appearing in the schedule of the Convention when they affect workers employed on activities apt to cause them.

The Committee hopes that the Government will not fail to take the necessary measures also to include this amendment in the above-mentioned section 18, in accordance with Article 2 of the Convention.

Papua New Guinea (ratification: 1976)

With reference to its earlier comments, the Committee takes note with satisfaction of the adoption of the Workers' Compensation Act 1978 (No. 59 of 1978), which gives in schedule 1 a list of occupational diseases and the activities apt to cause them.

The Committee requests the Government to indicate the precise date of the coming into force of this Act and hopes that the list in question will be completed by the additions, in accordance with the Convention, of: (a) in the item concerning silicosis the phrase "in association with tuberculosis" and (b) to activities corresponding to anthrax infection the words "loading and unloading or transport of merchandise".

Rwanda (ratification: 1962)

With reference to its earlier comments, the Committee notes with satisfaction that the new list of occupational diseases appended to Ministerial Decree No. 623/06 of 14 August 1980, issued under the Legislative Decree of 22 August 1974 respecting the organisation of social security includes, in conformity with the Convention, (a) silicosis in association with tuberculosis, (b) poisoning by the halogen derivatives of hydrocarbons of the aliphatic series and also supplements the list of work apt to cause anthrax infection.

Convention No. 43: Sheet-Glass Works, 1934

Mexico (ratification: 1968)

With reference to its previous observation, the Committee notes the information provided by the Government in the last report. It takes up part of the question again, however, in a new direct request.

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

Convention No. 44: Unemployment Provision, 1934

A request regarding certain points is being addressed directly to Switzerland.

Convention No. 45: Underground Work (Women), 1935

Guinea (ratification: 1966)

Further to its previous comments, the Committee has taken note with satisfaction of the adoption of Order No. 224/MT of 15 June 1980 which prohibits the employment of women in underground work in mines, in accordance with the provisions of the Convention.

Convention No. 47: Forty-Hour Week, 1935

Information supplied by the German Democratic Republic in answer to a direct request has been noted by the Committee.

Convention No. 49: Reduction of Hours of Work (Glass-Bottle Works), 1935

Mexico (ratification: 1938)

In its earlier comments, the Committee has pointed out that, by virtue of the provisions of the Convention, workers to whom it applies should be employed under a system providing for at least four shifts (Article 2, paragraph 1) and that their hours of work should not exceed an average of 42 per week (Article 2, paragraph 2). Since the collective agreement entered into by the Fábrica Nacional de Vidrio (National Glass Company) and the Alianza de Trabajadores de la Industria Vidriera (Glassworkers' Alliance) provides for a system comprising only three shifts and hours of work of up to 48 per week, the Committee has suggested that suitable measures should be taken, if necessary by legislation, to ensure the full application of the Convention.

In its reply, the Government maintains its previous position and reasserts firstly, that, in accordance with the legal provisions in force in the country and international standards on freedom of association, it refrains from interfering in collective bargaining when its opinion is not asked for and, secondly, that the strict application of Article 2, paragraph 2, of the Convention would be damaging to the interests of the parties to the agreement. Nevertheless, the Government states its intention of persuading the parties to take account of the provisions of the Convention in future collective bargaining.

The Committee is bound to point out that neither the principle of free bargaining nor the argument that an agreement is more favourable to the workers can be invoked to justify failure to observe the provisions of a ratified Convention. It therefore asks the Government once again to take the necessary measures to ensure the full application of the Convention.¹

Convention No. 50: Recruiting of Indigenous Workers, 1936

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

Convention No. 52: Holidays with Pay, 1936

Burma (ratification: 1954)

The Committee regrets to note from the report and the information supplied to the Conference Committee in 1980 that there has been no progress so far in the adoption of suitable measures to bring the national laws into conformity with the Convention on the following points, which it has been raising since 1957: (a) scope of the Convention (Article 1); (b) length of the annual holiday of workers between 15 and 16 years of age (Article 2, paragraph 2); and (c) limitation of the right to postpone the annual holiday (Article 4).

The Committee trusts that the Government will not fail to take the necessary measures in the very near future.²

Central African Republic (ratification: 1964)

The Committee takes note with interest of the information supplied by the Government to the effect that, following direct contacts in 1978 and discussions in 1980 between the competent authorities and a representative of the Director-General, a draft Decree has been worked out to give effect to the provisions of the Convention. This draft provides for the amendment of section 129 of the Labour Code, so as to entitle persons covered by the Convention to a holiday with pay, in all cases, at the end of one year of actual service, in accordance with Article 2 of the Convention.

¹ The Government is asked to report in detail for the period ending 30 June 1981.

² The Government is asked to supply full particulars to the Conference at its 67th Session and to report in detail for the period ending 30 June 1981.

The Committee hopes that the Government will be able to state in its next report that the above-mentioned draft Decree has been adopted.

MOROCCO (ratification: 1956)

The Committee has for several years been calling the attention of the Government to the need to adopt legislative measures so that the accumulation of the holidays of staff employed in industrial undertakings or establishments allowed by section 16 of the Dahir of 9 January 1946 shall not have the effect of reducing the length of the holiday taken each year to a period shorter than six working days, the period provided for by Article 2, paragraph 1, of the Convention.

The Committee recalls that the Government has been stating its intention since 1967 of adopting provisions in the future Labour Code. Since the Government states in its last report that the Labour Code has still not been adopted, the Committee can only express once more its hope that this Labour Code or other legislative measures designed to give full effect to Article 2, paragraph 1, of the Convention will be adopted very shortly.

Peru (ratification: 1960)

With reference to its earlier comments, the Committee notes with satisfaction that Presidential Decree No. 07-80-TR of 30 April 1980, adopted following the direct contacts which took place in 1979, lays down that workers shall each year take a holiday with pay of at least six working days, in accordance with Article 2, paragraph 4, of the Convention, with the possibility of accumulating the rest of the holiday during two consecutive years.

USSR (ratification: 1956)

In reply to the previous observation, the Government states that there is nothing really new to add to the information contained in its 1979 report. The Committee therefore wishes to recall its previous observation, whose first point was worded as follows:

With regard to the postponement of the annual holiday to the following year in exceptional circumstances (under section 74(2) of the Labour Code of the Russian SFSR and similar provisions in the codes of the other Republics of the union) and the right to accumulate holidays, in whole or in part, for a maximum of three years in the Far North and assimilated areas (under section 251 of the Labour Code of the RSFSR) the Government repeats its statement that it considers these provisions to be in conformity with the Convention and to the advantage of the workers, and adds that the condition regarding holidays that apply to workers in the USSR are superior to those laid down by the Convention.

The Committee wishes to point out that the Convention provides only for a minimum period of holidays but that this minimum period of six working days must be taken every year. Any other interpretation would conflict with the intention of the Conference, which, when it adopted the Convention, removed from the draft the very provision laying down, as an exceptional measure, the postponement of the annual holiday to a later year (see International Labour Conference, 20th Session, 1936: Record of Proceedings, page 633). The Committee therefore hopes that the Government will re-examine the question and take suitable steps to bring the legislation into conformity with the Convention on these points.

With regard to the second point of the previous observation - relating to the division of the holiday - the Committee points out that, in its last report, the Government was considering the possibility of including in Soviet legislation on annual holidays a similar provision to that already existing in particular in the Labour Code of the Ukrainian SSR to lay down that, where a holiday is divided, neither part can be shorter than seven days for adults and 15 for persons under 18 years of age, which would give effect to Article 2, paragraph 4, of the Convention. A provision of this type does not exist in the Labour Codes of certain Republics - in particular Estonia, Lithuania and Latvia - that at present authorise the division of the annual holiday without providing for the limits laid down by Article 2, paragraph 4, of the Convention.

The Committee hopes that the next report will mention progress on these points.

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In addition, requests regarding certain points are being addressed directly to the following States: Chad, Lebanon, Libyan Arab Jamahiriya, Panama.

Convention No. 53: Officers' Competency Certificates, 1936

Liberia (ratification: 1960)

Referring to its previous comments, the Committee notes the statement by the Government that the information requested concerning the activities of the inspection services has not yet been received from the Liberian Marine Inspectorate in New York.

The Committee hopes that the Government will provide this information as soon as it is received, particularly that concerning the number and nature of contraventions reported and the action taken on them (point V of the report form).

Mauritania (ratification: 1963)

Referring to its previous comments, the Committee notes from the report of the Government that the Order provided for by section 90 of the Merchant Shipping Code to lay down the conditions governing the acquisition of certificates of competency has not yet been adopted and that the question is still before the Minister of Merchant Shipping. It also notes that discussions took place during the direct contacts in 1979 between the representatives of the Director-General and the competent national services on the problems raised by the application of the Convention.

The Committee trusts that the Order in question, which was already provided for by the former Merchant Shipping Code of 1962, will be adopted very shortly.¹

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¹ The Government is asked to report in detail for the period ending 30 June 1981.

In addition, requests regarding certain points are being addressed directly to the following States: Libyan Arab Jamahiriya, Panama.

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

Peru (ratification: 1962)

With reference to its earlier comments, the Committee takes note with interest of the information furnished by the Government at the 66th Session of the Conference in 1980 and in its report received in March 1981 concerning the application of the following provisions of the Convention: Article 4, paragraph 1 (liability of the shipowner to provide medical care until the sick or injured seaman has been cured) and Article 8 (obligation of the shipowner to safeguard property left on board by sick, injured or deceased persons).

The Committee also notes with interest that the Government proposes to take measures to redraft the relevant sections of the Regulations on Harbour Masters' Offices and the National Mercantile Marine more broadly so as to lay down more precisely the obligations of the shipowner provided for by the above-mentioned Articles of the Convention.

Convention No. 58: Minimum Age (Sea) (Revised), 1936

Liberia (ratification: 1960)

The Committee has been pointing out for some years in its observations that, under section 290(2)(a) of the Maritime Law (as amended by the Merchant Seamen's Act, 1964), the provisions laying down the minimum age for admission to employment at sea do not apply to vessels of less than 75 net tons and that, under section 326 of the same Law, those provisions apply only to vessels engaged in foreign trade. These exclusions are not in conformity with the Convention, which applies to all ships and boats, of any nature whatsoever, engaged in maritime navigation.

The Government has referred in its earlier reports to the preparation of a new Labour Act and to a draft amendment to the Maritime Law that was to be issued by June 1980 at the latest. The Committee trusts that the Government will soon be able to provide the text of any suitable measures adopted.¹

Sri Lanka (ratification: 1959)

With reference to its earlier comments, the Committee notes with satisfaction that the exceptions authorised by Regulation 3(c) and (d) of the Merchant Shipping (Employment of Young Persons) Regulations, 1975, have been repealed by a Regulation of the Minister of Trade and

¹ The Government is asked to report in detail for the period ending 30 June 1982.

Shipping dated 11 July 1980, which brings the legislation into conformity with Articles 1 and 2 of the Convention.

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In addition, requests regarding certain points are being addressed directly to the following States: Democratic Yemen, Djibouti, Fiji, Mauritius.

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

Algeria (ratification: 1962)

The Committee notes that the Government again refers to draft decrees relating to the building industry and to hoisting machines to be issued under Ordinance No. 75-31 of 29 April 1975 on conditions of work in the private sector. It also refers to further draft decrees prepared following the promulgation of Act No. 78-12 of 5 August 1978 on the general status of workers.

The Committee recalls that, although the Government has stated that the legislation which previously applied the Convention continues to be applied in practice, this legislation was formally repealed by Ordinance No. 73-29 which came into force on 5 July 1975. There is accordingly no formal legal basis on which the previous legislation can be enforced. The Committee therefore hopes that legally-binding provisions ensuring the application of the Convention in both the private and the public sectors will be adopted shortly.¹

Central African Republic (ratification: 1964)

The Committee notes that, following the direct contacts that took place in December 1978, the Government has worked out a draft decree to ensure the application of the whole Convention.

The Committee hopes that the draft will be adopted in the near future in order to give effect to all the provisions of the Convention.

Guinea (ratification: 1966)

The Committee refers to its general observation and hopes that the direct contacts asked for by the Government will make it possible to solve the problems raised in the earlier comments concerning the application of Article 7, paragraphs 2 and 5 to 8, Article 8, paragraph 1(a), Article 10, paragraph 5, and Articles 12 to 16 of the Convention.

Mauritania (ratification: 1963)

The Committee has noted that, following the direct contacts which took place in October 1979, a draft order has been drawn up to take account of its previous comments. It hopes that this draft will be adopted in the near future to give effect to Article 13, paragraph 2,

¹ The Government is asked to report in detail for the period ending 30 June 1982.

of the Convention (minimum age of persons employed as crane operators and signallers).¹

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Information supplied by Suriname and Zaire in answer to a direct request has been noted by the Committee.

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

Algeria (ratification: 1962)

Article 1(b) of the Convention. The Committee takes note of the data on average hourly wages and average weekly hours of work in 1977 communicated by the Government. It again expresses the hope that the Government will in future communicate the data called for at the earliest possible date, in accordance with clause (c) of this Article.

Article 12. The Committee notes that the statistics provided do not include the index numbers showing the general movement of earnings as provided for by this Article. It again expresses the hope that these index numbers will soon be compiled and published.

Part III. The report contains no information on the statistics called for by this Part of the Convention. The Committee trusts that the Government will soon take the necessary measures to give effect to the provisions of Articles 13 to 21 of the Convention.

Part IV. The Government provides the text of the Decree of 1979 to raise the national guaranteed minimum wage in the agricultural sector. The Committee hopes that the statistics concerning wages and hours of work in agriculture called for by Article 22 of the Convention will be compiled shortly and that they will be published and transmitted to the ILO within the periods laid down by Article 1(b) and (c).

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In addition, requests regarding certain points are being addressed directly to the following States: Algeria, Djibouti, Kenya.

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

Cuba (ratification: 1953)

With reference to its earlier comments, the Committee notes that the Ministry of Transport is considering the introduction of an individual control book within the meaning of the Convention. It trusts that regulations will be issued shortly for the purpose and that they will give full effect to Article 18, paragraph 3, of the Convention.

¹ The Government is asked to report in detail for the period ending 30 June 1981.

Convention No. 68: Food and Catering (Ships' Crews), 1946Argentina (ratification: 1956)

With reference to its earlier comments, the Committee takes note of the statement by the Government to the Conference Committee in 1979 and confirmed in the last report, to the effect that draft conditions of employment for personnel afloat have been submitted to the executive power and have already been examined by an interministerial committee in consultation with the sectors of activity and trade unions concerned.

The Government also refers to provisions in legislation and collective agreements concerning food on board. The Committee points out that these provisions are not adequate to ensure the full application of the Articles of the Convention. It trusts that the Government will very shortly adopt the necessary measures.

Peru (ratification: 1962)

Referring to its previous comments, the Committee notes from the report that the Government hopes to supply as soon as possible the Regulations on food and catering on board ship (which are being drafted by the committee set up by Presidential Resolution No. 213-74-TR of 26 May 1974) and also copies of relevant collective agreements.

The Committee trusts that the regulations and collective agreements in question will ensure the effective application of the various Articles of the Convention, whose application was also the subject of discussions during the direct contacts that took place in 1972 and 1978.¹

Portugal (ratification: 1952)

The Committee takes note of the comments submitted to the ILO by the Federation of Seafarers' Unions in its letter of 17 February 1980 and taken over in the report of the Government. The Federation, referring to Article 1, paragraph 2, of the Convention, points out that Regulation 188 of the Regulations on maritime registration provides that, for the purposes of applying the maritime Conventions of the ILO, all vessels employed on sea-going navigation for purposes of trade shall be deemed to be sea-going vessels. The Federation therefore considers that Legislative Decree No. 195/78 of 19 July 1978 applies the Convention only partially, by restricting the scope to merchant shipping vessels employed on the high seas and on coastal trade, which excludes national and international inshore navigation. In the opinion of the Federation, the only vessels that might be excluded are those employed on local traffic.

The Government in its report confirms the restrictions introduced by Decree No. 195/78 compared with the provisions of Legislative Decree No. 42978, which has now been repealed, but it considers that these restrictions do not conflict with Article 1, paragraph 2, of the Convention, which provides that national laws or regulations shall determine the vessels which are to be regarded as sea-going vessels for the purposes of the Convention.

¹ The Government is asked to report in detail for the period ending 30 June 1981.

The Committee notes that Article 1, paragraph 2, of the Convention leaves a certain latitude to the national legislation. It considers, however, that it would have been desirable before adopting the decision to restrict the scope of the Convention, a decision whose importance must be emphasised, to consult the shipowners' and seafarers' organisations concerned, whose co-operation is explicitly provided for by Article 3 of the Convention.

Spain (ratification: 1971)

Article 2(a) of the Convention. With reference to its previous observation, the Committee takes note of the approval by the General Directorate of Labour of the inter-provincial collective agreement for merchant shipping and the general collective agreement for merchant shipping, which came into force on 1 January 1979 and 1 January 1980 respectively. The Committee notes that these two agreements contain clauses concerning food for the crew but do not deal with the construction, location, ventilation, heating, lighting, water system and equipment of galleys. It also notes that the general collective agreement provides for a joint committee to study a draft on safety and health in the merchant shipping on the basis of ILO Conventions and Recommendations among other things. It points out in this connection that the report for the period 1973-74 mentioned a draft special schedule to the General Ordinance on occupational safety and health for the merchant shipping sector that would give effect to this provision of the Convention. The Committee therefore hopes that the Government will consider suitable measures in this connection.

Article 2(d) and Article 12. The Committee notes the information provided on the regulation and supervision of nutrition on board. It hopes that the Government in future reports will continue to provide information on progress made in the application of these Articles of the Convention (research into and information on food and catering).

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In addition, requests regarding certain points are being addressed directly to the following States: Algeria, Angola, Panama.

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

Peru (ratification: 1962)

Articles 3 and 4 of the Convention. The Committee refers to its previous comments and notes that, although Presidential Decree No. C08/74/TP of 27 May 1974 prescribes a certificate of qualification for engagement as ship's cook, the regulations concerning the conditions for the granting of the prescribed certificate (professional examination, age and minimum period of service) are still under study.

The Committee hopes that the Government will very shortly adopt the necessary measures to ensure the effective application of the provisions of the Convention, which was the subject of direct contacts in 1972 and 1978.¹

¹ The Government is asked to report in detail for the period ending 30 June 1981.

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

A request regarding certain points is being addressed directly to Peru.

Convention No. 74: Certification of Able Seamen, 1946Portugal (ratification: 1952)

The Committee takes note of the observations of the Federation of Seafarers' Unions, communicated with a letter dated 7 February 1980, to the effect that since the Convention is applicable to sea fishing, the Ministerial Order of 2 February 1979 (Portaria No. 58/79), which reduces to one year the period of service at sea of a seaman in a fishing vessel, is not in conformity with Article 2, paragraph 2, of the Convention. These observations have been transmitted to the Government, which has not so far offered any comments on them.

The Committee points out, however, that, under Article 1 of the Convention, no person shall be engaged on any vessel as an able seaman unless he holds an appropriate certificate of qualification and that, under Article 2, paragraphs 2(b) and 4, the minimum period of service at sea in a deck department for obtaining a certificate of qualification as an able seaman is 36 months, with the possibility of a reduction to 24 or 18 months if certain conditions of training have been fulfilled. Accordingly, where the seaman in a fishing vessel has to carry out duties in the deck department corresponding to those carried out by an able seaman, the period of one year's sea service, laid down by the Order of 2 February 1979, does not meet the conditions laid down by Article 2 of the Convention. The Committee asks the Government to provide full information on this point.

Spain (ratification: 1971)

Referring to its previous comments, the Committee notes with satisfaction the adoption of Royal Decree No. 3154/79 of 23 November 1979, which brings the national legislation into conformity with the provisions of Article 2, paragraph 4, of the Convention in respect of the minimum period of service at sea.

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

Convention No. 77: Medical Examination of Young Persons (Industry), 1946Panama (ratification: 1970)

The Committee notes with interest that a draft decree to give effect to Articles 2, 4 and 5 of the Convention has been sent to the President's Office to be submitted to the President for signature. It hopes that this decree will be issued shortly and that a copy will be provided.

Philippines (ratification: 1960)

With reference to its previous observation, the Committee notes, from the information supplied by the Government to the Conference Committee in 1980, that proposals have been worked out to amend the Labour Code so as to incorporate the suggestions made in the technical memorandum of the ILO drawn up during the direct contacts held in 1977 and thus give full effect to the provisions of the Convention. It hopes that these proposals will be approved in the near future and requests the Government to supply information on the progress made. The Committee would also appreciate it if the Government would provide a copy of the Occupational Safety and Health Standards promulgated as law on 8 December 1978.

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In addition, requests regarding certain points are being addressed directly to the following States: Dominican Republic, Ecuador, Nicaragua, Peru.

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

Panama (ratification: 1970)

See comments made under Convention No. 77.

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In addition, requests regarding certain points are being addressed directly to the following States: Bolivia, Ecuador, France, Nicaragua, Peru.

Convention No. 81: Labour Inspection, 1947

Bolivia (ratification: 1973)

The Committee notes with regret that for the second year in succession the Government's report has not been received. It must therefore repeat its previous observation which took note of certain shortcomings previously mentioned by the Government in the application of the Convention.

Article 5, subparagraph (b), of the Convention. No step has been taken to promote collaboration between officials of the Labour Inspectorate and employers and workers or their organisations.

Article 6. The labour inspectors are not assured stability of employment, particularly after changes of government.

Article 7, paragraph 3. No measures have been taken to give inspectors appropriate training.

Article 9. No measures have been taken to ensure that experts are associated in the work of inspection, particularly as regards work in mines and in the field of medicine.

Article 10. The number of labour inspectors is still inadequate.

Article 11, paragraph 1. The labour inspection offices in the interior of the country are not provided with adequate premises in most districts and that they do not possess the necessary furniture and equipment.

The Committee hopes that the Government will be able to take the necessary measures, not only legislative, but also financial and practical, to overcome the various difficulties mentioned above and ensure application of the Convention.

Central African Republic (ratification: 1964)

Article 11, paragraph 2, of the Convention. The Committee notes that the decree laying down regulations of the labour inspectorate has been submitted to the Council of Ministers, but has not yet been adopted. It hopes that this decree will come into force in the near future and that it will include provisions guaranteeing the reimbursement of travelling expenses to all labour inspectors in accordance with Article 11, paragraph 2, of the Convention that the Government has given the assurance will be included. The Committee, moreover, requests the Government to provide a copy of the decree when it has been adopted.

Articles 20 and 21. The Government states that it should be possible in coming months to overcome the material difficulties preventing the publication of the annual reports of inspection. While noting this statement with interest, the Committee wishes to draw attention to the importance of the publication of annual reports of inspection, which give an assessment of the activities of the Government in the field of labour protection. Since the only report supplied to the ILO relates to the year 1969, the Committee hopes that the Government will not fail in future to publish such reports and transmit them regularly to the ILO within the periods laid down, in accordance with Articles 20 and 21 of the Convention.

Chad (ratification: 1964)

The Committee regrets to note that since 1971 no report has been provided by the Government and that consequently the Committee does not have available to it sufficient information to measure the application of Articles 7, paragraph 3; 11, paragraph 2; 12, paragraph 2; and 13, paragraph 2(b), of the Convention.

The Committee is bound therefore to raise these points again in a direct request and hopes that the Government will not fail to provide the information requested.

Articles 20 and 21. Considering that the last annual report of the Department of Labour, Manpower and Social Welfare received in the ILO related to 1970, the Committee trusts that the Government will take all necessary measures to ensure the publication and communication to the ILO of the annual inspection reports, that they will contain all the information specified in Article 21 of the Convention and that in future the time limits prescribed by Article 20 of the Convention will be respected.¹

¹ The Government is asked to supply full particulars to the Conference at its 67th Session.

Costa Rica (ratification: 1954)

Articles 20 and 21 of the Convention. In reply to the earlier comments of the Committee, the Government provides a certain amount of statistical information. The Committee wishes to point out that this information does not seem, for the following reasons, to show that these Articles of the Convention are fully applied: firstly, the statistics do not appear to have been published and cannot therefore be considered to give effect to Article 20 of the Convention, which provides for the publication (and not simply the drawing up) by the central inspection authority of an annual report on the work of the inspection services and for its transmission to the ILO within the periods laid down. Secondly, the data provided by the Government do not relate to the following points, required by Article 21 of the Convention: clause (a) laws and regulations relevant to the work of the inspection services - so far as they have not been mentioned in earlier reports; clause (c) statistics of workplaces liable to inspection and the number of workers employed therein; clause (e) penalties imposed; clause (f) statistics of industrial accidents; clause (g) statistics of occupational diseases. In these conditions, the Committee would be grateful if the Government would take measures so that future annual inspection reports are published regularly and transmitted to the ILO and that they contain all the information laid down in Article 21 of the Convention.

Cuba (ratification: 1954)

The Committee notes the adoption on 22 September 1977 of the Regulations concerning the national labour inspection system, which give effect in large measure to the provisions of the Convention. In particular, it notes with satisfaction the improvements made by these Regulations to the application of the following articles of the Convention: Article 7 (recruitment and training of labour inspectors); Article 12 (powers of labour inspectors) and Article 13, paragraph 2(b) (power of inspectors to order measures with immediate executory force).

It wishes, however, to call the attention of the Government to, or to receive further information on the following points and those raised in a request addressed directly to the Government.

Article 15(c) of the Convention. In reply to the earlier comments of the Committee, the Government refers in particular to regulation 30 of the Regulations of 22 September 1977 concerning the national labour inspection system, clause (b) of which prohibits inspectors from revealing the results of inspection or the facts that have come to their knowledge during inspection. The Committee considers that, although this provision may give effect to Article 15(b) of the Convention, it is not in itself sufficient to ensure the application of Article 15(c). This provision of the Convention lays down both the obligation of labour inspectors to treat as absolutely confidential the source of any complaint bringing to their notice a defect or breach of legal provisions and to give no intimation to the employer or his representative that a visit of inspection was made in consequence of a complaint. The information that inspectors must keep secret, under Article 15(c), thus concerns facts that, being at the origin of the visit of inspection, cannot be covered by regulation 30(b) of the Regulations, which covers facts that have come to the knowledge of inspectors during inspections. The Committee therefore again asks the Government to take the necessary measures through an explicit legal provision to ensure that the obligation provided for by Article 15(c) of the Convention is placed on labour inspectors.

Articles 20 and 21. The Committee notes that under regulation 24 of the above-mentioned Regulations, the Directorate of the National Labour Inspection Service must draw up an annual report on the activities of the inspection services, which must be submitted to the Council of Ministers. It also notes with interest the statement by the Government that this provision makes it possible to adopt the necessary measures to ensure the regular publication of annual reports of inspection. Since no inspection report has been transmitted to the ILO since the ratification of the Convention, the Committee hopes that the Government will now be able to ensure the regular publication and the transmission to the ILO of annual inspection reports within the periods laid down by Article 20 of the Convention and that these reports will contain all the information called for by in Article 21.

Dominican Republic (ratification: 1953)

I. Article 6, Article 13, paragraph 2(b), and Article 14 of the Convention. In reply to the earlier comments of the Committee, the Government states that the Secretariat of State for Labour has prepared a new draft Bill to amend sections 398, 401 and 686 of the Labour Code, so as to bring the national legislation into full conformity with Articles 6, 13, paragraph 2(b), and 14 of the Convention. The Committee takes due note of this statement. It has also noted the text of the draft Bill supplied by the Government. The Committee hopes that this draft Bill will be adopted shortly, so as to give full effect to the above-mentioned provisions of the Convention. It asks the Government to indicate any progress made.

II. Articles 20 and 21. The Government states that a memorandum has been addressed to the Inspectorate General of Labour, giving it precise instructions for the publication of an annual inspection report in future and for its transmittal to the ILC in accordance with the provisions of the Convention. It adds that the Secretariat of State for Labour is at present reorganising the labour statistics services with the help of various institutions. The Committee takes note of this information with interest. It hopes that the annual inspection report for 1978 will shortly reach the ILO and that in future the annual report of the Inspectorate General of Labour will be published and transmitted to the ILC within the periods laid down by Article 20 and that they will contain all the information called for by Article 21 of the Convention.

France (ratification: 1950)

I. The Committee takes note with interest of the full and detailed information furnished by the Government in reply to its previous observation. It also notes the comments made by the Government in reply to a supplementary communication from the CPDT Labour and Employment National Union (SNTE) dated 25 January 1980.

Article 3, paragraph 2, and Article 10 of the Convention. (Duties entrusted to inspectors and number of inspectors). In its latest communication the SNTE expresses the view that the new Circular of the Ministry of Labour and Participation, No. 375 of 12 October 1979, by providing that the activities of inspectors and supervisors shall be carried out as part of the general activities of the service, is in fact aimed at a greater participation by the sections of the inspectorate in a general state policy concerning undertakings. In its reply, the Government states that, although the Circular in question recommends the implementation of an active policy of employment and development, the specific nature of the duties of the labour inspectorate of supervising the legislation is in no way affected.

The Committee recalls that the fact that the national legislation confers on the inspection services a certain number of duties distinct from those mentioned in Article 3, paragraph 1, of the Convention is not necessarily contrary to this instrument, but that a problem does exist that is rather of a practical nature. The Committee has examined with interest the detailed information provided by the Government, which shows an appreciable increase in the numbers of the labour inspection staff including inspectors responsible for a territorial section. It also notes with interest the part played by the documentation and information centres for the public attached to the departmental directorates of labour, which have been set up to assist in concentrating the activities of the sections of the labour inspectorate on visits to workplaces. The Committee would be grateful if the Government would continue in future reports to indicate any other measures taken to increase the size of the staff of the labour inspectorate.

Article 6. (Stability of employment and independence of inspectors). According to the latest communication of the SNTE, Circular No. 223 of the Ministry of Labour and Participation dated 17 May 1979 is intended to increase the supervision and guidance of the activities of the supervisory staff. This increased supervision and guidance would also be reflected in the structure of the personnel of the external labour services. In its reply, the Government expresses the view that, under Article 3 of the Convention, it is the "system of labour inspection", of which in France directors and also certain supervisors, depending on their current duties, form part, and not the labour inspectors as such, that is responsible for securing "the enforcement of the legal provisions relating to conditions of work and the protection of workers while engaged in their work".

The Committee takes note of this information. It also notes the information provided by the Government on the result of the appeal made by the inspectors and supervisors who were said to have been the subject of unjustified penalties. It recalls that Article 6 of the Convention does not conflict with the organisation of labour inspectorates in accordance with an administrative structure including the grading of responsibility in the planning and practice of inspection policy. The purpose of this provision is to assure the labour inspectors of stability of employment and independence of all improper external influences. The Committee asks the Government to provide further information on any case of appeal that has not yet been decided and to continue to furnish information, in its forthcoming reports, on every new case of appeal.

Article 9. (Collaboration of technical experts and specialists with the labour inspectorate.) In reply to the comments of the Committee, the Government states that eight safety engineers are at present on duty in the Directorate of Labour Relations and that three others have just been established in the regional directorate of labour and employment for Ile-de-France. It adds that, in accordance with budgetary trends and local needs, their number will be increased and other engineers will be established in the regional directorates of labour and employment. The Government also gives particulars on the pattern of co-operation between the labour inspectors and the social security funds. The Committee takes note of this information with interest and asks the Government in future reports to indicate any measures taken to increase the numbers of safety engineers so as to ensure their allocation to the various directorates of labour and employment.

Article 11, paragraph 2. (Reimbursement of travelling and incidental expenses.) The Government states that kilometric allowances

and the covering of travelling expenses are governed by orders of the Ministry of the Budget, which relate to all civil servants and state employees, the rates of compensation being revised in accordance with the trends in prices, the most recent occasion being 1 May 1980. The Committee notes this information, but again asks the Government to state whether the kilometric allowances paid to inspectors who use their own vehicles and the other travelling allowances are calculated so as to ensure full reimbursement of travelling and incidental expenses in accordance with this provision of the Convention. It also asks the Government to provide copies of the latest orders concerning kilometric allowances and the covering of travelling expenses mentioned by it.

Articles 17 and 18. (Prompt legal proceedings and penalties for violations of the legal provisions.) In reply to the earlier comments of the Committee, the Government mentions the principle that verification by departmental and regional directors concerning the transmission of reports is intended simply as formal verification and not as a verification of the advisability of reporting a violation or not. It also provides a certain amount of statistical information showing the increase in violations noted and penalties imposed, even if the fines are often inflicted at the minimum rate or even below this rate in view of extenuating circumstances. The Government states that it has been thought necessary to carry out detailed studies in order to have a more exact idea of the legal consequences of the reports drawn up by labour inspectors and that the Ministry of Justice also intends to carry out certain studies. The Committee takes note of this information with interest. It expresses the hope that these studies will make it possible to improve the co-ordination between the public prosecutors and the labour inspection services and help to strengthen the supervision of the labour legislation by a prompt and effective punishment of violations reported, in accordance with the aims of Articles 17 and 18 of the Convention. It asks the Government to provide detailed information on the findings of these studies and on any action taken on them.

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The Committee would be grateful if the Government would state whether the draft decree to amend Decree No. 75-273 of 21 April 1975 to issue the conditions of service of the labour inspectorate referred to by the SNTE in its latest communication has been adopted. If it has, the Committee asks the Government to provide a copy. The Committee also asks the Government to provide the text of the decision of the Council of State, which had to decide on the appeal submitted to it by the CGT against Decree No. 77-1288 of 24 November 1977 to organise the external labour and employment services, when this decision has been handed down.

II. Articles 20 and 21. In reply to the earlier comments of the Committee, the Government states that, following the mission entrusted in 1979 to an inspector-general of labour and employment, the pattern of the annual report of regional directors is to be renewed, and that this will permit the production of an annual general report more in keeping with recent developments. It adds that it has been decided as a temporary measure to prepare a first brief report accompanied by the latest statistics available, which will relate to the year 1978. The Committee takes due note of this information. It hopes that the brief report for 1978 will be transmitted shortly to the ILO and that the new arrangements will soon make it possible to publish and transmit an annual general report within the periods laid down in Article 20 of the Convention containing all the information called for in Article 21.

Guinea (ratification: 1959)

With reference to its general observation, the Committee expresses the hope that the direct contacts called for by the Government will lead to a solution to the problems raised in its previous comments concerning Articles 13, paragraph 2(b), and 20 of the Convention.

Haiti (ratification: 1952)

1. Article 6 of the Convention. The Committee takes note with interest of the statement by the Government that the drafting of the conditions of employment for the public service has been entrusted to an administrative commission of the public service, whose work is now going on. It hopes that these conditions of employment may be adopted in the near future and requests the Government to provide a copy when they have been adopted.

2. Articles 20 and 21. The Government states in reply to the comments of the Committee that the Bulletin of the Ministry of Social Affairs has just appeared anew after an interval of several years. It adds that the issue that appeared in May contains a summary of the annual report of the inspection services and that steps have been taken so that in the second number, which is to appear shortly, this annual report will be published in full. The Committee notes this information with interest. It hopes that the annual reports on the activities of the inspection services will in future be published and transmitted to the ILO regularly and within the periods laid down in Article 20 of the Convention and that they will contain all the information provided for in Article 21 of this instrument.

3. Furthermore, the Committee hopes that the next report of the Government will also contain information on certain other points raised in its last direct request.

Ireland (ratification: 1951)

1. Articles 20 and 21 of the Convention. The Committee has examined the annual inspection reports for 1977, 1978 and 1979. In particular, it has noted with satisfaction that these annual reports include a report on the activities of the General Inspectorate of the Department of Labour.

2. The Committee has noted the new comments made by the Irish Congress of Trade Unions on certain points in a communication which was received on 16 February 1981. The Government has not yet furnished its observations on this communication. The Committee asks the Government to supply additional information in a direct request.

Malawi (ratification: 1965)

Articles 20 and 21 of the Convention. Since the Government's report has not been received and the previous report did not reply to its earlier comments, the Committee can only recall once again to the Government the obligations which it is required to fulfil in application of the above-mentioned provisions of the Convention. It firmly hopes that in the future annual reports on labour inspection activities will be published and transmitted to the ILC within the time limits prescribed by Article 20 of the Convention and that these reports will contain all the information required by Article 21.

Mauritania (ratification: 1963)

Articles 20 and 21 of the Convention. With reference to its earlier comments, the Committee notes that the annual report of inspection stated by the Government to be enclosed with its last report has not been received. In these circumstances, it asks the Government to send a further copy of this report and hopes that, in future, annual reports of inspection containing all the information called for in Article 21 of the Convention will be published and transmitted regularly to the ILO within the periods laid down in Article 20.

Nigeria (ratification: 1960)

Article 15(c) of the Convention. In reply to the earlier comments of the Committee, the Government states that it has recently compelled labour officers among others to take an oath enjoining secrecy with regard to matters and information coming to their attention during the course of their duties. It adds that the Ministry of Employment, Labour and Productivity has a set of instructions precluding the disclosure of the source of any information obtained in the course of the officers' duties. The Committee notes these measures with satisfaction (see also the direct request addressed to the Government on this point).

Articles 20 and 21. The Government states that the annual reports of the Inspectorate of Labour in abeyance will be published shortly and transmitted to the ILO as soon as possible. Since the last inspection report relates to the period 1970-71, the Committee wishes to point out the importance of the annual reports of the labour inspectorate, which are an indispensable means of evaluating, both nationally and internationally, the practical results of the activities of the labour inspection services and, in a general way, the actual application of the labour laws. It therefore hopes that the Government will take the necessary measures, in accordance with the assurances it has frequently given, to provide for the regular publication and transmission to the ILO, within the periods laid down, of annual inspection reports containing all the information required by Article 21 of the Convention.

Paraguay (ratification: 1967)

Articles 20 and 21 of the Convention. The Committee takes note with interest of the statement by the Government that the necessary measures have been taken to give effect to these provisions of the Convention and that the reports on the work of the labour inspection services will be transmitted very shortly. The Committee hopes that annual reports of inspection containing all the information called for in Article 21 of the Convention will now be regularly published and transmitted to the ILO within the periods laid down in Article 20.

Peru (ratification: 1960)

The Committee notes the information provided by the Government in reply to its earlier comments concerning Article 7, paragraph 3, of the Convention. It also takes note with interest of the information given to the representative of the Director-General of the ILO during the direct contacts that took place in September and October 1980.

Article 10 of the Convention. The Government states that it has been decided to recruit three or four labour inspectors during the

year. The Committee takes due note of this information. It would be grateful if the Government would indicate any progress made with a view to strengthening the establishment of the labour inspection services.

Article 13, paragraphs 2(b) and 3, and Article 15. The Committee takes note with interest of the draft Presidential Decree, communicated by the Government, to supplement Presidential Decree No. 003/71/TR of 12 July 1971 so as to give full effect to these provisions of the Convention. It hopes that this Presidential Decree will be adopted shortly and asks the Government to indicate any progress made.

Articles 20 and 21. The Committee notes the statement by the Government that it remains impossible to establish the necessary infrastructure to ensure the drawing up and publication of annual reports of inspection. It also notes certain statistics provided by the Government. The Committee is bound to point out the importance it attaches to annual reports of inspection, which are an essential element in evaluating, both nationally and internationally, the practical results of the work of the labour inspectorate and, more generally, the effective application of the labour legislation. It therefore asks the Government to re-examine the situation and hopes that the necessary measures will be taken to ensure in future the publication and transmission to the ILO, within the periods laid down in Article 20 of the Convention, of annual reports of inspection containing all the information called for in Article 21.

Suriname (ratification: 1976)

In reply to the previous comments of the Committee, the Government indicates that it will communicate the text of the Labour Inspection Ordinance as soon as it is adopted. Since there is at present no general legislation governing the operation of the inspection services, and since reference has been made to the intention to adopt such legislation for nearly ten years, the Committee trusts that the Labour Inspection Ordinance will be adopted shortly, and that a copy will be communicated as soon as it has been promulgated. The Committee also again requests the Government to supply detailed information on the organisation and operation of the labour inspection services,

United Kingdom (ratification: 1949)

With reference to its earlier comments, the Committee takes note with satisfaction of the adoption of the Health and Safety at Work (Northern Ireland) Order 1978, which ensures a fuller application of the provisions of the Convention, and in particular of Articles 12(a) and 15(b).

Uruguay (ratification: 1973)

The Committee notes with satisfaction the adoption of Decree No. 680/977 of 6 December 1977. This decree largely gives effect to the provisions of the Convention, particularly Article 9, Article 12, paragraph 1, Article 13 and Article 15, which have been the subject of earlier comments.

Yugoslavia (ratification: 1955)

1. With reference to its earlier comments, the Committee notes with satisfaction from the information provided by the Government that

the legislation of a number of Republics and Provinces (Republic of Serbia: Law on labour inspection - OG No. 44/1975 -; Republic of Bosnia and Herzegovina: Law on protection at work - OG No. 36/1977 -; Republic of Macedonia: Law on protection at work - OG No. 45/1973 -; Province of Vojvodina - Law on labour inspection, as amended - OG No. 14/1978 -) explicitly lay down the right of labour inspectors to enter any workplace liable to inspection at any hour, in accordance with Article 12, paragraph 1(a), of the Convention.

II. The Government states in its reply that the necessary measures have been taken to bring the legislations of certain Republics and Provinces into harmony with the following provisions of the Convention: Article 12, paragraph 1(a); Article 14; and Article 15(c). The Committee notes this statement with interest. It therefore hopes that, in accordance with the assurances given: (1) the legislation of the Republics of Croatia and of Montenegro and that of the Province of Kosovo will be amended in the near future so as to ensure the full application of Article 12, paragraph 1(a), of the Convention; (2) in Republics and Provinces where workplaces are not obliged to notify cases of occupational disease to the Labour Inspectorate, provisions will be adopted in laws or regulations in the near future to ensure notification, in accordance with Article 14; (3) the legislation of the Republics and Provinces other than the Republics of Slovenia and Serbia will be supplemented in the near future with a provision explicitly laying down the obligation of labour inspectors to treat as absolutely confidential the source of any complaint and prohibiting them from intimating to the person responsible in the undertaking that a visit of inspection has been made in consequence of a complaint, in accordance with Article 15(c). The Committee asks the Government to indicate any progress made in this connection and to provide the text of any provisions that may be adopted in laws or regulations.

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In addition, requests regarding certain points are being addressed directly to the following States: Angola, Argentina, Australia, Belgium, Bolivia, Chad, Colombia, Comoros, Cuba, Djibouti, Ecuador, Egypt, Grenada, Guatemala, Iraq, Ireland, Jordan, Lebanon, Libyan Arab Jamahiriya, Mauritania, Morocco, Nigeria, Panama, Paraguay, Portugal, Spain, Suriname, Syrian Arab Republic, Tunisia, United Kingdom, Upper Volta, Uruguay, Venezuela, Yemen, Yugoslavia.

Convention No. 84: Right of Association (Non-Metropolitan Territories), 1947

Somalia (ratification: 1960)¹

The Committee notes the information supplied by the Government in its report communicated in June 1980 to the Conference Committee. In its previous observation, the Committee noted that section 10(3) of the

¹ The Government of Somalia when it became a Member of the ILO stated that it would continue to apply the provisions of Convention No. 84 until such time as it would have ratified 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).

Labour Code requires a minimum of 50 workers for the formation of a trade union. The Committee has pointed out on several occasions that such a large number required for minimum membership is likely to constitute a serious obstacle to the free establishment of trade unions. The Committee had also noted that in practice unions exist with only ten members where there is an identity of interests in small groups and that measures were being considered for bringing the law into conformity with practice. The Committee requests the Government to supply information on any developments in this matter.

As regards section 27 of the Labour Code which empowered the Supreme Revolutionary Council to dissolve any trade union, the Committee notes that under the new Constitution of 1979 the above-mentioned section has been automatically abolished and it requests the Government to indicate what body is empowered to dissolve trade unions.

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In addition, requests regarding certain points are being addressed directly to the following States: Fiji, Mauritania, Zaire.

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

A member of the Committee, Mr. Gubinski, stated that he did not associate himself with the observations of the Committee regarding the application of the Conventions on freedom of association in a number of socialist countries because, in his opinion, account should be taken of the economic and social regimes existing in these countries. If these factors were sufficiently taken into consideration, the analysis could be widened and the results would better correspond to the social realities of these countries.

Another member of the Committee, Mrs. Bokor-Szegö, stated that the majority of the Committee did not take into consideration the existence of different socio-economic systems, a fact having fundamental importance in the application of Convention No. 87, which has led certain members of the Committee to state that several socialist countries limit the right of trade unions to formulate and carry out their activities without any external interference. However, the contemporary international system rests on the recognition of the phenomenon of the peaceful co-existence of States having different socio-economic systems. For these reasons this member is not able to accept certain observations made by the Committee concerning several socialist countries as regards Convention No. 87.

In the light of the foregoing statements, the Committee wishes to recall its position as stated in its previous reports. The Committee has never ignored the fact that the social realities existing in countries based on different social and political systems, although differing one from another, may be in conformity with particular ILO Conventions. Divergencies between national legislation or practice and a ratified Convention may, however, occur in countries belonging to any of these systems. In compliance with its terms of reference, while itself noting the various political, economic and social conditions existing in different countries, the Committee has to examine and has in fact examined, from a strictly legal point of view, to what extent countries which have ratified Conventions give effect in their

legislation and practice to the obligations which derive therefrom and are binding upon them, irrespective of their political, social or economic systems. The Committee's observations are the conclusions drawn by it from a uniform application of this objective approach.

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The Committee has pointed out in comments which it has formulated as regards the application of this Convention in different countries, various problems relating to the recognition and the exercise of the right to strike, and in particular, as concerns the definition of essential services where strikes might be restricted, but which, in the opinion of the Committee, should be limited to services whose interruption would endanger the existence or well-being of the whole or part of the population.

In order to examine these problems more deeply, the Committee would be grateful to the Governments if they would supply information on legal provisions and regulations regarding the matter. In particular, the Committee would wish to be informed of the possible restrictions of the right to strike in the civil service and in essential services, of the list of administrations, services or sectors of the economy where the right to strike is limited, and of the nature of compensatory guarantees which would be granted to the workers in question.

Algeria (ratification: 1963)

In its previous observations, the Committee had commented on various legislative texts that expressly reinforce the single-trade-union system and designate the General Union of Algerian Workers (UGTA) as the only workers' organisation. The following provisions in particular are concerned: sections 2 and 3 of Ordinance No. 71-75 on collective labour relations in the private sector; sections 85 et seq., of Ordinance No. 75-31 on general conditions of work in the private sector and sections 23 and 24 of Act No. 78-12 relating to the general status of workers. Furthermore, the National Charter (Second Title, I, 5) and the Constitution of 1976 (section 100) place mass organisations, especially workers' organisations, under the care and control of the Party (the National Liberation Front).

The Committee notes the information supplied by the Government to the Conference Committee in 1979 and that contained in its report, in particular the information concerning the social and historical conditions in which the UGTA was formed. It also notes the statement by the Government that no law or decree or other legislation has imposed one trade union or more than one and that it is the workers themselves who have voted for the maintenance and development of the single-union structure of the UGTA.

The Committee considers, however, that the above-mentioned legal provisions do not seem to allow the establishment of workers' organisations independent of the UGTA and the Party and are not, therefore, in conformity with the principles of the Convention, which lays down that workers shall have the right to establish and to join organisations of their own choosing (Article 2) and that these organisations shall have the right to draw up their rules and organise their activities and formulate their programmes without any interference by the public authorities which would restrict that right (Article 3).

The Committee would be grateful if the Government would indicate the measures it intends to take with a view to bringing its legislation into conformity with the Convention on the points mentioned above.

Argentina (ratification: 1960)

The Committee notes that, following the discussion on the application of this Convention which took place at the Conference Committee in 1980, direct contacts were held between the competent authorities and a representative of the Director-General of the ILO from 7 to 13 December 1980. It notes that the representative of the Director-General was able to have an exchange of views with the Minister of Labour and other government authorities, as well as with representatives of the workers and employers. In these circumstances, it is to be hoped that an effort will be made in the near future to bring about a satisfactory alignment of the legislation on occupational organisations with the Conventions on freedom of association ratified by Argentina.

The Committee observes that Act No. 22.105 of 1979 on occupational organisations and Decree No. 640 of March 1980 for its application still contain several important provisions which are not compatible with the rights recognised by the Convention.

The Committee recalls, as regards Act No. 22.105, that the points at issue are, in particular, the following: approval of the constitutions by the authorities, control of trade union funds, trade union structure on a defined geographical basis, prohibition of political activities of trade unions, intervention in internal administration, limitations on the right to establish federations and confederations and on the rights arising from affiliation to international organisations, limitations on the number of leaders of federations and loss of the right to conclude collective agreements by trade unions which belong to a federation.

In addition, the Committee notes that Decree No. 640 gives the administrative authorities power to issue a prohibition of the election of persons with criminal records to trade union office, on the basis of the offences committed as compared with the moral character required of those who exercise trade union office. On this point, the Committee emphasises that powers of this kind should be exercised only by the judicial authorities.

The Committee notes that a new government will take office on 29 March 1981, and requests it to supply information on any measures which may be taken to bring its legislation into conformity with the Convention.

In addition, the Committee requests the Government to take steps to remove all the other restrictions on trade union activities which are still in force, in particular the administrative control imposed on certain trade unions and the general suspension of the right to strike, and to provide information on developments in the situation.

Finally, the Committee notes that in a communication it received while in session, the Government refers to direct contacts and to the recent facts which it considers important for the examination of the application of this Convention, such as the organisation of elections in occupational workers' associations, and at the highest level of occupational employers' representation.

The Committee trusts that other measures will be taken with a view to giving full effect to the Convention.¹

Bolivia (ratification: 1965)

The Committee takes note of the information supplied by the Government in its report and also of the reports of the Committee on Freedom of Association on Case No. 983, respecting Bolivia (205th and 207th Reports of November 1980 and February 1981 respectively).

The Committee takes note of Presidential Decrees Nos. 17531 of 21 July 1980 and 17545 of 12 August 1980, which have been examined by the Committee on Freedom of Association in connection with Case No. 983 and which provide for the dissolution by administrative action of trade union organisations, the dismissal of trade union leaders and the institution - as a temporary measure - in each workplace of workers' representatives chosen by the Ministry of Labour from among workers who have never performed trade union functions.

The Committee considers that such decrees are incompatible with the provisions of the Convention and therefore asks the Government to take the necessary measures as quickly as possible to repeal them and restore a normal trade union situation.

The Committee also notes that, during the direct contacts held in Bolivia from 4 to 9 October 1980, the Minister of Labour assured the representative of the Director-General of the ILO that in the adoption of the new legislation full account would be taken of the provisions of the ILO Conventions concerning trade unions and that to this end the advice and co-operation of the ILO would be sought.

The Committee trusts that these assurances will be realised very shortly and expresses the earnest hope that the new legislation will permit the rapid resotation of freedom of association in Bolivia.¹

Bulgaria (ratification: 1959)

With reference to its earlier comments, the Committee notes the information provided by the Government.

The Committee has pointed out certain provisions (Constitution, section 52(3) on the right to organise; Labour Code, section 7 on the legal personality of trade unions) that might result in a restriction of the right of workers to establish organisations of their own choosing. The Government states, in particular, that occupational organisations are formed on the basis of the right of citizens to unite in organisations, on the single condition that these organisations shall not profess an anti-democratic ideology. The Government also states that the acquisition of legal personality by trade union organisations is not subject to restrictions at any level. The Committee takes note of the detailed explanations of the Government.

¹ The Government is asked to supply full particulars to the Conference at its 67th Session and to report in detail for the period ending 30 June 1981.

The Committee notes, however, that section 7 of the Labour Code seems to subordinate the establishment of any new trade union to the approval of the central management of the corresponding occupational union already in existence. The Committee asks the Government to indicate the measures which it considers taking to enable workers, should they so wish, to establish legally organisations that are independent of the existing unions.

With regard to the right to organise of members of co-operative farms, the Committee notes the information sent by the Government to the effect that the general rules on organisations govern the trade unions of agricultural workers.

Burma (ratification: 1955)

In its previous observations, the Committee had pointed out that Burmese legislation provided for the setting up of a single-trade-union system (Act No. 76 of 1976, section 9 and Workers' Organisation Rules No. 5 of 1976, chapter 2) contrary to Article 2 of the Convention under which workers have the right to form organisations of their own choosing.

The Committee had also noted that, in accordance with its constitution, the organisation to which the Government has referred (Workers' Asiatyone) is set up on the principle of the single-trade-union system and is placed at all levels under the leadership and supervision of the Burma Socialist Programme Party. This role of the Party is provided for in the Rules, in particular, in connection with the participation of the workers' organisation in the drafting and implementation of the economic plans of the country and in connection with the formation of the basic units of the Asiatyone.

The Committee has pointed out that Article 8 of the Convention specifies that the law of the land shall not be such as to impair, nor shall it be so applied as to impair, the guarantees provided for in the Convention.

In its last report the Government refers once again to article 158 of the 1973 Constitution of the Socialist Republic of the Union of Burma relating to the general right of every citizen to take part freely in political, social, class and mass organisations permitted by law. It also states that the Workers' Asiatyone, the Peasants' Asiatyone, the Literary Workers' Organisations and others are voluntary and separate organisations which are unified but not subject to interference by the State. It concludes that these circumstances rule out any impairment of the guarantees provided for in the Convention.

However, the Committee is of the opinion that the single-trade-union system set up under the above-mentioned legislation of 1976 does not allow workers who would wish to form organisations of their own choosing, apart from the presently existing ones, the possibility to do so, for the purpose of furthering and defending their interests.

The Committee reiterates its hope that the legislation will be reconsidered in the light of the above comments in order to ensure that all workers and employers have the right to establish and join organisations of their own choosing so as to fulfil the requirements of the Convention.¹

¹ The Government is asked to report in detail for the period ending 30 June 1981.

Byelorussian SSR (ratification: 1956)

The Committee has noted the information communicated by the Government in its last report. This information relates to provisions or situations similar to those in the USSR; the Committee therefore invites the Government to refer to the comments made in respect of the USSR under this Convention.

United Republic of Cameroon (ratification: 1962)

With reference to its earlier direct requests, the Committee notes the information supplied by the Government in its report.

1. The Committee has made comments on section 4, subsection 2, of Order No. 24/MTLS/DEGPE of 27 May 1969, which excludes the possibility of more than one trade union for a given branch of activity in a given central organisation. The Committee has considered that this provision constitutes a restriction conflicting with Article 2 of the Convention.

The Government offers nothing new on this point. The Committee therefore requests it to provide information on any development on this matter.

2. The Committee has pointed out that strikes may be prohibited by the administrative authorities in services and undertakings considered to come under a vital sector of economic, social or cultural activity (section 165(3) of the Labour Code and section 2 of Decree No. 74/969 of 3 December 1974). The Committee notes the statement of the Government that the notion of the "undertaking considered particularly important for the economic and social development of the country" (section 2 of the Decree) is to be understood in a rather wide way because, as Cameroon is a developing country, the normal operation of most of its undertakings is indispensable to its economic and social survival.

The Committee appreciates the explanations of the Government but it considers that the prohibition of strikes in sectors so broadly defined places a clear restriction on the possibilities of trade unions to further and defend the interests of their members (Article 10 of the Convention) and on the right of trade unions to organise their activities (Article 3).

The Committee requests the Government to take the appropriate measures in this matter.

Central African Republic (ratification: 1960)

With reference to its previous observation, the Committee notes the information supplied by the Government to the Conference Committee in 1980, as well as the information contained in its report.

The Committee has made comments on section 10 of the Labour Code (members of the executive committee of a trade union must be employed in the profession for at least five years), section 22 (collective agreements must be discussed by the delegates of the occupational organisations directly concerned) and section 6 (restrictions on the trade union rights of foreigners).

The Committee notes that, following the direct contacts of December 1978 and May 1980, amendments to certain provisions of the

Labour Code have been proposed with a view to giving effect to the provisions of the Convention, in accordance with the comments of the Committee.

The Committee asks the Government to report any development in the situation and to provide a copy of the amendments as soon as they have been adopted.

Chad (ratification: 1960)

Following the discussion on the application of this Convention that took place in 1979 in the Conference Committee, the Committee regrets to note that once again the report of the Government has not arrived. It is therefore bound to repeat its previous observation, which was worded as follows:

In its previous observations, the Committee has made comments on section 36 of the Labour Code, which prohibits trade unions from undertaking any political activities. The Committee has, in particular, stated that a wide interpretation of this provision could lead to the conclusion that trade unions were going beyond their statutory competence if they ventured to make suggestions or criticisms concerning the Government's economic and social policy, for instance, the Government's wages policy. The Committee considered that it would be desirable not to prohibit completely any activity which, while directed essentially to the defence of members' interests, might have some political aspects, and to leave it to the courts to repress any abuses by occupational organisations which might attempt to transform unions into political instruments.

In addition, the Committee takes note of Ordinance No. 001 of 8 January 1976. This Ordinance provides that the exercise of trade union rights is exclusively reserved for the private sector and is prohibited in regard to public officials and equivalents. The Committee recalls in this connection that under Article 2 of the Convention, workers, without distinction whatsoever, including public officials, have the right to establish and to join organisations of their own choosing.

The Committee has also taken note of Ordinance No. 30 of 26 November 1975. This Ordinance provides that by reason of the overriding necessity to maintain order and in view of the positive abuses in the practice of freedom of association, all strike activity on the entire national territory is suspended until further notice. The Committee considers in this connection that, to be permissible, a prohibition from striking applied to all workers owing to special circumstances should not last longer than is strictly necessary. In addition, the Committee recalls that a general prohibition from striking considerably restricts the possibilities that trade unions have of furthering and defending the interests of their members (Article 10 of the Convention) and of organising their activities (Article 3).

The Committee trusts that the Government will take, in the very near future, the action necessary to modify the legislation in the light of the comments made above.

In addition, in its previous direct requests, the Committee had noted the statement of the Government that trade unions may affiliate with organisations provided that these have African allegiance. The Committee again requests the Government to indicate whether organisations of workers and employers have the right to affiliate with international organisations of workers

and employers, in general, as provided for in Article 5 of the Convention.¹

Congo (ratification: 1960)

In its earlier direct requests, the Committee has observed that first-level trade unions are governed by the constitution of the "trade union organisation" (Labour Code, Title VI, Chapter V). It has also commented on the bringing into force of the check-off system for the benefit of the Congo Trade Union Confederation by Decree No. 73-167 MJT of 18 May 1973. The Committee has considered that these provisions conflict with the right of workers to establish organisations of their own choosing (Article 2 of the Convention).

The Government states in its reports that trade union pluralism exists in law and that there is therefore nothing to indicate that any organisation that should come into being should not also profit by the check-off system. It adds that any union set up in conformity with the legislation in force would receive the same treatment as the Congo Trade Union Confederation.

The Committee takes note of these statements, but observes that the provisions in question strengthen the single-trade-union system presently existing in the country. By referring to "the trade union organisation" the Labour Code obliges the first-level unions to conform to the constitution of the only existing organisation, namely the Congo Trade Union Confederation. With regard to the check-off system brought into force by law for the benefit of a single organisation designated by name, this results in the compulsory financing of the organisation in question by all the workers.

The Committee considers that these provisions are such as to affect the right of workers to establish and to join organisations of their own choosing. It therefore asks the Government to re-examine the legislation with a view to bringing it into conformity with the principles of the Convention.

Costa Rica (ratification: 1960)

The Committee is bound to point out that it has been making comments for many years on the right to hold trade union meetings on plantations. It again insists on the need to take measures guaranteeing the right of access of trade union leaders to plantations and the right of workers to hold meetings there.

The Committee considers that the revision of the Labour Code, which is at present going on, may present the opportunity for including provisions of this kind, although they could also appear in other legislative texts.

Cuba (ratification: 1952)

With reference to its earlier observations, the Committee takes note of the information contained in the last report of the Government, to the effect that neither section 3 of Legislative Decree No. 3 of 25 April 1977, nor section 7 of the Constitution is intended to institute

¹ The Government is asked to supply full particulars to the Conference at its 67th Session.

or establish a legal system of one trade union. The Government adds that the reference in section 3 of the Legislative Decree to the existing trade unions and their voluntary incorporation in the Cuban Workers' Central Organisation merely recognises the facts of Cuban workers' organisation and the preference they have shown for integration, through separate national unions, in a single central body. The Government also states in its report that, if the workers do not wish to establish a trade union organisation separate from that which they have already established, the purpose of the legislation is not to impose on them a trade union plurality that would be opposed to the freely expressed will and interests of these workers.

The Committee nevertheless considers that such provisions appear to establish and maintain a system of one trade union and is bound to point out once more that the single-union structure imposed by the legislation is in conflict with the principles of this Convention. The Committee has often pointed out in this respect that, although the purpose of the Convention does not consist in making trade union plurality compulsory, the Convention does at least imply that this plurality is possible in every case, which does not seem possible to reconcile with section 7 of the Constitution or section 3 of Legislative Decree No. 3 of 25 April 1977. The Committee therefore asks the Government to take measures to adopt a clear legal basis on which workers may establish, should they so wish, an organisation of their own choosing independent of the Cuban Workers' Central Organisation.¹

CYPRUS (ratification: 1966)

Further to its previous comments, the Committee notes with satisfaction that section 59(1) of the Public Service Law, which restricted the rights of civil servants to join trade unions, has been repealed by Law No. 31 of 1980.

Czechoslovakia (ratification: 1964)

The Committee notes the information provided by the Government in its report, to the effect that the observations of the Committee are receiving careful study.

Right of workers to establish organisations of their own choosing

The Committee, in its previous comments, has pointed out that various legal provisions refer explicitly by name to the Revolutionary Trade Union Movement, the sole trade union organisation (Constitution, section 5; Act No. 37 of 8 July 1959; Labour Code of 1965). The Committee has also commented on section 4 of the Constitution and on the guiding role of the Communist Party, particularly in relation to workers' organisations.

The Committee is of the opinion that the reply of the Government does not enable it to modify its conclusions. It asks the Government to indicate the measures it intends to take to ensure that workers, should they so wish, may legally establish independent organisations.

¹ The Government is asked to supply full particulars to the Conference at its 67th Session.

Right to organise of members of
collective farms

The Committee has pointed out that the provisions of the Labour Code concerning trade union bodies do not cover the members of collective farms (sections 3 and 267(a) of the Labour Code). The information provided in this connection by the Government shows no change in the situation. The Committee again asks the Government to provide information on any development that may arise in law or practice respecting the membership of trade unions by members of collective farms.

Dominican Republic (ratification: 1956)

The Committee takes note of the report of the Government. In particular, it notes that the Secretary of State for Labour has prepared various advance drafts of resolutions to repeal Resolution No. 15/64 (which requires a minimum number of organisations for the formation of a federation or confederation) and Resolution No. 13/74 (concerning the presence of an inspector from the Department of Labour at certain trade union meetings), and also an advance draft to bring all agricultural workers within the scope of the Labour Code, since, under the present section 265, the Labour Code does not apply to agricultural, agro-industrial, stock-raising or forestry undertakings that continuously and permanently employ no more than ten workers.

The Committee has pointed out that the Labour Code authorises strikes only within very narrow limits (sections 373, 374 and 377 and the provisions concerning the arbitration procedure). In its report the Government again expresses its intention of revising the legislation on this point.

Concerning the right to strike, the Committee also observes that section 370 of the Labour Code prohibits strikes in "public services of permanent utility" and that section 371 lists some of these services, extending the appellation to similar services. The Committee considers that the prohibition of strikes is admissible only in essential services in the strict sense, namely those whose interruption might endanger the existence or well-being of the whole or part of the population. Some of the services mentioned in section 371, however, do not seem to belong to the class of essential services strictly speaking. The Committee therefore invites the Government to re-examine the list in question with a view to limiting it to services which are really essential.

The Committee notes that the National Administration and Personnel Office (ONAP) is studying the new conditions of employment for the public service and that the observations of the Committee concerning civil servants and other workers in the service of the public authorities have been transmitted to it. With reference to the legislation in force, the Committee has already made the following observations: civil servants and other workers employed by the public authorities are, with some exceptions, excluded from the labour legislation (section 3 of the Labour Code and Act No. 2059 of 19 July 1949) and are therefore deprived of the guarantees provided for concerning freedom of association. Furthermore, Act No. 56 of 24 November 1965 prevents all trade union propaganda and proselytism within public and municipal administrations or autonomous institutions of the State. Finally, although public servants have the right of association under Act No. 520 (regarding non-profit-making associations), this Act contains provisions whose application could be contrary to the Convention (section 13, for example, refers to the dissolution of an association by the executive authority).

The Committee trusts that the resolutions repealing Resolutions No. 15/64 and No. 13/74 will be adopted shortly and also the necessary provisions to amend the legislation in accordance with its comments. The Committee asks the Government to inform it of any change in this connection.

Egypt (ratification: 1957)

The Committee takes note of the information provided by the Government in reply to its comments.

The Committee notes that a Bill on trade unions has been discussed by the trade union organisations and is now before the People's Assembly. The Committee also notes the statement by the Government that the Bill confers wide rights on the Federation of Trade Unions, which has the main responsibility for organising and managing all the activities of the trade union organisations. The Committee recalls in this respect that in its previous observation, it had pointed out that it is incompatible with the principles of freedom of association to impose or maintain a single-trade-union structure through legislation as is already the case with Act No. 35, sections 9, 10, 13, 15, 16 and 17.

The Committee notes the statement by the Government that these provisions meet a request by the workers to strengthen the trade union movement and fit it to play its part in society. The Committee is bound to point out that, although the aim of the Convention is not to make trade union pluralism compulsory, pluralism must remain possible in every case where workers wish to establish organisations independent of the existing structure.

The Committee has already commented on the right to strike. It notes from the information provided by the Government that the Bills now under consideration do not mention strikes, which come under the general rules and basic principles governing the society. The Committee asks the Government to specify the general rules and basic principles applicable to strikes, and points out that the right to strike is one of the essential means available to workers and their organisations for furthering and defending their occupational interests. In this connection, the Committee notes the detailed explanations provided by the Government in its report on the application of Convention No. 98 to the effect that the legislation at present in force does not constitute a system of compulsory arbitration.

The Committee observes that its earlier comments also related to other points: the trade union rights of certain managerial staff (Act No. 35, section 19(e)); the right of trade unions to organise their internal administration and activities (Act No. 35, section 23; sections 9, 10, 21(a) and 36(c); sections 61 and 62; section 41).

The Committee hopes that the new Act, presently under consideration, will make it possible to bring the legislation into full conformity with the Convention in the light of the comments made above and it asks the Government to provide information on any developments in the situation.

Ethiopia (ratification: 1963)

The Committee has noted the indications given by the competent national authorities to the representative of the Director-General of the ILO during the course of the direct contacts that took place in January 1980. It has also noted the information supplied by a Government representative to the Conference Committee in 1980, according to which everything possible would be done as regards the matters raised by the Committee and discussed during the direct contacts. It further notes from the Government's last report that the new draft Labour Proclamation, which is to replace the Labour Proclamation of 1975, has yet to be finalised.

The Committee recalls that its earlier comments related to the following provisions of the Labour Proclamation of 1975 which it had considered incompatible with the Convention: sections 51(2), 52(3)(b), 50(4) and (7) and 49(2), establishing the system of a single trade union; sections 106 and 99(3), placing restrictions on the right to strike, and sections 51(2) and 109(13) restricting the right of international affiliation.

The Committee had furthermore observed that certain categories of workers (such as public service employees and domestic servants) were not covered by the Labour Proclamation.

Finally, the Committee has stressed the need for the Government to take measures to ensure that not only workers but also employers may exercise freely the right to organise, and had expressed the view that it did not appear that the organisations mentioned in the Chamber of Commerce Proclamation of 1978 constitute employers' organisations in the sense of the Convention, that is to say, organisations to further and defend the interests of the employers (Article 10). In this regard the Committee notes the information provided by the Government during the direct contacts in 1980, according to which a special committee was currently examining the Chamber of Commerce Proclamation with a view to its amendment in certain respects.

The Committee hopes that the elaboration of the new Labour Proclamation and the amendment of the Chamber of Commerce Proclamation will be completed at an early date and that the new texts will ensure full compliance with the Convention on all the points enumerated above.¹

Gabon (ratification: 1960)

The Committee notes the information provided by the Government in its report. It has also examined the constitution of the COSYGA, the single trade union central organisation.

1. The Committee has commented on the compulsory affiliation of the organisations to the central occupational organisations (COSYGA for the workers and CPG for the employers), provided for by the Labour Code, section 174.

The Government states that the revision of various sections of the Code, including section 174, is under consideration. The Committee again points out that the compulsory affiliation, under penalty of

¹ The Government is asked to supply full particulars to the Conference at its 67th Session and to report in detail for the period ending 30 June 1981.

illegality, of existing or future workers' or employers' organisations to the single central organisation of workers or of employers is contrary to the rights guaranteed by the Convention in Articles 2, 3, 5 and 6, under which, in particular, workers and employers have the right to establish the organisations of their own choosing.

2. The Committee has also commented on the conciliation and arbitration procedures (sections 239, 240, 245 and 249 of the Labour Code). It notes that a decision of the arbitration board is subject to appeal by either party, failing which it becomes executory. In the event of an appeal the arbitration decision may either be confirmed or be amended. It understands that the total effect of the various provisions mentioned might be to make any legal strike practically impossible. However, restrictions of this kind considerably limit the opportunities of trade unions of furthering and defending the interests of their members (Article 10 of the Convention) and the right of trade unions to organise their activities (Article 3 of the Convention).

The Committee requests the Government to take the appropriate measures in these matters.

Ghana (ratification: 1965)

The Committee recalls that for a number of years it has been making comments on the following points:

- (1) sections 11(3) and 12(1) (d) of the Trade Unions Ordinance, 1941, allow the Registrar of trade unions to refuse to register a union where observations or objections have been made in relation to an application for registration;
- (2) section 3(4) of the Industrial Relations Act, 1965, also allows the Registrar to refuse to appoint a trade union if another union representing the same category of employees or a part of such category already holds a certificate of registration;
- (3) the lack of provisions concerning the right to form and join federations and confederations or the right to join international organisations of workers or employers.

The Committee notes that it is still the opinion of the Government in consultation with the employers' and workers' organisations that the proposed amendments to the law will not be in the best interest of the economy as this will encourage splinter unions.

It also notes that the Ghana Trades Union Congress and its 17 national unions are affiliated to the Organisation of African Trade Union Unity (OATUU).

The Committee considers that the powers vested with the Registrar are too wide in scope to be compatible with Articles 2 and 6 of the Convention, under which workers and their organisations should have the right to form and join organisations, federations and confederations of their own choosing. The Committee requests the Government to re-examine its legislation in light of the considerations set forth above in order to bring it into conformity with the Convention.

In addition, as regards the Emergency Powers Decree of 7 November 1978, the Committee would wish to be informed whether the state of emergency is still in force, and if any strikes had occurred in the reporting period.

Greece (ratification: 1962)

During its previous session, the Committee referred to observations submitted by the World Federation of Trade Unions on the application of Conventions Nos. 87 and 98 by Greece. These observations, which were transmitted to the Government, referred to the application of Act No. 3239 of 1955 and compulsory arbitration, among other things.

The Government states in its reply that where collective bargaining fails, the official services can provide optional mediation at the request of one of the parties. If the mediation breaks down, the matter is put before the arbitration tribunals. The Government emphasises that practically all the disputes are brought before these tribunals by the workers themselves.

The Committee notes that the Committee on Freedom of Association has examined this Act (Case No. 976, 204th report, paragraph 200) without reaching the conclusion that it is not in conformity with the principles of Conventions Nos. 87 and 98.

With reference to its earlier comments, the Committee notes the information supplied by the Government to the Conference Committee in 1977 and that contained in its reports.

With regard to the system of financing trade union organisations (Legislative Decree No. 42 of 1974), the Committee has already asked the Government to adopt legislation enabling the trade unions should they so wish, to provide by collective agreement for a check-off system for the payment of members' dues.

The Government states that the check-off system is already practised under collective agreements in certain branches of activity and that it may be established by arbitration award, which enables it to operate even in cases where the parties have not been able to reach a collective agreement. The Government states again that it is willing to abolish the present system, which is temporary, but that no request to this effect has been sent to it by the trade union organisations.

The Committee notes that the check-off system for the payment of union members' dues is already used in practice in certain sectors. It therefore invites the Government to take measures to enable this system to be used by workers' organisations so wishing.

The Committee is addressing a direct request to the Government on questions relating to seafarers, journalists and public employees.

Guatemala (ratification: 1952)

With reference to its earlier observations, the Committee takes note of the statement by the Government representative to the Conference Committee in 1980 and also of the concern shown by this Committee in the face of the serious problems raised throughout long years by the application of the Convention. In relation to this, the Committee also observes that the Committee on Freedom of Association at paragraph 17 of its 207th Report points out that, in the absence of any reply from the Government of Guatemala, it has been unable to pronounce on Cases Nos. 954, 957, 975, 978 and 1026, most of which contain extremely serious allegations of the violation of freedom of association.

The Committee is therefore bound once again to recall its comments on the provisions of the legislation in force that are

contrary to those of the Convention, namely: prohibition of the re-election of trade union leaders (section 222(a) of the Labour Code); supervision of trade unions by the Government (section 211(a) and (b) of the Code); possibility of refusing the establishment of more than one union in an undertaking (section 211(a) of the Code); dissolution of unions that have been active in questions of electoral or party politics (section 226(a) of the Code); and restrictions on the rights of workers in decentralised, autonomous and semi-autonomous state enterprises in union matters (section 4 of Decree No. 1786 of 1968). The Committee has also pointed out that no regulations have been issued in application of section 63 of the Civil Service Act, which recognises the right of free association of public servants for occupational purposes. In this connection, the Committee on Freedom of Association, in its examination of Case No. 924, has stated that the dissolution by administrative authority of three civil servants' organisations in Guatemala is contrary to the principles of freedom of association.

The Committee observes that the Government repeatedly refers to a new Labour Code that will bring the legislation into conformity with the provisions of the Convention. The Committee, in view of the time that has passed since it made its first comments, considers that the legislation must be brought into conformity as soon as possible, whether through the adoption of a new Labour Code or simply through the adoption of legal provisions respecting freedom of association that conform to those of the Convention.¹

Honduras (ratification: 1956)

The Committee notes the statement by the Government in its report to the effect that the observations of the Committee of Experts on sections 2, 472, 510(c), 537(1) and 541 of the Labour Code have been circulated to all workers' and employers' organisations in the country. The Government is waiting for these organisations to explain their point of view on these questions.

The Committee hopes that the Government will be able in the near future to bring the following provisions of the Labour Code into conformity with those of the Convention, since the points in question have been the subject of comments for many years:

- (1) amendment of section 2 of the Labour Code so as to extend the right to join trade unions expressly to workers in agricultural or stock-raising undertakings not regularly employing more than ten workers with a view to bringing this section into conformity with Article 2 of the Convention;
- (2) amendment of section 472 of the Labour Code, which is inconsistent with Article 2 of the Convention in not permitting the existence in a given undertaking, institution or establishment of more than one plant union and providing that, where there is already more than one union, only that with the greatest number of workers shall remain in existence;
- (3) amendment of section 510(c) of the Labour Code, which is inconsistent with Article 3 of the Convention in requiring that union officers shall, at the moment of election, be following normally the occupation or function characteristic of the union and have exercised it for more than six months during the preceding year;

¹ The Government is asked to supply full particulars to the Conference at its 67th Session and to report in detail for the period ending 30 June 1981.

- (4) bringing into conformity with Article 6 of the Convention section 537, under which federations and confederations are not entitled to declare a strike, and section 541, which provides that the leaders of federations and confederations shall have been carrying out the corresponding occupation or function during more than one year before election.

The Committee points out that the Government has stated that the legislation will be amended on these points and it asks the Government to send soon information on all measures taken to bring the legislation into conformity with the Convention.

Hungary (ratification: 1957)

With reference to its earlier comments, the Committee takes note of the information provided by the Government.

The comments of the Committee related to the recognition of the right of workers to establish organisations of their own choosing. The Committee notes the explanations of the Government and observes in particular that, according to the Government, as was stated in its previous report, the right to organise is guaranteed not to a particular union but to unions in general, or rather to existing organisations or bodies that are to be set up in a given undertaking. It observes further, however, that the Labour Code refers explicitly and exclusively to the works committee and the National Council of Trade Unions. The Committee therefore asks the Government to state what measures it intends to take so that the legislation shall clearly guarantee to workers the possibility of legally establishing, should they so wish, organisations that are independent of those already existing.

With regard to the right to organise of members of co-operatives, the Committee notes that the right of association and right to organise guaranteed by the Constitution apply in this field too. The Government also states that, on account of the structure of the co-operative movement, members of co-operatives have not yet wished to avail themselves of their right to establish organisations. The Committee takes note of these explanations, but asks the Government to provide information on any development that may occur in this question whether in law or in practice.

Ireland (ratification: 1955)

With reference to its earlier comments, the Committee takes note of the information provided by the Government to the Conference Committee in 1979 and in its report and also the comments submitted by the Irish Congress of Trade Unions. These comments relate to the absence of protection for certain classes of workers, the result of which might be that workers taking part in peaceful strike picketing during a strike would be sued for damages.

The Committee notes the statement by the Government that new legislation will be adopted shortly to extend the provisions of the Trade Disputes Act, 1906, as the Trade Union Congress has requested.

The Committee hopes that the Government will shortly adopt the appropriate measures and it asks the Government to continue to provide information on the matter and to send copies of the amendments to the Act as soon as they have been adopted.

Jamaica (ratification: 1962)

Referring to its previous comments, the Committee notes the information communicated by the Government in its last report that the provisions of the Labour Relations and Industrial Disputes Act are under review. The Committee hopes that the proposed re-examination of these provisions will take into account the Committee's previous comments concerning the list of essential services which is too wide in scope to be considered compatible with the Convention, as it permits strikes to be stopped in a wide range of activities, such as the banking services, transport, loading and unloading of ships, oil refining, etc. The Committee recalls that the list of essential services should be limited to those services whose interruption might endanger the existence or well-being of the whole or part of the population.

The Committee has already referred to the Labour Relations and Industrial Disputes Act, 1978, as amended, which grants the Minister the right, at his own initiative, to refer to the Tribunal an industrial dispute for compulsory arbitration to "safeguard the national interest" (section 15(iii)). The Government indicates that this procedure is resorted to within the framework of the restrictions imposed by the Pay Guidelines of 1978, which in the Committee's view, appears tantamount to a system of compulsory arbitration. Such a procedure should be confined to essential services only in the strict sense of the term. The Committee therefore requests the Government to re-examine its legislation with a view to bringing it into conformity with the Convention and to provide any information on steps taken to ensure its application.

Japan (ratification: 1965)

The Committee notes the information supplied by the Government in its reports, the comments made by the General Council of Trade Unions of Japan (SOHYO) and the Government's replies to them.

For many years, the Committee has been commenting on the trade union rights of fire-fighting staff; it had noted in its previous comments that this category of personnel had formed an association. The Committee notes the statement by the Government that it is continuing carefully to study the question in a longer-term perspective. It requests the Government to supply information on any developments which might take place in the field of trade union rights of these workers.

In its observations, the SOHYO refers to the Japanese Trade Union of Municipality and Prefecture Workers (JICHIFO) which has been refused legal personality. The Committee notes that, according to the Government, the competent authority consulted by the trade union in question stated that, in fact, certain provisions of the constitution made it difficult, under the law, to grant legal personality; the competent authority has not received a formal request. The Committee notes that the legal provisions to which the Government refers (section 5(2) of the Act granting legal personality to organisations of employers, etc.) are of a formal nature and aim at guaranteeing certain democratic procedures in trade unions. The Committee points out that, according to certain information sent previously by the Government, the JICHIFO trade union appears to function normally and to represent the interests of its members, in particular during certain official consultation meetings. However, the Committee requests the Government to indicate what are the consequences for a trade union when it does not enjoy legal personality.

The Committee notes the information supplied by the Government on the definition of managerial, supervisory and confidential staff, a question which was raised again by the SOHYO. The Committee notes the explanations given by the Government in this connection to the Conference Committee in 1979. It also notes that this category of workers (managerial or high-level staff) have the right, according to the law, to associate, but in separate organisations. The Committee requests the Government to indicate the approximate proportion of staff which correspond to the legal definition out of the total of other workers in the sectors concerned.

As regard the sanctions applied for striking in the public service, the Committee points out again that measures of this kind - penal sanctions against trade union leaders and administrative sanctions against workers - can lead to serious difficulties as regards the development of industrial relations. The Committee refers in this connection to the view taken by the Committee on Freedom of Association according to which a flexible attitude in the application of sanctions is more conducive to the harmonious development of industrial relations.

Kuwait (ratification: 1961)

With reference to its earlier comments concerning the need to amend the trade union legislation, the Committee notes that the Government, in its last report, repeats its intention to amend the Labour Law.

The Committee points out that its comments relate to the following questions: the formation of trade unions; the membership of national and foreign workers; the denial of the right to vote to foreign trade union members; the inspection of the books and registers of trade unions; the disposal of union property in the event of dissolution; the prohibition of political activity by unions; and restrictions on the formation of federations and confederations of unions.

The Committee trusts again that the draft amendment to the Labour Law, to which the Government has been referring for several years, will bring the legislation into conformity with the Convention, and requests the Government to report any progress made.¹

Liberia (ratification: 1962)

With reference to its previous observations, the Committee takes note of the statements made by the Government representative to the Conference Committee in 1980 and of the information provided by the Government in its last report.

Right to organise of state employees. The Committee has already noted that the national legislation does not recognise the right to organise of state employees. It has also noted that the draft Labour Bill that has been under preparation for several years guarantees this right to the employees of public undertakings but excludes the employees of the Government (section 1(1) (h) and section 1(2)).

A Government representative at the Conference Committee stated in this connection that under Convention No. 98 it was possible to exclude

¹ The Government is asked to supply full particulars to the Conference at its 67th Session.

public servants engaged in the administration of the State from the rights and guarantees provided for by the Convention in respect of collective bargaining and that Convention No. 87 should be read in conjunction with Convention No. 98. The Committee is bound to point out that Convention No. 87 provides expressly that all workers without distinction whatsoever (including employees of the State) shall have the right to establish organisations for furthering and defending the interests of their members. The legislation should therefore recognise the right to organise of all state employees.

Supervision of trade union elections by the Labour Practices Review Board. The Committee observes that the Bill no longer contains restrictive provisions in this field and that it thus ensures fuller application of the Convention on this point.

Right of agricultural workers to organise jointly with industrial workers. The Committee has already noted that section 4601-A of the Labour Practices Act prohibits an industrial labour organisation from exercising any privilege or function for agricultural workers. It has pointed out that this restriction could bring about an impediment to the development of trade union organisations among agricultural workers, since it prohibits both the joint membership by agricultural and industrial workers in the same union and the joint membership by industrial and agricultural workers' unions of the same national trade union centre. The Committee notes with interest from the statement of a Government representative to the Conference that trade unions may organise in all sectors, including the agricultural sector. The Committee nevertheless hopes that the proposed Bill will explicitly repeal section 4601-A.

Abolition of the right to strike. The Committee takes note of Decree No. 12 of 30 June 1980 abolishing strikes and declaring that all labour disputes shall be handled exclusively by the Minister of Labour, Youth and Sports. The Committee points out that a prohibition of strikes in all the economic activities of the country constitutes a considerable limitation of the possibilities of action of trade union organisations and that such a limitation is not compatible with the principles of freedom of association generally admitted. The Committee asks the Government to consider taking measures to bring the legislation into conformity with the Convention.

The Committee also hopes that the Bill, which has been under study for several years, will take account of its comments and will be adopted in the near future.¹

Malta (ratification: 1965)

The Committee takes note of the information provided by the Government in its reports and the various comments of the Malta Confederation of Trade Unions and also the conclusions of the Committee on Freedom of Association concerning questions that the Committee has also examined in its earlier comments.

With regard to the setting up of the Joint Negotiating Council for public officers and the Industrial Tribunal (sections 25 and 26 of the Industrial Relations Act, 1976), the Committee observes that there no longer seems to be anything in the way of the full application of

¹ The Government is asked to supply full particulars to the Conference at its 67th Session and to report in detail for the period ending 30 June 1981.

the Act. The Committee notes that, according to the information supplied by the Government, the provisions regarding industrial relations, which had not yet been applied, will be applied shortly, and that the Joint Negotiating Council will be formed in the near future. The Committee would request the Government to supply information on developments in this connection.

The Committee is addressing a direct request to the Government on other questions.

Mauritania (ratification: 1961)

The Committee notes that the proposed amendments referred to in its previous observation are to be re-examined during the revision of the Labour Code that is now going on. The Committee points out that it has been commenting for several years on various provisions of the Labour Code (section 1 of Book III, prohibiting the setting up of more than one union in any trade or occupation and similar trades or occupations; sections 40 and 48 of Book IV, under which a strike or lockout can be prohibited by submitting the collective dispute to an arbitration procedure).

The Committee hopes that the revision of the Labour Code that is now being carried out will take account of its comments and asks the Government to provide information on any development in the matter.

Mexico (ratification: 1950)

The Committee regrets to note that the Government maintains its position concerning the Federal Act on State Employees. In these circumstances the Committee can only repeat its previous conclusions, namely that this Act contains various provisions (sections 68, 69, 71, 72, 73, 75, 79 and 84) which are not in conformity with the provisions of the Convention, and which refer - among other questions - to the prohibition of forming more than one trade union in each public body, prohibition of membership of trade unions and prohibition of re-election of trade union leaders. It hopes that the Government will re-examine the question and it asks the Government to supply information on any development in the matter.

Mongolia (ratification: 1969)

Following its previous comments, the Committee has noted the information communicated by the Government in its reports.

1. The Committee had requested the Government to indicate on what legal basis trade union organisations other than those in existence at present could, if they so wish, be constituted and function.

The Committee notes that, according to the Government, Part I of article 82 of the Constitution, which deals with the right of association, assures to all citizens, whatever their field of activity or social position, the right to join in social or other organisations to represent and defend their interests. The Committee notes, however, that, as already observed in its previous comments, article 82 of the Constitution seems to establish a close link between mass organisations, in particular trade unions, and the People's Revolutionary Party. The Government indicates on this point that the guiding role of the Party finds expression in particular in an

ideological and political administration and in the determination of the fundamental goals of society and of the direction in which it is to develop. The Committee notes this information. It requests the Government to indicate which measures might be taken to allow workers legally to constitute, if they so wish, organisations to defend them and represent their interests independently and without any links with the Party.

2. As to the trade union rights of members of agricultural co-operatives, who are excluded from the Labour Code (section 3), the Committee notes that the agricultural trade union organisations represent the interests of their members, manual workers, employees, farmers and stockraisers, irrespective of whether or not they are members of the agricultural co-operative.

3. The Committee again requests the Government to communicate the text of the regulations relating to the rights of trade union committees, to which the Government referred in a previous report, and which the Committee requested the Government to supply in 1977 and 1979.

Netherlands (ratification: 1950)

With reference to its previous observation, the Committee takes note of the discussions that were held at the Conference Committee in 1980 and the information provided by the Government in its report and in its reply to the comments made in 1979 by the Confederation of the Netherlands Trade Union Movement.

The Committee notes in particular the very detailed explanations of the Government on the various successive measures limiting bargaining on wages. The Government explains that it endeavours to maintain tripartite consultations so as to reach agreement during regular discussions. It was a breakdown of these discussions at a time critical for the economy of the country, according to the Government, that compelled it to take measures. Those taken in 1980 were to end in December of that year, and negotiations have been started in the various branches of industry to settle the situation after the lapse of the measures in question.

In its most recent report, received just before the present session of the Committee, the Government states that a new Act known as the Limited Wage Moderation Act was promulgated in December 1980. The restrictive measures of this Act apply only to a part of wages and salaries. The Government also states that they are only one element in a policy of economic recovery.

The Committee notes that the measures of moderation in wage increases adopted by the Government for 1981 are of a limited nature.

The Committee is fully aware of the efforts made by the Government to reach agreement on a tripartite basis and to maintain the free fixing of wages as a basic principle, but it cannot fail to observe that the Government has for six years been repeatedly and almost continuously taking measures to restrict bargaining on wages.

Free collective bargaining, including bargaining on wages, is one of the means available to workers' organisations for furthering and defending the interests of their members and it is an important aspect of their activities. Article 3 of the Convention provides that the organisations shall have the right to organise their activities and that "the public authorities shall refrain from any interference which

would restrict this right". The Committee therefore asks the Government to keep it informed of any measures it envisages taking in this connection.

Nicaragua (ratification: 1967)

The Committee takes note of the information provided by the Government in its last report and has examined the text of the Charter of Rights and Guarantees of Nicaraguans of 21 August 1979 and that of Decree No. 790 of 6 April 1979, which amends sections 188 to 209 of the Labour Code and certain regulations of the Regulations on trade union associations.

The Committee observes that, although Decree No. 790 provides for appeal to the judiciary in the event of refusal to register trade unions by the administrative authority (section 195), it considerably limits the right to establish trade unions. Thus, the new section 189 requires too high a number of members for the establishment of works unions by providing that a union may be established only with the absolute majority of workers in the undertaking or workplace concerned (which, contrary to Article 2 of the Convention, makes it impossible to establish more than one union in the same undertaking where the workers so desire), and the new section 200 (d) places excessive limitations on the right to form inter-occupational unions.

In addition, the Committee wishes to recall the comments it has been making on the application of Conventions Nos. 87 and 98, which relate to the following points:

- trade union rights of persons excluded from the scope of the Labour Code, that is, public officials, those working in family workshops and self-employed workers in the urban and rural sectors (sections 2, 3, 9 and 175 of the Labour Code);
- the legislative provisions under which only employed workers can hold trade union office (regulations 23 and 24 of the Regulations), members of the executive committee cannot be elected for more than two successive terms (regulation 35) and members of this committee can be dismissed by administrative action, without appeal to the judiciary (regulations 39 and 41), are not in conformity with Article 3 of the Convention;
- also in conflict with Article 3 of the Convention are certain provisions that call for the representation of the labour administration in constituent meetings and general meetings of trade unions (regulations 10 and 31 of the Regulations), the presentation of registers and other documents to the authorities at any time (regulation 36) and the allocation of a certain percentage of trade union dues to specific objects (regulation 20);
- the restrictions on the right to strike provided for in sections 225, 228 and 314 of the Code are not compatible with Articles 3, 8, paragraph 2, and 10 of the Convention;
- the number of trade union delegates to a federation congress is limited by regulation 52 of the Regulations.

The Committee also notes that the Regulations on trade union associations of 9 April 1951 are applied subject to Decree No. 790 of 6 April 1979. In this connection, the Committee would be grateful if the Government would state whether the new section 191 maintains in

force regulation 23 of the Regulations on trade union associations; whether, under the new section 207, the restrictions on the establishment of inter-occupational unions (section 200(d)) also apply to federations and confederations; and whether the new section 207 leaves in force regulations 44 and 63 and regulations 43 and 62 of the Regulations.

The Committee also asks the Government to state whether the general prohibition of political activities by trade unions laid down by section 204(b) of Decree No. 790 has been amended or not by sections 24, 25 and 31 of the Charter of Rights and Guarantees of Nicaraguans of 21 August 1979.

The Committee also notes the statement by the Government that it is not now possible to establish national trade unions. The Committee would be grateful if the Government would indicate the legal basis of this restriction.

Lastly, the Committee notes that a draft Bill on trade union organisations is under study and hopes that, as the Government states in its report, the future reform will take account of its comments and that the Government will provide information on any development in the matter.¹

Nigeria (ratification: 1960)

The Committee has noted the information communicated by the Government to the Conference Committee in 1979 that certain measures had been adopted during the state of emergency, which has since been lifted.

The Committee notes, however, that the Government's report has not been received. It must therefore repeat its previous observation which read as follows:

In its previous comments, the Committee recalled that the imposition of a single central trade union organisation by legislation or regulation is not compatible with Articles 2, 5 and 6 of the Convention under which workers have the right to establish the organisations of their own choosing. As the Committee pointed out, while there may be an advantage in the unity of the trade union movement, this unity should be the spontaneous outcome of the free development of the trade unions and should not be imposed by state intervention through legislation or regulations.

In this connection, the Committee must note that Decree No. 22 of 1978, amending the Trade Unions Decree, 1973 (No. 31), imposes a single trade union system: the Central Labour Organisation is designated by name as the sole confederation; registered trade unions are compulsorily affiliated to the confederation; a number of listed trade unions are automatically registered, while the registration of all existing trade unions under the 1973 Decree is automatically cancelled without right of appeal; in addition, only one trade union may exist for each category of workers.

The Committee recalls its previous comments referred to above. It recalls, in addition, that the cancellation of the

¹ The Government is asked to supply full particulars to the Conference at its 67th Session and to report in detail for the period ending 30 June 1981.

registration of trade unions by decree is equivalent to their dissolution by administrative authority and constitutes a measure contrary to Article 4 of the Convention.

In these circumstances, the Committee requests the Government to re-examine the whole issue in the light of the Convention's principles, and to examine the measures which might be taken to adapt the legislation to these principles.¹

Pakistan (ratification: 1951)

In relation to its previous comments, the Committee notes the information supplied by the Government to the Conference Committee in 1979 and in its last report.

As regards the right to organise of civil servants, the Committee had noted in its previous comments that associations had been established in the civil service. The Committee again requests the Government to communicate the texts which authorise government employees to form associations without restrictions.

The Committee notes that, according to the Government's report, the position of civil servants above grade 16 is still being examined; it requests the Government to supply information on developments in the situation.

The Committee had also made comments on the powers of financial supervision of the Registrar of trade unions. The Committee notes that, according to the Government, the legal procedure provided is essential for ensuring the legitimate use of trade union funds in conformity with the trade union rules. In addition, the Committee notes that there has not been any court action on this question since the adoption of the Act.

Panama (ratification: 1958)

The Committee has for several years been commenting on various sections of the Labour Code that conflict with the provisions of the Convention, namely: section 344 (which requires too high a number of members to set up an occupational organisation), section 346 (which prohibits the setting up of more than one trade union in an undertaking), section 359 (under which a trade union officer dismissed from his employment ceases to hold office), section 376(4) (under which the labour authorities may check the records and accounts of unions at practically any time) and section 347 (which requires that 75 per cent of union members shall be Panamanian).

The Committee observes that the last report of the Government brings no new information in this connection. It therefore once more wishes to express the hope that the Government will re-examine these questions in order to bring its legislation into conformity with the provisions of the Convention.

The Committee also hopes that the conditions of service of staff in the public sector, which are still under study, will be adopted in

¹ The Government is asked to supply full particulars to the Conference at its 67th Session.

Paraguay (ratification: 1962)

In its previous comments the Committee has noted that, although sections 347 et seq. of the Labour Code contain certain provisions relating to the right to strike, the Code of Labour Procedure renders these provisions inoperative by establishing a system of conciliation and arbitration whose awards the parties are bound to accept. This results in prohibition of the right to strike in practice, which seriously restricts trade union activities and is thus contrary to Articles 3, 8 and 10 of the Convention.

In its report the Government simply indicates that no new provision has been adopted in this connection.

Since the Committee has been raising the question of the exercise of the right to strike for many years, it hopes once again that measures will be adopted in the near future to bring the legislation into conformity with the Convention in this matter.

The Committee further points out that under the Convention public servants must enjoy the right to associate for trade union purposes. It again asks the Government to state how associations of public servants can defend their members' interests and what kind of trade union activities these associations carry on, since section 31 of Act No. 200/70 expressly confines the activities of associations of public servants to cultural and social ends.

The Committee again asks the Government to state what procedures are applicable in respect of labour disputes in public undertakings, since section 2 of the Labour Code provides that labour disputes involving officials or manual or non-manual workers in undertakings producing public goods and services shall be settled by administrative action.

Peru (ratification: 1960)

With reference to its earlier observations, the Committee takes note with satisfaction of the coming into force on 28 July 1980 of the new Political Constitution, whose provisions on freedom of association are in conformity with those of the Convention.

The Committee also notes that draft trade union legislation is at present being drawn up to expand the provisions of the Constitution and that account will be taken of the comments of the Committee in order to give full effect to the provisions of this Convention.

The Committee points out again that its comments referred to the following points: the right to organise in the public sector; the right to organise of workers in welfare institutions, hospitals and similar establishments; the right of workers to set up more than one union, if they so wish, in the same undertaking; the right of workers to elect as trade union representatives persons who are not employed in the undertaking in question; the amendment of the provisions

¹ The Government is asked to supply full particulars to the Conference at its 67th Session and to report in detail for the period ending 30 June 1981.

prohibiting trade unions from engaging, through their institutions, in political activities; the need to bring sections 5 and 9 of Presidential Decree No. 009, under which only works and occupation unions may be established, into conformity with the provisions of Article 2 of the Convention and with the practice reported by the Government, under which industry unions may be established; the rights of trade unions of different occupations to form federations.

The Committee trusts that the new trade union legislation will take its comments into consideration and give full effect to the Convention. It asks the Government to report any development in the matter.

Philippines (ratification: 1953)

The Committee has taken note of the Government's detailed replies to the Committee's observation in reports received in June 1979 and October 1980.

1. It notes with satisfaction the promulgation of Act No. 386, of 1 May 1980, extending the right to organise for purposes of collective bargaining to persons employed in non-profit, religious, charitable, medical, or educational institutions. In addition, the Committee notes with interest that under the same legislation ambulant, intermittent and itinerant workers, self-employed people, rural workers and those without any definite employers may form labour organisations for the purpose of enhancing and defending their interests and for their mutual aid and protection (section 244).

2. In its previous observation, the Committee had expressed the view that the legal provisions in force concerning the right to strike (Presidential Decree No. 823, amended by Letter of Instruction 368, Presidential Decree No. 849, section 264 of the Code, etc.) make it possible to submit any conflict to compulsory arbitration and could be so applied in practice as to result in a general abolition of the right to strike, which would considerably restrict the right of unions to organise their activities (Article 3 of the Convention). The Committee notes the Government's reply according to which a notice of strike or an actual strike is only referred to compulsory arbitration in the interests of national security or public safety, public order, the protection of public health or morals, or the protection of the rights to freedom of others. It further notes from statistics provided by the Government that, in 1979, out of 265 strike notices filed and 39 actual strikes, only 33 and 5 cases, respectively, were certified for compulsory arbitration. The Committee would be grateful if the Government would continue to provide statistics of this kind in its future reports.

3. The Committee had further noted that the industries which are regarded by the Government as vital and in which strikes are therefore prohibited are defined very broadly by the provisions in force given that this definition covers most of the economic activities. The Committee had considered that the prohibition of strikes should be confined to services that are essential in the strict sense of the term.

The Committee recalls in this regard that the Government, in its report for the period ending 30 June 1978, had indicated that the list of vital industries contained in Letter of Instruction No. 368 of 1976 was to be reviewed with a view to limiting the list and that a tripartite conference was to be convened to consider the matter. The Committee notes that the Government's last report contains no

information on this matter. It hopes that the review in question will soon be completed and will result in a revised list restricted to essential services in the strict sense of the term, that is, services whose interruption would endanger the existence or the well-being of the whole or part of the population.

4. In its earlier comments the Committee had considered that section 234(c) of the Labor Code, as amended, under which a union can be registered only if it includes at least 50 per cent of the workers of a bargaining unit, section 237(a) which stipulates that if a federation is to be registered, it must comprise at least ten unions of the same region and the same industry, and section 238 which precludes more than one federation or national union per any one industry in any area or region were incompatible with Articles 2 and 6 of the Convention which provide that workers shall have the right to establish organisations of their own choosing, on the sole condition that they conform to the rules of the organisation concerned, with Article 7 which provides that the acquisition of legal personality by these organisations shall not be made subject to conditions of such a character as to restrict the application of the principles of the Convention, and with Article 5 which provides that workers' and employers' organisations shall have the right to establish and join federations and confederations. Whilst noting from the Government's last report that, since 1975, 627 new unions have been registered and that there is practically no record of any complaint citing these requirements as restrictive, the Committee nevertheless wishes to recall the Government's earlier statement that the above-mentioned requirements only constituted transitory measures. The Committee accordingly hopes that measures will be taken at an early date to revise the provisions in question so as to ensure conformity with the above-mentioned Articles of the Convention.

5. The Committee notes that section 270 of the Labor Code precludes all aliens from engaging directly or indirectly in any form of trade union activity. It hopes that the Government will review the provision in question, in the light of Article 2 of the Convention which provides for the right of workers and employers, without distinction whatsoever, to establish and join organisations of their own choosing.

6. The Committee further notes that, under section 271 of the Labor Code, no foreign organisation or entity may give any donations, grants or other forms of assistance to any labour organisation or group of workers in the country without prior permission by the Secretary of Labor. The Committee considers a provision of this nature to be such as to deprive the workers of an important benefit that may flow from their right to affiliate with international organisations of workers, as laid down in Article 5 of the Convention. It accordingly requests the Government to reconsider the need for a provision of this kind.

7. Further to its previous comments on certain provisions of the Labor Code relating to administrative decisions concerning the registration of a trade union (sections 231, 235, 239 and 240), and the removal from office of a trade union officer (section 242), the Committee has noted from the report of the Government that an appeal lodged with the Supreme Court against an administrative decision refusing or cancelling registration or removing a trade union officer from office has a suspensive effect. Since such a practice is already established, the Committee expresses the hope that the Government will adopt specific provisions regarding the right of appeal of both cancelled trade unions, as well as of dismissed trade union officers. The Committee would also ask the Government to indicate whether, during the reporting period, any such appeals had been resolved through decisions of the Supreme Court.

8. With regard to the powers of inquiry conferred on the Secretary of Labor in respect of the financial management of trade unions (section 275 of the Code), the Committee notes that the policy of the Ministry of Labor was to limit itself to inquiry during the presentation of the complaints. However, the Committee would ask the Government to consider, during a next revision of the legislation, modifying the texts in question so as to limit inquiries of the Secretary of Labor to exceptional cases, for instance to cases of presumed irregularity, or to complaints submitted by members of a trade union.

9. The Committee has noted the Government's reply to its earlier comments concerning the right to organise of managerial staff and the status of security staff.¹

Poland (ratification: 1957)

The Committee notes the information supplied by the Government in its report. It also notes the conclusions reached by the Committee on Freedom of Association at its November 1980 meeting as regards Case No. 909 referring to Poland (206th Report of the Committee approved by the Governing Body at its November 1980 Session).

The Committee notes with satisfaction that, under the Act of 8 October 1980, amending the Trade Unions Act of 1 July 1949, a trade union or a regional group of trade unions obtain legal personality upon their registration by the Warsaw Vrodaya Court.

As regards the drawing up of new legislation on trade unions, the Committee notes with interest that, on 23 September 1980, the Council of State established a group to be entrusted with the preparation of a draft Act in which representatives of all trade union groups are participating. It also notes that the work of this group is nearing completion. The Committee hopes that the new legislation will be adopted and come into force in the near future, and that it will give full effect to the Convention. It requests the Government to supply information on the developments which will take place in this connection.

In addition, the Committee notes the decision handed down by the Supreme Court regarding the registration application made by an organisation grouping independent workers in the agricultural sector. The Committee notes that this organisation can enjoy the status of an association, but that it is not a trade union under the law. Given the general character of the provisions of Convention No. 87 which provide, in Article 2, that workers, without distinction whatsoever, shall have the right to establish organisations of their own choosing, and that Convention No. 11 on the Right of Association (Agriculture) covers all persons engaged in agriculture, including independent workers, the Committee requests the Government to supply the legislative texts which govern associations and to indicate what are their rights and duties under the law, and to give any information on the development of the situation as regards trade union rights in this field.¹

¹ The Government is asked to report in detail for the period ending 30 June 1981.

Romania (ratification: 1957)

With reference to its earlier comments, the Committee notes the information provided by the Government.

The comments of the Committee have related in particular to section 164 of the Labour Code, under which trade unions operate by virtue of the rules of the General Trade Union Confederation. The Committee has considered that this provision is such as to restrict the right of workers to establish organisations of their own choosing.

The Committee has also pointed out in its earlier comments that various provisions seem to establish a very close link between the trade unions and the Romanian Communist Party (Constitution, section 26; Labour Code, section 165). The Committee considers that these provisions appear to make it legally impossible to establish organisations that are independent of the Party.

The Committee notes that the report of the Government, although it is very detailed, does not mention the new trade union Bill that, according to the earlier reports of the Government, was being prepared.

The Committee asks the Government to consider measures to enable workers, should they so wish, to establish legally independent organisations.

The Committee also asks the Government to provide full information on the measures it intends to take to this end.¹

Sweden (ratification: 1949)

In its previous observation the Committee had stated that a letter dated 27 February 1980 from the Swedish Dockers' Union on the effect given by Sweden to Convention No. 87 would be examined by the Committee at its present session in the light of any observations received from the Government. The Government has transmitted its comments on the above-mentioned letter both in a communication of 3 June 1980 and in its last report. It has further transmitted additional information assembled from the Swedish Employers' Confederation, the Swedish Trade Union Confederation, the Swedish Transport Workers' Union as well as from those public conciliators who in recent years have been called upon to mediate in collective bargaining procedures between, inter alia, the Dockers' Union and the Master Stevedores' Association.

In its letter the Dockers' Union refers to the persistent refusal of the Master Stevedores' Association to enter into a collective agreement with the Union, with the effect of depriving it of several of the basic rights embodied in the Co-determination Act of 1976 and in enactments of 1974 concerning the working environment, educational leave and the protection of employment, such rights being granted only to trade unions which are parties to a collective agreement. The Dockers' Union is therefore, it claims, the subject of treatment incompatible with the principles of freedom of association. The Union appends to its letter statistics which, according to the Union, prove that its membership comprises the majority of dockworkers in Sweden and that it is accordingly the most representative union in this field. Finally, the Union rejects as unfounded declarations made earlier by

¹ The Government is asked to supply full particulars to the Conference at its 67th Session.

the Swedish Confederation of Trade Unions and the Transport Workers' Union according to which the Dockers' Union in 1974 and 1978 had been offered, but had rejected, a collective agreement identical to the agreement concluded between the Master Stevedores' Association and the Transport Workers' Union.

In its communication of 3 June 1980, the Government maintains the view that the Swedish legislation is based on the principle that fundamental trade union rights and liberties are to be enjoyed by all trade union associations equally, while the right and responsibility to represent the whole group of employees in the exercise of powers of co-determination, and certain legal rights connected with this right and responsibility, should be reserved for organisations which are representative in the sense of having an established relationship with the employer in the form of a collective agreement. The fundamental and equal rights of trade union organisations include the right to negotiate collectively under section 10 of the Act concerning the Joint Regulation of Working Life. The established legal practice is for collective agreements, once concluded, to be applied equally to all employees within the sphere of activity to which an agreement refers, irrespective of whether or not they are members of the associations of workers which have concluded the agreement with the employer. Given the system of free collective bargaining which applies in the Swedish labour market, it has been considered out of question for legislation to be passed or for any other form of public intervention to be undertaken defining the spheres of activity within which collective agreements are to be concluded or the groups of employers and workers respectively on whose behalf the organisations are to be considered competent to negotiate.

The Committee has examined carefully the arguments presented by the Dockers' Union and by the Government. It has also noted the statistics provided by the Transport Workers' Union which, according to that Union, show that it is the most representative union of dockworkers in Sweden. Finally, it has taken note of the statements submitted by the State Conciliators' Office to the effect that the Swedish Dockers' Union has on at least one occasion declined an offer to sign an accessory agreement, identical to that entered between the Master Stevedores' Association and the Transport Workers' Union, and that the Dockers' Union has on several occasions managed to obtain collective agreements with employers not affiliated to the Master Stevedores' Association.

In the light of the contradictory figures provided by the Dockers' Union and the Transport Workers' Union, the Committee does not find itself in a position to express an opinion as to which of the two unions should be considered most representative of dockworkers in Sweden. In the Committee's view, however, that particular issue is not of paramount importance to the Committee's consideration of the case.

It appears to the Committee, from all the information available, that the Swedish Dockers' Union enjoys and effectively exercises the right of collective bargaining with the employers, including the Swedish Master Stevedores' Association, but that, in point of fact, the Union and the Association have never entered into a collective agreement, the Association preferring to enter into such agreements with the Swedish Transport Workers' Union, affiliated to the Swedish Confederation of Trade Unions. Where the Dockers' Union has failed to obtain a collective agreement with the Stevedores' Association, it has always been open to the Dockers' Union to seek to enforce its demands by calling a strike, a right which the Union has likewise effectively exercised in recent years. As indicated in an earlier observation, the Committee holds the view that the situation described above cannot be considered incompatible with the principles laid down in the Convention.

The Committee, however, wishes to restate the opinion it expressed in its 1979 observation, namely that the tendency noted in several recent Swedish laws to grant increasingly numerous advantages only to unions which have signed collective agreements, for instance by imposing on an employer the obligation to negotiate with the workers' organisation in relation to which he is bound by a collective agreement before deciding on any important change in his activity may lead to a growing sense of injustice among other union organisations which may not be favourable to a harmonious climate of industrial relations.

Switzerland (ratification: 1975)

With reference to the request made in its last observation following upon comments made by the Swiss Trade Union Federation, for information relating to the practical application of the Convention, the Committee takes note of the reply by the Government in its last report, which shows that since the Convention came into force the Government has been unaware of any legal decision taken in relation to it.

Syrian Arab Republic (ratification: 1960)

The Committee notes with regret that the Government's report has not been received. It must therefore repeat its previous observation which read as follows:

The Committee observes that the Bill mentioned in its previous observation has not yet been adopted.

1. The Committee recalls that its comments on Legislative Decree No. 84 of 1968 (respecting trade union organisation) dealt with the following points: system of unified structure imposed by law (sections 2 and 7); various provisions (sections 25, 32, 35 and 44) limiting the trade union rights of foreigners and restricting the free administration and management of unions; sections 2 and 8, requiring a minimum of 50 workers for the establishment of a trade union organisation; sections 32 and 36, concerning the deposit and compulsory allotment of trade union funds; section 49(c), under which the General Federation may dissolve the executive council of any union on various grounds.

The Committee hopes that the Bill mentioned by the Government will be adopted in the very near future and that the new provisions will be in conformity with the Convention. It requests the Government to supply information on any developments in this connection.

2. Some of the points raised above have also been raised by the Committee in connection with Legislative Decree No. 250 respecting craftsmen and small employers. They include section 2 (only one system for setting up associations); section 6(a) (4), (b) and (c), which governs the income of associations; section 12, which lays down the manner of financing federations.

The Committee requests the Government to indicate what measures it intends to take to bring these various provisions into conformity with the Convention.

3. The Committee has also referred to the prohibition of strikes laid down by section 160 of the Agricultural Labour Code and arising from section 19 of the Economic Criminal Code. The Committee observes from the report of the Government that a new draft has been prepared on this point under which both the interests of the workers and national production can be guaranteed. The Committee hopes that the draft in question will

be adopted very shortly and requests the Government to provide information on any development in this connection.

4. The Committee takes note with interest of the statement by the Government that agricultural workers have the right to join trade unions, whether they are members of a co-operative or not, by virtue of Act No. 21 on peasant organisations. It asks the Government to supply information on the nature and role of the peasant co-operative associations which can be set up by agricultural workers, by peasants working the land only with the help of members of their family and by land owners whose holdings do not exceed a prescribed area.¹

Ukrainian SSR (ratification: 1956)

The Committee has noted the information communicated by the Government in its last report. This information relates to situations similar to those in the USSR; the Committee therefore requests the Government to refer to the comments made in respect of the USSR under this Convention.

USSR (ratification: 1956)

With reference to its previous observation, the Committee notes the statements made by a Government representative to the Conference Committee in 1979 and the information provided by the Government in its last report. The Committee has also taken note of the conclusions reached at its February 1981 session by the Committee on Freedom of Association and approved by the Governing Body in respect of Case No. 905 relating to the USSR (207th Report of the Committee, paragraphs 100-130).

Right to organise of members of collective farms

In its previous observation, the Committee requested the Government to provide information on the activities that can be carried on within collective farms by the unions representing the members of these farms, who are excluded from the Labour Code, as well as on the legislative provisions governing these activities and the situation in practice in this field. It had also requested the Government to provide information on any provision it may adopt on the functioning of trade unions that members of collective farms might wish to set up independently of the organisations existing already.

The Government indicates in its report that the activities of the trade union organisations of members of collective farms have continued, and that at present 97.2 per cent of the members of these farms are affiliated to a trade union. In addition, the Government refers to a decision taken in August 1977 by the Presidium of the Central Council of Trade Unions concerning the methods of application of the Regulations on the Rights of Factory, Works or Local Trade Union Committees to trade union committees of kolkhozes and of fishermen's kolkhozes. These methods of application have been the subject of an agreement between the Union Council of Kolkhoz Members, the Ministry of Agriculture and other ministries concerned. In accordance with this decision, the kolkhoz trade union committee represents the interests of the kolkhoz members as well as those of the workers and employees working on the kolkhoz. This trade union committee has legal personality.

¹ The Government is asked to supply full particulars to the Conference at its 67th Session.

The Committee takes note with interest of the information thus communicated by the Government.

The right of workers to establish
organisations of their own choosing

The Committee had noted that provisions of the Labour Code of the PSFSR, such as section 7 concerning collective bargaining and section 230 concerning the rights of trade union committees, and also the 1971 Regulations on the Rights of Factory Works and Local Trade Union Committees, do not contemplate the possible existence of another trade union organisation established by workers of the category represented by the trade union committee referred to in the legislation. By bestowing trade union functions solely on the trade union committee concerned, these provisions seem to preclude the possibility of setting up another organisation representing workers of the same category.

At the Conference Committee in 1979 the Government representative, while indicating that the Labour Code did not provide for a single exclusive trade union committee, referred to statements made at earlier sessions of the Conference Committee to the effect that the legislation merely confirmed the unity of the trade movement in the USSR. He also again stated that there was no reason why the law should not be amended if practice changed, that is if the workers themselves wished to set up other unions beside those already existing.

The Committee notes this information, which seems to confirm the necessity of an amendment of the legislation in order to allow organisations independent of the existing trade union structure to be formed and legally represent the interests of their members. The Committee considers therefore that the provisions at present in force are liable to impair the free establishment of workers' organisations, and this appears from the complaints examined by the Committee on Freedom of Association. Consequently, the Committee requests the Government to provide information on any measure which may be taken with a view to recognising clearly the right of workers to establish the organisations of their choice.

Role of the Communist Party in trade unions

The Committee had noted that, under the terms of article 6 of the Constitution, the Communist Party is the leading and guiding force of Soviet society and the nucleus of all public organisations. The Committee had expressed the view that, if the term "public organisations" covered workers' organisations, the law would establish a link between the Communist Party and these organisations, in which the leading role would be assigned in law and permanently to the Party.

The Government representative confirmed that workers' organisations were covered by this provision. He stated in this regard that in practice there was no external interference in trade union affairs but that party members exercised their influence in their capacity as members of the trade unions. He added that party members were in the minority in the trade unions, and that if the majority who were not party members agreed, their opinion prevailed.

While noting these explanations, the Committee remains of the opinion that the Constitution imposes a link between the Communist Party and the workers' organisations in their entirety, and thus restricts the right of the trade unions to organise their activities and to formulate their programmes, as provided for in Article 3 of the Convention.

Other questions

As regards the other questions on which the Committee had made comments on previous occasions (in particular the right to hold meetings without previous authorisation), the Committee notes the statement of the Government representative that the Committee will be informed of any new developments which take place in these fields.

Uruguay (ratification: 1954)

The Committee notes that direct contacts took place between the government authorities and a representative of the Director-General in January 1981. The Committee notes with interest that on this occasion the authorities indicated that the Occupational Associations Bill which is before the Council of State should probably be adopted during the first half of 1981. They also gave an assurance that the final text of the Act would to a maximum extent be adjusted to the provisions of the Convention.

The Committee recalls that, in spite of certain improvements as compared with the preliminary draft which it examined in 1979, the Occupational Associations Bill still contained certain provisions which were not in conformity with the Convention. These provisions concerned in particular the obligation placed on trade union leaders to make a declaration of democratic faith or to have worked for at least two years in the branch of activity represented by the union; the prohibition of acts of a preponderantly political character; the obligation placed on first-level unions to organise themselves at the level of the undertaking; the detailed regulation of several questions which should be regulated normally by the internal administration of trade unions (compulsory voting at elections and referendums; submission of reports whenever required by the authorities; maximum duration of trade union assemblies; liability, with some exceptions laid down in the Bill, of lower-level trade unions for decisions of the higher-level organisations to which they are affiliated; formalities to be complied with before the Minister of Labour in connection with elections and referendums).

The Committee had also noted that the Ministry of Labour and Social Security was examining a draft Bill on the exercise of the right to strike.

The Committee again expresses the firm hope that the final version of the Occupational Associations Act will be in conformity with the rights laid down in the Convention, and that measures will be taken to remove the other restrictions on trade union activities which are still in force, in particular as regards strikes.

The Committee requests the Government to provide information on developments in the situation.¹

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In addition, requests regarding certain points are being addressed directly to the following States: Algeria, Australia, Bangladesh, Canada, Colombia, Congo, Costa Rica, Cuba, Cyprus, Egypt,

¹ The Government is asked to supply full particulars to the Conference at its 67th Session and to report in detail for the period ending 30 June 1981.

Gabon, German Democratic Republic, Greece, Lesotho, Madagascar, Mali, Malta, Mexico, Nigeria, Pakistan, Panama, Portugal, Romania, Senegal, Seychelles, Spain, Swaziland, Tunisia, USSR, Yemen.

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

Convention No. 88: Employment Service, 1948

Argentina (ratification: 1952)

In previous observations, the Committee noted that no advisory committees had been established to ensure the co-operation of representatives of employers and workers in the organisation and operation of the employment service and the development of its policy. The Committee notes that on the occasion of the direct contacts which took place between the Government and a representative of the Director-General in December 1980 the Government indicated that an Employment Service Bill, which was awaiting presidential approval, made provision for employment service advisory committees. The Committee hopes that this Bill will be enacted shortly and will lead to the creation of one or more advisory committees in accordance with Articles 4 and 5 of the Convention.

The Committee notes further the information provided in the course of the direct contacts on the application of Articles 6(d) and 9, paragraph 1, of the Convention, which had been the subject of a request by the Committee.

Costa Rica (ratification: 1967)

Article 3 of the Convention. The Committee notes from the information provided by the Government that no new regional employment offices have been set up, owing to lack of the necessary financial resources. It hopes that the Government will be able gradually to establish a network of regional employment offices (at present there are only two) so as to reach every region of the country.

Articles 4 and 5. The Committee notes that the Government has considered setting up an advisory committee with employers' and workers' representatives to advise on the operation of the employment service and that consultations are at present going on to decide how it will function. The Committee trusts that the next report of the Government will contain full information on the way in which effect is given to the provisions of these Articles.

The Committee asks the Government to supply detailed information in its next report on the activities of the existing employment offices during the period covered by the report, containing, in particular, statistics on the number of applications for employment received, the number of vacancies notified and the number of persons placed in employment.

Egypt (ratification: 1954)

Articles 4 and 5 of the Convention. The Committee notes that the new draft labour law provides for the establishment of manpower advisory committees and a Higher Manpower Council. The Committee

recalls that the existing advisory bodies in the manpower and employment fields have not hitherto exercised any function in relation to the employment service, and once again expresses the hope that measures will be taken to establish a national committee, and where necessary regional and local committees, constituted in accordance with Article 4, paragraph 3, of the Convention to advise on the organisation and operation of the employment service.

Malta (ratification: 1965)

The Committee notes with satisfaction that, following its previous observation, the policy regarding registration for employment of returned migrants has been revised and they are now able to register with the National Employment Service, as required by Article 6 of the Convention.

Spain (ratification: 1960)

The Committee notes with interest the establishment and operation of the National Employment Institute (INEM), which will guarantee the more effective application of the provisions of the Convention. The Committee notes with satisfaction that the General Council and the Central Executive Committee of the INEM have already been set up and that the provincial executive committees are being set up at present in conformity with Articles 4 and 5 of the Convention.

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In addition, requests regarding certain points are being addressed directly to the following States: Bolivia, Central African Republic, Mozambique, Peru, Zaire.

Convention No. 89: Night Work (Women) (Revised), 1948

A request regarding certain points is being addressed directly to Bolivia.

Convention No. 90: Night Work of Young Persons (Industry) (Revised), 1948

Guinea (ratification: 1966)

The Committee refers to its general observation. It notes Order No. 221/OIT of 15 June 1980, which does not yet give full effect to Article 2, paragraph 1, of the Convention, the subject of its earlier comments. The Committee hopes that the direct contacts asked for by the Government will make it possible to settle all the problems connected with the application of the Convention.

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

Convention No. 91: Paid Vacations (Seafarers) (Revised), 1949Belgium (ratification: 1962)

Article 3, paragraph 5(b), of the Convention. Referring to its previous comments, the Committee notes with satisfaction the coming into force of the Royal Decree of 9 January 1980 (which amends the Royal Decree of 24 October 1936 respecting the rules of the Assistance and Welfare Fund for Sailors under the Belgian Flag) gives seamen the right to postpone days of holiday coinciding with a period of incapacity for work.

Brazil (ratification: 1965)

The Committee notes with regret that the Government's report has not been received. It must therefore repeat its previous observation which read as follows:

Article 3, paragraphs 2 and 3, and Article 7, of the Convention. Referring to its earlier comments, the Committee recalls that under these provisions of the Convention, a seaman having at least six months of continuous service shall on leaving such service be entitled to corresponding leave in respect of each complete month of service (Article 3, paragraph 2) and shall receive the usual remuneration for each day of vacation holiday due to him and not taken (Article 7); the same rights have to be granted to a seaman discharged through no fault of his own before he has completed six months of continuous service (Article 3, paragraph 3).

The Committee notes in this connection that section 147 of the Consolidated Labour Laws, as modified by Decree No. 1535/77, grants to a worker discharged without due cause, or whose contract terminates on the date foreseen, before having completed 12 months of service, is entitled to compensation for a proportionate fraction of annual holiday. This provision thus gives effect to Article 3, paragraph 3 of the Convention and also to Article 3, paragraph 2, to the extent that it is a question of termination of service at the end of a contract, on a specified date. However, the provision mentioned is not in conformity with Article 3, paragraph 2 and Article 7 of the Convention, in the case of seamen who have completed between 6 months' and 12 months' continuous service and who cancelled their contract on their own initiative or are discharged for due cause. Under the terms of the Convention, the seamen shall be entitled, in these cases also, to a proportionate holiday and to the related compensation.

The Committee also notes that the sole subsection of section 146 of the Consolidated Labour Laws, as amended, provides that in the event of a contract ending after 12 months of service, the worker discharged without due cause shall be entitled to compensation for that fraction of the leave corresponding to any period of service of less than 12 full months. This provision also is not in conformity with Article 3, paragraph 2, and Article 7 of the Convention under which a seaman who has completed not less than six months of continuous service and who leaves the service for any reason whatsoever shall be entitled to a proportionate holiday and to the related remuneration.

The Committee therefore hopes that the national legislation will be brought into full conformity with the aforementioned Articles of the Convention.

Article 4. The Committee notes that section 136 of the Consolidated Labour Laws, as amended, uses the same wording as the former section 139, to the effect that annual holidays shall be granted at the period most suitable to the employer whereas, under the Convention, holidays shall be given by mutual agreement as the requirements of the service allow. It notes in this connection the observations of the National Confederation of Workers in Maritime, Fluvial and Air Transport in which it expresses the hope that the new version of the Consolidated Labour Laws will soon remove this divergency. The Committee hopes that the national legislation will be brought into conformity with this Article of the Convention.

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In addition, requests regarding certain points are being addressed directly to the following States: Algeria, Angola, Cuba, Israel, Norway, Poland, Tunisia.

Convention No. 92: Accommodation of Crews (Revised), 1949

Costa Rica (ratification: 1960)

Referring to its previous comments, the Committee notes with satisfaction the adoption of Decree No. 11326-TSS of 20 March 1980, which was drawn up during direct contacts held in 1977 and which gives effect to the various provisions of the Convention.

Panama (ratification: 1970)

Referring to its previous comments, the Committee notes with interest the decision by the Government to call on the technical co-operation of the ILO in 1981 to settle questions concerning seafarers, including the questions that come under the Convention. It hopes that the measures adopted will give effect to all the provisions of the Convention. The Committee asks the Government to provide information on any progress made.

Yugoslavia (ratification: 1966)

Referring to its previous comments, the Committee notes with satisfaction the adoption of the Rules for the Construction of Seagoing Ships - Part XXII - Protection at Work - which give effect, on the whole, to the provisions of the Convention.

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In addition, requests regarding certain points are being addressed directly to the following States: Algeria, Angola, Liberia, Poland, Portugal, Spain.

Convention No. 94: Labour Clauses (Public Contracts), 1949**Burundi (ratification: 1963)**

The Committee notes from the Government's report that the draft decree intended to apply the Convention has now been prepared, but not yet promulgated. The Committee hopes that the Government will be able to indicate in its next report that all measures necessary to apply the Convention have been taken, and will communicate all the relevant texts.¹

Costa Rica (ratification: 1960)

The Committee notes with satisfaction the adoption of Decree No. 11430-TSS of 30 April 1980, which had been prepared following direct contacts with a representative of the Director-General of the ILO which took place in 1977, and which provides the legislative basis for the application of the Convention. Certain questions concerning the measures taken for the practical application of this Decree are being raised in a request which the Committee is addressing directly to the Government.

Ghana (ratification: 1961)

The Committee notes from the Government's report that the Committee's previous comments will be brought to the attention of the authorities for appropriate action. However, it recalls that measures to apply the Convention have been requested since the Convention's ratification, and that the Government has previously indicated that action would be taken. It therefore hopes that measures will be taken in the near future with regard to the following points:

Article 2 of the Convention. The basic requirement of the Convention is that labour clauses be included in public contracts ensuring to the workers concerned wages and other conditions of labour which are not less favourable than those established for similar work in the area concerned. In earlier reports, the Government has referred to labour clauses in the Standard Control Agreement Form for Non-Technical Departments and the Articles of Agreement and Conditions of Contract for Building Workers; but the Committee has pointed out that these clauses only require the contractor to observe standard or minimum wage requirements and to comply with government regulations. This is not sufficient to comply with the Convention, and the Committee hopes that new clauses will be drafted after consultations with the organisations of employers and workers in the country.

Article 5. The Committee recalls that no measures exist to ensure the application of this Article (application of adequate sanctions, and measures to enable the workers concerned to obtain the wages to which they are entitled).

Guatemala (ratification: 1952)

The Committee notes the statement in the Government's report that ratified Conventions are incorporated directly into national law, and that it has therefore not been considered necessary to adopt further legislation to apply this Convention. However, this Convention is not self-executing, so that additional measures are necessary to implement it in practice.

¹ The Government is asked to report in detail for the period ending 30 June 1981.

The Government has also again referred to the Governmental Resolution of 5 October 1962, although the Committee has been pointing to the need to amend this text since 1966 and the Government had indicated in its previous report that it would take the necessary measures to this end. The Committee has pointed out a number of times that this legislation does not fulfil the Convention's requirement of including labour clauses in public contracts to ensure that wages, hours of work and other conditions of labour are not less favourable than those established for the trade, industry and district concerned.

The Committee has asked the Office to communicate to the Government a detailed explanatory note on the Convention, and once again expresses the hope that the necessary measures will be taken in the very near future to bring national legislation into conformity with the Convention.¹

Guinea (ratification: 1966)

The Committee refers to its general observation, and expresses the hope that the direct contacts requested by the Government will lead to the adoption of measures to apply the Convention, as the Committee has requested in its previous comments.

Mauritius (ratification: 1969)

The Committee notes that the Government proposes to take action to amend the Labour Act, 1975, with a view to covering subcontractors and assignees and providing for the posting of notices. It recalls that when the Labour Act was adopted it repealed the Labour Clauses in Public Contracts Ordinance, 1964, by which the Convention had previously been applied. It also notes that comments were received in 1979 from the Mauritius Labour Congress expressing concern over the lack of measures to apply the Convention.

The Government also indicates in its report that public contracts are covered equally by generally-applicable labour legislation, as well as by remuneration orders, arbitration awards and collective agreements. However, such methods are not normally sufficient to ensure the application of the Convention in all cases, as its basic requirement (Article 2) is that clauses be inserted in public contracts ensuring to the workers concerned conditions of labour not less favourable than those established for work of the same character. Once these clauses have been inserted, the wages and other conditions applicable to the workers may be determined by reference to collective agreements, arbitration awards or national legislation and regulations.

The Committee has asked the Office to communicate to the Government a detailed explanatory note on the requirements of the Convention and the methods by which it may be applied. It hopes that, following these explanations, the Government will take the necessary measures (for instance, by the re-enactment of the 1964 Ordinance) to apply the Convention once again.

Philippines (ratification: 1953)

The Committee notes that the Government refers to an earlier report in reply to the question raised in the previous observation.

¹ The Government is asked to report in detail for the period ending 30 June 1981.

However, that earlier report contained no reply on the points raised by the Committee. It recalls that labour clauses meeting most of the requirements of the Convention are inserted into public contracts for public works (Memorandum Circular of the Bureau of Public Works dated 7 May 1975); however, no provision is made for similar measures in respect of the other types of public contracts covered by Article 1 (1) (c) (ii) and (iii) of the Convention (public contracts for the supply of materials and services). The Committee therefore hopes that the Government will take early measures to ensure that the Convention is applied to these contracts as well.

Turkey (ratification: 1961)

For many years, the Committee has been drawing attention to the fact that no measures have been taken to ensure compliance with the Convention. With its report for 1977-78, the Government communicated the text of a draft decree intended to give effect to the Convention, and the Committee drew attention in a direct request in 1979 to the need for certain additional measures to ensure the full application of Articles 1, paragraph 1, 2, paragraphs 1, 2 and 3, and 5, paragraph 2, of the Convention on the basis of this draft. In a statement to the Conference Committee in 1980, the Government stated that a decree of 5 September 1979 issued by the Ministry of Public Works contained a standard form of contract, regulations, and penalties for violations which included revocation or non-renewal of the contractors' licence.

The Committee notes, however, that the Government's report has not been received and that the text of this decree has not been communicated.

The Committee trusts that the Government will supply a copy of the decree referred to and of any other measures that may have been adopted, and that they will ensure the full application of the Convention.¹

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In addition, requests regarding certain points are being addressed directly to the following States: Central African Republic, Costa Rica, Morocco, Philippines.

Convention No. 95: Protection of Wages, 1949

Afghanistan (ratification: 1957)

The Committee notes the Government's statement in its report that, following the changes of government which have taken place, a proposal for the promulgation of a decree based on the text prepared during direct contacts in 1974 has again been sent to the Ministry of Justice for submission to the Council of Ministers. The Committee hopes that the necessary measures will soon be taken to ensure the observance of the Convention.

¹ The Government is asked to provide full particulars to the Conference at its 67th Session and to report in detail for the period ending 30 June 1981.

Costa Rica (ratification: 1960)

With reference to its earlier observations, the Committee notes with satisfaction that the Government has adopted Decree No. 11324-TSS of 20 March 1980, which was drafted during the direct contacts that took place in 1977 and which gives fuller effect to the provisions of Article 4, paragraphs 1 and 2, of the Convention.

Article 3, paragraph 1, of the Convention. In its earlier comments, the Committee has asked the Government to adopt measures to revise section 165 of the Labour Code, which provides that harvest workers on coffee plantations may receive substitutes for cash instead of legal tender. The Committee notes with interest that, although the Government still maintains that these substitutes, which are always convertible into legal tender, are not means of payment but of control of production, it would be agreeable to a wording stating clearly and specifically that the handing over of substitutes in exchange for the harvest of an individual worker is a means of control of production, adapted to the nature of the activities on coffee plantations and not a form of payment conflicting with international labour standards. The Committee also notes that the agreement of the Government will be officially forwarded to the representatives of the Executive on the committee which is considering the preliminary draft to reform the Labour Code. It hopes that the above-mentioned section 165 will be revised so as to guarantee the application of this provision of the Convention.

Dominican Republic (ratification: 1972)

Further to its previous comments, the Committee notes with interest that draft Bills have been drawn up with a view (i) to extending wage protection to agricultural workers in general (Article 2, paragraph 1, of the Convention), and (ii) to prohibiting the payment of wages in the form of vouchers or coupons (Article 3, paragraph 1). It further notes with interest that draft regulations under the relevant provisions of the Labour Code have also been drawn up, with a view to giving effect to the provisions of Articles 5, 6, 7, 8, 10 13(2), 14 and 15(b) of the Convention. The Committee hopes that the proposed texts will be adopted soon and will ensure the full application of the above-mentioned Articles.

With regard to the reference made in its previous direct request to allegations of abuses in the payment of remuneration to migrant workers in the sugar cane industry (report submitted by the Anti-Slavery Society for the Protection of Human Rights to the United Nations Working Group on Slavery - Report of the Working Group, Fifth Session, 1979, document E/CN.4/Sub.2/434), the Committee notes with interest the Government's statement that while it is not aware of any such abuses it is ready to co-operate with the ILO in implementing machinery that will enable it to convince the Organisation that equal treatment and equal protection under the law have always been granted to the Dominican and Haitian cane-cutters. The Committee would welcome such a step and would suggest that the co-operation envisaged might take the form of direct contacts or of other appropriate assistance made available by the Office.

The Committee further notes that the Government has taken appropriate steps to obtain, as far as is possible, the information requested by the Committee on the measures taken or contemplated to ensure the observance of the Convention, and particulars on the practical application thereof (inspections, contraventions reported). It hopes that the Government will supply this information in its next report.

In connection with the above, the Committee notes that the relevant draft Bill, while prohibiting the advances on wages made to agricultural workers in the form of vouchers or in any other form alleged to represent legal tender, provides for the possibility of making such advances by bank cheque or postal order. In view of possible difficulties for the agricultural workers concerned to have ready access to a bank or post office in the areas where their work is carried out, the Committee would be glad if the Government would provide detailed information on cases where the competent authority may have permitted or prescribed such payments of advances on wages under the relevant draft Bill, when adopted.¹

Guatemala (ratification: 1952)

With reference to its earlier comments, the Committee notes with satisfaction that, as a result of the direct contacts between the competent national services and a representative of the Director-General of the ILO, Government Decision No. 7.80 of 9 May 1980 has been adopted and that it governs the conditions under which and the extent to which deductions may be made from wages, in accordance with Articles 8 and 9 of the Convention.

In its earlier comments, the Committee has referred to the allegations submitted by the Anti-Slavery Society for the Protection of Human Rights to the United Nations Working Group on Slavery at its Fourth Session in 1978 (report of the Working Group, document ECN.4/Sub.2/410). These allegations concern abuses in the recruiting of workers, and especially the terms of repayment of advances on wages and other debts incurred by the workers, and the absence of an effective inspection service in rural areas. The Committee takes due note of the Government's reply to the effect that the competent authorities, including the inspection service in its regular inspection activities, have received no denunciation or complaint concerning abuses in the recruitment of workers, that the systems permitting deductions from wages have been superseded by the new legislation and that the policy of the Government is for workers to receive their wages regularly.

The Committee regrets that the report does not contain the information requested in its previous observation on the measures taken to ensure compliance in practice with the legislation giving effect to the Convention (such as extracts from labour inspection reports and the number and nature of contraventions reported), as called for in point V of the report form. It again expresses the hope that the Government will provide this information in future reports.

Libyan Arab Jamahiriya (ratification: 1962)

Articles 2, 4, 7 and 8, paragraph 1, of the Convention. In its earlier comments, the Committee has noted that the legislation concerning the protection of wages does not apply to agricultural workers and that it contains no provision restricting the payment of wages in kind or governing the nature of payments in kind and the value attributed to them. The Committee has also asked the Government to provide copies of all texts adopted to determine the share of expenses to be borne by the workers for housing and meals provided by employers in remote areas and to limit deductions from wages made by the employer otherwise than by virtue of an attachment or assignment of wages.

¹ The Government is asked to report in detail for the period ending 30 June 1981.

The Committee takes note with interest of the statement made by the Government to the Conference in 1980 to the effect that agricultural workers employed on state undertakings receive the same treatment as workers in other sectors, and that self-employed agricultural workers do not have the right to employ other workers.

The Committee has also taken due note of the statement by the Government in its last report to the effect that the observations of the Committee concerning the application of the Convention will be taken into account in the new legislation. Since these questions have been under consideration for many years, the Committee trusts that steps will be taken rapidly to bring the legislation into full conformity with the Convention and that the Government will provide detailed information on any measures taken to give effect to the Convention.¹

Turkey (ratification: 1961)

Articles 2 and 13 of the Convention. Further to its previous comments and the discussions that took place in the Conference Committee in 1980, the Committee notes that the Agricultural Labour Bill, which was to extend to agricultural workers the protection laid down in the Convention, has not yet been adopted. The Government states in this respect that the enactment of special legislation for agriculture takes considerable time and is determined by the general pattern of development of the country. The Committee recalls that the Government has reiterated on numerous occasions its intention to adopt legislation to apply the Convention to agricultural workers, and also to amend Labour Act No. 1475 in order to extend wage protection to workers in small commercial and handicraft undertakings, and to regulate the time and place of payment of wages. The Committee once more expresses the hope that appropriate measures will be taken in the very near future to give full effect to the Convention on these points.²

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In addition, requests regarding certain points are being addressed directly to the following States: Central African Republic, Costa Rica, Gabon, Iran, Nicaragua.

Convention No. 96: Fee-Charging Employment Agencies (Revised), 1949

Guatemala (ratification: 1953)

With reference to its previous observations the Committee notes with satisfaction the adoption of Government Decision No. 8-80 of 9 May 1980 which limits the extent to which recruiting agents may be authorised to operate in agriculture and regulates their activities in accordance with Article 5, paragraphs 1 and 2(a) and (b) and Article 8 of the Convention.

¹ The Government is asked to report in detail for the period ending 30 June 1981.

² The Government is asked to supply full particulars to the Conference at its 67th Session and to report in detail for the period ending 30 June 1981.

Syrian Arab Republic (ratification: 1957)

The Committee notes with regret from the report of the Government that the situation has not changed and that the Bill to bring the national legislation into conformity with the Convention, to which the Government has been referring since 1970, has still not been enacted. The Committee hopes that the new legislation will be enacted in the near future and that: (a) it will repeal sections 18 and 22 of the Labour Code (Act No. 91 of 1959), which authorise the setting up of private employment agencies and the use of manpower recruiting agents, or it will regulate these activities in accordance with Articles 5 or 6 and 8 of the Convention; (b) it will contain provisions regulating the placement of domestic staff in accordance with the Convention, either by extending the scope of Chapter III of the Labour Code to this class of workers or by making the fee-charging employment agencies for these workers subject to regulations in accordance with Articles 5 or 6 and 8 of the Convention.¹

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In addition, requests regarding certain points are being addressed directly to the following States: Bolivia, Djibouti, Guatemala, Luxembourg, Norway.

Convention No. 97: Migration for Employment (Revised), 1949Belgium (ratification: 1953)

1. Referring to its earlier comments, the Committee notes with satisfaction the adoption of the Special Act on Institutional Reforms of 8 August 1980, section 122 of which amends the Act of 1 April 1969 to establish a guaranteed income for old persons, in conformity with Article 6, paragraph 1(b) of the Convention.

2. The Committee thanks the Government for the text supplied in reply to its previous direct request.

Guatemala (ratification: 1952)

Article 8 of the Convention. In its earlier comments, the Committee has asked the Government to take practical measures, in the absence of express legal provisions, to call the attention of all concerned to the provisions of Article 8 of the Convention, under which a foreign worker who has been admitted on a permanent basis and members of his family cannot be returned to their country of origin or to the country from which they have emigrated because the worker is unable to follow his occupation by reason of illness contracted or injury sustained subsequent to entry. The Government states in its report that information activities has been launched. The Committee would be grateful if the Government would give particulars of the measures adopted for the purpose. Please specify, in particular, the classes of persons to which and the means by which the information has been disseminated. Furthermore, in view of the statement by the Government that the question will be taken into consideration during the next

¹ The Government is asked to report in detail for the period ending 30 June 1981.

revision of the Labour Code, the Committee trusts that the occasion will be taken to adopt an explicit provision prohibiting the expulsion of a foreign worker admitted on a permanent basis and the members of his family in the event of unfitness for work occurring after his arrival.

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In addition, requests regarding certain points are being addressed directly to the following States: Italy, New Zealand, Nigeria, Spain, Upper Volta, Uruguay, Zambia.

Information supplied by the United Republic of Cameroon and Yugoslavia in answer to a direct request has been noted by the Committee.

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

In various comments formulated by the Committee, as regards the application of this Convention, it has recalled that the requirement of previous approval before a collective agreement can come into effect, is not in conformity with Article 4 of the Convention, nor is it in conformity to declare an agreement invalid because it runs counter to the economic policy of the Government.

Nevertheless, the Committee has considered that, given that a country may find itself in a difficult economic situation, it would be difficult to lay down strict rules concerning voluntary collective bargaining, and the governments could consider, in certain cases, that the situation calls at times for stabilisation measures during the application of which it would not be possible for wage rates to be fixed freely by means of collective negotiations. Such restrictions however should only be imposed as an exceptional measure and only to the extent necessary without exceeding a reasonable period and they should be accompanied by adequate safeguards to protect workers' living standards.

The Committee would be grateful if the governments would supply information on the legal provisions and regulations relating to this matter, in particular on any existing restrictions regarding free fixing of salaries by means of collective bargaining, on the expected duration of these limitations and on the compensatory guarantees to be granted in order to protect workers' living standards.

Furthermore, the Committee has noted that the governments in many cases only supply limited information concerning protection against acts of anti-union discrimination, and acts of interference provided for in Articles 1 and 2 of the Convention. Consequently, the Committee asks the Government to supply more detailed information on these points and in particular on the measures which give effect to these Articles of the Convention (the role of labour inspection, or of the supervisory bodies, possible administrative or judicial appeals, and on possible sanctions against such acts).

Argentina (ratification: 1956)

The Committee notes that direct contacts have taken place between the government authorities and a representative of the Director-

General. The Committee also notes the information communicated by the Government in its last report.

The Committee notes further that at its May 1981 session the Committee on Freedom of Association will examine, in the context of Case No. 842 relating to Argentina, the questions which were the subject of comments in previous observations, including in particular the suspension of collective bargaining.

The Committee requests the Government to supply information on the evolution of the situation in this field and in particular on any measures which may be taken to promote the development of the voluntary negotiation of collective agreements, in accordance with Article 4 of the Convention.

Brazil (ratification: 1952)

The Committee notes the information supplied by the Government to the Conference Committee in 1979 and that contained in its reports. The Committee has also examined the text of the draft Bill to codify the labour laws.

1. In its previous observations, the Committee has commented on the application of the Convention to workers in public undertakings.

The Committee notes the explanations of the Government and also the text of the draft Bill (in particular, section 529). It observes that the situation is not fundamentally changed and that, in the draft Bill, workers in public undertakings remain excluded from the right to form trade unions and that they are therefore unable to enjoy the guarantees provided for by Convention No. 98.

The Committee can therefore only point out again that the exception provided for by Article 6 of the Convention applies only to public servants engaged in the administration of the State.

The Committee hopes that the Government will amend the text of the draft Bill so as to allow workers in public undertakings explicitly to enjoy the guarantees provided for by the Convention, that is to say, the right to organise and to bargain collectively.

2. The Committee has commented on section 623 of the Consolidated Labour Laws and section 8 of Act No. 5584, under which, read together, any clause in an agreement or any legal decision that does not respect the principles of government wage policy is null and void or can be set aside.

The Committee notes that section 623 has hardly been applied and that the draft Bill deletes it.

The Committee has studied the wage policy of the Government in connection with anti-inflationist policy. It notes that certain provisions of the draft Bill concern the negotiation of wage adjustments based on official rates related to inflation and that, under other provisions, increases in real wages are possible, provided that they are not reflected in prices.

The Committee has pointed out on many occasions that the placing of restrictions on collective bargaining because of a policy of stabilisation should be exceptional. It observes that the measures taken by the Government, which narrowly restrict collective bargaining on wages, have now been in force for many years, and thus compromise the application of the principles of Article 4 of the Convention.

The Committee therefore invites the Government to indicate what amendments it intends to introduce so that law and practice shall give full effect to the guarantees of the Convention.

Chad (ratification: 1960)

Following the discussion on the application of this Convention that took place in 1979 in the Conference Committee, the Committee regrets to note that once again the Government has supplied no report on the application of this Convention. It is thus bound to repeat its previous observation, which was worded as follows:

The Committee noted that sections 121 and 122 of the Labour Code require prior approval for the entry into force of collective agreements. The Committee pointed out that such provisions may constitute obstacles to the development and promotion of free collective bargaining.

The Committee trusts that a report will be supplied for examination at its next session and that it will contain information concerning any refusals to approve collective agreements and the reasons for and the frequency of these refusals.

Costa Rica (ratification: 1960)

The Committee has examined the Government's report, in which it states that it maintains a policy vigorously opposed to anti-union discrimination.

The Committee takes note of this statement, but must point out in this connection that for several years it has been commenting on questions connected with anti-union discrimination and on protection against acts of interference by employers in workers' organisations. It once more earnestly asks the Government to adopt measures guaranteeing this protection. In this connection, the Committee wishes to refer, as the Committee on Freedom of Association has done (see paragraphs 164 to 183 of the 197th Report of the Committee on Freedom of Association concerning the cases respecting Costa Rica, Nos. 821, 859 and 875), to the need to lay down explicitly in the legislation remedies and penalties to ensure the effective application of Articles 1 and 2 of the Convention.

Finland (ratification: 1951)

With reference to its earlier comments, the Committee notes the information supplied by the Government to the Conference Committee and in its reports. It notes in particular that the committee set up in October 1978 to carry out a complete revision of the legislation on associations has so far investigated questions of substance and that no time limit has been imposed on it.

The Committee recalls that it has asked the Government to give special consideration to the effectiveness of the provisions regarding protection against anti-union discrimination and to take the necessary action as part of the revision of the legislation.

The Committee hopes that these measures will be taken in the near future and it again asks the Government to continue to provide information on developments in the situation.

Greece (ratification: 1962)

At its previous session, the Committee referred to observations submitted by the World Federation of Trade Unions on the application by Greece of Conventions Nos. 87 and 98. These observations, which were transmitted to the Government, dealt with the application of Act No. 330 and anti-union discrimination, among other things.

With reference to its earlier comments on the matter, the Committee notes the statement by the Government that protection against acts of anti-union discrimination is ensured by Act No. 330, as amended by Act No. 549 of 1977. The Government observes that workers and trade union leaders are protected against acts of anti-union discrimination by sections 3 (freedom of association), 5 (prohibition of interference), and 27 and 28 (special protection for trade union leaders). The Committee notes that the Government refers in this connection to a series of court decisions relating to the application of these provisions.

The Committee notes that Act No. 330 of 1976 has been examined in detail by the Committee on Freedom of Association (in particular Cases Nos. 834 and 851, 160th Report, and Case No. 976, 204th Report). Although the Committee takes account of the explanations provided by the Government, it considers it advisable to point out that the Committee on Freedom of Association, in certain cases concerning dismissals in Greece, has pointed out that fuller measures should be considered for guaranteeing better protection to trade unionists (members and officers) (Case No. 976, 204th Report, Conclusions).

The Committee therefore asks the Government to adopt measures to improve the protective provisions, in accordance with Article 1 of the Convention, and to continue to provide information on any development in the matter.

The Committee deals with a question concerning compulsory arbitration where collective bargaining fails under Convention No. 87.

Japan (ratification: 1953)

The Committee notes the information supplied by the Government in its reports, the comments made by the SOHYO and the Government's replies to them.

The Committee notes that, according to the SOHYO, a rising number of civil servants have apparently been excluded from the application of the Convention, particularly from the right to collective bargaining. The Committee notes that, according to the Government, there has been no change in this connection since ratification of the Convention. The Committee would point out again that only civil servants engaged in the administration of the State can be excluded from the guarantees set out in the Convention. It requests the Government to supply detailed information on the categories of civil servants excluded from collective bargaining.

The Committee notes that the question of applying collective agreements at the local level in the public sector, to which the SOHYO's comments relate, has already been examined by the Committee on Freedom of Association. That Committee had drawn to the Government's attention the principle according to which freely negotiated collective agreements entered into by the employees of local public enterprises should be applied without delay.

The Committee again requests the Government to supply information on the development, in general, of collective bargaining in the public sector.

Liberia (ratification: 1962)

With reference to its previous comments, the Committee notes that the Bill to which the Government again refers will give effect to certain provisions of the Convention.

The Committee notes that Part I, Chapter 1, read jointly with Part V, Chapter 23, will grant the right to bargain collectively to employees of state enterprises and authorities; it recalls that this right should be granted also to all other persons employed by the Government but not engaged in the administration of the State, as, for example, government-employed teachers in public education or municipal employees.

The Committee notes that Part II, Chapter 5, section 5.2, and Part V, Chapter 21, sections 21.3 and 21.4, contain provisions which bring the legislation into conformity with Articles 1 and 2 of the Convention concerning protection against anti-union discrimination and non-interference of employers in trade union activities.

The Committee trusts that the Bill will take account of its comments, and that it will be adopted in the near future.

Libyan Arab Jamahiriya (ratification: 1962)

The Committee notes the information supplied by the Government to the Conference Committee in 1980 and that contained in its report.

In particular, the Committee notes the statement by the Government that the new draft labour legislation, which is at present under study, will apply the standards of the ILO. It trusts that its comments will be fully taken into consideration in the work that is going on and points out that they relate to the following matters, among others: protection against acts of anti-union discrimination at the time of recruitment (section 24 of Act No. 107 of 1975 respecting workers' trade unions); conditions of validity of collective agreements (sections 63, 64, 65 and 67 of the Labour Code); application of the standards of the Convention to certain groups of workers excluded from the scope of the Labour Code (in particular seamen and agricultural workers).

The Committee refers to Act No. 55 of 1976 respecting the public service and, although it notes the information provided in the report on the classes of workers covered by this Act, it asks the Government to specify whether all officials who are not engaged in the administration of the State (for example postal employees, teachers or the employees of decentralised administrations) receive, under the Act in question, the guarantees provided for by the Convention, which apply to this class of workers.

The Committee has not received the text of Act No. 107 of 1975 or Act No. 55 of 1976. It would be grateful if the Government would send it copies.

Malaysia (ratification: 1961)

The Committee notes with regret that the Government's report has not been received. It must therefore repeat its previous observation which referred to the following points:

The Committee must recall that its comments for many years have concerned sections 13 and 15 of the Industrial Relations Act, 1967 (revised in 1976). These provisions remove from the field of collective bargaining a number of questions related to the conditions of employment and the dismissal of workers and prevent the collective agreements of certain enterprises specified by the law or by the Minister from stipulating more favourable conditions than those set out in Part XII of the Employment Ordinance, 1955, unless these have been approved by the Minister.

The Committee considered that provisions restricting and controlling collective bargaining in this way cannot be considered compatible with the measures provided for by Article 4 of the Convention "to encourage and promote the full development and utilisation of machinery for voluntary negotiation ... with a view to the regulation of terms and conditions of employment by means of collective agreements".

According to the Government's latest report, a tripartite commission has completed its work on the employers' and workers' proposals for the amendment of the Industrial Relations Act, and the question should now be put before the National Joint Labour Advisory Council for further consultation.

The Committee hopes that the Government will take measures in the near future to amend the above-mentioned provisions and to bring its legislation into conformity with the Convention. The Committee requests the Government to communicate information on any development in this matter.

Mauritius (ratification: 1969)

With reference to its earlier comments, the Committee notes the statement by the Government in its last report showing that the question of including in the legislation a provision to protect workers' organisations against acts of interference by employers is still under consideration.

The Committee hopes that measures will be taken in this connection in the near future and that the next report will mention any progress made.

Nigeria (ratification: 1960)

The Committee regrets that no report has been received. It hopes that a report will be supplied for examination by the Committee at its next session and will contain full information on the matters raised in its previous direct request, which referred to the following:

The Committee had noted that the provisions protecting workers against acts of anti-union discrimination, contained in the Labour Decree, 1974, did not apply to certain categories of workers, that is to say persons exercising administrative, executive, technical or professional functions; representatives, agents and commercial travellers; home workers; and persons employed in a vessel or aircraft to which the laws regulating merchant shipping or civil aviation apply.

The Committee again requests the Government to take the necessary steps to provide protection against acts of discrimination to all the workers covered by the Convention. It requests the Government to provide information on any developments in this respect.

Pakistan (ratification: 1952)

The Committee has noted the information communicated by the Government to the Conference Committee in 1979 and in its last report.

In its previous observations, the Committee had made comments on the establishment of wages commissions under the Industrial Relations Ordinance. The Committee notes that according to the Government it is only for banks and insurance companies that such a commission has been set up, and that it has granted considerable benefits to the workers in these sectors.

While noting this information, the Committee would point out again that under Article 4 of the Convention, voluntary collective bargaining must be promoted and encouraged. It therefore requests the Government to provide information on the development of the situation in the banking and insurance sectors, and on any extension of the system of wages commissions to other sectors. The Committee also requests the Government to provide information on the work of the Labour Commission, referred to in previous reports, which was to examine the system and structure of industrial relations in the country.

Panama (ratification: 1966)

In its previous observation, the Committee pointed out that section 2, subsection 2, of the Labour Code excludes, with certain exceptions, all public officials from its scope.

The report of the Government provides no additional information on the findings of the study on the draft service regulations for public employees. The Committee once again hopes that these regulations will be adopted in the near future and that they will acknowledge the guarantees laid down by the Convention for workers in the public sector who are not engaged in the administration of the State.

Paraguay (ratification: 1966)

In its earlier comments the Committee has noted that section 2 of the Labour Code excludes from its scope the staff of public undertakings. It has asked the Government to adopt specific provisions guaranteeing to workers in public undertakings protection against all acts of interference and all acts of anti-union discrimination on the part of their employers, in accordance with Articles 1 and 2 of the Convention. It has also asked the Government to adopt explicit rules to guarantee to officials not assigned to the state administration, to other public employees and to workers in public undertakings the right to bargain collectively.

The Committee, while observing that the Government states in its report that it has taken due note of these comments, hopes that it will take every step so that measures will be adopted in the near future to bring the legislation into conformity with the Convention.

Peru (ratification: 1960)

With reference to its earlier observations, the Committee takes note with interest of the coming into force on 28 July 1980 of the new Political Constitution, section 54 of which provides that collective agreements between workers and employers shall be binding on the parties, that the State shall guarantee the right to collective bargaining, that the law shall lay down the machinery for the peaceful settlement of labour disputes and that the State shall only intervene and only take a decision where the parties cannot agree.

The Committee notes with satisfaction that on 30 August 1980 Legislative Decree No. 23070 of 28 May 1980 ceased to have effect. This Decree has extended the validity of earlier decrees placing restrictions on collective bargaining, particularly in respect of wages, that had been the subject of comments by the Committee.

Portugal (ratification: 1964)

The Committee notes the information provided by the Government in its report.

With regard to the repeated comments of the Confederation of Portuguese Industry concerning the legislative obstacles in the way of the voluntary collective bargaining process, the Committee takes note of the explanations provided by the Government, which show that the question is to be examined in the light of Legislative Decree No. 519-C 1/79 of 29 December 1979. The Government explains that the period of 30 days accorded the employers' and workers' organisations, after which the parties must respond to the demand addressed to them to bargain collectively, is intended to encourage and promote collective bargaining and it observes that this delay is compulsory only if no agreement is reached on a further delay (section 17). In the absence of agreement, an order may be issued by the competent minister to regulate the work if one party refuses repeatedly to bargain or where there are obviously dilatory manoeuvres (section 36(b) and (c)).

The Committee considers that these provisions do not seem to jeopardise the application of Article 4 of the Convention.

Singapore (ratification: 1965)

Further to its earlier comments concerning various restrictions on collective bargaining in regard to bonuses and wage increases, the Committee notes with interest the adoption on 3 December 1980 of Act No. 33/1980 amending section 46 of the Employment Act. Under the terms of this amendment an employer may, with effect from 1 July 1980, at his discretion and without having to seek the prior approval of the Minister for Finance, pay to an employee an annual wage supplement in excess of the amounts specified in subsection 5 of section 46 of the Act up to a maximum of three months' wages of that employee. The Committee asks the Government to continue to keep it informed of any further developments that may take place with regard to collective bargaining on bonuses and wage increases.

As regards the requirement for ministerial approval of collective agreements in certain newly established undertakings if they contain conditions more favourable than those laid down in Part IV of the Employment Act (sections 24 and 25 of the Industrial Relations Act), the Committee would be grateful if the Government would indicate in its next report whether the approval of a collective agreement in an undertaking of this kind has ever been refused.

With regard to the exclusion from collective bargaining of matters relating to promotion, transfer, appointment, dismissal or assignment of duties of employees (section 17(2) of the Industrial Relations Act), the Committee understands that negotiations, discussions and consultations do, in fact, take place on certain aspects of these matters and that the Government accepts this situation. The Committee would be grateful if in its next report the Government would provide additional information on the extent to which such negotiations actually take place in regard to these matters as well as on the legal status of any agreement reached within the framework of such negotiations. It would also ask the Government to consider the development, through tripartite discussion, of voluntary guidelines for collective bargaining on the issues in question, so as to facilitate the attenuation or removal of the existing statutory limitations.

Spain (ratification: 1977)

With reference to its earlier comments, the Committee notes with satisfaction that section 90 of the recent law on the Workers' Statute of 10 March 1980, merely attributes to the labour authority registration functions in respect of collective agreements, thus eliminating the procedure for approval by the authority provided for in Royal Decree No. 3287/1977.

The Committee also notes that Royal Legislative Decree No. 49/1978, which left in force certain provisions of Royal Legislative Decree No. 43/1977, ceased to have effect on 31 December 1979, on which date the restrictions placed by the above Decrees on collective bargaining concerning the validity of wage clauses ceased to apply.

Sri Lanka (ratification: 1972)

With reference to its earlier comments concerning Articles 1 and 2 of the Convention, the Committee takes note of the information provided by the Government in the last report. It observes, in particular, that provisions have been included in the proposed Labour Relations Law under the caption "Freedom of Association and Unfair Labour Practices" to bring the legislation into conformity with Articles 1 and 2 of the Convention.

The Committee hopes that the text in question will provide adequate protection for workers and their organisations against all acts of anti-union discrimination and against all acts of interference by employers or employers' organisations.

The Committee requests the Government to indicate in its next report any progress made.

Sweden (ratification: 1950)

The Committee notes from the information communicated by the Government that a committee has been established to examine certain questions relating to freedom of association and the right to collective bargaining. The Committee has examined certain questions relating to collective bargaining in its comments under Convention No. 87.

Tanzania (ratification: 1962)

The Committee notes with regret that the Government's report has not been received. It must therefore repeat its previous observation which referred to the following points:

In its earlier comments, the Committee has referred to the approval of collective agreements by the Permanent Labour Tribunal, as provided in sections 16(b) and 23 of the Permanent Labour Tribunal Act of 1967.

The Committee has noted that, between June 1975 and December 1977, 16 collective agreements were refused. In most cases, refusal was due to the incomplete character of the agreements in question. The Government states that in these cases, the agreements were registered after completion.

The Committee has pointed out that in one case the grounds for refusal were an increase in wage rates without the permission of the Tribunal. It also notes the statement made by the Government that one of the main functions of the Government consists in ensuring that collective agreements do not conflict with the wage policy of the Government. The Committee further observes the statement that the Government has taken note of its comments. The Committee, however, can only repeat its earlier comments; in particular, it considers that, as a general rule, it is not compatible with Article 4 of the Convention to require prior approval of a collective agreement or to permit it to be declared null and void because it conflicts with the economic policy of the Government. The Committee again hopes that the necessary measures will be taken by the Government to guarantee the right to free collective bargaining, in accordance with Article 4 of the Convention. It requests the Government to report any development in this connection.

Turkey (ratification: 1952)

With reference to its earlier comments, the Committee notes the information provided by the Government. The comments of the Committee related to the rights of certain senior classes of staff in the public sector. The Committee notes the statement by the Government that directors, assistant directors and qualified accountants of state economic undertakings act as employers and do not have the right to bargain collectively, under section 119 of the Constitution. The Committee also notes that this staff is not numerous.

The Committee has also studied the conclusions reached by the Committee on Freedom of Association at its February 1981 session on Cases No. 997 and 999 respecting Turkey (207th Report, approved by the Governing Body at its March 1981 session). The Committee observes that the Government has taken various measures suspending the activities of trade union organisations and collective bargaining. The Committee would point out again that genuine collective bargaining cannot take place without the participation, as workers' representatives, of trade unions in so far as they normally carry out their activities. Moreover, an Act to establish a supreme arbitration board has been adopted. The Committee asks the Government to provide information on any changes in the matter and, in particular, on any measures that may be taken to promote the development of the voluntary negotiation of collective agreements, in accordance with Article 4 of the Convention.

Uruguay (ratification: 1954)

The Committee notes that direct contacts took place between the competent government authorities and a representative of the Director-General in January 1981. The Committee notes also the information communicated by the Government in its last report and in particular the data it contains on the conclusion of collective agreements.

The Committee recalls that it had indicated that genuine collective bargaining regarding conditions of employment, including wages, cannot take place without the participation, as workers' representatives, of legally constituted trade unions.

The Committee requests the Government to continue to provide information on any legislative or other measure which may be taken to promote the development of the voluntary negotiation of collective agreements, particularly on wages, in accordance with Article 4 of the Convention.

In addition, the Committee again expresses the hope that the necessary measures will be taken with a view to bringing the national legislation into conformity with the provisions of the Convention concerning protection against acts of anti-union discrimination (Article 1) and acts of interference (Article 2). It requests the Government to provide information on any development which may take place on these points.

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In addition, requests regarding certain points are being addressed directly to the following States: Angola, Bahamas, Bangladesh, Colombia, Costa Rica, Cuba, Democratic Yemen, Dominican Republic, Egypt, Ethiopia, Fiji, Gabon, Guatemala, Jamaica, Jordan, Lesotho, Malta, Nicaragua, Panama, Papua New Guinea, Philippines, Swaziland, Uganda, Yemen, Zaire.

Information supplied by the German Democratic Republic, Kenya and Sudan in answer to a direct request has been noted by the Committee.

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

Requests regarding certain points are being addressed directly to the following States: Algeria, Colombia, Comoros, Malawi, Paraguay, Philippines, Senegal, Tunisia, Turkey.

Information supplied by Gabon and Guinea in answer to a direct request has been noted by the Committee.

Convention No. 100: Equal Remuneration, 1951France (ratification: 1953)

With reference to its earlier comments, the Committee notes with satisfaction, from the information supplied by the Government to the 66th Session of the Conference in June 1980, that the adoption of the

Order of 2 May 1979 (concerning housing allowances for members of the staff of mines) has resulted in the ending of the discrimination based on sex due indirectly to the application of the notion of "head of household" in the granting of supplementary wage benefits in the semi-public sector.

The Committee also takes note with interest of the consideration being given by the Government to a better definition of the notion of "equal value" of work and its encouragement of the efforts made by the employers' and workers' organisations with a view to revising the evaluation and classification of duties. It would be grateful if the Government would continue to provide information on the developments occurring in this connection, indicating, if possible, the methods chosen and the extent to which they facilitate the better application of the principle of the Convention.

Lastly, the Committee would be grateful if the Government would indicate any measures taken following the examination of the report of the working party on "discrimination and disparities in the work of women" (Baudouin report) after consultation with the employers' and workers' organisations with special reference to the recommendations of this report already noted by the Committee, which concern the supply of information to works councils on the levels of wages broken down by sex and the setting up under the labour inspectorate of a panel of experts on job classification.

Netherlands (ratification: 1971)

With reference to its earlier comments, the Committee takes note with satisfaction of the adoption of the Act of 2 July 1980 (Equal Treatment of Men and Women in the Civil Service Act), which prohibits, in particular, discrimination on the basis of sex in relation to remuneration, in respect of civil servants who were not covered by the 1975 legislation on equality of remuneration.

The Committee also notes with satisfaction the adoption of the Men and Women (Equal Treatment) Act dated 1 March 1980, which prohibits any distinction, whether direct or indirect, in relation to employment, including any based on marital status or family circumstances. The Committee further notes both the temporary nature of the exception concerning workers between 18 and 23 years of age at the date of coming into force of the Act who are granted higher wages or leave allowances than other workers of the same age, on the basis of a collective agreement, on the grounds that they are breadwinners or married, and the additional information supplied by the Government showing that the concept of breadwinner hardly ever appears now in collective agreements.

The Committee would be grateful if the Government would continue in forthcoming reports to provide information on the above questions and on the application of the newly adopted provisions and also, more generally, on progress in the promotion of the principle of the Convention resulting, in particular, from the application of the Act of 20 March 1975 on equal remuneration for men and women workers.

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In addition, requests regarding certain points are being addressed directly to the following States: Afghanistan, Argentina, Australia, Chad, Comoros, Djibouti, Finland, Indonesia, Jamaica, Jordan, Libyan Arab Jamahiriya, Mozambique, Yemen.

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

Part XIV (Miscellaneous provisions) of the Convention, Article 76, paragraph 1(b). The Committee notes that many of the reports received on the application of the Convention do not contain the statistical information that would make it possible to assess the way in which effect is given to the Convention. Since, as a rule, reports on the Convention are due only at four-yearly intervals, the Committee asks governments to take special care to supply regularly in their reports all the statistical information called for by the form of report adopted by the Governing Body, indicating in particular data on the number of persons protected, the rate and method of calculation of benefits and the review of long-term benefits.

Denmark (ratification: 1962)

Part IV (Unemployment benefit), Article 24 of the Convention (in conjunction with Article 69(i)). With reference to its earlier comments, the Committee notes with interest that section 61, subsection 3, of Act No. 114 of 24 March 1970 respecting placement and unemployment insurance (which provides that benefits shall be suspended for all members of an unemployment insurance fund or section thereof if 65 per cent or more of the members are considered to be involved in a labour dispute) has ceased to apply - by virtue of the amendment made by Act No. 229 of 6 June 1979 - except to cases where the labour dispute is not incompatible with a collective agreement. The Committee understands from the statement of the Government that the suspension of unemployment benefits in this way is at present limited to workers involved in the dispute or whose conditions of employment may be influenced by its outcome. The Committee would be grateful if the Government would confirm in its next report whether its understanding is correct and provide some examples of the practical application of the above-mentioned provision as amended.

Federal Republic of Germany (ratification: 1958)

Part XIII (Common provisions), Article 69(i) of the Convention. With reference to its previous observation, the Committee has studied the information provided by the Government on the application in practice of the Neutrality Order of 22 March 1973 issued by the Federal Employment Institute. It asks the Government to continue in forthcoming reports to supply information on this matter and to indicate any change that may take place concerning the revision of section 116 of the Employment Promotion Act dated 25 June 1969.

Ireland (ratification: 1968)

Part X (Survivors' benefit) - Articles 60 and 62 of the Convention. With reference to its earlier comments, the Committee notes with satisfaction that the amendments made in the definition of the term "orphan" appearing in the Social Welfare Act, 1952, by the amending Acts of 1978 (section 16) and 1980 (section 12) make it possible to apply the Convention - in the event of the death of a mother who is the breadwinner - to children whose father, still alive, is not entitled to insurance benefits or who are not dependent on him.

The Committee also notes with interest the increases in various benefits that have taken place during the period covered by the report.

Niger (ratification: 1966)

1. The Committee notes that the Government's report contains no reply to its comments. It hopes that the next report will include full information on any progress made with regard to the following points.

Part VII of the Convention (Family Benefit), Article 43 (qualifying period). Amendment of sections 8 and 9 of Decree No. 65-116 of 18 August 1965 so as to bring them into line with the Convention by reducing the present qualifying period of six consecutive months' employment with one or more employers to three months.

Part XIII (Common Provisions), Article 69(b) (in conjunction with Articles 30 and 38). Payment of a benefit to dependants of an insured person maintained at public expense, equal to the difference between the cost of such maintenance and the benefit payable under the social security system.

2. The Committee had also noted that while the rates for the periodical payments provided for the long-term type of benefit (old age, employment injuries) had not been revised, the Government had been keeping a watch on the movement of the general level of earnings in relation to changes in the cost of living. The Committee hopes that the Government will take the action required for a review of the rates of these benefits following substantial changes in the general level of earnings where these result from substantial changes in the cost of living, as required by Article 65, paragraph 10, of the Convention.

3. Part XIV (Miscellaneous Provisions), Article 76 (in conjunction with Articles 44 and 65). The Committee requests the Government to give statistical information in its next report relating to family benefits (amounts and total value of the benefits in cash and kind in respect of children of protected persons; total number of children of all protected persons; monthly rates of the family allowance per dependant child), and also on the present rates of other benefits since the last information given on this subject relates to the period 1966-70.

Norway (ratification: 1954)

With reference to its earlier comments, the Committee notes with satisfaction that the increase in the rate of allowance for temporary incapacity raised to 100 per cent of previous earnings by the Act of 10 June 1977, makes it possible to give full effect to Article 36 of the Convention (Part VI - Employment injury benefit).

The Committee also notes with interest that the Government now uses for the calculation of benefits the reference wage laid down by the Convention (Part XI - Standards to be complied with by periodical payments, Articles 65, paragraph 3, and 66, paragraph 1).

Yugoslavia (ratification: 1954)

Part IV of the Convention (Unemployment benefit). With reference to its earlier comments, the Committee notes with satisfaction that the means test for the granting of unemployment benefit has been eliminated for the first three months of the payment of this benefit also in the Socialist Republics of Bosnia-Herzegovina, Macedonia and Serbia and the Province of Kosovo, under the new legislation on employment in these Republics.

Part X (Survivors' benefit), Article 62 (in relation to article 65). The Committee notes the information provided by the Government on the granting of a supplement to bring the benefit up to the level prescribed by the Convention.

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In addition, requests regarding certain points are being addressed directly to the following States: Austria, Barbados, Belgium, Bolivia, Costa Rica, Denmark, France, Greece, Israel, Italy, Mauritania, Mexico, Norway, Senegal, Switzerland, Turkey.

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

Austria (ratification: 1969)

1. The Committee has examined the reply of the Government to its earlier comments and notes the information concerning the application in practice of Article 4, paragraph 3, of the Convention (in respect of free medical care for certain classes of women workers).

2. Article 6 (prohibition of dismissal). The Committee also notes the details given by the Government concerning the application of sections 10 and 12 of the Federal Maternity Protection Act and section 75 of the Federal Agricultural Labour Act. It is bound, however, to point out again that the above-mentioned legislation, although it offers certain guarantees against abusive dismissal and provides a longer period of protection, is not enough to ensure the full application of the Convention, since it does not lay down, like this instrument, an absolute prohibition of dismissal during the period when a woman is absent from work on maternity leave, whether prenatal or postnatal (possibly extended in case of late confinement or illness resulting from pregnancy or confinement).

The Committee also notes the comments provided by the Austrian Congress of Chambers of Labour, which have been enclosed by the Government with its report. According to these comments, the protection accorded by the Maternity Protection Act has led employers in certain cases to take advantage of the slightest lapse of the woman worker to dismiss her. The Committee therefore hopes that the Government will adopt the necessary measures to include a provision in the above-mentioned legislation corresponding to that of Article 6 of the Convention, as other countries with similar legislation have done.

3. The Committee also notes the other information in the comments of the above-mentioned trade union organisation concerning the application in practice of the legislation on maternity protection.

Bolivia (ratification: 1973)

1. Since no report has been received from the Government, the Committee has no information on any measures which may have been taken to bring national legislation into full conformity with the Convention on the following points:

(a) Article 1 of the Convention (scope): (i) Legislative measures should be taken so that women civil servants and public employees as well as women agricultural wage earners may be brought

under the maternity protection scheme provided for by the Labour Act.
(ii) The maternity insurance scheme should also be extended to women domestic workers.

(b) Article 3, paragraph 2 (duration of maternity leave): Section 61 of the Labour Act, which provides for maternity leave of 60 days, should be amended in order to provide for a period of leave of at least 12 weeks in conformity with the Convention and with the national legislation on social security.

(c) Article 3, paragraph 4 (extension of pre-natal leave): A provision in conformity with that of the Convention should be inserted in the Labour Act in order to provide for the possibility of extending pre-natal leave where confinement occurs after the presumed date, without any reduction of post-natal leave.

2. The Committee also requests the Government, as it has already done in the past, to indicate:

(a) in what manner women workers covered by the Convention, but who have not completed the qualifying period laid down by national social security legislation or who are not yet covered by the insurance scheme, can receive the medical care and maternity cash benefits provided for in the Convention;

(b) whether the insurance scheme for the agricultural sector, established by Legislative Decree No. 15697 of 2 August 1978, has been implemented in practice and, if so, what regions are so far covered (please indicate also if cash benefits are paid under this scheme).

Brazil (ratification: 1965)

In its earlier comments the Committee has pointed out that Act No. 1711 of 1952 to lay down regulations for the federal public service contains no provision authorising a woman to interrupt her work for the purpose of nursing her child, as laid down by Article 5 of the Convention, and has expressed the hope that this point will be taken into account during the revision and bringing up to date of the law. The Committee has also expressed the wish that a specific provision corresponding to that of Article 6 of the Convention should be included in the national legislation in order to guarantee that a woman shall neither be dismissed during her absence on maternity leave (at least 12 weeks, which may be extended in case of delayed confinement or illness arising out of pregnancy or confinement), nor receive notice of dismissal at such a time that the notice would expire during this absence.

Since the Government has supplied no report, the Committee has no information on the measures that may have been taken in order to ensure full application of the Convention on the above-mentioned points.

The Committee can therefore only hope that a report will be provided for examination at its next session and that this will contain information on the measures taken to this effect.

Ecuador (ratification: 1962)

The Committee notes the reply of the Government to its earlier observations and requests.

1. It takes note with satisfaction of the statement by the Government that the social security scheme has been extended to cover

all wage earners in the country and that it now protects wage earners in the agricultural sector as well. The Committee hopes that the Government in its next report will be able to supply statistics on the number of persons protected by this scheme and in particular by maternity insurance.

2. The Committee also notes with satisfaction the report of the Ecuadorian Social Security Institute communicated by the Government in answer to its earlier comments to the effect that section 4 of the Compulsory Social Insurance Act, which excluded certain classes of foreign women workers from the maternity protection scheme, has been repealed by Decree No. 3016 of 23 November 1968 (Article 2 of the Convention).

3. The Committee also notes with interest that, during the direct contacts that took place in September 1980, for the countries of the Andean Group, between a representative of the Director-General of the ILO and the competent national services, and taking account of those which had already taken place in 1976, certain draft legislative texts have been prepared to amend sections 133 and 136 of the Labour Code with a view to bringing them into conformity with the Convention.

The Committee hopes that these drafts will be adopted in the very near future, in accordance with the intention expressed by the Government in its report, and that effect can then be given to the following basic provisions of the Convention: Article 3, paragraphs 2, 3 and 4 (at least 12 weeks of maternity leave, instead of the 8 laid down by the national laws in force, and the extension of prenatal leave in the event of a mistake in estimating the date of confinement); Article 4, paragraphs 1, 5 and 8 (maternity benefits to be paid throughout the leave and in every case by means of social insurance or out of public funds); and Article 5 (nursing breaks to be counted as working hours and remunerated accordingly).

4. Lastly, the Committee hopes that the revision and consolidation of the Compulsory Social Insurance Act will be completed very shortly and that it will take account of the provisions of the Convention.¹

Italy (ratification: 1971)

Article 6 of the Convention (prohibition of dismissal). The Committee notes from the Government's reply to its previous comments that section 2 of Act No. 1204 of 1971 on the protection of working mothers, which prohibits dismissal during the period of pregnancy and the three months following confinement, continues not to be applicable to domestic employees who are protected against dismissal only until the date on which they become entitled to take prenatal leave. The Committee has also noted that the national collective agreement of 14 December 1978 regulating conditions of work in the domestic sector has confirmed this practice.

The legislation and practice on this matter are contrary to the Convention in that they do not lay down - as does the Convention - a prohibition of dismissal during the period of absence on maternity leave (that is to say, for at least 12 weeks with a possible extension in the case of a late confinement or of illness arising out of the pregnancy or confinement). The Committee trusts that the Government

¹ The Government is asked to report in detail for the period ending 30 June 1981.

will not fail to take the necessary measures - whether by way of law or of regulations - to ensure the full application of the Convention on this point, as had been the case under the previous legislation.

Spain (ratification: 1965)

(a) Article 1 of the Convention (in conjunction with Article 4: medical and cash benefits). With reference to its earlier comments, the Committee takes note with satisfaction of the adoption of Legislative Decree No. 16 of 7 June 1978 respecting social security for the officials of the judiciary and Decree No. 3283 of 3 November 1978 approving the rules of their general mutual insurance fund, which provide, in the event of maternity, for the granting of medical care and cash benefits equivalent to those of the general social security scheme for other civil servants. The Committee also notes with interest that officials of local administrations and autonomous bodies also enjoy similar protection in the event of maternity.

(b) Article 3, paragraphs 2 and 3 (maternity leave), and Article 5 (nursing breaks). The Committee also takes note with satisfaction of the amendments made to the Decree of 20 July 1967 on civil servants by Decree No. 2855 of 16 November 1978 in respect of an increase in the length of maternity leave (extended to 14 weeks) and the recognition of the right of women civil servants to interrupt their work to nurse their children.

Uruguay (ratification: 1963)

The Committee has noted with interest the information supplied by the Government, particularly on the reorganisation of the administrative bodies of the social security scheme achieved under the Constitutional Decree No. 9 of 23 October 1979 and on the extension of maternity benefits to rural and domestic women workers.

Article 4, paragraphs 1, 2 and 3, of the Convention (medical benefits for women workers in the public sector). Referring to its earlier comments, the Committee has noted the reply of the Government, that medical care provided by the Convention is now granted to a great number of women workers in the public sector. The Committee hopes that efforts will be made so that all the women workers in this sector will be entitled to the care, either by incorporating them in the maternity protection scheme provided by Act No. 12572 of 1958, or by setting up special health services in the establishments where these women are working.

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In addition, requests regarding certain points are being addressed directly to the following States: Cuba, Hungary, Mongolia, Poland, Spain.

Information supplied by Luxembourg and Yugoslavia in answer to a direct request has been noted by the Committee.

Convention No. 105: Abolition of Forced Labour, 1957Afghanistan (ratification: 1963)

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

1. The Committee had previously noted the Government's statement that a new Penal Code adopted on 17 September 1976 had repealed the Public Security Offices Act, the Breaches of Public Order Act and the Punishment of Prisoners Act, 1934, and asked for the text of the new Penal Code to be communicated. According to the Government's latest report, this has already been done. Since, however, no copy of the new Penal Code has been received by the ILO so far, the Committee trusts that a copy will be made available for examination in the near future.

2. The Committee had also noted the Government's statement in 1977 that the Press Law of 1965 had become obsolete under the new Constitution which had re-established the freedoms of opinion and expression and under which the Government was bound to enact a new Press Law before November 1979. The Committee notes from the Government's latest report that a temporary new Constitution for the country is being drafted, and that no particular law or regulation has been passed yet concerning the press, meetings and associations. It would ask the Government to supply information on all legislative or other measures taken or contemplated which may have a bearing on the observance of Article 1(a) of the Convention.

3. The Committee had previously noted that section 43 of the Constitution, while generally prohibiting forced labour even for the State, authorises collective activity required by the collective interest, within limits to be established by laws to be enacted. The Committee takes due note of the Government's statement in its reply that there is at present no forced labour in the country. It hopes that under the new Constitution being drafted, law as well as practice will be clearly brought into conformity with the Convention, which prohibits the use of compulsory labour for purposes of economic development.

4. The Committee notes from the Government's reply to its previous observation that there are at present no laws or regulations governing the organisation and functions of labour battalions. It would ask the Government to indicate whether these battalions have been definitively abolished or whether the use of conscripts for economic development purposes has been temporarily suspended.

Argentina (ratification: 1960)

With reference to its earlier comments, the Committee takes note of the report of the Government and observes that direct contacts have taken place between the Government and a representative of the Director-General. In particular, the Committee notes with interest the approval, by Decree No. 929 of 5 May 1980, of new regulations applicable to persons detained, on trial or sentenced for offences of subversion, and which, according to the Government, remove political prisoners from the general prison labour system. The Committee notes that these regulations, which form annex No. 1 to Decree No. 929, were not published with this Decree in Official Gazette No. 24424 of 23 May 1980.

The Committee would be grateful if the Government would provide a copy of the regulations approved by Decree No. 929 of 5 May 1980 and state how these regulations have been brought to the knowledge of those concerned. Furthermore, the Committee hopes that the next report of the Government will contain replies to the questions raised in its observation and direct request of 1980 concerning Article 1(c) and (d) of the Convention.

Central African Republic (ratification: 1964)

Article 1(a) of the Convention. 1. In its earlier comments, the Committee has pointed out that, under the provisions of Act No. 63/411 of 17 May 1963, every active citizen must belong to a designated national movement (MESAN) and follow its political line and the decisions of its executive bodies and that any person forming or attempting to form another group or association of a political character or undertaking political activities in any form outside the said national movement is liable to imprisonment (involving, under section 62 of Order No. 2772 of 18 August 1955, compulsory prison labour). The Committee has also noted that Act No. 60/169 of 12 December 1960 provides for the prohibition, on penalty of imprisonment involving compulsory labour, of publications that may be prejudicial in particular to "the edification of the Central African nation" and that the penalties provided for by Act No. 60/169 are also applicable in cases of infringement of the provisions of Order No. 3-MI of 25 April 1969 respecting the sale of foreign newspapers and of Decree No. 70/238 of 19 September 1970 establishing conditions for the dissemination of news, under which the distribution of all newspapers and news of foreign origin is subject to prior censorship.

The Committee has asked the Government to review these provisions in the light of Article 1(a) of the Convention and to indicate any measures taken or under consideration to ensure the observance of the Convention in this respect.

The Committee notes with interest from the information supplied by the Government to the Conference in 1980 that, following the direct contacts that took place in December 1978 and May 1980 with the representative of the Director-General of the ILO, the Ministry of Labour has proposed to the Ministry of Justice a draft ordinance and draft decrees to amend section 62 of Order No. 2772 of 18 August 1955 regulating the functioning of prisons and prison labour, so as to exempt from the obligation to perform prison labour persons convicted for political reasons under the provisions of Act No. 60/169 of 12 December 1960, Decree No. 3-MI of 25 April 1969 or Decree No. 70/238 of 19 September 1970. The Committee hopes that these drafts will be adopted in the near future and that measures will also be taken in respect of Act No. 63/411 of 17 May 1963 to ensure the observance of the Convention.

2. In its earlier comments, the Committee has also asked for information on the practical application of a number of provisions of the Penal Code, of Act No. 60/175 and of Ordinance No. 66/22 providing for the prohibition of certain associations. In the absence of a reply, the Committee is again addressing a direct request to the Government on this matter.

Chad (ratification: 1961)

The Committee notes with regret that despite the discussion which took place in the Conference Committee in 1979 on the application of

this Convention, and for the sixth year in succession the Government's report has not been received. It must therefore repeat its previous observation which read as follows:

Article 1(d) of the Convention. In the comments that it has been addressing to the Government for some years, the Committee has noted that Ordinance No. 30/PR/CSM of 26 November 1975 has suspended all strikes until further notice throughout the whole country and that any person contravening this provision is deemed to be acting to the detriment of good order and treated accordingly. Furthermore, Act No. 15 of 13 November 1959 to punish acts of resistance, disobedience and breach of duty towards the administrative authorities prescribes that persons who refuse to comply shall be punished by imprisonment with the obligation to work. So far as these provisions make it possible to punish participation in any strike with penalties involving the obligation to work, they are contrary to the Convention. The Committee hopes that the Government will take the necessary measures to ensure the observance of the Convention in this respect.¹

Guinea (ratification: 1961)

The Committee refers to its general observation and expresses the hope that the direct contacts asked for by the Government will make it possible to settle the questions raised in its earlier comments concerning the adaptation of certain penal provisions to Article 1(a) of the Convention, the repeal of the legislation on the Work Centres of the Revolution, the amendment of the provisions on compulsory military service under which use may be made of compulsory service in circumstances contrary to Article 1(b) of the Convention, and also the supply of certain legislative texts.

Haiti (ratification: 1958)

1. Suspension of constitutional guarantees. In its earlier observations the Committee has noted that each year since 1960 a decree giving full powers to the head of the Executive has suspended for a period of six to eight months a considerable number of constitutional guarantees representing indispensable conditions for the effective application of the Convention. It notes that a similar decree was adopted on 20 September 1980.

The Government has previously stated that, although the decree refers explicitly to the suspension of guarantees, there is no suspension proper and the guarantees remain but that it falls to the Chief of State to have them respected during the period when the Legislative Assembly is not in session.

The Committee notes with interest that, during the direct contacts that took place between the Government and representatives of the Director-General of the ILO in December 1980, a draft decree was drawn up under which only section 48, subsection 2, of the Constitution would be suspended in respect of the legislative power, and the judiciary would remain associated in the application of the constitutional guarantees which would no longer be suspended. The Committee therefore hopes that, at the end of the 1981 session of the -----

¹ The Government is asked to supply full particulars to the Conference at its 67th Session.

Legislative Chamber and in future, the constitutional guarantees under which the effective application of the Convention can be ensured will be normally maintained in force.

2. In its earlier comments, the Committee has also referred to certain provisions of the national legislation under which penalties involving compulsory prison labour can be imposed in cases coming under Article 1(a) and (c) of the Convention. It notes with interest that, during the above-mentioned direct contacts, the repeal of the decree of 8 December 1960 concerning hours of work was included in the draft revision of the Labour Code, which is to be adopted in the near future. It also notes that another draft text now being worked out in the Ministry of Justice is to institute a special prisoner status, without compulsory labour, for persons sentenced for press offences (except where the offences constitute offences against morality or blackmail or incitement to murder) and for persons sentenced by the State Security Court (except where they are sentenced for violent offences). The Committee trusts that the amendments will be adopted in the near future and that the Government will provide a copy of the relevant texts.

Kenya (ratification: 1964)

The Committee notes the information provided by the Government in its report.

In previous comments, the Committee has referred, inter alia, to various provisions of the Penal Code, the Public Assistance Act, the Prohibited Publications Order, 1968, the Merchant Shipping Act, 1967 and the Trade Disputes Act (Cap 234) under which imprisonment (involving an obligation to perform labour) may be imposed as a punishment for the display of emblems or the distribution of publications signifying association with a political object or political organisation, for various breaches of discipline in the merchant marine and for participation in certain forms of strike.

The Committee notes the Government's statement in its report that it is now clear about the action to be taken to eliminate the discrepancies between national law and the provisions of the Convention, but that due to a number of changes in the ministries concerned, it has not been possible to set the necessary procedures into motion.

The Committee takes due note of these assurances. It expresses once again the hope that the necessary action will soon be taken to bring the legislation into conformity with the Convention and that the Government will supply details on the measures adopted.

Liberia (ratification: 1962)

In previous comments the Committee has observed that prison sentences (involving, under Chapter 34, section 34-14, paragraph 1 of the Liberian Code of Laws revised, Volume 1, 1973, an obligation to work) might be imposed in circumstances falling within Article 1(a) of the Convention under section 52(1)(b) of the Penal Law (punishing certain forms of criticism of the Government) and section 216 of the Election Law (punishing participation in activities that seek to continue or revive certain political parties).

The Committee notes with interest the Government's reply in its report that the provisions of Chapter 2, section 2.2, of the proposed new Labour Law will prevent the imposition of forced labour on persons

given prison sentences for criticism of the Government, or participation in activities that seek to continue or revive certain political parties. The Committee notes that section 2.2 of the draft law prohibits the exaction of forced or compulsory labour in the circumstances listed in Article 1 of the Convention; however, it would appear from the definition of "forced or compulsory labour" in section 2.1 of the same Chapter that this prohibition does not extend to any instances in which compulsory labour is exacted as a consequence of a conviction in a court of law. In order to clarify the legal situation, it would accordingly be desirable to insert in Chapter 34, section 34-14, paragraph 1 of the Liberian Code of Laws revised, dealing with prison labour, a specific provision according to which prisoners convicted for acts falling within the ambit of the Convention shall not be required to work.

The Committee hopes that the Government will re-examine the situation and that it will soon be able to indicate the measures taken or envisaged.

Peru (ratification: 1960)

Article 1(e), of the Convention. With reference to its earlier comments, the Committee notes with interest that during the direct contacts that took place between the Government and a representative of the Director-General of the ILO in 1980, a Bill was drafted to repeal section 44 of the Penal Code on penalties applicable to indigenous people. The Committee hopes that this Bill will be adopted in the near future.

Tanzania (ratification: 1962)

The Committee notes that despite the discussion which took place at the Conference Committee in 1980 concerning the application of the Convention in Tanzania, the Government has failed to supply a report.

Tanganyika

In observations made for several years, the Committee referred to a number of legislative provisions under which prison sentences involving an obligation to work may be imposed for the publication of any newspaper prohibited by the President in the public interest, for various violations of labour discipline and for participation in strikes.

The Committee notes the statement of the representative of the Government of Tanzania to the 1980 Conference Committee that it was giving serious consideration to the comments of the Committee of Experts; these comments were long and technical and dealt with a great number of laws on which the Government had not yet been able to complete its study because of the need for consultations among various government departments.

Recalling the Government's statement to the Conference Committee in 1978 that direct contacts had enabled it to recommend amending the legal provisions in question, and that drafts prepared on that occasion were going to be submitted for enactment, the Committee trusts that measures will soon be adopted to bring the legislation into conformity with the Convention and that the Government will indicate the action taken.

Zanzibar

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 in violation of Article 1(a) of the Convention.

The Committee had also sought information on the effect on the application of the Convention of the state of emergency which had been in force since 1961, on the measures taken to abolish compulsory labour as a punishment for breach of labour discipline under section 110 of the Penal Decree and the Zanzibar Government Shipping Decree, and on the practical application of various statutory provisions. Noting the statement of the representative of the Government of Tanzania to the Conference in 1980 that the Government was still trying to get reports from Zanzibar, the Committee hopes that the difficulties which have been facing the Government as regards access to information on the application of the present Convention in Zanzibar will soon be overcome.¹

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In addition, requests regarding certain points are being addressed directly to the following States: Bangladesh, Benin, Central African Republic, Chad, Comoros, Djibouti, Ecuador, El Salvador, France, Iran, Kenya, Liberia, Libyan Arab Jamahiriya, Morocco, Panama, Suriname, Syrian Arab Republic, Tanzania.

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

CYPRUS (ratification: 1968)

The Committee notes that the Government's report has not been received. It must therefore repeat its previous observation which read as follows:

With reference to its previous comments, the Committee notes that the draft Employment Law, which the Government has been referring to for some years, has been revised and sent back to the Labour Advisory Board for a fresh reading. It hopes that the Government will not fail to take the necessary steps so that this draft, which is to ensure the full application of the Convention, is adopted very shortly, and it asks the Government to communicate the text.²

¹ The Government is asked to supply full particulars to the Conference at its 67th Session.

² The Government is asked to report in detail for the period ending 30 June 1981.

Egypt (ratification: 1958)

The Committee notes with interest, from the information provided by the Government in reply to its observation of 1979, that the new draft Labour Code, which is at present before the People's Assembly, provides for the granting of a weekly rest period to all workers without exception, thus giving full effect to Article 7 of the Convention. It hopes that this draft will be shortly adopted and that it will also give effect to Article 8 of the Convention, by providing for the granting of compensatory rest, irrespective of any additional pay, for persons occasionally employed on the weekly day of rest.

Kuwait (ratification: 1961)

The Committee regrets to observe that the information supplied by the Government to the Conference Committee in 1980 and in its last report contains nothing new concerning the following points, which the Committee has been raising for some years:

Article 2 of the Convention. It is necessary to provide for a weekly rest period of 24 consecutive hours in each period of seven days for temporary workers employed for a period of not more than six months and for workers in undertakings employing fewer than five workers in establishments covered by the Convention, since section 2 of the Labour Law (Private Sector) of 1964 excludes these classes of workers from its scope.

Article 8, paragraph 3. It is necessary for persons covered by the Convention, when they work on the weekly day of rest under section 15 of the Labour Law (Public Sector) of 1960 or section 35 of the Labour Law (Private Sector) of 1964, to be able in every case to take a compensatory rest period of 24 consecutive hours during the following seven days, irrespective of any compensatory wage.

The Committee trusts that the Government will not delay in taking measures to ensure that the provisions of the Convention are fully applied.¹

Syrian Arab Republic (ratification: 1958)

Article 8, paragraph 3 of the Convention. The Committee notes with regret that the Bill to which the Government has been referring for many years, which would ensure that workers who had worked on a weekly rest day in accordance with the exceptions provided for in section 120 of the Labour Code, receive compensatory rest, has not yet been adopted. It trusts that the Government will not fail to take the necessary measures in the near future to bring national legislation into conformity with the Convention on this point.¹

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In addition, requests regarding certain points are being addressed directly to the following States: Bangladesh, Morocco.

¹ The Government is asked to report in detail for the period ending 30 June 1981.

Convention No. 107: Indigenous and Tribal Populations, 1957Bolivia (ratification: 1962)

The Committee notes with regret that for the third consecutive year no report has been received. It recalls that a very brief report was received in 1977 and that the last detailed report dates back to 1974. In these circumstances, the Committee is not in a position to examine the situation of the indigenous populations of the country and to assess the extent to which the Convention is applied in Bolivia. It points out that there are a number of important questions in this respect on which it has requested information.

In the direct request addressed to the Government in 1978, the Committee referred to the fact that the indigenous populations of the country are divided into two groups, those living in the Sierra regions, which form the more settled rural portion of these populations, and the forest-dwelling tribal populations. As these two groups have distinct problems, the Committee divided its request into two parts. Among the questions raised in that request, which the Committee is again addressing to the Government, were the following:

Indigenous populations of the Sierra

Article 5 of the Convention. What opportunities are being given the indigenous populations to participate in the planning of programmes for their benefit?

Article 7. To what extent are indigenous populations allowed, under national law, to retain their own customs and practices?

Article 10. What measures have been taken to permit and assist indigenous populations in taking legal proceedings for the effective protection of their rights?

Articles 11 to 14. In connection with the revision of agrarian reform legislation, what action is being taken to take account of the special needs of indigenous populations?

Article 15. The Committee has noted the allegations, made in a report of the Anti-Slavery Society to the United Nations Ad Hoc Working Group on Slavery in 1977, referring to all the indigenous groups in the country, concerning forced indebtedness of indigenous groups, forced labour on rubber plantations, conditions of transport and of work of migrant workers, agricultural workers and miners, many of whom are members of the indigenous populations, and freedom of association among these populations. The Government is therefore requested to furnish detailed information on the conditions of work of these workers.

Articles 20 and 21 to 24. See under forest-dwelling tribal populations.

Forest-dwelling tribal populations

Articles 2, 3 and 27. The Committee has noted the Government's statement that it has been unable to take direct action in favour of indigenous populations, and has delegated certain functions to the Summer Institute of Linguistics, a missionary and linguistic organisation. It has also noted that there is no government agency with over-all responsibility for supervising or implementing programmes involving forest-dwelling tribal populations, which are currently carried out by various government bodies and missionary groups without any co-ordination. It has suggested that recent measures taken in other countries might serve as a model for such an agency, and that

this might be an appropriate subject for consultation with the International Labour Office.

Articles 11 to 14. The Committee has requested information on several questions concerning the protection of the indigenous populations against encroachments on their lands by settlers, including a proposed scheme of large-scale settlement in areas occupied by them, indications of how current legislation intended to protect them is being implemented, and information on proposed changes in current legislation.

Article 15. Bearing in mind that these populations are increasingly entering the employment market, the Committee would be grateful if the Government would indicate what special measures have been taken for their protection, as required by this Article.

Article 20. What health services are provided by the Government or by missionary groups?

Articles 21 to 24. What educational services are provided by the Government or by missionary groups, and how does the Government co-ordinate such activities?

The Committee hopes that a report will be transmitted for examination next year and that it will contain full information on the above points, which are further elaborated in a request being addressed directly to the Government.

Brazil (ratification: 1965)

The Committee notes that the Government's report has not been received. It must therefore repeat its previous observation which read as follows:

The Committee has noted the detailed reports furnished by the Government in 1977 and 1978. It notes, however, that these reports do not reply to many of the points raised in the previous request, and hopes that the Government will base its next report both on the terms of the Convention and on the detailed request addressed to it again this year.

The Committee notes that isolated Indian groups are being exposed to accelerating contact with non-Indian society, which is affecting their health and cultures. It considers that as the pace of development of the Amazon region in particular increases, there are likely to be an increasing number of instances in which forest-dwelling indigenous groups are affected by the proximity of roads, settlements and industrial projects (e.g. timber-cutting and mineral extraction) to the lands which they occupy. The Committee also notes the continuing debate in the country over the speed with which and the manner in which the Indians should be integrated into the national society.

The Committee accordingly hopes that the Government, in planning activities for the development of the Amazon, will do everything possible to minimise the effect of these activities on the indigenous populations until they are prepared for increased contacts with the national society. In planning the direction of the integration policy for the Indians, the Committee hopes that consultations will be carried out with representatives of the Indians themselves as well as with anthropologists and with the National Indian Foundation.

In particular, the Committee hopes that the procedures under consideration for the emancipation of Indian communities from tutelage will provide for preliminary studies by anthropologists before decisions are made in each case, for an effective consultation with the community concerned, for the

provision of technical and other assistance, and for measures to ensure their continued possession of the lands necessary for their development.

Colombia (ratification: 1969)

The Committee notes with interest the various developments which have taken place during the last year with regard to the situation of indigenous populations in the country. In particular, the Government requested the technical advice of the International Labour Office in drafting new legislation concerning the rights of indigenous populations and the administration of indigenous affairs, taking into account the requirements of Convention No. 107, and a first visit for this purpose was carried out in September 1980. In addition, a special ministerial commission created by the President of the Republic conducted an examination of the situation of the indigenous populations of the country (Diagnóstico de la situación indígena en Colombia), which was completed in September 1980, and on the basis of this analysis has formulated a Programme of Indigenous Development recommending measures which should be taken in this area. The Government has also communicated a detailed report on many aspects of the Convention's application. Finally, the Committee notes that draft legislation on this subject was submitted to Congress in August 1980, before the other measures mentioned above had been completed, and concerning which the International Labour Office made a number of comments.

The Committee welcomes the Government's initiatives to evaluate the situation of the indigenous populations of the country, to take the necessary measures to update the relevant legislation, and to begin concentrated programmes of aid and development for these populations. It hopes that it will be possible in the near future to begin the implementation of these measures. The Committee understands that further advice from the International Labour Office can be made available in connection with the proposal for new legislation, and hopes that in formulating the terms of the legislation the provisions of the Convention and the Office's comments on the earlier draft will be taken into account, and that the Committee will be kept informed of all developments.

Ecuador (ratification: 1969)

The Committee notes with interest that the Government has requested the technical advice of the Office to examine in detail the problems encountered with relation to indigenous populations, in particular (a) to establish a comprehensive analysis of the situation in the light of Convention No. 107, (b) to gather the information and data previously requested by the Committee, (c) to assist in the preparation of draft legislation which will allow the implementation of the fundamental provisions of the Convention, and (d) to suggest other measures which will enable the Government to continue a positive and effective dialogue with the ILO's supervisory bodies.

The Committee welcomes this initiative and recalls that in its previous direct request it had drawn the Government's attention to the following issues and problems which have so far impeded the application of the Convention.

Lack of centralised administration. As the Government has indicated in its report, there is no body which has over-all responsibility for programmes relating to indigenous populations.

Lack of legislation. As there is no legislation dealing specifically with the status and special problems of the country's indigenous populations (estimated at some 2 million persons), it is difficult to undertake programmes aimed particularly at these groups. The Committee is informed in this regard that the Office will be able to furnish examples of legislation which may be adapted to the situation in Ecuador, and to assist the Government in determining the legislation which should be adopted.

Lack of statistics. The Government has indicated its recognition of the need to gather adequate information to assess the numbers, locations and situation of the country's indigenous populations. This will of course take some time, but a framework can be laid down and definitions adopted to enable the Government to begin the process.

Land. It appears that no special measures have been adopted for the allocation of land to indigenous populations and its administration. As in most other countries with indigenous populations, there is a pressing need to protect the lands already held by these populations under traditional or other title, and to undertake measures to restore to them the lands they have lost or to provide lands adequate to enable them to survive as a distinct segment of the national population.

The Committee hopes that the Government will be able, as a result of its consultations with the Office, to take effective measures to resolve the variety of problems which confront the indigenous populations of the country and hopes that the Government will keep it informed of the progress achieved.

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In addition, requests regarding certain points are being addressed directly to the following States: Bolivia, Brazil, Colombia, El Salvador.

Convention No. 108: Seafarers' Identity Documents, 1958

Brazil (ratification: 1963)

The Committee notes with regret that the Government's report has not been received. It must therefore repeat its previous observation which read as follows:

The Committee notes from the information supplied by the Government that the new model seafarers' identity document has been approved and is now being printed. The Committee hopes that the Government will be able to send a copy of the printed version with its next report.

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

Information supplied by the German Democratic Republic in answer to a direct request has been noted by the Committee.

Convention No. 110: Plantations, 1958

Guatemala (ratification: 1961)

The Committee has since 1966 been making comments on the application of the Convention, in which it calls attention in particular to Part II concerning the engagement and recruitment of migrant workers, including Articles 11 to 15 concerning the transport and welfare of recruited workers and Article 16 concerning advances of wages. It also points out the necessity of regulating deductions from wages, in accordance with Articles 31 and 32 of the Convention and requests information on the working in practice of the labour inspection services provided for by Part XI of the Convention.

The Committee takes note with satisfaction of the adoption, following direct contacts between the competent national authorities and a representative of the Director-General of the ILO of Government Decision No. 8-80 of 9 May 1980, which regulates the operation of recruiting agents in agriculture, in accordance with Article 5, paragraphs 1 and 2(a) and (b), and Article 8 of Convention No. 96, and contains provisions prohibiting the transport of agricultural workers in vehicles that do not meet minimum safety requirements, in accordance with Article 12, paragraph 2(a), of the present Convention. The Committee also takes note with satisfaction of the adoption, following direct contacts concerning the application of Convention No. 95, of Government Decision No. 7-80 of 9 May 1980, which regulates the conditions and extent of deductions from wages, in accordance with Articles 31 and 32.

Furthermore, the Committee has had before it the report submitted by the Anti-Slavery Society for the Protection of Human Rights to the United Nations Working Group of Experts on Slavery at its fourth session in 1978 (report of the Working Group, document ECM.4/sub.2/410). According to this report, the recruitment of workers for plantations gives rise to serious abuses, including compulsion on workers to sign on or extend their engagement in order to reimburse advances on wages and other debts contracted with recruiting agents or employers; and, non-observance of the legal provisions concerning the conditions in which recruiting agents can work and those concerning the housing conditions and welfare of the workers, one reason being the absence of an effective labour inspection service on plantations. These allegations were brought to the attention of the Government in the observation addressed to it by the Committee in 1980 on the application of Convention No. 95.

The Committee notes the reply of the Government in its last report on Convention No. 95, to the effect that the competent authorities have received no complaint or accusation concerning abuses in the recruiting of workers. It recalls, however, that, in a report submitted in 1968 and transmitted by the Government with its report for 1966-68 on the application of the present Convention, a committee set up to prepare a bill respecting temporary agricultural work already mentioned serious difficulties in guaranteeing satisfactory conditions of recruitment, transport, housing and health on plantations and made recommendations for overcoming these difficulties on the basis of the provisions of Conventions Nos. 96 and 110.

The Committee considers that the adoption of the above-mentioned decisions should help to eliminate the abuses referred to. It hopes that legal provisions will also be adopted very shortly to:

- provide for the medical examination and transportation of recruited workers as well as the measures to be adopted to

preserve the health and welfare of the workers and their families during their journey, in accordance with Articles 11 to 15 of the Convention;

- limit advances on wages that may be made to recruited workers, in accordance with Article 16; and
- lay down the maximum period of service that may be provided for in a contract of employment, in accordance with Article 20.

The Committee, however, is bound to observe that the Convention can be applied only if the legal provisions giving effect to it are respected in practice. In this connection it points out once more the absolute importance of the effective working of the labour inspectorate, which, in the event, is not only responsible for supervising application of the legal provisions concerning conditions of employment and living and working conditions on plantations but also for authorising and supervising the activities of recruiting agents.

The Committee therefore trusts that the Government will take all the necessary measures, including the strengthening of the labour inspection services on plantations, to ensure the strict application in practice of the legal provisions, and that with its next report it will provide the specific information that the Committee has been requesting since 1966 on the practical operation of the inspection services on plantations. The Committee, in particular, asks the Government to indicate the number and frequency of visits of inspection carried out on plantations (Article 81) and to provide copies of inspection reports relating to plantations (Article 84).

In addition, the Committee refers to the observation it is making this year on the application of Convention No. 87.⁴

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In addition, requests regarding certain points are being addressed directly to the following States: Cuba, Ecuador, Guatemala, Mexico, Panama, Uruguay.

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

Argentina (ratification: 1968)

With reference to its previous observation, the Committee notes with interest the statement in the Government's report that Act No. 21274 concerning dismissal ("Ley de prescindibilidad") ceased to have effect on 1 January 1981 and that the new conditions of employment in the civil service (Act No. 22140), which came into force on 30 April 1980, establish the right of the staff to stability of employment. Section 8(g) of this text, however, excludes persons who may belong or have belonged to certain groups whose "doctrine" is directed towards the "denial" of the principles, rights and guarantees laid down by the National Constitution from any possibility of access to employment in -----

⁴ The Government is asked to supply full particulars to the Conference at its 67th Session and to report in detail for the period ending 30 June 1981.

the public service, and section 33(g) provides for the dismissal of such persons. The Committee would be grateful if the Government would indicate the measures taken or under consideration to ensure the application of the provisions of the Convention in respect of the elimination of discrimination on the basis of political opinion.

Austria (ratification: 1973)

The Committee notes the information provided by the Government in reply to its earlier comments and for the legislative texts and other documents enclosed with its report. In particular, the Committee notes with satisfaction the coming into force on 1 July 1979 of the Act concerning equality of treatment between men and women, which prohibits the discriminatory treatment of a person in respect of remuneration on the grounds of sex (the term "discrimination" means any differentiation made to the detriment of the person concerned without material justification) and establishes an Equality of Treatment Committee to examine all questions concerning discrimination in respect of remuneration. The Committee would be grateful if in future the Government's reports would provide information on the application in practice of this Act and on the activities of the Equality of Treatment Committee and of its subcommittees set up under the Ordinance of the Federal Minister of Social Administration dated 26 June 1979.

The Committee further notes with interest that the Ministry of Social Administration is endeavouring to launch programmes in favour of women in large undertakings, proposing measures to improve the occupational situation and career opportunities of qualified women, and that, in the public service, working parties have been set up to study occupational structures and provide a better place in them for women, and the Committee would wish to be kept informed of further measures taken and results obtained.

It appears from the observations of the workers' organisations enclosed by the Government in its report that, since the coming into force of the Equality of Treatment Act, many collective agreements have been amended to ensure equal remuneration; that various other forms of inequality, relating in particular to family allowances and alimony, have been largely abolished and that a number of cases put before the Equality of Treatment Committee have been settled positively. The difference in earnings between men and women, however, has not been reduced and has even increased (according to the trade union representatives of the women workers) particularly in Vienna, owing to persistent discrimination by undertakings; moreover, women head the unemployed in all occupations, since they occupy an excessive proportion of the least stable jobs. The Committee would like to receive information on measures taken or under consideration with a view to facilitating the elimination of all forms of distinction or discrimination on the basis of sex that do not conform to the principles of the Convention.

Chad (ratification: 1966)

The Committee notes with regret that this year again the Government's report has not been received. It must therefore repeat its previous observation which read as follows:

Following the discussions on the application of this Convention at the Conference Committee in 1979, the Committee notes with regret that it still has no replies to the points referred to in its previous observation and in its direct

requests repeatedly made since 1969. Therefore it urges the Government to supply full information as regards: (a) measures taken or contemplated to ensure in practice the promotion of equality in matters of training and employment opportunities of the various groups of the population distinguished by ethnic, racial or social origin, etc.; (b) the policy followed with a view to allowing women to benefit in practice from equality of opportunities in matters of vocational training and employment; (c) occupations from which women are excluded under article 9 of the Civil Service Regulations.

Chile (ratification: 1971)

The Committee takes notes of the information supplied by the Government to the Conference Committee in 1979 and the information contained in its report and has carefully studied the provisions of the Political Constitution of the Republic of Chile, as approved by Legislative Decree No. 3464 of 8 August 1980. It notes in particular, in connection with the statement of rights, that this guarantees, in a general way, equality of rights and opportunities and, more specifically, freedom to work, non-discrimination in employment and admission to public posts and appointments. On the other hand, with regard to the limitation of human rights, although the Constitution, as the report of the Government points out, does not deal with the propagation of doctrines contrary to established order, it does declare illegal or contrary to established order every act of a person or group intended to propagate certain doctrines, and in particular those advocating a conception of society, the State or legal order "of totalitarian character or based on class war" (section 8). The new provisions prescribe that persons on whom penalties have been inflicted by virtue of these provisions, under the supervision of the newly established Constitutional Court, shall be barred for a certain period (ten years) from access to public offices or appointments or shall automatically lose their employment, and that those barred shall include the directors of teaching establishments and teachers, trade union leaders, and also persons holding office in the field of information services. Having noted the argument submitted by the Government to the Conference Committee in 1979 to justify the adoption of these provisions and having regard to the fears expressed by the Conference Committee about the reference to the need to protect the State and institutions against "the enemies of democracy", the Committee is again led to express its concern in respect of the new constitutional provisions. These, in fact, show little difference from the former provisions, and may result in removing from the scope of the Constitution and the legal guarantees concerning discrimination in respect of employment those persons who express certain political opinions or ideas that do not conform to the views of the established authorities. The Committee hopes that the Government will take all the necessary steps when the new Constitution comes into effect to guarantee the full application of the Convention and to ensure the protection provided for against discrimination on the basis of political opinion, a protection that cannot be confined to mere differences of opinion or ideas within a system of established political principles. It would be grateful if the Government would provide all the relevant information in its next report.

Furthermore, the Committee notes from the information provided by the Government that Legislative Decree No. 2345 of 17 October 1978 relating to what is known as the policy of "debureaucratization" was intended to rationalise the state administration and did not stand in the way of the general protection against discrimination provided for by the Constitution and the operation (in this respect) of the usual

channels of appeal. The Committee, however, having already expressed its concern about this text in its previous observation, shares the fears expressed by the Workers' and Employers' members of the Conference Committee in 1979 concerning the risk of arbitrary measures involved in the application of section 5 of the Decree in question. It points out that the Decree confers on the Head of State, on the initiative of the Minister of the Interior, discretionary power, for purposes of achieving the prescribed aim, to terminate the functions of any person employed in the administration and public undertakings, without taking into consideration any requirements of other legal provisions, in particular protection of administrative status based on Legislative Decree No. 338 of 1960. The Committee would therefore be grateful if the Government in its next report would provide further and more detailed information on the criteria applied and on the organisation of procedural and other guarantees necessary to ensure the observance of the Convention.

Lastly, with regard to the present situation of persons dismissed under the emergency measures that were in force between September 1973 and March 1975, the Committee notes in particular that, according to the Government's statements, as the persons concerned have been either reinstated or compensated or have found other employment in the private sector, the problem no longer arises in the country; no complaint, moreover, has been submitted to the authorities and the special appeals committee has therefore ceased to operate. The Committee regrets, however, that it has no more precise information at its disposal in the form of statistics or other documentation to enable it to determine the extent of the reinstatements that have been carried out or the actual conditions under which the persons concerned have been able to find employment in the private sector. It trusts that the Government will make every effort in its next report to provide information on this. Furthermore, noting the statement by the Government that it is always willing to reconsider the case of persons dismissed between 1973 and 1975, the Committee repeats its previous request for information on any measures taken to make this known at the national level, on any arrangements by means of which the persons concerned may apply for reconsideration of their cases and on the use made of these arrangements in practice.⁴

Czechoslovakia (ratification: 1964)

The Committee takes note of the Government's report and of the discussions that took place in the Conference Committee in 1980 on the matters raised in its previous observation, including the statements made by the Government representative during those discussions.

The Committee recalls that in its previous observation it stated its inability to accept as in conformity with the Convention dismissals such as those which had been the subject of the representation examined by the Governing Body in 1978, in connection with which that body did not consider the reply of the Government to be satisfactory and had decided, by virtue of article 25 of the Constitution of the ILO, that the representation and the reply should be published together with the report of the committee set up to consider the representation: see Official Bulletin, Volume LXI, 1978, series A, No. 3, Supplement. It had been found that dismissals and other measures had been taken on the grounds that the workers concerned had signed or supported a document

⁴ The Government is asked to supply full particulars to the Conference at its 67th Session and to report in detail for the period ending 30 June 1981.

such as the manifesto known as "Charter 77" (reproduced in Appendix IV to the report of the Governing Body committee), and that the courts had confirmed the dismissals on the basis of a statement by the Public Prosecutor of the Republic of 31 March 1977, who had considered that the declaration known as "Charter 77" was in itself a potential danger to the socialist and state system of the Republic. It did not appear that signing or adhering to such a document by workers could in itself justify any derogation from the basic protection provided for by the Convention in respect of political opinion, or, in particular, that the document had contained an appeal to associate with a view to committing activities against public order. The measures authorised by the Convention in connection with the security of the State or the requirements of certain jobs should not be applied in a way to bring them into conflict with the basic protection provided against discrimination in respect of employment on the grounds of political opinion. The Committee recalled that it had requested the Government to indicate the measures taken or under consideration to ensure that all sanctions previously imposed for reasons incompatible with the protection provided for by the Convention be duly reconsidered in the light of its requirements. In view of the information given by the Government in 1979 on the situation of the persons concerned, the Committee pointed out that it remained necessary to obtain additional relevant information on the measures taken or under consideration.

The Committee notes that the statements of the Government representative in 1980 and in the subsequent report reaffirm the point of view of the Government concerning the conformity of the Labour Code and its interpretations with the Convention, as well as the character of the above-mentioned document and the justification of the dismissals. They also affirm that the decisions have not been taken only because the persons signed the document in question but also because of their activities; that the grounds stated in the letters of dismissal did not always fully correspond to the considerations taken into account; that the courts had based their findings not only on these letters and on the opinion of the Public Prosecutor but also on evidence of their activities and that it was impossible to say that these decisions were unjust without fully knowing the court proceedings; lastly, there were several other versions of the document mentioned above that were more serious. According to these statements there were no reasons for reconsidering the cases of the persons dismissed under these circumstances.

The Committee notes that these statements refer to the existence of legal proceedings and versions of the above-mentioned document other than those that have come to its knowledge through the documents examined by the Governing Body committee. While noting that the Government recalls the possibility of appeal provided for by section 64 of the Labour Code, the Committee requests the Government to provide more detailed information on the investigations carried out following such appeals, the grounds taken into consideration and decisions reached, in the light of what is stated above.

Generally, the Committee hoped that the Government would take all suitable measures to guarantee more effectively that the provisions of national laws might not be applied for reasons incompatible with the protection laid down by the Convention with regard to the elimination of discrimination on the basis of political opinion. It has taken note of the information given by the Government concerning, among other things, measures to be taken by the President of the Supreme Court, of which the competent Committees of the Federal Assembly were to be informed in 1979. The statements by the Government representative in 1980 have shown that various measures have been taken to provide judicial and other bodies with information on the Convention and that

the subsequent report of the Government has added that the report of the President of the Supreme Court has been submitted to the Committees of the Federal Assembly, which have taken note of it. The Committee therefore hopes that the Government will now be able to provide more detailed information on the measures taken in the matter, particularly on the reports and decisions that may have been adopted to specify the conditions governing the interpretation and application of the legislation in a way conforming to the Convention.¹

Federal Republic of Germany (ratification: 1961)

The Committee takes note with satisfaction, from the report presented by the Government, of the coming into force on 13 August 1980 of the Act concerning equality of treatment for men and women at the workplace, which provides, in particular, that an employer shall not practice discrimination against a worker on the basis of sex in respect of recruitment, promotion or dismissal or when he gives instructions and that it is prohibited to agree on remuneration lower than that received by a worker of the opposite sex for equal work or work of equal value. The Committee would be grateful to receive information on the practical application of the above-mentioned Act.

The Committee takes note of the observations presented by the World Federation of Trade Unions (WFTU) following the decision of the Governing Body in November 1979 to conclude the representation procedure instituted under article 24 of the Constitution. In its observations, the WFTU, after evaluating the decision of the Governing Body and finding that it brought no final settlement either to the basic problem or to the individual cases submitted in support of the representation, states that the whole question must be examined again. According to the WFTU, the notion of hostility to the Constitution, as defined by the authorities and courts, is itself in conflict with the Convention, and the decrees of the Government regulating the procedure for the verification of loyalty have not changed the substance of the decision by the Constitutional Court, which leaves wide discretion not only to the recruiting authority but also to the judiciary. The WFTU maintains that the previous practices have continued since 1 April 1979, when the new decree concerning procedure came into force and have affected more than 30 persons, including some occupying subordinate posts in the postal services and federal railways.

In addition, the Committee also takes note of the information provided by the Government in its report and in its comments on the observations of the WFTU, in which it reasserts its position of principle on non-discrimination as to access to the public service on the ground of political opinion and on the present conformity, in law and in fact, with the provisions of the Convention, including Article 1, paragraphs 2 and 4. The Government states that the rules governing the verification of loyalty to the Constitution, whose criteria have been laid down by the Constitutional Court, apply in the same way both in the federal administration and in the Länder, although the provisions governing procedure may vary in form. The Committee also notes that the Government, after restating the guarantees provided by the new decree of 1979, in particular the ending of the systematic nature of inquiries in the federal administration, states that a number of Länder have adopted similar rules for the verification procedure (Berlin, Hamburg, Hessen, North Rhine-Westphalia) and that others have abandoned routine inquiries (Bremen, Lower Saxony, Saarland).

¹ The Government is asked to report in detail for the period ending 30 June 1981.

The Committee, however, notes that the Government indicates in its report that it was not able to obtain detailed knowledge of the effects of the new version of the rules governing the procedure for the verification of loyalty to the Constitution, because of the federal structure of the country. The report of the Government thus does not contain data covering important elements in reply to the questions raised by the Committee in its previous observation, namely whether the new rules for the verification of loyalty protect the necessary guarantees and limit investigation to special cases in which there are serious and justified doubts regarding the reliability or responsible conduct that may be expected from applicants for employment in the public service, with particular reference to the nature of the posts they are to occupy. The Committee trusts that the Government in its next report will provide detailed information on the practical application of the new rules and on changes in the situation in the Länder and also on any measures that the federal authorities may have taken or have under consideration in the matter, regard being had to the principles of the Convention. Furthermore, the Committee would be grateful if the Government would supply information on the investigations carried out, the grounds taken into consideration and the decisions reached in cases of exclusion from the public service that have occurred since April 1979, in the light of what is stated above.¹

Guinea (ratification: 1960)

The Committee refers to its general observation and expresses the hope that the direct contacts requested by the Government will lead to the solution of the point raised in its previous comments, thus ensuring the elimination of any discrimination in employment, within the meaning of the Convention, based on political opinions.

Malta (ratification: 1968)

Further to its previous comments, the Committee notes with satisfaction, from the information provided in the Government's report, that it was decided that female employees in the public sector shall no longer be required to resign on marriage (if they opt to resign, however, they shall continue to be entitled to a gratuity, if they had already been eligible for it) and that this decision has been implemented by OPM Circular 103/80 issued by the Administrative Secretary to Heads of Departments on 31 December 1980.

The Committee notes with interest that it is the Government's intention to introduce legislation for the grant of maternity leave to women who are in employment as from 1 January 1981. The Committee hopes to be kept informed of further developments as regards the promotion of equality of opportunity and treatment in employment for both sexes.

Portugal (ratification: 1959)

The Committee notes with satisfaction, from the information communicated by the Government, that Legislative Decree No. 392/79 was adopted on 20 September 1979 for the purpose of guaranteeing effective equality of both sexes, in particular, by establishing the Commission

¹ The Government is asked to report in detail for the period ending 30 June 1981.

for Equality in Work and Employment. The Committee would be grateful if the Government would provide in its next report information on practical measures taken or under consideration in this context and the results achieved in promoting more equitable participation of women in employment at all levels.

Sierra Leone (ratification: 1966)

The Committee regrets that the Government's report once again states that no national policy has been declared in accordance with the Convention and does not contain information in reply to its earlier comments.

Having noted from previous reports that consideration was being given to the enactment of legislation giving effect to the provisions of the Convention (Article 3(b)), the Committee hopes that the Government will be able to supply in its next report information on further action taken in this connection.

Having also noted with interest the information supplied in a previous report concerning action taken and contemplated to give effect to the recommendations contained in the study on education, training and employment opportunities for women prepared by a research team appointed by the Sierra Leone National Commission for UNESCO with a view to providing girls and women with wider access to technical and scientific studies, careers and employment, the Committee hopes that the Government will be able to include in its next report information on further developments and results achieved in this respect.

Spain (ratification: 1964)

The Committee notes the information provided in reply to its previous comments. In particular, it notes with satisfaction the provisions of the Workers' Statute of 10 March 1980, which lay down that workers are entitled to protection against discrimination in respect of recruitment or employment on the basis of sex, marital status, age within the limits laid down by the Statute, race, social status, religious or political convictions, membership or non-membership of a trade union, or language, throughout the territory of Spain (section 4, subsection 2(c)); that regulations, clauses in collective agreements, individual agreements and unilateral decisions by employers shall be considered null and void where they contain discrimination against a worker on the basis of his age or discrimination in favour of or against him in respect of employment, remuneration, hours of work or other conditions of employment on the basis of sex, origin, social status, religious or political convictions, membership or non-membership of a trade union, the acceptance or rejection of trade union decisions, family links with other workers in the undertaking, or language, throughout the territory of Spain (section 17, subsection 1); and that the employer shall be obliged to pay equal wages for work of equal value in respect both of the basic wage and of the wage supplements, without any discrimination on the basis of sex (section 28).

Furthermore, the Committee notes that the necessity of revising the Decree of 26 July 1957 on industries and work prohibited to women may be considered in the light of sections 4 and 17 of the above-mentioned Statute, in cases where certain provisions of the Decree go beyond the reasonable aims of protection. It hopes that the Government in its next report will indicate any measures taken to carry out this re-examination in the light of scientific and technical developments

and with a view to guaranteeing to women and to men equality of opportunity and treatment in respect of access to the various sectors of employment and to the various occupations at all levels.

Yugoslavia (ratification: 1961)

The Committee takes note with interest of the detailed information provided by the Government in its report. It thanks the Government for having supplied texts of the amendments introduced in 1980 to certain laws of the Republics and Provinces, in the fields of education and justice, in order to eliminate the reference to "moral and political suitability" as a condition for holding certain employment, reference which was deemed to be unconstitutional by a meeting of the Presidents of the Constitutional Courts on 19 December 1979. It notes that other similar amendments are in progress and it hopes to receive full information on these with the next report. Nevertheless, the advertisements appearing in the press for jobs in self-management enterprises show that the condition of "moral and political suitability" has continued to be mentioned frequently despite this being deemed to be unconstitutional. The Committee would therefore be grateful if the Government would indicate any measures taken or under consideration to ensure that this formula is no longer used in practice by these undertakings.

The Committee notes that most of the new legislative provisions resulting from the above-mentioned amendments prescribe an evaluation of the social and over-all behaviour of candidates in relation to the implementation of the aims and duties provided for by law or to the achievement of the aims of a self-management socialist society. It would be grateful if the Government would indicate, in the light of practical application and all administrative instructions and court decisions in this field, the interpretation that is given to these conditions in order to make sure that political opinion is not taken into consideration in this connection in a manner incompatible with the terms of the Convention.

There are also legal provisions, such as those of section 98 of the Law on Higher Education of Serbia, that authorise the suspension of persons who "cause damage to social interests". The amendments to the Law introduced in 1980 have left this provision in force and have increased its effect by providing for the full termination of the employment relation after two years of suspension and by making such termination applicable to persons suspended under the old provision. The Committee would be grateful if the Government would state on this point too, and in the light of practical application and all administrative instructions and court decisions in this field, what measures are adopted to ensure that political opinion is not unduly taken into consideration in connection with provisions of this type.

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In addition, requests regarding certain points are being addressed directly to the following States: Afghanistan, Algeria, Angola, Australia, Bangladesh, Barbados, Belgium, Benin, Bolivia, Brazil, Bulgaria, Chad, Cyprus, Dominican Republic, Egypt, Finland, Gabon, German Democratic Republic, Ghana, Guyana, Haiti, Hungary, Iceland, India, Iran, Iraq, Israel, Ivory Coast, Jamaica, Jordan, Kuwait, Liberia, Libyan Arab Jamahiriya, Mali, Mauritania, Mongolia, Morocco, Mozambique, Nepal, Netherlands, Nicaragua, Niger, Norway, Pakistan, Philippines, Poland, Qatar, Romania, Somalia, Sudan, Switzerland, Trinidad and Tobago, Turkey, USSR, Yemen.

Information supplied by Ethiopia, Honduras, Italy, Mexico and Venezuela in answer to a direct request has been noted by the Committee.

Convention No. 112: Minimum Age (Fishermen), 1959

Guinea (ratification: 1960)

With reference to its earlier comments, the Committee notes with satisfaction that section 16 of Order No. 224/MT of 15 June 1980 prohibits the employment of children under the age of 15 years on board fishing vessels (Article 2, paragraph 1, of the Convention).

Liberia (ratification: 1960)

The Committee has pointed out in its previous observations that section 326 of the Maritime Law, which lays down a minimum age, applies only to vessels engaged in foreign trade and that section 74 of the Labour Law, which prohibits the employment of children under 16 years of age during the hours when they are required to attend school, do not ensure that children under 15 years of age shall not be employed for work on board fishing vessels, in accordance with Article 2, paragraph 1, of the Convention.

The Government again states that the provisions of the Convention are incorporated in the proposed new Labour Law, to which it has been referring since 1968. The Committee trusts that the necessary provisions will be adopted very shortly.¹

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

Convention No. 113: Medical Examination (Fishermen), 1959

Costa Rica (ratification: 1964)

The Committee notes with satisfaction that, following the direct contacts held between the competent national services and a representative of the Director-General of the ILO, Decree No. 11325-TSS of 20 March 1980 gives effect to Article 3 of the Convention.

Guatemala (ratification: 1961)

With reference to its earlier comments, the Committee notes with satisfaction that, following the direct contacts held in 1975 and 1979 between the competent national services and a representative of the Director-General of the ILO, Decree No. 9-80 of 9 May 1980 gives effect to Articles 1 to 4 of the Convention.

¹ The Government is asked to report in detail for the period ending 30 June 1981.

Guinea (ratification: 1960)

The Committee refers to its general observation and hopes that the direct contacts requested by the Government will make it possible to solve the questions raised in its earlier comments on the adoption of a draft order respecting conditions of engagement of fishermen that should give effect to the Convention.

Liberia (ratification: 1960)

The Committee has pointed out in its previous observations that section 336(3) (d) of the Maritime Law, as amended, which provides that a seaman shall not be entitled to sickness or injury benefit if at the time of his engagement he refused to be medically examined, does not ensure the medical examination of persons to be employed on board fishing vessels, in accordance with Articles 2 to 5 of the Convention. Moreover, under section 290(2) (a), even the above provisions do not apply to vessels under 75 net tons.

The Government again states in its report that the provisions of the Convention will be applied by the proposed new Labour Law, to which it has been referring for several years. The Committee trusts that the necessary provisions will be adopted very shortly.⁴

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In addition, requests regarding certain points are being addressed directly to the following States: Guatemala, Panama.

Convention No. 114: Fishermen's Articles of Agreement, 1959Costa Rica (ratification: 1964)

The Committee notes with satisfaction that, following the direct contacts held between the competent national services and a representative of the Director-General of the ILO, Decree No. 11325-TSS of 20 March 1980 gives effect to Articles 3, 5, 10 and 11 of the Convention.

Guatemala (ratification: 1961)

With reference to its earlier comments, the Committee notes with satisfaction that, following the direct contacts held in 1975 and 1979 between the competent national services and a representative of the Director-General of the ILO, Government Decision No. 10-80 of 9 May 1980 gives effect to the provisions of the Convention.

Guinea (ratification: 1960)

The Committee refers to its general observation and hopes that the direct contacts asked for by the Government will make it possible to settle the questions raised in its earlier comments on the adoption

⁴ The Government is asked to report in detail for the period ending 30 June 1981.

of a draft order in respect of the conditions of engagement of fishermen which will give effect to the Convention (in particular Articles 4, 10 and 11).

Liberia (ratification: 1960)

In the comments that it has been making for several years, the Committee has pointed out that the Maritime Law is far from sufficient to ensure the application of the Convention. The Government again states in its report that effect will be given to the provisions of the Convention by the new Labour Law. The Committee trusts that the text in question, to which the Government has been referring for some years, will be adopted in the very near future.¹

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In addition, requests regarding certain points are being addressed directly to the following States: Cyprus, Ecuador, Peru, Uruguay.

Convention No. 115: Radiation Protection, 1960

Requests regarding certain points are being addressed directly to the following States: Argentina, Guinea, Guyana, India.

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

Guinea (ratification: 1966)

The Committee refers to its general observation, and expresses the hope that the direct contacts requested by the Government will lead to the solution of the issues raised in its previous comments concerning the application of Articles 7, 10, 13 and 15 of the Convention.

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In addition, requests regarding certain points are being addressed directly to the following States: Bahamas, Central African Republic, Ghana, Jamaica.

¹ The Government is asked to report in detail for the period ending 30 June 1981.

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

Ecuador (ratification: 1970)

Article 3 of the Convention. The Committee takes note with satisfaction of the repeal by Decree No. 3016 of 23 November 1978, of section 4 of the Compulsory Social Insurance Act, as a result of which foreign workers are now entitled to the same advantages, guarantees and benefits as insured nationals.

Guinea (ratification: 1967)

The Committee refers to its general observation, and expresses the hope that the direct contacts requested by the Government will lead to the solution of the issues raised in its previous comments concerning the application of Article 4, paragraph 1, and Articles 5, 6, 7 and 8 of the Convention.

Libyan Arab Jamahiriya (ratification: 1975)

The Committee regrets to note that, for the third time in succession, the Government has provided no report and that it has therefore no information on the points raised in its previous comments. It is thus obliged to repeat these points in a new direct request, hoping that the Government will not fail to provide a report for examination at its next session with the information requested.

Suriname (ratification: 1976)

Articles 4 and 5 of the Convention - Branch (g) (employment injury benefit). The Committee notes that the amendment to section 6, subsection 8, of Decree No. 145 of 1947, as amended by Ordinance No. 164(d) of 1975, is under consideration with a view to ensuring the conformity of that provision with the Convention, which allows no restriction on payment of pensions where the beneficiary, whether a national of the country or a national of another State that has accepted the obligations of the Convention for this branch, transfers his residence outside the territory. The Committee would be grateful if the Government, in its next report, would indicate any progress made in this matter and provide information on the application of the Convention in practice.

Syrian Arab Republic (ratification: 1963)

Article 5 of the Convention. The Committee has studied the information supplied by the Government to the Conference at the 66th Session in June 1980 in reply to its earlier observations and also the Bill to amend section 94 of the Social Insurance Act, No. 92 of 1959, as already amended.

The Committee would like to call attention to the following points arising out of the above provision of the Convention, which do not seem to have been taken into consideration in the Bill in question: (a) under the Convention, States that - like the Syrian Arab Republic - have ratified the Convention for the branches of invalidity benefit, old-age benefit, survivors' benefit and employment injury benefit are obliged to provide the benefits due under these branches (and also

death grants) to their own nationals when resident abroad, whatever the country of residence; (b) these States are also obliged to pay the above benefits to beneficiaries residing abroad who are nationals of any other State that has accepted the obligations of the Convention for the same branches, whatever the territory of residence; (c) the Convention also applies to refugees and stateless persons without any condition of reciprocity under Article 10.

The Committee hopes that the Government will be able to take the above-mentioned points into account and amend the bill accordingly. It also hopes that the amended Bill will be adopted in the very near future in order to ensure the full application of the Convention.¹

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In addition, requests regarding certain points are being addressed directly to the following States: Central African Republic, Ecuador, Jordan, Libyan Arab Jamahiriya, Mexico, Tunisia, Turkey, Zaire.

Convention No. 119: Guarding of Machinery, 1963

Central African Republic (ratification: 1964)

The Committee notes that following the direct contacts that took place in May 1980 the Government has drawn up a draft decree to ensure the application of Articles, 2, 10, paragraph 1, and 11 of the Convention.

The Committee hopes that the draft will be adopted in the near future in order to give full effect to the provisions of the Convention.

Congo (ratification: 1964)

The Committee notes that a draft ministerial order is being drawn up to specify the dangerous machinery and parts of machinery coming under section 135 of the Labour Code, which prohibits the offering for sale, the sale, the hire or the use of dangerous machinery or parts of machinery without appropriate guards. The Committee hopes that a text will be adopted in the near future to give effect to Article 2 of the Convention.²

Guatemala (ratification: 1964)

In previous observations, the Committee has drawn attention to the need to adopt provisions to give effect to Part II of the Convention. In its latest report, the Government refers to section 6 of the General Health and Safety Regulations as ensuring the application of the Convention. This provision, under which owners of

¹ The Government is asked to report in detail for the period ending 30 June 1981.

² The Government is asked to report in detail for the period ending 30 June 1982.

undertakings are prohibited from installing or operating unguarded machinery, ensures the application of Part III of the Convention (prohibition of the use of machinery without appropriate guards) but not of Part II under which the sale, hire, transfer in any other manner and exhibition of unguarded machinery must be prohibited (Article 2) and the obligation to ensure compliance with this prohibition must rest on the vendor, person letting out on hire or transferring or the exhibitor of machinery (Article 4). The Committee trusts therefore that the Government will take steps to ensure the application of these essential provisions of the Convention.

The Committee also again requests the Government to provide the information requested by Point V of the report form (inspection activities, the number of contraventions reported and the number, nature and causes of accidents reported).⁴

Guinea (ratification: 1966)

The Committee refers to its general observation, and expresses the hope that the direct contacts requested by the Government will lead to the solution of the issues raised in its previous comments concerning the application of Articles 11 and 17 of the Convention.

Jordan (ratification: 1964)

The Committee has noted in its earlier observations that there are no explicit provisions concerning the sale, hire, transfer in any other manner and exhibition of machinery, as required by Part II of the Convention. The Committee notes that the Government will submit a detailed report when the Labour Bill has become law.

The Committee trusts that this text will ensure the full application of the Convention and that it will be promulgated in the near future.⁴

Madagascar (ratification: 1964)

Articles 2 to 4 of the Convention. The Committee observes once more that the Order concerning the prohibition of the sale, hire, transfer in any other manner and exhibition of dangerous machinery without appropriate guards, to which the Government has referred in its previous reports, has not yet been adopted. The Committee trusts that this Order will be issued shortly and that it will ensure the application of these provisions of the Convention, more particularly the requirements regarding the hire, transfer in any other manner and exhibition of such machinery.

Niger (ratification: 1964)

The Committee notes with regret that the Government's report contains no reply to previous comments. It must therefore repeat its previous observation which read as follows:

⁴ The Government is asked to report in detail for the period ending 30 June 1982.

The Committee notes that no measures have yet been taken to give effect to Articles 2 to 4 of the Convention (prohibition of the sale, hire, transfer and exhibition of machinery without appropriate guards), Article 10 (information and instructions to be given to workers) and Article 11 (prohibiting the use of machinery without the guards being in position and operative). It notes further that the legislation on the guarding of machinery (General Order No. 5253 of 19 July 1954) does not appear to apply to machinery in agriculture as required by Article 17.

The Committee also notes that a PIACT mission visited the country in December 1977 in order to study needs in the occupational safety and health field, that the Government still intends to replace existing provisions in this field by a single comprehensive text, and that it hopes to receive ILO assistance to this end.

The Committee can only once again express the hope that measures will be introduced shortly to give effect to the provisions of the Convention mentioned above.¹

Paraguay (ratification: 1967)

The Committee notes with satisfaction that effect has been given to various provisions of the Convention concerning the use of machinery (Articles 1, 2, paragraphs 3 and 4, 3 and 6 to 17) through the adoption of Resolutions Nos. 649 and 650 of 2 May 1980.

Sierra Leone (ratification: 1964)

The Committee once again recalls that, pending the adoption of Rules under the Factories Act 1974, the guarding of machinery is governed by the Machinery (Safe Working and Inspection) Act and Rules, which however do not give effect to Part II of the Convention (sale, hire, transfer in any other manner and exhibition of unguarded machinery); nor do they apply to road and rail vehicles or to shipping, whereas Article 17 requires that the Convention be applied in all branches of economic activity.

In previous reports, the Government indicated that effect would be given to all the provisions of the Convention by Rules to be issued under the Factories Act 1974. In its last two reports, the Government refers to a draft proposal for a new Factories Act which will include the requirements of the Convention and apply to all areas of economic activity including road and rail vehicles, agricultural machinery, mines and shipping.

The Committee trusts that provisions will be adopted soon to give effect to all the substantive requirements of the Convention and that these provisions will apply to all branches of economic activity.²

Spain (ratification: 1971)

The Committee notes that no express provisions have yet been adopted to give effect to Articles 2 and 4 of the Convention, but that

¹ The Government is asked to supply full particulars to the Conference at its 67th Session.

² The Government is asked to report in detail for the period ending 30 June 1982.

the Government states that their terms have been incorporated into national law as a result of ratification and publication in the Official Bulletin. In order to ensure that the prohibition prescribed by these Articles of the Convention is effective, certain additional measures would appear to be necessary. In particular, Article 2, paragraphs 2, 3 and 4, require the competent national authority to determine the precise extent to which their provisions shall apply, and Article 4 lays an obligation on the agents of the vendor, hirer, exhibitor, etc. "where appropriate under national laws or regulations". Finally, the obligations imposed by virtue of Articles 2 and 4 of the Convention can only be effectively enforced if appropriate penalties for non-compliance are prescribed by national laws or regulations in accordance with Article 15, paragraph 1 and if appropriate inspection services for ensuring their application exist in accordance with Article 15, paragraph 2.

The Committee therefore notes with interest that it is the Government's intention to adopt supplementary provisions to ensure the application of Articles 2 and 4 of the Convention, and hopes that they will take account of the points mentioned above.¹

Tunisia (ratification: 1970)

The Committee notes with interest that the draft Order of which it has received the text lays down a list of machines and parts of machines that cannot be used, offered for sale, sold or hired without guards. It hopes that the text will be adopted in the near future and ensure the application of Articles 2 and 6 of the Convention.¹

Turkey (ratification: 1967)

Part II of the Convention. The Committee notes that, according to the Government, Circular No. 1978/20 of 12 July 1978 issued by the Prime Minister is a mandatory instrument, enforceable by sanctions, and hence suffices to give effect to Part II of the Convention.

As has already been noted by the Committee, this circular instructs the Ministry of Industry and Technology to take measures to prevent, inter alia, the sale, hire, transfer or exhibition of machinery which is not in conformity with standards to be fixed by this Ministry in collaboration with the Ministry of Labour and the Turkish Institute of Standardisation. In order for effect to be given to Part II of the Convention on the basis of this circular, which in itself is mandatory only for ministries to which it is addressed, it accordingly appears necessary that the Ministry of Industry and Technology should (a) fix standards prescribing the guards to be provided for machinery in accordance with Article 2, paragraphs 3 and 4, of the Convention; and (b) take measures to impose an obligation on persons selling, letting out on hire, transferring or exhibiting machinery to ensure that the machinery complies with the prescribed standards, and to lay down penalties for failure to do so, in accordance with Articles 4 and 15 of the Convention. The Committee therefore trusts that the Government will provide information on the measures taken or contemplated to ensure that Circular No. 1978/20 is effectively

¹ The Government is asked to report in detail for the period ending 30 June 1982.

implemented so as to give effect to Part II of the Convention. The Committee further requests the Government to provide copies of the reports on the application of the Circular which, under paragraph 7 of the Circular, the institutions it is addressed to are required to send to the Prime Minister's Office twice yearly.

Article 10, paragraph 1. The Committee again expresses the hope that the Government will introduce into the legislation an express obligation on the employer to bring the laws and regulations relating to the guarding of machinery to the notice of workers and to instruct them in the dangers arising and precautions to be observed.

Article 17. The Government states that the above-mentioned circular, dealing with the sale, hire, etc. of machinery, applies to agriculture and to sea and air transport. However, the provisions of the Labour Code and the Safety and Health Regulations relating to the use of machinery do not so apply. The Committee therefore once again requests the Government to take the necessary measures to apply Part III of the Convention to machinery in agriculture and in sea and air transport.¹

Zaire (ratification: 1967)

The Committee notes once again that legislation to give effect to the following provisions of the Convention has not yet been adopted.

Articles 2 to 4 of the Convention. The Committee takes note of the information to the effect that a draft Order will shortly be submitted for the opinion of the National Labour Council. The Committee trusts that this text will be adopted in the near future and asks the Government to provide a copy as soon as it is adopted.

Article 17, in relation to Article 1, paragraph 3. The Government states that the above-mentioned draft Order will apply to all sectors of the economy, including agriculture. Although this draft would ensure the application of the Convention in respect of the sale, hire, transfer in any other manner and exhibition of machinery, the national provisions ensuring the application of Part III of the Convention regarding the use of machinery are contained in Order No. 0057/71 of 20 December 1971, which does not apply to agriculture. The Committee therefore expresses the hope once more that measures will also be taken to ensure the application of Part III of the Convention to agriculture.²

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In addition, requests regarding certain points are being addressed directly to the following States: Algeria, Cyprus, Dominican Republic, Kuwait, Malaysia, Morocco, Panama, Paraguay, Sierra Leone, Syrian Arab Republic, Uruguay.

¹ The Government is asked to supply full particulars to the Conference at its 67th Session and to report in detail for the period ending 30 June 1981.

² The Government is asked to report in detail for the period ending 30 June 1982.

Convention No. 120: Hygiene (Commerce and Offices), 1964**Costa Rica (ratification: 1966)**

The Committee notes with satisfaction that, following the direct contacts that have taken place between the competent national services and a representative of the Director-General of the ILO, regulations have been issued to control noise and vibrations (Decree No. 10541-TSS of 14 September 1979) and that the general regulations on occupational safety and health have been amended by Decree No. 11429-TSS of 30 April 1980 so as to ensure the application of Article 18 of the Convention.

Guinea (ratification: 1966)

The Committee refers to its general observation, and expresses the hope that the direct contacts requested by the Government will lead to the solution of the issues raised in its previous comments concerning the application of Articles 6, paragraphs 2, 14 and 18 of the Convention.

Paraguay (ratification: 1967)

The Committee has examined Resolution No. 700 of 24 July 1979, which the Government has sent with its report and which governs certain technical aspects of safety and health. The Committee notes that this text ensures a fuller application of certain provisions of the Hygiene (Commerce and Offices) Convention and Recommendation, 1964, particularly those concerning the provision of washing facilities, sanitary conveniences and cloakrooms and also the supply of drinking water, but it observes that the text does not give effect to Articles 10 (temperature of the premises) and 18 (reduction of noise and vibrations) of the Convention, which have been the subject of its earlier comments. The Committee is thus obliged to call the attention of the Government again to the need to adopt regulations - such as the regulations on occupational safety and health mentioned by the Government in its earlier reports - to supplement the general provisions of the Labour Code in order to guarantee the application of the above-mentioned Articles of the Convention and, in accordance with Article 4(b), to give such effect as may be possible and desirable under national conditions to the Hygiene (Commerce and Offices) Recommendation, 1964.

Switzerland (ratification: 1966)

The Committee takes note with interest of the information supplied by the Government to the Conference Committee in 1980 and included in the last report. It notes, in particular, that Ordinance No. 3 respecting hygiene and the prevention of accidents in industrial undertakings will be amended and declared to be applicable to non-industrial undertakings, when the new compulsory accident insurance legislation comes into force. It also notes that, pending the coming into force of the new legislation, a directive to establish a clearer system of accident prevention and hygiene in non-industrial undertakings will be circulated to the cantonal offices responsible for giving effect to the Labour Act.

The Committee trusts that the proposed legislation will be adopted shortly and that, in accordance with Article 4 of the Convention, it will ensure the application of the general principles

set forth in Part II of the Convention, and will give effect, so far as possible, to the provisions of the Hygiene (Commerce and Offices) Recommendation, 1964.

Zaire (ratification: 1967)

With reference to its earlier comments, the Committee notes with satisfaction that Departmental Order No. 70/77 of 5 May 1977 has supplemented Order No. 0013 of 4 August 1972 respecting hygiene at the workplace so as to provide for suitable washing facilities and seats for workers of both sexes, in accordance with Articles 13 and 14 of the Convention.

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In addition, requests regarding certain points are being addressed directly to the following States: Algeria, Bolivia, Djibouti, Ecuador, Guatemala, Jordan, Madagascar, Mexico, Paraguay, Senegal, Spain, Sweden, Venezuela.

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

Convention No. 121: Employment Injury Benefits, 1964

Guinea (ratification: 1967)

The Committee notes from the Government's report that provisions to ensure the application of the Convention will be introduced on the occasion of the revision of the Social Security Code which is currently under way and that directives will be issued to ensure that the Convention is applied in practice from now on.

The Committee refers moreover to its general observation and expresses the hope that the direct contacts requested by the Government will assist it, in the context of the revised Social Security Code, in resolving the problems raised in its previous comments concerning the application of Articles 4; 8; 15, paragraph 1; 18, paragraph 1; 19; 20; 21; 22, paragraph 2; 23; 25 of the Convention.

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

Convention No. 122: Employment Policy, 1964

It is important that the Committee should have at its disposal for each reporting period (in so far as they are available), full statistical data relating to the size and distribution of the labour force by age, sex, occupational group, qualifications, regions and economic sectors, and of the volume of productive employment in the different economic sectors, regions and occupational groups, so as to enable it to monitor trends in employment and unemployment from one

reporting period to another. The Committee requests governments to make every effort to supply similarly presented statistical data on the above subjects with each future report.

As is pointed out on the report form on the Convention, many aspects of an active employment policy go beyond the immediate competence of the ministry responsible for labour matters, so that the preparation of a full report on the Convention may require consultations with the other ministries or government agencies concerned, such as those responsible for planning, economic affairs and statistics. The Committee requests governments to bear this in mind when preparing their next reports.

Belgium (ratification: 1969)

The Committee notes that, in 1979, 10.9 per cent of the workers insured against unemployment were wholly unemployed, and that unemployment increased during 1980. According to the Government the growth in unemployment among men is principally due to the irreversible decline in industrial employment whereas in the case of women it is the result of demographic factors and an increasing participation rate. The Government states moreover that it is clear from the economic growth prospects that there is no effective short-term solution to the unemployment problem, and that its employment policy is at present concentrating on measures to encourage the division of the work that is available among a greater number of persons.

The Committee notes that the measures being implemented to this end include a scheme for employment by the public authorities, a special temporary workforce scheme, a scheme for providing training within undertakings for young jobseekers, different forms of early retirement and a scheme to encourage a reduction in working hours accompanied by the engagement of additional workers; these measures have had a significant impact in limiting the numbers of unemployed.

However, the Committee notes that the Government provides no information on the measures which it envisages, in the face of the continuing decline of important sectors of industry, for the promotion, on a long-term basis, of new, productive employment opportunities through an appropriate restructuring of the national economy. It hopes that in its next report the Government will be able to provide information on further measures aimed at promoting the major goal, laid down by the Convention, of ensuring that there is work for all who are available for and seeking work.

Canada (ratification: 1966)

The Committee notes with interest the detailed information in the report on the measures being taken to implement the Government's employment policy, and the reduction in the rate of unemployment from 8.4 per cent of the labour force in 1978 to 7.5 per cent in 1979, the rate for the first eight months of 1980 being 7.8 per cent.

The Committee notes further the view of the Economic Council of Canada and of the Bank of Canada, that, as a result of structural changes in the labour force, there has been an apparent upward shift in the unemployment rate which can be maintained without creating inflationary pressure in the labour market ("equilibrium" unemployment rate), so that a reassessment of employment policy objectives has become necessary. It notes therefore with interest the establishment

in June 1980 of three task forces to evaluate the continuing adequacy and appropriateness of existing manpower programmes, which will permit a broad critical examination of employment policy to be carried out. In view of the indication in the Economic Council of Canada's Sixteenth Economic Review that the "equilibrium" unemployment rate for the mid-1970s appeared to be of the order of 6 per cent, the Committee hopes that, as indicated in the Government's report, this examination will answer the question of whether a major strategical change is required having regard to the Convention's goal of ensuring that there is work for all who are available for and seeking work.

Chile (ratification: 1968)

By a letter to the ILO dated 23 June 1980 the World Confederation of Labour (WCL) communicated certain observations on the application of the Convention in Chile. It referred in particular to the adoption of the "Minimum Employment Programme" (HEP) under which unemployed workers work for a remuneration less than half of the minimum wage, and stated that between 4 and 5 per cent of the labour force were induced, by extreme poverty and high levels of unemployment (13 per cent of the labour force according to government statistics) to accept work under the HEP. The WCL added that, whereas initially work under the HEP was provided by the State and the local authorities, workers are being increasingly engaged in productive enterprises under this system. It requested that the Committee examine the compatibility of the HEP with the obligations under the Convention.

In response to these observations the Government states that the HEP was introduced in March 1975 as a form of unemployment assistance and was initially limited to heads of family. It indicates, however, that it has acquired a broader dimension, since it now offers unlimited vacancies and is open to all persons over 18 years of age. The Government agrees that participants in the HEP are paid less than half the national minimum wage but states that they receive other benefits, in particular basic education and training, which if quantified would bring their income close to the minimum wage. It adds that the remuneration is kept below this minimum to act as an incentive to seek regular employment. It is not considered to be a wage but a direct fiscal subsidy, and the HEP is designed as a temporary social and labour programme whose objective is to provide relief to the unemployed and assist them in transferring to regular employment: participants in the HEP are given priority in seeking employment through the municipal employment offices. There has, moreover, been a reduction in the numbers of workers engaged under the HEP from 6 per cent of the labour force in 1977, to 4.4 per cent in 1978 and 3.9 per cent in 1979.

From the information available to the Committee it appears that, when the HEP was introduced in 1975, workers engaged under it were to receive one-third of the minimum wage for 15 hours work a week, corresponding to 83 per cent of the minimum wage, and to be occupied for a maximum of 90 days at a time, but that, in practice, from the outset they worked full time and for unlimited periods; in addition to receiving less than half the minimum wage, participants in the HEP benefit from neither the social security scheme nor from paid leave.

It thus appears to the Committee that workers under the HEP, who are not engaged under a contract of employment and who, in place of a wage, receive payment in the form of an unemployment subsidy, cannot be considered as in productive and freely chosen employment within the meaning of the Convention.

Moreover, the role of the HEP must be seen in the context of the over-all level of unemployment which, according to the figures in the

Government's report, was 13.4 per cent of the labour force in 1978 and 13.5 per cent in 1979. If the numbers of workers engaged under the MEP are added to those of the totally unemployed, the unemployment rate reaches 17.8 per cent in 1978 and 17.4 per cent in 1979.

However, the Government states in its report that preliminary figures for 1980 provide an indication that the measures taken in the fields of economic policy and employment policy are beginning to have an impact on unemployment. Thus, the figures for March 1980 show a level of unemployment of 12 per cent and those for the third quarter of 1980 in Greater Santiago a level of 11.2 per cent (not including workers under the MEP). The Government adds that its economic and social development strategy is designed to achieve in the long term a lower unemployment rate than has been traditional in Chile and that it hopes that 1 million new jobs will be created over the next 10 years.

The Committee notes that the level of unemployment is still very high, and that the Government's employment objectives are couched in very general terms. The Committee would emphasise that under the Convention governments are required to pursue, as a major goal, a policy aimed at ensuring that there is work for all who are available for and seeking work, and that such a policy should extend not only to those who are unemployed but also to those who are at present working in the framework of the Minimum Employment Programme. It requests the Government to indicate the manner in which its economic and social policy objectives take account of this goal of the Convention, and to provide particulars of progress towards its realisation, including the information referred to in a direct request which the Committee is addressing to the Government.

Cuba (ratification: 1971)

The Committee notes with regret that the Government's report merely refers to its previous reports on the Convention, and that in reply to the Committee's direct request it states that the studies and inquiries which have been carried out on employment matters have not been published and are not available. Since the Government's report for 1976-78 was limited to a description of the administrative structure of the competent state organs, the Government has supplied no information since its report for 1974-76 on its employment policy or on the employment situation in the country.

The Committee therefore again requests the Government to provide a full report on the measures taken, during the period covered by the report, in pursuit of the Government's employment policy, on the basis of the report form approved by the Governing Body.

Finland (ratification: 1968)

The Committee notes with interest the detailed report and the information submitted in reply to its previous direct request.

The Committee notes that the Finnish Employers' Confederation and the Central Organisation of Finnish Trade Unions have expressed the view that the principle of consulting employers and workers concerning employment policies, laid down by Article 3 of the Convention, is not fully applied. The Government indicates that these organisations can influence decisions and proposals through their participation in the Manpower Council, the Council for Vocational Guidance and a number of national and local advisory bodies dealing with vocational training, employment questions and employment exchanges. However, both

organisations state that the Manpower Council has not met since 1976 and refer to problems in the work of the existing advisory bodies in the labour market field, whose unanimous views have not been followed in some cases, and the Central Organisation of Finnish Trade Unions emphasises that these bodies do not meet the objective of Article 3 of the Convention.

Since one of the purposes of the consultations called for by this provision of the Convention is to secure the full co-operation of the organisations concerned in formulating and enlisting support for employment policies, the Committee hopes that measures will be taken to solve any existing problems so that the consultative arrangements may obtain the support of the employers' and workers' organisations, thus ensuring that their experience and views are taken fully into account and that their full co-operation is secured in the formulation and implementation of employment policies.

France (ratification: 1971)

The Committee notes that, in the face of a continued decline in industrial employment and a steady growth in the labour force, the Government has implemented a wide variety of measures designed to assist undertakings in difficulty and individuals threatened with or affected by unemployment, as well as to stimulate the creation of new employment, but that none the less unemployment continued to increase during and after the period covered by the report, reaching 1,680,000 at the end of January 1981 (some 7.5 per cent of the labour force).

It hopes that in its next report the Government will, as well as describing the measures taken in the area of employment market policy, provide information on the extent to which and the manner in which general economic policy is co-ordinated with employment market measures, and geared towards employment creation, in accordance with the requirement of the Convention that the adoption of a policy aimed at ensuring that there is work for all who are available for and seeking work should be a major goal.

Guinea (ratification: 1966)

The Committee refers to its general observation and expresses the hope that, following direct contacts, the Government will supply a detailed report on the measures taken to apply the Convention, on the basis of the report form approved by the Governing Body.

Libyan Arab Jamahiriya (ratification: 1971)

The Committee notes with regret that for the third consecutive year 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 contain full information on the measures taken by the Government to implement an active employment policy, on the basis of the report form approved by the Governing Body, as well as on the matters which it is again raising in a direct request.

Netherlands (ratification: 1967)

The Committee notes that, notwithstanding a wide range of measures being taken in the economic, social and employment market fields, unemployment in July 1980 reached 6.1 per cent of the labour

force, the highest level since 1945, and that it was expected to continue to increase through 1981 as the labour supply continues to grow faster than the number of extra jobs becoming available. It hopes the Government will continue to provide information on the policies being implemented, and structural adjustments being made, in pursuit of the Convention's goal that there shall be work for all who are available for and seeking work.

The Committee notes that the Government refers in this context to the need to redistribute the employment that is available, and in particular to the measures being taken to promote part-time employment. It requests the Government to provide information on any further measures taken to this end, and on the impact of these measures.

The Committee notes that in the Government's opinion discrepancies between supply and demand on the labour market constitute one of the key elements leading to unemployment. It requests the Government to supply information on the impact of the measures being taken to bring about a better balance between job applicants and vacancies, both in individual employment sectors and regionally, and to describe any further measures taken to this end, particularly in the field of vocational training.

United Kingdom (ratification: 1966)

I. The Committee notes the information supplied by the Government in its report. Much of this information relates to the measures taken to deal with special problems of unemployment and underemployment, for example in respect of the disabled and the young. It also describes at length the policies adopted to assist those who have lost their employment to find work.

It is not clear to the Committee from the report what positive steps are being taken to develop a policy to deal with increasing unemployment. According to statistics published by the Government, in mid-February 1981 there were over 2,400,000 registered unemployed persons, representing a seasonally-adjusted unemployment rate of 9.6 per cent of the labour force, and the Government recognises in its report that this rate, which has risen from 6.2 per cent in February 1980, will continue to rise during the year and is likely to remain high for some time.

In these circumstances, the Committee would have wished to find detailed information on the current situation and trends in employment and on the measures being implemented in the Government's report, which covers only certain limited aspects of an active employment policy as called for by the Convention. The Government states moreover that the conquest of inflation is seen as a necessary precondition of the conquest of unemployment, and that future employment opportunities are seen as depending on the ability of industry to respond to the opportunities offered to enterprise and efficiency.

The Committee emphasises that under the Convention a policy aimed at ensuring that there is work for all who are available for and seeking work should be a major goal, and requests the Government to provide particulars of the measures taken or contemplated to this end.

II. The Committee requests the Government to provide particulars of the consultations which have taken place with representatives of employers and workers concerning employment policies during the period covered by the report, with a view to taking fully

into account their views and experience and securing their full co-operation in formulating and enlisting support for such policies, in accordance with Article 3 of the Convention.

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In addition, requests regarding certain points are being addressed directly to the following States: Algeria, Barbados, Bolivia, Brazil, Byelorussian SSR, United Republic of Cameroon, Chile, Comoros, Costa Rica, Cuba, Czechoslovakia, Denmark, Djibouti, Ecuador, France, German Democratic Republic, Hungary, Iran, Iraq, Ireland, Israel, Italy, Jamaica, Jordan, Libyan Arab Jamahiriya, Madagascar, Mauritania, Mongolia, Panama, Papua New Guinea, Paraguay, Philippines, Poland, Romania, Senegal, Spain, Sudan, Suriname, Tunisia, Turkey, Uganda, Ukrainian SSR, USSR, Uruguay, Yugoslavia.

Information supplied by Cyprus, Federal Republic of Germany and New Zealand, in answer to a direct request has been noted by the Committee.

Convention No. 123: Minimum Age (Underground Work), 1965

Requests regarding certain points are being addressed directly to the following States: Belgium, Bolivia, Djibouti, Gabon, Malaysia, Nigeria, Thailand.

Convention No. 124: Medical Examination of Young Persons (Underground Work) 1965

Requests regarding certain points are being addressed directly to the following States: Belgium, Jordan.

Convention No. 125: Fishermen's Competency Certificates, 1966

Requests regarding certain points are being addressed directly to the following States: Panama, Syrian Arab Republic, Trinidad and Tobago.

Convention No. 126: Accommodation of Crews (Fishermen), 1966

Panama (ratification: 1971)

The Committee refers to its previous comments and notes with interest that the Government has decided to call on the technical co-operation of the ILO in 1981 to settle questions concerning seafarers, including the questions that come under the Convention. It hopes that the measures adopted will give full effect to the Convention. The Committee asks the Government to provide information on any progress made.

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In addition, requests regarding certain points are being addressed directly to the following States: Sierra Leone, Yugoslavia.

Convention No. 127: Maximum Weight, 1967

Chile (ratification: 1972)

In previous reports the Government had indicated that regulations would be issued to ensure the full application of the Convention. In its latest report, however, the Government again refers only to the provisions of Legislative Decree 2.200 which, as the Committee has pointed out in previous comments, does not ensure the application of all the provisions of the Convention. The Committee trusts therefore that measures will be taken to ensure the full application of the following provisions of the Convention.

Article 3 of the Convention. Sections 111-113 of Legislative Decree 2.200 limit the weight only of sacks whereas the Convention requires that workers shall not be required or permitted to engage in the manual transport of any loads which by reason of their weight are likely to jeopardise their health or safety. The maximum permitted weight of sacks, moreover, varies between 80 and 86 kilogrammes, according to their contents. It would accordingly seem necessary (unless this maximum is reduced, in accordance with the suggestion in paragraph 14 of the Maximum Weight Recommendation, 1967, to 55 kilogrammes as speedily as possible) to institute arrangements - for example by way of initial and periodical medical examinations - to ensure that the workers assigned to the transport of loads of these weights are in fact fit to perform such work.

Article 7. According to the Government, it is not the practice to engage women or young persons for the manual transport of excessive loads. The Committee again expresses the hope that steps will be taken to ensure that sections 24 and 25 of Legislative Decree 2.200 (prohibiting the employment of women and young persons on work which exceeds their strength or may be dangerous to their health or safety) are supplemented by measures ensuring that the assignment of women and young persons to the manual transport of loads is limited, and that the maximum weight of the loads they may carry is substantially less than that permitted for adult male workers.

Costa Rica (ratification: 1972)

The Committee notes with satisfaction that, as a result of the direct contacts and discussions between the competent national services and a representative of the Director-General of the ILO held in 1977 and 1980, Decree No. 11.074 TSS of 9 May 1980 has been issued and that it gives effect to the provisions of the Convention.

Tunisia (ratification: 1970)

The Committee notes with interest that a draft Order to fix the maximum weight to be carried by one worker is being studied at present. It hopes that this will be adopted in the near future and ensure the application of the Convention. The Committee requests the Government to provide a copy of the text as soon as it is adopted.

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In addition, requests regarding certain points are being addressed directly to the following States: Bulgaria, Chile, Nicaragua, Panama, Tunisia.

Convention No. 128: Invalidity, Old-Age and Survivors' Benefits, 1967

The Committee has observed that a considerable number of the reports received on the application of the Convention do not contain the statistical information necessary to enable an assessment to be made of the manner in which effect is given to the Convention. Since as a general rule reports on the application of the Convention are due only at four-yearly intervals, the Committee requests governments to ensure that they regularly supply in their reports all of the statistical information requested in the report form approved by the Governing Body, and in particular data on the number of persons protected, the rate of benefits (and the methods by which they are calculated) and on any upward adjustment in these rates during the period covered by the report.

Sweden (ratification: 1968)

Article 32, paragraph 1(a), of the Convention. With reference to its earlier comments, the Committee notes with satisfaction that the option, provided for by section 3 of Chapter 15 of the Public Insurance Act, of receiving a lump-sum payment instead of the supplementary pension (a contributory benefit) in the event of residence abroad has been abolished, with effect from 1 July 1979, and that the application of this provision of the Convention is now ensured.

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In addition, requests regarding certain points are being addressed directly to the following States: Austria, Barbados, Cyprus, Finland, Federal Republic of Germany, Norway, Sweden, Switzerland.

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

Convention No. 129: Labour Inspection (Agriculture), 1969

France (ratification: 1972)

1. The Committee notes the comments made by the National Staff Union of the Inspectorate of Labour Laws in Agriculture (SNPILSA-CFDT), which relates to the application of the following Articles of the Convention:

Article 6 (functions of the system of labour inspection); Article 8 (stability of employment and independence of the labour inspection staff); Article 14 (number of inspectors); Article 20(a) (prohibition

of labour inspectors from having any interest in the undertakings under their supervision); Article 21 (frequency of visits of inspection); Article 23 (right of labour inspectors to refer reports directly to an authority competent to institute legal proceedings); Article 26, paragraph 1 (publication of an annual report of inspection). Since the reply of the Government to the comments of the SNPILSA-CFDT arrived just before the opening of the present session of the Committee, the Committee is obliged to postpone examination to its next session.

2. The Committee takes note of the information supplied by the Government in reply to its previous comments on Article 18, paragraphs 2(b) and 3 of the Convention.

Uruguay (ratification: 1973)

The Committee takes note with satisfaction of the adoption of Decree No. 680/977 of 6 December 1977. This Decree largely gives effect to the provisions of the Convention, including Article 16, paragraph 1, Article 18, paragraph 2, Article 19 and Article 20, which have been the subject of earlier comments.

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In addition, requests regarding certain points are being addressed directly to the following States: Colombia, Costa Rica, Malawi, Spain, Upper Volta, Uruguay, Yugoslavia.

Convention No. 130: Medical Care and Sickness Benefits, 1969

Requests regarding certain points are being addressed directly to the following States: Costa Rica, Finland, Federal Republic of Germany.

Convention No. 131: Minimum Wage Fixing, 1970

Requests regarding certain points are being addressed directly to the following States: Australia, United Republic of Cameroon, Ecuador, Egypt, Libyan Arab Jamahiriya, Mexico, Sri Lanka, Syrian Arab Republic, Uruguay, Yemen.

Information supplied by Iraq, Nepal and Nicaragua in answer to a direct request has been noted by the Committee.

Convention No. 132: Holidays with Pay (Revised), 1970

Ireland (ratification: 1974)

The Committee notes the observations submitted by the Irish Congress of Trade Unions concerning the application of the Holidays (Employees) Act, 1973. Pending possible comments by the Government on

these observations, the Committee has postponed the examination of the question to its next session.

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In addition, requests regarding certain points are being addressed directly to the following States: Iraq, Ireland, Madagascar, Upper Volta, Yemen, Yugoslavia.

Convention No. 134: Prevention of Accidents (Seafarers), 1970

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

Convention No. 135: Workers' Representatives, 1971

Requests regarding certain points are being addressed directly to the following States: Costa Rica, Mexico, Romania, Suriname, Yemen.

Information supplied by Upper Volta in answer to a direct request has been noted by the Committee.

Convention No. 136: Benzene, 1971

Ivory Coast (ratification: 1972)

The Committee notes that the Government's report has not been received. It must therefore repeat its previous observation which read as follows:

Article 1, Article 3, paragraph 1, and Article 4 of the Convention. The Committee notes that, under the national regulations (Decree No. 67-321 of 21 July 1967), the application of the provisions on the prevention of benzene poisoning (establishments and occupations covered; possible exceptions; prohibition of use as a solvent) is determined on the basis of the level of distillation of products containing benzene that are used. Since the scope of the Convention is determined on the basis of a benzene content of 1 per cent by volume of products used, the Committee expresses the hope that the Government may contemplate taking appropriate measures to bring the national regulations into harmony with the terms of the Convention.

Article 2. The Government is requested to indicate the measures taken or contemplated to prescribe expressly the compulsory use of harmless or less harmful substitute products, where available, instead of benzene and products containing benzene.

Article 6, paragraph 2. According to the Notice concerning benzolism (annexed to Part XVII, Chapter II, Title II, Book IV of the Labour Code - Decrees), existing means of ventilation must guarantee a maximum concentration of benzene in the air equal to 0.1 g/m³. The Committee expresses the hope that the Government will be able to bring the national provisions into conformity with the terms of the Convention, which prescribes the maximum level as 80 mg/m³.

Article 8, paragraph 1. The Government is requested to indicate the measures taken or contemplated to prescribe means of personal protection against the risk of absorbing benzene through the skin.

Article 11, paragraph 2. According to the Recommendations to physicians (annexed to Part XVII, Chapter II, Title II, Book IV of the Labour Code - Decrees), male workers under 18 years of age should be considered to be unsuitable for work liable to provoke benzene poisoning, unless special permission is given by the physician; medical supervision is also prescribed for any persons engaged. The Government is requested to indicate the measures taken or contemplated to ensure that the employment of such persons will be permitted only for their training and education and subject to adequate technical supervision, as prescribed by the Convention.

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In addition, requests regarding certain points are being addressed directly to the following States: Morocco, Romania, Syrian Arab Republic.

Convention No. 137: Dock Work, 1973

Requests regarding certain points are being addressed directly to the following States: Costa Rica, Netherlands.

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

Convention No. 138: Minimum Age, 1973

Ireland (ratification: 1978)

The Committee notes that the Irish Congress of Trade Unions has made observations on the application of the Convention. The Committee will examine these observations together with any comments by the Government during its 1982 session, at the same time as the first report of the Government, which arrived too late for examination during the present session.

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In addition, requests regarding certain points are being addressed directly to the following States: Federal Republic of Germany, Libyan Arab Jamahiriya, Luxembourg, Netherlands, Niger, Poland, Romania, Zambia.

Convention No. 139: Occupational Cancer, 1974

Requests regarding certain points are being addressed directly to the following States: Argentina, Hungary, Yugoslavia.

Convention No. 140: Paid Educational Leave, 1974

Requests regarding certain points are being addressed directly to the following States: Netherlands, Spain, United Kingdom.

Convention No. 141: Rural Workers' Organisations, 1975

Requests regarding certain points are being addressed directly to the following States: Austria, Cyprus, Denmark, Federal Republic of Germany, Mexico, Spain.

Convention No. 142: Human Resources Development, 1975

Requests regarding certain points are being addressed directly to the following States: Argentina, Cuba, Finland, Mexico, Nicaragua, Spain.

Convention No. 143: Migrant Workers (Supplementary Provisions), 1975

Requests regarding certain points are being addressed directly to the following States: Cyprus, Upper Volta.

Convention No. 144: Tripartite Consultation (International Labour Standards) 1976

Requests regarding certain points are being addressed directly to the following States: Denmark, Finland, Mexico, Netherlands, United Kingdom.

Convention No. 145: Continuity of Employment (Seafarers), 1976

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

Convention No. 146: Seafarers' Annual Leave with Pay, 1976

France (ratification: 1978)

The Committee refers to its observation of 1980 concerning the comments submitted by the National Federation of Maritime Trade Unions to the effect that seafarers of Indonesian and Indian origin on board vessels under the French flag are not entitled to paid annual leave under the same conditions as the other members of the crew.

The Government states in reply to these comments that the difference in treatment in respect of Indonesian personnel on board cruising ships is justified by the differences in legal status, vocational qualifications and employment, since Indonesian personnel possess no maritime qualification, are employed exclusively in the passengers' catering service and are paid not by the shipowner but by another undertaking that furnishes the service. Seafarers of Indian nationality have been employed exceptionally, at the request of the Indian party, under the conditions in force in India, on board a vessel operating on a recently opened line between India and Africa.

The Committee notes, with regard to personnel of Indonesian origin, that, under Article 2, paragraphs 1 and 2, of the Convention, the instrument applies to all persons who are employed as "seafarers". For the purpose of the Convention the term "seafarer" means a person who is employed in any capacity on board a sea-going ship. It follows that no distinction can be made between personnel of the navigating service and personnel of the catering service, or between personnel engaged by the shipowner and personnel engaged by another undertaking. In this connection it should be recalled that, unlike the Paid Vacations (Seafarers) Convention (Revised), 1949 (No. 91), (Article 2, paragraph 1(f)), Convention No. 146 does not exclude persons employed on board by an employer other than the shipowner.

With regard to the Indian seafarers on board the French vessel referred to above, it appears to the Committee that neither the nature of their service on board nor that of their engagement authorises their exclusion from the scope of Convention No. 146.

The Indonesian and Indian personnel in question should therefore be entitled to the minimum conditions fixed by the Convention. The Committee recalls that, in the declaration made under Article 3, paragraph 2, of the Convention, the Government specifies annual leave of 116 days for officers and seamen employed on board merchant vessels and that in its report the Government makes no reference to resorting to Article 2, paragraph 7, of the Convention, under which "limited categories of persons employed on board sea-going ships" may be excluded.

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In addition, requests regarding certain points are being addressed directly to the following States: United Republic of Cameroon, France.

Convention No. 148: Working Environment (Air Pollution, Noise and Vibration), 1977

A request regarding certain points is being addressed directly to Sweden.

Convention No. 149: Nursing Personnel, 1977

A request regarding certain points is being addressed directly to Ecuador.

**Appendix I. Receipt of Detailed Reports on Ratified Conventions
(States Members) as at 25 March 1981**

(Article 22 of the Constitution)

Reports received: 1,302 Reports not received: 279 Total: 1,581

State Member	Reports received		Reports not received		Grand total
	Total	Conventions Nos.	Total	Conventions Nos.	
Afghanistan	1	111	0	—	1
Algeria	17	3, 11, 13, 32, 58, 62, 68, 87, 91, 92, 97, 98, 99, 111, 119, 120, 122	0	—	17
Angola	8	1, 7, 26, 68, 91, 92, 98, 111	0	—	8
Argentina	19	1, 3, 9, 11, 15, 20, 26, 30, 35, 36, 58, 68, 87, 98, 107, 111, 115, 139, 142	0	—	19
Australia	14	7, 9, 11, 15, 47, 87, 98, 99, 100, 111, 112, 122, 131, 137	0	—	14
Austria	11	11, 26, 87, 98, 99, 102, 103, 111, 122, 128, 141	0	—	11
Bahamas	6	7, 11, 26, 97, 98, 117	0	—	6
Bangladesh	9	1, 11, 15, 27, 87, 98, 105, 106, 111	0	—	9
Barbados	11	7, 11, 26, 87, 90, 97, 98, 100, 102, 111, 128	1	122	12
Belgium	21	1, 9, 11, 15, 26, 43, 58, 68, 87, 91, 92, 97, 98, 99, 102, 111, 112, 120, 122, 123, 126	0	—	21
Benin	5	11, 26, 87, 98, 111	0	—	5
Bolivia	16	1, 5, 19, 20, 30, 87, 88, 89, 90, 96, 98, 111, 120, 121, 122, 123	15	26, 78, 81, 95, 102, 103, 107, 117, 118, 124, 128, 129, 130, 131, 136	31

REPORT OF THE COMMITTEE OF EXPERTS

State Member	Reports received		Reports not received		Grand total
	Total	Conventions Nos.	Total	Conventions Nos.	
Brazil	0	—	14	11, 26, 58, 91, 92, 97, 98, 99, 103, 107, 108, 111, 120, 122	14
Bulgaria	21	1, 3, 9, 11, 20, 26, 30, 35, 36, 37, 38, 39, 40, 43, 49, 68, 87, 98, 111, 120, 127	0	—	21
Burma	6	1, 11, 15, 26, 52, 87	0	—	6
Burundi	4	1, 11, 26, 94	0	—	4
Byelorussian SSR	9	11, 47, 87, 98, 103, 111, 119, 120, 122	0	—	9
United Rep. of Cameroon ..	10	3, 9, 15, 87, 97, 98, 122, 131, 143, 146	0	—	10
Canada	8	1, 15, 26, 58, 68, 87, 111, 122	0	—	8
Cape Verde	0	—	2	98, 111	2
Central African Republic ..	8	3, 11, 67, 87, 98, 99, 111, 119	1	26	9
Chad	0	—	17	5, 6, 11, 13, 14, 26, 29, 33, 41, 52, 81, 87, 95, 98, 100, 105, 111	17
Chile	13	1, 3, 7, 9, 11, 15, 20, 26, 30, 32, 111, 122, 127	6	24, 25, 35, 36, 37, 38	19
Colombia	13	1, 3, 7, 9, 11, 15, 20, 26, 30, 87, 98, 99, 111	0	—	13
Comoros	7	1, 11, 26, 87, 98, 99, 122,	0	—	7
Congo	4	11, 26, 87, 119	0	—	4
Costa Rica	14	11, 26, 87, 88, 92, 95, 98, 99, 102, 107, 111, 120, 122, 130	1	137	15
Cuba	20	1, 9, 11, 20, 30, 67, 87, 91, 92, 97, 98, 103, 110, 111, 120, 122, 131, 137, 140, 142	0	—	20
Cyprus	13	11, 15, 87, 97, 98, 111, 119, 122, 128, 141, 142, 143, 144	2	106, 114	15
Czechoslovakia	17	1, 11, 26, 35, 36, 37, 38, 39, 40, 43, 49, 87, 98, 99, 111, 122, 140	0	—	17

OBSERVATIONS CONCERNING RATIFIED CONVENTIONS

State Member	Reports received		Reports not received		Grand total
	Total	Conventions Nos.	Total	Conventions Nos.	
Democratic Yemen	0	—	3	15, 58, 98	3
Denmark	19	9, 11, 15, 58, 87, 92, 98, 102, 111, 112, 115, 120, 122, 126, 130, 135, 139, 141, 144	0	—	19
Djibouti	18	9, 11, 15, 26, 35, 36, 37, 38, 43, 49, 58, 87, 91, 98, 99, 120, 122, 126	1	1	19
Dominican Republic	7	77, 81, 87, 95, 98, 111, 119	3	1, 7, 26	10
Ecuador	24	11, 24, 77, 78, 87, 97, 98, 103, 107, 110, 111, 112, 114, 119, 120, 121, 122, 128, 130, 131, 141, 142, 148, 149	0	—	24
Egypt	11	1, 11, 30, 53, 87, 88, 94, 98, 106, 111, 131	0	—	11
El Salvador	0	—	0	—	0
Ethiopia	4	11, 87, 98, 111	0	—	4
Fiji	5	11, 26, 58, 84, 98	0	—	5
Finland	17	9, 20, 30, 87, 91, 92, 98, 111, 115, 119, 120, 122, 128, 130, 137, 144, 145	1	11	18
France	32	3, 9, 11, 15, 22, 27, 32, 35, 36, 37, 38, 43, 49, 58, 68, 81, 84, 87, 92, 97, 98, 102, 112, 120, 122, 126, 131, 134, 137, 140, 145, 146	0	—	32
Gabon	8	3, 11, 26, 87, 98, 99, 106, 111	0	—	8
German Democratic Republic	9	11, 47, 87, 95, 98, 111, 115, 120, 122	0	—	9
Fed. Rep. of Germany	19	3, 9, 11, 22, 26, 87, 92, 97, 98, 99, 102, 111, 120, 122, 126, 128, 130, 132, 141	0	—	19
Ghana	16	1, 11, 15, 26, 30, 58, 87, 92, 94, 98, 100, 111, 115, 117, 119, 120	1	29	17
Greece	9	1, 3, 9, 11, 15, 58, 87, 98, 102	0	—	9
Grenada	10	7, 11, 15, 16, 26, 29, 58, 98, 99, 105	1	97	11
Guatemala	17	26, 30, 58, 87, 94, 95, 96, 97, 98, 99, 110, 111, 112, 113, 114, 119, 120	0	—	17

REPORT OF THE COMMITTEE OF EXPERTS

State Member	Reports received		Reports not received		Grand total
	Total	Conventions Nos.	Total	Conventions Nos.	
Guinea	37	3, 5, 10, 13, 14, 16, 26, 33, 45, 62, 81, 87, 90, 94, 95, 98, 99, 100, 105, 111, 112, 113, 114, 115, 117, 118, 119, 120, 121, 122, 132, 134, 136, 139, 140, 142, 143	4	11, 29, 89, 135	41
Guinea-Bissau	0	—	22	1, 6, 7, 14, 19, 26, 27, 29, 68, 69, 73, 74, 81, 91, 92, 98, 100, 105, 106, 107, 108, 111	22
Guyana	8	7, 11, 15, 26, 87, 97, 98, 111	0	—	8
Haiti	6	1, 24, 25, 30, 98, 111	0	—	6
Honduras	4	29, 87, 98, 111	0	—	4
Hungary	12	7, 15, 26, 87, 98, 99, 103, 111, 122, 139, 140, 145	0	—	12
Iceland	7	11, 15, 58, 87, 91, 98, 111	1	102	8
India	7	1, 11, 15, 26, 111, 115, 144	0	—	7
Indonesia	3	29, 98, 120	0	—	3
Iran	2	111, 122	0	—	2
Iraq	5	19, 92, 118, 122, 131	15	1, 15, 23, 27, 30, 58, 81, 98, 111, 132, 137, 139, 140, 142, 144	20
Ireland	11	11, 20, 26, 43, 49, 87, 98, 99, 102, 132, 138	4	23, 68, 92, 122	15
Israel	11	1, 9, 20, 30, 87, 91, 97, 98, 102, 111, 122	0	—	11
Italy	24	9, 11, 15, 26, 35, 36, 37, 38, 39, 40, 58, 68, 87, 91, 97, 98, 99, 102, 103, 111, 112, 119, 120, 122	0	—	24
Ivory Coast	0	—	9	3, 11, 26, 87, 98, 99, 110, 111, 136	9
Jamaica	6	11, 26, 87, 97, 98, 122	4	15, 58, 111, 117	10
Japan	9	9, 15, 58, 87, 98, 102, 119, 131, 134	0	—	9
Jordan	10	29, 81, 98, 105, 111, 118, 119, 120, 122, 123	0	—	10

OBSERVATIONS CONCERNING RATIFIED CONVENTIONS

State Member	Reports received		Reports not received		Grand total
	Total	Conventions Nos.	Total	Conventions Nos.	
Democratic Kampuchea . . .	0	—	5	4, 6, 13, 29, 122	5
Kenya	9	11, 15, 26, 58, 97, 98, 99, 105, 112	1	63	10
Kuwait	7	1, 30, 87, 105, 106, 111, 119	1	117	8
Lao Republic	0	—	4	4, 6, 13, 29	4
Lebanon	8	1, 14, 15, 17, 19, 26, 29, 30	17	52, 59, 77, 78, 81, 88, 95, 98, 100, 105, 106, 111, 115, 120, 122, 127, 131	25
Lesotho	0	—	4	11, 26, 87, 98	4
Liberia	11	23, 53, 58, 87, 92, 98, 105, 111, 112, 113, 114	1	22	12
Libyan Arab Jamahiriya . . .	3	3, 95, 98	19	1, 14, 29, 52, 53, 81, 96, 100, 102, 103, 105, 111, 118, 121, 122, 128, 130, 131, 138	22
Luxembourg	10	1, 9, 11, 20, 26, 30, 87, 98, 102, 103	0	—	10
Madagascar	5	11, 87, 119, 120, 132	3	26, 111, 122	8
Malawi	0	—	8	11, 26, 81, 97, 98, 99, 111, 129	8
Malaysia	0	—	4	29, 98, 119, 123	4
Peninsular Malaysia	0	—	1	11	1
Sabah	0	—	2	15, 97	2
Sarawak	0	—	3	7, 11, 15	3
Mali	5	11, 26, 87, 98, 111	0	—	5
Malta	10	7, 11, 15, 26, 35, 36, 87, 98, 99, 111	0	—	10
Mauritania	18	3, 11, 15, 19, 22, 53, 58, 81, 84, 87, 91, 94, 102, 111, 112, 114, 118, 122	2	26, 62	20
Mauritius	10	7, 11, 15, 26, 58, 84, 94, 97, 98, 99	0	—	10
Mexico	18	9, 11, 22, 30, 43, 49, 58, 87, 102, 110, 111, 112, 118, 120, 131, 141, 142, 144	0	—	18

REPORT OF THE COMMITTEE OF EXPERTS

State Member	Reports received		Reports not received		Grand total
	Total	Conventions Nos.	Total	Conventions Nos.	
Mongolia	5	87, 98, 103, 111, 122	0	—	5
Morocco	9	11, 15, 26, 30, 52, 98, 99, 111, 119	0	—	9
Mozambique	4	1, 11, 30, 111	1	18	5
Nepal	2	111, 131	0	—	2
Netherlands	14	9, 11, 68, 87, 91, 92, 97, 102, 122, 126, 128, 131, 140, 144	2	111, 137	16
New Zealand	15	1, 9, 11, 15, 26, 30, 47, 49, 58, 68, 84, 92, 97, 99, 122	0	—	15
Nicaragua	14	1, 3, 7, 9, 11, 15, 30, 78, 87, 95, 98, 111, 127, 131	0	—	14
Niger	8	11, 26, 87, 98, 102, 111, 119, 138	0	—	8
Nigeria	8	11, 15, 16, 19, 32, 58, 59, 97	3	26, 87, 98	11
Norway	24	9, 11, 15, 26, 30, 43, 49, 58, 68, 87, 91, 92, 97, 98, 102, 111, 112, 119, 120, 122, 126, 128, 137, 144	0	—	24
Pakistan	6	1, 11, 22, 87, 98, 111	1	15	7
Panama	27	3, 9, 11, 15, 20, 22, 26, 27, 30, 43, 53, 58, 68, 74, 77, 87, 92, 94, 98, 110, 111, 112, 119, 120, 122, 125, 126	0	—	27
Papua New Guinea	5	7, 11, 26, 98, 99	1	122	6
Paraguay	11	1, 11, 26, 30, 87, 98, 99, 107, 111, 119, 120	1	122	12
Peru	24	1, 9, 22, 24, 25, 32, 35, 36, 37, 38, 39, 40, 55, 56, 58, 67, 68, 69, 87, 98, 102, 107, 111, 122	5	11, 20, 26, 99, 112	29
Philippines	9	17, 23, 87, 94, 98, 99, 110, 111, 122	0	—	9
Poland	18	9, 35, 36, 37, 38, 39, 40, 68, 91, 92, 98, 99, 103, 111, 119, 120, 122, 138	2	11, 87	20

OBSERVATIONS CONCERNING RATIFIED CONVENTIONS

State Member	Reports received		Reports not received		Grand total
	Total	Conventions Nos.	Total	Conventions Nos.	
Portugal	10	1, 7, 11, 26, 68, 87, 91, 92, 98, 111	2	97, 143	12
Qatar	0	—	1	111	1
Romania	12	1, 3, 9, 11, 87, 98, 108, 111, 122, 131, 137, 138	0	—	12
Rwanda	3	11, 26, 94	0	—	3
Saudi Arabia	0	—	12	1, 29, 30, 45, 81, 89, 90, 100, 105, 106, 111, 123	12
Senegal	9	11, 26, 87, 98, 99, 102, 111, 120, 122	0	—	9
Seychelles	0	—	7	7, 11, 15, 26, 58, 87, 99	7
Sierra Leone	9	15, 26, 58, 87, 98, 99, 111, 119, 126	0	—	9
Singapore	5	7, 8, 11, 15, 98	0	—	5
Somalia	0	—	2	84, 111	2
Former British Somaliland	0	—	1	50	1
Spain	23	1, 9, 11, 20, 30, 68, 87, 88, 92, 97, 98, 99, 103, 111, 119, 120, 122, 126, 131, 137, 140, 141, 145	0	—	23
Sri Lanka	7	11, 15, 29, 58, 98, 99, 131	0	—	7
Sudan	4	26, 98, 111, 122	0	—	4
Suriname	9	11, 62, 81, 87, 105, 112, 118, 122, 135	0	—	9
Swaziland	4	11, 26, 87, 98	0	—	4
Sweden	18	9, 15, 58, 87, 92, 98, 102, 111, 119, 120, 122, 128, 132, 137, 140, 144, 146, 148	2	11, 149	20
Switzerland	9	11, 15, 26, 58, 87, 102, 111, 120, 128	0	—	9
Syrian Arab Republic	11	1, 11, 30, 96, 98, 106, 111, 119, 120, 131, 136	2	81, 87	13
Tanzania	3	11, 15, 26	3	29, 98, 105	6

REPORT OF THE COMMITTEE OF EXPERTS

State Member	Reports received		Reports not received		Grand total
	Total	Conventions Nos.	Total	Conventions Nos.	
Tanganyika	0	—	0	—	0
Zanzibar	0	—	3	7, 58, 97	3
Thailand	1	122	0	—	1
Togo	12	5, 6, 11, 13, 26, 29, 33, 41, 84, 85, 87, 95	0	—	12
Trinidad and Tobago	5	15, 87, 97, 98, 111	0	—	5
Tunisia	11	11, 26, 58, 91, 98, 99, 111, 112, 119, 120, 122	1	87	12
Turkey	12	11, 15, 26, 58, 95, 98, 99, 102, 111, 118, 119, 122	1	94	13
Uganda	4	11, 26, 122, 143	1	98	5
Ukrainian SSR	11	11, 47, 87, 92, 98, 103, 111, 119, 120, 122, 126	0	—	11
USSR	12	11, 47, 52, 87, 92, 98, 103, 111, 119, 120, 122, 126	0	—	12
United Kingdom	24	7, 8, 11, 15, 26, 35, 36, 37, 38, 39, 40, 68, 84, 87, 92, 97, 98, 99, 102, 114, 120, 122, 140, 144	0	—	24
United States	1	58	0	—	1
Upper Volta	0	—	10	3, 11, 18, 87, 97, 98, 111, 131, 132, 143	10
Uruguay	20	1, 9, 11, 22, 26, 30, 43, 67, 87, 94, 97, 98, 99, 103, 110, 114, 119, 122, 128, 131	0	—	20
Venezuela	9	1, 3, 7, 11, 22, 26, 98, 111, 120	0	—	9
Yemen	0	—	10	14, 29, 81, 87, 98, 100, 111, 131, 132, 135	10
Yugoslavia	20	9, 11, 15, 29, 58, 81, 87, 91, 92, 97, 98, 102, 103, 111, 112, 119, 122, 126, 132, 139	0	—	20
Zaire	11	11, 19, 26, 27, 62, 84, 88, 98, 118, 119, 120	0	—	11
Zambia	4	11, 97, 99, 131	2	141, 144	6

OBSERVATIONS CONCERNING RATIFIED CONVENTIONS

State Member	Reports received		Reports not received		Grand total
	Total	Conventions Nos.	Total	Conventions Nos.	
<i>Other States</i>					
Albania ¹	0	—	16	5, 6, 10, 11, 16, 21, 29, 52, 58, 59, 77, 78, 87, 98, 100, 112	16
Nauru	0	—	5	19, 21, 27, 29, 105	5
Rep. of South Africa ¹	0	—	7	2, 19, 26, 42, 45, 63, 89	7
Western Samoa	0	—	2	14, 29	2

¹ Albania and Republic of South Africa have withdrawn from the ILO, but these States continue to be bound by the Conventions which they have ratified (article 1, paragraph 5, of the Constitution).

Appendix II. Statistical Table of Reports on Ratified Conventions as at 25 March 1981

(Article 22 of the Constitution)

Period	Reports requested	Reports received at the date requested		Reports received in time for the session of the Committee		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	—	—
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 ¹	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	21.4	1 484	95.2	1 509	96.8
1958-1959	995 ²	200	20.4	864	86.8	902	90.6
1958-1960	1 100	256	23.2	838	76.1	963	87.4
1959-1961	1 362	243	18.1	1 090	80.0	1 142	83.8
1960-1962	1 309	200	15.5	1 059	80.9	1 121	85.6
1961-1963	1 624	280	17.2	1 314	80.9	1 430	88.0
1962-1964	1 495	213	14.2	1 268	84.8	1 356	90.7
1963-1965	1 700	282	16.6	1 444	84.9	1 527	89.8
1964-1966	1 562	245	16.3	1 330	85.1	1 395	89.3
1965-1967	1 833	323	17.4	1 551	84.5	1 643	89.6
1966-1968	1 647	281	17.1	1 409	85.5	1 470	89.1
1967-1969	1 821	249	13.4	1 498	82.4	1 601	87.9
1968-1970	1 898	360	18.9	1 463	77.0	1 549	81.6
1969-1971	1 992	237	11.8	1 504	75.5	1 707	85.6
1970-1972	2 025	297	14.6	1 572	77.6	1 753	86.5
1971-1973	2 048	300	14.6	1 521	74.3	1 691	82.5
1972-1974	2 189	370	16.5	1 854	84.6	1 358	89.4
1973-1975	2 034	301	14.8	1 663	81.7	1 764	86.7
1974-1976	2 200	292	13.2	1 831	83.0	1 914	87.0
-1977	1 529 ³	215	14.0	1 120	73.2	1 328	87.0
-1978	1 701	251	14.7	1 289	75.7	1 391	81.7
-1979	1 593	234	14.7	1 270	79.8	1 376	86.4
-1980	1 581	168	10.6	1 302	82.2	—	—

¹ First year for which this figure is available.

² As a result of a decision by the Governing Body, detailed reports were requested as from 1958-59 until 1976 only on certain ratified Conventions.

³ As a result of a decision by the Governing Body (November 1976) detailed reports are now requested, according to certain criteria, at yearly, two-yearly or four-yearly intervals.

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 the reports due in respect of the application of Conventions to the Faeroe Islands have not been received. It hopes that the reports in question will be available for examination by the Committee at its next session.

France

The Committee notes with regret that first reports due in respect of the application of Conventions Nos. 2, 44, 63, 88, 96 and 122 which have been due for five years in respect of St. Pierre and Miquelon have not been received. The Committee hopes that the reports in question will be available for examination by the Committee at its next session.

Netherlands

The Committee notes with regret that the reports due in respect of the application of Conventions in the Netherlands Antilles have not been received. It hopes that the reports in question will be available for examination by the Committee at its next session.

United Kingdom

The Committee notes with regret that the reports due in respect of the application of Conventions in the British Virgin Islands and in the Falkland Islands (Malvinas) have not been received. It hopes that the reports in question will be available for examination by the Committee at its next session.

B. INDIVIDUAL OBSERVATIONS

Convention No. 3: Maternity Protection, 1919

A request regarding certain points is being addressed directly to France (French Polynesia).

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

A request regarding certain points is being addressed directly to the United Kingdom (Antigua).

Convention No. 9: Placing of Seamen, 1920

Requests regarding certain points are being addressed directly to the following States: Denmark (Faeroe Islands), France (French Polynesia).

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

Information supplied by France (St. Pierre and Miquelon) in answer to a direct request has been noted by the Committee.

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

A request regarding certain points is being addressed directly to the United Kingdom (Belize).

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

A request regarding certain points is being addressed directly to Denmark (Faeroe Islands).

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

With reference to its earlier comments, the Committee takes note with satisfaction of the statement by the Government to the effect that all the workers of St. Helena are now covered by the general provisions on employment injury following the repeal of paragraph (a) in the proviso to the definition of "workman" in section 2 of the Workmen's Compensation Ordinance by section 2 of Ordinance No. 2 of 1978.

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In addition, requests regarding certain points are being addressed directly to the United Kingdom (Anguilla, Antigua, St. Helena, St. Kitts-Nevis).

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

Overseas Departments (French Guiana, Guadeloupe, Martinique, Reunion, St. Pierre and Miquelon)

Article 9, paragraph 1, of the Convention. See under Convention No. 22, France.

French Polynesia

Article 9, paragraph 1, of the Convention. See under Convention No. 22, France.

New Caledonia

Article 9, paragraph 1, of the Convention. See under Convention No. 22, France.

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

Requests regarding certain points are being addressed directly to France (French Polynesia, St. Pierre and Miquelon).

Convention No. 26: Minimum Wage-Fixing Machinery, 1928United KingdomMontserrat

With reference to its previous comments concerning the application of Articles 2 and 3, the Committee notes with satisfaction that the Employment Ordinance, 1979 gives full effect to these provisions of the Convention.

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* *

In addition, requests regarding certain points are being addressed directly to the United Kingdom (British Virgin Islands, Montserrat).

Convention No. 29: Forced Labour, 1930

Requests regarding certain points are being addressed directly to the following States: France (French Guiana, Guadeloupe, Martinique, Reunion, St. Pierre and Miquelon), United Kingdom (St. Helena).

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

Requests regarding certain points are being addressed directly to France (Overseas Departments: French Guiana, Guadeloupe, Martinique, Réunion).

Convention No. 33: Minimum Age (Non-Industrial Employment), 1932NetherlandsNetherlands Antilles

Article 5 of the Convention. The Committee notes with interest from the Government's reply to its previous observation that a draft bill to define dangerous activities prohibited to persons under 18 years of age has been submitted to the Socio-Economic Council and the Labour Advisory Committee. Recalling that the necessity to adopt regulations to give full effect to Article 5 of the Convention has been pointed out since 1958, the Committee hopes that the draft bill will be adopted at an early date.¹

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

Overseas Departments (French Guiana, Guadeloupe, Martinique, Réunion)

See observation under France, Convention No. 35.

New Caledonia

Article 12, paragraph 5, of the Convention. In the comments that it has been making since 1977, the Committee has pointed out that the provision in the national law (section 1 of Resolution No. 300 of 17 June 1961), under which foreign workers are entitled to old-age benefit only if they have their residence and legal domicile in New Caledonia or reside in a country that has entered into a reciprocity agreement with France, is not in conformity with the Convention. Under the terms of the Convention, nationals of States that have ratified it are entitled to these benefits when they reside on the territory of any of the ratifying States, there being no necessity for the conclusion of a bilateral agreement in this connection.

The Committee has therefore asked the Government to state whether pensioners who are nationals of States parties to the Convention are automatically entitled to the reciprocity provided for by the Resolution in question. Since the reports provided by the Government

¹ The Government is asked to report in detail for the period ending 30 June 1982.

contain no reply on this matter, the Committee is obliged to take up the question again, hoping that the next report will contain the information desired.⁴

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* * *

In addition, a request regarding certain points is being addressed directly to France (French Polynesia).

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

France

Overseas Departments (French Guiana, Guadeloupe, Martinique, Réunion)

See observation under France, Convention No. 35.

New Caledonia

Article 12, paragraph 5, of the Convention. See under Convention No. 35.⁴

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* * *

In addition, a request regarding certain points is being addressed directly to France (French Polynesia).

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

France

Overseas Departments (French Guiana, Guadeloupe, Martinique, Réunion)

See observation under France, Convention No. 35.

New Caledonia

The Committee notes that the Government's report has not been received. It must therefore repeat the following question raised in its previous comments:

Article 9, paragraph 2(d), of the Convention. The regulations in force provide for the total or partial suspension

⁴ The Government is asked to report in detail for the period ending 30 June 1982.

of pensions if the person concerned has received, during two consecutive quarters, through invalidity pension payments and earnings, an amount greater than that of the standard salary of a worker in the occupational category to which he belongs (section 28bis of Resolution No. 145 of 29 January 1969, as amended by Resolution No. 235 of 1970). Since the Convention permits suspension of pension in respect of remuneration only in cases of schemes exclusively for non-manual workers - which is not the case in New Caledonia - the Committee requests the Government to state if the above-mentioned earnings refer to that resulting from employment involving the insurance and, if not, to describe the measures contemplated to bring the regulations in force with the requirements of the Convention in this respect.

Article 13, paragraph 5. The Committee requests the Government to state: (a) whether invalidity benefits continue to be paid if the beneficiary is resident abroad; and (b) if so, whether such payment is made to both its own nationals and those of any State bound by the Convention under the same conditions. (Please indicate by which legal provisions.)¹

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* *

In addition, a request regarding certain points is being addressed directly to France (French Polynesia).

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

France

Overseas Departments (French Guiana, Guadeloupe, Martinique, Réunion)

See observation under France, Convention No. 35.

New Caledonia

Article 9, paragraph 2(d), and Article 13, paragraph 5, of the Convention. See under Convention No. 37.¹

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* *

In addition, a request regarding certain points is being addressed directly to France (French Polynesia).

¹ The Government is asked to report in detail for the period ending 30 June 1982.

Convention No. 44: Unemployment Provision, 1934FranceNew Caledonia

The Committee notes that the report of the Government contains nothing new in reply to its earlier comments. It hopes that the Government will be able in its next report to indicate measures under which effect may be given to the Convention on the following points:

Article 3 of the Convention. Benefits should be payable to the partially unemployed in a way to be determined by national laws or regulations.

Article 10 (voluntary unemployment). Measures should be taken to ensure that the legislation, in accordance with the Convention, authorises disqualification for the receipt of benefit only "for an appropriate period" if the claimant has left his employment voluntarily without just cause (paragraph 2(b)).

*
* *

In addition, a request regarding certain points is being addressed directly to France (French Polynesia).

Convention No. 52: Holidays with Pay, 1936

A request regarding certain points is being addressed directly to France (New Caledonia).

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

A request regarding certain points is being addressed directly to France (St. Pierre and Miquelon).

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

A request regarding certain points is being addressed directly to France (St. Pierre and Miquelon).

Convention No. 58: Minimum Age (Sea) (Revised), 1936NetherlandsNetherlands Antilles

With reference to its previous observation, the Committee notes from the information supplied by the Government to the Conference

Committee in 1980 that the draft to amend the Decree concerning the recruitment of seamen (PB 1960, No. 201) with a view to establishing a minimum age of 16 years has now been submitted to the competent authorities. The Committee trusts that it will be adopted in the near future, since there is at present no provision in this field.

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

A request regarding certain points is being addressed directly to the United Kingdom (Antigua).

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

A request regarding certain points is being addressed directly to France (New Caledonia).

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

Netherlands

Netherlands Antilles

Referring to its previous comments, the Committee notes with interest that a Bill has been drafted to provide for the granting of certificates of capacity to ships' cooks fulfilling the conditions laid down in Articles 2, 3, 4 and 6 of the Convention. The Committee hopes that the Bill will be adopted very shortly and that the Government will provide a copy.

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

Requests regarding certain points are being addressed directly to France (French Polynesia, New Caledonia).

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

Requests regarding certain points are being addressed directly to France (French Polynesia, New Caledonia, St. Pierre and Miquelon).

Convention No. 81: Labour Inspection, 1947NetherlandsNetherlands Antilles

Articles 10, 20 and 21 of the Convention. In reply to the earlier comments of the Committee, the Government states that the prolonged serious shortage of labour inspection staff is the reason why it has not been possible to draw up annual reports of inspection. It is endeavouring, however, to recruit staff sufficiently competent to carry out the work. The Committee takes note of this information. Since the last annual report of inspection relates to the year 1962, it wishes to point out the importance of such reports, which are an essential means of assessing, both nationally and internationally, the practical results of labour inspection activities and, in general, the actual application of labour legislation. Accordingly, it can only urge the Government to take the necessary measures to ensure the publication and transmission to the ILC, within the periods laid down by Article 20 of the Convention, of annual reports of inspection containing all the information called for by Article 21.

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In addition, a request regarding certain points is being addressed directly to the United Kingdom (Antigua).

Convention No. 84: Right of Association (Non-Metropolitan Territories), 1947United KingdomBrunei

In its previous requests, the Committee considered that a provision under which the registration of a trade union can be refused when another is considered to be sufficiently representative (section 10(2) of the Trade Union Enactment, 1961, as amended) is not in conformity with the Convention. Furthermore, a provision that prevented the setting up of a federation or confederation covering more than one industry or branch of activity (section 15(1) of the same Enactment) would be in conflict with Article 2 of the Convention.

The Committee notes that the Government states that changes in the legislation are not desirable at this time due to the small size of most enterprises. The Committee also notes the Government's statement that on considering an application for registration, it continues to act in accordance with the spirit of the Convention and that the Government will continue to keep under examination the points raised by the Committee. The Committee hopes that the legislation will be brought into conformity with the Convention.

Furthermore, the Committee requests the Government to continue to supply information on the state of trade union development in the territory and on the practical application of the other provisions of the Convention, in particular, to supply a copy of the new collective agreement made between the Brunei Shell Petroleum Company and the Brunei Cilfield Workers Union.

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

A general request on certain points is being addressed directly to France.

A request regarding certain points is being addressed directly to the United Kingdom (Antigua).

Convention No. 88: Employment Service, 1948

Information supplied by France (New Caledonia) in answer to a direct request has been noted by the Committee.

Convention No. 94: Labour Clauses (Public Contracts), 1949

Requests regarding certain points are being addressed directly to the following States: France (French Polynesia, New Caledonia), United Kingdom (Jersey).

Convention No. 96: Fee-Charging Employment Agencies (Revised), 1949

Information supplied by France (New Caledonia) in answer to a direct request has been noted by the Committee.

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

A general request regarding certain points is being addressed directly to France.

Information supplied by the United Kingdom (Hong Kong) in answer to a direct request has been noted by the Committee.

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

France

Overseas Departments (French Guiana,
Guadeloupe, Martinique, Reunion)

With reference to its earlier comments, the Committee notes with interest from the Government's report, that the employers and workers in agriculture of the overseas departments are represented on the

Supreme Committee on Collective Agreements by representative organisations covering the whole territory of metropolitan France and the overseas departments, and that three seats out of sixteen are reserved for agriculture in respect of both employers and workers.

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In addition, requests regarding certain points are being addressed directly to the United Kingdom (Anguilla, St. Kitts-Nevis).

Convention No. 100: Equal Remuneration, 1951

A request regarding certain points is being addressed directly to France (New Caledonia)

Convention No. 105: Abolition of Forced Labour, 1957

Requests regarding certain points are being addressed directly to the following States: France (New Caledonia), New Zealand (Niue).

Information supplied by France (St. Pierre and Miquelon) in answer to a direct request has been noted by the Committee.

Convention No. 115: Radiation Protection, 1960

A request regarding certain points is being addressed directly to France (New Caledonia).

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

A request regarding certain points is being addressed directly to France (New Caledonia).

Information supplied by France (Overseas Departments: French Guiana, Guadeloupe, Martinique, Reunion, St. Pierre and Miquelon) 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 following States: Denmark (Greenland), France (French Polynesia, New Caledonia), Netherlands (Netherlands Antilles).

Information supplied by Australia (Norfolk Island) and the United Kingdom (Guernsey) in answer to a direct request has been noted by the Committee.

**Convention No. 124: Medical Examination of Young Persons (Underground Work)
1965**

A request regarding certain points is being addressed directly to France (New Caledonia).

Convention No. 140: Paid Educational Leave, 1974

Requests regarding certain points are being addressed directly to the United Kingdom (Anguilla, Jersey, St. Kitts-Nevis).

Convention No. 141: Rural Workers' Organisations, 1975

Requests regarding certain points are being addressed directly to the United Kingdom (Guernsey, Hong Kong).

Convention No. 142: Human Resources Development, 1975

Requests regarding certain points are being addressed directly to the United Kingdom (Gibraltar, Guernsey, Hong Kong).

**Appendix. Receipt of Detailed Reports on Ratified Conventions
(Non-Metropolitan Territories) as at 25 March 1981**

(Articles 22 and 35 of the Constitution)

Reports received: 335 Reports not received: 104 Total: 439

Countries and Territories	Reports received		Reports not received		Popula- tion ¹ (thou- sands)
	Total	Conventions Nos.	Total	Conventions Nos.	
<i>Australia</i>	6		0		
Norfolk Islands	6	11, 47, 87, 98, 112, 122	0	—	1.6
<i>Denmark</i>	6		9		
Farøe Islands	0	—	9	7, 9, 11, 15, 16, 87, 92, 98, 126	38
Greenland	6	7, 11, 15, 87, 122, 126	0	—	46
<i>France</i>	180		56		
<i>Overseas Departments:</i>					
French Guyana	25	3, 8, 9, 15, 22, 23, 35, 36, 37, 38, 43, 49, 58, 62, 68, 87, 91, 92, 98, 99, 106, 112, 114, 120, 126	3	27, 32, 124	55
Guadeloupe	26	3, 8, 9, 11, 15, 22, 23, 35, 36, 37, 38, 43, 49, 58, 62, 68, 87, 91, 92, 98, 99, 106, 112, 114, 120, 126	3	27, 32, 124	324
Martinique	26	ditto	3	ditto	324
Reunion	26	ditto	3	ditto	476
St. Pierre and Miquelon ..	31	3, 9, 11, 15, 17, 19, 23, 26, 35, 37, 43, 49, 52, 55, 56, 58, 71, 77, 78, 82, 87, 91, 94, 98, 99, 101, 105, 106, 115, 120, 126	11	2, 22, 36, 38, 44, 63, 81, 88, 96, 122, 124	5
<i>Overseas Territories:</i>					
French Polynesia	19	9, 15, 22, 23, 55, 56, 58, 71, 87, 91, 98, 99, 101, 106, 115, 120, 122, 124, 126	15	3, 11, 24, 26, 35, 36, 37, 38, 43, 44, 49, 52, 77, 78, 94	137

For footnotes see end of table.

REPORT OF THE COMMITTEE OF EXPERTS

Countries and Territories	Reports received		Reports not received		Population ¹ (thousands)
	Total	Conventions Nos.	Total	Conventions Nos.	
New Caledonia	27	9, 11, 15, 16, 22, 23, 26, 35, 36, 43, 44, 49, 52, 55, 58, 63, 73, 87, 88, 91, 94, 96, 98, 99, 122, 125, 126	18	3, 13, 24, 37, 38, 56, 71, 77, 78, 100, 101, 105, 106, 108, 115, 120, 123, 124	133
Netherlands	0		9		
Netherlands Antilles	0	—	9	9, 10, 11, 29, 58, 74, 87, 118, 122	218
New Zealand	9		0		
Cook Islands	3	11, 84, 99	0	—	18
Niue	3	11, 84, 99	0	—	3
Tokelau Islands	3	29, 82, 105	0	—	1.5
United Kingdom	129		31		
Antigua	10	7, 11, 17, 19, 59, 81, 84, 87, 97, 98	1	58	65
Belize	10	7, 11, 15, 26, 58, 84, 87, 97, 98, 99	0	—	120
Bermuda	7	7, 11, 15, 58, 84, 87, 98	0	—	58
British Virgin Islands	0	—	8	7, 11, 26, 58, 84, 87, 97, 98	9
Brunei	6	7, 11, 15, 58, 84, 98	0	—	136
Falkland Islands (Malvinas)	0	—	9	7, 11, 26, 35, 36, 58, 84, 87, 98	1.9
Gibraltar	10	7, 11, 15, 26, 35, 39, 58, 84, 87, 98	0	—	26
Guernsey	16	7, 11, 15, 26, 35, 36, 37, 38, 39, 40, 87, 97, 98, 99, 114, 122	0	—	53
Hong Kong	17	7, 10, 11, 14, 15, 26, 32, 58, 74, 84, 87, 92, 94, 95, 98, 101, 144	0	—	3,948
Jersey	14	7, 11, 15, 26, 35, 36, 37, 38, 39, 40, 87, 97, 98, 99	0	—	74
Isle of Man	17	7, 11, 15, 26, 35, 36, 37, 38, 39, 40, 87, 92, 97, 98, 99, 102, 122	0	—	60

NON-METROPOLITAN TERRITORIES

Countries and Territories	Reports received		Reports not received		Popula- tion ¹ (thou- sands)
	Total	Conventions Nos.	Total	Conventions Nos.	
Montserrat	9	7, 11, 15, 26, 58, 84, 87, 97, 98	0	—	11
St. Kitts-Nevis-and- Anguilla	4	5, 17, 29, 59	13	7, 11, 19, 26, 58, 84, 85, 87, 97, 98, 99, 105, 140	64
St. Helena	9	7, 11, 14, 15, 26, 58, 84, 87, 98	0	—	5
United States	4		0		
American Samoa	1	58	0	—	27
Guam	1	58	0	—	84
Puerto Rico	1	58	0	—	2,712
Trust Territory of Pacific Islands	0	—	0	—	115
Virgin Islands	1	58	0	—	62

¹ Source: United Nations: *Demographic Year Book*, 1978.

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 notes the information provided by the Government on the proposed measures concerning the instruments adopted at the 64th Session of the Conference. It requests the Government to state whether these instruments have been submitted to the competent authorities, and at the same time provide the relevant information called for at points I and II(a) of the questionnaire appearing on page 4 of the Memorandum adopted by the Governing Body. In addition, the Committee recalls that, according to information supplied earlier by the Government, the instruments adopted from the 52nd to the 63rd Sessions but still pending were being thoroughly examined. It hopes that the Government will soon be able to state that these instruments, and also those adopted at the 65th Session, have been submitted and that in respect of them it will provide the information and documents called for in the Memorandum adopted by the Governing Body.

Brazil

With reference to its previous observation, the Committee notes the information supplied by the Government to the Conference Committee in 1980, to the effect that Conventions Nos. 137, 138 and 140 and Recommendations Nos. 145 and 148, adopted at the 58th and 59th Sessions of the Conference, have been submitted to Congress. It hopes that the numerous instruments remaining will be submitted soon and that the Government will provide in this connection the information and documents called for in the Memorandum adopted by the Governing Body (points II and III of the questionnaire).

Bulgaria

The Committee takes note of the information and documents concerning the submission to the Council of State of the instruments adopted at the 65th Session of the Conference. It again expresses the hope that the Government will be able to submit the instruments adopted by the Conference not only to the Council of State, but also to the National Assembly as the legislative body.

Byelorussian SSR

The Committee notes from the information provided by the Government that the instruments adopted at the 64th and 65th Sessions of the Conference have been submitted to the Presidium of the Supreme Soviet of the Byelorussian SSR.

With regard to the comments it has been making for a number of years on the submission of Conventions and Recommendations to the Supreme Soviet itself as the legislative body, and the communication to the ILO of the information and documents called for in the Memorandum adopted by the Governing Body, the Committee refers to its observations of 1976 and 1977 and hopes that the Government will soon be able to indicate the results of the re-examination of these questions by the authorities concerned.

Chad

The Committee hopes that the Government will be able to state in the near future that the instruments adopted from the 55th to the 65th Sessions of the Conference have been submitted to the competent authorities and that, in respect of these instruments, and also of those adopted from the 50th to the 54th Sessions, which have already been submitted, it will provide the information and documents called for in the Memorandum adopted by the Governing Body (points II and III of the questionnaire).

Costa Rica

With reference to its previous observation, the Committee notes with interest, from the information supplied by the Government, that several of the instruments adopted at the 54th, 55th, 61st, 62nd, 63rd and 64th Sessions of the Conference have been submitted to the Legislative Assembly. It hopes that the Government will shortly supply a copy of the document by means of which these instruments have been submitted, with indications, in particular, on the proposals made and action taken in connection with them, in accordance with points II(b) and (c) and III of the questionnaire appearing at the end of the Memorandum adopted by the Governing Body. The Committee also hopes that the Government will state whether the remaining instruments adopted at the 64th Session and those adopted at the 65th Session of the Conference have been submitted.

El Salvador

The Committee refers to its previous observation and hopes that the Government will be able to provide the information and documents that it has requested concerning the instruments adopted at the 52nd, 55th, 56th and 59th Sessions and to state whether the instruments adopted from the 62nd to the 65th Sessions have been submitted to the competent authorities.

Ethiopia

The Committee refers to its previous observation and notes that, following direct contacts in January 1980, an official of the Ministry of Labour and Social Affairs last year followed a study course in the ILO with a view to preparing documents for submission. The Committee also notes the information sent by the Government that the Ministry concerned is in the process of studying and translating these draft documents. The Committee therefore hopes that all the instruments adopted from the 58th to the 65th Sessions of the Conference will be submitted shortly and that the Government will provide in this connection the information and documents called for in the Memorandum adopted by the Governing Body.

SUBMISSION TO THE COMPETENT AUTHORITIES

Gabon

With reference to its previous observation, the Committee notes the information provided by the Government to the effect that certain instruments adopted at the 56th and 59th Sessions of the Conference, and also those adopted at the 61st Session, have been submitted to the President of the Republic. The Committee hopes that these instruments, in accordance with the practice followed by the Government, will shortly be submitted to the National Assembly as well and that the Government will 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 shortly be able to provide, in respect of the instruments adopted as from the 51st Session of the Conference and submitted to the National Assembly in 1978, a copy of the documents of submission to the Assembly and also information on any decision taken in connection with them, as requested in the above-mentioned Memorandum.

Ghana

With reference to its earlier comments, the Committee notes the explanations provided by a government representative to the Conference Committee in 1980 on the submission of Conventions and Recommendations to the competent authorities. It also notes that an official of the Labour Department carried out a study course in the ILO in October 1980 in order to become familiar with questions concerning submission. The Committee therefore hopes that the Government will soon be able to state that the instruments adopted from the 60th to the 65th Sessions of the Conference have been submitted and that it will supply 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 provide information on any further proposals or measures concerning the instruments adopted from the 50th to the 59th Sessions, which have already been submitted to the competent authorities.

Guinea

The Committee notes that the documents for the submission of the instruments adopted at the 58th, 61st, 62nd, 63rd and 64th Sessions of the Conference and the remaining instruments from the 60th Session (Convention No. 141 and Recommendation No. 149), have been prepared following the direct contacts held in October 1980. It therefore hopes that the Government will soon be able to state that these instruments have been submitted to the competent authorities and that in respect of them it will provide the information and documents called for in the Memorandum adopted by the Governing Body.

The Committee would also be grateful if the Government would state whether the instruments adopted at the 65th Session of the Conference have been submitted to the competent authorities.

Hungary

The Committee takes note of the information and documents provided by the Government on the submission to the Presidential Council of the instruments adopted at the 62nd and 65th Sessions of the Conference. With reference to its previous observations, the Committee

again expresses the hope that the instruments adopted by the Conference may also be submitted to Parliament as the authority invested by the Constitution of Hungary with full powers in respect of legislation. It notes in this connection the information provided by the Government to the Conference Committee in 1980 to the effect that the authorities have again taken up the study of the matter, which was temporarily suspended because of the revision of the Memorandum, and that a decision is to be taken in the near future. The Committee hopes that the Government will shortly be able to communicate the results of this examination.

Indonesia

With reference to its previous observation, the Committee notes from the information and documents provided by the Government that the instruments adopted at the 63rd Session of the Conference have been submitted to Parliament. It hopes that the Government will soon be able to state that the instruments adopted at the 64th Session of the Conference and also those adopted at the 65th Session have been submitted to the competent authorities.

With reference to its earlier observations, the Committee trusts that the Government will shortly provide the information requested concerning its proposals and the decisions of the competent authorities on the instruments adopted from the 52nd to the 56th Sessions of the Conference, which have already been submitted to Parliament.

Iraq

The Committee notes the information supplied recently by the Government to the effect that the instruments adopted at the 65th Session of the Conference were about to be submitted to the competent authorities. It hopes that the Government will soon be able to state that these instruments, and also the numerous instruments listed in the last column of the table in Appendix I to this section of the report, have been submitted to the competent authority and that, in respect of them and also of Convention No. 151 and Recommendation No. 159, adopted at the 64th Session, it will provide the information and documents called for in the Memorandum adopted by the Governing Body (points II and III of the questionnaire).

Democratic Kampuchea

The Committee takes note of the absence of information concerning the submission to the competent authorities of the instruments adopted by the Conference.

Lao Republic

Since the Government has provided no information, the Committee hopes that it will soon be able to state whether the instruments adopted from the 48th to the 65th Sessions of the Conference have been submitted to the competent authorities and that it will provide in this connection the information and documents called for in the Memorandum adopted by the Governing Body.

Lebanon

With reference to its earlier comments, the Committee notes the statement by the Government representative to the Conference Committee in 1980 to the effect that the services concerned have completed the preparatory work with a view to submitting to the competent authorities a score of Conventions adopted from the 34th to the 54th Sessions of the Conference and also the Recommendations adopted during the same period. It hopes that the instruments appearing in the last column of the table in Appendix I to the present section will be submitted shortly and that the Government will provide in this connection the information and documents called for in the Memorandum adopted by the Governing Body.

Liberia

With reference to its earlier comments, the Committee takes note with satisfaction of the information and documents provided by the Government on the submission to the People's Redemption Council of numerous instruments adopted from the 31st to the 65th Sessions of the Conference. It hopes that the remaining instruments, which are listed in the last column of the table in Appendix I to this section of the report, will be submitted shortly.

Libyan Arab Jamahiriya

The Committee regrets to note that the Government has not replied to its earlier direct requests. It hopes that the Government will state, in accordance with point II(b) of the Memorandum adopted by the Governing Body, whether, at the time of submission, proposals were made to the competent authority on the measures that might be taken in respect of the instruments adopted from the 56th to the 63rd Sessions of the Conference. The Committee would also be grateful if the Government would state whether the instruments adopted at the 64th and 65th Sessions of the Conference have been submitted to the competent authorities.

Malawi

The Committee refers to its previous observations and to the discussion that took place in the Conference Committee in 1980. It points out that, under article 19, paragraphs 5 and 6, of the Constitution of the ILO, Conventions and Recommendations adopted by the Conference must be brought before the authority or authorities within whose competence the matter lies for the enactment of legislation or other action. Since, under section 35, subsection 2, of the Constitution of Malawi, "the legislative power of Parliament shall be exercised by Bills passed by the National Assembly and assented to by the President", the National Assembly appears to be the competent authority for the enactment of legislation for the purposes of article 19 of the Constitution of the ILO, and Conventions and Recommendations should therefore, as a rule, be submitted to the National Assembly.

The Committee hopes that the Government will be able to re-examine the question, in the light of the comments of the Committee and of the Conference Committee, and that it will submit to the National Assembly the instruments adopted at the 55th and from the 58th to the 65th Sessions of the Conference.

Malaysia

With reference to its earlier comments, the Committee notes from the information supplied by the Government to the Conference Committee in 1980 that the instruments adopted from the 58th to the 64th Sessions of the Conference have been submitted to the Cabinet for approval and transmission to Parliament. The Committee hopes that the Government will shortly be able to state that all the instruments adopted from the 58th to the 65th Sessions of the Conference have been submitted to Parliament and that it will provide in this connection the information and documents called for in the Memorandum adopted by the Governing Body.

Malta

With reference to its earlier comments, the Committee notes with satisfaction the information provided by the Government to the effect that various Conventions and Recommendations adopted from the 55th to the 62nd Sessions of the Conference have been submitted to the Chamber of Representatives. It hopes that the remaining instruments will shortly be submitted to the Chamber and that the Government, in respect of all the above-mentioned instruments, will provide the information and documents called for in the Memorandum adopted by the Governing Body.

Mauritania

With reference to its previous observation, the Committee takes note with interest of the information supplied by the Government to the Conference Committee in 1980, and subsequently, to the effect that all the instruments adopted from the 47th to the 65th Sessions of the Conference and not yet submitted were to be submitted shortly to the Military Committee for National Salvation. The Committee hopes that the Government will soon be able to state that they have been so submitted and that in respect of these instruments it will provide the information and documents called for in the Memorandum adopted by the Governing Body.

Mauritius

With reference to its previous observation, the Committee takes note of the information and documents provided by the Government on the submission to Parliament of the instruments adopted by the Conference at its 62nd Session. It also takes note of the information concerning the stage reached in the procedure for the submission of the instruments adopted at the 59th and 60th Sessions and from the 63rd to the 65th Sessions, and also the information supplied by the Government to the Conference Committee in 1980 on the measures taken to accelerate the examination of these instruments by the Labour Advisory Board. The Committee hopes that the Government will soon be able to state that the above-mentioned instruments have been submitted to Parliament, and that it will provide in this connection the information and documents called for in the Memorandum adopted by the Governing Body.

Mongolia

With reference to its previous observations, the Committee notes with interest the information supplied by the Government regarding the submission of the instruments adopted from the 62nd to the 65th

Sessions of the Conference. It requests the Government to provide information regarding the authorities considered competent and their decisions, as well as copies, if possible, of submission documents in accordance with paragraphs 5(c) and 6(c) of article 19 of the ILO Constitution and the Memorandum adopted by the Governing Body (points I and II(b) and (c) and III of the questionnaire). In addition, the Committee once more requests the Government to provide this information and documents concerning the instruments adopted from the 58th to the 61st Sessions, already submitted to the competent authorities.

Mozambique

The Committee regrets to note that the Government has not replied to its earlier direct requests. It hopes that the Government will shortly be able to state whether the instruments adopted at the 61st, 62nd, 63rd, 64th and 65th Sessions of the Conference have been submitted to the competent authorities, in accordance with article 19, paragraphs 5(b) and 6(b) of the Constitution of the ILO. The Committee recalls that the authorities to which these instruments must be submitted are the authorities invested with the power to legislate. The Committee hopes that the Government will also supply the information and documents called for in the Memorandum adopted by the Governing Body, particularly as regards the proposals or comments of the Government on the action to be taken on the instruments in question.

Nepal

With reference to its previous observation on the submission of instruments to the Cabinet, the Committee recalls that Conventions and Recommendations should normally be submitted to the national Parliament as the body vested with legislative power and that in the case of instruments not requiring action in the form of legislation, it would be desirable to submit these instruments also to the parliamentary body, to ensure that the purpose of submission, which is also to bring Conventions and Recommendations to the knowledge of the public, is fully met. The Committee hopes accordingly that the Government will find it possible to submit all instruments also to Parliament.

The Committee further hopes that the Government will be able to indicate soon that the submission of all instruments adopted from the 51st to 61st Sessions of the Conference has taken place and will communicate in respect of those instruments and also of instruments adopted at the 64th and 65th Sessions, the information and documents called for in the Memorandum adopted by the Governing Body (points I, II and III of the questionnaire).

Nicaragua

The Committee takes note of the information and documents provided by the Government relating to the submission to the Governing Council of Recommendations Nos. 156 to 159, adopted at the 63rd and 64th Sessions of the Conference. It also takes note of the observations of the Chamber of Commerce of Nicaragua and of the reply of the Government to these observations concerning the question as to which are the competent authorities in Nicaragua. The Committee observes in particular that the Governing Council and the Council of State have co-legislative powers, from which it appears desirable that the instruments adopted by the Conference should be submitted both to the Council of State and to the Governing Council. The Committee requests the Government to consider this possibility.

Niger

With reference to its previous observation, the Committee notes the information supplied by the Government to the Conference Committee in 1980 concerning the efforts made at present by the Government to submit the instruments adopted at the 51st and from the 56th to 64th Sessions of the Conference to the competent authorities. It hopes that the Government will shortly be able to state that the above-mentioned instruments and also those adopted at the 65th Session have been submitted to the competent authorities and that, in respect of them, it will provide the information and documents called for in the Memorandum adopted by the Governing Body.

Portugal

Following its earlier comments, the Committee notes with satisfaction from the information and documents supplied by the Government that all the instruments adopted from the 58th to the 64th Sessions of the Conference have been submitted to the Assembly of the Republic.

Qatar

The Committee notes with regret that the Government has not replied to its previous direct requests. It hopes that the Government will soon indicate whether the remaining instruments adopted at the 58th and 59th Sessions of the Conference as well as those adopted from the 60th to 65th Sessions have been submitted to the competent authorities and that it will provide in this connection the information and documents called for in the Memorandum adopted by the Governing Body.

Tanzania

The Committee notes that no further development is indicated in the information supplied by the Government, which only reiterates the statement made by its representative at the Conference Committee in 1980, that the preparatory work has now been completed and a document containing its proposals on the instruments adopted from the 54th to 65th Sessions of the Conference would soon be submitted to the proper authority for further action.

The Committee trusts that the Government will shortly be able to state that the above instruments have been submitted to the competent authority and that it will supply, in respect of these instruments, as well as those adopted from the 47th to 53rd Sessions, already submitted, the information and documents called for in the Memorandum adopted by the Governing Body.

Togo

In the absence of any reply to its previous direct requests, the Committee hopes that the Government will shortly state whether the instruments adopted from the 60th to the 65th Sessions of the Conference have been submitted to the competent authorities and that in respect of them it will provide the information and documents called for in the Memorandum adopted by the Governing Body.

Ukrainian SSR

The Committee notes from the information provided by the Government that the instruments adopted at the 65th Session of the Conference have been submitted to the Presidium of the Supreme Soviet of the Ukrainian SSR.

With regard to the comments it has been making for a number of years on the submission of Conventions and Recommendations to the Supreme Soviet itself as the legislative body, and the communication to the ILO of the information and documents called for in the Memorandum adopted by the Governing Body, the Committee refers to its observations of 1976 and 1977 and hopes that the Government will shortly indicate the results of the re-examination of these questions by the authorities concerned.

Yemen

With reference to its previous observation, the Committee notes from the information communicated by the Government to the Conference Committee in 1980, that the Conventions and Recommendations have been submitted to the People's Council. It again requests the Government to supply in this connection the information and documents called for in the Memorandum adopted by the Governing Body, particularly as regards the date of submission of instruments, copies of the documents by means of which they were submitted, and of any proposals made (point II of the questionnaire).

Yugoslavia

With reference to its earlier comments, the Committee notes the information provided by the Government to the effect that instruments adopted at various sessions of the Conference will be submitted to the Federal Assembly at the same time as the Bills that are now being drawn up to ratify several Conventions.

The Committee hopes that the Government will shortly be able to state that all the instruments pending have been submitted to the Federal Assembly and that in respect of them it will communicate the information and documents called for in the Memorandum adopted by the Governing Body.

Zaire

Further to its previous observations, the Committee has noted the statement of a Government representative to the Conference Committee in 1980, to the effect that the submission document had been transmitted to the President of the Republic, and that it was for the President to bring it before the Legislative Council.

The Committee notes that, under the terms of article 79 of the national Constitution, "the power to initiate legislation is vested concurrently" in the President of the Republic and "in each member of the Legislative Council". It consequently again expresses the hope that the instruments submitted to the President will also be brought before the Legislative Council.

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* * *

In addition, requests regarding certain points are being addressed directly to the following States: Algeria, Austria, Bahamas, Bangladesh, Barbados, Belgium, Benin, Bolivia, Botswana, Burma, Burundi, United Republic of Cameroon, Canada, Cape Verde, Central African Republic, Comoros, Congo, Cuba, Cyprus, Democratic Yemen, Denmark, Dominican Republic, Ecuador, Fiji, Finland, France, German Democratic Republic, Federal Republic of Germany, Greece, Guatemala, Guinea-Bissau, Guyana, Iceland, Iran, Ireland, Italy, Ivory Coast, Jamaica, Jordan, Kenya, Kuwait, Luxembourg, Madagascar, Mali, Morocco, Netherlands, Nicaragua, Nigeria, Pakistan, Panama, Papua-New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Romania, Seychelles, Sierra Leone, Singapore, Somalia, Spain, Sri Lanka, Sudan, Suriname, Syrian Arab Republic, Thailand, Trinidad and Tobago, Tunisia, Turkey, Uganda, USSR, United Arab Emirates, United Kingdom, Upper Volta, Uruguay, Venezuela, Zambia.

Appendix I. Information Supplied by Governments with Regard to the Obligation to Submit Conventions and Recommendations to the Competent Authorities

(31st to 65th Sessions of the International Labour Conference, 1948-79)¹

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	31 to 51, 53 (C 129, 130), 54 (C 131, 132), 55 (C 133, 134), 56 (C 135, 136) and 58 to 60	52, 53 (R 133, 134), 54 (R 135, 136), 55 (R 137, 138, 139, 140, 141, 142), 56 (R 143, 144), 61, 62, 63, 64 and 65
Algeria	47 to 64	65
Angola	61 to 65	—
Argentina	31 to 65	—
Australia	31 to 65	—
Austria	31 to 64	65
Bahamas	61 to 63	64 and 65
Bahrain	63 to 65	—
Bangladesh	58 to 65	—
Barbados	51 to 65	—
Belgium	31 to 64	65
Benin	45 to 64	65
Bolivia	31 to 59, 60 (C 141, 142, 143; R 149, 150), 61 and 62	60 (R 151), 63, 64 and 65
Botswana	—	64 and 65
Brazil	31 to 45, 46 (C 117, 118; R 116), 47 (C 119), 48 (C 120, 121, 122; R 120), 49 (C 123, 124; R 124, 125), 50 (C 125; R 126), 51 (C 127; R 128, 131), 53 (R 133, 134), 55 (C 133, 134; R 139), 56 (C 135, 136; R 144), 58 (C 137, 138; R 145) and 59 (C 140; R 148)	46 (R 117), 47 (R 118, 119), 48 (R 121, 122), 49 (R 123), 50 (C 126; R 127), 51 (C 128; R 129, 130), 52, 53 (C 129, 130), 54, 55 (R 137, 138, 140, 141, 142), 56 (R 143), 58 (R 146), 59 (C 139; R 147), 60, 61, 62, 63, 64 and 65
Bulgaria	31 to 64	65

¹ The Conference did not adopt any Conventions or Recommendations at its 57th Session (June 1972).

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)
Burma	31 to 63	64 and 65
Burundi	47 to 61, 62 (R 153, 154), 64 (C 150, 151) and 65	62 (C 145, 146, 147; R 155), 63 and 64 (R 158, 159)
Byelorussian SSR	37 to 65	—
United Republic of Cameroon	44 to 65	—
Canada	31 to 64	65
Cape Verde	—	65
Central African Republic	45 to 63	64 and 65
Chad	45 to 54	55, 56, 58, 59, 60, 61, 62, 63, 64 and 65
Chile	31 to 65	—
Colombia	31 to 39, 40 (C 105, 106, 107; R 103), 41 (C 109; R 105, 106, 108), 42 to 44, 45 (C 116), 46 (C 118), 47 (C 119), 48 (C 120, 121, 122), 49 (C 123, 124), 50 (C 125, 126), 51 (C 127), 52, 53 (C 129, 130), 54 (C 131, 132), 55 (C 133, 134; R 141), 56 (C 135, 136) and 58 to 65	40 (R 104), 41 (C 108; R 107, 109), 45 (R 115), 46 (C 117; R 116, 117), 47 (R 118, 119), 48 (R 120, 121, 122), 49 (R 123, 124, 125), 50 (R 126, 127), 51 (C 128; R 128, 129, 130, 131), 53 (R 133, 134), 54 (R 135, 136), 55 (R 137, 138, 139, 140, 142) and 56 (R 143, 144)
Comoros	—	65
Congo	45 to 53, 54 (C 131, 132), 55 (C 133, 134), 56, 58 (C 138; R 146), 59, 63 (C 149; R 157) and 64	54 (R 135, 136), 55 (R 137, 138, 139, 140, 141, 142), 58 (C 137; R 145), 60, 61, 62, 63 (C 148; R 156) and 65
Costa Rica	31 to 63 and 64 (C 150; R 158)	64 (C 151; R 159) and 65
Cuba	31 to 62, 63 (C 148; R 156) and 64	63 (C 149; R 157) and 65
Cyprus	45 to 64	65
Czechoslovakia	31 to 65	—
Democratic Kampuchea	53, 54 and 56	55, 58, 59, 60, 61, 62, 63, 64 and 65
Democratic Yemen	53 to 61	62, 63, 64 and 65
Denmark	31 to 65	—
Djibouti	64 and 65	—
Dominican Republic	31 to 61	62, 63, 64 and 65
Ecuador	31 to 64	65
Egypt	31 to 65	—
El Salvador	31 to 61	62, 63, 64 and 65
Ethiopia	31 to 53, 54 (C 131, 132; R 135), 55 and 56	54 (R 136), 58, 59, 60, 61, 62, 63, 64 and 65
Fiji	59 and 60	61, 62, 63, 64 and 65

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)
Finland	31 to 64	65
France	31 to 65	—
Gabon	45 to 50, 51 (C 127, 128; R 128), 53, 54 (C 131, 132; R 135), 56 (C 135; R 143), 58, 60, 61, 62 (C 145, 146, 147; R 153, 155), 63 and 64	51 (R 129, 130, 131), 52, 54 (R 136), 55, 56 (C 136; R 144), 59, 62 (R 154) and 65
German Democratic Republic	59 to 65	—
Germany (Federal Republic)	34 to 62, 63 (C 149; R 157), and 64 (C 150; R 158)	63 (C 148; R 156), 64 (C 151; R 159) and 65
Ghana	40 to 59	60, 61, 62, 63, 64 and 65
Greece	31 to 44, 45, 46 (C 118), 47 to 61 and 62 (C 147; R 155)	46 (C 117; R 117), 62 (C 145, 146; R 153, 154), 63, 64 and 65
Guatemala	31 to 64	65
Guinea	43 to 56, 59 and 60 (C 142, 143; R 150, 151)	58, 60 (C 141; R 149), 61, 62, 63, 64 and 65
Guinea-Bissau	—	63, 64 and 65
Guyana	50 to 64	65
Haiti	31 to 65	—
Honduras	39 to 65	—
Hungary	31 to 65	—
Iceland	31 to 62	63, 64 and 65
India	31 to 65	—
Indonesia	33 to 63	64 and 65
Iran	31 to 61	62, 63, 64 and 65
Iraq	31, 32 (C 92, 95, 98), 34, 35 (C 102, 103), 36, 40 (C 105, 106), 42 (C 111; R 111), 43 (C 112, 113, 114), 44, 45 (C 116), 46 (C 117, 118), 48 (C 122), 49 (C 123, 124), 51 to 56, 58 (C 137; R 145), 59, 60 (C 142; R 150), 61, 62 (C 145; R 154), 63 (C 149; R 157) and 64	32 (C 91, 93, 94, 96, 97; R 84, 85, 86, 87), 33, 35 (C 101; R 93, 94, 95), 37, 38, 39, 40 (C 107; R 103, 104), 41, 42 (C 110; R 110), 43 (R 112), 45 (R 115), 46 (R 116, 117), 47, 48 (C 120, 121; R 120, 121, 122), 49 (R 123, 124, 125), 50, 58 (C 138; R 146), 60 (C 141, 143; R 149, 151), 62 (C 146, 147; R 153, 155), 63 (C 148; R 156) and 65
Ireland	31 to 61	62, 63, 64 and 65
Israel	32 to 65	—

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)
Italy	31 to 61, 62 (C 145, 146, 147) and 63 (C 148; R 156)	62 (R 153, 154, 155), 63 (C 149; R 157), 64 and 65
Ivory Coast	45 to 61, 63 and 64	62 and 65
Jamaica	47 to 53, 54 (C 131; R 135), 55 to 60	54 (C 132; R 136), 61, 62, 63, 64 and 65
Japan	35 to 65	—
Jordan	39 to 65	—
Kenya	48 to 63	64 and 65
Kuwait	45 to 64 and 65 (C 152, 153)	65 (R 160, 161)
Lao Republic	—	48, 49, 50, 51, 52, 53, 54, 55, 56, 58, 59, 60, 61, 62, 63, 64 and 65
Lebanon	31 (C 88, 89, 90; R 83), 32 (C 95, 98; R 85), 34 (C 100; R 90), 35 (C 102, 103), 40 (C 105, 106; R 103), 42 (C 111; R 111), 44 (C 115), 45 (C 116), 46 (C 117, 118), 47 (C 119), 48 (C 120, 121, 122; R 120, 122), 49 (C 123, 124), 50 (C 125, 126), 51 (C 127, 128; R 128), 53 (C 129, 130) and 54 (C 131; R 135)	31 (C 87), 32 (C 91, 92, 93, 94, 96, 97; R 84, 86, 87), 33, 34 (C 99; R 89, 91, 92), 35 (C 101; R 93, 94, 95), 36, 37, 38, 39, 40 (C 107; R 104), 41, 42 (C 110; R 110), 43, 44 (R 113, 114), 45 (R 115), 46 (R 116, 117), 47 (R 118, 119), 48 (R 121), 49 (R 123, 124, 125), 50 (R 126, 127), 51 (R 129, 130, 131), 52, 53 (R 133, 134), 54 (C 132; R 136), 55, 56, 58, 59, 60, 61, 62, 63 64 and 65
Liberia	31 (C 87, 88, 89), 32 (C 91, 92, 93, 94, 98), 34 (C 100), 35 (C 101, 102, 103), 38 (C 104), 40 (C 105, 106), 42, 43 (C 112, 113, 114), 44 (C 115), 46 (C 117), 48 to 51, 53 (C 129, 130; R 133), 54, 55 (C 133, 134; R 137, 138, 139, 140, 141), 56 to 61, 62 (C 145, 146, 147; R 154, 155), 63 (R 156, 157), 64 (C 151; R 158, 159) and 65	31 (C 90; R 83), 32 (C 95, 96, 97; R 84, 85, 86, 87), 33, 34 (C 99; R 89, 90, 91, 92), 35 (R 93, 94, 95), 36, 37, 38 (R 99, 100), 39, 40 (C 107; R 103, 104), 41, 43 (R 112), 44 (R 113, 114), 45, 46 (C 118; R 116, 117), 47, 52, 53 (R 134), 55 (R 142), 62 (R 113), 63 (C 148, 149), 64 (C 150)
Libyan Arab Jamahiriya	35 to 63	64 and 65
Luxembourg	31 to 65	—
Madagascar	45 to 54, 56 to 65	55
Malawi	49 to 54 and 56	55, 58, 59, 60, 61, 62, 63, 64 and 65
Malaysia	41 to 56	58, 59, 60, 61, 62, 63, 64 and 65
Mali	44 to 64	65
Malta	49 to 55, 56 (R 144), 58, 59 (C 139; R 147), 60 and 62 (R 153, 154, 155)	56 (C 135, 136; R 143), 58, 59 (C 140; R 148), 61, 62 (C 145, 146, 147), 63, 64 and 65
Mauritania	45, 46, 47 (C 119), 48, 49, 50 (C 125, 126), 51 (C 127, 128), 52, 53 and 55	47 (R 118, 119), 50 (R 126, 127), 51 (R 128, 129, 130, 131), 54, 56, 58, 59, 60, 61, 62, 63, 64 and 65

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)
Mauritius	53 to 58, 59 (C 139; R 147), 61 and 62	59 (C 140; R 148), 60, 63, 64 and 65
Mexico	31 to 65	—
Mongolia	53 to 65	—
Morocco	39 to 65	—
Mozambique	—	61, 62, 63, 64 and 65
Nepal	54 (C 131), 62, 63, 64 and 65	51, 52, 53, 54 (C 132; R 135, 136), 55, 56, 58, 59, 60 and 61
Netherlands	31 to 63 and 64 (C 150; R 158)	64 (C 151; R 159) and 65
New Zealand	31 to 65	—
Nicaragua	40 to 64	65
Niger	45 to 51 (C 127; R 128, 129, 130), 52 to 56 (C 135) and 58 (C 138)	51 (C 128; R 131), 56 (C 136; R 143, 144), 58 (C 137; R 145, 146), 59, 60, 61, 62, 63, 64 and 65
Nigeria	45 to 64	65
Norway	31 to 65	—
Pakistan	31 to 63	64 and 65
Panama	31 to 65	—
Papua-New Guinea	61 to 63	64 and 65
Paraguay	40 to 61	62, 63, 64 and 65
Peru	31 to 64	65
Philippines	31 to 65	—
Poland	31 to 62 and 63 (C 149; R 157)	63 (C 148; R 156), 64 and 65
Portugal	31 to 64	65
Qatar	58 (C 137, 138; R 145) and 59 (R 147)	58 (R 146), 59 (C 139, 140; R 148), 60, 61, 62, 63, 64 and 65
Romania	39 to 65	—
Rwanda	47 to 65	—
Saudi Arabia	61 to 65	—

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)
Senegal	44 to 65	—
Seychelles	—	63, 64 and 65
Sierra Leone	45 to 62 (C 145, 147; R 153, 155)	62 (C 146; R 154), 63, 64 and 65
Singapore	50 to 64	65
Somalia	45 to 64	65
Spain	39 to 60, 61 (R 152) and 62	61 (C 144), 63, 64 and 65
Sri Lanka	31 to 61	62, 63, 64 and 65
Sudan	39 to 64	65
Suriname	61	62, 63, 64 and 65
Swaziland	60 to 65	—
Sweden	31 to 64 and 65 (C 152; R 160)	65 (C 153; R 161)
Switzerland	31 to 65	—
Syrian Arab Republic . . .	31 to 58 (C 138; R 146), 59 and 60 (C 141, 143; R 149, 151)	58 (C 137; R 145), 60 (C 142; R 150), 61, 62, 63, 64 and 65
Tanzania	46 to 53	54, 55, 56, 58, 59, 60, 61, 62, 63, 64 and 65
Thailand	31 to 60	61, 62, 63, 64 and 65
Togo	44 to 59	60, 61, 62, 63, 64 and 65
Trinidad and Tobago . . .	47 to 62 and 64	63 and 65
Tunisia	39 to 61 and 63	62, 64 and 65
Turkey	31 to 65	—
Uganda	47 to 64	65
Ukrainian SSR	37 to 65	—
United Arab Emirates . .	58 to 63	64 and 65
United Kingdom	31 to 65	—
United States	31 to 60	61, 62 and 63
Upper Volta	45 to 58, 60 (C 143), 61, 63 and 64	59, 60 (C 141, 142; R 149, 150, 151), 62 and 65
Uruguay	31 to 64	65

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)
USSR	37 to 64	65
Venezuela	31 to 63	64 and 65
Yemen	49 to 64	65
Yugoslavia	31 to 54, 56, 59, 60 (C 142, 143; R 150, 151) and 63 (C 148; R 156)	55, 58, 60 (C 141; R 149), 61, 62, 63 (C 149; R 157), 64 and 65
Zaire	45 to 56 and 59	58, 60, 61, 62, 63, 64 and 65
Zambia	49 to 64	65

Appendix II. Over-all position of member States at 25 March 1981

Sessions at which decisions were adopted	Number of States in which, according to information supplied by Government			
	All the texts have been submitted	Some of these texts have been submitted	None of these texts have been submitted (including cases in which no information has been supplied by the Government)	Number of States which were Members of the Organisation at the time of the session
31 (June 1948)	58	2	—	60
32 (June 1949)	58	3	—	61
33 (June 1950)	60	— ¹	3	63
34 (June 1951)	62	2	—	64
35 (June 1952)	63	3	—	66
36 (June 1953)	64	—	2	66
37 (June 1954)	66	— ¹	3	69
38 (June 1955)	66	1	2	69
39 (June 1956)	73	—	3	76
40 (June 1957)	73	4	—	77
41 (April/May 1958)	75	1	3	79
42 (June 1958)	77	2	—	79
43 (June 1959)	77	2	1	80
44 (June 1960)	81	1	1	83
45 (June 1961)	97	4	—	101
46 (June 1962)	96	6	—	102
47 (June 1963)	101	5	2	108
48 (June/July 1964)	105	4	1	110
49 (June 1965)	109	4	1	114
50 (June 1966)	108	5	2	115
51 (June 1967)	111	6	—	117
52 (June 1968)	109	— ¹	9	118
53 (June 1969)	112	7	2	121
54 (June 1970)	110	10	1	121
55 (October 1970)	103	8	10	121
56 (June 1971)	106	8	7	121
58 (June 1973)	98	8	17	123
59 (June 1974)	107	3	15	125
60 (June 1975)	103	3	20	126
61 (June 1976)	99	—	32	131
62 (October 1976)	88	2	42	132
63 (June 1977)	80	5	50	135
64 (June 1978)	73	5	58	136
65 (June 1979)	44	2	93	139

¹ At this session the Conference adopted one Recommendation only.

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PART TWO

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PART THREE

GENERAL SURVEY ON THE REPORTS CONCERNING THE MINIMUM AGE CONVENTION (NO. 138) AND RECOMMENDATION (NO. 146), 1973

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

INDEX TO COMMENTS MADE BY THE COMMITTEE, BY COUNTRY

Country	Observations made by the Committee (published in the present Report) ¹	Direct requests addressed by the Committee to the Governments (not reproduced in the present Report) ²
Afghanistan	I B, Nos. 13, 95, 105. III.	Art. 22, general. Art. 22, Nos. 100, 111.
Albania	I A.	
Algeria	I B, Nos. 13, 32, 62, 63, 87.	Art. 22, Nos. 3, 10, 63, 68, 87, 91, 92, 99, 111, 119, 120, 122. Subm.
Angola	General Report, para. 80.	Art. 22, Nos. 1, 68, 81, 91, 92, 98, 111.
Argentina	I B, Nos. 3, 20, 68, 87, 88, 98, 105, 111.	Art. 22, Nos. 9, 26, 34, 35, 36, 81, 100, 115, 139, 142.
Australia		Art. 22, Nos. 81, 87, 100, 111, 131.
Austria	I B, Nos. 103, 111.	Art. 22, Nos. 102, 128, 141. Subm.
Bahamas		Art. 22, Nos. 98, 117. Subm.
Bangladesh		General Report, para. 60. Art. 22, general. Art. 22, Nos. 27, 87, 98, 105, 106, 111. Subm.
Barbados		Art. 22, Nos. 102, 111, 122, 128. Subm.
Belgium	I B, Nos. 29, 91, 97, 122.	Art. 22, Nos. 81, 102, 111, 123, 124. Subm.
Benin		Art. 22, general. Art. 22, Nos. 13, 26, 33, 105, 111. Subm.

¹ The roman numerals and letters refer to sections of Part Two of this report and the arabic numerals to the numbers of the Conventions.

² The abbreviations used in respect of direct requests are the following:

“Art. 22”: application of ratified Conventions in member States.

“Art. 35”: application of ratified Conventions in non-metropolitan territories.

“Subm.”: submission of Conventions and Recommendations to the competent authorities.

The numbers refer to Conventions.

Country	Observations made by the Committee (published in the present Report)	Direct requests addressed by the Committee to the Governments (not reproduced in the present Report)
Bolivia	General Reports, paras. 60, 78, 80. I A and B, Nos. 5, 26, 81, 87, 103, 107.	Art. 22, general. Art. 22, Nos. 1, 5, 20, 30, 78, 81, 88, 89, 90, 96, 102, 107, 111, 120, 121, 122, 123. Subm.
Botswana		Subm.
Brazil	General Report, paras. 75, 80. I A and B, Nos. 91, 98, 103, 107, 108. III.	Art. 22, general. Art. 22, Nos. 107, 111, 122.
Bulgaria	I B, No. 87. III.	Art. 22, general. Art. 22, Nos. 111, 127.
Burma	I B, Nos. 52, 87.	Art. 22, No. 11. Subm.
Burundi	I B, Nos. 1, 94.	Art. 22, No. 1. Subm.
Byelorussian SSR	I B, No. 87. III.	Art. 22, general. Art. 22, No. 122.
Cameroon, United Republic of	I B, No. 87.	Art. 22, general. Art. 22, Nos. 3, 9, 122, 131, 146. Subm.
Canada	I B, No. 122.	Art. 22, Nos. 1, 87. Subm.
Cape Verde	General Report, para. 75.	Subm.
Central African Republic	I B, Nos. 18, 29, 33, 41, 52, 62, 81, 87, 105, 119.	Art. 22, general. Art. 22, Nos. 19, 26, 29, 88, 94, 95, 105, 117, 118. Subm.
Chad	General Report, paras. 76, 80, 104. I A and B, Nos. 29, 81, 87, 98, 105, 111. III.	Art. 22, Nos. 52, 81, 100, 105, 111.
Chile	I B, Nos. 1, 24, 25, 30, 111, 122, 127.	Art. 22, general. Art. 22, Nos. 1, 3, 30, 35, 36, 37, 38, 122, 127.
Colombia	I B, Nos. 3, 9, 24, 107.	Art. 22, Nos. 20, 24, 26, 81, 87, 98, 99, 107, 129.
Comoros		Art. 22, general. Art. 22, Nos. 19, 26, 81, 99, 100, 105, 122. Subm.
Congo	I B, Nos. 13, 87, 119.	Art. 22, general. Art. 22, Nos. 29, 87. Subm.

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PART ONE

GENERAL REPORT

Price: 3.50 Swiss francs
ISBN 92-2-102400-8

International Labour Conference
58th Session 1973

Report III
(Part 2)

Third Item on the Agenda

Information and Reports on the Application
of Conventions and Recommendations

Freedom of Association and Collective Bargaining

**Summary of Reports on Unratified Conventions
(Article 19 of the Constitution)**

International Labour Office
Geneva 1973

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

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In this report, references to legislative texts published by the ILO in the Legislative Series (LS) appear in parentheses.

INTRODUCTION

Article 19 of the Constitution of the International Labour Organisation provides that Members shall "report to the Director-General of the International Labour Office, at appropriate intervals as requested by the Governing Body" on the position of their law and practice in regard to the matters dealt with in unratified Conventions and in Recommendations. The obligations of Members as regards Conventions are laid down in paragraph 5(e) of the above-mentioned article. Paragraph 6(d) deals with Recommendations, and paragraph 7(a) and (b) deals with the particular obligations of federal States.

Pursuant to the above-mentioned provisions, the Governing Body selects each year the instruments on which Members are requested to supply reports. Since 1950 the summaries of these reports have been submitted each year to the Conference.

The reports which are summarised in the present volume concern 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).

The governments of member States were requested to send their reports to the International Labour Office before 1 July 1972. The present summary, which is submitted to the Conference in conformity with article 23, paragraph 1, of the Constitution, covers reports received by the Office up to 1 November 1972.

The report of the Committee of Experts on the Application of Conventions and Recommendations (Report III, Part 4B), which will also be submitted to the Conference at its 58th (1973) Session, will include the general conclusions by the Committee on the reports on the above-mentioned Conventions.

FREEDOM OF ASSOCIATION CONVENTIONS

FREEDOM OF ASSOCIATION AND PROTECTION OF THE
RIGHT TO ORGANISE CONVENTION (No. 87), 1948

AUSTRALIA

Commonwealth

Conciliation and Arbitration Act, 1904-1970.

States

New South Wales

Industrial Arbitration Act, 1940 as amended.

Trade Union Act, 1881 as amended.

Victoria

Trade Unions Act, 1958.

Labour and Industry Act, 1958.

Queensland

Industrial Conciliation and Arbitration Acts, 1961 to 1964.

South Australia

Industrial Code, 1967-1971.

Trade Union Act, 1876-1935.

Western Australia

Industrial Arbitration Act, 1912-1971.

Trade Unions Act, 1902-1924.

Tasmania

Trades Unions Act, 1889.

Wages Boards Act, 1920.

SUMMARY OF REPORTS ON UNRATIFIED CONVENTIONS

Metropolitan Territories

Australian Capital Territory

Trade Union Act 1881 - NSW legislation adopted under (Commonwealth) Seat of Government Acceptance Act 1909-1955.

Northern Territory

Trade Union Act - South Australian legislation adopted under (Commonwealth) Northern Territory.

Acceptance Act 1910-1952.

Trade Union Ordinance 1922.

There is no restriction on the citizen's right to associate with others for any lawful object. Legislation in all jurisdictions modelled on the United Kingdom Trade Union Acts of 1871 and (except in the case of South Australia) of 1876 establishes that the usual objects of trade unions are lawful. In Queensland the relevant legislation is now incorporated in the Industrial Conciliation and Arbitration Acts while in all other jurisdictions it takes the form of Trade Union Acts.

The United Kingdom Trade Union Act, 1871 provided that the purposes of trade unions, registered or unregistered, were not unlawful by reason merely that they were in restraint of trade. Registration, which was provided for in the Act, gave certain advantages regarding the holding of property and other matters, to any union which so registered, provided its aims were lawful. However, the Act excluded from the jurisdiction of the courts the direct enforcement of agreements relating to the domestic affairs of unions whose purposes were in restraint of trade and agreements between any two such unions. This provision did not affect the enforceability of agreements made by trade unions whose purposes were not in restraint of trade. Only trade unions which had at least seven members could be registered. This Act contained a definition of the term "trade union".

The Trade Union Act Amendment Act, 1876 provided for the membership of minors over the age of 16 years. Provision was made for regulation of the manner in which registered trade unions could amalgamate or change their name. The rules of every registered trade union were to provide for the manner of its dissolution. The definition of trade union was amended to refer to combinations whether they would or would not, if the 1871 Act had not been passed, have been deemed to be unlawful combinations.

In South Australia, although the Trade Union Act of 1871 was adopted, the subsequent 1876 amendment was not. The South Australian legislation applies only to organisations that would otherwise have been illegal in the sense of being in restraint of trade. The Act contains no provision with respect to amalgamation, dissolution, or change of name.

FREEDOM OF ASSOCIATION CONVENTIONS

The South Australian Trade Union Act, as amended by the Trade Union Ordinance 1922, is also applicable in the Northern Territory. The Trade Union Ordinance incorporates the definition of trade union contained in the United Kingdom Act of 1876 and contains provisions relating to amalgamation and change of name, but not to dissolution.

The over-all position in Australia, therefore, is that there are no substantive or formal conditions which must be fulfilled by workers' and employers' organisations¹ when they are being established although, for the purposes of the matters dealt with in Convention No. 87, there are conditions of a purely formal nature which must be satisfied if an organisation decides to register under the trade union legislation.

Organisations of workers or employers may, if they wish, seek registration under industrial conciliation and arbitration acts which have been adopted by the Commonwealth and by all states except Victoria and Tasmania. Registration is not a prerequisite to the lawful establishment and operation of worker or employer organisations. In New South Wales, registration of trade unions of employees under the Industrial Arbitration Act is possible only if the trade union is already registered under the Trade Union Act.

The organisational strength of the trade union movement in Australia embraces over 50 per cent of the workforce.

The industrial conciliation and arbitration legislation in some jurisdictions, e.g. Commonwealth, New South Wales and Queensland, gives an employee the right to join a registered organisation of employees in his industry, unless he is of general bad character.

There are no special legal provisions regarding the establishment of organisations by certain categories of workers, whether public officials, employees or publicly-owned undertakings, agricultural workers or otherwise.

In no Australian jurisdiction are there conditions generally governing the right of workers' and employers' organisations to draw up their constitutions and rules, to elect their representatives in full freedom, to organise their administration and activities and to formulate their programmes.

Organisations registering under the Trade Union Acts must comply with certain conditions in relation to their rules (such as the appointment of auditors) which protect the interests of their members but in no way limit the full, effective freedom of the organisations themselves.

Organisations which voluntarily decide to register under the industrial conciliation and arbitration legislation of the Commonwealth, New South Wales, Queensland, South Australia and Western Australia are required to comply with certain requirements.

¹ The word "organisation" is used in this report in the broad dictionary sense. It should be borne in mind that the word is used in different senses in the relevant legislation.

SUMMARY OF REPORTS ON UNRATIFIED CONVENTIONS

Employers' and workers' organisations are not liable to dissolution or suspension by administrative authority either in law or in practice. The Trade Union Acts in New South Wales, Western Australia, Victoria, Tasmania and the Australian Capital Territory require the rules of registered trade unions to provide for the manner in which they may be dissolved.

In those jurisdictions with industrial conciliation and arbitration legislation, registration can be cancelled under prescribed circumstances. This does not affect the existence of the organisation concerned¹ and the provisions are, therefore, not relevant to Article 4.

There are no restrictions on the right of workers' and employers' organisations to establish and join federations and confederations and all such organisations, federations and confederations have the right to affiliate with international organisations of workers and employers. The rights and obligations of trade unions apply also to federations and confederations of workers' and employers' organisations.

In all jurisdictions the acquisition of legal personality by workers' and employers' organisations is entirely optional. Legal personality can be acquired by registering under the industrial conciliation and arbitration acts of the Commonwealth, Queensland, South Australia and Western Australia.

It is also open to organisations to register under the Trade Union Acts of New South Wales, Victoria, South Australia, Western Australia and Tasmania. It would seem that, at least for the purposes of this Article of the Convention, a trade union so registered can be regarded as having legal personality.

In common with other persons and organisations, employers and workers and their organisations are bound by the law of the land, but none of the measures of a general nature which may apply to these organisations impairs, or has been applied to impair, the guarantees provided for in the Convention.

There are provisions (Part IIA of the Crimes Act 1914-1966 (Commonwealth)) aimed at the protection of the Constitution and of public and other services which have general application. Associations aimed at the overthrow by force or violence of the Government may be declared by the courts to be unlawful associations in accordance with this legislation and there are offences related to supporting unlawful associations. Under section 30J of the Crimes Act, upon a Proclamation by the Governor-General that there exists in Australia a serious industrial disturbance prejudicing or threatening trade or commerce with other countries or among the states, participation in or incitement to strikes (including job control) and lockouts is forbidden while the Proclamation remains in

¹ Section 113 of the New South Wales Industrial Arbitration Act provides that, if a trade union fails to pay any penalty imposed by the Industrial Commission of New South Wales within the time prescribed by the Commission, the trade union shall be wound up. This procedure involved judicial, not administrative, authorities.

FREEDOM OF ASSOCIATION CONVENTIONS

force. There have been no Proclamations since July 1951. Under section 30K, obstruction or hindrance to the performance of services by the Commonwealth Government or to the transport of goods or persons in interstate or international trade by means of violence, intimidation or boycott is prohibited. There have been no prosecutions under this section in recent years.

Provisions exist in all states to deal with unlawful assemblies, riots, etc. However, they too apply generally and again are not such as to impair the guarantees provided for in the Convention.

In some states special provisions apply to essential services. For example, section 261 of the South Australian Criminal Law Consolidation Act, 1935, prescribes a penalty in certain circumstances where an employee engaged in carrying on or conducting railways or tramways or supplying gas or water wilfully or maliciously breaks his contract of service or hiring. There have been no prosecutions under this section of the Act since it came into force.

The Victorian Essential Services Act, 1958, lays down penalties (in section 11) for persons instigating or participating in a strike occurring in an essential service (defined in section 3), if it has not been authorised by a majority of the employees concerned at a secret ballot conducted by the chief electoral officer. A similar provision relates to lockouts by employers in an essential service (section 13). The provisions of section 11 have been brought into operation, notwithstanding the occurrence of a series of strikes in essential services in recent years.

The guarantees prescribed by the Convention apply to members of the police forces although not to the armed forces. The vast majority of members of each police force belong to their own police union or association.

No modifications have been made, nor are any envisaged in Australian law and practice to give effect to the provisions of the Convention.

There has been uncertainty as to whether the provisions of Australian legislation relating to the registration of workers' and employers' organisations were in compliance with the provisions of the Convention. In 1959, the Committee of Experts implied that it was doubtful whether unregistered organisations in Australia were able to further and defend the interests of their members, and also referred specifically to the power of the registration authorities to refuse registration to an organisation on the ground that another organisation to which members of the applicant organisation could conveniently belong was already registered. (Report III (Part IV), prepared for the 43rd Session of the International Labour Conference (Geneva, 1959), p. 108, para. 31.)

As indicated above, registration under the Trade Union Acts and the industrial conciliation and arbitration legislation is voluntary and, if by choice or some other reason an association is not registered, or if it is deregistered, it can continue to exist and further and defend the interests of its members. Registration is not a prerequisite for furthering and defending the interests of members and is not relevant to the right to establish workers' and employers' organisations. Secondly, even if the question of

SUMMARY OF REPORTS ON UNRATIFIED CONVENTIONS

registration were relevant, in Australia, the prime reason for the absence of rival unions competing for members and for coverage of particular industries, occupations, etc. is not the existence of "conveniently belong" provisions in the registration legislation, but the long-established pattern of organisations covering a substantial proportion of the workforce and an orderly system of industrial relations. This is, of course, quite aside from the basic question whether there may not be circumstances in which to assist the development of organisations for furthering and defending the interests of workers or of employers, measures may be required to discourage, if not prevent, a multiplicity of organisations.

The provisions of the Convention are regarded by the Commonwealth Government as appropriate for action partly by the Commonwealth and partly by the states.

The Government adds that ratification of the Convention remains under active consideration, and all the federal States have agreed to ratification.

CANADA¹

Federal Legislation

1. Part V of the Canada Labour Code (Industrial Relations), RSC, 1970, chap. L.1.
2. Public Service Staff Relations Act, RSC, 1970, chap. P-35.

Provincial Legislation

Alberta

1. The Alberta Labour Act, RSA, 1970, chap. 196.
2. Firefighters' and Policemen's Labour Relations Act, RSA, 1970, chap. 143, as amended.
3. The Teaching Profession Act, RSA, 1970, chap. 362, as amended.
4. Public Service Act, RSA, 1970, chap. 288, as amended.
5. Crown Agencies Employee Relations Act, RSA, 1970, chap. 79.

British Columbia

1. Labour Relations Act, RSBC, 1960, chap. 205, as amended.
2. Trade Unions Act, RSBC, 1960, chap. 384.

¹ Convention No. 87 was ratified by Canada on 23 March 1972.

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3. Mediation Commission Act, SBC, 1968, chap. 26, as amended.
4. Civil Service Act, RSBC, 1960, chap. 56, as amended.

Manitoba

1. The Labour Relations Act, RSM, 1970, chap. L-10, as amended.
2. Public Schools Act, RSM, 1970, chap. P-250, as amended.
3. The Civil Service Act, RSM, 1970, chap. C-110, as amended.

New Brunswick

1. The Industrial Relations Act, Acts of NB, 1971, chap. 9.
2. Public Service Labour Relations Act, Acts of NB, 1968, chap. 88, as amended.

Newfoundland

1. The Labour Relations Act, RSn, 1952, chap. 258, as amended.
2. Newfoundland Teachers' Association Act, SN, 1957, chap. 36, as amended.
3. The Public Service (Collective Bargaining) Act, SN, 1970.

Nova Scotia

1. The Trade Union Act, RSNS, 1967, chap. 311, as amended.
2. Civil Service Joint Council Act, RSNS, 1967, chap. 35, as amended.

Ontario

1. The Labour Relations Act, RSO, 1970, chap. 232.
2. The Fire Departments Act, RSO, 1970, chap. 169.
3. The Police Act, RSO, 1970, chap. 351.
4. Hospital Labour Disputes Arbitration Act, RSO, 1970, chap. 208.
5. Teaching Profession Act, RSO, 1970, chap. 456.
6. The Public Service Act, RSO, 1970, chap. 386.

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Prince Edward Island

1. Labour Act, PEI Acts, 1971, chap. 35.
2. The Civil Service Act, Laws of PEI, 1962, chap. 5, as amended.

Quebec

1. The Labour Code, RSQ, 1964, chap. 141, as amended.
2. The Professional Syndicates Act, RSQ, 1964, chap. 146, as amended.
3. Civil Service Act, SQ, 1965, chap. 14, as amended.
4. Construction Industry Labour Relations Act, SQ, 1968, chap. 45, as amended.

Saskatchewan

1. The Trade Union Act, RSS, 1965, chap. 287, as amended.
2. The Teachers' Federation Act, RSS, 1965, chap. 199, as amended.

The provincial legislatures are the competent authorities, except in relation to the north-west territories and Yukon territory, and except as incidental to certain matters in respect of which exclusive legislative jurisdiction is not assigned by the British North America Act to the provincial legislatures.

The matters dealt with in the Convention are the subject of the above federal Acts or provincial Acts. Departments of labour and labour relations boards or their equivalents administer labour legislation in each jurisdiction. In addition, collective agreements in all jurisdictions provide for the recognition, encouragement and enforcement of many of the provisions of the Convention.

In the federal jurisdiction the Convention is applied by common law and legislation. At common law there is no legal restriction on the individual's right to associate with others for any lawful object.

It is lawful in all jurisdictions for employers and employees to establish and, subject only to the rules of the organisation concerned, to join organisations of their own choosing without previous authorisation. In the federal, Manitoba, Newfoundland and Nova Scotia jurisdictions employers and employees have the right to belong to an employers' organisation or trade union, respectively, and participate in the activities thereof. Alberta, British Columbia, New Brunswick, Prince Edward Island and Ontario have identical provisions in their legislation, except that they refer to participation in the lawful activities of the trade union or employers' organisation. (The Alberta Act is silent on the matter of participation for members of an employers' organisation.) The Quebec statute is similar to that of the federal jurisdiction, except that it refers to an association of employers or employees rather than an employers' organisation or trade union. In Saskatchewan, the Trade Union Act states that employees have the right to organise in and to

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form, join or assist trade unions and bargain collectively through representatives of their own choosing. The Saskatchewan Act does not specifically provide for employers' organisations, although their existence is presupposed in the definition of an employer's agent, which is meant to include any person or association acting on behalf of an employer.

There are no conditions that must be fulfilled by workers' and employers' organisations when they are being established. The federal Trade Union Act states that certain matters (such as audit and use of funds) must be covered in the rules of trade unions registered under the Act. However, registration under this Act is voluntary.

Workers' and employers' organisations are entitled to draw up their constitutions and rules, to elect their representatives in full freedom, to organise their administration and activities, and to formulate their programmes free from any restrictions. The public authorities do not interfere with this right or impede the lawful exercise thereof.

In no case are employers' and workers' organisations liable to dissolution or suspension by administrative authority.

In all jurisdictions workers' and employers' organisations have the right to establish federations and confederations and to join international workers' and employers' organisations. In British Columbia, New Brunswick, Newfoundland and Ontario the definition of a trade union is meant to include a provincial, national or international trade union, while in Manitoba the definition includes a federation of trade unions.

In Quebec the Labour Code allows an association to affiliate with other organisations. If the association has entered into a collective agreement, affiliation cannot take place except during the sixty days preceding the date the agreement expires. The Professional Syndicates Act permits incorporated associations to form unions or federations, provided that there are at least three associations who wish to do so.

Federations and confederations of workers' and employers' organisations are, in all jurisdictions, entitled to the same rights and guarantees as their constituent organisations with respect to their establishment, operation and dissolution. The provisions of Articles 2, 3 and 4 in regard thereto are complied with fully.

In all jurisdictions the acquisition of legal personality is wholly optional for workers' and employers' organisations, and not made subject to conditions that restrict the rights described in the provisions of Articles 2, 3 or 4 of the Convention. In several jurisdictions a trade union or employers' organisation is deemed to be a legal entity for the purpose of prosecutions.

There are statutory provisions in the Federal Criminal Code designed to ensure public order and safety, but these do not impair the guarantees provided in the Convention. There are no provincial statutes of a general character concerning the safety of the state which might apply to workers' and employers' organisations.

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All necessary and appropriate measures are considered to have been taken to ensure that workers and employers may freely exercise the right to organise. Protective provisions have been inserted in the Criminal Code to ensure that trade unions are not conspiracies in restraint of trade, and also protecting combinations of workmen or employees, acting for their own reasonable protection as workmen or employees, from being charged, in certain cases, with conspiracy or with criminal breach of contract.

The Convention has not been applied in relation to members of the armed forces or the federal police.

In all jurisdictions certain classes of persons such as professionals, managerial and supervisory personnel and persons employed in a confidential capacity in labour relations matters are excluded from the scope of the Acts or from the definition of an employee.

Such persons enjoy, and exercise, freedom of association.

All jurisdictions except Quebec have a provision in their Acts which allows the existence of a "closed shop". Although membership in such unions is compulsory, employees can belong to other trade unions.

All jurisdictions except Saskatchewan have imposed certain conditions on the internal operation of trade unions and employers' organisations. In the federal, and several other, jurisdictions organisations may be required to file with a government agency a copy of their constitutions and by-laws and the names and addresses of the organisations' officers.

The Saskatchewan Essential Services Emergency Act, 1966, has been repealed. The Act applied to any labour dispute in the province which was deemed to affect adversely the public interest or welfare. The Act could be invoked to prohibit strikes and lockouts, and to force the dispute to binding arbitration.

The Newfoundland Hospital Employees (Employment) Act, 1966-67, prohibiting strikes and lockouts in hospitals, geriatric centres and nursing homes, was repealed by the Public Service (Collective Bargaining) Act, 1970.

CHILE

Political Constitution.

Labour Code.

Decree No. 323.

Act No. 16625 respecting trade unionism in agriculture.

Decree No. 453 implementing Act No. 16625.

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Act No. 17594 of 1971 concerning the legal personality of trade union organisations.

The right to organise is recognised by section 365 of the Labour Code. The only restriction is contained in section 368, according to which employees or workers employed by the State, municipalities, fire service or independently administered public undertakings are prohibited from forming or joining a trade union. Agricultural unions are covered by special provisions contained in Act No. 16625 of 1967. Section 368 of the Labour Code does not apply to agricultural workers employed by the State, municipalities or independently administered public undertakings.

The basic conditions for setting up an industrial trade union are laid down in sections 384 and 385 of the Labour Code. In the case of occupational unions, section 411 of the Labour Code applies, and for agricultural unions, section 1 (annexes 2 and 4) of Act No. 16625. With respect to the procedure to be observed in setting up an industrial or occupational union, section 375 of the Labour Code and sections 6, 7 and 8 of Regulation No. 323 apply. In the case of agricultural unions, the relevant provisions are section 4 (annex 2) of Act No. 16625, as well as sections 18, 19, 20, 21, 23, 24 and 53 of Decree No. 453.

As regards the election of trade union representatives, the assembly of each union is free to elect its representatives in accordance with its own rules and the relevant laws and regulations (sections 376 of the Labour Code and 31 et seq., of Decree No. 323). In the case of agricultural unions, sections 6 and 7 of Act No. 16625 and section 59 of Decree No. 453 apply.

With regard to the ability of trade unions to organise freely their administration and activities and to formulate their programmes, it should be stated that there are no special standards referring to these matters, which does not prevent them from being fully recognised, subject only to the restrictions contained in laws and regulations.

Trade union organisations are dissolved by the same administrative authority which grants them recognition, in other words, by means of a Decree issued by the President of the Republic in pursuance of section 415 of the Labour Code and section 58 of Decree No. 323. In the case of agricultural unions, dissolution is ordered by the labour judge in accordance with the provisions of section 20 of Act No. 16625 and section 98 of Decree No. 453.

The right provided for in Article 5 of the Convention is recognised by Chilean legislation, even though in the case of industrial trade unions, there is a restriction on the aims which such unions or confederations may pursue. This question is covered by section 386 of the Labour Code with respect to industrial trade unions and by section 414 with respect to occupational unions, as well as by section 19 of Decree No. 323. Otherwise, the standards applying to federations and confederations are the same as those governing the trade union organisations composing them. In the case of agricultural unions, section 1 of Act No. 16625 applies.

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The acquisition of legal personality is compulsory under section 382 of the Labour Code and section 4 of Act No. 16625. The conditions under which legal personality may be obtained by industrial and occupational unions are laid down in sections 23 et seq. of Decree No. 323.

Despite the foregoing, the situation of industrial and occupational unions as far as obtaining legal personality is concerned has changed fundamentally since the constitutional reforms introduced by Act No. 17398 of 1970, which extended to all trade union organisations the procedure applicable to agricultural unions for the acquisition of legal personality. Article 10 of the Political Constitution lays down (section 14, paragraph 3) that trade unions, as well as their federations and confederations, can obtain legal personality simply by adapting their rules and constitutions to the form and conditions required by law.

This enactment (No. 17594) was passed on 31 December 1971. The Labour Directorate considered that: (a) the standards contained in the law were of a general nature and inadequate, because they did not specify either time limits or procedures for exercising the rights specified therein; (b) in the absence of specific regulations, it would be impossible to apply the law in practice. Consequently, since no regulations were issued to apply the constitutional reform, the new standards cannot be applied in practice and the provisions of the Labour Code and of Decree No. 323 remain in full force.

Trade unions and their members are subject to the general legislation of the State in all matters that do not specifically relate to labour.

The standards of the Convention do not apply to the armed forces or the police.

The Government points out that the only discrepancy between Chilean legislation and the Convention lies in the fact that the Labour Code provides for industrial and occupational unions to be dissolved administratively, contrary to Article 4 of the Convention. The reforms recently introduced with respect to the standards governing trade union organisations do not provide for the removal of this discrepancy, nor are there any plans for a new draft Act or Decree to that effect.

COLOMBIA

The right of association is provided for in section 44 of the Constitution and this basic principle has been incorporated in the Labour Code (sections 12 and 353). The right of association of senior managerial staff is provided for in section 358 of the Code, and the question of the nationality of trade union members is dealt with in section 384.

Sections 359 and 361 of the Code refer to the establishment of trade unions and sections 362 and 369 to their rules. The powers and duties of trade unions are governed by sections 373 and 374. Section 376 deals with the specific powers of the trade union meeting,

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section 391 governs the election of trade union committees and section 389 refers to top management in undertakings.

Section 401 of the Code provides for the dissolution of trade union organisations. The suspension of a union's legal personality and its dissolution are also referred to in section 450.

Recognition of the legal personality of a union and its implications are dealt with in sections 364 and 372 of the Code.

Section 414 of the Code refers to the right of association of public employees.

The right to establish federations and confederations is provided for in section 417 of the Code.

In November 1971 the Government tabled Bill No. 136 of 1971 ratifying Convention No. 87 for consideration in the Senate. Subsequently, in July 1972, it again submitted the Convention to the Senate in Bill No. 16 of 1972, which was approved at its first discussion.

EL SALVADOR

Political Constitution, article 191.

Labour Code, Volume II, Part 1, Chapters I to X.

Organic Law of the Ministry of Labour and Social Security, section 14, paragraphs 4, 5 and 7 and Chapter IV.

The general measure taken when a state of emergency is declared is the suppression of the guarantees laid down in articles 154, 158(1), 159 and 160 of the Constitution.

The armed forces and police have a special legal status.

HAITI

Constitution of the Republic of Haiti.

Labour Code (LS 1961-Haiti 1).

Section 24, paragraph 4, of the Constitution provides that: "All workers shall have the right to defend their interests by trade union action, each belonging to the union corresponding to his branch of activity." Section 32 provides that: "Haitians shall have the right to associate together and form political parties, trade unions or co-operatives. This right may not be subject to any preventive measure. No person shall be compelled to join an association or a political party. The law shall determine the conditions on which such groups are to operate and shall encourage their establishment."

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Persons employed in public services whose activities are in the same category as commercial and industrial activities enjoy the right to organise.

The Labour Code provides that the right of workers to combine in defence of their lawful interests is guaranteed and protected by the State within the limits imposed by law and, furthermore, that the lawful establishment of organisations of employers and workers is one of the most effective means of contributing to the development of democracy and is consequently deemed to be a matter of public policy (sections 260 and 261).

Section 263 of the Code provides that "the workers or employers in a given occupation or in similar or allied occupations, in the same or in different undertakings, may combine freely for the defence of their common interests without prior authorisation, provided that they comply with the statutory formalities within the prescribed time limit."

To be deemed to have been lawfully constituted, unions must comply with the provisions of the law and must be registered (section 268).

Workers' and employers' associations have complete freedom to draw up their constitutions and rules, to elect their representatives and to formulate their programmes.

Employers' and workers' organisations are not liable to be dissolved or suspended by administrative authority. Section 279 of the Code specifies the circumstances in which the Secretary of State for Labour and Social Welfare can apply to a labour court for the suspension of a union's activities.

Two or more unions can form a federation and two or more federations can form a confederation. Such organisations are governed by the same rules as those applicable to individual unions. The law does not prevent occupational associations from affiliating with international organisations.

Associations acquire legal personality by registering with the General Directorate of Labour (section 271 of the Code).

Members of the armed forces and the police do not enjoy the right to organise.

INDIA

Reference is made by the Government to its previous report for the period ending 31 December 1957 and to its letter dated 7 May 1968.

No modifications have been made in the national legislation to give effect to the Convention.

The Police Forces (Restriction of Rights) Act, 1966 lays down that no member of the police shall, without the sanction of the

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prescribed authority, be a member of, or be associated with any trade union or other association, except one of a purely social, religious or recreational nature.

The Trade Unions Act, 1926 was designed to strengthen and protect the trade union movement and no workers' organisations have objected to its provisions. While the Government may intervene in the activities of unions, the reasons for such intervention are not inimical to the free functioning of unions. The Act provides for the number of outsiders not to exceed 50 per cent of the number of office-bearers of a union and for a minimum subscription of 25 paise per month. The Government considers that the Act does not stand in the way of ratification of the Convention.

One difficulty arose from certain provisions of the Central Civil Services (Recognition of Service Associations) Rules, 1959. However, following a judgment of the Supreme Court these rules are being treated as inoperative and fresh rules are being drafted.

In order to ensure the continuous operation of essential services certain industrial employees listed in the Central Civil Services (Conduct) Rules are prohibited from going on strike. The Essential Services Maintenance Act 1968, which prohibited strikes in essential services, has now lapsed but such strikes can still be prohibited under the Defence of India Rules, 1971.

The Government proposes to put on a statutory basis the present scheme for joint consultation and compulsory arbitration for central government employees, which has been working satisfactorily for the past five years, and to ban strikes by government employees.

INDONESIA

Constitution of 1945.

Presidential Decree No. 123/1963.

Law No. 22 of 1957.

The principle of freedom of association is embodied in article 28 of the Constitution.

The Majelis Permusyawaratan Buruh Indonesia is the consultative body of workers' organisations.

Registration of a trade union is affected by submitting an application signed by authorised representatives, together with a copy of the constitution of the union, details of the executive board and its election and the address of its headquarters.

Registration of a union may be deleted by the Department of Manpower if the union does not, within sixty days, convey to the official assigned by this Department any amendment to the constitution, change of executives or address of the office. It may also be

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deleted if the union changes its activities to activities which can no longer be considered to be of a trade union character.

Trade unions are free to form federations and confederations and to join international organisations.

The acquisition of legal personality is optional for workers' organisations but compulsory for employers' organisations.

Presidential Decree No. 123 of 1963 regulates the prohibition of strikes in vital industries and Law No. 22 of 1957 regulates the settlement of labour disputes.

In the past, most trade unions were suborganisations of political parties and, as such were hampered in the execution of their basic obligations. The idea of breaking ties with political parties, and simplifying organisations through mergers, has gained support. The Government states that it does not wish to disrupt this development towards responsible trade unionism.

IRAQ

Labour Law No. 159/1970 (LS 1970-Iraq 1).

According to the above Law, the establishment of trade unions requires no previous authorisation. Founder members must deposit a copy of the statutes, as well as a copy of the minutes of the first meeting, with the Ministry of Labour and Social Affairs. The Ministry may object to the establishment of a union if it considers the legal documents to be incomplete. The opinion of the Ministry may be contested before the competent labour court whose decision, according to the law, shall be final.

Section 198 of the Labour Law requires a trade union to be formed by not less than fifty workers. They must, moreover, be affiliated to one of the industries or groups thereof specified in section 197. Section 198 of the Law lays down the conditions to be fulfilled by members of the founding committee.

Chapter 16 (paragraph 4) of the Labour Law contains provisions concerning the right of trade unions to draw up their rules, activities and procedure for their work, elections, management and planning.

The Law contains no provisions for the dissolution of a union.

Chapter 16 (paragraphs 9 and 10) of the Labour Law deals with the establishment of federations and affiliation with international organisations of workers. Under the Law (section 239), federations enjoy the same guarantees as those granted to trade unions.

By section 210, trade unions necessarily acquire legal personality.

Members of the police and armed forces are not governed by Chapter 16 of the Labour Law.

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The Government states that it does not intend to take steps to implement the provisions of the Convention which are not incorporated in the national law or practice.

JORDAN

The Government intimates that the Convention was submitted to the authorities for ratification but that ratification has not yet been effected.

KHMER REPUBLIC

First Labour Code, promulgated on 14 January 1972.

Under sections 276 to 286 of the Labour Code, effect is given to some of the provisions of the Convention, including those concerning organisations of workers and employers.

The guarantees provided for in Article 2 of the Convention are respected, subject to the restriction laid down in section 281 of the Labour Code, which states that workers can be members of an occupational organisation only if they belong to the occupation represented or if they have ceased to engage in it because of age or disability resulting from the work involved. In all other cases members cease to belong to a trade union organisation when they no longer have an occupation which justifies their membership.

The substantive conditions to be fulfilled on the establishment of workers' and employers' organisations will be determined by Prakas of the Minister of Labour, drafts of which are being prepared in accordance with section 286 of the Code.

The rights referred to in Article 3 of the Convention are provided for in section 282 of the Code and the only condition governing their exercise is that the law of the land must be respected. Details of how these rights will be safeguarded will be specified in subsequent Prakas of the Minister of Labour.

The provisions of Article 4 of the Convention are respected.

The right of workers' and employers' organisations to establish federations and confederations, in accordance with Articles 5 and 6 of the Convention, is not recognised by the law at present in force.

The acquisition of legal personality by organisations of workers and employers is automatic and subject to the ordinary law.

Article 8 of the Convention has been reproduced in full in section 282 of the Labour Code.

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The guarantees provided for by the Convention do not apply to members of the armed forces or the police.

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According to the Government this is the first time that trade unions have been recognised as institutions. At the moment there are no real unions and the workers have not yet acquired the necessary experience to form them. To promote the establishment of such organisations, the Government intends initially to give systematic encouragement to the presence of elected employees' delegates in undertakings; as they gradually become aware of the occupational problems in their sectors of activity, these delegates will acquire the necessary experience in industrial relations to enable them to engage in responsible trade union activities.

The Government states that it intends to take steps to give effect to the provisions of the Convention which are not yet covered by national law and to ratify the Convention.

LIBYAN ARAB REPUBLIC

Constitutional Declaration.

Labour Code (LS 1970-Libya 1).

Rules of the Socialist Union of the Libyan Arab Republic.

Workers engaged in the same occupation or trade or in occupations or trades that are similar, related or associated in a single branch of production may form a trade union, on condition that there is not more than one union for a given occupation or trade. The same right is enjoyed by employers.

The establishment of a trade union is subject to the preparation of rules, which must give various particulars, including the union's name and business address.

Various sections of the Labour Code lay down the conditions governing the right of organisations to elect their representatives, organise their administration and activities and formulate their programmes.

Trade unions may be dissolved in certain cases by decision of a court of law, if a request to that effect is made by the Minister of Labour.

No trade union may have relations with a foreign union, but a general federation may affiliate with regional or international organisations, subject to the approval of the Minister of Labour.

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Legal personality is compulsory and is acquired on the registration of the union's rules by the Ministry of Labour.

Special laws apply to the armed forces and police.

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In view of the country's present difficulties, which are attributable to the recent revolution, it would seem difficult for the Libyan Arab Republic to ratify the Convention at the present time; measures are, however, being studied to give effect to the provisions of the Convention which are not yet covered by national laws or regulations.

MALAWI

Trade Unions Act (Cap.54:01).

Trade Disputes (Arbitration and Settlement) Act (Cap.54:02).

Trade unions in Malawi have not yet reached a stage of development to justify the removal of the supervision exercised by the registrar of trade unions, for example, the control of the activities of trade unions and their relationship with organisations outside Malawi (s. 34(2) of the Trade Unions Act), the inspection of accounts and documents by the registrar (s. 51 of the Act), and the prohibition against the acceptance by unions of cash gifts, loans, etc., from organisations outside Malawi without the approval of the registrar (s. 47(2) of the Act).

The Government adds that for these reasons it is still not possible to ratify this Convention.

MALAYSIA

Trade Unions Ordinance, 1959 (LS 1959-Mal. 1).

Industrial Relations Act, 1967 (LS 1967-Mal. 1).

The Convention is applied in principle in Malaysia in accordance with the Government's policy to encourage the development of the trade union movement. The right to organise, protection against interference by employers and against all forms of anti-union discrimination are guaranteed by the above legislation.

The Trade Unions (Exemption of Public Officers) Order, 1971 permits public officers to organise, provided membership is confined to public officers within a particular occupation, department or

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ministry. Section 27(3) of the Trade Unions Ordinance, 1959, permits employees of a statutory authority to form unions which confine their membership to employees of that particular authority, except that employees of local authorities may become members of a union catering for employees of all such local authorities. A trade union whose membership is confined to persons employed by a statutory authority may not affiliate with any federation whose membership is not so confined. There is no special restriction on the right to organise of agricultural workers.

1. Workers and employers have the right to organise, subject to the provisions of the Ordinance of 1959.

2. The sole condition for the establishment of an organisation is that membership must be confined to persons engaged in the same or similar trades, occupations or industries.

3. Organisations are free to draw up their constitutions and rules provided that the rules deal with all the matters specified in the First Schedule to the 1959 Ordinance. They can elect their representatives in full freedom provided that each representative fulfils the following conditions: (a) Malaysian citizenship, (b) engagement or employment for at least three years in any occupation, trade or industry with which his union is connected, (c) he is not an officer or employee of a political party, (d) he has not been an officer of any trade union the registration of which has been cancelled because of unlawful activities or unlawful expenditure of funds, and (e) that he has no conviction for criminal breach of trust, extortion, intimidation or for any serious offence. Certain conditions are imposed as to the management of affairs and finances of unions.

4. Under the 1959 Ordinance, the registrar of trade unions may dissolve an organisation of workers or employers if he is satisfied that (i) the certificate of registration was issued or obtained through fraud or mistake, (ii) that any of the rules or objects of the union is unlawful, (iii) that the constitution of the union or of its executive is unlawful, (iv) that the union has been, is, or is likely to be, used for an unlawful purpose or for any purpose contrary to its objects or rules, (v) that the union has contravened the Ordinance or regulations thereunder, or its rules, or allowed any rule to continue in force which is inconsistent with any provision of the Ordinance, or has rescinded any rule providing for any matter required under s. 38 thereof, (vi) that the funds of the union are, or have been, expended in an unlawful manner or on an unlawful object or on an object not authorised by the rules, or (vii) that the union has ceased to exist.

5. Two or more trade unions whose members are employed in a similar trade, occupation or industry may form a federation, and affiliation with international organisations of workers and employers is allowed with prior ministerial approval.

6. Legal personality is obtained on the registration of a union which is compulsory.

7. All general and emergency regulations apply equally to trade unions.

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8. Members of the armed forces or the police are not allowed to form or join trade unions.

Ratification of the Convention would permit the formation of general unions led, perhaps, by persons having nothing to do with the occupational activities of the union and pursuing political or subversive aims. In view of the situation in Malaysia, implementation of the Convention would unnecessarily jeopardise the political and economic stability of the country. The question of implementation of the Convention will be kept under review.

MOROCCO

Constitution of 10 March 1972.

Dahir of 16 July 1957 respecting industrial associations
(LS 1957-Mor. 3).

Decree of 5 February 1958 respecting the exercise by public officials of the right to organise.

Section 9 of the Constitution of 10 March 1972 guarantees that all citizens enjoy freedom of association and freedom to join any trade union or political organisation of their choice. "The law alone may restrict the exercise of these freedoms."

According to section 2 of the Dahir of 16 July 1957 industrial associations may be freely formed by persons engaged in the same occupation, in similar trades or allied occupations connected with the production of a particular article or in the same liberal profession.

According to section 1 of the Dahir, industrial associations have no other purpose than that of studying and defending the economic, industrial, commercial and agricultural interests of their members.

In accordance with section 3 of the Dahir, any persons wishing to form an industrial association must provide the competent local authority with: (a) the rules of the proposed association; (b) a complete list of the persons responsible in any capacity for the administration or management of the association. This list must give the names in full, parents' names, date and place of birth, nationality, occupation and domicile of the persons concerned. Such persons must be of Moroccan nationality and be in possession of their civil and political rights.

There is no provision for suspension or dissolution by administrative authority. In this respect, section 9 of the Dahir, referring to disposal of the property of a dissolved association, mentions only dissolution that is carried out "voluntarily, in pursuance of the rules or by order of a court of law".

Under section 19 of the Dahir, industrial associations are at liberty to combine for the study and defence of their common interests. The provisions of the Dahir (sections 1, 3, 4, 9 and 10) apply to

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unions and federations of associations and, in general, to all groups of associations irrespective of the titles they adopt. They enjoy all the rights conferred on individual associations by the Dahir.

The law confers legal personality on industrial associations, with freedom to exercise the corresponding rights (sections 10-17 of the Dahir).

Agricultural workers are covered by the same provisions as employees in other sectors of the economy.

As regards public servants, section 2 of the Dahir provides that: "Associations may be formed by public servants ... A decree shall specify the conditions in which [this paragraph] shall apply."

The Decree - dated 5 February 1958 - recognises, in section 1, the right to organise of public servants and officials employed by state administrations and establishments, subject to the conditions and the reservations stipulated in the Decree.

Section 2 of the Decree provides that membership or non-membership of an association of public servants may in no way affect the recruitment, promotion, assignment or general position of any public servant or official.

Section 3 of the Decree provides that, within two months of being constituted, all associations of public servants and officials must deposit their rules and a list of their administrators with the authority in whose service the members are employed. The same applies if the rules are amended or there is a change in the list of administrators.

Section 4 of the Decree specifies that members of the armed forces and the police are not covered by the provisions concerning the exercise by public servants of the right to organise.

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Ratification of the Convention would raise two problems in connection with the provisions laid down in sections 3 and 25 of the Dahir of 16 July 1957.

The statutory requirement concerning nationality laid down in section 3 of the Dahir does not seem to comply with the terms of Article 3 of the Convention, which provides that workers shall have the right to elect their representatives in full freedom and that the public authorities shall refrain from any interference which would restrict this right.

Furthermore section 25 of the Dahir is couched in the following terms: "This Dahir shall apply throughout Moroccan territory. The President of the Council shall decide the manner of its application, in particular to the industrial associations already in existence, and shall also determine the transitional exceptions to be made in connection with the formation of industrial associations."

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The Government questions whether these provisions are likely to limit the free exercise of the right to organise, firstly as regards its exercise by associations already in existence and secondly as regards the conditions laid down for the constitution of new associations.

Viewed in this light, the two problems do show sections 3 and 25 of the Dahir to be incompatible with the provisions of the Convention. A somewhat different picture emerges, however, from a study of the true scope of these sections and the actual limits to their application.

The Government states that since 1957 the nationality rule has in no way impeded the free exercise of the right to organise and that at no time have the administrative authorities or the courts been called upon to deal with problems that might have been raised by the unions or by foreign workers. The nationality rule set out in section 3 of the Dahir has, in practice, been seen to have virtually no effect. This, states the Government, has moreover prompted the members of the administrative committee set up to prepare a first draft of the Labour Code to omit the provision in question.

The only practical application ever given to section 25 of the Dahir is stated by the Government to be of purely historical interest at this stage, and it is consequently fair to question, in the Government's words, whether, as national law and practice now stand, the possibility of section 25 being applied is not purely theoretical. The Government points out, moreover, that the administrative committee set up to prepare a first draft of the Labour Code has not seen fit to retain the provisions of section 25.

In conclusion, the Government states, if the final text of the future Labour Code remains in line with that of the first draft in this respect, the obstacles that have delayed ratification of the Convention will be removed once the Code is promulgated.

SINGAPORE

The Employment Act (Cap. 122, 1970 Ed.).

The Industrial Relations Act (Cap. 124, 1970 Ed.).

The Trade Unions Act (Cap. 129, 1970 Ed.).

The right of a worker to join a trade union is enshrined in section 17 of the Employment Act and in sections 78 and 79 of the Industrial Relations Act.

Section 29(2) of the Trade Unions Act prohibits a government officer or servant from joining, becoming or being accepted as a member of any trade union, provided that the president may,

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by notification in the Gazette, exempt from the provisions of this subsection either wholly or subject to specified conditions, any government officers or servants or any classes, categories or descriptions of government officers or servants. Government officers in various occupations have established and joined trade unions which cater solely for certain government officers or for both officers in the Government and the statutory boards.

There is no restriction on workers and employers in the private sector to establish and join organisations of their own choice without previous authorisation.

To function as a trade union, an employer or worker's organisation must have at least seven members and be registered within one month of its establishment. However, this period may be extended for up to six months. In every application for registration, the signatures of at least seven members must be endorsed on the prescribed form and it should be accompanied by the objects, rules and constitution of the organisation.

Workers' and employers' organisations are free to draw up their own constitution and rules, to elect their representatives, to organise their administration and activities and to formulate their own programmes, subject to the conditions prescribed in the Trade Unions Act.

Where an employer or worker's organisation which is deemed to be a trade union under the Trade Unions Act and does not apply for registration in due time, or if the registration is refused, withdrawn (at the request of the trade union upon its dissolution) or cancelled, the trade union concerned shall cease to participate in any trade union activities and shall be dissolved. Upon its dissolution, the property of the trade union shall be vested in the Official Assignee in Bankruptcy and the latter shall wind up the affairs of the trade union. Before a certificate of registration, notice in writing specifying the ground on which it is proposed to withdraw or to cancel its certificate of registration shall be given by the registrar of trade unions in order to enable the trade union concerned to show cause in writing against the proposal to withdraw or cancel its registration. Legal or administrative authority to suspend an employer or worker's organisation does not exist.

Any two or more registered trade unions may amalgamate to form one trade union with or without dissolution of such trade unions or either or any of them. Such federations and confederations are allowed to join international workers' and employers' organisations and the provisions governing the constituent trade unions are also applicable to these federations and confederations.

The provisions of this Convention are not applicable to members of the armed forces and the police as the nature of their duties prohibit them to join or be members of trade unions. However, they are permitted to join their own associations to promote their cultural, social and welfare activities.

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No modifications to the national legislation are envisaged with a view to giving effect to the provisions of the Convention since it is necessary in the present context of our national situation to regulate the activities of trade unions.

SPAIN

At the end of the Civil War in 1939, Spain was faced with the problem of finding a new form of trade unionism that would preclude, even among the workers themselves, the fratricidal conflicts which had led to the war and which had been so greatly exacerbated by the cleavage that had always existed within the Spanish trade union movement.

In this context it would certainly have been most useful if Spain had been able to draw upon an ILO instrument clearly setting forth the principles that should, according to its Constitution, provide a model - or in any event some guidance - for the trade union movements of the various countries.

In the absence of an invaluable pattern of this kind, Spain was obliged to invent its own form of trade unionism, whose main principles were laid down in the Labour Charter of 9 March 1938, which is one of the fundamental laws of the new Spanish State.

When Spain resumed its membership of the ILO in 1956, it found itself confronted with two facts of such importance that they should not in any circumstances be glossed over.

Firstly, it had behind it eighteen years of intense trade union activity, which had produced a rich harvest of experience and been constantly improved.

Secondly, it recognised, realistically enough, that the Freedom of Association and Protection of the Right to Organise Convention, 1948, seemed, in the light of the experience acquired in the eight years that had elapsed since its adoption, to require some reconsideration.

This being so, it was obvious that it would have been neither desirable nor prudent for Spain to abandon its entire trade union system, simply to replace it by another system tailored in every way to fit the pattern set by a Convention in whose preparation and adoption the country had never been associated, which it had not ratified and whose partial reflection of standards and concepts of a previous age already pointed to the need for the inclusion of other provisions more in harmony with trade union policies and trends in the various countries.

Spain accordingly followed the only possible course open to it, namely to continue to make constant improvements to its own trade union movement, with the idea of adapting it to the new requirements

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of an unprecedented process of economic and social development, of heeding the signs of the times and of incorporating the most relevant principles adopted by the world at large in its own system.

Over the years, the Spanish trade union system has moved forward by a process of internal adjustment and increasing self-awareness which is difficult to summarise but which is reflected in an increasingly open-minded attitude towards the future.

This course has even led to a substantial modification of certain constitutional provisions. The Organic Law of the State of 10 January 1970, for example, makes extensive changes to Chapters XI.5 and XIII of the Labour Charter, and even abolishes the original title of "National Trade Union Organisation of the State"; it replaces outdated concepts by new ones; it sets aside the hitherto basic principles of totality, graduated authority and vertical organisation; it abolishes the requirement that anyone wishing to hold trade union office should be a militant member of the Spanish Traditionalist Phalanx (FET) and the National Trade Union Action Groups (JONS); and it ceases to regard a union as "an instrument in the service of the State" and "the principal medium through which the State will put its economic policy into effect".

In its new wording, Chapter XIII of the Labour Charter states, *inter alia*, that "in so far as they are engaged in employment and production, Spaniards shall belong to the Trade Union Organisation"; it regards trade unions as representative public corporations having legal personality and full capacity to act in their particular spheres of competence; it lays down that associations of entrepreneurs, technicians and workers are to be organised within each union, and in such form as may be prescribed by law, for the defence of their respective interests and as a free and representative means of participating in trade union activities and, through the trade unions, in the common tasks of political, economic and social life; it emphasises that the trade unions channel and represent occupational and economic interests, for the better pursuit of the objectives of the national community and lays down that they are to co-operate in studying production problems and may suggest solutions and be associated in the regulation, supervision and enforcement of working conditions.

The culmination of this process was the appearance of the new Trade Union Act, dated 17 February 1971, which affords a real basis for the preparation of all the regulations giving effect to its new concepts, the most important of which are the basic principles of unity, universality, representativity, autonomy, association, participation and freedom of action, around which the organic and functional structure of the entire Spanish trade union movement is now conceived.

Given the evolutionary nature of this process, there would be no point in examining the country's trade union legislation in search of any confirmation of a pluralistic trade union structure, whose sole basis seems to be what might be described as a radical-individualistic view of freedom which, if applied, might lead to a wanton and futile splintering of trade unionism. Any such right of association in the occupational sphere would, if directly linked to civil liberties, also imply a right to be relieved of the obligation of belonging to a union, whereas, on the contrary, it is a fact of

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life that membership is frequently compulsory both de facto and de jure, because all trade union movements claim to represent the genuine interests and aspirations of the workers as a whole. It has therefore been rightly claimed that the day is not far off when we shall not be able to evade our obligations of occupational solidarity, just as we cannot nowadays evade our obligations of national solidarity.

We cannot, in fact, conceive of individual rights being entirely divorced from their social context, because they can be exercised only in and through society.

The Spanish trade union system is based on the conviction that, far from being an obstacle to freedom, unity is on the contrary the most potent instrument for freedom.

This idea, which is not by any means peculiar to Spanish trade unionism and even has many supporters in the ILO itself, has also been cited in the report of the Study Group to Examine the Labour and Trade Union Situation in Spain. Paragraph 1254 of the report is entirely clear in stating that "Unity and freedom are not inherently incompatible with each other and may in certain circumstances be not only complementary but indispensable to each other. Unity without freedom is apt to be dissolved by the challenge to unity of the claim to freedom; freedom without unity may lack the strength required to protect and preserve its freedom; unity in freedom and freedom in unity may be difficult of attainment but the only effective means of securing either unity or freedom. The synthesis of unity and freedom is indeed a long-standing ideal of the trade union movement."

Admittedly, the same paragraph 1254 goes on to say that "This synthesis cannot be achieved by legislation or governmental action but only by a process of natural growth in which the recognition of common interests is combined with respect for divergent views. Hence unity brought about by the freely expressed wish of all concerned - a unity ensuring that every member can exercise his rights to the full - should represent a most desirable objective."

Even so, it may be pointed out in connection with this view that while such a synthesis may, by its very nature, be achieved by widely different ways, it would be totally illogical in every respect, after the synthesis had been achieved both legally and institutionally, to abandon the goal that had been reached simply to pursue it once again by other methods.

It should also be pointed out that the purpose of the law is to make provision for the community's essential social relationships and that it is the bounden duty of every government to encourage any action that is likely to contribute to the stability and improvement of those relationships, which manifestly include those maintained by the trade unions. Accordingly, one of the tenets that has to be discarded is that a synthesis cannot be achieved by legislation or governmental action, since in any event this "long-standing ideal of the trade union movement" can never find any better guarantees or backing than in the law that makes provision for it and in the governmental action constantly taken to maintain it.

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Several provisions of the current Trade Union Act of 17 February 1971 allow workers and employers to establish such organisations as they deem fit.

After proclaiming in section 1(1) that "the Trade Union Organisation shall be composed of all Spaniards who play a role in work and production", the Act states in section 4 that -

"The basic principles underlying the Spanish Trade Union Organisation and which apply to it and to the entities that compose it, according to the nature of the latter, are -

the principle of unity, by reason of the institutional nature of the trade union as a natural entity in social life and a basic structure of the national community, integrating the factors of production;

the principle of universality, as regards the incorporation of all Spaniards who participate in the process of production, without discrimination on the grounds of sex, race, religion, ideology or any other grounds, with the full rights and duties inherent in the status of union member;

the principle of representativity, through elected bodies in which the will of the union members and the delegated powers they confer guarantee self-government in an organic trade unionist democracy;

the principle of the institutional and functional autonomy, including the power to make internal rules, of the Trade Union Organisation, the trade unions and other trade unionist entities, in their respective spheres, levels and degrees of competency, within the framework established by this Act;

the principle of association, within each trade union, of entrepreneurs, technicians and workers for the defence of their particular interests;

the principle of participation in the common tasks undertaken by society and the State, in order to ensure that trade unions are present in the institutions and organs of political, economic and social life, from the level of the undertaking to the highest levels of decision-making.

the principle of freedom of action on the part of entrepreneurs, technicians and workers in trade union tasks and those of a general nature that can be more easily undertaken through the Trade Union Organisation."

It is clear from the above that the possibility of association is considered so important, not to say vital, that it is made a basic principle of the Spanish Trade Union Organisation. In accordance with this principle, workers, technicians and entrepreneurs can associate together within each union "for the defence of their particular interests".

Like the other "basic principles", the principle of association confers certain rights on workers, technicians and entrepreneurs, which are listed in section 8 of the Trade Union Act.

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Specific reference to the right of workers, technicians and entrepreneurs to initiate and establish associations is made in Chapter II of the Act, section 13 of which states that entrepreneurs, technicians and workers may constitute, within their respective trade unions, trade unionist associations for the defence of their particular interests, as determined by the economic activity or occupational specialisation of the persons belonging to them, in accordance with a scheme to be established by each trade union, while section 14(1)(a) of the Act states that, within each trade union, there may be as many associations as there are specific activities with particular interests.

Each trade unionist association is recognised as being equal to, and independent of, all other such associations, in matters relating to its constitution, operation and administration; once established, it is, logically enough, linked to the corresponding union of technicians and workers (or entrepreneurs) forming part of each trade union.

For an association of workers and employers to be established the only basic requirement is that an express declaration of intent should be made by the promoters.

As regards the procedural requirements, any such declaration of intent must obviously be made in writing, although this rule, like certain others, has not as yet been laid down by regulations.

Trade unions may specify in their by-laws what percentage of the membership is considered necessary to form a basis for the establishment of associations of this kind, which have to be open to all trade union members covered by their occupational and territorial scope, all members having equal rights and obligations.

As a corollary to the basic principle of trade union unity, to which reference has been made above and which precludes the possibility of having several organisations to defend identical interests, the Act provides that once an association has been registered, no other such association may be registered for the same economic activity or occupational specialisation or within the same territorial limits.

One procedural condition that has to be complied with is to have the association entered in the register of trade union entities. This is not a ministerial register kept and managed by the State. In accordance with the basic principle of autonomy, it is a purely trade union register; it is consequently the Trade Union Organisation itself that enters trade union bodies in its own register and, when doing so, is free to exercise the powers implicit in any registration procedure.

The legal status provided for in the Act (Part V, sections 43-60) ensures that trade union members have access to a comprehensive system of appeal, of which the last stage is the trade unionist disputes procedure before the Sixth Chamber of the Supreme Court of the Nation, thereby guaranteeing members the full exercise of their right to initiate and establish organisations of workers and entrepreneurs in the form specified in the Act and protecting them from any decisions taken by the registrar of trade union entities that they feel to be unlawful or prejudicial to their legitimate interests.

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Once a trade unionist association has been registered, it has legal personality and the necessary capacity to act in fulfilment of its aims; it is also regarded as a quasi-public body to which the General Associations Act does not apply (section 15(1) of the Trade Union Act).

The right of workers' and employers' organisations "to draw up their constitutions and rules, to elect their representatives in full freedom, to organise their administration and activities and to formulate their programmes" is directly derived from the "basic principles underlying the Spanish Trade Union Organisation" and, more particularly, the principles of representativity, institutional and functional autonomy, association and freedom of action.

In addition to sections 13, 14 and 15 of the Trade Union Act, to which reference has been made above, mention should be made of section 16 of the Act, which reads -

"(1) The organs of management of an association shall be the general meeting, the managing committee and its chairman.

(2) The members of the managing committee shall be elected freely by the general meeting and shall in turn elect from among themselves the chairman of the association."

It can be seen from the above that trade unionist associations approve their own constitution and rules, organise the administration of their own resources in accordance with them, decide on their own activities, formulate their own programmes and freely elect their own organs of management.

The same is true of the other occupational organisations, groups, unions, councils and other trade union bodies. As occupational organisations they are run at all levels by freely elected representatives and have a legally recognised right to freedom of assembly, expression and action.

Decree No. 964 of 30 April 1971 makes provision for the exercise by trade union members of their right of assembly and will be followed by other texts of the same kind affording a legal basis for the exercise of the other rights.

The unions of workers and technicians and the unions of entrepreneurs which are set up within each trade union by all the workers and technicians, on the one hand, and by all the entrepreneurs, on the other, engaged in the activities covered by the trade union in the area concerned (section 17(1) and (2) of the Trade Union Act) freely elect, through the general board, the other organs of management, namely the chairman, the permanent committee and the executive committee (section 18 of the Act).

As the highest authorities responsible for the representation, management and defence of the common interests of their members, the unions enjoy the necessary independence and autonomy to achieve their purposes (section 17(3) of the Trade Union Act) and, naturally enough, have legal personality and full capacity to act (section 19 of the Act), without which they could not achieve such purposes or carry out their many duties, among the most important of which are not only to participate in actual trade union activities but also to share in the

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common tasks of political and economic and social life, initiate and negotiate collective agreements, report on any collective labour disputes that may arise in the various occupations and areas, establish their own services in the common interests of their members and administer their own funds, irrespective of their nature or the source from which they are derived (section 19 of the Trade Union Act).

Similarly, the groups of which unions are composed and which act as the specific bodies for the representation, management and defence of the common interests of their members, also have legal personality and capacity to act, freely elect their managing committees, which elect their respective chairmen from among their members, administer their own funds, organise their own activities and formulate their own programmes.

The same is true of the provincial and national councils set up both by workers and technicians and by entrepreneurs as inter-union bodies for the co-ordination, representation, management and defence of occupational, general and common interests. They freely elect their respective chairmen and vice-chairmen from among their members, have a plenary assembly and standing committee (section 23 of the Act), carry out their duties independently and organise and plan their activities within their respective spheres.

The new Trade Union Act does not allow any organisation to be suspended or dissolved by administrative authority. Spanish entrepreneurs' and workers' organisations enjoy the principle of trade union autonomy, to which reference has been made above, with all that that entails. The power of suspension or dissolution is not vested in the State but in the Trade Union Organisation itself. This Organisation is not based on heteronomy but on juridical autonomy, and cases of suspension or dissolution, which can only be decided within the Trade Union Organisation itself and on the Organisation's orders, are not dealt with through administrative channels or by administrative standards but through the channels of the trade unions and in accordance with the relevant trade union legislation.

Under section 45(1) of the Trade Union Act, only the Minister for Trade Union Affairs, or the provincial delegates in matters within their competence, may suspend a trade union, association or any other trade unionist entity. It should be remembered in this connection that, in accordance with the duties that the Trade Union Organisation is required to perform, namely to serve as a channel for the representation, participation and presence of workers and entrepreneurs in Parliament, state consultative bodies and government authorities and corporations (section 33, clause 1 of the Act), the Minister for Trade Union Affairs does not represent the Government vis-à-vis the trade unions, but rather the trade unions vis-à-vis the Government. He is responsible for conveying the Organisations' opinions to the Government and informing the Council of Ministers of "any decisions and initiatives taken by the Trade Union Congress and the Trade Union Executive Committee" and he accordingly also acts as "the channel of communication between the Government and the Trade Union Organisation and its constituent trade unions" (section 34(1) and (2)(a) of the Act). His status is trade unionist, as are his powers, which are not laid down in general legislation but in the Trade Union Act itself.

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The power to suspend an organisation is limited in the first place by the need to consult the appropriate representative authorities: the Minister is required to confer with the Trade Union Executive Committee and the provincial delegates with the Trade Union Council. A further limitation is imposed by the grounds on which a suspension may be ordered. Obviously, neither the Minister for Trade Union Affairs nor the provincial delegates, even after conferring with the appropriate representative authorities, may order an organisation to be suspended at their own discretion. There must be one of the grounds specified in section 45(1) of the Trade Union Act. A trade union entity may only be suspended if it has committed an unlawful act (against the fundamental or constitutional laws of the Realm, the ordinary laws or its own by-laws), has prevented or restricted the free exercise of individual, family, political, social or economic rights, as defined by law, or has parted company with the national community by preventing the fulfilment of its aims. In the third place, the power of suspension is limited in time, which is also logical enough, because a final or indefinite suspension would be tantamount to dissolution. It is accordingly provided that the decision to suspend an organisation is valid for a maximum of three months, during which time measures must be taken to eliminate the reasons for it.

In any event an appeal against the decision may be lodged with the competent authority, for which purpose the legal status of the trade unions once again operates as a final and ultimate guarantee for all trade union members. If the decision was taken by the Minister for Trade Union Affairs, the appropriate procedure is to lodge an appeal through the trade unionist disputes system with the Sixth Chamber of the Supreme Court, as provided in section 11(1) (a) of Decree No. 2077 of 13 August 1971 (which makes temporary provision for appeals of this type), after a direct appeal for a reconsideration of the case has failed (cf. section 55(1) of the Trade Union Act). If the decision to suspend an organisation was taken by a provincial delegate, application for the appropriate remedy must first be submitted to the Minister.

The decision to dissolve an organisation may be taken in accordance with the same procedure as a decision to suspend it, although in this case the action is more serious and is consequently subject to more serious restrictions. Dissolution may therefore be ordered only if the trade union body in question no longer meets the requirements laid down by the Trade Union Act for its constitution. The obvious limitation implicit in this fact that only one ground for dissolution can be entertained is coupled with another of even greater importance, namely that the decision "shall not take effect until it is endorsed by the competent court of law, which must be informed of every such decision" (section 45(2) of the Trade Union Act).

This shows that trade union members enjoy a maximum of guarantees against the possibility of their organisations being arbitrarily dissolved. Not only does the State play no part whatsoever in the proceedings, which are entirely conducted within

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the Trade Union Organisation itself; the final decision on whether the dissolution is to take effect lies with the courts, which is as it should be in a country founded on the rule of law.

The right of workers' and employers' organisations to establish federations is implicit in section 31(1) and the second additional provision of the Trade Union Act. In fact, both the unions of workers and technicians and the unions of entrepreneurs have all the characteristics of genuine federations, although they are not referred to as such. Both types of union cover their respective occupational associations and groups, which, in the last analysis, are linked to one another by bonds of a federative nature.

Section 17 of the Trade Union Act, in fact, reads as follows:

"A union of workers and technicians is an occupational organisation formed, within each trade union, by all the workers and technicians employed in the activities covered by the union in the areas concerned.

A union of entrepreneurs is an occupational organisation formed, within each trade union, by all the entrepreneurs carrying on activities covered by the union in the areas concerned.

Unions of technicians and workers and unions of entrepreneurs are the highest authorities responsible for the representation, management and defence of the respective common interests of their members within each trade union; they shall have the characteristics prescribed in section 3 of this Act for occupational organisations, and the independence and autonomy they need to fulfil their purposes shall be recognised within their spheres of competence."

Both types of union, therefore, are trade union federations - the one of entrepreneurs and the other of workers and technicians - in the economic sector covered by the trade union concerned.

If the unions are in effect federations of all the associations and groups enjoying legal personality in a given branch of economic activity, the affiliation of all these unions to the corresponding entrepreneurs' council or workers' and technicians' council surely constitutes a form of confederation. The National Workers' and Technicians' Council and the National Entrepreneurs' Council are thus two major confederations of workers and employers, respectively, resembling two enormous central organisations.

As "occupational organisations" (section 3(1) of the Trade Union Act), these federations and confederations enjoy the same guarantees as the "basic organisations" as regards their constitution, operation and dissolution.

The acquisition of legal personality by workers' and employers' organisations is not optional, nor is it subject to conditions of any kind; it is a necessary consequence of their lawful constitution. Once they have been lawfully constituted, they have legal personality and the necessary capacity to act for the achievement of their purposes, as has been explained above.

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No measures of a general nature apply to workers' and entrepreneurs' organisations to the detriment of the guarantees afforded by the specific legislation governing trade unions. Once lawfully constituted, trade unionist associations are also excluded from the scope of the General Associations Act of 24 December 1964, as is expressly provided by section 15(1) of the Trade Union Act, already quoted, which in this respect merely repeats what is laid down in section 2 of the General Associations Act, namely that the Act does not apply, *inter alia*, to associations "subject to trade union legislation".

Another section of the Trade Union Act, section 44, which gives effect to the basic principles set forth in section 4, quoted above, guarantees the full freedom, independence and autonomy of workers' and entrepreneurs' organisations and protects them from any interference by outside persons or bodies or any action taken by the public authorities to the detriment of their rights and powers. This section reads as follows:

"(1) Any interference with the operation of trade unions and other trade unionist entities by outside persons or bodies shall be deemed to be illegal and shall be punished by law.

(2) The public authorities shall refrain from any action which might restrict trade union rights and powers, as defined in this Act, or obstruct their lawful exercise."

Respect for the law of the land is, of course, another matter and is an essential conditions for any country based on the rule of law. The principle is set forth in Article 8(1) of the Convention and is stated in section 43(1) of the Trade Union Act, which stipulates that "all acts and decisions of trade union bodies shall be subject to the ordinary law".

None of the provisions mentioned above are applicable to the armed forces or the police.

There can be no doubt that the policies and principles contained in the Convention and the comments made by the ILO study group in its report after its visit to Spain from 7 to 30 March 1969 have had a positive and considerable influence on the successive amendments to the law that have led to the present state of legislation.

For the purposes of this Convention, the principle of unity that forms the basis of the Spanish trade union movement is not in any way designed to be restrictive; its application and effects are exclusively confined to organisational matters. In virtue of this principle the many trade union bodies, whether covering workers and technicians or entrepreneurs, that can be freely constituted at the various levels and that are open to all members under the Trade Union Act of 17 February 1971 have to be the only ones in operation in any given branch of economic activity. In this way, the defence of the specific interests of a particular group is the responsibility of only one organisations of workers and technicians or entrepreneurs; this excludes the possibility of separate or conflicting bodies, of varying numbers and at various levels, carrying out a single task.

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The Government consequently maintains that the only difficulty at present preventing its ratification of the Convention is the inadequacy of this text, which seems to be conceived solely to reflect the principle of trade union pluralism. This is no doubt due to the fact that it was prepared at a time when it was felt that pluralism and freedom were inseparable. Nowadays, however, as is pointed out in paragraph 1254 of the report of the study group quoted above, it is felt that unity and freedom are not merely "not inherently incompatible with each other" but in certain circumstances are "not only complementary but indispensable to each other", since the "synthesis of unity and freedom" is an "ideal of the trade union movement"; the idea of trade union pluralism underlying the Convention should not therefore constitute an obstacle of any kind to ratification, on condition that the text is given a broad and progressive interpretation and it is understood that trade union pluralism is not necessarily its basic assumption.

All the provisions of the Convention that are likely to apply to the Spanish trade union movement have already been covered by national legislation.

There is therefore no apparent need to adopt other measures for the purpose, except those that may be taken as part of the regulations now being made under the Trade Union Act of 17 February 1971.

SRI LANKA

Trade Unions Ordinance (cap. 138 of the Legislative Enactments of Ceylon) (1956 Revision), as amended by Acts Nos. 18 of 1958 and 24 of 1970.

Trade Unions (Amendment) Act, No. 15 of 1948.

The above legislation gives effect to most of the provisions of the Convention. The Amendment Acts of 1948 and 1970, however, impose certain restrictions on trade unions of government employees.

Employers and workers other than police officers, members of the armed forces, prison officers, judicial officers and members of the agricultural corps are, subject to the legislation, entitled to establish and join organisations of their choice, without previous authorisation.

Every trade union must apply to the registrar of trade unions within a period of three months for registration (section 8 of the Trades Unions Ordinance). Such application must be signed by at least seven members of the union and a copy of the rules must be sent to the registrar.

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Subject to the Trade Unions Ordinance, organisations have the right to draw up their constitutions and rules, to elect their representatives in full freedom, to organise their administration and activities and to formulate programmes. The public authorities refrain from interfering with this right or its lawful exercise. Section 32 of the Ordinance provides that not less than one half of the total number of officers of every registered trade union shall be persons actually engaged or employed in any industry or occupation with which the trade union is connected. Trade unions of government employees must meet the requirements of Acts Nos. 15 of 1948 and 24 of 1970.

Under section 15 of the Trade Unions Ordinance the certificate of registration of a trade union may be withdrawn or cancelled by the registrar at the request of the union or if he is satisfied that the certificate of registration was obtained by fraud or mistake, that any one of the objects or rules of the trade union is unlawful, that the constitution of the trade union or of its executive is unlawful, that the trade union has wilfully contravened any provisions of the Ordinance, that the funds of the trade union are expended in an unlawful manner or that the trade union has ceased to exist. There is provision under section 16 of the Ordinance for an appeal to the district court against cancellation of registration or against the refusal of the registrar to register a trade union. There is provision under section 18 D(1) of Act No. 15 of 1948 to cancel, in certain circumstances, the registration of a trade union of public servants.

Workers' and employers' organisations have the right to establish and join federations and confederations. There are federations of workers and employers, some of which are affiliated to international organisations. Act No. 24 of 1970 prohibits affiliation, amalgamation or federation of trade unions of peace officers or government staff officers among themselves or with other unions. Federations and confederations have the same guarantees as their constituent organisations.

Meetings of organisations may be held without previous authorisation from the Government and without the presence of representatives of the Government. Under the Trade Union Representatives (Entry into Estates) Act No. 25 of 1970, an authorised representative of a trade union may enter an estate at all reasonable times to visit members of such union who are resident on such estate and to hold or address meetings of union members.

The Government states that no modification has yet been made in national legislation or practice with a view to giving full effect to the provisions of the Convention and ratification is, therefore, not possible.

SWITZERLAND

Federal Constitution of 29 May 1874.

Civil Code of 10 December 1907.

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The Government refers to the information supplied in its previous reports (1952 and 1956) and gives additional information, which is summarised below.

The guarantees provided by Article 2 of the Convention are respected in so far as the associations in question do not contravene section 56 of the Federal Constitution.

The substantive and formal conditions governing the establishment of an organisation are determined by sections 60 ff. of the Civil Code. For an organisation to come into being and acquire legal personality, it has only to draw up written rules, expressing its desire to be organised as a body corporate and including the requisite provisions as to its aims, funds and organisation.

The guarantees laid down in Article 3 of the Convention are covered by sections 60, 64, 65, 67 and 69 of the Civil Code.

The Government states that Article 4 of the Convention presents difficulties for Switzerland. To clarify the situation, an inquiry has been carried out at the level of the cantons, which in principle are competent to punish any infringements of the right of association. In view of the provisional outcome of this inquiry - to which not all cantons replied - a further study will have to be made and various consultations held to see whether Switzerland can accept the provisions of Article 4 of the Convention. The Government states that the result of this study will be communicated to the ILO.

Bodies corporate can acquire all the rights and assume all the obligations that are not inseparable from the natural attributes of man, such as sex, age, or blood or marital relationships (section 53 of the Civil Code). As soon as they have set up the bodies required by law and by their own rules, they enjoy the exercise of civil rights (section 54 of the Civil Code). Consequently, associations that have been established in accordance with sections 60 ff. of the Civil Code can themselves combine to form federations or confederations, which in turn constitute associations unrestrictedly enjoying the same constitutional and statutory guarantees as primary organisations.

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In the Government's opinion, the ban on strikes by civil servants and persons employed in public services is not an obstacle to ratification. On the other hand, the provisions of Article 4 of the Convention raise the problems mentioned above and the Government cannot commit itself as to the possibilities of ratification until the study referred to earlier has been completed.

TURKEY

Constitution of the Turkish Republic dated 20 July 1961 and numbered 334.

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Act No. 1488 dated 20 September 1971 to modify and supplement the Constitution.

Trade Unions Act No. 274 dated 15 July 1963 (LS 1963-Tur. 1).

Act No. 1317 dated 29 July 1970 to amend and supplement the Act of Trade Unions No. 274 (LS 1970-Tur. 1).

Collective Bargaining, Strikes and Lockout Act No. 275 dated 15 July 1963 (LS 1963-Tur. 2).

Law No. 5834 dated 8 August 1951 for the ratification of the International Labour Convention No. 98.

Law No. 624 dated 8 June 1965 concerning unions of public personnel.

Provisions of the Turkish Civil Code, No. 743, dated 4 April 1926 concerning associations.

Code of Associations No. 3512 dated 28 June 1938 and its amendments.

Act No. 6187 dated 24 July 1953 on the protection of freedom of conscience and meeting.

Act No. 6366 dated 10 March 1954 ratifying the Convention concerning the protection of human rights and basic freedom and the protocol attached.

Act No. 171 concerning the freedom of meeting and manifestation dated 10 February 1963.

Martial Law No. 1402 dated 13 May 1971.

Decisions of the Turkish Grand National Assembly concerning the prolongation every two months of Martial Law declared on 26 April 1971 in eleven provinces.

Articles 46 and 119 of the Constitution (as modified by the Act No. 1488), are not in full conformity with Articles 2 and 9 of the Convention.

Article 46 gives the right of association without prior authorisation only to workers and employers. The exercise of such a right by public employers is forbidden by Article 119 which prohibits civil servants, persons employed in an administrative or supervisory capacity in public economy enterprises and those employed in the central offices of public welfare institutions from joining trade unions.

Article 46 states that the conditions to be followed in the use of the right of association are to be determined by law, and the law may impose restrictions in order to safeguard the integrity of the State, its territory and people, national security, public order and public morality.

Act of Trade Unions No. 274 (as amended by Act No. 1317) relates to the organisation of workers and employers, including agricultural workers.

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Although public personnel are entitled to establish unions under the Law No. 624 concerning unions of public personnel, the latest amendments of the Constitution will necessitate the modification of the provisions of this Act. Temporary article 16 of the new Constitution states that the activities of unions of public personnel established by virtue of Law No. 624 shall cease from the date of entry into force of the amendments of the Constitution. The establishment of public personnel organisations and the transfer of the properties of the syndicates to these organisations shall be regulated by law. The syndicates of teachers and other public personnel will have to reorganise themselves as associations after the amendment of Law No. 624. For the time being the most necessary operations of these syndicates are being undertaken by trustees assigned by courts. The modified article 29 of the Constitution states that everybody has the right to establish associations without prior authorisation but the forms and procedures to be followed in the exercise of this right shall be regulated by law.

Certain independent workers may also organise to form legal occupational organisations that are corporate bodies having the characteristics of a public organisation. Special laws contain provisions regulating the establishment, operation and dissolution of such organisations or "chambers".

Act No. 1317 amending the Act of Unions No. 274 has broadened the definition of worker. Not only is written application necessary to be a member of an occupational organisation, it is also necessary (a) to sign the members' application form or the registration book and (b) approval of the authorised body of the occupation organisation. Only workers who have completed 16 years of age are entitled to be members of trade unions. Real persons and corporate bodies that are considered employers are entitled to be members of employers' trade unions.

Resignation from a union is only possible when the individual concerned resigns in the presence of a notary and affirms his signature. The date of resignation or dismissal of a member is registered on registration forms or books.

Act of Trade Unions No. 274 (as amended) lays down new principles for the establishment of high level employers' and workers' organisations. For example, previously trade unions could establish associations, whereas after the amendments, associations were dissolved and the trade unions were given the right of establishing federations and confederations. Further, workers constituting a trade union must have been working in the related industrial activity for at least three years. It is also provided that the workers' confederation representing the largest number of workers in Turkey and the trade unions that are affiliated to it may establish international occupational organisations and that the Turkish workers' and employers' organisations in Cyprus may be members of confederations established in Turkey.

Any trade union that is going to operate Turkey-wide has to represent at least one-third of the insured workers who are employed in the related branch of activity. A workers' federation can be established by at least two of the trade unions in the same branch of activity and must represent at least one-third of the insured workers working in that industry. A workers' confederation has to

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be constituted by at least one-third of the trade unions and federations with the above requirements and the membership of at least one-third of the unionised workers in Turkey.

An employers' federation can be formed by at least two employers' trade unions in the same industry and whose operations are nation-wide. An employers' confederation can be established by at least five of the existing federations or employers' trade unions whose activities cover the whole of Turkey.

Workers' trade unions are obliged to report the number of workers they represent to the Ministry of Labour which publishes yearly statistics revealing the number of unionised workers.

Act No. 1317 also brings about certain modifications in the quorum of union meetings, conditions of affiliation, merger and withdrawal. These are:

- (a) Delegates are elected by the general congress of the occupational organisation and the electoral procedure and number of delegates shall be stipulated in the regulations of the occupational organisations.
- (b) In the event of a merger of occupational organisations, if the corporate status of one of the organisations is maintained, all the rights, obligations, competency and interests of the other organisations shall be transferred to the organisation which is the product of such merger. In case the occupational organisations lose their corporate status and acquire, as the result of their merger, a new corporate status, all rights, obligations, competency and interests of the occupational organisations which are merged shall be transferred to the product of the merger.

Members of occupational organisations which are merged shall become members of the new organisation produced by the merger, without any additional formalities.

The occupational organisation acquires legal corporative status as soon as its regulations are deposited with the highest civil authority of the locality. Activities that may be carried on by the occupational organisation that has acquired corporate status are shown in modified article 14 of the Act No. 274. Act No. 1317 amends this article as follows:

- (a) The right of making general agreements (contracts) is no longer recognised to occupational organisations.
- (b) The right to make investments in industrial or economic undertakings, with the consent of the workers' or employers' confederation having the largest membership, on condition that such investments do not exceed 30 per cent of the available assets, is provided by modified article 14. However, only the following type of occupational organisations may appoint union representatives in the number fixed by law; workers' trade unions which are affiliated to a federation which is a party to a collective labour agreement in force in an establishment where the workers' trade union representing the contracting party to the collective agreement concerned; or, in the absence of a

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collective agreement, the competent trade union approved for the branch of activity concerned.

As regards members' contributions, the new Act provides that the amount of the contributions will be determined by the general congress of the central organisation. Branch meetings are not allowed to determine the amount of contributions. A trade union approved for the branch of activity in which it is constituted or, failing such approval, if the trade union can furnish evidence of the fact that it represents one-quarter of the workers employed in the workplace, it may demand the deduction of contributions from the wages of the workers. Employers are entitled to deduct: (i) membership contributions that the members have undertaken to pay to the trade union in accordance with the union regulations, and (ii) solidarity contributions to be paid to the trade union or federation of which the worker is a member under the Act No. 275. At the request of the higher organisation, the employer is bound to deduct and pay over to the confederation or federation, the higher organisation contributions which are to be paid by the trade union to the federation or confederation to which it is affiliated, according to the rules of the higher organisation. Any employer who does not pay over the trade union and higher organisation contributions to the related organisation shall be liable to penal sanctions.

Article 18 of the Trade Unions Act (as amended by Act No. 1317) provides that if the rules of the trade union, federation or confederation, which has gone into liquidation, do not contain precise stipulations, its assets shall be transferred to: (a) the confederation of which it is a member, in the case of a trade union whose activities are widespread throughout Turkey; (b) the federation of which it is a member (where applicable); (c) the confederation of which it is a member in case of a federation; in the absence of a confederation to the bodies which establish it; (d) a confederation if the body which has gone into liquidation is a confederation; or (e) the trade union or federation in the same branch of activity having the largest number of workers in its membership (where the body which has gone into liquidation is a trade union not attached to any other organisation), and failing this, to the confederation which has the largest number of members. Any such transfer shall be subject to the consent of the organisation concerned.

It shall be unlawful to transfer such assets to any other person or body having corporate status, or to share them out among the members of the organisation which has gone into liquidation.

The conditions for barring the activities of an occupational organisation or ordering it to cease its activities are provided by law. Such a decision can only be taken by the competent law court and not by the Government. Where delay is deemed prejudicial to the integrity of the State, its territory and people, national security, public order or public morality, associations may be prevented from operating by order of a competent authority clearly designated by law, until such time as a court judgment is made.

Workers' and employers' organisations may adhere freely to workers' and employers' international organisations whose activities are not contrary to the principles of the Turkish Constitution, and they are likewise free to withdraw from such organisations (art. 10 of Act No. 274).

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After the acquisition of corporate status, the founders of an occupational organisation publish in a local newspaper the regulations, together with the full name, profession, trade or occupation and place of residence of the persons responsible for its management until the first general congress is held. The occupational organisations are bound to hold their first general congress within the year following the date on which they acquire legal corporate status (art. 12 of Act No. 274).

All trade unions, local or regional associations of trade unions, federations and confederations of workers and employers shall be subject to the provisions of the Civil Code and the Code of Associations which are not contrary to the provisions of the Act No. 274.

In the event of war or other types of emergency, martial law may be declared and the obligations that may be imposed on citizens shall be regulated by law according to article 124 of the Constitution (as amended).

The Government states that the legislation contains provisions which are in conformity with the principles of the Convention. However, ratification of the Convention seems impossible for the time being but, as the social and cultural conditions develop, it is considered that it will be possible to remove gradually the restrictions in legislation.

UNITED STATES

The guarantees provided for in the Convention are secured by the First, Fourth and Fourteenth Amendments of the Constitution and, since 1935, by the National Labor Relations Act, the Labor-Management Relations Act 1947, as amended, and in other federal legislation.

In the public sector, the right of federal employees to organise has been governed by a series of Presidential Executive Orders since 1962, and Executive Order 11491, October 1969, as amended by Executive Order 11616, August 1971, is presently in force. This Order maintains the absolute right of federal employees to organise.

In a number of court decisions cited by the Government, the constitutional right of state and local government employees to join or form labour organisations has been specifically recognised.

Agricultural workers are accorded the right to organise although they are excluded from the National Labor Relations Act which lays down the guidelines for collective bargaining for the organised workforce. Owing to the emergence of the farm workers' union, however, efforts are being made to provide statutory guidelines for this category of workers, and a Bill has been introduced in the House of Representatives providing for the establishment of an Agricultural Labor Relations Board.

The administration of the internal affairs of worker and employer organisations may be regulated by federal and state governments.

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Workers' and employers' organisations have the right to draw up their constitutions and rules and elect their representatives in full freedom. Such organisations are usually unincorporated associations having no legal existence or rights unless such status is conferred by statute. Felons, aliens, government officials, etc. may be prohibited by law from becoming trade union representatives.

The Labour-Management Reporting and Disclosure Act, 1959, provides for equal rights for all members of a labour organisation to nominate candidates, vote, attend meetings and participate in the business of the organisation (Title I). This Act also requires a copy of the Constitution and an organisational report to be filed with the Secretary of Labor, as well as an annual financial report. Reports are also required concerning conflict of interest transactions by union officers and any arrangements designed to influence members regarding the exercise of their rights. The Act also limits the imposition of trusteeship by which the autonomy of subordinate labour organisations is suspended. Under the same Act, labour organisations are required to elect their officers from among their members by secret ballot. Minimal standards are also provided to ensure free and fair elections. Fiduciary responsibilities are imposed on senior officers, and those handling union funds require bonds. The Act confers broad investigatory authority on the Secretary of Labor, except with respect to the provisions of Title I.

The Constitutional Amendments protect organisations against arbitrary dissolution or suspension. In some states unincorporated associations are recognised as legal entities for certain purposes. If such organisations are incorporated as legal entities, their activities are subject to state legislation governing corporations.

The internal affairs of federations and confederations are protected against governmental intervention in the same manner as organisations.

The acquisition of legal personality by workers' or employers' organisations could not be made subject to conditions which would restrict their freedoms.

The nature of the protection afforded by the Constitutional Amendments precludes the law of the land from impairing, or being applied so as to impair, the guarantees laid down in the Convention.

The Government believes that, because of their nature, the armed forces should not have an unlimited right to form or join organisations of their own choosing.

Certain states and local governments permit members of various police forces to establish and join organisations; others do not.

The Government indicates that the situation regarding ratification of the Convention remains unchanged.

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VENEZUELA

National Constitution.

Labour Act of 1947.

Regulations implementing the Labour Act.

Regulations concerning Work in Agriculture and Cattle Breeding, 1945.

Public Service Careers Act of 1970.

Regulations concerning Trade Unions of Public Servants, 1971.

The right of association is recognised by article 72 of the Constitution, which is supplemented by Title VI of the Labour Act (particularly sections 165-168). The relevant standards for public servants are contained in section 23 of the Public Service Careers Act and section 2 of the Regulations concerning Trade Unions of Public Servants. In the case of agricultural employers and workers, sections 92, 95 and 96 of the Regulations concerning Work in Agriculture and Cattle Breeding apply.

The fundamental conditions and procedures with which workers' and employers' organisations have to comply in order to be constituted are laid down in sections 166, 167, 170-179 of the Labour Act. The provisions governing agricultural trade unions are contained in sections 93, 94, 97-106 of the relevant regulations. For public servants, reference should be made to sections 3, 4, 6, 7, 9-18 of the Regulations concerning Trade Unions of Public Servants.

The right of occupational organisations to draft their own rules and regulations, organise their administration and activities and formulate their programmes of action is dealt with in articles 174-176 of the Labour Act, sections 100-102 of the Regulations concerning Work in Agriculture and Cattle Breeding and sections 10 and 11 of the Regulations concerning Trade Unions of Public Servants. With respect more particularly to the election of trade union representatives, the relevant provisions are section 168 of the Labour Act, section 96 of the Regulations concerning Work in Agriculture and Cattle Breeding and section 11, paragraph 5, of the Regulations concerning Trade Unions of Public Servants.

Section 193 of the Labour Act provides for the dissolution of trade unions by administrative procedure. The same form of dissolution is provided for agricultural unions in section 118 of the relevant regulations. There is no express provision for the dissolution of trade unions of public servants by administrative procedure.

The provisions relating to federations and confederations are contained in sections 187 and 190 of the Labour Act and sections 113 and 116 of the Regulations concerning Work in Agriculture and Cattle Breeding.

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As far as the legal personality of trade union organisations is concerned, the relevant provision is section 180 of the Labour Act; in the case of agricultural workers and public servants, sections 106 and 18 of the respective regulations apply.

Employers' and workers' organisations are subject only to the Labour Act and the regulations issued thereunder; everything relating to their meetings must be determined by their own rules.

The armed forces and police are not covered by special legislation and consequently do not enjoy the right of free association.

Section 6 of the Labour Act, which denied the right of association to public servants, has been superseded by section 23 of the Public Service Careers Act dated 4 September 1970, as well as by the Regulations concerning Trade Unions of Public Servants approved on 28 April 1971.

The Government considers that the legislation in force coincides only partly with the provisions of the Convention, since the law allows the dissolution of trade unions by administrative procedure. Steps are being taken to pass legislation preventing the dissolution of trade unions by administrative procedure.

VIET-NAM

Constitution of the Republic of Viet-Nam dated 1 April 1967.

Labour Code (Chapter V, Divisions I, II and III, sections 70-93)
(LS 1956-VN 1C).

Ordinance No. 10 of 6 August 1950 to make rules for associations.

Ordinance No. 23 of 16 November 1952 to make rules for trade unions.

Order No. 811-Cab/SG of 27 December 1952 to lay down certain procedures for the application of Ordinance No. 23 of 16 November 1952.

Ordinance No. 37 of 8 November 1954 to amend certain provisions of Ordinance No. 23 of 16 November 1952.

Ordinance No. 9 of 14 July 1950 to lay down general civil service rules (section 6).

Legislative Decree No. 019-CT/LDQGQI/SL of 24 October 1964 superseding Ordinance No. 23 of 16 November 1952.¹

¹ Since the Order to be issued under this Legislative Decree has not yet been published, Ordinance No. 23 remains in force.

SUMMARY OF REPORTS ON UNRATIFIED CONVENTIONS

Under section 16 of the Constitution freedom of association and the right to strike are respected to the extent and subject to the rules laid down by law.

Viet-Nameese workers and employers, without any distinction whatsoever, have the right to establish and join organisations of their own choosing, subject to the one condition that they comply with the formality of depositing their rules with the competent authority in return for an official receipt. Legally, a trade union comes into existence when its rules have been deposited and the official receipt has been made out (Ordinance No. 23, section 7).

The substantive and formal conditions to be fulfilled by occupational organisations upon being constituted are laid down in Ordinance No. 23, as amended (sections 1-8).

Workers' and employers' organisations have the right to draw up their constitutions and rules, to elect their representatives in full freedom, to organise their administration and activities and to formulate their programmes. The rules must be of "a democratic and reasonable nature and include the necessary information" (Ordinance No. 23, section 7; Legislative Decree No. 019-CT/LDQGQL/SL, section 9).

In the event of an infringement of the law, an employers' or workers' organisation can be dissolved only upon judgment of the competent court. Any organisation failing to comply with section 13 of Legislative Decree No. 019-CT/LDQGQL/SL (submission to the competent body of statements concerning the financial situation, number of members, etc.) can be suspended by administrative authority.

Workers' and employers' organisations have the right to establish federations and confederations and to affiliate with international organisations of workers and employers.

Federations and confederations enjoy the same guarantees as primary organisations as regards their establishment, operation and dissolution.

The acquisition of legal personality by organisations of employers and workers is optional and subject only to the deposit of their rules.

The occupational organisations of public servants are governed by the same laws and regulations as non-denominational or occupational associations (Ordinance No. 9 of 14 July 1950, section 6).

Because of the particularly difficult circumstances resulting from the war, the right to organise of members of the armed forces and the police has not yet been determined by law.

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FREEDOM OF ASSOCIATION CONVENTIONS

The provisions at present applicable to trade unions correspond to nearly all provisions of the Convention, with the exception of: (a) the formality of depositing the rules in return for an official receipt from the competent authority; and (b) the suspension by administrative authority of organisations contravening section 13 of Legislative Decree No. 019-CT/LDQQI/SL.

Section 6 of Ordinance No. 9 of 14 July 1950 recognises the right of association of public servants. The Ministry of Labour has prepared a Bill (now before the Ministries of the Interior and Justice for their consideration) introducing a number of amendments to the trade union legislation now in force, with a view to implementing such provisions of the Convention as are not yet covered by national legislation.

ZAIRE

Constitution of the Republic of Zaire.

Legislative Ordinance No. 67/310 of 9 August 1967 to establish a Labour Code.

Section 17 of the Constitution stipulates that "workers may defend their rights by means of trade union action".

Section 224 of the Labour Code provides that workers and employers and all persons occupied in agriculture "shall be entitled to join together in associations having as their exclusive object the study, defence and development of their occupational interests and the social, economic and moral progress of their members".

According to section 225 of the Code, no prior authorisation is required to establish an occupational association, on condition that the procedures prescribed in the Code are followed. The substantive and formal conditions that must be fulfilled by workers' and employers' organisations upon being constituted are laid down in sections 231, 232, 233 and 234. These conditions and formalities are as follows: compulsory registration (section 231), the conditions for which, the Government states, are not such as to jeopardise the application of the provisions of the Convention; the deposit of the list of office-bearers and of the rules of the association (section 232); inclusion in the rules of certain specific information (section 233); and requirements concerning eligibility to hold administrative or managerial posts in a trade union (section 234).

Section 227 stipulates that every worker or employer, without any distinction whatsoever, may join or leave any association he chooses.

In accordance with section 226, employers' and workers' organisations have the right to draw up their constitutions and rules, to elect their representatives in full freedom, to organise their administration and activities and to formulate their programmes.

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As regards dissolution, section 245 sets out the circumstances in which a union can be wound up by its members, while section 247 specifies how the assets of a trade union that has been wound up should be disposed of. Section 246 stipulates that workers' and employers' organisations are not liable to be dissolved or suspended by administrative authority.

Section 243 states that trade unions may freely join together in federations. The right to affiliate with international organisations of workers and employers is implicit in the law.

The acquisition of legal personality by workers' and employers' organisations is subject to their being registered, a condition which is not an obstacle to the application of Articles 2, 3 and 4 of the Convention.

Special texts apply to members of the armed forces and the police.

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All the provisions of the Convention have long been fulfilled by national law and practice. There is no obstacle to prevent or delay ratification of the Convention.

ZAMBIA

Industrial Relations Act, No. 36, 1971.

Articles 1 and 2 of the Convention

The law grants the right to workers and employers to establish organisations, although sections 7(8b) and 34(8b) provide that no trade union or employers' association can be registered if it purports to represent a class or classes of employees/employers already represented by or eligible for membership of another trade union or employers' association. If not registered within six months of formation, a trade union or employers' association shall be dissolved.

Article 3

Organisations have the right to draw up their constitutions and rules, to elect their representatives in full freedom, to organise their administration and activities and to formulate their programmes without interference from the public authorities (sections 8 and 35 of the Act).

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Article 4

The procedure for dissolution of a trade union or employers' association is initiated by the organisation itself, although approval from the public authority is required before doing so (sections 14 and 41 of the Act).

Article 5

Sections 15 and 42 of the Act provide that every registered trade union and employers' association becomes automatically affiliated to the Zambia Congress of Trade Unions or the Zambia Federation of Employers, established by law as the sole central organisations. Such compulsory affiliation means that organisations have no right to associate freely nor to establish their own federations.

Article 6

Sections 58, 26, 27, 31, 35, 52 and 53 of the Act deal with this Article.

Article 7

Sections 5 and 32 of the Act make the acquisition of legal personality compulsory.

Article 11

No other measures have been taken concerning the right to organise. Section 116 of the Act provides for the right to strike or lockout, subject to restrictions which could conflict with the Convention.

There have been no court decisions concerning the application of the Convention, and no observations have been received from employers' or workers' organisations.

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THE RIGHT TO ORGANISE AND COLLECTIVE
BARGAINING CONVENTION (No. 98), 1949

AUSTRALIA

Commonwealth

Conciliation and Arbitration Act, 1904-1970.

States

New South Wales

Industrial Arbitration Act, 1940 as amended.

Victoria

Labour and Industry Act, 1958.

Queensland

Industrial Conciliation and Arbitration Acts,
1961 to 1964.

South Australia

Industrial Code, 1967-1971.

Western Australia

Industrial Arbitration Act, 1912-1971.

Tasmania

Wages Boards Act, 1920.

The industrial conciliation and arbitration legislation in force in most jurisdictions encourages the development of trade unions and contains provisions which ensure workers' protection against acts of anti-union discrimination. Section 5 of the (Commonwealth) Conciliation and Arbitration Act makes it an offence for an employer to dismiss an employee, or injure him in his employment, or alter his position to his prejudice by reason of the circumstances, inter alia, that the employee is an officer or member of a registered organisation or an organisation which has applied for registration. It is also an offence under the section if an employer threatens to dismiss an employee or to prejudice his employment position with the intention of dissuading or preventing him from becoming an officer

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or member of such an organisation. Judicial machinery exists for the enforcement of these provisions and statutory penalties exist.

Section 5 also provides that in any proceeding for an offence under the section, the onus of proof is on the employer to show that the reason for the dismissal or prejudicial act was other than the reason alleged.

Where an employer has been convicted of an offence under section 5, the court by which the employer is convicted may order the reimbursement of wages or the reinstatement of an employee.

Similar provisions concerning anti-union discrimination and onus of proof are contained in the legislation of New South Wales (section 95), Queensland (section 101), South Australia (section 91) and Western Australia (section 135).

Union security is also protected in some jurisdictions by permitting arbitration tribunals to make awards and to register agreements which give preference in employment to members of unions. Section 47 of the (Commonwealth) Conciliation and Arbitration Act empowers the Commonwealth Conciliation and Arbitration Commission to grant preference to members of registered organisations.

The New South Wales and Queensland tribunals also have this power (sections 20(1)(g) and 12(2) of the respective statutes) and in Western Australia it has been established by judicial decision that the wide powers of the Western Australian tribunal include the power to grant preference.

Besides the protection afforded by the above-mentioned legislation, workers in Australia are protected against acts of anti-union discrimination by the industrial strength of the organised trade union movement (over 50 per cent of the workforce belongs to trade unions) and by the general acceptance in the community of the legitimacy of the traditional role of trade unions. This consideration is particularly relevant to the protection of workers who are not covered by appropriate legislation of the sort outlined above as, for example, those workers in Victoria and Tasmania whose terms and conditions of employment are determined by wages boards. Neither state has adopted legislation along the lines of legislation in force in the Commonwealth jurisdiction and in the other four states regarding trade union security. On the other hand, many workers in Victoria and Tasmania are members of federal unions registered under the Conciliation and Arbitration Act and thus are protected by the provisions of that Act.

Protection against acts of interference by workers' and employers' organisations in each other's affairs is ensured partly by legislation, but mainly by the industrial strength of such organisations in Australia and by community acceptance of the roles they have traditionally played.

Workers' and employers' organisations which decide to register under the industrial conciliation and arbitration legislation of the Commonwealth and the states thereby enjoy a measure of protection against acts of interference.

Regulation 115 made under the Act prescribes, inter alia, that organisations seeking registration must be bona fide. An applicant

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organisation must be an organisation for furthering or protecting the interests of its members and must not be wholly or partially formed, organised, supported, maintained or conducted directly or indirectly for the purpose, or with the view, of opposing, injuring or prejudicing the interests of employers or employees, as the case may be, whose interests it purports to represent, further or protect.

This provision is particularly relevant to Article 2(2) of the Convention. For example, should the situation arise where a trade union under the control of employer interests applied for registration, the application would be refused and such a "company union" would be excluded from the protection afforded to unions by the Act. Although the union might still continue to exist and operate because of the freedom of association which prevails in Australia, it would not have access to the industrial tribunals and could not take advantage of the statutory guarantees which are extended to unions registered under the Act. Further, the publicity associated with the rejection of its application and the strength of existing bona fide unions and their acceptance by employers generally would ensure that employees were aware of its nature and the organisation, while it could continue to exist if it wished, would be likely to have no authority in practice.

Regulation 119 and section 143 may also be employed as safeguards against acts of interference. Regulation 119 prescribes that a registered organisation or person may lodge with the registrar a notice of objection to the registration of an organisation. The grounds of objection include the ground that the association does not comply with the prescribed conditions, for example, it is not bona fide. Section 143 provides that any registered organisation or person interested, or the registrar may apply to the Commonwealth Industrial Court for an order directing the cancellation of the registration of an organisation on the ground, inter alia, that the organisation had been registered erroneously or by mistake.

Machinery has been established under the industrial conciliation and arbitration legislation of the Commonwealth and the states for the purpose of ensuring protection against acts of anti-union discrimination and acts of interference.

Proceedings for an offence under section 5 of the Conciliation and Arbitration Act may be brought in the Commonwealth Industrial Court established under Part V of the Act or in a state court.

While workers and employers may bargain collectively in Australia, the terms and conditions of most workers are regulated by awards of industrial tribunals and legislation rather than by collective agreements. A considerable amount of voluntary negotiation between workers and employers over terms and conditions of employment does take place, however, both outside and inside the ambit of the Commonwealth and state systems of industrial regulation. Compulsory arbitration is a last resort which should only be turned to after every effort has failed to settle differences and reach agreement by way of negotiation and conciliation subject, of course, to the public interest. One of the chief objects of the (Commonwealth) Conciliation and Arbitration Act is to encourage conciliation with a view to amicable agreement thereby preventing and settling industrial disputes. Section 31 of the Act provides

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that if agreement is arrived at between the parties to an industrial dispute, the agreement may be reduced to writing and certified by the Commonwealth Conciliation and Arbitration Commission whereupon it has the same effect as an award for the purposes of the Act. Many such agreements are made and certified and similar provisions regarding industrial agreements are contained in the industrial conciliation and arbitration legislation of New South Wales (sections 11 and 13), Queensland (Part VI), South Australia (Part VII) and Western Australia (Part III). In many cases agreement is reached on a range of the matters which have given rise to a dispute leaving only a few matters to be settled by arbitration. The industrial tribunals actively encourage workers and employers to settle their differences by conciliation and are ready to assist them to do so. By their very nature, the wages boards which exist in Victoria and Tasmania and the conciliation committees established under industrial conciliation and arbitration legislation in New South Wales and South Australia promote the settlement of industrial disputes by negotiation and conciliation. Both the boards and the committees are constituted by an independent chairman and an equal number of employer and employee representatives.

Except to an extent outlined in the preceding paragraph, industrial legislation is not directed towards promoting the development of machinery for voluntary negotiation with a view to collective agreements. There is already full freedom to bargain collectively and other methods, acceptable to the organisation of employers and workers involved as well as to the community as a whole, have been established for the regulation of terms and conditions of employment. The system operating in Australia is considered the most appropriate to national conditions. The system does not preclude employers and the unions entering into direct negotiations and private agreements are made relating to terms and conditions of employment, particularly agreements relating to employment at a particular establishment or employment with a particular employer.

In 1970, the Commonwealth Government, the Australian Council of Trade Unions and the National Employers' Policy Committee reached agreement on a set of principles for guidance in establishing and using effective procedures for avoiding and settling industrial disputes. The procedures emphasise the importance of consultation between workers and employers on all matters of mutual concern irrespective of whether these matters are likely to give rise to dispute. They are designed to cover disputes at the plant, industry, state and national levels and provide that the parties in dispute could not have recourse to the formal processes of the (Commonwealth) Conciliation and Arbitration Act until they had endeavoured to resolve the issue between them in full accordance with the procedures.

The guarantees prescribed by the Convention apply to members of the police forces but not to the armed forces. The vast majority of members of each police force belong to their own police union or association. Other procedures have been developed with regard to the interests and welfare of the armed forces.

All categories of public servants and employees of the State enjoy the guarantees provided in the Convention.

No modifications have been made in Australian law and practice to give effect to the provisions of the Convention. Ratification

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of the Convention and of Convention No. 87 is being finally reviewed in the light of recent (June 1972) amendments to the (Commonwealth) Conciliation and Arbitration Act.

The provisions of the Convention are regarded as appropriate for action partly by the Commonwealth and partly by the states. The Commonwealth has held extensive consultations with the states on the application of the Convention and all states have agreed to ratification.

CANADA

The Government states that the provisions of the Convention are appropriate, under the constitutional system, for legislative action by the federal authorities and by each of the ten constituent provinces of Canada.

The subject matter of the Convention concerns civil rights which in Canada fall within provincial jurisdiction except in so far as the Federal Government has legislative jurisdiction with respect to certain works, undertakings and business in virtue of sections 91 and 92 of the British North America Act.

Canadian Law and Practice

The matters dealt with in the Convention are subject to existing federal and provincial legislation.¹ Departments of Labour and labour relations boards administer this federal and provincial legislation. In addition, collective agreements in Canada provide for recognition, encouragement and enforcement of the principles embodied in the Convention.

Article 1 of the Convention

The federal Act provides that employees have the right to be members of trade unions and to participate in trade union activities. Under penalty, employers are prohibited from refusing to employ or continuing to employ or committing other discrimination because a person is a member of a trade union. Similarly, no employer shall impose any condition in a contract or employment seeking to restrain an employee from exercising his rights under the Act, and no employer or agent of an employer shall threaten, intimidate or penalise an employee in order to have him refrain from joining a trade union or continuing as a member or officer of a trade union. Employers shall not interfere with the formation of a trade union, though the consent of an employer must be obtained before organising activities may be carried on within working hours.

¹ For list of legislation, see under Convention No. 87 (Canada).

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The Acts of all the provinces contain provisions identical with or similar to those of the federal Act. The Criminal Code of Canada, which applies to employees within federal and provincial jurisdiction, makes it an offence for an employer wrongfully and without lawful authority to dismiss or threaten to dismiss a workman for the sole reason that the latter is a member of a lawful trade union.

Article 2

An employer has the express right under the federal Act to be a member of an employers' organisation and to participate in the activities thereof.

It is an unfair labour practice for an employer or an employers' organisation to participate in, or interfere with, the formation or administration of a trade union or contribute financial or other support to it. An employer may, however, afford certain facilities to trade unions or representatives of trade unions, such as permitting the use of premises for trade union activities, or permitting an employee or trade union representative to attend to union business without loss of pay.

The federal Act provides that a trade union shall be an organisation of employees formed for the purpose of regulating relations between employers and employees and shall not include an employer-dominated organisation. Where a trade union is deemed, because of the influence of an employer, to be unfit to represent the employees for the purpose of collective bargaining, it shall not be certified as the bargaining agent of the employees. Nor shall an agreement entered into between such a trade union and such an employer be deemed a valid collective agreement under the Act.

The provincial Acts contain provisions identical with or similar to those summarised above. In Alberta and New Brunswick an employer may make donations to a trade union which are to be used solely for the welfare of the members and their dependants.

Article 3

The federal Act and procedural regulations for its administration provide that complaints may be made to the Minister of Labour alleging violation of the right to organise and to bargain collectively. Such complaints may be submitted to the employer for reply and investigated by a conciliation officer or commission. Prosecution may also follow such complaints and penalties are laid down in the event of conviction. The Act also contains provisions dealing with compensation or reinstatement in the event of wrongful dismissal, suspension or transfer of an employee.

The federal Act provides that disputes involving the violation or misinterpretation of a collective agreement must be submitted to arbitration.

The Canada Labour Relations Board, which administers the federal Act, may take into account, in certifying or decertifying trade unions as bargaining agents for units of employees, allegations that an organisation is employer dominated or that the employer has interfered with the right to organise.

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With respect to the right to organise and bargain collectively, the provisions of the provincial Acts are either identical with or similar to those in federal legislation.

Article 4

The federal Act provides that trade unions, which, on application, are certified to act as bargaining agents for units of employees, or which, though uncertified, are parties to collective agreements, may give notice of desire to bargain collectively to the employer concerned, or be given such notice by the employer. Where bargaining does not commence within a specified period, or, having commenced, there is a failure within a reasonable period to make an agreement, either party may apply to the Minister of Labour for the assistance of a conciliation officer and/or a conciliation board in order to reach an agreement.

Under the federal Act a complaint may be filed with the Minister of Labour where there has been a refusal or failure to bargain and the Minister may refer such a complaint to the Canada Labour Relations Board for investigation. The Board, following its inquiry, may dismiss the complaint or make an order requiring the offending party to bargain collectively with a view to the completion of a collective agreement. While this procedure is not "voluntary" negotiation in the same sense as outlined above, it has been found that it has the effect of promoting voluntary negotiations with respect to subsequent agreements.

The provisions of all the provincial Acts are essentially the same as the federal legislation as regards the giving of notice to bargain following certification or where an agreement already exists and renewal is desired.

The formal appointment of conciliation officers and/or conciliation boards (a Mediation Board in British Columbia) to assist parties in negotiating collective agreements is provided for in all provincial Acts. In British Columbia, if at any time during the collective bargaining process the Minister feels that the public interest is or may be adversely affected by a dispute, he may direct the commission or a mediation officer to confer with the parties.

In all provinces failure or refusal to bargain collectively is an offence for which penalties are provided. Provision is made in each of the provincial Acts for the filing of complaints and the issuing of orders to bargain where such action is required. Depending on the province, such complaints are filed with the Minister or the provincial labour relations board (or its equivalent).

Article 5

The federal Act does not apply to Canada's armed forces or to the Royal Canadian Mounted Police. In Ontario and Quebec provision is made under a special Act for compulsory arbitration of disputes involving police forces. In Newfoundland, the provincial police force is not covered by the scope of the Act.

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Law and practice varies with respect to municipal police forces, which, for legislative purposes, fall within the jurisdiction of the provincial authorities. In Nova Scotia, New Brunswick, Quebec, Manitoba, Saskatchewan and British Columbia municipal police forces are within the scope of the provincial Acts. Among the provinces, compulsory arbitration is provided for in New Brunswick, Prince Edward Island and Quebec. In Newfoundland municipal policemen are dealt with under the Constabulary Act, which provides for compulsory arbitration. Although municipal policemen do not come under the provincial Acts in Ontario and Alberta, provision is made for compulsory arbitration of disputes under other Acts. In British Columbia the decisions of the Mediation Commission may be made binding in disputes involving police.

In Alberta, Manitoba, Ontario, Quebec and Newfoundland a member of a police force may belong to a police association but may not join a trade union or an organisation which is affiliated with a trade union. In Quebec, only an association limited to one police force is qualified to negotiate an agreement under the Act. In each of the other provinces policemen have the right to be members of a trade union or an affiliated association.

Article 6

Under a special Act, federal public servants are guaranteed the collective bargaining rights provided for in the Convention. In the provinces, civil servants have varying degrees of collective bargaining rights.

Exclusions under the Acts

In all jurisdictions, managers or superintendents or other persons exercising management functions or employed in a confidential capacity in matters relating to labour relations are excluded from protection.

In most jurisdictions (Newfoundland, Prince Edward Island, Nova Scotia, Ontario, Manitoba, Alberta, British Columbia) certain specified categories of professions are also excluded from the coverage of labour-management relations acts.

However, professional employees are covered by the relevant Act in New Brunswick, Quebec, Ontario (professional engineers) and Saskatchewan. The new Canada Labour Code - Part V - Industrial Relations introduced in the House in March 1972 would extend coverage to professional employees.

Nevertheless, collective bargaining by firemen, teachers and hospital workers is covered by special legislation in most jurisdictions.

Farm workers are excluded in Alberta and British Columbia.

Apart from these general exclusions, certain other groups may be excluded from protection depending on the province, such as: domestic servants, hunters, trappers and independent contractors.

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Progress towards compliance with the Convention has been considered each year at the meetings of deputy ministers of labour on ILO questions.

There is very substantial compliance in Canada with the basic provisions of the Convention. The only problem appears to be that of the exclusion of certain groups of workers under various labour relations acts.

It appears that it would be difficult to proceed with ratification until the right of such important groups as professional employees and farm workers to organise and bargain collectively is protected in all jurisdictions.

CHILE

The provisions of this Convention are implemented both in practice and by virtue of legislative provisions. The relevant provisions are to be found mainly in Act 16625 of 1967 concerning agricultural associations. With respect to industrial or professional associations, neither the Labour Code nor the Regulations No. 323 contain any provisions tending to protect workers against discrimination or trade union interference, but in practice the principles contained in Articles 1 and 2 of the Convention are applied. Only Act 16625, concerning agricultural associations, contains specific provisions on the subject (art. 19).

In accordance with the legislation, any collective dispute has to be submitted to the conciliation procedure provided by the labour law without prejudice to the parties arriving at a direct agreement without referring to a conciliation board (art. 609 of the Labour Code). On the other hand, it is the task of the labour administration, through the department of collective negotiations, to apply, encourage and further conciliation between parties in order to prevent or solve labour disputes. This question is covered by a Decree (DFL 2 organico de servicio), published in the Diario Oficial of 29 September 1967 (art. 9).

The guarantees of the Convention do not apply to the armed forces or the police.

Public officials do not enjoy the guarantees laid down in the Convention; they may not establish trade unions or raise collective disputes by a legal procedure. In this connection, mention should be made of article 368 of the Labour Code, and the Decree (DFL 338) published in the Diario Oficial of 6 April 1960 (arts. 106 and 167).

Ratification of the Convention would involve introducing into the legislation the amendments necessary for compliance with its provisions. Although there is no knowledge of the existence of any draft laws or decrees of this nature, it may be stated that a general reform of the Labour Code is being studied.

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COLOMBIA

Workers are protected against acts of anti-union discrimination on the part of their employers by the provisions of section 354 of the Labour Code, section 309 of the Penal Code and Decree No. 3378 of 1962.

Collective bargaining, the recognition of trade unions for such purposes, and the settlement of disputes that may arise in the course of bargaining are covered by sections 373, 374, 376 and 432 of the Code, by Decree No. 3378 of 1962 (section 1(c)) and by sections 27 and 28 of Decree No. 2351 of 1965.

In November 1971 the Government tabled Bill No. 137 of 1971 ratifying Convention No. 98 for consideration in the Senate. Subsequently, in July 1972, it again submitted the Convention to the Senate in Bill No. 17 of 1972, which was approved at its first discussion.

CONGO

Labour Code, promulgated by Act No. 10-64 of 25 June 1964:
sections 42, 55, 56 and 207.

Act No. 15-62 to issue general rules for the civil service:
section 12.

The Labour Code gives partial effect to some of the provisions of the Convention, the courts and the Labour Inspectorate being responsible for supervising its application.

In accordance with Article 1 of the Convention, workers enjoy adequate protection against acts of anti-union discrimination (sections 55 and 207 of the Labour Code).

In addition, section 207 of the Code safeguards workers and employers against any acts of interference by each other.

There is no judicial or administrative machinery to provide protection against acts of anti-union discrimination or acts of interference.

Explaining why the Labour Code contains no special measure to promote collective bargaining, apart from paragraphs 1 and 2 of section 55, the Government states that the strength of the trade union organisations constitutes a guarantee for the promotion of collective bargaining. It also indicates the national collective agreements that were concluded or revised in 1971 and 1972.

The guarantees provided for in the Convention apply to members of the police forces and to all categories of public servants and

FREEDOM OF ASSOCIATION CONVENTIONS

officials working under contract for the State, in accordance with sections 56 and 207 of the Labour Code and section 12 of Act No. 15-62.

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The Government states that no change has been made in national law or practice to give effect to the provisions of the Convention in whole or in part. The main difficulties delaying ratification of this Convention lie partly in the Convention itself and partly in national legislation.

1. Difficulties inherent in the Convention:

- Article 5 of the Convention extends the guarantees to the armed forces, which is not the case in Congolese legislation;
- Article 6 of the Convention does not deal with the position of public servants, whereas Congolese legislation applies to public servants and all other persons employed by the State, even though they have a special status for the moment.

2. Difficulties inherent in national legislation:

- Acts Nos. 40-64 of 17 December 1964 and 3-65 of 25 May 1965 constitute a purely formal obstacle to the ratification and application of the Convention.

EL SALVADOR

Political Constitution, articles 190 and 191.

Labour Code, Volume II, Part 1, Chapters I to X; and Part 2, Chapters I and II.

Organic Law of the Ministry of Labour and Social Security, section 12, paragraphs 4, 5, 6 and 7, and Chapter IV.

The armed forces and the police are subject to legal provisions different from those of the Labour Code.

INDIA

The Government refers to its report for the period ending 31 December 1957, to its further letter dated 7 May 1968 and to its report under Convention No. 87 for the present period.

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No modifications have been made in the national legislation to give effect to the Convention.

Action is being taken on the recommendations of the National Commission of Labour which presented its report to the Government in 1969. One recommendation is that penalties should be prescribed for unfair practices on the part of workers' and employers' organisations.

Under the Industrial Disputes Act, 1947, protection is given against dismissal as a measure of anti-union discrimination. There is, however, no legal provision prohibiting anti-union discrimination at the time of engagement.

The Central Civil Services (Conduct) Rules, 1964, which restrict the right to organise and the right to strike of central government servants, apply not only to those directly engaged in the administration of the State but also to any person appointed by the Government to any civil service post.

The restrictions on central government servants other than those directly engaged in the administration of the State would thus be inconsistent with the provisions of the Convention.

The central Government and, where appropriate, state governments, are the administering authorities.

KHMER REPUBLIC

Constitution of 30 June 1972 (sections 8 and 9).

First Labour Code, promulgated on 14 January 1972.

The protection of workers against acts of anti-union discrimination, referred to in Article 1 of the Convention, and the protection of workers' and employers' organisations against acts of interference by each other, referred to in Article 2 of the Convention, are expressly provided for by sections 283 (paragraph 1) and 284 of the Labour Code.

On the other hand, there is no judicial or administrative machinery to provide protection against acts of anti-union discrimination or against acts of interference, as required by Article 3 of the Convention.

Legislation is being drafted to encourage and promote, by appropriate measures, the fullest development and utilisation of collective bargaining machinery, as mentioned in Article 4 of the Convention.

The guarantees provided for in the Convention do not apply to members of the armed forces, the police, civil servants or State employees.

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According to the Government's report, changes have been made in the law to give effect to the provisions of the Convention; in addition, the Government states that this is the first time trade unions have been recognised as institutions and that, before the Convention can be ratified, experience will have to be acquired in the organisation and running of workers' organisations.

KUWAIT

The Government states that all workers enjoy the right to organise. Moreover, Labour Law No. 38 (Private Sector) prohibits interference by workers and employers in each other's affairs. Article 90 of this Law provides for the establishment of joint committees of workers and employers to settle labour disputes, raise standards of living, organise labour services, fix wages and increase production.

MEXICO

Federal Constitution, sections 9 and 123-A, Part XXII.

Federal Labour Act.

Federal State Employees Act.

Article 123-A, Part XXII of the Constitution lays down that an employer who dismisses a worker without justification, or for having joined an association or trade union, or for having taken part in a lawful strike, must either honour the contract of employment or compensate the worker with three months' wages, whichever the worker prefers. According to section 358 of the Federal Labour Act, no one may be compelled to belong or not to belong to a trade union. Section 376 lays down that members of a trade union committee who are dismissed by an employer or who resign for reasons attributable to the employer, may continue to hold trade union office unless the contrary is provided in the rules.

Section 395 of the Federal Labour Act deals with exclusion clauses (union security clauses).

A large number of provisions in the Act help, whether directly or indirectly, to ensure non-interference in trade union organisations: sections 365, 366, 368, 369, 370, 371, 374, 375, 377, 378, etc., relate to the registration of trade unions, reasons for cancelling registration, prohibition of dissolution or suspension by administrative procedure, trade union rules, legal personality, obligations and prohibitions to which trade unions are subject, etc.

There is no need to create special bodies or machinery to guarantee respect for the right of association, since this is already achieved by the tribunals provided for in the Constitution and governed by the Federal Labour Act.

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Nor is there any need to adopt special measures to stimulate or encourage collective bargaining, since collective labour relations are already fully regulated and extensively practised. The law allows both collective and statutory agreements, and trade unions are empowered to demand either. In order to discharge its responsibilities in this respect, the Secretariat of Labour and Social Security has two specialised bodies viz. the Corps of Conciliation Officials and the Agreements Department.

The Federal State Employees Act grants this category of workers the right to organise and bargain collectively, with the exception of persons employed in confidential posts, members of the armed forces, the police and the foreign service. The Act does, however, cover the civilian personnel of the Department of Military Industries and the administrative staff of the criminal and traffic police.

The Government considers that there is no need to modify either national law or practice in order to implement the provisions of the Convention.

NETHERLANDS

Collective Agreements Act.

Act of 10 December 1964 (Staatsblad 492).

The principles of the right to organise and collective bargaining are recognised in practice.

Dutch legislation does not contravene Article 1 of the Convention, and the strength of trade unions guarantees that effect is given to this Article.

The Collective Agreements Act provides that a collective agreement may not stipulate that employers shall not engage, or shall exclusively engage, members of a given union. Protection against dismissal is assured and appeal to the courts can be taken against evidently unreasonable dismissal. The court may investigate whether an employer has allowed union membership to influence his decision to dismiss a worker. The Government considers, however, that an amendment to the law is required to permit full compliance with the Convention.

Legislation to prevent employers' or employees' organisations from interfering in each other's affairs is unnecessary.

Wages and other conditions of employment are regulated mainly by collective bargaining and, in so far as it is within the power of the authorities, efforts are made to promote the bargaining process.

The right of association applies to members of the armed forces, but military civil servants cannot belong to communist organisations. There exist some ten associations of servicemen which, in so far as being representative, are admitted to the existing committees for consultation on matters of importance.

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Civil servants are guaranteed the right to organise and to bargain collectively by Chapter II of the "Algemeen Rijksambtenaren Reglement".

The Act of 10 December 1964 lays down that all unions have corporate status.

An amendment to the Civil Code on the question of dismissal is expected at the end of 1972, or the beginning of 1973, and ratification of the Convention is now under consideration.

Surinam

The Government states that twenty-two collective agreements were concluded in the period 1970-72. It is expected that more will follow as workers' and employers' organisations become more familiar with collective bargaining regulations. The legislation on collective agreements is not complete and the Government aims at enacting more uniform regulations, making them applicable to whole branches of industry and, in some cases, extending them to persons who are not members of trade unions.

SPAIN

One of the basic principles of Spanish trade unionism is trade union unity, and the entire trade union movement in Spain is organised and operated in accordance with this principle and other equally important principles, namely universality, representativity, autonomy, association, participation and freedom of action.

The special nature of the movement leaves no place in its philosophy for the factual assumptions on which the first part of the Convention, dealing with the right to organise, was conceived and drafted, although it does permit and even, as a direct consequence, greatly contribute to successful collective bargaining, which is the subject of the second part of the Convention. Anti-union discrimination and acts of interference by workers' and employers' organisations in each other's affairs, as conceived and defined in the Convention, can only take place in the context of trade union pluralism. If these manifestations are viewed in the light of trade union unity, they can be seen to be entirely meaningless, because they cannot possibly occur or even be conceived.

None of the assumptions made in Article 1 of the Convention can arise with trade unionism being practised as it is in Spain. The reason for this is obvious. In the Spanish system, the principle of universality means that a worker enjoys trade union membership automatically and without any discrimination whatsoever, by the mere fact of his entering the service of the undertaking. The direct consequence of this universal and automatic membership is the equally

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universal participation by the worker in the various forms of trade union activity, which is not merely one of his rights, but also one of his obligations.

On the other hand, what might occur in practice is that the undertaking seeks to dismiss or prejudice a worker in some way, not "by reason of union membership or because of participation in union activities", but because of the way he carries out his union duties as an elected representative of the workers, which is an entirely different matter.

Spanish legislation counters this eventuality by providing effective guarantees at all times for the free, independent and responsible exercise by the workers of their trade union rights and duties. In this connection, section 51(1) of the Trade Union Act states -

"All trade union leaders and representatives, including representatives within the undertaking, shall be protected by a legal system guaranteeing the performance of their duties and the exercise of their representative activities in full freedom, independence and responsibility, the necessary time for the discharge of such duties and the possibility of communicating with those they represent and of exercising the rights recognised by this Act. The same legal system shall make provision for the period of time for which such guarantees are operative, from the date on which a person is announced to be a candidate until a certain date after the expiry of his term of office."

The principles laid down in section 51(1), quoted above, have been the subject of a more detailed Decree (No. 1878 of 23 July 1971), which issues rules for the legal guarantees enjoyed by persons elected to trade union office. This Decree begins by stating in section 1 that "the appointment of a person to elected trade union office shall entitle him to exercise and functions of such office freely for the entire period for which he is elected". This right to be free to carry on the activities inherent in trade union office, which is quite simply the right of workers' representatives to be free to carry out their trade union duties, is spelt out more fully in section 2 of the Decree.

Freedom of expression and assembly, freedom to submit claims and be protected against any act of usurpation, abuse or interference, to obtain information, advice and co-operation and to be protected against any work-related reprisals are among the specific guarantees that section 2 of the Decree defines as constituting freedom to discharge any trade union office to which a person has been elected; this freedom is the primary right conferred on office bearers by section 1 of the Decree, and it is legally protected by a triple system of guarantees: (a) guarantees against dismissal or the imposition of penalties by the undertaking; such guarantees, which are afforded to workers generally, are more particularly available to workers elected to trade union office; (b) guarantees against other acts of discrimination or reprisals; all workers enjoy such guarantees against abusive practices on the part of the employer, but trade union representatives are specially protected; (c) guarantees for trade union representatives in other situations.

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In addition to the guarantees referred to above, it may be appropriate to mention the facilities afforded by Chapter II of the Decree to enable workers to carry out their trade union duties.

The desire of the legislative authorities to provide a maximum of guarantees for the rights conferred by the Trade Union Act is also evident in the normal process of making regulations under the Act; this has already led to the publication of an extremely important text, Decree No. 964 of 30 April 1971, which provides for the exercise of the right of assembly by trade union members and to the preparation of other texts which are at present in draft form.

For the reasons stated at the outset, there is no place in the Spanish trade union system for the acts of interference mentioned in Article 2 of the Convention.

As regards Article 3 of the Convention, reference is made to the explanations given in the preceding paragraphs.

A system of collective bargaining was set up in Spain by the Act of 24 April 1958 respecting trade union collective agreements, under which regulations were made by an Order of 24 July 1958. These regulations have subsequently been amended on a number of occasions.

The Act of 24 April 1958 was based on the assumption that there would be a considerable increase in collective bargaining and it still constitutes a major step forward, since it affords the parties - representing workers and employers - virtually unlimited freedom to negotiate conditions of employment (which obviously include conditions relating to financial questions), since the only specific limitation it places on the freedom to bargain operates to the workers' advantage; it lays down that the stipulations reached by the parties must supplement or improve, but never curtail, the rights and financial benefits generally afforded by the labour laws, regulations and ordinances made by the government authorities or the advantages secured by the workers themselves (section 3 of the Act and section 4 of the Regulations of 22 July 1959).

Subsequent texts have been in the same vein. The Decree of 21 September 1960, which regulates the remuneration payable for work done by one person for another, not as regards the specific amount but as regards the pattern to be followed in payments made for work, was followed by regulations made by an Order dated 8 May 1961.

In this text, all references to trade union collective agreements are already framed in such a way as to encourage their conclusion. Section 14, for example, in referring to the possibility of appeals against the application of output schedules, states that, where such appeals are lodged against decisions taken by the undertaking, they are to be dealt with in accordance with the relevant provisions as to collective agreements; similarly, section 28 lays down that any worker who disagrees with an established incentive system may appeal to the competent labour authority and that the appeal is to be examined in accordance with the principles laid down for collective agreements.

Even more important, however, is the principle contained in section 39, to the effect that "The Ministry of Labour may make representations to the Trade Union Organisation whenever the economic

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or social interests involved so warrant, requesting it to take steps with a view to the conclusion of one or more collective agreement making fresh provision for the wages paid in any industry or group of industries. Such representations shall be made in writing and shall be accompanied by an explanatory statement; they shall be made through the General Directorate for the Regulation of Employment if the proposed agreement is to cover more than one province and through the provincial labour office in all other cases."

Decree No. 1376 of 22 May 1970, which relates to the settlement of collective labour disputes, also affords a major incentive to conclude such agreements. Where, for example, a collective dispute has arisen and it is impossible to reach agreement during the conciliation proceedings that are required to be held before the appropriate trade union body or in the proceedings conducted before the appropriate labour authority, the latter is required to act as follows.

If the questions raised relate only to the interpretation of a trade union collective agreement covering an undertaking or group of undertakings, or if they refer (irrespective of their nature) to a collective agreement covering an entire branch or sector or to statutory obligations, the labour authority has to give a binding decision (if the proceedings have not been referred to the labour courts) within five days following the appearance of the parties before it.

If the dispute involves undertakings and workers that are not bound by a trade union collective agreement or by statutory obligations, the labour authority has to give a decision within the same time limit or call upon the Trade Union Organisation to set up a joint committee to draw up a collective agreement, for which purpose the legislation concerning such agreements must be followed (section 8).

This legislation, which is designed to encourage the conclusion of collective agreements, coupled with the cordial spirit in which the parties come to the bargaining table, has resulted in a steady increase, in both absolute and relative terms, in the number of agreements concluded and the size of the labour force whose conditions of employment are regulated by them.

The difficulties that have arisen as a result of adverse economic circumstances have merely acted as a temporary brake on this expansion, which, in fact, has continued to be evident.

In practice, this process of expansion in the conclusion of collective agreements is reaching saturation point, because there are some sectors, such as coalmining and the railways, where, for reasons that it is not appropriate to explain at this stage, were not, strictly speaking, governed by collective agreements at the time of writing this report, but rather by provisions laid down by the Government; in fact, however, such provisions have always been drawn up as a result of a process of discussion, which might be described as bargaining with the representatives of the parties concerned.

As a whole, the results achieved in connection with trade union collective agreements have been extremely positive and have shown that, thanks to appropriate legislation, to which amendments and

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improvements are at present being contemplated, Spanish workers' and employers' organisations have been able to negotiate the terms and conditions of their labour relations, which is the most important function that bodies of this kind are called on to perform.

Under Spanish law, the guarantees prescribed in the Convention do not apply to the armed forces or to the police. Section 7(2) of the Trade Union Act implicitly excludes such persons, stating that the provisions of the Act do not apply to public servants.

On the other hand, the Act does apply to the State, local corporations, nationalised enterprises and autonomous and other similar bodies, in relation to the employees in their service who are not public servants. Neither the right to organise nor the right to bargain collectively consequently apply to public servants, who are subject to administrative rather than labour law. Both rights, however, are fully enjoyed by workers employed under contract by the State, who do not forfeit their specific worker status as a consequence of the public nature of the body in whose service they are employed.

The Government maintains that the only difficulty at present preventing its ratification of the Convention lies in the principle of trade union pluralism, which would seem to be the basic assumption behind the Convention and which is contrary to the principle of trade union unity, which is "the centre and cornerstone of the Spanish trade union system". The Convention could therefore be ratified immediately only if it were construed as meaning that trade union pluralism is not necessarily a basic assumption and certainly not a sine qua non.

All the provisions of the Convention that are likely to apply to the Spanish trade union movement have already been abundantly covered by national legislation. There is therefore no apparent need to adopt other measures for the purpose, except those that may be taken as part of the regulations now being made under the Trade Union Act of 17 February 1971.

SWITZERLAND

Federal Constitution of 29 May 1874 (section 56).

Civil Code of 10 December 1907 (sections 11, 27 and 28).

Sections 322 and 322bis of the Code of Obligations (Book V of the Civil Code), inserted by section 19 of the Federal Act, dated 28 September 1956, to permit the extension of the scope of collective labour agreements (LS 1956-Swl. 2).

The Government refers to the information supplied in its two previous reports (1955 and 1958) and gives further information, which is summarised below.

At the end of 1971 there were 1,389 collective agreements (as compared with 1,584 in 1957). The main reason for this drop is

SUMMARY OF REPORTS ON UNRATIFIED CONVENTIONS

that, in several economic sectors or occupations, agreements covering a wide area (particularly national agreements) have taken the place of agreements covering only, for example, a canton or a region.

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In Switzerland the matters dealt with in the Convention generally come under federal law and there is no question of replacing this by cantonal provisions.

UNITED STATES

The Government states that the Convention is appropriate in part for federal action and in part for action by the constituent states of the United States.

Reference is made to previous reports on the Convention up to 31 December 1967. There are many federal and state constitutional, legislative, administrative provisions and private agreements which implement the Convention. No substantial changes have been made since the last report.

The Federal Mediation and Conciliation Service reported, for the fiscal year 1970, that (1) an average of 326 settlements per week resulted from dispute cases assigned to mediators. In 144 weekly settlements, the mediator participated in joint bargaining-type deliberation of the parties. (2) An average of approximately 700 labour relations conferences per week were conducted by the 265-man mediation staff. (3) The Service continued major emphasis in preventive mediation work, assisting labour and management in improving their relationships. Mediators engaged in 1,218 preventive cases, involving 7,954 joint or separate meetings or some 145 weekly. (4) No work stoppage occurred in 275 of the average 326 settlements among disputes assigned to mediators. (5) Mediators were also promoting the concept of peaceful collective bargaining and harmonious labour-management relations. Public information and educational assignments, designed to advance the nation's policy of collective bargaining, totalled 975 cases, as compared with 845 assignments in the prior fiscal year. (6) The arbitration service of the FMCS increased to a record 18.6 per cent over the previous year. The Service submitted 11,124 panels of arbitrators. Over the past five years, the arbitration case-load has doubled.

The guarantees of Convention No. 98 have not been extended to the members of the armed forces. Federal guards are specifically authorised by Executive Order 11491, as amended by Executive Order 11616, to organise and bargain collectively, provided their organisations are exclusive. The question of permitting the members of the various police forces of state and local governments to establish and join organisations and bargain collectively is left to the determination of the several states and various local

FREEDOM OF ASSOCIATION CONVENTIONS

governmental agencies. The practice in this regard is not uniform. Detailed summaries by states are contained in the United States Department of Labor publications which the Government attaches to its report.

The federal Government and some states have far-reaching enactments which guarantee public servants substantially the same protected rights enjoyed by workers in the private sector. The main thrust of collective bargaining in the public sector is to create a right in public employees to present their demands to the public sector.

Executive Order 11491, as amended, which succeeds Executive Order 10988, has been implemented since the report ending 31 December 1967 and governs labour-management relations in the federal service. The Order permits labour organisations which have been designated by secret vote of the majority of the employees in an appropriate unit to be the exclusive representative of those employees for collective bargaining purposes. The right of exclusive recognition entitles unions to negotiate collective bargaining agreements with agency managements, although no agreements may contravene applicable laws and regulations, or published agency policies and regulations, or controlling collective bargaining agreements at higher agency levels. This Order also prohibits certain unfair labour practices on the part of both agencies and unions. Executive Order 11491, as amended, is administered by (1) a Federal Labor Relations Council, which decides major policy questions, and is instructed to review the operation of the Order from time to time and to make recommendations for any changes to the President; (2) a Federal Impasses Panel, which has authority to break negotiation deadlocks; and (3) the Assistant Secretary for Labor-Management Relations, who has authority to determine appropriate units for bargaining, supervise representation elections, and decide cases alleging unfair labour practices or violations of the standards of conduct for labour organisations.

The Postal Reorganisation Act of 1970, Public Law 91-375; 84 Stat. 719, conferred on 750,000 postal employees virtually all of the labour relations benefits, except the right to strike enjoyed by private industry workers under the Taft Hartley Act. The Postal Reorganisation Act established the United States Postal Service as an independent government agency. The Act also provides for binding arbitration if an impasse persists 180 days after bargaining begins; it empowers the National Labor Relations Board to determine appropriate bargaining units, to supervise elections, and to adjudicate unfair labour practice charges; and protects the rights of all employees to form, join, or assist a labour organisation, or to refrain from any such activity. The Postal Service is prohibited from negotiating union shop agreements. Regarding personnel and labour management relations, the law establishes a postal career service as part of the civil service; it retains civil service retirement benefits for all postal employees; it retains veterans preference, it prohibits political tests or recommendations for hiring or promotion, and authorises collective bargaining on wages and working conditions under laws applying to private industry.

Similar provisions are found in state legislation to protect the basic rights of public employees to organise into unions and to bargain collectively. Twenty-five states have laws obligating the

SUMMARY OF REPORTS ON UNRATIFIED CONVENTIONS

public employer to bargain, eleven have statutes permitting the employer to confer or bargain, and the remainder have no law or minimal legislation permitting employees to present proposals without obligating the employer to discuss them. An example of a far-reaching state enactment is New York's Public Employee's Fair Employment Act (Taylor Act) of 1967, as amended.

ZAMBIA

Industrial Relations Act, No. 36, 1971.

Articles 1 and 2 of the Convention

Section 4(1), (2) and (3) protects workers against anti-union discrimination in respect of employment, and workers' and employers' organisations against acts of interference by each other.

Articles 3 and 4

The Act permits joint councils and collective agreements for a particular industry. Collective agreements contain statutory clauses. The bargaining unit shall commence negotiations with the management of an undertaking for the purpose of concluding an agreement within the time limit.

Article 5

Under the Zambia Police Ordinance two police associations exist for the purpose of collective bargaining. The extent to which the Convention is applied to the police is determined by regulations. No similar machinery exists for the defence force.

No court decisions have been rendered and no observations have been received from employers' and workers' organisations concerning the application of the Convention.

Communication of Copies of Reports to Representative Organisations (Article 23, paragraph 2, of the Constitution)

The Governments of the following States have indicated the representative employers' and workers' organisations to which copies of the reports supplied have been sent: Australia, Canada, Chile, Colombia, Congo, El Salvador, Haiti, India, Indonesia, Iraq, Kenya, Khmer Republic, Kuwait, Libya, Malawi, Mexico, Morocco, Singapore, Sri Lanka, Switzerland, Turkey, Uganda, United States, Venezuela, Viet-Nam, Zaire, Zambia.

The Government of Spain has stated that copies of its reports have been communicated to the National Organisation of Spanish Trade Unions, so that the latter may submit these reports to the National Councils of Entrepreneurs and Workers.

REPORT III

(Part 2A)

International Labour Conference

Fifty-Seventh Session

Geneva, 1972

Third Item on the Agenda

Information and Reports on the Application
of Conventions and Recommendations

SUMMARY OF REPORTS
ON UNRATIFIED CONVENTIONS
AND ON RECOMMENDATIONS

(Article 19 of the Constitution)

Employment Policy

GENEVA
International Labour Office
1972

09661

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

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In this report, references to legislative texts published by the ILO in the Legislative Series (LS) appear in parentheses.

INTRODUCTION

Article 19 of the Constitution of the International Labour Organisation provides that Members shall "report to the Director-General of the International Labour Office, at appropriate intervals as requested by the Governing Body" on the position of their law and practice in regard to the matters dealt with in unratified Conventions and in Recommendations. The obligations of Members as regards Conventions are laid down in paragraph 5(e) of the above-mentioned article. Paragraph 6(d) deals with Recommendations, and paragraph 7(a) and (b) deals with the particular obligations of federal States.

Pursuant to the above-mentioned provisions, the Governing Body selects each year the instruments on which Members are requested to supply reports. Since 1950 the summaries of these reports have been submitted each year to the Conference.

The reports which are summarised in the present volume concern the Employment Policy Convention, 1964 (No. 122), and the Employment Policy Recommendation, 1964 (No. 122).

The governments of member States were requested to send their reports to the International Labour Office before 1 July 1971. The present summary, which is submitted to the Conference in conformity with article 23, paragraph 1, of the Constitution, covers reports received by the Office up to 1 October 1971.

The report of the Committee of Experts on the Application of Conventions and Recommendations (Report III, Part 4), which will also be submitted to the Conference at its 57th (1972) Session, will include the general conclusions by the Committee on the reports on the above-mentioned Convention and Recommendation.

INSTRUMENTS ON EMPLOYMENT POLICY

EMPLOYMENT POLICY CONVENTION (NO. 122) AND EMPLOYMENT POLICY RECOMMENDATION (NO. 122), 1964

ARGENTINA

Decree No. 46/70 approving the National Policies.

National Plan for Development and Security, 1971-1975.

I. Formulation of Employment Policy

The achievement of full and productive employment is a priority objective and is specified as such in explicit terms in the National Plan for Development and Security, 1971-1975.

During the period of the Plan, unemployment is to decrease from its present level of 5.6 per cent of the labour force to 1.9 per cent by 1975. About one million new jobs are to be created, of which commerce and other services will furnish 38.5 per cent. The expansion of employment opportunities will be accompanied by changes in the sectoral distribution of the labour force. Present levels of underemployment are also to be reduced. Underemployment, at present 2.4 per cent of the active population, is to decrease to 0.9 per cent by 1975.

In the Plan period, there will be a rapid growth of public investment.

To counteract the effects of the gradual introduction in some sectors of capital-intensive technology encouragement will be given to other sectors making intensive use of manpower.

Freedom of choice of employment and geographical mobility are guaranteed by constitutional provisions, not only for Argentinians but also for non-citizens.

The achievement of full and productive employment is one of the main objectives of the National Policies approved by the Decree No. 46/70. The employment policy takes due account of the mutual relationships between employment objectives and other economic and social objectives. Employers, workers, technical personnel and officials participate in the formulation, implementation and periodic review of the Plan.

The Government is committed to a special effort in the field of employment which will require reorganisation of the bodies charged with labour administration institutions. Those bodies dealing with human resources problems must be linked with planning mechanisms. This process has already begun at the top levels. The creation of new extraministerial agencies is also proposed to provide the information and theoretical bases for employment policy. An interministerial working group has already been formed with a

view to strengthening the technical side of the Ministry of Labour. It is also planned to increase the activities of the employment services and extend them to all areas of the country.

II. Implementation of Employment Policy

As a first stage in investigating technologies and their effect on employment structure, the Ministry of Labour has conducted a national survey on short-term requirements for intermediate level manpower.

A draft project to establish an Unemployment Insurance Fund is also under study.

AUSTRIA

Employment Market Promotion Act (BGBI, Text 31 of 1969).

Directives concerning experimental activities with regard to the organisation, methods and distribution of activities in the major employment offices (ZL.35.010/1-17/1970).

Directives concerning training programmes of the Länder employment offices (ZL.35.804/1-18/1970).

Decree of 12.6.1969 concerning mobility and employment promotion.

Key objectives of the Employment Market Policy for 1971.

I. Formulation of Employment Policy

The Government has declared its commitment to full employment through active manpower policy and has recently stated (27 April 1970) that "priority must be given to economic growth and structural change, so that every Austrian citizen is afforded an opportunity of productive work and personal advancement". Employment policy is thus linked to over-all economic development and services are provided both to workers and employers to this end. It is in the interests of the individual and society alike for the objective of full, productive and freely chosen employment to be consistently pursued and, as far as possible, attained. Training is regarded as the key to shifting labour from low to high productivity jobs and as an aid to employers in conditions of skill shortages. Steps have been taken to extend employment market forecasting into the medium and long term and to take account of the extent to which occupational patterns correspond to the changing industrial structure. Retraining and further training have tended to rise annually between 1965 and 1970, more than doubling during that period while occupational and geographical mobility have been encouraged and supported. The Government attempts to reduce hardships to the worker arising from structural change by providing

allowances and grants for retraining and relocation; vocational guidance and training facilities are available generally and have been expanded in the rural areas.

II. Implementation of Employment Policy

The Employment Market Promotion Act (BGBI, text 31, 1969) provides the framework for Austria's current full employment policy and charges the National Employment Service with implementing policy through vocational guidance, training, placement, etc. The Federal Ministry of Social Affairs is the co-ordinating and supervisory body for administering the Act, and for implementing policy through the employment services at the provincial (Länder) and local levels. The Federal Ministry of Social Affairs drew up an over-all programme of major policy objectives for 1971 (to increase the availability of labour, the utilisation of the reserves of female labour, to encourage worker transfers from lower to higher productivity, and to reduce seasonal unemployment) taking both national and Länder objectives into account.

Within the Federal Ministry of Social Affairs the principal agency for co-ordinating employment policy with over-all economic and social policy is the Employment Market Policy Advisory Board comprising representatives of employers' and workers' organisations, federal ministries and related agencies.

Supervision of operations at the provincial and local employment offices is carried out by a special group within the Federal Ministry of Social Affairs while a similar arrangement for the supervision of local offices is established at the provincial level. Representatives of employers' and workers' organisations also sit on the Administrative Committee at regional employment service offices and on the Placement Committee at the local offices.

The national employment service has been actively concerned with regional and structural trends since 1956 and by way of employment creation has encouraged firms to open branch offices, thus helping to spread employment to areas liable to structural unemployment. The information service for local employment market problems has been associated since 1956 with the opening of 350 new establishments and the creation of almost 30,000 new employment opportunities. In recent years the employment services have also been called upon to give special assistance to workers made redundant due to coal-mine closures and industrial reconversions.

III. Difficulties and Prospects

The main obstacles to ratification of Convention No. 122 were overcome with the passage of the Employment Market Promotion Act, 1969. Subsequent legislation will similarly conform to the provisions of Convention and Recommendation No. 122. The prospects for ratification are therefore excellent.

BELGIUM

Act of 17 July 1959 concerning measures to encourage economic expansion and the creation of new industries.

First Economic Expansion Programme, 1961-1965.

Act of 14 July 1966 concerning special assistance for the economic redevelopment of regions facing acute problems.

Act of 30 December 1970 concerning economic expansion.

I. Formulation of Employment Policy

For many years, successive governments have placed the achievement of full employment in the forefront of their objectives, not only with a view to reducing unemployment but as part of an active employment policy, conceived as an essential element in economic growth. The First Economic Expansion Programme provided that employment policy should be carried out through increasing the labour force, putting marginal groups to work, eliminating under-employment, progressively mobilising hidden manpower reserves, particularly by raising the labour force participation rate of women and, if needs be, the recruitment of foreign workers. It also recognised the need to improve the quality of the labour force through promotion of vocational training, retraining and upgrading training not only for the young but also for older workers, whether unemployed or employed.

Since 1961, these basic concepts and objectives have undergone little change. An annex to a government declaration of 25 June 1968 stated that the first objective of social policy remained: "full employment through dynamic economic policies and the extension of vocational training, rehabilitation and retraining with a view to giving all workers greater opportunities for mobility". In the preparatory document for the Third Plan for Economic Expansion and Social Progress 1971-75, the achievement of full employment and better employment remains one of the essential objectives. In presenting his Ministry's budget in 1969 and 1971, the Minister of Employment and Labour reaffirmed the objective of full employment, to be achieved through better employment forecasting, through training and retraining, within the framework of regional development policy and through the integration into the labour force of groups at present under-represented (women, older workers, the disabled).

The priority given in the five-year programmes to full employment leads to its being the decisive factor in choice of the target rate of growth for the national product; moreover, it is emphasised that these programmes depend on a broad and dynamic employment policy. The programmes are prepared by the Economic Programming Office which receives guidelines from the Ministerial Committee on Economic and Social Co-ordination. In analysing the present and future situation and the measures which need to be introduced, the

INSTRUMENTS ON EMPLOYMENT POLICY

Office calls on the help of various official bodies and consults the employers' and workers' organisations. In addition, the National Economic Expansion Committee, which includes the ministers concerned and representatives of the most representative employers' and workers' organisations, associates economic and social circles with the formulation of the programmes.

The programmes are flexible and are mostly aimed at stimulating, helping and reinforcing private initiative. The economy is very sensitive to foreign economic influences and measures must be rapidly adjusted.

Study of employment problems, formulation of ideas concerning employment policy and evaluation of its effectiveness are the responsibility of the employment administration within the Ministry of Employment and Labour. Evaluation is also carried out in Parliament in the annual debates on the budget of the Ministry of Employment and Labour. Employers' and workers' organisations are involved in most public bodies concerned with economic and social policy, particularly employment policy; this involvement ranges from consultation to management of these bodies.

II. Implementation of Employment Policy

There is a vast complex of long-term general measures mostly taken within the framework of economic, financial and commercial policies. They include loans at reduced rates of interest, temporary relief from certain taxes, site improvement and improvement of the infrastructure. Preferential treatment is given to undertakings in zones suffering from structural underemployment, declining economic activity, abnormally low levels of living or slow growth.

Short-term general measures include a special section of the public works budget which is used as a means of counter-cyclical action; decisions on the construction of public housing, credit control and incentive grants for building are also used as tools of counter-cyclical policy.

Selective measures such as placement assistance, vocational guidance and vocational training for adults are carried out by the network of offices of the National Employment Agency. There are special forms of assistance for individuals affected by structural change.

The work of the employment offices in matching workers to jobs more effectively and in improving their training promotes more productive employment. In 1954, the employers' and workers' organisations adopted a common declaration on productivity, leading to the establishment of a Belgian productivity agency.

There is strict respect for freedom of choice, both for the worker and the employer. Persons receiving unemployment benefit are not required to accept a job which does not correspond to their skill or which entails excessive travel.

Employers' and workers' organisations have concluded agreements on the achievement of social objectives without conflict, and a collective agreement on the need to inform and consult works councils on the general future of the undertaking and on employment questions has been made mandatory by a Royal Decree of 22 January 1971.

III. Difficulties and Prospects

The Convention was approved by the Parliament on 12 June 1969 and ratified on 8 July 1969.

BULGARIA

Constitution of 1971 (D'rjaven vestnik, No. 39, 18 May 1971).

Labour Code of 1951 (LS 1951 - Bul. 2 and LS 1957 - Bul. 2).

I. Formulation of Employment Policy

An active full employment policy has been officially declared in Bulgaria. The Constitution provides that all citizens shall enjoy the right to work and the right to choose their occupation freely, and that the State shall guarantee these rights by developing the social and economic system along socialist lines (article 40); the socialist principle of "from each according to his capacities, to each according to his work" is applied (article 32). The various aspects of employment policy are set forth and enlarged upon in the Labour Code (sections 1 and 22) and in numerous standard-setting measures taken by the Government (mentioned in the report).

Employment policy is co-ordinated with over-all economic and social policy through planning, based on the consideration that full and productive employment is the cornerstone of economic development; vocational training and education are guaranteed, with a resultant increase in the social productivity of labour; the performance of work is deemed to be the main source of well-being, and an essential criterion for judging a man's social status.

The formulation of employment policy, looked upon as forming an integral part of the country's development planning, is entrusted to the National Assembly, which adopts the social and economic development plans. The Council of Ministers organises the drawing up of the plans and submits them to the National Assembly for adoption. It is assisted in this task by specialised bodies, and in particular by the State Planning Committee, the Ministry of Finance and the Ministry of Labour and Social Affairs. Every year statistics are compiled as to the implementation of these plans.

INSTRUMENTS ON EMPLOYMENT POLICY

Representatives of the workers and of the economic organisations of the State (associations, undertakings) participate in the examination of draft plans concerning employment as well as in the implementation of these plans.

II. Implementation of Employment Policy

The principal measures taken are as follows:

- planning, the principal means of implementing employment policy;
- mechanisation of agriculture and the planned release of manpower which becomes available to other branches of the national economy;
- development of vocational training;
- constitutional and legislative guarantees as to free choice of employment;
- measures to adapt vocational training to the introduction of new techniques so as to prevent technological progress, automation and mechanisation from leading to unemployment;
- planned orientation of labour.

III. Prospects

Pursuant to a decision by the competent authority, the text of Convention and Recommendation No. 122 have been referred to the government departments concerned in order that, after examining these instruments, they may bear them in mind when drafting laws and regulations relevant thereto.

CANADA

Amendment to the Canada Labour (Standards) Code of June 1971.

For general information on the formulation and implementation of employment policy see the Government's first report under article 22 on the application of the Convention.¹

¹ International Labour Conference (ILC), 53rd Session, Geneva, 1969, Report III (Pt. 1): Summary of Reports on Ratified Conventions, p. 247.

Implementation of Employment Policy

As regards action by employers and workers and their organisations, collective agreements, which are usually negotiated at the plant or enterprise level, usually set forth the procedures to be followed in case of lay-offs, including advance notice and adjustment methods such as training, occupational transfers and early retirement. The Government encourages joint research by labour and management on adjustment to change. In the provinces of Ontario and Quebec, legislation has recently been adopted providing for compulsory advance notification of the Government in the event of group lay-offs; at the federal level, an amendment to the Canada Labour (Standards) Code approved in June 1971 will also provide for such notification.

The central labour bodies and employers' organisations study economic and employment trends and from time to time make proposals to governments. They are represented in the Economic Council of Canada, an independent body financed by federal government funds, which studies the economic situation including trends in employment, and appraises the merits of alternative economic policies which the Government might pursue. Workers' and employers' organisations recognise the principle of equality of opportunity and treatment which is incorporated in federal and provincial legislation.

As regards international action to promote employment objectives, Canada participates in the work of the United Nations and its specialised agencies, of the International Bank for Reconstruction and Development and in some regional development banks. It participates in efforts in OECD, GATT and UNCTAD to reduce barriers to trade; customs tariffs have been reduced; it has also co-operated in international efforts to stabilise the prices of certain commodities such as sugar and coffee. Duty-free entry on a most favoured nation basis is granted to many primary commodities important in the export trade of developing countries. As agreed in UNCTAD, it intends to grant tariff reductions on a preferential basis to imports from developing countries of manufactured and semi-manufactured products.

There is seasonal migration of about 1,200 workers annually from certain Caribbean countries for work in growing, harvesting and canning fruit and vegetables in south and south-western Ontario. The remuneration and accommodation are agreed with the governments concerned.

Canada's international technical co-operation programme is operated by the Canadian International Development Agency (CIDA). Every effort is made to comply with requests made for programmes of the type listed in paragraph 34 of the Recommendation. Specifically, group training programmes are available in: agricultural marketing, co-operative education, fishery co-operatives; community development, social leadership, junior public administration, project evaluation, credit unions, international business management, export promotion, and survey work.

INSTRUMENTS ON EMPLOYMENT POLICY

Where the government of a developing country concurs, and the enterprise will contribute to its economic development, CIDA may assist Canadian companies to establish operations in developing countries by financing "starter studies" or "feasibility studies". There is no limitation on the export of technological knowledge by private industry; capital aid projects also make a contribution to the acquisition of this knowledge by developing countries.

CENTRAL AFRICAN REPUBLIC

Economic and Social Development Plan, 1967-1970.

I. and II. Formulation and Implementation of Employment Policy

The Minister of Labour and Public Administration and the Minister of Planning and National Orientation are entrusted with both the formulation and the implementation of employment policy. Consultation with employers and workers takes place at the level of the National Advisory Committee for Labour.

A recent draft decree proposes the establishment of a sub-committee on the Africanisation of higher-level posts which would deal with inter alia identification of the personnel needs of undertakings and ways of meeting them quantitatively and qualitatively, including joint action by public and private means to train management staff, skilled workers and supervisors.

CEYLON

Employment Programme - draft outline (Ministry of Planning and Employment, 24 August 1970).

Employment Situation and Trends (study issued by Ministry of Planning and Employment, January 1971).

I. Formulation of Employment Policy

The Government of Ceylon is committed to pursue an active employment policy. The 1970 Election Manifesto of the United Front Government stated, inter alia:

"We believe the acute problem of unemployment can be solved only if the economy is restructured and the administration reformed on a democratic basis. We intend to implement a programme of short-term and long-term measures in order to see the energies and talents of our young people, which are now wasted in unemployment, used for the benefit of the country and themselves.

Our programme for the rapid industrialisation of Ceylon, the extension of irrigation and power resources, the re-organisation of the rural economy, and the development of fishing will provide employment on a wide scale in both towns and villages.

We shall also undertake a programme of public works covering the repair and maintenance of village tanks and the building of houses and roads that will give the unemployed youth an opportunity to serve better the country and themselves."

This policy was reiterated on 14 June 1970 in the Throne Speech which is the major statement of Government's objective and policies.

The Budget Speech also stated that "along with the problem of the high cost of living, unemployment demands an urgent solution to fulfil the aspirations of thousands of young men and women for whom life will lose all meaning unless they can find a useful place in our society".

The Budget Speech, in introducing the Employment Programme, stated that: "This short-term programme is the first phase in the strategy designed to deal effectively both with the serious build-up of unemployment as well as the increasing number of new persons who enter the work force annually in search of employment. The proposals that have been outlined seek to create approximately 100,000 additional jobs for different categories of unemployed including graduates. This diversified employment programme will create a range of jobs including new administrative and managerial cadres, apprenticeships in industry and trade and an extensive and nation-wide programme of village development and selected projects in agriculture. The employment opportunities thus created will be in addition to the normal absorption into employment of about 100,000 per year.

One part of the programme seeks to revitalise the rural economy, set up the necessary institutions and initiate programmes which will expand the resource base in the village, provide for better use of existing resources, and generate new employment. The second part of the programme consists of projects which would have to be organised and administered at the national level. These cover apprenticeship schemes, development projects in selected crops, construction, fisheries, etc. For the implementation of these projects, it would be necessary to set up a number of organisations which operate as development enterprises, each being regarded as a specific project with a given objective. Some of these projects such as the coconut development project, the horticulture project will reach out to the village and in selected areas form part of the local programme. The major portion of the programme is in the productive sectors. It will have on the one hand selected activities with a high potential for import substitution, and will on the other establish new export sectors.

The employment programme itself is the first phase in a comprehensive development plan. The Ministry of Planning and Employment has begun work on a medium-term plan which will define the

INSTRUMENTS ON EMPLOYMENT POLICY

national development goals over the next five years and set out the targets for all sectors of the economy. The Government expects to have the first draft of this plan ready by the end of this year."

The National Planning Office has over-all responsibility for employment policies and programmes. The new Ministry of Planning and Employment functions directly under the Prime Minister, and has an Employment Division as well as a Manpower Unit in the Perspective Planning Division. The consideration of employment aspects of development programmes as well as the formulation of employment policy are thus organically linked with the over-all planning activity. The progress of employment programmes is reviewed by the Permanent Secretaries Committee and the Cabinet Planning Committee.

At present there are no specific institutional arrangements for consulting representatives of employers and workers in the formulation of employment policies programmes. However, the Government is taking steps to establish people's committees and advisory councils at various levels and it is hoped that in course of time these bodies should be able to participate actively in the formulation of policies and programmes in the wider field of development as well as employment. When the Medium-Term Plan is prepared opportunity would also be available to representatives of various sections of Ceylon's population to discuss the policies and programmes in the fields of development and employment.

II. Implementation of Employment Policy

The Government considers that the problem of employment creation has to be viewed from both long-term and short-term objectives.

In the long term, the solution to the problem of unemployment lies in the rapid expansion of the economy. The efforts of the Government have, therefore, been directed towards this goal. It may be observed that during the last two years fairly high rates of economic growth were achieved by Ceylon. In preparing the Medium-Term Plan, this aspect will again receive very earnest consideration. Preliminary studies, so far made, indicate that it should not be difficult to achieve stable and high rates of growth and provide the necessary environment and impetus to employment creation if some of the problems connected with foreign trade and foreign exchange could be solved.

For the short term, the Government has already adopted a specific programme of employment creation which takes into account the currently available information about the nature and distribution of unemployment. This programme aims at the promotion of rural employment as well as industrial employment.

COLOMBIA

Economic and Social Development Plan, 1970-1973.

I. Formulation of Employment Policy

The Economic and Social Development Plan, 1970-1973, lays down an employment policy designed to promote full, productive employment for those affected by open or disguised unemployment or under-employment. It includes projections until 1980. The principal elements of this policy are as follows:

- (a) Utilisation of industrial capacity, by adopting measures to increase the general skill level of the labour force and to change the attitude of entrepreneurs.
- (b) Encouragement of savings and their channelling into socially more productive investments is recommended.
- (c) An agrarian policy promoting the redistribution of property and income in the rural sector.
- (d) An urban reform formulating a policy of reorientation of investments for construction with priority for low-cost housing.
- (e) Industrial development: for a rapid expansion of employment and production a less capital-intensive type of industrialisation is needed, utilising lower levels of skill and more national materials and meeting increased internal and external demand. Small and medium-scale industry, rural industry and handicrafts are being encouraged, in particular the processing of agricultural products. This policy will not only increase employment and incomes but also reduce the pressure on the balance of payments.
- (f) Education. Special attention is to be paid to education in the rural sector where insufficient training is a cause, among others, of low income, underemployment, migration and low investment and activity in the agricultural sector.
- (g) Technology and productivity. The reorientation of technology used in national industry is being studied. Productivity policy will be primarily directed towards the improvement of the average efficiency of the national productive system, through training of manpower and introducing improvements in the administrative and incentives systems.
- (h) Wages policy. It is attempted to relate the growth of real wages to increases in productivity in order to obtain a more equitable distribution of income and to avoid inflationary pressures.

INSTRUMENTS ON EMPLOYMENT POLICY

- (i) Regional and urban development. Through stimulants to medium-sized towns, massive migration to big centres will be moderated. In so far as possible, industries which employ a high volume of manpower will be established.

In some local centres small-scale agricultural products processing industries or handicrafts will be established while other centres will be considered as "service centres" for the health, education and promotion of commerce for the rural population.

- (j) Acción Comunal (community action programmes). Community action councils will provide training for productive employment to the marginal population.

The Ministry of Labour has arranged with the Department of Statistics to carry out employment and unemployment surveys. The National Classification of Occupations was adopted by Resolution No. 1186 of 6 August 1970.

The National Planning Department is currently revising the Plan to bring it up to date with present social and economic requirements. Two meetings with foreign experts took place to study and evaluate the problems of unemployment and to prepare policies.

Decree No. 2210 of August 1968 established the National Labour Council which is the point of communication between representatives of employers and workers. In order to fulfil its responsibilities, the Council has created sectoral committees including a National Committee on Employment and Human Resources.

II. Implementation of Employment Policy

A national committee meeting made up of representatives of the various sectors of the economy, unions, organisations and bodies, met to examine the report of the Mission of Experts sent under the WEP, Towards Full Employment. This led to a document entitled Strategy for an Employment Policy.

To implement this policy, the Government has drafted laws and has adopted a series of measures to implement the Plan. Programmes are developed through institutions such as the Agrarian Reform Institute for the rural sector, which not only provides productive land to the inhabitants of the countryside but also promotes the raising of the level of technology, education, environment, health, income, etc.

The Artesanías de Colombia is promoting handicraft production for export as well as internal consumption.

The Corporación Financiera Popular has been created to finance small- and medium-scale industry, seeking the best use of unemployed manpower.

Decree No. 3136 of 1968 created the Division of Employment and Human Resources within the Ministry of Labour and Social Security. It is carrying out investigations and studies, and providing placement and training services through the National Apprenticeship Service (SENA).

The following complementary measures have also been taken: programmes to refinance small- and medium-scale industry using labour-intensive techniques; programmes to promote co-operatives; programmes of rehabilitation which not only provide training but also employment; programmes of the Colombian Institute of Agrarian Reform; the economic policy of the Government in respect of imports and exports; monetary policy and the Andean Pact; programmes on health, education, better use of national resources, etc. are also aimed at the realisation of full employment.

The Government is taking into account all aspects necessary for a balanced urban-rural economic and social development. The Division of Employment and Human Resources is promoting studies of crops and harvest times, in order to ensure that a large part of the rural sector has remunerative employment throughout the entire year. Handicrafts, urban as well as rural, are being promoted both directly and indirectly.

The Employment Service is furthering the work of channelling supply and demand of manpower, establishing statistics on manpower requirements and the skill level of employment seekers and harmonising supply and demand of manpower. Based on the studies conducted, it was concluded that the vast majority of the unemployed lacked training. This led to the Employment Service conducting training courses to raise the vocational level of the unemployed so that they could fill the vacancies in the private as well as the public sector.

CUBA

Fundamental Act of 7 February 1959 (Articles 60 and 74).

I. Formulation of Employment Policy

The essential feature of employment policy in Cuba is its incorporation into economic and social development planning, within the framework of the socialist system. The present employment policy is based on the profound political, economic and social transformations which began in 1959.

Important elements of employment policy include: its co-ordination with educational and vocational training plans and policy, and recognition of the need to reconcile the general interest with individual interests and aspirations in matters such as security of employment, geographical mobility and right of the workers to change jobs, etc.

INSTRUMENTS ON EMPLOYMENT POLICY

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INSTRUMENTS ON EMPLOYMENT POLICY

As regards information on employment services, the Government refers to its article 22 report on the Employment Service Convention (No. 88).¹

The competent authorities in regard to employment policy are the Council of Ministers, the Central Planning Board and the Ministry of Labour.

The very nature of the economic and social regime fully guarantees collaboration and co-operation of representatives of employers and workers, through existing political, economic and social institutions and bodies.

II. Implementation of Employment Policy

Agrarian reform provisions and measures have eliminated rural unemployment and underemployment in the country. Financial and investment policy in various branches of agricultural and industrial production are leading to the creation, enlargement and improvement of labour and industrial centres in the various provinces and regions. Other measures include: the extension and modernisation of the sugar and fishing industries, and the implementation of numerous public works projects.

The foreign trade policy adopted by the Government has promoted trade growth and diversification which has led to a greater volume in the importation of capital goods needed for mechanisation and modernisation of rural industry, other industrial centres and transport, etc.

III. Difficulties and Prospects

Legislative provisions and administrative measures recently adopted in relation to employment policy and labour questions, coincide with the changes which have occurred and with the principles of the regime and prevailing national conditions. The Government sees no contradiction between its policy and the essential objectives declared in the Convention and Recommendation.

¹ ILC, 52nd Session, Geneva, 1968, Report III (Pt. 1): Summary of Reports on Ratified Conventions, p. 141.

CYPRUS

The Second Five-Year Plan (1967-1971).

I. Formulation of Employment Policy

The Government refers to its First Report under article 22 of the Constitution on the application of the Convention.¹

The duty of co-ordinating employment policy is discharged by the Planning Commission. This Commission formulates the State's Five-Year Development Plans after consultation with the ministries, with the employers' and workers' organisations concerned and with interested individuals and associations in the private sector.

The Minister of Labour and Social Insurance gives the Planning Commission valuable assistance in evaluating progress in attainment of the goals set in the Plan through the regular collection of statistics on employment and unemployment and provision of information on present and future manpower needs in industry. In the light of this information, the Commission advises the Government on the economic tempo that should be maintained to gear its employment policy to its over-all social and economic policies.

II. Implementation of Employment Policy

During the period 1961-1965, emphasis was put on infrastructure works and related services, and the unemployment rate was reduced from 3 per cent in 1961 to 1.6 per cent in 1965. The Second Five-Year Plan (1967-1971) put emphasis on the development of agriculture, manufacturing and tourism as the main pillars of the economy; it envisaged an annual rate of growth of GDP of about 7 per cent, and during the first three years of the Plan the actual growth rate surpassed this target. Unemployment has been kept at low levels ranging between 1 per cent and 1.2 per cent of the economically active population. The objective of making employment more productive is being achieved by means of intensive training, retraining and upgrading programmes and by reducing underemployment in agriculture.

The need for short-term measures to deal with unemployment or underemployment has not arisen; certain anti-inflationary measures have been taken to prevent any disturbance in internal monetary stability.

No significant seasonal fluctuations in employment occur; in the slack period of November-February, unemployment increases by only 0.2 to 0.3 per cent of the economically active population; in cases where seasonal unemployment threatens to appear, the commencement of certain government projects is advanced.

¹ ILC, 53rd Session, Geneva, 1969, Report III (Pt. 1): Summary of Reports on Ratified Conventions, p. 250.

The country has faced no problems resulting from structural changes; however, in anticipation of such problems, the Government enacted in 1968 the Termination of Employment Law, the main purpose of which is to cushion the effects of redundancy on the employee. There is a network of employment offices and vocational training institutions. No housing problems have arisen for workers except in mining, where employers provide housing for workers whose residence is far from the mines. The country is not faced with employment problems associated with economic underdevelopment.

III. Difficulties and Prospects

The Ministry of Labour and Social Insurance is contemplating the introduction of an Industrial Training Law which will establish policy and programmes for industrial training on a nation-wide basis.

CZECHOSLOVAKIA

Constitution of 11 July 1960 (LS 1960 - Cz. 2).

Labour Code (LS 1965 - Cz. 1A).

I. Formulation of Employment Policy

An active employment policy has been declared in the Constitution and in some other basic political and legal acts.

The Constitution formulates this policy in the following general way (article 21):

"All citizens shall have the right to work and to remuneration for work done according to its quantity, quality and social importance. The right to work and to remuneration for work done is secured by the entire socialist economic system which does not experience economic crises or unemployment."

The Labour Code and other legislative documents mentioned in the report deal with different components and measures of practical implementation of employment policy.

The planned nature of the socialist economy presupposes that employment and manpower questions are integrated in the general framework of socio-economic planning. In particular, the balance of labour resources and of their distribution, as well as the plans of manpower requirements, form an integral part of the national development plans. This co-ordination is also insured on the levels of sectors, branches and territorial units of the economy.

The basic directives in the sphere of employment policy are promulgated by the Government. The planning bodies, headed by the State Planning Commission, are entrusted with the drafting of the

plans. The central authorities and national committees, and through them undertakings and other organisations are charged with their implementation.

The participation of workers and other citizens in the preparation and implementation of the national economic plans and the control of their fulfilment is ensured by social organisations, particularly by the Revolutionary Trade Union Movement (Act No. 145/1970 Sb., Article 2, paragraph 1).

II. Implementation of Employment Policy

The aims laid down in the Convention and Recommendation No. 122 are given effect not only by national legislation but also in practice. There are no unemployed or underemployed in the country and the economic activity of the population is one of the highest in the world (the economic activity of the population in productive age was 77.1 per cent in 1969).

III. Prospects

Due to the planning nature of the economy, full employment is a permanent feature in Czechoslovakia. Therefore, no special measures mentioned in the Convention and in the Recommendation need to be taken.

ETHIOPIA

Public Employment Administration Order No. 26 of 1962.

Policy is directed to the mobilisation of manpower for general economic development.

FINLAND

The Government refers to information supplied under article 22 on the application of the Convention.¹

I. Formulation of Employment Policy

The Employment Act requires that the Government shall endeavour to ensure employment by measures of over-all economic policy and in

¹ To be printed in: ILC, 57th Session, Geneva, 1972.
Report III (Pt. 1), Summary of Reports on Ratified Conventions.

INSTRUMENTS ON EMPLOYMENT POLICY

particular shall promote the creation of new and lasting employment opportunities. There is full freedom of choice of employment. If any persons are unemployed owing to lack of skill, vocational training courses may be arranged for them. With a view to eliminating regional unemployment, the mobility of the labour force is facilitated and the establishment of undertakings in areas of underemployment is encouraged. Individual placement measures are taken for the disabled.

Co-ordination of employment policy with other sectors of the economy takes place in the course of economic planning, when employers' and workers' central organisations are consulted.

II. Implementation of Employment Policy

The Ministry of Labour is primarily responsible for employment policy though some aspects of it are entrusted to the Ministry of Social Affairs and Health and the Ministry of Education.

Efforts are made to concentrate investments in the under-developed areas through subsidies, loans and tax concessions. An employment support system is also under consideration. The Government endeavours to restrain or stimulate investment expenditure according to changes in the employment situation. With a view to relieving winter unemployment in the building industry, instructions on the timing of operations are given to undertakings receiving state loans or subsidies. There has been industrial development in lagging areas, and agricultural activity has been increased through the formation of more efficient agricultural units and the construction of new roads.

Up till now, the Ministry of Labour has been unable to make reliable long-term employment forecasts; it proposes to pay attention to improving these by taking a wider range of variables into account.

FEDERAL REPUBLIC OF GERMANY

Employment Promotion Act of 25 June 1969 (BGBI. I, p. 582)
(LS 1969 - Ger.F.R. 1).

Vocational Training Act of 14 August 1969 (BGBI. I, p. 1112)
(LS 1969 - Ger.F.R. 2).

First Act concerning the Individual Promotion of Training
(Training Promotion Act) of 19 Sept. 1969
(BGBI. I, p. 1719).

Directives concerning Social Measures on Behalf of
Wage Earners in the Hard Coal Mining Industry of
25 June 1970.

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Directives concerning the Provision of Assistance to Employees in the Iron Ore Mining Industry, etc. of 31 March 1970.

Directives concerning the Provision of Assistance to Employees in the Iron and Steel Industry, etc. of 31 March 1970.

Directives concerning the Provision of Assistance to Employees in the Hard Coal Mining Industry, etc. of 13 Febr. 1970.

Directives concerning the Promotion of Employment in the Land of Berlin (Version of 10 Febr. 1970).

Training Report 1970 - The Government's Concept of Training Policy.

Action Programme for Vocational Training

Action Programme of the Federal Government for the Promotion of Rehabilitation for Handicapped Persons

Regional Action Programmes, 1970.

Report on the Economic Structure, 1970.

Annual Economic Report of the Federal Government, 1971.

Social Report, 1970.

Employment Market Policy in the Federal Republic of Germany (Report of the Government to the OECD).

Structural Policy of the Federal Government (Speech to the Bundestag by the Federal Minister of Economic Affairs on 19 Jan. 1968).

I. Formulation of Employment Policy

The Federal Republic of Germany pursues an active employment policy based on economic policy aimed at achieving reasonable economic growth, financial stability, sound foreign trade balances and high employment levels. The major agents in this process are the economic and social partners; the Government intervenes by guiding and correcting the long-range over-all course of economic and social developments. The Economic Stability and Growth Promotion Act of 8 June 1967 provides the Government with effective means for influencing the general direction of foreign and domestic factors with the aid of fiscal policies managed by the Federal Bank, while three Acts passed in 1969 provide the framework for an active employment policy.

The Employment Promotion Act of 25 June 1969 is the most important of these as it assigns to the Federal Employment Institution responsibility for measures taken in order to:

INSTRUMENTS ON EMPLOYMENT POLICY

- prevent occurrence or continuance of unemployment or underemployment on the one hand, and labour shortages on the other;
- safeguard and improve the occupational mobility of gainfully employed persons;
- avoid, reduce or eliminate the negative effects of technological and structural change;
- promote employment for women, the handicapped, older persons and other groups experiencing difficulties in the normal employment market;
- improve the employment structure in the various areas and economic sectors.

The Federal Employment Institution, an autonomous agency in which the social partners and the public authorities are represented carries out vocational guidance, placement and related employment service functions; it promotes training and retraining programmes as well as vocational rehabilitation for the disabled. It may make grants to employers towards the wages of older workers engaged over and above the existing work force and grants and loans for constructing and equipping workshops for less productive older workers. It undertakes employment market and occupational research activities at the national and regional levels and participates in programmes for promoting regional economic readjustment and development; since 1967 such readjustment programmes have been undertaken in East Friesland, Berlin, Ruhr-Saar and other areas, including extensive expenditures in aid of conversion in the hard coal mining industry.

The Training Promotion Act of 19 September 1969 lays down the criteria according to which aid or training can be provided for young persons. As assistance takes the form of grants of interest-free loans, low incomes need no longer prevent otherwise qualified persons from obtaining suitable vocational preparation.

The Vocational Training Act of 14 August 1969 creates a unified national basis for vocational training for all occupations and sectors which includes initial training for acquiring basic preparation for an occupation, retraining for occupational mobility and encourages further training to keep pace with technological change and for specialisation and career advancement.

The co-ordination of employment policy is conditioned by the federal structure of the country. Workers' and employers' organisations and the public authorities all participate in the decision making of the autonomous agencies, such as those in the fields of employment administration and rehabilitation. Employers and workers continue to exert substantial influence on the workings of employment policy through collective bargaining and co-management practices.

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The Federal Ministry of Labour and Social Affairs is responsible for seeing to it that employment policy is carried out and it represents the Federal Government when these matters are touched upon in the work of other bodies. The Ministry thus also plays a co-ordinating role within the federal administrative structure and maintains close contacts with the Federal Employment Institution and with the employers' and workers' organisations and the ministries of labour at the Länder level. Meetings with officials of the Länder help in the exchange of ideas concerning short- and longer-term government policy. Similarly, the Ministry's tripartite Working Party on Employment Policy, which meets two or three times a year, is a means of maintaining contact and communication. In addition, conferences on employment have been arranged as necessary with the participation of government authorities at the various levels and the employers' and workers' organisations to examine specific problems and possible solutions.

While the Länder are charged with carrying out federal law generally, this is not the case in regard to employment policy. Here the Federal Government relies on the Federal Employment Institution in Nuremberg, which is, in effect, the employment administration of the country. Under the Institution, 9 Land employment offices are established; below these are 146 employment offices to which 559 local branches are assigned. There are in addition the Employment and Occupational Research Institute in Erlangen and the Central Placement Office in Frankfurt, both of which are dependencies of the Federal Employment Institution, as are the various foreign worker recruitment offices abroad.

The Federal Employment Institution was established as an autonomous public authority with a President, Executive Board and Administrative Council. The principles of self-management and equal tripartite representation apply not only at Institution headquarters was also at the Land and local employment offices, each of which has an administrative committee of employers', workers' and government representatives, serving as voluntary officials who, together with the Land office directors and local office managers, jointly administer the employment service programme. While the Federal Minister of Labour and Social Affairs exercises legal supervision so as to ensure that legislative and other requirements are observed, neither he nor the Government is normally empowered to direct the Institution in regard to matters coming within its technical competence.

The Federal Employment Institution is financed through employers' and workers' contributions. The Government or the Minister of Labour and Social Affairs approves the Institution's budget and may instruct it as regards matters such as statistics, the employment of foreigners and in cases where the Institution sometimes acts directly as an agent of the Government. The Institution is required to adhere to the Government's social, economic and financial policy.

II. Implementation of Employment Policy

Except for the recession of 1966-67, manpower imbalances have tended to be due to excessive labour demand and these were dealt with by special government action programmes. The Government has subsequently formulated a series of general approaches to correcting imbalances and specific measures to be applied in cases of partial or full unemployment.

In order to prevent and overcome transitional or structural imbalances in the employment market due to low labour demand, steps may be taken to encourage demand through various measures based on a combination of legislation, recommendations of special economic advisory groups, medium-range economic policy and fiscal planning, counter-cyclical public expenditure policy, direct employment creation, etc. Where the imbalances are due to labour shortages, measures are taken to increase the recruitment of foreign workers, to encourage the participation of women and older and handicapped workers, and to expand part-time employment, placement, and vocational guidance and training activities.

As concerns the prevention and reduction of regional and sectoral imbalances due to low manpower demand, structural and regional policy is applied, such as that to promote development in rural areas, the border zones and Berlin. Measures include the promotion of year-round construction work through bad-weather allowances and winter building promotion (covered in the Employment Promotion Act), assistance to coal and steel workers, assistance for agriculture, etc.

In addition, among other general and specific measures undertaken through the employment administration to promote full and productive employment are extensive research activities into employment market conditions, occupational characteristics and vocational training. In the event of partial or full unemployment, provisions of the Employment Promotion Act can be applied to cover short-time allowances, unemployment benefits and unemployment assistance.

Collective bargaining has in recent years tended to further employment stabilisation through numerous agreements incorporating protection for workers from the consequences of rationalisation; transfer to other jobs and retraining without loss of earnings is commonly applied in such cases and helps to supplement the active employment policy measures based on legislative provisions.

Social plans in the form of voluntary agreements between employers' and workers' representatives have been very successful in reducing the difficulties in the enterprise arising from work force adjustments: where redundancies are unavoidable, transfers may be arranged, transportation facilities and travel costs covered, retraining provided, etc. and where necessary, special severance allowances may be provided. A bill to

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amend the Works Constitution Act and to extend and improve the existing facilities is currently under consideration in Parliament. It stresses personnel planning in the enterprise as well as the planning and provision of vocational training according to new standards to be established under works constitutions.

III. Difficulties and Prospects

The Federal Republic of Germany ratified Convention No. 122 on 17 June 1971.

GHANA

The Government refers to the report which it submitted in 1968 in connection with the article 19 survey of 17 important Conventions¹ and states that there has been no change in its employment policy since then. It is not at present proposed to ratify the Convention.

GREECE

Constitution of 15 November 1968.

Five-Year Economic Development Plan 1968-1972.

I. Formulation of Employment Policy

Article 27 of the 1968 Constitution places on the State the obligation to concern itself with ensuring the employment of citizens. The Development Plan brings out the importance of establishing conditions which will ensure full employment and deals systematically with manpower problems in terms of structural shifts in the economy, planned changes in rates of employment growth in agriculture, industry and the tertiary sector, the movement of workers from rural to urban areas, and migration abroad. It also makes recommendations concerning the reorganisation of the employment service.

Employers' and workers' organisations are represented on the board of directors of the Manpower Employment Agency and on employment office advisory committees.

1

ILO, 53rd Session, Geneva, 1969, Report III (Pt. 2): Summary of Reports on Unratified Conventions, p. 65.

II. Implementation of Employment Policy

A manpower programmes committee has responsibility for evaluating the work of the Manpower Employment Agency in the fields of labour mobility, placement, vocational guidance, apprenticeship, vocational training and retraining of adults.

Workers' housing will be built in the developing industrial regions for the benefit of workers coming from other regions.

The Federation of Greek Industrialists has been asked to make short-term forecasts of the requirements of industry for skilled workers so that these can be taken into account in the Ministry's vocational training programme.

GUYANA

Constitution of 16 May 1966.

I. Formulation of Employment Policy

The Government is committed to a policy of attaining full employment, at a reasonable standard of living, in the shortest possible time, and its economic development plan has been formulated with a view to creating more job opportunities and promoting full, productive and freely-chosen employment.

It is hoped to use co-operatives, among other things in small local industries, as an instrument to achieve this aim.

The Government holds the view that the State should be in full control of its natural resources; it has nationalised a bauxite company and is seeking participation in the ownership and control of other concerns.

It is expanding the institutions necessary to train unskilled workers for occupational skills, the need for which was foreseen by a manpower survey.

The Ministry of Labour and Social Security has been entrusted with the formulation of employment policy, and its chief employment and productivity officer is a member of the planning committee which has over-all responsibility for formulation of the development plan. Consultation with employers and workers is done mainly on an ad hoc basis, whenever the need arises.

II. Implementation of Employment Policy

The employment situation is kept under constant review and a regular job vacancy survey is being introduced, as it

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is realised that there can be no meaningful employment policy without relevant statistical data.

The Government has called for improved productivity and is establishing a centre to train management personnel in the raising of productivity.

Freedom of choice of employment is guaranteed under the Constitution. Steps are being taken to improve the employment service so that it offers vocational guidance, particularly to young people, and greater opportunities for placement. Accelerated training in basic skills is available for persons likely to benefit from it.

The Guyana Development Corporation promotes the establishment of new industries; it conducts feasibility studies and gives free advice on financing, management, production and marketing.

Self-help schemes are advocated as instruments to advance the rate of building of the infrastructure such as roads, schools and health centres.

No clearly identifiable measures have been taken independently by employers, workers and their organisations to promote the achievement and maintenance of full, productive and freely-chosen employment, but they support the Government's efforts to create more job opportunities.

III. Difficulties and Prospects

It is hoped in due course to examine the practicability of applying the provisions of the Convention and Recommendation; the Government will not hesitate to adopt any practicable measures to improve the employment situation.

INDIA

Fourth Five-Year Plan 1969-1974.

Resolution No. MP-10(110)69 of the Ministry of Labour, Employment and Rehabilitation of 19 December 1970 setting up a committee to assess the extent of unemployment and underemployment and to suggest suitable remedial measures.

I. and II. Formulation and Implementation of Employment Policy

The measures taken by the Government to create additional employment opportunities are broadly in line with the provisions

of the Recommendation and are implemented within the framework of the social and economic policy of the Government. Details of measures taken so far and of those proposed to be taken for employment promotion in the next few years are given in the chapter on labour and employment in the Fourth Five-Year Plan.

The strategy of development laid down in the Plan is in broad conformity with the guidelines indicated in the ILO's report on the World Employment Programme presented to the 1969 Conference. Although the Plan does not contain, as in the case of earlier plan documents, quantified targets for employment creation, it does recognise the reality and seriousness of the unemployment problem. Indeed, the approach, strategy and the pattern of development envisaged in the Plan are very much employment oriented.

The decision not to lay down quantitative targets of employment was based on the conclusions of an expert committee on unemployment estimates, which had examined the soundness of the methodology employed by the Planning Commission in estimating labour force, employment, unemployment, etc., and the validity and accuracy of estimates presented in earlier plan documents. The committee held that the methodology adopted was not sound and that the estimates lacked authenticity. It made certain suggestions for studies to improve the methodology and make more meaningful and accurate estimates in the light of the socio-economic set-up of the country, its rural/urban characteristics, etc. It made a number of recommendations aimed at bringing about improvements in the collection and analysis of statistics relating to employment, unemployment, underemployment, etc. Various data-collecting agencies of the Government are taking steps to evolve suitable concepts of employment, etc. on the lines of the methodology suggested.

The Fourth Plan is designed to achieve a growth rate of 5 per cent in agriculture and 8 to 10 per cent in industry, giving an over-all growth rate of 5.5 per cent per annum. Besides, the pattern of development and the major programmes envisaged in the Plan are consciously oriented to the generation of increased employment opportunities. Considerable emphasis has been laid on programmes of agricultural development, rural infrastructure and rural development, which are in themselves labour intensive and are likely to generate increasing employment opportunities in the rural areas. The accelerated growth of organised mining and manufacturing, the encouragement of ancillary and small-scale industries, the increased provision for infrastructure facilities in communications, transport and power, and the rising level of construction activities will all contribute to larger opportunities for direct employment, including self-employment. In the transport sector, most of the schemes, particularly under railways and roads, are highly labour intensive.

Apart from the programmes of economic development with an employment bias, it has been considered necessary to formulate specific programmes, both in the Plan and outside, designed to deal more directly and effectively with the more vulnerable sections of the population and areas affected by unemployment and under-employment. These relate to small farmers, agricultural labourers and rural artisans. More recently, a scheme for rural employment promotion was introduced with effect from 1 April 1971. The scheme is expected to provide jobs to over 400,000 persons at a cost of Rs. 500 million per annum and will be implemented over the remaining three years of the Fourth Plan period. Further, a provision of Rs. 250 million has been made in the budget for 1971-72 to tackle the problem of the educated unemployed.

Realising the gravity of the problem, the Government has recently set up a Committee of Experts on Unemployment to assess the extent of unemployment in all its aspects and to suggest suitable remedial measures.

III. Difficulties and Prospects

There is no legislation containing any policy declaration regarding employment, so the question of giving effect to provisions of the Convention and of the Recommendation through modifications in the national legislation does not arise. However, in view of the fact that the development strategy envisaged in the Plan as well as major programmes both within and outside the Plan are consciously oriented to the generation of increased employment opportunities, it is felt that the Convention is being implemented in spirit.

The Government has noted the observations of the Committee of Experts to the effect that "It is not considered that the impossibility of achieving full employment in the immediate future should be looked upon as an obstacle to ratification of the Convention, since the obligation deriving from its terms is not to achieve full employment immediately, but to pursue a policy designed to promote it", and the Government is, therefore, considering ratification of the Convention.

IRAQ

Labour Code, Act No. 151 of 1970.

The Government has examined the report form but in the present circumstances, cannot prepare complete answers. However, it points out the great importance it accords to the question of employment policy.

Besides the ratification of Convention No. 122, a new Labour Code has been promulgated (Act No. 151 of 1970) by which the Labour Agency for Employment, Training and Rehabilitation has been established. This Agency includes a Central Bureau of Employment

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with responsibility for creating employment offices in the mohafazal and in certain places of work, for carrying out labour market studies, etc.

The Government has asked for UNDP assistance in organising and developing the National Employment Programme, including the formulation and implementation of an employment policy.

IRELAND

The Government refers to its first report under article 22 on the ratification of the Convention.¹

II. Implementation of Employment Policy

The National Manpower Service, though primarily concerned with placing persons in employment, will be a main source from which the various agencies concerned with economic expansion will draw information on matters relating to manpower. The Service will also be concerned with post-school occupational guidance, opportunities for the retraining of adults and the movement of workers from depressed areas to centres of growth. Legislation to improve the redundancy payments scheme is before Parliament.

Consideration is being given to the establishment of additional industrial training centres, and the Industrial Training Authority will make ad hoc arrangements for retraining redundant workers in areas where arrangements have been made for the establishment of new industries.

ITALY

Act No. 864 of 19 October 1970 to ratify the Convention.

Economic Development Programme for the Five-Year Period 1966-1970 (Rome, 1967).

The consolidated regulations on investment in the Mezzogiorno approved by Presidential Decree No. 1523 of 30 June 1967.

¹ ILC, 56th Session, Geneva, 1971, Report III (Pt. 1); Summary of Reports on Ratified Conventions, pp. 67-69.

Progetto 80 - Preliminary Report on the National Economic Programme 1971-1975 (Florence, 1970).

I. Formulation of Employment Policy

Guidelines for a concrete employment policy were set out in the National Economic Programme for 1966-70. They reappear, reformulated and brought up to date, in the draft National Economic Programme for 1971-75 now awaiting submission to Parliament for approval. The principal aim of this employment policy is to arrive at a situation of full employment with the resulting disappearance, to the greatest extent possible, of the phenomenon of emigration and the elimination, not only of unemployment, but also of the different forms of underemployment.

To achieve this result, it is indispensable to give priority to progressive reduction of the continuing economic disparities between the different regions, with particular reference to the situation in the Mezzogiorno, which still lags behind the level of industrial, technological and social development reached in the north.

It is only through a process of continual adaptation and matching of labour supply and demand that it will be possible to stop the traditional flow of workers to the areas of high capital investment and instead to encourage the flow of capital to areas with more plentiful manpower. This implies an efficient employment service and an appropriate vocational training system.

Progetto 80 contains a study of the main tasks which will face the Italian economy in the next decade. As regards employment policy, it assumes that achievement of full employment will depend both on the success of the policy of general economic expansion and on an active policy for the steering of investments. It also describes the lines along which vocational training and the placement of workers should develop and sets the general goals of (a) improving skills and vocational training at all levels, (b) promotion of better occupational mobility and (c) reduction of wage disparities. To reach these goals it specifies a large number of measures to be taken in co-operation with industry, the vocational training institutions, and the manpower forecasting and educational and vocational guidance services. The active collaboration of employers' and workers' organisations is also foreseen.

There is clear recognition in all circles of the inseparability of economic and social problems. Employment policy is formulated by the Government in the shape of a chapter of the Five-Year National Economic Programme. It is for Parliament to give legislative approval to the Programme, the implementation of which is then entrusted to the Government. An important part in this process is played by the Interministerial Economic Programming Committee.

The workers' and employers' organisations participate in all phases of formulation and implementation of employment policy and keep a check at all stages on its execution by the Government and other competent authorities. In fact, these organisations are more and more taking over duties normally attributed to the Government; they are losing the characteristics of sectional bodies and becoming true participants in the country's political, social and economic development.

II. Implementation of Employment Policy

Great importance is attached to the broad long-term measures designed to achieve lasting economic expansion and eliminate the regional disparities in employment and in socio-economic levels. Employment problems cannot be discussed without reference to the situation in the Mezzogiorno.

In order to limit the flow of workers from southern regions to the industrially and economically more developed regions of the north, the Government adopted from the beginning incentive measures of support for new industry in the Mezzogiorno and, later, disincentive measures to discourage further industrial congestion in the north.

At present, Parliament is considering a measure whereby the State would assume the social security costs of small and medium undertakings in the south. As regards Calabria and Sicily, the Interministerial Economic Programming Committee has decided on measures to be taken by state-participation and private undertakings to raise the level of employment in these regions as part of industrial investment plans to promote the progressive development of the Mezzogiorno as a whole.

The programme of the state-participation undertakings in regard to industrial investment in the Mezzogiorno is of great importance. The IRI group has planned to increase employment by 110,000 persons (of which, 70,000 in the four-year period 1970-73); this will raise the proportion of its workers employed in the southern regions from 22 per cent to 36 per cent. The group has also been active in the training and retraining of workers with a view to employment in its undertakings. Other state-participation undertakings also plan investment and other action to create new jobs in the Mezzogiorno.

The consolidated regulations on investment in the Mezzogiorno approved by Presidential Decree No. 1523 (30 June 1967) allocate to this area 40 per cent of the investment made by state-participation industries, and 60 per cent of the investment in new projects. Parliament is considering a provision to raise this proportion to 80 per cent for the period 1971-75.

III. Difficulties and Prospects

The Government has ratified the Convention by Act No. 864 (19 October 1970). There have been no difficulties in relation to application of the provisions of the Convention and Recommendation.

JAMAICA

Jamaica's thinking on the present employment situation generally conforms with the provisions of the Convention.

A National Commission on Unemployment has been established to formulate a concerted national effort to eliminate unemployment within the shortest possible time.

The Government's plans include provisions for productive investment in public works, for incentives to industry in different areas of the country, for the promotion of tourism and for the expansion of agriculture.

The Convention and Recommendation are still under study.

JAPAN

Employment Security Law (No. 141 of 30 November 1947)
(LS 1947 - Jap. 4).

Employment Deliberation Council Establishment Law (No. 61 of 15 April 1957).

Manpower Organisation Law (No. 132 of 21 July 1966)
(LS 1966 - Jap. 1).

Vocational Training Law (No. 64 of 18 July 1969)
(LS 1969 - Jap. 1).

Basic Employment Measures Plan.

I. Formulation of Employment Policy

The purpose of employment policy is defined in the Manpower Organisation Law of 1966 as: "to contribute toward the balanced development of the national economy and the achievement of full employment by establishing both qualitative and quantitative balance between labour supply and demand and enabling workers to make effective use of their abilities, through the adoption

of necessary comprehensive measures for employment with which the State is charged in the whole sphere of its policies, thus contributing to the promotion of employment security and elevating the economic and social status of workers." This law requires that: "the authorities shall respect workers' freedom of choice of employment and employers' autonomy in employment management and shall endeavour to enhance the willingness of workers to acquire skills and sustain themselves by work, and to facilitate employers' efforts to stabilise the employment of workers". This is done principally by measures to (1) improve vocational guidance and placement services, (2) develop training and trade-testing projects, (3) improve welfare facilities, including housing for workers who have to move to obtain work, (4) facilitate job changing and occupational adjustment and (5) eliminate insecurity of employment.

The Ministry of Labour drafts a Basic Employment Measures Plan to give effect to general objectives set out in the Economic and Social Development Plan; in doing so it consults the Economic Planning Agency, which is responsible for drafting the latter Plan. The Basic Employment Measures Plan is decided upon by the Cabinet after consultation with the heads of the administrative agencies concerned. It is reviewed every year by the Ministry of Labour which then formulates an annual employment plan; a similar review is carried out each year at the level of the prefecture.

In drafting the Basic Employment Measures Plan, the Minister of Labour is required to hear the opinion of the Employment Deliberation Council; among the members of this Council, serving in their capacity as men of knowledge and experience, are representatives of employers and workers; consultative bodies also exist in connection with the employment service, vocational training and employment of the disabled.

II. Implementation of Employment Policy

Implementation of the Basic Employment Measures Plan is entrusted to the Economic Planning Agency, the Ministry of International Trade and Industry, the Ministry of Education, the Ministry of Construction and other governmental agencies, as well as to the Ministry of Labour. At the local level, the Plan is implemented by prefectural governments, municipalities and employment offices. Certain measures are taken by the Employment Promotion Projects Corporation, a statutory body under the supervision of the Minister of Labour.

General measures of a long-term character include the formulation of an economic plan and the operation of fiscal, financial, industrial and other policies designed to promote the steady growth of the economy.

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General measures of a short-term character include advancing or delaying public works expenditure, manipulation of the official discount rate by the central bank and provision of special resources by government financial institutions.

Selective measures include loans to employers whose funds are liable to seasonal fluctuation to permit them to realise year-round operation and bonuses to employers hiring the seasonally unemployed. Special guidance and training services are provided for older workers.

Lagging regions and areas subject to structural change receive favourable treatment in finance and taxation, and in coal-producing areas where the unemployment rate is high, relief projects are carried out with a view to providing temporary employment.

III. Difficulties and Prospects

The greater part of the provisions of the Convention and Recommendation are being implemented in Japan, and the Government intends to take further measures to give effect to these provisions. It is considered that there would be no fundamental difficulties in the way of ratification of the Convention, but further interpretation of the following points is necessary: (1) the contents and degree of "an active policy designed to promote full, productive and freely chosen employment" provided for in Article 1 of the Convention and (2) whether or not the requirement in Article 3 of the Convention is met by the outline of employment policy being submitted to a deliberation council which in fact has among its members representatives of employers and workers.

KENYA

Development Plan, 1970-1974.

Agreement on Measures for the Immediate Relief of Unemployment, signed at Nairobi 18 June 1970.

I. Formulation of Employment Policy

While supporting the principles and aims of both instruments, the Government does not consider it possible, for the present, to ensure full, productive and freely-chosen employment.

II. Implementation of Employment Policy

However, the Government continues to pursue an active employment policy, and the Development Plan represents an employment programme, the achievement of which is crucial for the Government's employment policies. If fully implemented, it will lead to a 35 per cent increase in wage-paid jobs by 1974.

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In June 1970, the Government, the Federation of Kenya Employers and the Central Organisation of Trade Unions agreed voluntarily on measures to alleviate unemployment and signed a tripartite agreement in which every employer, including the Government, undertook to increase the number of regular employees as at 31 May 1970 by 10 per cent. As a result of this exercise, 43,000 unemployed people obtained jobs.

The Government has asked the ILO to send a mission to Kenya under the World Employment Programme to help it to identify areas of economic activity in which employment opportunities might be increased.

KHMER REPUBLIC

I. Formulation of Employment Policy

The Government has not yet made any official declaration of employment policy either in terms of any plan or programme or legislative or administrative regulations. There is also no co-ordination between employment policy and economic and social development. The Ministry of Labour and Social Action is the authority charged with formulating employment policy. As yet, there are no employers' and workers' organisations.

II. Implementation of Employment Policy

With a view to undertaking concrete measures in the employment field, the Government has reorganised the labour administration and established an employment service.

Specific measures under consideration by the Government to implement employment policy include the establishment of a register of job vacancies and a bureau of statistical research and information, and the reorganisation of the employment office in order to extend its scope and strengthen its clearing system.

KUWAIT

The high proportion of foreign labour in the country keeps employment policy in constant change and dependent on migration. The national labour force is increasing very slowly.

In consequence, it is found difficult to ratify the Convention or to apply the Recommendation.

However, Kuwait attempts to provide work for every able person and is executing vocational training projects in co-operation with the ILO and UNDP.

LEBANON

Order No. 23/I of 14 March 1970 setting up a special committee on employment problems.

I. Formulation of Employment Policy

In connection with the over-all, integrated development programme a committee has been established to study problems related to employment and their social, economic and educational implications.

The principal elements of the proposed policy to promote full employment can be summarised as follows:

- (a) to establish an employment policy corresponding to economic needs and to provide a link between employment and production;
- (b) to formulate and publish employment statistics;
- (c) to ensure a link between manpower skills needed for economic development and the educational system;
- (d) to be concerned with problems involved in youth placement mobility or emigration, in addition to a balanced labour market by occupation and region.

Employment is freely chosen. The above-mentioned committee was made up of governmental representatives and employers' and workers' representatives.

LIBYA

Planning Law No. 85, July 1970.

Decree of 11 January 1971 setting up a Manpower Planning Committee.

Development Budget, 1970-1971.

I. Formulation of Employment Policy

The Government has not so far declared any specific employment policy. However, some preliminary steps have been taken to co-ordinate employment policy with economic and social policy. The economic and planning machinery is in the process of reorganisation.

II. Implementation of Employment Policy

The Supreme Planning Council, under the chairmanship of the Prime Minister, has been entrusted with the formulation and implementation of employment policy, and the Manpower Planning Committee, presided over by the Minister of Labour and Social Affairs, will assist this Council. One representative each from the employers' and workers' organisations will be nominated to this Committee.

Through annual development budgets, the Government is planning to promote industrial and rural employment. The employment offices are also being reorganised to assist Libyan employment seekers without any discrimination.

III. Difficulties and Prospects

As soon as the reorganisation of the Government's economic and social planning machinery is finalised the question of giving effect to the provisions of the Convention and Recommendation could be re-examined.

LUXEMBOURG

I. Formulation of Employment Policy

When the Government took office, it made a declaration on 11 February 1969 before the Chamber of Deputies underlining the necessity of (1) intensifying economic expansion and encouraging new private investments with a view to providing full employment for a growing number of persons who cannot be absorbed in the traditional sectors of the economy which are in the process of rationalisation, (2) undertaking medium-term economic programming, and (3) tackling the problems of adjustment facing many workers in agriculture, handicrafts and trade in connection with the trends of technical progress and the coming of the Common Market.

Since then, the trend of employment has been upwards, and no major manpower problem has arisen apart from that of finding workers from abroad to meet new requirements. With the engagement of additional workers by the new industries established in the country and with the increase in the numbers employed in building and in the tertiary sector, there has been a distinct rise in the number of unfilled vacancies, while the number of job-seekers has dropped steadily to an insignificant level. Accordingly no special legislative or administrative measures have been needed.

The Government, and in particular the Ministries of the Economy and of Labour, co-ordinate employment policy with general economic policy by conferences and round tables in which representatives of employers and workers participate along with the departments concerned. These discussions resulted in the publication of an

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Economic Inventory which includes employment forecasts up to 1975. The joint administrative committee of the National Labour Agency also is regularly consulted on employment policy.

II. Implementation of Employment Policy

Full employment has been achieved and unemployment is non-existent. To avoid unemployment due to winter inclemency, the Act of 28 January 1971 introduced compensatory wages for workers in construction and associated building trades, so that their employment relationship is no longer interrupted by lay-offs due to bad weather.

The Government is drafting a Bill to provide for readjustment measures in agriculture and other weak sectors of the economy. These measures would include (1) deferred vocational training, retraining and advanced training and (2) the payment of waiting allowances for persons without employment, of training allowances, and of transitional allowances for persons re-entering employment.

Freedom of choice of occupation is guaranteed by the Constitution and is not impeded by any form of discrimination.

III. Difficulties and Prospects

In order to implement an active manpower policy, the Government intends to reorganise the employment service so that it has better knowledge of the employment market, greater effectiveness in matching vacancies and applicants and a broader and more forceful impact on the labour force.

MALAGASY REPUBLIC

I. Formulation of Employment Policy

The information previously supplied by the Government is still valid. Since the formulation of employment policy requires an administrative infrastructure, the Government has, since 1964, been running an employment service which includes a vocational selection and guidance branch. Since 1966 the labour services have included a statistical branch, which is responsible for collecting and applying basic statistical data on employment. A training and employment committee, on which employers' and workers' organisations are represented, was set up in 1967 under the auspices of the Planning Commissariat to advise the Government on policy in this respect. Moreover, in 1969, vocational training for adults was put on a regular basis with financial assistance from the UNDP and technical assistance from the ILO.

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The efficiency of these various bodies is restricted by their inadequate human and material resources. This is a general problem, affecting not only employment, and the Second Five-Year Plan includes provision for tackling this problem more energetically.

II. Implementation of Employment Policy

The main measures undertaken to promote full productive and freely chosen employment have already been mentioned in the preceding reports.¹

In order to cope with the situation that is likely to arise in the near future as a result of unemployment and underemployment - which are having an increasing effect on young people - the Government is studying the most suitable remedial measures, the most urgent of which will be included in the Second Five-Year Plan.

Furthermore, with a view to determining long-term measures, the Government has appealed to the international organisations (UNDP and ILO) for an inter-agency scheme to be carried out in Madagascar within the framework of the World Employment Programme.

III. Difficulties and Prospects

The Government is doing its utmost to pursue the policy of full, productive and freely-chosen employment, as defined in Paragraph 1 of the Recommendation, but the difficulties inherent in the country's economic situation stand in the way of the application of such a policy. The Government subscribes fully to the principles and methods of application defined in the Recommendation. Nevertheless it emphasises that effective application of all the measures advocated can only come about gradually.

MALAWI

A National Wages and Salaries Policy for Malawi (Statement of Government Policy dated 19 September 1969).

¹ ILC, Geneva 1970, Report III (Pt. 1): Summary of Reports on Ratified Conventions, p. 158.

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The Government refers to its report in 1968¹ in which it stated that the majority of the population were self-employed farmers, that few could be absorbed in industry, and that it did not consider that the provisions of the Convention suited the requirements of the country. The changes which have taken place in the social and economic development of the country since that report do not yet justify variation of the statement then made.

However, the Statement on National Wages and Salaries Policy affirms that it is government policy to maximise the volume of paid employment and to maintain the present level of minimum wages as an essential part of encouraging the expansion of paid employment and maintaining a balance between farmers and wage earners.

MALI

Three-Year Economic and Financial Stabilisation Programme, 1970-1972.

Ordinance No. 1/CMLN of 28 November 1968 concerning the provisional organisation of public authorities in the Republic of Mali.

Ordinance No. 29/CMLN of 23 May 1969 concerning the Investment Code.

Decree No. 138/PGRM of 26 August 1969 concerning the establishment of National Planning Committees.

Decree No. 141/PGRM of 28 August 1969 concerning the establishment of a Supreme Planning Council.

Decree No. 143/PGRM of 28 August 1969 concerning the establishment of an Economic and Social Committee.

Decree No. 101/PG of 5 August 1970 concerning supervision of implementation of the Plan and co-ordination between government departments.

I. Formulation of Employment Policy

Pursuance of an active employment policy is one of the basic preoccupations of social policy. Ordinance No. 1/CMLN of 28 November 1968 recognises that all persons have the right to work.

With regard to freedom of choice of work, the Government refers to its reports on the application of the Discrimination (Employment

¹ ILC 53, Report III (Pt. 2): Summary of Reports on Unratified Conventions, p. 67.

and Occupation) Convention (No. 111) and Recommendation (No. 111), 1958.¹

The Minister responsible for the Plan has to ensure the coherence of economic and social development policy as a whole, to co-ordinate the preparation of sectoral development programmes and projects and their implementation by the various departments. In August 1969, the Government issued a series of decrees establishing planning bodies with a view to obtaining the participation of different socio-occupational groups. Thus, the Social Sector and Human Resources Committee is concerned with education and training; the Economic and Social Committee is concerned with the broad options in draft programmes and plans; the Supreme Planning Council is concerned with examining the conclusions of the planning committees, with ensuring liaison between the authorities and those responsible for economic and social activities, and with corrective action in the case of failure to achieve Plan objectives.

II. Implementation of Employment Policy

The Three-Year Programme envisages the establishment of selected industries. Proposals are submitted to the National Investment Committee and must be accompanied by an employment and vocational training plan. Priority is given to three types of industry: (1) raw material processing industries, (2) industries which will help agriculture, such as agricultural machinery or insecticide manufacture, (3) import substitution industries. Among the data recorded in the Programme is the number of jobs directly created by projects for the three years.

The Programme proposes organisation of the artistic handicrafts sector by the establishment of a National Handicrafts Agency and of training.

As regards rural employment, the Government is giving special attention to the development of agricultural education and training, to the training of agricultural extension workers and to the training of self-employed farmers. Experiment has shown that these measures help to keep farmers on the land, encourage fuller use of manpower in rural development, and raise productivity.

The National Manpower Agency is responsible for questions concerning the use of manpower, vocational guidance and vocational training; its board of directors consists of equal numbers of representatives of the authorities, of employers and of workers.

¹ ILC, 53rd Session, Geneva, 1969, Report III (Pt. 1): Summary of Reports on Ratified Conventions, p. 216.

III. Difficulties and Prospects

The Labour Department is studying the Convention with a view to its possible ratification as part of a programme for harmonisation of employment policies among member countries of the Organisation of Senegal Riparian States.

MALTA

Constitution (The Malta Independence Order, 1964).

Third Development Plan for the Maltese Islands, 1969-74.

I. Formulation of Employment Policy

The Constitution includes the following principles:

(Section 7) "The State recognises the right of all citizens to work and shall promote such conditions as will make their right effective."

(Section 13) "The State... shall provide for the professional or vocational training and advancement of workers".

Subsection (3) of Section 46 provides for protection from discrimination on the grounds of race, place of origin, political opinions, colour or creed.

The opening sentence of the Third Five-Year Plan states that:

"The immediate task of the present Plan is to achieve a rate of economic growth high enough (a) to provide jobs for virtually all who seek them, (b) to build up those areas of activity within the economy which can be efficiently developed and which contribute to the achievements of Malta's planning objectives; (c) to raise standards of living in line with increasing productivity of labour".

The Plan includes quantitative targets for each year from 1969 to 1973 for employment within each branch of economic activity.

The Economic Planning Division of the Office of the Prime Minister is primarily responsible for drawing up the Plan. However, before information on over-all policy is made public, the Division notifies the different government departments and autonomous bodies of the policies to be implemented in their particular fields. The Ministry of Labour, Employment and Welfare is made aware of the planned trends in employment in the various sectors.

Consultation with representatives of employers and workers is not applied as a general policy but is carried out in particular instances, as for example in (a) the committee set up to co-ordinate

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action to train and find employment for service personnel redundant as a result of the British Forces' rundown; (b) the board appointed to supervise the employment service; and (c) the youth advisory committee.

II. Implementation of Employment Policy

The Third Plan foresees that what is for practical purposes full employment will be reached by the middle of the Plan period. The pace of economic development has in fact surpassed the expectations of the planners. The Plan provides for a shift of the labour force from low-productivity to high-productivity areas, for the encouragement of capital investments and for financial incentives to infant industries to create more productive jobs.

Since 1966, use of the employment service has been open not only to the unemployed but also to gainfully occupied persons seeking a change of employment. Vocational guidance is given to school-leavers. Under the Disabled Persons (Employment) Act 1969 new jobs are created for disabled people. Good relations between employers and employees have also facilitated the growth of employment.

III. Difficulties and Prospects

The Government has not found it possible for the present to comply with Article 3 of the Convention. Representatives of employers and workers are consulted on certain aspects of employment policy only; the Government does not consider it either desirable or advisable to consult these parties on all aspects of employment policy.

MOROCCO

Five-Year Plan 1968-1972.

I. Formulation of Employment Policy

In a speech on 1 May 1971, the Minister of Labour, Employment and Vocational Training reaffirmed the highest priority given by the Government to the creation of new employment outlets, not only because all had the right and duty to work but because unemployed persons who consumed but did not produce constitute a brake on development.

It is estimated that, during the Plan period 485,000 new employment opportunities will be created.

Investment in industry is being directed to (1) modernisation of existing industry and (2) projects with a high capital content aimed

at raising the industrial potential of the country, which will permit a more rapid absorption of manpower in the post-Plan period. Investment in handicrafts is directed towards rationalising production and marketing mainly for export, so as to compensate for the considerable reduction of handicrafts jobs in the traditional textile sector. Investment in transport, tourism, services and commerce is aimed at modernising commercial relationships and improving hotel facilities.

It is estimated that, during the same period, the labour force will increase by 710,000, leaving a gap of 225,000 persons without employment. It is envisaged that this gap will be partially bridged by the creation of 70,000 additional jobs under the National Promotion Scheme, which will be extended to urban areas, mainly in connection with clearing the shanty-towns.

The National Promotion Scheme was started in 1961, in order to make use of the capacity of underemployed persons in rural areas to execute productive work projects, such as improving the infrastructure and living conditions in the poorer regions. Another objective of the Scheme is to interest and involve the population in national and local development. Workers are paid partly in cash and partly in food provided by international aid. They can mostly be employed on unskilled work and in circumstances allowing for easy supervision such as large or grouped building sites. The technical preparation and supervision of projects need to be improved.

Departments responsible for construction work are asked to take possibilities of using the National Promotion Scheme into account; at equal cost, preference should always be given to methods using the most labour; even where the latter are more costly, they may entail a saving of foreign currency expenditure on the purchase and upkeep of machinery. A continuous effort to improve productivity is needed, as this is the only way of ensuring that the scheme remains viable; supervisors and semi-skilled workers need to be trained; and a more regular flow of money to pay the workers is needed.

Efforts are made to find employment in other countries for Moroccans, and a number of bilateral migration agreements have been signed, 23,500 workers were placed abroad in 1969 and 33,000 in 1970. Efforts are also made to reduce the number of foreign workers in Morocco, but as their number has now dropped to about 12,000, consisting for a considerable part of high-level technical or management personnel in undertakings whose expansion may generate jobs, there is only limited scope for their removal.

Some jobs remain unfilled because skilled candidates cannot be found. Hence special attention is given to assessing skill needs and organising vocational training to meet these needs. This is done by manpower committees at the level of the prefecture or province. More emphasis is now being put on on-the-job training for the less highly-skilled jobs.

NETHERLANDS

I. Formulation of Employment Policy

The Government refers to the OECD publication Manpower and Social Policy in the Netherlands, 1967.

It makes a distinction between (1) employment policy - covering general economic equilibrium, industrial policy, regional industrialisation and regional infrastructure - which is the responsibility of the Ministry of Economic Affairs, and (2) labour market policy - covering the best possible matching of labour supply and demand - which is the responsibility of the Ministry of Social Affairs and Public Health. Co-ordination takes place in the Cabinet Committee on Economic Policy and in various inter-ministerial committees and advisory groups. Employers and workers are consulted in the Socio-Economic Council and its subordinate Council for the Labour Market.

II. Implementation of Employment Policy

Examples of measures are: (1) encouraging the establishment of industry in backward regions; (2) supplementary employment, especially in agricultural regions where the level of industrialisation is not yet high enough to prevent structural unemployment; (3) various schemes to encourage the employment of handicapped persons; (4) bonus scheme for the hiring of over-fifties; (5) employment on social employment projects of persons difficult to place on the open employment market; (6) retraining of farmers affected by the farm termination scheme, of retail traders affected by structural change, and of workers laid off in the coal-mining industry. Freedom of choice of employment is encouraged by attention to occupational counselling and vocational guidance, by granting a variety of training facilities, and by assistance with placement.

Regional development policy covers (1) the encouragement of employment in development nuclei in problem areas through infra-structural improvements, expansion of firms and subsidisation of new businesses; (2) the restructuring of regions where existing industries have contracted; and (3) the execution of public works in times of recession.

In cases of mergers or closures, an increasing number of redundancy schemes are being devised in consultation with the unions and, in so far as applicable, under the "Merger Code" of the Socio-Economic Council.

NEW ZEALAND

I. Formulation of Employment Policy

Regarding declarations of employment policy, the Government repeats information given in its First Report under article 22 on the application of the Convention.¹

Employment policy is among the subjects covered in the annual Economic Review presented to the House of Representatives, and any economic measures necessary to sustain full employment are taken as an integral part of over-all policy. The Economic Review for 1970 pointed to the development of an acute and widespread shortage of labour, resulting in competitive bidding for available supplies and large wage increases, which helped to push up costs and prices; the Government has accordingly introduced fiscal and other measures such as a payroll tax, surcharge on personal income tax, restraint on bank advances, a temporary price freeze and liberalisation of imports. In policy matters affecting employment, the Government maintains the closest collaboration with employers' and workers' organisations through the National Development Council and its subsidiary sectoral councils, some of which have formed manpower committees.

The only limitation on freedom of choice of employment is that immigrants under the assisted-passage scheme have their choice during the first two years restricted to occupations selected by the immigration authorities; this is a voluntary contract entered into by the immigrants in return for payment by the Government of all or most of the cost of bringing them to the country; such immigrants constitute only a small proportion of the total number of immigrants.

II. Implementation of Employment Policy

For many years, apart from a recession in 1967 and 1968, the country has not been troubled to any serious extent with employment problems attributable to fluctuations in economic activity. In 1967, among the measures taken were a stimulus to the building industry by raising the lending limits of the State Advances Corporation, increases in indirect taxation mainly on goods with a high import content and devaluation of the currency. The Government normally has power to take effective action rapidly.

Seasonal fluctuation causes little embarrassment and arrangements are made in advance to absorb those who are unemployed in the winter months. Structural change has been confined to the closing of certain coal mines on the West Coast of the South Island; this is being met

¹ ILC, 52nd Session, Geneva, 1968, Report III (Pt.1): Summary of Reports on Ratified Conventions, p. 235.

by tax concessions to attract new industries to the areas and by assistance to displaced workers seeking jobs in other places or new skills. The only other lagging area is the East Coast of the North Island which faces disadvantages for instance in respect of transport costs; a development association assists in the establishment of industry here and the prospects of future development are now reasonable.

In most years the main problem has been a dearth of labour, particularly skilled labour, and to meet this the most important measure has been the stepping-up of government-assisted immigration. In 1969, the Government established a Vocational Training Council to advise on measures to meet training and re-training needs.

In addition to participating in advisory bodies, some employers have themselves taken measures to bring immigrants to the country.

NIGERIA

Second National Development Plan 1970-74.

I. Formulation of Employment Policy

Active manpower policy, declared in the country, includes the following principal elements:

- (i) creating more employment opportunities, with special stress on rural areas;
- (ii) according high priority to the youth employment problem by providing more training and employment opportunities;
- (iii) promoting indigenous manpower development in the industrial sector.

These elements are included in the Second National Development Plan 1970-74.

Employment policy is co-ordinated with the over-all economic and social policy by a Joint Planning Board which has, in particular, the task of examining all aspects of economic planning and making recommendations, through the appropriate authorities, to the federal or states' governments.

Principally responsible for the formulation and implementation of employment policy is the Ministry of Labour though other ministries are also involved in this matter in varying degrees. The measures adopted are kept under review by constant consultations at different stages in the execution of the policy.

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The representatives of employers and workers are consulted through their participation in the various committees such as the National Labour Advisory Council, the National Wages Advisory Council, the Lagos Zonal Dock Labour Committee, the States Advisory Committees on Employment and the National Advisory Committee on the Employment of Graduates and Professional Manpower.

II. Implementation of Employment Policy

In the Development Plan 1970-1974, provisions are made for the expansion of existing as well as the establishment of more employment-creating projects and the development of human resources in agriculture and industry. Employment exchanges offices are established in all the states. Vocational guidance services are also provided. The movement of workers from areas of surplus labour to those short of special kinds of labour is encouraged.

The role of employers and workers and their organisations in the solution of employment problems consists in participation in the formulation of employment policies through various advisory bodies and also in investing directly in industry, such as manufacturing or transport, and in commerce.

III. Difficulties and Prospects

- (a) There were no specific amendments to the national legislation or practice, but the Development Plan 1970-1974 was inspired by the objectives which were similar to those set out in the Convention and Recommendation.
- (b) The main difficulties are present problems of unemployment and underemployment, population growth and scarcity of capital investments.
- (c) The difficulties mentioned will delay the ratification of the Convention, but the Government is continuing to adopt measures to give further effects to the provisions of the Convention and Recommendation.

NORWAY

Government's Report to OECD on Labour Market Policy in Norway (Chapters VIII, X, XI).

Norwegian Long-Term Programme 1970-1973 (Extracts of part V),
Parliamentary Report No. 55, 1968-69.

INSTRUMENTS ON EMPLOYMENT POLICY

I. Formulation of Employment Policy

Norway has ratified Convention No. 122. The guidelines for employment policy were given in the Government reports on Convention No. 122 for 1966-1968¹ and 1968-1970. Further references are made to the Long-Term Programme 1970-1973 (point 3b) and to the OECD Report (Chap. X, especially points 1-17).

II. Implementation of Employment Policy

In addition to the same sources, reference is made to point "c" of the Long-Term Programme and to Chapter VIII of the OECD Report.

The workers' (General Confederation of Trade Unions) and employers' (Norwegian Employers' Confederation) organisations participate in the formulation of employment policy.

III. Difficulties and Prospects

The ILO Recommendation on Employment Policy, as well as the OECD Recommendation on active employment policy, of 1964, serve as a stimulus and incentive for the policy carried through.

PHILIPPINES

President's Day Message, 1 May 1970.

Four-Year Manpower Development Programme (1970-1974).

I. Formulation of Employment Policy

The President of the Republic declared on 1 May 1970 that the administration would undertake various measures to combat unemployment and underemployment. These include land reform, labour law enforcement, manpower development and social security.

The Four-Year Development Programme states that employment policy will be co-ordinated and carried out within the framework of the over-all economic and social policies "... Projects should be formulated and implemented in such a manner that more employment is generated without undue sacrifice of costs and efficiency".

¹ ILC, 1969, Geneva, Report III (Pt. 1): Summary of Reports on Ratified Conventions, p. 251.

An ad hoc committee will also be established to study the feasibility and effect of the proposed National Full Employment Programme as well as to advise on any administrative or legislative measures that may be necessary.

The Department of Labour, under the Secretary of Labour, is the authority which is responsible for formulating and implementing employment policy. Consultation with the employers' and workers' representatives on its supervision and implementation takes place through the National Employment Service Advisory Council.

II. Implementation of Employment Policy

Towards the attainment of the objectives of an active employment policy, the Government has undertaken various measures including the promotion of cottage industries. As inducements, they are provided with capital, assistance in marketing goods particularly for export and simplified export procedures. To promote and encourage exports, the Government has also introduced a floating rate for the currency and provided special credit facilities to the private sector through government-owned banks.

III. Difficulties and Prospects

The Government plans to promulgate legislation on the National Full Employment Programme, open new training centres in the regions, strengthen the organisational and operational structure of the existing employment services and initiate and develop an international placement programme for its citizens.

RUMANIA

Constitution of 1.9.69 (LS 1969 - Rum. 1).

I. Formulation of Employment Policy

According to the Constitution, "Each citizen shall be afforded an opportunity of engaging in accordance with his training in an activity in the economic, administrative, social or cultural field and shall be remunerated according to its quantity and quality." The policy of full employment, formulated in documents drawn up by the leadership of the Party and the State in the form of directives indicating the general principles and objectives, is co-ordinated with the economic and social policy as a whole.

The national development plans which are approved by the Great National Assembly have as their essential aim the most complete and rational use of available manpower resources. The fulfilment of

this aim, which is of particular importance for the standard of living of the population, is achieved through the continuous, intense and multilateral development of the nation's economy.

The authorities entrusted with the application of the employment policy are, at the central level, the State Committee for Planning and the Labour Ministry, assisted by the economic ministries and other central bodies and by the executive committees of the departmental people's councils.

The measures adopted for applying this policy and their implementation are periodically analysed by the Council of Ministers, the ministerial colleges and the executive committees of people's councils.

The national economic development plans and the draft standard-setting instruments governing manpower questions are widely discussed by the mass of the people whose opinions and suggestions are collected by the General Trade-Union Federation.

With respect to the legal provisions which guarantee the effective exercise of the right to freely-chosen employment and equality of opportunity and treatment in the field of employment, vocational training and placement, the Government refers to its report under article 19 relating to the Convention and Recommendation (No. 111) concerning discrimination (employment and occupation).¹

II. Implementation of Employment Policy

By reason of the rapid rate of development in all branches of activity, the number of newly created jobs exceeds the available manpower. The balance between the available human resources and society's needs in manpower is achieved through planning and more particularly thanks to the following measures:

- establishment of a legal system enabling undertakings to organise vocational training and retraining courses for manpower;
- co-ordination of training of supervisory staff and development of keeping with the future needs of the nation's economy;
- development of vocational guidance;
- attracting a large proportion of the agricultural population to higher productivity occupations.

In certain occupations, in order to comply with local or temporary situations, special measures are used, in particular:

¹ ILC, 56th Session, Geneva 1971, Report III (Pt. 2): Summary of Reports on Unratified Conventions and Recommendations, pp. 22-24.

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- extension of certain related activities within agricultural co-operatives, particularly between periods of seasonal work;
- organisation of work at home for women with small children, wishing, at the same time, to deal with family problems, part-time work, etc.

III. Difficulties and Prospects

The Government of Rumania indicates that national legislation is in accordance with the principles of the Convention and that ratification of the latter will be contemplated when the revision of labour legislation will have been completed.

SENEGAL

Third Four-Year Economic and Social Development Plan, 1969-1973.

Proposals of the Working Party on Employment Promotion dated 30 March 1971.

The Government refers to its reports under article 22 on the application of the Convention.¹

I. Formulation of Employment Policy

Further to the projects outlined in the Third Plan, studies are being undertaken on new geological prospection and on the possibility of constructing at Dakar a ship-repair yard for giant oil tankers which would create about 4,000 wage-earning jobs.

On the recommendation of an interministerial council in November 1970, the Prime Minister set up a working party on problems of employment promotion, consisting of representatives of the 11 departments most directly concerned. It made the following recommendations:

- (1) Action against rural underemployment and rural-urban migration - (a) experiment with national promotion and community development projects directed towards improvement of the infrastructure, with workers being paid 1/3 in cash and 2/3 in World Food Aid; these should be local projects directly profitable to the population, such as irrigation and drainage schemes, feeder roads for ground-nut production and fisheries, community buildings; (b) more use of labour,

¹ ILC 53rd Session, Geneva 1969, Report III (Pt. 1), Summary of Reports on Ratified Conventions, p. 253.

INSTRUMENTS ON EMPLOYMENT POLICY

particularly in the construction of unclassified roads;
(c) better equipment for farmers trained in ILO centres and linking of the latter with centres for rural craftsmen;
(d) extension of the experiment with rural-oriented classes and provision of land for young people on termination of these classes; (e) extension of the rural apprenticeship houses programme; (f) review horticultural training; (g) reform agricultural structures by determining the optimum size for family farms, by improving the management of co-operatives and by better integration of production, processing and marketing;

- (2) quality improvement in handicrafts - (a) establish a link between the Art School and the handicrafts organisation so as to improve design, (b) expansion of carpet manufacture using African designs, (c) improve quality control, (d) better marketing, particular to the black population of North America;
- (3) industrialisation - (a) management training, (b) reform of the investment code to take account of the number of jobs open to nationals, (c) establishment of a duty-free industrial zone, (d) better integration within sub-regional and regional organisations;
- (4) women workers - explore possibilities of homework, for instance in children's clothing;
- (5) retail trade - provide training and guarantees for small and medium-sized businesses;
- (6) tourism - train travel agents and guides, exploit historical sites.

II. Implementation of Employment Policy

The Prime Minister has placed on the Ministry of the Civil Service and Labour responsibility for co-ordinating the action of the various departments in putting the proposals of the working party into effect, and the Ministry is being reorganised to carry out this task.

SIEPRA LEONE

Provision would have to be made in legislation for the setting up of a tripartite employment policy committee. Owing to local conditions it is not yet possible to do so. As and when the legislative programme permits, consideration will be given to ratification of the Convention.

SINGAPORE

I. Formulation of Employment Policy

As a result of Singapore's strategic location and lack of natural resources, its economy was mainly dependent on the entrepot trade and the provision of services. However, to cope with the problem of expanding population and growing unemployment, the Government embarked on an intensive industrialisation programme in the early 1960s. By 1970 unemployment had dropped considerably and there is work for all those available for and seeking it. Such work is highly productive and freely chosen without discrimination. There now exists a shortage of skilled and semi-skilled workers and immigration policies have to be liberalised to allow entry of such personnel from other countries. The average annual growth rate for GDP for 1960-1969 was 9.5 per cent, in 1970, 15 per cent.

A policy statement dealing with some matters covered by the Convention and Recommendation is attached to the Government's report.

In connection with the above-mentioned industrialisation programme, the building of factories generated employment in the construction industry, and the factories in turn provided other employment opportunities. Efforts to attract workers have proved successful and workers are readily accepting employment in the factories situated in this industrial estate due to flats built, and public transport facilities introduced. The tourist trade which earns foreign exchange also provides employment opportunities in the hotel industry, shopping centres and allied industries as well as construction. Certain areas are being developed as tourist attractions and others are under construction.

The Economic Development Division of the Ministry of Finance is entrusted with the formulation and implementation of employment policy. Measures adopted for its implementation are kept under review. In regard to the industrialisation programme, in the initial stages, all types of industries, especially labour-intensive, were welcomed in order to reduce the rate of unemployment. However, at the present stage, there are insufficient numbers of workers and emphasis is now placed on industries with world-wide markets and scope for progressive growth in technological content.

Employment policies are determined by the Government. However employers' and workers' organisations are often consulted before the initiation or implementation of such policies.

II. Implementation of Employment Policy

Some measures taken to promote full employment include:

- (i) establishment of industries, especially labour-intensive ones;

- (ii) development of the tourist industry;
- (iii) a census of the population carried out in 1970 to serve as a guide to future employment policies.

As industrialisation progresses, the demand for white-collar workers decreases while that for blue-collar workers increases. Therefore, the educational system has been restructured to place emphasis on technical education. An industrial training programme has also been established to place workers made redundant by the closing down of the British military establishments.

Singapore is a multi-racial democracy and there is freedom of choice of employment irrespective of race, colour, sex or creed.

Employment problems associated with economic underdevelopment are negligible in Singapore.

Employers and workers and their organisations co-operate fully with the Government to promote the achievement and maintenance of full productive and freely-chosen employment. Singapore has enjoyed unprecedented industrial peace and stability since 1967.

III. Difficulties and Prospects

National practice appears to be in conformity with the provisions of the Convention and some provisions of the Recommendation. In due course, the Government may consider giving effect to the Convention.

SPAIN

Second Economic and Social Development Plan.

Law No. 1/1969 of 11 February 1969 to approve the Plan and to establish the standards for its implementation.

Order of 8 April 1964 to create the Management of the Workers' Vocational Promotion Programme.

Order of 5 May 1967 to establish the standards for the application and development of unemployment insurance in the general system of social security.

Decree No. 1293/1970 of 30 April 1970 respecting employment of workers over 40.

Law No. 41/1970 of 22 December 1970 to improve the protective action and to modify the financing of the Special Agrarian System of Social Security.

Order of 6 February 1971 to provide that the "Patronato" of the National Labour Protection Fund should implement the Tenth Investment Plan for 1971 and the General Standards for its application.

I. Formulation of Employment Policy

The Second Economic and Social Development Plan provides that the State shall aim at full employment. To this end the right to freely-chosen employment shall be guaranteed; vocational training and orientation activities shall be intensified and co-ordinated with employment policy; measures shall be taken to facilitate the placement of older workers; assistance shall be given in migration, both internal and external; and workers' placement services shall be organised through appropriate legal provisions.

The Plan also contains measures to eliminate regional imbalances; the strategy, aims at laying the basis for the locational planning of the country's economic activities, and attacking the most urgent problems originating from regional imbalances.

II. Implementation of Employment Policy

Measures to facilitate the adjustment of the labour force include:

- improving the working of the employment market through placement offices;
- encouraging internal geographic mobility by giving aid to workers for moving expenses, travelling expenses, installation costs, family reunion, aid in acquiring housing in the new place of residence; migration from provinces lacking employment to other areas is encouraged;
- encouraging occupational mobility, through adult training and retraining to allow the transfer of workers from depressed sectors to sectors in expansion. The Workers' Vocational Promotion Programme is responsible for vocational training and is characterised by its use of standardised teaching methods, based on job analysis and the use of mobile centres;
- encouraging the reconversion of obsolete undertakings or sectors;
- absorbing excess labour, by promotion of labour-intensive public works.

Freedom to emigrate is respected and the emigration is channelled through the Spanish Emigration Institute, which assists movement and, in the host country, by means of bilateral treaties, guarantees, as far as possible, conditions of work and social security equal to those of nationals.

INSTRUMENTS ON EMPLOYMENT POLICY

There has also been established a series of measures in favour of workers affected by imbalances in the employment situation such as:

- establishing the order of discharge according to social criteria and difficulty in obtaining new employment;
- redundancy payments, normally to be paid by the undertaking, however, in case of bankruptcy by social security;
- unemployment insurance for those who involuntarily lose their employment in industry; in agriculture, aid is granted to workers in the form of temporary community work;
- early retirement, at normal pension rates, in cases in which resettlement in other productive sectors is not possible.

III. Difficulties and Prospects

Spain registered its ratification of Convention No. 122 on 28 December 1970.

SUDAN

The Consolidated Labour Act, 1970.

I. Formulation of Employment Policy

The Consolidated Labour Act provides for the establishment of a Supreme Council of Labour, presided over by the Minister of Labour, to govern and regulate the over-all employment policy; a Manpower and Training Council and a Labour Relations Council, both of which are headed by the Under-Secretary of Labour. On each of these councils, at least half of the members are to be representatives of workers' organisations.

It is laid down that work is the right and duty of every citizen.

In order to ensure equal employment opportunities for all citizens vacancies are filled through the Ministry of Labour, and a number of free employment exchanges have been set up in different provinces.

The above-mentioned Act regulates the vocational training system for workers both in the public and private sectors.

SWEDEN

Modern Swedish Labour Market Policy (National Labour Market Board and the Swedish Institute, Stockholm, 1966).

Employment Market Order No. 368 of 3 June 1966 (LS 1966 - Swe. 1), as amended up to 1 July 1970 (AMS, Stockholm, February 1971).

Act concerning employment security for certain workers, 4 June 1971 (Svensk Författningssamling 1971: 199).

Act concerning certain measures to promote the employment of older workers, 4 June 1971 (Svensk Författningssamling 1971: 202).

The Government refers to previous article 22 reports submitted on the application of the Convention.¹

Special attention has been given to integrating employment market policy with economic policy; however, there is also a close relationship with social policy in respect both of aims and of specific measures taken, such as aids to geographical mobility, training grants for adults and measures for the vocational rehabilitation of the disabled.

The organisations of employers and workers participate in various ways in promoting the aims of the Recommendation, both on permanent boards and in temporary working parties. An important result of this co-operation was the agreement reached in 1968 on advance notice of planned reductions in the work force.

Two new Acts have been passed aimed at improving employment opportunities for older workers; one provides for longer periods of notice for older workers - 2 months for those who have attained 45 years of age, 4 months for those who have attained 50, and 6 months for those who have attained 55; the other authorises county labour boards to investigate the situation as regards the employment of older workers at individual undertakings, to summon the employer and representatives of the organisations concerned for discussions on this matter and to issue directives aimed at improving the employment opportunities for older workers at the undertaking concerned.

¹ ILC 52nd Session, Geneva, 1968, Report III (Pt. 1): Summary of Reports on Ratified Conventions, p. 236; ILC 53rd Session, Geneva, 1969, Report III (Pt. 1): Summary of Reports on Ratified Conventions, p. 254.

INSTRUMENTS ON EMPLOYMENT POLICY

SWITZERLAND

Rapport du Conseil fédéral à l'Assemblée fédérale sur
la 48me session de la Conférence internationale du
Travail, Chapitre IV (26 février 1965).

I. and II. Formulation and Implementation of Employment Policy

The employment market remains strained as it has been for several years due to the shortage of workers; unemployment is non-existent. There is thus no need for a special full-employment policy and, in fact, the Government is taking measures to limit the number of working foreigners.

The institutions which help sustain full employment, such as the employment service and vocational guidance and training facilities, are well developed, as are consultation practices between employers' and workers' representatives.

III. Prospects and Difficulties

There is no indication that the Government will change its attitude and ratify Convention No. 122.

SYRIAN ARAB REPUBLIC

Employment Regulations.

Decision No. 1326 of 10 October 1970.

I. Formulation of Employment Policy

The Ministry of Labour has formulated an employment policy embodying the principle of equal opportunity for all citizens and covering work of all kinds. This policy aims at providing freely-chosen work for all job seekers, irrespective of race, colour, sex or creed.

The Ministry of Labour has devised a scheme to extend the employment offices with a view to their taking part in an economic and social survey of the labour force, and submitting practical proposals for the solution of employment problems.

Employment policy is being co-ordinated with the over-all economic and social policy. The Ministry of Social Affairs and Labour is entrusted with the formulation and implementation of employment policy in consultation with the other manpower planning bodies concerned. Employers' and workers' organisations are being consulted on employment policy through consultative committees which are set

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up in each district in accordance with Decision No. 1326 dated 10 October 1970.

The Third Five-Year Plan provides for the establishment of a Central Employment Committee with representation from all ministries and agencies concerned in manpower planning. This Committee will be responsible for the application of national employment policy. To this effect it will define the central policy regarding the labour force distribution, the objectives of the vocational training policies, and will also lay down the principles for manpower planning and the rational utilisation of labour resources.

II. Implementation of Employment Policy

The Ministry of Industry has set up vocational training centres which provide basic and advanced training with the aid of ILO and UN technical assistance.

Each district has a labour office which carries out placement and ensures equality of opportunity to all job seekers including foreigners (subject to reciprocity).

The construction of a dam and the processing - instead of exporting - of raw materials, both stressed in the Third Five-Year Plan, should increase productivity and reduce underemployment. Further rises in productivity are expected to occur through improved training, plant expansion and the introduction of efficiency measures. In agriculture, the aims are to improve the utilisation of manpower, reduce permanent and seasonal unemployment and raise output in crop production and animal husbandry.

III. Difficulties and Prospects

The Government is planning to undertake a rural manpower survey and has asked for the help of an expert in this field. The Convention cannot be ratified until this survey is completed.

TUNISIA

The Government refers to its report under article 22 on the application of the Convention.¹

TURKEY

Second Five-Year Development Plan 1968-1972.

¹ ILC 54th Session, Geneva, 1970, Report III (Pt. 1): Summary of Reports on Ratified Conventions, pp. 159-160.

Constitution 1961.

I. Formulation of Employment Policy

In the First and Second Five-Year Development Plans, emphasis is placed, as a dependent variable, on a policy designed to increase employment possibilities, of which the essentials include:

- (a) to resolve the problem of unemployment;
- (b) to promote the skill level of workers;
- (c) to employ all educated persons in jobs appropriate to their professional competence and to create social mobility;
- (d) to eliminate imbalance in the distribution of different occupational groups of the labour force and to ensure a more balanced distribution.

Besides the provisions on employment policy in the Second Five-Year Plan, the Turkish Constitution of 1961, in the provisions of the third chapter, reflects the importance the Government attaches to the achievement of economic, social and cultural development on the basis of justice, full employment and with the aim of ensuring to all a standard of living in conformity with human dignity.

Also article 42 of the Constitution stresses that work is at the same time a right and a duty for all and that the State protects workers by means of economic, social and financial measures so that they may live in humane conditions and that working life might be stable. Further, the State encourages work, takes measures designed to prevent unemployment and regulates, in conformity with democratic principles, the kinds and conditions of manual or intellectual work required by the nation.

These provisions show that the objective of achieving full employment is incumbent upon the Government.

The formulation and application of the employment policy are accomplished through the development plans. During their formulation, special committees are formed in which representatives of the Government, workers' and employers' organisations, other interested bodies, university delegates, experts and specialists participate. Through the reports prepared by these special committees, employment policy will be formulated in accordance with other socio-economic policies provided for in the development plan.

Application of employment policy is through annual implementation programmes.

In Turkey development plans are mandatory for the public sector and indicative for the private sector. As provided in the implementation programme for 1971, all public administrations with investment responsibilities must consider in their projects the problem of employment and give preference to labour-intensive techniques where these are more economical.

Other public administrations such as the Ministry of Housing, the Employment Service, the Ministries of Villages, Forests, Agriculture, Labour, Industry and Commerce, and Public Works are responsible for the preparation of programmes such as those aimed at increasing employment in construction, emigration of the surplus manpower, the formulation of projects in rural areas using local manpower, etc.

The National Institute of Statistics, the Civil Service Administration and the National Productivity Centre contribute to the collection and evaluation of statistics needed in the formulation of employment and manpower policy.

In addition to the special committees mentioned above, the State Planning Organisation also holds annual "co-ordination meetings".

II. Implementation of Employment Policy

General and specific measures to promote full employment are mentioned above.

Employers' and workers' organisations as well as other interested organisations are consulted during the meetings of special committees.

Turkey's employment problems are linked to economic underdevelopment. During the 1960s, income in industry and services grew. However, employment creation has not been able to catch up with the growth of the labour force. This explains why the emigration of Turkish workers to foreign countries has continued to increase. Work in regard to the application of policies aimed at employment creation within the country have not yet reached a satisfactory level. The measures taken by employers' and workers' organisations for the establishment and maintenance of full, productive and freely-chosen employment are at present insufficient.

According to the 1971 programme, in the period 1965-71, the labour force grew on the average by 399,000 persons a year, while employment grew at a rate of only 235,000 per year. Thus for every 10 persons added each year to the labour force only 6 can find productive employment within the country.

To ensure a better balance between the growth of employment possibilities and expansion of the labour force, measures are being taken to reduce demographic growth voluntarily so as to reduce surplus manpower in the future.

III. Difficulties and Prospects

Difficulties arise from the country's state of underdevelopment. To remedy this situation measures are aimed at putting into effect various reforms to accelerate economic development and ensure full, productive and freely-chosen employment.

INSTRUMENTS ON EMPLOYMENT POLICY

UGANDA

The Government refers to its First Report on the application of the Convention.¹

The policy in respect of industrial employment is to encourage existing industries to develop.

The agricultural sector provides self-employment for a large proportion of the population and provides a base for stable conditions in the rural areas. Emphasis has been laid on opening up opportunities in the rural areas by, for instance, subsidy schemes, group farms, co-operatives and young farmers' clubs. Improved communications and services are being introduced with a view to stabilising the flow of population from rural areas.

Employers' and workers' representatives were included in the working parties which drew up the Second Five-Year Plan. Evaluation reports on the employment policy outlined in the Plan are likely to be out soon.

UNITED KINGDOM

The Government refers to its report under article 22 on the application of the Convention.²

I. Formulation of Employment Policy

Employment policy is linked with regional development policy which aims to correct regional imbalances by improving employment prospects in the less prosperous areas. Co-ordinating responsibility for regional economic policy has been assumed by the Department of the Environment. The boundaries of the areas eligible for special assistance are altered in accordance with changes in the employment situation; for instance the whole of West Central Scotland, where unemployment is worst at present,

¹ ILC, 54th Session, Geneva, 1970, Report III, (Pt. 1): Summary of Reports on Ratified Conventions, p. 160.

² ILC, 53rd Session, Geneva, 1969, Report III (Pt. 1): Summary of Reports on Ratified Conventions, pp. 254-256.

has been designated for special treatment. Measures to assist these areas include most of those recommended in Paragraph 7(2) of the Annex to the Recommendation.

Government's policy has been to discourage an excessive concentration of office employment in the congested areas of the country and to promote a better balance of employment by encouraging office development to take place outside the more prosperous areas of the South. It was announced in December 1970 that the primary objectives of the office development control would be to continue to encourage the dispersal from London of activities which could be equally effectively carried out in areas having a greater need for employment opportunities.

II. Implementation of Employment Policy

The Government regards the public employment service as an important instrument in achieving the highest possible level of employment. A consultative document "Future of the Employment Service" suggesting improvements in the service was submitted to employers' and workers' organisations and other bodies; the comments received will be taken into account when decisions on the future of the service are taken.

A review by the Secretary of State for Employment of industrial training in the general context of manpower policy is now taking place. Facilities at government training centres are continually being expanded; the scope of adult training at colleges of further education is being widened; there are plans to utilise employers' spare training capacity to train the unemployed.

In January 1971 an extension of the training grants scheme was introduced under which, in the development and intermediate areas, employers who engage and undertake to retrain and continue to employ workers over 45 years of age who have been unemployed for at least 8 weeks may receive weekly grants towards the cost of training.

The National Youth Employment Council recently published a report drawing attention to the situation of young people who may be at a disadvantage in finding suitable employment because of their domestic or social background.

Parts of the country have problems of rural unemployment and depopulation resulting from continuing modernisation and increasing capital intensity of agriculture; the Development Commission, a government-financed experimental and development body sponsors factory building in these parts and assists rural industries and tourism with advisory services and loans. It has sponsored pilot schemes in mid-Wales, the Eastern borders, Northumberland and SE Lindsey concentrating on small factory building with the object of "triggering off" further privately financed enterprises.

INSTRUMENTS ON EMPLOYMENT POLICY

While employers regard measures to achieve and maintain full, productive and freely-chosen employment as being primarily the responsibility of the Government, they advise one another and consult with government departments on the practical effects of national employment policies. They avoid redundancy as far as possible by advance manpower planning and it is normal management practice to observe equality of opportunity and treatment for their workers.

The Trades Union Congress continually makes representations about employment problems in individual undertakings, in industries and in the economy as a whole and publishes annual economic reviews.

Antigua

A declaration reserving a decision in respect of this Associated State was registered on 21 February 1967.

I. Formulation of Employment Policy

The ruling party's election manifesto 1970-71 stated that a manpower survey would be set up so that the Government would be apprised of surpluses and shortages of labour, and that the party would do all that lay in its power to wipe out unemployment in the State of Antigua and to increase productivity. The party committed itself to a development plan, the main pillars of which would be agricultural diversification, promotion of light manufacturing industries and realistic development of tourist potential. Before a policy is formulated, representatives of employers and workers are usually invited to submit their views.

II. Implementation of Employment Policy

The tourist industry is the mainspring of the economy. An effort is made to attract the large hotel chains, to promote local participation in any venture, and to assist Antiguan who can raise a proportion of the capital outlay. It is proposed to give a boost to local arts and crafts for sale to tourists.

In an effort to promote rural employment, the Government aims at revitalising agriculture, livestock and fishing industries so as to reduce imports of foodstuffs and provide a surplus for export.

In many collective agreements, provision is made for employers as far as possible to guarantee continuity of employment to workers; employers and workers also hold joint consultation on ways of increasing productivity.

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Bahamas

There is at present no policy document on this subject. However, a Five-Year Plan is likely to be published in 1972, and the recent Speech from the Throne outlined the Government's intention to revitalise the economy (which will have an effect upon employment) and to introduce legislation on industrial training.

The policies of the Ministry of Labour and Welfare seek to ensure that:

- (i) there is work for all who are available for and seeking employment;
- (ii) such work is as productive as possible;
- (iii) there is freedom of choice of employment and the fullest possible opportunity for each worker to qualify for and to use his skills and endowments in a job for which he is well suited;
- (iv) training opportunities are available for Bahamians to develop their occupational capacities so as to take advantage of employment possibilities and to enable them to use their abilities to the greatest advantage of themselves and their community; and
- (v) the best possible employment service exists as an integral part of the national programme for the achievement and maintenance of full employment and the development and use of manpower resources.

Bermuda

I. Formulation of Employment Policy

The broad policy of the Government, as stated in the House of Assembly, is to develop the economy, to ensure a high standard of living and to provide equal opportunities for all. At present there is over-full employment. There is a constant demand for qualified workers, and immigration policy is aimed at controlling entry from outside sources and encouraging the training of Bermudians.

An Apprenticeship and Training Act is to be introduced in 1971 to ensure provision of facilities to increase the number of skilled workers.

The authority entrusted with the formulation and implementation of employment policy is the Member for Immigration and Labour, who is responsible to the Executive Council. He

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is assisted by the Labour Advisory Council, which includes employers and workers among its members.

II. Implementation of Employment Policy

Bermuda is not faced with employment problems associated with economic underdevelopment; on the contrary, the Government is controlling economic development so that it does not outstrip the supply of labour and services. The main industry is tourism. Bermudian workers are free to choose their employment, while non-Bermudians are subject to immigration control and may not take up employment if a suitable Bermudian is available.

British Honduras

Manifesto for the New Belize in the Surging Seventies. A Belizean plan for accelerated development to bring prosperity to all Belizeans regardless of race or creed or colour (undated).

Land Tax (Rural Land Utilization) Ordinance, 1966.

I. Formulation of Employment Policy

One of the aims of government policy is the elimination of unemployment and underemployment and the adaptation of the country's labour force to a more productive economic life. The principle of non-discrimination in employment and occupation is applied. Over-all economic and social policy is within the competence of the Government Planning Unit. Representatives of employers and workers are consulted on matters affecting employment policy. Efforts are made to maintain the right balance between capital- and labour-intensive activities and between the supply of skilled and unskilled workers so as to maximise output through full utilisation of the labour force.

II. Implementation of Employment Policy

Measures are taken to expand domestic savings through credit unions and to encourage the inflow of financial resources from other countries by granting tax incentives for development projects. A policy of regional co-operation is pursued through the Caribbean Development Bank and the Caribbean Free Trade Association. Policy is directed towards industrialisation and in particular import-substitution programmes. Rural employment is encouraged by the promotion of farmers' co-operatives and the extension of credit and advice to farmers. The Rural Land Utilization Ordinance, 1966, provides for tax measures against owners of large tracts of land as an incentive to make use of such land.

The rate of population growth is high, but the population is still small compared with the vast cultivable areas of the country. No policy has yet been reached to increase the population by immigration but an open door is maintained for immigrants with skills and capital who meet the requirements of the Immigration Ordinance.

A manpower planning unit is to be set up. An employment service exists, and there are vocational training schools with adequate, up-to-date facilities. A Bill to establish a national provident fund which would provide, inter alia, for unemployment benefits is under consideration.

British Solomon Islands

I. Formulation of Employment Policy

Employment policy is directed towards the maintenance of a reasonable balance between the requirements of industry, commerce and plantation agriculture and the requirements of the rural subsistence and cash-crop economy. Full, productive and freely-chosen employment is available in the economy, but the provision of wage-earning employment for all who seek it will be dependent on further developments included in the Sixth Development Plan.

Employment policy is formulated by the Governing Council, operating through its Education and Social Welfare Committee, with the advice of the Commissioner of Labour, the Labour Advisory Committee, the Wages Advisory Board and the Apprenticeship Board; committees and boards where practicable are composed of representatives of workers and employers in equal numbers.

II. Implementation of Employment Policy

Developments in mining, agriculture and tourism should provide increasing opportunities for paid employment. The output of school leavers is however likely to exceed the number of jobs.

While a rural livelihood is still possible for most Solomon Islanders, the position is changing, and the problems created by population growth are recognised.

Primary education requires greater emphasis on a rural livelihood, and school curricula are being modified accordingly. As regards rural employment, experiments are being conducted with new crops, and a considerable amount of training is given; there is an agricultural and industrial loans board, and there are 156 co-operative societies.

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British Virgin Islands

I. Formulation of Employment Policy

There is no declared employment policy at present. Its formulation would ordinarily rest with the Labour Department and the Office of Development Planning and Tourism. There are no effective organisations of employers and workers.

II. Implementation of Employment Policy

In the absence of natural resources, emphasis rests on developing a tourist economy which could create long-term employment opportunities.

Having regard to the level of economic development, the full employment of indigenous persons is achieved primarily through an employment office which assists displaced or unemployed persons to find alternative employment.

Brunei

National Development Plan.

I. Formulation of Employment Policy

One of the objectives specified in the National Development Plan is to maintain a high level of employment. Another is to diversify the economy so that it will not be so dependent on the petroleum industry; this will provide a wider field of employment opportunities for the increasing population of working age which can no longer be absorbed by the petroleum industry or by public services.

The Council of Ministers is responsible for economic and social policies. The Economic and Statistical Section of the Secretariat administers economic planning, and the Commissioner for Development administers infrastructure and building projects. There are no state-wide organisations of employers and workers which can effectively be consulted.

II. Implementation of Employment Policy

Considerable progress has been made with the provision of basic facilities essential for industrial and other development. An education and training programme is in operation through which it is hoped to provide an adequate supply of skilled manpower for industrial development and to combat unemployment among young

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people. A land capability study has been carried out and a survey is being made of the possibilities of establishing small rural and urban industries.

Falkland Islands (Malvinas)

This territory, which has a population of some 2,000 persons, has no unemployment problems. There is work for all who are available for and seek it, in sheep-farming or in associated businesses, supplies and services. There is complete freedom of choice of employment and the fullest opportunity for each worker to qualify for, and to use his skills and endowment in, a job for which he is well suited, irrespective of race, colour, sex, religion, political opinion, national extraction or social origin. There is no need for legislative or administrative measures to deal with any of the matters covered by the Recommendation. There are regular meetings between the trade union, the employers and the Government to thrash out employment problems.

Gilbert and Ellice Islands

Employment Policy (published on the advice of Governing Council and at the direction of the Resident Commissioner), May 1969.

Development Plan, 1970-1972, February 1970.

I. Formulation of Employment Policy

The Development Plan lists employment generation as one of the major development priorities. The main contribution to this objective will be made by the improvement of coconut production. A number of import substitution investment possibilities in building and other materials and in the local assembly of simple manufactures are to be explored. Employment forecasts have been made for the period 1978-1983. It is estimated that development schemes for the coconut groves will absorb over 1,500 males, direct employment in copra production 700-800 adult males, and the handling of additional copra output an unspecified number. Serious difficulties are foreseen in expanding wage employment for women and it may be necessary to look for opportunities for them outside the colony. Education and training are oriented to the needs of children and young people for their future working lives.

In formulating policy, the Resident Commissioner is advised by the Legislative and Executive Councils. There are no employers' associations and there is only one registered trade union.

II. Implementation of Employment Policy

A study has been made of the employment situation and an employment service has been established. The Merchant Marine Training School, which trains islanders for overseas shipping lines, has been expanded.

III. Difficulties and Prospects

The geographical and economic position of the colony make it extremely difficult to implement certain objectives of employment policy. The population of the colony is so small that the range of jobs available is extremely narrow. On the outer islands, whose population is counted in hundreds, practically the only possibility is in subsistence fishing and agriculture.

Guernsey

I. Formulation of Employment Policy

No active employment policy has been declared. The question as to whether for economic and social reasons the introduction of further light industry is needed has received active consideration but it has been decided that current resources do not permit the adoption of such a policy.

Employment and social policies are co-ordinated by the Advisory and Finance Committee which submits or comments upon all reports laid before the States. The Labour and Welfare Committee, the mandate of which includes responsibility for all matters pertaining to labour, is entrusted with the formulation and implementation of employment policy and meets regularly throughout the year thus keeping the employment situation under review. The Labour and Welfare Committee includes representatives of employers and workers.

II. Implementation of Employment Policy

Guernsey is a small self-contained community which hitherto has enjoyed full and productive employment. The principal industries are horticulture and tourism, the continuing development of which is constantly under review.

One of the principal objects of the Industrial Relations Advisory Council on which members of employers' and workers' organisations are equally represented is to secure co-operation between employers and employees for the development of industry in the island. Representatives of the Labour and Welfare Committee and the Advisory and Finance Committee are also members of the Council.

Hong Kong

A declaration of "decision reserved" was registered on 21 February 1967.

I. Formulation of Employment Policy

There is no formally declared employment policy. Economic policy is aimed at providing favourable circumstances for development which will in turn generate employment. This policy was summarised in 1969 as follows:

"The Government's economic policy towards manufacturing industry has not changed during the decade. What might be described as its negative aspects, that is to say, its reluctance to accord special favour to manufacturing industries, is bound up with a liberal commercial policy, which involves a minimum of official intervention or vexatious restrictions, and neither protection nor subsidisation of manufactures. The Government believes that dynamic and, above all, coherent industrial development in Hong Kong's circumstances is dependent on maintaining these elements of commercial policy. The positive elements benefiting industry are low direct taxation (although the standard rate of profits tax was increased from 12 1/2 per cent to 15 per cent in 1966); a prudent, by modern standards unorthodox, almost Gladstonian, fiscal policy; a strong financial structure and a liberal foreign exchange policy within the sterling area; mild but firm public administration, geared to rapid but disciplined operation of standardised commercial routines such as in the important field of origin certification; coupled with timely, effective and economical development of the physical infrastructure essential to industry - whenever practicable by the private sector (power supply, telecommunications, public transport, harbour and warehouse facilities) - otherwise by the Government (water, airport, roads, reclamations and associated services)."

The soundness of this policy has been shown by the rate of industrial development in the past two decades. In 1948, industrial undertakings employed only 60,650 workers; in March 1960 they were employing 229,000 workers and by December 1970 this figure has risen to 589,500. The 1966 by-census showed that, for every additional job in industry, approximately one-and-a-half jobs were created in the commercial and service sectors.

Up-to-date data on unemployment will not be available until the results of the March 1971 census have been processed; it is believed that no significant unemployment will be revealed. In December 1970 there were some 16,700 unfilled vacancies in industry and 2,300 in commerce and services. Employers complain of difficulties in obtaining workers and many factories permanently display signs advertising vacancies.

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The economy is of necessity export-oriented and it has been found necessary to maintain a strong Commerce and Industry Department with overseas representation.

Employers and workers are represented on the Labour Advisory Board and on bodies dealing with productivity and industrial training.

II. Implementation of Employment Policy

A free public employment service assists job seekers to find employment and employers to fill their vacancies. Vocational guidance is given to those about to leave secondary school. The compactness of the territory and the availability of a variety of jobs provides people with ample opportunity to obtain employment or to change jobs or occupations, and workers thus have considerable scope to develop their own potential. A productivity centre runs training courses for managerial and supervisory staff and two universities offer management studies. Technical education and vocational training facilities are being expanded; modern apprenticeship schemes are being promoted; and an advisory body has recently made recommendations on measures in the field of industrial training.

Low-cost housing estates are located near industrial areas so as to make employment opportunities readily accessible to residents and so as to provide a nearby source of labour for industry.

The needs of the fishing and farming communities are taken care of; marketing organisations have been established to ensure that primary producers obtain a fair return on their labour and are not dependent on middlemen.

III. Difficulties and Prospects

The main difficulties encountered in ensuring full employment lie in restrictions on the freedom of trade, but so far the ingenuity of manufacturers and the adaptability of the labour force have been able to overcome these difficulties by making new products and developing new markets.

Jersey

The principles contained in the instruments are accepted. However, owing to the small size of the island and the existence of very little unemployment, it has not been found necessary to introduce legislation to give effect to the provisions of the Convention.

The Social Security Committee maintains an employment office to assist persons to obtain employment and to enable employers to obtain suitable employees. All persons are treated equally, it being the policy of the Committee to place persons in employment suited to their skill and qualifications.

Isle of Man

See information provided under article 22 on the application of Convention No. 122 for the period ended 30 June 1968.¹ It is not considered necessary at present to adopt measures to give further effect to the provisions of the Convention or of the Recommendation.

St. Vincent

Statistics are not readily available but efforts are being made to improve them. According to the 1960 census, the working population was 47,000 out of a total population of 80,000.

Investment proposals are judged by reference to their general economic advantages and to their social acceptability from the point of view of employment policy. St. Vincent is party to the Carifta Agreement which has the objective of general economic stability and the expansion of employment opportunities. There are certain incentives for investors such as allowances for buildings and plant, and entitlement of pioneer industries to exemption for 10 years from income tax and import duties on construction materials. There are regional proposals for the harmonisation of fiscal incentives to industries; these recommend that incentives should be related to (1) provision of greater employment, (2) forward and backward linkages and (3) export market, with (1) however being dependent upon the workings of the other two.

St. Vincent is not affected much by seasonal fluctuation. There is diversification of agriculture, and public works are planned for continuous activities throughout the year. The effects of structural change are minimal in view of the limited nature of the economy.

Community development projects inspire popular participation in various self-help projects; local manpower is utilised and thereby skill is disseminated among a normally unskilled community.

Seychelles

See First Report under article 22 on the application of the Convention for the period ended 30 June 1968.²

¹ ILC, 53rd Session, Geneva, 1969. Report III (Pt. 1). Summary of Reports on Ratified Conventions, p. 338.

² ILC, 53rd Session, Geneva, 1969. Report III (Pt. 1). Summary of Reports on Ratified Conventions, p. 339.

INSTRUMENTS ON EMPLOYMENT POLICY

I. Formulation of Employment Policy

Responsibility for development planning has been transferred from the Financial Secretary to the Government as a whole. The population census planned for May 1971 will provide a sounder basis for planning the future employment needs of the country and there is provision in the Labour Department's estimates for additional personnel to collect employment information. Employers and workers are consulted on employment policy through the Labour Advisory Board.

II. Implementation of Employment Policy

The over-all plan for tourism, which includes the construction of an international airport and hotels, should provide more opportunities for employment. A survey of handicraft workers has been undertaken with a view to raising the quantity and quality of output and improving marketing arrangements to meet the expected increased demand for products as tourism grows. A vocational training centre has been operating since 1970 and will introduce new courses to meet anticipated needs.

USSR

Fundamental Principles governing the labour legislation of the USSR and the Union Republics (LS 1970 - USSR 1).

Ordinance of the Council of Ministers of the USSR respecting measures for further increasing the material incentives of able-bodied old-age pensioners in continuing to work after retirement, dated 31 December 1969.

I. and II. Formulation and Implementation of Employment Policy

The Government refers to its report under article 22 on the application of the Convention.¹

In conditions of full employment the state policy in the field of employment during the next few years will aim at enlarging the sources of manpower in the national economy, enlisting into productive work those who for different reasons cannot work a full working day. This concerns, in the first place women, pensioners and invalids.

¹ ILC, 56th Session, Geneva, 1971, Report III (Pt. 1): Summary of Reports on Ratified Conventions, pp. 73-75.

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The Ordinance of the Council of Ministers, dated 31 December 1969 has further increased and widened the material incentives offered to able-bodied old-age pensioners to induce them to continue working after reaching pensionable age, in particular by introducing more favourable conditions for payment of pensions in addition to wages and salaries.

To rationalise employment and ensure a more even utilisation of manpower throughout the year in the rural sector, considerable emphasis is now being placed on the development of auxiliary industries and handicrafts. Enterprises are being set up for the industrial processing of surplus agricultural produce and the manufacturing of local building materials.

III. Difficulties and Prospects

In the Soviet Union, national legislation and practice are fully in accordance with Recommendation No. 122 and no change is called for.

ZAMBIA

I. Formulation of Employment Policy

In view of the scarcity of employment opportunities, a policy has been evolved whereby, whenever possible, Zambian nationals must be considered for jobs on a priority basis.

III. Difficulties and Prospects

The Government fully accepts the spirit and intentions of the instruments, but Zambia is a developing country whose resources have not been tapped to any appreciable level. It is faced with a scarcity of employment opportunities resulting in acute unemployment problems. It cannot therefore afford to offer jobs to all those who look for them. The level of economic development is the main hindrance which delays the ratification of the Convention.

Communication of Copies of Reports to Representative Organisations (Article 23, paragraph 2, of the Constitution)

The Governments of the following States have indicated the representative employers' and workers' organisations to which copies of the reports supplied have been sent: Argentina, Austria, Canada, Central African Republic, Ceylon, China, Cyprus, Finland, Federal Republic of Germany, Ghana, Greece, Guyana, India, Ireland, Italy,

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Jamaica, Japan, Kenya, Luxembourg, Malagasy Republic, Malawi, Mali, Malta, Mexico, Morocco, New Zealand, Nigeria, Norway, Philippines, Senegal, Sierra Leone, Singapore, Sweden, Switzerland, Syrian Arab Republic, Tunisia, Turkey, United Kingdom, Zambia.

The Government of Bulgaria has indicated that copies of its reports have been sent to the Central Council of Trade Unions and to the section of undertakings, administrations and organisations of the Republic to the Chamber of Commerce.

The Government of Cuba has stated that copies of its reports have been sent to the Cuban Workers' Union and to the managements of industrial and agricultural undertakings.

The Government of Czechoslovakia has stated that copies of its reports have been communicated to the Central Council of the Revolutionary Trade Union Movement and to the Chamber of Commerce.

The Government of the Netherlands has stated that copies of its report have been communicated to the Council for the Labour Market.

The Government of Rumania has indicated that copies of its reports have been sent to the General Federation of Trade Unions.

The Government of Spain has stated that copies of its report have been sent to the National Organisation of Trade Unions.

The Government of Sudan has stated that copies of its report will be transmitted to the Sudan Workers' Trade Unions' Federation and to the Employers' Consultative Association.

The Government of the USSR has stated that copies of its report have been sent to the Central Council of Trade Unions and to the directors of the leading industrial and agricultural undertakings.

International Labour Conference

Fifty-Seventh Session

Geneva, 1972

Third Item on the Agenda

Information and Reports on the Application
of Conventions and Recommendations

SUMMARY OF REPORTS
ON TWO RECOMMENDATIONS

(Article 19 of the Constitution)

Seafarers' Engagement (Foreign Vessels)
Recommendation, 1958 (No. 107)

Social Conditions and Safety (Seafarers)
Recommendation, 1958 (No. 108)

GENEVA
International Labour Office
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.

INTRODUCTION

Article 19 of the Constitution of the International Labour Organisation provides that Members shall "report to the Director-General of the International Labour Office, at appropriate intervals as requested by the Governing Body" on the position of their law and practice in regard to the matters dealt with in unratified Conventions and in Recommendations. The obligations of Members as regards Conventions are laid down in paragraph 5(e) of the above-mentioned article. Paragraph 6(d) deals with Recommendations, and paragraph 7(a) and (b) deals with the particular obligations of federal States.

Pursuant to the above-mentioned provisions, the Governing Body selects each year the instruments on which Members are requested to supply reports. Since 1950 the summaries of these reports have been submitted each year to the Conference.

The reports which are summarised in the present volume concern two Recommendations: the Seafarers' Engagement (Foreign Vessels) Recommendation, 1958 (No. 107), and the Social Conditions and Safety (Seafarers) Recommendation, 1958 (No. 108).

The governments of member States were requested to send their reports to the International Labour Office before 15 September 1971. The present summary, which is submitted to the Conference in conformity with article 23, paragraph 1, of the Constitution, covers reports received by the Office up to 15 October 1971.

The report of the Committee of Experts on the Application of Conventions and Recommendations (Report III, Part 4), which will also be submitted to the Conference at its 57th (1972) Session, will include the general conclusions by the Committee on the reports on the above-mentioned Recommendations.

ALGERIA

Recommendation No. 107

The regulations concerning some of the matters dealt with in the Recommendation are contained in Interministerial Order No. 527/SG/MM of 12 July 1968, whereby the benefit of the seafarers' welfare scheme is extended to Algerian seafarers serving on foreign vessels.

This Order stipulates:

Section 1. Algerian seafarers (including catering staff) who serve on vessels sailing under a foreign flag or who attend a training course in a foreign school or shipping undertaking shall be covered by the provisions of the Decree of 17 June 1938 and of the Act of 2 April 1941 respecting the special social security scheme for seafarers in the mercantile marine, on fishing or pleasure vessels and for catering staff on board ship.

Section 2. Application of the provisions of the Decree of 17 June 1938 shall, however, be subject to the following conditions:

- (a) the vessels must comply with international regulations concerning the safety of life at sea;
- (b) the shipowners must have undertaken:
 - (i) in respect of the seafarers referred to in section 1 above, to comply with the conditions of engagement applicable on Algerian vessels and, in particular, with the rules concerning the obligations of Algerian shipowners as regards accidents, sickness and the repatriation of seafarers;
 - (ii) to pay to the Seafarers' Welfare Department (General Insurance Fund) the contributions for which shipowners and seafarers are liable under section 6 of the above-mentioned Decree of 17 June 1938.

The seafarers' employment offices are responsible for supervising the enforcement of the regulations referred to in this report.

Recommendation No. 108

The legislation previous to the independence of Algeria has been confirmed by an Act of 31 December 1962 except for those provisions which are contrary to national sovereignty.

Concerning in particular the question dealt with by the Recommendation, provisions are contained in the following laws and regulations:

MARITIME RECOMMENDATIONS

- Act of 13 December 1926 instituting the Maritime Labour Code.
- Act of 6 January 1954 relating to accommodation and hygiene on board trading and fishing vessels and pleasure cruisers.
- Order of 16 May 1966 establishing the age limit for candidates to the occupation of seaman or caterer.
- Decree No. 68-193 of 30 May 1968 establishing the particular status of administrators of seafarers' registration services.
- Decree No. 68-194 of 30 May 1968 establishing the particular status of trainer inspectors in the merchant fleet.
- Decree No. 68-600 of 31 October 1968 giving a definition of the various certificates, warrants and licences of the merchant fleet.
- Order No. 1248/MM of 20 August 1969 determining the conditions for delivering the Higher Certificate of Maritime Apprenticeship marked "Merchant Fleet".

Detailed reply to each of the provisions of the Recommendation:

Safety standards: texts adopted in application of the International Convention for the Safety of Life at Sea.

- Decree of 7 December 1954 relating to the accommodation and hygiene aboard ships with a gross tonnage equal to or above 500TX.
- Decree of 2 September 1957 to apply the Act of 6 January 1954 to ships of under 500TX.
- Order of 17 June 1954: various formalities and conditions to be complied with for the issue and renewal of safety certificates.
- Decree of 24 July 1961: medical and hygiene services aboard ships.
- Order of 7 March 1962: nomenclature, installation and maintenance conditions of medicines, dressings, apparatus, medical equipment, utensils, disinfectants, to be taken on board ships.

Inspection, Supervision

In compliance with Decree No. 68-194 of 30 May 1968 trainer-inspectors of navigation are entrusted with the technical inspection of ships and work on board.

Administrators of the seafarers' registration service are required, in accordance with the provisions of Decree No. 68-193 of 30 May 1968, to ensure the implementation of rules relating to the registration in the ship's roll and the dismissal of seafarers.

SUMMARY OF REPORTS ON SELECTED RECOMMENDATIONS

Seafarers' Employment Conditions

The Act of 13 December 1926 instituting the Maritime Labour Code was reconfirmed immediately after the independence of Algeria.

Delivery of Certificates of Competency

Decree No. 68-600 of 31 October 1968, article 2:

"Conditions for the issue of the various warrants, certificates and licences mentioned in article 1 are determined by ordinances issued by the Minister competent for the merchant fleet".

Order No. 1248 and 1249/MM of 20 August 1969, article 1:

"Maritime apprenticeship certificates with the mention 'commercial' are issued after examination to candidates of no less than 15 and no more than 17 years on 31 December of the year in which the examination took place".

Authorities Entrusted with the Enforcement of the Regulations

Minister of State for Transport
Seafarers' Registration Service
Maritime Navigation Inspection.

ARGENTINA

Recommendation No. 107

In Argentina there are no legislative provisions concerning seafarers serving on ships sailing under a foreign flag since such cases very rarely arise.

Considering, however, that Argentinian seafarers are sometimes engaged on vessels belonging to neighbouring countries, bilateral agreements have been reached to protect the interests of these seafarers. In accordance with the agreement between Argentina and Brazil, and with Act No. 18,250, for example, the labour laws of Argentina apply to Argentinian seafarers serving on Brazilian vessels.

The Government of Argentina considers that if the number of seafarers serving on foreign vessels increases, there will be a need for further bilateral agreements.

The authority responsible for the enforcement of these provisions is the Argentinian Consulate. In accordance with the Consular Regulations (Decree No. 12,354/47), the Consuls must, with the authorisation of the Ministry of Foreign and Religious Affairs, obtain payment for the repatriation and maintenance of any seafarer who is put ashore in a foreign port for reasons for which he is not responsible.

MARITIME RECOMMENDATIONS

Moreover time charter contracts contain a clause making it compulsory for Argentinian seafarers to be repatriated.

Recommendation No. 108

Paragraph (a). Act No. 17,371 contains provisions concerning the safety of ships. These provisions, which conform to international standards, pertain to public law and can consequently not admit derogations. The minimum crew of a ship is determined by the competent authority and any agreements contrary to the decision of that authority are invalid.

Paragraph (b). Act No. 17,371 provides in article 3 that the "Prefectura Naval Argentina" shall determine the safety crews of each ship.

Paragraph (c). The placement of seafarers is carried out by a placement office under the orders of the captain of the Buenos Aires port. (A study is at present being carried out in order to set up another body under the name of "Placement and Unemployment Insurance Office for Seafarers" (Agencia de Colocaciones y Seguro de Desempleo para la Gente de Mar) which would be a government office under tripartite control.) In practice, it is at present the trade union which undertakes to place seafarers since it has the possibility of putting the shipowner in contact with seafarers.

Paragraph (e). It is the Constitution which in article 14 guarantees freedom of association. Article 14 of the Constitution is enforced by legislative provisions on professional associations (Act No. 14,455).

Paragraph (f). The right to repatriation of seafarers put ashore in a foreign port is governed by Act No. 17,371.

Paragraph (g). Examination of candidates for certificates of competency is carried out by the National School of Navigation (Escuela Nacional de Náutica) and the School for Seafarers (Escuela de Marinería y Maestranza).

BELGIUM

Recommendation No. 107

There are no legislative or administrative provisions in Belgium in regard to the matters dealt with in the Recommendation.

In practice the Marine Administration Services advise seafarers to serve under the national flag or under the flag of those countries whose conditions are similar, particularly as regards the right to repatriation and the other usual shipowners' obligations.

SUMMARY OF REPORTS ON SELECTED RECOMMENDATIONS

The Belgian Government does not intend to make any amendments to the law to give effect to the provisions of the Recommendation.

Recommendation No. 108

There are in Belgium not only legislative and administrative but also practical provisions relating to the whole and all of the questions covered by the Recommendation.

The authority supervising the application of these provisions in respect of paragraphs (a) and (b) of the Recommendation is the Maritime Inspection in Belgium or Belgian consuls abroad; in respect of paragraphs (c), (d), (f) and (g): the Maritime Commissioner in Belgium and Belgian consuls abroad.

Employers' and workers' organisations are always consulted when rules are drawn up relating to the conditions of life, work and safety of seamen.

BURMA

Recommendation No. 107

Section 38 of the Burma Merchant Shipping Act deals with the provisions of the Recommendation.

When the master of a foreign ship, being at any port in Burma, wishes to engage any Burmese seamen on a foreign-going vessel, he must enter into an agreement with such seaman, to be made before the shipping master.

All the provisions of this Act, respecting the form of such agreements and the stipulations to be contained in them and the making and signing of the same, shall be applicable to the engagement of such seamen.

The master of the foreign vessel must give to the shipping master a bond with the security of an approved resident in Burma at a rate of 100 kyats for every such seaman, conditioned for the due performance of such agreement and stipulations, and for the repayment of all expenses which may be incurred by the Government in respect of any Burmese seaman who is discharged or left behind at any port out of Burma, becomes distressed and is relieved under the provisions of the Merchant Shipping Acts.

The prescribed fees shall be payable in respect of every such engagement, and deductions from the wages of seamen so engaged may be made to the extent and in the manner allowed under this Act.

MARITIME RECOMMENDATIONS

The Mercantile Marine Department is entrusted with the supervision of the application of the legislation and regulations.

For the purpose of co-operation the Seamen Employment Control Board, which is represented by the shipowners, seafarers and the Government, is called upon to co-operate in this application.

Recommendation No. 108

In regard to the matters dealt with in the Recommendation, the Burma Registration of Ships Act and the Burma Merchant Shipping Act and the rules and regulations made under these Acts ensure the compliance with the Recommendation, and prohibit foreign-owned ships to be registered in the Union of Burma.

The Government of the Union of Burma is a signatory to the International Convention for the Safety of Life at Sea, 1960, and practical administrative means are provided to comply with the Convention.

The Mercantile Marine Department is entrusted with the supervision of the application of the legislation and regulations. The Seamen Employment Control Board is called upon to co-operate in this application.

CANADA

Recommendation No. 107

No legislative or administrative provisions exist which would prevent seafarers within Canada from joining vessels registered in a foreign country, or govern repatriation of seafarers engaged in Canada on a foreign-registered ship.

A "Notice to Seamen" is incorporated in the body of Canadian Discharge Books for seamen, drawing their attention to conditions of employment on foreign-registered ships as regards repatriation, medical care and maintenance.

No further measures to give effect to the provisions of the Recommendation are intended.

Recommendation No. 108

Paragraphs (a), (b), (c), (d) and (e) of the Recommendation are fully covered by legislative provisions and practical arrangements.

SUMMARY OF REPORTS ON SELECTED RECOMMENDATIONS

Paragraph (f). The Canada Shipping Act's provisions deal with the subject of repatriation applicable to Canadian registered ships and seamen generally, but does not give full effect to paragraph (f) of the Recommendation in one instance:

A foreign seaman serving in a Canadian ship is entitled to repatriation only if he was engaged at a port in Canada or is discharged at a port in Canada. He is not entitled to repatriation if he was both engaged and discharged at ports outside Canada. However, a foreign seafarer who is put ashore from a Canadian ship by reason of sickness or injury is entitled to repatriation, regardless of the place of engagement or discharge.

For the purpose of this law, non-Canadian seamen who were resident in Canada for twelve months prior to the commencement of the voyage from which they were left behind are also entitled to repatriation.

Paragraph (g). The existing laws restrict the examination to British subjects and landed immigrants to Canada within the meaning of the Immigration Act.

The administration of this legislation is supervised by the Ministry of Transport. Employers' and workers' organisations do not co-operate in its application.

No changes in legislation or practice are anticipated.

CHAD

Recommendation No. 107

In Chad there are no legislative, administrative or practical provisions relating to any of the matters dealt with in the Recommendation.

The Government takes note of this instrument and fully endorses the recommendation of member States that the nationals of certain maritime countries be discouraged from serving in vessels of other countries without properly negotiated collective agreements ensuring them the protection and standards applicable to vessels of their own countries.

CYPRUS

Recommendation No. 107

The Merchant Shipping (Masters and Seamen) Law No. 46 of 1963 contains in sections 65-68 provisions for the relief and repatriation of seamen as well as for their medical treatment.

MARITIME RECOMMENDATIONS

As a general rule, the number of Cypriot seamen joining foreign ships is low. This may be attributed to the fact that good employment opportunities exist in the country.

Instructions have been issued to the officers in charge of Cyprus ports to ensure that whenever a Cypriot seaman is engaged on a foreign ship the recommendations of Paragraph 1 of the Recommendation are taken into account. However, the conditions of employment of Cypriot seafarers remain a matter of mutual agreement between them and the shipowners.

The authority entrusted with the enforcement of the relevant legislation is the Registrar of Cyprus Ships.

Recommendation No. 108

The Constitution of the Republic of Cyprus.

A Law to amend and consolidate the Law relating to the Legislation and Control of Trade Unions, No. 71 of 1965.

The Merchant Shipping (Registration of Ships, Sales and Mortgages) Law, No. 45 of 1963.

The Merchant Shipping (Masters and Seamen) Law, No. 46 of 1963.

Paragraph (a). Internationally accepted safety standards are enforced through the International Convention for the Safety of Life at Sea, 1960.

Paragraph (b). Inspection service is carried out by seven government-appointed international classification societies.

Paragraph (c). In major ports abroad, signing on and signing off of seafarers are supervised by the Cyprus diplomatic service or with the assistance of the diplomatic service of duly authorised friendly countries.

Paragraph (d). Control of the conditions under which the seafarers serve is difficult to exercise and takes place only where and when feasible.

Paragraph (e). Article 21(2) of the Constitution and Part VI, section 50, of Law No. 71 of 1965 provide for the right to freedom of association and the free organisation into unions of all workers, including seafarers.

Paragraph (f). Provisions for the repatriation of seafarers are contained in section 65 of Law No. 46 of 1963 referred to above.

Paragraph (g). For the time being, no machinery exists for the examination of candidates for certificates of competency. By virtue of an order of the Council of Ministers and a provision in the relevant Law (No. 46 of 1963), certificates issued by specified countries are recognised for the purpose of manning vessels under the Cyprus flag.

SUMMARY OF REPORTS ON SELECTED RECOMMENDATIONS

As most provisions of the Recommendation are covered by the existing legislation, it is not intended to make any modification for the time being.

CZECHOSLOVAKIA

Recommendation No. 107

No legislative provisions have been issued in Czechoslovakia in regard to the matters dealt with in the Recommendation.

Only Czechoslovak seafarers having concluded a contract through the respective Czechoslovak foreign trade corporation, which negotiates exclusively the employment contracts of Czechoslovak citizens abroad, can be employed on vessels registered in a foreign country. All social advantages mentioned in the Recommendation are ensured to the seafarers by such a contract.

Being a landlocked country Czechoslovakia is short of its own qualified seafarers for her seagoing vessels. With regard to this, the Recommendation is not applicable at present.

Recommendation No. 108

Labour Code No. 65/1965 as amended by Act No. 153/1969.

Notification of the Ministry of Transport No. 113/1955.

Decree of the Ministry of Transport dated 30.11.1967, as amended by Decree dated 28.1.1969 and Decree of the Federal Committee of Transport, dated 28.12.1969.

Act No. 61/1952.

Act No. 133/1970.

Instruction of the Ministry of Transport, dated 1.9.1964.

Instruction of the Federal Committee of Transport, dated 1.9.1969.

Ratification of the International Convention for the Safety of Life at Sea (London, 1960) and the International Load Line Convention (London, 1966).

All measures dealt with by the Recommendation are exclusively under the jurisdiction of the Federal Ministry of Transport.

The above-mentioned regulations ensure that the conditions under which the seafarers serve on Czechoslovak ships are in accordance with the standards generally accepted by the traditional sea countries and with the provisions of the Recommendation.

MARITIME RECOMMENDATIONS

EL SALVADOR

Recommendation No. 107

Recommendation No. 108

Since El Salvador is not a traditionally maritime country and its labour force does not include the category of seafarers in accordance with the terms of the Recommendation, whose labour relations with employers should be brought under regulation, there has up to now been no need to adopt any provision in this respect.

FINLAND

Recommendation No. 107

There exist legislative and administrative provisions in Finland in regard to the matters dealt with in the Recommendation.

Effect is given in Finland to the provisions of the Recommendation. Section 4 of the Resolution issued by the Ministry of Commerce and Industry, on the application of the Act concerning the signing on and off of seamen, provides that when the signing on of a Finnish man for a foreign vessel takes place in Finland, the official responsible for this Act ensures that the service agreement contains the necessary provisions on the right of the seaman to leave his service on board the vessel in order to carry out his military service as a conscript, in addition to his rights to obtain, on this basis of mutuality, assistance, sickness benefits and compensation for the expenses caused by his return to the nearest Finnish port or, if needed, to his place of domicile in Finland.

Section 2 of the Act respecting the signing on and off of seamen and their registration provides that the officials appointed by the National Board of Navigation shall perform these duties in Finland and the consular authorities abroad.

Recommendation No. 108

There exist in Finland legislative and administrative provisions in regard to the matters dealt with in the Recommendation.

Section 8 of the Maritime Act in force provides that a sea-going ship shall be so built, equipped, manned, and loaded that human life and property may be safeguarded, taking into account the nature of waterways and traffic. Section 43 of the Maritime Act requests the master of the ship to ensure, before the voyage, that the ship is seaworthy from the point of view of the voyage and the season.

SUMMARY OF REPORTS ON SELECTED RECOMMENDATIONS

There are also other provisions concerning merchant ships, pressure vessels, inspection of merchant ships and control of their seaworthiness. Finnish ships engaged in foreign navigation are classified according to an internationally accepted system of classification. Periodical inspections are carried out to ensure that the ships in use are also maintained in good condition.

The Ministry of Commerce and Industry is entrusted with the general supervision of the application of the legislation, while the practical tasks of inspection and control are mainly entrusted to the civil servants of the National Board of Navigation.

Workers' organisations concerned pointed out that the Finnish legislation and the safety regulations applicable on board ships are not efficient and adequate in every respect. They drew also attention to the working order and the labour conditions on board foreign ships and ships flying flags of convenience. They felt that such defects might be best remedied by:

- (a) co-ordinating and revising the relevant legislation;
- (b) extending its application also to foreign seafarers;
- (c) organising the control of safety and labour inspection at an up-to-date level.

Furthermore they indicated that measures should be taken to revise the said Recommendation and to give it in future the form of a Convention.

FRANCE

Recommendation No. 107

Under French law vessels of States belonging to the former French Community are not considered to be foreign vessels.

As regards seafarers serving on vessels registered in other States, it is difficult for a country to demand that the conditions of engagement comply with its own national legislation; under current regulations seafarers who sign on for service on a foreign vessel are not obliged to have their contracts endorsed by the French maritime authorities.

Nevertheless, whenever such contracts are submitted to these authorities, the latter ensure that the contracts include repatriation clauses and demand that medical care be provided. In any case seafarers who are put ashore and left in a foreign port are covered by the provisions of the Decree of 22 September 1891 authorising consuls to repatriate any seafarers left in a foreign port.

MARITIME RECOMMENDATIONS

Recommendation No. 108

There is in France a series of legislative, administrative and practical measures governing the whole of the provisions of the Recommendation.

Paragraphs (a) and (b). Every vessel at sea whatever its nature including floating devices navigating on the surface or under the water or stationed at sea, in ports and roadsteads, in salt ponds or canals which come under the jurisdiction of government maritime authorities and in estuaries, rivers, streams and canals below the first obstacle to navigation, are governed by Act No. 67-405 of 20 May 1967 on Safety of Human Life at Sea and Accommodation on Board Ships.

This Act requires every vessel to be in possession of safety certificates delivered or renewed after an inspection.

The manner in which this Act is to be implemented is laid down in, among others, the following texts:

- Decree No. 68-206 of 17 February 1968 relating to Safety of Human Life at Sea and Accommodation on Board Ships.

- Decree No. 69-1141 of 11 December 1969 laying down the general safety rules with which French ships must comply.

- Decree No. 69-169 of 4 February 1969 relating to inspection committees.

- Decree No. 69-1142 of 11 December 1969 determining the obligations of ships with respect to radio communications.

- Ordinance of 27 March 1969 in application of the Decree of 17 February 1968.

- Ordinance of 15 March 1971 establishing the safety rules to be observed by ships.

- Ordinance of 24 August 1961 designating ports as navigation inspection centres.

All these texts repeat, supplement and clarify the provisions adopted at an international level by the various international Conventions in force, and in particular:

- the London International Convention of 1960 for the Safety of Life at Sea;

- the London International Convention of 1966 on Load Lines.

The Ministry of Transport (General Secretariat of the Merchant Fleet) is responsible for enforcing the rules governing safety.

Paragraph (c). Inscription in the ship's roll is required in France by article 11 of the Act of 13 December 1926, amended,

SUMMARY OF REPORTS ON SELECTED RECOMMENDATIONS

instituting the Maritime Labour Code, and by article 72 of the Act of 17 December 1926, amended, instituting the Disciplinary and Penal Code of the Merchant Fleet.

The provisions applicable to cases of dismissal derive from articles 93 et seq. of the Maritime Labour Code, the Ordinance of 13 July 1967 relating to certain measures applicable in cases of dismissal and from the contents of collective agreements and protocols.

The authority responsible for the enforcement of the above-mentioned provisions is the Maritime Authority represented in France by officials from the Maritime Affairs Department and abroad by consuls.

The procedure for controlling registration in the ship's roll is derived from the provisions of articles 12, 13 and 14 of the Maritime Labour Code.

As for the enforcement of the provisions applicable to dismissal, article 95 of the Maritime Labour Code provides for an authorisation from the Maritime Authority in the case of a seaman dismissed by the captain outside of French metropolitan ports.

In other cases application of the measures provided for by the Ordinance of 1957 or by collective agreement is supervised by an official of the Maritime Affairs Department.

Paragraph (d). Employment conditions of seafarers are determined by the Act of 13 December 1926 instituting the Maritime Labour Code, a Decree of 31 March 1925, amended, and subsequent decrees.

Enforcement of these texts is carried out by officials of the Maritime Affairs Department and navigation and Maritime Work Inspectors.

Paragraph (e). The preamble to the French Constitution recognises the right of everyone to freedom of association. This freedom is confirmed in collective agreements.

Paragraph (f). Repatriation of seafarers who have been signed on French ships is an obligation mentioned in the Maritime Labour Code (Act of 13 December 1926 amended), articles 87-90 of which provide:

that repatriation is carried out at the expense of the ship subject to the exception mentioned below, such repatriation including conveyance, lodging and food;

that except where otherwise agreed the seafarer who has not been repatriated to the French port of embarkation is entitled to conveyance back to that port;

that the cost of repatriating a seafarer put ashore at the joint desire of the two parties shall be settled by agreement between the parties;

MARITIME RECOMMENDATIONS

that the cost of repatriating a seafarer put ashore in order to stand trial and suffer a penalty shall be borne by the State.

These articles are supplemented as far as the practical procedures are concerned by the provision of the Decree of 22 September 1891, which enables the French consul either to advance the money for the repatriation, or to carry out the repatriation by means of requisition.

Paragraph (g). Provisions of laws and regulations are in accordance with Convention No. 53 on Officers' Competency Certificates.

The authority responsible for the enforcement of the provisions of laws and regulations is the General Secretariat of the Merchant Fleet through its exterior services.

GABON

Recommendation No. 107

Recommendation No. 108

There is no legislation concerning this matter.

FEDERAL REPUBLIC OF GERMANY

Recommendation No. 107

There exist legislative and administrative provisions in regard to the matters dealt with in the Recommendation.

As part of the practical action taken to deal with the problems mentioned in the Recommendation, the Federal Labour Institute has set up specialised employment exchanges for seamen (Labour Promotion Act, section 207).

Exceedingly few Germans take service aboard foreign vessels. In individual cases the specialised employment exchanges will give advice, make sure that the conditions of engagement are beyond reproach and inform seamen wishing to sign on aboard foreign ships not offering a social security system that they may, in certain circumstances, retain their previous insurance arrangements on a voluntary basis.

As regards repatriation of seamen, it is to be noted that German seamen who find themselves in need on foreign soil may be repatriated under the Return of Seamen (Obligation on Merchant Vessels) Act of 2 June 1902 (Reichsgesetzblatt, 1, p. 212).

SUMMARY OF REPORTS ON SELECTED RECOMMENDATIONS

It is not intended to take any further measures to give effect to the provisions of the Recommendation.

The question of employment exchanges for seamen is a matter for federal legislation.

Recommendation No. 108

The legal and organisational prerequisites for implementation of the principles set forth in the Recommendation exist in the Federal Republic.

Paragraphs (a) and (b). The legislation in question comprises:

1. the Act dated 22 December 1953 concerning accession by the Federal Republic of Germany to the Maritime Safety Convention (London, 1948) (BGB, II, p. 603);
2. the Order governing Safety Arrangements on Board Passenger Liners and Cargo Vessels, dated 31 May 1955 (BGB II, p. 645) (called the "Schiffssicherheitsverordnung");
3. the Act relating to the Maritime Safety Convention of 17 June 1960, dated 6 May 1965 (BGB II, p. 465). (An order dealing with safety arrangements on board seagoing ships now exists in draft form and will shortly be promulgated; it will replace the Order mentioned under 2 above);
4. the Order concerning Radio Equipment and Safety Radio Watches on Board Ship dated 9 September 1955 (also called the "Funksicherheitsverordnung") (BGB II, p. 860), amended by the "Funksicherheitsverordnung" Amendment Order dated 8 December 1964 (BGB II, p. 1515) and the Second "Funksicherheitsverordnung" Amendment Order dated 21 September 1970 (BGB I, p. 1357);
5. the Statement relating to the International Cargo Vessel Load-Line Agreement (London, 5 July 1930) dated 12 October 1933 (Reichsgesetzblatt II, p. 707);
6. the Merchant Vessels Load-Line Order dated 25 December 1932 (Reichsgesetzblatt II, p. 278);
7. the International Load-Line Agreement (1966) Act, dated 5 April 1966 (dated 20 February 1969) (BGB II, p. 249), and;
8. the Load-Line Order dated 22 January 1970 (BGB I, p. 161).

Apart from the above, there are the Seamen's Associations Accident Insurance Provisions, issued on the basis of the "Reichsversicherungsordnung" (Order governing insurance matters during the Reich) and approved by the Federal Minister for Labour and Social Affairs, plus the following Orders, issued by the Federal Minister for Transport and the Federal Minister for Labour and Social Affairs:

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Order governing the form, filling in and maintenance of certificates of work done in the shipping industry, dated 1 August 1968 (BGB I, p. 905); and

Order concerning Fitness for Service at Sea, dated 19 August 1970 (BGB I, p. 1241).

Paragraph (c). The signing on and signing off of seamen on ships flying the federal German flag are operations performed by "seamen's offices" under paragraph 13 of the Seafarers' Act ("Seemannsgesetz").

Paragraph (d). The conditions of employment in high-seas and coastal fishing vessels, as set forth in Parts Three and Four of the Seafarers' Act and in federal German collective agreements in force within the shipping industry, are in accordance with the internationally accepted standards of maritime law.

Paragraph (e). In the Federal Republic of Germany, freedom of association is everywhere guaranteed (Basic Act, section 9(3)). Furthermore, the Government has submitted a new draft of the Organisation of Undertakings Act ("Betriebsverfassungsgesetz"), according to which specific provision will be made for workers' representatives on board ship.

Paragraph (f). Any member of the crew of a ship flying the federal German flag, independently of his nationality, can claim a free passage home (as specified in paragraphs 45, 65, 66, 67, 72 and 75 of the Seafarers' Act) subject, however, to the provision that when the crew member is a foreigner it must in addition be possible to reach agreement on a free return passage to the mother country or country in which the man was last resident (paragraph 167 of the Act).

In addition, German seamen in need abroad can invoke the Obligation to Carry Returning Seamen Act of 2 June 1902 (Reichsgesetzblatt, 1, p. 212).

Paragraph (g). The Ship's Crew and Training Order dated 19 August 1970 (BGB, p. 1253) deals with the training of masters, bridge officers and engine-room officers, as well as the question of certificates of competence. Certificates of competence are awarded to ships' radio operators in accordance with the Certificates of Competency Acquisition Order (Ships' Radio Operators) dated 30 March 1971 (BGB, p. 289). An order introducing modifications of detail into training programmes is at present being drafted.

Corresponding provisions for other ranks (deck-hands) are to be found in the Other Ranks (Deck-Hands) Certificates of Competency Order (Commercial Vessels) dated 12 July 1960 (BGB, p. 186). A new version is under way. Various specialised seamen's training schools, maintained by those German states which border on the sea, provide the requisite courses.

Generally speaking, the inspection of ships is carried out by the Seamen's Union ("Seeberufsgenossenschaft"). The labour protection authorities in the various federal states keep a check on

SUMMARY OF REPORTS ON SELECTED RECOMMENDATIONS

certificates of time worked and handle other matters in connection therewith, in accordance with paragraph 102 of the Seafarers' Act.

Before any legislation, rules or regulations are promulgated, the practice is to consult the appropriate shipowners' associations and seamen's organisations. A special assembly of the "Seeberufsgenossenschaft", in which shipowners and seafarers are equally represented, issues regulations for the prevention of accidents. In important matters, the shipowners' and seafarers' organisations are consulted by the inspection authorities.

To guarantee suitable accommodation and medical care for seamen on board ship, new regulations (to be called the "Logisverordnung"), dealing with crew accommodation and medical facilities on board merchant ships, are being devised.

The legislation mentioned above holds good throughout the Federal Republic.

GHANA

Recommendation No. 107

The Merchant Shipping Act, 1963 (Act 183) deals specifically with the matters dealt with in the Recommendation. Because of limited job opportunities, Ghanaian seamen may seek employment on foreign vessels.

The agreement is signed before the proper officer (i.e. shipping master) and representatives of shipowners and the National Union of Seamen. However, section 82(4) of the Merchant Shipping Act provides that, if a master of a foreign ship employs seamen individually in Ghana, the seamen so engaged may sign the engagement so made and it shall not then be necessary for them to sign an agreement in the form approved by the competent authority.

The Shipping Commissioner, Ministry of Transport and Communication, is entrusted with the supervision of the application of the above-mentioned legislation.

Consideration is being given to embodying the Recommendation in the existing legislation.

Recommendation No. 108

The Merchant Shipping Act, 1963 (Act 183) deals with matters covered by this Recommendation. The international maritime Conventions applicable in Ghana include the International Convention for the Safety of Life at Sea.

MARITIME RECOMMENDATIONS

The Merchant Shipping Act mentioned above contains the following provisions:

Section 124. Sanction required for the discharge of seamen out of Ghana.

Section 126. Repatriation of seamen on termination of service at foreign port.

Section 72. Examination of certificate of competency.

Section 73. Examination of able seamen.

The Shipping Commissioner, Ministry of Transport and Communication, is entrusted with the supervision of the application of the above-mentioned legislation.

Employers' and workers' organisations are consulted, when necessary, on all issues regarding the implementation of the provisions of the Merchant Shipping Act.

GREECE

Recommendation No. 107

Act No. 3816 of 1958 respecting the Code of Private Maritime Law.

Act No. 551 of 1914 respecting employment injuries.

Act No. 366 of 1968 respecting the ratification of the Shipowners' Liability (Sick and Injured Seamen) Convention, 1936 (No. 55).

The Ministry of the Mercantile Marine forbids the employment of Greek seafarers who are not members of the Seafarers' Pension Fund or of the Panhellenic Seamen's Federation.

Such membership provides for all the conditions of remuneration and of work that apply to the crews of vessels sailing under the Greek flag to apply to all Greek seafarers. Moreover Royal Decree No. 734 of 1968 provides that, as from 1 March 1969, service at sea performed by Greek seafarers on foreign vessels shall be taken into consideration for the issuing of seafarers' certificates of competency provided the owners or masters of the vessels have reached an agreement with the afore-mentioned bodies which is still in force.

Supervision of the application of the legislative and administrative provisions is entrusted to the national port authorities and to the Greek consular port authorities abroad.

National laws and regulations cover all the provisions of the Recommendation in question and it is not considered necessary to take further measures, whether legislative or otherwise, or to amend the provisions already existing.

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Recommendation No. 108

Act No. 4473 of 1955 concerning Control of Maritime Navigation, Inspection of Ships, etc.

Mandatory Law No. 388 of 1958 on the Complementing and Amendment of Legislation concerning Maritime Navigation and Inspection of Seagoing Vessels Engaged in Commerce.

Systematic control is carried out over all ships employed in commerce under the Greek flag with respect to the safety and living conditions of seafarers.

Inspection of Greek merchant ships for issuing certificates is carried out by internationally recognised experts of the Classification Company.

Mandatory Law No. 257 of 1958 "concerning Professional Maritime Associations and Federations" is a new law (not yet adopted) which brings certain provisions of the Act mentioned earlier into line with Decree Law No. 890 of 1971 "concerning Professional Associations and Unions" which ensures freedom of association for seafarers.

Act No. 3816 of 1958 "concerning the Code of Maritime Private Law" governs questions referring to the repatriation of Greek seamen dismissed abroad.

Certificates of competency for Greek seamen (diplomas, certificates) are issued by the competent services of the Ministry of the Merchant Fleet to seamen who have the necessary formal qualifications and have passed an examination. In some cases persons endowed with exceptional qualities may be issued with a certificate of competency without examination.

Enforcement of the provisions of laws and regulations is ensured by the inspection service of seagoing ships engaged in commerce, by national port authorities and Greek consular officials attached to ports abroad.

It was not considered necessary to take additional legislative or other measures or to amend the existing measures since national legislation covers all the provisions of the Recommendations.

INDIA

Recommendation No. 107

Legislative and administrative provisions exist in India with regard to the matters dealt with in the Recommendation.

Section 114 of the Merchant Shipping Act, 1958, provides that Indian seamen employed on non-Indian foreign-going vessels should be

MARITIME RECOMMENDATIONS

signed on Indian articles of agreement. The service conditions of such seamen are negotiated by the National Maritime Board, a bi-partite voluntary organisation of seafarers and shipowners.

Section 115 also empowers the central Government to prohibit engagement of persons as seamen on ships other than an Indian ship in the national interest or in the interest of seamen generally, if necessary.

Section 123 stipulates the obligation to repatriate the seamen to the port of engagement. A seaman engaged on a foreign vessel on Indian articles of agreement is entitled, if he is left behind at a foreign port due to illness, to free medical treatment and full wages till he is repatriated to the port of engagement.

Shipping masters have been instructed not to allow port clearance to foreign ships with Indian seamen unless the seamen have been engaged on Indian articles of agreement.

The Director, Seamen's Employment Office and the Shipping Master, Bombay, are responsible for enforcement of the provisions made in the Merchant Shipping Act, regarding engagement and discharge of seamen.

No further measures or modifications of law are considered necessary to give effect to the provisions of this Recommendation.

Recommendation No. 108

Legislative and administrative provisions exist in India in regard to the matters dealt with in the Recommendation.

The Government of India has made proper arrangements for regular survey, inspection and issue of convention certificates to ships on Indian register.

Shipping and Seamen's Employment Offices have been set up in Bombay and Calcutta under the charge of the Shipping Master and Director of Seamen's Employment Offices respectively. At other ports officers of the Mercantile Marine Department have been assigned the work of the shipping masters.

Conditions for seafarers on board the ship are generally in accordance with the Conventions laid down by the ILO and are embodied in rules and regulations promulgated by the Government of India.

Provision for repatriation of seafarers is made under section 123 of the Merchant Shipping Act.

Adequate provisions have been made for holding examinations and issuing certificates of competency at the various ports in India.

No further measures or modifications of law are considered necessary to give effect to the provisions of this Recommendation.

SUMMARY OF REPORTS ON SELECTED RECOMMENDATIONS

IRAN

Recommendation No. 107

It is very rare for Iranian citizens to be employed on vessels registered in foreign countries and consequently at the present time this question does not affect Iran.

The provisions set down in Recommendation No. 107 have been brought to the notice of the Iranian Port and Navigation Organisation so that account may be taken of them in the event of Iranians being employed on foreign vessels.

Recommendation No. 108

With reference to the question relating to the safety of seafarers the Government of Iran has already ratified the following Conventions:

the International Convention of 1959 on the Tonnage of Ships;

the International Convention of 1950 for the Safety of Life at Sea.

Legislation is being prepared to enable the ratification of Conventions and international instruments.

IRAQ

Recommendation No. 107

There is no national legislation regulating the matters dealt with in this Recommendation, although the Maritime Employment Act, a draft of which is now under consideration prior to promulgation, will do so. The rules governing the work of seafarers are at present based on those applied by the Iraqi Sea Transport Company, the one official organisation active in the shipping industry.

The conditions governing the employment of foreign seamen are covered by subsidiary agreements entered into between the shipping company and the responsible authorities in the countries which are parties to these agreements.

As regards the engagement of Iraqi seamen in foreign vessels it is to be observed that there is no surplus of seamen in Iraq and that very few Iraqis are so employed.

MARITIME RECOMMENDATIONS

The Maritime Employment Act, when promulgated, will give executive force to the provisions of the Recommendation.

Recommendation No. 108

There is no national legislation regulating the matters dealt with in this Recommendation, although the Maritime Employment Act, a draft of which is now under consideration prior to promulgation, will do so. The rules governing the work of seafarers are at present based on those applied by the Iraqi Sea Transport Company, the one official organisation active in the shipping industry.

Internationally agreed safety regulations are scrupulously observed on board Iraqi ships registered in the name of the Iraqi Sea Transport Company and inspections on the ships belonging to it are carried out by internationally recognised organisations, in accordance with internationally accepted criteria and principles.

As regards the return of seamen to their countries of origin, the rules governing the employment of seafarers and the subsidiary agreements (concerning foreign seamen) contain provisions dealing with these matters in a manner which is in accordance with the Recommendation.

Seamen employed aboard ships belonging to the Iraqi Sea Transport Company are considered to be public servants and do not, as such, enjoy the right of association.

The Maritime Employment Act, when promulgated, will give executive force to the provisions of this Recommendation.

ISRAEL

Recommendation No. 107

There exist administrative and practical provisions in regard to the matters dealt with in the Recommendation.

Due to the shortage in Israel of marine manpower, all Israeli seafarers (Israel residents) are employed only by Israeli shipping companies or their subsidiaries under identical collective agreements. These agreements apply also to non-Israeli vessels controlled by the Israeli shipping companies. Foreign seafarers engaged on non-Israeli vessels enjoy the same conditions as on Israeli registered vessels.

As the present situation concerning the practical implementation of the Recommendation is found satisfactory, no legislation exists.

SUMMARY OF REPORTS ON SELECTED RECOMMENDATIONS

Recommendation No. 108

There exist legislative, administrative and practical provisions in regard to most of the matters dealt with in the Recommendation.

Paragraph (a). Israeli safety standards exceed in many items the requirements of international Conventions adopted.

Paragraph (b). National legislation provides for annual inspection of seagoing vessels and spot-checks as may be deemed necessary.

Paragraph (c). Government supervision of signing on and signing off of seafarers has been abolished with the consent of shipowners' and seafarers' organisations. Government control on the manning of vessels is implemented by other means.

Paragraph (d). Almost all Israeli seafarers are employed under collective agreements, and foreign seamen under individual standard contracts, which provide conditions in accordance with the standards generally accepted by the traditional maritime countries.

Paragraph (e). Freedom of association is a basic principle in Israel.

Paragraph (f). A repatriation clause in accordance with the practice followed in traditional maritime countries is included in the collective agreements and in every individual standard agreement for foreign seafarers.

Paragraph (g). Proper and satisfactory arrangements for the examination of candidates for certificates of competency and for the issuing of such certificates are ensured by legislation and by procedure approved by the Board for Certification of Seafarers, in which shipowners' and seafarers' organisations are represented.

The Ministry of Transport, Department of Shipping and Ports and the Ministry of Labour are entrusted with the supervision of the application of the legislation and regulations.

A Shipping (Seamen) Act which will govern all aspects of service on board Israeli vessels including minimum conditions for seafarers inter alia complying with Recommendation No. 108 in this respect is about to be presented to Parliament. The proposed Act was prepared with the active participation of seafarers' and shipowners' organisations.

A trade union law is under preparation.

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KHMER REPUBLIC

Recommendation No. 108

There is a body of laws and regulations covering the provisions of Recommendation No. 108. The texts were adopted under the French Protectorate and retained in force by Krâm No. 901-NS of 13.9.1954. At the present time many of these texts have become outdated and new practices adopted to bring them into conformity with new Conventions and Recommendations.

The various points of the Recommendation are covered by the following texts:

Paragraph (a). Decree of 22.8.1927 on the Safety of Ships Engaged in Commerce, Fishing and Pleasure Cruises.

Paragraph (b). Kret No. 683/CE of 30.12.1951 setting up the Merchant Fleet Service to administer seagoing ships and seafarers.

Paragraph (c). Signing on of crews and dismissal of seafarers is controlled in the Khmer Republic by the Merchant Fleet Service, and abroad by Khmer consuls.

Paragraph (d). Krâm No. 67-NS of 14.1.1956 instituting freedom to set up professional associations.

Paragraph (e). An Order of the Governor-General of Indochina dated 19 May 1942 laying down conditions of work in the Merchant Fleet.

Paragraph (f). The Order of 19.5.1942 above mentioned provides, in article 7, that seafarers shall be repatriated to the port of the country of embarkation.

Paragraph (g). Various texts concerning Merchant Fleet Certificates provide that candidates must pass a theoretical and a practical examination before an adequate commission.

The Merchant Fleet Service which comes under the Ministry of Public Works of the Khmer Republic Government is entrusted with the enforcement of this legislation.

There is no employers' organisation; as for the workers' organisation it is in the process of being set up.

All the texts are at present being redrafted in order to bring them into conformity with the Conventions ratified by the Khmer Republic and the Recommendations.

SUMMARY OF REPORTS ON SELECTED RECOMMENDATIONS

KUWAIT

Recommendation No. 107

Recommendation No. 108

No legislative action has so far been taken to cover seafarers on ships, whether national or foreign. The Government will, however, take into consideration the provisions of the Recommendations when special legislation to this effect is contemplated.

LUXEMBOURG

Recommendation No. 107

Recommendation No. 108

The Recommendations do not apply to Luxembourg.

MALI

Recommendation No. 107

Recommendation No. 108

As Mali has no maritime industry nor vessels under its registry in a foreign port, no legislative, administrative or practical provisions exist concerning this instrument, nor is it expected that they will be adopted.

MALTA

Recommendation No. 107

The Malta Merchant Shipping Act is in the drafting stage and will be enacted in the not-too-distant future. Meanwhile the engagement of seamen is carried out under the Merchant Shipping Acts of Great Britain.

In practice Maltese seamen rarely join foreign vessels because the local manpower is in great part absorbed by Maltese and British vessels. For those joining foreign ships, the Shipping Master's office ensures that a clause exists in the agreement covering the seaman's repatriation if discharged through no fault of his own, and

MARITIME RECOMMENDATIONS

covering also hospitalisation and treatment for sickness or injury sustained during service at the shipowner's expense.

Regulations of the Recommendation will be considered after the enactment of the Malta Merchant Shipping Act.

Recommendation No. 108

The Malta Merchant Shipping Act is in the drafting stage. In the meantime the social conditions and safety of seafarers are regulated by the Merchant Shipping Acts of Great Britain.

Maltese registered vessels are required to comply with internationally accepted safety standards.

Maltese registered cargo vessels are regularly surveyed in accordance with the provisions of the Safety of Life at Sea and the Load Line Conventions.

Signing on and signing off of seafarers is done in Malta by the Shipping Master, and abroad by British shipping masters or consuls under a reciprocal agreement.

Conditions of work on Maltese vessels are generally in accordance with internationally accepted standards.

Seamen on Maltese vessels enjoy freedom of association. Most of them are members of the Union of Seamen.

Repatriation of seamen is normally provided for.

Regulations of the Recommendation will be considered after the enactment of the Malta Merchant Shipping Act.

MOROCCO

Recommendation No. 107

In Morocco there are no legislative provisions on the matters dealt with in the Recommendation. There are only administrative and practical provisions relating to their repatriation.

The local maritime authorities:

- endeavour to persuade seafarers not to join or to agree to join vessels registered in a foreign country without guarantees corresponding in general to the provisions of the Recommendation;
- so far as possible, study the contract of engagement proposed and inform the seafarer concerned as to the conditions therein regarding medical care and maintenance;

SUMMARY OF REPORTS ON SELECTED RECOMMENDATIONS

- require the master of a vessel registered in a foreign country to undertake to return to Morocco any persons joining his ship.

Following the ratification by Morocco in 1962 of the International Convention for the Safety of Life at Sea (London, 1960), the country's national regulations are being completely revised.

Recommendation No. 108

Paragraph (a). Decrees and orders adopted in 1963 cover the following subjects: the operation of committees of inspection for the safety of merchant ships and the delivery or renewal of safety certificates to ships, departure declarations, inspection of ships by inspectors from the Maritime Navigation Labour Service.

Paragraph (d). An Order of 1963 lays down the hours of work and distribution of work aboard merchant ships.

A Decree of 1962 lays down living conditions (food and sleeping accommodation) aboard these same ships.

Paragraph (e). The Dahir of 17 July 1957 on freedom of association is applied to seafarers and provides for the presence on board merchant ships of crew delegates.

Paragraph (f). A Decree of 1962 provides for the application to seafarers of traditional maritime practice.

Paragraph (g). An Order of 1951 lays down the conditions for issuing diplomas and certificates required for the exercise of duties on board merchant ships.

A Decree of 1951 lays down the conditions required to exercise command and the functions of officers on board these ships.

Officials of the Merchant Fleet (heads of maritime areas, maritime navigation and labour inspectors, administrators in charge of maritime training, in particular) ensure the application of regulations.

Internal regulations are being completely redrafted in Morocco and the text now being prepared will incorporate the provisions of the Recommendation in a more modern form.

NETHERLANDS

Recommendation No. 107

Article 358b of the Commercial Code states that the captain of a Netherlands ship, bound for the Netherlands and staying in a foreign port, is required by law, if so requested by the Netherlands consular

MARITIME RECOMMENDATIONS

agent, or - in his absence - at the request of the local authority, to take Netherlands seamen staying in this port and needing help to the Netherlands.

The costs incurred are payable by the State. The amount of the costs shall be fixed on a basis to be determined by the Crown.

Recommendation No. 108

The provisions of the Recommendation are regulated in the Netherlands by various national Acts and decrees.

Paragraph (a). The Merchant Shipping Decree, 1965, which is the corresponding order of the Merchant Shipping Act of 1 July 1909, contains extensive safety requirements based on the International Convention for the Safety of Life at Sea, 1960, signed by the Netherlands in London on 17 June 1960.

Paragraph (b). Under section 10 of the Merchant Shipping Act, all ships to which the Act is applicable are subject to constant supervision by the Shipping Inspectorate in order to guarantee compliance with the safety regulations.

Paragraph (c). The Decree of 15 May 1937 establishing a General Administrative Order as contemplated by sections 407, 412, 450(d), 451(d) and 451(i) of the Commercial Code (Mariners' Decree) regulates in Chapter I, section 1 et seq., the appointment of signing-on officials, also abroad (Dutch consular officials); signing on; the conditions for signing on; the possession of a discharge book, etc.

Paragraph (d). The signing-on official does not proceed to draw up ships' articles until: (1) the shipowner has submitted to him the contracts of employment concluded with the crew, which must have been noted by the shipowner in the discharge books, and (2) he has ascertained that the contents of these contracts are understood by the crew and the parties to the contract have signed it. The provisions of (1) are also applicable to collective agreements on the strength of which a contract of employment has been concluded with the crew member signing on. Moreover, an Act is in preparation to regulate the working hours and rest periods of the crews of ocean-going vessels.

Paragraph (e). The Constitution of the Kingdom of the Netherlands recognises in article 9 the right of free association and assembly for its residents.

Paragraph (f). Section 443 of the Commercial Code regulates the repatriation of the crew member.

Paragraph (g). The Nautical Certificates Act, 1935, makes certificates obligatory for the master, the mates and the ship's engineers.

SUMMARY OF REPORTS ON SELECTED RECOMMENDATIONS

The Dutch Acts in this respect at present in force are in agreement with the provisions of the Recommendation.

Netherlands Antilles

Recommendation No. 107

The regulations applicable in the Netherlands Antilles may be found in sections 544 and 556 to 565 inclusive of the Commercial Code of the Netherlands Antilles and in the National Crew-Members Signing-on Decree (P.B. 1960, No. 201).

Section 544 reads: "If the employment terminates outside the Netherlands Antilles, the crew member, if he is a Netherlands citizen or national, is entitled to free transport to a port of his choice in the Netherlands Antilles; if he is not a Netherlands citizen or national, he is entitled to free transport, at the shipowner's choice, to the place where his service aboard the ship began or to a port in the country to which he belongs, provided that the crew member expresses his desire to do so not later than the day following on that on which the employment ends, not counting the days referred to in section 451 but in any case before the departure of the vessel."

The free transport shall include the costs of subsistence and accommodation for the night from the termination of the employment up to the arrival of the crew member at his destination.

The Inspector of Shipping in the Netherlands Antilles or his legal representative and the Director of the Department of Social and Economic Affairs or his legal representative have been designated as signing-on officers within the territory of the Netherlands Antilles.

For the time being the establishment of further statutory regulations is not being considered.

NIGERIA

Recommendation No. 107

There exist in Nigeria legislative, administrative and practical provisions in regard to the matters dealt with in the Recommendation.

Nigerian seamen are engaged on both foreign and Nigerian vessels under the same articles of agreement duly negotiated by the accredited representatives of the seamen and shipowners. Chapter 6 of the Merchant Shipping Act, 1962 contains special provisions regulating the engagement of Nigerian seafarers on foreign vessels. Section 34 (1) of this Act provides that Nigerians shall be engaged on foreign vessels only under agreements made before a superintendent of the Mercantile Maritime Office and that such agreements shall be the same as those of foreign-going Nigerian vessels.

MARITIME RECOMMENDATIONS

Sections 34(3) and 46 provide for the repatriation of seamen left behind at a port outside Nigeria and for the repayment to the Government of all expenses incurred for relief provided to distressed seafarers.

The Merchant Shipping (Distressed Seamen) Rules, 1963 apply to all Nigerian masters, seamen and apprentices left behind overseas whether or not engaged on Nigerian flagships and to non-Nigerians in certain circumstances. The Rules make detailed provisions for their care, maintenance and repatriation.

The law and practice in Nigeria are in substantial conformity with the provisions of the above Recommendation.

Recommendation No. 108

There exist in Nigeria legislative, administrative and practical provisions in regard to the matters dealt with in the Recommendation.

The Merchant Shipping Act, 1962 and the various subsidiary Regulations made thereunder adequately provide for the safety, health, engagement and discharge of Nigerian seafarers and the issue of certificates of competency. Ample provisions are also made both under the Act and the Regulations for the repatriation of distressed seamen.

The Act also contains provisions for the establishment of an inspection service manned by a team of shipping experts under a government inspector of shipping. Nigerian consuls abroad are authorised to render to seamen necessary services in respect of engagement and discharge, distress and otherwise.

The right of workers to combine in trade unions is guaranteed both by the Constitution of Nigeria and the Trade Unions Act. Seafarers are not excluded.

Although this Recommendation has not been formally accepted by Nigeria, its requirements have been given full effect either by statutory enactment, regulations or practice.

NORWAY

Recommendation No. 107

Act on Measures to Promote Employment of 27 June 1947.

Act on Mustering of Seamen of 11 July 1947.

Announcements from the Directorate for Seamen, D. No. 94 to Foreign Service Stations and S. No. 100 to Mustering Authorities within the Kingdom dated 11 April 1970.

SUMMARY OF REPORTS ON SELECTED RECOMMENDATIONS

Article 29 in the Employment Act stipulates that all activity aimed at encouraging Norwegian citizens to take up employment abroad, including service on board ships sailing under foreign flag, is forbidden unless permission has been granted by the Ministry.

Article 1, last subsection in the Mustering Act states that a Norwegian seafarer who begins or terminates service on board a foreign ship in Norway shall be signed on and signed off in accordance with the provisions of the Mustering Act.

In recent years mustering in for service on board foreign ships has increased and has made it necessary to issue the above-mentioned announcements, which are in line with Recommendation No. 107.

Under these regulations, wages agreements must be submitted to the mustering authorities in order to enable them to supervise the contract conditions offered and to advise seafarers against service on foreign ships where conditions are less favourable than on Norwegian vessels.

A new Act concerning the signing on of employees on ships, etc. was passed on 18 June 1971 but has not yet been put into force. At the present time it is not possible to say if regulations will be applied which may involve changes with regard to the Recommendation.

Recommendation No. 108

There exist in Norway legislative, administrative and practical provisions in regard to the matters dealt with in the Recommendation.

Paragraph (c). Publicly controlled bodies for the supervision of the signing on and signing off of seafarers have been established within the Kingdom on the basis of the regulations in the Employment Act - seafarers' offices and certain employment exchanges - and abroad where signing on and signing off takes place at foreign service stations and certain approved public mustering offices.

Paragraph (f). Articles 3, 7, 25, 28, 34 to 41 and 77 of the Seamen's Act of 17 July 1953 (with later amendments) contain the regulations concerning repatriation of seafarers.

Special measures to ensure speedy repatriation of young seafarers who sign off vessels in foreign ports have been taken in the Regulations concerning Protective Measures for Youths at Sea. These Regulations are sanctioned by Order-in-Council of 19 June 1969 conformably to the Seamen's Act of 17 July 1953 and later amendments.

The rules relating to passage home are included in articles 5, 6, 7, 9 and 11 of the Regulations.

Article 5 establishes who, in the different circumstances, is responsible for the passage home of young seafarers. If employment is terminated abroad following discharge or dismissal by the shipowner, the principal rule is that the shipowner shall pay for the boy's passage home including necessary subsistence allowances.

MARITIME RECOMMENDATIONS

Passages home shall, in accordance with the Regulations, be arranged by the consul or the master. At home the arrangements are to be made by the respective seamen's office, master or shipowner.

Article 6 provides ruling on the right to free passage home after prolonged service. The principal rule is the right to free passage home with necessary subsistence allowances paid after nine months' continuous service on ships in foreign trade.

Article 7 includes special provisions on the surveillance of the general state of health and permits the master, if while the vessel is in foreign trade he has reason to believe that a young crew member has been afflicted by a physical or mental disturbance which makes it inadvisable for the employee to remain in service, to terminate the service of the person concerned and decide and arrange passage home. Passage home expenses will be borne by the Government if the person concerned does not have the right to a free passage home in accordance with other regulations.

Article 9 covers protection against the misuse of alcohol or other intoxicants or drugs and requires the master to keep close surveillance on young seafarers' behaviour in this connection. Should he find that such youths are in the process of becoming dependent on alcohol or other intoxicants or drugs, he may put the case before the consul, who after consultation with an authorised seafarers' physician shall decide whether passage home is necessary. Passage home expenses are to be borne by the Government if the person concerned does not have the right to a free passage home in accordance with other regulations.

The same regulations apply to youths who are not domiciled in Norway with the exception that the passage home expenses are to be borne by the shipowner.

Article 11 includes the general rule that a boy under the age of 18 years domiciled in Norway shall on discharge abroad be put in the care of the consul, who shall arrange passage home. It furthermore stipulates that the consul - if the conditions permit it - in special circumstances only may allow the person concerned to apply for employment on board a ship abroad.

Paragraph (g). Service records, discharge books and certificates are to be issued in agreement with the Mustering Act and Mustering Regulations by the authority concerned. There is no direct provision in Norwegian law for a certificate of competency as referred to in item (g) in the Recommendation and this has therefore not previously been issued. However, instructions for the issue of professional certificates to ordinary seafarers, engine-room men and repairmen have been prepared.

The Maritime Directorate is responsible for a proper ship inspection service, which for Norwegian ships in Norway and some of the major world harbours is carried out by the inspectors of the Norwegian Ship Control - an organisation which is a subordinate body of the Maritime Directorate.

In foreign ports where the Norwegian Ship Control does not have its own representatives, the ship inspection is arranged through the

SUMMARY OF REPORTS ON SELECTED RECOMMENDATIONS

intermediary of the Norwegian Foreign Service. In these cases surveys are carried out by especially appointed surveyors who may be surveyors from a recognised classification society, or as regards some of the certificates required by the SOLAS, by the national authorities of the respective country.

The conditions under which the seafarers work on Norwegian ships are in accordance with the standards generally accepted by the traditional maritime countries.

RWANDA

Recommendation No. 107

Recommendation No. 108

The Recommendations do not apply to the Republic of Rwanda since the question dealt with does not arise in its territory.

SENEGAL

Recommendation No. 107

There are no general regulations on this matter.

However, a special co-operation agreement concerning the mercantile marine was reached between the French Republic and the Federation of Mali (which at the time included Senegal) on 4 April 1960 and was supplemented by Franco-Senegalese agreements respecting social security for seafarers (5 March 1965) and further administrative arrangements (May 1966).

The Engagement of Seafarers

The afore-mentioned agreements provide for Senegalese seafarers joining French vessels to enjoy the same benefits as French seafarers and for all the particular advantages of the seafaring profession, as defined in French law, to apply to them. The maritime authorities have no objection to Senegalese seafarers joining foreign vessels provided that:

- (1) contracts of employment, approved by the said authorities, and providing at least the same advantages as under Senegalese maritime law, are first drawn up between the parties;
- (2) the seafarer is not sent out of the region of the west coast of Africa (from Morocco to Zaire).

MARITIME RECOMMENDATIONS

Repatriation of Seafarers and Medical Care

Contracts of employment established in Senegal for Senegalese nationals joining foreign vessels lay down stricter requirements than those contained in Recommendation No. 107, in that:

- (a) seafarers must in all circumstances be repatriated to Senegal, even if they have been guilty of misconduct;
- (b) any seafarer who is serving on board a vessel must be given medical care in the event of sickness or employment injury even if incurred as a result of wilful misconduct.

Supervision of the engagement of national seafarers on foreign vessels, other than French vessels, is carried out by the Mercantile Marine Services (Maritime Navigation and Labour Inspectorate).

Recommendation No. 108

Act 1962-1932 of 22 March 1962 instituting the Merchant Fleet Code, and

Decree No. 62-395 MTT of 21.9.1962 establishing a list of the formalities, papers and documents to be produced for obtaining nationality certificates for ships and conditions for the modification or withdrawal of these certificates.

Decree No. 62-398 MTT of 21.9.1962 establishing navigation certificates.

Decree No. 63-546 of 31.7.1963 laying down conditions for the delivery of occupational certificates to seafarers.

Decree No. 65-461 of 30.6.1965 concerning safety certificates for ships.

Decree No. 66-792 of 20.10.1966 determining the nature and conditions for issuing Merchant Fleet Certificates and Diplomas and the prerogatives pertaining thereto.

Conditions of work at sea and in port are based on an eight-hour day.

Freedom of association is guaranteed by the Constitution and the Labour Code to all Senegalese workers and thus also to seafarers.

A maritime training school is in operation in Senegal and provides training which entitles trainees to the medium-grade certificate of the Merchant and Fishing Fleet.

The majority of the points in Recommendation No. 108 are covered by precise rules. Some of the aspects of the legislation, particularly with respect to the organisation of work on board or collective agreements will, however, be reviewed and improved in the near future.

SUMMARY OF REPORTS ON SELECTED RECOMMENDATIONS

There are no proposals for the amendment of the present Recommendation which is already applied in Senegal totally and in practice.

SIERRA LEONE

Recommendation No. 107

The legislation and administrative regulations for the engagement of seafarers on foreign vessels are those contained in the United Kingdom Merchant Shipping Acts of 1894, 1948, 1949 and 1950, which remain in force until they are abrogated.

The agreements signed by seafarers before sailing in foreign vessels provide for either their return to Sierra Leone or for medical care and maintenance in consequence of sickness or injury incurred in the service of the vessel, on being put ashore in a foreign port.

The application of these regulations is entrusted to the Sierra Leone Ports Authority.

Recommendation No. 108

No legislation or regulations exist for the exercise of effective jurisdiction and control for the purpose of the safety and welfare of seafarers under the provisions of this Recommendation, as Sierra Leone is neither a maritime State nor has it any seagoing merchant ships registered under its flag.

As and when this country becomes a maritime State or registers ships under its flag, consideration will be given to the adoption or application of the provisions of this Recommendation.

SINGAPORE

Recommendation No. 107

Legislative and administrative provisions exist with regard to some of the matters dealt with in this instrument.

The Seamen's Registry Board Act (Chapter 174 of the Revised Edition, 1970, of the Singapore Statutes) provides for the selection of seamen for employment and the establishment of the Seamen's Registry Board which discharges the following functions:

MARITIME RECOMMENDATIONS

- (i) to register seamen in Singapore according to categories;
- (ii) to provide proper and fair means of selection/recruitment by employers;
- (iii) to exercise general supervision in the negotiation of employment. Although the Board does not lay down minimum wage scales and other terms and conditions, it recommends employers to offer the scale of wages adopted (as a recommendation) by the Singapore Maritime Employers' Federation;
- (iv) to exercise disciplinary control over seamen who are reported guilty of misconduct, etc.;
- (v) to investigate and take appropriate remedial action against owners/masters alleged by seamen to have been guilty of unfair practice, mistreatment, etc.

The Board's "surveillance" of all foreign ships on which Singapore seamen serve would be exercised by way of not offering seamen to those known to provide unacceptable conditions of work, including lack of provision for repatriation or medical care/maintenance of seamen abroad.

The Seamen's Registry Board is entrusted with the supervision of the above legislation.

Employers and workers co-operate through their representation on the Board by virtue of section 3 of the Seamen's Registry Board Act which provides for three persons each representing seamen and shipowners to constitute the Board.

As the national law and administrative provisions do not satisfy all the requirements of this Recommendation, it is not intended to give effect to this instrument.

Recommendation No. 108

Legislation and administrative practices exist with regard to most of the matters dealt with in the Recommendation.

Legislation pertaining to some of the provisions of the Recommendation is found in the Merchant Shipping Act (Chapter 172, 1970 Edition) formerly known as the Merchant Shipping Ordinance.

Paragraph (a). Safety standards are governed by the Merchant Shipping Safety (1959) Convention and the Merchant Shipping Safety Load Line Rule (1959).

Paragraph (b). Ship inspection is carried out by the Marine Survey Division of the Marine Department and also by six internationally known classification societies on behalf of the Singapore Government.

SUMMARY OF REPORTS ON SELECTED RECOMMENDATIONS

Paragraph (c). The signing on and signing off of seafarers is done in the Mercantile Marine Office under the supervision of the shipping master in Commonwealth countries, and in non-Commonwealth countries in the consular office, or where there is no consular office in the British consular office.

Paragraph (d). Seafarers are signed on the Singapore Articles of Agreement in accordance with sections 38 to 43 of the Merchant Shipping Act (Chapter 172, 1970 Edition) to ensure that conditions under which they serve are in accordance with standards generally accepted.

Paragraph (e). There are no legal or administrative barriers to freedom of association for the seafarers serving on board ships.

Paragraph (f). Singapore seamen stranded in Commonwealth ports should apply to the Mercantile Marine Office for the purpose of maintenance and repatriation, in accordance with the reciprocal arrangement made under the British Commonwealth Shipping Agreement. In other ports, consular officers are advised to liaise with the local immigration authorities to hold the agents, owners or masters of the vessels concerned responsible for the maintenance and repatriation of the stranded/distressed seamen. Should consular officers experience any difficulty, the matter may be referred to the Singapore Marine Department for further advice.

Paragraph (g). Examinations for the various grades and the issuing of such certificates are governed by section 17 of the Merchant Shipping Act. Foreign-going certificates issued in Singapore are recognised by all Commonwealth countries in accordance with reciprocal arrangements.

The Director of Marine is entrusted with the supervision of the application of the legislation.

The national law and practice appears to be in conformity with the provisions of this Recommendation.

SWEDEN

Recommendation No. 107

Articles 17, 18 and 36 of the Ordinance of 14 April 1961 (No. 87) concerning registration and signing on and off of seamen contain provisions in accordance with the Recommendation in respect of a Swedish seaman being employed on a foreign vessel in a Swedish port.

Article 42 of the Ordinance also provides that a merchant ship registered in another country may not be cleared by the Customs for departure abroad unless either a sea certificate showing the Swedish seamen employed on board or a crew list signed by the master of the ship is presented or it is proved in some other way that no Swedish seamen are employed on board. There is in Sweden no legislation dealing

MARITIME RECOMMENDATIONS

with cases where a foreigner is employed on a foreign ship in a Swedish port. The trade unions are, however, free to act in such cases which are very rare.

Abroad a Swedish seaman may apply to Swedish diplomatic missions and consulates for assistance in these matters.

Recommendation No. 108

Maritime Act of 12 June 1891 (amended on several occasions and undergoing a continuous revision).

Act of 19 November 1965 (No. 719) on the safety on ships.

Merchant Seamen's Act of 30 June 1952 (under revision).

Seamen's Hours of Work Act of 10 April 1970 (No. 105) (App. 1).

Paragraphs (a) and (b). The legislation concerning safety on ships applies basically to all Swedish ships and to foreign ships navigating in Swedish waters. Under Chapter 1, Article 3, of the Act, 1965 (No. 719) and the Instruction for the National Administration of Shipping and Navigation of 23 May 1969 (No. 320) (App. 2) the survey and inspection of ships is entrusted to the National Administration of Shipping and Navigation. Provisions for inspection of ships are included in Chapter 7 of the Act, 1965 (No. 719).

Abroad inspection of Swedish ships is carried out by the Swedish diplomatic missions, in co-operation with experts or by employees of the Department of Maritime Safety who are sent to foreign ports for this purpose.

Paragraph (c). Under the legislation concerning signing on and signing off of seamen, government-controlled agencies are established in Sweden and abroad. Abroad these duties are entrusted to diplomatic missions and consulates.

Paragraph (d). The conditions under which the seafarers serve are determined by legislative provisions, the most important of which are to be found in the above-mentioned Merchant Seamen's Act of 1952 (No. 530) and the Seamen's Hours of Work Act of 1970 (No. 105), and by collective agreements. The conditions comply with the standards generally accepted by traditional maritime countries.

Paragraph (e). Freedom of association on the Swedish labour market is granted by an Act of 1936, which also covers seafarers serving on board ships.

Paragraph (f). Regulations concerning repatriation of seamen are contained in the above-mentioned Merchant Seamen's Act.

Paragraph (g). Training and examination are carried out at navigation colleges, and issuing of certificates is entrusted to the Administration of Shipping and Navigation.

SUMMARY OF REPORTS ON SELECTED RECOMMENDATIONS

SWITZERLAND

Recommendation No. 107

In Switzerland there are no legislative or administrative provisions on any of the matters dealt with in the Recommendation.

In practice the Swiss Maritime Navigation Office endeavours to draw the attention of Swiss seafarers - of whom there are few - who are engaged by foreign undertakings to the clauses concerning social security that should be included in their contracts of employment.

Recommendation No. 108

Federal Law of 23 September 1953 on Maritime Navigation under the Swiss Flag.

Executory Order of 20 November 1956.

Rules of 15 November 1956 concerning service on board Swiss ships.

The above-mentioned law provides that only ships belonging to Swiss nationals or a Swiss company may be registered and sail under the Swiss flag. Moreover the owner is required to prove that the capital is of Swiss origin and must operate the ship through an organisation based in Switzerland.

The whole of the legislation in force in this respect contains detailed provisions concerning safety and living conditions of seafarers aboard the ship.

SYRIAN ARAB REPUBLIC

Recommendation No. 107

National legislation and practice in Syria cover some of the points in this Recommendation.

Section 152 of the Maritime Trading Act covers the repatriation of seamen put ashore in a foreign port. Foreign seafarers are entitled only to be returned to the port in which they were engaged, unless it was stipulated that they should be returned to a Syrian port.

Section 51 of this same Act specifies that the provisions of the Labour Code shall apply to emergencies and cases of occupational illness.

MARITIME RECOMMENDATIONS

Section 147 covers payment of wages and of a gratuity up to four months of wages to seamen put ashore because of injury or illness incurred during service afloat.

Syria has recently begun to study a secondary agreement for the exchange of travel documents to enable Syrian Arabs to take service on board Greek vessels, subject to the same conditions of employment as those which hold good for Greeks.

The Maritime Trading Act was published in the Official Gazette, No. 16 (1950).

The Department of Ports and Lighthouses is the authority responsible for ensuring observance of legislation.

Most of the clauses of this Recommendation are already applied and no further action in this respect is envisaged.

Recommendation No. 108

There are clauses in Syrian national legislation which regulate certain of the matters dealt with in this Recommendation.

Paragraph (a). Legislative Decree No. 63 (1970) covers the inspection and supervision of ships.

Paragraph (b). Ship inspection services are regulated by Legislative Decree No. 154 (1961), section 25, and Act No. 60 (1961), section 8.

Paragraph (c). Government-controlled agencies to supervise the signing on and signing off of seafarers do not exist at present in Syria. However an agreement whereby Syrian Arabs could serve on board Greek ships in conditions identical to those applying to Greek seamen, and in accordance with ILO Recommendations dealing with this matter, is under consideration.

Paragraphs (d), (e) and (g) are covered by Legislative Decree No. 63 (1970) and Legislative Decree No. 154 (1961).

Legislative Decree No. 63 (1970) was published in the Official Gazette, No. 10 (18 March 1970).

The General Harbour Department is the authority responsible for ensuring application of the relevant legislation, a duty in which the employers' associations and workers' organisations play a part.

SUMMARY OF REPORTS ON SELECTED RECOMMENDATIONS

TUNISIA

Recommendation No. 107

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

Navigation agreements reached between Tunisia and various countries such as France, Greece and Bulgaria, and including provisions concerning reciprocal measures with regard to the conditions of employment of national seafarers on board the vessels of one of these countries.

Article 2 of the Code stipulates that "it shall not be lawful for a seaman to embark on a foreign vessel without permission from the governor of his place of residence. Such permission shall be endorsed by the maritime authority for the port of embarkation, which shall make a corresponding entry in the register of seamen kept in each regional shipping office".

In conformity with article 2 of the Code, governors have been requested to ensure that these provisions are enforced. The maritime authorities, within the sphere of their competence, also supervise the application of the provisions in question. Before any seafarer embarks on a foreign vessel, the police services verify that the required formalities have been met.

Recommendation No. 108

Maritime Labour Code (Act No. 67-52 of 7 December 1957).

Maritime Commercial Code (Act No. 62-13 of 24 April 1952).

Ratification of 23 May 1963 of the Convention for the Safety of Life at Sea, London, 1960.

Paragraph (a). The Maritime Commercial Code specifies in article 8 that "every Tunisian ship shall hold safety certificates and keep a register recording inspection visits".

Paragraph (d). Article 9 of the Maritime Labour Code provides that "every vessel shall be sufficiently and efficiently manned:

- (i) to ensure the safety of human life at sea;
- (ii) to give effect to section 52 and following of this Code as to the arrangement of work on board;
- (iii) to prevent excessive strain upon the crew and to avoid or minimise as far as practicable the working of overtime".

MARITIME RECOMMENDATIONS

Article 52 of the Maritime Labour Code provides that "a seaman's actual hours of work, irrespective of the class to which he belongs, shall not exceed 8 a day or 48 per week or an equivalent number spread over some period other than the week.

Every hour worked in excess of the daily limits specified in the preceding paragraph shall be treated as overtime, for which the seaman concerned shall be entitled to a wage increase.

A seaman engaged for service in a vessel other than a fishing vessel shall be granted a full day's rest for every six days worked." Special conditions for seafarers who are under age are provided in article 141 et seq. concerning their engagement and living conditions on board.

Paragraph (e). Article 168 of the Maritime Labour Code provides that "the provisions of sections 242-257 of the Labour Code shall apply to shipowners' and seamen's occupational organisations".

Moreover article 15 of the same Code provides that "every collective agreement for maritime employment shall contain provisions governing at least freedom of association and freedom of opinion".

Paragraph (f). The legal provisions in this respect contained in articles 110 and 111 of the Maritime Labour Code are in accordance with international regulations.

Paragraph (g). Article 9 of the Maritime Labour Code provides that "every vessel shall be sufficiently and efficiently manned".

Article 45 of the Maritime Commercial Code provides that "the captain and deck or engine-room officers shall hold certificates or licences to attest their professional capacity".

It should be pointed out in this connection that a Merchant Fleet and Maritime Fishing School have been set up to train higher rank for both deck and engine-room command as well as medium-grade personnel.

Inspection of Tunisian ships is carried out by the Maritime Navigation Inspection Service. Inspection visits are carried out when a ship is put into service after a preliminary examination of the plans, and annual visits and departure visits are also carried out. The latter applies also to foreign ships. Exceptional inspection is also carried out in cases of serious accidents or in order to control whether requirements already notified have been complied with.

Heads of maritime regions (north and south) as well as heads of maritime areas represent maritime authority in Tunisia; Tunisian consular authorities represent Tunisian maritime authority abroad.

SUMMARY OF REPORTS ON SELECTED RECOMMENDATIONS

UGANDA

Recommendation No. 107

Recommendation No. 108

The Recommendations have no relevance to Uganda, as this country has no seafarers.

UNITED KINGDOM

Recommendation No. 107

There are no legislative provisions dealing with the problems which are the subject of this Recommendation. There is therefore no legal bar to a British seaman joining a vessel registered in a foreign country.

All mercantile marine offices display notices warning seamen to make certain if they are contemplating signing on a foreign ship that the terms specified in the Recommendation are in the contract of employment with the foreign owner. Union officials are also available at all the larger ports to give advice to their members.

There being no legislation or regulations, no authority is entrusted with supervision.

It is not intended to introduce any legislative measures to prevent a seafarer engaging on a foreign ship.

Recommendation No. 108

All the matters dealt with in the Recommendation are the subject of legislation in the United Kingdom, backed up with the necessary administrative and practical measures to ensure their observance.

Paragraphs (a) and (b). The requirements as to the construction of passenger ships contained in the International Convention for the Safety of Life at Sea, 1960, are enacted in the Merchant Shipping (Safety Convention) Act, 1949, and the Merchant Shipping Act, 1964, and are applied by means of the Merchant Shipping (Passenger Ship Construction) Rules, 1965: Statutory Instrument No. 1103 of 1965.

Section 271 of the Merchant Shipping Act, 1894 (as amended by section 17 of the Merchant Shipping Act, 1964) requires that every passenger ship shall be surveyed at intervals of not less than twelve months by surveyors of the Department of Trade and Industry.

MARITIME RECOMMENDATIONS

The safety provisions relating to cargo ships contained in the International Convention for the Safety of Life at Sea, 1960, and the International Convention on Load Lines, 1966, are implemented in full by the Merchant Shipping Act, 1964, and the Merchant Shipping (Load Lines) Act, 1967, respectively, together with the relevant statutory rules thereunder. These are the Merchant Shipping (Cargo Ship Construction and Survey) Rules, 1965: Statutory Instrument No. 1104 of 1965, and the Merchant Shipping (Load Line) Rules, 1968: Statutory Instrument No. 1053 of 1968.

The 1967 Act and the 1968 Rules apply not only to ships to which the Load Line Convention, 1960, applies (i.e. "new ships" of not less than 24 metres in length and "existing ships" of not less than 150 tons gross) but also to seagoing ships below these sizes.

The particular requirements of the 1966 Convention as to the stowage and securing of deck cargoes are implemented by means of the Merchant Shipping (Load Line) (Deck Cargo) Regulations, 1968: Statutory Instrument No. 1089 of 1968.

The requirements for safety equipment and for emergency procedure for passenger ships and cargo ships of 500 tons gross and above engaged in international voyages contained in the International Convention for the Safety of Life at Sea, 1960, are enacted in the Merchant Shipping (Safety Convention) Act, 1949, and the Merchant Shipping Act, 1964, and are applied by various rules and regulations laying down standards which are in no case less than those laid down in the Convention.

Regulations governing the carriage of dangerous goods in United Kingdom vessels wherever they may sail and in foreign vessels while they are loading in United Kingdom ports or within the territorial waters of the United Kingdom are contained in the Merchant Shipping (Dangerous Goods) Rules, 1965, as amended by the Merchant Shipping (Dangerous Goods) (Amendment) Rules, 1968: Statutory Instruments Nos. 1067 of 1965 and 332 of 1968.

The Merchant Shipping (Dangerous Goods) Rules are made under section 23 of the Merchant Shipping (Safety Convention) Act, 1949.

The requirements for the carriage of grain, contained in the International Convention for the Safety of Life at Sea, 1960, are enacted in the Merchant Shipping (Safety Convention) Act, 1949, and are applied by the Merchant Shipping (Grain) Rules, 1965: Statutory Instrument No. 1062 of 1965.

The radio requirements of the safety provisions of Chapter IV of the International Convention for the Safety of Life at Sea, 1960, are enacted under the Merchant Shipping (Safety Convention) Act, 1949. The Act is applied by the Merchant Shipping (Radio) Rules, 1965: Statutory Instrument No. 1107 of 1965, the Merchant Shipping (Radio) (Amendment) Rules, 1969: Statutory Instrument No. 1315 of 1969 and the Merchant Shipping (Direction-Finders) Rules, 1965: Statutory Instrument No. 1112 of 1965.

Paragraph (d). Sections 1 to 4 of the Merchant Shipping Act, 1948 gives effect to the provisions of certain parts of Convention No. 92, dealing with crew accommodation, adopted at the International Labour Conference, Geneva, 1949.

SUMMARY OF REPORTS ON SELECTED RECOMMENDATIONS

Paragraph (e). Section 5 of the Industrial Relations Act, 1971 provides that every worker shall, as between himself and his employer, have the right to belong to such trade union (i.e. an organisation of workers registered under the Act) as he may choose and to take part in the union's activities, including the holding of office. Every worker shall also have the right to choose not to belong to any trade union or other organisation of workers.

Paragraph (f). Section 40 of the Merchant Shipping Act, 1906, empowers the Department of Trade and Industry to make regulations for the relief and repatriation of seamen left behind abroad. The current regulations are the Distressed Seamen Regulations (SR and O 1921, No. 642) as amended by the Distressed Seamen Regulations, 1933 (SR and O 1933, No. 689), the Distressed Seamen (Amendment) Regulations, 1943 (SR and O 1943, No. 1124) and the Distressed Seamen (Amendment) Regulations, 1952 (Statutory Instrument No. 989 of 1952).

Paragraph (g). Section 92 of the Merchant Shipping Act, 1894 (as amended by section 56 of the Merchant Shipping Act, 1906 and section 1 of the Merchant Shipping Act, 1967) specifies which types of ships have to be provided with officers only certificated. Section 93 specifies that certificates of competency shall be granted to various grades of officer.

Section 1 of the Merchant Shipping (Certificates) Act, 1914 lays down requirements for the conduct of examinations for certificates of competency for masters and mates, while section 96 of the Merchant Shipping Act, 1894 contains similar requirements for engineers' examinations.

The Department of Trade and Industry is the sole authority responsible for administering the Merchant Shipping Acts and regulations made thereunder, but, in various cases, organisations of employers and workers co-operate in implementing the Recommendation.

It is not intended to take any further measures in the near future to give effect to the provisions of the Recommendation. It has not been found necessary to make any modification to the Recommendation in adopting or applying it.

Guernsey

Recommendation No. 107

No legislative, administrative or practical provisions exist in regard to Paragraph 1 of the Recommendation.

In regard to Paragraph 2 of the Recommendation legislative provision is contained in the United Kingdom Merchant Shipping Act, 1906, sections 40, 41 and 42 and regulations made thereunder, and which legislation is applicable to Guernsey.

The authority entrusted with the supervision of the application of the legislation is the United Kingdom Department of Trade and Industry.

MARITIME RECOMMENDATIONS

Any additional measures introduced in the United Kingdom may or may not be applied or extended to Guernsey.

Recommendation No. 108

Legislative provision exists as follows in relation to the matters contained in the Recommendation:

- The United Kingdom Merchant Shipping (Safety and Load Line Conventions) Act, 1932 as extended to the Bailiwick of Guernsey by the Merchant Shipping Load Line Convention (Guernsey) Order, 1933.
- The Merchant Shipping Act (Guernsey) 1915, as amended, and the Passenger Vessels (Bailiwick of Guernsey) Ordinance, 1970.
- The United Kingdom Merchant Shipping Act, 1894, sections 124 and 113/114, which are applicable to Guernsey.
- The United Kingdom Merchant Shipping Act, 1894, sections 198 to 210, which are applicable to Guernsey.
- The Merchant Shipping (Guernsey) Law, 1957 and 1970.
- The United Kingdom Merchant Shipping Act, 1906, sections 32 and 33, which are applicable to Guernsey.
- The Merchant Shipping Act (Guernsey), 1915, sections 1, 2, 2A and 3 (Ordre en Conseil sanctionnant la loi relative à la Marine marchande).
- The Merchant Shipping Safety Convention (Guernsey) No. 1 Order, 1935 and No. 2 Order, 1935.

The authority or authorities entrusted with the supervision of the application of the legislation is specified in the legislation.

Any additional measures introduced in the United Kingdom may or may not be applied or extended to Guernsey.

Jersey

Recommendation No. 107

The provisions of this Recommendation are not applicable to Jersey. The number of persons leaving the island to join vessels registered in a foreign country is negligible; legislation to implement such provisions would therefore be impractical.

SUMMARY OF REPORTS ON SELECTED RECOMMENDATIONS

Recommendation No. 108

The provisions of the Recommendation are implemented by means of the following legislation:

- The Merchant Shipping Acts of the United Kingdom (in so far as they are applicable to Jersey).
- The Merchant Shipping (Jersey) Act, 1916.
- The Merchant Shipping Load Line Convention (Jersey) Order, 1933.
- The Merchant Shipping Safety Convention (Jersey) Order, 1935.
- The Merchant Shipping Act, 1937.
- The Merchant Shipping (Liability of Shipowners and Others) Act, 1958 (Jersey) Order, 1964.
- The Merchant Shipping Act, 1965 (Jersey) Order, 1964.
- The Merchant Shipping Act, 1965 (Jersey) Order, 1969.

UNITED STATES OF AMERICA

Recommendation No. 107

The provisions of the Recommendation are considered as appropriate for federal action.

American seamen seek their employment opportunities almost exclusively on US flag vessels in view of the higher wages and better working conditions offered.

The obligation to return destitute seamen, regardless of fault or cause of destitution, has been assumed by the United States Government.

The Public Health Service, administered by the Surgeon General under the Secretary of Health, Education and Welfare, is authorised to furnish medical, surgical and dental treatment and hospitalisation for seamen of foreign flag vessels at the expense of the owner, master, or agent of the vessel, and to other persons on a temporary basis in case of emergency.

Recommendation No. 108

The provisions of the Recommendation are regarded by the United States as appropriate under its constitutional system for federal action.

MARITIME RECOMMENDATIONS

Federal Marine Safety Laws

The original inspection laws, namely Title 52 of the Revised Statutes, provided for the regulation of steam vessels only, but through the years Congress has extended the provisions of the inspection laws to other groups of vessels. In such cases each group of vessels was made subject to the entire regulatory scheme originally devised for steam vessels. The regulation of these vessels is based on the delegation of statutory responsibility to the Coast Guard to superintend the administration of the vessels inspection laws and to ensure that vessels are used, operated and navigated with regard to safety of life. In performing this duty the Coast Guard may prescribe standards and regulations governing the design and construction of vessels, the fittings, equipment and appliances used on vessels, the licensing and qualifications of officers and crews, the manning requirements of vessels, the accommodation in crew quarters, the carriage, stowage and use of explosives or other dangerous articles on a vessel. Additionally, the Coast Guard may hear complaints involving provisions and water and investigate marine casualties and accidents to determine cause and fault, hear disputes between master, owner, co-signee or crew, and superintend the shipment of crews, wages of crews, discharge of seamen and administer the effects of deceased seamen.

In other cases Congress provided for limited regulation of groups of vessels whether or not they were also subject to the inspection laws.

The Officers' Competency Certificates Convention, 1936, required all seagoing vessels of over 200 gross tons to be manned by licensed officers.

The International Convention for Load Line, 1966, was ratified and now applies to all United States registered vessels of more than 79 feet in length except vessels navigating solely on the Great Lakes or existing vessels of less than 150 gross tons.

Federal Regulations concerning Marine Safety

Chapter I of Title 46 of the Code of Federal Regulations contains standards for vessels.

The Regulations provide detailed guidance for the design and operation of inspected vessels and establish minimum requirements for uninspected vessels. A Coast Guard compilation of "Laws Governing Marine Inspection" (1 March 1965) presents in more detail the above statutory scheme.

The present report deals mainly with federal marine safety laws and regulations. Information on other specific points has already been submitted to the ILO by the Government of the United States in its reports concerning Recommendation No. 107 and Conventions Nos. 53, 74, 87 and 98.

SUMMARY OF REPORTS ON SELECTED RECOMMENDATIONS

VIET-NAM

Recommendation No. 107

At the present time there is no body in Viet-Nam responsible for recruiting seafarers for service in vessels registered in a foreign country.

Recommendation No. 108

There are in Viet-Nam legal and administrative texts concerning the provisions of the Recommendation:

- Decree of 22.8.1937 on the Maritime Safety of Ships.

- Order of 19.5.1942 amended by Orders of 29.8.1944, 11.12.1944, 3.9.1949 and 8.10.1949 on Working Conditions, in particular the organisation of the watch on board ships and the composition of deck and engine-room crews.

- Ordinance No. 6 of 19.4.1951 instituting provisional regulations for the merchant fleet.

- Decree No. 241/NG of 18.12.1951 concerning the ratification and application of the London International Convention of 1950 for the Safety of Life at Sea and rules to be observed for avoiding collision of ships at sea.

The Maritime Navigation and Naval Equipment Office (Merchant Fleet Department) has the task of supervising the application of the legal provisions.

So far employers' and workers' organisations are not called upon to collaborate in this application.

ZAMBIA

Recommendation No. 107

Recommendation No. 108

No legislation has been enacted or is contemplated in regard to the matters dealt with in the Recommendations as Zambia is a land-locked country.

MARITIME RECOMMENDATIONS

Communication of Copies of Reports to Representative Organisations (Article 23, paragraph 2, of the Constitution)

The Governments of the following States have indicated the representative employers' and workers' organisations to which copies of the reports supplied have been sent: Algeria, Argentina, Belgium, Canada, Chad, Cyprus, El Salvador, Finland, France, Federal Republic of Germany, Ghana, Greece, India, Iran, Israel, Mali, Malta, Morocco, Netherlands, Norway, Sierra Leone, Singapore, Sweden, Switzerland, Syrian Arab Republic, Tunisia, United Kingdom, United States, Viet-Nam, Zambia.

The Government of Burma has indicated that copies of its reports have been sent to the Seamen Employment Control Board.

The Government of Czechoslovakia has indicated that copies of its reports have been sent to the Central Council of the Revolutionary Trade Union Movement and to the Chamber of Commerce.

The Government of Senegal has stated that copies of its reports will be communicated to the National Union of Merchant Seamen and Seagoing Fishermen and to the principal shipowners.

9651/6

REPORT III
(PART 3)

International Labour Conference

FIFTY-SEVENTH SESSION

GENEVA, 1972

Third Item on the Agenda

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

**SUMMARY OF INFORMATION RELATING
TO THE SUBMISSION TO THE COMPETENT
AUTHORITIES OF CONVENTIONS AND
RECOMMENDATIONS ADOPTED BY
THE INTERNATIONAL LABOUR CONFERENCE**

(Article 19 of the Constitution)

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GENEVA

International Labour Office
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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INTRODUCTION

Article 19 of the Constitution of the International Labour Organisation prescribes, in paragraphs 5, 6 and 7, that Members shall bring the Conventions and Recommendations adopted by the International Labour Conference before the competent authorities within a specified period. Under the same provisions the governments of member States shall inform the Director-General of the International Labour Office of the measures taken to submit the Conventions and Recommendations to the competent authorities, and also communicate particulars of the authority or authorities regarded as competent, and of the action taken by them.

In accordance with article 23 of the Constitution a summary of the information communicated in pursuance of article 19 is submitted to the Conference. The present summary contains information relating to the submission to the competent authorities of the Conventions and Recommendations adopted by the Conference at its 54th Session, held in Geneva from 3 to 25 June 1970.

The period of one year provided for the submission to the competent authorities of the instruments in question expired on 25 June 1971, and the period of eighteen months on 25 December 1971.

The present report also contains a summary of additional information relating to the submission to the competent authorities of the Conventions and Recommendations adopted by the Conference at its 31st to 53rd Sessions (1948 to 1969). The information summarised in this report consists of communications which were forwarded to the Director-General of the International Labour Office after the close of the 54th Session of the Conference and which could not, therefore, be laid before the Conference at that session.

The report contains a summary of the information received from governments up to the date of the meeting of the Committee of Experts on the Application of Conventions and Recommendations; the Committee examined, during its session from 16 to 29 March 1972, the information received from the governments, as stated in its report.

At the end of the summary, particulars are given regarding the communication by the governments of copies of the information in question to the representative organisations of employers and workers.

List of Texts Adopted by the Conference at Its 31st to 54th Sessions

31st Session (1948)

Freedom of Association and Protection of the Right to Organise
Convention (No. 87).

Employment Service Convention (No. 88).

Night Work (Women) Convention (Revised) (No. 89).

Night Work of Young Persons (Industry) Convention (Revised)
(No. 90).

Employment Service Recommendation (No. 83).

32nd Session (1949)

Paid Vacations (Seafarers) Convention (Revised) (No. 91).
Accommodation of Crews Convention (Revised) (No. 92).
Wages, Hours of Work and Manning (Sea) Convention (Revised) (No. 93).
Labour Clauses (Public Contracts) Convention (No. 94).
Protection of Wages Convention (No. 95).
Fee-Charging Employment Agencies Convention (Revised) (No. 96).
Migration for Employment Convention (Revised) (No. 97).
Right to Organise and Collective Bargaining Convention (No. 98).
Labour Clauses (Public Contracts) Recommendation (No. 84).
Protection of Wages Recommendation (No. 85).
Migration for Employment Recommendation (Revised) (No. 86).
Vocational Guidance Recommendation (No. 87).

33rd Session (1950)

Vocational Training (Adults) Recommendation (No. 88).

34th Session (1951)

Minimum Wage Fixing Machinery (Agriculture) Convention (No. 99).
Equal Remuneration Convention (No. 100).
Minimum Wage Fixing Machinery (Agriculture) Recommendation (No. 89).
Equal Remuneration Recommendation (No. 90).
Collective Agreements Recommendation (No. 91).
Voluntary Conciliation and Arbitration Recommendation (No. 92).

35th Session (1952)

Holidays with Pay (Agriculture) Convention (No. 101).
Social Security (Minimum Standards) Convention (No. 102).
Maternity Protection Convention (Revised) (No. 103).
Holidays with Pay (Agriculture) Recommendation (No. 93).
Co-operation at the Level of the Undertaking Recommendation (No. 94).
Maternity Protection Recommendation (No. 95).

36th Session (1953)

Minimum Age (Coal Mines) Recommendation (No. 96).
Protection of Workers' Health Recommendation (No. 97).

37th Session (1954)

Holidays with Pay Recommendation (No. 98).

38th Session (1955)

Abolition of Penal Sanctions (Indigenous Workers) Convention (No. 104).
Vocational Rehabilitation (Disabled) Recommendation (No. 99).
Protection of Migrant Workers (Underdeveloped Countries) Recommendation (No. 100).

39th Session (1956)

Vocational Training (Agriculture) Recommendation (No. 101).
Welfare Facilities Recommendation (No. 102).

40th Session (1957)

Abolition of Forced Labour Convention (No. 105).
Weekly Rest (Commerce and Offices) Convention (No. 106).
Indigenous and Tribal Populations Convention (No. 107).
Weekly Rest (Commerce and Offices) Recommendation (No. 103).
Indigenous and Tribal Populations Recommendation (No. 104).

41st Session (1958)

Seafarers' Identity Documents Convention (No. 108).
Wages, Hours of Work and Manning (Sea) Convention (Revised) (No. 109).
Ships' Medicine Chests Recommendation (No. 105).
Medical Advice at Sea Recommendation (No. 106).
Seafarers' Engagement (Foreign Vessels) Recommendation (No. 107).
Social Conditions and Safety (Seafarers) Recommendation (No. 108).
Wages, Hours of Work and Manning (Sea) Recommendation (No. 109).

42nd Session (1958)

Plantation Convention (No. 110).
Discrimination (Employment and Occupation) Convention (No. 111).
Plantations Recommendation (No. 110).
Discrimination (Employment and Occupation) Recommendation (No. 111).

43rd Session (1959)

Minimum Age (Fishermen) Convention (No. 112).
Medical Examination (Fishermen) Convention (No. 113).
Fishermen's Articles of Agreement Convention (No. 114).
Occupational Health Services Recommendation (No. 112).

44th Session (1960)

Radiation Protection Convention (No. 115).
Consultation (Industrial and National Levels) Recommendation (No. 113).
Radiation Protection Recommendation (No. 114).

45th Session (1961)

Final Articles Revision Convention (No. 116).
Workers' Housing Recommendation (No. 115).

46th Session (1962)

Social Policy (Basic Aims and Standards) Convention (No. 117).
Equality of Treatment (Social Security) Convention (No. 118).
Reduction of Hours of Work Recommendation (No. 116).
Vocational Training Recommendation (No. 117).

47th Session (1963)

Guarding of Machinery Convention (No. 119).
Guarding of Machinery Recommendation (No. 118).
Termination of Employment Recommendation (No. 119).

48th Session (1964)

Hygiene (Commerce and Offices) Convention (No. 120).
Employment Injury Benefits Convention (No. 121).
Employment Policy Convention (No. 122).
Hygiene (Commerce and Offices) Recommendation (No. 120).
Employment Injury Benefits Recommendation (No. 121).
Employment Policy Recommendation (No. 122).

49th Session (1965)

Minimum Age (Underground Work) Convention (No. 123).
Medical Examination of Young Persons (Underground Work)
Convention (No. 124).
Employment (Women with Family Responsibilities) Recommendation
(No. 123).
Minimum Age (Underground work) Recommendation (No. 124).
Conditions of Employment of Young Persons (Underground Work)
Recommendation (No. 125).

50th Session (1966)

Fishermen's Competency Certificates Convention (No. 125).
Accommodation of Crews (Fishermen) Convention (No. 126).
Vocational Training (Fishermen) Recommendation (No. 126).
Co-operatives (Developing Countries) Recommendation (No. 127).

51st Session (1967)

Maximum Weight Convention (No. 127).
Invalidity, Old-Age and Survivors' Benefits Convention (No. 128).
Maximum Weight Recommendation (No. 128).
Communications within the Undertaking Recommendation (No. 129).
Examination of Grievances Recommendation (No. 130).
Invalidity, Old-Age and Survivors' Benefits Recommendation
(No. 131).

52nd Session (1968)

Tenants and Share-Croppers Recommendation (No. 132).

53rd Session (1969)

Labour Inspection (Agriculture) Convention (No. 129).
Medical Care and Sickness Benefits Convention (No. 130).
Labour Inspection (Agriculture) Recommendation (No. 133).
Medical Care and Sickness Benefits Recommendation (No. 134).

54th Session (1970)

Minimum Wage Fixing Convention (No. 131).
Holidays with Pay Convention (Revised) (No. 132).
Minimum Wage Fixing Recommendation (No. 135).
Special Youth Schemes Recommendation (No. 136).

Summary of Information relating to the Submission to the Competent Authorities of the Conventions and Recommendations Adopted by the International Labour Conference at Its 54th Session (Geneva, 1970) and Supplementary Information relating to the Texts Adopted by the Conference at Its 31st to 53rd Sessions (1948 to 1969)

ARGENTINA

The instruments adopted at the 54th Session have been submitted to the competent authorities. Although the standards applying in Argentina with regard to minimum wage fixing are somewhat similar to those set forth in Convention No. 131, it is considered that the national system needs further modification before this Convention can be ratified. In certain important respects, national legislation departs from the provisions of Convention No. 132, the ratification of which is not at present contemplated. The provisions of Recommendation No. 136 will guide the authorities in improving the relevant special programmes.

AUSTRALIA

The following information is supplied in regard to the instruments adopted at the 47th and 50th Sessions of the Conference. There is substantial compliance with the provisions of Convention and Recommendation No. 120, except in respect of coverage and certain detailed standards. Convention No. 121 provides that periodical payments may be converted, in certain cases, into lump-sum payments only in exceptional circumstances, whereas in Australia, payment in lump sums is the normal practice in such cases. With regard to Convention No. 125, the Government considers that standards of competency should be introduced into the industry and will continue to encourage action to this end. The possibility of ratifying the Convention will be kept under review. Convention No. 126 is of very limited application in Australia. Action has already been taken, or is under examination, in relation to matters dealt with in Recommendation No. 126.

AUSTRIA

The National Council has approved the Government's proposals to ratify Convention No. 124 and to take note of the other instruments adopted at the 53rd Session of the Conference. The Government has charged the Minister for Agriculture and Forestry with initiating the necessary measures to harmonise national statutory instruments with the provisions of Convention No. 129. Existing legislative provisions concerning sickness insurance comply to a large extent with the requirements of Convention No. 130. The Government has proposed to await the outcome of a general review of the national sickness insurance scheme before considering any legislative measures which might be required in order to ratify Convention No. 130.

BELGIUM

The instruments adopted at the 51st Session of the Conference have been submitted to the legislature: it was not possible to submit the said instruments at an earlier date as the Council of Ministers asked for them to be re-examined and Parliament had been dissolved. The instruments adopted at the 54th Session have been examined by the Council of Ministers and will be submitted in the very near future to Parliament.

BRAZIL

Recommendations Nos. 126 and 128 have been submitted to Congress.

BULGARIA

At its meeting on 18 March 1971, the Presidium of the National Assembly took note of the instruments adopted at the 54th Session of the International Labour Conference and referred them to the competent bodies so that account might be taken of them at the time when preparation is made for a new Labour Code and for regulations for the training and employment of young people.

BYELORUSSIA

The instruments adopted at the 54th Session of the Conference were submitted to the Presidium of the Supreme Soviet in May 1971.

CAMEROON

The Government has initiated the ratification procedure of the instruments adopted at the 50th to 54th Sessions of the Conference.

CANADA

The instruments adopted at the 53rd and 54th Sessions of the Conference were submitted to the Senate on 29 February 1972 and to the House of Commons on 1 March 1972.

As regards Convention No. 129 and Recommendation No. 133, a good deal of provincial labour standards legislation at present excludes farm workers from coverage and unless and until there is considerable progress in this respect, ratification of the Convention by Canada would not be contemplated. With respect to Convention No. 130 and Recommendation No. 134, there is a substantial

degree of compliance in the field of medical care but programmes of cash sickness benefits along the lines of the Convention are not yet generally available. The Unemployment Insurance Act limits payment of benefits to a maximum of 15 weeks regardless of the duration of the illness while the Convention requires benefit payments for the duration of the contingency subject to a limit of not less than 52 weeks for each case of incapacity. For the time being the ratification of Convention No. 130 is not contemplated.

Canadian law and practice appear to conform with the requirements of Convention No. 131 with one or two possible minor exceptions. The provinces will be consulted regarding the possibility of ratification of this Convention. Canada does not at present meet the standard of an annual paid holiday of 3 weeks after one year of service, laid down in Convention No. 132. At present, most jurisdictions provide for 2 weeks' holiday after 1 year of service; provision for holidays of 3 weeks and longer periods is common in collective agreements but usually after periods of service of 5 years or longer. Until there is wider acceptance in collective bargaining of 3-week vacations after a year of service it is unlikely that legislation will be adopted in the various jurisdictions that would enable Canada to comply with Convention No. 132.

Recommendation No. 136 although of general application aims in particular at helping to solve specific problems of developing countries. Consequently Canada's interest in this Recommendation is marginal.

COLOMBIA

Conventions Nos. 87, 98, 119, 120, 121, 122, 123, 124, 125, 126, 127, 129, 130, 131, 132, 133 and 134 have been referred to Congress for ratification. Recommendations Nos. 47, 81, 82, 98, 103, 104, 107, 109, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, and 136 have been referred to the National Labour Council. Conventions Nos. 108, 109, 110, 112, 113, 114, 115, 117, 118 and 128 will be submitted to Parliament at its ordinary sessions, to begin on 20 July 1972.

PEOPLE'S REPUBLIC OF THE CONGO

The instruments adopted at the 53rd Session of the Conference were examined by the Council of State on 12 March 1971.

CUBA

The instruments adopted at the 54th Session of the Conference have been submitted to the Cabinet.

CYPRUS

The instruments adopted at the 54th Session of the Conference have been submitted to the House of Representatives. In submitting the instruments, the Government advised that Convention No. 131 - for the time being - and Convention No. 132 could not be ratified, that Recommendation No. 135 could not be accepted but that Recommendation No. 136 could be accepted.

CZECHOSLOVAKIA

The instruments adopted at the 54th Session of the Conference were submitted by the Government to the Federal Assembly on 13 January 1972.

DENMARK

The instruments adopted at the 53rd and 54th Sessions of the Conference have been submitted to Parliament in January 1970 and February 1971 respectively. Conventions Nos. 129, 130 and 132 will be studied in detail with a view to ascertaining, after consultation with the organisations and authorities concerned, the possibilities of ratification by Denmark. Recommendations Nos. 133 and 144 will be communicated to the organisations and authorities concerned. Convention No. 131 and Recommendations Nos. 135 and No. 136 are of no direct interest to Denmark and will be communicated to the Board of Technical Co-operation with Developing Countries.

EGYPT

The instruments adopted at the 54th Session of the Conference have been submitted to the National Assembly. The Ministry of Labour suggested the postponement of the ratification of Conventions Nos. 131 and 132 at the present time, but that the rules and principles implied in these Conventions and in Recommendations Nos. 135 and 136 should constitute a beneficial guidance when drafting new national legislation, or revising present laws and regulations.

ETHIOPIA

In reply to an observation by the Committee of Experts, the Government indicates that article 30 of the National Constitution gives exclusive power to the Emperor to ratify international instruments and to determine which of the latter shall be subject to ratification before becoming binding upon the Empire. The procedure for the determination and ratification of such instruments is set out in article 71 of the National Constitution. Consequently, the Government's terms of reference are to submit instruments adopted by the International Labour Conference to the Council of Ministers, and through this body, to the Emperor alone.

FRANCE

On 21 June 1971 the Government submitted to the National Assembly and the Senate the instruments adopted at the 54th Session of the Conference. The Government does not see any obstacle to ratifying Convention No. 131 or to the application of Recommendation No. 135 in French overseas territories. However, approval of Convention No. 132 cannot be envisaged, by reason of discrepancies between national legislation and Article 5, paragraph 4 and Article 7, paragraph 2 of the Convention, and of difficulties in extending the Convention to overseas territories, where local regulations allow workers to carry over holiday rights for a maximum period of three years: this seems to be incompatible with Article 9, paragraph 2 of the Convention. Moreover, expatriate workers, who are not recruited in the territories where they are employed, are entitled to holidays only after a period of four years of service in the case of the Comoro Islands and three years in New Caledonia. Recommendation No. 136 does not particularly concern France, although there are various special programmes for the benefit of educationally disadvantaged young people.

FEDERAL REPUBLIC OF GERMANY

The Government has submitted the instruments adopted at the 54th Session of the Conference to Parliament in September 1971. Ratification of Convention No. 131 is not considered urgent in view of differing national conditions and the practice of collective bargaining. As regards Convention No. 132, an annual paid holiday of at least three working weeks as required by Article 3, paragraph 3, is not granted by national legislation to adults under 35 years of age. Other differences between the Convention and national legislation concern Article 8, paragraph 2; Article 11; Article 5, paragraph 4 and Article 6, paragraph 2 (with regard to young workers); Article 9, paragraph 1 (with regard to the obligation to take part of the holiday); Article 10 (consultation with the employed person, in so far as young workers are concerned); and the possibility of exceptions from relevant provisions which national legislation authorises for young workers. The Government, in consultation with employers' and workers' organisations, will examine the possibility and feasibility of adapting national legislation to the Convention. Recommendations Nos. 135 and 136 are not considered directly relevant to national conditions.

GREECE

By a letter dated 15 May 1971, the Government submitted Conventions Nos. 104, 107, 131 and 132, and Recommendations Nos. 99, 101, 102, 104 and 135 to the national legislative authorities.

As regards Convention No. 104, there are certain provisions in national labour legislation which prescribe sanctions for breaches of contracts of employment; hence it is felt that ratification is not appropriate at this time. As regards Convention No. 131, national legislation is not different in any important respect.

In view of the present stage of economic development of the country, ratification is not considered appropriate for the time being. In connection with Convention No. 132, national legislation provides only for a holiday of 6 to 12 days' duration. Ratification is not appropriate at this time in view of the degree of economic development so far achieved.

As regards Recommendation No. 99, national legislation contains no general provisions concerning the vocational rehabilitation of the disabled. Consideration is being given to bringing this matter under regulation. There are no serious divergences between national legislation and Recommendation No. 101. As regards Recommendation No. 102, national legislation satisfactorily meets most of these provisions.

The Government intends shortly to submit Recommendation No. 100, Convention No. 106 and Recommendations Nos. 103 and 136 to the competent authorities.

GUINEA

In October 1970, the Government submitted to the National Assembly the instruments adopted at the 54th Session of the Conference. Although the standards of Convention No. 132 are less favourable than the provisions of national legislation, its ratification is considered to be highly desirable. On several points, Recommendation No. 136 is considered to be in accordance with the national plan for youth training and employment. Acceptance of Convention No. 131 and Recommendation No. 135 is now considered inopportune.

HUNGARY

The Government has submitted the instruments adopted at the 53rd and 54th Sessions of the Conference to the Presidential Council which has noted the presentation of the instruments in its Resolution No. 217/1971 of 3 September 1971.

ICELAND

The instruments adopted at the 52nd and 53rd Sessions of the Conference were submitted to Parliament on 5 February 1972.

INDONESIA

The instruments adopted at the 54th Session of the Conference were submitted to the competent authorities on 2 November 1970.

IRELAND

The instruments adopted at the 54th Session of the Conference have been submitted to the legislature on 11 January 1972. With regard to Convention No. 131 and Recommendation No. 135, the need for fixing minimum wages in certain circumstances is fully recognised in Ireland and machinery has been established under the Industrial Relations Act and the Agricultural Wages Act which is in general accord with the main provisions of the instruments. However, free collective bargaining has for long been the accepted method for wage determination for the vast majority of workers. The Government therefore does not regard the instruments as appropriate for application in Ireland. As regards Convention No. 132, a recent review of the Holidays (Employees) Act, 1961, which provides for a statutory minimum holiday of two weeks, disclosed a widespread, though not universal application of three weeks' holiday with pay to industrial workers as a result of free collective bargaining. At present under consideration is the question of preparing a bill to amend the 1961 Act which would, inter alia, enable the Convention to be ratified in respect of non-agricultural workers. Before the Convention could be ratified in respect of agricultural workers, their statutory minimum entitlement would have to be raised from two to three weeks and a way found, if possible, of removing any conflict between customs and practices in the agricultural sector and the provisions of Article 12 of the Convention. While, therefore, the Convention cannot be ratified at present, the position will be kept under review. It is not proposed to accept Recommendation No. 136, which is designed primarily to meet the conditions in "emerging nations".

JAMAICA

Conventions Nos. 123 and 124 and Recommendations Nos. 124 and 125 were submitted to the House of Representatives on 10 April 1970, and the proposals therein were accepted on 15 December 1971. There is no active underground mine in Jamaica and no action is contemplated on the instruments at the present time.

JAPAN

The instruments adopted at the 54th Session of the Conference were submitted to the Diet on 26 February 1971. The Diet has approved the ratification of Convention No. 131. The provisions of Convention No. 131 and, on the whole, of Recommendation No. 135 is being put into practice under the Minimum Wages Law and other relevant laws and regulations. Since there is much difference between the provisions of Convention No. 132 and the existing legal systems and the actual situation in Japan, the Government wishes to make a further study of its implementation. Recommendation No. 136 does not require particular attention on the part of the Japanese Government.

KUWAIT

The instruments adopted at the 54th Session of the Conference have been submitted to the competent authority. In addition, it has been decided not to take any action at present in regard to the instruments adopted at the 52nd and 53rd Sessions.

MALAGASY REPUBLIC

The instruments adopted by the 53rd and 54th Sessions of the Conference have been submitted to Parliament. Conventions Nos. 129 and 132 have been ratified.

MALI

The instruments adopted at the 54th Session of the Conference have been submitted to the competent authorities. As regards Convention No. 131 and Recommendation No. 135, under section 86 of the Labour Code, guaranteed minimum inter occupational wages are fixed by presidential decrees which are previously submitted to the National Labour Council. Moreover, minimum wages graded by occupation are fixed by collective agreements or, in the absence of the latter by presidential decree. As the Government has already ratified Conventions Nos. 26 and 100, it is not proposed to ratify Convention No. 131 immediately nor is it planned to take any specific steps in connection with Recommendation No. 135. National legislation is in accordance with the main provisions of Convention No. 132. However, whereas Article 9, paragraphs 2 and 3 of the Convention lay down a minimum annual holiday which cannot be postponed, section 156, paragraph 2 of the Labour Code allows a worker, if he so requests, to have his total annual leave carried over for a period not exceeding two years. The Government has already ratified Convention No. 52 and does not propose to take special steps to ratify Convention No. 132. With reference to Recommendation No. 136, the Government has initiated a large-scale programme for setting up practical training centres which will be organised and operate on the lines specified by Decree No. 207/PG of 25 November 1969. These aim at giving young people who have completed the first stage of their basic education, a preparatory training in rural skills, through which they can contribute to the development of their home communities. The Government does not propose to take any steps to apply the Recommendation.

MALTA

The instruments adopted at the 54th Session of the Conference have been submitted to the House of Representatives. Convention No. 131 could be ratified in due course and after further study of the only divergent point: the consultation with representative organisations of employers and workers concerned prior to the appointment of independent members of the wage-fixing machinery.

Recommendation No. 135 can be accepted as a useful guideline for future developments in the field covered. Ratification of Convention No. 132 could only be considered after further studies and after the necessary amendments to legislation have been made when the economy of the island is fully developed. Recommendation No. 136 can be accepted as a useful guideline for future development in the field it covers.

MEXICO

Recommendation No. 119 was sent on 1 March 1965 to the Chairman of the Standing Committee of Congress with a proposal that the provisions contained therein should be taken into account when laws and decrees were being drawn up.

The Government has forwarded copies of the documents by which Recommendations Nos. 92, 99, 100 and 115 to 128 have been brought to the notice of the various authorities, bodies and employers' and workers' organisations with a view to giving effect to ILO standards in these matters.

MOROCCO

The instruments adopted at the 54th Session of the Conference were submitted on 20 March 1971 to the Prime Minister. Although, in general, Moroccan law and practice are in conformity with Convention No. 131, it is not considered necessary to ratify the Convention in the immediate future, because Conventions Nos. 26 and 99 have already been ratified. With reference to Convention No. 132, under Moroccan law, agricultural wage earners are granted only two weeks' paid holiday a year. If the Convention were to be ratified, it would cover only those workers employed in economic sectors other than agriculture, in which three weeks' holiday is granted. However, some provisions of current Moroccan legislation are not entirely consistent with Article 7, paragraph 2, Article 8 and Article 9 of the Convention. In the case of Articles 8 and 9, the administrative committee responsible for drawing up the first draft of the Moroccan Labour Code has adopted standards that are in conformity with the Convention. The possibility of adapting national legislation to Article 7, paragraph 2 of the Convention will be examined when the committee drafts the detailed regulations to be issued under the aforesaid Code. If Convention No. 132 were to be ratified in the near future, it would be necessary to change the dahir of 9 January 1946 on annual paid holidays with regard to holiday pay, and the division into parts and accumulation of holidays. As national legislation is in accordance with the provisions of Recommendation No. 135, there is no need at present to alter the law so as to give effect to the Recommendation. As regards Recommendation No. 136, every year 3,000 young men and 5,000 girls are involved in youth programmes. These are not part of the normal training programmes and they aim at enabling unemployed young people to make some contribution to the national development drive. They take only volunteers and their object is to help to integrate young people into their socio-economic environment by strengthening their sense of responsibility. The programmes consist partly of general training and partly of practical activities. However, the programme

is not orientated towards further training or vocational training, for generally the length of service is not predetermined. Those participating do not receive payment or social security benefits, and there are no facilities for their subsequent employment. At present there are no special programmes for youth training and employment which fully attain the standards laid down in the Recommendation. Two problems must first be solved before special programmes meeting the conditions of the Recommendation can be drawn up; firstly, the need to create a single management and co-ordination body, and secondly the financial commitments entailed in implementing such special programmes.

NETHERLANDS

The procedure of submission of Recommendations Nos. 105, 106 and 108 has already been started. The Netherlands Antilles' points of view concerning the consequences of application in their country are expected to reach the Government shortly. Recommendations Nos. 107 and 109 have not yet been submitted due to a lack of qualified personnel in the ministerial department concerned, which has been urged to forward the necessary data as soon as possible. Convention No. 110 and Recommendation No. 110 are now before the Council of Ministers and will be submitted to Parliament in the very near future. Recommendation No. 111 was already submitted together with Convention No. 111. The submission of Recommendations Nos. 126-134 and of Conventions Nos. 129 and 130 will be effected as soon as the viewpoints of the Netherlands Antilles and of Surinam have been received.

NEW ZEALAND

The instruments adopted at the 54th Session of the Conference were submitted to Parliament on 24 November 1971.

A preliminary examination of Convention No. 131 has indicated that national law and practice are in general conformity with the Convention. The Convention is therefore referred to the appropriate authority for further study. Any decision taken regarding the Convention will have automatic application to Recommendation No. 135. As regards Convention No. 132, the Annual Holidays Act 1944 provides for a minimum of two weeks' paid holidays. Paid holidays in excess of this minimum, however, are fairly general. Although the Convention provides that its provisions may be implemented by collective agreements and arbitration awards in addition to statute or regulation, it is not considered advisable to rely on industrial awards and agreements as the basis of fulfilling the Convention. Therefore, while three weeks' annual holiday is in fact enjoyed by many workers in New Zealand, the Government considers it would be premature to ratify the Convention. Recommendation No. 136 is not deemed relevant to New Zealand and no action is proposed in respect to it.

NORWAY

The instruments adopted at the 54th Session of the Conference were submitted to the Storting on 26 February 1971 in document St. prp. No. 84 (1970-71). The Storting on 6 May 1971 approved the Government's proposals not to accept Conventions Nos. 131 and 132 and Recommendation No. 135, but to accept Recommendation No. 136.

PHILIPPINES

The instruments adopted by the Conference at its 52nd, 53rd and 54th Sessions have been submitted to Congress in February 1969, February 1970 and March 1971, respectively.

PORTUGAL

The instruments adopted at the 54th Session of the Conference have been submitted to the National Assembly.

RUMANIA

The instruments adopted by the Conference at its 53rd and 54th Sessions were brought to the notice of the Grand National Assembly during its session lasting from 16 to 18 December 1971. At the request of the Council of State, the instruments in question had been examined previously by the Legal Commission of the Grand National Assembly, so that they might be taken into account when new legislation is adopted.

SENEGAL

The instruments adopted at the 54th Session of the Conference and the conclusions of the Cabinet have been communicated to the President of the National Assembly. The Cabinet decided to accept Recommendation No. 136.

SIERRA LEONE

Conventions Nos. 118, 122, 129 and 130 and Recommendations Nos. 116, 117, 120, 122 and 123 and the instruments adopted at the 54th Session of the Conference were submitted to the Cabinet.

SINGAPORE

The instruments adopted at the 54th Session of the Conference were submitted to Parliament on 3 July 1971. Since minimum wages are non-existent in any occupation in the Republic, the Government has decided not to ratify Convention No. 131 nor to implement Recommendation No. 135. The Government has decided not to ratify Convention No. 132 as paid annual holiday is less than the minimum prescribed therein. Recommendation No. 136 is only of general interest to Singapore; it has been decided not to implement this instrument.

SPAIN

The instruments adopted at the 54th Session of the Conference have been submitted to the Cortes and published in the Cortes Official Bulletins of 30 July, 25 September and 30 September 1971.

SWEDEN

The instruments adopted at the 54th Session of the Conference were submitted to the legislature by Government Bill No. 5 dated 14 January 1971. It was decided to bring Convention No. 131 and Recommendations Nos. 135 and 136 to the attention of the Swedish International Development Authority for consideration, where necessary, in connection with the planning of technical co-operation activities. As regards Convention No. 132, it was decided that the question of whether the Swedish Holidays with Pay Act constitutes an obstacle for Swedish ratification of the Convention should be studied in connection with an inquiry which is being carried out on a possible harmonisation of the holidays with pay legislations in the Nordic countries. The Convention, therefore, would not be ratified for the time being.

SYRIAN ARAB REPUBLIC

The Minister of Social Affairs and Labour on 8 and 28 August 1971 submitted Conventions Nos. 123 and 129 to the Cabinet, and urged that they be ratified. On 28 August and 7 September, he submitted Recommendations Nos. 112 and 124 to the Cabinet, which in a decision of 25 November 1971, approved the proposal and to instruct ministries to bear these recommendations in mind when preparing any new bills. On 18 August 1971, the Prime Minister accepted Recommendation No. 126 and instructed the Ports Department to bear it in mind when drafting new regulations. On 26 October 1971 the Cabinet ordered that allowance be made for Recommendation No. 129 when new legislation is adopted. Convention No. 131 and Recommendation No. 135 were on 10 November 1971 referred to the Cabinet, with the recommendation that the Convention be ratified. The Minister of Labour has not recommended ratification of Convention No. 127, already submitted to the competent authorities, on the ground that national legislation is incompatible with the clauses of this Convention. Conventions Nos. 90, 97 and 132 are being examined with a view to their submission to the competent authorities.

THAILAND

The Council of Ministers, at its meeting on 13 July 1971, decided to accept Recommendation No. 122.

TRINIDAD AND TOBAGO

The Conventions and Recommendations adopted at the 50th to 54th Sessions of the Conference were submitted to the House of Representatives on 15 October 1971 and to the Senate on 19 October 1971. It has been decided to ratify Convention No. 125 and to accept Recommendations Nos. 127, 129, 130 and 136.

With regard to the instrument adopted at the 50th Session of the Conference, the application of Convention No. 125 could contribute significantly to placing the country's fishing industry on a sound footing. Much ground has to be covered, however, to meet the requirements for training and examination inherent in the Convention and for the introduction of an inspection service essential for purposes of enforcement. A draft has been prepared of a Merchant Shipping Bill in which many of the provisions of Convention No. 126 are embodied. The subject matter of Recommendation No. 126 - vocational training of fishermen - is now being studied in the context of over-all examination of the country's vocational training needs. The Government considers that the provisions of Recommendation No. 127 represent a valuable frame for the development of the co-operative movement. Legislation has been enacted which will provide a firm foundation for the establishment of all forms of co-operative enterprise.

With regard to the instruments adopted at the 51st Session of the Conference, several requirements of Convention No. 127 and Recommendation No. 128 go far beyond the terms of existing national law and practice. At the present stage of the country's economic development, the position on these instruments has to be reserved. It is proposed that action on Convention No. 128 and Recommendation No. 131 be deferred pending implementation of a pensions and national insurance plan devised with the assistance of the ILO along lines similar to those outlined in these instruments. Most of the provisions of Recommendations Nos. 129 and 130 are applied through collective bargaining, national legislation and the Government's efforts to promote the education of both management and workers in order to develop improvement in communication and relationships.

The categories of agricultural workers considered in the Recommendation No. 132, adopted at the 52nd Session of the Conference, are not represented in the cultural system of the country.

With regard to the instruments adopted at the 53rd Session of the Conference, the requirements of both Convention No. 129 and Recommendation No. 133 go far beyond the provisions of the existing legislation and administrative practices. The introduction of measures to give full effect to these provisions would require the institution of considerable additional machinery which the country's economic position could not now provide. It is proposed to defer action on Convention No. 130 and Recommendation No. 134 pending

implementation of a pensions and national insurance plan devised by the Government which will include most of the provisions of the Convention.

With regard to the instruments adopted at the 54th Session of the Conference, the draft of an act relating to the fixing of minimum wage rates is at present at the Attorney-General's office for finalising and consideration of the possible ratification and acceptance of Convention No. 131 and Recommendation No. 135 is therefore deferred. It is proposed not to ratify Convention No. 132 although holidays with pay are practised by means of regulations and collective bargaining. Acceptance of Recommendation No. 136 is based on the consideration that its provisions represent a valuable frame of reference.

TURKEY

The instruments adopted at the 53rd Session of the Conference were submitted to the Office of the President of the National Assembly on 20 May 1970, accompanied by a statement setting out the Government's views as to the action to be taken thereon. The formalities regarding the submission of the instruments adopted at the 54th Session of the Conference to the legislative body have also been completed. The Minister of Labour will make a statement before the legislative body concerning *inter alia* the instruments adopted at the 53rd and 54th Sessions of the Conference during the budgetary debate to take place in late February 1972.

USSR

The instruments adopted at the 54th Session of the Conference were submitted on 18 May 1971 for examination to the Presidium of the Supreme Soviet of the USSR.

UNITED KINGDOM

The instruments adopted at the 54th Session of the Conference were submitted to Parliament in June 1971. While law and practice in relation to the sectors covered by statutory minimum wage fixing conform with the requirements of Convention No. 131, the proportion of wage earners in these sectors is small and ratification is not considered appropriate. As regards Recommendation No. 135, national practice is that matters to be taken into account in determining and adjusting minimum wage rates dealt with in paragraphs 3, 7 and 12 of the Recommendation should be at the complete discretion of the statutory wage-fixing authorities. While recognising the potential value of the Recommendation for developing countries the Government does not accept it for application in the United Kingdom.

There is conformity to an appreciable extent with Convention No. 132, but not all employed persons enjoy three weeks' holiday with pay and the Government believes that employers and unions

should be free to determine conditions of work, including holidays with pay, without detailed statutory intervention, in the light of differing social and economic circumstances of the industries concerned. While fully supporting the principle of adequate holidays with pay, the Government cannot therefore ratify the Convention. The Government endorses the principles set out in Recommendation No. 136 which does not, however, relate to national conditions and its formal acceptance is therefore not necessary.

VENEZUELA

The papers containing the instruments adopted at the 54th Session of the Conference have been sent to the Foreign Ministry for submission to Congress; copies have been forwarded to the Office.

ZAMBIA

Government paper No. 2 of 1971 which sets out the views of the Government on the proposed action in regard to the instruments adopted at the 54th Session of the Conference has been forwarded to the Speaker of the National Assembly. The Government has decided to ratify Convention No. 131 and to accept Recommendation No. 135 on account of the terms of the Minimum Wages, Wages Council and Conditions of Employment Ordinance, Chapter 119. The Government considers it inadvisable to ratify Convention No. 132 on account of its possible adverse effects on levels of productivity. The broad purpose of Recommendation No. 136 is within the practice of the Zambia Youth Service Ordinance, Chapter 161, and the Government has decided to accept it.

COMMUNICATION OF COPIES OF INFORMATION TO THE
REPRESENTATIVE ORGANISATIONS

(Article 23, Paragraph 2, of the Constitution)

The Governments of the following countries have indicated the employers' and workers' organisations to which copies of the information have been communicated: Australia, Belgium, Canada, Ceylon, Cyprus, Denmark, Federal Republic of Germany, Greece, Ireland, Jamaica, Japan, Mali, Malta, Mexico, New Zealand, Norway, Philippines, Sierra Leone, Sudan, Sweden, Syrian Arab Republic, Trinidad and Tobago.

The Government of Bulgaria has stated that a copy of the information has been communicated to the Central Council of Trade Unions.

The Governments of Byelorussia and the USSR have stated that a copy of the information has been communicated to the Central Council of Trade Unions and to the managements of industrial undertakings.

The Government of Czechoslovakia has stated that a copy of the information has been communicated to the Central Council of Trade Unions and to the Czechoslovak Chamber of Commerce.

The Government of Hungary has stated that copies of the information have been forwarded to the representative organs of the employers' and workers' groups.

The Government of Spain has indicated that a copy of the information has been communicated to the National Organisation of Trade Unions.

INTRODUCTION

Article 22 of the Constitution of the International Labour Organisation provides that "each of the Members agrees to make an annual report to the International Labour Office on the measures which it has taken to give effect to the provisions of Conventions to which it is a party. These reports shall be made in such form and shall contain such particulars as the Governing Body may request". Article 23 of the Constitution provides that the Director-General shall lay before the next meeting of the Conference a summary of the reports communicated to him by Members in pursuance of article 22, and that each Member shall communicate copies of these reports to the representative organisations of employers and workers.

As decided by the Governing Body at its 142nd Session and endorsed by the Conference at its 43rd Session (both held in Geneva in June 1959) and confirmed by these bodies in 1961, Conventions in force have been divided into two groups, and detailed reports are requested in alternate years on each of these groups. The present summary covers primarily reports on Conventions in the appropriate group¹ as well as other reports due under the above-mentioned decision: (a) first reports; (b) reports relating to cases in which serious divergences between national law and practice and the provisions of a ratified Convention have been noted by the Committee of Experts or the Conference Committee.

A decision taken by the Governing Body at its 134th Session (March 1957) was designed to reduce the size of the volume to a strict minimum. The present volume therefore includes, as regards first reports after ratification, the principal laws and regulations giving effect to a Convention, information on the manner in which each of its substantive Articles is implemented and a brief record of the way in which it is applied in practice. Subsequent reports are listed at the end of the summary, with an indication of the type of information they contain.

The present summary, which covers the period from 1 July 1970 to 30 June 1972, contains information on the Conventions in force at that time. First reports received too late for inclusion in last year's summary have been taken into account in preparing the present summary.

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

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

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

The present volume covers reports received by the Office up to 31 December 1972. The report of the Committee of Experts on the Application of Conventions and Recommendations, which examines the reports, is communicated separately to the Conference as Report III (Part 4).

Any woman whose pregnancy is apparent or has been medically certified may leave her work without notice and without being required to pay compensation for breach of contract.

Any agreement contrary to these provisions is ipso jure null and void.

During the 15 months following the birth the mother is entitled to nursing breaks totalling not more than one hour each working day. During this period she may leave her work without notice and without being required to pay compensation for breach of contract.

Article 4. During the period of 14 weeks - extendable where necessary by three weeks - mentioned in connection with the previous Article, the employer is not permitted to give the woman notice of dismissal. Any agreement to the contrary is ipso jure null and void.

The supervision of the application of the maternity protection laws is the responsibility of the inspectors of labour and social legislation.

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

PANAMA

National Constitution (article 75).

Labour Code, Cabinet Decree No. 252 of 30 December 1971 (GO 17040 of 18 February 1972).

Article 1 of the Convention. The Government states that the terms "seamen" and "vessel" give rise to no difficulty as concerns the application of the Convention in practice.

Article 2. If a vessel is lost as a result of shipwreck (interpreted, according to the Government, as meaning total loss after a collision), sections 255 and 259 of the Labour Code provide, inter alia, for the termination of the agreements of the seamen employed on board the vessel in question and for the payment, until they reach the port of engagement, of their wages, their maintenance and the indemnity provided for in section 225 of the Code. Under the terms of the latter section, the indemnity may vary according to the length of service of each seaman but may never be less than a week's wages. The Government adds that since the Merchant Navy Office of the Ministry of Labour and Social Welfare has been applying the Convention the minimum indemnity has been fixed at two months' wages, a fact which it was possible to verify on the occasion of the shipwreck of two vessels flying the Panamanian flag.

Article 3. The seamen are entitled to the same privileges in respect of this indemnity as in the case of arrears of wages, and may lay claim to it under the administrative conciliation machinery, or, if they fail to achieve satisfaction in this way, in the courts.

APPLICATION OF CONVENTIONS

(Articles 22 and 35 of the Constitution)

Convention No. 3: Maternity Protection, 1919

CAMEROON

Labour Code, Act No. 67-LF-6 of 12 June 1967 (sections 91 and 92) (Journal officiel de la République fédérale du Cameroun (JORFC), 1 September 1967, No. 3, p. 97) (LS 1967 - Cam. 1).

Order No. 16 of 27 May 1969 respecting the employment of women (JORFC, 1 June 1969, No. 10, p. 936).

The Government states that generally speaking the provisions of national law on the subject go further than the standards laid down in the Convention. For instance, the period during which a pregnant woman may leave her work without notice prior to confinement is eight weeks instead of six weeks as provided in the Convention.

UPPER VOLTA

Labour Code, Act No. 26/62 A.N. of 7 July 1962 (Journal Officiel (JO), 18 August 1962, p. 823).

Order No. 5254/IGTLS/AOF of 19 July 1954 respecting the employment of pregnant women (LS 1954 - F.W.A. 2).

Order No. 1029/IGTLS/HN of 6 December 1955 instituting a family benefits scheme (JO, 31 January 1956).

Article 1 of the Convention. The line of division separating industry and commerce from agriculture has been defined by law, by case law and by custom.

Article 2. The Government states that the terms "woman" and "child" as used in the national legislation are in conformity with the definition given in the Convention.

Article 3. Every woman is entitled to interrupt her employment (without breach of contract) for 14 consecutive weeks, six of which must follow her confinement. This interruption may be prolonged by three weeks in the event of illness medically certified to arise out of pregnancy or confinement. During this leave she is entitled to payment at the expense of the Social Welfare Fund of the cost of her confinement in an administrative health unit as well as, where applicable, the cost of medical attendance and the full wage she was earning at the time she interrupted her employment.

The authorities entrusted with the supervision of the application of the Convention are the Ministry of Labour and Social Welfare, the labour courts and the Superior Labour Court, and the Supreme Court, as well as such other departments as may be designated to that effect by the Government.

Convention No. 9: Placing of Seamen, 1920

CAMEROON

Labour Code, Act No. 67-LF-6 of 12 June 1967 (LS 1967 - Cam. 1).

Merchant Shipping Code, Ordinance No. 62/OF/30 of 31 March 1962
(Journal officiel de la République fédérale du Cameroun,
15 August 1962, p. 899).

The provisions of national law (Labour Code, sections 132, 135, 138 and 140) concerning the placing of all workers - including seamen - are in line with those of this Convention.

Furthermore, seamen's articles of agreement are regulated by the Merchant Shipping Code (sections 120 to 127).

PANAMA

National Constitution.

Labour Code (Cabinet Decree No. 252 of 30 December 1971. Gaceta Oficial, No. 17.040 of 18 February 1972).

Article 1 of the Convention. Under the national system "seamen" means all persons employed as members of the crew of vessels engaged in maritime navigation except officers.

Article 2. In Panama, the placing of seamen may not be undertaken as a commercial enterprise for pecuniary gain, and may not be made subject to payment by the seamen. This is ensured by sections 263, 264 and 265 of the Labour Code. Section 276 provides for the imposition of fines in case of violation of these provisions.

Article 3. No company or enterprise may seek employment for seamen except seamen's unions and institutions authorised by the Ministry of Labour and Social Welfare in accordance with section 265 of the Labour Code. The unions and institutions in question may not conduct placing operations for seamen for gain. The body currently entrusted with the placing of seamen is the Office of the Merchant Marine of the Ministry of Labour and Social Welfare.

Article 4. As a state organ, the above-mentioned Office of the Merchant Marine may not charge fees or seek pecuniary gain from the placing of seamen. Outside the country, seamen are customarily placed through the consulates which cannot conduct placing activities for gain.

Article 6. When seamen are placed in employment, they conserve freedom of choice of ship and shipowners are free to choose the crew they wish.

Article 7. Seamen have every opportunity to examine their contract of engagement both before and after signing it. Signature must always take place before the appropriate authority, namely a Panamanian consul outside the country and the Office of the Merchant Marine inside the country.

Article 8. The facilities described above are available to foreign seamen also, although the crew of ships flying the Panamanian flag must include at least 10 per cent Panamanian seamen.

Article 9. It is customary for officers to make use of the procedure described above when seeking a contract of engagement.

The application of the Convention is entrusted to the Ministry of Labour and Social Welfare, the labour courts, the Supreme Court of Justice and other authorities determined by the Government.

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

CAMEROON

Labour Code of 12 June 1967 (LS 1967 - Cam. 1).

Order No. 12/NMS of 17 June 1968 (Journal officiel de la République du Cameroun (JO 15 December 1967)).

Order No. 17 of 27 May 1969 (JO 1 June 1969).

Article 93 of the Labour Code lays down 14 years as the minimum age for employment. Legislation in the Eastern Cameroons, permitting employment of children over 12 years in light agricultural work, had been repealed and no exceptions are allowed under the current legislation.

PANAMA

National Constitution of the Republic. Labour Code of 1971.

Article 1 of the Convention. Section 117 of the Code prohibits the employment of: (1) young persons under 14 years of age, and (2) young persons who are already 15 but who have not completed their elementary education.

Section 119 provides that "on agricultural holdings, young persons between the ages of 12 and 15 years may be employed only on light work and outside school hours".

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

PANAMA

National Constitution, 1964.

Labour Code 1971.

The Government states that, by virtue of Article 67 of the National Constitution and Article 334 of the Labour Code, agricultural workers enjoy the same rights of association as those granted to industrial workers.

PARAGUAY

National Constitution, 1967.

Labour Code (Law No. 729/61). (LS 1961 - Par. 1.)

The Government states that this Convention is applied by the Labour Code, which applies to workers in general, and that the ratification of the Convention necessitated no change in the national legislation.

The Government explains that, by virtue of the National Constitution, international Conventions, once ratified, become part of the national law.

The right of association is dealt with in Articles 281 to 290 and Articles 303 to 305 of the Labour Code.

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

PANAMA

National Constitution, Article 76.

Labour Code, sections 104, 118 and 126.

Article 1 of the Convention. All paint preparations are imported, and only products free from white lead or sulphate of lead are admitted into the country.

Article 2. The ban on the use of white lead does not apply to artistic painting or fine lining. Hygienic precautions must be observed when using this substance.

Article 3. Sections 104 and 118 of the Labour Code prohibit the employment of women and young persons under 18 years of age on work involving danger to their health.

Article 5. In practice, where white lead or similar products are used they must be in the form of paste or of paint ready for use, and in such small quantities as to be inoffensive. Protective respiratory equipment must be worn when spraying or scraping. Special clothing and washing facilities are provided. Cases of lead poisoning and of suspected lead poisoning have to be notified. The industrial safety authorities order the medical examination of the workers in question where they think fit.

Article 6. It is customary for the employers' and workers' organisations to be consulted when the Industrial Safety Office is proposing to introduce safety measures.

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

MAURITIUS

Employment and Labour Ordinance (Cap. 214, Revised Laws of Mauritius, section 92 and section 14(1), (4), (5), (6) and (7); LS 1968 - Maur. 3).

Regulation of Wages and Conditions of Employment Ordinance, No. 71 of 1961, section 9, as amended up to February 1967.
(Printed separately.)

Wages Regulation (Distributive Trades) Order, 1963, Third Schedule 1(b).

Wages Regulation (Buses) Order, 1965, First Schedule, III(b).

Wages Regulation (Catering) Order, 1968.

Wages Regulation (Construction Industry) Order, 1968, Schedule, Part C, 1(a).

Wages Regulation (Female Factory Workers) Order, 1968, Schedule, Part II, 1(a).

Export Processing Zones Act, No. 51 of 1970. (Legal Supplement to the Government Gazette of Mauritius, No. 88 of 9 December 1970.)

Article 1 of the Convention. The basic national legislation (Cap. 214) applies to both industry and other activities.

Article 2. See the legislative texts mentioned above.

Article 3. No advantage has been taken of this provision.

Article 4. Wages Regulation Orders provide for double or treble rate for work performed on Sundays. Consultation takes place within the relevant Wages Councils, according to the procedure prescribed in Ordinance No. 71 of 1961.

Article 5. Compensatory periods have been allowed in some industries, such as the bus industry and in the export processing zones.

Article 6. All the Wages Orders mentioned above contain exceptions of various kinds, according to the operating requirements of every trade or industry. Section 14(4) of the Export Processing Zones Act provides for seven consecutive days' work with a compulsory rest after the seventh day.

Article 7, clause (a). Section 3 of the records and notices or regulations pertaining to some of the above-mentioned Wages Orders (e.g. distributive trades, bakers).

Clause (b). No model of the roster has been prescribed.

The application of the above-mentioned legislation and regulations is entrusted to the Enforcement Branch of the Ministry of Labour.

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

PANAMA

National Constitution.

Labour Code (Cabinet Decree No. 252 of 30 December 1971).

Article 1 of the Convention. The term "vessel", as defined in Article 1 of the Convention, is consistent with the national provisions in force.

Article 2. Section 118 of the Labour Code prohibits the employment of young persons under 18 years of age on work involving the handling of explosive or inflammable substances.

Article 3. (a) The final subsection of section 118 of the Labour Code provides that young persons attending vocational training schools may perform such work with the approval of and under the supervision of the competent authorities.

(b) The ban does not apply to vessels propelled by means which are not dangerous to young persons.

(c) Not applicable to Panama, since this type of work is forbidden to young persons under 18 years of age.

Article 4. In no case does the competent department of the Ministry of Labour authorise the employment of young persons under 18 years of age as trimmers or stokers.

Article 5. Section 124 of the Labour Code requires every employer with young persons under 18 years of age in his service to keep a special register specifying, inter alia, their date of birth.

Article 6. The articles of agreement of seamen, which must be drawn up in triplicate in accordance with section 264 of the Labour Code, contain a summary of the provisions of this Convention.

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

PANAMA

National Constitution.

Labour Code (Cabinet Decree No. 252 of 30 December 1971).

Article 1 of the Convention. The term "vessel", as defined in Article 1 of the Convention, is consistent with the national provisions in force.

Articles 2, 3 and 4. Section 273 of the Labour Code stipulates that no young person under 16 years of age may perform services on board any ship or boat whatsoever, with the exception of pupils in training ships.

Moreover, section 126 prescribes for all workers a medical examination upon entering employment and upon returning from annual leave.

The application of these provisions is supervised by the Ministry of Labour and Social Welfare and by the labour courts.

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

PANAMA

National Constitution of 1964.

Labour Code (Cabinet Decree No. 252 of 30 December 1971).

Article 1 of the Convention. The employer is held responsible for industrial accidents and occupational diseases occurring to his employees, no distinction being made between nationals and aliens. Workers covered by the Social Insurance Fund are paid compensation by the Fund in the event of occupational injury in accordance with the legislative provisions governing the Fund (sections 300, 304 and 305 of the Labour Code).

The National Constitution lays down (article 21) that "all Panamanians and aliens shall be equal in the eyes of the law".

Article 2. The country has not concluded any agreement of this type with respect to workers temporarily or intermittently employed in Panama.

Article 4. The only substantial modification is that resulting from the legislation whereby compulsory coverage in respect of occupational risks is made exclusively the responsibility of the Social Insurance Fund.

Convention No. 21: Inspection of
Emigrants, 1926

PANAMA

There are no legislative provisions governing the matters dealt with in the Convention. If the circumstances provided for in the Convention were to arise, all the Articles of the Convention would be complied with.

Article 1 of the Convention. An "emigrant vessel" is defined as being "any ship or boat of any nature whatsoever, whether publicly or privately owned, used for the transport of emigrants by sea, with the exception of ships of war". An "emigrant" is deemed to be "any alien who voluntarily becomes domiciled in the Republic of Panama by complying with the formalities required for the acquisition of such status".

Article 2. Only the migration inspectors of Panama would be responsible for the protection of the emigrants on board an "emigrant vessel" in the event of such a vessel docking in Panama or passing through its territorial waters.

Article 3. If an inspector of emigrants were to be placed on board an emigrant vessel - which has not occurred up to now - he would be appointed by the Government of the country whose flag the vessel was flying.

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

PANAMA

National Constitution.

Labour Code (Cabinet Decree No. 252 of 30 December 1971).

Articles 1 and 2 of the Convention. The provisions in force in Panama are consistent with the terms and definitions in Articles 1 and 2 of the Convention. As concerns Article 2(d), a limit of 200 nautical miles has been prescribed by national law.

Article 3. A seaman's articles of agreement must be signed by the shipowner or his representative and by the seaman, in the presence of his adviser, so that the articles of agreement may be examined. Section 264 of the Labour Code lays down that the agreement (in triplicate) must be signed in the presence of the competent authority and that a copy must be deposited with the Labour Department.

The agreement may not contain anything which is contrary to the provisions of national law or of this Convention.

Article 4. The Labour Code contains nothing which would allow breaches of the Code to be exempted from its provisions. It does permit recourse to arbitration where a request is made to that effect by the worker.

Article 5. Section 267 of the Labour Code stipulates that every seaman must be in possession of a seaman's book (delivered by the Ministry of Labour) giving particulars, inter alia, of the service performed on board.

Article 6. National law allows agreements to be made for a definite period, for a voyage or for an indefinite period. The agreement must contain all the particulars listed in paragraph 3 with the exception of those mentioned under (4) and (8). As regards contracts for an indefinite period, section 257 of the Labour Code specifies the conditions under which each party is entitled to terminate the agreement.

Article 7. Section 264 of the Labour Code states that one copy of the agreement must be displayed by the master or his representative in a place freely accessible to the crew.

Article 9. Sections 211, 212 and 256 of the Labour Code contain provisions concerning the termination of the agreement.

Article 10. The provisions of national law are in agreement with subparagraphs (a), (b) and (c) of this Article.

Article 11. Section 213 of the Labour Code enumerates the circumstances in which the owner or master may immediately discharge a seaman.

Article 12. Sections 223 and 258 of the Labour Code specify the circumstances in which a seaman may demand his immediate discharge.

Article 13. This provision can be applied as it is consistent with the terms of Panamanian legislation.

Article 14. There is no corresponding provision in Panamanian legislation. However, the terms of this Article are not inconsistent with the existing laws and it can be applied without difficulty.

Section 128 (14) of the Labour Code stipulates that a seaman must be issued, whenever he so requests or upon the termination of the employment relationship, with a certificate stating the period of service, the type of work or services performed and the wages received.

The authority entrusted with the application of this Convention is the Ministry of Labour and Social Welfare.

Convention No. 23: Repatriation
of Seamen, 1926

PANAMA

National Constitution.

Labour Code (Cabinet Decree No. 252 of 30 December 1971).

Article 1 of the Convention. The provisions in force in Panama are consistent with the terms and definitions in Article 1 of the Convention.

Article 2. The legislative provisions in force are consistent with the definitions given under (a), (b) and (c). As concerns (d), a limit of 200 nautical miles has been prescribed by national law.

Article 3. Effect is given to the provisions of this Article by sections 255 and 256 of the Labour Code. No distinction is made between national seamen and foreign seamen. However, section 255 stipulates that if a seaman's articles of agreement were signed in Panama he must be repatriated to Panama, irrespective of his nationality or the port at which he embarked.

Article 4. The provisions of sections 255, 256, 259 and 272 of the Labour Code are in conformity with the provisions of Article 4 of the Convention.

Article 5, paragraph 1. The second part of section 255 of the Labour Code corresponds, word for word, to this paragraph.

Paragraph 2. It is an acquired right for a seaman to be remunerated for services performed on board a vessel, and this is equally applicable in the case of repatriation in the circumstances specified in Article 5, paragraph 2 of the Convention.

Article 6. The authority responsible for supervising the repatriation of seamen, both national and foreign, is the Merchant Navy Office of the Ministry of Labour and Social Welfare, while abroad responsibility lies with the consular services.

UKRAINE

USSR Merchant Navy Code of 17 September 1968.

Ukrainian SSR Labour Code.

Article 47 of the Merchant Navy Code provides that when a crew member is dismissed by management, the shipping company or the ship-owner is bound at his own expense to organise the return of the man concerned to the port indicated in the collective agreement or,

failing an indication of that kind, to the port in which he had been recruited, his living expenses being paid to him until his arrival at the said port.

All collective agreements concluded in this sector contain a repatriation clause.

Any repatriated seaman may be employed as member of a crew during the voyage. In such a case he receives payment for his work.

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

PANAMA

National Constitution of 1972.

Labour Code of 30 December 1971 (LS 1971 - Pan. 1).

Article 1 of the Convention. Sections 64 and 65 of the National Constitution provide that every worker is entitled to a minimum wage. Section 142 of the Labour Code states that every worker, whether employed as a homemaker or in any other manner, must be paid a basic wage not less than the statutory minimum.

In Panamanian law, the term "trades" includes manufacture and commerce.

Articles 2 and 3. Under sections 172-179 of the Labour Code, the minimum wage is fixed periodically, but at least every two years, by government decree, in the light of the recommendations made by the National Minimum Wage Board. A minimum wage may be fixed for a particular trade or occupation.

Employers' and workers' organisations are represented in minimum wage fixing, since both have representatives on the National Minimum Wage Board.

Under section 176 of the Code, the minimum wage rates fixed are binding on the employers and workers concerned.

Article 4. Every employer is required to keep a register or book recording the hours worked and wages received by each employee, and the register or book has to be produced for examination by the labour inspectors if they so request. Any employer failing to comply with the minimum wage provisions is liable to a fine under section 180 of the Code.

In addition, any worker to whom sums of money are owing because he has not been paid the minimum wage can recover the difference either through administrative channels as a result of conciliation proceedings or, if he does not obtain satisfaction in this way, by applying to a labour court.

Article 5. The relevant information is contained in the report on the Equal Remuneration Convention, 1951 (No. 100).

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

PANAMA

Constitution, articles 4 and 76.

In Panama, as a matter of custom, all packages or objects transported by sea or inland waterway have their weight marked thereon.

USSR

The Merchant Shipping Code of the USSR (adopted by the Decree of the Presidium of the Supreme Soviet of the USSR, 17 September 1968).

General Rules regarding the transport of cargoes, passengers and baggage by sea in vessels of the Ministry of Shipping (brought into operation by Order of the Ministry of Shipping on 19 February 1957).

The special rules regarding the marking of packages (brought into operation by Order of the Ministry on 19 February 1957).

The Convention is being applied in full and in some respects the national legislation goes beyond the requirements of the Convention.

Convention No. 29: Forced Labour, 1930

COLOMBIA

Political Constitution of Colombia of 4 August 1886, as amended.

Labour Code, 5 August 1950 (LS 1950 - Col. 3 and LS 1954 - Col. 1, A, B).

Penal Code of 14 September 1936.

Military Service Law, Act No. 1a of 1945.

Article 39 of the Constitution provides that anyone is free to practise a trade or profession. Sections 8, 9, 11 and 60 of the

Labour Code provide freedom of choice of work, the protection of work by the State, the right of everyone to work and the prohibition of any pressure on an employee to make him work or cease to work. Section 308 of the Penal Code punishes anyone who compels another to work. Compulsory military service is provided for under Act No. 1a of 1945.

PARAGUAY

Constitution of 25 August 1967.

Labour Code of 13 August 1961 (LS 1961 - Par. 1).

Article 104 of the Constitution provides that the penal law shall punish as an offence any form of servitude or personal dependency incompatible with human dignity. Sections 11, 13 and 14 of the Labour Code provide for the invalidity of contracts infringing personal liberty, for the remuneration of all labour and that no person shall be obliged to work personally and without his full agreement. Compulsory military service is provided for in article 125 of the Constitution.

Convention No. 30: Hours of Work (Commerce and Offices), 1930

COLOMBIA

Labour Code of 1950 (LS 1950 - Col. 3).

Decree No. 13 of 4 January 1967 (LS 1967 - Col. 1A).

Decree No. 995 of 26 June 1968.

Article 1 of the Convention. The provisions governing hours of work do not apply to directors and employees in positions of confidence, domestic employees, employees engaged in non-continuous or intermittent activity, caretakers, if they live at the place where the work is carried on, and drivers employed by transport undertakings (section 162 of the Labour Code).

Article 3. Hours of work are not allowed to exceed eight a day and 48 a week, subject to exceptions in the case of (a) agriculture and related activities; (b) non-continuous or intermittent activities and caretaker duties; (c) particularly unhealthy or dangerous work; (d) young persons under 16 years of age (section 161 of the Code).

Article 4. Within the limits of a 48-hour week, the daily hours of work may be increased by not more than one hour, subject to agreement between the parties or in accordance with the rules of employment, for the sole purpose of enabling workers to rest on Saturday afternoon (section 164 of the Code).

Article 6. Where work does not have to be carried on continuously but is nevertheless done on a shift basis, the hours of work may be increased, on condition that, over a period of three weeks, they do not exceed an average of eight a day and 48 a week (section 165 of the Code).

Article 7. Where work has to be carried on continuously on a shift basis, the hours of work may not exceed 56 a week (section 166 of the Code, as amended by Decree No. 13 of 1967). Where work, by its nature or for technical reasons, has to be done on all seven days of the week, the fact must be confirmed by the General Directorate of Labour or the Labour Inspectorate (Decree No. 995).

Under Decree No. 995 of 1968, a special permit from the Ministry of Labour is required for any exception to the maximum daily hours of work. Temporary derogations may be allowed to deal with unforeseen extra work or for short periods of extra work that recur each year, subject to a maximum of two hours a day and 12 hours a week, on condition that the total period for which longer hours are authorised does not in any circumstances exceed 13 weeks in any calendar year.

The maximum hours of work may be extended without a permit from the Ministry of Labour in the event of force majeure, unforeseen circumstances, an actual or impending accident or urgent work to machinery or plant, but only so far as may be necessary to avoid serious interference with the ordinary working of the establishment.

Article 11. Section 108 of the Labour Code indicates the items to be covered by the rules of employment, which have to provide, inter alia, for (a) the workers' times of arrival and departure and the times at which each shift begins and ends (if work is done on a shift basis), and the rest periods granted during the working day, for meals and other purposes, (b) overtime and night work (authorisation, recognition and remuneration), (c) compulsory rest days and holidays with pay, and (d) the publication of the rules (sections 104 and 108 of the Code).

Article 12. The penalties provided for by law are imposed for any breach of the legislation governing hours of work and exceptions to the hours of work, even where the workers have consented to the breach (Decree No. 995).

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

DENMARK

Occupational Safety, Health and Welfare (General) Act, 1954
(LS 1954 - Den. 1).

The Occupational Safety, Health and Welfare (General) Act is applicable to this occupation. Draft regulations on safety organisation in the field of loading and unloading are being prepared. The Directorate of the Labour Inspection Service is responsible for supervising compliance with the above-mentioned Act, except for work carried out on board ships, which falls within the competence of the Government Inspectorate of Ships.

UKRAINE

Labour Code of 10 December 1971.

Rules concerning occupational safety in work in seaports, approved by the Presidium of the Central Committee of the Maritime and River Workers' Union on 21 October 1959.

Rules concerning occupational safety in work on seagoing ships, approved by the Presidium of the Central Committee of the Maritime and River Workers' Union on 31 July 1963.

Section 153 of the Labour Code relates to the maintenance of conditions of safety and health. Section 157 defines the responsibility of management for ensuring proper technical equipment in workplaces and for establishing working conditions conforming to the rules governing protection of labour. Section 259 provides that supervision of the observance of these rules shall be exercised by special authorised state bodies and inspectorates and by trade unions and the technical and legal labour inspectorates under their jurisdiction.

The above-listed Rules concerning occupational safety lay down more detailed provisions related to loading and unloading of ships.

USSR

The Fundamental Principles governing the labour legislation of the USSR and the Union Republics (LS 1970 - USSR 1).

Rules respecting occupational safety in seaports, dated 21 October 1959.

Rules respecting occupational safety in sea-going vessels, dated 31 July 1963.

Safety standards respecting the general layout, installation and equipment of sea-going cargo vessels, ice-breakers and tugs, approved by the State Technical Safety Inspectorate on 30 December 1969.

Rules respecting the installation and safe operation of cranes, approved by the State Technical Safety Inspectorate on 30 December 1969.

Article 1 of the Convention. The definitions given to the terms of this Article correspond to the concepts used in national legislation.

Articles 2-16. These provisions of the Convention are fully covered by the above-listed rules and safety standards.

Article 4. Sections 54-64 of the 1959 rules provide detailed measures for the safety of workers obliged to be transported by water to or from ship.

Article 6. Section 274 of the 1959 rules provides for temporary fencing around hatches during loading or unloading operations when the coamings are less than 75 centimetres in height.

Article 9. Regular examination and tests are carried out in the manner called for by this Article.

Article 11. With reference to paragraphs 8 and 9 of this Article, the existing regulations meet all of the safety requirements prescribed for loading operations.

Article 12. Sections 310-447 of the 1959 rules provide for measures designed to ensure the safety of workers engaged in the handling of dangerous cargo.

Article 15. No exceptions have been made to the provisions of the Convention.

Article 17. Existing regulations clearly define the persons or bodies responsible for ensuring compliance with the regulations.

Convention No. 43: Sheet-Glass Works, 1934

PANAMA

Labour Code of 30 December 1971 (Gaceta Oficial, 18 February 1972, No. 17.040).

Article 1 of the Convention. The Labour Code does not make any distinction between persons employed in sheet-glass works and persons employed in other sectors.

Article 2. Under Article 31 of the Code the maximum length of a work-day is eight hours, and the work-week is composed of approximately 48 hours. The Government states that the working hours of persons working in shifts cannot exceed 42 hours per week.

Article 3. Limitations may be increased only in cases of accident, serious danger of accident or force majeure. Under Article 33 of the Code, compensation with an increase ranging from 25 to 75 per cent of the normal salary shall be awarded in respect of hours worked over time.

Article 4. Under Article 128, paragraph 10, employers are required to post, in a visible place, shifts and hours of work. Under paragraph 11 of the same article, they similarly are required to keep a record of the salary and all additional hours worked in respect of each worker.

Convention No. 47: Forty-Hour Week, 1935

AUSTRALIA

Commonwealth

Conciliation and Arbitration Act, 1904-1972.

Coal Industry Act, 1946-1966.

Public Service Arbitration Act, 1920-1972.

StatesNew South Wales

Industrial Arbitration Act, 1940-1971.

Coal Industry Act, 1946-1971.

Victoria

Labour and Industry Act, 1958.

Queensland

Industrial Conciliation and Arbitration Acts, 1961-1964.

South Australia

Industrial Code, 1967-1971.

Western Australia

Industrial Arbitration Act, 1912-1971.

Factories and Shops Act, 1963-1970.

Mining Act, 1904-1971.

Tasmania

Wages Boards Act, 1920.

The principle of the forty-hour week is applied by means of a combination of Commonwealth and State laws and regulations, awards, determinations and agreements.

None of the measures applying the Convention in Australia have been adopted or modified as a result of, or to permit, ratification.

The standard hours of work are determined by industrial tribunals in the Commonwealth (including the Australian Capital Territory and the Northern Territory) and State jurisdictions, except New South Wales and Queensland which have enacted legislation on the matter.

Under the Australian Constitution, the Commonwealth Parliament does not, in time of peace, have the power to regulate terms and conditions of employment, including hours of work, except in restricted areas notably in respect of Commonwealth employees and employees in Commonwealth territories. However, the Parliament has the power to legislate with respect to conciliation and arbitration for the prevention and settlement of industrial disputes extending beyond the limits of any one State. The Conciliation and Arbitration Act establishes the Commonwealth Conciliation and Arbitration Commission whose awards, etc. made in settlement of interstate industrial disputes cover some 40 per cent of Australian employees. These awards prescribe conditions of work, including hours of work, etc. The standard hours of work prescribed under federal awards and agreements are 40 per week and has been so for almost 25 years. The principle of the 40-hour week was adopted in 1947 by the Commonwealth Court of Conciliation and Arbitration, the predecessor of the present Commission. A few federal awards covering mainly rural workers in the hop industry, fruit growing and pastoral work provide a standard working week of 44 instead of 40 hours. On the other hand, about 15 per cent of the federal awards prescribe weekly hours of work of less than 40. Most of these awards cover employees in local government and semi-governmental instrumentalities and they generally provide for a standard working week varying from 35 to 38 hours.

Under the Public Service Act, 1922-1972, regulations have been made prescribing the hours of attendance of Commonwealth Officers. Subject to these regulations, the hours are from 9 a.m. to 4.45 p.m., with a one-hour interval for luncheon, except on Saturdays when the hours of attendance shall be from 9 a.m. to 12 noon.

The ordinary hours of duty of Commonwealth public servants are provided by determinations of the Public Service Arbitrator appointed pursuant to the Public Service Arbitration Act, 1920-1972. This Act empowers the Arbitrator to determine matters submitted to him relating to conditions of employment of Commonwealth officers and employees, including employees of statutory authorities. The hours of duty provided in the determinations referred to in the above have been set in accordance with the standards and principles adopted by the Commonwealth Conciliation and Arbitration Commission and its predecessor, the Commonwealth Court of Conciliation and Arbitration. Commonwealth employees generally are subject to a standard working week of 40 hours. However, most office staff employed by the Commonwealth are entitled by determination of the Arbitrator to ordinary hours of 36 $\frac{3}{4}$ per week with provision for up to 38 hours

per week to be required without additional payment. There are also isolated provisions in some determinations for reduced hours of ordinary duty where it has been established that a shorter working week is justified by reason of strain, stress, health hazard or other disabilities.

Awards of the Coal Industry Tribunal which cover coalminers and aboveground employees in New South Wales, Queensland and Tasmania provide a standard working week of 35 hours. Employees covered by awards of the Western Australian Coal Industry Tribunal also work a 35-hour week.

Most employees in the Australian Capital Territory and the Northern Territory, which are within the jurisdiction of the Commonwealth, are covered by the provisions applying to public servants or by awards of the Commonwealth Conciliation and Arbitration Commission.

In the State jurisdictions, the principle of the 40-hour week has also been applied for nearly 25 years. In 1947 New South Wales and Queensland adopted legislation prescribing a maximum working week of 40 hours and, following the decision of the Commonwealth Court of Conciliation and Arbitration on the 40-hour week in the same year, the industrial tribunals of the four remaining States made provision for the incorporation of the 40-hour week in their awards and determinations. From the beginning of 1948 a standard working week of 40 hours has applied to practically all employees in Australia whose conditions of work are regulated by industrial authorities. The 40-hour week was introduced into New South Wales by the Industrial Arbitration (Forty Hours Week) Amendment Act, 1947. In New South Wales the public servants work a 35-hour week.

Under section 30(1)(a) of the Victorian Labour and Industry Act, 1958, wages boards are empowered to determine hours of work in the trades for which they have been appointed. The standard hours of work laid down by Victorian determinations are 40 per week. The determinations of three boards provide for standard hours exceeding 40 per week (not to exceed 48 hours for dairy farm workers; 44 hours for agricultural and pastoral workers and 44 hours for fruit growers). Victorian public servants work a 38-hour week.

Section 14(1) of the Queensland Industrial Conciliation and Arbitration Acts, 1961 to 1964, provides, inter alia, that every Queensland award shall be deemed to contain a provision which permits the employees to work not more than 40 hours with a period of six consecutive days, except in certain callings and under certain prescribed circumstances.

The standard hours of work prescribed in Queensland awards are 40 per week. The Queensland Industrial Conciliation and Arbitration Commission a discretionary power to fix in excess of 40 hours in only a few cases (rural industries, essential services and domestic service). The Queensland public servants work a 36 1/4-hour week.

Section 25(1)(a) of the South Australian Industrial Code, 1967-1971, empowers the South Australian Industrial Commission to deal with all industrial matters pursuant to the relevant part of the Code. Section 5 defines industrial matters as, inter alia, including all or any matters relating to the hours of employment in any industry. The standard hours of work under South Australian awards are 40 per week. Public servants in South Australia work a 37 1/2-hour week.

Section 61(1)(b) of the Western Australian Industrial Arbitration Act, 1912-1971, empowers the Western Australian Industrial Commission to inquire into any industrial matter or dispute in any industry and to make an order or award fixing the number of hours to be worked in order to entitle workers to the wages fixed by the Commission.

The standard hours of work under Western Australian awards are 40 per week. Public servants in this State work a 37 1/2-hour week and workers covered by awards of the Western Australian Coal Industry Tribunal, established under the Mining Act, 1904-1971, work a 35-hour week. For workers employed in factories, shops and warehouses not covered by an industrial award or agreement, the Factories and Shops Act, 1963-1970, prescribes the hours of work for women and young persons and males over 16 years of age. Women are not allowed to work more than 40 hours in a week, but provision is made for additional hours to be worked to cope with work pressure to 56 hours in the week. Young persons may not work overtime. Men may be required to work no more than 40 hours per week with allowance to work overtime but the over-all hours per week may not exceed 60 with appropriate penalty rates for overtime.

Under section 23(1)(a) of the Tasmanian Wages Boards Act wages boards may determine all matters relating to hours and days of work in relation to the trades for which they have been appointed. The standard hours of work under Tasmanian determinations are 40 per week. The determinations of the Agriculturists Board and the Horticulturists Board provide for a standard working week of 44 hours. Tasmanian public servants work a 36 3/4-hour week.

In Australia, except for a few awards, which provide for standard weekly hours in excess of 40, the overwhelming majority of Australian workers who are covered by awards who work in excess of 40 hours per week are paid overtime wages. The normal overtime rate is time-and-a-half for the first three or four hours and double thereafter, with double time for work on Sundays and holidays.

As regards the Commonwealth Public Service, Public Service Arbitrator Determinations No. 10 of 1921 and No. 74 of 1948 provide that payment for overtime is to be made at the rate of time-and-a-half for overtime worked Monday to Friday and at the rate of time-and-a-half for the first three hours and double time thereafter for overtime worked on Saturday. Although the prescribed weekly hours of work under these determinations are 36 3/4, the prescribed weekly hours before overtime is payable are 38. Under Determination No. 44 of 1929 payment for overtime shall be made at the rate of

time-and-a-half for the first three hours and double-time thereafter. Under Determination No. 32 of 1956, General Conditions of Service, holiday overtime duty is paid double-time-and-a-half and overtime duty for Sunday is double-time. These overtime provisions do not apply to all employees of the Commonwealth Service; regulations prescribe that certain officers, including those whose salary exceeds a specified rate of pay, shall not be eligible to receive overtime payments.

The application of the principle of the 40-hour week in Australia did not result in any reduction in the standard of living.

The (Commonwealth) Conciliation and Arbitration Act is administered by the Department of Labour and National Service except for some provisions which are administered by the Attorney-General's Department. The Public Service Arbitration Act and the industrial provisions of the Coal Industry Act are administered by the Department of Labour and National Services. The State Acts are administered by the State Departments of Labour.

The application of the principle of the 40-hour week is supervised and enforced by the Commonwealth and State labour inspection services. Inspectors are attached to the Commonwealth and State Labour Departments to secure the observance of awards and determinations. Commonwealth arbitration inspectors are appointed under section 125 of the Conciliation and Arbitration Act for the purpose of securing the observance of the Act and regulations and awards made thereunder.

Since the introduction of the 40-hour week, employers have been unsuccessful in applications for restoration of the 44-hour week and later for an increase in weekly hours to 42 with an increase in weekly rates of pay equivalent to two hours at ordinary time rates.

New Guinea

Native Employment Ordinance, 1958-1971.

Apprenticeship Ordinance, 1967-1970.

Public Service (Papua-New Guinea) Ordinance, 1963-1971.

Administration of Servants Ordinance, 1958-1967.

Royal Papua-New Guinea Constabulary Ordinance, 1965-1970.

Industrial Relations Ordinance, 1962-1971.

Industrial Organisations Ordinance, 1962-1970.

Article 1 of the Convention. Under the provisions of the Native Employment Ordinance, 1958-1971, the maximum hours are 44 hours a week from Monday to Saturday inclusive. Overtime for shift workers is all time worked in excess of eight hours in any one day, all time worked on a public holiday and all time worked in excess of 44 hours in any period of seven days. For the purpose of calculating overtime payments, the annual wage is divided by the number of working hours in a year. Time-and-a-half is payable for ordinary overtime, double-time for Sundays and single-time for holiday overtime on the basis that the normal wage includes payment for holidays. An employee may be given time off in lieu of overtime payments.

The hours of work prescribed for an apprentice, under the Apprenticeship Ordinance, 1967-1970, are the normal hours appertaining to the trade to which apprenticed, not exceeding 44 hours in any seven days. The ordinary hourly rate for overtime is time-and-a-half and double-time for Sundays and public holidays. During the first three years of apprenticeship, overtime is limited to six hours in any one week and except for the purpose of meeting a sudden emergency an apprentice in the fourth or fifth year of apprenticeship is not obliged to work more than fifty hours in any one week.

The normal hours of work prescribed under the Public Service (Papua-New Guinea) Ordinance, 1963-1971, are 36 3/4 hours per week.

Under the Administration Servants Ordinance, 1958-1967, the normal hours of work are as set down for officers of the Public Service under whose immediate direction the Administration Servants work, provided that they may at any time be required to work up to forty hours per week without additional payments.

Under the Royal Papua-New Guinea Constabulary Ordinance, 1965-1970, the working week means 36 3/4 working hours. The specific working hours under the Teaching Service Ordinance, 1970-1971, are not stated in the Ordinance because hours are worked in accordance with a Code of Ethics drawn up by the Teaching Association and the Commission. However, in no case are they more than 36 3/4 hours, and in many cases they are less.

The above-mentioned Ordinances are administered respectively by the Secretary of Labour, the Public Service Boards, the Apprenticeship Board, the Commissioner of Police, the Teaching Service Commission and various officers of the Department of Labour.

The normal number of hours which may be worked in any one week by workers (other than those in the public sector) in Papua-New Guinea is forty-four. Consequently, the provisions of the Convention are not applicable in the light of the country's current situation.

Norfolk Island

Public Service Ordinance, 1941.

Australian Public Service Act, 1922-1972.

Article 1 of the Convention. The principle of the forty-hour week is applied by means of the Public Service Ordinance, 1941, by regulations and decisions made thereunder by the Minister for External Territories and by the Australian Public Service Act, 1922-1972, and regulations thereunder. Administration salaried staff work a 36 3/4-hour week; administration wages staff, a 40-hour week. Other employees are not covered by legislation, but their hours tend to follow those of the wages staff (40 hours).

The Public Service Ordinance is administered by the Minister for External Territories. The Public Service Act is administered by the Prime Minister of Australia.

No immediate action is contemplated to adopt measures to give effect to those provisions of the Convention not yet covered by the national law or practice.

Papua

See under Convention No. 47, New Guinea.

Convention No. 53: Officers' Competency
Certificates, 1936

ISRAEL

Port Regulations (Seamen) 5732-1971 (Official Gazette, 5.10.1971).

Article 1 of the Convention. The above regulations do not apply to vessels less than 100 tons gross which are not tugs of 500 BHP or over, fishing vessels of 8 metres in length or over.

Article 3. Different classes of competency certificates are required for the performance of certain duties on vessels, tugs and fishing vessels. Certificates issued by traditional maritime countries are, in general, recognised.

In case of force majeure, the master may order a non-certificated seaman to perform a duty which requires a certificate until the first port of call. A detailed entry thereof must be made in the official logbook.

Article 4. The regulations contain provisions in conformity with paragraphs 1 and 2 of this Article. Israeli syllabuses exceed the recommendations contained in the ILO/IMCO "Document for Guidance 1970".

Article 5. All Israeli vessels, in which a non-certified seaman is employed in a duty which requires a certificate, may be declared unseaworthy by the proper authority and prevented from sailing. Criminal and disciplinary actions may also be taken against the seaman, the master, and the shipowner who employed him.

Article 6. The criminal penalties prescribed by law for not observing the provisions of paragraphs 2(a), (b) and (c) include imprisonment or fines or both penalties. The employment of a non-certified seaman in a duty which requires a certificate, is a grave disciplinary offence and the seaman and the master who commit the offence are liable to disciplinary measures imposed by the Disciplinary Committee for the Israeli Merchant Marine, including total or partial disqualification from serving on board Israeli vessels for a certain period not exceeding 5 years or permanently; and suspension or repeal of an Israeli certificate of competency for the same period.

The Department of Shipping and Ports in the Ministry of Transport supervises the manning of every Israeli vessel by checking every crew list and any change therein. The crew list of every vessel engaged in international voyages must be submitted before or immediately after the sailing. Foreign certificates must be recognised.

PANAMA

Labour Code, Cabinet Decree No. 252 of 3 December 1971
(Gaceta Oficial, 18 February 1972) (sections 252 and 253).

Commercial Code, Act No. 2 of 22 August 1916 (section 1184).

Article 1 of the Convention. No exemptions have been granted of the type provided for in paragraph 2.

Article 3(a). Under Panamanian law appropriate certificates of competency are required for the performance on board a vessel of the functions of master, pilot, navigating officer in charge of a watch and engineer.

(b) Certificates of competency issued by the public authorities of a foreign country are recognised if they fulfil the requirements laid down in the Merchant Navy Regulations and if the holders are competent to perform the functions in question.

(c) Section 7 of the Labour Code defines force majeure.

Article 4(a). The minimum age for the obtention of the certificates of competency mentioned in Article 3 of the Convention is 21 years and the minimum period of professional experience required is three years' service on board in the case of pilots and engineers and five years in the case of masters or skippers.

(b) Theoretical and practical examinations are organised and supervised by the Merchant Navy Department of the Ministry of Labour and Social Welfare.

As regards paragraph 3 of this Article, advantage has been taken of this exception only where no properly competent persons are available, and then in accordance with the standards laid down in this paragraph.

Article 5. The national authorities may detain vessels which are in breach of the provisions of this Convention. The detention order is issued by the Merchant Navy Department.

Article 6. Penalties are prescribed for shipowners or their agents or masters who infringe these provisions (fines of from 100 to 1,000 balboas).

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

TUNISIA

Act No. 62-13 of 24 April 1962 to promulgate a Maritime Commercial Code (Journal official (JO), 27 April 1962, No. 22, p. 483; 4 May 1962, No. 23, p. 510).

Act No. 67-52 of 7 December 1967 to promulgate a Maritime Labour Code (JO, 12 December 1967, No. 52, p. 1563; errata: Ibid, 16 January 1968, No. 2, p. 30) (LS 1967, Tun. 2).

Act No. 69-28 of 9 May 1969 to ratify Convention No. 55 (JO, 13 May 1969, No. 19, p. 580).

Decree No. 70-235 of 16 July 1970 to publish International Labour Convention No. 55 (JO, 12 July 1970, No. 35, p. 932).

Article 1 of the Convention. Section 97 of the Maritime Labour Code excludes from the scope of Part IV, Chapter II, of the Code, which deals with sickness and injury, "the crews of pleasure vessels of less than ten tons gross tonnage and vessels of less than five tons fitted out for coastal navigation".

Foreign seamen have the same rights as Tunisian seamen as soon as their names are registered in the crew list of a Tunisian vessel. In this connection, refer to Article 1(2) of the Maritime Labour Code, which defines a seaman as "any person engaged for service on board a vessel and recorded in the crew list".

Article 2. Section 96 of the Maritime Labour Code states that sections 93 and 95 of the Code, dealing with the shipowner's obligations when a seaman is taken ill or injured, do not apply:

"(1) if the seaman caused the sickness or injury by his own wilful act or gross negligence;

(2) if the sickness or injury is the direct result of the seaman's drunkenness;

(3) if the sickness or injury is attributable to a lack of discipline on the seaman's part, and especially if he leaves the vessel without permission".

Recourse has not been had to the provisions of Article 2, paragraph 3, because section 20 of the Maritime Labour Code states that a seaman may not be entered on the crew list unless he has been medically examined.

Article 3. Section 93 of the Code provides that "a seaman shall be cared for at the vessel's expense if he is taken ill or injured while under contract. The shipowner's obligation shall lapse on the seaman's recovery or admission to benefit from a social security authority.

"Where a seaman is engaged by the voyage, the shipowner shall be responsible for him until his return to the port where he is due to disembark or, if he recovers before the end of the voyage, until his recovery."

The limit to the shipowner's obligations towards a sick or injured seaman is laid down in section 95 of the Code, which provides that: "in cases covered by section 93 the shipowner shall pay the sick or injured seaman compensation corresponding to his full pay for the first two months and to half pay for the next two months".

"The shipowner's liability shall cease on the seaman's recovery or the stabilisation of his injury or, if he has been engaged by the voyage, on his return to the port of disembarkation specified in the agreement:

Provided that, where sickness benefit is paid by a social security authority, the shipowner's liability shall be limited to the payment of the difference between such benefit and the compensation calculated in accordance with the first paragraph of this section.

Where a seaman is remunerated, either wholly or in part, by a share in the profits or freight, any wages due to him in accordance with this section shall be calculated on the basis of the average daily remuneration payable in the port of embarkation to seamen in the same grade and class; such wages shall be determined by the maritime authority, unless application is made to a court of law."

Moreover, according to section 99 of the Code, "a seaman serving on board a vessel other than a vessel engaged in the coasting trade shall be entitled to his food for as long as his name is entered on the crew list".

Finally, as regards accommodation, section 106 of the Code requires the shipowner "to provide every seaman on board a vessel with suitably equipped quarters having proper ventilation and lighting; such quarters shall be proportionate to the number of persons occupying them and shall be exclusively reserved for such persons' use".

Article 4. Apart from the cases in which the legislation concerning industrial accidents and occupational diseases should apply, the rights of a seaman who falls ill or is injured while in the service of the vessel are governed by the provisions of sections 91 to 98 of the Maritime Labour Code.

Sections 93 and 95 deal with the length of the period during which medical care and maintenance are the liability of the shipowner.

As Tunisian seamen are insured under the general social security system, any seaman who falls ill or is injured must be examined by a doctor recognised by that system.

Finally, although section 1(2) of the Code excludes from the definition of "seaman" masters and trainees in training ships, these persons are covered by the various social benefits available to seamen (cf. the rules of the Tunisian Shipping Company concerning sea-going personnel).

Article 5. See section 95 of the Code, mentioned above.

Article 6. Section 110 of the Code provides that "a seaman who is put ashore or left behind when his contract ends abroad shall be entitled to be repatriated at the vessel's expense to the port of disembarkation stipulated in the contract".

Moreover, section 111 states that "in the absence of agreement to the contrary a seaman who is not put ashore at or repatriated to his port of embarkation in Tunisia shall be entitled to conveyance to that port".

Article 7. According to section 71 of the Code, "the cost of burying or repatriating a seaman's body shall be borne by the shipowner if the seaman dies on board or if he dies ashore and at the time of his death was still in the shipowner's employment, as provided in this Code".

Consequently, the shipowner must pay all the funeral expenses of a seaman who dies; the amount is not specified in the legislation and varies according to local custom.

Article 8. Section 98 of the Code stipulates that "an inventory of the effects left on board by a sick or injured seaman or a seaman who has died shall be immediately drawn up by the master in the presence of two other seamen and transmitted to the dependants via the maritime authority on the shipowner's responsibility".

Article 9. If a dispute arises between a shipowner and a seaman, the consular authority takes action in accordance with the provisions of sections 151 et seq. of the Code, which deal with such disputes.

Moreover, according to section 94, the maritime authority (the consular authority in a foreign part) may, when a seaman is put ashore in a foreign port because he is ill or injured, "require the master to deposit security with such bank as may be specified (and subject to a proper settlement of accounts in due course) for the sum that is likely to be necessary for the seaman's treatment and repatriation".

Article 10. Cf. section 96 of the Code, mentioned above.

Article 11. Section 1 of the Code defines the terms "seaman" and "master" without making any distinction as regards nationality.

Article 12. Nothing in national legislation affects any agreement between shipowners and seamen which ensures more favourable conditions than those provided by the Convention.

The maritime authority is responsible for ensuring compliance with the above legislation and regulations.

Convention No. 58: Minimum Age (Sea)
(Revised), 1936

MAURITIUS

The Employment of Children, Young Persons and Women Act,
No. 10 of 1968.

Article 1 of the Convention. Section 2 of the Act defines the term "ship" as any sea-going ship or boat of any description registered in Mauritius including all coasting vessels.

Article 2. Section 2 of the Act defines a child as a person under the age of 15 years. Section 7(1) provides that no child shall be employed on board of any ship, unless it has been approved by the Minister as a school or training ship. In accordance with its Section 18(1)(a), the Act shall not apply in cases where only members of the same family are employed in an undertaking or on board of a ship.

Article 3. See under Article 2 above.

Article 4. Section 9 of the Act provides that when young persons are employed on board a ship, there shall be kept by the master of the ship a register in which shall be entered the names and surname of such young persons, their date of birth, the date of commencement and termination of their employment, the conditions and nature of their employment and such other particulars as may be prescribed. Such young persons are defined under section 2 of the Act as persons who have attained the age of 15 years but who are under the age of 18 years.

The Ministry of Labour, with the help of the Marine Services, is the authority entrusted with the application of the Act.

PANAMA

National Constitution.

Labour Code (Cabinet Decree No. 252 of 30 December 1971).

Article 1 of the Convention. The definition of the term "vessel" given in the Convention gives rise to no difficulties as concerns the application of these provisions to Panama.

Article 2, paragraph 1. In Panama the employment of children under 15 years of age on board vessels is absolutely forbidden, and they may not even work on vessels upon which only members of the same family are employed, since the Ministry of Labour considers such work to be dangerous..

Paragraph 2. This optional clause has not been invoked in Panama.

Article 3. Since it is strictly forbidden for children under 15 years of age to work on board ship, the same applies to school-ships.

Article 4. No provision is made in Panama for a register of the type referred to in Article 4 of the Convention to enable the ages of persons working on board vessels to be verified, but section 267 of the Labour Code does provide that every seaman must be in possession of a seaman's book.

The application of these provisions is supervised by the Ministry of Labour and Social Welfare and by the labour courts.

TUNISIA

Merchant Shipping Code, Act No. 62-13 of 24 April 1962.

Maritime Labour Code, Act No. 67-52 of 7 December 1967 (LS 1967 - Tun. 2).

Act No. 65-28 of 9 May 1969, for the ratification of this Convention.

Decree No. 70-235 of 16 July 1970, for the publication of this Convention.

Article 1 of the Convention. Since the sphere of application of the Maritime Labour Code is restricted to engagements for service on board Tunisian vessels that are required to keep a crew list, the term "vessel" may in effect be taken as including all ships and boats, of any nature whatsoever, engaged in maritime navigation, whether publicly or privately owned, with the exception of ships of war.

The Merchant Shipping Code defines a "vessel" as being a craft engaged in maritime navigation, and section 6 of the Code requires it to keep a crew list.

Articles 2, 3 and 4. Section 18 of the Maritime Labour Code stipulates that "subject to the special provisions applicable to ships' boys and apprentice seamen, no person shall be eligible for mustering if he has not reached the age of 18 years".

No woman is eligible for mustering if she has not reached "the age of 20 years".

A seaman is rated as -

- a "ship's boy" from 15 to 16 years of age;
- an "apprentice seaman" from 16 to 18 years of age;
- a "young seaman" from 18 to 20 years of age.

Accordingly, it is to be understood from section 143 of the Maritime Labour Code that no seaman may be employed on board a vessel unless he is at least 15 years of age.

The application of the laws and regulations mentioned above is entrusted to the Shipping Authority.

The Merchant Navy comprises a service specialising in the task of inspecting and supervising maritime employment.

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

TUNISIA

Act No. 66-27 of 30 April 1966 to promulgate a Labour Code.

Act No. 69-39 of 26 July 1969 to ratify Convention No. 59.

Constitution of Tunisia of 1 June 1959, and especially section 48.

Section 48 of the Constitution of Tunisia of 1 June 1959 reads as follows: "Diplomatic treaties have the force of law when they have been approved by the National Assembly. Treaties which are duly ratified take precedence over the law, even if they are in contradiction with it".

Sections 53 to 60 of the Labour Code contain provisions concerning the minimum age which are in harmony with those of the Convention.

Thus, section 53 of the Code corresponds to Article 2, paragraph 1, of the Convention, while section 54 reproduces almost in the same terms the wording of Article 2, paragraph 2 of the Convention.

The requirement of Article 4, that every employer must keep a register of all persons under the age of 18 employed by him, and of the dates of their birth, is laid down in section 59 of the Code.

Finally, the provisions of section 58 of the Code are in harmony with Article 5 of the Convention.

The labour inspectors are responsible for supervising the enforcement of the legal provisions concerning the minimum age and for making official reports on any infringements.

Convention No. 64: Contracts of Employment
(Indigenous Workers), 1939

PANAMA

Labour Code of 30 December 1971 (LS 1971 - Pan. 1).

According to the Labour Code, a contract of employment must be made in writing, except in the cases mentioned in section 67. In the absence of a written contract any facts or circumstances asserted by the worker are presumed to be true if they should have been written into the contract. This presumption may only be invalidated by the production of evidence leaving no room for any reasonable doubt (section 69).

Convention No. 65: Penal Sanctions (Indigenous Workers), 1939

PANAMA

Labour Code of 30 December 1971 (LS 1971 - Pan. 1).

No provision is made in the Labour Code for any penal sanctions for breach of contract. In practice all sanctions of the penal type have been abolished.

Convention No. 68: Food and Catering (Ships' Crews), 1946

PANAMA

Labour Code (Gaceta Oficial, 18 February 1972), section 128 (12).

Article 1 of the Convention. Under the terms of Act No. 8(a) of 1925, sea-going vessels are deemed to include vessels engaged in the transport of cargo or passengers.

Article 2. The competent authority is the Merchant Navy Department of the Ministry of Labour and Social Welfare, which frames and enforces the regulations. Abroad, the functions of inspection are delegated to the consuls of the Republic of Panama.

Article 3. The Merchant Navy Department supervises the application of the standards laid down in the Convention, in close co-operation with the shipowners and seafarers and with the authorities concerned with public health.

Article 4. The Merchant Navy Department has a corps of qualified inspectors.

Article 5. The standards concerning the provision of food and water supplies are laid down in regulations framed by the Merchant Navy Department in pursuance of section 128(12) of the Labour Code.

Article 6. The relevant standards are embodied in the regulations mentioned above. Inspections are normally carried out prior to each sailing.

Article 7. The persons responsible carry out periodic inspections at sea, their findings being corroborated by the Panamanian consuls in foreign ports.

Article 8. The Merchant Navy Department of the Ministry of Labour and Social Welfare, upon receipt of complaints from crew members or from any organisation of seafarers, takes great pains to carry out such inspections as are appropriate.

Article 9, paragraph 1. The inspectors have authority to make the necessary recommendations.

Paragraph 2. The penalties for infringements of the kind mentioned in this Article are fines of from 25 to 200 balboas.

Paragraph 3. Inspectors are required to submit detailed reports at least once a quarter.

Article 11. Accelerated vocational training courses are organised, in co-operation with the IFARHU, for catering staff.

Article 12. Periodical publications of the Merchant Navy Department on the latest developments for the improvement of nutrition and methods of purchasing food and storing it on board are made available to the persons concerned (shipowners, masters, kitchen staff and stewards).

Article 13. The competent department of the Ministry of Labour has delegated some of its functions to the consuls of the Republic of Panama abroad, as concerns the issuance of certificates of competency.

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

PANAMA

National Constitution, articles 4 and 75.

Labour Code, Cabinet Decree No. 252 of 30 December 1971.

Article 1 of the Convention. According to the report the application of this Article of the Convention gives rise to no difficulties.

Article 2. The meaning given to the term "ship's cook" corresponds to the definition given in this Article.

Article 3, paragraphs 1 and 2. No person without a certificate attesting that he is qualified to work as a cook may be engaged as ship's cook.

Article 4, paragraph 1. Every person applying for a job as a ship's cook must produce a certificate attesting to the fact that he has been employed in a restaurant or any other place where meals are prepared. Furthermore, the Institute for the Development and Advantageous Utilisation of Human Resources (IFARHU) organises courses for cooks.

Paragraph 2. No person may be granted a certificate of qualification as ship's cook unless -

(a) he has reached the minimum age of 18 years;

- (b) he had served at sea for a minimum period of six months;
- (c) he has been employed in a restaurant or any other place where meals are prepared, or has attended an IFARHU course with successful results.

Paragraph 4. Every person applying for a job as ship's cook must fulfil the minimum requirements stated above.

Article 6. Certificates of qualification issued in other territories are recognised in Panama if they are properly authenticated and vouched for.

The Ministry of Labour and Social Welfare (Merchant Navy Department) is responsible for supervising the application of these provisions.

SPAIN

Ministerial Order, 2 November 1968 (Official Bulletin, No. 269, 8 November 1968).

Ministerial Order, 6 October 1972 (ibid., No. 281, 23 November 1972).

Ordenanza Laboral de la Marina Mercante (ibid., Nos. 156-160, 1-5 July 1969).

Article 3, paragraph 2 and Article 5 of the Convention. No use has been made of these provisions.

Article 4. Minimum age for all seafarers is fixed in section 42 of the Labour Ordinance in the Merchant Marine. The minimum period of sea service required is two years. The examinations are organised by the competent authority. The certificates are issued by the Under-Secretary for the Merchant Marine.

Article 6. All certificates issued by other countries are recognised under conditions of reciprocity.

UKRAINE

Merchant Shipping Code of the USSR, approved by Decree of the Supreme Soviet of the USSR, of 17 September 1968.

Service rules for vessels of the USSR merchant marine, approved by the Ministry of Merchant Shipping on 23 October 1965.

Model regulations for vocational and technical schools, approved by the State Committee on Vocational and Technical Training of the USSR.

The Merchant Shipping Code applies to all merchant ships registered in the Ukrainian SSR.

The service rules define the duties of ships' cooks.

Section 34 of the service rules states that crew members, including the cook, may only be assigned to duties for which they have a proficiency certificate. There are no exceptions.

Ships' cooks are trained in vocational and technical schools and catering schools. The syllabus includes theory and practice of catering. At least three months' practical work on board is required. The minimum age for service as ships' cooks is 18.

The question of certificates issued by other countries does not arise, as under section 41 of the Merchant Shipping Code all crew members must be citizens of the USSR.

USSR

Merchant Shipping Code, approved by Decree of the Supreme Soviet of the USSR on 17 September 1968.

Rules for service on board Soviet sea-going vessels, approved by the Minister of Shipping on 23 October 1965.

Model regulations for vocational and technical training centres, approved by the State Vocational and Technical Education Committee of the Council of Ministers of the USSR.

Article 1. The Merchant Shipping Code of the USSR fully applies to all sea-going merchant ships registered in the USSR.

Article 2. Section 238 of the rules for service on board Soviet sea-going vessels defines the duties of a ship's cook.

Article 3. Section 34 of the above-mentioned rules applies this provision. No exemptions are granted.

Article 4. Ships' cooks are trained in the vocational and technical training centres run by the State Vocational and Technical Education Committee of the Council of Ministers of the USSR and in the cookery schools run by the Ministries of Commerce of the Union Republics. The syllabi provide for adequate examinations. The courses include at least three months' practical experience. The minimum age for duty as ship's cook is 18 years.

Article 5. There are no such exceptions.

Article 6. There is no need to recognise certificates of qualification issued in other territories, as only Soviet citizens are recruited.

Convention No. 71: Seafarers' Pensions, 1946PANAMA

National Constitution.

Legislative Decree No. 14 of 27 August 1954 to amend Act No. 134 of 27 April 1943 respecting the Social Insurance Fund (Gaceta Oficial, 10 September 1954, No. 12467) (LS 1954 - Pan. 1).

Cabinet Decree No. 252 of 30 December 1971 to approve the Labour Code (Gaceta Oficial, 18 February 1972, No. 17040).

Article 2 of the Convention. The only workers to be excepted are those employed in the service of the State or on board vessels belonging to the State, who are subject to the relevant civil service rules, in accordance with the arrangements made for decentralised institutions or institutions operated by the Central Government, depending on where their services are performed.

Article 3. Members of the crew are entitled to an old-age pension on reaching the age of 60, on condition that they have completed a minimum period of 15 years' service, either consecutively or otherwise. The pension rate is equal to 50 per cent of the basic monthly wage, plus 1 per cent of the wage for every 12 full contribution months in excess of the first 120 contribution months. Additional amounts may also be awarded if the pensioner has a wife and/or children under 14 years of age (or under 18 years of age if they are continuing their studies or irrespective of age if they are disabled and dependent on the pensioner). No old-age pension, when taken together with any family allowances that are payable, may exceed 80 per cent of the basic monthly wage. The basic monthly wage is taken to be the highest average wage corresponding to the last 120 or 180 contributions, or the basic monthly wage for the entire period of membership.

The contributions payable by seafarers are equal to 5 per cent of their monthly wage; they also cover sickness, disability and survivors' insurance.

Article 4. A right of appeal is guaranteed in the event of a dispute.

Both employers and workers are represented on the board of management of the social security scheme.

For the authorities responsible for applying the Convention, see under Convention No. 8.

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

PANAMA

National Constitution

Labour Code, Cabinet Decree No. 252 of 30 December 1971.

Article 1 of the Convention, paragraphs 1, 2 and 3. The provisions and definitions given in Article 1 may be applied without difficulty by the labour authorities.

Article 2. The Convention applies to every person engaged in any capacity on board a vessel with the exception of the persons listed in the report.

Article 3, paragraphs 1 and 2. In Panama every person applying for a job must produce a medical certificate at the employer's request (section 126(9) of the Labour Code). In practice every person applying for employment on board a vessel is required to produce a medical certificate. It follows that no person not in possession of a medical certificate signed by a medical practitioner attesting to his fitness for the work in question may be engaged for employment on board a vessel.

Article 4. The Government states in its report that, while the provisions of this Article are not reproduced exactly in the national legislation, effect is in fact given to them by section 275 of the Labour Code, which stipulates: "Matters not provided for in this Code shall be dealt with in accordance with maritime usage and custom and with the relevant international Conventions."

Article 5, paragraphs 1, 2 and 3. The report states that the period of validity of a medical certificate varies from six months to one year and that the provisions of Article 5 of this Convention are strictly applied by virtue of section 275 of the Labour Code, mentioned in connection with Article 4.

Article 6. Exceptions of the type provided for in this Article are virtually unknown and have been made in only two or three cases.

The authority competent to allow such exceptions is the Maritime Employment Inspectorate of the Ministry of Labour and Social Welfare.

Article 8. In Panama a person may consult as many medical practitioners as he thinks fit with a view to obtaining a medical certificate.

UKRAINIAN SSR

Merchant Shipping Code of the USSR, approved by Decree of the Presidium of the Supreme Soviet of the USSR on 17 September 1968.

Health Rules for Soviet Vessels, approved by the Deputy Chief Medical Officer of the USSR on 22 July 1969.

Instructions concerning the Medical Certification of Newly-Appointed and Long-Service Sea-Going Personnel.

The above-mentioned statutory standards apply to all sea-going vessels engaged in the transport of cargo or passengers for commercial purposes and registered in the Ukrainian SSR, and to all members of the crews of the said vessels.

No seaman can be recruited or can remain in service if he has not passed the medical board and has not been certified as fit for the current year for the occupation concerned.

Examinations of newly-appointed and long-service personnel are carried out by medical specialists familiar with the special features of maritime employment, and are completed by X-rays and functional-diagnostic tests.

Each doctor reports whether a seaman is fit for employment, and the general conclusion is arrived at by a medical board under the chairmanship of the head doctor of the polyclinic or hospital.

Details of the examination are entered in the medical booklet carried by all seamen of the USSR merchant fleet which is valid for one year, until the next medical examination.

Should the validity of the booklet expire while the owner is still at sea, it is extended to coincide with the end of the voyage.

Any complaint by a seaman that the medical board's conclusions are incorrect is dealt with by a special committee set up at a higher level health body under the chairmanship of the said body's director.

USSR

The Merchant Shipping Code of the USSR.

The Health Rules for Soviet sea-going vessels, approved by the Deputy Chief Medical Officer of the USSR on 22 July 1964.

The list of medical contra-indications to the recruitment of members of the crews of sea-going vessels, approved by the Ministry of Health of the USSR in 1954.

The instructions respecting the medical examination of newly-appointed and long-service sea-going personnel.

Articles 1 and 2. The above-mentioned rules and regulations apply to all sea-going vessels of the Soviet Union and the members of their crews.

Articles 3 and 4. All persons entering employment as crew members for the first time or persons having already served in that capacity are subject to a medical examination or re-examination to ascertain their physical fitness for the occupation. The entire crew of every sea-going vessel is medically re-examined every year by specialists who are well acquainted with the working conditions of seafarers.

The type of medical examination to be given and the details to be entered in the medical booklet held by each member of the Soviet Merchant Marine are laid down in the above-mentioned instructions.

Article 5. The medical booklet remains in force for a period of one year. Permission to serve on board a vessel is given for the same period by an oculist, not only as regards the person's eyesight but also as regards his colour vision. Should the period of validity of a medical examination expire while the vessel is on a voyage, it is allowed to remain in force until the end of the voyage.

Article 6. No use is made of this permission since service on board ships is restricted to persons having been declared physically fit for this work and possessing a valid medical booklet.

Article 7. No provision is made in the legislation currently in force for a seaman to give evidence of his physical fitness for employment in a sea-going vessel in substitution for his medical booklet.

Article 8. To enable any dispute arising out of a seaman's complaint against the unwarranted decision of a medical board to be resolved, arrangements have been made by the water transport health section for each area to set up a special committee meeting under the chairmanship of the chief of the section or the senior inspector of the health care and preventive medicine services.

Article 9. Compliance with the provisions of the Convention is ensured by the shipowners, who are required to record, at the appropriate time, the appearance of all new recruits for a medical examination and the appearance of all crew members for a periodic medical examination, and to abide strictly by the medical findings.

Responsibility for supervising merchant shipping on behalf of the State lies in the USSR with the Soviet Ministry of Shipping, which ensures compliance with the legislation governing merchant shipping and with any international agreements relating to merchant shipping to which the Soviet Union is a party.

Responsibility for supervising compliance on behalf of the State with the health aspects of the Health Rules for Soviet sea-going vessels lies with the authorities of the Soviet Ministry of Health and the corresponding authorities of the Union Republics.

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

TUNISIA

Act No. 66-27 of 30 April 1966 to promulgate the Labour Code.

Decree No. 68-71 of 14 March 1968 concerning the employment of children over 15 years of age on light work.

Decree No. 68-83 of 23 March 1968 determining the types of work requiring special medical supervision.

Order of the State Secretariat for Youth, Sports and Social Affairs of 12 July 1968.

Articles 1-2 of the Convention. According to the Labour Code, children and young persons under 18 years of age may not be engaged until they have been medically examined by a qualified doctor to determine their fitness for the job.

Article 3. The continued employment of young persons is subject to a further medical examination every six months.

Articles 4-5. For work involving special risks, a periodical medical test of fitness is required up to the age of 20 years. Such medical examinations are free of charge.

Article 7. The results of the medical examinations are entered in a register which can be examined by the labour inspectors.

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

PANAMA

Labour Code, sections 125 and 126(9).

National Constitution of the Republic, section 4.

The worker must undergo a medical examination, as required by section 126(9) of the Labour Code. Medical certificates for young persons are valid for one year at a time, but the competent authority may alter this periodicity. The Ministry of Labour determines what jobs are dangerous and call for more frequent medical examinations. Plans are drawn up for the physical and occupational rehabilitation of young persons. Special working conditions are laid down for young persons who are fitted only for limited employment. The employer is required to keep a register of the young persons he employs. There are no regional exceptions to the application of the Convention.

Convention No. 81: Labour Inspection, 1947

PARAGUAY

Labour Code, Act No. 729 of 31 August 1961 (Gazeta Oficial, 31 August 1961, No. 64) (LS 1961 - Par. 1).

Decree No. 3286 of 4 March 1964 to organise the Labour Directorate.

Act No. 200 of 17 July 1970 to establish the Public Service Rules.

Articles 1 and 2 of the Convention. The field of competence of the Labour Inspection Service covers commercial, industrial, agricultural and livestock undertakings.

Article 3. In accordance with section 5 of Decree No. 3286 of 4 March 1964, the essential function of the Labour Inspection Service is to ensure compliance with the labour laws.

Article 4. The Labour Inspection Service comes under the Labour Directorate (central authority) of the Ministry of Justice and Labour.

Article 5. The inspection services co-operate with other Government services as and when the need arises.

Article 6. The legal status and conditions of service of labour inspectors, as public officials, are governed by Act No. 200 of 17 July 1970 establishing the Public Service Rules.

Article 7. Inspectors are given initial training and, after a trial period to prove their aptitude and ability, enter the inspection service. Subsequent training for male and female inspectors takes the form of courses organised by the Labour Directorate.

Article 8. In training inspection staff there is no discrimination based on sex since posts of labour inspector are held by both men and women.

Article 9. When the need arises the inspection service requests the co-operation of qualified experts and specialists from public or private institutions.

Article 10. The strength of the inspection staff is fifteen for the capital, five for the regional inspectorates and six for industrial undertakings where the extent of activities and number of workers are such as to require the constant presence of inspectors to apply the labour laws and settle labour disputes.

Article 11. Provision is made for labour inspectors to be reimbursed any travelling or incidental expenses incurred in the performance of their duties.

Article 12. Inspectors with credentials issued by the Labour Directorate operate in accordance with the powers conferred on them by Decree No. 3286. They submit daily reports on their work, in accordance with the regulations issued by the Labour Directorate.

Through the Labour Directorate, the labour administration authority ensures compliance with labour legislation, thereby fostering, among both employers and workers, understanding of their rights and duties; this enables the Government's work on behalf of economic and social development to become a means of achieving further progress.

SUDAN

Factories and Workshops Regulations, 1950.

Article 1 of the Convention. A system of labour inspection is maintained.

Article 3. Labour inspectors are responsible for inspection concerning the wages and conditions of service of non-agricultural establishments. Factory inspectors are responsible for inspection concerning safety in factories and workshops.

The labour inspectors may, in small labour offices, also be responsible for mediation.

Articles 4 and 5. The Labour Department is the competent authority for labour inspection. The Occupational Health Department in the Ministry of Health also takes part in inspection in its field of competence. There is full co-operation between both departments.

Article 6. The labour inspectors are permanent civil servants with stability of employment and freedom from external pressures.

Article 8. Due to the difficulty of the job, no requests were received from women for appointment as labour inspectors.

Article 9. Medical specialists, electrical and mechanical engineers participate in factory inspection.

Articles 10 and 11. The number of labour inspectors and the facilities placed at their disposal and their training are not considered to be sufficient.

Article 12. The inspectors have all the legal powers needed to carry out their duties.

Article 14. Notification of accidents is compulsory.

Article 15. The provisions of this article are covered by civil service regulations.

Article 18. Adequate penalties are provided.

Articles 19 and 20. Monthly reports are made by labour inspectors and are published in an annual report.

Article 21. Such statistics are, as a rule, provided.

Convention No. 86: Contracts of Employment
(Indigenous Workers), 1947

PANAMA

Labour Code of 30 December 1971 (LS 1971 - Pan. 1).

No contract of employment for a specified period may be concluded for longer than one year (section 74 of the Labour Code). The only exception envisaged in this section relates to services requiring special technical preparation.

Convention No. 88: Employment Service, 1948

PANAMA

Constitution.

Labour Code (Decree No. 252 of 30 December 1971. Gaceta Oficial No. 17.040 of 18 February 1972).

Article 1 of the Convention. Under the Labour Code, the State has the duty of developing a national employment policy, and the employment service is responsible for the placement of every person wishing to work.

Article 2. There are regional offices of the employment service in each province.

Article 3. Besides the above-mentioned regional offices, municipalities are authorised to establish placement offices in each district.

Article 6. The employment service has the following functions: to keep a register of the unemployed who are seeking work and of employers with vacancies; to provide employment to those registered, with due regard to their capacities, aptitudes and needs; to investigate the causes of unemployment and make studies to form the basis of a full employment policy; to collect relevant information from other public and private bodies and individuals.

Article 7. In collaboration with the Institute for Training and Improvement of Human Resources, the employment service has undertaken programmes for specialised training for occupations and industries in which skilled workers are needed. It is required by the Labour Code to give special attention to finding work for the disabled.

Article 8. The employment service is also required to give special attention to the vocational training and placement of youth.

Article 9. For training and preparation of employment service staff, fellowships are provided to send staff to seminars and courses abroad, and internal seminars are held to improve the capacity of the whole staff.

Article 10. Activities to encourage the maximum voluntary use of the employment service are carried on jointly with employers' and workers' organisations.

Article 11. Private placement agencies may function for a specific period provided for by the Labour Code and under the control of the employment service.

Article 12. There are no regional exceptions to the application of this Convention.

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

SPAIN

Labour Ordinance for the Merchant Navy of 20 May 1969 (Boletín Oficial, Nos. 156-160, 1-5 July 1969).

Article 1 of the Convention. No provision has been made for the exemption of vessels of less than 200 gross register tons.

Article 2. Use has not been made of the exemptions provided for in paragraph 2.

Article 3. The provisions of paragraph 7, being inconsistent with section 152 of the Ordinance, have not been applied.

Article 5. Effect is given to the provisions of this Article by section 159 of the Ordinance.

Convention No. 92: Accommodation of
Crews (Revised), 1949

PANAMA

Labour Code, Cabinet Decree No. 252 of 30 December 1971 (section 128).

Article 1 of the Convention. This Convention applies also to vessels between 200 and 500 tons.

The proviso contained in paragraph 5 of this Article has not been invoked.

Article 3. The authority responsible for supervising and ensuring the application of the provisions of the Convention is the Merchant Navy Department of the Ministry of Labour and Social Welfare. The penalties imposed for infringements consist of fines ranging from 100 to 1,000 balboas.

The Merchant Navy Department of the Ministry of Labour and Social Welfare submits draft regulations to the shipowners' and seafarers' organisations for prior consultation.

Article 5. Seafarers' trade unions may submit complaints about crew accommodation to the Merchant Navy Department of the Ministry of Labour and Social Welfare, whose inspectors will carry out an inquiry and give instructions as to the measures to be taken, avoiding as far as possible any delay in the ship's sailing.

Article 8. The Merchant Navy Department has published regulations laying down minimum standards for heating systems.

Article 13. The minimum amount of fresh water to be supplied per crew member per day may not be less than 4 gallons.

Article 16. The requirements laid down in the foregoing Articles have not been modified in the case of the ships mentioned in paragraph 5 of Article 10.

Article 18. The Merchant Navy Department of the Ministry of Labour and Social Welfare requires alterations to be made while vessels are under construction or undergoing reconversion or major repairs in order that effect may be given to the provisions of Part III of this Convention.

UKRAINE

Health Rules for Soviet Vessels, approved by the Deputy Chief Medical Officer of the USSR on 22 June 1964.

The Convention is fully complied with by the above-mentioned Health Rules which apply to all vessels, with the exception of warships and small boats used for recreation. They apply equally to all newly built ships and to ships entering into service after refit.

In the Ukrainian SSR, State enforcement of the Health Rules is exercised through the health organisations of the Republic.

USSR

Health Rules No. 484-64 for Soviet Seagoing Vessels, approved by the Deputy Chief Medical Officer of the USSR on 22 June 1964.

Articles 1-18 of the Convention. The provisions laid down in Articles 1-17 of the Convention are fully covered by the Health Rules for Soviet seagoing vessels, which apply to all self-propelled and other vessels except vessels belonging to the Ministry of Defence and the State Security Committee, and also small pleasure vessels.

The part of the Health Rules relating to the installation and equipment of vessels fully applies, without any exceptions whatever, to all newly-built ships. Ships brought into service after being repaired must fully comply with the Health Rules according to instructions issued by the health and epidemiology services of the local health authorities.

Compliance with the Health Rules is supervised on behalf of the State by the health and epidemiology services of the Ministry of Health of the USSR and the ministries of health of the Union Republics. Ministries and departments are required to submit all projects, together with relevant explanatory notes relating to vessels under construction or reconstruction for the approval of the above-mentioned authorities, which have the right to prohibit any vessel from being brought into service until the necessary health measures have been taken

Convention No. 95: Protection of Wages, 1949

PANAMA

Labour Code of 30 December 1971 (Decreto de Gabinete No. 252, 30 December 1971). (LS 1971 - Pan. 1.)

Article 2 of the Convention. Public employees have been exempted from the application of the standards set out in the Labour Code. Their conditions and status will be regulated by special legislation.

Article 4. The provisions of this Article are covered in articles 144 and 151 of the Labour Code.

Article 7. The legislation of the country provides for price controls which limit the amounts which may be charged for necessities. Further, article 138(2) of the Labour Code forbids employers from forcing workers to purchase goods or services.

Article 8. Article 161 of the Labour Code specifies the deductions which may be made from the wages of workers.

Article 10. Provisions concerning the attachment and assignment of wages are to be found in articles 157, 162 and 163 of the Labour Code.

Article 11. The rights of workers in respect of wage claims in the event of bankruptcy of the employer are set out in articles 166 and 167 of the Labour Code.

Article 12. Maximum intervals for the payment of wages are specified in the first paragraph of article 148 of the Labour Code. Provisions concerning the settlement of wages upon the termination of employment are to be found in article 168 of the Code.

Article 14. Labour Code articles 148, paragraphs 2 and 3, 152 and 128 contain provisions implementing this Article.

Article 15. The Labour Code which provides for the protection of wages has been published and sufficiently disseminated in the country.

SUDAN

Employers' and Employed Persons' Ordinance, 1949.

Article 1 of the Convention. The definition of "wages" given in the Employers' and Employed Persons' Ordinance (section 2) includes fringe benefits as well as basic wages.

Article 2. Casual workers, domestic servants, agricultural workers, civil servants, etc., are excepted from the legislation (section 3 of the Ordinance).

Articles 3-4. In the absence of a special contract, wages (other than benefits in kind, such as food, fuel or quarters) are paid in money (section 16 of the Ordinance).

Article 5. Wages are paid to the employed person himself or to any person authorised by him in writing (section 17 of the Ordinance).

Article 8. In the absence of special provisions in the contract, wages are paid without any deduction whatsoever (section 17 of the Ordinance).

Article 9. Only an employment agency approved by the Commissioner of Labour may receive any money or valuable consideration as a reward for obtaining employment for an employed person (section 31 of the Ordinance).

Article 10. No employer may make any deduction from wages on account of any advance made to an employed person (section 19 of the Ordinance).

Article 12. Wages are payable at a daily, weekly, fortnightly or monthly rate (section 14 of the Ordinance). If an employer terminates a contract of service, he is required to pay the employed person all wages due to him within two days of the termination of the contract (section 15 of the Ordinance).

Article 14. No action may be brought on a contract of service not to be completed in six months unless it is in writing (section 4 of the Ordinance).

Article 15(a). A summary of the Ordinance is posted up by the employer in the place of work.

(b) Penalties for breaches of the Ordinance are provided for in section 36.

(c) Every employer is required to keep a record of wage payments (section 28 of the Ordinance).

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

AUSTRALIA

New Guinea

Industrial Relations Ordinance, 1962-1971.

Native Employment Ordinance, 1958-1970.

Article 1 of the Convention. Minimum wage rates of most categories of workers, particularly in agricultural undertakings, are covered by legislation through the Industrial Relations Ordinance. In the private sector expatriates have no protection by legislation as regards minimum rates of pay. Wage-fixing machinery, however, is available to all workers through the Industrial Relations Ordinance.

Article 2. The Industrial Relations Ordinance provides that the weekly cash wage shall not be less than the minimum prescribed and that appropriate deductions for accommodation, food, clothing and other articles be made upon agreement between the employer and employee.

A minimum ration scale and quality specifications in respect of deductions for food, clothing and other articles and accommodation for workers are prescribed by the Native Employment Ordinance.

Article 3. Minimum wages applying to workers employed in agricultural undertakings are prescribed under the Industrial Relations Ordinance.

Under the Industrial Relations Ordinance there is provision for industrial agreements to be negotiated and registered as Awards which may apply to persons of all races. There is also provision under the Ordinance for the establishment of Boards of Inquiry to investigate and report upon wage rates and conditions of employment in rural industries.

Amendments to the Industrial Relations Ordinance which came into force in March 1972 provide for the establishment of a Minimum Wages Board. The Board has decision-making powers subject only to the same controls as are imposed upon tribunals established under

the Industrial Relations Ordinance. The Board consists of a Chairman appointed for a specified period and not less than four other members appointed on an ad hoc basis for each matter referred to it by the Administrator. Before legislation was introduced to establish the Board there was full consultation between employer and employee organisations as well as assistance from specially qualified persons. Hearings of the Board are initiated by the Administrator referring a matter to it and where representatives of employers or employees are appointed to the Board there must be equal representation. Minimum wage rates which have been fixed are binding on all employers and are not subject to abatement.

There is no legal provision to permit exceptions to the minimum wage rates in individual cases where necessary to prevent curtailment of opportunities of employment of physically or mentally handicapped workers. Such provision has been found unnecessary as the indigenous social structures provide for the handicapped in the village environment.

Article 4. Amendments to legislation affecting wages and conditions of employment are promulgated in the Government Gazette. Officers of the Labour Inspectorate in the course of their duties ensure that workers are in receipt of the minimum wages prescribed.

The Native Employment Ordinance provides for the recovery of the underpaid portion of a worker's wages. It also provides a fine of \$200 for any employer who fails to provide an employee with all terms or conditions of service or matters and things required to be provided under the Ordinance.

Expatriate employees of private employers are usually engaged by private agreement but their wages and working conditions can be regulated to some extent by the Industrial Relations Ordinance 1962-1971.

Papua

See under New Guinea, Convention No. 99.

COLOMBIA

Labour Code: Decrees Nos. 2663 of 5 August 1950 and 3743 of 20 December 1950 (Diario Oficial (DO), No. 27407, 9 September 1950, and No. 27504, 11 January 1951) (LS 1950 - Col. 3A and 3B), as amended up to 1966 (DO, 19 January 1951, 26 March and 25 April 1956, 19 October 1957, 8 June 1961 and 6 May 1966) (LS 1951 - Col. 1, 1956 - Col. 1, 1957 - Col. 1, 1961 - Col. 1, 1965 - Col. 1, and 1966 - Col. 1).

Act No. 187 of 1959 respecting minimum wages and the sliding-scale wage bonus.

Ministry of Labour Decree No. 1233 of 1969 for the approval of Order No. 1 of 1969 of the National Wages Board.

Article 1 of the Convention. The minimum wage rates for workers employed in agricultural undertakings are fixed by the National Wages Board, a tripartite body set up under Act No. 187 of 1959.

Article 2. It is permissible under the Labour Code (section 129) and by virtue of rulings given by the Supreme Court for wages to be paid partly in kind in the form of food, accommodation and clothing for the personal use of the worker and his family; regulated by the Labour Code (section 129), the value of wages in kind must be specified in any contract of employment or, if there is none, established by an expert.

Article 3. The National Wages Board comprises two representatives of the national associations of private employers and two representatives of the national organisations of private employees. The rates it fixes are binding and are not subject to abatement (section 4 of Act No. 187 of 1959).

The supervision of the application of the provisions concerning minimum wages is primarily the responsibility of the labour inspectorate. Fines are prescribed in the event of infringements.

HUNGARY

Labour Code (Act No. II of 8 October 1967). (LS 1967 - Hun. 2A).

Decree No. 34 of 8 October 1967 to implement the Labour Code (LS 1967 - Hun. 2B).

Ordinance No. 7/1971/IV.1/MûM of the Minister of Labour stabilising the basic individual remuneration of workers and employees (Magyar Közlöny, 1 April 1971, No. 22).

Ordinance No. 10/1971/VI.30/Mém of the Minister of Agriculture to fix the basic remuneration of manual workers and salaried employees in agriculture (ibid., 3 June 1971, No. 50).

Article 1, paragraph 1 of the Convention. Under section 45(1) of the Labour Code and section 61(1) of its implementing decree, the basic wages are fixed by the Minister of Labour in concert with the competent ministry.

Paragraph 2. Section 12(2) of the Labour Code prescribes that the matters relating to working conditions may not be regulated by the Minister but in agreement with the competent trade unions. Accordingly, Ordinance No. 7/1971/IV.1/MûM to determine basic wages of workers and employees has been passed in agreement with the Central Council of the Hungarian Trade Unions, and Ordinance No. 10/1971/VI.30/Mém to fix agricultural basic wages has been passed in agreement with the Hungarian Foodworkers Union, the Hungarian Union of Building, Woodworking and Building Materials Industries, the Hungarian Civil Service Workers' Union and the Hungarian Agricultural and Forestry Workers' Union.

Paragraph 3. The national legislation provides for no exception.

Article 2. Professional grants are not included in the basic wages.

Article 3, paragraphs 1 to 3. See under Article, 1, paragraph 2.

Paragraph 4. Prescribed basic wages are binding on employers and workers concerned.

Article 4, paragraph 1. Order No. 17/1968/IV.14/Korm. provides that the employer who does not pay the prescribed wage shall be fined. Ordinances fixing the basic wages were published in the Official Gazette and the Agricultural and Food Bulletin.

Paragraph 2. Any worker not having received the minimum wage may submit a claim to the competent arbitration committee or judicial court.

Article 5. The minimum wages in force have been fixed by Ordinances No. 7/1971/IV.1/MuM and No. 10/1971/IV.30/MéM.

SPAIN

Labour Charter of 9 March 1938 (Principle III) (Boletín Oficial del Estado, 10 March 1938) (LS 1938 - Sp. 1).

Act respecting contracts of employment (consolidated text approved by Decree of 26 January 1944) (*ibid.*, 24 February 1944) (LS 1944 - Sp. 1).

Act of 16 October 1942 to lay down rules governing the drawing up of employment regulations (*ibid.*, 23 October 1942) (LS 1942 - Sp. 2).

Act of 24 April 1958 respecting trade union collective agreements (*ibid.*, 25 April 1958) (LS 1958 - Sp. 1).

Regulations of 22 July 1958 under the Act respecting trade union collective agreements (*ibid.*, 18 August 1958).

Order of 2 October 1969 to approve general regulations for rural work (*ibid.*, 7 October 1969) (LS 1969 - Sp. 2).

Decree No. 1844 of 21 September 1960 to regulate the remuneration payable for work done by one person for another (*ibid.*, 11 October 1960) (LS 1960 - Sp. 2).

Decree No. 622/72 of 23 March 1972 respecting the rate of the minimum interoccupational wage (*ibid.*, 24 March 1972).

Act No. 39 of 21 July 1962 respecting the organisation of the Inspectorate of Labour (*ibid.*, 23 July 1962) (LS 1962 - Sp. 4).

Decree No. 2122 of 23 July 1971 to approve regulations for the Inspectorate of Labour (*ibid.*, 21 September 1971) (LS 1971 - Sp. 5).

Article 1 of the Convention. The minimum wage legislation is concerned with the minimum interoccupational wage and applies equally to all types of work, including those in agriculture, as provided in the Order of 1969 to approve general regulations for rural work. At the present time the minimum interoccupational wage is fixed by Decree No. 622 of 23 March 1972. It has been decided to review the minimum wage on 1 April each year.

Article 2. Under section 1 of Decree No. 622 of 23 March 1972, it is possible for part of the wages to be paid in kind, the amount so paid being reckoned towards the total wage. Section 87 of the Order to approve general regulations for rural work allows wages to be paid in kind, but not beyond 30 per cent of the total. Section 88 states that, where full board is provided by the undertaking, up to 20 per cent may be deducted from the worker's wages.

Article 3. The Act of 16 July 1942 provides for the trade union representatives of workers and employers to be present and consulted when wages are fixed. If they are fixed by collective agreement, the decision must be taken by a committee consisting of the trade union representatives of both parties.

Under section 1 of the Decree of 21 September 1960, minimum wage rates are binding on the employers and workers concerned. When collective agreements are concluded, the stipulations may not be less favourable than those generally in force or operate to their detriment.

Article 4. All the laws, regulations and orders made in Spain are certain to be brought to the knowledge of employers and workers, since they are published in the Boletín Oficial del Estado. For any law or regulation to be legally binding it has to be published in this way. The Inspectorate of Labour is responsible for supervising the working conditions and payment of remuneration in agriculture. Responsibility for dealing with disputes lies with the labour courts, which have their own basic legislation.

Article 5. All the laws and regulations apply to the population employed in agriculture, forestry and stockbreeding generally, other than self-employed persons; the total number of persons involved on 31 December 1970 was 1,110,549.

TURKEY

Labour Act No. 1475 (dated 25 August 1971).

Minimum Wage Regulations (Official Gazette, No. 14097 dated 12 February 1972).

Article 1 of the Convention. Under section 33 of the Labour Act, minimum wages are fixed every two years by the Ministry of Labour through a Minimum Wage Commission and cover all agricultural workers working under contracts of employment; these include workers in agriculture and livestock production, forestry, timber, industry, hunting and fishing.

Article 2. Minimum wages are fixed in cash under the Labour Act and partial payment in kind is not allowed; any payments in kind are ignored for the calculation of wages.

Article 3. The minimum wage-fixing machinery was established after consultation with employers' and workers' organisations. The Minimum Wage Commission is composed of five government, five workers' and five employers' delegates. In case of agricultural minimum wages, two more representatives are included, one from workers' and one from employers' organisations in agriculture. Section 7 of the Regulations provides for co-ordination with the employers' and workers' organisations, which may be subjected to questionnaires if necessary. The decisions of the Minimum Wage Commission, taken by majority votes, have a legally binding character.

Minimum wages for workers under 16 years of age are fixed separately taking into account the economic conditions in the country.

Article 4. The Ministry of Labour has the authority to inspect and control all the establishments through labour inspectors and to impose sanctions. The workers and their trade unions are entitled to bring legal action to enforce their rights.

Article 5. The Minimum Wage Commission is still working on the determination of minimum wages. The results will be obtained after its decision come into force. Decision No. 1 dated 30 May 1969 which is in force covers the whole country, dividing the provinces into six categories for which distinct wages are fixed.

Convention No. 100: Equal Remuneration, 1951

AFGHANISTAN

In Afghanistan wages and salaries are the same for similar work. The Constitution and the national law make no distinction between the remuneration of men and women workers. In practice there is no discrimination between them in either the private or the public sector.

For instance, the same remuneration is payable to men and women teachers and to male and female employees in undertakings and offices and in other social, political, economic and cultural activities.

SUDAN

The principle of equal remuneration for men and women is applied to government employees and the same pay scales are provided for male and female employees of government, except some posts which are considered as female. But female employees in the administrative and professional scale are not entitled to pension or gratuity.

As for minimum wages, there is no discrimination between male and female workers.

There is no effort so far to apply the principle of equal remuneration to the business sector.

Convention No. 101: Holidays With Pay
(Agriculture), 1952

COLOMBIA

Labour Code (Diario Oficial, 26.754, 26 June 1948 and 26.773, 21 July 1948) (LS 1950 - Col. 3) as amended. (Decree No. 617 of 1954; LS 1954 - Col. 1B; Decree No. 2351 of 1965, LS 1965 - Col. 1; Decree No. 13 of 1967, LS 1967 - Col. 1A).

Decree No. 995 of 1968 implementing Law No. 73 of 1966 (incorporated in the Labour Code by Decree No. 13 of 1967).

Decree No. 443 of 1969 implementing section 41(2) of Decree No. 2351 of 1965.

Article 1 of the Convention. Section 186 of the Labour Code provides for all workers an annual holiday with pay of 15 working days after a period of one year's service.

Article 2. Section 6 of Decree No. 995 of 1968 requires the notification by the employer to his workers of the date when annual leave is to be granted.

Article 3. See under Article 1 above. Section 7 of Decree No. 995 of 1968 requires at least a leave of six working days to be granted annually, postponement being allowed only for the remainder.

Article 4. See under Article 1 above.

Article 5. Under section 8 of Decree No. 995 of 1968 accumulation and compensation in lieu of holidays is prohibited in regard to workers under the age of 18. Section 189, paragraph 2 of the Labour Code provides for compensation in lieu of unused holidays in case of contract termination, taking into account any fraction of more than six months' service. Section 186, paragraph 1, of the Code provides for holidays in terms of working days ("días hábiles"), thus excluding also temporary absences due to sickness or accident from the holiday period.

Article 6. See under Article 3 above.

Article 7. Under section 192 of the Code, the worker shall receive, in respect of the holiday period, his usual remuneration.

Article 8. Section 14 of the Code prohibits waiver of rights and prerogatives under the labour laws.

Article 9. Section 189(2) of the Code; see under Article 5 above. Section 189(3) of the Code provides that compensation shall be calculated on the basis of the last salary received.

Article 10. Under section 485 of the Code the Ministry of Labour is responsible for the application of the Labour Code. Powers of inspectors and penalties are regulated by Decree No. 2351, section 41 and by Decree No. 443 of 1969.

ECUADOR

Labour Code of 1 June 1971.

Article 1 of the Convention. Article 314 of the Labour Code provides that general provisions of the Code regarding, *inter alia*, holiday leave will be applied to the agricultural sector. Article 68 of the Code, each worker has a right to an annual holiday with pay of fifteen days, non-working days included.

Article 2. The organisations charged with regulating holidays with pay are the private undertakings themselves in accord with laws and regulations, and in agreement with employers, workers and government agencies. Labour inspectors are charged with ensuring that the labour provisions are respected.

Article 3. The minimum period of continuous service required for the entitlement to paid holiday leave is determined by national law.

Article 4. Representative organisations were not consulted as there is no categorisation of persons to whom the provisions of the Convention apply.

Article 5. (a) Under Article 68 of the Code, workers under 16 years of age are entitled to twenty days of holiday; those between the ages of 16 and 18 are entitled to eighteen days.

(b) Article 68 of the Code provides that workers after five years of service in the same undertaking will have an additional entitlement of one day of holiday for each additional year, up to a maximum of fifteen extra days.

(c) This provision may be deemed to be covered by Article 70 of the Code which provides for proportional payment in lieu of holiday for a worker who is separated from or who leaves his job without having enjoyed a holiday.

(d) Article 64 provides that Sundays and Saturday afternoons as well as certain dates as specified within the Article are obligatory holidays; the fifteen-day holiday period granted under Article 68 is inclusive of non-working days.

Articles 6, 7 and 9. These Articles are said to be applied by the provisions of Article 68 of the Code.

Article 10. The application of the provisions of the Convention is ensured by the Ministry of Social Security and Labour and by the labour inspection services.

Articles 14 and 15. The Convention is applied equally throughout the territory of the Republic.

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

MAURITANIA

Act No. 67-039 of 3 February 1967 to institute a social security scheme (Journal Officiel, No. 202/3 of 22 March 1967) (LS 1967 - Mau. 1).

Part VI. Employment Injury Benefit

Article 32 of the Convention. Under the law every person sustaining an employment accident or contracting an occupational disease is entitled to benefit.

Article 33. The categories protected are the workers registered with the Social Security Fund.

Article 38. Benefit is granted throughout the contingency. In the event of incapacity for work it is payable as from the day following cessation of work. Benefit is suspended only if a worker moves from his usual address, except as otherwise provided in a bilateral agreement or an international Convention.

Part VII. Family Benefit

Articles 39 and 41. Under the terms of section 28 of the Act of 3 February 1967, the persons protected are workers who have worked for 18 days or 120 hours in a month.

Article 42. Benefit consists of periodical payments and free assistance to mothers and their infants.

Article 44. The family allowance is 600 francs per month per child.

Article 45. Benefit is suspended if the beneficiary moves from his usual address.

Part VIII. Maternity Benefit

Article 48. The persons protected are all women workers who have been registered with the Social Security Fund for 12 months prior to the date of confinement and who have completed 54 days or 360 hours of gainful employment over the three calendar months preceding cessation of work.

Article 49. Provision is made for pre-natal examinations, pre-natal medical care and a birth grant, as well as for hospitalisation.

Article 50. Provision is made for a periodical payment.

Article 51. Under the Labour Code benefit in the form of medical care is also secured to the wives of workers.

Article 52. Maternity leave lasts for 14 weeks, and may be extended in the event of complications to 17 weeks.

Part IX. Invalidity Benefit

Article 56. Benefit consists of a periodical payment calculated in the manner laid down in section 52 of the Act.

Article 57. Eligibility for benefit is conditional upon having been registered with the Fund for five years and having completed six insurance months prior to the onset of the incapacity.

Article 58. Benefit is payable until the beneficiary reaches the age of entitlement to an old-age pension.

Part X. Survivors' Benefit

Article 60. Entitlement to a widow's pension lapses on remarriage.

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

MONGOLIAN PEOPLE'S REPUBLIC

Constitution of the People's Republic of Mongolia (Peaslee, Vol. 2, Part 2, p. 751).

Labour Code.

Decree No. 20 (1958) issued by the Council of Ministers.

Criminal Code.

Regulations concerning State Inspection of Conditions of Labour, ratified by a Joint Decree, No. 317/81 (1967), promulgated by the Council of Ministers and the Presidium of the Central Council of Mongolian Trade Unions.

Article 1 of the Convention. The Government states that the Convention is applied to all women employed in state institutions, co-operatives, public organisations, and undertakings both industrial and non-industrial, or privately employed at home.

Article 2. The Government indicates that the terms "woman" and "child" are interpreted as they are in the Convention.

Articles 3 and 4. According to the Government's report, a woman who has worked without interruption for seven months shall be released from work for 45 days before childbirth and for 45 days thereafter, during which time she shall enjoy full pay (if she has worked for between 3 and 7 months she shall be released from work during the same periods, during which time she shall be on half-pay) (section 93 of the Labour Code). A woman who has suffered complications at childbirth (or has given birth to twins) shall be released from work for 60 days thereafter, during which time she shall receive the requisite assistance.

Monetary assistance from social insurance funds has to be paid out at the place of work (sections 114 and 115 of the Labour Code).

Women receive free medical care in state maternity homes, together with free board and lodging (section 79 of the Constitution).

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

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

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

Article 6. The Government states that persons who have dismissed a pregnant woman because of her pregnancy (or have dismissed a nursing mother) may be sentenced to corrective labour for up to eighteen months (section 104, Criminal Code).

Article 7. No exception.

According to the Government's report, the public prosecutor and the Labour and Wages Committee of the Council of Ministers (together with trade union organisations, women's associations and other public bodies) check the application of these provisions.

Convention No. 104: Abolition of Penal Sanctions
(Indigenous Workers), 1955

COLOMBIA

Labour Code (LS 1950 - Col. 3).

There are no penal sanctions for breaches of labour contracts by workers. The standards laid down in the Labour Code apply also to indigenous workers.

ECUADOR

Political Constitution of the State.

There exist no penal sanctions for any breach of a contract of employment, the effects of which would be even more serious in the case of agricultural work.

PANAMA

See under Convention No. 65.

Convention No. 105: Abolition of Forced
Labour, 1957

ALGERIA

Ordinance No. 66-156 of 8 June 1966 concerning the Penal Code.

Forced labour is not provided for by any laws or regulations.

PARAGUAY

Constitution of 25 August 1967.

Labour Code of 13 August 1961 (LS 1961 - Par. 1).

Article 104 of the Constitution provides that the penal law shall punish as an offence any form of servitude or personal dependency incompatible with human dignity. The provisions of the Convention are implemented by the Labour Code. Compulsory military service is provided for in Article 125 of the Constitution.

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

COLOMBIA

Labour Code of 1950 (LS 1950 - Col. 3A).

Legislative Decree No. 2351 of 1965, for the amendment of the Labour Code (LS 1965 - Col. 1).

Decree No. 995 of 1968.

Article 2 of the Convention. Section 172 of the Labour Code provides for a Sunday rest period of 24 hours.

Article 3. Section 175 of the Code allows the Sunday rest period to be replaced either by a compensatory rest period or by a payment in lieu.

Furthermore, section 12 of Decree No. 2351 of 1965 provides for the payment of double time for any hours worked on Sunday.

Section 183 of the Code provides for the compensatory rest to be taken either during the week following the Sunday when work was performed or from noon or 1 p.m. on Sunday to noon or 1 p.m. on Monday.

Section 185 of the Code stipulates that the day of weekly rest must be made known to the workers in advance.

Article 5. Section 182 of the Code allows work to be performed on Sundays by certain persons (technicians) without compensatory rest but with compensatory remuneration, on more generous terms than are provided for in the Convention.

Article 6. Section 172 of the Code provides for a Sunday rest period.

Article 7. Section 4 of Decree No. 995 of 1968 stipulates that where work is carried on continuously seven days out of seven the undertaking concerned must notify the regional directorate of labour or the labour inspectorate. In such cases sections 175 and 183 of the Labour Code, concerning compensatory rest or a payment in lieu, are applicable.

Article 8. Section 180 of the Labour Code provides that every employee who works exceptionally on the weekly rest day is entitled to choose between compensatory time off and a payment in lieu.

Article 9. Section 173 of the Code stipulates that wages must be paid in respect of the Sunday rest day even if the worker has not worked on all the working days in the preceding week, provided that his absence was due to the fault of the employer or that he had just cause for being absent, such as an accident, sickness, force majeure or some other fortuitous circumstance.

Article 10. Section 485 of the Code lays down that the supervision of the application of the provisions of the Labour Code is the responsibility of the Ministry of Labour.

Section 41 of Decree No. 2351 of 1965 provides that officials of the Ministry of Labour may exercise this supervision and impose fines upon offenders.

Convention No. 107: Indigenous and Tribal
Populations, 1957

COLOMBIA

National legislation on indigenous peoples (Ministry of the Interior: General Directorate for Community Integration and Development, Bogota - Imprenta Nacional, 1970).

Decree No. 117 of 8 December 1969 to make certain regulations under Act No. 135 of 1961 respecting the allocation of land, the division and distribution of "resguardos" and the extension to the indigenous communities of the benefits of agrarian reform.

Article 1 of the Convention. The size of the indigenous population of the country is around 300,000.

Article 2. There are four training centres for indigenous leaders and 14 interdisciplinary committees for assistance to and protection of the indigenous population. These committees are composed of a sociologist, a social worker, two craftsmen, an expert on cattle raising, a nursing assistant, a welfare visitor and a machine operator. In addition linguistic and anthropological research is carried out by agreement with the Summer Institute of Linguistics and programmes are under way in respect of land-use planning, the promotion of the economy and the organisation of indigenous communities. There are also courses to train indigenous affairs officers and indigenous leaders.

The authorities responsible for these programmes are the Ministry of the Interior (Indigenous Affairs), the Colombian Institute for Agrarian Reform, the Institute for the Development of Renewable Natural Resources, the Ministry of National Education, the Colombian Anthropological Institute, the National Council on Indigenous Policy and the Ministry of Health.

Article 3. The purpose of the laws and regulations on the indigenous population and of the assistance and protection programmes is to ensure compliance with these provisions.

Article 4. The National Committee on Indigenous Policy has been set up as the principal body among the agencies and people dealing with the indigenous population.

Article 5. The indigenous population is in daily contact with the personnel of the assistance and protection committees at the training courses and local and national assemblies. The elective institutions are constituted by the municipal councils organised under Act No. 89 of 1890. Documents attesting citizenship are given to Colombian-born persons for the purposes of identification and voting.

Article 6. See Article 2.

Article 7. In the "Arhuaco", "Guajiro", "Kogui", "Guahibo" and "Bari" communities disputes are settled according to the customs and traditions of community law.

Article 8. Act No. 89 of 1890 provided that general laws and regulations did not apply among the primitive communities whose way of living was being changed by the missionaries, nor among indigenous communities already living in what was considered to be a "civilised" way. On 14 May 1967 the Supreme Court of Justice considered the said Act to be rescinded. In practice judges apply the ordinary law to indigenous persons and, in criminal cases, indigenous persons enjoy the benefit of extenuating circumstances.

Article 9. According to the Act of 1921 no services whatsoever may be exacted from indigenous persons without payment. The Committees for Indigenous Affairs ensure compliance with this provision.

Articles 11 and 13. In Colombia there are "resguardos", set up by the Spanish Crown and governed by Act No. 89 of 1890, and reservations created under Decree No. 2117 of 1969.

Article 12. The habitual territories correspond to the "habitat" which is the area in which the indigenous group has its settlement. This is clearly defined in the case of sedentary groups but ill-defined in the case of the semi-nomadic or forest-dwelling groups.

Article 14. The Colombian Institute for Agrarian Reform is responsible for the allocation of lands and the distribution takes place by the creation of reservation areas, the division of "resguardos" and the allocation of virgin land.

Article 15. There are no special labour laws covering the indigenous population, to whom the Labour Code applies.

Articles 16 to 18 and 27. See Article 2.

Convention No. 108: Seafarers'
Identity Documents, 1958

DENMARK

This Convention is implemented by the Ministry of Commerce Circular of 21 October 1971 on Seafarers' Identity Documents. The organisations of shipowners and seafarers have co-operated in the organisation of the arrangement.

FINLAND

Act respecting the Signing on and off and the Registration of Seamen (258/37) (LS 1937 - Fin. 3).

Seamen's Act (341/55) (LS 1955 - Fin. 2).

Decree on Foreigners (187/58).

Decrees relating to the Agreement between the Nordic countries on the abolition of passport inspection in respect of their nationals (178/58) and (Sop S 70/65).

Decree on Passports (90/60).

Decree giving effect to the Seafarers' Identity Documents Convention (832/70).

Article 1 of the Convention. The competent authorities determine what categories of persons are to be regarded as seafarers. If needed, this takes place in consultation with the shipowners' and seafarers' organisations concerned.

Article 2(1). Under the present Decree on Passports any seafarer engaged on board a ship used in foreign trade navigation may obtain a special seafarer's passport free of charge. A seafarer may possess simultaneously a valid seaman's passport and a valid ordinary passport for travels abroad.

Article 3. According to the Decree on Passports in force the maximum period of validity of a seafarer's passport is five years. In case a seafarer applies for a passport in a foreign country he may be given a temporary seafarer's passport for nine months at the most.

The shipowners' and seafarers' organisations concerned were consulted in respect of the form and content of seafarers' identity documents used at present

Article 4. The Ministry of Interior determines the form of a seafarer's passport, which contains the particulars mentioned in the Convention.

Article 6. A seafarer's identify document which complies with the provisions of the Convention is considered to constitute an adequate evidence of identify, and seafarers may enter freely ashore to carry out errands relating to a seafarer's normal work. On the other hand, a foreign seafarer is not allowed to travel freely in the country holding only a seafarer's identify document, but must then also possess a valid ordinary passport issued in his country of origin.

As regards the entry into the country of a foreign seafarer, the relevant provisions are contained in Finland in the Decree on Foreigners. A foreign seafarer who wants to come into Finland in order to be engaged here on board a ship shall possess a passport and in some cases even a visa. On the other hand, a foreigner who is entered in the list of crew, may be granted a shore leave without a passport in Finland during the time the ship normally stays in port. It is required then that he holds a valid identity document and that the local police authority considers that no obstacle exists. A foreign seafarer who has been signed off in Finland must be treated as a foreigner arriving in Finland.

ICELAND

An Icelandic seafarer's identity document has been established, in accordance with the provisions of Article 4 of the Convention.

NORWAY

Directorate for Seamen, Instructions D No. 126, S No. 132
and R No. 153, dated 17 September 1971.

Article 1 of the Convention. Identity documents for seamen are issued to Norwegian citizens who are engaged for service on Norwegian ships which mainly ply in foreign trade or on foreign ships registered in a territory to which the Convention applies.

Article 2. The identity document used is the seaman's book (combined cover for seaman's book/certificate).

However, seaman's identity documents are not issued to persons who under existing regulations are not required to be signed on, or who are engaged for service on foreign ships as mentioned above under Article 1, unless they already hold the combined cover for seaman's book/certificate in connection with previous service. A seaman who is a Norwegian citizen, but who is not entitled to identity document under the above provisions, may use as identity document for the purposes of the Convention a passport stating that he is a seaman.

Article 3. Section 11 of the Seaman's Act implicitly provides that the seaman is entitled to have the seaman's book in his own care.

Article 4, paragraph 2. The Sea Service Book used by Norway as the identity document contains a statement that it is a seafarer's identity document for the purpose of the Convention.

Paragraph 5. The period of validity of the identity document is ten years and may be renewed for another ten years.

Paragraph 6. The application of the Convention has been effected after consultation with the principal shipowners' and seamen's organisations.

Article 5. The scheme comprises Norwegian citizens only.

Article 6. Amendments and additions to the regulations concerning the admission of aliens were effected in order to give effect to the Convention. The holder of a seaman's identity document does not require a visa, but he must fill in entry and departure forms and is required to observe certain time limits in connection with being signed on. The Police may on request prolong the time limit of 14 days but not beyond 30 days, reckoned from the signing off, without obtaining the consent of the State Aliens' Office.

PANAMA

National Constitution (articles 4, 75 and 76).

Labour Code, Cabinet Decree No. 252 of 30 December 1971 (section 267).

Article 1, paragraph 1 of the Convention. There is no difficulty in giving effect to this paragraph in Panama.

Paragraph 2. In Panama all persons working on board a vessel are deemed to be seafarers. Nevertheless, in the event of any doubt, the question would be determined by the Merchant Navy Department.

Article 2, paragraph 1. Every seaman must be in possession of a seafarer's identity document, known in Panama as a seaman's book.

Paragraph 2. These seamen's books are issued by the Ministry of Labour and Social Welfare and by the Panamanian consuls abroad in pursuance of section 267 of the Labour Code.

Article 3. The Merchant Navy Office requires a seaman to have his seaman's book with him at all times.

Article 4, paragraph 1. There are two types of seamen's books, one for crew members and one for officers.

Paragraph 2. The seaman's book, which contains the required particulars, constitutes the statement called for in this paragraph.

Paragraph 3. Section 267 of the Labour Code specifies the particulars to be included in the seaman's book.

Paragraph 4. The statement as to the nationality of the seaman included in the seaman's book is not deemed to be conclusive proof of his nationality, the only conclusive proof being the passport.

Paragraph 5. Any limit to the period of validity of a seaman's book is clearly indicated therein.

Paragraphs 6 and 7. Section 267 of the Labour Code. Two specimens of seamen's books in use are supplied.

Article 5. There is no difficulty in applying the provisions of this Article in Panama.

Article 6, paragraph 1. Entry into Panama is permitted in accordance with this paragraph.

Paragraph 2(a), (b) and (c). There is no difficulty in applying this paragraph; permission is granted only for the period the ship is in port.

The application of these provisions is the responsibility of the Ministry of Labour and Social Welfare and the labour courts.

USSR

Regulations respecting seafarers' passports of 9 December 1946.
Merchant Shipping Code.

Regulations respecting admission to and departure from the USSR,
of 22 September 1970.

Article 1. Section 39 of the Merchant Shipping Code defines vessels' crews. No cases of doubt have arisen.

Article 2. All seafarers belonging to the crew of a foreign-going vessel are issued with a seafarers' passport. Under section 41 of the Merchant Shipping Code only Soviet citizens are permitted to belong to a ship's crew, subject to some exceptions.

Article 3. The passport remains in the seafarer's possession.

Article 4. The question of preparing new provisions governing seafarers' identity documents is at present under discussion.

Article 5. Any person issued with a Soviet seafarer's passport may return to the territory of the Soviet Union.

Article 6. Any seafarer holding a valid identity document is entitled, while his ship is in a Soviet port, to enter the territory of the USSR for any purpose. Access to Soviet territory is obtained by making the appropriate application for permission to enter the country.

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

AFGHANISTAN

Constitution of 1 October 1964.

Under articles 25 and 37 of the Constitution the people of Afghanistan, without any discrimination or preference, have equal rights and obligations before the law. Work is the right and precept of every Afghan who is able to perform it.

The main purpose of laws designed to systematise labour is to achieve conditions such that the rights and interests of all categories of labourers are protected, suitable conditions of work are provided, and the relations between the workers and employers are organised on a just and progressive basis.

The citizens of Afghanistan are admitted to the service of the State on the basis of their qualifications and in accordance with the provisions of the law.

Work and trade may be freely chosen, within the conditions determined by the law.

COLOMBIA

Constitution of 1886.

Labour Code (LS 1950 - Col. 3, 1965 - Col. 1, 1967 - Col. 1).

Article 1 of the Convention. Under the Constitution "The authorities of the Republic are established to protect the lives, honour and property of all persons residing in Colombia and to secure the fulfilment of the social obligations of the state and of individuals" (art. 16); "Labour is a social obligation and shall enjoy the special protection of the state" (art. 17); "Foreigners shall enjoy in Colombia the same civil rights that are accorded to Colombians" (art. 11); "The state shall intervene by mandate of law, to give full employment to human and natural resources, following an income and wage policy according to which the principal objective of economic development is social justice and the harmonious betterment of the economy as a whole, and particularly the working classes" (art. 32); and "Everyone is free to choose a profession or occupation..." (art. 39).

According to its article 2, the Labour Code "... shall apply throughout the territory of the Republic to every inhabitant, irrespective of nationality".

There are no restrictions in the legislative or administrative provisions implying discrimination in respect of employment and occupation within the meaning of the Convention, since the labour standards of Colombia are extremely mindful of the need to protect the worker.

In practical relationships between persons or groups of persons there exists no discrimination but, as a matter of fact, there may be said to be restrictions of the following kind:

- (a) With regard to the admission to employment of men and women over 40 years of age, opportunities for employment are restricted for persons in this category, especially in the private sector, despite the fact that Act No. 15 of 14 November 1958, concerning the compulsory employment of Colombians of 40 years of age or over, and Decree No. 1256 of May 1960 to issue regulations thereunder require employers with more than ten employees in their service to employ a number of Colombian nationals of 40 years of age or over amounting to at least ten per cent of the total staff normally employed by them, and to at least 20 per cent of the total number of skilled workers or managerial or supervisory staff. In this respect undertakings confine themselves to complying with the minimum standards laid down in the Act;
- (b) restrictions are placed, in practice, upon the admission of married women to employment, even though these are prohibited by law;
- (c) in private undertakings a tendency is noted to pay lower wages to women than men, despite the fact that this is prohibited by law;
- (d) there is also discrimination on a regional basis in some parts of the country in respect of admission to employment.

As regards the access to vocational training, there exist no restrictions either in public or in private sectors.

Article 2. The Government promotes vocational training through state bodies such as the National Apprenticeship Service (SENA), the Public Administration High School (ESAP), technical institutes and advanced training centres, and it provides financial help to private educational (primary) and vocational institutions so as to prevent discrimination in respect of admission to vocational training on any basis mentioned in the Convention.

Article 3. There exist no legislative or other provisions, nor administrative practices, which are inconsistent with the national anti-discrimination policy.

Recruitment, promotion, conditions of employment, termination of employment, etc. in respect of employment under the direct control of a national authority are regulated by special legislation under the supervision of the Administrative Department of the Civil Service.

The National Employment Service, under the control of the Ministry of Labour, makes no discrimination between the job applicants.

The national policy of anti-discrimination has been carried out in all sectors of the social and economic activities of the country, within the limits of financial possibilities and taking into account the structural phenomenon of unemployment affecting Colombia.

As regards vocational training, the results have been satisfactory and people are increasingly becoming aware of the need for training, and are making use of the facilities which are being placed at their disposal free of charge.

Article 4. An individual who is justifiably suspected of, or engaged in, activities prejudicial to the security of the State has the right to appeal to a competent body in accordance with existing legislative provisions and national practice.

Article 5. Special measures designed for the protection of women workers, children, old age and invalidity etc. are provided for by the legislation and are not considered discriminatory.

The application of the above-mentioned legislation and administrative regulations is entrusted to the Ministry of Labour and Social Security, the National Apprenticeship Service (SENA) and the Ministry of Education.

PERU

Constitution of the Republic of Peru 1933.

Civil Code of 1936.

By virtue of clause 21 of Article 123 of the Political Constitution of Peru, ratified Conventions have the force of law.

The application of the standards of the Convention are guaranteed by the provisions of the Political Constitution of Peru of 1933.

"The Constitution and the Law afford protection to and carry obligations equally for all the inhabitants of the Republic. It shall be possible to issue special laws because the nature of things so demands, but not because of the difference of persons." (Article 23.)

"The State guarantees the freedom of work. Any profession, industry or occupation which is not contrary to morals, health, or public security may be exercised freely." (Article 42.)

"Freedom of conscience and belief is inviolable. No-one shall be persecuted on account of his ideas." (Article 59.)

"Respecting the sentiments of the national majority, the State protects the Roman Catholic apostolic religion. All other religions enjoy freedom in the exercise of their respective beliefs." (Article 232.)

The equality of wages, without distinction of sex, for equal work and the adequacy of wages to the needs of the workers' life are guaranteed by Article 1572 of the Civil Code.

In Peru there is no discrimination whether in the nature of distinction, exclusion or preference by reason of race, colour, sex, religion, etc.; and consequently there is equality of opportunity and of treatment in employment and occupation.

Decree Law 14460 of 25 April 1963 concerning the restricted percentage of foreigners who may be employed, governs the last part of above-mentioned article 23 of the Constitution. This provision lays down that a maximum of 20 per cent of foreigners may be employed in work centres, with the exception of technical personnel, foreigners married to Peruvian women or who have Peruvian children. Thus article 18 of Decree Law 19479 of 25 July 1972 provides that in any performance 80 per cent at least of the total number of artists must be Peruvian and that their remuneration shall not be less than 60 per cent of the total remuneration of all the artists. These percentages cover foreign artists married to Peruvians or with Peruvian children or who have been living in the country for ten years; they do not include those who enter the country as part of a company supplied with non-immigrant temporary artists' visas, with a contract not exceeding three months and provided there is reciprocity on the part of the country of origin.

The Revolutionary Government of the Armed Forces promulgated a General Education Law (19326) which provides that the benefits and opportunities of regular and extra-curricular education shall be extended to all members of the community without any distinction whatsoever. It should be stressed that this Law is inspired by profoundly humanitarian motives and pursues a genuinely democratic aim. The preamble to the Law points out that the fundamental virtue recognised by it is the dignity of men whatever their origin, their ideals or their social status.

A fundamental pillar of all truly humanist educational philosophy and consequently of Peruvian reform is education through work and for work.

Article 1 of Decree Law 19334 provides for the case of dismissal of workers from the armed forces or police forces for reasons of military security; and the last part of article 5 of the same law provides for the right of those workers to appeal to the competent authority respecting their reinstatement within 60 days of being notified of the resolution resulting from the investigation carried out or of having been dismissed without compliance with the procedure laid down by law.

Enforcement of the provisions of the Convention is the task mainly of the Ministry of Labour, the Ministry of Education and the judicial power.

TRINIDAD AND TOBAGO

Constitution of 1962.

Industrial Relations Act, 1972.

Public Service Commission Regulations, 1966.

Employment Exchange Ordinance (Chapter 22, No. 2).

Article 1, paragraph 1(a) of the Convention. The relevant laws of Trinidad and Tobago do not provide for any distinction, exclusion or preference, in matters of vocational training, employment and occupation, based on race, colour, sex, religion, political opinion, national extraction or social origin within the meaning of the Convention.

Paragraph 1(b). Other forms of discrimination, as defined by the Convention, do not exist and therefore the need has not arisen to hold consultations with representative employers' and workers' organisations and other appropriate bodies in relation thereto.

Article 2. The national policies designed to promote equality of opportunity and treatment in employment and occupation and to eliminate any possibility of discrimination in relation to access to vocational training, access to employment and to particular occupations and to terms of conditions of employment are enshrined in national laws.

The Constitution provides for the recognition and protection of human rights and fundamental freedoms without discrimination by reason of race, origin, colour, religion or sex. It guarantees:

- (i) the right of the individual to equality of treatment from any public authority in the exercise of any functions;

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- (ii) the right to join political parties and to express political views;
 - (iii) freedom of conscience and religious belief and observance;
 - (iv) freedom of association and assembly.

Terms and conditions of employment are generally determined through collective bargaining in accordance with the provisions of the Industrial Relations Act, 1972, which, to safeguard workers from discriminatory treatment, provides for the creation of a Registration and Certification Board, the establishment of an Industrial Court, the appointment of an Industrial Relations Advisory Committee and the Conciliation Unit of the Ministry of Labour.

Article 3. The policy of the Government is to encourage employers' and workers' organisations and other appropriate bodies to participate in discussions of national issues and in policy making. These bodies are represented on the various councils, boards and committees appointed by the Government to assist in the activities aimed at promoting the social and economic welfare of the State. It is on the basis of this policy and of the principles of non-discrimination set out in the Constitution that the Government promotes and secures acceptance and observance of the Articles of the Convention.

The Employment Exchange Service, operated by the Ministry of Labour, provides, in accordance with the provisions of the Employment Exchange Ordinance (Chapter 22, No. 2), free services including vocational guidance, and the interviewing, testing and placing of workers.

Appointments to the Public Service are the responsibility of the Public Service Commission appointed under section 92 of the Constitution. The selection of candidates for entry into the Public Service is made on the basis of competitive examination and promotion is based on seniority, experience, educational qualifications, merit and ability.

The National Training Board is responsible, under the control of the Ministry of Education and Culture, for technical and vocational training.

Article 4. No legislative or administrative measures or national practice governing the employment or occupation of persons in the private sector, suspected of or engaged in activities prejudicial to the security of the State, exist in Trinidad and Tobago.

The Public Service Commission Regulations, 1966, provide for measures to be taken against officers indicted on a criminal offence.

The application of this Convention is entrusted to the Ministry of Labour, the Ministry of Education and Culture and the Public Service Commission.

No decisions involving questions of principle relating to the application of the Convention have been given.

No observations have been received from the organisations of workers or employers regarding the practical application of the Convention.

Convention No. 112: Minimum Age
(Fishermen), 1959

ECUADOR

Constitution.

Labour Code.

Article 148 of the Constitution prohibits the employment of children under the age of 14 years. This prohibition is repeated in section 124 of the Labour Code, which provides however for exceptions in the case of apprentices and domestic servants.

There is no special legislation in Ecuador governing fishing. Such legislation is in the process of being drafted, and it will provide for a minimum age of 15 years as well as taking into account the other provisions of Convention No. 112.

Section 128 of the Labour Code prohibits the employment of women and young persons under 18 years of age in any of the industries deemed to be dangerous or unhealthy. These industries are to be listed in special regulations and include, inter alia, the handling of explosives or corrosive substances, the loading and unloading of ships, etc.

Generally speaking, it is prohibited for young persons to be employed on any type of work which might involve danger to their morals or physical development, in accordance with instructions issued by the labour inspection services.

The application of these provisions is supervised by the labour inspection services.

PANAMA

National Constitution.

Labour Code, Cabinet Decree No. 252 of 30 December 1971.

Article 1, paragraphs 1 and 2 of the Convention. The Government states that these provisions concur with those in force in Panama.

Article 2, paragraph 1. It is not permissible for children under 15 years of age to work on fishing vessels as work of this type is held to be harmful to their health.

Paragraphs 2 and 3. No exceptions of the kind provided for in these two paragraphs have been made, it being strictly forbidden for young persons under 15 years of age to work on fishing vessels or any other vessels.

Article 3. Under the terms of section 118(4) of the Labour Code it is not permissible for young persons under 18 years of age to be employed on coal-burning fishing vessels as trimmers or stokers.

Article 4. The last subsection of section 118 of the Labour Code specifies that the aforementioned prohibition does not apply to work done by children on school-ships, provided that such work is approved and supervised by the competent authorities.

The application of these provisions is supervised by the Ministry of Labour and Social Welfare and by the labour courts.

Convention No. 113: Medical Examination
(Fishermen), 1959

PANAMA

National Constitution.

Labour Code, Cabinet Decree No. 252 of 30 December 1971.

Article 1, paragraph 1 of the Convention. The definition of the term "fishing vessel" is in conformity with the national provisions in force in Panama.

Paragraph 2. This optional clause has not been invoked.

Paragraph 3. The Government's reply reproduces word-for-word paragraph 3 of Article 1 of the Convention.

Article 2. Section 126(9) of the Labour Code stipulates that a worker must undergo a medical examination upon engagement if instructed to do so by the employer or ordered to do so by the authorities.

Article 3. The required medical certificate must attest that the person examined is not suffering from any infirmity, that he is in a perfect state of physical and mental health and that his health will not be adversely affected by service at sea.

Article 4, paragraph 1. Every medical certificate delivered to a young person under 21 years of age is valid only for one year as from the date on which it was granted.

Paragraph 2. In Panama medical certificates delivered to persons who have attained the age of 21 years usually remain in force for a year. In some cases the period of validity may be two years, but it is never longer.

Paragraph 3. If the period of validity of a certificate expires in the course of a voyage the certificate continues in force until the end of that voyage.

Article 5. The Government states that it is open to everybody to consult several medical practitioners with a view to obtaining the required medical certificate; nevertheless, a certificate may not be granted to any person who is physically or mentally handicapped.

The application of these provisions is supervised by the Ministry of Labour and Social Welfare and by the labour courts.

Convention No. 114: Fishermen's Articles
of Agreement, 1959

PANAMA

National Constitution.

Labour Code, Cabinet Decree No. 252 of 30 December 1971.

Article 1 of the Convention. The competent authority has not granted any exemptions from the application of the provisions of this Convention.

Article 3. Effect is given to the provisions of Article 3 of the Convention by sections 263, 264 and 277 of the Labour Code. The Ministry of Labour and Social Welfare authorities intervene at the time the agreement is signed to ensure that the fisherman understands the terms of the agreement.

Section 267 of the Labour Code stipulates that every seaman must be in possession of a special identity document to be delivered by the office of the competent Panamanian labour authority.

Article 4. Application of this provision is ensured by the presence of the competent Panamanian authority at the time the articles of agreement are signed.

Article 5. Under the terms of section 264 of the Labour Code a copy of every fisherman's articles of agreement must be deposited with the Ministry of Labour, and it is thus possible for the fisherman to obtain certified copies.

Article 6. In the case of an agreement for an indefinite period either of the parties is entitled to terminate the agreement provided that the owner of the vessel guarantees the repatriation of the fisherman to his home country or to the port of engagement, and gives him 30 days' notice. If it is the fisherman who terminates the agreement he must give two months' notice if he is a skilled seaman or a fortnight's notice if he is an unskilled seaman (sections 212, 222 and 257 of the Labour Code).

Article 8. It is compulsory for the master of the vessel or his representative to display a copy of the agreement in a conspicuous place freely accessible to the fishermen (section 264 of the Labour Code).

Article 9. Sections 258 and 259 of the Labour Code specify the circumstances in which an agreement entered into for a voyage, for a definite period or for an indefinite period may be duly terminated.

Article 10. Sections 213 and 278 of the Labour Code determine the circumstances in which the owner or skipper may immediately discharge a fisherman.

Article 11. Sections 223 and 258 of the Labour Code determine the circumstances in which the fisherman may demand his immediate discharge.

The application of these provisions is the responsibility of the Ministry of Labour and Social Welfare and the labour courts.

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

ECUADOR

The Political Constitution.

Labour Code (Supreme Decree No. 55 of 8 July 1970) (to be published in LS 1971 - Ec. 1A)

The General Plan for Economic and Social Development, 1964-73.

Articles 1, 2 and 3 of the Convention. The object of the General Plan for Economic and Social Development is to enable every citizen to share in the benefits of economic development. Internal migrations are an important factor in the social change taking place in various populated areas. The opening of more routes of communication has resulted in a considerable increase in migrations. These migratory movements are in part due to an unequal distribution of land and are of both a temporary and permanent character. They create a number of problems of a social, cultural and physical nature. Although the Development Plan does not deal directly with the control of migratory movements, it does treat the problems raised by them. Two examples are the programmes for settlement and agricultural reform.

The Development Plan seeks to reduce differences in the level of development of various urban centres by, among other means, decentralising industry, completing the infrastructure and creating special industrial zones. Much of the responsibility for effecting these objectives will fall within the competence of municipal governments. Among the objectives of this effort are the following: community participation in urban renewal; creation and strengthening of co-operative production units; modernisation of municipal administration; etc.

Article 4. Because peasants have been the victims of money-lenders and usurious practices for centuries, the Development Plan has tried to make credit available to them through the formation of co-operatives. Since improvement in the situation has been slow, the Government is considering the possibility of creating a special Workers' Bank to serve the needs of all workers.

At present no legislation exists regulating the alienation of agricultural land, but measures to this end are under consideration.

Aside from some provisions on the use of forest lands no concrete measures exist for the purpose of regulating the ownership and use of land and resources. The Government has noted this and has taken the matter under consideration.

Likewise the Government is considering further measures for the purpose of regulating tenancy arrangements. Those presently in effect are considered inadequate by the Government.

The Law on Co-operatives establishes measures to reduce production and distribution costs in various areas of economic activity.

Article 5. The National Development Bank is designed to provide credit to independent producers and efforts are being made to maintain their standard of living. Various governmental and private bodies have conducted inquiries to determine standards of living.

Articles 6, 7 and 9. Section 28 of the Labour Code provides for the obligation of the employer in cases in which the workers must live away from their homes. To deal with the special problems of these workers, the Minister of Social Welfare and Labour is considering establishing a special office concerned with the problems of migrant workers.

Article 8. A special agreement has been entered into by agencies in Ecuador and Colombia bestowing reciprocal rights to social security benefits. Further study is underway on such matters in the context of Andean subregional integration.

Article 10. Under section 420 of the Labour Code, the labour authorities have the responsibility of fostering labour organisations and the practice of collective bargaining which in the country is a particularly important mode of wage fixing. This procedure has resulted in particularly important gains for workers in recent years.

Nevertheless wage-fixing machinery is provided for in the Labour Code. Provision is also made to ensure established rates are paid.

Article 11. Employers have the obligation to submit records on wages to the Minister of Social Welfare and Labour.

Section 86 of the Labour Code provides that wages must be paid in legal tender and section 85 requires that wages must be paid directly to the worker.

Wages may not be substituted by alcohol or spirituous beverages.

Section 95 of the Labour Code provides that wages must be paid on working days and during working hours but may not be paid in places where alcoholic beverages are served.

Section 86 of the Code establishes the frequency of the payment of wages and section 89 is concerned with advances on wages. Deductions from wages are regulated by sections 86, 90 and 91 of the Labour Code.

Article 12. The subject of advances on wages is covered by section 89 of the Labour Code.

Article 13. Thrift among workers would be encouraged through the establishment of a Workers' Bank, a proposal presently under consideration by the Government.

Article 14. The policy of the Government to abolish discrimination is well established in the provisions of the Constitution and of the national law. Notwithstanding such legal provisions, the Government recognised that certain discriminatory practices exist and it is actively working to overcome them.

Article 15. The Ministries of Social Welfare and Labour and of Public Education has undertaken multiple efforts to promote education, vocational training and apprenticeship, including programmes for adults.

National law does not establish a school leaving age although the Labour Code prohibits children under 14 working for pay. The hours and conditions of work are also regulated for minors under 18 years of age.

Article 16. In conformity with the Development Plan, programmes for primary, secondary and advanced education have been established with a view to providing persons with training in productive occupations and new techniques.

PARAGUAY

Labour Code of 31 August 1961 (Gaceta Oficial de la República del Paraguay, 31 August 1961, No. 64).

Articles 1 and 2 of the Convention. The general social policy of the National Government is based on several fundamental objectives. These are: (1) to improve the level of income in the agricultural, industrial and export sectors; (2) to put in effect the planning mechanism to the ends of both economic and social development; and (3) to work toward the second-level objectives of raising the level of employment and stabilising price levels.

Article 3. Measures to establish economic development plans, including the evolution of the various communities, are taken by the planning organisation which also has within its competence those objectives listed in paragraph 2 of the Article.

Articles 4 and 5. The objectives of these Articles are the responsibility of various government agencies which plan and execute the necessary measures. The National Minimum Wage Council which includes representatives of employers and workers deals with the matter of wages. The Council concerns itself with conditions in each region and with the various needs of the worker.

Articles 6, 7, 8 and 9. Article 58 of the Labour Code provides that employers must pay the travel expenses of workers when their work requires a change of residence. This applies to migrant workers within the country. Further, Article 59 of the Code provides that a contract of employment for services to be performed outside of the country must contain clauses providing for certain guarantees to the worker such as transportation for his family, payment of expenses of repatriation, etc. As concerns the partial transfer of wages and savings, there are no restrictive measures. Problems relating to workers moving from low-cost to high-cost areas are dealt with by the fixing of minimum wages, but in any case workers and employers are free to agree to wage levels higher than the minimum wage.

Article 10. The Labour Code establishes a minimum wage which takes into consideration regional conditions and the level of productivity of the economic sector concerned. However, through collective bargaining employers and workers may establish wage rates above the minimum wage. A system of inspection ensures the proper enforcement of minimum wage rates and agreements fixing wages below minimum rates are automatically adjusted.

Article 11. Article 236 of the Labour Code requires employers to maintain information on wages paid and to provide workers with a corresponding pay docket. The requirement requiring that pay be made directly to the worker and that it be in legal currency is provided in Article 232 of the Code. The prohibition of the substitution of alcohol and the payment of wages in taverns is provided in Article 237. Appropriate provisions concerning the frequency of wage payments and the assessment of the value of pay in kind is to be found in Article 233. In Articles 243 and 246 provision is made as concerns advances and deductions of wages.

Article 12. Article 233 of the Labour Code provides that up to 25 per cent of wages may be paid in advance and Article 243 limits the amount of deduction from wages to 30 per cent. Article 241 authorises employers to deduct from a worker's wages in repayment of advances made.

Article 14. There is no discrimination in Paraguay of the type envisaged in Article 14 of the Convention. The National Constitution, the Labour Code and international Conventions in force in the country proscribe discrimination and other infringements on human rights and freedom.

Article 15. The educational and vocational objectives of this Article are provided for in Articles 104 to 126 of the Code.

TUNISIA

Labour Code of 30 April 1966 (Journal Officiel, 3-6 May 1966, No. 20, p. 716, 10-13 May 1966, No. 21, p. 758 and 17-24 May 1966, No. 22, p. 800) (LS 1966 - Tun. 1).

Act No. 58-118 of 4 November 1958 relative to Education.

Acts No. 63-19 of 27 May 1963 and No. 67-4 of 19 January 1967 relative to Co-operatives.

Act No. 70-25 of 19 May 1970 concerning the alienation of agricultural land.

Article 1 of the Convention. In all texts and declarations which define policy objectives, priority is given to the well-being and development of man. The objectives announced in "Perspectives for Development in the Decade 1962-1971" were to free the population from unemployment, misery and ignorance, and further to assure everyone of a minimum of material and moral well-being below which man languishes.

Article 2. The improvement of standards of living is the constant concern of the planning process. The objective of the various plans of development is to create adequate material conditions to enable the equalisation of opportunity for all citizens. Thus, according to the Third Economic Development Plan, all social legislation is oriented toward the goal of fighting social inequality.

Article 3. Because Tunisia inherited a disintegrated national economy from the period before independence, the national planners have since been concerned with the integration of the economy. Toward the end of understanding the causes and effects of migratory movements resulting from disequilibrium in the traditional economy and from the development of the productive forces of the country, some inquiries and studies have been and are being made. A fundamental objective of planning has been the development of urbanism and the improvement of the habitation of rural areas. Emphasis is thus placed on improving housing facilities for all segments of the population and geographic integration is a constant concern of the Government. Further public investments have been oriented toward the objective of industrialising rural areas. Act No. 68-3 of 8 March 1968 for example was designed to encourage effective investment in southern Tunisia.

Article 4. The decrees of 31 May 1956 and 18 July 1957 abolished the institution of the habous which consisted of pieces of land reserved for religious benefit and which were unalienable. Thus there is now no restriction on the alienation of agricultural land, although Act No. 70-25 of 19 May 1970 established an order of priorities which gives preference to farmers and other persons from rural areas. The effect of this law has been the improvement of the resources of agricultural workers and small land owners. Although no general laws exist controlling the ownership and use of land as in certain other countries, several laws exist which relate to the question. These laws are concerned with the nationalisation of foreign-owned agricultural land and to land abandoned or

insufficiently exploited. There are several kinds of tenancy arrangements and these are regulated by the Code of Obligations and Contracts. Other archaic and unjust forms of tenancy have been abolished by law. In order to reduce the costs of production and distribution a series of measures have been taken to change the commercial and agricultural system. Acts of 27 May 1963 and 19 January 1967 have established the juridical basis for agricultural co-operatives and various other measures have been taken to promote and support their development.

Article 5. Reciprocal agreements have been signed with France and Belgium extending social security benefits to Tunisian migrant workers. A number of programmes have been established for the purpose of improving the diet of workers. A National Institute of Nutrition and Alimentary Technology is charged with the responsibility of making the people aware of the need to improve the nutritive value of their diet. Workers affiliated with the National Social Security Fund benefit from free medical care and even a majority of those outside the social insurance system receive free care in hospitals. Considerable efforts have been made in the area of education where large percentages of the students at all levels of schooling come from modest social origins. In the area of housing, most large enterprises have begun construction programmes to create accommodation for their employees and the Government has also undertaken construction programmes for underprivileged segments of the population. The next plan will provide for an intensification of this programme.

Article 6. In order to avoid difficulties for the families of migrant workers and in consideration of their needs, several measures have been taken. Thus, for example, the Public Placement Bureau collaborates with the Division of Social Action in order to determine the consequences of the depart of a migrant worker with the aim of avoiding the disintegration of the family and guaranteeing to its members a decent life.

Article 7. The countries which receive Tunisian labour resources guarantee the transfer of all or part of the worker's salary to Tunisia. Additionally, various programmes and measures have been instituted for the purpose of facilitating and encouraging the transfer of savings.

Article 8. There has been no call for such labour resources.

Article 9. In order to take account of the higher cost of living in the certain urban areas a special indemnity is paid to maintain the buying power of workers residing there.

Article 10. A system of collective bargaining is provided for in the Labour Code. However, provisions relative to salaries and occupational classification schemes are forbidden. Decree No. 359 of 12 November 1968 created Wage Commissions whose task it is to arbitrate in the case of disagreement between parties to a collective agreement and to fix wages in certain cases.

Article 11. The Labour Code contains all necessary provisions in regard to the payment of wages. Article 143 requires that wage statements be given to workers. Provision is also made in respect of wage records and inspection. Article 139 of the Code requires that wages be paid in legal tender and Article 142 specifies that wages may not be paid in taverns or stores. Article 14 of the Code is concerned with the date of wage payments. Although the value of payments in kind is not made the subject of legislation, the interests of wage earners are in fact protected by labour inspectors, whose duty it is to report on the amounts of and deductions relative to payments in kind.

Article 12. Presently there are no provisions of law which regulate the amounts of advances which may be paid by the employer to the worker. However, the amount of repayment and the system of compensation is provided by law.

Article 13. Since national savings are a fundamental element of economic development, several procedures have been devised to promote savings in the interest of both the nation and the individual saver. In order to protect wage earners against usury, the Central Bank has established regulations to protect borrowers against excessive rates.

Article 14. Always in quest of justice, Tunisia ratified the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) in 1959. According to the national Constitution, international conventions ratified by the Government are placed above internal law with the consequence that its provisions now prohibit in Tunisia discrimination in the form of any distinction, exclusion or preference made on the basis of race, colour, sex, religion, political opinion, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation.

Article 15. Act No. 58-118 of 4 November 1958, which made primary instruction widely available has contributed to the preparation of children of both sexes for an active life. The Labour Code provides further for vocational training which includes a system of apprenticeship. For the past 15 years Tunisia has, through the Office of Vocational Training and Employment, developed a flexible programme for the training of young people at various levels. Some 50,000 persons have benefited from such training during the period. The minimum age for the entry into paid employment is fixed in Article 53 of the Labour Code. Health measures and special hours of work for young persons are also provided in the Code. At present there is no law fixing a school-leaving age.

Article 16. The Office of Vocational Training and Employment takes account in its programmes of new techniques of production with a view to satisfying national needs and those occasioned by emigration. The Labour Code provides for the creation of a Council on Vocational Training which includes representatives of employers and workers as well as other interested parties.

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

DENMARK

Legislative Notification No. 403 of 23 October 1967 of the Public Health Insurance Act, as amended up to 19 May 1971.

Legislative Notification No. 137 of 26 April 1968 of the Industrial Injuries Act, as amended by Act No. 214 of 19 May 1971.

Article 3 of the Convention. Any person resident in Denmark irrespective of nationality is eligible for admission to a recognised sickness fund, which grants medical care to full members; employed persons who are full members receive in addition a daily cash sickness benefit. Under the Industrial Injuries Act the undertakings covered by the Act are liable to insure any employed person irrespective of nationality; the benefits under the Act are payable to any insured person, provided the other prescribed conditions are satisfied. Foreigners who have been granted a work permit are, on terms of equality with Danish nationals, eligible for admission to a recognised unemployment fund and entitled to benefit.

Article 4. Persons taking up their residence in Denmark are entitled to benefits from the sickness fund after the expiration of six weeks from the date of application for admission to the fund; this provision applies to Danish and foreign nationals alike. The Industrial Injuries Act does not prescribe any period of residence in the country as a qualifying condition for attaining the benefit. There exist no special provisions in respect of benefit under transitional schemes. No agreements have been concluded to prevent the cumulation of benefits.

Article 5. Disablement injury benefits are payable abroad. Under the Social Security Convention concluded in 1955 between Nordic countries, the acquired rights to occupational injury benefits are maintained if a beneficiary moves from one country to another.

Article 7. The Social Security Agreement concluded in 1967 between Nordic countries deals with the transfer of insured persons and with the payment of sickness benefits during temporary stay. Denmark has concluded agreements of reciprocity on the payment of unemployment benefit with a number of countries.

Article 10. See Article 3 above. Moreover, Denmark ratified the Convention on the Status of Refugees and the Convention on the Status of Stateless Persons.

DENMARKGreenland

Provincial Council Regulation of 21 September 1967 on the establishment of a Department of Labour and Social Welfare.

In principle the social services shall be regarded as a special responsibility of Greenland. The Convention will hardly be applicable to the conditions of Greenland.

FINLAND

Act (No. 547) respecting the general criteria of payments, reimbursements and fees of health services of 30 December 1960.

Decree (No. 178) respecting the payments, reimbursements and fees of institutions for medical care of 30 March 1961.

Sickness Insurance Act (No. 364) of 4 July 1963 (Suomen Asetuskokoelma-Finlands Författningssamling No. 364).

Accident Insurance Act (No. 608) of 20 August 1948 (Suomen Asetuskokoelma-Finlands Författningssamling p. 959) (LS 1948 - Fin. 4).

Article 2 of the Convention. Finland accepted the obligation of the Convention in respect of the following branches: (a) (medical care), (b) (sickness benefit), and (g) (employment injury benefit). The grant of medical care and sickness benefit is not dependent on direct financial participation by protected persons or their employers. The grant of the sickness benefit depends, however, on a qualifying period of three months of occupational activity immediately preceding the claim.

Article 3. The legislation puts foreigners in the same position as Finns and consequently it would seem that reciprocity is not important.

Article 4. Employment injury benefits are provided to nationals and foreigners irrespective of residence and can be payable abroad. The grant of medical care and sickness benefit is conditional on residence in Finland, irrespective of nationality. No special arrangements to prevent the cumulation of benefits have been made.

Article 5. According to the Accident Insurance Act residence abroad does not form any obstacle for the provision of the benefit. The national of a foreign country who is temporarily resident in Finland and even a migrant who has met with an employment injury

while employed by a Finnish employer have the same right to compensation as a Finnish national. Survivors of the victim of employment injury are entitled to compensation irrespective of their nationality or residence.

Article 9. Finland joined in 1967 the Social Security Agreement concluded in 1955 between the Nordic countries. The agreement contains provisions on the transfer of the insured when he migrates to another signatory country, and the medical aid to be given to him during temporary stay in such a country.

Article 10. Stateless persons who live permanently in Finland are considered to be resident in Finland.

Article 11. There are no special agreements dealing with administrative assistance.

PAKISTAN

The West Pakistan Employees' Social Security Ordinance, 1965, and the West Pakistan Employees' Social Security (Amendment) Ordinance, 1972.

Article 2 of the Convention. The obligations of the Convention have been accepted in respect of maternity benefit and employment injury benefit.

Article 3. The legislation does not discriminate between nationals and non-nationals in respect of coverage and right to benefits.

Article 4. No residential qualification is provided with regard to the grant of benefits. No transitional scheme is in force. There has been no need for taking action to prevent the cumulation of benefits.

Article 5. No case of the payment of benefit abroad has come to the notice of the Government. It will, however, abide by the requirements of the Article with regard to employment injury benefit.

Article 7. No occasion to participate in schemes for the maintenance of rights has arisen so far.

Article 10. There is no need for separate legislation to provide the application of the Convention to refugees and stateless persons.

Convention No. 119: Guarding of Machinery, 1963

FINLAND

Labour Protection Act of 28 June 1958 (Finlands Furfätnings-samling (FF), No. 299 of 1958) (LS 1958 - Fin. 1).

Decree for the application of the Labour Protection Act to the types of work referred to in section 2 of the Act (FF 45/59), dated 30 January 1959.

Industrial Inspection Act of 4 March 1972 (72/27) (LS 1927 - Fin. 1A).

Resolutions of the Council of State for the application of the Labour Protection Act to various activities.

Technical safety regulations approved by the Ministry of Social Affairs and Health.

Article 1 of the Convention. The Labour Protection Act applies to all power-driven and manually-operated mechanical devices. The safety regulations, drawn up in co-operation with the employers' and workers' organisations concerned, are designed to prevent accidents to persons operating such machinery or passing by it.

Article 2. Sections 6, 40 and 49 of the Labour Protection Act and various technical regulations guarantee the application of this Article.

Article 3. The safety regulations are applied taking into account the provisions of this Article.

Article 4. Sections 6 and 40 of the Labour Protection Act give effect to this Article.

Article 5. The Ministry of Social Affairs and Health may provide for exemptions from the safety provisions, on condition that equivalent protection is assured. When making exemptions the Ministry consults the employers' and workers' organisations concerned.

Article 6. Sections 29, 30, 31, 32 and 40 of the Labour Protection Act give effect to this Article.

Article 7. Section 9 of the Labour Protection Act gives effect to this Article.

Article 8. The alternative means of protection to which paragraph 1 refers are permissible within the limits laid down in instructions issued by the supervisory authorities. Section 32 of the Labour Protection Act corresponds to the provisions of paragraph 2.

Article 9. No exemptions have been provided for. If exemptions were to be granted the employers' and workers' organisations concerned would be consulted.

Article 10. Sections 30 and 34 of the Labour Protection Act provide for the information of workers, and sections 11 to 18, 27 and 28 prescribe the environmental conditions required.

Article 11. Sections 9(2), 40(1) and 49 of the Labour Protection Act give effect to this Article.

Article 12. The ratification of the Convention does not affect the rights of workers under the social security legislation.

Article 13. Sections 4 and 40 of the Labour Protection Act are applicable to self-employed entrepreneurs.

Article 14. The employer's representative is held responsible under the terms of section 8 and section 49(4) of the Labour Protection Act.

Article 15. Observance of the relevant provisions is ensured mainly by the industrial inspection services. In addition the Government employs experts to supervise directly the manufacture and import of machinery.

Article 16. The employers' and workers' organisations concerned and, if necessary, the manufacturers' organisations co-operate with the competent authority in the framing of laws and regulations.

Article 17. Protection is afforded in respect of the types of work excluded by section 3 of the Labour Protection Act under section 40 of the same Act, which prohibits the delivery of dangerous machinery.

The Ministry of Social Affairs and Health is responsible for the application of the legislation in question.

NORWAY

Act of 7 December 1956 respecting the protection of workers, as amended (LS 1968 - Nor. 1).

Act of 19 December 1958 respecting the conditions of employment of agricultural workers.

Article 1 of the Convention. Every machine, irrespective of motive power, is covered by the legislation.

Article 2. Section 15 of the Act of 1956 and the special protection rules issued by the Directorate of Labour Inspection.

Article 5. No exemptions have been granted from the provisions of Article 2.

Article 6. Sections 5 and 15 of the Act of 1956 and sections 4 and 7 of the Act of 1958.

Article 9. No exemption has been granted from the provisions of Article 6.

Article 10. Section 5(1) and (3) of the Act of 1956.

Article 13. In so far as self-employed workers use machines of one horsepower or more, they are covered by the Act of 1956 (section 1 of the Act).

Article 15. Penalties are provided in the Act of 1956. Supervision of the appropriate guarding of machinery is carried out by the Directorate of Labour Inspection and the Municipal Labour Inspection. The relevant instructions provide for frequent and thorough inspection for the enforcement of the regulations for the protection of workers.

Article 16. The procedure of consultation with the organisations concerned, provided for by this Article of the Convention, is in agreement with the procedure followed in the preparation of regulations and other norms issued under the workers' protection legislation. This matter is covered by section 37 of the Administration Act.

TUNISIA

Law No. 66-27 of 30 April 1966, to promulgate the Labour Code, particularly sections 293 to 324 thereof. (LS 1966 - Tun. 1.)

Decree No. 67.391 of 6 November 1967, concerning hygiene, security and employment of women and children in establishments of commerce, of industry and of liberal professions.

Decree No. 68-88 of 28 March 1968, concerning dangerous, unhealthy or inconvenient establishments.

Law No. 69-39 of 26 July 1969, to ratify International Labour Conventions Nos. 59, 77, 117, 119, 120 and 127.

Decree No. 70-517 of 21 September 1970, to publish the Conventions mentioned above.

Labour and Social Security Legislation (compilation 1966).

Part I. General Provisions

By the terms of section 90, Chapter V of the Labour and Social Security Legislation, any machinery which may be used for staff circulation must have a brake system capable of stopping movement in any position of the machine even in a case of motor or electric current failure.

Part II. Sale and Hire of Machines

Sections 3 and 5 of the Labour and Social Security Legislation provide for the conditions of hygiene and security and for efficient protective devices for machines or parts of machines to be determined by an order of the Secretary of State for Public Health and of

Social Affairs, after consultation with the occupational organisations concerned.

Section 6 provides for the possibility to award damages to a buyer to whom a machine might have been sold without the protective devices.

Section 13 provides for the protection of mechanical motors. Sections 14 and 15 provide for protective devices for all projecting moving parts and other dangerous parts of machines and for safety measures in the handling of belts and in the starting and stopping of machines.

Part V. Scope

According to section 1 of the Labour and Social Security Legislation, the provisions of Decree 67,391 are applicable to undertakings in commerce, industry, the liberal professions and to their dependencies as well as to small-scale undertakings, to ministerial offices, companies, co-operatives, trade unions, etc.

By the terms of section 170 of the Labour Code the labour inspectors are entrusted with the application of the laws and regulations relating to the Convention. Moreover, there is a Service for dangerous, unhealthy or inconvenient undertakings in the Ministry of National Economy. The assignments of this Service cover also the application of the provisions of the Guarding of Machinery Convention.

UKRAINE

The provisions of the Convention are fully applied in the Ukrainian SSR.

The new Labour Code, adopted on 10 December 1971, deals in section 153 with industrial health and safety conditions, and states in section 157 that the management is required to provide the necessary technical equipment in all workplaces and to create conditions of work which are in harmony with the safety regulations.

Section 259 of the Labour Code states that the supervision and enforcement of these regulations is a matter for: (a) the special authorised state bodies and inspectorates, which must be independent of the management and the undertaking or establishment and their higher organs; and (b) the trade unions and the technical and labour inspectorates under their jurisdiction.

USSR

Act No. 2-VIII of 15 July 1970 of the Supreme Soviet of the USSR approving the fundamental principles governing the labour legislation of the USSR and the Union Republics (LS 1970 - USSR 1).

Order of the People's Commissariat of Labour dated 11 February 1926.

Order of the Council of Ministers of the USSR and the All-Union Central Council of Trade Unions dated 23 January 1962.

Model Summary Classification of Measures to be taken for the protection of labour approved by the Presidium of the All-Union Central Council of Trade Unions dated 30 May 1969.

Health and Hygiene Standards for Technological Processes and Production Equipment approved by the Ministry of Public Health of the USSR dated 23 November 1965.

Questions of labour protection have been covered by abundant legislation and regulations. The law makes no distinction between power-driven and manual-powered machinery and requires all types of machinery, appliances and installations to be fitted with guards and other safety devices in all their dangerous parts. Existing standards apply to industry in general and to various sectors of activity.

In accordance with the law, scientific research and industrial design bodies must strive in their sphere of competence to fulfil all the requirements of protection standards.

With the development of technical progress, safety and hygiene measures of a preventive nature carried out by inspection services are becoming increasingly important. These measures apply not only to projects and prototypes of new industrial equipment but also to the operation and development of an undertaking's activities.

Responsibility for introducing and maintaining adequate standards of protection and safety rests with the management of undertakings and those acting on its behalf as well as with supervisory staff in the various departments and services of the undertakings concerned. It is also the duty of management to inform workers concerning the protection standards of the equipment concerned and to take measures for ensuring any additional protection that may be necessary as well as to combat the effect of any harmful or dangerous conditions in the workplace. The use by workers of machinery not equipped with adequate protection is contrary to law. Plans for the reconstruction of undertakings or units of production, and particularly those aspects which concern occupational safety and hygiene are examined by all those concerned in general and by special commissions in order to ensure that account is taken of rules, standards and protection problems.

Responsibility in case of breach of the standards concerning occupational safety is fixed by the law. Observance of the said standards is the task of state bodies and inspections whose activity does not depend on the management of undertakings, as well as the task of trade unions and technical and legal labour inspection services. Trade unions are empowered to supervise in various ways compliance with safety and hygiene standards by the administration of undertakings and establishments.

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

ECUADOR

Political Constitution of the State.

Labour Code.

Health Code.

Article 4 of the Convention. Effect is given to the Hygiene (Commerce and Offices) Recommendation by law, collective agreement and arbitration award.

Article 1. In the context of health and welfare, section 48 of the Health Code defines the expression "accommodation" as any public or private building intended for occupation by one or more persons.

Articles 2 and 3. These cases do not arise.

Article 5. Any disputes arising in connection with hygiene are settled by the Conciliation and Arbitration Board (consisting of two employers and two workers, together with a labour inspector).

Article 6. Responsibility for inspection lies with the General Directorate of Labour, which acts through the Department of Industrial Hygiene and its inspectors. Sections 231-234 of the Health Code provide for penalties in the event of any failure to observe the relevant legislation.

Article 7. Under section 51 of the Health Code the owners of accommodation are required to provide adequate sanitary installations.

Article 8. Provision is made for effective ventilation where work is done in wells, sewers, etc.

Article 9. Section 386 of the Labour Code provides for the illumination of workplaces..

Article 11. Section 57 of the Labour Code provides for the protection of human life and the supply of personal protective equipment.

Article 12. The supply of drinking water is recognised as a public obligation.

Article 13. Section 52 of the Health Code requires the tenant or user of a building to arrange for sanitary installations and services.

Article 15. Section 41 of the Labour Code requires the employer to supply his workers with suitable clothing each year.

Article 16. Section 59 of the Health Code lays down that the owners of open or closed premises are to ensure that they do not become infested with insects or rodents.

Article 17. Section 57 of the Health Code provides for protection against the risk of harmful substances and for the use of personal safety equipment.

Article 19. Section 398 of the Labour Code refers to the provision of medical and pharmaceutical care.

INDONESIA

Ministerial Decree No. 7, 1964 on conditions of health, cleanliness and lighting in workplaces.

Law No. 1 of 1972 on occupational health and safety.

For certain workplaces the above Decree is implemented. Supplementary legislation is found in Law No. 1 of 1970.

Action taken by the national bodies concerned includes training courses, a seminar held in 1972 and publications on occupational health and safety.

Information on the practical application of the Convention is not yet available due to the lack of qualified personnel and equipment in the inspection services.

PANAMA

National Constitution (section 4).

Cabinet Decree No. 252 of 30 December 1971 to approve the Labour Code (sections 282, 283 and 284).

Articles 1 and 2 of the Convention. The Convention is applied to commerce and offices without exception.

Article 5. The Government consults committees consisting of employers and workers before enacting legislation.

Article 6. The General Inspectorate trains staff to ensure compliance with the Convention. Penalties are provided for in section 290 of the Labour Code.

Articles 8-19. The general provisions of the Convention are applied by the various paragraphs of section 283 of the Labour Code.

PARAGUAY

Labour Code (Gaceta Oficial, 31 August 1961, No. 64) (LS 1961 - Par. 1) Book II, Part V.

Article 1 of the Convention. All commercial, industrial and other establishments are covered by Part V of Book II of the Labour Code.

Article 2. Public services are excluded, since they are autonomous bodies governed by special laws and regulations.

Article 5. Workers' and employers' representatives have been consulted during the preparation of legislation.

Article 6. Inspection is the responsibility of inspectors employed by the Directorate of Labour, who ensure compliance with labour legislation. Penalties are imposed under sections 376 and 380 of the Labour Code.

Articles 7-19. Applied by Part V of Book II of the Labour Code.

SPAIN

General Occupational Safety and Health Ordinance of 9 March 1971 (Boletín Oficial, 11 March 1971, No. 64) (LS 1971 - Sp. 2).

National Ordinance of 24 July 1971 respecting work in commerce (Boletín Oficial, 14 August 1971).

Ordinance of 31 October 1972 respecting work in offices (Boletín Oficial, 14 November 1972, No. 273).

Article 5 of the Convention. The Ordinances are established with the participation of the representative organisations.

Article 6. Inspection is ensured by the National Labour Inspectorate.

Article 7. Applied under section 32 of the General Ordinance.

Articles 8, 10 and 11. These provisions are applied by section 30 of the same Ordinance.

Article 9. Applied under sections 25 ff.

Article 12. Applied under section 38.

Articles 13 and 15. Applied under section 39.

Article 14. Section 169 of the Contract of Employment Law requires seats to be provided for female workers.

Article 16. The relevant hygiene standards are provided for in the General Ordinance.

Article 17. Applied under Chapter XII.

Article 18. Applied under section 31.

Article 19. Applied under section 43.

TUNISIA

Act No. 66-27 of 30 April 1966 to promulgate a Labour Code (LS 1966 - Tun. 1).

Decree No. 67-391 of 6 November 1967 respecting the health, safety and employment of women and children (Journal Officiel, 7-10 November 1967).

Decree No. 68-83 of 23 March 1968 to determine the types of work requiring special medical supervision (*ibid.*, 26-29 March 1968).

Decree No. 68-328 of 22 October 1968 to prescribe the general health rules applicable in undertakings covered by the Labour Code (*ibid.*, 22 October 1968).

Article 1 of the Convention. Effect is given to this Article of the Convention by section 153 of the Labour Code and section 1 of Decree No. 67-391.

Article 6. Supervision of compliance with the legislation governing the hygiene, safety and health protection of the working population is the responsibility of the judicial police officers and the officials of the labour inspection and medical inspection services.

Articles 7, 8, 9 and 10. These Articles, which relate to cleanliness, ventilation, lighting and comfortable temperature in workplaces, are covered by sections 4, 11 and 10, respectively, of Decree No. 68-328.

Articles 11, 12, 13, 14 and 15. These Articles, which relate to workplaces and work stations, the supply of drinking water, the installation of washing and sanitary facilities, seats and facilities for clothing, are also covered by sections 7, 12, 15, 8 and 13, respectively, of Decree No. 68-328.

Article 17. This Article is covered by section 3 of Decree No. 67-391.

Article 19. Section 153 of the Labour Code requires a medical service to be organised in every non-agricultural undertaking with more than a certain number of employees.

Convention No. 121: Employment Injury Benefits, 1964

IRELAND

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

Social Welfare (Occupational Injuries) Act, 1966 (No. 16 of 1966) (LS 1966 - Ire. 1).

Social Welfare (Miscellaneous Provisions) Act, 1967 (No. 18 of 1967).

Social Welfare (Miscellaneous Provisions) Act, 1968 (No. 31 of 1968).

Social Welfare (Miscellaneous Provisions) Act, 1969 (No. 19 of 1969).

The Social Welfare (Absence from the State) Regulations, 1967 (S.I. No. 97 of 1967).

The Social Welfare (Occupational Injuries) Regulations, 1967 (S.I. No. 77 of 1967).

The Social Welfare (Occupational Injuries) (Prescribed Diseases) Regulations, 1967 (S.I. No. 78 of 1967).

Article 1 of the Convention. A child dependant is a person under the age of 18 or under the age of 21 in the case of an orphan or child of a widow/widower undergoing full-time instruction at school, college, university, etc.

Articles 2 and 3. No recourse is had to the exceptions permitted by these Articles.

Article 4. In accordance with the Social Welfare (Occupational Injuries) Act, 1966 all persons coming within the scope of the general social insurance scheme set up under the Social Welfare Act, 1952 are insured also against occupational injuries. Moreover, insurably employed persons not covered under the general scheme by reason of being under age 16 or aged 70 years and over are protected under the occupational injuries scheme.

On the other hand, recourse is had to the exception authorised under subparagraphs (a), (b), (c) and (d) of paragraph 2 of this Article of the Convention. The employees excepted under subparagraph (d) constitutes 5.4 per cent of the total number of employees less those excepted in accordance with subparagraphs (a), (b) and (c).

Article 6. Under the Social Welfare (Occupational Injuries) Act 1966 the contingencies covered include a morbid condition, incapacity for work (irrespective of a suspension of earnings), loss of faculty, loss of support suffered or the result of the death of the breadwinner by widows, disabled and dependent widowers, orphans and dependent parents.

Article 7. Section 2 of the Social Welfare (Occupational Injuries) Act, 1966 clarifies "industrial accidents" as accidents arising out of and in the course of employment. Subsection (4) of section 4 of the Act specifies the circumstances in which a commuting accident may be deemed to arise out of and in the course of employment.

Article 8. A general definition of an occupational disease is contained in section 23(2) of the Social Welfare (Occupational Injuries) Act, 1966. The Schedule to the Social Welfare Occupational Injuries (Prescribed Diseases) Regulations, 1967 includes a list of occupational diseases.

Article 9. In addition to cash benefits in respect of the contingencies specified in Article 6, provision is made for the recuperation of medical expenses incurred by an insured person as a result of

an occupational injury or disease. Benefits are provided throughout the contingency. Eligibility for benefits is not subject to a qualifying period. Under section 8(1) of the Social Welfare (Occupational Injuries) Act, 1966 a waiting period of three days is imposed in cases of injury benefits where the duration of the incapacity for work is less than twelve days. Recourse is had accordingly to paragraph 3(a) of Article 9.

Article 10. Section 26 of the Social Welfare (Occupational Injuries) Act, 1966 provides for payment, out of the Occupational Injuries Fund, of the cost of medical care reasonably and necessarily incurred by an insured person as a result of an occupational injury or disease to the extent that such cost is not met under the national health scheme. Under the said section 26, medical care includes care and benefits as provided for by subparagraphs (a) to (f) of paragraph 1 of Article 10. On the other hand, the law requires the provision of first-aid services in certain instances (e.g. in factories and mines) and in addition the larger industrial undertakings voluntarily operate medical treatment schemes for their employees.

Rehabilitation services are provided under the Health Acts. Disablement pensions at the 100 per cent rate with increase for dependants are paid for any period during which a disabled person receives in-patient rehabilitation treatment.

Article 11. The state health services available to the general public are provided free of charge to persons of less income. See also under Article 10.

Article 13. Recourse is had to Article 20. The maximum period for which cash benefits are paid in respect of temporary or initial incapacity is twenty-six weeks.

Article 14. Loss of faculty between 19 and 1 per cent is compensated by lump-sum gratuities in proportion to the loss sustained. Weekly cash benefits (pensions) are payable in respect of loss of faculty assessed at 20 per cent or higher. The rate of maximum pension payable for total loss of faculty is the same as the flat rate payable for temporary or initial incapacity. Proportionate rate of pensions are payable for lesser degrees or loss of faculty.

Article 15. Recourse is not had to paragraph 1.

Article 16. Section 13 of the Social Welfare (Occupational Injuries) Act, 1966 provides for an increase in the weekly rate of pension where the loss of faculty is assessed at 100 per cent if the beneficiary requires constant attendance.

Article 17. In cases where a final assessment has been made of the loss of faculty the rates of payment are not changed except in accordance with upward revision of a general application in the rates of benefit. In the case of provisional assessments the rate may be varied in accordance with medical advice in respect of periods following the termination of the period for which the provisional award was made.

Article 18. Recourse is had to Article 20. Periodical payments in respect of the death of the breadwinner are made to a widow, to a dependant and incapacitated widower, to dependent children and to dependent parents.

Article 20. Recourse is had to subparagraph (b) of paragraph 4 for selection of the ordinary adult male labourer. The ordinary male labourer is identified as an adult unskilled worker employed in a selected subgroup of the food manufacturing industry. The time basis on which the wage of the ordinary adult labourer is calculated is the normal working week fixed by collective agreement. The same time basis is used for calculating benefit and family allowance. At the end of the period under review, the standard wage of the ordinary adult labourer was £17.00 per week, the weekly rate of benefit for a standard beneficiary under Title II (ordinary male labourer with wife and two children) was £11.95 per week, the benefit for a standard beneficiary under Title III (widow with two children) was £7.80, and for both types of standard beneficiary (as well as during the worker's employment) the family allowance for two children was £0.46 per week. Accordingly benefits provided for in Articles 13 and 14(2) plus family allowances constitute for a standard beneficiary 71 per cent of standard wages plus family allowance, and benefit under Article 18 plus family allowance constitute for a standard beneficiary 47 per cent of standard wage plus family allowances (but it was above 50 per cent from June 1969 to March 1970 and from October 1970 to May 1971).

Article 21. Following reviews of variations in the cost of living, general wage levels and the gross national product rates of benefit have been increased three times in the period under review. The report specifies the amounts of such increases and show that the increases correspond with changes in the cost of living index and the index of earnings between the beginning and end of the period under review.

Article 22. Suspensions of benefits are as follows:

- (a) under section 31(1) of the Social Welfare Act 1952, absence from the State disqualifies a person from receiving any benefit for the period of absence, except in so far as regulations otherwise provide;
- (b) a person undergoing penal servitude, imprisonment or detention in legal custody is disqualified for receipt of the benefit to which otherwise he is entitled, but any increase of benefit is payable to his dependants. In the case of persons without dependants maintained in mental hospitals, benefit is paid to the hospital authorities to administer on their behalf;
- (c) benefit may be suspended on a fraudulent claim;
- (d) it would normally be decided that an injury caused by serious and misbehaviour on the part of the insured person concerned is not
- (e) an accident arising out of and in the course of the person's employment;
- (f) Article 18 of the Social Welfare (Occupational Injuries) Regulations 1967, provides for disqualification for such period

not exceeding six weeks as may be determined for receipt of injury benefit or disablement benefit where the beneficiary fails without good cause to submit himself to medical examination or to appropriate medical treatment or to abide by the rules of behaviour set out in the Third Schedule to the Regulations;

- (g) a widow is disqualified for receiving death benefit pension if and so long as she is living with another person as spouse under section 17(4) of the Social Welfare (Occupational Injuries) Act, 1966.

Article 23. Appeal may be made against the decision of a deciding officer on a claim for injury benefit, disablement benefit and death benefit under sections 43 to 46 of the Social Welfare Act 1952. As far as medical care is concerned, a beneficiary under the occupational injury scheme has the same rights as any other person to have a complaint regarding refusal or quality of medical treatment to which he is entitled investigated by the appropriate authority.

Article 24. The occupational injury insurance scheme is administered by a government department.

Article 25. The Minister for Social Welfare has assumed full responsibility for compliance with the Convention with regard to the provision of benefits.

Article 26. Measures taken include safety legislation (Factories Act 1955 and Mines and Quarries Act, 1965). In addition, the Minister for Social Welfare is empowered under section 35 of the Social Welfare (Occupational Injuries) Act, 1966, to promote research on prevention. On the other hand, section 68 of the Health Act 1970 provides for training and placing of disabled persons. The report includes statistical data on occupational accidents and diseases.

Article 27. Equality of treatment between non-nationals and nationals is assured.

The Minister for Social Welfare is responsible for the administration of the occupational injuries scheme as an integral part of the comprehensive scheme set up under the Social Welfare Acts 1952 to 1971. The scheme is operated as a state service by civil servants. The inspectorate staff is both at headquarters of the Department of Social Welfare and in local offices throughout the country.

Convention No. 122: Employment Policy Convention, 1964

ALGERIA

Decree No. 62-99 of 29 November 1962 (Journal Officiel, 30 November 1962, p. 76) as amended by Ordinance No. 71-42 of 17 June 1971 (Journal Officiel, 29 June 1971, p. 710) establishing the National Manpower Office.

Ordinance No. 68-610 of 6 November 1968 (Journal Officiel, 8 November 1968, p. 1188) creating the National Economic and Social Council, as amended by Ordinance No. 70-69 of 14 October 1970 (Journal Officiel, 20 October 1970, p. 1003).

Article 1, paragraph 1 of the Convention. An active employment policy has been formulated in the first four-year plan, which fixes as an objective the provision of employment for the entire male labour force by 1980, and provides that the right to education must be guaranteed to all Algerians, men and women, on a permanent basis so as to ensure their constant occupational advancement. Reference is also made to self-management in agriculture, the redistribution of incomes, wages policy and regional development policy so as to eliminate existing regional disparities.

Paragraph 2. The central goal of the long-term development strategy is to eliminate unemployment through industrialisation. The objective laid down is to achieve a situation by 1980 in which the causes of underemployment have been eliminated and the total annual increase in the labour force equals the number of new jobs to be created annually by the development of industries and industry-related activities in the towns. During the plan period, 265,000 new jobs will be created outside agriculture, and underemployment in agriculture will be reduced from 49 per cent to 42 per cent. With a view to eliminating regional disparities, special development programmes have been initiated in six areas, and a seventh is to be started shortly.

With a view to ensuring that employment is as productive as possible, institutes of research and of economic development have been created and productivity seminars are held each year for industry and agriculture. Workers' participation in both industry and agriculture will enable them to contribute to productivity. The introduction of electronic data processing is designed to increase productivity to the maximum.

The programme of education and training under the four-year plan gives each worker the fullest possible opportunity to qualify for, and to use his skills and endowments in, a job for which he is well suited, irrespective of race, colour, sex, religion, political opinion, national extraction or social origin. This is expressly stated in the preamble to the plan.

Paragraph 3. The four-year plan and the special regional development programmes link economic and social policy closely with employment policy. Thus, the preamble to the plan states that the mobilisation of the people is one of the essential factors of development.

Article 2. The National Economic and Social Council meets twice a year in plenary session to review the situation and lay down the direction to be followed.

Article 3. Representatives of employers and workers are consulted in the National Economic and Social Council of which they are members together with government representatives. They also sit on the Council of the National Manpower Office.

The application of employment policy and of the laws giving effect to it is entrusted to the Ministries of Transport, Agriculture and Agrarian Reform, Industry and Energy, Labour and Social Affairs, Public Works and Building, the Secretariats of State for Planning and Hydraulics and the National Economic and Social Council.

AUSTRALIA

Full Employment in Australia, White Paper presented to the Commonwealth Parliament, 30 May 1945.

Re-establishment and Employment Act, 1945-66.

Tradesmen's Rights Regulation Act, 1946-66.

Article 1, paragraph 1 of the Convention. An active employment policy was inaugurated in May 1945 in a White Paper presented to Parliament, "Full Employment in Australia", in which full employment was stated to be "a fundamental aim of the Commonwealth Government", and the Government undertook the responsibility to provide the general framework of a full employment economy. The principal elements of this policy include over-all financial policy, variations in the level of public capital expenditure, international trade policy, the establishment of a country-wide employment service, and collaboration between the state and Commonwealth governments on the one hand, and between governments, employers and trade unions on the other. The goal of the Government's employment policy is the highest level of employment consistent with reasonable price stability and external viability.

Paragraph 2. Between 1949 and 1969 the average number of registered unemployed was 1.3 per cent of the total labour force, and in 1970 the average unemployment rate was 1.1 per cent.

Subject to the overriding authority of the Cabinet, the primary responsibility for employment policy rests with the Department of the Treasury. The maintenance of full employment is a cardinal consideration in preparing the annual budget, which is undertaken by the Treasury following extensive consultations with other government departments and representatives of business, commerce and organised labour. Co-ordination of the constituent states' programmes with those of the Commonwealth is achieved through regular conferences between the Commonwealth and state prime ministers.

Many of the measures taken to achieve the objectives of the Convention are the responsibility of the Commonwealth Department of Labour and National Service, and in particular of the Commonwealth Employment Service, which provides basic statistics about the labour market, matches applicants and vacancies, facilitates the occupational and geographical mobility of labour, provides special services for the aboriginal population, young people, professional, managerial and other highly-qualified persons and immigrants and provides vocational guidance services.

Education and apprenticeship training are primarily the responsibility of the state governments. The Commonwealth Government's interest in the development of modern and flexible arrangements for industrial training is reflected in the work of the Department of Labour's Industrial Training Organisation, whose functions include research, the dissemination of information, the provision of specialist advice on training and the running of a number of specialised training programmes. Other specialised training schemes are run by the Department of Social Services. Increasing emphasis is being placed on the need for long-term training policies based on an assessment of manpower requirements.

In order to deal with the impact of technological change on employment, a Technological Change Unit was established by the Ministry of Labour in 1965. It works in close collaboration with the Technological Change Committee set up by the National Labour Advisory Council. A special Employment Training Scheme for Persons Displaced by Technological Change became operative on 1 July 1971. Questions relating to the employment of women are the responsibility of the Department of Labour's Women's Bureau. Special arrangements include an employment training scheme for women restricted from employment by domestic responsibilities.

There has been increasing emphasis on productivity growth, and the Government has encouraged industry to find means of promoting productivity improvement. It also encourages investment in economic and efficient new industries and the movement of manpower into these industries from declining sectors. A Productivity Promotion Council was inaugurated in 1969.

Subject to the measures designed to provide special assistance to disadvantaged groups, all services and facilities are available to all residents irrespective of race, colour, sex, religion, political opinion, national extraction or social origin, and, except to the extent already indicated, no special difficulties have been encountered in attaining the objectives of productive and freely-chosen employment.

Paragraph 3. The co-ordination of employment policy with over-all economic and social policy takes place between the various departments and authorities at the Commonwealth level, between the Commonwealth and state governments, and between Government and organisations representing business, industry and labour. The machinery through which co-ordination is ensured includes interministerial meetings, interdepartmental committees, regular meetings between representatives of the Commonwealth and state governments and regular consultations between Government, industry and labour. To ensure the co-ordination of certain aspects of employment policy, the Department of Labour and Commonwealth Employment Service have a continuing relationship with other interested departments and organisations.

Article 2. Employment policies are reviewed on a continuing basis through the regular administrative infrastructure. Occasionally, a particular aspect may be the subject of a specific review. This was the case in 1971 for training for industry and commerce.

Article 3. Official machinery for the consultation of employer and worker representatives includes the tripartite National Labour Advisory Council, which provides a forum for consultations on

employment, industrial relations and related industrial and economic matters, and advises the Government on these matters. The Council has established a Committee on Technological Change and a Committee on Women's Employment. Similar tripartite bodies have been set up in several states. Annual pre-budget meetings are held between the Commonwealth Government and representatives of industry and labour whose views are taken into consideration in preparing the budget. In addition, regular and continuing consultations between the Government and representatives of employers and workers is the normal procedure.

The provisions of the Convention are primarily the concern of the Commonwealth Government although action by the states is also necessary in connection with some aspects. The major authorities responsible for the formulation and implementation of employment policy are the Department of the Treasury and the Department of Labour and National Service. The state Departments of Labour also play an important role in regard to some aspects of employment policy. The maintenance of high levels of employment is one of the parameters within which the annual budget is prepared and financial policy determined, and, within this context, measures to promote productive and freely-chosen employment form an integral part of the work of the Commonwealth Department of Labour.

AUSTRALIA

Norfolk Island

Article 1 of the Convention. Because of the small size of the island and its population, no detailed over-all employment policy has been considered necessary. Full employment is maintained by some economic measures, encouragement of the tourist industry and immigration control. Full freedom of choice of employment exists within the limitation of the work available and of the individual's capacity to perform the work.

Article 2. The employment situation is reviewed from time to time and such action is taken as is appropriate in the circumstances.

Article 3. There is no formal consultation procedure, but opportunities exist for regular contact and interchange of views at an informal level.

The Commonwealth Department of External Territories is responsible for the over-all administration of Norfolk Island and is advised by a council of eight elected residents of the Island.

Papua-New Guinea

The Development Programme Reviewed (Office of Programming and Co-ordination, Port Moresby, August 1971).

Articles 1 and 2 of the Convention. The employment policy is formulated in The Development Programme Reviewed and may be summarised as follows:

- to ensure the optimal use of human resources, especially skilled people, in meeting the requirements for development;
- to increase the supply of skilled manpower from within the territory to the greatest possible extent;
- to attract and retain skilled overseas personnel needed for key areas of administration, management and professions and for the training of indigenes, where trained people are not available from within the territory;
- to provide adequate opportunities for wage employment and self-employment;
- to maintain satisfactory conditions of employment and stable industrial relations.

Various aspects of employment policy are implemented through specialised divisions of the Department of Labour, in particular the Division of Research and Manpower Planning and its Manpower Planning Unit. The Manpower Committee, a high-level interdepartmental committee chaired by the Secretary for Labour, is charged with formulating manpower strategies. The Division of Industrial Services provides an employment and counselling service and a specialist industrial training branch provides training courses and advice on training matters to the private sector.

The problems of underemployment in rural areas and the concomitant urban drift are recognised and policies have been adopted to ameliorate these problems through expansion of cash cropping and animal husbandry. Further productive employment is being provided in the agricultural and forestry sectors. In secondary industry, the maintenance of a favourable investment climate is contributing to the expansion of productive capacity and hence paid employment opportunities in urban areas.

The over-all co-ordination of economic and social policy implementation resides with the Office of the Director of Programming and Co-ordination, to which the Department of Labour, as the agency responsible for employment policy, communicates its views for inclusion in the development programme.

Article 3. The persons affected by the measures to be taken concerning employment policies are consulted through the Labour Advisory Council, on which trade unions and employers' organisations are represented, as well as rural workers and employers, the public service, academic interests and the missions. This Council advises the Government on a wide range of labour questions including changes in the employment situation, unemployment and underemployment, localisation of the territory's work force, particular employment policy problems and measures to improve productivity.

BELGIUM

Act of 14 February 1961 concerning economic expansion, social progress and financial recovery (Moniteur belge, 15 February 1961) as amended by Act of 16 April 1963 (*ibid.*, 23 April 1963) (LS 1963 - Bel. 1).

Act of 30 December 1970 concerning economic expansion (*ibid.*, 1 January 1971, No. 1).

Royal Order of 20 December 1963 concerning employment and unemployment (*ibid.*, 18 January 1964; LS 1963 - Bel. 2).

Ministerial Order of 4 June 1964 concerning unemployment (*ibid.*, 6 June 1964, No. 111).

Article 1 of the Convention. The creation and maintenance of full employment has been a major objective of the economic and social policy of successive governments and was clearly expressed already in the first programme for economic expansion for the years 1961-65. Emphasis was given to the measures by which this objective should be achieved, including increasing the labour force, increasing the participation of marginal groups, eliminating underemployment and recruiting more women and, if necessary, foreign workers. It was also considered necessary to improve the quality of the labour force by promoting training, further training and retraining, for adults as well as young persons. Subsequent policy statements have referred to the need to create new and more skilled jobs, to prepare adequate forecasts of manpower supply and demand, and to take special measures to assist categories of workers such as women, older workers and the handicapped.

Measures have been taken to promote demand for labour and avoid regional fluctuations in the level of employment. Within the framework of the economic and social expansion programmes the growth rate chosen for each programme is determined in the light of the need to maintain full employment. Since 1959 a number of Acts have been adopted providing for special assistance to regions faced with problems arising from structural change. This assistance is designed to help in the restructuring of the regional economy, and a criterion for its availability is that it will promote employment in the region, and contribute to a better over-all regional balance in economic expansion and employment.

With a view to reducing the effects on employment of fluctuations in the level of economic activity, provision is made in the budget for a special sum to be used for the creation of public works. Local and housing authorities similarly time their programmes of works to provide employment when it is most needed.

With a view to promoting productivity, the public employment service carries out placement and related activities so as to enable the worker to use his skills to the utmost. Measures to promote geographical and occupational mobility - in particular vocational training and retraining - are also designed to improve workers' productivity. Freedom of choice is another basic concept of Belgian employment policy which is held to apply equally to both employers and workers.

Employment policy is co-ordinated with economic and social policy in the national five-year economic and social development programmes. Employment goals have the highest priority in these programmes and the various measures taken to achieve them are co-ordinated and balanced so as to achieve the desired objectives both nationally and regionally. The qualitative and quantitative needs of the economy are accounted for in the various programmes, which are formulated in consultation with employers' and workers' organisations by the Economic Programming Office on the basis of guidelines laid down by the Ministerial Economic and Social Co-ordinating Committee.

Article 2. Measures to promote employment and measures to promote economic development go hand in hand, and the procedures for preparing the economic programmes reflect co-ordination between policies in these fields. Employment policy is reviewed by the Employment Administration which follows developments closely, by the Ministerial Economic and Social Co-ordinating Committee and by the National Economic Expansion Committee referred to below. A major role in the reviewing and revision process is also played by Parliament. Since the results achieved are evaluated regularly, it is possible to adapt the measures being implemented according to changing needs.

Article 3. The tradition of tripartite consultation is long established and effective in Belgium and employers' and workers' organisations are represented in most of the public agencies which play a role in the planning and execution of economic and social policy, and especially of employment policy, including in particular the National Economic Expansion Committee, on which they sit with the Ministers directly interested in economic and social policy, and in which the economic expansion programmes are discussed. They are also directly consulted in the preparation of these programmes.

Once the basic elements of employment policy have been defined within the framework of economic and social policy, the Minister of Employment and Labour is responsible for its implementation, with the assistance of the various administrative services and autonomous bodies responsible to him. These include the Employment Administration, the National Employment Office and the National Fund for the Social Readaptation of the Hand-capped.

DENMARK

Employment Service and Unemployment Insurance Act (Legislative Notification No. 314 of 22 June 1971).

Regional Development Act, Act No. 219 of 7 June 1972.

Article 1, paragraph 1 of the Convention. Since 1968, an extensive development and adaptation of the employment service have been carried out. It is responsible for placement, vocational guidance, labour market research and analysis, and initiating measures relevant to the labour market. Provision is made for financial assistance designed to promote mobility of labour. The Vocational Training and Retraining Act provides for the vocational

training of adults. The Regional Development Act provides for grants to be made for the promotion of industrial development where this will benefit the local population. Where unemployment cannot be reduced through these means, exchequer grants may be paid towards the execution of certain works.

General economic policy is designed to provide a framework of a policy of full employment, a goal which takes precedence over the other aims of economic policy.

Article 2. Trends in the labour market are continuously followed with a view to taking appropriate measures. Increasing importance is being given to rehabilitation and to increasing the employment of women workers. A special problem of growing significance is that of the employment of middle-aged and elderly people. Two committees have been set up to consider this problem, for the public and private sectors respectively.

Article 3. The two sides of industry are represented on the Labour Market Policy Committee which advises the Minister of Labour. Employers and workers are also represented on the fourteen local labour market boards, which assist the managers of the employment exchanges and follow labour market trends in their areas. The Director of Labour is in charge of the employment service and is assisted by a tripartite National Labour Board. There is a continuous exchange of information between these bodies.

HUNGARY

Act No. 20 of 1949, to promulgate the Constitution of the Hungarian People's Republic. Dated 20 August 1949 (LS 1949 - Hun. 4).

Act No. II of 1967, to promulgate the Labour Code (LS 1967 - Hun. 2A).

Decree No. 34 of the Hungarian Revolutionary Workers' and Peasants' Government, for the application of Act No. II of 1967, to promulgate the Labour Code. Dated 8 October 1967 (LS 1967 - Hun. 2B).

Governmental Decision No. 1027/1961/XII.30 concerning advice for juveniles in the choice of occupation.

Governmental Order No. 34/1967/X.8/Korm for the application of the Labour Code.,

The Constitution of Hungary (1949) declares that the Republic guarantees to its citizens the right to work and remuneration in accordance with the quantity and quality of the work done, through the planned development of the means of production of the national economy and a manpower policy based on the economic plan. The right to employment is further assured by the Labour Code which, in particular, provides that there shall not be any discrimination in employment on account of sex, age, nationality, race or social origin and that employment shall be encouraged by occupational guidance, placement services and any other appropriate means. Employing enterprises may enter into training contracts under which they provide maintenance for the workers during training and the latter undertake to accept employment with the enterprise for a specific period. Special

measures to provide appropriate employment to people with reduced working capacity were introduced by Governmental Order No. 34/1967/X.8/Korm.

During the current Five-Year Plan the number of the employed will increase by about 220,000 while the source of the labour force will increase only by 130,000 persons. The proportion of the population in employment, which was 74 per cent in 1971, will thus reach 75 per cent in 1975.

IRAQ

Labour Code. Law No. 151 of 1970, dated 16 July 1970 (Al Waqayi'u al Iraqiya, 10 August 1970, No. 1906) (LS 1970 - Iraq 1).

The fundamental elements of the employment policy implemented by the Employment, Vocational Training and Rehabilitation Institution and the Central Employment Office by virtue of the provisions of the Labour Code, are as follows: (a) the implantation of employment services in all regions so as to ensure that the majority of citizens have access to an employment office; (b) the achievement of equality of opportunity for all those registered with the employment offices by referring applicants to employment in accordance with their date of registration and qualifications and ignoring all other criteria; (c) the use of modern methods in running the employment offices; (d) collaboration with workers' and employers' organisations and state services so as to benefit from their experience and suggestions in the field of employment; (e) the training of unskilled workers in skills needed by industry through the Central Vocational Training Office so as to meet manpower needs and place workers in employment as quickly as possible.

The co-ordination of employment policy with economic and social policy requires precise statistics on unemployment and manpower needs. It has not yet been possible to collect these statistics, but the Central Employment Office is at present undertaking the necessary studies with a view to reaching the desired results.

The Board of Management of the Employment Institution is the body responsible for formulating employment policy, and its implementation is entrusted to the Central Employment Office and the employment offices. The Central Employment Office is required to submit three-monthly reports on its activities to the Board of Management, while the employment offices must submit monthly reports to the Central Employment Office.

Consultation with representatives of employers and workers concerning employment policies takes place through the participation of such representatives on the Board of Management of the Employment Institution, and through the Joint Advisory Committees of the Central Employment Office and the employment offices, for which provision is made in the Labour Code.

The main achievements of the Central Employment Office during the period covered by the report include the opening of 19 employment offices, the holding of courses for employment office staff, the creation of advisory committees for most of the employment offices and the placement by the employment offices of 9,142 workers out of the 85,879 applicants for employment registered with them.

The workers' organisations provide valuable support to the work of the employment offices, particularly by encouraging workers to register with them and in making proposals for the expansion of employment. Measures taken by employers include support for and co-operation with the employment offices.

PANAMA

Article 1 of the Convention. The Planning Office under the President of the Republic has developed a long and short-term strategy for development which provides for a policy of full, productive and freely-chosen employment. This policy was defined in texts published in 1970-72 which provide for investments in the public and private sectors.

The principal measures designed to guarantee that there is work for all those available for and seeking work include employment-creating projects covering the public sector in regions with the highest levels of unemployment or underemployment and special incentives to private investment in specified sectors; the collection, analysis and dissemination of data concerning employment and incomes so as to provide the information necessary for the formulation and evaluation of employment and income policies; vocational training to meet employment and productivity objectives and a system of vocational guidance designed to ensure that the training given is appropriate to needs; and a policy for the redistribution of incomes so as to ensure that real wages increase and adequate minimum wages are fixed.

The principal measure adopted to ensure that work is as productive as possible is the accelerated training of skilled workers. Free choice of employment is guaranteed by Article 41 of the National Constitution.

The implementation of a policy of full employment has met with difficulties primarily because it requires transformations and economic resources are limited. Employment policy is closely linked to the other economic and social objectives of the country. The Planning Department is responsible for its formulation and it forms an integral part of development strategy under the long and short-term plans adopted by the executive authority. It is reviewed by the Planning Office in conjunction with the general measures adopted for economic and social development.

While no formal procedures have been established for consulting representatives of employers and workers, the measures which it is proposed to adopt within the framework of employment policy are submitted to them for their views.

PARAGUAY

The National Government's employment policy has as its objective the reduction of unemployment and is based on the Five-Year Plan which is designed to develop all sectors of the economy and provide improved employment opportunities in almost all sectors. Free choice of employment is guaranteed by the Constitution and by sections 9 and 10 of the Labour Code.

A programme to promote agricultural and animal husbandry is being developed. Although the formation of capital does not lead to an equivalent increase in the level of employment, the industrialisation of the country may have an important effect on the future demand for manpower as will also the public works projects which are being implemented in accordance with the Five-Year Plan. The income received from exports will be used to create new employment and ensure a fairer distribution of incomes, leading to improved levels of living, which are the final goal of social and economic policy.

The manpower development plan forms part of the Government's plan of action, which includes the adoption of measures for co-ordination between the various ministries and other bodies concerned so as to ensure the rational use of human and financial resources. The General Human Resources Directorate of the Ministry of Justice and Labour is responsible for co-ordination with the Technical Economic Planning Secretariat.

The methods of consulting representatives of the persons affected and in particular of employers and workers, will be laid down in regulations concerning the placement service, which are at present under consideration in draft form.

SPAIN

Act respecting employment exchanges, dated 10 February 1943 (Boletín Oficial del Estado, 2 March 1943, Year VIII, No. 61, p. 2009) (LS 1943 - Sp. 2).

Decree of 21 July 1966 concerning the composition and functions of the Provincial Placement Committees (*ibid.*, 12 August 1966).

Act No. 56/1961 respecting the political, occupational and employment rights of women, dated 22 July 1961 (*ibid.*, 24 July 1961, No. 175 p. 11604) (LS 1962 - Sp. 1B).

Decree of 30 April 1970 concerning the employment of workers over 40 years of age (*ibid.*, 8 May 1970).

Decree of 22 August 1970 concerning the employment of disabled workers (*ibid.*, 15 September 1970; for errata, *ibid.*, 16 November 1970).

General Education Act, dated 4 August 1970 (*ibid.*, 6 August 1970, No. 187).

Decree of 15 June 1972 concerning the reorganisation of the Ministry of Labour (*ibid.*, 23 June 1972, No. 150).

Third Economic and Social Development Plan, approved by Act of 10 May 1972 (*ibid.*, 11 May 1972 et seq.).

In Spain an active policy designed to promote full, productive and freely-chosen employment is formulated in the economic and social development plans. The administrative basis for employment policy is provided through the state and trade union run employment services which are organised so as to achieve the highest possible level of employment and provide the best possible employment opportunities to the working population; through the tripartite Provincial and Local Placement Committees, which act as advisory and co-ordinating bodies; and through the Ministry of Labour, in which the Directorate-General of Employment is responsible for planning and implementing employment policy.

The Third Economic and Social Development Plan, approved by Act No. 22 of 10 May 1972, has as one of its major objectives the maintenance of full employment. Provision is made in particular for the creation of new jobs; the expansion of vocational training; measures to assist older workers and handicapped workers; the regulation of internal and external migration; the improvement of the employment service; the formulation of a human resources and employment programme; and measures to protect the employment rights of workers affected by structural change.

Special measures have been taken under Decree No. 1243 of 30 April 1970 to promote the employment of workers over 40 years of age; under Decree No. 2531 of 22 August 1970 to provide training and employment for disabled workers; and under Act No. 56 of 22 July 1961 to promote equality of employment opportunities for women workers.

The effectiveness of the measures taken to ensure that there is work for all available for and seeking work is illustrated by the unemployment rates which from January 1971 to June 1972 varied between 1.4 per cent and 1.72 per cent. Measures to ensure that work is as productive as possible include the conclusion of collective agreements, the development of vocational guidance and large-scale vocational training. Free choice of employment is fully ensured to those seeking work through the employment service. Opportunities for each worker to acquire the necessary vocational training are provided through public and private systems, and special emphasis has been given to accelerated retraining for unemployed workers. The Third Plan provides for the further training of 800,000 workers under the National Plan for the Occupational Advancement of Adults. Under the General Education Act of 4 August 1970, vocational training will be provided for all young persons over 14 years of age by 1975.

The mutual relationships between employment objectives and other economic and social objectives are closely worked out in the development plans. The measures for the rationalisation and restructuring of a number of economic sectors are a practical illustration of the relationship between economic and social questions and this is accentuated in the role played by the Provincial Placement Committees.

The Government follows closely the effects of its policy on the level of employment. Unemployment figures are presented to the Council of Ministers fortnightly by the Minister of Labour. One of the "warning signs" specified in the Plan refers to the level of

unemployment. Since a new plan is adopted every four years, employment policy measures are necessarily reviewed in the light of developments. The reorganisation of the Directorate-General of Employment in 1972 has better equipped it to provide information on the evolution of the labour market.

The Ministry of Labour co-operates with the Trade Union Organisation in implementing the programme for improving the placement offices and in running unemployment insurance.

Responsibility for political and administrative matters relating to employment policy lies with the Ministry of Labour. In each province there is a Labour Delegate who is head of the Employment Secretariat and Chairman of the Provincial Placement Committee.

SUDAN

The realisation of full employment is one of the major objectives of the National Five-Year Plan for Economic and Social Development (1970-75). However, the achievement of creating productive employment is not an easy task. The rapid growth of the population at about 2.8 per cent presents various economic and social problems. A large proportion of the population (over 45 per cent) is below the age of 15 years and requires for its care a large proportion of the national product which would otherwise have been used for productive purposes.

The number of persons within the working ages for whom jobs are to be found every year is believed to be about 150,000 and in the context of the rate at which the economy has been developing in the past, it is difficult to create job opportunities for such a large number.

In this regard the Government has made a request to the ILO for a comprehensive employment mission under the World Employment Programme, and an exploratory mission visited the Sudan in August 1972 to define the form and content of any subsequent assistance to help the country to formulate and implement an employment policy integrated into its economic and social planning.

The Employment Exchanges Ordinance, 1955, gives complete freedom to workers and employers in matching their needs. It is in process of being replaced by a Manpower Act, prepared in consultation with representatives of employers and workers, which will place more emphasis on employment creation and establish a tripartite manpower council.

Convention No. 123: Minimum Age (Underground Work), 1965

ECUADOR

Political Constitution of 31 December 1946.

Labour Code, June 1971.

Decree No. 855, June 1971.

Article 1 of the Convention. The term "underground work" includes mines, quarries and, generally speaking, all work under ground level.

Article 2. Section 128(f) of the Labour Code prohibits the employment of young persons under 18 years of age in underground work or in quarries.

Article 4. Section 137 of the Labour Code lays down penalties for infringements of the legislative provisions concerning the employment of women and young persons. According to section 132, the authorities can at any time make an inspection to check the employment conditions of young persons. Section 130 makes it compulsory for employers in all undertakings to keep a special register of employees under 18 years of age.

GABON

Act No. 88/61, to establish the Labour Code of the Gabon Republic. Dated 4 January 1962. (Journal Officiel de la République Gabonaise, 1 March 1962, No. 5, Extraordinary, p. 189; LS 1962 - Gab. 1).

Law No. 15/62 of 2 June 1962 respecting the institution of a Mining Code in the Republic of Gabon. (Journal Officiel de la République Gabonaise, 2 July 1962).

Decree No. 275/PR to provide for exceptions to the rules governing the employment of young persons. Dated 5 December 1962. (Journal Officiel de la République Gabonaise, 15 February 1963, No. 5, p. 185; LS 1962 - Gab. 2).

Article 1 of the Convention. The term "mine" excludes hydro-carbon and similar exploitations (exploitations of quarries, gravel pits and sand pits).

Article 2. According to section 2 of Decree No. 275 of 5 December 1962, it shall not be lawful to employ workers under 18 years of age in mines.

Article 4. The labour inspectors and labour supervision officers supervise and ensure the application of the provisions of the Convention. In case of contravention of the provisions of the Convention either a fine is imposed or the undertaking will be temporarily or permanently closed.

Article 5. The minimum age for admission to underground work has been agreed upon by the representatives of the employers of mining undertakings and the mine workers' trade union organisations.

PANAMA

National Constitution of the Republic.

Labour Code of 1971.

Article 1 of the Convention. The term "mine" is defined as any undertaking engaged in the extraction of any substance from under the surface of the earth. According to section 118, paragraph 5, of the Code, the provisions of the Convention concerning employment or work underground in mines apply also to employment or work underground in quarries, tunnels and sewers.

Article 2. Section 118, paragraph 5, of the Code, prohibits the employment of persons under 18 years of age in mines, tunnels or sewers.

Article 4. Section 125 of the Code lays down penalties to be imposed on any employer who infringes the provisions of the Code concerning the employment of children. The General Labour Inspectorate is responsible for seeing that the provisions of the Convention are enforced.

Employers in mining undertakings must keep a register showing the workers' ages.

POLAND

Decree of 6 May 1953 (Mining Law - Consolidated Text) (Dziennik Ustaw, No. 23, dated 10 May 1961, Text 113).

Act respecting the Social Inspectorate of Labour (Dziennik Ustaw, No. 6, 28 February 1950; LS 1950 - Pol. 1).

Act respecting vocational training; employment of young persons (Dziennik Ustaw, No. 45, 21 July 1958, Text 226; LS 1958 - Pol. 2).

Decree respecting mining boards, dated 21 October 1954 (Dziennik Ustaw, No. 23, 10 May 1961, Text 114).

Decree of the Council of Ministers respecting lists of occupations prohibited for young persons (Dziennik Ustaw, No. 64, 25 October 1958, Text 312).

Enactment of the Ministry of Labour and Social Welfare concerning records and lists of young workers (Dziennik Ustaw, No. 2, dated 10 January 1959, Text 19).

Order No. 305 of 13 October 1955 of the Chairman of the Council of Ministers concerning temporary principles of co-operation between the technical labour inspectorates and the mining boards in supervising mining undertakings (Monitor Polsk, No. 97, dated 27 October 1955, Text 1327).

The regulations in force in Poland relating to protection of young persons establish the minimum age for admission of young persons to mines at 18 years. There are exceptions to this rule, which are in full conformity with Article 2, paragraph 3 of the Convention.

The Labour Inspection Service, a branch of the trade unions, is responsible, by virtue of an Act dated 2 July 1958, for supervising employment in underground work in mines. Apart from the Labour Inspection Service there is a social labour inspectorate - a voluntary organisation in which all duties are performed by the workers themselves.

The scope of activities of this inspectorate embraces, inter alia, the protection of young persons at work.

State supervision on other working conditions and the application of labour legislation is ensured by the Mining Offices which operate in virtue of an Act dated 21 October 1954 and superintend mining enterprises. The Offices were required by Decree No. 305 of the Council of Ministers, dated 13 October 1955, to collaborate with the Labour Inspection Service.

The employment of young persons is also subject to supervision and inspection by the Mining Offices (paragraph 2 of the said Decree).

UKRAINE

Labour Code of the Ukrainian SSR.

Decree No. 736 VIII of the Presidium of the Supreme Soviet of the Ukrainian SSR to repeal certain legislative texts as a result of the coming into force of the Labour Code (Vedomosti verkhovnogo Soveta Oukranskil SSR, 16 June 1972, No. 24, Text 195).

Regulations concerning Employment Cards (Bulleten gosudarstvennogo komiteta Soveta Ministrov SSR po Voprosam truda i zarabotnoi platy, 1963, No. 9).

Application of the Articles of the Convention. Section 190 of the Labour Code prohibits the employment of young persons under 18 years of age on arduous, unhealthy or dangerous work, or on work underground.

The list of tasks and jobs on which persons under 18 may not be employed (which was adopted in agreement with the Central Council of Trade Unions by Order No. 629 of 29 August 1959 of the State Committee for Labour and Wages of the Council of Ministers of the USSR) provides, inter alia, that persons under 18 years of age may not be employed on underground work.

USSR

Fundamental Principles governing the labour legislation of the USSR and the Union Republics.

List of operations, occupations, trades and jobs, approved by the State Labour and Wages Committee of the Council of Ministers of the USSR on 29 August 1959.

Regulations respecting the state health inspection services in the USSR, approved by Order of the Council of Ministers of the USSR on 29 October 1963.

Safety Rules for coal and shale mines, approved by the State Technical Safety Inspectorate of the USSR in 1964.

According to Soviet labour legislation, a person normally acquires a legal capacity to contract for purposes of employment, and at the same time a capacity to perform work, on reaching the age of 16 years. This age limit is appreciably increased for a large number of occupations, trades and jobs.

The State Labour and Wages Committee of the Council of Ministers of the USSR has made an Order approving a list of occupations and jobs in which persons under 18 years of age are not allowed to be employed. The jobs listed include all types of underground work.

A provision to this effect is also contained in the Fundamental Principles governing the labour legislation of the USSR and the Union Republics. Section 75, for example, states that "it is unlawful to employ young persons under the age of 18 on arduous work or work in unhealthy or dangerous working conditions, or on underground work".

All classes of workers, irrespective of age, who are employed on underground work, are given a compulsory preliminary medical examination and periodic medical check-ups to ascertain whether they are fit to perform the work assigned to them and to prevent occupational diseases (section 65).

According to the Regulations respecting the state health inspection services in the USSR, which were approved by an Order of the Council of Ministers of the USSR dated 29 October 1963, workers are given their preliminary and periodic medical examinations by the medical and health services and polyclinics attached to industrial undertakings and also by the treatment and preventive medicine centres. Examinations are given at intervals of three, six and twelve months.

The data derived from preliminary and periodic medical examinations are entered on medical cards, which are also used to record all changes noted at subsequent examinations.

Arrangements are made for any worker who has been examined to receive treatment or health care, wherever necessary. Such arrangements include accommodation in a hospital, sanatorium, health resort, rest home or prophylactorium or a temporary transfer to other, lighter work.

The cost of medical examinations is borne by the undertaking, within the limits fixed by the executive committees, as the competent local authorities.

While undergoing an examination, a worker continues to be entitled to his average wages.

YUGOSLAVIA

Basic Act of 24 October 1966 respecting employment relationships (consolidated text) (Službeni List, 9 November 1966, No. 43, Text 516; errata: *ibid.*, 25 November, No. 45, p. 922) (LS 1966 - Yug. 1).

Basic Act of 4 April 1965 respecting the protection of labour (*ibid.*, 5 April 1965, No. 15, Text 314; errata: *ibid.*, 30 June 1965, No. 29, p. 1179) (LS 1965 - Yug. 3).

Basic Act of 1966 respecting mines (*ibid.*, 1966, No. 9).

Article 1 of the Convention. Section 34 of the Basic Act respecting employment relationships covers all types of underground work.

Article 2. Section 34 of the Basic Act respecting employment relationships prohibits young workers under 18 years of age from being assigned to underground work.

Article 4. A system of inspection to ensure compliance with the Convention is provided for in Chapter VII, and especially section 90(2), of the Basic Act respecting the protection of labour, which states that underground work is supervised by the authorities responsible for the inspection of mines.

Section 144, clause (5) of the Basic Act respecting employment relationships provides for a fine of between 500 and 5,000 dinars for any breach of the provisions of section 34. Chapter VI of the Basic Act respecting the protection of labour requires registers to be kept.

Article 5. The Central Council of the Confederation of Yugoslav Trade Unions and the Federal Economic Chamber have been consulted.

Convention No. 124: Medical Examination of Young Persons (Underground Work), 1965

ECUADOR

Labour Code of 1971.

Article 1 of the Convention. The term "mine" is not expressly defined in national laws or regulations, but the expression "underground work" covers work in mines and quarries, and, more generally, any work done below the surface of the earth.

Article 2. No provision is made in national laws or regulations for the compulsory medical examination referred to in the first paragraph of this Article. There are only general texts relating to the prevention of employment injuries. Section 132 of the Labour Code, for example, states -

"The labour authorities may at any time inspect the places and conditions in which work is carried on by young persons and order such persons to be given medical examinations and respect to be shown for the protective legislation on the subject."

In the amendments to the Labour Code, consideration is being given to the measures taken in this connection and full regard will be had for the provisions of this Convention, to ensure that it is given full effect. This applies to Articles 3, 4 and 5 of the Convention.

PANAMA

National Constitution of the Republic, sections 4, 75 and 76.
Labour Code, sections 118, 126, 128 and 1064.

The definitions of "mine" and "underground work" are the same as in the Convention.

The worker must undergo a medical examination before taking up his employment, if required to do so by the employer or the competent authority. Medical certificates are issued by qualified doctors, and X-ray examinations of the miners' lungs are made every six months.

According to section 1064 of the Labour Code, penalties are imposed for infringements of the provisions of the Code. Section 128 requires the employer to keep a register containing full data concerning the workers. Section 118 of the Labour Code prohibits the employment of persons under 18 years of age on dangerous work.

UKRAINE

Labour Code of the Ukrainian SSR, 1972.

Application of the Articles of the Convention. According to section 169 of the Labour Code, workers engaged on arduous tasks, including underground work, must, irrespective of age, be medically

examined before being engaged and periodically thereafter, so as to determine their suitability for the work they perform and so as to prevent occupational diseases.

Convention No. 125: Fishermen's Competency
Certificates, 1966

BRAZIL

Article 2 of the Convention. No use has been made of this provision.

Article 4. Section 370 of Decree No. 5798 of 11 June 1930 promulgating the Maritime Regulations (Regulamento para o Trafego Maritimo) as amended, and Permanent Instruction by the Directorate of Ports and Coasts of the Ministry of Marine No. 12352.3 of 7 January 1971 (Portomarinist).

Article 5. National laws distinguish between regional fishing, coastal fishing and deep-sea fishing.

The Maritime Regulations deal with manning in Chapter XLIII, section 402 thereof provides that the crew of each vessel shall be determined by the Port Captain's Office ..., having regard to the tonnage of the vessel, particular navigational requirements, the system of propulsion, etc.

The different grades include:

Deck Duties

Skipper (regional fishing), Skipper (coastal fishing), Skipper (deep-sea fishing). There is no grade of second-in-command (mate) for fishing vessels.

Engine Room

Motorman (fishing), Leading Motorman (fishing).

Section 320, subsection 7 of the Maritime Regulations provides that crews of fishing vessels shall be composed essentially of personnel belonging to the third group (fishermen). Only if it proves impossible to make up the whole crew with personnel of the third group may it be completed with personnel of equivalent grades in the first group (seafarers).

Article 6, paragraph 2. The minimum age prescribed for above is 21 years.

Article 7. See under Article 5 above.

Article 8, paragraph 2. Candidates for the certificates for the grades of Skipper (regional fishing, coastal fishing and deep-sea fishing) must have certain qualifications and pass examinations devised for each grade and held at a Port Captain's Office or Delegation.

In certain cases the certificate is only issued to the successful candidate after one year's service on a fishing boat as trainee under the responsibility of the (duly certificated) Skipper. They receive then, a certificate as Probationer Skipper, valid for three years.

Article 9. Certificates for the grade of Motorman (fishing) and of Leading Motorman (fishing) are delivered to persons who have passed the relevant examinations.

Articles 11 and 12. The report contains the syllabi of the examinations for the certificates of Skipper (regional, coastal and deep-sea), Motorman and Leading Motorman (fishing).

Article 13. No use has been made of this permissive provision.

Articles 14 and 15. The Directorate of Ports and Coasts, Ministry of Marine, the Office of the Superintendent of Fisheries, Development Ministry of Agriculture and the Ministry of Labour ensure the enforcement of national laws and regulations giving effect to the provisions of this Convention.

The Maritime Regulations and the Penal Code prescribe penalties for the cases mentioned in paragraph 2 of Article 14 and Article 15 of the Convention.

FRANCE

Decree No. 71-463 of 7 June 1971 respecting the holding of command and the performance of officer duties on board fishing vessels and the conditions under which the required certificates are to be issued.

Three Orders for the administration of the above-mentioned Decree.

Article 1 of the Convention. Ships and boats of less than 25 gross registered tons are not excluded from the definition of fishing vessels; the essential criterion for defining types of fishing is the length of time spent at sea.

Article 2. The legislation does not provide for any special exemption for vessels engaged in inshore fishing.

The regulation actually in force had been established after advice of a Study Commission, in which took part representatives of shipworkers' and fishermen's organisations.

Article 3. No special comment.

Article 4. The provisions of Decree No. 71-463 of 7 June 1971 (sections 5 and 7) specify the qualifications the holder of a certificate of competency must have in order to perform the duties of skipper, first mate and second mate (deck officers) and those of chief engineer, second engineer and officer in charge of a watch

(engineer officers) on board fishing vessels, having regard to the type of fishing and the characteristics of the vessel (engine power and tonnage).

Article 5. (a) The main criterion observed in defining types of fishing is the length of time spent at sea.

In this connection, section 3 of the Decree of 7 June 1971 makes a distinction between four types of fishing:

- small-scale fishing;
- inshore fishing (vessel absent from port for a period of not more than 96 hours but more than 24 hours);
- offshore fishing (vessel customarily away from port for more than 96 hours but not corresponding to the definition given for large-scale fishing);
- large-scale fishing: fishing engaged in by -
 - (i) any vessel of 1,000 gross registered tons or more;
 - (ii) any vessel of 150 gross registered tons or more customarily absent for more than 20 days from its home port or its supply port.

(b) The legislation does not specify any engine power below the level of which it is not compulsory to carry an engineer.

On vessels equipped for small-scale fishing the skipper may act as engineer on condition that he holds a certificate appropriate to the engine power.

(c) The legislation makes no distinction, strictly speaking, between full certificates and limited certificates.

The holder of one and the same certificate may be called upon, having regard to the type of fishing, the engine power or the tonnage of the vessel on which he performs his duties, to assume the responsibilities of skipper, first mate or second mate.

The certificates of vocational training required are the following:

- Navigation: - certificate of master (fishing);
- certificate of skipper (fishing);
 - certificate of second mate (fishing);
 - certificate of qualification;
 - certificate of maritime apprenticeship.
- Engineering: - certificate of electrical engineering officer-technician;

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- certificate of electrical engineering officer, third class;
 - certificate of fishing vessel engine mechanic;
 - licence to operate engines.

(d) Section 10 of the Decree of 7 June 1971 provides that "where recognised to be necessary, exceptions to the rules laid down in sections 5 and 7 above may be allowed, at the request of the master, by the administrators for maritime affairs who are district heads".

Article 6. The minimum age required for the issue of a certificate qualifying the holder to perform the duties of skipper, mate or engineer is 21 years, except in the case of lesser certificates (certificate of qualification, licence to operate engines, mechanic's certificate), which may be issued as from 18 years of age. The functions of command devolving from the different certificates (even those issued to persons under 21 years of age) may not be effectively performed until the holder of the certificate has reached 21 years of age.

Article 7. A second mate's certificate (fishing) is issued only to applicants who can show proof of 18 months' actual sea service on board a fishing vessel.

Sea service is taken into account for the issue of certificates only from 18 years of age onwards. It may therefore be considered that in any event a certificate will be issued only to an applicant who has the proved professional experience.

Article 8. A skipper's certificate (fishing) is issued to applicants who can show proof of 48 months' actual sea service on board a fishing vessel - 24 months of which must have been completed since the issue of a second mate's certificate - in the capacity of skipper, first mate or second mate.

A master's certificate (fishing) is issued to second mates (fishing) fulfilling the same requirements as regards sea service as are cited in the previous paragraph.

Article 9. Section 17 of the Decree of 7 June 1971 provides that the period of sea service required for the issue of a certificate of electrical engineering officer, third class, may, up to a limit of twelve months, be replaced by a period of service in an engineering workshop.

Article 10. A flat-rate reduction of three months in the period of sea service required of candidates for examination with a view to the obtention of a second mate's certificate (fishing) is granted in respect of the holders of certificates of maritime apprenticeship.

Article 11. The examinations to determine aptitude for the obtention of certificates of competency in fishing comprise -

-
- a written examination (candidates eliminated if unsuccessful);
 - an oral examination;
 - practical tests.

All the examinations are held under the supervision of the General Inspectorate of Maritime Instruction.

Article 12. An important place is allotted in the syllabi for training as second mates, skippers and masters (fishing) to the subjects mentioned in this Article.

Article 13. Section 6 of the Decree of 7 June 1971 provides for transitional measures for the benefit of certain skippers of fishing vessels who would otherwise be deprived of their command in accordance with the new definition of types of fishing.

The Decree sets no time limit for this transitional period, but does provide, on the other hand, that persons desirous of benefiting from an exemption of this kind must successfully pass a special examination.

Article 14. Decree No. 68,206 of 17 February 1968 respecting the safeguarding of human life at sea and living conditions on board vessels provides (section 25) that every vessel, prior to sailing from a French port, must undergo a departure inspection.

The inspector of maritime labour and navigation or engineering inspector who carries out the inspection may prohibit or postpone the sailing of a vessel if he considers that it cannot put to sea without endangering the vessel, the crew or the passengers on board.

Article 15. (a) Section 69 of the Act of 17 December 1926, as amended, introducing a Disciplinary and Penal Code for the Merchant Navy prescribes penalties (a fine of from 360 to 3,600 francs) for shipowners or skippers who fail to comply with the provisions of the Labour Code and the regulations issued for its administration.

A skipper may also be subjected to disciplinary action.

(b) Section 73 of the same Act provides that any person who obtains or attempts to obtain an engagement by producing forged identity documents is liable to from 6 days' to 6 months' imprisonment (sentence doubled in the event of a second offence).

The application of the laws and administrative regulations is entrusted to the Minister responsible for the Merchant Navy and the authorities to whom he delegates his powers - in particular Directors for Maritime Affairs and District Heads for Maritime Affairs.

As for the supervision of this application, it is the responsibility of the corps of inspectors of navigation and maritime labour, under the surveillance of the administrators for maritime affairs.

FRANCE

French Guiana, Guadeloupe, Martinique, Réunion

See under France, Convention No. 125.

Comoro Islands

The Convention is inapplicable to the Comoro Islands as there are no fishing vessels there.

French Territory of the Afars and the Issas

Due to the rudimentary fishing methods used it has not been the practice to train fishermen up to now. There are plans to introduce a certificate of competency for fishermen.

New Caledonia

Apart from a requirement that skippers possess certain qualifications, no provisions have been enacted with regard to certificates of competency in respect of vessels belonging to the territory of less than 25 gross registered tons.

St. Pierre and Miquelon

Decrees of 21 December 1911 and 20 July 1924.

Order of 26 August 1969.

Fishing vessels belonging to the Territory of more than 100 gross registered tons are required to carry a certificated skipper and mate and a certificated chief engineer and second engineer.

The competent authority is the Shipping Registration Administrator.

PANAMA

Labour Code, Decree No. 252 of 30 December 1971, sections 252 and 263.

Article 2 of the Convention. Advantage has not been taken of these provisions.

Article 4. The provisions which determine the standards of qualification for certificates of competency are contained in the regulations of the Mercantile Marine Department, Ministry of Labour and Social Welfare.

Article 5. In some cases inshore fishing vessels of less than 100 gross tons have been authorised to put to sea without the full complement of certificated personnel when it has been provided that no suitably qualified persons were available.

Article 6, paragraph 1. The minimum age prescribed by national laws and regulations for the issue of a certificate of competency is not less than:

- (a) 20 years in the case of skippers and engineers;
- (b) 19 years in the case of mates.

Paragraph 2. Advantage has not been taken of this optional clause.

Articles 7, 8 and 9. The minimum professional experience prescribed by national laws and regulations for the issue of the following certificates of competency is as follows:

- (a) four years' sea service engaged in deck duties for the issue of a skipper's certificate of competency;
- (b) three years' sea service engaged in deck duties for the issue of a mate's certificate of competency;
- (c) three years' sea service in the engine room for the issue of an engineer's certificate of competency; however, when the applicant has worked for at least two years in an engineering workshop the period of sea service may be reduced to twelve months.

Article 10. In the case of applicants who have followed courses of accelerated training the periods of sea service required may be reduced to twelve months.

Articles 11 and 12. The examinations organised and supervised by the Mercantile Marine Department of the Ministry of Labour comprise, in the case of skippers and mates: general nautical subjects, practical navigation and safe working practices, as well as fishing techniques and the stowage and cleaning of fish on board. Requirements in the case of engineers include: theory, operation, maintenance and repair of steam or internal combustion engines and related auxiliary equipment; operation, maintenance and repair of refrigeration systems and principles of shipboard electric power installations.

Article 13. During the three-year period from the date of the coming into force of this Convention, competency certificates have been issued by the Mercantile Marine Department to persons with sufficient practical experience of the subjects mentioned in Article 11 of the Convention.

Article 14. The Mercantile Marine Department is responsible for ensuring the application of this Convention. The coastguards may detain any vessels which do not apply the provisions of the Convention.

Article 15. Fines, generally of 100 balboas, are prescribed when:

- (a) a fishing vessel owner or his agent, or a skipper, has engaged a person not certificated as required;
- (b) a person has obtained by fraud or forged documents an engagement to perform duties requiring certification without holding the requisite certificate.

It should further be pointed out that deep-sea fishing, regulated by the Convention, is very rarely practised in Panamanian waters.

SIERRA LEONE

No training institution for the fishing industry exists in the country. Foreign officers for fishing vessels are recruited by the fishing companies concerned from abroad, with the recognised qualifications of their respective countries. Their certificates of competency are not verified by the Fisheries Division of the Ministry of Agriculture and Natural Resources, but under the Immigration Quota System every expatriate's qualifications are scrutinised to ensure that he is suitably qualified before he is allowed to enter the country to take up appointment.

Although no legislation exists to fulfil the requirements of the Convention, the Fisheries Division is making every effort to give legislative effect thereto.

SYRIAN ARAB REPUBLIC

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

Ministerial Order No. 2893 of 31 December 1961.

Ministerial Ordinance No. 1900 of 30 September 1962.

Order No. 18 of 1968.

The above legislation lays down rules and conditions regarding the granting of marine competency certificates.

As there are at present no fishing vessels of more than ten gross registered tons, the application of the Convention is not called for.

Convention No. 126: Accommodation of Crews
(Fishermen), 1966

BELGIUM

Shipping Inspection Regulations (Royal Order of 12 December 1957).

The major provisions of the Convention are applied in practice.

The regulations in force are now undergoing a complete revision. The draft regulations which will shortly be coming into force will be applicable to fishing vessels of 24 metres in length and, as far as is reasonable and practicable, to fishing vessels below 24 metres in length.

SIERRA LEONE

Draft regulations embodying the provisions of the Convention have been prepared and submitted to the Legal Department for further action. The Ministry of Agriculture and Natural Resources, through the Fisheries Division, at present subject the small industrial fleet of fishing boats to annual examination to determine their seaworthiness and safety prior to having their licences renewed to fish in this country's territorial waters.

The Fisheries Division is making every effort to give legislative effect to the provisions of the Convention.

Convention No. 127: Maximum Weight, 1967

ALGERIA

Order of 22 January 1954 to make rules for the work of women and children employed in industry and commerce.

Decree No. 67-60 of 27 March 1967 respecting the powers and duties of the inspectorate of labour and manpower.

Article 1 of the Convention. The expression "transport of loads" appearing in section 1 of the Order of 22 January 1954 means any form of transport in which the weight of the load is borne entirely by a single worker; it includes the lifting and lowering of the load. According to the same section, the expression

"young worker" covers workers of both sexes between 14 and 18 years of age, inclusive.

Article 2. The system of inspection is governed by Decree No. 67-60 of 27 March 1967.

Article 3. No woman may be required, during the three weeks following her confinement, to carry, pull or push a load.

Article 6. The transport of loads by means of trucks, wheelbarrows, wheeled vehicles, carts and tricycles is governed by the Order of 22 January 1954.

BRAZIL

The Consolidated Labour Laws (Legislative Decree No. 5452 of 1 May 1943, 1968 Edition).

Maritime Transport Regulations.

Article 1. Section 212 of the Consolidated Labour Laws provides that workers shall not be obliged to move individually any material weighing more than 60 kg. Under section 324(2) of the Maritime Transport Regulations, the workers registered as dockers must be 21-40 years of age and in good physical condition.

Article 2. According to section 154 of the Consolidated Labour Laws, the provisions on safety and health contained in Chapter V thereof shall be respected in all workplaces.

Article 3. See under Article 1 above.

Article 4. This matter is covered by Chapter V of the Consolidated Labour Laws.

Article 5. Training courses for dockers are a part of the maritime workers' vocational training programme.

Article 6. See under Article 5.

Article 7. It is not usual for young persons and women to carry loads in Brazil.

PANAMA

National Constitution of the Republic (sections 4, 75 and 76).

Labour Code (section 118).

Articles 3 and 4 of the Convention. No worker is allowed to engage in the manual transport of any load weighing more than 32 kg.

Article 5. The Employment Injuries Department of the Social Insurance Fund trains workers to handle loads.

Article 6. Handling equipment is used for loads weighing more than 32 kg.

Article 7. Although the Code does not expressly provide for work involving the transport and handling of loads, women are in practice not allowed to engage in such work and persons under 18 years of age are not allowed to transport loads because such work is considered to be detrimental to their health, as provided for in section 118 of the Labour Code.

TUNISIA

Act No. 66-27 of 30 April 1966 to promulgate a Labour Code (LS 1966 - Tun. 1).

Decree No. 67-391 of 6 November 1967 concerning the health, safety and employment of women and children in commercial and industrial undertakings and in the liberal professions.

Decree No. 68-328 of 22 October 1968 prescribing general rules of hygiene to be applied in undertakings covered by the Labour Code.

Order of 11 January 1961 to regulate the wages of storekeepers.

Article 1. The terms "manual transport of loads", "regular manual transport of loads" and "young worker" are used in practice in the sense in which they are defined in the Convention.

Article 2. The Labour Inspectorate covers the following sectors of economic activity: commerce, industry, the liberal professions, handicrafts, agriculture, mines and transport. The Inspectorate supervises the activities of private or semi-state undertakings.

The provisions of the Convention are applied in manufacturing industry, extractive industries and goods handling.

Article 3. The Order of 11 January 1961 to regulate the wages of storekeepers limits the maximum weight of goods in sacks to 80 kg. It is intended to adjust this weight to the requirements of the Convention.

Article 5. Employers train their workers immediately after engagement in the methods of work to be used.

Articles 6-7. No general legislation or regulations have been issued to apply these Articles.

Convention No. 128: Invalidity, Old-Age and
Survivors' Benefits, 1967

NETHERLANDS

Incapacity Insurance Act of 18 February 1966 (Staatsblad, 1966, No. 84) (LS 1966 - Neth. 2).

General Old-Age Act of 31 May 1956 (Staatsblad, 1956, No. 281) (LS 1956 - Neth. 2).

General Widows and Orphans Act of 9 April 1959 (Staatsblad, 1959, No. 139) (LS 1959 - Neth. 3).

Part II. Invalidity Benefit

Article 8 of the Convention. Incapacity for work of 80 per cent or more is regarded as total incapacity and confers entitlement to the full benefit without reduction. Reduced benefit is payable in respect of incapacity of from 15 per cent upwards.

Article 9. All employees, including apprentices, are protected.

Article 10. Incapacity benefit is provided in the form of periodical payments calculated in accordance with the requirements of Article 26. The rate of benefit plus family allowances payable during a contingency to a standard beneficiary is equivalent to 91.11 per cent of the previous earnings of a skilled manual male employee, increased by family allowances.

Article 11. No qualifying period is required.

Article 12. Incapacity benefit is payable until it is replaced by old-age benefit. It may be suspended if the protected person is found to have wittingly caused his own incapacity for work, or where the beneficiary refuses without a valid reason to allow himself to be medically examined, fails to comply with instructions given by the industry society in connection with his treatment or cure, or the maintenance, restoration or improvement of his capacity for work, fails to accept the medical treatment deemed to be necessary, is guilty of behaviour that retards his cure or fails to comply with the supervision rules laid down by the industry society.

Article 13. The industry society may make arrangements for the rehabilitation of the disabled; provision for their placement is made in the Placement of the Handicapped Act.

Part III. Old-Age Benefit

Article 15. The age of becoming eligible for old-age benefit is 65 years. The legislation does not take account of the arduous or unhealthy nature of the work performed and lower the pensionable age accordingly.

Article 16. The persons protected comprise all residents between 15 and 65 years of age as well as non-residents in gainful employment in the Netherlands.

Article 17. Old-age benefit is provided in the form of periodical payments calculated in accordance with the requirements of Article 27. The full old-age pension for a couple, payable after 50 years of insurance, is equivalent to 78.5 per cent of the wage of the standard labourer.

Article 18. No qualifying period is required.

Article 19. Old-age benefit is payable throughout the contingency, and may not be suspended.

Part IV. Survivors' Benefit

Article 21. The legislation does not make the right to a widow's pension conditional on the attainment of a prescribed age. Nor is any minimum duration of marriage required.

Article 22. The persons protected comprise all residents between 15 and 65 years of age as well as non-residents in gainful employment in the Netherlands.

Article 23. Survivors' benefit is provided in the form of periodical payments calculated in accordance with the requirements of Article 27. The rate of benefit plus family allowances payable to a standard beneficiary is equivalent to 81.1 per cent of the wage of the standard labourer increased by family allowances.

Article 24. No qualifying period is required.

Article 25. In the case of widows with dependent children, or widows who are disabled or who were 40 years of age or over at the time their husbands died, the survivor's pension is payable until it is replaced by the old-age pension. In the case of other widows and orphans the contingency ends as soon as there is no longer any direct relationship between the death of the breadwinner and the loss of means of subsistence. The period at the end of which a widow under 40 years of age who is not disabled and has no children is deemed to have had sufficient time and opportunity to equip herself to engage in a gainful occupation enabling her to provide for her own needs is fixed at six months in the case of a widow under 27 years of age; if the widow is 27 years of age or over this period is prolonged for as many months as her age represents full years beyond the age of 26. In the case of orphans the contingency ends at 16 years of age. It is extended to 27 years of age in the case of children who are attending school or receiving vocational training or who suffer from an infirmity, in so far as their earning capacity does not exceed 55 per cent.

Part VI. Common Provisions

Article 30. The incapacity and survivors' insurance schemes are based on the principle of the contingency. Rights in the course of acquisition in respect of old-age insurance are maintained without restriction after the period of insurance has ended.

Article 31. Incapacity benefit may be suspended or reduced if the earnings of the beneficiary in respect of gainful activity are out of proportion to his remaining capacity for work. Old-age and survivors' pensions may be cumulated with earnings.

Article 33. It is possible for an old-age pension to be cumulated in its entirety with other social security benefits.

Article 34. A claimant who is refused benefit or who is dissatisfied with its quality or quantity has the right to appeal to the Appeals Board, and thence to the Central Appeals Board. The parties are entitled to be represented.

Article 35. The State guarantees without restrictions the payment by the competent institution of the benefits due under the above-mentioned Acts. Supervision of the social security institutions is exercised by the Social Insurance Council.

Article 36. The administration of the scheme for insurance against incapacity for work is entrusted to the industry societies, which are administered jointly by representatives of employers and workers. The general old-age insurance scheme and the general widows' and orphans' insurance scheme are operated by the Social Insurance Bank, which is administered on a tripartite basis.

Part VII. Miscellaneous Provisions

Article 37. The following are excluded from the application of the Convention, in respect of Part II only: persons who are parties to an employment relationship with a private individual and who are exclusively or almost exclusively engaged on the latter's behalf in the performance of domestic work or personal services in his household and are normally so engaged on less than three days a week, and employed persons who have reached the age of 65 years. The number of employed persons thus excluded represents 1.15 per cent of all employed persons.

Convention No. 129: Labour Inspection
(Agriculture), 1969

SWEDEN

Workers Protection Act 1949, as amended (LS 1949 - Swe. 1) (hereafter referred to as "the Act").

Workers Protection Proclamation 1949, as amended (LS 1949 - Swe. 4) (hereafter referred to as "the Proclamation").

Instruction of 3 December 1965 for the Labour Inspection Services (Srenks Författningssamling, No. 791 of 1965), as amended in 1970 (hereafter referred to as "the Instructions").

Article 1 of the Convention. The labour inspection system applies to agricultural enterprises as defined in this Article, with certain exceptions (as indicated in section 3 of the Act).

Article 4. By virtue of section 47 of the Act, the Labour Inspection Service exercises supervision over all activities in which employees work on behalf of an employer, without regard to the form in which payment is made, and the nature, structure or length of the contract of employment.

Article 5, paragraph 3. The labour inspection system does not cover persons under paragraph 1(a) of this Article, in so far as they are to be regarded as farming entrepreneurs. It applies to work performed by two or more persons jointly on their own behalf. Family members, as defined by section 3(b) of the Act are excluded, but the question of their inclusion is being studied.

Article 6, paragraph 1(a). The responsibility of the labour inspection system is to enforce legislation on workers' protection and working hours, with the exception of wages and holidays.

Paragraph 1(b). This is regulated in section 68 of the Proclamation, section 12 of the Instructions.

Paragraph 2. Labour inspectors do not have such functions.

Paragraph 3. Officials of the Labour Inspectorate have no further duties.

Article 7, paragraph 1. The National Board of Occupational Safety and Health is the central supervisory authority for industrial safety and labour inspection.

Paragraph 3. Supervision in agriculture is exercised by officials from both the General Labour Inspectorate and the Forestry Labour Inspectorate. Under section 47 of the Act, the Board of Occupational Safety and Health also functions as an inspecting authority.

Article 8, paragraph 1. All officials of the Labour Inspectorate are civil servants, their appointments being regulated by the Civil Service Act and the Civil Service Code.

Paragraph 2. The method indicated in the second paragraph of this Article has not so far been applied.

Article 9. Inspecting officers are appointed exclusively with a view to their qualifications for discharging their duties. Officers of the General Labour Inspectorate who deal with inspection in agriculture, have a technical education plus certain practical experience. Posts specially earmarked for inspection in agriculture

must be held by persons with a special knowledge of agriculture. During the period covered by the report, a special course has been held for those officials from the Labour Inspectorate particularly concerned with inspection in agriculture.

Article 10. All appointments with the Labour Inspectorate are open to both men and women. In practice, all the female inspecting officers deal mainly with questions relating to the working conditions of women and minors.

Article 11. The officials of the Labour Inspectorate and Board of Occupational Safety and Health possess in general the requisite technical knowledge. If necessary, outside experts and specialists are used.

Article 12. Public authorities do assist and co-operate with each other. The inspection of agriculture is integrated with general inspection activities. No recourse has been had to the possibility provided in paragraph 2 of this Article.

Article 13. The collaboration called for in this Article does exist, as provided for in Chapter 6 of the Act, section 67 of the Proclamation and in administrative instructions.

Article 14. Reference is made to Articles 26 and 27.

Article 15. The Labour Inspectorate is divided in districts, each with its own office premises. Labour inspectors use their own cars on inspections and are reimbursed from state funds.

Article 16. Regulations on this Article are to be found in sections 50 and 59 of the Act. In view of the scope of the labour inspection system, the question of supervising work in the employer's home does not arise. Section 14 of the Instructions and section 67 of the Proclamation contain regulations corresponding to paragraph 3 of this Article.

Article 17. The legislation gives comprehensive cover to the preventive controls envisaged by this Article.

Article 18. Sections 53 and 60 of the Act permit effective measures, with immediate executory effect when necessary, to remedy any danger to health or safety. Defects are made known to employers and representatives of the workers under sections 53, 64, 67 and 69 of the Proclamation.

Article 19. Section 5 of the Proclamation provides for notification of serious accidents and occupational injuries. Labour inspectors customarily participate in inquiries into occupational accidents and diseases.

Article 20. Section 13 of the Civil Servants Act covers the subparagraph (a) and sections 51 and 68 deal with subparagraph (b). Administrative instructions provide that the supervisory body is to treat reports from individual employees in strict confidence.

Article 21. Agricultural undertakings form part of the general programme of visits by labour inspectors to places of employment. The programme is organised to give the optimum efficiency in inspection.

Article 22. Chapter 9 of the Act provides penalties for non-observance of legal provisions. Labour inspectors have power to give warnings and advice.

Article 23. Labour inspectors have the right to report directly to a public prosecutor, when breaches of legislations sanctioned by penalties occur.

Article 24. Chapter 9 of the Act and other legislation lay down penalties for violations of legislation and the obstruction of inspectors.

Articles 25 and 26. Labour inspectors make monthly reports to the National Board of Occupational Safety and Health followed by an annual report, submitted by 1 March each year. The Board presents an annual report to the Minister of Health and Social Affairs every year prior to 1 December which is then printed.

Article 27. All the information called for in subparagraphs (a)-(e) of this Article is provided in the annual report. In regard to subparagraphs (f) and (g) the statistics only apply to accidents and occupational diseases reported to the Labour Inspectorate.

Convention No. 130: Medical Care and
Sickness Benefits, 1969

SWEDEN

National Insurance Act of 25 May 1962 (Svensk Författningssamling, 10 July 1962, p. 903) (LS 1962 - Swe. 1).

Part I. General Provisions

Article 7, paragraph 1 of the Convention. Medical care is provided by county councils or municipal authorities. Medical care also includes preventive care in respect of all pregnant women and mothers, and all children during their first year of life. Extensive health check-ups cover practically all 4 year-old children. Children in school are covered by the school health service which is mainly of a preventive character. Free vaccination against certain diseases, special medical examinations of women in certain age groups, general health check-ups on certain age groups, and mass X-ray examinations of the lungs have been effected in the country. Industrial health with a view to discovering illness at an early stage is being greatly expanded.

Paragraph 2. Insured persons whose working capacity is reduced by one-half are entitled to sickness benefit (Chapter 3, paragraph 7).

Part II. Medical Care

Article 10. Recourse is had to subparagraph (c) for the determination of the persons protected. All Swedish citizens and foreigners domiciled in Sweden are covered.

Article 12. Persons in receipt of benefit for invalidity, old age, death of the breadwinner or unemployment and, where appropriate, their wives and children, are covered in respect of medical care under the same rules as the rest of the population living in Sweden. Reimbursement for hospital care to persons over 67 years or under this age who are in receipt of retirement or full advance pension is provided only for a maximum of 365 days; then a fee, which is usually Kr. 10 a day is charged.

Article 13. Medical care in general hospitals and certain other hospital facilities are free to hospitalised patients. A set charge is applied for medical care (including specialist care) provided at the out-patient hospital departments or by district medical officers, whereas the main part of the cost is paid to the doctor's employer directly by the health insurance. In the case of care by a private practitioner the health insurance reimburses to the insured person a certain part of his expenditure. The health insurance also covers in certain cases the cost of travel to and from hospital, although the patient is required to pay a certain part of the cost. Medical preparations for hospitalised patients are provided free of charge. In other cases, they are free or at reduced prices. Dental care for children is largely free of charge. Special rules for reimbursement corresponding to those which apply for medical care by a private practitioner are used in respect of dental care provided to pregnant women. Medical rehabilitation is provided in accordance with the same rules as public medical care. Necessary orthopaedic and other aids are provided free of charge.

Article 15. The right to medical care is not conditional on any qualifying period.

Article 16. See under Articles 10 and 12 above.

Article 17. For medical care provided by out-patient departments or district medical officers the insured person pays Kr. 7 per visit, and the health insurance Kr. 31. In the case of domiciliary visits the charge is Kr. 15. These charges of Kr. 7 and Kr. 15 are applied in respect of X-ray treatment, laboratory tests and other special treatment prescribed. The first return visit prescribed by the doctor is free of charge. In the case of medical care by a private practitioner the insured person is reimbursed three-quarters of the estimated cost of the treatment. Travel expenses are reimbursed at the rate of three-quarters of the expenses exceeding Kr. 6. In-patients at general hospitals or corresponding institutions receive medical preparations free of charge. In respect of out-patient treatment there is a list of twenty-five diseases of a chronic and serious nature, for treatment of which preparations are provided free of charge. The other preparations prescribed by the doctor are provided at reduced prices. The reduction of 50 per cent is given for all preparations with prices exceeding Kr. 5 up to Kr. 25. If the price exceeds Kr. 25 it is required to pay Kr. 15 for medical preparations prescribed and purchased on the same occasion.

No charging of the cost of hospitalisation is required for in-patients; for persons over 67 years or under this age who are in receipt of retirement or full allowance pension, see under Article 12 above. The cost of dental care provided at central dental clinics, odontological faculties and general hospitals is reimbursed in accordance with the rules for medical care by private practitioners.

Part III. Sickness Benefit

Article 19. Recourse is had to subparagraph (b). Compulsory health insurance covers all persons domiciled in the country with annual earned income of at least Kr. 1,800 and certain female (mainly housewives) and male (married men working in the home) persons without such income. The required statistical data is supplied.

Article 21. Recourse is had to Article 22 in calculating the amount of benefit. Cash sickness benefit comprises the basic benefit of Kr. 6 and an additional benefit, the rate of which depends on the wage class to which the beneficiary belongs and varies from Kr. 1 to Kr. 46 for annual incomes from Kr. 2,600 to Kr. 39,000 and above. Children's supplements at the rate of Kr. 1, 2 and 3 per day are payable to beneficiaries having 1 or 2, 3 or 4, and 5 or more children under 16 years of age respectively. An insured person is entitled to sickness benefit and children's supplement when his working capacity is reduced at least by half. If disability is not total the benefit and children's supplement is reduced by half. In determining the standard skilled manual employee, recourse is had to paragraph 6, subparagraph (a) of Article 22. The total hourly earnings (basic wage, annual paid holiday, compensation for public holidays and shift bonuses) of this worker is Kr. 17.61. The percentage of the benefit to income before deduction of taxes constitutes 53.8 per cent. Benefits are tax free.

Article 25. The right to cash sickness benefit is not dependent on any qualifying period.

Article 26, paragraph 1. As a rule, sickness benefit is paid throughout the period of sickness. It cannot, however, be drawn for more than a total of 180 days after the beginning of the month in which the insured person reaches the age of 67 or begins to draw retirement pension. In the case of lasting incapacity for work sickness benefit can be exchanged for advance pension.

Paragraph 3. There exists a one-day waiting period unless the sickness starts within 20 days from the end of the preceding period of sickness or entails the loss of unemployment benefit.

Paragraph 4. Sickness benefit is suspended under the circumstances provided for in subparagraph 5(c), (d), (e), (f) and (g) of Article 28. In such cases sickness benefit is not payable to the dependants of the insured person.

Article 27. Burial assistance is not incorporated in any branch of Swedish public social insurance. The majority of the gainfully employed population is covered by collective agreements on life insurance which are supervised by state authorities and which provide a funeral grant.

Part IV. Common Provisions

Article 29. The National Social Insurance Board is the first body of appeal and the inspecting authority for health insurance. The Insurance Court is the final court on matters of social insurance respecting sickness benefit. An insured person can complain to the appropriate medical authorities regarding health and medical services refused or the nature of the services provided.

Article 30. The Swedish State is ultimately responsible for the due provision of all benefits in accordance with the Convention and for the administration of medical care and health insurance.

Article 32. Foreign nationals domiciled in Sweden are treated in the same way as Swedish citizens domiciled in the country as regards the right to medical care and cash benefits.

LIST OF REPORTS CONTAINING INFORMATION WHICH
HAS NOT BEEN SUMMARISED

- A. Reports containing information on important changes in the implementation of Conventions, or information supplied in reply to Observations or Direct Requests made by the Committee of Experts.
- B. Reports containing information on the practical effect given to Conventions, or on minor changes in their implementation.
- C. Reports merely repeating or referring to the information previously supplied.

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Chile	2, 18, 37	-	11, 19, 24, 25
Colombia	9, 13	21, 26	3, 5, 7, 11, 14, 15, 20, 100
Cuba	27, 63, 81, 91	9, 106, 110	1, 3, 5, 7, 8, 11, 13, 14, 15, 20, 21, 26, 30, 32, 45, 58, 59, 60, 67, 87, 97, 98, 99, 100, 103, 107, 111
Cyprus	87, 98, 119, 122, 128	106, 111, 123	11, 15, 45, 97
Denmark	100, 102, 105	5, 9, 14, 106	7, 8, 11, 15, 21, 58, 87, 94, 98, 111
Dominican Republic	87	19, 100	5, 7, 10, 26, 29, 45, 89, 104, 105
Egypt	87, 98	95, 106	1
El Salvador	-	-	12, 107
Finland	9, 30, 32, 91, 100, 120, 122	7, 8, 27, 62	11, 13, 14, 15, 20, 21, 45, 87, 98
France	32, 91, 98, 100, 108	3, 9, 26, 36, 38, 99	5, 8, 11, 13, 14, 15, 33, 43, 45, 49, 58, 62, 68, 87, 112
Overseas Departments:			
French Guiana	99, 100	3, 26, 36, 38	5, 8, 9, 11, 14, 15, 32, 33, 43, 45, 49, 58, 62, 68, 87, 91, 98, 108, 112
Guadeloupe	99, 100	3, 26, 36, 38	5, 8, 9, 11, 14, 15, 32, 33, 43, 45, 49, 58, 62, 68, 87, 91, 98, 108, 112
Martinique	98, 99, 100	3, 26, 36, 38	5, 8, 9, 11, 14, 15, 32, 33, 43, 45, 49, 58, 62, 68, 87, 91, 108, 112

INFORMATION NOT SUMMARISED

	A	B	C
Country	Conventions Nos.	Conventions Nos.	Conventions Nos.
Réunion	99, 100	3, 26, 36, 38	5, 8, 9, 11, 14, 15, 32, 33, 43, 45, 49, 58, 62, 68, 87, 91, 98, 108, 112
Overseas Territories:			
Comoro Islands	-	14, 68, 108	3, 5, 8, 9, 11, 13, 15, 26, 32, 33, 35, 36, 37, 38, 43, 45, 49, 58, 62, 84, 87, 91, 97, 98, 99, 100, 112
French Territory of the Afars and the Issas	-	3, 26, 36, 37, 99	5, 8, 9, 11, 13, 14, 15, 32, 33, 38, 43, 45, 49, 58, 62, 68, 84, 87, 91, 97, 98, 100, 108, 112
New Caledonia	-	26, 35, 36, 37, 38, 99	3, 5, 8, 9, 11, 13, 14, 15, 32, 33, 43, 45, 49, 58, 62, 68, 84, 87, 91, 97, 98, 100, 108, 112
St. Pierre and Miquelon	-	8, 14, 26, 99	3, 5, 9, 11, 13, 15, 32, 33, 35, 36, 37, 38, 43, 45, 49, 58, 62, 68, 84, 87, 91, 97, 98, 100, 108, 112
Fed. Republic of Germany	62, 97, 100, 102	3, 9, 26, 97, 98, 111	7, 8, 11, 15, 27, 45, 87, 99, 112
Ghana	50, 87, 98, 100, 119	64, 106, 111	11, 15, 26, 45, 59, 107, 108, 120
Greece	87, 98, 108	1, 3, 5, 9, 13	7, 8, 11, 14, 15, 27, 45, 58
Guatemala	87, 97, 99, 108, 111	86, 89, 94, 100, 106	26, 30, 45, 105, 110, 119
Guinea	-	13, 100	33, 45
Guyana	87, 108	26, 50, 64, 98	5, 7, 11, 15, 45, 86, 97

INFORMATION NOT SUMMARISED

Country	A	B	C
	Conventions Nos.	Conventions Nos.	Conventions Nos.
Haiti	-	100	29, 98, 105, 107
Hungary	87, 98, 100	3, 103, 123	7, 13, 14, 15, 21, 26, 27, 41, 45, 62, 111
Iceland	-	102	8, 11, 15, 58, 87, 91, 98, 100, 111
India	26, 100, 107, 111	1, 5, 14, 32	11, 15, 27, 45
Indonesia	-	-	45
Iran	108	106	-
Iraq	8, 26, 27, 30, 98, 111	1, 14, 100, 106	13, 15, 58, 59
Ireland	102, 122	5, 26, 68, 108	7, 11, 14, 15, 20, 21, 23, 27, 28, 43, 45, 49
Israel	-	79	30, 106
Italy	3	8, 9, 14, 32, 35, 36, 37, 38, 39, 40, 108	7, 11, 13, 15, 27, 58, 68, 87, 98
Jamaica	-	26	7, 8, 11, 15, 50, 58, 86
Japan	27, 87, 98, 100	5, 7, 8, 9, 15	21, 45, 50
Jordan	98, 100, 118, 119	111, 120, 122, 123, 124	29, 81, 105, 117
Kenya	-	11, 50, 64, 65, 86	5, 15, 26, 45, 58, 59, 97, 98
Khmer Republic	13	-	-
Kuwait	87, 119	1, 30, 106, 111	-
Laos	4, 6, 29	-	-
Lebanon	26	-	-
Luxembourg	27	1, 59, 60, 98	5, 11, 13, 14, 20, 45
Malawi	111	-	11, 26, 45, 50, 64, 99, 100, 107

INFORMATION NOT SUMMARISED

	A	B	C
Country	Conventions Nos.	Conventions Nos.	Conventions Nos.
Malaysia (States)	-	98	11, 45, 50, 64, 105
State of Sabah	-	-	15, 86, 97
State of Sarawak	-	-	7, 11, 14, 15, 86
Mali	100	33, 111	5, 11, 13, 14, 26, 87, 98
Malta	99, 111	5, 26, 35, 36	7, 8, 11, 15, 32, 87, 98, 108
Mauritania	3, 18, 33, 52, 81, 87, 90, 94	-	-
Mauritius	2, 5, 15, 29, 50, 59, 63, 64, 86, 108	26, 84, 97, 99	7, 8, 11, 74
Mexico	9, 13, 26, 99, 100, 108	106, 110	8, 11, 14, 21, 27, 30, 45, 58, 111, 112
Morocco	13, 27	14, 26, 99, 111	11, 15, 45, 98
Netherlands	26, 32, 91, 99, 102, 122	5, 8, 9, 14, 33, 62, 87, 97, 112, 123	11, 13, 15, 21, 27, 45, 58, 68, 96
Netherlands Antilles	87, 122	14, 26	5, 8, 9, 11, 15, 21, 32, 33, 45, 58, 62, 68, 91, 97, 99, 112, 123, 128
Surinam	13, 29, 62, 112, 122	14, 27, 87, 94	5, 8, 9, 11, 15, 21, 26, 32, 33, 45, 58, 68, 91, 97, 99, 102, 105, 123, 128
Nicaragua	-	100	-
Nigeria	64, 87, 97	-	8, 11, 15, 26, 32, 45, 50, 58, 59, 98
Norway	8, 43, 91, 102, 111, 128	9, 26, 30, 32, 49, 68, 97, 122	5, 7, 11, 13, 14, 15, 21, 27, 50, 58, 59, 87, 98, 112, 120
Pakistan	1, 87, 98, 107, 111	106	11, 14, 15, 21, 27, 32, 45, 59

INFORMATION NOT SUMMARISED

	A	B	C
Country	Conventions Nos.	Conventions Nos.	Conventions Nos.
Panama	3, 29, 30, 87, 98, 100, 105	45, 89	111
Paraguay	1, 30, 95, 99	52, 79, 89, 90, 106, 111	59, 60, 77, 78
Peru	20, 24, 25, 26, 35, 36, 37, 38, 39, 40, 88, 98, 99, 100, 102, 122	32, 81, 107	9, 11, 14, 45, 56, 58, 59, 112
Philippines	87, 89, 100, 111	59, 98, 99, 110	-
Poland	9, 62, 87, 98	8, 68	5, 7, 11, 14, 15, 27, 45, 100
Romania	9, 15, 87, 98	-	1, 3, 5, 7, 8, 11, 13, 14, 27, 100
Senegal	13, 120, 122	14, 102, 111	5, 11, 26, 33, 87, 98, 99, 100
Sierra Leone	8, 26, 98, 99, 100	32	5, 7, 8, 15, 16, 45, 50, 58, 59, 64, 86, 87, 111, 119
Spain	13, 97, 100, 112	9, 103, 111, 123	1, 3, 5, 7, 8, 11, 14, 15, 20, 26, 27, 30, 32, 33, 45, 62
Sri Lanka	8	5, 99	7, 11, 15, 45, 58
Sudan	29, 98	-	26
Sweden	27, 100, 102, 111, 122, 128	9, 13, 14, 21, 119	7, 8, 11, 15, 58, 87, 98, 120
Switzerland	11, 111	8	5, 11, 14, 15, 26, 27, 45, 58, 62, 120, 123
Syrian Arab Republic .	87, 95, 99, 111	98, 107	14, 26, 45, 100, 120
Trinidad and Tobago	65, 98	19, 97, 105	15, 16, 29, 50, 85
Tunisia	8, 18, 91, 100, 108, 112, 122	98, 111, 123	11, 13, 14, 26, 45, 62, 87, 99, 106, 107
Turkey	15, 45, 58, 100	2, 14	-

INFORMATION NOT SUMMARISED

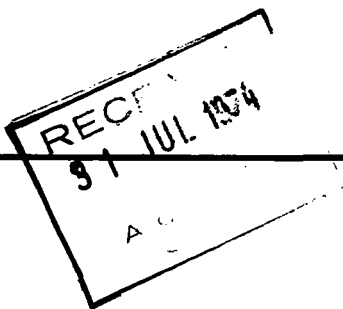
	A	B	C
Country	Conventions Nos.	Conventions Nos.	Conventions Nos.
Uganda	-	105	-
Ukraine	14, 87, 100, 103, 106, 111, 122	11, 45, 47, 59, 120	15, 58, 60, 98, 112
United Kingdom	7, 8, 11, 15, 87, 97, 98, 102, 108, 120, 122	5, 26, 35, 36, 37, 38, 39, 40, 45, 68, 99	32
Gibraltar	-	-	5, 7, 8, 11, 15, 26, 32, 35, 36, 37, 38, 39, 40, 45, 50, 64, 68, 84, 86, 87, 97, 98, 99, 102, 108, 120, 122
Gilbert and Ellice Islands	-	-	7, 8, 11, 15, 26, 32, 35, 36, 37, 38, 39, 40, 45, 50, 64, 68, 84, 86, 87, 97, 99, 102, 120
Guernsey	26, 122	35, 36, 37, 38, 39, 40, 99	5, 7, 8, 11, 15, 16, 22, 29, 32, 45, 50, 63, 64, 65, 68, 69, 82, 86, 87, 92, 94, 95, 97, 98, 101, 105, 120
Hong Kong	-	37, 39, 97, 102, 122	7, 15, 32, 36, 38, 40, 68, 120
Jersey	26, 99, 108	35, 36, 37, 38, 39, 40	5, 7, 8, 11, 15, 32, 45, 68, 87, 97, 98, 102
Isle of Man	26, 99, 122	35, 36, 37, 38, 39, 40, 108	5, 7, 8, 11, 15, 32, 45, 50, 64, 68, 84, 86, 87, 97, 98, 102, 120
St. Helena	-	-	5, 7, 8, 11, 15, 26, 32, 35, 36, 37, 38, 39, 40, 45, 50, 64, 68, 84, 86, 87, 97, 98, 102, 108, 120, 122
St. Lucia	82	-	-

INFORMATION NOT SUMMARISED

	A	B	C
Country	Conventions Nos.	Conventions Nos.	Conventions Nos.
Seychelles	64, 87, 98, 99, 102, 108	26, 97	5, 7, 8, 11, 15, 32, 35, 36, 37, 38, 39, 41, 45, 50, 68, 84, 86, 120, 122
Solomon Islands	8, 26, 50, '64, 84, 94	97, 122	5, 7, 11, 15, 32, 35, 36, 37, 38, 39, 40, 45, 68, 86, 87, 98, 102, 120
United States	-	-	55, 58
American Samoa	55	-	58
Guam	-	-	55, 58
Puerto Rico	-	-	55, 58
Trust Territory of Pacific Islands	-	-	55, 58
Virgin Islands	-	-	55, 58
Upper Volta	13, 29, 87, 97	100	5, 11, 14, 26, 33, 98, 111
Venezuela	2, 88	-	-
Republic of Viet-Nam	13, 26	-	5, 14, 27, 45
People's Demo- cratic Rep. of the Yemen (Aden)	19, 58, 105	-	59, 98
Yugoslavia	-	9	5, 7, 8, 14, 15, 58, 106
Zaire	50	-	-
Zambia	86	5, 11, 26, 64	45, 97
<u>Non-Member State</u>			
Western Samoa	-	14, 50, 64	-

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International Labour Conference
58th Session 1973



Report III
(Part 3)

Third Item on the Agenda:

Information and Reports on the Application
of Conventions and Recommendations

**Summary of Information
Relating to the Submission to the
Competent Authorities of Conventions
and Recommendations Adopted by
the International Labour Conference**

(Article 19 of the Constitution)



International Labour Office
Geneva 1973

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

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Introduction	1
Summary of information relating to the submission to the competent authorities of the Conventions and Recommendations adopted by the International Labour Conference at its 55th Session (Maritime) (Geneva, October 1970) and 56th Session (Geneva, 1971) and supplementary information relating to the texts adopted by the Conference at its 31st to 54th Sessions (1948 to 1970)	6

INTRODUCTION

Article 19 of the Constitution of the International Labour Organisation prescribes, in paragraphs 5, 6 and 7, that Members shall bring the Conventions and Recommendations adopted by the International Labour Conference before the competent authorities within a specified period. Under the same provisions the governments of member States shall inform the Director-General of the International Labour Office of the measures taken to submit the Conventions and Recommendations to the competent authorities, and also communicate particulars of the authority or authorities regarded as competent, and of the action taken by them.

In accordance with article 23 of the Constitution a summary of the information communicated in pursuance of article 19 is submitted to the Conference. The present summary contains information relating to the submission to the competent authorities of the Conventions and Recommendations adopted by the Conference at its 55th Session (Maritime) held in Geneva from 14 to 30 October 1970 and its 56th Session, held in Geneva from 2 to 23 June 1971.

As regards the instruments of the 55th Session, the period of one year provided for their submission to the competent authorities expired on 30 October 1971 and the period of eighteen months on 30 April 1972. As regards the instruments of the 56th Session, the periods in question expired on 25 June 1972, and on 25 December 1972 respectively.

The present report also contains a summary of additional information relating to the submission to the competent authorities of the Conventions and Recommendations adopted by the Conference at its 31st to 54th Sessions (1948 to 1970). The information summarised in this report consists of communications which were forwarded to the Director-General of the International Labour Office after the close of the 56th Session of the Conference and which could not, therefore, be laid before the Conference at that session.

The report contains a summary of the information received from governments up to the date of the meeting of the Committee of Experts on the Application of Conventions and Recommendations; the Committee examined, during its session from 15 to 28 March 1973, the information received from the governments, as stated in its report.

List of Texts Adopted by the Conference at Its 31st to 56th Sessions

31st Session (1948)

Freedom of Association and Protection of the Right to Organise
Convention (No. 87).
Employment Service Convention (No. 88).
Night Work (Women) Convention (Revised) (No. 89).
Night Work of Young Persons (Industry) Convention (Revised)
No. 90).
Employment Service Recommendation (No. 83).

32nd Session (1949)

Paid Vacations (Seafarers) Convention (Revised) (No. 91).
Accommodation of Crews Convention (Revised) (No. 92).
Wages, Hours of Work and Manning (Sea) Convention (Revised)
(No. 93).
Labour Clauses (Public Contracts) Convention (No. 94).
Protection of Wages Convention (No. 95).
Fee-Charging Employment Agencies Convention (Revised) (No. 96).
Migration for Employment Convention (Revised) (No. 97).
Right to Organise and Collective Bargaining Convention (No. 98).
Labour Clauses (Public Contracts) Recommendation (No. 84).
Protection of Wages Recommendation (No. 85).
Migration for Employment Recommendation (Revised) (No. 86).
Vocational Guidance Recommendation (No. 87).

33rd Session (1950)

Vocational Training (Adults) Recommendation (No. 88).

34th Session (1951)

Minimum Wage Fixing Machinery (Agriculture) Convention (No. 99).
Equal Remuneration Convention (No. 100).
Minimum Wage Fixing Machinery (Agriculture) Recommendation
(No. 89).
Equal Remuneration Recommendation (No. 90).
Collective Agreements Recommendation (No. 91).
Voluntary Conciliation and Arbitration Recommendation (No. 92).

35th Session (1952)

Holidays with Pay (Agriculture) Convention (No. 101).
Social Security (Minimum Standards) Convention (No. 102).
Maternity Protection Convention (Revised) (No. 103).
Holidays with Pay (Agriculture) Recommendation (No. 93).
Co-operation at the Level of the Undertaking Recommendation
(No. 94).
Maternity Protection Recommendation (No. 95).

36th Session (1953)

Minimum Age (Coal Mines) Recommendation (No. 96).
Protection of Workers' Health Recommendation (No. 97).

37th Session (1954)

Holidays with Pay Recommendation (No. 98).

38th Session (1955)

Abolition of Penal Sanctions (Indigenous Workers) Convention (No. 104).
Vocational Rehabilitation (Disabled) Recommendation (No. 99).
Protection of Migrant Workers (Underdeveloped Countries) Recommendation (No. 100).

39th Session (1956)

Vocational Training (Agriculture) Recommendation (No. 101).
Welfare Facilities Recommendation (No. 102).

40th Session (1957)

Abolition of Forced Labour Convention (No. 105).
Weekly Rest (Commerce and Offices) Convention (No. 106).
Indigenous and Tribal Populations Convention (No. 107).
Weekly Rest (Commerce and Offices) Recommendation (No. 103).
Indigenous and Tribal Populations Recommendation (No. 104).

41st Session (1958)

Seafarers' Identity Documents Convention (No. 108).
Wages, Hours of Work and Manning (Sea) Convention (Revised) (No. 109).
Ships' Medicine Chests Recommendation (No. 105).
Medical Advice at Sea Recommendation (No. 106).
Seafarers' Engagement (Foreign Vessels) Recommendation (No. 107).
Social Conditions and Safety (Seafarers) Recommendation (No. 108).
Wages, Hours of Work and Manning (Sea) Recommendation (No. 109).

42nd Session (1958)

Plantation Convention (No. 110).
Discrimination (Employment and Occupation) Convention (No. 111).
Plantations Recommendation (No. 110).
Discrimination (Employment and Occupation) Recommendation (No. 111).

43rd Session (1959)

Minimum Age (Fishermen) Convention (No. 112).
Medical Examination (Fishermen) Convention (No. 113).
Fishermen's Articles of Agreement Convention (No. 114).
Occupational Health Services Recommendation (No. 112).

44th Session (1960)

Radiation Protection Convention (No. 115).
Consultation (Industrial and National Levels) Recommendation (No. 113).
Radiation Protection Recommendation (No. 114).

45th Session (1961)

Final Articles Revision Convention (No. 116).
Workers' Housing Recommendation (No. 115).

46th Session (1962)

Social Policy (Basic Aims and Standards) Convention (No. 117).
Equality of Treatment (Social Security) Convention (No. 118).
Reduction of Hours of Work Recommendation (No. 116).
Vocational Training Recommendation (No. 117).

47th Session (1963)

Guarding of Machinery Convention (No. 119).
Guarding of Machinery Recommendation (No. 118).
Termination of Employment Recommendation (No. 119).

48th Session (1964)

Hygiene (Commerce and Offices) Convention (No. 120).
Employment Injury Benefits Convention (No. 121).
Employment Policy Convention (No. 122).
Hygiene (Commerce and Offices) Recommendation (No. 120).
Employment Injury Benefits Recommendation (No. 121).
Employment Policy Recommendation (No. 122).

49th Session (1965)

Minimum Age (Underground Work) Convention (No. 123).
Medical Examination of Young Persons (Underground Work)
Convention (No. 124).
Employment (Women with Family Responsibilities) Recommendation
(No. 123).
Minimum Age (Underground Work) Recommendation (No. 124).
Conditions of Employment of Young Persons (Underground Work)
Recommendation (No. 125).

50th Session (1966)

Fishermen's Competency Certificates Convention (No. 125).
Accommodation of Crews (Fishermen) Convention (No. 126).
Vocational Training (Fishermen) Recommendation (No. 126).
Co-operatives (Developing Countries) Recommendation (No. 127).

51st Session (1967)

Maximum Weight Convention (No. 127).
Invalidity, Old-Age and Survivors' Benefits Convention (No. 128).
Maximum Weight Recommendation (No. 128).
Communications within the Undertaking Recommendation (No. 129).
Examination of Grievances Recommendation (No. 130).
Invalidity, Old-Age and Survivors' Benefits Recommendation
(No. 131).

52nd Session (1968)

Tenants and Share-croppers Recommendation (No. 132).

53rd Session (1969)

Labour Inspection (Agriculture) Convention (No. 129).
Medical Care and Sickness Benefits Convention (No. 130).
Labour Inspection (Agriculture) Recommendation (No. 133).
Medical Care and Sickness Benefits Recommendation (No. 134).

54th Session (1970)

Minimum Wage Fixing Convention (No. 131).
Holidays with Pay Convention (Revised) (No. 132).
Minimum Wage Fixing Recommendation (No. 135).
Special Youth Schemes Recommendation (No. 136).

55th Session (1970)

Accommodation of Crews (Supplementary Provisions) Convention
(No. 133).
Prevention of Accidents (Seafarers) Convention (No. 134).
Vocational Training (Seafarers) Recommendation (No. 137).
Seafarers' Welfare Recommendation (No. 138).
Employment of Seafarers (Technical Developments) Recommendation
(No. 139).
Crew Accommodation (Air Conditioning) Recommendation (No. 140).
Crew Accommodation (Noise Control) Recommendation (No. 141).
Prevention of Accidents (Seafarers) Recommendation (No. 142).

56th Session (1971)

Workers' Representatives Convention (No. 135).
Benzene Convention (No. 136).
Workers' Representatives Recommendation (No. 143).
Benzene Recommendation (No. 144).

Summary of Information relating to the Submission to the Competent Authorities of the Conventions and Recommendations Adopted by the International Labour Conference at Its 55th Session (Maritime) (Geneva, October 1970) and Its 56th Session (Geneva, 1971) and Supplementary Information relating to the Texts Adopted by the Conference at Its 31st to 54th Sessions (1948 to 1970)

ARGENTINA

The instruments adopted at the 55th and 56th Sessions have been submitted to the competent authorities. National legislation will have to be adapted to bring it into line with Conventions Nos. 133 and 134 before the latter can be ratified. The standards of Recommendations Nos. 137 to 142 are applied in practice but there is no legislation for this purpose; it is intended to base any future statutory standards on the Recommendations. The provisions of Convention No. 135 and Recommendation No. 143 are applied to a large extent by law and collective agreements; it is, however, considered that further changes will have to be made in national legislation before the Convention can be ratified. The provisions of Convention No. 136 and Recommendation No. 134 will be taken into account in the near future when regulations are issued under the Occupational Safety and Health Act, which would make it possible to envisage ratification of the Convention.

AUSTRALIA

A statement concerning the Conventions and Recommendations adopted at the 49th Session of the Conference was submitted to Parliament in November 1968; its distribution was delayed in order to include additional information about Convention No. 123, which was ratified in December 1971. The instruments adopted at the 52nd, 53rd and 54th Sessions of the Conference were also submitted to Parliament in March 1971 and in May and October 1972 respectively. Recommendation No. 132 has little relevance to Australia. Ratification of Conventions Nos. 129 and 130 has not been proposed. Statements concerning the instruments adopted at the 54th Session are now being drafted.

AUSTRIA

The instruments adopted at the 55th and 56th Sessions of the Conference have been submitted to the National Council. The ratification of Convention No. 135 is envisaged.

BARBADOS

As regards the instruments adopted by the Conference at its 51st and 52nd Sessions, the Cabinet has decided to accept Convention No. 127

and Recommendations Nos. 128 and 129 as objectives of policy, to take no action on Recommendation No. 130, which is applied in practice, and to postpone any action concerning Recommendation No. 132.

BELGIUM

The instruments adopted at the 54th Session of the Conference were submitted to Parliament in November 1972. The Government appears to be in a position to envisage immediate ratification of Convention No. 132.

BRAZIL

Convention No. 135 has been submitted to the National Congress. In the view of the legal adviser to the Ministry of Labour and Social Welfare, there is no need to ratify Convention No. 136 or to adopt Recommendation No. 144.

BULGARIA

The Council of State, in its decisions of 19 November 1971 and 18 March 1972, took note respectively of the instruments adopted at the 55th and 56th Sessions of the Conference and referred them to various ministries and bodies concerned for consideration with a view to possible ratification of Conventions and amendments to the legislation.

CENTRAL AFRICAN REPUBLIC

On 14 December 1971, the instruments adopted during the 55th Session of the Conference were submitted to the Council of Ministers, which is the competent legislative body.

PEOPLE'S REPUBLIC OF THE CONGO

The instruments adopted during the 54th, 55th and 56th Sessions of the Conference were submitted to the competent authorities on 27 December 1971.

CUBA

The instruments adopted during the 55th and 56th Sessions of the Conference have been submitted to the Council of Ministers.

CYPRUS

The instruments adopted at the 55th and 56th Sessions of the Conference have been submitted to the House of Representatives. The possibility of adopting some of these instruments will be examined again in 1974.

CZECHOSLOVAKIA

The instruments adopted at the 55th and 56th Sessions of the Conference were submitted to the Federal Assembly in January and November 1972 respectively. Measures are being taken to eliminate divergencies between national legislation and Convention No. 136 in the near future, to enable ratification of this Convention. The possibility of ratifying Convention No. 135 will be reconsidered after consultation with representatives of the trade unions. National law and/or practice being in harmony with the provisions of Recommendations Nos. 143 and 144, no further measures are necessary.

DENMARK

The instruments adopted during the 55th and 56th Sessions of the Conference were submitted to Parliament on 1 July and 22 December 1971 respectively. The possibility of their application or ratification will be considered after the organisations and authorities concerned have been consulted.

DOMINICAN REPUBLIC

The instruments adopted during the 54th and 55th Sessions of the Conference have been submitted to the National Congress.

EGYPT

The instruments adopted at the 55th and 56th Sessions of the Conference, and a number of other instruments adopted at various earlier sessions - including in particular Conventions Nos. 97, 99, 103 and 117 and Recommendations Nos. 84 to 89 and 90 to 95 - have been submitted to the National Assembly.

EL SALVADOR

The instruments adopted from the 31st to the 45th Sessions of the Conference - with the exception of three Conventions already ratified -

the Recommendations adopted at the 50th Session and the instruments adopted at the 51st and 53rd Sessions were submitted to the Legislative Assembly on 22 May 1972.

ETHIOPIA

The instruments adopted at the 53rd, 54th - with the exception of Recommendation No. 136 - 55th and 56th Sessions of the Conference have been submitted to the Council of Ministers.

FINLAND

The instruments adopted during the 52nd and 54th Sessions of the Conference were submitted to Parliament on 14 May 1971 and 25 January 1973 respectively. The instruments adopted during the 51st and 53rd Sessions will be submitted in the very near future.

FRANCE

The instruments adopted at the 55th and 56th Sessions of the Conference have been submitted to Parliament. Conventions Nos. 133, 135 and 136 have been ratified. Recommendations Nos. 137 to 140 can be accepted; Recommendations Nos. 143 and 144 receive almost full application in national regulations.

GABON

The Minister of Labour presented a report to the Council of Ministers concerning the submission of the instruments adopted during the 56th Session of the Conference. The provisions of Convention No. 135 and Recommendation No. 143 are already applied by the national legislation. The Government does not intend to ratify Convention No. 136 or Recommendation No. 144, in view of the limited use of benzene in the industry of the country.

FEDERAL REPUBLIC OF GERMANY

The instruments adopted at the 56th Session of the Conference have been submitted to Parliament. It is proposed to ratify Conventions Nos. 135 and 136.

GREECE

By letter dated 29 July 1972, the instruments adopted during the 56th Session, together with Convention No. 106 and Recommendations Nos. 100, 103 and 136 were submitted to the Council of Ministers.

INDIA

The instruments adopted at the 55th Session of the Conference were submitted to Parliament in May 1972. It is not proposed at present to ratify Conventions Nos. 133 and 134. The provisions of Recommendations Nos. 137 and 138 will be progressively implemented and those of Recommendations Nos. 139 to 142 are implemented to the extent practicable.

The instruments adopted at the 56th Session were submitted to Parliament in December 1972. The ratification of Convention No. 136 may be contemplated as soon as relevant rules are incorporated into the states regulations.

IRAN

The instruments adopted at the 55th and 56th Sessions of the Conference were submitted to Parliament on 26 December 1972.

IRAQ

In regard to the instruments adopted at the 56th Session of the Conference, the Government has ratified Conventions Nos. 135 and 136, and has approved Recommendations Nos. 143 and 144.

ITALY

The Government has submitted to Parliament the instruments adopted during the 53rd, 54th and 55th Sessions of the Conference. With regard to Recommendation No. 138, the Ministry of the Merchant Navy has appointed a National Seamen's Welfare Council.

JAPAN

The instruments adopted at the 55th and 56th Sessions of the Conference were submitted to the Diet on 20 May 1971 and 30 May 1972 respectively. Further study of these instruments is envisaged. Provisions of Conventions Nos. 134, 136 and Recommendations Nos. 142 and 144 are on the whole put into practice by the relevant laws and regulations.

JORDAN

The instruments adopted at the 56th Session of the Conference have been transmitted to the competent authorities.

KHMER REPUBLIC

Conventions Nos. 131, 132, 135 and 136 have been submitted to Parliament for ratification.

KUWAIT

The instruments adopted at the 55th and 56th Sessions of the Conference have been submitted to the National Assembly. The approval of Convention No. 136 and Recommendation No. 144 has been proposed.

LIBERIA

The instruments adopted at the 56th Session of the Conference were submitted to the competent authority on 2 September 1971.

LUXEMBOURG

The instruments adopted at the 54th and 55th Sessions of the Conference were submitted to the Chamber of Deputies on 13 October 1971 and the instruments of the 56th Session were submitted on 21 March 1973.

There is no obstacle to the ratification of Convention No. 131. However, since legislation exists in the field of minimum wages as well as a highly developed collective agreements system, ratification of the instrument is not necessary. The law of 22 April 1966 generally meets the provisions of Convention No. 132, but an examination of the respective scope of legislation and of the Convention is necessary before any further action.

MALAWI

The Government does not intend to ratify Conventions Nos. 133 and 134 and has noted Recommendations Nos. 137 to 142.

MALAYSIA

The instruments adopted at the 55th and 56th Sessions of the Conference were submitted to Parliament on 10 May 1972.

MALI

The instruments adopted at the 55th and 56th Sessions of the Conference have been submitted to the competent authorities. National legislation and practice on the whole meet the provisions of Convention No. 135, except as regards Article 5.

MEXICO

Convention No. 130 has been submitted to the Senate. The legislature has been informed of Recommendations Nos. 92, 99, 100, 115 to 118, 120 to 125 and 137 to 142.

MOROCCO

The instruments adopted at the 55th and 56th Sessions of the Conference have been submitted to the competent authorities. The ratification of Conventions Nos. 135 and 136 do not appear to give rise to any difficulties.

NEW ZEALAND

The instruments adopted at the 55th Session of the Conference were submitted to Parliament on 2 December 1971. It is proposed to prepare a new set of Crew Accommodation Regulations which will embody both Conventions Nos. 92 and 133, and to refer Convention No. 134 and Recommendations Nos. 137 to 142 to the Marine Council for study and recommendation.

NIGERIA

The instruments adopted at the 56th Session of the Conference have been submitted to the Federal Executive Council. The National Labour Advisory Council will consider these instruments in due course and make recommendations in their respect.

NORWAY

The instruments adopted at the 55th and 56th Sessions of the Conference were submitted respectively on 26 February 1971 and 10 December 1971 to Parliament which approved the Government's proposals to ratify Conventions Nos. 133 and 134 and to accept Recommendations Nos. 137 to 142 and 144.

PHILIPPINES

The instruments adopted at the 55th Session of the Conference were submitted to Congress on 29 June 1971.

POLAND

The Council of Ministers, in Resolution No. 256/72 of 28 September 1972, has stated that Recommendations Nos. 122 and 126 are already applied in Poland. The texts of the Recommendations and of the Resolution have been transmitted to the Diet.

PORTUGAL

The instruments adopted during the 55th Session of the Conference have been submitted to the National Assembly.

ROMANIA

The instruments adopted by the Conference at its 55th and 56th Sessions were submitted to the competent authorities in April and November 1972 respectively.

RWANDA

The instruments adopted at the 53rd to the 56th Sessions of the Conference have been submitted to the President of the Republic with a copy of the report transmitted to the President of the National Assembly.

SENEGAL

The instruments adopted at the 55th and 56th Sessions of the Conference have been submitted to the National Assembly. It is proposed to ratify Conventions Nos. 134 and 135 and to accept Recommendations Nos. 137 to 143.

SPAIN

The Government has submitted to the Cortes Conventions Nos. 117 and 134, and Recommendations Nos. 137 to 142, together with the instruments adopted during the 56th Session of the Conference. The ratification of Conventions Nos. 117 and 136 has been recommended.

SWEDEN

The instruments adopted at the 55th and 56th Sessions of the Conference have been submitted to Parliament which approved the Government's proposals. Conventions Nos. 133, 134 and 135 have been ratified. Convention No. 136 and Recommendations Nos. 137 to 142 and 144 were referred to the various authorities concerned for further action.

SWITZERLAND

The instruments adopted at the 54th, 55th and 56th Sessions of the Conference have been submitted to the Federal Assembly by means of reports of the Federal Council dated 20 October 1971, 16 February 1972 and 23 August 1972. The ratification of Convention No. 136 may be envisaged at a later date.

SYRIAN ARAB REPUBLIC

The Government has submitted Conventions Nos. 124, 130 and 132, and Recommendations Nos. 88, 98, 100, 123, 125, 130, 131 and 134 to the competent authorities.

TUNISIA

The instruments adopted during the 54th, 55th and 56th Sessions of the Conference have been submitted to the Prime Minister, for communication to the National Assembly according to constitutional procedure.

TURKEY

The instruments adopted at the 56th Session of the Conference have been submitted to the National Assembly.

As concerns the instruments adopted at the 53rd Session, the Minister of Labour has informed the National Assembly that the draft labour legislation in agriculture and forestry will give effect to Convention No. 129 and make it possible to consider ratification. Furthermore, the legislation is in conformity with the provisions of Convention No. 130, ratification of which is envisaged.

UNITED KINGDOM

The instruments adopted at the 55th and 56th Sessions of the Conference have been submitted to Parliament. Convention No. 135 has been ratified. It is proposed to ratify Convention No. 134 when the necessary regulations are brought into effect and to accept Recommendations Nos. 137 to 143.

ZAMBIA

The instruments adopted at the 55th and 56th Sessions of the Conference have been submitted to the National Assembly. It has been decided to ratify Conventions Nos. 135 and 136 and to accept Recommendations Nos. 143 and 144.



*Twenty-fifth Anniversary of the
Universal Declaration of Human Rights
10 December 1973*



International Labour Conference
58th Session 1973

Report III
(Part 4 A)

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)

Volume A:
General Report
and Observations concerning Particular Countries

International Labour Office
Geneva 1973

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

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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 43rd Session in Geneva from 15 to 28 March 1973. The Committee has the honour to present its report to the Governing Body.

2. 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; member of the International Commission of Jurists;

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; member of the Council of the International Institute of Human Rights;

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),

Chief Justice of the United States, retired;

Mr. Kisaburo YOKOTA (Japan),

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

3. The Committee regretted that the Begum Liaquat Ali KHAN was unable to attend the session this year and that Mr. LUNZ was unable to come to Geneva for reasons of health.

4. The United Nations was represented at the session.

5. The Committee elected Mr. GARCÍA SAYÁN as Chairman and Mr. KIRKALDY 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 the 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 79-103 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 submit Conventions and Recommendations to the competent authorities for the enactment of legislation or other action (see paragraphs 104-115 below, and Part Two (section III)); and (c) review of reports supplied by governments under article 19 of the Constitution on 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) (see paragraphs 116-120 below, and Part Three, which is published in a separate volume as Report III (Part 4 B)).

II. General

New Member States

8. The Committee was informed that three States had become Members of the Organisation in the course of 1972, bringing the total membership to 123. The new Members are Bangladesh, Qatar and United Arab Emirates.

Obligations Binding Member States

9. By the end of 1972 the number of ratifications of Conventions had reached a total of 3,906. The 91 new ratifications registered in 1972 included 29 whereby

Bangladesh confirmed obligations existing by virtue of Conventions whose provisions were applicable in the country at the time of the declaration of independence. These new ratifications will result in the entry into force in 1973 of four recent Conventions. The Committee, in noting the progress made in the ratification of Conventions, expressed special interest in the recent ratification of the freedom of association Conventions by Australia (Conventions Nos. 87 and 98) and by Canada (Convention No. 87). These ratifications showed that the problem of getting effective action on certain human rights Conventions by federal States was moving gradually towards a larger measure of solution.

10. A single declaration accepting the obligations of a Convention in respect of a non-metropolitan territory was registered in the course of 1972, as well as 14 declarations indicating that a decision on the subject was reserved or that the Convention was not applicable in the territory. This brought to 982 the total number of declarations rendering Conventions applicable without modification to non-metropolitan territories, and to 114 the number of declarations with modifications. In this connection, the Committee recalls that, under article 35, paragraph 2, of the ILO Constitution, declarations indicating the extent to which a Convention is to be applied to territories which are not self-governing on the matters dealt with therein should be communicated to the ILO "as soon as possible after ratification" by the member State concerned. Under article 35, paragraph 4, the Convention must similarly be communicated "as soon as possible" to the government of any self-governing territory with a view to the enactment of legislation or other action, with the possibility of thereafter communicating a declaration accepting the obligations of the Convention on behalf of the territory. While article 35 does not lay down a specific period within which the action required by it must be taken, the Committee recalls the view previously expressed by it that it should be possible to communicate the declarations in question within five years from registration of ratification of a Convention. It hopes that member States responsible for the international relations of territories covered by article 35 of the ILO Constitution will review the situation with a view to communicating declarations in all cases where this has not yet been done.

11. At its 1972 Session the Committee had noted that the Governing Body had recognised the Government of the People's Republic of China as the representative Government of China in the ILO. The Committee had also noted the statement made in the Governing Body on that occasion by the Director-General that the question of treaty obligations assumed since 1950 as regards China was a complex one which arises throughout the United Nations system.

12. The Committee recalls, in this connection, that as of this date a total of 37 international labour Conventions have been ratified in the name of China.

13. The Committee has now been informed that the Secretary-General of the United Nations communicated to the Director-General a copy of a letter of 25 September 1972 from the Minister of Foreign Affairs of the People's Republic of China. This letter contained a passage couched in the following terms:

1. With regard to the multilateral treaties signed, ratified or acceded to by the defunct Chinese Government before the establishment of the Government of the People's Republic of China, my Government will examine their contents before making a decision in the light of the circumstances as to whether or not they should be recognised.

2. As from 1 October 1949, the day of the founding of the People's Republic of China, the Chiang Kai-shek clique has no right at all to represent China. Its signature and ratification of, or accession to, any multilateral treaties by usurping the name of "China" are all illegal and null and void. My Government will study these multilateral treaties before making a decision in the light of the circumstances as to whether or not they should be acceded to.

14. The Committee notes that of the 37 international labour Conventions mentioned above, the following 14 were ratified before 1 October 1949: Nos. 7, 11, 14, 15, 16, 19, 22, 23, 26, 27, 32, 45, 59, 80. The following 23 Conventions were ratified after that date: Nos. 53, 58, 73, 81, 91, 92, 95, 98, 100, 104, 105, 107, 111, 112, 113, 114, 116, 117, 118, 119, 123, 124, 127. The Committee hopes to be kept informed of future developments in this connection.

Special Procedures

15. In a communication dated 12 October 1970 addressed directly to the ILO, the Lesotho General Workers' Union filed a complaint of infringement of trade union rights in the country. The complaint was examined by the Governing Body Committee on Freedom of Association. Since, however, Lesotho had ceased to be a Member of the ILO although remaining a Member of the United Nations, the Committee recommended, in conformity with the procedure for the examination of complaints of infringement of freedom of association instituted in 1950 in an agreement between the ILO and the United Nations, that the allegations of the complainants and the observations of the Government of Lesotho be forwarded for examination to the Economic and Social Council. It is incumbent upon this body to decide, with the consent of the Government, whether to refer the case to the ILO Fact-Finding and Conciliation Commission on Freedom of Association.

16. The complaint having been submitted to the Economic and Social Council, and the Government having replied that it had no objection to the submission of the matter to the Commission, the Economic and Social Council decided in June 1972 to refer the case to the Commission. The Governing Body has accordingly decided (at its 189th (February-March 1973)) Session on the composition of the panel of three members of the Fact-Finding and Conciliation Commission which is to consider the case of Lesotho and has suggested that the panel should meet as soon as possible.

Collaboration with Other International Organisations

17. The Committee has again noted that the ILO continues 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 established 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, the Food and Agriculture Organisation of the United Nations, the United Nations Educational, Scientific and Cultural Organisation and the World Health Organisation; and copies of reports on the Social Policy (Basic Aims and Standards) Convention, 1962 (No. 117), had been sent for comment to the United Nations, FAO and UNESCO. Such comments were received from FAO, UNESCO and WHO and due account was taken of them by the Committee when examining the situation in the countries concerned. Collaboration with these organisations was also ensured through the attendance of representatives of the United Nations, of UNESCO and of the WHO when the two Conventions concerned were discussed. See also para-

graphs 29 and 30 below, as regards collaboration with other international organisations in matters relating to discrimination.

18. 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. Thus, the Committee examined at its present session a certain number of reports from governments having ratified these instruments and has reached certain conclusions on the subject. These conclusions will be communicated to the Secretary-General of the Council of Europe in accordance with the arrangements made between the ILO and the Council within the framework of 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 in the Committee's report for 1971.

Regional Reviews of the Application of Conventions

19. The Committee noted that, since its last session, the African and the Inter-American Advisory Committees of the ILO had met in September and October 1972 and that in both cases—in accordance with the precedent established by the Asian Advisory Committee and Regional Conference—considerable emphasis was placed on standard-setting activities and on the contribution they can make to the development of social policy. The recommendations on the subject made by these two Committees will be submitted to the African Regional Conference and to the Conference of American States Members of the ILO. The Committee considers that these regional reviews on the application of Conventions provide a stimulus to further action in the regions of the world concerned, and usefully supplement the Committee's own examination of reports on ratified Conventions.

Governing Body's In-depth Review of International Labour Standards

20. The Committee learned with interest that, as part of its programme for the systematic evaluation of the progress of work of the ILO, the Governing Body had decided to undertake in 1974 an in-depth review of the whole international labour standards programme. It noted that this would afford an opportunity to consider whether the ILO's action in the field of standards was as effective and as closely related to the rest of the ILO's activities as it ought to be.

Promotional Standards

21. Over the past two decades or so the Committee has been called upon increasingly to consider the effect given to a small but important group of Conventions which by their very nature differ in form and purpose from most of the other instruments adopted by the International Labour Conference. Instead of laying down precise standards as regards the age of entry into employment, the prohibition of night work, social security and so on, these Conventions set objectives of a more general character such as equal remuneration for men and women workers, equality of opportunity and treatment in employment and occupation, and active employment policy, etc. Objectives of this kind require programmes of action which can generally

be achieved only by concerted and gradual measures over a period of time, involving therefore a promotional approach and methods appropriate to national conditions.

22. In discharging its supervisory function, the Committee has consistently followed the same approach and has focused attention on the measures required, under the terms of a Convention, in order to work towards the goals set in the instrument. For this purpose its comments aim at ascertaining whether within the national context appropriate methods are followed, remedial steps are taken, improvements are secured and tangible results are achieved. In the case of promotional Conventions, the emphasis is thus on the progress made or required, so as to enable governments to review the position in the light of the points raised by the Committee.

23. Having regard to this inherently gradual process of implementation, the Committee has deemed it appropriate to formulate its comments primarily as direct requests intended to clarify doubtful points, assess recent developments and indicate directions for future action. When the Committee's comments have taken the form of observations, these have tended to make all those interested in the application of a given Convention, and in particular employers' and workers' organisations, more fully aware of the Committee's findings and suggestions, with a view possibly to facilitating discussion at the national and international levels, thus enabling in particular the Conference Committee to consider certain cases and problems of broader interest. The Committee trusts that this general approach in such areas as discrimination and employment policy—to which more specific reference is made below—will contribute increasingly towards the progressive realisation of promotional standards in the many countries where they are in force.

Implementation of Employment Policy Standards

24. Since it first began examining reports on the Employment Policy Convention, 1964 (No. 122), the Committee has been aware of the special character of this instrument, which is not only one of the important group of promotional Conventions but is also closely linked in its objectives with one of the major preoccupations of the ILO in the field of technical co-operation, namely the promotion of adequate opportunities for productive employment. The promotional nature of the Convention is reflected in the Committee's comments to ratifying countries, which rather than high-lighting shortcomings in the application of the Convention are intended to point to the directions in which further action aimed at the ultimate goal of the Convention might be appropriate.

25. As for the relationship between the Convention and the ILO's operational activities, the Committee indicated, in the General Survey on the Employment Policy Convention and Recommendation, 1964 (No. 122), which it undertook in 1972, that the survey was made within the framework of the ILO's World Employment Programme and should be considered as part of the process of reviewing progress and difficulties in achieving fuller employment. For the future, the Committee put forward the suggestion that, in respect of countries which have ratified the Convention, the reporting procedures under article 22 of the Constitution might well be used more systematically as a means of assessing the measures taken as a result of advice or assistance given through the World Employment Programme.

26. The Committee learned with interest, in this connection, that six countries from which reports were due for examination this year had already received such advice or assistance (Chile, Costa Rica, Madagascar, Panama, Peru, Sudan) and in

one other country (Tunisia) a major technical co-operation project dealt directly with employment planning and promotion. In so far as the Committee was able to draw on the material made available as a result of the projects in question, it was possible for it to undertake a more complete examination of the progress made towards the achievement of the objectives of the Convention by the countries concerned, and to formulate its requests for further information in the light of the World Employment Programme reports. In this way the Committee should, in examining the governments' subsequent reports, be in a position to assess the extent to which they are pursuing the goal of the Convention against the background of the action they have taken on the recommendations made within the framework of the World Employment Programme. The Committee's procedures will thus, it is hoped, provide new opportunities for establishing a closer relationship between its work in respect of the application of ILO standards and some of the Organisation's major preoccupations with questions of economic and social policy. The further development of this relationship should be assisted by the Governing Body's acceptance of the Committee's suggestion, made in the 1972 survey, that an appropriate question concerning the follow-up of World Employment Programme advice or assistance might be inserted in the report form on the Convention, thus drawing attention to the connection between the Convention and action under this Programme.

*Action for the Elimination of Discrimination
in Employment and Occupation*

27. The Committee recalls that, as it pointed out in 1972, recourse to direct contacts with governments would be particularly useful in the fields covered by the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), where questions of assessing measures taken or to be taken in the light of national circumstances often arise. The Committee further emphasised that, in the case of this Convention, this procedure could in general be used by governments to help them in their own efforts to determine the measures to be taken or to overcome differences of opinion on the basis of the principles of the Convention. The Committee hopes that this procedure will be used to the fullest extent appropriate for the positive application of Convention No. 111, with due account being taken of the fact that the causes and objectives of recourse to direct contacts may not be of quite the same character as in other cases where direct contacts are used. The Committee therefore once again draws the attention of governments to this possibility, to which it also refers in a general observation (see Part Two below under Convention No. 111).

28. The Committee was informed that, at its 188th (November 1972) Session, the Governing Body decided that the International Labour Office's programme of practical action for the elimination of discrimination in employment should include the carrying out of special surveys which could contribute to evaluating facts and finding solutions in certain national situations. The Governing Body decided that surveys of this kind might be carried out, with the agreement of the government concerned, following a request made by a member State or any employers' or workers' organisation on questions of specific concern to them. The Governing Body considered in particular that such special surveys could be undertaken at the request of governments concerned in a variety of circumstances, the objectives being an impartial evaluation of the facts, technical co-operation, or perhaps assistance in clarifying uncertain situations. In the case of countries having ratified Convention No. 111, advantage could be taken of the procedure of direct contacts, but there might be cases where a government would prefer a survey to be made within a

different framework. In the case of countries which have not ratified the Convention, the Governing Body considered that a special survey in the light of the national situation could in particular help a government to reach more precise conclusions with regard to uncertainties which may have prevented it from ratifying the Convention and that the attention of the governments concerned should be drawn particularly to this possibility. Finally, as regards the practical arrangements for undertaking special surveys, the Governing Body considered that they would have to be determined in each case in agreement with the government, it being understood that they should always be attended by appropriate safeguards, including consultation with representatives of the employers and workers concerned. The Committee took note with interest of these new forms of possible action, active resort to which could make an important contribution to the development of national policies designed to promote equality of opportunity and treatment in the field of employment.

29. In accordance with the arrangements made between the ILO and UNESCO for the co-ordination of their respective procedures for the application of the Conventions relating to discrimination, a representative of UNESCO participated in the Committee's sittings devoted to Convention No. 111. The Committee was also informed that, in accordance with the usual practice, a representative of the ILO had participated in the May 1972 meeting of the Committee of the UNESCO Executive Board responsible for examining the application of the UNESCO Convention and Recommendation against Discrimination in Education.

30. As regards the relationship between the application of Convention No. 111 and the Convention on the Elimination of All Forms of Racial Discrimination (adopted by the United Nations General Assembly in 1965), the Committee was informed that the Committee on the Elimination of Racial Discrimination—responsible for examining the application of the latter Convention—reached a number of decisions at its Sixth Session (New York, August 1972), designed to ensure co-operation with the ILO and UNESCO. As a result of these arrangements, representatives of the two organisations will henceforth be invited to attend the sessions of the Committee on the Elimination of Racial Discrimination. This Committee had also decided that the records of its public sittings and its reports, formal decisions and other official documents would be made available to the ILO Committee of Experts and to the competent committee of the UNESCO Executive Board. Finally, the Committee on the Elimination of Racial Discrimination considered that the ILO and UNESCO might submit written information on the application of their respective Conventions, which would be transmitted by the Secretary-General to the Committee or its members according to the circumstances. This Committee has in addition reserved the possibility of making further decisions in the future concerning participation in its meetings by representatives of the ILO and UNESCO. The Committee of Experts took note of these arrangements with interest, and of the reports and documents which were communicated to it in virtue thereof. The Committee welcomes these first steps towards a collaboration which seems all the more appropriate in that ILO and UNESCO instruments cover questions which are closely related to the United Nations Convention, and in that it would seem fitting that each of the bodies responsible for supervising the application of one of these instruments should be fully informed of the activities of the others. The Committee would, therefore, be glad if the Director-General would make appropriate arrangements with the United Nations—which are already invited to send a representative to each of the sessions of the Committee of Experts—to ensure special

representation concerning the work of the Committee on the Elimination of Racial Discrimination at the sittings of the Committee of Experts devoted to the examination of the application of Convention No. 111. It is also, of course, for the Director-General to communicate to the United Nations the text of the comments, and other formal decisions emanating from the reports of the Committee of Experts, relating to the application of the ILO standards on the elimination of racial discrimination in the field of employment. The Director-General may further consider it appropriate to appoint, according to the circumstances, a qualified representative to provide the Committee on the Elimination of Racial Discrimination with any explanations which may be desired in this field.

III. Procedure of Direct Contacts

31. In 1972 it was suggested in the Conference Committee on the Application of Conventions and Recommendations that it would be useful for the Committee of Experts to restate the principles governing direct contacts and to assess their continued validity in the light of the experience acquired. Accordingly, the Committee recalls below the development of the procedure of direct contacts, reviews the cases in which direct contacts have taken place, and examines the principles governing the procedure in the light of this experience.

Development of the Procedure

32. It was in 1967 that the Committee of Experts—which had frequently been aware that the absence of direct contact with the governments concerned or of direct study of the situations under consideration could give rise to lengthy controversies—first raised the question whether some more varied procedures might not make possible a fuller examination of certain questions and a more fruitful dialogue with governments. At that stage the Committee merely put forward a general suggestion so as to elicit comments from governments, the Governing Body and the Conference. The Conference Committee considered that the suggestion merited further exploration and requested the Committee of Experts to submit more precise and detailed proposals on the matter.

33. Accordingly, in 1968 the Committee of Experts considered more fully the principles and methods to be adopted in initiating direct contacts with governments. Starting from the assumption that this procedure would attempt to pursue and amplify orally the dialogue which had originally taken place on the basis of a government's reports, of the Committee's comments and of the government's replies thereto, it outlined the principles which should be observed in initiating these contacts with governments (see paragraphs 10 to 13 of the Committee's report of 1968). In June 1968 the Conference Committee expressed itself in favour of the principle of direct contacts, and considered that the proposals for the operation of this procedure made by the Committee of Experts provided a satisfactory basis for the initiation without further delay of such contacts on an experimental basis for two or three years. It was understood that in all cases direct contacts would take place with the consent of the government concerned. The progress made in putting the procedure into effect and the results achieved have been reviewed every year both by the Committee of Experts and by the Conference Committee.

Recourse to the Procedure of Direct Contacts since 1969

34. From September 1969, when direct contacts with a government took place for the first time, up to the end of 1972, contacts of this kind have taken place with 12 countries concerning 62 cases of the application of Conventions. The following are the countries and the Conventions in question: in 1969, Argentina (Conventions Nos. 13, 33, 68, 73, 79 and 90), Mauritania (Conventions Nos. 3, 18, 33, 52, 81, 87 and 94), Venezuela (Conventions Nos. 11 and 26); in 1970, Portugal (Convention No. 105); in 1971, Yugoslavia (Convention No. 22), Dominican Republic (Conventions Nos. 1, 52, 79 and 90), Uruguay (Conventions Nos. 15, 58, 59, 60, 67, 77 and 78); in 1972, Colombia (Conventions Nos. 3, 8, 13, 18, 22, 23 and 24), Costa Rica (Conventions Nos. 29, 89, 90, 96 and 112), Guatemala (Conventions Nos. 58, 77, 78, 79, 81, 90, 106 and 112), Liberia (Convention No. 29) and Peru (Conventions Nos. 1, 4, 8, 27, 41, 44, 68, 69, 77, 78, 79, 87 and 90).

35. In the case of the direct contacts with the Government of Pakistan in connection with Convention No. 96, there have been some unavoidable delays, and it has not yet been possible to fix a date.

36. The Government of Argentina, which was the first to have recourse to the direct contact procedure, has again asked for such contacts with regard to the application of Conventions Nos. 23, 42, 81 and 100. These new contacts are due to take place in April 1973.

*Initiative for the Establishment of
Direct Contacts, and Procedure Followed*

37. According to the principles which were approved for the establishment of direct contacts, either the Committee of Experts or the Conference Committee or the government concerned may take the initiative in suggesting such contacts, but these must always have the complete agreement of the government in question. The Conference Committee has on various occasions suggested, in connection with some specific case, that it would be desirable to have recourse to direct contacts, and the Committee of Experts has also recommended, in general terms, that governments should make fuller use of this procedure and has invited them, more especially as regards the application of Convention No. 111, to consider the possibility of direct contacts whenever these seem appropriate. So far, however, in all the cases in which direct contacts have taken place, the initiative has come from the government concerned, which has sent a written communication to the Director-General of the ILO, an affirmative reply from whom, also in the form of a written communication, is regarded as an essential formality before direct contacts can be effectively established. It must therefore be emphasised that, in every case in which such contacts have taken place, this has been done with the complete agreement of the government concerned.

Subjects Discussed during Direct Contacts

38. One of the agreed principles to be observed in initiating direct contacts is that the discrepancies noted and the difficulties encountered should be sufficiently important to warrant such contacts; another principle is that the points to be dealt with should be clearly specified beforehand. It has been the regular practice to state clearly in advance which Convention or Conventions would be discussed during the direct contacts. In most cases, these have been Conventions which had been ratified many years earlier and concerning which the Committee had made repeated observations.

In some cases, the direct contacts have been aimed at solving problems arising out of the application of a series of Conventions.

39. Although in every case the Conventions to be discussed during the direct contacts were clearly specified in advance, on several occasions in the course of the contacts the governments concerned have asked that some other problems be dealt with, and these have sometimes been resolved.

40. In the Conference Committee the Employers' and Workers' members and certain Government members have suggested that the topics discussed during direct contacts should not be limited to the difficulties experienced in the application of ratified Conventions, but might also relate to other matters, such as difficulties in fulfilling the various constitutional obligations concerning standards and difficulties preventing the ratification of Conventions. Similar suggestions have been made at the Fifth Session of the African Advisory Committee and at the Third Session of the Inter-American Advisory Committee.

Suspension of the Examination of a Case by the Supervisory Bodies

41. Another of the principles laid down by the Committee is that, while contacts are taking place, the supervisory bodies will suspend their examination of the case for a reasonable period so as to be able to take account of the outcome of these contacts. It is understood that the "reasonable period" of suspension should not normally exceed one year. In accordance with this principle, the supervisory bodies have temporarily suspended the examination of cases concerning which direct contacts were taking place. The time limit of one year has been exceeded only when it proved necessary, as a result of unavoidable circumstances, to postpone certain direct contacts. In most cases, direct contacts have taken place within a few months after they were requested; when they have been completed, the Committee of Experts has been informed, with the result that, in practice, its supervisory functions have not been suspended at any of its sessions.

Form of the Contacts

42. In accordance with another of the agreed principles, and in order to ensure a thorough examination of the questions at issue and a fruitful dialogue with governments, the direct contacts should take the form of detailed discussions between a representative of the Director-General of the ILO, who may, with the consent of the government concerned, visit the country in question, and government representatives with sufficient responsibility and experience to speak with authority about the position in their country and about their own government's attitudes and intentions in the matter and to explain all the elements of the case, so as to permit the supervisory bodies to assess fully all the facts involved. The representative of the Director-General may be an independent person or an ILO official fully conversant with the case; the possibility is left open that, in certain special cases, this representative might be a member of the Committee itself.

43. In the cases of direct contacts which have so far taken place, the Director-General has generally appointed an official of the Office as his representative. On one occasion, in the light of the nature of the questions to be examined, an independent person was appointed, who was accompanied by an official of the Office.

44. On the government side, those who have taken part in direct contacts have included ministers of labour and senior officials of labour ministries, as well as senior officials of other ministries or bodies responsible for the subject dealt with (social security, child welfare, maritime organisations, etc.).

45. Although direct contacts were conceived of as a means of permitting full discussion between the ILO, on the one hand, and governments, on the other, the Conference Committee as a whole, and the Workers' and Employers' members in particular, have expressed the view that the representative organisations of employers and workers should be associated with the discussions in an appropriate manner. In practice, it has become a characteristic trait of these contacts that the representative of the Director-General does not restrict his conversations to government circles but also makes contact with the representative organisations of employers and workers, so that they may be kept fully informed of the questions discussed and may explain their points of view.

46. In one case concerning the application of a Convention in a federal State, direct contacts involved discussions, not only at the federal level but also with authorities and undertakings in the various constituent parts of the country. In another case, in which the special purpose of the direct contacts was to throw light on the practical situation as regards the application of a Convention, the representative of the Director-General of the ILO, in addition to having discussions with representatives of the government and of the occupational organisations, visited various parts of the country and talked directly to workers, heads of undertakings, recruiting agents and local officials. It is possible that, in certain cases, it may also prove useful for discussions to take place with the appropriate regional organisation.

47. The actual duration of direct contacts has varied, according to the complexity of the case and the number of Conventions discussed, from a minimum of four days to a maximum of three weeks.

Results Achieved

48. Although some direct contacts have taken place only very recently and it is still too soon, in certain cases, to assess the results achieved, the Committee has been able to note with satisfaction the measures taken by governments as a result of direct contacts in connection with 6 Conventions in 1970, 1 Convention in 1971, 7 Conventions in 1972, and 17 Conventions this year. Practically all these cases involved legislation adopted to bring the national law into conformity with ratified Conventions. In other cases, draft legislation has already been prepared and is at present being considered. Finally, in yet other cases, the direct contacts have helped in obtaining fuller information as to the factual situation regarding the application of the Conventions in question, which the Committee of Experts considered satisfactory.

49. The Governments of countries which have had recourse to direct contacts have also expressed satisfaction at the way in which the contacts operated and at the results obtained. It was, for instance, as a result of the success of the direct contacts which had already taken place in its country that one Government requested further contacts in connection with the application of other Conventions (see paragraph 36 above).

50. The over-all results of the direct contacts which have taken place may thus be considered most encouraging.

Restatement of Principles relating to Direct Contacts

51. The foregoing survey of the direct contacts which have taken place in the light of the guiding principles laid down in 1968 suggests that, in the main, these principles are still valid, and that all that is required in restating them is to supplement them with two new principles on which the Conference Committee has insisted since that date.

52. The first of these new principles concerns the broadening of the scope of the contacts, so as to provide that a request for direct contacts can be made, not only when difficulties have arisen in the application of a ratified Convention, but also with a view to examining other questions concerning international standards, including more particularly difficulties in complying with the various constitutional obligations (articles 19 and 22 of the Constitution) and obstacles to the ratification of a given Convention.

53. The other principle, which has already been applied in practice, concerns the need for associating employers' and workers' organisations with the direct contacts through meetings between the representative of the Director-General and these organisations with a view to keeping them informed of the topics discussed and eliciting their points of view.

54. In view of the purpose of direct contacts, which is simply to continue and to amplify orally the dialogue which the supervisory bodies have already begun with governments by means mainly of written comments, it does not seem appropriate to subject the establishment of these contacts to rules which are excessively rigid and formal. Moreover, experience appears to show that the success of such contacts has been due in large part to the absence of strict formalism in the procedure. However, taking account of that experience, the principles which should be followed in establishing such contacts are restated below:

- (i) the discrepancies noted and the practical or legal difficulties encountered in the application of a ratified Convention, as well as the difficulties met with in matters connected with international standards, including more particularly difficulties in fulfilling various constitutional obligations (articles 19 and 22 of the Constitution) and possible obstacles to the ratification of a given Convention, should be sufficiently important to warrant such contacts;
- (ii) the Committee of Experts may suggest the possibility of having recourse to direct contacts, whereupon the Director-General will explore the matter with the government concerned; the Conference Committee may also make such a suggestion, following its discussion of a case; the government concerned may itself take the initiative;
- (iii) the contacts should in all cases take place with the full consent of the government concerned;
- (iv) the points to be dealt with should be clearly specified in advance;
- (v) while these contacts are taking place, the supervisory bodies will suspend their examination of cases for a period which will normally not exceed one year, so as to be able to take account of the outcome of these contacts;
- (vi) the form which the contacts will take should be determined in the light of their purpose, which is to enable the government to explain all the elements of the case, so as to permit the Committee to assess fully all the facts involved;

- (vii) the contacts should bring together persons thoroughly acquainted with all aspects of the case, including government representatives with sufficient responsibility and experience to speak with authority about the position in their country and about their own government's attitudes and intentions in the matter;
- (viii) it will be for the Director-General to designate the representative on behalf of the International Labour Organisation, who will be either an independent person or an ILO official fully conversant with the case; normally, it would not appear appropriate that this representative be a member of the Committee of Experts, but this possibility might be left open in certain special cases;
- (ix) the representative of the Director-General may, in agreement with the government concerned, visit the country to hold discussions on the matter with government representatives, in order to explain the point of view of the supervisory bodies, acquaint himself in detail with the government's position and the exact nature of the difficulties in question, and make available to the Committee of Experts any relevant information supplied to him by the government;
- (x) the representative of the Director-General should, in the course of his assignment, make contact with the organisations of employers and workers so as to keep them informed of the topics discussed and elicit their points of view.

55. The Committee considers it appropriate to re-emphasise that the scope of the direct contacts and the mandate given to the persons selected for the purpose by the Director-General should not in any way be construed as limiting the functions and responsibilities of the Committee of Experts and the Conference Committee for examining the extent to which national law and practice conform to Conventions that have been ratified.

IV. Role of Employers and Workers and Their Organisations in the Implementation of ILO Standards

56. The Committee's concern with the role of employers' and workers' organisations in the implementation of international labour standards is based mainly on article 23 (2) of the Constitution which provides that governments must communicate to the representative employers' and workers' organisations copies of reports and information sent to the ILO in respect of Conventions and Recommendations, and on any comments sent by these organisations in this regard. It is also based on the fact that some 60 Conventions require consultation or collaboration with employers' and workers' organisations in a wide range of fields.

57. In 1972, following the adoption by the Conference in 1971 of a resolution concerning the strengthening of tripartism, both the present Committee and the Conference Committee reviewed the general situation, and a number of measures suggested at the time have already been implemented (see paragraph 61) and have begun to lead to concrete results.

Comments by Employers' and Workers' Organisations

58. Thus, the Committee found with interest that, whereas in 1972 there had been comments from employers' or workers' organisations in respect of only seven cases,

such comments had been received this year in regard to no less than 30 cases. These concerned the following countries: Austria¹ (Conventions Nos. 98, 100), Barbados² (Conventions Nos. 87, 98), Brazil³ (Conventions Nos. 91, 106, 108), Canada⁴ (Convention No. 122), Cyprus⁵ (Convention No. 111), Finland⁶ (Conventions Nos. 9, 100), Federal Republic of Germany⁷ (Convention No. 87), Greece⁸ (Convention No. 98), Japan⁹ (Conventions Nos. 87, 98), Israel¹⁰ (Conventions Nos. 19, 48), Netherlands¹¹ (Convention No. 9), Norway¹² (Convention No. 100), Pakistan¹³ (Conventions Nos. 87, 98), Uruguay¹⁴ (Conventions Nos. 1, 2, 9, 14, 26, 63, 67, 105), and Republic of Viet-Nam¹⁵ (Convention No. 26).

59. The Committee has found many of these comments very useful in the task of ascertaining the extent to which Conventions are applied and has taken full account of them in observations and in requests addressed directly to governments in respect of the Conventions concerned. In certain cases (Netherlands, Uruguay), however, it has had to defer its consideration of the comments until next year because, in view of the recent date of their receipt, the governments concerned had not had an opportunity to send to the ILO their observations on the matters to which the comments related.

60. In most cases the comments communicated by employers' and workers' organisations relate to difficulties in regard to the implementation of a ratified Convention. The Committee has noted a number of cases in which appropriate measures have been taken by the government concerned either in relation to comments made last year, or to those considered at the present session; one such case, where the measures were taken within the exceptionally short lapse of two months' time, is noted under the Placing of Seamen Convention, 1920 (No. 9)—Finland.

*Measures Taken to Promote Participation
by Employers' and Workers' Organisations*

61. The Committee was informed that a number of measures, inspired directly by its own report or by the discussion at the Conference Committee in 1972, had been taken in the past year with a view to promoting or facilitating more extensive participation by employers' and workers' organisations in the implementation of international labour standards. These measures included the following:

¹ Austrian Workers' Chamber.

² Barbados Workers' Union.

³ National Confederation of Maritime, River and Air Transport Workers and Trade Union of Theatrical Performers.

⁴ Canadian Labour Congress, and Confederation of National Trade Unions.

⁵ Cyprus Turkish Trade Unions Federation.

⁶ Åland Shipowners' Association and Finnish Employers' Confederation.

⁷ German Trade Union Confederation.

⁸ Federation of Greek Salaried Employees in the Private Sector.

⁹ General Council of Trade Unions of Japan (SOHYO).

¹⁰ General Federation of Labour.

¹¹ Netherlands Federation of Trade Unions.

¹² Norwegian Employers' Confederation and Norwegian Federation of Trade Unions.

¹³ Pakistan National Federation of Trade Unions.

¹⁴ Uruguayan Workers' Confederation.

¹⁵ Vietnamese Federation of Railway Workers.

- The Governing Body decided at its 188th (November 1972) Session to modify and clarify the questions in report forms (relating to ratified Conventions and to unratified instruments) and in the Memorandum (relating to the submission of Conventions and Recommendations to the competent authorities) with a view to obtaining from governments fuller information on any observations received from employers' and workers' organisations.
- Further to a request by the Workers' members in the Conference Committee in 1972, the Office sent to the representative employers' and workers' organisations copies of the report forms for all ratified Conventions on which reports were due for the current year.
- Further to requests made at the Conference Committee in 1972, information would be made available in future (on the basis of data supplied by governments) indicating the identity of the employers' and workers' organisations to which governments have communicated copies of their reports in accordance with article 23 (2) of the Constitution.
- The Conference Committee and other bodies having stressed the importance of consulting employers' and workers' organisations in relation to the direct contacts procedure, further measures were taken to associate representatives of these organisations in all recent procedures of this kind (see paragraph 45 above).

62. In addition, the Committee itself has taken a number of measures to promote the full implementation of obligations, under the Constitution and under ratified Conventions, relating to collaboration with, or consultation of, employers' and workers' organisations. These include the following:

63. (a) *Application of Article 23, Paragraph 2, of the Constitution.* The Committee gave particular attention to its examination of the manner in which governments fulfilled their obligation, laid down in article 23, paragraph 2, of the Constitution, to communicate to the representative organisations of employers and workers copies of the reports and information transmitted to the Director-General of the ILO in application of articles 19 and 22 of the Constitution. It based its examination of this question on the general review which it made of the subject in 1972, and which enabled it to assess the over-all situation in this field and to clarify a number of questions.

64. The Committee noted with interest that the obligation to communicate copies of reports and information is fully complied with by the great majority of governments as regards reports supplied under articles 19 and 22 of the Constitution, and to a more limited extent as regards information on submission to the competent authorities. Thus, 89 per cent of the reports received this year under article 22 and 86 per cent of the reports received under article 19 indicated the representative organisations to which copies had been communicated and 65 per cent of the governments which sent information on submission to the competent authorities provided particulars concerning its communication to the representative organisations.

65. The Committee has none the less had to take note of a number of failures or inadequacies in the application of article 23, paragraph 2, of the Constitution. In accordance with the request made by the Committee in 1972, the International Labour Office made a point of checking on receipt of reports and information from governments, whether they replied to the questions relating to the communication of copies to the organisations of employers and workers which are contained in the report forms and the memorandum on submission to the competent authorities. In

those cases where the reply had not been given, the Office contacted the governments concerned to request them to supply the necessary information on this point, and in some cases it obtained the particulars requested.

66. As regards reports under article 22 of the Constitution, the following governments have not indicated in any of their reports whether copies have been sent to the representative organisations of employers and workers, or have not given the names of these organisations in any of their reports: *Democratic Yemen, Haiti, Jordan, Paraguay*. The following governments have not supplied these particulars in most of their reports: *Central African Republic, Guinea, Indonesia, Upper Volta*. Thirteen governments have not supplied these particulars in some of their reports, or have stated that copies will be communicated to representative organisations mentioned by name (without indicating subsequently that this communication has in fact been made), or else have supplied information relating to communication concerning which the Committee considered it necessary to ask for clarification.

67. In addition the Committee found that 4 governments had failed to supply the necessary information regarding the communication to employers' and workers' organisations of copies of reports on unratified Conventions, and that 12 governments had failed to do so as regards information on the submission of instruments to the competent authorities (article 19 of the Constitution).

68. In all the cases mentioned above, the Committee has addressed comments directly to the governments concerned, pointing out the inadequacies noted or requesting the necessary clarifications (see Part Two, section IV, of the present report).

69. The Committee has been informed by a representative organisation of one case in which there was a lapse of several months between the date on which the report was transmitted by the government to the ILO and the date on which a copy of this report was received by the representative organisation concerned. It recalls in this connection that copies of reports and information should normally be communicated to the representative organisations before or at the same time as they are transmitted to the ILO. This would enable the representative organisations to make any comments they might wish to submit in time for these to be considered by the Committee at the same time as the governments' reports.

70. In addition, the Committee wishes to draw attention to the obligation laid on governments, under article 23, paragraph 2, of the Constitution, to communicate to the representative organisations of employers and workers their replies to the comments made by the Committee on the application of ratified Conventions, even if these replies are included in a distinct part of the report or are sent in a subsequent communication. As it emphasised in its 1972 report, if these replies are not communicated to the representative organisations, these bodies are deprived of an essential element of information, on which their observations might be useful to the Committee in assessing the position. The Committee hopes that governments will not fail to communicate these replies, as well as the reports themselves, to the representative organisations, and to indicate the organisations to which the communication has been made.

71. (b) *Working of prescribed tripartite bodies*. In 1972 the Committee noted that 12 Conventions provided for the creation of special bodies or machinery and specified that employers' and workers' representatives were to participate in their operation, and it urged governments to indicate in their reports whether the bodies in question

met regularly and carried out the functions required under the terms of the Conventions concerned. Accordingly, the Committee has this year examined with special care all information provided by governments on the working of these bodies—most of which are concerned with minimum wage fixing or with the operation of employment services. Having found that this information did not always show that the bodies were functioning regularly and efficiently, the Committee has addressed a number of comments to the governments concerned, with a view to promoting the effective working of all prescribed tripartite or joint bodies and, through them, the more active participation of employers and workers in minimum wage fixing and in the operation of employment services.

72. (c) *Collaboration in the application of legislative or other measures.* In accordance with the conclusions which it reached in 1972, the Committee has given special attention to the arrangements made by governments to ensure that employers and workers enjoy every opportunity to collaborate in the application of those Conventions which specifically provide for such collaboration. This review proved particularly interesting in the case of the three important promotional Conventions on which full reports were due this year: the Equal Remuneration Convention, 1951 (No. 100), the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), and the Employment Policy Convention, 1964 (No. 122).

73. As regards the first of these, the equal pay Convention, the Committee found that—often as a result of its own continuing comments—governments tend to indicate regularly the measures being taken to co-operate with employers' and workers' organisations for the purpose of giving effect to the Convention. In the case of the Convention on discrimination, the Committee found that more information would be desirable on the extent to which the co-operation of the organisations concerned was being sought through such general consultative machinery as had been mentioned by certain governments or through other less formal arrangements (see general observation, Part Two, section I B, below). As regards the last of these Conventions, concerning employment policy, the Committee has deemed it appropriate to seek further information in a considerable number of cases; these related for example to the effectiveness of the procedures which enable organisations to collaborate in the formulation and implementation of employment policy, or to the need for such arrangements when creating general employment policy machinery, or to the manner in which rural workers are associated in such arrangements.

74. Further over-all reviews of this kind, on the effect given to clauses calling for collaboration with employers' and workers' organisations, will be made next year in respect of the Conventions on which detailed reports will then be due and which provide specifically for such collaboration.

Prospects of Further Developments

75. The Committee has expressed above its interest at the higher number of comments made by employers' and workers' organisations on the application of Conventions, as a useful indicator of the more active role played this year by some of the organisations in the ILO's supervisory procedures.

76. Having regard to the concern which the Committee has repeatedly voiced in the past in this connection, this improvement may be considered as an encouraging development. However, if employers' and workers' organisations are to fulfil the role

reserved for them in the framework of the ILO, it will be necessary not only to pursue the measures already initiated, but to envisage what new steps can be taken to ensure that the Committee—and the supervisory procedures in general—benefit fully from the collaboration of these organisations.

77. In the Committee's view the following elements in particular may contribute towards further progress:

- It may be expected that the more specific questions inserted by the Governing Body in all report forms (which are soon to be sent to governments) will in future help in clarifying the position and in promoting collaboration between governments and the representative employers' and workers' organisations in the field of ILO standards.
- The over-all review made this year by the Committee on compliance with article 23 (2) of the Constitution, by pinpointing certain difficulties, may contribute to their elimination.
- The communication to employers' and workers' organisations of the report forms on ratified Conventions in respect of which reports will be due this year should ensure that these organisations have at hand during the coming year the basic information on international labour standards. The possibility of also making available to organisations report forms under article 19 of the Constitution (this year reports will be due from governments on the Termination of Employment Recommendation, 1963) and the Memorandum on submission to the competent authorities was already raised by the Committee in its 1972 report.
- The Committee particularly requested governments in 1972 to communicate to employers' and workers' organisations copies of their replies to any observations and direct requests on the application of Conventions, and it may therefore be found necessary to envisage the introduction of arrangements making organisations more fully aware of any such observations and direct requests addressed to their governments. Arrangements of this kind could further strengthen effective collaboration with these organisations in the field of standards.
- Concrete results might also be expected as a consequence of any measures taken—following the views expressed at the Conference Committee in 1972 and in ILO regional bodies—either by the Conference or at the national level to promote national tripartite bodies designed to "ensure the effective participation of employers' and workers' organisations both in the elaboration of labour legislation and in the supervision of its application (including matters relating to international labour standards)".
- Finally, the Committee looks forward to further improvements in the coming years, following its over-all review, and the resulting individual comments addressed to a number of governments, on the working and effectiveness of the tripartite or joint machinery provided for in many Conventions, and on the arrangements which governments are required to make under certain ratified Conventions to secure the collaboration of employers' and workers' organisations in their application.

78. The Committee hopes to be able to follow up at its future sessions all developments in respect of the above-mentioned measures or proposed measures and, more particularly, it looks forward to being informed of any other proposals or decisions which may be made with a view to promoting the participation of employers and workers and their organisations in the implementation of international labour standards.

V. Reports on Ratified Conventions

(Articles 22 and 35 of the Constitution)

Supply of Reports

Reports Requested and Received.

79. By far the greater part of the Committee's work consists in the examination of the reports ¹ supplied by governments on Conventions which have been ratified by member States and on those which have been declared applicable to non-metropolitan territories.

80. 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 reports before the Committee related to 57 Conventions ² and covered the period from 1 July 1970 to 30 June 1972. 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.

81. In accordance with the above procedure, a total of 2,025 detailed reports were requested from governments on the application of ratified Conventions. At the end of the present session of the Committee, 1,572 of these reports had been received by the Office. This figure corresponds to 77.6 per cent of the reports requested, as compared with 75.5 per cent last year. A table showing the reports received and those which have not been received, classified by country and by Convention, is to be found 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.

82. In addition, 544 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, 370 reports, or 68 per cent, had been received by the end of the present session. A further 756 reports were requested on Conventions ratified by the member States but not declared applicable to the non-metropolitan territories; of these 499, or 65.7 per cent, were received. A list of the reports received and those not received, classified by territory and by Convention, may be found in Part Two (section II, Appendix) of this report.

83. Apart from the above-mentioned reports, general reports on the Conventions for which detailed reports were not due for the period under review were received

¹ ILO: *Summary of Reports on Ratified Conventions*, Report III (Part 1), to the 58th Session of the International Labour Conference (Geneva, 1973).

² Conventions Nos. 1, 3, 5, 7, 8, 9, 11, 13, 14, 15, 20, 21, 26, 27, 28, 30, 32, 33, 35, 36, 37, 38, 39, 40, 43, 45, 47, 49, 50, 58, 59, 60, 62, 64, 67, 68, 84, 86, 87, 91, 97, 98, 99, 100, 102, 103, 106, 107, 108, 110, 111, 112, 119, 120, 122, 123 and 128.

from 28 governments: Argentina, Australia, Belgium, Central African Republic, Colombia, Cyprus, Czechoslovakia, Denmark, Dominican Republic, Egypt, El Salvador, Federal Republic of Germany, India, Indonesia, Ireland, Israel, Jordan, Luxembourg, Malaysia, Mauritania, New Zealand, Norway, Panama, Sierra Leone, Singapore, Sweden, Switzerland, Uruguay. These general reports sometimes contained full information, enabling the Committee to take into consideration without delay changes in national legislation and practice.

Compliance with Reporting Obligations.

84. 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 have been received from the following 17 countries: Afghanistan, Bolivia, Burma, Burundi, Dahomey, Ecuador, Ethiopia, Gabon, Honduras, Lebanon, Madagascar, Mongolia, Niger, Portugal, Tanzania, Thailand, Yemen.

Supply of First Reports.

85. The Committee emphasises once again the special importance which it attaches to the first reports supplied by governments after ratification, as their examination constitutes the basis for the assessment of the situation regarding the Convention in question. It therefore welcomes the fact that 79 such first reports were received by the time the meeting opened. It must, however, express its regret that, on the other hand, 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 1971: Colombia (Convention No. 62), Ecuador (Conventions Nos. 86, 106, 107, 110, 113, 119, 127), Paraguay (Convention No. 107), Thailand (Conventions Nos. 29, 88, 105, 122, 127), Yemen (Conventions Nos. 104, 111), Zaire (Conventions Nos. 88, 95, 100); or since 1970: Thailand (Convention No. 123); or since 1969: Paraguay (Conventions Nos. 115, 119). The Committee expresses the hope that the governments concerned will make every effort to ensure that these important first reports are communicated to the ILO without further delay.

86. The Committee also found that a number of the first reports sent to the ILO after ratification of the Convention merely contained information of a very general character; it must therefore draw attention to the need to include in these first reports full information on the manner in which each clause of the Convention is applied, as well as replies to each of the questions in the relevant report forms sent to governments in this regard.

Replies to Committee's Comments.

87. 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 any observations and requests addressed to them by the Committee regarding the manner in which effect is given to ratified Conventions. It must therefore express its special thanks to the many governments which have included in their reports full replies to such comments, supplying further information or indicating new measures contemplated or taken to ensure the better application of Conventions.

88. The Committee found that while this year there had been a marked improvement in the response of governments, there were still 103 cases (as against 161 last year), involving 17 countries¹, in which no reply had been received to the majority or even the totality of the observations or requests relating to Conventions on which reports were requested this year.

89. In view of such failures 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.

Late Reports.

90. Finally, the Committee has noted that, in spite of a small improvement this year, the great majority of government reports reached the ILO 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.

91. 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 1972.

Examination of Reports

92. 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 sent 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, for discussion and approval.

¹ Bolivia (Conventions Nos. 5, 14, 26, 42, 87, 96, 107), Burma (Conventions Nos. 1, 17, 26, 29, 52, 63, 87), Burundi (Conventions Nos. 14, 26, 50, 64), Chad (Conventions Nos. 33, 87, 98, 100, 105, 111), Dahomey (Conventions Nos. 18, 33, 98, 100, 105), Ecuador (Conventions Nos. 35, 37, 39, 87, 98, 100, 103), Ethiopia (Conventions Nos. 11, 87, 88, 111), Gabon (Conventions Nos. 19, 41, 52, 87, 101), Haiti (Conventions Nos. 1, 24, 25, 29, 30, 42, 81, 90, 100, 105, 106), Honduras (Conventions Nos. 32, 42, 62, 78, 87, 95, 105, 108, 111), Lebanon (Conventions Nos. 14, 26, 52, 89, 90), Madagascar (Conventions Nos. 87, 119, 120, 122, 123), Niger (Conventions Nos. 33, 102, 111, 119), Sierra Leone (Conventions Nos. 5, 15, 59, 111), Uganda (Conventions Nos. 5, 17, 64, 65, 86, 98, 122, 123), Yugoslavia (Conventions Nos. 9, 19, 45, 90, 91, 102), Zaire (Conventions Nos. 81, 118).

Observations and Direct Requests.

93. The Committee found, as regards the great majority of the 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 certain provisions of 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 1973 or to report in detail for the period 1972-73.

94. 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. An index of all observations—classified by country—will be found at the beginning of this report. A list of all direct requests will be found at the end of Part Two of the report.

95. The Committee finds it necessary to point out once again that, 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 less 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. It will also 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.

Practical Application.

96. 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. 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. To assist this aspect of the Committee's task, the report forms for the various Conventions approved by the Governing Body include a number of questions asking for information relating 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, the operations of the employment service, unemployment rates, etc. In examining practical application, the Committee has had to rely primarily on the information provided by governments in

response to these questions, but it has also taken into account other authoritative sources of information including information contained in the labour inspection reports communicated by governments to the ILO, government reports and studies, comments on the application of ratified Conventions submitted to the ILO by employers' and workers' organisations (as more fully discussed in an earlier part of this report) and technical co-operation reports of experts or missions working in relevant fields.

97. This year about one-third of the reports supplied on Conventions for which particulars of practical application are specifically requested by the report forms contained data of this nature. This figure constitutes the lowest total of reports containing information on practical application since 1968, and the Committee wishes to emphasise the importance of supplying such information if a full picture of the extent to which ratified Conventions are in fact complied with is to emerge. It hopes that in the future, the trend towards a fuller response to the relevant questions in the report forms, noted in recent years, will be resumed. The Committee has addressed direct requests to the countries which have failed to supply such information in their reports, drawing their attention to the importance of replying as fully as possible to the various questions on practical application which appear in the report forms.

98. 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 ten 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.

99. The Committee recalls that in 1963, when considering the case of countries where governments have stated that the standards contained in a ratified Convention are incorporated in internal law in virtue of the national constitution, it had emphasised that (particularly if it was found impossible or inappropriate to bring any conflicting legislation formally into conformity with the ratified Convention) it was desirable to take measures giving appropriate publicity to the position in law, so as to avoid any uncertainty and enable all persons concerned to be aware of the standards laid down in the ratified Convention. The Committee therefore noted with special interest that a recent legislative measure had been promulgated in one such country providing that the provisions of ratified Conventions, which are applicable in municipal law, should be appended to the national labour code (see General Observation, France, in Part Two, I A of this report). The Committee considers that legislative decisions of this kind, by drawing the attention of the courts, labour inspection services, employers, workers and other persons concerned to the contents of ratified instruments, can only serve to bring about greater awareness of ratified international labour standards and improvements in their application. The Committee's future consideration of this question would be facilitated if any measures of this nature taken in other countries were brought to its attention by the governments concerned.

Cases of Progress.

100. In accordance with its established practice, the Committee has drawn up a list of the cases in which it has been able to express its satisfaction at measures taken by governments to make the necessary changes in their law or practice following earlier comments by the Committee on the degree of conformity between national law or practice and the provisions of a ratified Convention. The relevant details concerning the countries in question are to be found in Part Two of this report, and cover

some 70 instances in which measures of this kind have been taken, involving 33 States and 5 non-metropolitan territories. The full list is as follows:

Countries	Conventions Nos.
Belgium	81, 91
Canada	14
Central African Republic	13
Colombia	13, 18
Costa Rica	89, 112
Czechoslovakia	52
Dominican Republic	1, 52, 79, 90
Finland	9
France	General observation
Federal Republic of Germany	102
Guatemala	81
Guyana	87
Hungary	87
Iraq	105
Jordan	124
Khmer Republic	4, 6, 29
Laos	4, 6, 29
Mauritania	3, 18, 33, 52, 81, 90, 94
Mauritius	105
Mexico	108
Netherlands	121
Pakistan	1
Panama	3, 12, 17, 30, 42, 52, 81, 87
Peru	102
Philippines	89, 90
Portugal	6, 89
Spain	24, 25
Switzerland	111
Trinidad and Tobago	65, 98, 105
Tunisia	108
Ukrainian SSR	87
Uruguay	67
Zaire	17, 121
<i>Non-Metropolitan Territories</i>	
<i>Denmark</i>	
Greenland	6, 106
<i>Netherlands</i>	
Surinam	62
<i>United Kingdom</i>	
British Solomon Islands	26, 108
Hong Kong	84
St. Lucia	85

101. The Committee welcomes this further evidence of the influence of international labour standards, and of the determination of governments to make the necessary adjustments to their national law and practice so as to secure the fuller application of ratified Conventions.

102. It is now ten years since the Committee began listing instances of progress in its reports, and this year's results bring the total recorded so far to some 750 cases.

103. While this is in itself a substantial figure, the Committee wishes to point out once again that the list of cases of progress is by no means exhaustive and does not

cover the many "invisible" or less apparent cases of progress which can be directly attributed to the adoption of international labour standards and the various procedures designed to promote their application. No account is taken here, for example, of 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 these are not sufficient to enable the Convention to be ratified; where gradual progress is being made in the application of promotional Conventions; or where steps taken with a view to giving effect to the minimum standards of a ratified Convention, and which ensure their application, act as a catalyst for further measures going beyond the requirements of the Convention (e.g. a labour inspection service, created originally with a view to implementing a Convention, is subsequently expanded and made into a much more efficient instrument; or a social security scheme, created for the same purpose, is improved so as to provide increased benefits). Similarly, action taken as a result of advice received under a technical co-operation project, or in a more general way in the drafting of new labour legislation may be inspired by international labour standards. It should also be recalled, in conclusion, that evidence of progress in the implementation of standards over the past decade has come from all parts of the world and has involved all the various subject-areas covered by ILO Conventions and Recommendations.

VI. Submission of Conventions and Recommendations to the Competent Authorities

(Article 19 of the Constitution)

104. In accordance with its terms of reference, the Committee this year examined the following information¹ 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 12 or 18 months, the instruments adopted by the Conference:

at its 55th (Maritime) Session (October 1970):

Accommodation of Crews (Supplementary Provisions) Convention, 1970 (No. 133);

Prevention of Accidents (Seafarers) Convention, 1970 (No. 134);

Vocational Training (Seafarers) Recommendation, 1970 (No. 137);

Seafarers' Welfare Recommendation, 1970 (No. 138);

Employment of Seafarers (Technical Developments) Recommendation, 1970 (No. 139);

Crew Accommodation (Air Conditioning) Recommendation, 1970 (No. 140);

¹ 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 58th Session of the International Labour Conference (Geneva, 1973).

Crew Accommodation (Noise Control) Recommendation, 1970 (No. 141);
Prevention of Accidents (Seafarers) Recommendation, 1970 (No. 142).

and at its 56th Session (1971):

Workers' Representatives Convention, 1971 (No. 135);
Benzene Convention, 1971 (No. 136);
Workers' Representatives Recommendation, 1971 (No. 143);
Benzene Recommendation, 1971 (No. 144).

- (b) additional information on action taken to submit to the competent authorities the instruments adopted by the Conference from its 31st (1948) to 54th (1970) Sessions (Conventions Nos. 87 to 132 and Recommendations Nos. 83 to 136);
- (c) replies to the observations and direct requests made by the Committee at its 1972 Session.

55th and 56th Sessions

105. The Committee noted with interest that 43 governments have indicated that they have submitted the instruments adopted by the Conference at its 55th Session to the competent authorities (Algeria, Argentina, Austria, Bulgaria, Byelorussian SSR, Central African Republic, Congo, Cuba, Cyprus, Czechoslovakia, Denmark, Dominican Republic, Egypt, France, Federal Republic of Germany, Greece, India, Iran, Ireland, Italy, Japan, Kuwait, Libyan Arab Republic, Luxembourg, Malaysia, Mali, Mauritania, Morocco, New Zealand, Niger, Norway, Philippines, Portugal, Romania, Rwanda, Senegal, Singapore, Sweden, Switzerland, Ukrainian SSR, USSR, United Kingdom, Zambia), and that 38 governments have indicated that they have submitted the instruments adopted by the Conference at its 56th Session to the competent authorities (Algeria, Argentina, Austria, Bulgaria, Byelorussian SSR, Congo, Cuba, Cyprus, Czechoslovakia, Denmark, Egypt, France, Federal Republic of Germany, Greece, India, Iran, Iraq, Japan, Jordan, Kuwait, Liberia, Luxembourg, Malaysia, Mali, Morocco, Nigeria, Norway, Romania, Rwanda, Senegal, Spain, Sweden, Switzerland, Turkey, Ukrainian SSR, USSR, United Kingdom, Zambia).

106. The governments of 5 countries have indicated that they have submitted some of the instruments adopted at the 55th Session to the competent authorities (Colombia, Ivory Coast, Mexico, Spain, Republic of Viet-Nam) and the governments of 7 countries have indicated that they have submitted some of the instruments adopted at the 56th Session (Brazil, Colombia, Hungary, Ivory Coast, Khmer Republic, Niger, Republic of Viet-Nam).

107. In most of these cases the submission procedure was completed either within the normal time limit of 12 months or within the exceptional time limit of 18 months, in accordance with article 19 of the ILO Constitution.

31st to 54th Sessions

108. The Committee noted with interest the considerable progress made by certain countries in submitting various instruments adopted by the Conference since its 31st Session to the competent authorities, particularly in the following cases: El Salvador (instruments adopted from the 31st to the 45th Sessions and from the 51st to the 53rd Sessions), Syrian Arab Republic (various instruments adopted from the 33rd to the 54th Sessions).

109. 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

110. In section III of Part Two of the present report, the Committee makes a series of individual observations on the points which it considers should be brought to the special attention of governments. In addition, requests designed to elicit further information on other points have been addressed directly to a number of countries which are listed at the end of section III.

111. The Committee notes with regret that once again certain governments have failed to reply to its comments, even after a reminder was sent to them by the Office in accordance with the mandate given to it by the Committee. The Committee hopes that governments will make every effort in the future to supply all the information and documents requested.

Nature of the Competent Authority

112. The question of the nature of the competent authority remains one of the most important aspects of the obligation concerning submission. Progress continues to be noted each year in the growing number of governments which adopt or modify national procedures for submission so as to comply with the relevant provisions of article 19 of the Constitution of the Organisation. Thus, this year, the Committee has noted with interest that the Government of Rwanda now transmits copies of all the files concerning the submission of the instruments adopted by the Conference to the National Assembly. In some cases, however, divergences persist, and the Committee refers to the general remarks made previously by the supervisory bodies on this question and to the comments which it is making to the governments concerned. It expresses the hope that a solution can soon be found to these problems.

Communication of Information and Documents

113. As in the case of the problems discussed in the preceding paragraph, progress has been achieved in the question of the communication to the ILO of the information and documents called for in points II and III of the Memorandum adopted by the Governing Body (date of submission, government proposals, copies of submission documents and decisions of the competent authorities). Thus, this year once again the Committee has been able to note with interest cases in which governments have for the first time communicated such information and documents (Algeria, Bulgaria, El Salvador). Several countries, however, still do not communicate this material to the ILO. The following countries in particular have not communicated the submission documents for the instruments adopted at the last ten sessions of the Conference under consideration (47th to 56th) at least: Byelorussian SSR, Hungary, Portugal, Ukrainian SSR, USSR. The Committee trusts that all the governments concerned will take appropriate measures along the lines indicated in the Memorandum on submission.

Special Problems

114. The Committee must express its serious concern at the situation in certain countries. In the cases in question, either no measures have been taken or no

information has been supplied to the ILO concerning the actual submission to the competent authority of the instruments adopted by the Conference at several consecutive sessions. The Committee must thus note with regret that in the following cases no information has been supplied to indicate that the Conventions and Recommendations adopted by the Conference during at least the last seven sessions under consideration (50th to 56th) have been submitted to the competent authorities: Afghanistan, Bolivia, Chile, Haiti, Honduras, Laos, Lebanon, Somalia, Yemen.

* * *

115. The Committee trusts that all the governments concerned will take into account the comments made both in the preceding paragraphs and in its 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

(Article 19 of the Constitution)

116. In accordance with a decision taken by the Governing Body, governments were requested to supply reports under article 19, paragraphs 5, 6 and 7, of the ILO Constitution on 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).

117. A total of 27 reports were requested from States Members, under article 19 of the Constitution, on the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and on the Right to Organise and Collective Bargaining Convention, 1949 (No. 98); 50 of these reports¹ were received (that is 65 per cent), as well as 7 reports concerning non-metropolitan territories. A table showing reports supplied by the various governments is appended to Part Three of the present report (Volume B).

118. 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, Laos, Nepal, Yemen.

119. 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. Further, in order to render uniform the information available for this comprehensive survey on the effect given to these instruments in member States, the governments of countries having ratified the Conventions were asked to take into consideration the additional questions in this special form when preparing their reports.

¹ ILO: *Summary of Reports on Unratified Conventions and on Recommendations*, Report III (Part 2), International Labour Conference, 58th Session (Geneva, 1973).

120. The Committee accordingly adopted a general survey (reproduced in Part Three of the present report (Volume B)) on the basis of the reports supplied on the Freedom of Association Conventions by both ratifying and non-ratifying countries. 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 five members of the Committee, chosen by it at its previous session.

* * *

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

Geneva, 28 March 1973.

(Signed) E. GARCÍA SAYÁN,
Chairman.

H. S. KIRKALDY,
Reporter.

PART TWO

OBSERVATIONS CONCERNING PARTICULAR COUNTRIES

OBSERVATIONS CONCERNING PARTICULAR COUNTRIES

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

A. GENERAL OBSERVATIONS

Afghanistan

In an observation made in 1972 the Committee had noted the statement by a Government representative to the Conference Committee in 1971 that a draft labour law, which was based directly on international labour standards, had just been submitted to the Government and that its adoption was dependent on that of a draft law concerning associations. The Committee notes with regret that the reports due have not been received and that the reports communicated by the Government during the Conference in 1972 merely reproduced the information supplied to the Conference Committee in 1971. Accordingly, no new information is available on the progress made in the adoption of the draft labour law. The Committee recalls that the Government has been referring to this draft since 1958 and that, at the present time, in the absence of appropriate legislative provisions or regulations, effect is not given to Conventions Nos. 13, 41, 45, 95 and 106, with regard to which the Committee is again making observations.

The Committee has, however, taken note of a letter of 20 February 1973 in which the Government states that it is prepared to supply copies of laws and regulations, available only in two national languages. The Committee would be glad if the Government would supply the texts in question; it trusts that the draft labour law will be adopted soon, that it will take account of the obligations resulting from ratified Conventions and that copies thereof will be supplied immediately thereafter.

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 third year in succession the reports due have not been received. Recalling the statement by a Government representative to the Conference Committee in 1972 that the Government hoped to be able to report

on the situation concerning ratified Conventions before the end of the Conference, the Committee trusts that the Government will not fail in future to fulfil the obligation to supply reports on the application of ratified Conventions and that it will include in these reports replies to the comments made by the Committee at its previous sessions, as well as to those made at the present session.

Burma

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, and that it will reply in its reports to the comments made by the Committee at its previous sessions as well as to those made at the present session.

Burundi

The Committee notes with regret that once again the reports due have not been received. Since the Committee has already had to draw attention several times to the Government's failure to supply reports, as required, on the application of ratified Conventions, it trusts that the Government will not fail in future to discharge this obligation, and that it will reply in its reports to the comments made by the Committee at its previous sessions.

Byelorussian SSR

The Committee notes that the Government refers in its reports to a new Labour Code, adopted on 23 June 1972, containing provisions giving effect to ratified Conventions. The Committee would be glad if the Government would communicate a copy of this Code and indicate in its next reports in what manner this Code gives effect to the various provisions of ratified Conventions.

Chad

The Committee notes with regret that 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, and that it will reply in its reports to the comments made by the Committee at its previous sessions.

Colombia

The Committee notes with interest the direct contacts which took place in Colombia from 27 September to 6 October 1972 between the competent national services and a representative of the Director-General of the ILO, concerning Conventions Nos. 3, 8, 13, 18, 22, 23 and 24, on the application of which the Committee had made a number of comments.

The Committee notes with satisfaction that, as a result of these contacts, an order and a decree designed to give fuller effect to Conventions Nos. 13 and 18 respectively were adopted on 12 and 13 December 1972.

The Committee notes with interest, as regards the other Conventions which were the subject of the direct contacts, that a series of legislative drafts have been prepared whose adoption will bring Colombian labour legislation into fuller conformity with the provisions of the Conventions in question. The Committee therefore hopes that

these drafts will be approved in the near future, and requests the Government to provide information on any measures taken to this end.

Costa Rica

The Committee notes with interest the direct contacts which took place in Costa Rica from 10 to 13 October 1972 between the competent national services and a representative of the Director-General of the ILO, in connection with Conventions Nos. 29, 89, 90, 96 and 112, on the application of which various comments had been made.

The Committee notes with satisfaction that, as a result of these contacts, approval was given on 13 October 1972 to Decrees Nos. 2600 and 2601, relating respectively to the application of Conventions Nos. 89 and 112.

The Committee notes with interest that, as regards Conventions Nos. 29, 90 and 96, three Bills have been drafted and submitted to the Legislative Assembly which, when adopted, will bring the labour legislation of Costa Rica more into fuller conformity with the provisions of these Conventions. The Committee therefore hopes that these Bills will be approved in the near future, and requests the Government to provide information on any measures taken to this end.

Dahomey

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, and that it will reply in its reports to the comments made by the Committee at its previous sessions.

Ecuador

The Committee notes with regret that the reports due, including nine first reports (Conventions Nos. 86, 106, 107, 110, 113, 119 and 127, on which reports have been due for two years, and Conventions Nos. 115 and 118), have not been received. Since the Committee has already had to draw attention several times in recent years to the Government's failure to supply reports, as required, on the application of ratified Conventions, it trusts that the Government will not fail in future to discharge this obligation, and that it will reply in its reports to the comments made by the Committee at its previous sessions, as well as to those made at the present session.

Ethiopia

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, and that it will reply in its reports to the comments made by the Committee at its previous sessions.

France

The Committee notes with satisfaction that section 5 of Act No. 73-4 of 2 January 1973 relating to the Labour Code lays down that the provisions of the international labour Conventions applicable as part of French domestic law shall be appended to the Labour Code. As it has emphasised on several occasions in the past, in particular

in 1963 and 1970, the publication in this way of the provisions incorporated into domestic law by the act of ratification will enable the institutions and individuals concerned—courts of law, administrative authorities, labour inspectors, employers and workers—to be fully aware of any amendments of the national legislation resulting from the ratification of certain Conventions, and will avoid any uncertainty which might exist as to the state of the law applicable. The Committee therefore welcomes the measure which has just been adopted.

Gabon

The Committee notes with regret that 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, and that it will reply in its reports to the comments made by the Committee at its previous sessions, as well as to those made at the present session.

Guatemala

The Committee notes with interest the direct contacts which took place in Guatemala from 25 October to 2 November 1972 between the competent national services and a representative of the Director-General of the ILO, concerning Conventions Nos. 58, 77, 78, 79, 81, 90, 106 and 112, on the application of which the Committee had made a number of comments.

The Committee notes with satisfaction that, as a result of these contacts, a circular complying with Article 15 (a) and (c) of Convention No. 81 was issued on 3 January 1973.

The Committee notes with interest, as regards the other Conventions which were the subject of the direct contacts, that a series of draft orders have been prepared, whose adoption will bring the Guatemalan labour legislation into fuller conformity with the provisions of these Conventions. The Committee further notes with interest that, during the course of the direct contacts, two draft orders were prepared relating to the application of Conventions Nos. 45 and 89. The Committee therefore hopes that these draft orders will be approved in the near future, and requests the Government to supply information on any measures taken to this end.

Haiti

The Committee notes with regret that most of the reports due have not been received. Since no reports were received last year, the Committee trusts that the Government will not fail in future to discharge its obligation to provide all the reports due on the application of ratified Conventions.

Honduras

The Committee notes with regret that for the second year in succession the reports due have not been received. Recalling that in 1972 a Government representative stated at the Conference Committee that the Government would endeavour in the course of the year to bring itself up to date in sending the reports due, the Committee trusts that the Government will not fail in future to discharge its obligation to report on the application of ratified Conventions and that it will reply in its reports to the comments made by the Committee at its previous sessions.

Ivory Coast

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

Lebanon

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 the future to discharge its obligation to supply reports on the application of ratified Conventions, and that it will reply in these reports to the comments made by the Committee at its previous sessions, as well as to those made at the present session.

Lesotho

The Committee notes with regret that the reports due, including two first reports (Conventions Nos. 14 and 98), 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 reports, the Committee can only note that no information has been supplied in response to the previous direct requests made concerning the application of Conventions Nos. 19 and 29.

Madagascar

The Committee notes with regret that 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 and that it will reply in its reports to the comments made by the Committee at its previous sessions.

Mauritania

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

Mongolia

The Committee notes with regret that 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 and that it will also communicate copies of the legislative texts mentioned in the direct request made in 1972 and repeated this year by the Committee.

Nicaragua

The Committee has taken cognisance, with deep regret, of the earthquake suffered by the city of Managua and of the magnitude of this national catastrophe.

In extending to the Government of Nicaragua its profound sympathy and expressing its sincerest wishes for a rapid return to normalcy, the Committee, fully

conscious of the seriousness of the situation in the country and the difficulties arising for the normal fulfilment of its international obligations, has considered it necessary to suspend the examination of the questions relating to the application of ratified Conventions by this country.

The Committee hopes that the Government will be in a position in due course and with the help of the ILO to give full effect to its obligations under the Conventions ratified by Nicaragua.

Niger

The Committee notes with regret that 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, and that it will reply in its reports to the comments made by the Committee at its previous sessions.

Peru

The Committee notes with interest the direct contacts which took place in Peru from 7 to 23 November 1972 between the competent national services and a representative of the Director-General of the ILO concerning Conventions Nos. 1, 4, 8, 27, 41, 44, 68, 69, 77, 78, 79, 87 and 90, on the application of which it had made a number of comments.

The Committee notes with interest that, as a result of these contacts, nine draft presidential decrees have been prepared, which are intended to secure a fuller degree of conformity with the provisions of the above-mentioned Conventions. The Committee therefore hopes that these draft decrees will be approved in the near future, and requests the Government to supply information on any measures taken to this end.

Portugal

The Committee notes with regret that 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, and that it will reply in its reports to the comments made by the Committee at its previous sessions, as well as to those made at its present session.

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.

Tanzania

The Committee notes with regret that once again the reports due have not been received. In view of the fact that, as concerns Zanzibar, the most recent information appeared in the reports covering the period 1963-64 (received in 1965) and that observations and direct requests have thus had to be repeated over a number of years

concerning the application of certain Conventions, the Committee trusts that the Government will take all possible steps to ensure the discharge of its obligation to report on the application of ratified Conventions throughout the entire territory of Tanzania and that the reports will reply to the comments made by the Committee at its previous sessions, as well as to those made at the present session.

Thailand

The Committee notes with regret that the reports due, including six first reports (Conventions Nos. 29, 88, 105, 122 and 127, on which the reports have been due for two years and Convention No. 123 on which the report has been due for three years) have not yet been received. Since only one of the reports due in 1972 and none of the reports due in 1971 was received, the Committee can only recall the assurances given in 1971 and repeated in 1972 by a Government representative to the Conference Committee, and it trusts that in future the Government will not fail to fulfil its obligation to supply reports on the application of ratified Conventions.

Uganda

The Committee notes with regret that only one of the reports due has been received. It trusts that the Government will not fail in future to discharge its obligation to supply all the reports due on the application of ratified Conventions.

USSR

In 1972 the Committee noted that following the adoption of the Fundamental Principles governing the labour legislation of the USSR and the Union Republics a new Labour Code for the Russian Soviet Federative Socialist Republic was to enter into force on 1 April 1972. The Committee had expressed the hope that the Government would provide information concerning the adoption of new Labour Codes in the other Union Republics and would supply copies of these Codes.

The Committee notes that while some of the reports for the period ending 30 June 1972 refer to the Labour Code of the RSFSR and the Labour Codes of other Union Republics, no indication is provided as to the date of adoption of the other Codes nor have their texts been transmitted to the ILO.

The Committee therefore reiterates the hope that the Government will supply the information and texts referred to above and will also indicate in its next reports the effect of the new Codes on each of the various Conventions ratified by the USSR.

Venezuela

The Committee notes with regret that most of the reports due have not been received. Since in 1972 most of the reports due were not supplied before the meeting of the Committee, the Committee trusts that the Government will not fail in future to discharge its obligation to provide all the reports due on the application of ratified Conventions.

Republic of Viet-Nam

The Committee notes with regret that most of the reports due, including six first reports (Conventions Nos. 117, 118, 120, 122, 123 and 124), have not been received. It trusts that the Government will not fail in future to discharge its obligation to supply all the reports due on the application of ratified Conventions.

Western Samoa

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

Yemen

The Committee notes with regret that the reports due, including two first reports (Conventions Nos. 104 and 111 on which reports have been due for two years), 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.

Zaire

The Committee notes with regret that of the reports due, including three first reports which have been due for two years (Conventions Nos. 88, 95 and 100), only one has been received. Since the reports due were not received the year before, the Committee trusts that the Government will not fail in future to discharge its obligation to provide all the reports due on the application of ratified Conventions, and that it will reply in these reports to the comments made by the Committee at its previous sessions, as well as to those made at its present session.

* * *

In addition, requests regarding certain points are being addressed directly to the following States: *Afghanistan, Algeria, Botswana, Cameroon, Cuba, Dominican Republic, Gabon, Ghana, Guatemala, Guinea, Haiti, Hungary, Indonesia, Jordan, Kuwait, Malawi, Mauritania, Mongolia, Nigeria, Pakistan, Paraguay, Senegal, Somalia, Sudan, Togo, Trinidad and Tobago, Ukrainian SSR, USSR, Venezuela.*

B. INDIVIDUAL OBSERVATIONS**Convention No. 1: Hours of Work (Industry), 1919***Burma* (ratification: 1921)

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.

Dominican Republic (ratification: 1953)

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, Act No. 338 was promulgated on 29 May 1972 and has amended Articles 142 and 148 of the Labour Code, bringing them into conformity with *Articles 4 and 6, paragraph 2, of the Convention.*

Chile (ratification: 1925)

See paragraph 91 of the General Report.

Egypt (ratification: 1960)

Article 6 of the Convention. Further to its previous comments, the Committee notes with interest the Government's statement in its report that the Ministry of Labour is at present drafting a consolidated Labour Code which will take account of obligations arising under international Conventions. The Committee hopes that amendments will therefore be made to section 117 of the Labour Code of 1959, which limits to eleven a day the number of hours during which a worker may be required to be at the workplace and which exempts from that provision workers engaged in types of work which are of an "intermittent" nature. It also hopes that Order No. 62 of 1960, which prescribes the list of categories of work regarded as being of an intermittent nature, within the meaning of section 117 of the Code, and which includes the road and the railway transport sector, will also be amended to ensure that the workers in question are not required to be present at the workplace beyond normal working hours.

Haiti (ratification: 1952)

The Committee notes with regret that for the second consecutive year 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.¹

Pakistan (ratification: 1921)

With reference to its previous direct request, the Committee notes with satisfaction the adoption of the Ordinance of 1972 amending the Factories Act of 1934, section 2 of which extends the application of the Factories Act of 1934 to undertakings employing ten or more workers (formerly twenty or more), whether working with or without the aid of power (formerly only workers working with the aid of power).

¹ The Government is asked to supply full particulars to the Conference at its 58th Session and to report in detail for the period ending 30 June 1973.

Romania (ratification: 1921)

Further to its previous observations, the Committee recalls that section 57 of the Labour Code of 1950 is not in conformity with Article 6, paragraph 2, of the Convention in that it provides that the Council of Ministers may authorise the maximum additional hours, as laid down in the same section, to be exceeded. The Committee has been informed that a new Labour Code was adopted in December 1972. It requests the Government to indicate to what extent the new Labour Code has affected the application of this provision of the Convention.

Spain (ratification: 1929)

Further to its previous comments, the Committee notes with interest from the information provided by the Government that the examination of the draft text of the General Labour Bill, which will take full account of the provisions of the Convention, is already very advanced and will soon be completed.

The Committee trusts that the General Labour Bill referred to by the Government since 1958 will soon be adopted and bring national legislation into full conformity with the Convention.

Venezuela (ratification: 1935)

The Committee notes with regret that for the third consecutive year the Government's report has not been received.

Article 2 of the Convention. The Committee notes, however, the statement made by the Government representative to the Conference Committee in 1972, according to which section 56 of the Labour Regulations has not yet been repealed due to a general revision of the Labour Regulations which was under way and which would repeal this section. The Government representative added that the new regulations would be adopted shortly with the revisions suggested by the Committee. The Committee hopes therefore that section 56 will very soon be modified so that the exclusion permitted under Article 2 of the Convention will be limited to establishments in which only members of the same family are employed.¹

* * *

In addition, requests regarding certain points are being addressed directly to the following States: *Burma, Canada, Colombia, Egypt, Greece, India, Iraq, Kuwait, Pakistan, Paraguay, Syrian Arab Republic.*

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

Convention No. 2: Unemployment, 1919

A request regarding certain points is being addressed directly to *Mauritius*.

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

¹ The Government is asked to supply full particulars to the Conference at its 58th Session and to report in detail for the period ending 30 June 1973.

Convention No. 3: Maternity Protection, 1919*Algeria* (ratification: 1962)

1. The Committee notes the information supplied by the Government in response to its earlier observations and requests, and is interested to learn that a new Labour Code is in process of being promulgated and that it will, *inter alia*, bring the national legislation into conformity with *Articles 3 (d) and 4 of the Convention* concerning the right of a woman to have two half-hour breaks per day to nurse her child, and the prohibition of dismissal during her absence on maternity leave (and during any prolongation of that leave because of illness arising out of pregnancy or confinement). The Committee hopes that the new Code will be adopted in the very near future.

2. As regards free medical care (*Article 3 (c)*), the Committee also notes the Government's statement to the effect that the "lump sum maternity benefit" provided for in section 10, paragraph 1, of the Order of 26 October 1959 covers the whole of the medical expenses incurred by the woman and that it is paid directly to the hospital.

3. With reference to the duration of maternity leave in connection with the payment of cash benefits (*Article 3 (c)* in conjunction with *Article 3 (a) and (b)*), the Government states that it is making every effort to bring national practice into line with the legislation, and therefore with the Convention, as soon as economic conditions permit. (In point of fact, this practice is to grant only eight weeks of maternity leave, which can be prolonged only when the woman's state of health so requires, whereas the Labour Code prescribes twelve weeks, with a possible extension to fifteen weeks.) While fully appreciating the economic difficulties facing the Government, the Committee feels obliged to repeat its hope that measures can be taken in the very near future to ensure complete compliance with this basic provision of the Convention, which provides that a woman worker, *irrespective of her state of health*, is entitled to twelve weeks of maternity leave and benefits, with the possibility of extending the leave and the payment of benefit in the case of delayed confinement or illness arising out of pregnancy or confinement.

4. As regards women who do not fulfil the conditions laid down in the national legislation concerning the qualifying period for entitlement to social security benefits, the Government states that such workers, and especially those in the most difficult circumstances, may receive certain forms of assistance—e.g. free medical assistance, benefits from welfare funds, sickness insurance, etc. It adds that it hopes, in the course of the present investigations into a reorganisation of the social insurance system and a unification of the existing schemes, either to abolish the qualifying period immediately or at least to relax the present rules on this point and thus increase the number of women workers entitled to benefits. The Committee notes this statement and hopes that the reorganisation of the present social insurance system will be carried through in the near future.

Bulgaria (ratification: 1933)

Further to its earlier observations and requests concerning the application of *Article 3, paragraph (a), of the Convention* (compulsory nature of leave after confinement) and *paragraph (c)* (granting of maternity benefits to women who do not satisfy the conditions of the legislation regarding the qualifying period of the Convention), the Committee notes the Government's statement that the new Labour Code, which is still being drawn up, will take into account its comments.

The Committee trusts that this Code will be adopted in the very near future and will give full effect to the Convention on those points.

Chile (ratification: 1925)

Article 4 of the Convention (prohibition of dismissal during absence on maternity leave). Further to the Committee's previous comments, the Government states in its report that the law does not imply a prohibition of dismissal during maternity leave and the following year, but that on the contrary a woman can be dismissed during this period with judicial authorisation and for just cause (section 2 of Act No. 16.455 of 1966). The Government adds that the causes invoked can be based on facts arising both during the maternity leave and during the period of actual service, the legislation making no distinction between the two.

Since this Article of the Convention provides that, during a woman's absence from work on maternity leave (or for a longer period as a result of illness arising out of her pregnancy or confinement), it shall not be lawful (until her absence shall have exceeded a maximum period to be fixed by the competent authority in each country) for her employer to give her notice of dismissal during such absence, nor to give her notice of dismissal at such a time that the notice would expire during such absence, the Committee hopes that the Government will be able to re-examine the question, and that it will take the necessary measures to ensure the protection of the employment of women workers during the period provided for by the Convention.

Colombia (ratification: 1933)

Further to its earlier observations, the Committee notes with interest that, as a result of the direct contacts made between the competent national services and a representative of the Director-General of the ILO, a Bill has been drafted to amend section 236 of the Labour Code with a view to granting to all women workers, in accordance with the Convention, twelve weeks maternity leave instead of the eight to which they are entitled at present, and also to ensuring an extension of the prenatal leave and the payment of benefit when the confinement occurs later than the presumed date (*Article 3 (a), (b) and (c), of the Convention*).

The Committee also notes with interest that, as a result of the direct contacts, a draft decree has also been prepared with a view to ensuring to women in public employment the same treatment as to other women workers in respect of other aspects of maternity protection, including the break for nursing the child (*Article 3 (d)*). This draft has already been signed by the Minister of Labour and Social Security and submitted to the President of the Republic for approval.

The Committee further notes the statement by the Director-General of the Colombian Social Security Institute to the representative of the Director-General to the effect that the Institute agreed to amend its General and Special Regulations so as to bring them into line with the standards adopted by the National Government in respect of women employed in the private sector, so that the same system of maternity benefits would apply throughout the whole country.

The Committee hopes that, in the near future, the above Bill and draft decree will be adopted, so as to bring the national legislation into conformity with the Convention and requests the Government to communicate any decisions taken on the matter and to indicate whether the sickness and maternity insurance system has been extended to any other categories of women workers or areas of the country.

Federal Republic of Germany (ratification: 1927)

Article 4 of the Convention (prohibition of dismissal). In reply to the Committee's earlier observations on section 9 of the Maternity Protection Act in its 1965 wording (which authorises dismissal during pregnancy and maternity in certain exceptional cases), the Government states that the instructions addressed by the Federal Minister of Labour and Social Affairs in a circular of 26 July 1968 to the Ministers and Senators of Labour of the *Länder* (by which these Ministers were instructed to respect the aforesaid provision of the Convention, so that dismissal in the cases covered by the Act should not take effect during the absence of a woman on maternity leave) were still sufficient, for the time being, to ensure compliance with Article 4 of the Convention.

The Committee notes this statement. It would, however, request the Government—as it has done in its earlier comments—to provide precise information on the application of the aforesaid circular in practice, and hopes that the Government will not fail to indicate any legislative or other change in this field.

Greece (ratification: 1920)

1. The Committee notes with interest the information supplied by the Government regarding the further extensions of the social security system and hopes that the system will soon be generally applied.

2. *Article 3 (c) of the Convention* (payment of maternity benefit in the event of an extension of the period of absence from work before childbirth because of a mistake in estimating the date of confinement). The Committee also notes from the Government's reply to its earlier observation and requests, that it has not yet been possible to amend the internal regulations of the Social Insurance Institute in such a way as to ensure full compliance with the above provision of the Convention. The Committee hopes that this amendment will be introduced in the near future.

Guinea (ratification: 1966)

Further to its earlier observations, the Committee regrets to note that the Government's report contains no information concerning the adoption of the draft Order to regulate the employment of women and children, to which reference was made as early as 1967. This Order was intended, *inter alia*, to bring the national legislation into conformity with certain provisions of the Convention, in particular the following Articles: 3 (*a*) (compulsory nature of leave after confinement); 3 (*c*) (payment of maternity benefit in the event of extension of the leave after confinement because of a mistake of the medical adviser in estimating the date of confinement); 3 (*d*) (entitlement to two breaks a day of at least half an hour each to nurse her child); 4 (prohibition of dismissal during the woman's absence on maternity leave or any extension thereof).

The Government representative, however, informed the Conference Committee in 1972 that discussion of the draft Order was well advanced. The Committee therefore trusts that it will be adopted in the near future and that the Government will not fail to report the progress made in this matter.

The Committee also hopes that the National Social Security Fund will gradually take over responsibility—as indicated by the Government—for the whole maternity benefit (which would thus reach 100 per cent of wages) and that information on this subject will also be given in the report in question.

Mauritania (ratification: 1963)

Further to its earlier comments and the direct contacts with the Government which took place in 1969 with regard to this Convention, the Committee notes with satisfaction that section 39, paragraph 1, of the Act of 3 February 1967 has been amended so as to do away with the condition of a qualifying period and to grant to all women workers, when pregnant, the right to daily maternity benefit in accordance with *Article 3, paragraph (c), of the Convention*.

Panama (ratification: 1956)

The Committee notes with satisfaction that the new Labour Code has made it possible to put into effect some of the points raised in its earlier requests, more particularly as regards Articles 3 (c) *in fine* and 3 (d) of the Convention concerning, on the one hand, the extension of the preconfinement leave, with benefits, in the event of a mistake by the doctor or midwife in estimating the date of confinement, and, on the other, the granting of breaks for nursing.

Venezuela (ratification: 1944)

The Committee notes with regret that the Government's report has not been received. Consequently, it finds itself obliged to repeat its earlier observation and to ask the Government once again to state what measures have been taken (under section 96 of the Social Insurance Act of 1966) to extend the maternity insurance scheme to cover the whole of the national territory and all the groups of women workers mentioned in the Convention.

It also hopes that the Government will provide full information on the points raised in a new direct request concerning the following provisions of the Convention: *Article 1* (application of the Convention to certain categories of women workers) and *Article 3* (compulsory nature of the six weeks' leave after confinement; maternity benefit paid through a system of insurance and during any extension of her leave because of a delay in her confinement).

* * *

In addition, requests regarding certain points are being addressed directly to the following States: *Argentina, Central African Republic, Chile, Colombia, Panama, Upper Volta, Venezuela, Yugoslavia*.

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

Convention No. 4: Night Work (Women), 1919*Khmer Republic* (ratification: 1969)

Further to its earlier observations, the Committee notes with satisfaction that sections 140, 171, 172 and 352 of Ordinance No. 2/72/CE of 14 January 1972 introducing the Labour Code prohibit the employment during the night of women of any age during a period of not less than 11 consecutive hours, including the period from 10 o'clock in the evening to 5 o'clock in the morning, in accordance with the provisions of the Convention.

Laos (ratification: 1964)

Further to its earlier direct requests, the Committee notes with satisfaction that sections 101 and 102 of the new Labour Code, promulgated on 1 December 1971, prohibit the employment of women during the night for a minimum period of 12 consecutive hours, thus giving effect to the provisions of the Convention.

* * *

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

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

Convention No. 5: Minimum Age (Industry), 1919*Bolivia* (ratification: 1954)

Article 2 of the Convention. The Committee regrets that the report has not been received. It notes, however, the statement made by a representative of the Government to the Conference Committee in 1972 to the effect that, in so far as this Convention was concerned, certain changes had been made and a Young Persons Code was now in force which reflected the spirit of the Convention.

The Committee must, however, point out once again that section 58 of the General Labour Act of 1942 permits the employment of children under 14 years of age as apprentices, which is contrary to the provisions of this Article of the Convention. The Committee would therefore ask the Government to state what measures have been taken or are contemplated to bring the national legislation into conformity with the Convention.¹

Congo (ratification: 1960)

Article 2 of the Convention. In its previous comments the Committee had noted that section 116, paragraph (3), of the Labour Code, which provides that children under 16 years of age who attend public or private educational institutions may be employed during school semesters or holidays on light work, was contrary to the Convention.

The Committee has also noted since 1968 the Government's intention to adopt regulations to bring the legislation into conformity with the Convention. It hopes that the Government will take the measures necessary to this end in the very near future.

Guinea (ratification: 1959)

Article 4 of the Convention. Further to its last observation, the Committee has taken note of the statement in the Government's report to the effect that the text of the draft Order concerning the employment of children, which is intended to ensure the application of Article 4 of the Convention, will be forwarded as soon as it is adopted. Since the Government has been referring to this draft for several years, the Committee trusts that it will be adopted in the very near future so that every employer in an industrial undertaking will be required to keep a register of all persons under the age of 16 years employed by him, and of the dates of their births.

¹ The Government is asked to supply full particulars to the Conference at its 58th Session and to report in detail for the period ending 30 June 1973.

Sierra Leone (ratification: 1961)

Article 4 of the Convention. See under Convention No. 59, Article 4.

Singapore (ratification: 1965)

Article 2 of the Convention. In its previous comments the Committee has noted that under the Employment Act 1968, and particularly sections 67 and 82, children aged over 12 may work in industrial enterprises in certain conditions which are not authorised by the Convention. The Committee notes with interest the statement by the Government in its last report to the effect that measures are being taken to amend the Employment Act in order to bring it into line with this fundamental Article of the Convention.

The Committee hopes that the Government will soon take the necessary action to this end and that it will report on any progress achieved.

Uganda (ratification: 1963)

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. The Committee has been pointing out since 1965 in direct requests that the definition of "industrial undertakings" in section 2, subsection 1, of the Employment of Children Act is not in conformity with paragraph 1 (d) of this Article of the Convention. It has also noted the Government's intention to amend this definition so as to repeal the exceptions allowed by it.

The Committee trusts that the Employment Amendment Bill which is to introduce this amendment will be adopted shortly, and requests the Government to transmit all relevant information in this connection.

* * *

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

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

Convention No. 6: Night Work of Young Persons (Industry), 1919*Khmer Republic* (ratification: 1969)

Further to its earlier observations, the Committee notes with satisfaction that sections 1, 140, 171, 172 and 352 of Ordinance No. 2/72/CE of 14 January 1972 to issue the Labour Code bring the national legislation into conformity with the Convention.

Laos (ratification: 1964)

Further to its earlier direct requests, the Committee notes with satisfaction the new Labour Code promulgated on 1 December 1971, sections 101 and 102 of which prohibit night work for young persons during a period of at least twelve consecutive hours, in accordance with the Convention.

Portugal (ratification: 1932)

See under Convention No. 89.

* * *

In addition, requests regarding certain points are being addressed directly to *Laos* and *Portugal*.

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

A request regarding certain points is being addressed directly to the *United Kingdom*.

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

Colombia (ratification: 1933)

Further to its earlier observations, the Committee has noted 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 in which account has been taken of the comments made by the Committee on the application of this Convention.

The Committee hopes that the draft decree in question will shortly be approved so as to ensure the application of the Convention, and requests the Government to communicate any decision taken in this respect.

* * *

In addition, requests regarding certain points are being addressed directly to the following States: *Iraq, Jamaica, Malta, Mauritius, Panama, Sierra Leone, Singapore, Sri Lanka, Tunisia, United Kingdom*.

Convention No. 9: Placing of Seamen, 1920

Colombia (ratification: 1933)

The Committee notes that, in reply to its previous observation, the Government merely supplies the text of a Bill for the creation of a National Employment Service, to which reference had already been made in the report for 1969-70. The Committee can therefore only reiterate the suggestion made in the observation of 1971 that, pending the development of the National Employment Service to a stage where it will be in a position to undertake the establishment of seamen's employment offices, the Government might wish to consider the implementation of the Convention by arranging for the organisation and maintenance of seamen's employment offices by representative associations of shipowners and seamen jointly, in accordance with Article 4, paragraph 1 (a), of the Convention.

The Committee trusts that measures will shortly be taken to ensure that seamen's employment offices are established and operated in accordance with the provisions of the Convention.

Finland (ratification: 1922)

The Government's report referred to a letter received from the Åland Shipowners' Association stating that it had not had any opportunity to appoint representatives to the committee referred to in Article 5 of the Convention, although it represented about 30 per cent of the Finnish merchant fleet and that, as far as it knew, such a committee did not exist at all in connection with the public employment office in Åland. The Committee notes with satisfaction that, following the communication of this letter by the Government to the Provincial Government of Åland (which is self-governing in respect, inter alia, of the employment service), a committee was established in this province on 5 December 1972 composed of representatives of

shipowners and seafarers on an equal footing, to act as an advisory body to the employment service on questions relating to the employment of seamen.

Mexico (ratification: 1939)

The Committee notes that the Government states once again that the joint advisory committees of shipowners and seamen (which earlier reports had referred to as acting as placement agencies for seamen) do not 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 regrets that no public employment offices for seamen appear to exist, but notes that consideration is being given to the possibility of entrusting the National Ports Co-ordinating Committee, established by an Act of 27 December 1970, with the organisation and maintenance of seamen's employment offices, in consultation with advisory committees of shipowners and seamen, in accordance with Articles 4 and 5 of the Convention.

The Committee therefore trusts that effective measures will thus be possible to ensure full compliance with Articles 2, 4, 5, 6 and 8 of the Convention.¹

* * *

In addition, requests regarding certain points are being addressed directly to the following States: *Argentina, Cameroon, Cuba, Finland, France, Federal Republic of Germany, Greece, Israel, Panama, Peru, Poland, Romania, Uruguay, Yugoslavia*.

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

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

Byelorussian SSR (ratification: 1956)

See paragraph 91 of the General Report.

Cuba (ratification: 1935)

See under Convention No. 87.

Poland (ratification: 1924)

See under Convention No. 87.

Ukrainian SSR (ratification: 1956)

See under Convention No. 87.

USSR (ratification: 1956)

See under Convention No. 87.

¹ The Government is asked to report in detail for the period ending 30 June 1973.

Venezuela (ratification: 1944)

See paragraph 91 of the General Report.

* * *

In addition, requests regarding certain points are being addressed directly to the following States: *Algeria, Czechoslovakia, Ethiopia, Paraguay, Rwanda.*

Information supplied by *Bulgaria* and *Ivory Coast* in answer to a direct request has been noted by the Committee.

Convention No. 12: Workmen's Compensation (Agriculture), 1921*Panama* (ratification: 1958)

Further to its earlier comments, the Committee notes with satisfaction that the provisions governing compensation for employment injuries laid down in Decree No. 252 of 30 December 1971 to approve the Labour Code, now cover, *as required by Article 1 of the Convention*, workers employed in non-mechanised agricultural, forestry or cattle-breeding undertakings which permanently employ fewer than ten persons.

* * *

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

Convention No. 13: White Lead (Painting), 1921*Afghanistan* (ratification: 1939)

In observations made since 1950, the Committee has been drawing the Government's attention to the need to adopt legislative provisions or regulations to give effect to the requirements of this Convention. As the Government has been referring to the preparation of legislation to this effect since 1951 (see General Observation, *Afghanistan*), the Committee notes with regret that the statement made to the Conference Committee in 1971 and included in the report supplied in May 1972 gives no further information concerning the adoption of provisions to give effect to the Convention, but merely repeats a statement made earlier that all industrial establishments are owned and controlled by the Government and the use of white lead is permitted within the terms of Article 1 of the Convention only with the approval of government engineers.

The Committee observes that the implementation of the Convention requires the adoption of appropriate legislative provisions or regulations and trusts that the necessary measures will be taken in the very near future.¹

Central African Republic (ratification: 1960)

The Committee notes with satisfaction from the Government's reply to the previous direct request that Order No. 718/IGT of 15 February 1957 regulating the use of white lead in cases in which its use remains authorised has been amended by Order No. 0001/MTFP-DT-DEGRE of 8 January 1971 to give effect to Article 5 I (a) and (b) of the Convention.

¹ The Government is asked to supply full particulars to the 58th Session of the Conference.

Chad (ratification: 1960)

1. The Committee notes from the information communicated to the Conference in 1972 that measures to give full effect to Article 5 I (a) and (b) of the Convention have not yet been taken, but that it is envisaged to adopt the necessary measures in the near future.

The Committee hopes that the Government will be able to indicate in its next report that measures have been taken to remove any doubt that section 2 of Order No. 718 of 15 February 1957 prohibits the use of white lead, sulphate of lead and products containing these pigments, otherwise than in the form of paste or of paint ready for use, in *all* painting operations (and not only in the application of paint in the form of spray) (Article 5 I (a) of the Convention) and to adopt provisions requiring measures to be taken in order to prevent danger arising from the application of paint in the form of spray (Article 5 I (b)).

2. The Government is requested to indicate whether Order No. 2813 of 7 September 1951 prohibiting the use of white lead and sulphate of lead in painting is still in force in Chad.

Colombia (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, a resolution—No. 03068—was adopted on 12 December 1972 prohibiting the use of white lead, sulphate of lead or any other product containing these pigments in the internal painting of buildings of all kinds, in conformity with Article 1 of the Convention.

Congo (ratification: 1960)

The Committee notes with interest from the Government's reply to the previous observation that the Government envisages taking measures in the near future to bring national legislation into full conformity with Article 5 I (a) and (b) of the Convention. The Committee hopes that the Government will be able to indicate in its next report that the necessary measures have been taken and to supply copies of the provisions adopted.

Mexico (ratification: 1938)

1. The Committee has taken note of the guidelines on the use of white lead drawn up by the Secretariat of Labour and Social Security, a copy of which was supplied by the Government pursuant to the previous observation. The Committee regrets to note that these guidelines consist merely of indications to be used as a basis for the drawing up of a circular on the use of white lead to be sent to persons responsible for the application of the Convention, and do not contain legally binding rules to give effect to the Convention. The Committee hopes that legally binding provisions to give effect to the Convention will be adopted in the near future and that they will ensure the application of:

(a) *Articles 1 and 2 of the Convention* (prohibiting the use of white lead and sulphate of lead and of all products containing these pigments in the internal painting of buildings, defining the maximum content of lead which may be contained in white pigments without being subject to this prohibition, and defining any of the exceptions authorised by Article 1 which are considered necessary by the Government as well as the limits of artistic painting and fine lining which are excepted by Article 2);

- (b) *Article 3* (prohibiting the employment of males under 18 years of age and females in any painting work of an industrial character—i.e. the internal and external painting of buildings—which involves the use of white lead or sulphate of lead or other products containing these pigments); and
- (c) *Article 5* (laying down certain safeguards relating to the use of white lead, sulphate of lead and other products containing these pigments).

If the measures referred to above are adopted in the form of a ministerial circular, the Committee would be glad if the Government would supply copies thereof and indicate the manner in which publicity is given to the circular.

2. The Committee notes the Government's statement in reply to the previous observation that statistics of morbidity and mortality among working painters due to lead poisoning are not compiled, but that this requirement of Article 7 of the Convention would be met in future. The Committee hopes that the Government will be able to supply such statistics with future reports.

* * *

In addition, requests regarding certain points are being addressed directly to the following States: *Algeria, Central African Republic, Colombia, Guinea, Khmer Republic, Panama, Poland, Senegal.*

Information supplied by *Bulgaria, Morocco and Spain* in answer to a direct request has been noted by the Committee.

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

Canada (ratification: 1935)

The Committee notes with satisfaction that the right to a weekly rest is now laid down by legislation in Alberta, Newfoundland, Nova Scotia and Saskatchewan, in accordance with the Convention.

Kenya (ratification: 1964)

Further to its earlier observation, the Committee regrets to note that the Government's report contains no new information regarding the adoption of the General Labour Act, certain provisions of which were intended to guarantee weekly rest for all workers in industry, although the Government had stated in 1968 that the Act was being drafted.

The Committee would be grateful if the Government would indicate the progress made in this matter.

* * *

In addition, requests regarding certain points are being addressed directly to the following States: *Bolivia, Burundi, Egypt, Lebanon, Mauritius, Portugal, Thailand.*

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

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

Sierra Leone (ratification: 1961)

Article 2 of the Convention. Further to its earlier observation, the Committee regrets to note that the Government's report contains no information with regard to

the deletion of section 55 (2) (b) of the Employers and Employed Act, which was recommended in 1970 by the Joint Consultative Committee. In view of the fact that the above provision of the legislation permits the employment of young persons of not less than 16 years of age (instead of 18) as trimmers or stokers on vessels exclusively engaged in coastal trade, and that such an exception is not permitted under the Convention, and whereas the Government, in its report for the period 1969-70, announced that the necessary legislative measures were being prepared, the Committee trusts that these measures will be taken in the very near future.

* * *

In addition, requests regarding certain points are being addressed directly to the following States: *Australia, Cameroon, Iraq, Panama, United Kingdom.*

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

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

A request regarding certain points is being addressed directly to *Panama*.

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

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

Burma (ratification: 1956)

In its observations and direct requests made since 1959 the Committee has drawn the Government's attention 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.

Since for the second year in succession no report has been received, 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 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 supply information on any progress made in this respect.¹

Panama (ratification: 1958)

The Committee notes with satisfaction that Decree No. 68 of 31 March 1970 respecting the centralisation by the Social Insurance Fund of compulsory coverage of occupational injuries and Decree No. 252 of 1971 to approve the Labour Code have put into effect several Articles of the Convention on which the Committee has previously made comments.

Tanzania (ratification: 1962)

The Committee notes with regret that the Government's report for 1970-71 does not reply to its previous direct requests on the application of the Convention. It is therefore obliged to take up the matter once again in a new direct request and trusts that the Government will not fail to take the necessary measures and supply the information requested.

Zaire (ratification: 1960)

Article 2 of the Convention. The Committee has been informed of the adoption on 21 February 1972 of Ordinance No. 72-111 and notes with satisfaction that under this Ordinance apprentices are subject to the branch of social security covering occupational injuries, in conformity with this Article of the Convention.

* * *

In addition, requests regarding certain points are being addressed directly to the following States: *Mauritius, Panama, Portugal, Tanzania, Uganda.*

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

Colombia (ratification: 1933)

Further to its earlier observations the Committee notes with satisfaction the adoption, 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, of Decree No. 2355 on 13 December 1972 whereby certain occupations involving a risk of anthrax infection were added to the schedule of occupational diseases embodied in section 201 of the Labour Code.

The Committee notes with interest that, likewise as a result of these direct contacts, the Colombian Social Insurance Institute has prepared a draft Agreement

¹ The Government is asked to supply full particulars to the Conference at its 58th Session.

for the amendment of Agreement No. 191 of 1965 so as to complete the schedule of occupational diseases and ensure that such diseases are automatically presumed to have an occupational origin, in accordance with the requirements of the Convention. The Committee hopes that this draft will be approved shortly and requests the Government to inform it of any decision taken in this respect.

Dahomey (ratification: 1960)

For a number of years the Committee has been drawing the Government's attention to the fact that the list of occupational diseases in the schedule to Ordinance No. 10/SLM of 21 March 1959 contains a number of divergencies from the list laid down in Article 2 of the Convention. These divergencies relate to *poisoning by lead, its alloys and compounds* (the Ordinance only contains a limitative list of pathological manifestations due to such poisonings), *poisoning by mercury, its amalgams and compounds* (the Ordinance makes no mention of these cases of poisoning or of the operations liable to cause such poisoning) and *anthrax infection* (the Ordinance does not mention the loading and unloading or transport of merchandise in general).

The Government stated in 1964 that the points raised by the Committee would be taken into consideration in the new Labour Code and the regulations to be made under it. In 1970 the Committee noted that, while the new Labour Code had been adopted, no regulations had yet been made under it.

Since the Government has failed to supply a report for the second year in succession, the Committee can only raise the matter once again, and trusts that the regulations under the new Labour Code will be adopted in the very near future and will ensure the full application of the Convention on the above-mentioned points. It further trusts that the Government will not fail to indicate the progress made in this respect.¹

Mauritania (ratification: 1961)

Further to its earlier comments and the direct contacts made in 1969 the Committee notes with satisfaction that Decree No. 72 104 PR/MFPT of 12 May 1972 to make certain amendments to Decree No. 67 142 of 15 July 1967 concerning the schedule of occupational diseases has abolished the restrictive character of the pathological manifestations listed under the items "occupational lead poisoning" and "occupational mercury poisoning" and has included among the processes liable to cause anthrax infection "the loading, unloading or transport of merchandise".

Tunisia (ratification: 1959)

Further to its earlier observations and requests concerning the restrictive nature of the list of pathological manifestations due to poisoning by lead and its alloys, mercury and its amalgams, and compounds of these products, and the reference, in general terms, to the "loading and unloading or transport of merchandise" in the list of processes liable to cause anthrax infection, the Committee is bound to note that, notwithstanding the assurances given by the Government in its earlier reports, the decree to amend the schedule of occupational diseases appended to Act No. 57/73 of 11 December 1957 has not yet been adopted.

In view of the fact that the draft decree was drawn up seven years ago, the Committee trusts that it will be adopted in the very near future and that it will bring

¹ The Government is asked to supply full particulars to the Conference at its 58th Session.

the national legislation into conformity with the Convention on the points mentioned above.¹

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

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

Gabon (ratification: 1962)

The Committee regrets to note that the Government's report has not been received. It has, however, noted the Government's statement to the Conference Committee in 1972 that the draft Social Security Code is still being studied. The Committee hopes that it will be adopted in the very near future and that it will expressly and *ipso jure* guarantee, as stated by the Government in its earlier reports, equality of treatment as between nationals in receipt of pensions in respect of industrial accidents and nationals of any other State which has ratified the Convention, even if they reside or transfer their residence abroad, as laid down in the Convention. The Committee also hopes that the Government will take the necessary measures to ensure that equality of treatment applies also to the victims of accidents which occurred before the Code came into force (or to their dependants), even if the compensation they receive is not governed by this Code but is still governed by Decree No. 57-245 of 24 February 1957.

Yugoslavia (ratification: 1927)

The Committee regrets to note that, for the second year in succession, no report has been received and that, consequently, no reply has been given to its earlier direct requests concerning the application of *Article 1, paragraph 2, of the Convention* (equality of treatment without condition of residence). The Committee is therefore bound to raise the question once again in a further direct request.

* * *

In addition, requests regarding certain points are being addressed directly to the following States: *Chile, France, Israel, Mauritania, Panama, Poland, Portugal, Syrian Arab Republic, Yugoslavia*.

Information supplied by *Czechoslovakia* and *Democratic Yemen* (Aden) in answer to a direct request has been noted by the Committee.

Convention No. 20: Night Work (Bakeries), 1925

Colombia (ratification: 1933)

Further to its previous observations the Committee notes with interest the text of a collective agreement (enclosed with the Government's report), the terms of which are in conformity with the Convention.

The Committee must, however, recall that the legislation in force does not contain any provisions applying the Convention. It hopes that the Government will re-

¹ The Government is asked to supply full particulars to the Conference at its 58th Session.

examine the possibility of bringing the legislation into conformity with the Convention and will, pending such action, continue to supply copies of all collective agreements concluded that give effect to the Convention.

* * *

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

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

Colombia (ratification: 1933)

Further to its earlier observations the Committee has noted 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 in which account has been taken of the comments made by the Committee on the application of this Convention.

The Committee hopes that the draft decree in question will shortly be approved so as to bring the national legislation into conformity with the provisions of the Convention, and requests the Government to be good enough to inform it of any decision taken in this respect.

Venezuela (ratification: 1944)

The Committee notes with regret that once again this year no report has been received from the Government. In connection with its earlier observations concerning the divergencies between the legislation and Articles 4, 6, 8, 9, 13 and 14 of the Convention, the Committee has taken note of the statement made by a Government representative to the Conference Committee in 1972 that the divergencies in question would be eliminated with the adoption of a Bill relating to shipping which was at present before the National Congress. The Committee considers this manner of proceeding to be preferable to that of incorporating these provisions of the Convention in collective agreements, to which reference was made by the Government in the Conference Committee in 1971. The Committee further draws attention, with regard to the Articles of the Convention mentioned above, to the particular importance attaching to Article 9, according to which articles of agreement for an indefinite period may be terminated by either party in any port where the vessel loads or unloads, provided that the notice specified in the agreement has been given.

Since the Government has been referring to new legislation since 1967, the Committee trusts that the Bill in question will be adopted in the near future.

* * *

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

Convention No. 23: Repatriation of Seamen, 1926

Colombia (ratification: 1933)

Further to its earlier observations the Committee has noted 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 in which account has been taken of the comments made by the Committee

on the application of this Convention. The Committee notes that this draft has already been signed by the Minister of Labour and Social Security and submitted to the President of the Republic for approval.

The Committee hopes that the draft decree in question will shortly be approved so as to bring the national legislation into conformity with the provisions of the Convention, and requests the Government to be good enough to inform it of the decision taken in this respect.

Ireland (ratification: 1930)

Article 3, paragraph 1, of the Convention. Further to its earlier observation the Committee notes from the Government's report that the legislation to amend section 32 of the Merchant Shipping Act of 1906 so as to bring it into conformity with this Article of the Convention is still being prepared. As the Committee has for several years been pointing out that the present legislation (under section 32 of which the right to repatriation is not recognised: (a) when a seaman is landed in a Commonwealth country, or (b) when a foreign seaman is engaged in a foreign port and landed in another foreign port) is not in conformity with this provision of the Convention, it trusts that the draft legislation in question will be enacted in the near future.

Philippines (ratification: 1960)

Further to its earlier comments concerning the application of Article 3 (obligation to repatriate any seaman, whether a national or a foreigner, who is landed during or at the end of his engagement) and Article 4 (free repatriation for a seaman who has been left behind for any of the reasons listed in this Article) of the Convention, the Committee notes with interest from the Government's report for the period 1969-71 that the Legal Service of the Department of Labor has also found that it was necessary to amend the existing legislation in order to bring it into conformity with these provisions of the Convention, and that the Government is now taking steps to this end. The Committee hopes that the next report will indicate the progress made in this matter.

* * *

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

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

Colombia (ratification: 1933)

Article 2 of the Convention. Further to its previous comments the Committee notes which interest that, during the direct contacts which took place in Colombia, the Director-General of the Colombian Social Insurance Institute handed to the representative of the Director-General of the ILO a letter in which it is stated that the Institute will pursue its programme for the orderly expansion of social insurance with a view to extending the benefits provided under it to all the regions of the country and all groups of the population, as is provided for by Legislative Decree No. 433 of 1971.

The Committee hopes that in its future reports the Government will continue to supply information on the measures being adopted to ensure that the sickness insurance scheme is made applicable in fact to all the categories of workers covered by the Convention throughout the national territory.

Article 4, paragraph 1. In its previous comments the Committee drew the Government's attention to the fact that Article 7 of the General Sickness and Maternity Insurance Regulations—which lays down a qualifying period of five weeks' contributions as a condition for the grant of medical assistance—is not in conformity with the Convention, which does not subordinate medical assistance, nor the supply of medicines and appliances, to a qualifying period. The Committee notes with interest in this regard that section 34 of the draft General Insurance Regulations, handed by the Director-General of the Colombian Social Insurance Institute to the representative of the Director-General of the ILO, provides that workers who join a social insurance scheme again shall not be subject to a qualifying period of contributions. The Committee has also taken note of the note handed by the Director-General of the Colombian Social Insurance Institute to the representative of the Director-General of the ILO in which it is stated that the Institute will continue to examine the possibility of reducing the aforesaid period still further and, if possible, of eliminating it entirely, taking into account its methods of insurance and its financial situation.

The Committee hopes that the above-mentioned draft regulations will be adopted shortly, and that the Government will continue to supply information on the measures taken to bring national legislation and practice into conformity with the provisions of the Convention.

Haiti (ratification: 1955)

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:

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 in its next report the progress made in this respect.

Peru (ratification: 1945)

Article 2 of the Convention. Further to its previous comments the Committee notes, from the information supplied by the Government in its report on Convention No. 35, that social insurance for manual workers has been extended to cover workers in the Raura mines in the Province of Dos de Mayo and workers in the Province of Casma. The Committee expresses the hope that these efforts will continue so as to ensure that the legislation will apply, as required by the Convention, to the whole national territory. It requests the Government to report any further progress in this matter.

Article 4. With reference to its previous observations and direct requests, the Committee notes with regret that no action has yet been taken to abolish the qualifying conditions (payment of a certain number of contributions) required for the granting of medical care in the manual workers' insurance scheme (section 29 of Act No. 843 of 12 August 1936, as amended by section 15 of Act No. 8509 of 23 February 1937) and in the salaried employees' insurance (section 66 (a) of Act No. 13724 of 18 November 1961). The Committee feels obliged to bring this matter once again to

the notice of the Government. It hopes that the Government will, in the near future, be able to report on the steps taken or contemplated to bring its legislation on this point into harmony with the Convention, which does not prescribe any qualifying period for the granting of medical care.

Spain (ratification: 1933)

Article 3 of the Convention. The Committee refers to its previous comments and notes with satisfaction that Act No. 24/72 of 21 June 1972 has repealed the provision of Decree No. 207 of 21 April 1966 (section 129), according to which sickness benefit was not payable when the period of incapacity was less than seven days.

* * *

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

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

Haiti (ratification: 1955)

See under Convention No. 24.

Peru (ratification: 1960)

Article 2 of the Convention. Further to its previous comments the Committee notes from the information supplied by the Government in its report on Convention No. 35 that it is contemplating the extension at a fairly early date of social security to workers in rural areas and that the Manual Workers' Social Insurance Act has already been extended to cover workers in the Province of Casma. The Committee hopes that these efforts will be pursued so that the legislation will cover, as required by the Convention, all agricultural workers throughout the country. It would ask the Government to report any further progress in this direction. (See also under Convention No. 24, Article 2.)

Article 4. See under Convention No. 24 (Article 4).

Spain (ratification: 1933)

Article 3 of the Convention. See under Convention No. 24.

* * *

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

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

Bolivia (ratification: 1954)

For a number of years the Committee has been drawing attention to the need to create and put into operation minimum wage fixing machinery conforming to the requirements of the Convention. In 1970 it noted that a National Wages Council had been set up by Decree No. 08436 of 29 July 1968, and that it was empowered to examine and propose the fixing of minimum wages. The Committee notes with regret

that, for the third year in succession, the Government has failed to supply a report, so that no information is available as to the work accomplished by this Council.

Since it appears from such information as is available that the minimum wage fixing machinery in Bolivia does not comply with the provisions of the Convention relating to the consultation and participation of the employers and workers concerned and their organisations, and that no further minimum wage rates have been fixed in any sector since 1959, the Committee trusts that measures will be taken very shortly for the establishment and application of minimum wage fixing machinery conforming to the requirements of the Convention.

Burma (ratification: 1954)

In its direct request of 1968 the Committee asked the Government to indicate in its next report the number of workers covered by the minimum wages regulations and the minimum rates of wages fixed. No report having been received from the Government since that date, the Committee has no recent information at its disposal concerning the application of the Convention. It trusts that a report will be furnished for examination at its next session, and that it will contain, in addition to the information requested by the Committee in 1968, particulars of the trades in which the minimum wage fixing machinery has been applied, as required by Article 5 of the Convention.

Colombia (ratification: 1931)

The Committee has taken due note of the information relating to the number of violations of minimum wage rates observed and of inspection visits made in order to enforce those rates, which were supplied by the Government in reply to its observations of 1971.

Tanzania (ratification: 1962)

Zanzibar.

The Committee notes with regret that once again no report has been received on the application of the Convention in Zanzibar. The Committee is bound, therefore, to repeat its previous observation, which was as follows:

The legislation of Zanzibar does not give effect to the Convention in the following respects:

Article 2 of the Convention. The Minimum Wage Decree of 1935 makes no provision for employers' and workers' organisations to be consulted prior to the application of the minimum wage fixing machinery in a trade or part of a trade. The Committee requests the Government to indicate whether such consultation does take place in practice, and under what conditions.

Article 3, paragraph 2 (1) and (2). Section 3 of the 1935 Decree provides that the Minister may appoint advisory boards for consultation on the fixing of minimum wage rates, whereas according to the Convention representatives of the employers and workers concerned, including representatives of their respective organisations, must be consulted on the application of the minimum wage fixing machinery and be associated in its operation on an equal footing. The Committee requests the Government to indicate whether advisory boards have been appointed when minimum wage rates have been fixed for certain trades or parts of trades and, if so, to supply copies of any rules regulating the meeting and procedure of these boards that may have been issued in pursuance of section 6 of the 1935 Decree.

Article 4, paragraph 1. The 1935 Decree makes no reference to measures for ensuring that employers and workers are informed of the minimum wage rates in force. The Committee requests the Government to indicate what measures have been taken or are contemplated in this respect.

Moreover, the Government has never supplied in respect of Zanzibar information concerning the practical application of the Convention as required by Article 5 of the Convention (which calls, for instance, for a list of the trades in which minimum wage fixing machinery exists and a statement giving the approximate numbers of workers covered, the minimum wage rates fixed, etc).

The Committee trusts that the next report will contain the detailed information requested above on the application of the Convention to Zanzibar and that the Government will not fail to take the necessary steps to give full effect to the Convention.

Venezuela (ratification: 1944)

In its observation of 1971 the Committee had taken note of Resolution No. 188 dated 7 August 1970 fixing the membership of the committee set up under Order No. 137 dated 6 November 1969 to study conditions of work in various industries in order to determine those in which a minimum wages board should be established. It had requested the Government to supply information in its next report on the activities of this committee and on any decisions it might have taken concerning industries or sections of industries in which wage boards should be set up.

The Committee notes with regret that the Government has not supplied a report on the application of this Convention and that consequently no information is available in reply to its previous observation. Since the minimum wage fixing machinery provided for in the 1936 Labour Code does not appear to have been put into operation in any industry, the Committee trusts that the Government will soon be able to indicate the outcome of the studies carried out as a result of the above-mentioned Resolutions and any measures that may have been taken to set up wage boards in all the trades or parts of trades (and in particular in home-working trades) in which no arrangements exist for the effective regulation of wages by collective agreement or otherwise and wages are exceptionally low.

Republic of Viet-Nam (ratification: 1955)

Article 5 of the Convention. In the observation it made in 1971 the Committee referred to a communication received from the Viet-Nam Railway Workers' Federation regarding the fixing of the minimum wage in 1969 and 1970. The Committee has taken note of the various orders made in 1971 to fix minimum wage rates from 1969 and 1970, as transmitted by the Government at the Conference Committee in 1971.

Three new communications have since been received from the same organisation in 1972 and in March 1973, alleging that minimum wage rates had not been fixed for 1971. These communications were transmitted to the Government so that it may have the opportunity of commenting thereon.

The Committee notes, from the Government's last report, that the Advisory Labour Committee has met to discuss the guaranteed minimum wage rates for 1971 and that draft amendments have been submitted to the Council of Ministers for examination. Since, under section 110 of the Labour Code, minimum wage rates have to be fixed at least once a year, the Committee hopes that the Government's reports in future will indicate that minimum wage rates are fixed every year as provided for by the Labour Code and that they will specify the amounts in accordance with this Article of the Convention.

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In addition, requests regarding certain points are being addressed directly to the following States: *Argentina, Australia, Barbados, Belgium, Brazil, Burma, Burundi, Canada, Central African Republic, Colombia, Congo, Dominican Republic, Egypt, Ghana, Guinea, Guyana, India, Iraq, Ireland, Ivory Coast, Jamaica, Kenya, Lebanon, Luxembourg, Malawi, Mali, Malta, Mauritius, Morocco, Netherlands, Nigeria, Panama, Rwanda, Senegal, Sierra Leone, Spain, Sudan, Switzerland, Tanzania, Togo, United Kingdom, Upper Volta, Uruguay, Zambia.*

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

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

Cuba (ratification: 1954)

The Committee notes from the Government's reply to the previous observation that the adoption of regulations prescribing the persons responsible for marking the weight of packages and objects, in accordance with Article 1, paragraph 4, of the Convention, is still under consideration. Recalling its comments since 1957 and the Government's statements since 1969 referring to the consideration of formal measures to implement Article 1, paragraph 4, the Committee trusts that the necessary measures will be taken in the near future.¹

Luxembourg (ratification: 1931)

The Committee notes with interest from the Government's reply to the previous observation that full effect is given to the Convention by the terms of the Act of 24 February 1931 which gave force of law to the Convention in Luxembourg and contained provisions specifying that the weight marking obligation is to fall upon the consignor and laying down penalties for infringement of this obligation.

Recalling the Government's previous statement that inland navigation was not subject to the system of labour inspection, the Committee requests the Government to indicate to what authority or authorities application of the above-mentioned legislation is entrusted. It would be grateful if the Government would include in future reports information on the manner in which the Convention is applied in practice, as requested in point V of the report form.

* * *

In addition, requests regarding certain points are being addressed directly to the following States: *Bulgaria, Cuba, Indonesia, Iraq, Japan, Panama, Romania, Sweden, Ukrainian SSR.*

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

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

Luxembourg (ratification: 1931)

In its previous reports the Government had indicated that having regard to the canalisation of the Moselle and the construction of a port at Mertert in 1966 measures would be taken to adopt provisions giving effect to the requirements of the Convention and to extend the system of labour inspection to inland navigation. The Committee notes from the statement made by a Government representative to the Conference in 1972 that the necessary measures to apply fully the Convention were being prepared and would be put into effect very shortly. It regrets, however, that in the absence of a report on this Convention this year, no further information has been received regarding the adoption of these measures.

¹ The Government is asked to supply full particulars to the Conference at its 58th Session and to report in detail for the period ending 30 June 1973.

As it has been calling attention to the necessity of adopting provisions to give effect to the detailed requirements of this Convention since 1965, the Committee trusts that the necessary measures will be adopted in the near future.

Convention No. 29: Forced Labour, 1930

Argentina (ratification: 1950)

In previous observations the Committee had noted that, by virtue of section 47 of the National Defence Act (No. 16970) of 6 October 1966 and sections 2 and 8 of the Civil Defence Service Act (No. 17192) of 2 March 1967, all inhabitants over 14 years of age, other than those performing military service, might be called up for compulsory service in circumstances which were not confined to emergencies as defined in Article 2, paragraph 2 (d), of the Convention and in which the exaction of forced or compulsory labour was accordingly contrary to the Convention. The Committee had noted, in particular, that section 2 of Act No. 17192 permitted the call-up of labour (inter alia) for the purpose of "the preservation of the well-being of the community and the normal and full development of the activities and services which ensure the development of the nation", and that, by virtue of the definition of "national security" in section 2 of Act No. 16970, compulsory labour might be used for any measures taken by the State "to protect the vital interests of the nation from substantial interference and disturbance".

The Committee notes with interest, from the Government's last report, that a Bill to amend section 2 of Act No. 17192 which would in particular delete the reference to works for the well-being of the community and the development of the nation mentioned above, is at present under consideration by the competent authorities. It trusts that this Bill will be adopted at an early date.

The Committee observes, however, that under section 2 of Act No. 17192 (in the version contained in the above-mentioned Bill) and section 47 of Act No. 16970, compulsory call-up of labour would still be permitted to meet the needs of national security. It recalls that the definition of "national security" in section 2 of Act No. 16970 is an extensive one (covering generally the protection of "the vital interests of the nation") and that this definition was adopted specifically with a view to recognising "the interdependence of the security and development of the nation". Further amendment of the legislation accordingly appears necessary to ensure that labour may be called up only in cases of emergency as defined in the Convention, either by redefining the concept of "national security" in a strict sense (to the exclusion of activities aimed at economic objectives) or by permitting recourse to compulsory call-up of labour only in more strictly defined cases of danger to national security. The Committee hopes that the necessary measures to this end will be adopted.

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 for 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 in the Government's latest report that proposals for amendment of the above-mentioned legislation have been submitted to the Council of Ministers and that the attention of the Council of Ministers has been drawn to the need for an early decision in the matter. As the Government has repeatedly stated since 1966 that measures to ensure the observance of the Convention would be taken, the Committee trusts that it will be able to inform the Conference at its 58th Session that the legislation required for this purpose has been enacted.¹

Chad (ratification: 1960)

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 1972.

1. *Forced labour for recovery of taxes.* In its previous comments the Committee had referred to section 260bis of the General Code of Direct Taxes, inserted by Act No. 28-62 of 28 December 1962, by virtue of which labour may be exacted for the recovery of taxes, contrary to Article 10 of the Convention.

The Committee notes from the Government's statement to the Conference Committee in 1972 that it was envisaged to insert in the General Code of Direct Taxes a new section 260bis. The Committee hopes that the necessary amendments to ensure the observance of the Convention will be adopted at an early date.

2. *Exaction of labour from persons subject to restriction on residence.* In its previous comments the Committee had noted that, under section 2 of Act No. 14 of 13 November 1959, the administrative authorities were empowered to exact forced labour for works of public utility from persons subject to restriction on residence following completion of a sentence. It notes the Government's statement to the Conference Committee in 1972 that in practice no form of forced labour was exacted from such persons. The Committee hopes that, to ensure the observance of the Convention, section 2 of the Act of 1959 will be repealed.

Czechoslovakia (ratification: 1957)

Since 1962 the Committee has referred in direct requests to Government Order No. 40 of 1953 regarding civilian labour service, which permits the imposition of compulsory labour to perform "shock work or work of extreme urgency which cannot be postponed because of its importance and cannot be carried out by other means, particularly by the use of voluntary labour". In its report for 1963-65 the Government stated that the question of changes in this legislation to ensure the observance of the Convention had been referred to a national committee of experts.

According to the Government's latest report the above-mentioned experts have concluded that no change in the Order of 1953 is necessary, because they consider its provisions to fall within the exception in respect of emergencies provided for in Article 2, paragraph 2 (d), of the Convention. The Government has also stated that the Order has not been applied for many years and that any future application would be limited to cases of emergencies as defined in the Convention.

¹ The Government is asked to supply full particulars to the Conference at its 58th Session and to report in detail for the period ending 30 June 1973.

While noting the above-mentioned indications, the Committee feels bound to point out—as it already did in direct requests in 1962 and 1964—that Order No. 40 of 1953 permits the compulsory call-up of labour in circumstances which are not necessarily cases of emergency, for example, for work of extreme urgency for a particular undertaking but on which the “existence or well-being of the whole or part of the population” may in no way be dependent. This conclusion seems to be confirmed by the fact that, under section 2 (2) of the Order, persons in regular employment may not be called up for civilian labour service during their working hours or if such service would prejudice the carrying out of their normal work. Any exemption of this kind would not be appropriate to cases of emergency as contemplated by the Convention, such as “war . . . fire, flood, famine, earthquake, violent epidemic or epizootic diseases, invasion by animal, insect or vegetable pests”.

The Committee hopes that Government Order No. 40 of 1953 will be amended so as to limit the power of call-up for compulsory service unambiguously to cases of emergency as defined by the Convention.

Dahomey (ratification: 1960)

The Committee notes with regret that the Government's report has not been received. It 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 Dahomean 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, sub-prefecture 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 1972 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 more than ten years—will be repealed at the earliest possible moment.

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.¹

¹ The Government is asked to supply full particulars to the Conference at its 58th Session and to report in detail for the period ending 30 June 1973.

Dominican Republic (ratification: 1956)

The Committee notes with regret that the Government's report does not contain the information asked for in the previous observation and in direct requests addressed to the Government since 1967 concerning: (a) legal safeguards against the imposition of prison labour for the benefit of private individuals or companies; (b) work, such as the building of local roads, imposed as part of the general campaign against illiteracy, to which the Government referred in its earlier reports; (c) the powers of public officials to impose paid labour for public purposes. The Committee is once more addressing a direct request to the Government and hopes that it will supply information on the measures taken to ensure compliance with the Convention in respect of the points mentioned above.

See also under Convention No. 105.

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.

In statements made to the Conference Committee between 1966 and 1971 the Government had repeatedly undertaken that Ordinance No. 50/62 would be repealed. The Committee notes with regret from the Government's statement to the Conference in 1972 that the National Assembly had not considered it necessary to take any action in the matter. It also regrets that, notwithstanding the hope expressed by the Conference Committee in 1972 that every effort would be made to eliminate the existing discrepancies between the legislation and the Convention, the Government has once again failed to supply a report on this Convention.

The Committee must point out that the Ordinance of 1962 has now been in force, in violation of the Convention, for more than ten years, and once more urges the Government to secure its early repeal.¹

Guinea (ratification: 1961)

See under Convention No. 105.

Haiti (ratification: 1958)

The Committee notes with regret that the Government's report contains no information in answer to its previous observations 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

¹ The Government is asked to supply full particulars to the Conference at its 58th Session and to report in detail for the period ending 30 June 1973.

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—

- (a) that 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.

The Committee notes the Government's statement to the Conference Committee in 1972 that the Police Act of 1906 was in contradiction with later legislation and in particular with the constitutional laws and for this reason had not been applied for many years. The Committee refers in this connection to its observation of 1970 where it pointed out that the text of the Police Act supplied by the Government, although published in 1963 and containing the texts of a series of amendments to the Act adopted up to that time, contained no indication that the provisions mentioned by the Committee had been repealed or otherwise affected by subsequent laws, so that the police authorities and other interested persons had no means of knowing that any powers bestowed on the police by the Act might no longer be exercisable.

The Committee regrets that no report has been supplied this year so that no information is available on the measures taken or contemplated to bring the national legislation into conformity with the Convention. It trusts that such measures will be taken at the earliest possible moment.¹

Khmer Republic (ratification: 1969)

Following earlier direct requests the Committee notes with satisfaction that section 12 of the Labour Code promulgated by Ordinance No. 2/72-CE of 14 January 1972 prohibits forced or compulsory labour defined in accordance with Article 2 of the Convention and that section 352 of the Labour Code has repealed *Kram* No. 162-CE of 3 January 1964 to promulgate socialist labour laws (which had empowered the authorities to direct unemployed persons to work, subject to penal sanctions for

¹ The Government is asked to supply full particulars to the Conference at its 58th Session and to report in detail for the period ending 30 June 1973.

refusal to accept the employment offered) and all other earlier provisions contrary to the Code. It notes the Government's statement that accordingly the following provisions previously referred to by the Committee have also been repealed: Decree of 21 August 1930 respecting compulsory labour for public purposes, Orders of 5 and 6 February 1932 regulating recourse to compulsory labour for public purposes and the requisition of workers for transport, and the provisions concerning compulsory labour of the Decree of 30 December 1936 regulating the conditions of work of indigenous and assimilated persons in Indo-China.

Laos (ratification: 1964)

In previous direct requests the Committee had noted that a number of legislative provisions permitting the exaction of forced labour were still in force (Decree of 21 August 1930 respecting compulsory labour for public purposes, Order of 5 February 1932 regulating recourse to compulsory labour for public purposes and Order of 6 February 1932 regulating the requisition of workers for transport). The Committee had also noted that the legislation did not meet the requirement of Article 25 of the Convention that there should be adequate penal sanctions for the illegal exaction of forced or compulsory labour.

The Committee notes with satisfaction that the Labour Code promulgated on 1 December 1971 prohibits forced or compulsory labour, has repealed all earlier provisions contrary to the Code, and lays down appropriate penal sanctions for violation of the prohibition of forced or compulsory labour.

Liberia (ratification: 1931)

The Committee has taken note of the replies to its previous observations contained in the Government's report, as well as of the information communicated to the representative of the Director-General of the International Labour Office who visited Liberia in October 1972 for the purpose of direct contacts in the matter.

1. *Prohibition of forced labour (Article 25 of the Convention)*. In its report the Government states that it accepts the need for enactment of penal sanctions to punish the illegal exaction of forced or compulsory labour, and that it expects the necessary legislation to be enacted during the current sitting of the National Legislature. The Committee trusts that the Government will be able to communicate to the Conference at its 58th Session a copy of the legislation enacted.

2. *Amendment of legislation relating to vagrancy*. The Commission of Inquiry appointed under article 26 of the ILO Constitution concluded in its report in 1963 that section 346 of the Penal Law (which lays down an extensive definition of vagrancy and also provides for the payment of a monetary reward to police officers who apprehend vagrants) might be used as an indirect means of compulsion to work, and recommended the amendment of this section. In 1966 the Government communicated to the ILO a draft bill to make the required amendments to section 346 of the Penal Law. The Government's attention was once more drawn to the matter during the recent direct contacts.

In its report the Government states that the law covering vagrancy is under study by the Ministry of Justice to determine whether it contravenes Convention No. 29 and, if so, it will be amended. The Committee considers it appropriate to recall that the Commission of Inquiry had recommended that the necessary amendments to section 346 of the Penal Law should be made during the legislative session 1963-64,

and that the Government accepted the Commission's recommendations. The Committee accordingly urges the Government to take the necessary action in the matter without further delay.

3. *Legislation governing local government.* In observations made in 1954 and subsequent years the Committee had noted that the Revised Laws and Administrative Regulations for Governing the Hinterland, 1949, permitted various forms of forced labour, contrary to the Convention. The provisions in question were reproduced in the Aborigines Law, Title 1 of the Liberian Code of Laws of 1956. The Commission of Inquiry noted that, by Acts of 25 January 1962 and 23 May 1962, a series of provisions of the Aborigines Law—which had made provision for forced labour for public works, compulsory portage, the supply of compulsory labour by tribal chiefs to persons engaged in prospecting, mining and farming, compulsory female labour, and compulsory cultivation by tribesmen—had been repealed.

In the course of his visit to Liberia in 1972 the ILO representative was handed a copy of the regulations which were stated to govern the current operations of the Ministry of Local Government, Rural Development and Urban Reconstruction. These consisted of the full, unamended text of the above-mentioned Revised Laws and Administrative Regulations of 1949.

Whatever may now be the precise legal effect of the Revised Laws and Regulations of 1949, it would appear that they are regarded by the Ministry of Local Government, Rural Development and Urban Reconstruction as constituting the basis for local administration, and are used as such by the officials of the Ministry in the various areas of the country. According to information given by the Legal Adviser to the Ministry of Local Government, Rural Development and Urban Reconstruction, the provisions regarding compulsory labour for public works are still being applied, this labour being called up by the tribal chiefs in response to orders from the District Commissioner. On the other hand, the Minister himself has stated that compulsory labour is no longer being used, and that Presidential announcements have been made with a view to its abolition.

In order to eliminate all doubt in the matter and to provide clear guidance as to their rights and obligations to officials of local government, tribal authorities and citizens, it is important that new regulations concerning the operation of local government—which would specifically repeal and replace the Revised Laws and Regulations of 1949—should be enacted. The ILO representative was informed that such revised regulations were under consideration. The Committee hopes that the necessary new legislation will be adopted at an early date.

4. *Local public works.* The Commission of Inquiry had recommended 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. No such review appears to have been made, but information concerning existing practice was supplied to the ILO representative during his visit in 1972, including copies of the annual reports for 1969-70 and 1970-71 of the Department of Internal Affairs (now in Ministry of Local Government, Rural Development and Urban Reconstruction). These reports show that almost the entire programme of local works (construction of roads, bridges, markets, schools, clinics, etc.) is being carried out on a "self-help" basis, involving the supply of unpaid labour by the local inhabitants. It also appears from the above-mentioned annual reports that the maintenance of tribal roads and bridges remains an obligation upon tribesmen. If the Government should consider it necessary to retain the possibility of the imposition within local communities of "minor communal ser-

vices", as permitted by Article 2, paragraph 2 (e), of the Convention, the powers and procedures relating to the exaction of such services should be clearly defined in the relevant regulations. The Committee draws the Government's attention in this connection to the comments in paragraph 40 of the general survey of forced labour in its report of 1968, where it pointed out that, in order to respect the limits laid down in Article 2, paragraph 2 (e), of the Convention:

- (a) the services must be "minor services", i.e. relate primarily to maintenance work and—in exceptional cases—to the erection of certain buildings intended to improve the social conditions of the population of the community itself (a small school, a medical consultation and treatment room, etc.);
- (b) the services must be "communal services" performed "in the direct interest of the community", and not relate to the execution of works intended to benefit a wider group;
- (c) the "members of the community" (i.e. the community which has to perform the services) or their "direct" representatives (e.g. the village council) must "have the right to be consulted in regard to the need for such services".

The Committee requests the Government to indicate the measures taken in regard to the above-mentioned matters.

5. *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 concluded that action in the field of labour inspection was necessary to guarantee the effective fulfilment, in fact as well as in law, of the obligations which Liberia had assumed. In previous observations the Committee has drawn attention to the need to ensure the strict observance of the Convention particularly in the agricultural sector, since it is there that some of the major difficulties in the application of the Convention have arisen. The Committee notes, from the information communicated to the ILO representative during his visit in 1972, that certain arrangements exist for labour inspection of plantations of foreign concessionary companies. On the other hand, no information has been provided concerning the inspection of non-concessionary agricultural undertakings, and it was stated by the representative of a major plantation company that such undertakings did not fully observe the labour laws. The Committee once more stresses the need, in addition to the adoption of a legislative prohibition of forced labour (as mentioned in point 1 above), of ensuring the strict observance of such legislation, particularly in the agricultural sector. It requests the Government in future reports to provide information on the measures taken to this end (including copies of the annual reports of the Ministry of Labour and Youth and of the Ministry of Local Government, Rural Development and Urban Reconstruction).

The Committee has noted the statement, in each of the previously mentioned reports of the Department of Internal Affairs, that "it is an established fact that the chiefs continue to extort their tribesmen by collecting over and above the quantity of rice allowed them by Regulations, and that they continue to have their tribesmen make large rice farms for them for little or no pay". It requests the Government to indicate the measures taken to eliminate this form of compulsory labour, including particulars of sanctions imposed.

6. *Employment of labour by certain concession companies.* The Committee had noted in previous observations that certain concession agreements, formally approved

by Act of the Legislature, still contained clauses under which the Government undertook to provide assistance in securing and maintaining an adequate labour supply (namely the agreements of the Liberian Mining Company and the Liberian Agricultural Corporation). In its latest report the Government states that it has appointed a committee headed by the Minister of Finance to review all concession agreements with respect to clauses providing for government assistance in securing and maintaining labour supply and to make recommendations for the abrogation of such clauses to comply with Convention No. 29. As this matter has been outstanding for many years, the Committee hopes that the necessary action will be taken at an early date.

7. *Prison labour.* In previous observations the Committee had referred to sections 733 and 734 of the Criminal Procedure Law (under which every person sentenced to imprisonment is required to perform hard labour and may be put to work in any part of Liberia and outside the precinct of any prison) and had observed that the legislation did not provide—as required by Article 2, paragraph 2 (c), of 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. In 1971 the Government stated that it had issued an Executive Order on the matter. The Assistant Minister of Justice responsible for questions of rehabilitation of delinquents informed the ILO representative during his visit in 1972 that copies of the Executive Order were not available in the Ministry of Justice. He stated that prisoners were employed on public works, and that in recent years private persons had been discouraged to apply for prisoners. In its latest report the Government states that provisions designed to ensure observance of the guarantees laid down in Article 2, paragraph 2 (c), of the Convention are to be included in the new Labour Law. The Committee hopes that the necessary provisions will be adopted at an early date.

8. *Incorporation of ILO Conventions in the Liberian Code of Laws.* Action remains outstanding to implement the recommendation of the Commission of Inquiry that ILO Conventions ratified by Liberia (which, according to the Government, became part of the law of Liberia upon publication) should be incorporated in the Liberian Code of Laws. The Committee notes the information given to the ILO representative during his visit in 1972 that hitherto there had been no official publication of the Conventions in question, but that they are to be appended to the new Labour Law now being prepared. The Committee hopes that the necessary measures will be taken at an early date.¹

Tanzania (ratification: 1962)

Tanganyika.

1. In previous observations the Committee noted that forced labour might be exacted under the following legislative provisions, contrary to the Convention:

- (a) section 52 (1), paragraph 45, of the Local Government Ordinance (as amended by Act No. 64 of 1962) and section 121 (e) of the Employment Ordinance (as amended by Act No. 82 of 1962) permit the imposition of compulsory cultivation by local authorities. The Committee had noted that a considerable number of by-laws imposing such obligations had been made by local authorities and approved by the competent Minister;

¹ The Government is asked to supply full particulars to the Conference at its 58th Session and to report in detail for the period ending 30 June 1973.

(b) Part X of the Employment Ordinance also permits the exaction of forced labour for public purposes.

In its last reports on Conventions Nos. 29 and 105 the Government stated that the legislative provisions relating to compulsory cultivation were neither used nor necessary under the country's new programme of rural organisation, that there had been no recourse since the country's independence to forced labour for public works or portage, and that it was proposed to present to the National Assembly at its next session proposals for the repeal of all provisions giving powers to employ forced labour of any kind anywhere.

Having regard to these assurances, the Committee trusts that the Government will be able to inform the Conference at its 58th Session that the above-mentioned provisions of the Local Government Ordinance, all by-laws imposing compulsory cultivation issued thereunder, and the provisions of the Employment Ordinance authorising the exaction of forced labour have been repealed.

2. Since the Committee's last session, the Ward Development Committees Act, 1969—to which reference has not been made in the Government's reports—has come to the Committee's notice. The Committee observes that section 6 of this Act empowers Ward Development Committees to make orders requiring all adult citizens resident within the area of the ward to participate in the implementation of any development scheme—that is, according to section 5 (2) of the Act, any scheme for agricultural or pastoral development, the construction of roads or public highways, the construction of works or buildings for the social welfare of residents, the establishment of any industry, or the construction of any work of public utility.

The Committee hopes that, in order to ensure the observance of the Convention, these provisions will also be repealed.

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.¹

Tunisia (ratification: 1962)

The Committee notes with regret that, for the second year in succession, no report has been supplied on this Convention and that accordingly no information is available on the measures taken or contemplated to bring the following provisions into conformity with the Convention:

(a) Legislative Decree No. 62-17 of 15 August 1962 regarding rehabilitation through work, under which certain persons may be directed to a government work site by a decision of an administrative nature, contrary to Article 1 and Article 2, paragraph 2 (c), of the Convention;

¹ The Government is asked to supply full particulars to the Conference at its 58th Session and to report in detail for the period ending 30 June 1973.

- (b) the Decree of 17 December 1942 regarding the employment of penal labour outside penitentiary establishments, under which prisoners may be hired out to private employers, contrary to Article 2, paragraph 2 (c), of the Convention;
- (c) the Decree of 7 August 1936 on civil requisitions, the Decree of 29 September 1938 on the organisation of the nation in time of war (section 19 of which permits the requisitioning of labour also in peacetime) and Orders of 17 December 1942 and 25 February 1943 issued thereunder, and section 4 of the Decree of 28 January 1946 on the operation of commercial ports, all of which permit the call-up of workers in circumstances not limited to cases of emergency as defined in Article 2, paragraph 2 (d), of the Convention.

As the above-mentioned matters have been the subject of comments since 1965, the Committee hopes that measures will be taken at an early date to bring the legislation in question into conformity with the Convention.

USSR (ratification: 1956)

The Committee has noted the information supplied by the Government in answer to its previous observations regarding the compulsory direction to employment of certain persons under 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 25 February 1970).

The Committee notes the Government's statement that measures under the above-mentioned legislation may be taken only against persons who evade socially useful work and live on unlawful means of subsistence, and that a person who lives on lawfully acquired funds without taking part in collective work (for example a person living on his savings from work or from earned income of other members of his family) cannot be regarded as leading an anti-social, parasitic type of life.

The Committee also notes the Government's view that an assignment to employment by decision of the Executive Committee of a Soviet of Working People's Deputies does not conflict with the Convention; the Government considers that such work does not take place under the menace of a penalty within the meaning of the definition of "forced or compulsory labour" in Article 2, paragraph 1, of the Convention, and states that, if the person is brought before a court for disobeying the assignment to employment, the court itself decides whether or not he should be punished or acquitted.

The Committee must once more point out, however, that under section 2 of the Ukase of 4 May 1961 (as amended in 1970) the person concerned is directed to specific employment by the decision of the Executive Committee, and that under section 209¹ of the Penal Code of the RSFSR (inserted by Ukase of the Presidium of the Supreme Soviet of the RSFSR of 25 February 1970), refusal to obey such a decision is punishable with imprisonment or corrective labour for up to one year. Accordingly, work undertaken in pursuance of such a direction of an Executive Committee is forced or compulsory labour within the meaning of the Convention, namely "work or service exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily". The Committee also recalls that work undertaken pursuant to a decision of an Executive Committee of a Soviet of Working People's Deputies does not fall within 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.

The Committee once more expresses the hope that the above-mentioned legislation—and the corresponding provisions in force in the other Union Republics—will be brought into conformity with the Convention.

Upper Volta (ratification: 1960)

With reference to its previous observations the Committee notes with interest the undertaking given by the Government to the Conference Committee in 1972 that the legislation would be brought into conformity with the Convention by the following year. It notes that, to this end, Bills have been presented to the National Assembly to repeal Act No. 6-63-AN of 29 January 1963 and section 14 of Act No. 25-60-AN of 3 February 1960 (which permit the call-up of labour for work of national interest and the imposition of forced labour for the recovery of taxes) and to amend section 2 of the Labour Code so as to prohibit the hiring of convict labour to private employers and that a draft decree has been submitted to the Prime Minister with a view to eliminating from the prison regulations (Order No. 642/APAS of 4 December 1950) provisions relating to the hiring of prisoners to private persons.

The Committee hopes that the Government will be able to inform the Conference at its 58th Session of the legislation adopted on the above-mentioned matters.¹

Venezuela (ratification: 1944)

In previous direct requests the Committee noted that decisions under the Act of 16 August 1956 concerning vagrants and rogues—which may include internment in a rehabilitation and labour institution, in an agricultural corrective camp or in a labour camp—are taken by administrative authorities according to sections 17, 21 and 23 of the Act. These provisions are contrary to Article 2, paragraph 2 (c), of the Convention, which permits the imposition of such labour only as a consequence of a conviction in a court of law.

In a report in 1970 the Government stated that a draft Penal Code then pending before the National Congress would transfer competence to try the offences in question to judicial authorities. The Committee regrets to note that the Government's latest report contains no further information on this matter. It trusts that measures to bring the national legislation into conformity with the Convention will be taken in the near future.

* * *

In addition, requests regarding certain points are being addressed directly to the following States: *Bulgaria, Burma, Chad, Chile, Colombia, Costa Rica, Czechoslovakia, Dahomey, Dominican Republic, Gabon, Honduras, Hungary, Indonesia, Ivory Coast, Khmer Republic, Laos, Mauritania, Panama, Paraguay, Tanzania, Togo, USSR, Upper Volta, Zaire.*

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

Convention No. 30: Hours of Work (Commerce and Offices), 1930

Chile (ratification: 1935)

See paragraph 91 of the General Report.

¹ The Government is asked to supply full particulars to the Conference at its 58th Session and to report in detail for the period ending 30 June 1973.

Egypt (ratification: 1960)

See under Convention No. 1, Article 6.

Guatemala (ratification: 1961)

Further to its previous comments the Committee notes the Government's statement that the reforms will soon be adopted by the competent services and will take into account the points raised by the Committee. The Committee again expresses its hope that provisions will be introduced fixing the temporary exceptions under paragraph 2 (b), (c) and (d) of *Article 7 of the Convention*, as well as the maximum overtime authorised under paragraph 3 of Article 7, and finally, that employers' and workers' organisations will be consulted in regard to these measures, as prescribed by *Article 8* of the Convention.

Haiti (ratification: 1952)

See under Convention No. 1.¹

Panama (ratification: 1960)

Further to its previous comments the Committee notes with satisfaction that the Labour Code of 1971 contains no provision similar to section 154 of the Labour Code of 1947, which permitted unpaid overtime when the worker used it to make up for mistakes made by himself.

Spain (ratification: 1929)

Further to its previous comments the Committee notes with interest from the information provided by the Government that the examination of the draft text of the General Labour Bill, which will take full account of the provisions of the Convention, is already very advanced and will soon be completed.

The Committee trusts that the General Labour Bill referred to by the Government since 1958 will soon be adopted and bring national legislation into full conformity with the Convention.

* * *

In addition, requests regarding certain points are being addressed directly to the following States: *Colombia, Iraq, Kuwait, Norway, Panama, Paraguay, Syrian Arab Republic*.

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

Convention No. 32: Protection against Accidents (Dockers) (Revised), 1932*Argentina* (ratification: 1950)

The Committee notes that by Decision No. 5/72 C.G.P. of 26 May 1972 the Director-General of Ports declared that the Convention was to be applied in all ports in the country.

¹ The Government is asked to supply full particulars to the Conference at its 58th Session and to report in detail for the period ending 30 June 1973.

The Committee notes with regret, however, that the Government's report contains no further information regarding the adoption of legislative measures to give effect to the Convention, which had been referred to previously by the Government. In this connection the Committee recalls that a number of provisions of the Convention cannot be applied without the adoption of specific implementing provisions (Articles 4, 6, 9, 11 (paragraphs 2 and 3), 12, 13 and 17). Moreover, in the absence of the measures required by Article 17 of the Convention, particularly provisions defining the persons who are to be responsible for compliance with the requirements of the Convention, and laying down penalties for breaches of these requirements, the application of the Convention cannot be ensured.

The Committee hopes that laws or regulations to give effect to the Convention will be adopted in the near future.¹

Belgium (ratification: 1952)

The Committee notes with interest that, having regard to its previous observation which indicated that an exemption of ships engaged in navigation on the Rhine from Article 6 of the Convention was incompatible with Article 15 thereof, the Government is considering the possibility of repealing the exemption of inland navigation from the scope of section 541 of the General Regulations for the Protection of Labour with a view to fully conforming with the provisions of the Convention. It would be glad if the Government would indicate the measures taken in this regard.

Chile (ratification: 1935)

See paragraph 91 of the General Report.

France (ratification: 1955)

The Committee notes the Government's statement in reply to the previous observation that the Convention is applied as regards inland as well as maritime navigation.

Italy (ratification: 1933)

The Committee notes from the Government's report as well as from information supplied to the Conference Committee in 1972 that the Bills before Parliament which were to authorise the Government to adopt regulations concerning safety and health have lapsed with the dissolution of the Parliament.

The Committee can only express the hope, once again, that the Government will soon be able to take the necessary measures to ensure the full application of the Convention.¹

Mexico (ratification: 1934)

The Committee notes the statement in the Government's report that the regulations to implement the Federal Labour Act, which the Government previously had indicated would include provisions to give effect to the Convention, have not yet been adopted. The Committee hopes that these regulations will be adopted at an early date and will contain detailed provisions ensuring the application of all the Articles of the Convention.

¹ The Government is asked to supply full particulars to the Conference at its 58th Session and to report in detail for the period ending 30 June 1973.

With regard to the ministerial circular which has already been issued, pending the adoption of the above-mentioned regulations, to give effect to Articles 4, 6, 11 and 13 of the Convention, the Committee notes the Government's statement that the Secretariat of the Navy is responsible for inspection in relation to the national fleet and the merchant marine, by virtue of the Act governing the Secretariats and Departments of State (Article 17 (2) of the Convention).

The Committee would be glad if the Government would indicate:

- (a) whether the Secretariat of the Navy is also responsible for inspection in relation to safety matters on the docks;
- (b) whether penalties exist for breach of the provisions contained in the above-mentioned circular, supplying copies of the provisions laying down these penalties (Article 17 (2));
- (c) whether copies of this circular and the Convention, or summaries thereof, are posted up in prominent positions at docks, wharves, quays and similar places (Article 17 (3)).

* * *

In addition, requests regarding certain points are being addressed directly to the following States: *Bulgaria, Denmark, France, Honduras, Mauritius, Netherlands, Peru, Singapore, Ukrainian SSR, USSR.*

Convention No. 33: Minimum Age (Non-Industrial Employment), 1932

Central African Republic (ratification: 1962)

The Committee regrets to note, from the Government's report for the period 1969-71, that no steps have yet been taken to meet its earlier direct requests, the main points of which are repeated below:

Article 3, paragraphs 1 (c) and 4 (b), of the Convention. The Government states that school attendance is not strictly compulsory. The Committee is obliged to point out again in this connection that, in the case of children required to attend school, the duration of light work must not exceed two hours a day and the total duration of school and work must not exceed seven hours a day, and that for children not required to attend school, the duration of light work may not exceed four-and-a-half hours a day.

Article 3, paragraph 2 (b). Section 4, paragraph 8, of Order No. 837 of 22 November 1953, as amended by Order No. 42 of 24 January 1959, prohibits the employment of young workers on "any work during the night in public or private industrial undertakings". Although the Government states that this provision is applicable to all undertakings, the Committee notes that the terms used apply only to industrial undertakings and that, in particular, they do not cover non-industrial work, to which the Convention applies. It therefore hopes that appropriate measures will be taken to prohibit explicitly the employment of children between 12 and 14 years of age during the night—i.e. during a period of at least 12 consecutive hours comprising the interval between 8 p.m. and 8 a.m., as required by this provision of the Convention.

Mauritania (ratification: 1961)

Article 3 of the Convention. Further to its earlier observations and the direct contacts with the Government which took place in 1969 with regard to this

Convention, the Committee notes with satisfaction the adoption of Order No. 00335/MFP.T, of 17 May 1972, to regulate the employment of children over 12 years of age on light work, in accordance with this Article.

* * *

In addition, requests regarding certain points are being addressed directly to the following States: *Central African Republic, Chad, Dahomey, Guinea, Mali, Niger, Senegal.*

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

Convention No. 34: Fee-Charging Employment Agencies, 1933

Chile (ratification: 1935)

Further to its previous observations the Committee notes with interest the measures being taken by the Government to abolish—as soon as the National Employment Service is in a position to take over their activities—the employment agencies catering for domestic servants and for salaried employees and professional staff; it also notes that the Government intends to regulate the activities of these agencies pending their abolition.

The Committee hopes that the necessary measures for the abolition, within a limited period of time, of the existing categories of employment agencies conducted with a view to profit, and for their supervision in accordance with Article 3, paragraph 4, of the Convention pending abolition, will be taken in the near future.

* * *

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

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

France (ratification: 1939)

Article 12 of the Convention. For a number of years the Committee has been making observations concerning the “supplementary allowance” introduced by the Act of 30 June 1956, which, by virtue of sections L.685 and L.707 of the Social Security Code, is paid only to French nationals and to nationals of countries which have signed an “international reciprocity agreement”. This allowance is designed, as is emphasised in the Government’s report, to supplement the lowest invalidity and old-age benefits granted in particular under the various social security schemes; it thus contributes to the guarantee of a minimum income for elderly and disabled persons. The Committee has further noted that the grant of this allowance, although subordinate to a means test, is not subjected to a discretionary assessment, but is granted as of right to applicants fulfilling the prescribed legal conditions.

The Committee trusts that the Government will agree to re-examine the question and that it will take steps to extend the benefit of the supplementary allowance, in accordance with Article 12, paragraph 3, of the Convention, to all foreign workers who fulfil the prescribed legal conditions and are nationals of States bound by the Convention (unless steps are taken for the ratification—and acceptance of the Parts relating to invalidity and old age—of the Invalidity, Old-Age and Survivors’ Benefits

Convention, 1967 (No. 128), which revises, inter alia, Conventions Nos. 35, 36, 37 and 38).

As the Committee has stressed in its previous comments, Article 2, paragraph 3, of the present Convention establishes a multilateral system of reciprocity between the States which have ratified it as regards the grant of benefits payable wholly out of public funds, a method of financing which appears to correspond to the tendency in the case of the supplementary allowance. In these circumstances it should be possible to ensure the payment of this allowance to workers who are nationals only of the States bound by the Convention without amending the legislation, and this would not involve an undue financial burden since in virtue of bilateral agreements this allowance is already being paid to foreign workers who are nationals of some of the countries in question.¹

Peru (ratification: 1945)

Article 2 of the Convention. See under Convention No. 24 (Article 2).

* * *

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

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

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

France (ratification: 1939)

Article 12 of the Convention. See under Convention No. 35.

Peru (ratification: 1960)

Article 2 of the Convention. See under Convention No. 25 (Article 2).

* * *

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

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

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

Chile (ratification: 1935)

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 fact that the qualifying period required of employees and of persons employed on the state railways was longer than the 60 months permitted by the Convention (section 10 of Act No. 10475 of 1952 as regards employees in the private sector who are 45 years old

¹ The Government is asked to supply full particulars to the Conference at its 58th Session and to report in detail for the period ending 30 June 1973.

or older; section 23 of Act No. 1340bis of 1930, section 35 of Act No. 8569 of 1946 and section 1 of Decree No. 2259 of 1931, applying respectively to public employees and journalists, bank employees and employees of the state railways).

The Government informed the Conference in 1967, and also stated in its reports for 1966-68 and 1968-70, that a Bill for the revision of the social security system was before the National Congress and would take into account the Committee's comments.

The Committee notes with concern that Act No. 17365 of 1 October 1970, which amends various social security Acts, does not contain the amendments which were announced. It notes, however, from the information given by the Government to the Conference Committee in 1972, that the Government still intends to undertake a complete revision of its social insurance systems with a view to their improvement and a greater degree of uniformity, which would make it possible to bring the legislation into conformity with the international standards ratified by Chile. The Committee would express the hope that on this occasion the Government will take appropriate steps to ensure that the workers in question, irrespective of age, can obtain an invalidity pension without completing a qualifying period longer than that permitted by this Convention. However, since an increase in the length of the qualifying period according to the individual's age at the time the contingency arises would be in conformity with paragraph 5 of Article 11 of the Invalidity, Old-Age and Survivors' Benefits Convention, 1967 (No. 128), the Government might wish to consider the possibility of ratifying that instrument, which revises Conventions Nos. 35, 36, 37 and 38, and the acceptance in particular of Part II of which (concerning invalidity benefits) implies *ipso jure* the denunciation of the present Convention and of Convention No. 38.

France (ratification: 1939)

Article 13 of the Convention. See under Convention No. 35 (Article 12).

Peru (ratification: 1945)

Article 2 of the Convention. See under Convention No. 24 (Article 2).

* * *

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

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

Chile (ratification: 1935)

Article 5 of the Convention. See under Convention No. 37.

France (ratification: 1939)

Article 13 of the Convention. See under Convention No. 35 (Article 12).

Peru (ratification: 1960)

Article 2 of the Convention. See under Convention No. 25 (Article 2).

* * *

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

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

Peru (ratification: 1945)

Article 2 of the Convention. See under Convention No. 24 (Article 2).

Article 4, paragraph 2. The Committee regrets to note that, for the second time in succession, the Government's report contains no reply to its comments concerning the duration of the qualifying period for entitlement to survivors' benefits in the salaried employees' pensions system. The Committee has since 1963 been pointing out that the period is fixed at 180 months by section 102 of the Presidential Decree of 11 July 1962 (except in certain circumstances, such as death as a result of an industrial accident or an occupational disease, or for certain groups of insured persons), whereas the length of the qualifying period laid down by the Convention may in no case exceed 60 months. The Committee trusts that, in connection with the combining of the workers' and salaried employees' pensions systems to which the Government refers in its report, steps will be taken to bring the legislation into complete conformity with the Convention. It asks the Government to keep it informed of the progress made to that end.

* * *

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

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

Peru (ratification: 1960)

Article 2 of the Convention. See under Convention No. 25 (Article 2).

Article 4, paragraph 2. See under Convention No. 39 (Article 4, paragraph 2).

* * *

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

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

Afghanistan (ratification: 1939)

See General Observation concerning Afghanistan.

Further to its previous observation the Committee notes the information given by the Government in its report to the effect that a draft labour law which regulates, inter alia, the employment of women will be adopted soon.

In view of the need to adopt legislative measures to give effect to Convention No. 41 (relating to the prohibition of night work for women) and Convention No. 45 (relating to the employment of women underground), and in view also of the fact that since 1958 the Government has kept referring to the adoption of a Labour Code, the

Committee once more expresses the hope that the Government will take the necessary steps in the near future, either within the framework of the Labour Code or by other legislative action, fully to apply the Conventions in question.¹

Hungary (ratification: 1936)

Further to its earlier observations the Committee notes the statement made by the representative of the Government to the Conference Committee in 1972 and the report for 1971-72. The Committee notes that the Government again declares its intention of gradually abolishing night work for women within the framework of the fourth five-year plan. It also notes that the Government states that over the past two years, as a result of collective agreements, the proportion of women working at night has fallen considerably and now amounts to only 10 per cent of women working in industry.

The Committee can only repeat the hope that the Government's efforts will lead to full compliance with the Convention and the adoption of national legislation prohibiting night work for women in accordance with the provisions of the Convention.¹

* * *

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

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

Bolivia (ratification: 1954)

The Committee notes with regret that for the third year in succession no report has been received. It is bound, therefore, to repeat its previous observations, which were as follows:

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).

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 the table of occupational diseases in Schedule I to the Social Security Code in the above-mentioned respects, and that it will indicate the progress made in this regard.¹

¹ The Government is asked to supply full particulars to the Conference at its 58th Session.

Czechoslovakia (ratification: 1949)

1. The Committee notes the Government's reply to its earlier comments concerning alloys of lead and amalgams of mercury.

2. The Committee also notes the Government's statement that workers engaged in the loading, unloading and transport of merchandise who contract anthrax infection are in practice exempted from proving the occupational origin of the disease. The Committee hopes that the Government, when undertaking a revision of its legislation concerning occupational diseases will be able to take the necessary measures to incorporate the established practice into the law so as to remove any doubt or uncertainty as to the burden of proof.

France (ratification: 1948)

The Committee notes with regret that the Government's report for 1969-71 contains no new information in reply to its previous observations and direct requests. It has nevertheless noted the statement, made by a Government representative to the Conference Committee in 1972, that the French system of compensation for occupational diseases made it unnecessary for the worker to prove a causal link between the pathological manifestation and the toxic substance and that in addition the schedules of occupational diseases were constantly brought up to date so as to keep pace with technical developments.

The Committee has further taken note of Decrees No. 72-1010 of 2 November 1972 and No. 73-215 of 23 February 1973, revising and supplementing the schedules of occupational diseases appended to Decree No. 46-2959 of 31 December 1946, and wishes to draw attention once again to the following points:

1. As far as the restrictive nature of the list of pathological manifestations appearing in the schedule of the French legislation is concerned, the Committee recalls that its comments do not relate to the principle of the presumption of occupational origin *per se*, but to the fact that the restrictive enumeration of certain pathological manifestations in the legislation 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 a result of poisoning. The above-mentioned Decrees, while they adopt a new series of schedules of occupational diseases, do not change this situation.

The Committee can therefore only repeat the hope that the necessary measures will be taken in the very near future 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 or agents listed in the Convention. (This indicative character exists already in the French legislation in respect of the list of processes liable to cause diseases.)

2. As regards the other points of divergence between French legislation and the Convention, the Committee notes that, while the new schedules of occupational diseases provided for by the above-mentioned Decrees No. 72-1010 and No. 73-215 introduce certain improvements in the application of the Convention, they do not cover poisoning by *all* the halogen derivatives of hydrocarbons of the aliphatic series or by all the compounds of phosphorus or all the substances set out in the Convention as liable to cause primary epitheliomatous cancer of the skin.

The Committee trusts that the necessary measures, which have been pointed out to the Government since 1958, will be taken shortly and that the schedules of occupational diseases in force will be completed in accordance with the Convention.¹

Haiti (ratification: 1955)

The Committee notes with regret that for the second year in succession 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 report for 1969-70 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.

Panama (ratification: 1959)

The Committee notes with satisfaction the adoption of Resolution No. 1 laying down general regulations governing insurance benefits in respect of occupational injuries, made under Cabinet Decree No. 68 of 31 March 1970, which lays down a schedule of occupational diseases which is to some extent in conformity with that contained in Article 2 of the Convention.

Rwanda (ratification: 1962)

For several years the Committee has been pointing out that the schedule of occupational diseases appended to the Order of 16 November 1949, the Decree of 28 March 1957 and the Order of 8 April 1959 (which, according to the Government, remained in force after the country became independent pending the promulgation of the Presidential Order provided for by section 31 of the Social Security Act of 1962) is not in conformity with the Convention in that it does not mention *silicosis, with pulmonary tuberculosis, poisoning by the halogen derivatives of hydrocarbons of the aliphatic series and the operations likely to cause them*, or, among the *operations likely to cause anthrax infection*, the "loading and unloading or transport of merchandise" in general.

Since 1964 the Government has stated in its reports that the draft order under the above-mentioned Social Security Act is being prepared and that it will take account of the Committee's comments. In its report for 1969-71 the Government stated that the drafting of the text had been completed, and that it only remained to submit it to the competent authority for approval. It added that it would try to complete this new text in conformity with Convention No. 42, by which Rwanda is bound.

¹ The Government is asked to supply full particulars to the Conference at its 58th Session.

The Committee notes this statement and trusts that the draft will be adopted in the very near future, and that the schedule of occupational diseases which it will contain will be in complete conformity with this Convention.

Turkey (ratification: 1946)

See paragraph 91 of the General Report.

* * *

In addition, requests regarding certain points are being addressed directly to the following States: *Algeria, Honduras, Panama*.

Convention No. 43: Sheet-Glass Works, 1934

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

Convention No. 44: Unemployment Provision, 1934

A request regarding certain points is being addressed directly to *Czechoslovakia*.

Convention No. 45: Underground Work (Women), 1935

Afghanistan (ratification: 1937)

See under Convention No. 41.¹

Federal Republic of Germany (ratification: 1954)

Article 3 of the Convention. Further to its previous observation concerning the exceptions contained in section 28 of the Hours of Work Ordinance of 30 April 1938, which are more extensive than those provided for in Article 3 of the Convention, the Committee notes that the working party set up in 1970 by the Federal Minister of Labour and Social Affairs to ascertain the extent to which this Ordinance must be adapted to changed social, economic and technical circumstances, in the light of the Committee's comments, has not yet completed its work.

The Committee requests the Government to indicate any progress made in this matter.

Guatemala (ratification: 1960)

Further to its previous 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 Government Decree has been prepared which takes account of the comments made by the Committee on the application of this Convention.

The Committee hopes that this Decree will be adopted in the near future so as to bring the national legislation into conformity with the practice and with the

¹ The Government is asked to supply full particulars to the Conference at its 58th Session and to report in detail for the period ending 30 June 1973.

provisions of the Convention, and requests the Government to indicate any measures taken to this end.

* * *

In addition, requests regarding certain points are being addressed directly to the following States: *Guinea, New Zealand, Somalia, Yugoslavia.*

Convention No. 47: Forty-Hour Week, 1935

Requests regarding certain points are being addressed directly to the following States: *Ukrainian SSR, USSR.*

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

Poland (ratification: 1938)

The Committee notes with regret that for the third year in succession no report has been received and therefore no reply has been given to its previous direct requests concerning the implementation of *Articles 10 and 14 of the Convention* (maintenance of acquired rights, mutual assistance in administration). The Committee is accordingly compelled to raise the question once again in a further direct request.

* * *

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

Convention No. 49: Reduction of Hours of Work (Glass-Bottle Works), 1935

A request regarding certain points is being addressed directly to *Mexico.*

Convention No. 50: Recruiting of Indigenous Workers, 1936

Argentina (ratification: 1950)

The Committee notes the Government's statement, in reply to its previous comments, that no distinction is made by national legislation between indigenous populations and other inhabitants, that freedom of labour is guaranteed by the national Constitution, and that accordingly the requirements of the Convention are met.

The Committee must however point out that, both in earlier reports on this Convention and in its reports on Convention No. 107, the Government has referred to the existence of "indigenous populations" within the scope of Convention No. 50. Accordingly, the Government has assumed an obligation to ensure the application of this Convention in regard to the population groups concerned. As the Committee has indicated in previous observations the constitutional provisions relating to freedom of labour do not suffice to give effect to the Convention, which is aimed at ensuring the effective enjoyment of that freedom through measures of administrative supervision.

The Committee trusts that measures will be taken at an early date to give effect to the Convention, either through the adoption of detailed provisions to regulate the

recruiting of workers belonging to indigenous population groups corresponding to those contained in the Convention or, if this is considered unnecessary having regard to the manner in which such workers are currently engaged, by prohibiting recruiting as defined in Article 2 of the Convention.¹

* * *

In addition, requests regarding certain points are being addressed directly to the following States: *Burundi, Ghana, Guyana, Nigeria, Rwanda, Tanzania, Zambia.*

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 received in 1969 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.²

Czechoslovakia (ratification: 1950)

Pursuant to its previous requests the Committee notes with satisfaction that Government Ordinance No. 66/1965 has been amended by Government Ordinance No. 60/1970 so that the holiday leave entitlement of the worker shall not be reduced to less than one calendar week in cases of disciplinary action or in cases of unjustified absence.

Dominican Republic (ratification: 1956)

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, Act No. 338, which was promulgated on 29 May 1972, has amended sections 168, 172 and 180 of the Labour Code, bringing them into conformity with Article 2, paragraphs 2, 3 and 4, and Articles 3 and 7 of the Convention.

Gabon (ratification: 1961)

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 reiterate the hope that a report will be supplied for examination by the Committee at

¹ The Government is asked to report in detail for the period ending 30 June 1973.

² The Government is asked to supply full particulars to the Conference at its 58th Session and to report in detail for the period ending 30 June 1973.

its next session and will contain full information on the points raised in its comments since 1968, which are raised once again in a new direct request.

Mauritania (ratification: 1963)

Further to its previous observations and following the direct contacts with the Government which took place in 1969 the Committee notes with satisfaction that section 24 of Book II of the Labour Code has been amended by the Law of 28 June 1972 to permit workers, in cases of postponement of annual holiday, to enjoy at least the minimum of an annual holiday of six working days, as prescribed by the Convention.

Panama (ratification: 1950)

Further to its previous comments concerning the application of Articles 4 and 7 of the Convention the Committee notes with satisfaction that section 59 of the Labour Code of 1971 prohibits the renunciation of annual holidays in exchange for compensation and that section 128, paragraph 11, of the Code includes provisions to ensure that the employers' register will indicate the dates of the annual holiday and the remuneration received in respect of the period of leave.

* * *

In addition, requests regarding certain points are being addressed directly to the following States: *Czechoslovakia, Gabon, Ivory Coast, Lebanon, Panama, Paraguay, Syrian Arab Republic.*

Convention No. 53: Officers' Competency Certificates, 1936

Liberia (ratification: 1960)

Further to its previous comments the Committee has noted with interest the statistics supplied by the Government on the number of officers' competency certificates issued in each specific licence grade. It further notes, from the Government's report, that the Deputy Commissioner of Maritime Affairs has been requested to provide information on the number and nature of contraventions reported and the action taken on them, and that this information will be provided to the ILO when received. The Committee hopes that the Government will supply this information in its next report and will continue to include in future reports information on the practical application of the Convention, as required in point V of the report form.

Philippines (ratification: 1960)

Further to its previous observations the Committee notes the Government's statement that the Committee's comments have been referred to the Director of Maritime Safety of the Philippine Coast Guard, which is currently undertaking the task of bringing up to date the Merchant Marine Regulations, for consideration and incorporation of appropriate provisions regarding inspection and enforcement, as provided for in Articles 5 and 6 of the Convention. The Committee hopes that the necessary measures will be taken soon and that the Government will supply the text of the provisions adopted.

* * *

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

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

Liberia (ratification: 1960)

The Committee has noted with interest the Government's statement to the effect that its comments have been brought to the attention of the Commissioner of Maritime Affairs so that consideration may be given to the possibility of bringing the national legislation into conformity with the Convention.

The Committee accordingly hopes that the Maritime Law of 1956, as revised in 1964, can be amended shortly so as to ensure formally the application of the following Articles of the Convention: *Article 1, paragraph 2* (application of the Convention to vessels of over 25 and less than 75 tons), *Article 2, paragraph 1* (protection in case of illness incurred away from the ship, otherwise than in the course of duty) and *Article 6, paragraph 2 (d)* (approval by the competent authority of repatriation to a port other than that where the seaman was engaged or the voyage commenced).

* * *

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

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

Peru (ratification: 1962)

Article 7 of the Convention. For many years the Committee has been drawing the Government's attention to the need to provide, within the framework of both the workers' and the salaried employees' sickness insurance schemes and 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 law or regulations in such a way as to cover the normal interval between successive engagements. Since the Government's report, which refers to the new scheme of insurance against employment accidents, contains no reply to the comments referred to above which concern sickness insurance, the Committee is obliged to raise the question once again and trusts that the Government will not fail to indicate the measures taken or envisaged to ensure the full application of the Convention on this point.

* * *

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

Convention No. 58: Minimum Age (Sea) (Revised), 1936

Guatemala (ratification: 1961)

Further to its previous 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 Government Decree has been prepared which takes account of the comments made by the Committee on the application of this Convention.

The Committee hopes that this Decree will be adopted in the near future so as to bring the national legislation into conformity with the provisions of the Convention and requests the Government to indicate any measures taken to this end.

Liberia (ratification: 1960)

In previous observations the Committee had noted that, by virtue of sections 290 (2) (a) and 326 of the Maritime Law (as amended by the Merchant Seamen's Act, 1964), the provisions laying down the minimum age for admission to employment at sea did not apply to vessels of less than 75 net tons nor to vessels engaged in trade between Liberian ports. It had pointed out that these exclusions were not in conformity with the Convention, which applies to all ships and boats, of any nature whatsoever, engaged in maritime navigation.

The Committee notes with interest the Government's statement that provisions to ensure the application of the Convention are to be included in a revised Labour Law. As the above-mentioned matters have been the subject of comments by the Committee for a number of years, it trusts that the necessary legislative provisions will be enacted in the near future.

* * *

In addition, requests regarding certain points are being addressed directly to the following States: *Democratic Yemen* (Aden), *Tunisia*.

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

Convention No. 59: Minimum Age (Industry) (Revised), 1937*Philippines* (ratification: 1960)

Further to its earlier observation the Committee notes with interest that Bill No. 5149 has been submitted to Congress for the purpose of amending sections 1 and 2 of Act No. 679, as amended by Act No. 6237, with a view to bringing national legislation into line with the provisions of the Convention. The Committee hopes that it will be possible at the same time to amend section 5 (a) of Act No. 679 by deleting the words "factory" and "industrial establishment", since the employment of persons under the age of 16 years in such establishments is completely forbidden by section 2 (a) (1) of the same Act.

Sierra Leone (ratification: 1961)

In its previous observation the Committee noted that the Government intended to amend its national legislation so as to bring it into harmony with the Convention.

The Committee noted the statement to the same effect made by the Government to the Conference Committee in 1971. The Committee regrets that the latest report contains no information on this point; it therefore refers to its earlier observations, which covered the following points:

Article 4 of the Convention. According to this Article, every employer in an industrial undertaking must keep a register of all persons under the age of 18 years employed by him, and of the dates of their births. The Government is requested to send as soon as possible a sample of the form of register used.

Article 5. Need to prescribe an age higher than 15 years for the admission to dangerous employment of adolescents other than apprentices.

The Committee hopes that the Government will take all necessary measures to bring its legislation into conformity with the Convention and will report any progress made in this direction.

* * *

In addition, requests regarding certain points are being addressed directly to the following States: *Democratic Yemen (Aden), Iraq, Mauritius, Pakistan, Paraguay, Peru, Tanzania, Tunisia.*

**Convention No. 60: Minimum Age (Non-Industrial Employment)
(Revised), 1937**

A request regarding certain points is being addressed directly to *Paraguay.*

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

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

Mexico (ratification: 1941)

The Committee notes the Government's statement, in reply to the previous observation, that revision of the Building Regulations for the Federal District is currently under study, but that because of the scope of the task, it will be some time before it is completed. The Committee further notes that it is proposed to include in the revised Regulations provisions which will bring them into full conformity with Articles 1-15 and 17 of the Convention. The Committee accordingly hopes that the new Building Regulations for the Federal District will include provisions giving effect to all the substantive Articles of the Convention, so that all relevant provisions may be included in one self-contained text. The Committee also hopes that these Regulations will prescribe adequate penalties for any violation thereof (unless the penalties stipulated in section 878 (V) of the Federal Labour Act are applicable).

The Committee also notes the Government's statement that many of the states of the Republic are at present drawing up building regulations and that these regulations will conform with the Convention. The Committee hopes that these regulations will give full effect to the Convention, taking into account the above comments. If the adoption of regulations to give effect to the Convention in all states of the Republic may involve a significant delay, the Government might wish to consider the possibility of adopting, under section 512 of the Federal Labour Act, safety regulations for building giving effect to the Convention and applicable to the entire country.

* * *

In addition, requests regarding certain points are being addressed directly to the following States: *Algeria, Central African Republic, Federal Republic of Germany, Guinea, Honduras, Hungary, Mauritania, Peru.*

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

Algeria (ratification: 1962)

The Committee notes the information given in response to its earlier observation and direct request. It would draw attention to the following points and would hope that the next report will indicate what measures have been taken regarding them.

Article 1 of the Convention. The Committee notes that the latest issue of the Statistical Yearbook received by the Office was published in 1969 and refers to the period 1966-67, that the last quarterly inquiry into the employment and wages

situation received by the Office was published in April 1967, and that both of those contain only some of the statistical data required by the Convention. The Committee trusts that in future the information collected in virtue of the Convention will be published within the time limits set in subparagraph (b) of this Article and communicated to the Office in accordance with subparagraph (c).

Part II, Article 6. The Government's report refers to statistics for April 1968 (published in "The Employment and Wages Situation in April 1968") and states that the data on average hourly earnings do not include overtime pay. The Committee would point out that it was precisely this fact which led to its earlier observation, which was based on the same publication. It is therefore obliged to repeat its hope that the Government will, in the near future, take steps to ensure that the compilation of those statistics complies fully with the requirements of this Article.

Article 12. The Committee notes from the Government's report that at present no index is being published which shows the general movement of earnings in industry and services. Since it notes that indexes of wages by branches of activity, grades of skill and wage areas were published in table 14 of the "Quarterly Enquiry into Employment and Wages in April 1967", the Committee hopes that the Government will take the necessary steps to compile a general index number and to transmit to the Office publications containing the required data.

Part III. The Government's report states that information on statistics of time rates of wages and of normal hours of work for the year 1970 were sent in reply to the questionnaire (Parts IV and V) for the compilation of the *Yearbook of Labour Statistics*, 1971. However, the Committee finds that the data received by the Office did not deal with time rates of wages or with normal hours of work, and it therefore asks the Government to state in its next report what steps have been taken to comply fully with the provisions of Articles 13 to 21 of the Convention.

Part IV. The Committee duly notes that the Government intends: (a) to publish, as from the agricultural year 1969-70, quarterly data on wages and hours of work in independent agricultural undertakings, and (b) to transmit those statistics to the Office. It hopes that the data thus compiled in accordance with this Part IV (statistics of wages and hours of work in agriculture) will be transmitted to the Office "at the earliest possible date", as required by Article 1 (c) of the Convention.

Chile (ratification: 1957)

See paragraph 91 of the General Report.

Cuba (ratification: 1954)

Further to its previous observations the Committee has noted from the information supplied by a Government representative in the Conference Committee in 1972 that efforts were being made by the Ministry of Labour and the Planning Commission to improve the situation with regard to the compilation of statistics of wages and hours of work. The Committee notes on the other hand that while no progress in this regard is mentioned in the Government's report for 1971-72, the *Statistical Bulletin* for 1970 contains statistics of average yearly wages of workers in the principal mining and manufacturing industries, and in agriculture, in the state sector for the years 1962-66.

The Committee trusts that these statistics will be expanded and completed, in the respects indicated in a request being addressed directly to the Government, so as to

comply with the various requirements of the Convention, and that statistics will also be compiled and published covering hours actually worked (Part II of the Convention), time rates of wages and normal hours of work (Part III), in accordance with the provisions of the Convention.

Czechoslovakia (ratification: 1950)

Part III of the Convention. The Committee notes from the Government's reply to its previous observations that, following a re-examination of the possibility of compiling statistics of rates of wages and an annual index showing their general movement, it has been decided that such statistics would serve no useful purpose. The Committee can only draw attention to the fact that, under this Part of the Convention, ratifying countries are required to compile statistics of time rates of wages in accordance with Articles 13 to 20, and annual index numbers showing the general movement of rates of wages in accordance with Article 21. It therefore trusts that the Government will take the necessary steps to ensure full compliance with these provisions of the Convention.

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In addition, requests regarding certain points are being addressed directly to the following States: *Burma, Cuba, Czechoslovakia, Mauritius, Tanzania.*

Convention No. 64: Contracts of Employment (Indigenous Workers), 1939

Requests regarding certain points are being addressed directly to the following States: *Burundi, Ghana, Guyana, Kenya, Mauritius, Panama, Rwanda, Uganda, Zaire.*

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

Convention No. 65: Penal Sanctions (Indigenous Workers), 1939

Trinidad and Tobago (ratification: 1963)

Following its earlier comments concerning certain provisions of the Industrial Stabilisation Act, 1965, under which workers were liable to penal sanctions for breach or non-observance of any industrial agreement or award, and which had been the subject of observations by the Trinidad and Tobago Labour Congress, the Committee notes with satisfaction that no similar provisions are contained in the Industrial Relations Act, No. 23 of 1972, which provides for the repeal of the Industrial Stabilisation Act, 1965.

The Committee hopes that the Government will be able to indicate in its next report that the new Act has been brought into force.

Uganda (ratification: 1963)

The Committee regrets to note that once again 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: *Kenya, Liberia, Panama, Tanzania*.

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

Cuba (ratification: 1953)

Article 18, paragraph 3, of the Convention. Further to its previous observations the Committee notes that in its report the Government merely refers to its previous explanations regarding the socialist nature of the state undertakings concerned. Once again 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 of the Convention 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 trusts that the examination being made by the competent bodies and services to which the Government refers will soon be reflected in the adoption of measures to introduce individual control books, as required by the Convention.

Uruguay (ratification: 1954)

Further to its previous 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, Decree No. 382/972 was issued on 1 June 1972 containing provisions regulating the hours of work of persons working in road transport vehicles in accordance with Articles 8 and 15 of the Convention.

* * *

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

Convention No. 68: Food and Catering (Ships' Crews), 1946

A request regarding certain points is being addressed directly to *Panama*.

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

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

Convention No. 71: Seafarers' Pensions, 1946

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

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

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

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

Guatemala (ratification: 1952)

Further to its previous 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 Government Decree has been prepared which takes account of the comments made by the Committee on the application of this Convention and Convention No. 78.

The Committee hopes that this Decree will be adopted in the near future so as to bring the national legislation into conformity with the provisions of Conventions Nos. 77 and 78, and requests the Government to indicate any measures taken to this end.

* * *

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

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

Guatemala (ratification: 1952)

See also the observation under Convention No. 77.

The Committee has also been informed of the note given by the Ministry of Labour and Social Welfare to the representative of the Director-General of the ILO, during the direct contacts which took place in Guatemala, indicating that the necessary measures would be adopted as a matter of urgency, in collaboration with the Ministry of Public Health and Social Assistance, to ensure that the system of medical examination of fitness for employment is applied to children and young persons engaged either on their own account or on account of their parents in itinerant trading or in any other occupation carried on in the streets or in any other place to which the public have access, in accordance with Article 7, paragraph 2 (a), of the Convention. The Committee requests the Government to indicate any measures taken to this end.

Honduras (ratification: 1960)

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:

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.

* * *

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

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 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, Act No. 338 was promulgated on 29 May 1972 and amends Article 224 of the Labour Code so as to bring it into conformity with the provisions of Articles 1, paragraph 4 (*b*), and 3, paragraph 1, of the Convention.

Guatemala (ratification: 1952)

See under Convention No. 90.

The Committee has been informed of the note handed by the Ministry of Labour and Social Welfare to the representative of the Director-General of the ILO, during the direct contacts which took place in Guatemala, indicating that the necessary measures would be adopted as a matter of urgency to provide, as regards the night work of young persons in non-industrial occupations, suitable means of identification and supervision, as required by the Convention, of persons under 18 years of age engaged, on account of an employer or on their own account, in employment or occupations carried on in the streets or in places to which the public have access.

The Committee requests the Government to indicate any measures taken to this end.

Israel (ratification: 1953)

Further to its earlier observations to the effect that section 25 (e) of the Employment of Young Persons Act of 1963 (as amended), which permits the employment of young persons on shift work until midnight, is not in conformity with the Convention, the Committee notes the Government's statement to the Conference Committee in June 1972, and also the information given in its latest report to the effect that an amendment is being drafted to restrict the application of this exception to industry and agriculture only.

The Committee trusts that the amendment in question will be adopted shortly.

Paraguay (ratification: 1966)

Article 3, paragraph 1, of the Convention. See under Convention No. 90 (Article 2, paragraphs 1 and 2).

* * *

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

Convention No. 81: Labour Inspection, 1947*Belgium* (ratification: 1957)

Further to its previous observations and direct requests the Committee notes with satisfaction that the Act of 16 November 1972 concerning labour inspection empowers labour inspectors to enter by day any premises which they may have reasonable cause to believe to be liable to inspection, in conformity with Article 12, paragraph 1 (b), of the Convention, and to order measures with immediate executory force in the event of imminent danger to the health or safety of the workers, in conformity with Article 13, paragraph 2 (b), of the Convention. The Act also prohibits labour inspectors from having any direct or indirect interest in the undertakings under their supervision, in conformity with Article 15 (a) of the Convention.

Articles 4 and 5 of the Convention. The Committee notes with interest from the report for 1969-71 that a ministerial committee for co-ordination of social inspection has been set up to ensure effective co-ordination between the various inspection services, as provided for by Articles 4 and 5 of the Convention. It requests the Government to communicate the text of the provisions setting up the ministerial committee and to supply information on the committee's activities.

Article 8. The Committee notes with interest from the reply to its preceding observation communicated by the Government to the Conference Committee in 1970 and in its report for 1969-71 that admission to competitions for recruitment to technical inspection posts is henceforth open to women, in conformity with Article 8 of the Convention. It requests the Government to communicate the text of the pertinent regulations and to supply information on their practical application.

Article 20. The Committee notes with satisfaction that the delays observed in previous years in the publication and communication of annual reports of the various labour inspection units have been progressively eliminated and that all the reports for 1970, with the exception of the one dealing with medical inspection, have been published and have reached the ILO within the time limits provided for by Article 20

of the Convention. It hopes that the report on medical labour inspection for 1970 will soon reach the ILO.

Central African Republic (ratification: 1965)

The Committee notes that, according to the Government's reply to its earlier direct request concerning the application of Article 11, paragraph 2, of the Convention, the reimbursement of travelling expenses within the country has been abolished for all public officials. The Committee concludes from this that the labour inspection service is no longer able to exercise supervision over undertakings when inspection involves travel. It trusts that the Government will reconsider the situation and will reintroduce the reimbursement of the travelling expenses of labour inspectors and take any other steps that may be necessary in order gradually to ensure the effective operation of the inspection service in all undertakings covered by the Convention.

Cuba (ratification: 1954)

Articles 12 and 13, paragraph 2 (b), of the Convention. Further to its earlier observations the Committee notes with interest that Resolutions Nos. 67 of 10 August 1971 and 460 of 14 December 1970 empower labour inspectors, in accordance with Article 13, paragraph 2 (b), of the Convention, to order measures with immediate executory force in the event of imminent danger in acetylene generators or steam boilers.

The Committee hopes that legislative provisions of general scope can also be adopted in the near future, expressly empowering labour inspectors to take all the measures prescribed in this Article as well as in Article 12 of the Convention. In this connection it notes from the statement made by the Government representative at the Conference Committee in 1972 that the Ministry of Labour is examining the existing legislation concerning labour inspection with a view to bringing it into conformity with the Convention. It trusts that this review will in the very near future lead to the adoption of general provisions to give effect to Articles 12 and 13 of the Convention, to which it has been drawing the Government's attention for many years back.

Article 15 (c). The Committee notes with interest, from the statement made by a Government representative at the Conference Committee in 1972, that the Government is contemplating introducing a provision which will explicitly require labour inspectors not to reveal the source of any complaint which they may have received, as required by Article 15 (c) of the Convention. It hopes that this text will be adopted in the very near future and that a copy will be sent with the next report.

Article 20. The Committee notes from the Government's latest report that the Ministry of Labour is being reorganised in such a way as to facilitate the collection at a central point of information on the activities of the various services and thus overcome the difficulties which have hitherto prevented the publication of the annual report on the work of the inspection services which is required by this Article of the Convention. As, despite repeated assurances by the Government, no annual report on the inspection service has been published and transmitted to the ILO since the Convention was ratified, the Committee urges that the annual report called for by the Convention will be published in the very near future.

Dominican Republic (ratification: 1953)

Article 6 of the Convention. For a number of years the Committee has been drawing the Government's attention to the need to guarantee to labour inspectors a

legal status and conditions of employment which ensure them stability of employment and independence of changes of government, as required by this Article of the Convention. The Committee regrets to note from the latest report of the Government that the Public Service Bill and the draft regulations concerning the labour inspectorate, which are intended to ensure the application of this provision and which the Government has been mentioning since 1967, have not yet been adopted. Since at the present time the labour inspectors do not have the guarantees of stability and independence required by the Convention, the Committee trusts that the Government will do everything in its power to provide those guarantees in practice and will speed up the adoption of legislation or regulations to give effect to Article 6 of the Convention.

Article 7. The Committee notes with interest the information given by the Government in reply to its earlier observation concerning the training courses for labour inspectors. It hopes that the Government will continue its efforts to provide the inspectors with appropriate training for their duties and that future reports will mention any further measures to this end.

Article 14. The Committee notes from the Government's reply to its earlier observation that steps will be taken in the near future to ensure that the labour inspectorate is notified of occupational diseases in accordance with this Article of the Convention. As the Committee has for many years been drawing attention to the need to adopt provisions for this purpose, it trusts that the necessary legislation or regulations will be adopted in the very near future so as to ensure full compliance with the Convention on this point.

Articles 20 and 21. The Committee notes that in future the Government intends to transmit to the ILO a separate report on the work of the labour inspectorate and that it hopes to begin preparing such a report in 1973. As no annual report on the work of the inspectorate has been received in the ILO since the Convention was ratified, the Committee urges that the annual report called for by the Convention will be published in the very near future.

Guatemala (ratification: 1952)

Referring to its previous comments the Committee has noted with satisfaction that, following the direct contacts which took place between the competent national authorities and a representative of the Director-General of the ILO, a circular to labour inspectors was issued on 3 January 1973 to prohibit inspectors from having any direct or indirect interest in the undertakings under their supervision and to oblige them to treat as absolutely confidential the source of any complaint submitted to them, in accordance with Article 15, paragraphs (a) and (c), of the Convention.

Article 14 of the Convention. The Committee has noted with interest that a draft decree to prescribe the notification by the employers to the labour inspectorate of occupational diseases and industrial accidents has been prepared. The Committee hopes that this draft will be adopted in the near future, so as to give full effect to this Article of the Convention.

Articles 20 and 21. The Committee has taken note with interest of the circular of the Ministry of Labour and Social Providence of 5 January 1973, which provides for the publication by the central inspection authority of an annual report containing all the information required by Article 21 of the Convention. The Committee hopes that such reports will soon be published and transmitted to the ILO within the time limit laid down by Article 20 of the Convention.

Haiti (ratification: 1952)

The Committee notes with regret that, for the second consecutive year, the Government's report has not been received, and that accordingly no information is available on the matters raised in its previous direct requests concerning, in particular, the application of the following provisions of the Convention:

- *Article 6* (status and conditions of service of labour inspectors);
- *Article 12, paragraph 1 (a)* (the right of inspectors to enter freely at any hour of the day or night any workplace liable to inspection);
- *Article 13, paragraphs 2 (b) and 3* (the right to order any measures with immediate executory force in the event of imminent danger to the health or safety of the workers); and
- *Articles 20 and 21* (annual inspection report).

The Committee is bound to repeat these matters in a new direct request and it trusts that the Government will not fail to supply the information requested in its next report.

Lebanon (ratification: 1962)

The Committee regrets to note that, for the second year in succession, no report has been received from the Government.

Articles 3, 10, 12 and 13, paragraphs 2 (b) and 3, of the Convention. The Committee notes, however, from the information provided by the Government at the Conference Committee in 1972 that the plan for the reorganisation of the Ministry of Labour and Social Affairs, which is intended to give full effect to these provisions of the Convention, has been approved by the higher authorities and that it will probably be adopted by the newly elected Legislative Assembly. The Committee trusts that it will be adopted in the very near future.

Article 20. The Committee has taken note of the French translation of that part of the annual report on the work of the inspection service in 1971 concerning the Beirut Inspection Office, which was attached to the information given at the Conference Committee in 1972. It notes, however, that the full text of the report has not so far been received in the ILO. The Committee hopes that the Government will take steps to ensure that the annual reports on the work of the labour inspectorate are regularly transmitted to the ILO within the time limits laid down in this Article of the Convention.¹

Mauritania (ratification: 1963)

Further to its earlier observations and the direct contacts made in 1969 the Committee notes with satisfaction that the Act of 28 June 1972 to amend the Labour Code empowers labour 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, as required by Article 13, paragraph 2 (*b*), of the Convention.

The Committee hopes that measures will also be taken in the near future to put into effect the following provisions of the Convention:

Article 19 of the Convention, according to which labour inspectors or local inspection offices should be required to submit to the central inspection authority periodical general reports on the results of their inspection activities.

¹ The Government is asked to supply full particulars to the Conference at its 58th Session.

Articles 20 and 21, according to which the central inspection authority must publish and transmit to the ILO within prescribed time limits an annual general report on the work of the inspection services under its control.

Panama (ratification: 1958)

Further to its earlier observations and direct requests the Committee notes with satisfaction that Decree No. 14 of 5 February 1971 to regulate the structure of the Ministry of Labour and Social Welfare requires the labour inspection service to bring to the notice of the competent authority defects or abuses not specifically covered by the existing labour legislation, as required by Article 3, paragraph 1 (c), of the Convention, and that it gives labour inspectors the powers specified in the Convention in Article 12, paragraphs 1 (a) and (c) (i) and (iv) (to enter freely at any hour of the day or night any work place liable to inspection, to interrogate employers and workers and to take samples of materials and substances used), and in Article 13, paragraph 2 (b) (to order measures with immediate executory force in the event of imminent danger to the health or safety of the workers). It also notes with satisfaction that the Decree prohibits inspectors from revealing to the employer or his representative the source of any complaint which may have led to the visit of inspection, as laid down in Article 15 (c) of the Convention.

As regards Article 6 of the Convention the Committee points out that, in accordance with this Article, the inspection staff must be assured of stability of employment and must be independent of changes of government and of improper external influences. In its report for 1968-69 the Government stated that draft regulations for the staff of the administration were being prepared and that they would apply to inspectors and would contain provisions guaranteeing stability of employment. As the two most recent reports from the Government contain no fresh information as to the progress of this draft, and as the Committee has been raising this important point over a number of years, it trusts that the draft regulations will be adopted in the very near future so as to give effect to this provision of the Convention.

Peru (ratification: 1960)

The Committee must note that the Government's last report contains no new information in reply to the questions which it has been raising for a number of years concerning the application of the following provisions of the Convention:

Article 12, paragraph 1 (a), (b) and (c) (iv), under which labour inspectors shall be empowered to enter at any hour of the day or night (and not merely during working hours) any work place liable to inspection, and to enter by day any premises which they have reasonable cause to believe to be liable to inspection, and to take samples of materials or substances used in the undertaking.

Article 13, paragraph 2 (b), under which the inspectors shall be empowered to make or to have made orders requiring measures with immediate executory force in the event of imminent danger to health or safety.

Article 15 (a), under which inspectors shall have no direct or indirect interest in the undertakings under their supervision.

Moreover, the Government has still not published any annual report on the work of the inspection services (*Articles 20 and 21 of the Convention*).

The Committee once more expresses the hope that the necessary steps to give effect to the Convention on those points will be taken in the near future.

Tanzania (ratification: 1962)*Tanganyika.*

The Committee regrets to note, for the second year in succession, that no report has been received from the Government. However, it has noted the information given by a Government representative to the Conference Committee in 1972 in response to its earlier observations.

Article 12 of the Convention. The Committee notes that the Government intends, when amending its earlier national legislation, to take into account the Committee's comments on the application of this provision of the Convention. Since the Government has been referring to this intention since 1966, the Committee trusts that it will in the very near future take the necessary steps to repeal section 9, paragraph 2, of the Employment Ordinance, which empowers labour inspectors to carry out an inspection only with the prior written authorisation of the Labour Commissioner, so that Article 12 of the Convention, which does not permit any such restriction on the powers of inspectors, be fully applied.

Article 20. The Committee notes that no annual report on the work of the labour inspectorate has been received in the ILO since 1967, and that the last report received referred to the year 1963. It can merely urge once again that the report prescribed by this Article be published and transmitted to the ILO within the time limits fixed by this Article.¹

Turkey (ratification: 1951)

The Committee notes with regret that the report has not been supplied and that it accordingly has no information concerning the points raised in its previous direct request, which it is therefore obliged to repeat.

Articles 20 and 21 of the Convention. Since 1963, when the last annual report on the work of the labour inspection service (covering the year 1959) was published, the Government has referred to a number of measures designed to enable such a report to be issued. In its report for 1969-71 and in its statements to the Conference Committee in 1971 and 1972, the Government indicated that a circular had been issued to the regional labour directorates and that requests had also been made to the judicial authorities, in order to obtain the statistics needed for an annual labour inspection report. Since these measures do not appear to have had any effect so far and since an annual inspection report is still not available, the Committee feels obliged to urge once more that such a report be published and forwarded to the ILO promptly in accordance with Articles 20 and 21 of the Convention.

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In addition, requests regarding certain points are being addressed directly to the following States: *Central African Republic, Colombia, Costa Rica, Cuba, Dominican Republic, Haiti, Jordan, Lebanon, Mauritania, Mauritius, Panama, Paraguay, Peru, Sudan, Turkey, Zaire.*

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

¹ The Government is asked to supply full particulars to the Conference at its 58th Session.

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

A request regarding certain points is being addressed directly to *Trinidad and Tobago*.

Convention No. 86: Contracts of Employment (Indigenous Workers), 1947

Requests regarding certain points are being addressed directly to the following States: *Kenya, Malawi, Mauritius, Uganda*.

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

One member of the Committee, Mr. Gubinski, stated that he insisted on the fact that, as last year, he could not associate himself with the Committee's observations regarding the application of the Freedom of Association Conventions in certain socialist countries since, in his opinion, account should be taken of the economic and social system existing in these countries.

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 with regret that the latest report from the Government contains no new information on the matters raised in earlier observations. It is, therefore, obliged to repeat these observations, which were as follows:

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

The Committee 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.¹

Burma (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:

The Committee notes the information supplied by the Government in connection with an observation made in 1970, to the effect that the Trade Unions Act, 1926, has been neither repealed nor amended, but is not resorted to, nor is there any need to apply it in practice. This, it was stated, is due to the wide and strict practical application of the 1964 Law defining the fundamental rights and responsibilities of the people's workers, and the Rules passed in accordance with this Law, both concerning the formation of people's workers' councils.

The Committee observes that this legislation establishes a compulsory system for the organisation and representation of workers, based on the above-mentioned councils which have to be set up at the level of the undertaking or township, with a Central People's Workers' Council covering the whole country. These councils form a hierarchical structure, in which the decisions adopted at higher levels are to be followed at lower levels (section 23 of the Rules). The Central People's Workers' Council is required to abide by the directives of the political party in power, and once the latter becomes a fully fledged party of the peasants and workers, both organisations will merge (section 24). Two-thirds of the members of the councils are elected by the workers and the other third is nominated by the Revolutionary Council (sections 8, 11 and 17).

The Committee does not consider that this system of workers' organisations enjoys the guarantees provided for in the Convention. Furthermore, while the Trade Unions Act has not been repealed, the effect of the Government's introduction of this system has been to eliminate any possibility of applying the Act, or of establishing and running workers' organisations which would be protected by these guarantees. The Committee is consequently obliged to conclude that the Convention has ceased to be applied in practice and accordingly feels bound to draw the Government's attention to the obligation established in Article 11 to take all necessary and appropriate measures to ensure that workers and employers may exercise freely the right to organise.

Byelorussian SSR (ratification: 1956)

See paragraph 91 of the General Report.

¹ The Government is asked to supply full information to the Conference at its 58th Session, and to report in detail for the period ending 30 June 1973.

Cameroon (ratification: 1962)

See paragraph 91 of the General Report.

Central African Republic (ratification: 1960)

The Committee notes from the Government's report that work on the preparation of the new Labour Code is still proceeding. The Committee had already noted in its earlier observations that the provision in the draft Code according to which the officers of a trade union must have worked in the occupation concerned for a year would be deleted so as to take account of the Convention.

The Committee would be grateful if the Government would keep it informed of any progress in this matter.

Chad (ratification: 1960)

Following its previous direct request the Committee regrets that no report has been received from the Government.

For several years the Committee has made comments in its direct requests to the Government on section 36 of the Labour Code of 1966, which prohibits trade unions from undertaking any political activities. In 1972 the Committee noted that in its report of 1971 the Government pointed out that the fundamental aim of trade unions was "the defence of economic, industrial, commercial and agricultural interests", and that to permit them to be organised politically would mean diverting them from their true vocation. The Government added that the history of politics and trade unionism in Africa made such a restriction essential in the interests of public order.

The Committee indicated that it does not deny, as is indeed stated in a resolution adopted by the International Labour Conference in 1952, that the fundamental mission of the trade union movement is and must remain "the economic and social advancement" of its members, and it can understand that a government may be anxious to prevent unions from political affiliations which might make them lose sight of this fundamental mission.

The Committee takes the view, however, that there is a basic difference between preventing unions from being subjugated to political parties and prohibiting them from engaging in "any political activity" in general. Indeed, it frequently happens that trade unions, in carrying out their task of defending the occupational interests of their members, find themselves obliged to take a position for or against certain aspects of the economic and social policy of the Government.

A wide interpretation of the text of section 36 of the Labour Code could lead to the conclusion that trade unions were going beyond their statutory competence if they ventured to make suggestions or criticisms concerning, for instance, the Government's wages policy.

Such does not appear to have been the intention when the legislation in question was drafted. The Committee therefore considers that it would be desirable to change the wording of section 36 of the Labour Code in such a way as not to prohibit completely any activity which, while directed essentially to the defence of members' interests, might have some political aspects, and to leave it to the courts to repress any abuses by occupational organisations which might attempt to transform unions into political instruments.

Congo (ratification: 1960)

The Committee notes with regret that the Government's report has not been received. The Committee notes the statement made by a Government representative

to the Conference Committee in 1972 according to which the Government has undertaken a thorough study of the problems which could arise from the repeal of Acts Nos. 40/64 of 17 December 1964 and 3/65 of 25 May 1965 which established a unitary trade union organisation, that this study has been completed and that it has already been transmitted to the competent authorities. The Committee notes with interest that, according to this statement, the Government intends to repeal the above-mentioned legislation.

The Committee requests the Government to supply information on the measures which have been taken to bring the legislation into conformity with the Convention on the various points raised since 1968.¹

Costa Rica (ratification: 1960)

See paragraph 91 of the General Report.

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.²

Czechoslovakia (ratification: 1964)

The Committee notes the Government's statement, contained in its report for the period 1970-71, supplied by the Government in June 1972, but which the Committee was unable to examine in 1972, that in its general legislative programme the adoption of new regulations concerning freedom of association was envisaged and that these would determine the scope of the new law. The Government has not supplied a report for the period 1971-72.

The Committee hopes that account will be taken in the new legislation of the observations previously made by it on the points which were not in conformity with the Convention. It remains prepared to consider further the points raised previously and requests the Government to keep it informed of any developments in this connection.²

Dominican Republic (ratification: 1956)

The Committee notes the information given in the Government's report in reply to the observations made regarding the revision of the Labour Code.

The Government states that the Committee's previous observations are being considered by a committee of technical officials of the State Secretariat for Labour with a view to introducing them in the revised Labour Code which is in course of preparation.

These observations dealt with the position of various groups of workers who do not enjoy full freedom of association because they do not fall within the scope of the Labour Code, such as civil servants and other workers employed by the State, as well

¹ The Government is asked to supply full particulars to the 58th Session of the Conference and to communicate a detailed report for the period ending 30 June 1973.

² The Government is asked to report in detail for the period ending 30 June 1973.

as certain classes of agricultural workers by virtue of section 265 of the Code; this situation is contrary to Article 2 of the Convention.

Moreover, the observations pointed out that the concurrent application of sections 368 to 379 of the Code might seriously restrict the right to strike and impair the rights guaranteed to trade unions by Article 3 and Article 8, paragraph 2, of the Convention.

The Committee requests the Government to be good enough to keep it informed of all developments in this field, and to submit copies of the new texts of the revised Code as soon as they are adopted.¹

Egypt (ratification: 1957)

Further to its earlier observations the Committee notes with interest the proposed amendments to the Labour Code drawn up by the Joint Committee of representatives of the Ministry of Labour and the General Federation of Labour. The Committee notes in the Government's report the proposal to amend section 177 (notification to the authorities of every general meeting) of the Labour Code and to repeal sections 231 (a) (imposing fines on workers who do not vote during elections to trade unions) and 165 (fixing the quota of trade union expenditure) of the Code, so as to bring national legislation into harmony with the Convention.

However, with reference to the proposal to transfer to the General Federation of Labour the prerogatives at present exercised by the Ministry of Labour in trade union matters, the Committee would again point out that such a step would tend to create a situation in which, both legally and practically, it would be impossible to establish unions not affiliated to the General Federation of Labour, and this would conflict with the right of workers to establish and to join organisations of their own choosing (Article 2 of the Convention) and with the right of workers' organisations to draw up their constitutions and rules, to elect their representatives in full freedom, to organise their administration and activities and to formulate their programmes (Article 3).

The Committee notes the information given by the Government to the effect that the text of the proposed amendments has been communicated to the Joint Committee of Egypt, Syria and Libya, and also the Government's statement that consideration of the observations of the Committee of Experts should be postponed until this Joint Committee has drafted a unified body of labour legislation.

The Committee would draw attention once again to the following points which were raised in its earlier observations:

1. Section 162 of the Labour Code, as amended, which prohibits the establishment of more than one general trade union of workers in the same occupation or trade, or more than one trade union committee in any town or village, as mentioned in section 169, would appear to be incompatible with Articles 2 and 11 of the Convention.

2. The restriction which sections 182 and 183 of the Code seem to impose on the establishment of more than one general federation would appear to be incompatible with Articles 5 and 6 of the Convention.

3. Sections 203, 205 and 232 of the Labour Code, the application of which might involve denying the right to strike, would appear to be contrary to Articles 3, 8 (2) and 10 of the Convention.

¹ The Government is asked to report in detail for the period ending 30 June 1973.

The Committee hopes that all the points it has raised will be given the fullest consideration and that the Government will not fail to indicate any progress made in this matter.¹

Greece (ratification: 1962)

Following 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 the observations made by the Committee in 1972, the Committee has taken note of the report supplied by the Government, as well as of a statement made by a Government representative to the Conference Committee in 1972. Having examined the information thus supplied by the Government the Committee makes the following observations. The Committee is also addressing a direct request to the Government concerning the general legislation, the legislation relating to journalists, maritime trade unions and public servants.

Articles 3 and 4 of the Convention. The Committee has observed that certain provisions of Legislative Decree No. 890 of 1971 (viz. ss. 17 (3), 14, 31 and 38), in so far as these restricted trade unions in the election of their representatives in full freedom, were not in conformity with Article 3 of the Convention. The Government points out, in this connection that, as regards section 17 (3) of the Decree, by virtue of which a member of the executive committee of an occupational organisation who had been a member for 15 consecutive years can only be re-elected after an interval of 5 years, this section is not yet effective since it would only apply as from 28 May 1986, that is, 15 years after 28 May 1971 (the date of commencement of the decree). The Government adds, however, that the Committee's observation on this point has been noted and is being studied with a view to eliminating any discrepancy between the legislation and the Convention.

The Committee had also noted, with respect to sections 14 and 31 of the decree, that only a person actually carrying on his occupation and trade (with limited exceptions) is qualified to hold trade union office. Further, 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 Auxiliary Fund for trade union officers or 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. In this connection the Committee notes the Government's statement that these provisions were designed to contribute to the more effective protection of the interests of the workers, which would be better defended by representatives who were active workers, and that, as regards retired persons, they had the right to belong to their own organisations and to be elected members of the executive committees of these organisations.

The Committee would point out that where legislation lays down that all trade union leaders must belong to or be actively engaged in the occupation in which the organisation functions, there is a danger that the guarantees provided for in the Convention may be impaired. The Committee would also point out that, in such cases, the dismissal of a worker who is a trade union official can, as well as making him forfeit his position as a trade union official, affect the freedom of action of the organisation and its right freely to elect its representatives and even encourage acts of

¹ The Government is asked to report in detail for the period ending 30 June 1973.

interference by employers. The Committee recalls that the Commission of Inquiry, in its conclusions on similar provisions contained in the now repealed Legislative Decree No. 185/1969, which, *inter alia*, prohibited retired workers from being elected to trade union office, also pointed out that such provisions hindered the effective functioning of trade unions since the activities and responsibilities of officers, at least from a certain level, are such that these persons can no longer in practice carry out a job in an enterprise. For these reasons the Committee considers that the above provisions of Legislative Decree No. 890/1971 impose requirements which run counter to the right, guaranteed by Article 3 of the Convention, of workers' organisations to elect their representatives in full freedom.

The Committee had also requested the Government to supply information on any judicial decisions applying the provisions contained in sections 21 and 22 of Legislative Decree No. 795/1970, by virtue of which associations may be suspended or dissolved by the court if, *inter alia*, their objects or activity are aimed against the territorial integrity of the State or against the constitutional or social régime, or if they pursue objects other than those set out in their statutes. The Government, in its report, states that no judicial decisions have been taken on the application of these provisions. The Committee, accordingly, requests that it be kept informed in future reports of any cases brought before the courts in this connection and of the decisions taken.

With regard to the system of financing trade unions, the Committee had observed that an organisation known as the "Trade Union Special Fund Management Organisation" (ODEPES) had been set up by Legislative Decree No. 891/1971 to provide financial support for all lawfully active workers' occupational organisations and federations, and to safeguard the free exercise of trade union rights. The assets of this organisation were made up in particular of 25 per cent of the annual income of the state-controlled Workers' Fund and were distributed to organisations which fulfilled certain conditions laid down in the Decree. According to the terms of the Decree, as from 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. The Committee expressed its regret that, under this system, unions were still basically dependent on the Workers' Fund—the income of which is made up by compulsory contributions of all workers—and that the new system continued to be restrictive. It indicated 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 might achieve the financial independence which is a prerequisite for the enjoyment of the guarantees laid down in the Convention. The Committee asked the Government for 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.

In this connection, the Committee notes the Government's statement that the question of the financing of workers' associations should be treated within the framework of Greek legislation as a whole. Section 80 of the Civil Code requires an association's resources to be defined by its constitution. In accordance with this provision, and under section 13 of Legislative Decree No. 890, the rules of all occupational organisations must provide for membership fees. The Government adds that, in order to give effect to the recommendations of the Commission of Inquiry, the Government had established ODEPES, which had legal personality under private law and was independent of the State and of any body controlled or influenced by the State. The contribution of the Workers' Fund to ODEPES was fixed only as to the

amount and no control was provided for or exercised over the grant of financial assistance to each association. Financial assistance to associations had to be expressly provided for in the statutes and a decision of the general assembly of associations having the right to such assistance was essential. The membership criterion upon which financial assistance was determined ensured equality of treatment and constituted an incentive to associations to achieve financial autonomy, since only paid-up members could vote. According to the Government the system was an improvement and the fact that the Workers' Fund placed a part of its annual resources at the disposal of ODEPES should not be considered as an intervention. In addition, the Government states that the collection of union dues by a check-off method arranged by collective agreement cannot take place in Greece, since the Council of State, in 1963, declared unconstitutional article 22 of Law No. 3239/1955, by virtue of which agreements could be concluded requiring the payment of union dues not only by workers who were in no way connected with the unions but also by workers who were members of associations which formed the union which had concluded the agreement. The Council of State decided that the question of payment of union dues was a matter exclusively between members and their unions and should be regulated by the terms of statutes of the unions. No obligation concerning the payment of dues could arise out of a collective agreement when factors unconnected with the union—such as employers' organisations—are involved in its formulation.

The Committee, having taken due note of the explanations supplied by the Government, continues to be of the opinion that the system of financing trade unions in Greece by the organisation known as ODEPES, the funds of which are made up mainly of part of the budget of the state-controlled Workers' Fund, despite the voluntary nature of the financial assistance provided by ODEPES, is restrictive, and constitutes a threat to the independence of occupational organisations.

The Committee also considers that the organisation and administration of trade union finances, including the fixing of union dues, is a matter for internal arrangement by the trade unions themselves, and that, as regards the collection of union dues, trade unions should be free to conclude agreements with employers providing for a check-off system. This seems to be particularly important in Greece, where long-standing difficulties seem to exist in arranging a system of voluntary contribution of trade union dues. In this connection the Committee notes the information supplied by the Government in its report on Convention No. 98 that the Greek Federation of Private Employees asked the Government to be permitted to include such arrangements in collective agreements. The Committee notes, however, that the collection of union dues by means of check-off arrangements established by collective agreements is presently prevented by the decision of the Council of State.

The Committee hopes that the Government, in order to enable trade unions to become financially independent, will re-examine the present system in the light of the above considerations, and in particular that it will introduce legislation which would permit unions, if they so wish, to collect contributions from their own members by means of check-off arrangements established by collective agreements.

The Committee had observed that section 12 (2) of Legislative Decree No. 890/1971, which provides that all books, registers, accounts, etc., of a union shall be kept available for inspection at any time by the supervisory authority, conferred wide powers on the authorities being liable to lead to abuse and constituting a risk of limiting the right of organisations to organise their administration and activities without interference by the public authorities. The Committee notes the Government's statement that section 12 (2) should be read in conjunction with sections 26 and 27 of Legislative Decree No. 795/1971 which lays down the limits of supervision

by the public authorities and gives a legal remedy against any act of supervision going beyond these limits. According to the Government section 12 (2) only enables the authority to take note of union books. The Government adds, however, that it has taken note of the observation of the Committee, and that this is being studied with a view to eliminating a point of discrepancy with the Convention.

In connection with section 5 of Decree No. 890/1971, on which the Committee had made an observation because it contains a prohibition in general terms of the engagement by trade unions in political activities, the Committee notes the Government's statement that it considers that the purpose of occupational organisations, as indicated by their statutes, is the examination, protection and promotion of the moral, economic and occupational interests of their members, and that their involvement in the political field might run contrary to their purpose. The Government adds, however, that the Committee's observation on this question has been noted, and that it is being studied with a view to eliminating any divergence between this provision and the Convention.

Articles 5 and 6. The Government also indicates that section 2 of Legislative Decree No. 890, which provides that at least five unions shall be required in order to constitute a federation, and at least five federations to constitute a confederation, is being studied with a view to eliminating any divergence between this provision and the Convention. In this connection the Committee had observed 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 last observation the Committee had noted that the Constitution of 1968 had not yet been brought fully into force and that the state of siege had not been lifted as regards the whole country. The Committee regrets that the Government has supplied no further information in this connection. The Committee, therefore, can only once again recall the principles set forth in the resolution concerning trade union rights and their relation to civil liberties adopted by the International Labour Conference in 1970, namely that the rights conferred upon workers' and employers' organisations must be based upon respect of 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. The Committee recalls that in that resolution the Conference placed special emphasis on such rights as 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 once more expresses the hope that the Government will, in the near future, be able to report that these rights which are essential for the normal exercise of trade union rights have been fully restored in Greece.

* * *

The Committee notes with interest the Government's statement, contained in a communication received during the Committee's present session, that a new labour code is being prepared, and that this will be adapted in such a way as to give effect to the obligations undertaken by Greece on the ratification of international Conventions. The Government adds that account will be taken of the observations made by the Committee of Experts in 1972 on certain provisions of Legislative Decrees Nos. 890 and 891 of 1971. The Committee trusts that the new labour code will be

promulgated at an early date and that it will eliminate any divergence between the national legislation and the Convention. The Committee requests the Government to keep it informed of the progress of the draft legislation and to supply copies thereof when it has been promulgated.¹

Guatemala (ratification: 1952)

Further to its earlier observation the Committee notes the Government's statement that Decree No. 31-71 governing trade union activities during the period of emergency was applied during that period which has now ended. The Committee requests the Government to indicate whether the Decree has since been repealed.

The Committee also notes the information given by the Government concerning the current revision of its labour legislation with a view to bringing it into harmony with international standards. It hopes that this revision will be completed in the near future and that account will be taken of the points which it raised in its earlier comments, more particularly as regards section 222 (a) of the Labour Code (prohibiting the re-election of trade union leaders), section 211 (a) and (b) (government supervision over trade unions), section 226 (a) (dissolution of unions which interfere in matters of electoral affairs or party politics) and section 211 (c) (prohibiting the establishment of minority unions within undertakings). The Committee requests the Government to report on the progress made in this field as a result of the revision of the legislation.

In its earlier observations the Committee pointed out that it would be desirable for the Government to adopt specific rules determining exactly the rights of trade unions of workers employed directly or indirectly by the State and who are outside the scope of the Labour Code and of the Civil Service Act. The Committee notes from the report on Convention No. 98 that the Government did not feel it necessary to adopt new provisions. It requests the Government to reconsider the matter and to supply full information on any action that may be taken in this matter.

With reference to Decree No. 1786 of 1968, which prohibits recourse to strikes or arbitration in respect of collective economic demands by the employees in autonomous or semi-autonomous state undertakings, the economic activities of which are similar to those of private undertakings, the Committee had pointed out in its earlier observation that this provision constitutes a serious restriction of the possibilities of action and of the activities of the unions in question. The Committee recalls once more that, although the Committee on Freedom of Association of the Governing Body had accepted that strikes might be prohibited for certain workers, it referred specifically in this context to civil servants and to persons engaged in essential services. Moreover, the Committee considered that it was not desirable to treat all state undertakings in the same way as regards restrictions on the right to strike, without making any distinction between those which were really essential because any interruption would be harmful to the public interest and those which were not essential on the basis of this criterion. It should be added that, if the right to strike is not granted to the workers in question, provision should be made for some appropriate, impartial and rapid procedures for conciliation and arbitration, in which those concerned could participate at every stage. Consequently, the Committee once more requests the Government to state what action has been taken in the light of these considerations.

¹ The Government is asked to supply full particulars to the Conference at its 58th Session, and to report in detail for the period ending 30 June 1973.

As regards section 63 of the Civil Service Act, which recognises the right of public officials freely to form associations to pursue occupational aims, the Committee noted in its earlier observation that no regulations to give effect to this provision had been adopted. The Committee notes that the Government does not mention the question in its latest report. It hopes that the Government will study this matter soon and will take the necessary steps in the near future to enable civil servants to exercise fully their trade union rights in accordance with the standards of the Convention.¹

Guyana (ratification: 1967)

Further to its previous direct requests, the Committee notes with satisfaction the terms of the Law Revision Act, 1972, which, inter alia, amends section 27 of the Trade Unions Ordinance (Cap. 113) to the effect that a decision of the Registrar to withdraw or cancel the registration of a trade union shall not apply until the time allowed for the filing of an appeal to the High Court has expired or, where such an appeal has been filed, until the appeal has been determined by the High Court.

Honduras (ratification: 1956)

The Committee notes with regret that once again the Government's report has not been received. It takes note of a statement made by the Government representative to the Conference Committee in 1972, according to which some provisions of the Labour Code of 1959 were in contradiction with the standards laid down in the Convention and that the Government would endeavour to bring them into conformity with the Convention. The Committee repeats 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;

¹ The Government is asked to supply full information to the Conference at its 58th Session, and to report in detail for the period ending 30 June 1973.

- (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.¹

Hungary (ratification: 1957)

The Committee notes the information supplied by the Government in reply to its previous direct request. The Committee also notes with satisfaction that section 150 of the former Labour Code, concerning the definition of trade unions, and Decree No. 53 of 1953, concerning the functions entrusted to the Central Council of Trade Unions, on which the Committee had made certain observations in the past, have been repealed as a result of the adoption of the new Labour Code and Decree No. 34 containing rules for its application.

The Committee requests the Government to give precise information on the legal position with regard to the right of workers of the same category to set up an organisation independent of the trade union to which the works committee (referred to in the Labour Code) belongs at the level of the undertaking, to the right of managers of undertakings to set up and join organisations other than those to which workers in these undertakings belong. With regard to members of collective farms the Committee notes from the Government's report that "it is granted by law for the members of agricultural and producers' co-operatives to establish organisations of interest-protection and to join the same". The Committee requests the Government to indicate whether this implies the right of members of collective farms to establish and join trade unions.¹

Japan (ratification: 1965)

The Committee takes note of the information communicated by the Government in its reports, the statements made by the Government and the Japanese workers' representative to the Conference Committee in 1971, the observations communicated by the General Council of Trade Unions of Japan (SOHYO) and the observations of the Government.

In its previous observation the Committee had requested the Government to re-examine the present system of registration with a view to facilitating the registration of employees' organisations in the public sector, whatever their composition or scope. In this connection the Committee had noted that, according to the legislation in force, an employees' organisation or federation whose scope extends beyond the area of one local public body, or of one prefecture in the case of educational local civil servants, or one which is not limited to one class of employees, does not have the right to be registered. The Committee noted that as a result of this system non-registered organisations could not acquire legal personality and were therefore faced with

¹ The Government is asked to report in detail for the period ending 30 June 1973.

certain disadvantages (e.g. they cannot legally own buildings and property and might have difficulty in being recognised for collective bargaining purposes).

The Committee has taken note of the Government's explanations regarding the statutory system of registration and in particular of the statement that the non-possession of legal personality in no way prevents non-registered organisations from carrying out their essential activities. As regards property transactions, a non-registered organisation can hold property in the name of a natural person who represents the organisation, or in the name of a foundation established under the civil law. The latter system is usually applied in Japan, even by trade unions having legal personality. As regards collective bargaining, a non-registered organisation has the capacity to bargain and would be recognised by the authorities concerned, provided that a "labour-management relationship" exists between the organisation and the public body concerned.

From the information supplied by SOHYO the Committee notes that there are many organisations which, as a result of being organised without regard to boundaries or jurisdiction, are unable to become registered and are, accordingly, unable to acquire legal personality. According to SOHYO the inability to obtain legal personality results in legal and practical difficulties as regards the acquisition of property for which a separate association must be set up fulfilling the qualifications of a legal person. Non-registered organisations are also unable to have full-time trade union officers retaining employee status.

With regard to collective bargaining the Committee notes that, in accordance with the National Public Service Law (Article 108-5), and the Local Public Service Law (Article 55), the authority concerned is "in a position to respond" to a request for negotiation submitted by a registered organisation, but could refuse to respond and, therefore, to negotiate, in the case of a non-registered organisation. There seems to be, therefore, an important difference in respect of negotiating rights between registered and non-registered organisations.

The Committee recalls that in its recommendations the Fact-Finding and Conciliation Commission on Freedom of Association had stated that consideration should be given to the amendment of the law in such a manner as to enable central trade union organisations to enjoy legal personality (paragraph 2220 of the Report of the Fact-Finding and Conciliation Commission), and that consideration should also be given to the elimination of the distinction between registered and non-registered organisations in respect of the extent of their negotiating rights (paragraph 2227). The Fact-Finding and Conciliation Commission, in addition, drew attention to the fact that the registration system in Japan had the practical outcome of perpetuating the horizontal and vertical subdivision of local public servants' organisations into small units (paragraph 2222).

With regard to the statutory system of registration and the acquisition of legal personality the Committee considers that the legislation raises difficulties in the light of the guarantees laid down in Article 2 of the Convention which provides that workers, without distinction whatsoever, shall have the right to establish and join organisations "of their own choosing"; in Article 3, which provides that workers' and employers' organisations "shall have the right . . . to organise their administration and activities and to formulate their programmes"; in Article 5, which provides that workers' and employers' organisations "shall have the right to establish and join federations and confederations"; in Article 6, which provides that the provisions of the aforesaid Articles 2 and 3 shall apply to federations and confederations of workers' and employers' organisations; in Article 7, which provides that the acquisition of legal personality by workers' and employers' organisations, federations

and confederations shall not be made subject to conditions of such a character as to restrict the application of the provisions of Articles 2, 3 and 4 of the Convention; and in paragraph 2 of Article 8, which provides that the law of the land shall not be such as to impair, nor shall it be so applied as to impair, the guarantees provided for in the Convention.

The Committee, in its previous observation, had also requested the Government to take the necessary steps to amend the legislation concerning the suspension or cancellation of registration of a trade union, since the Government had confirmed that, under section 108-3 of the National Public Service Law and section 53 of the Local Public Service Law, the suspension or cancellation of registration became effective before the statutory period had expired without an appeal against such a decision having been lodged with a court or before the decision had been confirmed by a court.

In its report the Government states that the National Personnel Authority, the Personnel Commission and the Equity Commission, which are the competent bodies to take decisions concerning the suspension and cancellation of registration, exercise quasi-judicial functions in addition to normal administrative powers, and their decisions in such matters are preceded by a hearing of the parties concerned. Furthermore, the Government states that, except in one case, there have been no cases of suspension of the effect of registration since the Convention was ratified. The Committee takes note, with interest, of this information. However, it considers, having regard to the terms of Article 4 of the Convention as well as of the discussion which took place at the Conference in 1948 on Article 4 of the Convention, that normal judicial procedure alone can guarantee the right of defence which is necessary in cases of the cancellation or suspension of registration of an organisation. The Committee, accordingly, trusts that the Government will review the legislation in the light of the above considerations, and that steps will soon be taken to bring the legislation into full conformity with Article 4 of the Convention.

Further to its previous direct request concerning the right to organise of the fire defence personnel, which is denied to this category of workers at the local level, the Committee notes the information and comments made in this connection by the Government and by SOHYO. The Committee does not consider that the functions of fire defence personnel are of such a nature as to warrant the exclusion of this category of workers under Article 9 of the Convention relating to the armed forces and the police and it therefore hopes that the Government will take appropriate steps to ensure that the right to organise is recognised for this category of workers.

With regard to immigration control officers and the personnel of the Maritime Safety Agency it would seem, in the light of the functions which they perform as described by the Government in its report, that the extent to which the right to organise shall apply to such officers or personnel, in so far as their duties are similar to those of the police and involve the defence of the law or the maintenance of public order, may be determined by national laws or regulations.

With regard to managerial or supervisory personnel who, according to the National Public Service Law and the Local Public Service Law, are not allowed to organise jointly with the rest of the staff the Committee notes the information contained in the report of the Government that the scope of this personnel is defined appropriately in each case by the National Personnel Authority, the Equity Commission and the Personnel Commission. On the other hand, according to the observations communicated by SOHYO, the Government's instructions to these bodies are designed to widen the scope of supervisory personnel in order to weaken the strength of the All-Japan Prefectural and Municipal Workers' Union (Jichiro).

The reply of the Government to these comments is that the above-mentioned bodies exercise their power independently and that, in any event, the managerial personnel can establish their own organisations which in turn can freely join the Jichiro unless the latter organisation refuses to admit them.

Further to its previous direct request in this connection the Committee would once again draw the attention of the Government to the desire, expressed by the Fact-Finding and Conciliation Commission on Freedom of Association, to promote strong and independent employees' organisations which can play an effective part in collective negotiation and the right of workers to join organisations of their own choosing. In order to achieve this, the Commission pointed out, the scope of managerial staff and the like should not be defined so widely as to weaken the organisations by depriving them of a substantial proportion of their present or potential membership. From the information available it would appear that in certain cases the scope of managerial and similar personnel has been defined so widely that full account is not taken of the desire expressed by the Fact-Finding and Conciliation Commission. The Committee would be glad if the Government would re-examine the situation in the light of the above comments and report on any progress made towards achieving closer harmony with the Convention in this respect.

Kuwait (ratification: 1961)

The Committee notes the Government's report, which contains information in response to an earlier direct request concerning the Labour Act, and also comments on the difficulties met with by the Government in its efforts to bring its legislation into line with the Convention. The Committee notes with interest that a committee was set up to study the existing legislative texts concerning labour law with a view to amending them. The Committee hopes that this work will soon be completed; it trusts that due account will be taken of the various comments made in its earlier direct requests so that the provisions of the national legislation will be brought into full conformity with the Convention in respect of the questions relating to the establishment of trade unions, membership of unions by national and foreign workers, refusal of the right to vote to foreign members, inspection of trade union books and registers, disposal of the funds of a union which is dissolved, prohibition of unions from engaging in any political activities and restrictions on the formation of federations or confederations of unions.

The Committee is dealing with this question once again in a direct request. It hopes that the Government will supply full information on the subject, and copies of the new labour legislation as soon as it is adopted.

Liberia (ratification: 1962)

The Committee notes with regret that the Government's report contains no reply to the observations contained in its earlier direct requests. The Committee once again draws attention to the various points in the legislation which do not conform to the provisions of the Convention:

1. According to section 4601-A of the Labour Practices Law (introduced by the Act of 11 November 1966), "no industrial labour union or organisation shall exercise any privilege or function for agricultural workers". The effect of this provision is to prohibit the establishment of unions having both industrial workers and agricultural workers as members, and to prohibit joint membership of industrial and agricultural workers' unions in a national trade union centre. In practice, the result of the restriction seems to be to prevent the development of trade unions among agricultural workers.

The Committee observes that the provisions of section 4601-A are incompatible with Articles 2 and 5 of the Convention according to which workers, without distinction whatsoever, shall have the right to establish and to join organisations of their own choosing, and workers' organisations shall have the right to establish and to join federations and confederations of their own choosing.

2. The Committee had noted that workers and employees in the public sector are at present outside the scope of the Labour Practices Law and that there are no legislative provisions dealing with their freedom of association. The Committee must stress once again that, according to Article 2 of the Convention, all workers without any distinction shall have the right to organise unions and that, according to Article 9, only members of the armed forces and the police may be excluded from the guarantees laid down in the Convention.

3. According to section 4102, paragraphs (10), (11) and (13), of the Labour Practices Law, the Labour Practices Review Board is responsible for supervising trade union elections and, when local trade union bodies hold elections, the votes must be counted by labour inspectors or representatives of the Board. In addition, section 4103 (2) stipulates that if the Labour Practices Review Board finds that the rules of a trade union body do not prescribe an adequate procedure for the removal of an elected officer, the Board may decide that a secret ballot of the union shall be held under the supervision of the Board to decide whether the officer in question should be removed.

The Committee must point out that these provisions are not in accordance with Article 3 of the Convention according to which the public authorities must refrain from any interference which would restrict the right of the organisations freely to elect their representatives. It would remind the Government that, while inquiries may be necessary in cases in which irregularities in the internal affairs of a union have occurred or seem likely, these inquiries should be left to the competent judicial authorities.

The Committee hopes that, in the near future, the Government will take the necessary measures to bring its legislation into complete conformity with the Convention.¹

Madagascar (ratification: 1960)

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

The Committee notes with interest the establishment by Decree No. 70-250 of 26 May 1970 of a national committee to suggest the measures required to bring the national legislation into harmony with Conventions Nos. 29 and 87, as well as the report on the work of this committee.

The Committee notes that in order to take account of its previous observations, this report suggests that section 3 of the Labour Code, which had been criticised by the Committee of Experts for prohibiting "any political activity whatsoever" by trade unions, should be replaced by the following text: "the trade unions have as their exclusive object the study and defence of professional interests".

The Committee hopes that the amendment suggested by the aforementioned national committee will be adopted in the near future and that in its next report the Government will be able to indicate the progress made in this connection.

Mauritania (ratification: 1961)

The Committee notes the information supplied by the Government in its report and the statement made by a Government representative to the Conference Committee in 1972 in response to earlier observations and direct requests.

¹ The Government is asked to supply full information to the Conference at its 58th Session, and to report in detail for the period ending 30 June 1973.

The Committee requests the Government to be good enough to supply full information on the revision of the national legislation which is taking place and to transmit, as soon as they are adopted, the new texts which bring it into conformity with the Convention in respect of the various points which are mentioned again below.

1. According to Act No. 70-030 of 23 January 1970 persons engaged in the same occupation, in similar trades or in allied occupations, all of which are involved in manufacturing given products, or who are in the same liberal profession may establish a single trade union. This provision is contrary to 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.

2. Sections 1 and 7 of Book III of the Labour Code which, taken together, require every trade union leader to belong to the occupation represented by the union, are incompatible with Article 3 of the Convention according to which workers' organisations shall have the right "to elect their representatives in full freedom".

3. The fact that the Minister of Labour can, at his discretion, in accordance with sections 40 and 48 of Book IV of the Labour Code, prohibit a strike or a lockout and submit a collective dispute to arbitration, and that, according to section 45, the order of the Supreme Court, after reviewing the arbitration award, is executory might result in the legal prohibition of any strike or lockout and thus considerably restrict the freedom of action of the unions. Such a situation is not compatible with the provisions of Articles 3 and 8, paragraph 2, of the Convention.

Mexico (ratification: 1950)

Further to its earlier observations the Committee notes that the Government's comments in its latest report are largely a repetition of the arguments put forward earlier regarding the different points to which the Committee has been drawing attention since 1958 in connection with the trade union rights of civil servants. In accordance with its terms of reference the Committee has made a detailed study, from the legal point of view, of the legislation in force on this subject. In view of the Government's comments the Committee wishes, once again, to clarify its position on various questions arising out of the Federal Act concerning state employees.

1. According to the Government's statement section 68 of the Act provides that in every government establishment the Court must recognise the majority trade union, but this does not mean that other associations may not be set up or that prior authorisation is necessary. Section 73 provides that the registration of a union will be cancelled when another association is registered which represents a majority. The Government adds that this means that other groups can form unions and claim registration when they can show they represent a majority. The Committee wishes to point out that section 68 specifically states that in each establishment "there shall be only one union" and that if there are several groups of workers recognition will be accorded to the majority group. According to section 71 a trade union cannot be set up if there already exists in the establishment another trade union which has a larger number of members. Section 82 provides that trade unions will be dissolved when they cease to satisfy the requirements of section 71. It follows that in each establishment there can exist only one trade union "to study, improve and defend" the interests of the workers (section 67) and to be responsible for "protecting and representing its members in dealing with the authorities and before the Federal Conciliation and Arbitration Tribunal" (section 77). Consequently, any minority

group or association which may be set up but which is not the recognised and registered trade union in the establishment in question cannot act for the "furthering and defending" of the interests of its members according to the definition of the term "organisation" given in Article 10 of the Convention. This means that, according to the legislation, public officials cannot establish "organisations" of their own choosing without previous authorisation (Article 2 of the Convention). The Committee wishes to point out once again that it would not be contrary to the Convention to grant a majority union certain special rights as regards collective bargaining, consultation with the authorities and representation in international bodies, on the understanding that minority unions may exist and represent their members.

2. With reference to the prohibition of the re-election of trade union officers, laid down in section 75 of the Act, the Committee notes, *inter alia*, that according to the Government Article 3 of the Convention provides that workers' organisations shall have the right to elect their representatives in full freedom, but that there is no mention at any point of their re-election. The Committee considers that the right freely to elect their representatives, as laid down in the Convention, implies the right for the organisations to re-elect them if they see fit. A legislative provision which prohibits re-election is not in conformity with the above clause of Article 3 of the Convention which further provides that the public authorities should refrain from any interference which would restrict this right to impede the lawful exercise thereof, or with Article 8, paragraph 2, of the Convention which states that the law of the land must not be such as to impair, nor must it be so applied as to impair, the guarantees provided for in the Convention.

3. With reference to section 79 of the Act, which prohibits trade unions of state employees from "becoming affiliated to central organisations of workers or of peasants", the Committee notes that, notwithstanding this prohibition, the Federation of Trade Unions of Workers in Government Service is a member of the Coalition for Workers' Unity, in which there are workers who are not in the service of the public authorities. The Committee would ask the Government to be so good as to provide information as to the functions and activities of this Coalition.

Pakistan (ratification: 1951)

The Committee notes the information supplied by the Government in its report to the effect that the draft Government Servants (Staff Relations) Ordinance is still being studied and has not yet been promulgated. The Committee hopes that the Government will take account of the comments contained in a direct request, and that copies of the Ordinance will be sent as soon as it is adopted.

The Committee has taken note of Ordinance No. IX of 1972 amending the Industrial Relations Ordinance No. XXIII of 1969 (as amended by Ordinance No. XIX of 1970). The Committee notes with regret that, despite its earlier observations, the Ordinance of 1972 has not amended section 7, subsection 1, clause (d), of the Ordinance of 1969 (as amended by section 3 (a) of the Ordinance of 1970) according to which the number of persons forming the executive of a trade union must, in order for it to be registered, include not less than 75 per cent from among the workmen actually engaged or employed in the establishment or establishments or the industry for which the trade union has been formed. The Committee had pointed out that such a clause is restrictive. The Committee wishes to stress, once more, the risk of infringement of the union's freedom of action and its right freely to elect its representatives, if a worker who is a trade union leader were dismissed,

because such action would deprive him of his position as a member of the executive and could even lead to acts of interference by the employer. The Committee requests the Government, once again, to consider the possibility of amending this provision, with a view to bringing the legislation into fuller conformity with the Convention, so as to include among the persons eligible to serve on the executive of a trade union persons who were formerly employed in the establishment or industry concerned.

The Committee has received comments from the Pakistan National Federation of Trade Unions concerning the Industrial Relations Ordinance No. XXIII of 1969 (as amended by Ordinance No. IX of 1972). According to these comments this text denies freedom of association and the right to bargain collectively to a vast majority of workers employed in the public service and those designated as supervisors receiving wages in excess of 600 rupees per month in both private and public sectors.

As regards workers in the public service the Committee would draw attention to the draft Government Servants (Staff Relations) Ordinance. As stated earlier in this observation the Committee has already made comments on this draft in a direct requests.

As regards supervisors the Committee notes from the Government's report concerning Convention No. 98 that the following persons are excluded from the definition of worker contained in the Industrial Relations Ordinance: persons who are employed in a managerial or administrative capacity, or in a supervisory capacity and earning in excess of 600 rupees per month, or persons who, because of the nature of the duties attached to the office or by reason of the powers vested in them, have managerial functions. By virtue of the Ordinance these persons may establish unions of employers for the defence of their interests; they may not, however, belong to the same unions as the workers in their respective undertakings.

The Committee considers that the concept of supervisors, management staff and similar categories should not be defined so widely as to weaken the unions and deprive them of a considerable proportion of their present or potential membership. It would appear that the problem has arisen in certain cases and the Committee requests the Government to give particulars of the categories of persons who cannot be members of workers' trade unions and of the consequences of such exclusion.

Panama (ratification: 1958)

Further to its earlier direct request of 1969 the Committee notes with satisfaction that the provisions of the new Labour Code of 1972 have repealed section 2, paragraph 1, of the earlier Code, which excluded from its scope certain agricultural undertakings, and section 294, which empowered the Minister of Labour to suspend trade unions by administrative action.

The Committee is making a direct request to the Government concerning certain other provisions of the new Labour Code.

Poland (ratification: 1957)

The Committee notes from the Government's report that a new Bill concerning trade unions is in preparation and that the draft was to be studied by the Trade Union Congress in November 1972.

The Committee hopes that the new text will take account of its earlier observations on points which the Committee considered were not in conformity with the Convention. The Committee remains prepared to consider further the points

raised in preceding years. It would be glad if the Government would keep it informed of any developments.¹

Romania (ratification: 1957)

The Committee takes note of the information supplied by the Government with regard to the draft Labour Code which was to be submitted to the National Assembly. Since the Government's report the new Labour Code has been adopted. The Committee also notes the statement in the Government's report that a new trade union law is being prepared. The Committee requests the Government to send a detailed report on the application of the various provisions of the Convention, in the light of the final text of the Labour Code which has been adopted, and to indicate, in particular, the position with regard to trade union rights of managers of undertakings and members of collective farms. The Committee also requests the Government to report fully on the new trade union law once it has been adopted.¹

Syrian Arab Republic (ratification: 1960)

The Committee notes the Government's report, which gives information in response to an earlier direct request and observation, as well as the text of Legislative Decree No. 250 of 1969. The Committee regrets to find that no progress has been made as regards the points which it has been raising for several years, notwithstanding the Government's statement in its previous report to the effect that it was prepared to revise any legislation which restricted the fundamental freedom of trade unions to exercise their activities, or of workers to establish trade unions. Consequently, it can only repeat once again the points which it had mentioned as not being in conformity with the Convention:

1. Sections 2 and 8 of Legislative Decree No. 84 of 1968, which provide that trade union committees (trade union organisations for a category of workers) may be established only if the number of their members is at least 50, and that categories of workers each having fewer than 50 members are required to form a single trade union committee, are not in conformity with Articles 2 and 11 of the Convention.

2. Sections 2 to 7 of Legislative Decree No. 84 provide that only one trade union committee can exist for each category of workers, and only one single trade union for a given occupation in a region; moreover, the trade unions representing the various occupations in a region may federate into a single regional workers' union only, and trade unions for a given occupation or group of occupations in the whole country may federate into a single central trade union only; finally, the regional workers' unions and the central trade unions have the right to establish only one single Central Federation of Workers' Unions. These provisions, which impose a unified and uniform system in the trade union structure, are incompatible with Articles 2, 5 and 6 of the Convention. The same is true of the similar provisions contained in sections 2 to 5 and 14 of Legislative Decree No. 253 of 1969 concerning agricultural workers and in section 2 of Decree No. 250 of 1969 concerning small employers and craftsmen.

3. Section 25 of Legislative Decree No. 84 and section 24 of Legislative Decree No. 253, restricting the right of foreigners to become members of a union, are contrary to Article 2 of the Convention.

4. Section 44 (b) (4) of Legislative Decree No. 84, which provides that one of the qualifications for holding trade union office is employment in the occupation

¹ The Government is asked to report in detail for the period ending 30 June 1973.

for at least six months, is in conflict with Article 3 of the Convention. The same is true of section 35 (4) of Legislative Decree No. 253.

5. Sections 32, 33, 35 and 36 of Legislative Decree No. 84, sections 42, 45 and 46 of Legislative Decree No. 253 and sections 6 and 12 of Decree No. 250, restricting the use of trade union funds, prohibiting the acceptance of gifts or legacies without authorisation and subjecting trade unions and their accounts to financial control, at all times, by the authorities, are not in conformity with Article 3 of the Convention.

6. Section 49 (c) of Legislative Decree No. 84 and section 40 (c) of Legislative Decree No. 253, according to which the General Federation has the right to dissolve, on various grounds, the executive of any trade union, are incompatible with Article 3 of the Convention.

The Committee trusts that the Government will reconsider these points and will state what measures it proposes to take in order to bring its legislation into conformity with the Convention.¹

Trinidad and Tobago (ratification: 1963)

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:

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.

On certain other points the Committee is addressing a direct request to the Government.

¹ The Government is asked to report in detail for the period ending 30 June 1973.

Ukrainian SSR (ratification: 1956)

The Committee notes the report submitted by the Government. The Committee has also examined the new Labour Code adopted in the Ukrainian SSR. In its previous observation the Committee had asked 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.

In its report the Government states that sections 2 and 243 of the Labour Code provide that the basic rights of workers and employees shall include the right to associate in trade unions; these unions operate in accordance with the statutes adopted by them and are not required to register with state organs. Further to its observation in 1971 and in the light of the discussion in the Conference Committee in 1971 the Committee takes note with satisfaction that section 243 of the Labour Code states that trade unions are not required to register with any government authority, and does not contain any other clause obliging a trade union to be registered with an inter-union organisation or with any other body.

With regard to the points raised by the Committee the Government indicates that the legislation in force does not deal with these questions, thus leaving workers and employees every freedom to decide themselves on matters of trade union association. According to the Government the practice in the Ukrainian SSR is such that workers and employees who are dissatisfied with the work of a trade union committee or of any of its members re-elect a new committee.

On the question relating to the right of workers belonging to a category to set up an organisation other than the trade union committee which represents that category, the Committee observes that the provisions contained in the Labour Code, such as sections 10 and 14 concerning collective bargaining, and sections 246 and 247 concerning the rights of trade union committees, do not contemplate the possible existence of another trade union organisation established by workers of the category represented by the trade union committee referred to in the legislation, and, by bestowing trade union functions solely upon the trade union committee of the undertaking concerned, would seem to preclude the possibility of another organisation representing workers of the same category being set up. The Committee considers that if the legislation directly or indirectly should have such an effect, this would be incompatible with Article 2 of the Convention, which provides for the right of workers to establish the organisations of their own choosing.

With regard to the right to organise of managers it would seem that the legal position is as follows. Managers appear to be covered by article 106 of the Constitution of the Ukrainian SSR and sections 2 and 243 of the Labour Code, which recognise the right to organise in trade unions for all citizens and for wage earners and salaried employees. Trade unions are organised as established in their rules, according to section 28 of the Civil Code, and operate in accordance with the rules they have adopted, as provided in section 243 of the Labour Code. The Committee requests the Government to confirm the understanding of the Committee that, by virtue of the above-mentioned provisions, managers have the right to establish organisations of their own choosing, in particular for furthering and defending the interests of their members, if they consider it necessary.

As regards the right to organise in trade unions of members of collective farms, the legal position would seem to be the following. These members appear to be

covered by article 106 of the Constitution of the Ukrainian SSR which recognises the right to unite in trade unions for all citizens. Section 28 of the Civil Code, mentioned above, governs the organisation of trade unions. However, with regard to the operation of trade unions the above-mentioned section 243 of the Labour Code is not applicable in the case of members of collective farms, who are excluded from the Labour Code. The Committee requests the Government to indicate whether members of collective farms can not only establish organisations under the above provisions of the Constitution and the Civil Code, if they so wish, but whether such organisations could also effectively operate for furthering and defending the interests of their members without the necessity of special legislation being adopted to this effect.

With regard to the right to organise of foreign workers the Committee notes that, contrary to the previous Labour Code, the provisions in the new Labour Code (sections 2 and 243) recognise the right of workers to organise in trade unions and no longer refer to citizens in this connection.

As regards other matters on which the Committee had previously made comments (relating more particularly to the right of meeting without prior authorisation and the role assigned by article 106 of the Constitution of the Ukrainian SSR to the Communist Party in all organisations of the working people) the Committee remains prepared to consider the situation further in the light of any new elements which may be brought to its attention.¹

USSR (ratification: 1956)

In 1972 the Committee noted that section 225 of the new Labour Code of the RSFSR of 1971 reproduces the wording of Article 95 of the Fundamental Principles governing the Labour Legislation of the USSR and the Union Republics, which states that trade unions are not required to register with any government authority, 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 made a direct request to the Government on the following points on which it had 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.

The Committee notes the report submitted by the Government.

With regard to the first point raised by the Committee the Government indicates, in particular, that neither the Fundamental Principles nor the Labour Codes of the Union Republics limit the number of trade union committees in an undertaking, institution or organisation, and that this question is decided by the workers themselves. The Committee wishes to point out that it had not referred to the setting up of another trade union committee, which according to the law is elected in accordance with the statute of the trade union concerned, but of another organisation being independent of the trade union to which the committee belongs at the level of the undertaking. The Committee observes that the provisions contained in the Labour Code of the RSFSR, such as section 7 concerning collective bargaining and section 230 concerning the rights of trade union committees, as well as the Regulations of the Rights of Factory, Works or Local Trade Union

¹ The Government is asked to supply full information to the Conference at its 58th Session, and to report in detail for the period ending 30 June 1973.

Committees of 1971 do not contemplate the possible existence of another trade union organisation established by workers of the category represented by the trade union committee referred to in the legislation and, by bestowing trade union functions solely upon the trade union committee of the undertaking concerned, would seem to preclude the possibility of another organisation representing workers of the same category being set up. The Committee considers that if the legislation directly or indirectly should have such an effect, this would be incompatible with Article 2 of the Convention which provides for the right of workers to establish the organisations of their own choosing.

In connection with the direct request relating to the right to organise of managers of undertakings the Government replies that "Soviet legislation does not in any way restrict the right of managers of undertakings to set up social organisations, including trade unions. With the abolition of capitalist ownership of the means of production in the USSR, however, there ceased to be any owners of undertakings, and consequently any basis for setting up special organisations to defend their particular economic interests, in contradiction to the interests of the workers. In the context of the Socialist State the manager of an undertaking or organisation is just as much a member of the community of workers as the other wage and salary earners and has similar interests and objectives. He consequently belongs to a trade union in the same way as other workers employed in the undertaking or organisation. At the same time, since a manager's work nevertheless differs both in its greater range of powers and in its higher level of responsibility for the work of the undertaking as a whole, the managers of socialist undertakings, in full accordance with section 126 of the Constitution of the USSR, have the right to set up their own organisations for the exchange of scientific and technical experience and information, the discussion of management problems and the further improvement of the organisation of production and work on a scientific basis".

The Committee recalls that, following a similar comment made by the Government in the past, it had noted (see Report of the Committee of Experts, *General Survey*, 1959, paragraph 24) that nothing in the text of the Conventions on freedom of association or in the preparatory work which led to their adoption would make it appear that the terms used in these Conventions imply any reference whatsoever to the mode of ownership of the undertakings (private property or state property, etc.).

From a legal point of view it would seem that the position of managers with regard to the right to organise is as follows. Managers appear to be covered by article 126 of the Constitution of the USSR and sections 2 and 225 of the Labour Code of the RSFSR, which recognise the right to organise in trade unions for all citizens and for wage earners and salaried employees. The procedure and conditions for the establishment of trade unions are determined by the trade unions themselves in their rules, according to section 27 of the Civil Code of the RSFSR. Trade unions operate in accordance with the rules they have adopted, as provided in section 225 of the Labour Code of the RSFSR. The Committee requests the Government to confirm the understanding of the Committee that, by virtue of the above-mentioned provisions, managers have the right to establish not only organisations for the exchange of technical information, discussion of management problems and improvement of productivity, but also other organisations of their own choosing, in particular for furthering and defending the interest of their members, if they consider it necessary.

In its previous direct request the Committee had also asked the Government to supply information on the legislation applicable to the members of, and workers

in, collective farms as regards trade union matters. It had noted that section 3 of the Labour Code of the RSFSR provides that the labour of members of collective farms is governed by the rules of the farms and by the legislation of the USSR and the RSFSR concerning collective farms. According to the information contained in the report the Fundamental Principles governing the Labour Legislation of the USSR and the Union Republics and the Labour Codes promulgated by the Union Republics guarantee wage and salary earners the right to organise in trade unions, including those employed in state agricultural undertakings and in co-operatives. In its report relating to Convention No. 11 the Government indicates that there are no provisions either in the Model Rules for collective farms or in the rules adopted by collective farms on the basis of these Model Rules whereby collective farmers are prevented in any way from joining a trade union. The members of collective farms, continues the Government, do not at present avail themselves of their right to unite in trade unions because their interests are fully guaranteed by the collective farms, which are voluntary co-operative organisations in which all problems are settled by the collective farmers themselves along democratic lines.

The Committee had already observed in the past that collective farms cannot be regarded, either in fact or in law, as "organisations" of workers within the meaning of Article 10 of the Convention. As regards the right to organise in trade unions of members of collective farms the legal position would seem to be the following. These members appear to be covered by article 126 of the Constitution of the USSR which recognises the right to unite in social organisations, including trade unions, for all citizens. Section 27 of the Civil Code of the RSFSR, mentioned above, governs the procedure and conditions for the establishment of trade unions. However, with regard to the operation of trade unions the above-mentioned section 225 of the Labour Code of the RSFSR is not applicable in the case of members of collective farms, who are excluded from the Labour Code. The Committee requests the Government to indicate whether members of collective farms can not only establish organisations under the above provisions of the Constitution and the Civil Code, if they so wish, but whether such organisations could also effectively operate for furthering and defending the interests of their members without the necessity of special legislation being adopted to this effect.

With regard to the other point raised by the Committee in its previous direct request, namely the right to organise of foreign workers, the Committee notes the statement contained in the report that there is no provision in law for any restriction whatsoever on the admission to trade union membership of aliens working as wage or salary earners in undertakings, institutions or organisations in the Soviet Union.

The Committee had previously made comments relating to the role assigned by article 126 of the Constitution of the USSR to the Communist Party in all organisations of the working people (article 126 provides that the Communist Party is the leading core of all such organisations). In this connection the Government indicates that the trade unions carry on their work under the direction of the Communist Party and that the direction given by the Party is mainly provided through the trade union activity of Party members who are also members of a particular trade union.

The exact scope of such direction by the Communist Party is not clear from the indications given by the Government. The Committee considers that if the above-mentioned constitutional provision should result in it being legally impossible to set up any organisation, at whatever level, which is independent of the political party in question, this consequence would be incompatible with Article 8, paragraph 2,

of the Convention, according to which "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", which include the right of workers and employers to establish the organisations of their own choosing.

As regards other matters on which the Committee had previously made comments (including particularly the right of meeting without prior authorisation and matters arising out of Article 126 of the Constitution of the USSR) the Committee remains prepared to consider the situation further in the light of any new elements which may be brought to its attention.¹

Upper Volta (ratification: 1960)

The Committee notes with interest the information supplied by the Government in its last report and also the text of a Bill to amend, inter alia, sections 223 and 230 of the Labour Code, which had been the subject of earlier observations. The Committee notes, in particular, section 231 of the Bill which provides that a strike declared after the party concerned has given notice that it refuses to accept the award of the arbitration board is deemed to be legal.

The Committee would be grateful if the Government would send it a copy of the text of the Act itself as soon as it is promulgated.

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In addition, requests regarding certain points are being addressed directly to the following States: *Algeria, Argentina, Austria, Barbados, Chad, Cyprus, Ecuador, Egypt, Ethiopia, Gabon, Ghana, Greece, Guatemala, Ireland, Israel, Kuwait, Nigeria, Pakistan, Panama, Paraguay, Philippines, Syrian Arab Republic, Trinidad and Tobago, United Kingdom.*

Convention No. 88: Employment Service, 1948

Argentina (ratification: 1956)

Further to its previous observations the Committee notes with interest that provincial employment services have been established in 6 of the 23 provinces of the country and that agreements for the establishment of provincial employment services have been signed with a further 5 provinces. The Committee hopes that the network of provincial employment services will be further expanded so as to cover the whole of the national territory and that information will be supplied on the progress made in this regard.

As regards the proposed reorganisation of the employment service at the national level the Committee notes that a Bill creating a National Employment Service has been prepared and that a restructuring of the Ministry of Labour, which would involve the expansion of the existing employment services, is being considered. The Committee has also been informed in this regard that preparations are under way for the implementation of an ILO technical co-operation project in the field of human resources assessment and planning in Argentina, to start during 1973. The Committee therefore hopes that, with the assistance of the technical co-operation experts, effective measures will be taken for the application of the various provisions of the Convention.

¹ The Government is asked to supply full information to the Conference at its 58th Session, and to report in detail for the period ending 30 June 1973.

Dominican Republic (ratification: 1953)

The Committee notes with regret from the reply to its previous observation that no advisory committees have yet been established in accordance with the Convention. The Committee trusts that the necessary steps will be taken to set up the National Advisory Committee for the Employment Service and Register of Unemployed for which provision was made in Decree No. 5740 of 5 May 1960, together with such regional and local committees as may be considered necessary.¹

Peru (ratification: 1962)

Further to its previous observations the Committee notes that no progress has been made in expanding the employment service network and that it still consists only of four employment offices in the Lima-Callao area and three labour-market information offices at Trujillo, Arequipa and Huancayo. As the Government states, however, that, as far as the economic situation permits, the placement service will be expanded in view of the provision made in the Economic Plan for the creation of new jobs, the Committee trusts that measures will thus be taken to extend the network of employment offices, equipped to fulfil placing as well as labour-market information functions, throughout the country.

Philippines (ratification: 1953)

Further to its previous observations and direct requests the Committee has noted with interest that an ILO technical co-operation expert in the field of employment service is at present working in the Philippines, that a number of new employment offices have been opened and that further new offices are planned. The Committee hopes that the Government will continue to expand the network of employment offices until it covers the whole country, and will supply information on the number of employment offices now in operation, as well as on the various points raised in a direct request.

* * *

In addition, requests regarding certain points are being addressed directly to the following States: *Argentina, Czechoslovakia, Dominican Republic, Ethiopia, Panama, Peru, Philippines, Tanzania* (Tanganyika), *Turkey, Venezuela, Yugoslavia*.

Convention No. 89: Night Work (Women) (Revised), 1948*Costa Rica* (ratification: 1960)

Further to its earlier observations the Committee notes with satisfaction that, as a result of the direct contacts between the competent national services and a representative of the Director-General of the ILO, Decree No. 2,600-TSS was promulgated on 13 October 1972 and came into force on 1 November of that year. According to this Decree suspensions of the prohibition of night work for women which, according to section 88 (b) of the Labour Code could be ordered by the Ministry of Labour and Social Security, are now limited to those permitted by Article 5 of the Convention.

¹ The Committee is asked to supply full particulars to the Conference at its 58th Session.

Guatemala (ratification: 1952)

Further to its previous 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 Government Decree has been prepared which takes account of the comments formulated by the Committee.

The Committee hopes that this Decree will be adopted in the near future so as to bring the national legislation into conformity with the provisions of the Convention, and requests the Government to indicate any measures taken to this end.

Lebanon (ratification: 1962)

Article 2 of the Convention. Further to its earlier observation the Committee notes the statement by a Government representative to the Conference Committee in 1972 that amendments to the Labour Code were to be considered by the newly elected Legislative Assembly. The Committee trusts that the necessary measures will be taken in the near future to amend section 26 of the Labour Code, which at present prescribes a nightly rest of 9 hours only, so as to provide for a nightly rest of 11 consecutive hours as required by this provision of the Convention.

Luxembourg (ratification: 1958)

In response to the Committee's earlier direct requests the Government states in its report that it considers that the suspension of the prohibition of night work for women in a newly established chemical factory which is destined to play an important part in promoting economic growth is in conformity with the exception permitted by Article 5 of the Convention. The Committee recalls that Article 5, paragraph 1, of the Convention authorises the suspension of the prohibition of night work only "when in case of serious emergency the national interest demands it".

Since the circumstances referred to by the Government cannot be considered as a "serious emergency", the Committee hopes that the Government will take the necessary steps to ensure that the Convention is applied in practice.

Paraguay (ratification: 1966)

In its previous observation the Committee drew attention to the discrepancy which exists between section 127 (b) of the Labour Code, which allows an exception to be made to the principle of the prohibition of night work for women in cases where "the nature of the work itself requires it to be executed at night and by women", and the provisions of the Convention. The Committee has noted that the Government states in its report that in order to avoid any possible confusion it will take these comments into account in a future edition of the Labour Code. In these circumstances the Committee hopes that the Government will take the necessary steps in the near future expressly to amend this provision of the Code, and that it will indicate in its next report what progress has been made in this respect.

Philippines (ratification: 1953)

Further to its earlier observations the Committee notes with satisfaction that the provisions of Act No. 6237 of 19 June 1971 amending Act No. 679 of 8 April 1952 prohibit night work for women in industry, irrespective of age, between 10 p.m. and 10 a.m., thus giving effect to the Convention.

Portugal (ratification: 1964)

Further to its earlier comments the Committee has noted with satisfaction from the report supplied for 1969-71:

- (a) that Legislative Decree No. 409/71 of 27 September 1971 has repealed Legislative Decree No. 24/402 of 24 August 1934, section 1 of which excluded certain types of construction work, and sections 7 (1) and 9 (1) and (2) of which allowed for exceptions which went beyond those provided for in Conventions Nos. 6 and 89; and
- (b) that in Angola Legislative Decree No. 3991 of 30 April 1970 has amended sections 83 (definition of night work) and 90 (extension of coverage to women irrespective of age) of Legislative Decree No. 2827 of 1957 to bring them into conformity with Articles 2 and 3 of Convention No. 89 and Article 3 of Convention No. 6.

The Committee is addressing a direct request to the Government on other points.

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In addition, requests regarding certain points are being addressed directly to the following States: *Dominican Republic, Panama, Philippines, Portugal, Zaire*.

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

Convention No. 90: Night Work of Young Persons (Industry) (Revised), 1948*Costa Rica* (ratification: 1960)

Further to its earlier observations the Committee notes with interest that, as a result of the direct contacts between the competent national services and a representative of the Director-General of the ILO, a Bill has been drafted and submitted to the Legislative Assembly for the purpose of amending section 91 of the Labour Code so as to bring it into conformity with the provisions of Article 3 of the Convention.

The Committee trusts that this Bill will be adopted in the near future and would ask the Government to keep it informed of any decision reached in the matter.

Dominican Republic (ratification: 1957)

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, Act No. 338 was promulgated on 29 May 1972 and amends Article 224 of the Labour Code so as to bring it into conformity with the provisions of Articles 1, paragraph 3, and 3, paragraph 1, of the Convention.

Guatemala (ratification: 1952)

Further to its previous 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 Government Decree has been prepared which takes account of the comments made by the Com-

mittee on the application of Article 6, paragraph 1 (e), of this Convention and Article 6, paragraph 1 (b), of Convention No. 79 (register of all persons under 18 years of age).

The Committee hopes that this Decree will be adopted in the near future so as to bring the national legislation into conformity with the provisions of Conventions Nos. 79 and 90, and requests the Government to indicate any measures taken to this end.

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.¹

Mauritania (ratification: 1963)

Following the direct contacts to which the Government had recourse in 1969 the Committee notes with satisfaction that the amendments to sections 7 and 8 of the Labour Code, which were promulgated on 28 June 1972, contain new definitions of the period of night and of the nightly rest which are in conformity with the provisions of the Convention.

Paraguay (ratification: 1966)

The Committee has taken note of the Government's reply to its previous comments and must once again draw attention to the following discrepancies between the national legislation and the Convention.

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 11 consecutive hours, whereas the Convention prescribes a night period of 12 consecutive hours.

Article 2, paragraph 2. Under section 122 of the Code the night period during which young workers under 18 years of age may not be employed include the hours 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 Committee hopes that the next report will indicate the measures taken or contemplated with a view to bringing the national legislation into conformity with these provisions of the Convention.

¹ The Government is asked to supply full particulars to the Conference at its 58th Session.

Philippines (ratification: 1953)

Further to its earlier observations the Committee notes with satisfaction that section 5 of Act No. 6237 of 19 June 1971 to amend Act No. 679 of 8 April 1952 prohibits night work in industry for young persons under 18 years of age between 6 p.m. and 7 a.m., thus giving effect to the Convention.

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

Convention No. 91: Paid Vacations (Seafarers) (Revised), 1949*Belgium* (ratification: 1962)

Article 6 of the Convention. Further to its previous comments the Committee has noted with satisfaction that section 2 of the Royal Order of 28 June 1971 prohibits workers from relinquishing their right to an annual holiday with pay.

Brazil (ratification: 1965)

Further to its previous request the Committee has noted the detailed information supplied by the Government, including the comments received from the National Confederation of Maritime, River and Air Transport Workers. It has noted with interest that section 132, as amended, of the Consolidation of Labour Laws provides for an annual holiday of twenty working days and that collective agreements ensure to the majority of seafarers annual holidays of thirty days and in certain cases a period of twenty to thirty days' leave every six months. In this connection the Nation Confederation of Maritime, River and Air Transport Workers has indicated that, in accordance with Article 9 of the Convention, no change should be made to the national legislation, which is more advanced than the terms of the ratified instrument. The Committee wishes to confirm that, in addition to any provision to that effect contained in individual instruments, article 19 (8) of the ILO Constitution lays down, as a general principle, that ILO Conventions and Recommendations shall not affect any law, award, custom or agreement which ensures more favourable conditions to the workers concerned on the national level.

* * *

In addition, requests regarding certain points are being addressed directly to the following States: *Belgium, Brazil, Cuba, Finland, Israel, Italy, Netherlands, Norway, Poland, Spain, Tunisia, Yugoslavia*.

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

Convention No. 92: Accommodation of Crews (Revised), 1949*Cuba* (ratification: 1952)

The Committee notes, from the provisions of Resolution No. 16/72 of 30 May 1972 issued by the Ministry of Merchant Shipping and Ports and the statement made

by the Government representative to the Conference Committee in 1972, that the Directorate of Engineering and Harbour Installations has been instructed to prepare the legislative measures required to give effect to the Convention. It trusts that such measures will be taken at a very early date to give full effect to the various provisions of the Convention.

Poland (ratification: 1954)

The Committee notes from the statement made by a Government representative to the Conference Committee in 1972, in reply to its previous observations, that the draft decree intended to give effect to the various Articles of the Convention also took into account the provision of the Accommodation of Crews (Supplementary Provisions) Convention, 1970 (No. 133), and the Crew Accommodation (Air Conditioning) Recommendation, 1970 (No. 140), that it had been communicated to various bodies concerned for their comments, and that it would be revised accordingly before final adoption.

It further notes, from the Government's report, that efforts have been made to advance the work on the draft decree, which is expected to be issued soon.

The Committee trusts that the Government will issue the text in question at a very early date so as to give full effect to the Convention, which was ratified many years ago.

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In addition, requests regarding certain points are being addressed directly to the following States: *Costa Rica, Panama, Ukrainian SSR, USSR.*

Convention No. 94: Labour Clauses (Public Contracts), 1949

Central African Republic (ratification: 1964)

The Committee takes note of the Government's report for 1970-71 and must point out that the Convention relates not to employment contracts but to public contracts concluded between a public authority and an employer, as defined in Article 1 (1) of the Convention. The Committee hopes therefore that the Government's next report will contain full information on the measures taken to give effect to the Convention, in accordance with the direct request sent to the Government.

Costa Rica (ratification: 1960)

See paragraph 91 of the General Report.

Egypt (ratification: 1960)

The Committee notes with interest, from the Government's report for 1970-71, that a legislative amendment to Act No. 91 of 1959 is to be introduced which would make it compulsory for any public authority to abide by the provisions of the Convention. The Committee trusts that this proposed amendment—which has already been mentioned in previous communications from the Government—will soon be enacted and that either this amendment or the regulations issued thereunder will: define the public contracts concerned, in accordance with Article 1 of the Convention; determine the terms of the labour clauses to be inserted in all such contracts in accordance with Article 2; and ensure the full application of all other provisions of the Convention.

The Committee also hopes that, when determining the terms of the clauses to be included in public contracts, the competent authority will consult the organisations of employers and workers concerned, as required by Article 2 (3) of the Convention.

Mauritania (ratification: 1963)

Following the direct contacts to which the Government had recourse in 1969 the Committee notes with satisfaction the issuance of Decree No. 72-054/PR/MFPT of 20 February 1972 which modifies Decree No. 65.049 of 25 February 1965 and provides for the insertion of labour clauses in public contracts.

Philippines (ratification: 1953)

The Committee notes with regret, from the statement made by a Government representative to the Conference Committee in 1972, that there has been no progress in bringing national law into conformity with the Convention and that the Government has as yet been unable to obtain adoption of legislation providing for the insertion of the prescribed labour clauses in public contracts.

In these circumstances the Committee welcomes the decision of the Government to consider implementation of the provisions of the Convention through an Executive Order, and trusts that the Government will take urgent action in this way to ensure full compliance with the Convention in the near future and will indicate in the next report how effect is given to each Article.¹

Somalia (Former British Somaliland) (ratification: 1960)

The Committee has noted the information supplied with the Government's report for 1969-71 regarding the conditions of work of civil servants and workers employed by the Government and other public bodies. It wishes to point out, however, that the Convention does not deal with such forms of employment but aims to cover contracts awarded by public authorities which involve the employment of workers by the other party to the contract, and which relate to public works, equipment or supplies and transport or services (Article 1, paragraph 1 (a), (b) and (c)). In this connection Article 2 of the Convention requires that labour clauses must be inserted in such public contracts in order 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, arbitral award, or national laws or regulations. This fundamental requirement of the Convention must be met even when national legislation exists in respect of the matters concerned and is applicable to all workers, since the legislation often prescribes only minimum conditions which may be improved upon by collective bargaining. Furthermore, the insertion in public contracts of the appropriate labour clauses constitutes an additional guarantee that the relevant conditions of labour will be observed, owing to the penalties prescribed by Article 5 of the Convention.

The Committee trusts that the Government will accordingly reconsider the position, in the light of the above comments, and will take the measures required to give effect to the Convention.

¹ The Government is asked to supply full particulars to the Conference at its 58th Session.

Turkey (ratification: 1961)

The Committee notes with regret that the Government's report has not been received. As the Government had, however, informed the Conference Committee in 1972 that a governmental decree had been drawn up providing for the insertion of labour clauses in all public contracts within the meaning of Article 1 of the Convention, the Committee trusts that this decree will be adopted in the very near future and that it will ensure full compliance with the Convention.

Uruguay (ratification: 1954)

The Committee notes with interest the Government's report and in particular the specimen records of hours and wages supplied in reply to its previous comments under Article 4 (b) of the Convention. The Committee would be glad if the Government would supply further information on the following points.

Article 1, paragraph 1 (c) (ii) and (iii) of the Convention. The Committee notes that with regard to contracts for the manufacture, assembly, handling or shipment of materials, supplies or equipment and the performance or supply of services the Government has, as in previous reports, referred to the General Conditions of Contract for the Construction of Public Works. Since this document makes no reference to public contracts concerning materials, supplies, equipment or services the Committee would be glad if the Government would indicate how it ensures that the provisions of the Convention are applied to these types of contracts as well as to contracts for the construction of public works.

Article 1, paragraph 3. The Committee notes that section 29 of the General Conditions of Contract for the Construction of Public Works makes the transfer or assignment of a public contract in whole or in part without legal effect unless this is done with the written approval of the authorities and under the conditions set by them. The Committee would be glad if the Government would indicate if the conditions set by the authorities include the observance of the labour clauses required by the Convention and, further, if this section is applicable to subcontractors.

Article 4 (a) (iii). The Committee notes that, with regard to the requirement of posting notices of conditions of work, the Government refers to the publication of legislative texts in the *Official Journal*. Since the posting of notice of conditions of work concerns the situation in respect to a given public contract and not the contents of legislation and other legal instruments the Committee would be glad if the Government would indicate how effect is given to this provision of the Convention.

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In addition, requests regarding certain points are being addressed directly to the following States: *Cameroon, Central African Republic, Denmark, Guatemala, Mauritania, Rwanda, Zaire.*

Convention No. 95: Protection of Wages, 1949*Afghanistan (ratification: 1957)*

The Committee notes with concern that the Government has as yet taken no action to implement the Convention through the adoption of the draft Labour Law

or otherwise, notwithstanding the fact that it has stated its intention to do so since 1960 (see above, General Observation). Accordingly, the Committee can only urge the Government to take action as soon as possible to ensure full application of the Convention.¹

Honduras (ratification: 1960)

The Government having failed to reply to the previous direct requests on the application of this Convention, the Committee must take up the matter once again in a new direct request and it hopes that the Government will make every effort to take the necessary measures and supply the information requested.

Turkey (ratification: 1961)

Article 2 of the Convention. The Committee notes with interest from the Government's report that a draft law has been prepared to amend section 5 of the Labour Act in order to bring tradesmen and small handicraft undertakings within the scope of the Act. The Committee hopes that this draft law will soon be adopted.

The Committee also notes from the report that the Draft Agricultural Labour Law has been revised and that a decision has been taken to submit it to Parliament. It hopes that this legislation will soon be adopted and will be such as to ensure the protection of wages for agricultural workers in accordance with the terms of the Convention.

* * *

In addition, requests regarding certain points are being addressed directly to the following States: *Democratic Yemen* (Aden), *Egypt*, *Honduras*, *Panama*, *Paraguay*, *Sudan*, *Syrian Arab Republic*, *Turkey*.

Convention No. 96: Fee-Charging Employment Agencies (Revised), 1949

Bolivia (ratification: 1954)

The Committee regrets that for the third 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 trusts that a report will be supplied for examination at the next session and that it will contain full information on the matters again being raised in a direct request.

Costa Rica (ratification: 1960)

Further to its earlier observations the Committee notes with interest that, as a result of the direct contacts between the competent national services and a representative of the Director-General of the ILO, a Bill has been drafted and submitted to the Legislative Assembly for the purpose of amending section 80 of the Act establishing the Ministry of Labour and Social Welfare so as to prohibit specifically the activities of intermediaries, in accordance with the provisions of the Convention.

The Committee trusts that the Bill in question will be adopted soon, and it requests the Government to supply information on any decision in the matter.

* * *

In addition, requests regarding certain points are being addressed directly to the following States: *Bolivia*, *Netherlands*, *Syrian Arab Republic*, *Turkey*.

¹ The Government is asked to supply full particulars to the Conference at its 58th Session.

Convention No. 97: Migration for Employment (Revised), 1949*France* (ratification: 1954)

The Committee regrets to note that no report has been received. However, it notes with interest from the statement made by a Government representative to the Conference Committee in 1972 that the Government, while it continues to stress the demographic nature of the maternity allowance provided under section L.519 of the Social Security Code, is prepared, in the light of the comments by the Committee of Experts, to take the necessary measures to amend the legislation so that this allowance can be granted without discrimination on grounds of nationality, in accordance with *Article 6, paragraph 1 (b), of the Convention*, to migrant workers who are lawfully in the territory of the country. The Committee would ask the Government to provide information as to the progress made to this end.

Tanzania (ratification: 1964)*Zanzibar.*

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

In its 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.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Belgium, Brazil, Federal Republic of Germany, Guatemala, Italy, Malawi, Nigeria, Spain, United Kingdom, Upper Volta, Uruguay, Zambia.*

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

Convention No. 98: Right to Organise and Collective Bargaining, 1949*Brazil* (ratification: 1952)

The Committee is addressing a further direct request to the Government concerning those workers in public enterprises and in mixed public/private undertakings who do not yet have the right to join trade unions because they maintain their status of public servants.

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 supplied by the Government in its report as well as of the information communicated to the Conference Committee in 1972.

Following the recommendations made by the Commission of Inquiry established to examine the observance by Greece of the freedom of association Conventions, and the observations made by the Committee in 1972, the Committee notes with interest that Legislative Decree No. 1198, promulgated in June 1972, inter alia, explicitly repeals the provisions of sections 1 (3) and 3 (2) of Legislative Decree No. 186/1969 which established basic minimum membership 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, however, notes that section 2 of Legislative Decree No. 186/1969, which also establishes certain criteria in this connection, 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, continues to remain in force. In this connection the Committee recalls the comments made by the Commission of Inquiry and the observation which it has made previously with regard to this provision, namely that the criteria established by the legislation are not sufficiently precise for their objective implementation.

The Committee notes that the draft legislative decree to amend the legislation on collective bargaining, which had been mentioned by the Government in its previous report, has not yet been adopted.

The Committee trusts that the new legislative decree, or the labour code which is being prepared (see under Convention No. 87), will be adopted at an early date and that it will eliminate any remaining divergencies which exist between the present legislation and the Convention. In this connection the Committee once again draws 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 any progress towards the adoption of the draft legislation in question and to supply the text of this legislation when it has been adopted.

As regards the comments made by the Federation of Private Employees of Greece in connection with the Convention, see under Convention No. 87.¹

Guatemala (ratification: 1952)

See Convention No. 87, with regard to workers in the service of the State but who are not civil servants engaged in the administration of the State.】

Japan (ratification: 1953)

The Committee has taken note of the reports of the Government, the statements made by the Government and by the Japanese workers' representative to the Con-

¹ The Government is asked to supply full particulars to the 58th Session of the Conference and to communicate a detailed report for the period ending 30 June 1973.

ference Committee in 1972, the observations transmitted by the General Council of Trade Unions of Japan (SOHYO) and the observations by the Government.

In the observation which it made in 1972 the Committee expressed the hope that the Government would 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 would supply full information on further developments regarding the dispute between the unions and the National Railways.

In addition, the Committee, in connection with the Public Corporation and National Enterprise Labour Relations Law under which matters affecting the management and operation of public corporations and national enterprises shall be excluded from collective bargaining, recalled the comments made in this connection by the Fact-Finding and Conciliation Commission and expressed the hope that the Government would examine the situation and would continue to adopt all necessary measures to ensure the full development of voluntary collective bargaining, in accordance with Article 4 of the Convention.

As regards, in particular, cases of unfair labour practices in the National Railways the Committee has taken note of the conclusions reached by the Committee on Freedom of Association (as contained in its 133rd report (November 1972), paragraph 141), in which it was noted that certain measures had been adopted by the President of the National Railway Authority to prevent future practices of this kind, and in which the Authority was invited to ensure that the measures would be firmly implemented at all levels of the National Railways. The Committee endorses this view and more generally expresses the hope that the Government will take all necessary steps to prevent possible acts of anti-union discrimination in the public sector.

With regard to the exclusion from collective bargaining of matters affecting the management and operation of public corporations, under the Public Corporation and National Enterprise Labour Relations Law, the Committee notes that the relevant provision in the law continues to give rise to substantial difficulties in practice. In this connection SOHYO, in its observations, states that the authorities concerned, in invoking this provision, refuse to conclude collective agreements on such matters as personnel transfers and classification of jobs, training, standards for disciplinary actions and grievance procedures.

According to the information supplied by the Government, the above provision does not prevent the authorities from discussing with the trade union concerned matters affecting the management and operation of public corporations and from voluntarily adopting the union's views on the responsibility of the authorities.

As was pointed out by the Fact-Finding and Conciliation Commission, and by the Committee, matters such as personnel strength or manning and personnel transfers—to mention only two of the several such matters involved—should not be regarded as outside the scope of collective bargaining conducted in an atmosphere of mutual good faith and trust. The Committee considers that the exclusion of such matters, and the discretionary power of individual authorities to decide what matters affecting the management and operation of a public corporation shall be the subject of collective bargaining, is not in full conformity with Article 4 of the Convention, the object of which is the encouragement and promotion of the full development and utilisation of machinery for voluntary negotiations between employers or employers' organisations and workers' organisations with a view to the regulation of terms and conditions of employment by means of collective agreements.

The Committee trusts that in view of the continuing difficulties which arise from the interpretation of section 8 of the Public Corporation and National Enterprise

Labour Relations Law, measures will soon be taken by the Government to define more strictly the matters which are considered as coming within the term "management and operation of public corporations and national enterprises", and that such definition will take full account of the considerations expressed above.

The point was also raised by SOHYO that a further restriction on the right of collective bargaining is the difficulty, in some cases, in the implementation of collective agreements as a result of provisions which, in particular, require that agreements or awards calling for expenditure of funds not provided for in the current budget of the corporation must be submitted to the Diet for the additional appropriation before they can be implemented. In this connection the Committee notes from the information supplied by the Government that, under the Constitution of Japan, a budget of the State (including a budget of a national enterprise or public corporation whose total capital is state financed), must be submitted to the Diet for its decision. In the same way collective agreements or arbitration awards for such organisations, if they involve expenditure of funds not already available, are effective only on condition that they are ratified by the Diet. The Government points out that under the law provision is made so that the Government shall make every effort to implement awards speedily and fully and that, since the revision of the law in 1956, there have been no collective agreements involving expenditures not available from appropriated funds.

The Committee wishes to point out, in general terms, that agreements which are reached freely after proper negotiation should be promptly implemented and that all necessary arrangements should be made to this effect in order to encourage and promote the full development and utilisation of machinery for voluntary negotiation.

Liberia (ratification: 1962)

The Committee notes the information submitted by the Government in its report to the effect that the new Labour Code now before the Legislature for enactment is expected to implement more fully the terms of the Convention. The Committee hopes that account will be taken of the comments made in its earlier direct requests concerning the following points:

1. The Committee noted that there were no provisions granting workers and employees in the public sector the right to organise and bargain collectively. The Committee observes that, according to Article 6 of the Convention, only public servants engaged in the administration of the State are excluded from the scope of the Convention, whereas other persons employed by the Government and workers in public undertakings or autonomous public institutions must enjoy the guarantees of the Convention as regards the right to organise and bargain collectively.

2. The Committee recalls once again that the national legislation contains no provisions to ensure adequate protection for the workers against acts of anti-union discrimination as required by Article 1 of the Convention.

The Committee hopes that provisions which will be in complete conformity with the Convention will be adopted in the very near future.

Malaysia (ratification: 1961)

The Committee notes the Government's reply to its earlier direct request concerning the restrictive nature of the provisions governing collective bargaining, which is incompatible with Article 4 of the Convention. The Committee had noted that

sections 12 and 13 (A) of the Labour Relations Act of 1967, as amended by the basic regulations of 1969 (concerning labour relations), excluded from the scope of collective bargaining a number of matters concerning the employment and dismissal of workers. These provisions also provided that collective agreements in certain branches could not, except with the approval of the Minister, prescribe conditions of employment more favourable than those laid down in Part XII of the Employment Ordinance of 1955. The Committee considers that provisions which restrict or regulate the scope of negotiations in this way cannot be deemed to be compatible with measures to promote "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 means of collective agreements" as required by Article 4 of the Convention.

The Committee notes the Government's statement that the provisions in question were adopted in order to establish industrial peace and a more favourable climate for the investment of capital which would promote the economic expansion which was needed to raise living standards. The Government also stated that these provisions would be reconsidered as soon as national conditions permitted. The Committee hopes that, in the very near future, the Government will take all necessary steps to bring its legislation into full conformity with the Convention and that it will supply information on any developments in this connection.

Singapore (ratification: 1965)

The Committee notes the information given by the Government as to the circumstances which led to the adoption of the Employment Act and the Industrial Relations (Amendment) Act of 1968. According to this information the promulgation of these texts was intended to promote the expansion of industry and to speed up economic development, and the chief aim of the Government and the workers' and employers' organisations was to create employment for the population rather than to set unduly high standards of employment conditions.

The Committee once again draws attention to the voluntary character of collective bargaining, provided for in Article 4 of the Convention, which requires that "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 conditions of employment by means of collective agreements" shall be encouraged. The Committee recalls that the new section 24 (a) of the Industrial Relations Ordinance, according to which collective agreements concluded in certain new undertakings may not contain conditions more favourable than those laid down in Part IV of the Employment Act unless these conditions are approved by the Minister, and section 5 of the Industrial Relations (Amendment) Act and section 46, paragraph 1, of the Employment Act, which impose certain restrictions on collective bargaining, are not compatible with the principle laid down in Article 4 of the Convention.

The Committee trusts that the Government will reconsider these texts in the very near future with a view to bringing the national legislation into full conformity with the Convention.

Trinidad and Tobago (ratification: 1964)

Further to its previous direct requests the Committee notes with satisfaction that the Industrial Relations Act, 1972, which repealed and replaced the Industrial Stabilisation Act, 1965, provides, in section 42 (2), specific protection against acts

of anti-union discrimination at the time of engagement of a worker. The Committee is addressing a direct request to the Government on certain other points concerning the Industrial Relations Act, 1972.

* * *

In addition, requests regarding certain points are being addressed directly to the following States: *Barbados, Brazil, Chad, Dahomey, Democratic Yemen (Aden), Ecuador, Egypt, Ghana, Haiti, Iraq, Ireland, Jordan, Kenya, Mauritius, Pakistan, Panama, Paraguay, Sudan, Tanzania, Trinidad and Tobago, Tunisia, Turkey, Uganda, Republic of Viet-Nam.*

Information supplied by *Argentina, Cyprus, Jamaica, Peru* in answer to a direct request has been noted by the Committee.

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

Requests regarding certain points are being addressed directly to the following States: *Algeria, Federal Republic of Germany, Guatemala, Malawi, Malta, Mexico, Netherlands, Paraguay, Senegal, Sierra Leone, Spain, Syrian Arab Republic, Turkey, Uruguay.*

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

Convention No. 100: Equal Remuneration, 1951

Denmark (ratification: 1960)

The Committee notes with interest that the central organisations of employers and workers decided, in order to ensure the complete application of equal remuneration, to set up a committee for each occupation to prepare, with the help of a technical committee from the central organisations, a revised structure of wages agreements and to arrange for rates of remuneration to be fixed by reference to the type of work to be performed and not by sex. The Committee would be glad if the Government would supply copies of such agreements and would continue to send information as to the progress made.

Finland (ratification: 1963)

Further to its earlier observations the Committee notes the information supplied by the Government and by the organisations of employers and workers. It notes with interest that the need for a new wages system based on an objective appraisal of jobs is fully recognised and that a solution is being sought by the Employers' Confederation and the Federation of Trade Unions. According to the Employers' Confederation it is proposed, in the course of the forthcoming collective negotiations for industrial workers, and especially for office employees, to introduce a wages system based on the classification of jobs on the basis of the work to be performed. It would seem that this new system is likely to have favourable consequences for workers in the private sector and in those state undertakings (or undertakings under the control or with the participation of the State) which participate as employers in the negotiation of collective agreements and, consequently, in determining the wages system to be adopted. The Committee notes that this action gives effect to

one of the proposals of the Committee on the status of women with a view to help remove some of the existing anomalies, to which the Committee has referred in its earlier observations, concerning the undervaluing of jobs considered as traditionally "feminine". It hopes that information on any further progress in this field will be supplied.

The Committee also notes with interest the decision of the President of the Republic on 8 June 1972 to set up an advisory committee on equality, the task of which would be to promote equality as between men and women in Finnish society; the composition of the committee reflects that of the Parliament, and its programme of work includes bringing up to date the documents and reports prepared by the Committee on the status of women. The Committee hopes that the Government will continue to supply information on the work of the Committee and about the co-operation of employers' and workers' organisations in applying the principle of equality of remuneration as between men and women workers (Article 4 of the Convention), more particularly as regards the proposal to train workers' representatives in methods for the objective appraisal of jobs.

France (ratification: 1953)

The Committee notes with interest the coming into force of Act No. 72-1143 of 22 December 1972 which guarantees (section 1) equal remuneration for men and women for the same work or for work of equal value, lays down (section 2) identical standards for men and women as regards the various components of remuneration, makes legally null and void (section 3) "any provision in a contract of employment, a collective agreement, a wages agreement, rules or a wages scale inserted by an employer or group of employers" which involves for one or more workers of either sex "remuneration below that paid to workers of the other sex for the same work or work of equal value". The Committee would be glad if the Government would provide information on the working of the new legislative provisions and also on the research and other activities of the Committee on Women's Work which the Government mentions in its report.

Federal Republic of Germany (ratification: 1956)

The Committee notes the information transmitted by the Government in response to its earlier observations concerning the general question of rates of remuneration in the wage groups for light work (*Leichtlohngruppen*) which, having been introduced when the system of deductions from women's wages was abolished, still exist in the collective agreements in many industries: metal working, sawmilling, timber, fine porcelain, printing, plastic materials, foodstuffs, preserving fruit and vegetables and other preserves.

The Committee notes with interest that the elimination by stages of the existing discrepancies for these wage groups in the paper and chemical industries confirms that it is possible to change the present situation in other branches of industry in accordance with the Convention, and thus to ensure that formal recognition of the principle of equal remuneration for men and women is not accompanied in practice by indirect discrimination through the operation of occupational classification for a given group of workers that can easily be identified.

The Committee hopes that the continuation of the efforts made, after some preliminary research into the question of classification, to analyse the work performed by all the wage groups from the lowest level to that of skilled worker will lead to positive conclusions. It would be glad if the Government would communi-

cate the decisions of the new Committee, consisting of representatives of the Federal Ministry of Labour and Social Affairs and of the organisations of employers and workers, which has been appointed to study the results of the work at present being done in this field.

Haiti (ratification: 1958)

The Committee notes the Government's report and regrets that, despite its observations and direct requests from 1963 onwards, the Government has not provided the text of the decisions of the Higher Wage Board which, in accordance with section 39 of the Schedule to the Labour Code, fixes minimum wage rates. The Committee also notes with regret the statement in the report that the Government could not validly intervene, except at the minimum wage level, in applying the principle of equal remuneration as between men and women workers. In this connection the Committee notes that section 56 of the Labour Code extends to all workers, whether or not they are members of the signatory trade union, the benefits of collective agreements; that section 60 of the Code proclaims the validity of collective agreements when they have been registered with the Department of Labour, and that section 62 of the Code states that collective agreements must prescribe "the methods whereby the principle of equal remuneration for work of equal value shall be applied". It would therefore appear to be completely in line with the practices of the country for the Government to take steps not only to ensure respect for the principle of equal remuneration in the fixing of minimum wages, but also to promote its progressive application, in the light of the special conditions mentioned in the Government's report, in agreements between the two parties concerned. The Committee therefore hopes that the Government will transmit copies of decisions fixing minimum wage rates, copies of collective agreements and information concerning the measures taken to give effect to the Convention along the lines indicated above.

India (ratification: 1958)

The Committee notes the assurance given by the Government, in response to its earlier observations, that the authorities responsible for fixing and revising wages have been urged to bear in mind the principle of equal remuneration for men and women workers and that measures will continue to be taken to remove any discrepancy based on sex in the determination of wage rates and to guarantee equality of rates as between men and women doing work of equal value. The Committee also notes the Government's statement that, where a reference to sex has been made in fixing different rates of wages, the differences were in reality based on the objective characteristics of the work. However, the Committee would point out again that, according to the Convention, differing rates should be fixed only in the light of objective criteria based on the value of the work and not on sex. It hopes therefore that any reference of the kind mentioned will be eliminated.

The Committee would be glad if the Government would transmit copies of the decisions taken by the Wage Boards for various industries and also copies of collective agreements fixing wages above the minimum rates, more particularly in industries and services employing large numbers of women.

Italy (ratification: 1956)

Further to its earlier observations the Committee notes with interest the information given to the Conference in 1971 and confirmed by the Government's report, according to which section 23 of Act No. 249 of 18 March 1968, by laying down

new criteria for the classification of workers employed by the State, has eliminated the existing distinctions based on sex, and the administrative regulations contained in the Decrees of the President of the Republic Nos. 1078 and 1079 of 28 December 1970 have established new scales for the salaries, wages and other remuneration of state employees, in which there are no differences in rates for the two sexes.

The Committee also notes with interest the progress made as regards the elimination of tasks considered exclusively feminine from the classification of agricultural jobs in collective agreements, and it hopes that a single classification valid for all workers with no distinction based on sex will be adopted in all cases.

The Committee would be glad if the Government would supply information as to the criteria adopted by undertakings with state participation in certain sectors (metallurgy, chemistry) in drawing up systems of objective appraisal of jobs on the basis of the work to be performed. It would also ask the Government to provide documentation concerning the criteria used in the supplementary agreements to collective agreements, negotiated at the level of the undertaking, for fixing rates of remuneration *above the minimum wage*.

Norway (ratification: 1959)

The Committee notes with interest the detailed information supplied by the Government in response to its earlier comments, and in particular the establishment, on 1 March 1972, of the Equal Status Council (which has taken over the powers of the former Equal Remuneration Council), the members of which include representatives of employers' and workers' organisations; the Council acts as an advisory and co-ordinating body at the service of the authorities and it advises the organisations dealing with questions of equality as between men and women.

The Committee notes that the main tasks of the Council are to follow the development of society so as to eliminate any factors which prevent the achievement of equality (also by suggesting measures to remedy the existing situation) and to study more especially the extent to which the principle of equality of remuneration is applied in practice in collective agreements and subsequently to promote respect for the principle. In this connection it was found that, since the General Agreement of 1961 on Equality of Remuneration came into force, the individual increments granted had produced a wage drift in favour of men's wages as compared with those of women, that the difference between the average wages for women and for men in office jobs in industry became accentuated between 1969 and 1972, and that the tendency to classify women in low-wage categories had developed (especially in manufacturing industry: textiles, footwear, clothing, preserved food, paper and cardboard, graphic arts and metallurgy, according to the official report on low wages prepared by Professor Tor Rødseth in 1969). The Norwegian National Union of Commercial and Office Employees is quoted in the Government's report as confirming the practice in undertakings of classifying women individually at the lowest grade in each category, and as adding that the workers' representatives at the level of the undertaking have only limited power to influence the decisions taken on individual wage rates. However, the Committee also notes the information given by the Norwegian Employers' Confederation (NAF) to the effect that, during the wage negotiations of 1972, an agreement was reached to establish new systems of remuneration. The Committee would be grateful if the Government would continue to supply information on the results of the negotiations regarding a new wage system and their influence in promoting equality of remuneration in practice.

The Committee further notes that, according to the Norwegian Federation of Trade Unions (LO), job evaluation is still very little used in groups where mainly

women are employed and where negotiations have resulted in group classifications. In this connection it notes with interest the information given by the Government regarding favourable changes in the situation of women in the engineering industry and in municipal employment, mainly as a result of a higher classification of certain tasks considered as "typically feminine", and regarding the suppression in the pasteboard industry of the worst-paid grade, in which those employed were almost all women.

However, the anomalies which still exist in cases where certain work or certain jobs are subjectively classified as "typically feminine" tend to cancel out any advantages gained if the differences in rates of remuneration are in fact due to the sex of the persons who do those jobs and are not based on an objective appraisal on the basis of the work to be performed, as required by Article 3, paragraph 3, of the Convention. The Committee would be glad if the Government would continue to supply information on the measures taken or contemplated to remove the anomalies referred to above and on the progress made in the application in practice of the principle of the Convention.

Peru (ratification: 1960)

The Committee notes from the Government's report that no action has been taken to give effect to the direct requests made to the Government from 1964 onwards to amend section 15 (*d*) of Act No. 14,222, which permits the National Minimum Wage Board to prescribe for women minimum wages which are below the rates laid down by the Board in the case of work in which "women's output is obviously lower than that of men". While duly noting the statement that the Supreme Resolutions to adjust rates of pay and minimum living wages make no distinction based on sex, the Committee would repeat its earlier observations to the effect that, according to Article 1 (*b*) and Article 3, paragraph 3, of the Convention, rates of remuneration must always be fixed without any discrimination based on sex. Consequently, the legislation should not permit the fixing of different rates for different categories of workers except on the basis of objective criteria, taken for instance from a classification of jobs on the basis of the work involved, but never by reference to the *sex* of the worker.

The Committee hopes that the Government, bearing in mind the conclusion reached by the National Minimum Wage Board in September 1965 not to use distinctions based on sex when fixing minimum wages, will not fail to report on the progress made towards amending section 15 (*d*) of Act No. 14,222 so as to bring the national legislation into complete conformity with the Convention.

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In addition, requests regarding certain points are being addressed directly to the following States: *Afghanistan, Algeria, Austria, Belgium, Brazil, Central African Republic, Chad, Dahomey, Dominican Republic, Ecuador, Ghana, Guatemala, Hungary, Indonesia, Iraq, Israel, Japan, Jordan, Libyan Arab Republic, Luxembourg, Panama, Paraguay, Philippines, Sierra Leone, Spain, Sudan, Sweden, Tunisia, Upper Volta.*

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

Convention No. 101: Holidays with Pay (Agriculture), 1952

A request regarding certain points is being addressed directly to *Gabon*.

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

The Committee notes that the statistical data contained in the reports of certain governments are based on the amount of wages *after* deduction of taxes and social security contributions. Having regard to the fact that this method of calculation introduces a personal factor which may affect the amount of benefits and prevent international comparison, and that in its ordinary meaning the term "wage" refers to the gross wage, the Committee requests governments which have ratified the Convention, in supplying the statistical data required by the report form, to take as the standard wage for the calculation of benefits the amount of wages *before* deduction of taxes and social security contributions.

Belgium (ratification: 1959)

Part II (Medical Care), Article 10, paragraph 2, and Part VIII (Maternity Benefit), Article 49, of the Convention. Referring to its previous comments, concerning the financial participation by the beneficiaries in certain prenatal and post-natal care not requiring specialist attention, the Committee notes from the information supplied by the Government in its report on the application of the European Social Security Code that free pre- and postnatal consultations, approved and supervised by the *Œuvre nationale de l'Enfance*, are organised all over the country for all expectant mothers and mothers desiring them.

Federal Republic of Germany (ratification: 1958)

1. Further to its earlier comments concerning *Article 69 (e) and (f) of the Convention*, the Committee notes with satisfaction the amendment made to section 192 of the Social Insurance Code by the Act of 10 August 1972, which provides that henceforth sickness benefit can be refused only when the contingency has been caused by the wilful action of the insured person and when the rules of the sickness funds so provide.

2. As regards the other points in its comments, the Committee points out the following:

Part II (Medical Care)—Articles 10 and 12. The Committee also notes with interest that section 17A of the above-mentioned Act, which refers to sickness insurance for agricultural workers, guarantees hospitalisation for this category of workers when it is indispensable for purposes of diagnosis, treatment or improvement of the patient's condition. The Committee hopes that the right to hospitalisation will be extended to the other groups of protected persons by similar legislative provisions, in accordance with the Government's intention as stated in earlier reports.

Part XIII (Common Provisions)—Article 69 (i). With regard to the practical application of section 116, paragraphs 3 and 4, of the Act of 1969 on Employment Promotion (which deals with cases of suspension of unemployment benefits when the loss of employment results from a labour dispute in which the worker did not participate) and in particular the adoption of the instructions provided for in paragraph 3 of this section, the Committee has been informed that the Executive Council

of the Federal Institute of Employment has issued the instructions in question in March 1973 and would be glad if the Government would supply copies thereof.

The Committee has moreover noted the Government's statement that by virtue of a decision taken by the Executive Council of the above-mentioned Institute, within the framework of paragraph 4 of section 116 of the 1969 Act, all workers in the region of North Baden-North Württemberg affected indirectly by the trade dispute which arose in 1971 in the metal industry have received unemployment benefits. The Committee has, however, been informed that the decision in question, although approved by the Social Court of first instance, was considered by the Social Court of second instance in Stuttgart (judgement of 27 November 1972) as being contrary to the Act, and that an appeal has been lodged with the Federal Court against this latter ruling. The Committee has also been informed that a draft text to amend section 116 of the above-mentioned Act has been submitted to the Legislative Commission of the Federal Council (*Bundesrat*). It therefore requests the Government to provide details as to the evolution of the question, and it hopes that any decision taken in the matter will take account of the provision of Article 69 (i) of the Convention, as had indeed been recommended by the Federal Council when the 1969 Act was adopted for the purpose of applying the Article in question.

Mexico (ratification: 1961)

Part XIV (Miscellaneous Provisions), Article 76 of the Convention (in conjunction with Articles 9, 15, 27, 33, 48, 55 and 61 (Scope)). For several years past the Committee has been asking the Government to provide the statistical data called for by this Article of the Convention and by the report form so that it could appreciate whether the number of persons protected reached the percentage laid down in the Convention in respect of each part of the Convention which it had accepted (calculated on the basis of one or other of the formulas proposed in the above Articles). In its latest report the Government states that it is difficult for it, in view of the number of different social security schemes in existence, to provide the statistical data in question. It indicates, however, that the percentages of protected persons are below those prescribed by the Convention, but that it is endeavouring gradually to increase the number of beneficiaries under the compulsory scheme. The Government states that all urban workers are now covered by the Social Insurance Institute, and that it is expected that, by the end of this year, the number of persons affiliated to the Institute will be approximately 12 million.

The Committee notes this progress with interest and hopes that the Government will continue its efforts to extend the coverage of the insurance to a larger number of workers.

However, the Committee would be grateful if the Government could indicate, on the basis of such statistical data as are already available:

- (a) the number of persons at present affiliated to the Mexican Social Insurance Institute, the Social Security and Social Services Institute for State Employees and the other insurance schemes referred to in the report (such as those for railwaymen, petroleum workers, etc.), since Article 6 of the Convention provides that schemes which are not made compulsory by national laws or regulations may be taken into account, subject to certain conditions and for branches such as those accepted by Mexico (with the exception of employment injury benefit); and
- (b) the total number of workers in Mexico.

Peru (ratification: 1961)

1. *Part XIII: Common Provisions, Article 71 of the Convention (in conjunction with Articles 8, 14 and 54) (manual workers' insurance)*. Further to its earlier comments the Committee notes with satisfaction that, in virtue of Legislative Decree No. 18846 of 28 April 1971 and Supreme Decree No. 002-72-TR of 24 February 1972, the employment injury benefit scheme for manual workers has been incorporated in the manual workers' social security scheme and that consequently medical care benefits, sickness benefits and invalidity benefits in respect of conditions of occupational origin will be financed collectively, as prescribed by the Convention.

2. *Part XI: Standards to Be Complied with by Periodical Payments (rates of benefit) and Part XIV: Miscellaneous Provisions (scope of the insurance)*. The Committee notes the recent extensions of the insurance scheme and the Government's statement that it is endeavouring to secure a wider application of this scheme so as to cover various categories of workers and their families. The Committee also notes that a Bill to introduce a unified national pensions system in place of the present separate schemes for manual workers and for salaried employees is in course of preparation, and it hopes that it will be adopted in the near future. The Committee also hopes that, pending the adoption of the new pensions system, the Government will supply the details for which it is being asked in a new direct request concerning: (a) the rules used for calculating cash benefits under sickness and maternity insurance, and (b) the total number of wage earners protected and the percentage which that figure represents of the total number of wage earners (and their families, where appropriate).

Yugoslavia (ratification: 1964)

Part IV (Unemployment Benefit)—Articles 21 and 22. The Committee regrets to note that the Government's report has not been received and that, consequently, it has no information as to the measures which may have been taken to bring the national legislation into complete conformity with the above provisions of the Convention.

In the comments which it has been making for several years past the Committee pointed out that the provisions of the Unemployment Insurance Act which authorise a reduction in unemployment benefit according to the resources of the beneficiary and his family during the contingency are not in conformity with the Convention, which does not permit the rate of unemployment benefit to depend on an income criterion except when coverage extends to *all residents* (and not only to specified categories of wage earners, as is the case in Yugoslavia). However, the Convention does (in paragraph 4 of Article 24) authorise certain other adaptations in the case of seasonal workers, which might make it possible to overcome these difficulties, in view of the information supplied earlier by the Government regarding the structure of the national labour force. The Committee hopes that it can be possible to take the necessary steps in the near future and that the Government will not fail to provide information as to the progress made.

* * *

In addition, requests regarding certain points are being addressed directly to the following States: *Austria, Belgium, Denmark, Greece, Iceland, Italy, Mauritania, Mexico, Niger, Norway, Peru, Senegal, Sweden.*

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

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

Brazil (ratification: 1965)

Article 4, paragraph 8, of the Convention. Further to its earlier comments the Committee notes that the Bill which should provide that, instead of the payment of wages as at present, a woman would receive maternity benefit under the social welfare scheme, and which would thus bring national legislation into conformity with the above-mentioned clause of the Convention (according to which the employer must in no case be individually liable for the cost of the benefits due to women employed by him) has not yet been adopted. The Committee notes, however, that the matter is at present being discussed by Congress and it trusts that legislative provisions corresponding to those of the Convention will be adopted in the very near future.

Ecuador (ratification: 1962)

The Committee notes with regret that no report has been received from the Government and that as a result no information is available to the Committee in answer to its earlier comments, which it is obliged to repeat in a further direct request. These comments related to the following provisions of the Convention: *Article 1, paragraphs 1 to 6* (scope), *Article 2* (exclusion of certain foreign women workers from the maternity insurance scheme), *Article 3, paragraphs 2 to 4* (length of the period of maternity leave), *Article 4, paragraphs 1, 3, 4 and 8* (payment of maternity benefits), and *Article 5* (length of nursing breaks).

The Committee hopes that the Government will supply a report for examination at its next session and that this report will contain full replies with respect to the points mentioned above and indicate the measures taken.

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In addition, requests regarding certain points are being addressed directly to the following States: *Austria, Brazil, Ecuador, Luxembourg, Spain, Uruguay, Yugoslavia*.

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

Convention No. 104: Abolition of Penal Sanctions (Indigenous Workers), 1955

Liberia (ratification: 1962)

In previous direct requests the Committee had noted that, according to an administrative decision dated 10 March 1969 communicated by the Government, certain workers belonging to the tribal population had been fined for deserting their employment, and it had asked the Government to supply information on the legislation governing this matter. In its report the Government refers to information communicated by the Minister of Local Government, Rural Development and Urban Reconstruction on the occasion of the visit to Liberia of an ILO representative in 1972. From this information it appears that within the tribal jurisdiction the Revised Laws and Administrative Regulations for governing the Hinterland of 1949 are still operative. Article 35 (*p*) of this text lays down fines for any labourer supplied to persons engaged in farming who absconds in transit or who, after arrival at his destination, refuses to perform the services for which he has been engaged.

By virtue of Articles 1 to 4 of the Convention the above-mentioned penal sanctions should have been abolished within a year of ratification of the Convention. The Committee regrets the existing situation and hopes that measures to remedy it will be taken at an early date.

* * *

In addition, requests regarding certain points are being addressed directly to the following States: *Ecuador, Libyan Arab Republic, Panama.*

Convention No. 105: Abolition of Forced Labour, 1957

Afghanistan (ratification: 1963)

The Committee regrets to note that the Government has again failed to supply in its report a certain number of legislative texts requested by the Committee since 1968. The Committee is once more addressing a direct request to the Government on this matter and it trusts that copies of the legislation referred to will be available for examination at its next session.

Dominican Republic (ratification: 1958)

1. In its previous observation the Committee noted, from the information supplied by the Government, that sections 270 and 271 of the Penal Code—which contain provisions for the repression of vagrancy by administrative authorities and which appear to be incompatible with Conventions Nos. 29 and 105—were to be repealed and that the Government was also contemplating amending Act No. 3143 of 11 December 1951, under which penalties of imprisonment (involving an obligation to perform labour) may in certain circumstances be imposed, contrary to Article 1 (c) of Convention No. 105 on persons who do not perform work by the agreed date or within the time allowed for its completion. The Committee regrets to note from the Government's report that no change has so far been made. It once again expresses the hope that measures to remove the discrepancies between the above-mentioned provisions of the legislation and the Convention will be adopted at an early date.

2. The Committee regrets that no information has been supplied on the other points which have been raised for a number of years in its comments concerning the imposition of penal labour, by virtue of the following provisions, for purposes falling within the scope of Article 1 (a) and (d) of the Convention:

- (a) sections 2 and 3 of Act No. 1443 of 14 June 1947 prohibiting publications and meetings (whether public or private) of groups and 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 any contravention of such prohibitions (sections 370, 373, 374, 640, 678 (15) and 679 (3)).

The Committee once again expresses the hope that the Government will take the necessary measures with regard to the above-mentioned provisions, so as to ensure that no form of forced or compulsory labour may be imposed for any of the purposes listed in Article 1 of the Convention.

3. The Committee regrets that the Government has once again failed to provide information on the practical application of a certain number of legislative provisions

which have been the subject of repeated requests by the Committee. It once more addresses to the Government a direct request concerning these points, and it trusts that detailed information will be provided on the subject.¹

Egypt (ratification: 1958)

Article 1 (a) of the Convention.

1. In direct requests made since 1964 the Committee has referred to a number of provisions of the Penal Code and various other enactments under which imprisonment (involving, by virtue of sections 18 to 20 of the Penal Code, liability to compulsory labour) may be imposed as a punishment for the dissemination of certain kinds of information or statements, in connection with statutory restrictions on the press and journalism, in connection with the prohibition of political parties and certain kinds of associations, and in relation to the holding of meetings. It had asked the Government to indicate the measures taken or contemplated in regard to these provisions to ensure, in accordance with Article 1 (a) of the Convention, that no form of forced or compulsory labour (including labour resulting from a sentence of imprisonment) 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.

The Committee regrets to note, from the Government's latest report, that the Government appears not to have taken or to contemplate any action in the matter; it merely repeats the statement in its previous report that it does not consider the Convention to apply to penalties for expression of opinions imposed by judicial decision.

In these circumstances the Committee must once more draw attention to the explanations provided in paragraphs 81 to 88 of the general survey of forced labour in its report of 1968 where it pointed out that, although labour imposed on persons as a consequence of a conviction in a court of law would in the great majority of cases have no relevance to the application of the Convention, this instrument relates to *any form* of forced or compulsory labour (including labour required as a consequence of sentence by a court of law) when imposed in circumstances specifically enumerated in Article 1 of the Convention.

Having regard to the foregoing indications the Committee once more expresses the hope that appropriate measures will be taken in regard to the previously mentioned legislative provisions (which it is again specifying in detail in a direct request) to ensure that no form of forced or compulsory labour (including compulsory prison labour) may be imposed for purposes falling within Article 1 (a) of the Convention.

2. In direct requests made since 1964 the Committee has requested the Government to supply information on the practical application of a number of provisions of the Penal Code under which certain kinds of statements are punishable with imprisonment with compulsory labour. It regrets that the Government has once more failed to provide this information and that it is thus unable to satisfy itself that the provisions in question are in conformity with the Convention. The Committee trusts that the Government will provide the necessary information in the next report.

Article 1 (d).

3. In its previous direct requests the Committee had referred to various provisions of the Labour Code, the Penal Code and legislation relating to discipline in the

¹ The Government is requested to provide full information to the 58th Session of the Conference and to submit a detailed report for the period ending 30 June 1973.

merchant navy under which imprisonment with compulsory labour may be imposed as a punishment for having participated in a strike. The Committee notes the Government's statement that it is considering legislation under which the penalty for going on strike would be a fine, without imprisonment. The Committee hopes that, in accordance with Article 1 (*d*) of the Convention, measures will be adopted to ensure that no form of forced or compulsory labour (including compulsory prison labour) may be imposed as a punishment for having participated in strikes.

Guatemala (ratification: 1959)

For a number of years the Committee has addressed direct requests to the Government on various matters relating to the application of Article 1 (*a*) and (*b*) of the Convention. In the report for 1968-70 the Government stated that these questions were being considered by the competent government services.

The Committee regrets that the Government's last report contains no further information. It trusts that full information on the measures taken to ensure the application of the Convention in regard to the matters raised by the Committee will be provided in the next report.

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, whose 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, aimed at ensuring the rapid liquidation of the technical and economic underdevelopment of the Republic. The Committee had asked the Government to indicate the measures taken or contemplated, in regard to this Decree, 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 statements made by a Government representative to the Conference Committee in 1971 and 1972 that the Decree of 1964 had not been applied and that its repeal was envisaged. It also notes the Government's statement in its last report that the text repealing the Decree would be communicated to the ILO as soon as possible.

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 not supplied the legislative texts repeatedly requested by the Committee 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 the discipline of seamen. It once more urges the Government to supply the texts in question, as in their absence it is unable to satisfy itself of the conformity of the legislation with the Convention.¹

Haiti (ratification: 1958)

The Committee notes with regret that the Government's report contains no information in regard to matters raised in observations since 1967. In these obser-

¹ The Government is asked to supply full particulars to the Conference at its 58th Session and to report in detail for the period ending 30 June 1973.

vations 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 paragraph) 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 20 July 1972 the previously mentioned constitutional guarantees were again suspended for a period of over eight months. In the light of these repeated and prolonged suspensions of the constitutional guarantees in question the Committee cannot be satisfied that the provisions of the Convention are effectively observed. It 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.

The Committee once more urges the Government to take the necessary measures in relation to the above-mentioned legislative provisions to ensure that no form of forced or compulsory labour may be imposed for purposes falling within the Convention.¹

Iraq (ratification: 1959)

Following previous direct requests the Committee notes with satisfaction that the provisions contained in sections 305A and 305C of the Baghdad Penal Code, under which imprisonment (involving compulsory labour) could be imposed as a punishment for certain breaches of discipline, have been omitted from the new Penal Code (Act No. 111 of 1969) and that section 48 of the Posts Act, No. 6 of 1930, has been amended by Act No. 130 of 1971 so as to abolish the penalty of imprisonment for abandonment of duties without notice by postal employees.

Jordan (ratification: 1958)

The Committee notes with regret that the Government's report contains no information in reply to the direct requests repeatedly made since 1969 concerning the application of Article 1 (a) and (b) of the Convention and relating more particularly to the imposition of penalties involving compulsory labour for contravention of various restrictions upon freedom of expression imposed by the Press and Publications Act of 12 February 1967 and the Public Meetings Act, 1953, the practical application of various provisions of the Penal Code and of the Associations Act, 1936, and the present position regarding exaction of labour under the Road Tax Law. The Committee is once more addressing a direct request on these matters to the Government, and trusts that full information thereon will be available for examination at its next session.

Malaysia (ratification: 1958)

For a number of years the Committee has drawn the Government's attention to various difficulties affecting the application of this Convention. It has referred more particularly to the following matters:

(a) *in relation to Article 1 (a) of the Convention:* the imposition of penalties involving compulsory labour as a means of enforcing restrictions upon freedom of expression, publication, meeting, and association imposed at the discretion of the administrative authorities under the Internal Security Act, 1960, the Societies Act, 1966, and various enactments of the constituent States, as well as pursuant to emergency powers exercisable by virtue of the proclamation of emergency made in 1964 and still in force;

(b) *in relation to Article 1 (b)* the imposition of compulsory cultivation under the provisions of the Malacca Lands Customary Rights Ordinance, the Straits Settlements Rice Cultivation Ordinance, the Cultivation of Rice Enactment of Negri Sembilan, and the Native Rice Cultivation Ordinance and Local Government Ordinance of Sabah;

(c) *in relation to Article 1 (c) and (d):* the imposition of penalties involving compulsory labour for various breaches of discipline by seamen and the forcible conveyance on board ship of seamen who have abandoned their service in order to compel

¹ The Government is asked to supply full particulars to the Conference at its 58th Session and to report in detail for the period ending 30 June 1973.

them to perform their duties, under the merchant shipping legislation of the respective constituent States;

(d) *in relation to Article 1 (d)*: the imposition of penalties involving compulsory labour for participation in strikes in various circumstances, under the Industrial Relations Act, 1967;

(e) *in relation to Article 1 (e)*: the imposition of penalties involving compulsory labour as a means of enforcing restrictions imposed by local authorities upon residence of persons by reason of their race, under the Sarawak Local Authorities Ordinance.

The Committee notes the Government's statement, in its last report, that it is actively pursuing the consideration of the points raised by the Committee, but that it has not yet been able to complete its examination of these matters. As the Government has made similar statements in its reports ever since 1968 the Committee trusts that the necessary measures to ensure the observance of the Convention will be taken in the near future and that the Government's report for the period ending 30 June 1973 will contain detailed information on the action already taken or contemplated to this end.

Mauritius (ratification: 1968)

Article 1 (a) and (c) of the Convention. The Committee notes with satisfaction that the Penal Code (Amendment) Act, 1970, has repealed the following provisions of the Penal Code to which it had referred in earlier comments: sections 140 and 142, under which criticism by ministers of religion of acts of public authority was punishable with imprisonment (involving compulsory labour), and section 161, under which public functionaries or public servants who declined the performance of their duty were punishable with imprisonment.

Tanzania (ratification: 1962)

Tanganyika.

The Committee notes, from the Government's answer to its previous comments concerning Article 1 (a), (b), (c) and (d) of the Convention, that it had been decided to repeal all legislative provisions permitting forced labour of any kind and that proposals to this end were due to be submitted to the National Assembly. It hopes that provisions ensuring the full observance of the Convention will be adopted at an early date (see further under Convention No. 29).

The Committee also once more expresses the hope that the Government will in its next report provide information on a series of points which have been the subject of requests for clarification since 1969.

Zanzibar.

The Committee notes that once again no report has been supplied, so that the comments made repeatedly since 1967 remain unanswered.

In the 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, in violation of Article 1 (a) of the Convention.

The Committee had also sought information on the effect on the application of the Convention of the state of emergency which had been in force since 1961, on the measures taken to abolish compulsory labour as a punishment for breach of labour discipline under section 110 of the Penal Decree and the Zanzibar Government Shipping Decree, and on the practical application of various statutory provisions. In view of the Government's persistent failure to provide information on these matters the Committee is unable to satisfy itself that the Convention is effectively observed in Zanzibar.

Trinidad and Tobago (ratification: 1963)

Article 1 (c) of the Convention. In earlier comments the Committee had referred to section 4 (4) of the Industrial Stabilisation Act, 1965 (under which a worker who terminated his employment for certain reasons was liable to penal sanctions), and to sections 16 (7) and 26 of the same Act (under which breach by a worker of an industrial agreement or of a settlement confirmed by the Industrial Court was punishable with imprisonment, involving compulsory labour). The Committee notes with satisfaction that no such provisions are contained in the Industrial Relations Act, No. 23 of 1972, which provides for the repeal of the Industrial Stabilisation Act, 1965.

The Committee hopes that the Government will be able to indicate in its next report that the new Act has been brought into force.

Turkey (ratification: 1961)

The Committee regrets that no report has been received and that accordingly no information is available on a number of important questions which it had raised in previous comments. The Committee finds it necessary to draw attention to the following matters.

1. *State of siege.* The Committee notes that a state of siege was declared by Decision No. 7/2302 of 26 April 1971 and has subsequently been prolonged for successive periods. Under Article 124 of the Turkish Constitution, liberties may be restricted or suspended during the currency of a state of siege. Act No. 1402 of 13 May 1971 on the state of siege has empowered the competent authorities to impose a number of such restrictions, including restrictions on freedom of expression, assembly and association, and on the right to strike. Violations of such restrictions are punishable under section 16 of the Act by imprisonment (involving, by virtue of the provisions of the Penal Code and section 17 of Act No. 647 of 13 July 1965 on the execution of sentences, an obligation to perform labour). In derogation of the constitutional guarantee of trial by the ordinary courts of law, this Act has also empowered military courts to try civilians.

The Committee draws attention in this connection to the comments in paragraphs 101 and 102 of the general survey of forced labour in its report of 1968, where it indicated that the suspension of constitutional and legislative guarantees of individual rights and freedoms such as those mentioned above would generally have a direct bearing upon the observance of the Convention. The Committee emphasised that measures of this kind which affected the application of the Convention might be taken only in circumstances of extreme gravity constituting an emergency and should in all cases be limited in scope and time to what was strictly necessary to meet the specific emergency situation.

The Committee accordingly once more expresses the hope that the Government will supply full information on the practical application of the powers conferred by Act No. 1402 of 13 May 1971 (particularly as regards the imposition of penalties involving compulsory labour in connection with limitations on freedom of expression, meeting and association, limitations on strikes, etc.), including information on the number of persons sentenced to such penalties as a result of these restrictions. It trusts that the Government will also indicate the measures taken or contemplated with a view to ensuring that no form of forced or compulsory labour (including labour exacted from persons sentenced to deprivation of liberty) may be imposed in any of the cases specified in Article 1 of the Convention.

2. *Forced labour as a punishment for the expression of views of ideological opposition.* In previous comments the Committee had noted that sentences of deprivation of liberty (involving, as previously noted, an obligation to perform labour) might be imposed under various statutory provisions in circumstances falling within Article 1 (a) of the Convention, namely:

- (a) sections 141 and 142 of the Penal Code (which prohibit any form of propaganda with a view to the domination of one social class over another or the suppression of a social class, the disruption of any of the basic economic and social institutions of the country or the destruction of the political or legal order, as well as the creation, management or membership of any association having aims of this nature);
- (b) section 163 of the Penal Code (which prohibits propaganda aimed at adapting the fundamental social, economic, political or legal order, even in part, to religious principles and beliefs, as well as the creation, management or membership of any association pursuing aims of this nature);
- (c) section 241 of the Penal Code (which prohibits ministers of religion from publicly censuring state institutions, laws or official actions);
- (d) section 89 of Act No. 648 of 13 July 1965 concerning political parties (which prohibits political parties from asserting the existence in Turkey of any minorities based on nationality, culture, religion or language and from attempting to disturb national security by conserving, developing or propagating languages and cultures other than the Turkish language or culture).

The Committee expresses the hope that measures will be taken in regard to the above-mentioned provisions to ensure, in accordance with Article 1 (a) of the Convention, that no form of forced or compulsory labour (including labour exacted from persons sentenced to deprivation of liberty) may be imposed as a means of political coercion or as a punishment for expressing political views or views ideologically opposed to the established political, social or economic system.

3. *Legislative changes consequent upon amendment of the Constitution.* The Committee notes that, by Act No. 1488 of 20 September 1972, a number of amendments have been made to the national Constitution, affecting, inter alia, Articles 11, 19, 22, 26, 29, 30, 32 and 46 (relating to restrictions upon fundamental rights and freedoms, freedom of opinion, freedom of the press and of other means of information, freedom of association, security of the person, due process of law, and the right to establish trade unions). According to transitional section 20 of Act No. 1488 the legislative changes necessary as a result of the amendments to the Constitution were to be adopted within one year. The Committee trusts that the Government will provide full information regarding the legislation adopted in relation to the above-

mentioned articles of the Constitution, and the effect of this legislation on the application of the Convention.

4. *Compulsory patriotic service.* The Committee notes that Article 60 of the national Constitution (which previously provided for compulsory service for the purpose of national defence) was amended by Act No. 1488 of 20 September 1972 to provide for compulsory patriotic service to be performed either in the armed forces or in public services. The Committee trusts that the Government will provide full information on the legislation adopted to define the nature of this compulsory service, and will indicate the measures taken to ensure that, in accordance with Article 1 (b) of the Convention, no form of forced or compulsory labour may be used as a means of mobilising and using labour for purposes of economic development.

5. *Forced or compulsory labour as a means of labour discipline.* In its previous comments the Committee had noted that:

- (a) under section 1467 of the Commercial Code (Act No. 6762 of 9 July 1965) seamen may be forcibly conveyed on board ship to perform their duties;
- (b) under section 1469 of the Commercial Code various breaches of discipline by seamen are punishable with imprisonment (involving, as previously noted, an obligation to perform labour);
- (c) under sections 14, 15 and 22 of Act No. 624 of 8 June 1965 concerning trade unions of public officials disregard of certain restrictions imposed on civil servants and employees of public institutions, services and enterprises are likewise punishable with imprisonment.

The Committee hopes that measures will be taken in regard to the above-mentioned provisions to ensure, in accordance with Article 1 (c) of the Convention, that no form of forced or compulsory labour may be used as a means of labour discipline (with due regard to the explanations provided in paragraphs 93 and 117 to 121 of the general survey of forced labour in the Committee's report of 1968).

6. *Forced or compulsory labour as a punishment for having participated in strikes.* In its previous comments the Committee had noted that:

- (a) under sections 17, 20 (subsections 7 to 11), 54 to 56 and 58 of Act No. 275 of 15 July 1963, strikes were prohibited in a number of cases, subject to penalties which might take the form of imprisonment (involving, as previously noted, an obligation to perform labour);
- (b) under sections 14 (f) and 22 of Act No. 624 of 8 June 1965 concerning trade unions of public officials, similar penalties might be imposed in the case of strikes by persons subject to this Act, which covers not only public officials engaged in the administration of the State, but also employees of public services and enterprises.

The Committee hopes that measures will be taken in regard to the above-mentioned provisions to ensure, in accordance with Article 1 (d) of the Convention, that no form of forced or compulsory labour may be used as a punishment for having participated in strikes (with due regard to the explanations provided in paragraphs 94 to 96 and 122 to 128 of the previously mentioned general survey of forced labour of 1968).

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In addition, requests regarding certain points are being addressed directly to the following States: *Afghanistan, Algeria, Belgium, Brazil, Cameroon, Chad, Dahomey, Democratic Yemen (Aden), Denmark, Dominican Republic, Egypt, France, Gabon, Guatemala, Guinea, Haiti, Honduras, Iraq, Jordan, Kenya, Liberia, Mauritius, Pakistan, Panama, Paraguay, Poland, Portugal, Syrian Arab Republic, Trinidad and Tobago, Tunisia, Uganda, Uruguay, Zambia.*

Information supplied by *Rwanda* 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 the General Observation concerning Afghanistan.

Further to its earlier observations the Committee notes the information supplied by the Government in its report to the effect that practically all office employees are employed by the Government or by commercial firms the rules of which prescribe a five-and-a-half day week. Please supply copies of these rules.

Since the Convention is general in character, the Committee requests the Government to indicate the measures taken or contemplated to extend the provisions of the Convention to all workers in commercial undertakings and in other undertakings in which the staff is engaged in office work, and which are not covered by the above-mentioned rules.

Brazil (ratification: 1965)

Article 7, paragraph 2, of the Convention. Further to its previous direct request, the Committee has taken note of the information contained in the Government's report to the effect that, in reply to a query made by the Ministry of Labour and Social Welfare to the Artists' Union, the President of the Union indicated that, as far as theatrical artists and technicians employed in the Province of Guanabara were concerned, they traditionally had Monday as a day of rest, but that this did not prevent their services being used on Monday by related concerns, such as television or cabarets, since there is no legal provision requiring them to have a weekly rest.

The Committee requests the Government to indicate the measures taken or envisaged to guarantee the right to a weekly rest of persons employed in theatrical and other public entertainment undertakings.

Guatemala (ratification: 1959)

Further to its previous comments the Committee notes the information provided by the Government to the representative of the Director-General of the ILO during the direct contacts which took place in Guatemala. According to this information section 114, paragraph 6, of the Constitution grants all workers, without distinction, a weekly day of rest for every six consecutive days' work. As regards more particularly public servants and all workers and employees of the State or its decentralised bodies, whether autonomous or quasi-autonomous and whatever the nature of the activities in which they engage, they enjoy two days' rest in accordance with the regulations providing for a continuous working day. The Government adds that the labour legislation makes no provision for permanent or temporary exceptions to the weekly rest principle, that such exceptions would be unconstitutional, and that it is not proposed to adopt any provisions on the subject.

Haiti (ratification: 1958)

The Government having failed to reply to the previous direct requests on the application of this Convention, the Committee must raise 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.

Kuwait (ratification: 1961)

Article 2 of the Convention. Further to its earlier observations the Committee notes the information supplied by the Government in its report and also the proposed amendment to the national legislation concerning the scope of the provisions of the Labour Code which are at present being drafted. As under the proposed amendment, like under the present text of the Code, temporary workers employed for not more than six months would be excluded from the scope of the Code, the Committee once again expresses the hope that in the very near future the Government will take measures to guarantee explicitly to temporary workers a weekly rest of twenty-four consecutive hours in the course of each period of seven days, and that it will indicate any progress made in this matter.

Article 7. Whereas section 15 of the Labour Code (1960) (public sector) provides that Friday will be the weekly rest day and that any person working on that day will receive his wages plus 50 per cent thereof, the Committee requests the Government to indicate the measures taken or contemplated to ensure that workers in the public sector who work on Friday are also entitled to their weekly rest day. Please supply a list of the categories of workers and undertakings in the public sector which are subject to special schemes for the weekly rest, and indicate what methods are used for consulting the representative organisations of employers and workers when establishing such schemes.

Article 8. As section 35 of the Labour Code (1964) (private sector) provides that a worker who, because of the exigencies of the service, is required to work on the weekly rest day will receive compensation equal to 50 per cent of his wages, and in view of the provisions of section 15 of the Labour Code (1960) (public sector), the Committee requests the Government to indicate the measures taken or contemplated to ensure that the persons concerned, even if they receive compensation in the form of wages, also receive the compensatory rest period required under paragraph 3 of this Article of the Convention.

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In addition, requests regarding certain points are being addressed directly to the following States: *Brazil, Bulgaria, Colombia, Cuba, Cyprus, Dominican Republic, Egypt, Haiti, Iran, Pakistan, Portugal, Syrian Arab Republic, USSR.*

Information supplied by *Ghana, Mexico, Paraguay* and *Ukrainian SSR* in answer to a direct request has been noted by the Committee.

Convention No. 107: Indigenous and Tribal Populations, 1957*General Observation*

The Indigenous and Tribal Populations Convention, 1957 (No. 107), applies, by virtue of Article 1, paragraph 1, to tribal or semi-tribal populations in *independent*

countries. It therefore becomes necessary to determine what is the precise geographical scope of the obligations arising out of the ratification of this Convention in cases where the territory under the administration of the State concerned does not consist entirely of areas which may be regarded as constituting independent countries. This problem having arisen in a particular instance¹, the Committee proposes to examine it further at its next session, taking account of all relevant elements and decisions.

Argentina (ratification: 1960)

The Committee notes with interest the detailed report supplied by the Government on the measures taken in respect of indigenous populations, in response to its comments, and hopes that the Government will continue to supply information on the further progress achieved in this field, in pursuance of the terms of the Convention and the request addressed directly to the Government in this connection.

Bolivia (ratification: 1962)

The Committee notes with regret that the Government has again sent no report on this Convention and that accordingly no information is available in reply to the direct requests addressed to it in 1970, 1971 and 1972. The Committee hopes that the Government will make every effort to take the measures and supply the information called for in the request which is being addressed to it once again.²

Brazil (ratification: 1965)

The Committee has taken note of the detailed information supplied by the Government in its report and the annexes thereto, as well as of the statement that the indigenous populations policy practised in Brazil is based essentially on Convention No. 107. The Committee notes in particular the legislation, programmes and measures being developed—in the National Congress, through the National Indian Foundation (FUNAI) and otherwise—with a view to meeting the special problems facing the Indian tribes, more specifically in the zones of Amazonia which are being opened to economic development.

In view of the priority given by the Government to the planned expansion of the programmes and measures the Committee trusts that the Government will continue to supply full information on any changes in the situation and on the progress made in giving effect to the various provisions of this Convention.²

Colombia (ratification: 1969)

The Committee notes with regret that the Government's report has not been received. It recalls that in the observation made in 1972 it had asked the Govern-

¹ In the report of the President of the Economic and Social Council of the United Nations presented to the Council at its 53rd Session concerning the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples by the specialised agencies and the international institutions associated with the United Nations, reference was made to this question in relation to the ratification of the Convention by Portugal, and it was suggested that "the position of the ILO required clarification in that regard" (United Nations document E/5187 of 26 June 1972, paragraph 10).

At the present session of the Committee, no report from Portugal concerning the application of Convention No. 107 was before the Committee.

² The Government is asked to report in detail for the period ending 30 June 1973.

ment to supply full information on the various measures which had been initiated to remedy the situation of the indigenous populations in the Planas region—a situation to which attention had been drawn in communications from two trade union organisations.

The Committee trusts that the Government's next report will contain the information in question as well as a reply to the detailed request being addressed directly to the Government.¹

Ecuador (ratification: 1969)

The Committee notes with regret that for the second year in succession the Government has failed to supply the first report on this Convention. Having regard to the comprehensive character of this instrument and to the vital questions with which it deals, the Committee trusts that such a report will be available for examination at its next session, indicating in particular the measures taken for the protection of the institutions, persons, property and labour of the indigenous populations in Ecuador.

Paraguay (ratification: 1969)

The Committee notes with regret that for the second year in succession the Government has failed to supply the first report on this Convention. Having regard to the comprehensive character of this instrument and to the vital questions with which it deals, the Committee trusts that such a report will be available for examination at its next session, indicating in particular the measures taken for the protection of the institutions, persons, property and labour of the indigenous populations in Paraguay.

* * *

In addition, requests regarding certain points are being addressed directly to the following States: *Argentina, Bolivia, Colombia, Egypt, Ghana, Peru, Syrian Arab Republic.*

Convention No. 108: Seafarers' Identity Documents, 1958

Guyana (ratification: 1966)

Articles 2 to 4 of the Convention. Further to its previous observation the Committee notes the Government's statement that steps are being taken to issue a seafarers' identity document to conform with the requirements of the Convention, paying particular attention to Article 4, paragraph 2. The Committee hopes that this document will be issued at an early date, and that the Government will supply a specimen copy thereof.

Articles 5 and 6. The Government states that foreign seafarers holding a valid seafarers' identity document are not denied the right of entry and readmission and that nevertheless an examination is being carried out so that these Articles of the Convention can be fully applied. The Committee recalls that, in the absence of relevant legislative provisions or administrative regulations, the port and immigration authorities should have specific instructions to ensure that the rights of entry and readmission are granted to holders of identity documents issued in accor-

¹ The Government is asked to report in detail for the period ending 30 June 1973.

dance with the Convention. It trusts that the Government will indicate in its next report the measures taken to this end and supply a copy of the relevant circulars or instructions.

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:

The Committee notes from the reply to its previous requests that, while no new type of identity document has been issued for the purpose of this Convention, the Ministry of Labour and Social Security has suggested to the Ministry of Economy and Finance to set up a special committee which would prepare appropriate drafts with a view to issuing a single seafarers' identity document and bringing the national legislation into conformity, in particular, with the provisions of Article 2, paragraph 1, and Article 4, paragraph 2, of the Convention. The Committee trusts that the Government will soon take the necessary steps to issue a seafarers' identity document fully in conformity with the requirements of the Convention.

The Committee also hopes that the Government's next report will indicate, as already requested in 1967 and 1969, what measures have been taken or are contemplated to give effect to the requirements of Article 6 of the Convention.

Italy (ratification: 1963)

Further to its previous observations the Committee notes from the information supplied by the Government to the Conference Committee in 1971 that the views of the Shipowners' and Seafarers' organisations on the Bill to institute the identity documents provided by the Convention have already been heard, and that this Bill is at present being considered by the competent Ministries, in particular with a view to ensuring the conformity of the rules for the establishment of the document envisaged by the Convention with the general provisions concerning passports.

The Committee trusts that the proposed law will be adopted very soon and will ensure compliance with the various Articles of the Convention.

Malta (ratification: 1965)

Further to its previous requests the Committee notes with regret the Government's statement that so far it has not yet been possible to issue seafarers' identity documents because the Merchant Shipping Bill has not yet been enacted. The Committee reiterates the hope that this text will be adopted at an early date and will give full effect to the various provisions of the Convention as regards the issue of seafarers' identity documents (Articles 2 to 4) and the readmission and entry of holders of such documents (Articles 5 and 6).

Mexico (ratification: 1961)

Further to its previous observations the Committee has noted with satisfaction that the new identity document for seafarers contains indications giving effect to Articles 3 and 4, paragraph 2, of the Convention.

Tunisia (ratification: 1959)

Article 4, paragraph 2, of the Convention. Further to its previous observations the Committee notes with satisfaction that the seafarers' professional book instituted by the Order of 11 June 1969 of the Secretary of State for Public Works and Housing contains a statement that it is a seafarer's identity document for the purpose of the Convention.

* * *

In addition, requests regarding certain points are being addressed directly to the following States: *Barbados, Brazil, Denmark, Finland, Guatemala, Iceland, Iran, Mauritius, Panama, Tanzania (Tanganyika), Tunisia, Ukrainian SSR, USSR.*

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

Convention No. 110: Plantations, 1958

Guatemala (ratification: 1961)

With reference to its previous observation the Committee hopes that the Bill regulating temporary employment in agriculture, which the Government has mentioned in its reports since 1967, will be passed at an early date and that the new legislation will be fully in accordance with the Convention.

* * *

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

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

General Observation

In the light of the individual observations and requests which it has made regarding the application of this Convention the Committee, in accordance with the decisions of the Governing Body at its 184th Session, would once again bring to the notice of governments the particular value of direct contacts as a means of collecting information or of considering the measures to be taken in the fields covered by Convention No. 111, where questions of judgement frequently arose, because of national circumstances, as to the nature or adequacy of certain aspects of the action advocated by the Convention in order to promote equality of opportunity and treatment as regards employment and occupation.

In various individual observations and requests the Committee has made special reference to the importance it attaches to the adoption and application of appropriate legislation, as required by Article 3 (*b*) of the Convention, which would specifically define as illegal all discriminatory practices in matters of employment (even if not actions of the administrative authorities) and would prescribe suitable methods for the consideration and practical solution of cases in which such practices were alleged to exist. In view of the special nature, and in many cases of the novelty, of provisions of this kind, the Committee believes that technical advice could usefully be given on this matter to the governments concerned by the International Labour Office, which collects information on the experience of the various countries as regards the drafting and enforcement of legislation of this kind. The Committee would therefore draw the attention of governments to the use which they might make of this possibility through the mechanism of direct contacts or by means of the special studies mentioned in paragraph 28 of the General Report, or by any means of obtaining information or technical co-operation from the International Labour Office.

Finally, in the light of the general review which it has made this year (General Report, paragraphs 56 et seq., especially paragraph 73) as regards the association

of employers' and workers' organisations in the application of certain Conventions, the Committee believes that it would be useful to have fuller information, in the light of Article 3 (a) of Convention No. 111, as to the methods whereby national authorities secure the co-operation of employers' and workers' organisations and other appropriate bodies in promoting the acceptance and application of the policies prescribed by the Convention. The Committee therefore hopes that it will receive additional relevant information in connection with the future reports from governments.

Byelorussian SSR (ratification: 1961)

See paragraph 91 of the General Report.

Chad (ratification: 1966)

The Committee notes with regret that this year again the Government's report has not been received and that, therefore, it has received no replies to the points raised in its previous direct requests. 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.

Costa Rica (ratification: 1962)

See paragraph 91 of the General Report.

Cyprus (ratification: 1968)

Further to its previous observation the Committee notes that the Government's report refers to information already submitted to the Conference Committee in 1971 and adds that, where the participation of Turkish Cypriots in the public service is concerned, it is hoped that the second round of the current negotiations between the communities will make it possible to find a satisfactory solution.

The Committee also notes that this information has been the subject of comments received from the Federation of Turkish Cypriot Trade Unions which questions whether the percentages laid down by the Constitution of 1960 for the participation of the two communities in the public service have been a cause of the political crisis which has occurred; whether there has been full employment in Turkish Cypriot sectors these last few years; and whether equality of treatment has been secured in public vocational training establishments. These comments have been communicated to the Government so that it might present its observations in this regard.

The Committee notes, further, that the same Federation submitted to the Conference Committee in 1972 comments concerning the application of the Employment Service Convention, 1948 (No. 88), which have a bearing on the application of Convention No. 111 (Article 3 (e)); the Government has not yet had the opportunity to provide additional information on this point as a report on Convention No. 88 has not been due for examination this year.

In these circumstances the Committee is not in a position, on the basis of the information available, to gauge fully the elements of uncertainty which have appeared

as regards the measures taken or to be taken from the point of view of the application of the Convention. It hopes that it will be able to take note, at the next examination, of more complete information and of progress achieved in the solution of present difficulties. It would be particularly grateful to the Government if it would indicate whether specific arrangements exist or are contemplated, on the basis of appropriate legislation in the sense of Article 3 (b) of the Convention, so as to allow the examination and settlement of any case in which practices contrary to equality of opportunity or treatment in employment are alleged.

Czechoslovakia (ratification: 1964)

Further to its previous observation the Committee notes with interest that according to the statements made by the Government representative at the Conference Committee in 1972, it has been decided to revise the Labour Code taking account, in particular, of the obligations arising out of ratified Conventions and that the evaluation and the proposals for amendments will be made with a view to bringing the legislation into conformity with ratified Conventions.

The Committee notes, however, with regret that the report due this year has not been received and that it therefore has no additional information on the action taken to amend or repeal, in particular, the provisions incorporated in 1969 in sections 46 and 53 of the Labour Code to allow the dismissal of any worker "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...", which are not in accordance with the clauses of the Convention protecting workers against discrimination in employment on grounds of their political opinions.

The Committee hopes that the Government will indicate shortly whether all the necessary measures to bring national legislation and national practice into conformity with the Convention have been adopted.¹

Ecuador (ratification: 1962)

Further to its previous comments the Committee notes with interest the information supplied by the Government. It notes that the Constitution of 1967 has been replaced by the previous Constitution of 1945. The indication given in the report that the Government intends to take more effective action against any discrimination, whatever its ground, is also noted with interest.

As regards discrimination on social, ethnic and economic grounds, which, according to the report, still exist in practice because of the social and economic structure of the country, despite the efforts made to eliminate it, the Committee hopes that the next report will contain detailed information as to the action taken to promote the elimination of such discrimination, which might include the adoption of specific legislative measures to ban such practices (in addition to the other measures contemplated by Article 3 of the Convention). The Committee also hopes that the Government will supply fuller information on the practical steps taken to promote equality of opportunity as regards possibilities of training and employment for the indigenous population, the ethnic minorities in the coastal area, and women, and on the results obtained in this respect.

According to the report for 1971, Decree No. 30 of 18 July 1963 concerning the dismissal of persons belonging to certain political groups had ceased to be in force

¹ The Government is requested to supply full details to the 58th Session of the Conference and to forward a detailed report for the period ending 30 June 1973.

because of the promulgation of the Constitution of 1967 (Articles 25 and 26). However, as the Constitution of 1945 is of earlier date than the Decree in question, the Committee would be grateful if the Government would state whether the Decree is still repealed, and would provide information as to the guarantees at present in force against any discrimination in matters of employment or occupation based on political opinion (Articles 1, paragraph 1 (a), 3 (c) and 4, of the Convention).

India (ratification: 1960)

Further to its previous observation the Committee thanks the Government for the detailed information supplied in its report, particularly as regards measures connected with the promotion of equality of opportunity and treatment for members of Scheduled Castes and Scheduled Tribes in the fields covered by the Convention.

The Committee notes with interest that a Bill to amend the Untouchability (Offences) Act, 1955, providing for more stringent punishment for the offence has been introduced in the Parliament. It ventures to draw the Government's attention to the fact that, generally, and in the spirit of the Convention (Article 3 (b)), it would be desirable that fuller provisions were included in the national, and where necessary in the state, legislation to deal with discriminatory practices affecting access to training, employment and occupation. It hopes that information concerning any further developments in this connection will be provided.

Noting also with interest from the report the publicity programmes undertaken for the removal of untouchability and for furthering an increased awareness amongst the population for the over-all development of disadvantaged groups the Committee hopes that the Government will continue to indicate any measures taken to this effect, particularly as regards the special publicity given to any new legislation adopted in areas covered by the Convention.

Noting that in spite of the reservation of a certain percentage of posts (which had been raised in 1970), in keeping with the proportion of Scheduled Castes and Scheduled Tribes in the total population, the representation of these groups is still far from corresponding to their percentage, particularly as regards upper classes of posts, the Committee notes with interest that various measures have been taken during 1970-71 with a view to accelerating the intake of Scheduled Castes and Scheduled Tribes in services under the Government of India and that the state governments have also been requested to consider adopting these measures in regard to services under their control. The Committee would greatly appreciate it if the next report would contain particulars showing results achieved following the implementation of these measures (please also supply information on the application of such measures in public sector undertakings).

The Committee notes with interest the measures taken to extend the activities of the Employment Exchanges and of the Industrial Training Institutes in favour of the Scheduled Castes and Scheduled Tribes, as well as the establishment of the Pre-examination Training Centres and the setting up of Coaching-cum-guidance Centres on a pilot basis. It would be grateful if the Government would provide information on further developments connected with these measures and on the evolution of the number of people having benefited from them.

Finally, having noted from the Government's report on Convention No. 107 that some of the studies conducted by the Tribal Research Institutes have revealed that the employment aspect of development has not been attended to by the Tribal Development Block Programmes the Committee would appreciate it if the Governments would supply with its next report information on the measures which have been taken or are contemplated in this connection.

Israel (ratification: 1959)

Further to its previous observation the Committee takes note of the general indications given in the Government's report on the development of education and vocational training in the Arab population. It hopes that the Government will be able to provide, in its future reports, detailed information on the results obtained as regards equality of opportunity in employment in different segments of the population, particularly from the point of view of the trends in their respective participation in the higher categories of employment.

With regard to the effects of considerations of security and loyalty on admission to jobs involving certain levels of responsibilities, having regard to the indications noted by the Committee in its previous comments, the Committee hopes that the Government will be able to provide information on the provisions adopted (in the sense contemplated by Articles 3 (b) and 4 of the Convention and notably thanks to appropriate procedures permitting the re-examination of disputed cases), with a view to ensuring that the above-mentioned considerations are not likely to be invoked in a manner that might limit the application of the principles laid down in the Convention.

Liberia (ratification: 1959)

The Committee notes with interest from the information supplied by the Government, further to its previous comments, that the Ministry of Labour and Youth has recommended that legislation be enacted this year to prohibit discrimination in employment. The Committee hopes that the next report will contain detailed information on developments in this respect (Article 3 (b) of the Convention).

The Committee further hopes, once again, that the Government will supply information on the proposed repeal of section 53 of the Public Land Law (providing different conditions for aborigines and other citizens of the Republic in matters of rights to land), which was stated by the Government to be inconsistent with the national unification and integration policy.

As regards equality between sexes, the Committee would also appreciate the communication of detailed information on the statutory provisions and technical arrangements by which equality of remuneration is implemented in the various branches of the economy.

Libyan Arab Republic (ratification: 1961)

The Committee notes that, further to its earlier requests concerning the measures taken for the implementation of the Convention, the Government's report states that no problem has arisen and no measures need to be taken, since there is no racial discrimination, the Islamic religion rejects discrimination in all its forms and all citizens are declared to be equal in the eyes of the law in the Constitutional Proclamation.

The Committee points out that the Convention is not concerned only with racial discrimination, and that the promotion of equality of opportunity and treatment without distinction based on race, religion, sex, social origin, national extraction or political opinion presupposes continuous positive action in the various forms specified in Article 3 of the Convention.

In this connection the Committee had noted with interest the indication given in the Government's previous report to the effect that consideration was to be given to the possibility of enacting specific legislative provisions in this respect, and it particularly regrets that it does not result from the latest report that such is the

case. In view of the importance of enacting legislation appropriate to the purposes of Article 3 (b) of the Convention, which might specify that discriminatory practices in respect of employment are unlawful (even where not engaged in by the administrative authorities), and provide for special machinery for the settlement of cases involving possible allegations of practices contrary to national policies, the Committee hopes that the Government will be able to supply fuller information on the measures taken or envisaged towards this end.

Madagascar (ratification: 1961)

The Committee regrets that no report has been received from the Government. It hopes that the Government will submit, for consideration at the Committee's next session, a detailed report on its present policy for promoting equality of opportunity and of treatment in respect of employment and occupation as between all sections of the population without distinction, within the meaning of the Convention, and also on any special measures taken to this end in pursuance of Article 3, subparagraphs (a) to (e), of the Convention, and on the progress achieved.

Mauritania (ratification: 1963)

The Committee regrets that the Government's report has not been received. It recalls that it had noted with interest that, according to section 40 of Book V of the Labour Code, decrees to be issued in virtue of section 39 to lay down in particular general rules concerning employment were intended to "guarantee to everyone equality of opportunity and treatment in respect of access to employment and to vocational training and as regards conditions of employment" and "to prevent in this connection any discrimination, distinction, exclusion or preference made on the basis of race, colour, sex, religion, political opinion or social origin". In view of the importance of the promulgation, as contemplated by Article 3 (b) of the Convention, of specific provisions to this effect—which might include in particular appropriate arrangements for examining and settling cases in which discrimination in the field of employment had been alleged—the Committee would be grateful if the Government would state what measures have been taken or are contemplated to this end.

Pakistan (ratification: 1961)

Further to its previous observation the Committee notes the information supplied by the Government on the provisions of the Interim Constitution of April 1972 which replaced the Constitution of 1964. While noting with interest that the Interim Constitution provides also for special measures to be taken for the promotion of the educational and economic rights of people of backward classes and backward areas (Article 34), to bring members of underprivileged castes, races, tribes and groups on terms of equality with other categories of the population (Article 35) and to enable people of different areas and classes, through education, training, industrial development and other methods to participate fully in all forms of national activities (Article 36), the Committee regrets that the Government has not supplied more detailed information, as has been requested, which would enable the Committee to assess fully the implementation of the above-mentioned constitutional provisions and of the Convention. It expresses again the hope that the Government will supply such information on all aspects of the application of the national policy in this area as well as on results obtained and the targets fixed.

Furthermore, as regards measures for the information and education of the public in order to promote the acceptance and observance of the national policy envisaged by the Convention, the Committee has noted that under the Interim Constitution "Parochial, racial, tribal sectarian and provincial prejudices among the citizens should be discouraged" (Article 31) and "Special steps should be taken to ensure full participation of women in all spheres of national life" (Article 32). The Committee hopes that the next report will give details of the specific measures taken to put these principles into effect.

Panama (ratification: 1966)

The Committee notes with regret that the Government's report has not 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).

Philippines (ratification: 1960)

Further to its earlier observations the Committee thanks the Government for the information supplied on the work of the Commission on National Integration in connection with cultural minorities, in accordance with Act No. 1888 of 1957, as amended. However, the information is not sufficiently detailed to enable the Committee to assess the progress made in promoting equality of opportunity and of treatment as regards employment and occupations for those minorities. The Committee therefore hopes that the Government will supply fuller information on this subject, not only as to the rights of land ownership and the agricultural activities of those minorities, but also, more generally, as to the development of their opportunities for vocational training and employment.

The Committee further notes that the Bill (S. No. 194) to prohibit all forms of discrimination based on sex and civil status, race, colour and national or social origin has not been adopted. In view of the importance of enacting appropriate legislation on this subject, as contemplated in the Convention (Article 3 (b)), the Committee hopes that a new, revised Bill (taking into account the difficulties encountered with the earlier one) will be adopted in the near future and that it will establish review procedures which are more particularly adapted for the purpose. The Committee also hopes that this legislation will specifically include religion and other appropriate criteria for the protection of minorities among the grounds which are not permitted as a basis for discrimination in the field of employment and occupation.

Portugal (ratification: 1959)

Further to its earlier observation concerning the application of the Convention in Angola and Mozambique (and other territories subject to the same legislation)

the Committee notes the statement of the representative of the Government of Portugal to the Conference Committee in 1972, particularly as to the desirability of direct contacts on this question, and also the conclusions of the Conference Committee to the effect that those direct contacts should be for the purpose of considering the observations made and ensuring full compliance with the Convention. However, the Committee regrets that no report and no additional information have been received on this subject since then. It therefore trusts that it will soon receive more detailed information, in accordance with its earlier observation, as to the measures taken to:

- (i) eliminate the differences which exist, from the point of view of labour law and trade union organisation, between different categories of workers which, although not defined by race, do in fact correspond largely to a racial breakdown (in particular, the Rural Labour Code of 1962 applies in practice only to indigenous workers) (Article 3 (a) and (c) of the Convention);
- (ii) guarantee equality of treatment for workers, irrespective of their previous status, as regards occupational classification and conditions of employment, more particularly through appropriate specific legislation (Article 3 (b) of the Convention);
- (iii) follow a policy of equality of opportunity and treatment at all levels in public employment (Article 3 (d));
- (iv) promote equality of opportunity and treatment through the activities of vocational training, vocational guidance and placement services (Article 3 (e)).

Sierra Leone (ratification: 1966)

The Committee regrets to note that the Government's report does not contain any reply to its earlier observations but merely states that there has been no change in the application of the Convention.

In 1971 the Committee noted with interest, from information supplied by the Government, that the Legal Department had been instructed to prepare a Bill to apply the provisions of the Convention, and it would be glad if the next report could contain information as to the steps taken in this connection (Article 3 (b) of the Convention).

The Committee also hopes that the next report will contain the additional information requested earlier concerning the position of women as regards access to employment in various occupations, vocational training and conditions of employment, and also on the measures taken to guarantee them equality of opportunity and treatment in this respect (apart from equality of remuneration, which is dealt with under Convention No. 100).

The Committee would also be grateful if the Government would provide information as to the law and practice which apply the Government's policy, in accordance with the Convention, concerning employment in the public sector.

Switzerland (ratification: 1961)

The Committee notes with satisfaction that, following its previous comments, section 55 (2) of the Act of 30 June 1927 on the civil service, concerning the termination of employment on the marriage of women public servants, has been amended by the Federal Act of 28 June 1972. It also notes that section 76 (3) of the regulations for employees will be adapted accordingly. The Committee hopes that it will

be possible also to undertake a review of those cantonal and communal personnel regulations in which provisions analogous to former section 55 of the Civil Service Act are included, with a view to promoting their elimination. The Committee would be glad if the Government would continue to supply information on the developments and results obtained in this field.

The Committee has also noted with interest that on 25 October 1972 Switzerland ratified Convention No. 100 concerning equal remuneration for men and women workers for work of equal value.

USSR (ratification: 1961)

Following its previous observation requesting information on any additional action taken with a view to promoting further the general acceptance and observance of the standards of non-discrimination on grounds of religion, particularly when it is related to a specific nationality in the Union, the Committee notes that, according to the government's report, the texts of the Fundamental Principles governing the labour legislation of the USSR and of the Labour Codes of the Union Republics, which prohibit such discrimination, have been given extensive publicity and that problems connected with equal rights in employment and the prohibition of discrimination in this connection have been brought to public notice through articles, lectures, books and student's textbooks. The Government has also stated in its report that during the period under review there have been no cases of discrimination in the field of employment on the ground of political beliefs, no decision had to be made on this matter and no problems were brought to courts or other bodies. Whilst taking note of these statements, the Committee would greatly appreciate it if the Government would continue to supply in future reports information on any new developments in respect of these matters.

* * *

In addition, requests regarding certain points are being addressed directly to the following States: *Afghanistan, Algeria, Argentina, Brazil, Bulgaria, Chad, Colombia, Czechoslovakia, Dominican Republic, Egypt, Ethiopia, Finland, Gabon, Ghana, Guatemala, Honduras, India, Iran, Iraq, Kuwait, Malta, Morocco, Niger, Norway, Panama, Paraguay, Peru, Philippines, Senegal, Somalia, Spain, Trinidad and Tobago, Turkey, Republic of Viet-Nam.*

Information supplied by *Malawi, Poland, Syrian Arab Republic* in answer to a direct request has been noted by the Committee.

Convention No. 112: Minimum Age (Fishermen), 1959

Costa Rica (ratification: 1964)

Further to its earlier comments 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, a Decree—No. 2601-TSS—was issued on 13 October 1972 and came into force on 1 November of the same year. As required by Article 3 of the Convention, this Decree prohibits the employment of young persons under the age of 18 years on coal-burning fishing vessels as trimmers or stokers.

Guatemala (ratification: 1961)

Further to its previous 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 Government Decree has been prepared which takes account of the comments made by the Committee on the application of this Convention.

The Committee hopes that this Decree will be adopted in the near future so as to bring the national legislation into conformity with the provisions of the Convention, and requests the Government to indicate any measures taken to this end.

Liberia (ratification: 1960)

In previous direct requests the Committee had drawn attention to the fact that section 74 of the Labour Act permits the employment of children outside school hours, whereas Article 2, paragraph 2, of the Convention permits children to take part in activities on board fishing vessels only occasionally during school holidays and subject to specific conditions (namely that the activities are not harmful to their health or normal development, are not such as to prejudice their attendance at school, and are not intended for commercial profit). The Committee had also pointed out the need to give effect to Article 3 of the Convention, requiring the prohibition of employment or work of persons under 18 years on coal-burning fishing vessels as trimmers or stokers.

The Committee notes with interest, from the Government's report, that the above-mentioned discrepancies have been drawn to the attention of the Commissioner for Maritime Affairs, and that amendments will be submitted to the National Legislature. As these matters have been the subject of comments by the Committee since 1964, it trusts that the necessary amendments will be enacted at an early date.

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In addition, requests regarding certain points are being addressed directly to the following States: *Ecuador, Guinea, Panama, Spain, Tunisia*.

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

Convention No. 113: Medical Examination (Fishermen), 1959*Liberia* (ratification: 1960)

In previous observations the Committee noted that Liberian legislation did not make provision for medical examination as a condition for employment on fishing vessels, as required by the Convention.

The Committee notes from the Government's report that provisions to implement the Convention are to be included in a new Labour Law now under consideration. The Committee hopes that legislation to give full effect to the Convention will be enacted at an early date.

* * *

In addition, requests regarding certain points are being addressed directly to the following States: *Costa Rica, Panama, Ukrainian SSR*.

Convention No. 114: Fishermen's Articles of Agreement, 1959

Liberia (ratification: 1960)

The Committee notes from the information supplied by the Government in answer to its previous comments that the revision of the present legislation is under consideration, and that in this connection the measures necessary to ensure the application of the Convention will be taken.

The Committee trusts that legislation giving full effect to the Convention will be enacted at an early date, after taking into account the comments which the Committee is once more addressing to the Government in a direct request.

* * *

In addition, requests regarding certain points are being addressed directly to the following States: *Costa Rica, Liberia, Mauritania, Panama.*

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

Requests regarding certain points are being addressed directly to the following States: *Brazil, Central African Republic, Costa Rica, Ecuador, Jamaica, Paraguay, Syrian Arab Republic, Tunisia, Zaire.*

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

Jordan (ratification: 1963)

The Committee notes that the Government again asserts, in its reports for 1969-70 and 1970-71, that the Convention has been fully applied ever since it was ratified. Referring to its previous observations and direct requests, the Committee must point out once again that, under *Article 2, paragraph 1, of the Convention*, it is possible to give full effect to the Convention, which is a Convention based on reciprocity, only if legislation is in effective operation for all the branches in respect of which the Government has accepted the obligations of the Convention, namely: (c) (maternity benefit), (d) (invalidity benefit), (f) (survivors' benefit) and (g) (employment injury benefit). However, the only legislation in force, which is the Labour Code (sections 54 to 67), deals only with two of those branches, (c) and (g). However, the Committee notes with interest from the Government's latest report that a Social Security Bill is being actively prepared. It trusts that this legislation will be adopted in the near future and will fully apply the Convention in respect of all the branches for which the obligations of the Convention have been accepted.

Syrian Arab Republic (ratification: 1963)

Article 5 of the Convention (branches (d), (e), (f) and (g)). The Committee refers to the comments which it has made since 1966 and regrets to note from the Government's report for the period ending 30 June 1971 that no action has been taken to amend section 94 of the Social Insurance Act No. 92 of 1959, as amended by Act No. 143 of 1961, according to which pensions cease to be paid when the beneficiary permanently leaves the country and may be replaced by the capital value

thereof calculated in conformity with the table laid down in section 61 concerning conversions made at the request of the beneficiary. The Government stated in its previous report that a decision had been taken to amend section 94 so as to bring it into conformity with the Convention, but in its latest report it merely refers to studies which are to be undertaken to establish the conversion table in section 61. The Committee would once again express the hope that the Government will take the necessary steps to guarantee, both to its own nationals and to nationals of any other Member which has accepted the obligations of the Convention in respect of the branch or branches in question, the payment of invalidity, old-age, survivors' and employment injury pensions when they are resident abroad. The Committee requests the Government to indicate the action taken to this end. (Cf. also the direct request concerning Convention No. 19.)

* * *

In addition, requests regarding certain points are being addressed directly to the following States: *Central African Republic, Denmark, Finland, Mauritania, Pakistan, Syrian Arab Republic, Zaire.*

Convention No. 119: Guarding of Machinery, 1963

Niger (ratification: 1964)

The Committee notes with regret that the Government's report has not been received. The Committee is bound, therefore, to take up again the following matters already raised in its previous observation.

The Committee notes that Decree No. 5253/IGTLS/AOF, dated 19 July 1954, contains certain provisions concerning dangerous machinery. It must recall however 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, Cyprus, Dominican*

Republic, Ghana, Guatemala, Jordan, Kuwait, Madagascar, Sierra Leone, Syrian Arab Republic, Tunisia, Turkey, Zaire.

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

Requests regarding certain points are being addressed directly to the following States: *Algeria, Bulgaria, Ecuador, Guinea, Indonesia, Jordan, Madagascar, Panama, Paraguay, Senegal, Spain, Switzerland, Ukrainian SSR, Zaire.*

Information supplied by *Finland, Mexico, Poland* and the *United Kingdom* in answer to a direct request has been noted by the Committee.

Convention No. 121: Employment Injury Benefits, 1964

See General Observation under Convention No. 102.

Netherlands (ratification: 1966)

Article 18, paragraph 2, of the Convention. With reference to its earlier comments the Committee notes with satisfaction that the Act of 14 September 1970 which amended the Sickness Act and the Incapacity Insurance Act provides for a death allowance payable also to survivors of victims of occupational injuries.

Zaire (ratification: 1967)

Article 4, paragraph 1, of the Convention. The Committee has been informed of the adoption on 21 February 1972 of Ordinance 72-111 and notes with satisfaction that under this Ordinance apprentices are subject to the branch of social security covering occupational injuries, in conformity with this Article of the Convention.

* * *

In addition, requests regarding certain points are being addressed directly to the following States: *Netherlands, Sweden, Zaire.*

Convention No. 122: Employment Policy, 1964

See General Report, paragraphs 24 to 26.

Canada (ratification: 1966)

The Committee notes from the detailed information provided in the Government's report that fiscal and monetary policies remain the principal instruments for the attainment of the full employment objective. It further notes that expansionary fiscal and monetary policies, together with a wide variety of measures in the fields of regional development and manpower policies and measures designed to stimulate employment directly, have resulted in an increase in the level of employment. In spite of these measures, however, the seasonally adjusted unemployment rate grew from 5.5 per cent for the first half of 1970 to 6.7 per cent for the second half of 1972.

The Committee has further noted the comments made by the Canadian Labour Congress in its Memoranda to the Government of Canada of 1971 and 1972 and

by the Confederation of National Trade Unions in its Memorandum of 1970. In the view of these organisations, the Government has failed to give sufficient priority to full employment policies, and, in order to combat inflation, has pursued tight monetary and fiscal policies which have had the effect of making it impossible to return to a full employment position for a long time to come. The Canadian Labour Congress considers that if the roots of unemployment are to be tackled a new fiscal approach is necessary.

The Committee hopes that, in the light of the position and opinions set out above, the Government will supply information on any further measures taken with a view to progressively absorbing the current levels of unemployment.

Ireland (ratification: 1967)

The Committee notes from the Government's report that measures are being taken in a wide range of fields to promote employment opportunities. It notes, however, from the statistics supplied by the Government to the ILO, that the unemployment rate increased from 6.4 per cent in 1969 to 7.2 per cent in June 1972, the end of the period covered by the Government's report.

The Committee hopes therefore that the Government will supply information on any further changes in the rate of unemployment, on the measures taken or envisaged to deal with the rising rate (through the "Fourth Programme of Economic and Social Development" and otherwise), and on the results of such measures.

Jordan (ratification: 1966)

See paragraph 91 of the General Report.

Uganda (ratification: 1967)

The Committee regrets that no report has been received. As, on the other hand, recent developments may have involved substantial changes in the structure and level of employment, the Committee trusts that the Government will supply information concerning the policies and measures now being implemented to promote full, productive and freely chosen employment, and to ensure that there is the fullest possible opportunity for each worker to qualify for, and use his skills and endowments in, a job for which he is well suited, irrespective of race, colour, sex, religion, political opinion, national extraction or social origin (Article 1, paragraphs 1 and 2, of the Convention).

The Committee also hopes that in its next report the Government will provide all available information concerning unemployment, underemployment and the size and composition of the labour force.

* * *

In addition, requests regarding certain points are being addressed directly to the following States: *Algeria, Australia, Belgium, Brazil, Canada, Costa Rica, Denmark, Finland, Guinea, Hungary, Iraq, Ireland, Madagascar, New Zealand, Paraguay, Poland, Senegal, Spain, Sudan, Tunisia, Ukrainian SSR, USSR, United Kingdom.*

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

Convention No. 123: Minimum Age (Underground Work), 1965

Requests regarding certain points are being addressed directly to the following States: *Cyprus, Ecuador, Gabon, Hungary, Jordan, Kenya, Madagascar, Mexico, Panama, Paraguay, Poland, Tunisia, Uganda, Ukrainian SSR, USSR, Yugoslavia, Zambia.*

Information supplied by *Bulgaria, Czechoslovakia, Netherlands, Spain, Switzerland* in answer to a direct request has been noted by the Committee.

**Convention No. 124: Medical Examination of Young Persons
(Underground Work), 1965**

Jordan (ratification: 1966)

Article 2, paragraph 1, of the Convention. Following its previous direct requests the Committee notes with satisfaction that section 149 of the 1971 Labour Code requires a medical examination before employment, followed by periodical examinations at 12-month intervals for any worker employed underground in mines, thereby conforming with this provision of the Convention.

* * *

In addition, requests regarding certain points are being addressed directly to the following States: *Brazil, Ecuador, Jordan, Panama, Paraguay, Ukrainian SSR.*

Convention No. 125: Fishermen's Competency Certificates, 1966

Requests regarding certain points are being addressed directly to the following States: *Brazil, France, Panama, Sierra Leone, Syrian Arab Republic.*

Convention No. 126: Accommodation of Crews (Fishermen), 1966

Requests regarding certain points are being addressed directly to the following States: *Sierra Leone, Ukrainian SSR.*

Convention No. 127: Maximum Weight, 1967

Requests regarding certain points are being addressed directly to the following States: *Algeria, Brazil, Panama, Tunisia.*

Convention No. 128: Invalidity, Old-Age and Survivors' Benefits, 1967

See General Observation under Convention No. 102.

* * *

Requests regarding certain points are being addressed directly to the following States: *Austria, Cyprus, Netherlands, Norway, Sweden.*

Convention No. 129: Labour Inspection (Agriculture), 1969

A request regarding certain points is being addressed directly to *Sweden*.

Convention No. 130: Medical Care and Sickness Benefits, 1969

See General Observation under Convention No. 102.

* * *

A request regarding certain points is being addressed directly to *Sweden*.

**Appendix I. Receipt of Detailed Reports on Ratified Conventions
(States Members) as at 28 March 1973**

(Article 22 of the Constitution)

Reports received: 1,572 Reports not received: 453 Total: 2,025

State Member	Reports received		Reports not received		Grand total
	Total	Conventions Nos.	Total	Conventions Nos.	
Afghanistan	0	—	9	4, 13, 14, 41, 45, 95, 100, 106, 111	9
Algeria	15	3, 11, 13, 14, 62, 87, 91, 97, 98, 99, 100, 111, 119, 120, 122	4	32, 56, 58, 68	19
Argentina	29	1, 3, 5, 7, 8, 9, 11, 13, 14, 15, 20, 21, 23, 26, 27, 30, 32, 33, 35, 36, 45, 50, 58, 68, 87, 98, 100, 107, 111	0	—	29
Australia	12	7, 8, 9, 11, 15, 21, 26, 27, 45, 47, 99, 122	0	—	12
Austria	14	5, 11, 13, 21, 27, 33, 45, 87, 98, 99, 100, 102, 103, 128	0	—	14
Barbados	10	5, 7, 11, 26, 50, 86, 87, 97, 98, 108	0	—	10
Belgium	34	1, 5, 7, 8, 9, 11, 13, 14, 15, 21, 26, 27, 32, 33, 43, 45, 50, 58, 62, 64, 68, 84, 87, 91, 95, 97, 98, 99, 100, 102, 107, 112, 121, 122	0	—	34
Bolivia	0	—	8	5, 14, 19, 26, 42, 87, 96, 107	8
Brazil	23	5, 7, 11, 14, 21, 26, 45, 58, 91, 97, 98, 99, 100, 103, 106, 107, 108, 111, 120, 122, 124, 125, 127	0	—	23
Bulgaria	37	1, 3, 7, 8, 9, 11, 13, 14, 15, 20, 21, 26, 27, 30, 32, 35, 36, 37, 38, 39, 40, 43, 45, 49, 58, 59, 60, 62, 68, 87, 98, 100, 106, 111, 112, 120, 123	0	—	37
Burma	0	—	19	1, 2, 6, 11, 14, 15, 16, 17, 18, 19, 21, 22, 26, 27, 29, 42, 52, 63, 87	19

OBSERVATIONS CONCERNING RATIFIED CONVENTIONS

State Member	Reports received		Reports not received		Grand total
	Total	Conventions Nos.	Total	Conventions Nos.	
Burundi	0	—	9	1, 11, 14, 26, 27, 50, 62, 64, 105	9
Byelorussian SSR	21	11, 14, 15, 27, 32, 45, 47, 58, 59, 60, 87, 98, 100, 103, 106, 111, 119, 120, 122, 123, 124	0	—	21
Cameroon	23	3, 5, 9, 11, 13, 14, 15, 16, 26, 45, 52, 78, 81, 87, 89, 90, 98, 99, 100, 101, 105, 122, 123	1	77	24
Eastern Cameroon	4	50, 64, 65, 97	0	—	4
Western Cameroon	1	33	0	—	1
Canada	14	1, 7, 8, 14, 15, 26, 27, 32, 45, 58, 68, 108, 111, 122	0	—	14
Central African Republic . .	16	3, 5, 11, 13, 14, 26, 29, 33, 62, 67, 87, 98, 99, 100, 111, 119	0	—	16
Chad	0	—	15	5, 6, 11, 13, 14, 26, 29, 33, 41, 87, 95, 98, 100, 105, 111	15
Chile	30	1, 2, 3, 5, 7, 8, 9, 11, 12, 13, 14, 15, 17, 18, 19, 20, 24, 25, 26, 27, 30, 32, 34, 35, 36, 37, 38, 45, 63, 122	0	—	30
Colombia	16	3, 5, 7, 8, 9, 11, 13, 14, 15, 20, 21, 26, 30, 99, 100, 106	4	1, 62, 107, 111	20
Congo	7	5, 11, 13, 14, 26, 33, 119	1	87	8
Costa Rica	23	11, 29, 45, 81, 87, 88, 89, 90, 92, 94, 95, 96, 98, 99, 100, 105, 106, 107, 111, 112, 113, 114, 120	2	117, 122	25
Cuba	34	1, 3, 5, 7, 8, 9, 11, 13, 14, 15, 20, 21, 26, 27, 30, 32, 45, 58, 59, 60, 63, 67, 81, 87, 91, 97, 98, 99, 100, 103, 106, 107, 110, 111	0	—	34
Cyprus	12	11, 15, 45, 87, 97, 98, 106, 111, 119, 122, 123, 128	0	—	12
Czechoslovakia	20	1, 5, 11, 13, 14, 21, 26, 27, 35, 36, 37, 38, 39, 40, 43, 45, 49, 99, 100, 123	3	87, 98, 111	23

REPORT OF THE COMMITTEE OF EXPERTS

State Member	Reports received		Reports not received		Grand total
	Total	Conventions Nos.	Total	Conventions Nos.	
Dahomey	0	—	18	4, 5, 6, 11, 13, 14, 18, 26, 29, 33, 41, 85, 87, 95, 98, 100, 105, 111	18
Democratic Yemen	6	19, 58, 59, 95, 98, 105	3	15, 64, 86	9
Denmark	20	5, 7, 8, 9, 11, 14, 15, 21, 32, 58, 87, 94, 98, 100, 102, 105, 106, 108, 111, 122	2	112, 120	22
Dominican Republic	14	5, 7, 26, 29, 45, 81, 87, 88, 98, 100, 106, 107, 111, 119	1	1	15
Ecuador	0	—	23	11, 26, 35, 37, 39, 45, 86, 87, 98, 100, 103, 106, 107, 110, 111, 112, 113, 115, 118, 119, 120, 123, 127	23
Egypt	12	1, 11, 14, 26, 30, 45, 87, 98, 100, 106, 107, 111	0	—	12
El Salvador	1	107	0	—	1
Ethiopia	0	—	6	2, 11, 87, 88, 98, 111	6
Finland	22	7, 8, 9, 11, 13, 14, 15, 20, 21, 27, 30, 32, 45, 62, 87, 91, 98, 100, 108, 111, 120, 122	1	119	23
France	32	3, 5, 8, 9, 11, 13, 14, 15, 26, 27, 32, 33, 35, 36, 37, 38, 43, 45, 49, 58, 62, 68, 84, 87, 91, 97, 98, 99, 100, 108, 112, 125	1	42	33
Gabon	0	—	23	3, 5, 10, 11, 12, 13, 14, 19, 26, 29, 33, 41, 45, 52, 85, 87, 95, 98, 99, 100, 101, 111, 123	23
Germany (Fed. Rep. of)	18	3, 7, 8, 9, 11, 15, 26, 27, 45, 62, 87, 97, 98, 99, 100, 102, 111, 112	0	—	18
Ghana	16	11, 15, 26, 45, 50, 59, 64, 87, 98, 100, 106, 107, 108, 111, 119, 120	2	8, 58	18
Greece	16	1, 3, 5, 7, 8, 9, 11, 13, 14, 15, 27, 45, 58, 87, 98, 108	1	102	17

OBSERVATIONS CONCERNING RATIFIED CONVENTIONS

State Member	Reports received		Reports not received		Grand total
	Total	Conventions Nos.	Total	Conventions Nos.	
Guatemala	20	26, 30, 45, 58, 81, 86, 87, 89, 94, 97, 98, 99, 100, 105, 106, 108, 110, 111, 112, 119	0	—	20
Guinea	17	3, 5, 11, 13, 14, 26, 33, 45, 62, 87, 98, 99, 100, 105, 111, 112, 119	2	120, 122	19
Guyana	13	5, 7, 11, 15, 26, 45, 50, 64, 86, 87, 97, 98, 108	0	—	13
Haiti	5	29, 98, 100, 105, 107	16	1, 5, 12, 14, 17, 19, 24, 25, 30, 42, 45, 77, 78, 81, 90, 106	21
Honduras	0	—	15	14, 29, 32, 42, 45, 62, 78, 87, 95, 98, 100, 105, 106, 108, 111	15
Hungary	19	3, 7, 13, 14, 15, 21, 26, 27, 41, 45, 62, 87, 98, 99, 100, 103, 111, 122, 123	0	—	19
Iceland	10	11, 15, 58, 87, 91, 98, 100, 102, 108, 111	0	—	10
India	13	1, 5, 11, 14, 15, 21, 26, 27, 32, 45, 100, 107, 111	0	—	13
Indonesia	6	27, 29, 45, 98, 100, 120	0	—	6
Iran	3	106, 108, 111	0	—	3
Iraq	15	1, 8, 13, 14, 15, 26, 27, 30, 58, 59, 98, 100, 106, 111, 122	0	—	15
Ireland	21	5, 7, 8, 11, 14, 15, 20, 21, 23, 26, 27, 28, 43, 45, 49, 68, 87, 98, 102, 108, 122	0	—	21
Israel	14	1, 5, 9, 14, 20, 30, 53, 79, 97, 102, 106, 111, 112, 122	4	87, 91, 98, 100	18
Italy	30	3, 7, 8, 9, 11, 13, 14, 15, 26, 27, 32, 35, 36, 37, 38, 39, 40, 45, 58, 60, 68, 87, 91, 97, 98, 100, 102, 106, 108, 111	1	59	31
Ivory Coast	5	5, 11, 33, 87, 98	9	3, 13, 14, 26, 45, 99, 100, 110, 111	14
Jamaica	12	7, 8, 11, 15, 26, 50, 58, 64, 86, 87, 97, 98	0	—	12

REPORT OF THE COMMITTEE OF EXPERTS

State Member	Reports received		Reports not received		Grand total
	Total	Conventions Nos.	Total	Conventions Nos.	
Japan	12	5, 7, 8, 9, 15, 21, 27, 45, 50, 87, 98, 100	1	58	13
Jordan	10	29, 98, 100, 105, 111, 117, 119, 120, 122, 123	0	—	10
Kenya	17	5, 11, 14, 15, 26, 32, 45, 50, 58, 59, 64, 65, 86, 97, 98, 105 123	1	16	18
Khmer Republic	1	13	0	—	1
Kuwait	6	1, 30, 87, 106, 111, 119	0	—	6
Laos	3	4, 6, 29	1	13	4
Lebanon	0	—	7	14, 26, 45, 52, 81, 89, 90	7
Liberia	13	29, 53, 55, 58, 65, 87, 98, 104, 105, 111, 112, 113, 114	0	—	13
Libyan Arab Republic	6	1, 3, 14, 98, 104, 111	1	100	7
Luxembourg	20	1, 3, 5, 7, 8, 9, 11, 13, 14, 15, 20, 26, 27, 45, 59, 60, 87, 98, 102, 103	4	21, 28, 30, 100	24
Madagascar	0	—	13	5, 11, 13, 14, 26, 33, 87, 100, 111, 119, 120, 122, 123	13
Malawi	10	11, 26, 45, 50, 64, 98, 99, 100, 107, 111	2	86, 97	12
Malaysia	4	50, 64, 98, 105	0	—	4
States of Malaya	2	11, 45	0	—	2
State of Sabah	3	15, 86, 97	0	—	3
State of Sarawak	5	7, 11, 14, 15, 86	0	—	5
Mali	10	5, 11, 13, 14, 26, 33, 87, 98, 100, 111	0	—	10
Malta	14	5, 7, 8, 11, 15, 26, 32, 35, 36, 87, 98, 99, 108, 111	0	—	14
Mauritania	4	3, 33, 87, 90	19	5, 11, 13, 14, 15, 19, 22, 26, 29, 53, 58, 62, 84, 91, 102, 111, 112, 114, 118	23
Mauritius	22	2, 5, 7, 8, 11, 14, 15, 26, 29, 32, 50, 58, 59, 63, 64, 74, 84, 86, 97, 98, 99, 108	0	—	22

OBSERVATIONS CONCERNING RATIFIED CONVENTIONS

State Member	Reports received		Reports not received		Grand total
	Total	Conventions Nos.	Total	Conventions Nos.	
Mexico	27	8, 9, 11, 13, 14, 21, 26, 27, 30, 32, 43, 45, 49, 58, 62, 87, 99, 100, 102, 106, 107, 108, 110, 111, 112, 120, 123	0	—	27
Mongolia	0	—	6	59, 87, 98, 100, 103, 111	6
Morocco	10	11, 13, 14, 15, 26, 27, 45, 98, 99, 111	0	—	10
Netherlands	25	5, 8, 9, 11, 13, 14, 15, 21, 26, 27, 32, 33, 45, 58, 62, 68, 87, 91, 97, 99, 102, 112, 122, 123, 128	0	—	25
New Zealand	20	1, 9, 11, 14, 15, 21, 26, 30, 32, 45, 47, 49, 50, 58, 59, 64, 84, 97, 99, 122	0	—	20
Nicaragua	0	—	33	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16, 17, 18, 19, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 87, 98, 100, 105, 111	33
Niger	0	—	12	5, 11, 13, 14, 26, 33, 87, 98, 100, 102, 111, 119	12
Nigeria	13	8, 11, 15, 26, 32, 45, 50, 58, 59, 64, 87, 97, 98	0	—	13
Norway	32	5, 7, 8, 9, 11, 13, 14, 15, 21, 26, 27, 30, 32, 43, 49, 50, 58, 59, 68, 87, 91, 97, 98, 100, 102, 108, 111, 112, 119, 120, 122, 128	0	—	32
Pakistan	16	1, 11, 14, 15, 21, 27, 32, 45, 59, 87, 98, 105, 106, 107, 111, 118	0	—	16
Panama	45	3, 8, 9, 11, 13, 15, 20, 21, 26, 27, 29, 30, 43, 45, 53, 58, 64, 65, 68, 69, 71, 73, 78, 81, 86, 87, 88, 89, 92, 95, 98, 100, 104, 105, 108, 111, 112, 113, 114, 120, 122, 123, 124, 125, 127	0	—	45
Paraguay	16	1, 30, 52, 59, 60, 77, 78, 79, 89, 90, 95, 99, 100, 106, 111, 123	10	11, 14, 26, 98, 107, 115, 119, 120, 122, 124	26

REPORT OF THE COMMITTEE OF EXPERTS

State Member	Reports received		Reports not received		Grand total
	Total	Conventions Nos.	Total	Conventions Nos.	
Peru	32	1, 9, 11, 14, 20, 24, 25, 26, 32, 35, 36, 37, 38, 39, 40, 44, 45, 56, 58, 59, 62, 81, 87, 88, 98, 99, 100, 102, 107, 111, 112, 122	11	4, 8, 27, 41, 67, 68, 69, 71, 73, 77, 78	43
Philippines	8	59, 87, 89, 98, 99, 100, 110, 111	1	94	9
Poland	28	5, 7, 8, 9, 11, 13, 14, 15, 27, 35, 36, 37, 38, 39, 40, 45, 62, 68, 87, 91, 92, 98, 100, 111, 112, 120, 122, 123	1	48	29
Portugal	0	—	14	1, 7, 14, 26, 27, 45, 68, 91, 98, 100, 106, 107, 108, 111	14
Romania	14	1, 3, 5, 7, 8, 9, 11, 13, 14, 15, 27, 87, 98, 100	0	—	14
Rwanda	7	11, 14, 26, 50, 62, 64, 123	0	—	7
Senegal	14	5, 11, 13, 14, 26, 33, 87, 98, 99, 100, 102, 111, 120, 122	0	—	14
Sierra Leone	21	5, 7, 8, 15, 16, 26, 32, 45, 50, 58, 59, 64, 86, 87, 98, 99, 100, 111, 119, 125, 126	0	—	21
Singapore	11	5, 7, 8, 11, 15, 32, 45, 50, 64, 86, 98	0	—	11
Somalia	2	84, 111	0	—	2
Former Trust Territory of Somaliland	1	45	0	—	1
Former British Somaliland	2	50, 64	0	—	2
Spain	29	1, 3, 5, 7, 8, 9, 11, 13, 14, 15, 20, 26, 27, 30, 32, 33, 45, 62, 69, 91, 97, 99, 100, 103, 111, 112, 120, 122, 123	0	—	29
Sri Lanka	8	5, 7, 8, 11, 15, 45, 58, 99	0	—	8
Sudan	6	26, 81, 95, 98, 100, 122	3	105, 111, 117	9
Sweden	21	7, 8, 9, 11, 13, 14, 15, 21, 27, 32, 58, 87, 98, 100, 102, 108, 111, 119, 120, 122, 128	0	—	21

OBSERVATIONS CONCERNING RATIFIED CONVENTIONS

State Member	Reports received		Reports not received		Grand total
	Total	Conventions Nos.	Total	Conventions Nos.	
Switzerland	13	5, 8, 11, 14, 15, 26, 27, 45, 58, 62, 111, 120, 123	0	—	13
Syrian Arab Republic . . .	19	1, 11, 14, 26, 30, 45, 52, 87, 95, 96, 98, 99, 100, 106, 107, 111, 117, 119, 120	0	—	19
Tanzania	0	—	11	11, 15, 17, 26, 29, 50, 59, 63, 64, 86, 98	11
Tanganyika	0	—	4	32, 45, 81, 108	4
Zanzibar	0	—	5	5, 7, 58, 85, 97	5
Thailand	0	—	8	14, 29, 88, 104, 105, 122, 123, 127	8
Togo	14	4, 5, 6, 11, 13, 14, 26, 29, 33, 41, 84, 85, 87, 95	0	—	14
Trinidad and Tobago . . .	11	15, 16, 19, 29, 50, 65, 85, 97, 98, 105, 111	1	87	12
Tunisia	28	8, 11, 13, 14, 18, 26, 45, 55, 58, 59, 62, 77, 87, 91, 98, 99, 100, 106, 107, 108, 111, 112, 117, 119, 120, 122, 123, 127	2	29, 105	30
Turkey	10	11, 14, 15, 42, 45, 58, 95, 98, 99, 100	6	81, 94, 96, 105, 111, 119	16
Uganda	1	105	12	5, 11, 17, 26, 45, 50, 64, 65, 86, 98, 122, 123	13
Ukrainian SSR	25	11, 14, 15, 27, 32, 45, 47, 58, 59, 60, 87, 98, 100, 103, 106, 108, 111, 112, 113, 119, 120, 122, 123, 124, 126	0	—	25
USSR	25	11, 14, 15, 27, 29, 32, 45, 47, 58, 59, 60, 87, 98, 100, 103, 106, 108, 111, 112, 113, 119, 120, 122, 123, 126	0	—	25
United Kingdom	27	5, 7, 8, 11, 15, 26, 32, 35, 36, 37, 38, 39, 40, 45, 50, 64, 68, 84, 86, 87, 97, 98, 99, 102, 108, 120, 122	0	—	27
United States	1	58	0	—	1

REPORT OF THE COMMITTEE OF EXPERTS

State Member	Reports received		Reports not received		Grand total
	Total	Conventions Nos.	Total	Conventions Nos.	
Upper Volta	13	3, 5, 11, 13, 14, 26, 29, 33, 87, 97, 98, 100, 111	0	—	13
Uruguay	27	1, 8, 9, 11, 13, 14, 15, 20, 21, 26, 27, 30, 32, 43, 45, 58, 59, 60, 62, 67, 87, 94, 97, 98, 99, 103, 105	0	—	27
Venezuela	4	2, 11, 13, 88	12	1, 3, 5, 7, 14, 21, 22, 26, 27, 29, 45, 98	16
Republic of Viet-Nam . . .	6	5, 13, 14, 26, 27, 45	8	98, 111, 117, 118, 120, 122, 123, 124	14
Yemen	0	—	2	104, 111	2
Yugoslavia	14	3, 5, 7, 8, 9, 14, 15, 58, 97, 103, 106, 119, 121, 123	13	11, 13, 19, 27, 45, 87, 90, 91, 98, 100, 102, 111, 112	27
Zaire	1	98	25	4, 11, 12, 14, 17, 18, 19, 26, 27, 29, 50, 62, 64, 81, 84, 88, 89, 94, 95, 100, 117, 118, 119, 120, 121	26
Zambia	8	5, 11, 26, 45, 50, 64, 86, 97	1	123	9
<i>Other States</i>					
Albania ¹	0	—	16	5, 6, 10, 11, 16, 21, 29, 52, 58, 59, 77, 78, 87, 98, 100, 112	16
Lesotho ¹	0	—	11	5, 11, 14, 19, 26, 29, 45, 64, 65, 87, 98	11
Rep. of South Africa ¹ . .	0	—	7	2, 19, 26, 42, 45, 63, 89	7
Western Samoa	3	14, 50, 64	0	—	3

¹ Albania, Lesotho and the Republic of South Africa have withdrawn from the ILO, but these States continue to be bound by the Conventions which they have ratified (article 1, paragraph 5, of the Constitution).

OBSERVATIONS CONCERNING RATIFIED CONVENTIONS

Appendix II. Statistical Table of Reports on Ratified Conventions as at 28 March 1973

(Article 22 of the Constitution)

Period	Reports requested	Reports received at the date requested		Reports received in time for the session of the committee ¹		Reports received in time for the session of the conference	
		Number	Percentage	Number	Percentage	Number	Percentage
1931-1932	447	—	—	406	90.8	423	94.6
1932-1933	522	—	—	435	83.3	453	86.7
1933-1934	601	—	—	508	84.5	544	90.5
1934-1935	630	—	—	584	92.7	620	98.4
1935-1936	662	—	—	577	87.2	604	91.2
1936-1937	702	—	—	580	82.6	634	90.3
1937-1938	748	—	—	616	82.4	635	84.9
1938-1939	766	—	—	588	76.8	— ²	—
1943-1944	583	—	—	251	43.1	314	53.9
1944-1945	725	—	—	351	48.4	523	72.2
1945-1946	731	—	—	370	50.6	578	79.1
1946-1947	763	—	—	581	76.1	666	87.3
1947-1948	799	—	—	521	65.2	648	81.1
1948-1949	806	134 ³	16.6	666	82.6	695	86.2
1949-1950	831	253	30.4	597	71.8	666	80.1
1950-1951	907	288	31.7	705	77.7	761	83.9
1951-1952	981	268	27.3	743	75.7	826	84.2
1952-1953	1 026	212	20.6	840	81.8	917	89.3
1953-1954	1 175	268	22.8	1 077	91.7	1 119	95.2
1954-1955	1 234	283	22.9	1 063	86.1	1 170	94.8
1955-1956	1 333	332	24.9	1 234	92.5	1 283	96.2
1956-1957	1 418	210	14.7	1 295	91.3	1 349	95.1
1957-1958	1 558	340	21.8	1 484	95.2	1 509	96.8
1958-1959	995 ⁴	200	20.4	864	86.8	902	90.6
1958-1960	1 100 ⁴	256	23.2	838	76.1	963	87.4
1959-1961	1 362 ⁴	243	18.1	1 090	80.0	1 142	83.8
1960-1962	1 309 ⁴	200	15.5	1 059	80.9	1 121	85.6
1961-1963	1 624 ⁴	280	17.2	1 314	80.9	1 430	88.0
1962-1964	1 495 ⁴	213	14.2	1 268	84.8	1 356	90.7
1963-1965	1 700 ⁴	282	16.6	1 444	84.9	1 527	89.8
1964-1966	1 562 ⁴	245	16.3	1 330	85.1	1 395	89.3
1965-1967	1 833 ⁴	323	17.4	1 551	84.5	1 643	89.6
1966-1968	1 647 ⁴	281	17.1	1 409	85.5	1 470	89.1
1967-1969	1 821 ⁴	249	13.4	1 498	82.4	1 601	87.9
1968-1970	1 898 ⁴	360	18.9	1 463	77.0	1 549	81.6
1969-1971	1 992 ⁴	237	11.8	1 504	75.5	1 707	85.6
1970-1972	2 025 ⁴	297	14.6	1 572	77.6	—	—

¹ The opening date of the session of the Committee of Experts has, in general, been the end of March or the beginning of April. In a number of cases, however, the session has opened on other dates, varying between 29 February in 1932 and 23 July in 1945; the date limit for the receipt of reports has accordingly varied.

² The Conference did not meet in 1940.

³ First year for which this figure is available.

⁴ As a result of a decision by the Governing Body, detailed reports were requested only on certain ratified Conventions.

II. Observations on the Application of Conventions in Non-Metropolitan Territories (Article 22 and Article 35, Paragraphs 6 and 8, of the Constitution)

A. GENERAL OBSERVATIONS

Denmark

The Committee regrets that once again none of the reports due in respect of the application of Conventions in the Faeroe Islands has been received. It hopes that all the reports in question will be available for examination by the Committee at its next session.

France

The Committee regrets that, for the second year in succession, none of the reports due in respect of the application of Conventions in French Polynesia has been received. It hopes that all the reports in question will be available for examination by the Committee at its next session.

The Committee notes that declarations have not yet been made pursuant to article 35 of the ILO Constitution regarding the extent of application of a number of Conventions ratified by France to territories for whose international relations France is responsible, and that in respect of various other Conventions such declarations have so far been communicated only for the Overseas Departments, but not for the Overseas Territories. The Committee refers in this connection to paragraph 10 of Part One of this report, and expresses the hope that the necessary action will be taken with a view to communicating in respect of all non-metropolitan territories the declarations provided for in article 35 of the Constitution.

In the light of information provided in the last reports, the Government would appear to be in a position to make declarations of application for the Overseas Departments in respect of Convention No. 33, for New Caledonia in respect of Convention No. 58, and for St. Pierre and Miquelon in respect of Convention No. 112.

Netherlands

The Committee notes that no declarations have yet been made pursuant to article 35 of the ILO Constitution regarding the extent of application to the Netherlands Antilles and Surinam of a number of Conventions ratified by the Netherlands. The Committee refers in this connection to paragraph 10 of Part One of this report, and expresses the hope that the necessary action will be taken with a view to communicating the declarations provided for in article 35 of the Constitution in respect of the Conventions concerned.

New Zealand

The Committee regrets that none of the reports due in respect of the application of Conventions in the Cook Islands has been received. It hopes that all the reports in question will be available for examination by the Committee 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 regrets that none of the reports due in respect of the Bahamas, Brunei (for the second year in succession), Dominica, Falkland Islands (Malvinas), Grenada 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 that, in respect of several Conventions ratified by the United Kingdom since 1966, declarations regarding the extent of their application have been made pursuant to article 35 of the ILO Constitution for only a certain number of territories for whose international relations the United Kingdom is responsible. The Committee hopes that the necessary action will be taken with a view to communicating the declarations provided for in article 35 of the Constitution in respect of the remaining territories.

B. INDIVIDUAL OBSERVATIONS**Convention No. 3: Maternity Protection, 1919**

Requests regarding certain points are being addressed directly to *France* (French Polynesia, New Caledonia, St. Pierre and Miquelon, French Territory of the Afars and the Issas).

Convention No. 5: Minimum Age (Industry), 1919*Denmark**Faeroe Islands.*

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 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**Hong Kong.*

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

The Committee has been pointing out in direct requests since 1963 that the provisions of section 2, subsection 2 (a), of the Factories and Industrial Undertakings Ordinance, No. 34 of 1955, which

excludes from its scope 'undertakings . . . not carried on by way of trade or for purposes of gain', are not in conformity with the Convention. It has also noted that on several occasions the Government has stated its intention of amending these provisions so that only the technical schools are excluded from the scope of the Ordinance.

The Committee trusts that the necessary amendments will shortly be made to the legislation, and asks the Government to transmit all relevant information in this connection.

* * *

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

Faeroe Islands.

See under Convention No. 5.

Greenland.

Further to its earlier observations the Committee notes with satisfaction that section 29 of Act No. 225 of 19 May 1971 concerning occupational safety, health and welfare came into force on 1 April 1972 and brings the national legislation into conformity with Article 3 of the Convention.

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

Requests regarding certain points are being addressed directly to the *United Kingdom* (Bahamas, St. Vincent).

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

Request regarding certain points are being addressed directly to the following States: *Denmark* (Faeroe Islands) and *United Kingdom* (British Honduras, British Solomon Islands, British Virgin Islands, Dominica, Falkland Islands (Malvinas), Gibraltar, Grenada, Hong Kong, Montserrat, St. Helena, St. Kitts-Nevis-Anguilla, St. Lucia, St. Vincent, Seychelles).

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

A request regarding certain points is being addressed directly to the *United Kingdom* (Gilbert and Ellice Islands).

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

A request regarding certain points is being addressed directly to the *Netherlands* (Surinam).

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

A request regarding certain points is being addressed directly to the *Netherlands* (Surinam).

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

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

Denmark

Greenland.

Further to its earlier observations the Committee notes from the Government's report for 1970-72 that initiatives will now be taken in examining whether it is practicable to give effect to the Convention in Greenland.

As the Government's previous report had indicated that the number of seamen under 18 years of age was small and a regular medical examination for such persons would raise no problem in practice, the Committee trusts that the necessary measures can be taken in the near future.

* * *

In addition, a request regarding certain points is being addressed directly to *Denmark* (Faeroe Islands).

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

A request regarding certain points is being addressed directly to *Denmark* (Faeroe Islands).

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

A request regarding certain points is being addressed directly to *France* (Overseas Departments: French Guiana, Guadeloupe, Martinique, Réunion).

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

A request regarding certain points is being addressed directly to the *United Kingdom* (Bahamas).

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

United Kingdom

British Solomon Islands.

Further to its earlier direct requests the Committee notes with satisfaction that employers and workers are represented in equal numbers on the Wages Advisory Board established by the Labour (Wages Advisory Board) Rules, 1971, and that representatives of the employers and workers concerned and of their organisations were consulted in the fixing of the minimum wage rates in force, in accordance with Articles 2 and 3, paragraph 2 (1) and (2), of the Convention.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *France* (Comoro Islands), *United Kingdom* (Gibraltar, Hong Kong, Montserrat, Seychelles).

Information supplied by the *United Kingdom* (British Virgin Islands, Guernsey, Jersey, Isle of Man) in answer to a direct request has been noted by the Committee.

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

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

Convention No. 29: Forced Labour, 1930

Requests regarding certain points are being addressed directly to the following States: *France* (French Polynesia), *Netherlands* (Surinam), *United Kingdom* (Gilbert and Ellice Islands).

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

A request regarding certain points is being addressed directly to the *United Kingdom* (Falkland Islands (Malvinas)).

Convention No. 33: Minimum Age (Non-Industrial Employment), 1932

Netherlands

Netherlands Antilles.

Article 5 of the Convention. Further to its earlier observations the Committee notes that in its latest report the Government states that the reorganisation of the Labour Department has not yet been completed.

The Committee also notes that the adoption of the National Decree which is intended to define the tasks prohibited for persons under 18 years of age, in accordance with section 17 (1) of the Order of 22 August 1952, depends on the above reorganisation.

The Committee hopes that the Government will at an early date take all necessary measures to comply fully with this Article of the Convention.

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

France

Overseas Departments (French Guiana, Guadeloupe, Martinique, Réunion).

See under Convention No. 42, France.

* * *

In addition, requests regarding certain points are being addressed directly to the *United Kingdom* (Bahamas, Brunei, Gilbert and Ellice Islands, St. Lucia).

Convention No. 50: Recruiting of Indigenous Workers, 1936

Requests regarding certain points are being addressed directly to the *United Kingdom* (British Solomon Islands, Hong Kong).

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

A request regarding certain points is being addressed directly to the *United States* (American Samoa).

Convention No. 58: Minimum Age (Sea) (Revised), 1936*Netherlands**Netherlands Antilles.*

The Committee notes, from the information given by the Government to the Conference Committee and in its report for the period 1970-72, that no progress appears to have been made with the draft amendment to the National Seamen (Signing on) Decree (PB 1960, No. 201) which was mentioned in the previous report. The purpose of the draft amendment was to insert in the Decree a new clause prohibiting the employment of children under 16 years of age on board ship.

In view of the fact that there are at present no legislative provisions on this matter, the Committee trusts that the Government will be able to announce in the very near future the adoption of measures to conform with the Convention, Article 2 of which fixes the minimum age for maritime employment at 15 years.¹

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

The Committee notes with satisfaction that a new text of Safety Regulations No. 1, a copy of which has been communicated by the Government, was adopted by Resolution No. 8293 of 21 July 1972, and that these Regulations give effect to most of the provisions of the Convention. The Committee is addressing a direct request to the Government regarding the application of the provisions of the Convention not covered by these Regulations.

* * *

In addition, a request regarding certain points is being addressed directly to the *Netherlands* (Surinam).

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

Requests regarding certain points are being addressed directly to the *United Kingdom* (Brunei, Gilbert and Ellice Islands, St. Lucia).

¹ The Government is asked to report in detail for the period ending 30 June 1973.

Convention No. 64: Contracts of Employment (Indigenous Workers), 1939

Requests regarding certain points are being addressed directly to the *United Kingdom* (British Solomon Islands, Seychelles).

Convention No. 81: Labour Inspection, 1947*United Kingdom**Antigua.*

See paragraph 91 of the General Report.

Brunei.

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:

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.

The Committee trusts that the Government will make every effort to take the necessary action in the very near future.

Grenada.

The Committee notes with regret that the Government's report has not been received. The Committee is bound, therefore, to repeat its observation made in 1970 and repeated in 1972, 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.

* * *

In addition, a request regarding certain points is being addressed directly to the *United Kingdom* (St. Vincent).

Convention No. 82: Social Policy (Non-Metropolitan Territories), 1947*United Kingdom**Antigua.*

See paragraph 91 of the General Report.

Southern Rhodesia.

See General Observation in section II A above.

* * *

In addition, requests regarding certain points are being addressed directly to the *United Kingdom* (Bermuda, Gilbert and Ellice Islands, St. Lucia, St. Vincent).

Convention No. 84: Right of Association (Non-Metropolitan Territories), 1947*United Kingdom**Hong Kong.*

With reference to its previous direct requests the Committee notes with satisfaction that, in terms of section 17 (1) (c) of the Trade Unions Ordinance, 1971 (Cap. 332), no person shall be refused membership of a trade union solely on the ground that he is casually or seasonally engaged or employed in the trade, industry or occupation with which the trade union is directly concerned.

Southern Rhodesia.

See General Observation in section II A above.

* * *

In addition, a request regarding certain points is being addressed directly to the *United Kingdom* (Brunei).

Information supplied by the *United Kingdom* (British Solomon Islands) in answer to a direct request has been noted by the Committee.

Convention No. 85: Labour Inspectorates (Non-Metropolitan Territories), 1947*United Kingdom**Antigua.*

See paragraph 91 of the General Report.

Montserrat.

The Committee notes with interest, from the Government's reply to the observation and the direct request made in 1971, that the Government is seeking to obtain from UNDP the assistance of an expert to bring its legislation into conformity with international labour Conventions.

The Committee recalls that the Labour Ordinance contains no provisions to give effect to *Article 4, paragraph 2 (b)*, of the Convention (authorising the inspector to enter by day any premises which he may have reasonable cause to believe to be

liable to inspection); *Article 4, paragraph 2 (c) (iv)* (right to take or remove samples of materials used); *Article 5, subparagraph (b)* (obligation for the inspector not to reveal manufacturing or commercial secrets), and *Article 5, subparagraph (c)* (obligation to treat as confidential the source of any complaint). Moreover, section 6 of the said Ordinance, concerning the right of entry of inspectors, does not specify that the right can be exercised by day or by night, as required by *Article 4, paragraph 2 (a)*, of the Convention.

As these points have been brought to the Government's attention for many years, the Committee hopes that the national legislation will be amended in the very near future so as to bring it into conformity with the Convention, either with the assistance contemplated by the Government or in some other appropriate way, and that the next report will indicate the progress made in this regard.

St. Kitts-Nevis-Anguilla.

See paragraph 91 of the General Report.

St. Lucia.

Further to its earlier observations the Committee has noted with satisfaction that Regulation No. 23 of 1971 amended the Labour Regulations so as to bring them into conformity with Article 4 of the Convention, by giving inspectors the right to interrogate the employer or his staff and to enforce the posting of notices required by the legal provisions.

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, Hong Kong, St. Vincent, Seychelles).

Information supplied by the *United Kingdom* (British Virgin Islands) in answer to a direct request has been noted by the Committee.

Convention No. 88: Employment Service, 1948

A request regarding certain points is being addressed directly to the *United Kingdom* (Bahamas).

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

A request regarding certain points is being addressed directly to *France* (Overseas Departments: French Guiana, Guadeloupe, Martinique, Réunion).

Convention No. 94: Labour Clauses (Public Contracts), 1949

Requests regarding certain points are being addressed directly to: the *Netherlands* (Surinam), the *United Kingdom* (British Solomon Islands, British Virgin Islands, Brunei, Dominica, Grenada, St. Vincent).

Convention No. 95: Protection of Wages, 1949*United Kingdom**Bahamas.*

Article 9 of the Convention. The Committee refers to the direct requests made in 1971 and 1972 and hopes that the proposed new legislation on Fair Labour Standards, mentioned by the Government in its previous reports, will include a general provision providing for the protection of workers against deductions made for the purpose of obtaining or retaining employment as required by this Article of the Convention.

Grenada.

The Committee notes with regret that for the second time in succession the Government's report has not been received. It notes, however, the statement made by a Government representative to the Conference Committee in 1972 indicating that the Bill on the protection of wages—to which the Government has been referring since 1961—would be enacted in the very near future. The Committee hopes that the Government will be able to indicate that the new legislation takes into account the Committee's previous observations relating to Articles 3 (1), 4, 6, 8, 10, 13 and 15 (b), (c) and (d) of the Convention.

St. Lucia.

Article 4, paragraph 2, of the Convention. The Committee refers to the direct request addressed to the Government in 1971 and 1972 and would be glad if the Government would indicate whether measures have already been taken to amend section 23 (1) of the Protection of Wages Ordinance so as to regulate payments in kind as required by this provision of the Convention.

St. Vincent.

Articles 2, 5, 6, 10, 12 and 15 of the Convention. The Committee recalls that legislative measures were to be taken by the Government to ensure the application of these Articles. It notes from the statement made by a Government representative to the Conference Committee in 1972 that there has been no progress in this regard but that the matter was being given consideration and that the Government was anxious to have it settled.

Accordingly the Committee must urge the Government to take the necessary measures in the near future with a view to ensuring full legislative conformity with the above-mentioned provisions of the Convention on which comments have been addressed to the Government since 1960.

* * *

In addition, a request regarding certain points is being addressed directly to the *United Kingdom* (Montserrat).

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

France

Overseas Departments (French Guiana, Guadeloupe, Martinique and Réunion).

For a number of years the Committee has been pointing out that Article 3, paragraph 3, of the Convention is not fully applied in the Overseas Departments since the minimum wage for the latter is fixed without any prior consultation with the representatives of the employers and workers concerned. At the Conference Committee in 1971 and in its report for 1970-72 the Government stated that the minimum wage in the Overseas Departments followed closely the evolution of the minimum wage in France itself. Any increase in the latter due to an increase in prices was immediately reflected in the Overseas Departments and, owing to the close link between the minimum wage in France itself and in the Overseas Departments, consultation took place at the level of the Superior Committee on Collective Agreements. It added that, since there was no difference in status between France itself and its Overseas Departments and in view of the fact that the minimum wage applied to these Departments in the same way as to the others, the obligation to consult had been complied with.

The Committee wishes to recall that the minimum wage is not the same in France itself and in the Overseas Departments. Thus, on 1 February 1973, it was 4.64 francs an hour (185.60 francs a week) in France compared with 151.65 francs a week in French Guiana, Guadeloupe and Martinique and 6,185.96 CFA francs in Réunion. While the Superior Committee on Collective Agreements is consulted over the minimum wage in France, it is not consulted over the minimum wage in the Overseas Departments. Furthermore, the fixing of minimum wages in the latter is governed by special rules (Book VIII, sections L.811-1 *et seq.* of the Labour Code) which, while providing that any increases in the French minimum wage due to an increase in prices shall be automatically reflected in the Overseas Departments, also provide that the minimum wage shall be fixed each year "having regard to the local economic situation" and permit a further increase during the year. These two latter measures are taken without prior consultation with the local employers' and workers' organisations.

In these circumstances the Committee takes due note of the statement made by a Government representative at the Conference committee in 1971 to the effect that, in view of the provisions of the Convention, the Government is prepared to reconsider measures for more formal consultations at the department level, if the Committee considers it necessary. The Committee expresses the hope that the Government will shortly take appropriate action to ensure that the local employers' and workers' organisations are consulted when minimum wages are fixed for the Overseas Departments.

* * *

In addition, requests regarding certain points are being addressed directly to the following States: *Australia* (New Guinea, Papua), *New Zealand* (Cook Islands), *United Kingdom* (Seychelles).

Information supplied by the *United Kingdom* (Isle of Man, Jersey) in answer to a direct request has been noted by the Committee.

Convention No. 100: Equal Remuneration, 1951*France*

Overseas Departments (French Guiana, Guadeloupe, Martinique, Réunion).

See under Convention No. 100, France.

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* (Faeroe Islands), *Netherlands* (Surinam), *United Kingdom* (Antigua, Bahamas, British Solomon Islands, Gilbert and Ellice Islands, Montserrat, St. Kitts-Nevis-Anguilla).

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

Greenland.

Further to its previous comments the Committee notes with satisfaction the enactment of the Occupational Safety, Health and Welfare Act of 19 May 1971, section 27 (1) and (2) of which provide for a weekly rest period of 24 hours, and compensatory rest in cases of exemptions granted to meet social needs of the community or to prevent the loss of perishable goods, in conformity with the Convention.

* * *

In addition, a request regarding certain points is being addressed directly to *Denmark* (Faeroe Islands).

Convention No. 108: Seafarers' Identity Documents, 1958*United Kingdom*

British Solomon Islands.

Article 6 of the Convention. Further to its previous direct requests the Committee notes with satisfaction that Notice No. 48 of 1 March 1971, by the Principal Immigration Officer, permits foreign seafarers holding a valid seafarer's identity document to enter the territory for the purposes of the Convention.

* * *

In addition, requests regarding certain points are being addressed directly to the *United Kingdom* (Bermuda, Brunei, Dominica, Falkland Islands (Malvinas), Grenada).

Information supplied by the *United Kingdom* (British Virgin Islands, Jersey, Seychelles) in answer to direct requests has been noted by the Committee.

Convention No. 112: Minimum Age (Fishermen), 1959

A request regarding certain points is being addressed directly to the *Netherlands* (Surinam).

Convention No. 122: Employment Policy, 1964

Requests regarding certain points are being addressed directly to the following States: *Australia* (New Guinea, Papua), *Netherlands* (Netherlands Antilles).

**Appendix. Receipt of Detailed Reports on Ratified Conventions (Non-Metropolitan Territories)
as at 28 March 1973**

(Articles 22 and 35 of the Constitution)

Reports received: 869 Reports not received: 434 Total: 1,303

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 1972 are in italic.

States and Territories	Reports received		Reports not received		Population ¹ (thousands)
	Total	Conventions Nos.	Total	Conventions Nos.	
Australia	36		0		
New Guinea	12	7, 8, 9, 11, 15, 21, 26, 27, 45, 47, 99, 122	0	—	1 752
Norfolk Island	12	7, 8, 9, 11, 15, 21, 26, 27, 45, 47, 99, 122	0	—	1
Papua	12	7, 8, 9, 11, 15, 21, 26, 27, 45, 47, 99, 122	0	—	669
Denmark	28		36		
Faeroe Islands	0	—	36	2, 5, 6, 7, 8, 9, 11, 12, 14, 15, 16, 18, 19, 21, 29, 32, 42, 52, 53, 58, 63, 81, 87, 92, 94, 98, 100, 102, 105, 106, 108, 111, 112, 118, 120, 122	38
Greenland	28	5, 7, 8, 9, 11, 12, 14, 15, 16, 18, 19, 21, 29, 32, 42, 53, 58, 87, 92, 98, 100, 102, 106, 108, 111, 112, 120, 122	0	—	47
France	252		79		
<i>Overseas Departments :</i>					
French Guiana	31	3, 5, 8, 9, 11, 14, 15, 26, 27, 32, 33, 35, 36, 37, 38, 43, 45, 49, 58, 62, 68, 84, 87, 91, 97, 98, 99, 100, 108, 112, 125	2	13, 42	51

For footnote see end of table, p. 216.

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States and Territories	Reports received		Reports not received		Population ¹ (thousands)
	Total	Conventions Nos.	Total	Conventions Nos.	
Guadeloupe	31	3, 5, 8, 9, 11, 14, 15, 26, 27, 32, 33, 35, 36, 37, 38, 43, 45, 49, 58, 62, 68, 84, 87, 91, 97, 98, 99, 100, 108, 112, 125	2	13, 42	327
Martinique.	31	3, 5, 8, 9, 11, 14, 15, 26, 27, 32, 33, 35, 36, 37, 38, 43, 45, 49, 58, 62, 68, 84, 87, 91, 97, 98, 99, 100, 108, 112, 125	2	13, 42	338
Réunion	31	3, 5, 8, 9, 11, 14, 15, 26, 27, 32, 33, 35, 36, 37, 38, 43, 45, 49, 58, 62, 68, 84, 87, 91, 97, 98, 99, 100, 108, 112, 125	2	13, 42	446
<i>Overseas Territories :</i>					
Comoro Islands	32	3, 5, 8, 9, 11, 13, 14, 15, 26, 27, 32, 33, 35, 36, 37, 38, 43, 45, 49, 58, 62, 68, 84, 87, 91, 97, 98, 99, 100, 108, 112, 125	0	—	271
French Polynesia	0	—	70	2, 3, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 22, 23, 24, 26, 27, 29, 32, 33, 35, 36, 37, 38, 42, 43, 44, 45, 49, 52, 53, 55, 56, 58, 62, 63, 68, 69, 71, 73, 74, 77, 78, 81, 82, 84, 85, 87, 88, 89, 91, 92, 94, 95, 96, 97, 98, 99, 100, 101, 105, 108, 112, 113, 114, 125	109
French Territory of the Afars and the Issas . .	31	3, 5, 8, 9, 11, 13, 14, 15, 26, 27, 32, 33, 35, 36, 37, 38, 43, 45, 49, 58, 62, 68, 84, 87, 91, 97, 98, 99, 100, 108, 112, 125	1	35	95
New Caledonia	32	3, 5, 8, 9, 11, 13, 14, 15, 26, 27, 32, 33, 35, 36, 37, 38, 43, 45, 49, 58, 62, 68, 84, 87, 91, 97, 98, 99, 100, 108, 112, 125	0	—	109
St. Pierre and Miquelon .	33	3, 5, 8, 9, 11, 13, 14, 15, 26, 27, 32, 33, 35, 36, 37, 38, 43, 45, 49, 58, 62, 68, 78, 84, 87, 91, 97, 98, 99, 100, 108, 112, 125	0	—	5

NON-METROPOLITAN TERRITORIES

States and Territories	Reports received		Reports not received		Population ¹ (thousands)
	Total	Conventions Nos.	Total	Conventions Nos.	
Netherlands	52		1		
Netherlands Antilles . .	24	5, 8, 9, 11, 13, 14, 15, 21, 26, 27, 32, 33, 45, 58, 62, 68, 87, 91, 97, 99, 112, 122, 123, 128	1	102	222
Surinam	28	5, 8, 9, 11, 13, 14, 15, 21, 26, 27, 29, 32, 33, 45, 58, 62, 68, 87, 91, 94, 97, 99, 102, 105, 112, 122, 123, 128	0	—	393
New Zealand	40		36		
Cook Islands	0	—	36	1, 2, 9, 10, 11, 12, 14, 15, 16, 17, 21, 22, 26, 30, 32, 42, 44, 45, 47, 49, 50, 52, 53, 58, 59, 63, 64, 74, 81, 84, 88, 89, 97, 99, 101, 122	24
Niue Island	20	1, 9, 11, 14, 15, 21, 26, 30, 32, 45, 47, 49, 50, 58, 59, 64, 84, 97, 99, 122	0	—	6
Tokelau Islands	20	1, 9, 11, 14, 15, 21, 26, 30, 32, 45, 47, 49, 50, 58, 59, 64, 84, 97, 99, 122	0	—	2
United Kingdom	460		278		
Antigua	31	5, 7, 8, 11, 15, 22, 26, 32, 35, 36, 37, 38, 39, 40, 45, 50, 64, 68, 81, 82, 84, 86, 87, 97, 98, 99, 102, 105, 108, 120, 122	0	—	61
Bahamas	0	—	30	5, 7, 8, 11, 15, 25, 26, 32, 35, 36, 37, 38, 39, 40, 44, 45, 50, 64, 68, 84, 86, 87, 95, 97, 98, 99, 102, 108, 120, 122	171
Bermuda	27	5, 7, 8, 11, 15, 26, 32, 35, 36, 37, 38, 39, 40, 45, 50, 64, 68, 84, 86, 87, 97, 98, 99, 102, 108, 120, 122	0	—	54
British Honduras	27	5, 7, 8, 11, 15, 26, 32, 35, 36, 37, 38, 39, 40, 45, 50, 64, 68, 84, 86, 87, 97, 98, 99, 102, 108, 120, 122	0	—	126

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States and Territories	Reports received		Reports not received		Popula- tion ¹ (thou- sands)
	Total	Conventions Nos.	Total	Conventions Nos.	
British Solomon Islands .	27	5, 7, 8, 11, 15, 26, 32, 35, 36, 37, 38, 39, 40, 45, 50, 64, 68, 84, 86, 87, 94, 97, 98, 102, 108, 120, 122	2	95, 99	163
British Virgin Islands . .	27	5, 7, 8, 11, 15, 26, 32, 35, 36, 37, 38, 39, 40, 45, 50, 64, 68, 84, 86, 87, 97, 98, 99, 102, 108, 120, 122	1	115	11
Brunei	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	121
Dominica	0	—	28	5, 7, 8, 11, 15, 26, 32, 35, 36, 37, 38, 39, 40, 45, 50, 64, 68, 84, 86, 87, 94, 97, 98, 99, 102, 108, 120, 122	74
Falkland Islands (Malvinas)	0	—	27	5, 7, 8, 11, 15, 26, 32, 35, 36, 37, 38, 39, 40, 45, 50, 64, 68, 84, 86, 87, 97, 98, 99, 102, 108, 120, 122	2
Gibraltar	27	5, 7, 8, 11, 15, 26, 32, 35, 36, 37, 38, 39, 40, 45, 50, 64, 68, 84, 86, 87, 97, 98, 99, 102, 108, 120, 122	0	—	26
Gilbert and Ellice Islands	23	7, 8, 11, 15, 26, 32, 35, 36, 37, 38, 39, 40, 45, 50, 64, 68, 84, 86, 87, 97, 99, 102, 120	4	5, 98, 108, 122	56
Grenada	0	—	33	2, 5, 7, 8, 11, 15, 26, 32, 35, 36, 37, 38, 39, 40, 45, 50, 64, 68, 81, 84, 86, 87, 88, 94, 95, 97, 98, 99, 102, 105, 108, 120, 122	103

NON-METROPOLITAN TERRITORIES

States and Territories	Reports received		Reports not received		Population ¹ (thousands)
	Total	Conventions Nos.	Total	Conventions Nos.	
Guernsey	40	5, 7, 8, 11, 15, 16, 22, 26, 29, 32, 35, 36, 37, 38, 39, 40, 45, 50, 63, 64, 65, 68, 69, 74, 82, 86, 87, 92, 94, 95, 97, 98, 99, 101, 102, 105, 108, 120, 122, 124	0	—	50
Hong Kong	20	7, 8, 15, 26, 32, 36, 37, 38, 40, 50, 64, 68, 84, 86, 87, 97, 98, 102, 120, 122	7	5, 11, 35, 39, 45, 99, 108	3 959
Isle of Man	27	5, 7, 8, 11, 15, 26, 32, 35, 36, 37, 38, 39, 40, 45, 50, 64, 68, 84, 86, 87, 97, 98, 99, 102, 108, 120, 122	0	—	50
Jersey	21	5, 7, 8, 11, 15, 26, 32, 35, 36, 37, 38, 39, 40, 45, 68, 87, 97, 98, 99, 102, 108	7	50, 64, 82, 84, 86, 120, 122	70
Montserrat	27	5, 7, 8, 11, 15, 26, 32, 35, 36, 37, 38, 39, 40, 45, 50, 64, 68, 84, 86, 87, 97, 98, 99, 102, 108, 120, 122	0	—	15
St. Helena	27	5, 7, 8, 11, 15, 26, 32, 35, 36, 37, 38, 39, 40, 45, 50, 64, 68, 84, 86, 87, 97, 98, 99, 102, 108, 120, 122	1	85	5
St. Kitts-Nevis-Anguilla .	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, 63, 64, 65, 68, 69, 74, 81, 82, 84, 85, 86, 87, 88, 92, 94, 95, 97, 98, 99, 101, 102, 105, 108, 115, 120, 122, 124	1	56	62
St. Lucia	28	5, 7, 8, 11, 15, 26, 32, 35, 36, 37, 38, 39, 40, 45, 50, 64, 68, 82, 84, 86, 87, 97, 98, 99, 102, 108, 120, 122	1	95	115
St. Vincent	0	—	28	5, 7, 8, 11, 15, 26, 32, 35, 36, 37, 38, 39, 40, 45, 50, 64, 68, 82, 84, 86, 87, 97, 98, 99, 102, 108, 120, 122	96
Seychelles	27	5, 7, 8, 11, 15, 26, 32, 35, 36, 37, 38, 39, 40, 45, 50, 64, 68, 84, 86, 87, 97, 98, 99, 102, 108, 120, 122	0	—	52

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States and Territories	Reports received		Reports not received		Popula- tion ¹ (thou- sands)
	Total	Conventions Nos.	Total	Conventions Nos.	
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
United States	5		0		
American Samoa	1	58	0	—	30
Guam	1	58	0	—	100
Pacific Islands (Trust Territory) . . .	1	58	0	—	102
Puerto Rico	1	58	0	—	2 722
Virgin Islands	1	58	0	—	59

¹ Source: United Nations: *Demographic Year Book*, 1971.

**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 regrets to note that the Government has not provided any information in response to its previous observation. It trusts that the Government will, in the very near future, supply the information and the documents requested concerning the instruments adopted from the 46th to the 52nd Sessions of the Conference, which, according to the statement made to the Conference Committee in 1971, had been submitted to the competent government authorities, and that it will specify, as requested by the Committee in its observation in 1972, the authorities to which the instruments in question were submitted. The Committee hopes that the Government will also take the necessary steps to submit to the competent authorities the instruments adopted from the 53rd to the 56th 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.

Algeria

Further to its previous comments, the Committee has noted with interest the information and documents supplied by the Government concerning the submission of Convention No. 128 and of the instruments adopted at the 52nd to 56th Sessions of the Conference.

Barbados

The Committee notes the information communicated by the Government concerning the decisions taken by the Cabinet regarding the instruments adopted at the 51st and 52nd Sessions of the Conference. It requests the Government to state whether the instruments in question have been submitted to Parliament, which, according to earlier information from the Government, is the body vested with the power to legislate and is therefore the competent authority for the submission of Conventions and Recommendations. The Committee hopes that the Government will also state in the near future whether the instruments adopted at the 53rd to 56th 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 (points II and III of the questionnaire).

Bolivia

The Committee refers to the statement made by a government representative to the Conference Committee in 1972, that a certain number of instruments would be

examined this year. The Government also indicated in January 1973 that full information would be supplied at an early date. The Committee regrets to note that no additional information has been received since that time, and it trusts that the Government will, in the near future, indicate that all the 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.

Brazil

The Committee notes that Convention No. 135 has been submitted to Congress. It requests the Government to supply in this connection the information and documents called for in the Memorandum adopted by the Governing Body. The Committee trusts that the Government will also be in a position to indicate soon that all the instruments adopted from the 46th to the 56th Sessions of the Conference, which are listed in the last column of the table in Appendix I to this section, have been submitted to Congress, and that it will supply in this connection the information and documents referred to above.

Bulgaria

The Committee has noted with interest the discussion which took place in the Conference Committee in 1972, regarding the questions of the determination of the competent authority and the communication by the Government of the documents requested in the Memorandum adopted by the Governing Body.

As concerns the question of the communication of documents requested in the Memorandum adopted by the Governing Body, the Government representative of Bulgaria indicated that in the information supplied under article 19, the Government had described in detail all the steps taken, including the text of the letter by which the instruments had been transmitted to the State Council (or formerly to the Presidium of the National Assembly) as well as the decisions taken by the Council. In this regard the Committee notes with interest that, in addition to the information mentioned above, the Government this year supplied a copy of the decision taken by the State Council on the subject of instruments adopted at the 56th Session of the Conference. The Committee hopes that the Government will be in a position to complete this documentation in the future by supplying copies of the documents by means of which the instruments were submitted (point II (c) of the questionnaire at the end of the Memorandum adopted by the Governing Body).

As concerns the question of the competent authority, the Government representative stated in particular that the State Council is competent to legislate to a certain extent and even to amend existing laws, subject to approval by the National Assembly. It appears to the Committee that, according to the relevant provisions of the 1971 Constitution of the People's Republic of Bulgaria, while the State Council can indeed issue decrees and interpret the laws in force (Article 93 (7) and (8)), Article 77 of the Constitution provides that "the National Assembly is the sole legislative body of the People's Republic of Bulgaria". The Committee has noted also that the State Council, as the supreme organ of the National Assembly, has both legislative and executive functions, but that it is responsible to the Assembly and reports to it on all its activities (Article 90 of the Constitution). It would seem, therefore, that there is no contradiction in submitting also to the National Assembly the instruments submitted to the State Council. The Committee refers to its previous

comments made since 1957 and reiterates the hope that the Government will be in a position to submit the instruments adopted by the Conference also to the National Assembly, as the body vested with general legislative power and as the most representative parliamentary body.

Burma

The Committee regrets to note once again that since 1969 the Government has provided no information in response to its observations. It trusts that in the near future the Government will supply, in respect of the instruments adopted from the 44th to the 51st Sessions of the Conference, the information and documents called for in the Memorandum adopted by the Governing Body (points II (c) and III of the questionnaire).

The Committee hopes that the Government will also indicate whether the instruments adopted from the 52nd to the 56th Sessions of the Conference have been submitted to the competent authorities, and will supply in this connection the information and documents mentioned above.

Burundi

The Committee refers to its observation made in 1972, more particularly its request for additional information concerning the submission of a certain number of instruments adopted from the 47th to the 53rd Sessions of the Conference. As the Government indicated in April 1972 that 16 Conventions had been submitted to the competent authorities for ratification, the Committee can only once again request the Government to specify which those instruments are. It deems it useful to recall in this connection that under article 19 of the Constitution of the ILO Conventions as well as Recommendations must in every case be submitted to the competent authorities, even if it is not intended to ratify a Convention or give effect to a Recommendation. The Committee trusts that the Government will also take the necessary measures to submit to the competent authorities all the instruments adopted from the 47th to the 56th Sessions of the Conference which have not yet been submitted, and that it will supply in this connection the information and documents called for in the Memorandum adopted by the Governing Body (points I, II and III of the questionnaire).

Byelorussian SSR

Further to its previous observations the Committee has noted the discussion which took place in the Conference Committee in 1972 concerning the questions of the determination of the competent authority and of the communication by the Government of the information and documents called for in the Memorandum adopted by the Governing Body. The Conference Committee having expressed the wish that the Committee of Experts should examine all the different views expressed, the Committee of Experts wishes first of all to note the unanimous concern, expressed in the discussion, that the ILO's work in general, and its standard-setting activities in particular, should receive the widest dissemination possible. It considers that this important aspect should be kept in mind when reviewing the principal points raised in the course of the discussion. The Committee refers in this regard to its previous comments and to the indications provided by the Government since 1957.

As regards the nature of the competent authority, according to the relevant provisions of article 19 of the ILO Constitution, the submission of Conventions and Recommendations must be made to "the authority or authorities within whose

competence the matter lies, for the enactment of legislation or other action". The expression "competent authority" thus signifies in the first place the authority which, according to the constitution of each State, is vested with the power to legislate in the fields covered by the instruments in question, i.e. as a rule, the Parliament. In the case of instruments which do not call for legislative measures but for other action, the competent authority may be a different one, but it would be desirable, if the purpose of the obligation to submit is to be fully achieved, to submit the instruments to the most representative legislative body as well, so as to bring them to the knowledge of public opinion. In the present case it seems to the Committee that under the relevant provisions of the Constitution of the Byelorussian SSR, while the Presidium of the Supreme Soviet can indeed issue decrees and interpret the laws in force in the Byelorussian SSR (article 31 (b) of the Constitution of the Byelorussian SSR, as amended up to 1960), article 23 of the Constitution provides that "The Supreme Soviet of the Byelorussian SSR is the sole legislative organ of the Republic." It therefore seems that the Supreme Soviet is in principle the authority vested by the national Constitution with the *general* power to legislate on the matters dealt with by ILO Conventions and Recommendations. In these circumstances, it would seem that the legislative powers of the Presidium, even if they extended in fact to all the subjects covered by ILO instruments, should not exclude the competence of the Supreme Soviet as the body in which the general power to legislate is vested. It therefore seems appropriate for Conventions and Recommendations to be brought to the attention of the members of the Supreme Soviet. Similarly, in the case of instruments which do not call for legislative measures but for other action, it would be desirable, to ensure the widest possible dissemination of Conventions and Recommendations, to submit these instruments also to the Supreme Soviet as the most representative parliamentary body. It is understood that the most appropriate procedure to be followed in bringing these instruments before the Supreme Soviet can be determined by the Government in the light of national practice.

As regards the question of communication of the information and documents requested in the Memorandum adopted by the Governing Body, the information and documents involved are those requested in points II (c) and III of the questionnaire at the end of this Memorandum. In this connection, the Committee is bound to note that, notwithstanding its repeated requests, copies of the documents by means of which the instruments have been submitted, copies of any proposals of the Government and the competent authority's decisions—except in the case of ratified Conventions—have never been supplied.

The Committee hopes that the Government will reconsider these questions in the light of the above comments, that it will be in a position to communicate the instruments adopted by the Conference to the Supreme Soviet also, and that it will in future regularly supply, in connection with the submission of new instruments, the information and documents called for in the Memorandum adopted by the Governing Body.

Central African Republic

The Committee notes that the instruments adopted at the 55th Session of the Conference have been submitted to the Council of Ministers, which is the competent legislative body. It hopes that the Government will indicate soon that the instruments adopted at the 56th Session have also been submitted to the competent authorities.

Further to its previous observation, the Committee trusts that the Government will soon be in a position to state that all the instruments adopted from the 49th to the 52nd Sessions of the Conference have been submitted to the competent authorities,

and that, as regards the instruments adopted from the 49th to the 56th Sessions, it will supply the information and documents called for in the Memorandum adopted by the Governing Body (points II (c) and III of the questionnaire).

Chad

The Committee notes, from the information given by the Government to the Conference Committee in 1972, that the instruments adopted from the 50th to the 54th Sessions of the Conference were duly submitted to Parliament, which has not yet communicated its decisions to the Department of Labour, and that the Government would supply copies of the correspondence exchanged on this subject. The Committee regrets to note that no information or document on the subject has so far been supplied by the Government. It trusts that the Government will, in the very near future, furnish the information in question and will also state whether the instruments adopted at the 55th and 56th Sessions of the Conference have been submitted to the competent authority and 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).

Chile

The Committee notes the statement made by a Government representative to the Conference Committee in 1972 that the Government would shortly submit Conventions and Recommendations to Congress. Since no further information has been received on this subject, the Committee trusts that the Government will, in the very near future, take the necessary measures to submit to Congress the instruments adopted from the 50th to the 56th Sessions of the Conference, and that it will also supply, in respect of all the instruments adopted since the 49th Session, the information and documents called for in the Memorandum adopted by the Governing Body.

Colombia

The Committee refers to the information supplied earlier by the Government, according to which all Conventions which had not yet been submitted to the competent authorities would be submitted to Parliament at its session opening in July 1972, and all the Recommendations adopted from the 40th to the 56th Sessions of the Conference had been laid before the National Labour Council. In 1972 a Government representative stated to the Conference Committee that, if necessary, the Recommendations would subsequently be submitted by the Executive to Congress for adoption and incorporation in legislation. The Committee deems it useful to point out that, under article 19 of the Constitution of the ILO, governments must in all cases submit to the authorities empowered to legislate the instruments adopted by the Conference—Recommendations as well as Conventions—even when it is not proposed to ratify a Convention or to adopt a Recommendation, it being understood that governments are entirely free to propose what action should be taken on any given instrument.

The Committee therefore trusts that the Government will be able to indicate in the near future that the Recommendations as well as the Conventions still listed in the last column of the table in Appendix I to this section have been submitted to Congress, 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).

Dahomey

The Committee notes with regret that no information has been received in response to its earlier observation. It can only draw attention to the fundamental obligation incumbent upon the Government under article 19 of the Constitution of the ILO and trusts that the Government will in the near future take the necessary steps to submit to the competent authorities all the instruments adopted from the 45th to the 56th 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).

Democratic Yemen

The Committee notes with regret that no information has been received in reply to its previous direct requests. It trusts that the Government will be able to indicate soon whether the instruments adopted from the 53rd to the 56th Sessions of the Conference have been submitted to the competent authorities, in accordance with article 19, paragraphs 5 (b) and 6 (b), of the Constitution of the ILO. It recalls in this connection that the authorities to whom the instruments should be submitted are those empowered to legislate in respect of the matters covered by the instruments in question. The Committee hopes that the Government will also supply, in regard to the submission of the above-mentioned instruments, the information and documents called for at points I, II and III of the questionnaire at the end of the Memorandum adopted by the Governing Body.

Dominican Republic

The Committee has noted the information supplied by the Government concerning the submission to Congress of the instruments adopted at the 54th and 55th Sessions of the Conference. On the other hand, it regrets to note that the Government has not supplied, in connection with the instruments adopted from the 44th to the 51st Sessions, already submitted to Congress, the information and documents called for in the Memorandum adopted by the Governing Body. The Committee trusts that the Government will, in the very near future, supply all the required particulars. It hopes that the Government will also indicate whether the instruments adopted at the 52nd, 53rd and 56th Sessions have been submitted to Congress and will supply in that connection the information and documents mentioned above.

Ecuador

The Committee notes from the information given by the Government to the Conference Committee in 1972 that the competent services were making a thorough analysis of the ILO Conventions with a view to their ratification. However, it regrets to note that the Government has not yet supplied, in connection with various instruments adopted from the 31st to the 51st Sessions which were submitted to the competent authority in 1971, the information and documents called for in the Memorandum adopted by the Governing Body (points II and III of the questionnaire). The Committee trusts that the Government will communicate the information and documents in question in the very near future. It hopes that the Government will also indicate whether all the instruments adopted from the 52nd to the 56th Sessions of the Conference have been submitted to the competent authority and will also supply in that connection the information and documents mentioned above.

Egypt

The Committee notes with interest the information and documents supplied by the Government with regard to the submission to the National Assembly of the instruments adopted at the 55th and 56th Sessions of the Conference, and of Conventions Nos. 97, 99, 103 and 117 and Recommendations Nos. 84 to 89 and 90 to 95.

The Committee hopes that the Government will soon be able to indicate that the instruments listed in the last column of the table in Appendix I to this section have also 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.

El Salvador

The Committee has noted with satisfaction the information and documents concerning the submission to the Legislative Assembly of all instruments adopted from the 31st to the 45th Sessions of the Conference, of the Recommendations adopted at the 50th Session and of all instruments adopted at the 51st and 53rd Sessions. It has also noted that the Minister of Labour has transmitted to the Minister of Foreign Affairs, for purposes of submission to the Legislative Assembly, the instruments adopted from the 46th to the 56th Sessions of the Conference which have not yet been sent to the Assembly. The Committee hopes that the Government will be able to indicate in the near future that the instruments in question have actually been submitted to the Legislative Assembly and that it will supply in this connection the information and documents called for in the Memorandum adopted by the Governing Body.

Ethiopia

Further to its previous observation the Committee has noted the statement by a Government representative to the Conference Committee in 1972 that under article 30 of the National Constitution the Emperor alone, and not Parliament, is competent to ratify Conventions, and Conventions were thus submitted to him. The Committee can only point out once again in this connection, 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. Article 19, paragraphs 5 and 6, of the Constitution of the ILO (which refer to the submission of Conventions and Recommendations "to the authority or authorities within whose competence the matter lies, for the enactment of legislation or other action"), as well as points I and II (c) of the Memorandum adopted by the Governing Body confirm that the "competent authority" for the purpose of submission means the body empowered, by the National Constitution, to legislate in respect of the questions to which a Convention or Recommendation relates.

The Committee recalls, in this respect, the Government's earlier reference 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 ILO.

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.

Gabon

The Committee regrets to note that, apart from indications given by the Government concerning the possible ratification of instruments adopted at the 56th Session of the Conference, no information has been received in reply to its previous observation. It can only recall the fundamental obligation incumbent upon the Government under article 19 of the Constitution to submit in all cases the Conventions and Recommendations to the competent legislative authorities, it being understood that the Government remains entirely free to propose whatever action it deems appropriate on each instrument.

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 hopes that the Government will also indicate whether the instruments adopted from the 51st to the 56th 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.

Greece

The Committee notes the information and documents communicated by the Government concerning the submission to the competent authorities of instruments adopted at the 55th and 56th Sessions of the Conference and of Convention No. 106 and Recommendations Nos. 100, 103 and 136. It also notes that the submission to the competent authorities of the instruments adopted at the 41st to 46th Sessions of the Conference is envisaged and that the submission procedure has been initiated for the instruments adopted at the 41st to the 43rd Sessions. The Committee hopes that the submission of these various instruments will be accomplished in the near future and that the Government will supply in their regard the information and documents called for in the Memorandum adopted by the Governing Body.

Guatemala

The Committee regrets to note that the Government has not supplied any information in reply to its observations since 1970 and, in particular, that it has not supplied the information and documents called for in the Memorandum adopted by the Governing Body (points II (b) and (c) and III of the questionnaire) regarding the numerous instruments already submitted to the Congress (Conventions Nos. 91, 92, 93, 103, 104, 107, 115, 117, 121, 123 to 126, 128 and 129; Recommendations Nos. 87 to 100, 103, 104, 112 to 119, 121, 123 to 127, 131 and 132).

The Committee further trusts that the Government will be able to indicate shortly that all the instruments adopted from the 53rd to 56th Sessions of the Conference have been submitted to Congress and that it will supply in their respect the above-mentioned information and documents.

Haiti

The Committee regrets to note once again that the Government has supplied no information regarding the submission to the competent authorities of the numerous instruments adopted by the Conference from its 31st to its 56th Sessions, as listed in the last column of the table in Appendix I to this section. It can only stress once again the fundamental importance of the obligation incumbent upon member States under article 19 of the Constitution of the ILO, to submit to the competent legislative authorities all the Conventions and Recommendations adopted by the Conference, even if they do not propose to ratify a Convention or to give effect to a Recommendation.

The Committee trusts that the Government will not fail to take the necessary measures in the very near future to submit the instruments in question to the Legislative Chambers and will supply in this connection the information and documents called for in the Memorandum adopted by the Governing Body.

Honduras

The Committee regrets to note once again that the Government has supplied no information as to the steps taken for the actual submission to the competent authorities of the very numerous instruments adopted by the Conference from its 45th to 56th Sessions. It points out once more the fundamental importance of the obligation incumbent upon member States under article 19 of the Constitution of the ILO. The Committee trusts that the Government will, in the very near future, take the necessary steps to submit to the competent authorities all the instruments in question and will supply in this connection the information and documents called for by the Memorandum adopted by the Governing Body.

Hungary

The Committee refers to the discussion which took place at the Conference Committee in 1972 as well as to its previous comments and to the indications provided by the Government since 1957. In this regard, it reiterates the hope that the Government will be in a position to submit the instruments adopted by the Conference not only to the Presidential Council, but also 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 (point II (c) of the questionnaire). It trusts that the documents in question will be communicated regularly in future whenever new instruments are submitted.

Indonesia

The Committee notes from the information supplied by the Government to the Conference Committee in 1972 that due to the re-establishment of the new Parliament elected in July-August 1971 and its organisation after these elections, submission to

Parliament of Conventions and Recommendations already submitted to the President was delayed. The Committee hopes that the Government will soon be able to indicate that the instruments adopted at the 52nd, 53rd, 55th and 56th Sessions of the Conference have been submitted to Parliament and that it will supply, in respect of these instruments and of those adopted at the 54th Session, the information and documents called for in the Memorandum adopted by the Governing Body.

Iraq

The Committee notes that the instruments adopted at the 56th Session of the Conference have been submitted to the competent authority. As no further information has however been received regarding the submission of the numerous instruments listed in the last column of the table in Appendix I to this section, the Committee trusts that the Government will take the necessary measures in the near future and will supply in this connection the information and documents called for in the Memorandum adopted by the Governing Body.

Ivory Coast

Further to the Government's statement to the Conference Committee in 1972, the Committee notes the ratification of three Conventions adopted at the 55th and 56th Sessions of the Conference. It hopes that the Government will indicate shortly whether Convention No. 134, as well as all the Recommendations adopted at these two sessions, have been submitted to the competent authorities. The Committee also notes with regret that no information has been supplied in reply to its previous observations. It trusts that the Government will be able to indicate soon that all the instruments adopted from the 50th to the 54th Sessions of the Conference have been submitted to the National Assembly and that it will supply in their respect the information and documents called for in the Memorandum adopted by the Governing Body.

Jamaica

The Committee notes from the information supplied by the Government to the Conference Committee in 1972 that, following the recent general election, the submission of Conventions and Recommendations has been delayed. It further notes from the information subsequently communicated by the Government that various instruments adopted from the 51st to 54th Sessions of the Conference have been submitted to the Cabinet for consideration. It would be glad if the Government would indicate whether the instruments in question have been submitted to the House of Representatives, mentioned previously by the Government as the competent authority. It trusts that the Government will also be able to indicate soon that all the 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, from the information supplied by the Government, that the instruments adopted at the 56th Session of the Conference have been transmitted to the competent authorities. Having regard to the Government's earlier indication that Conventions and Recommendations are submitted to the Council of Ministers which in turn submits them to Parliament, the Committee would be glad if the Government

would confirm whether the above-mentioned instruments have been submitted to 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.

The Committee further reiterates the hope that the Government will indicate in the near future whether all the instruments listed in the last column of the table in Appendix I to this section, 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 mentioned above.

Laos

As no information has been received in response to its previous observations, the Committee can only reiterate the hope that the Government will soon be in a position to indicate that all the instruments adopted from the 48th to the 56th 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.

Lebanon

The Committee refers to the information supplied by the Government to the Conference Committee in 1972, that the Conventions adopted from the 35th to the 52nd Sessions of the Conference would be submitted to the competent authorities in the very near future. It regrets to note that no further information has been received on this subject. The Committee trusts that the Government will, in the very near future, be able to indicate that the numerous instruments adopted from the 31st to the 56th 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 connection the information and documents called for in the Memorandum adopted by the Governing Body.

Liberia

The Committee notes from the information supplied by the Government that the instruments adopted at the 56th Session of the Conference have been submitted to the competent authority. Recalling the Government's earlier indication that all instruments are submitted to the President for transmission to the legislature, the Committee would be glad if the Government would specify whether the above instruments have been submitted to the legislative body, and hopes that it will supply in this connection the information and documents called for in the Memorandum adopted by the Governing Body.

The Committee further notes with regret that no information has been supplied in reply to its previous observation. It trusts that the Government will 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 in this connection the information and documents referred to above.

Malawi

Further to its previous observations, the Committee regrets to note, from the statement by a Government representative at the Conference Committee in 1972 and from a subsequent communication by the Government, that the latter maintains its

view that the competent authority is the President and the Cabinet. In this connection, the Committee can only point out once again that, under article 19 of the ILO Constitution, Conventions and Recommendations must be submitted to the authority or authorities empowered, by virtue of the national Constitution, to enact legislation or take other action in the matters dealt with in the instruments in question. The Committee notes that, under Article 35 (2) of the Constitution of Malawi, "the legislative power of Parliament shall be exercised by Bills passed by the National Assembly and assented to by the President". Since it thus appears that the enactment of legislation is carried out by the National Assembly, the latter should constitute the competent authority to which ILO instruments must, as a rule, be submitted. It is only in the case of instruments calling not for legislative measures but for other action that submission to Parliament may not be considered necessary, although it would be desirable, in order to fully serve the purposes of article 19 which is also to bring ILO instruments to the knowledge of public opinion.

The Committee hopes that the Government will reconsider the position in the light of the above comments and that it will in future submit the instruments adopted by the Conference also to the National Assembly.

Mauritania

The Committee notes the information supplied by the Government to the Conference Committee in 1972 that Recommendations Nos. 118, 119, 126, 127, 129, 130 and 131, as well as the instruments adopted at the 54th Session of the Conference, will be submitted to the competent authorities before the end of the first semester of 1973. In the absence of more recent information, the Committee hopes that the Government will be able to indicate soon that these instruments and those adopted at the 56th Session of the Conference, have been submitted to the National Assembly and that it will supply, regarding Recommendation No. 115 and all the instruments adopted from the 47th to the 52nd Sessions and from the 54th to the 56th Sessions, the information and documents called for in the Memorandum adopted by the Governing Body.

Mauritius

The Committee regrets to note that the Government has supplied no information in response to its previous direct requests. It hopes that the Government will soon be able to indicate that the instruments adopted from the 53rd to the 56th Sessions of the Conference have been submitted to the competent authorities in accordance with article 19, paragraphs 5 (b) and 6 (b), of the Constitution of the ILO. It recalls in this connection that the competent authorities to whom the instruments should be submitted are the authorities vested with the power to legislate in the fields covered by the instruments in question, i.e. as a rule, the Parliament. The Committee hopes that, in connection with the submission of these instruments, the Government will also supply the information and documents called for in the Memorandum adopted by the Governing Body (points I, II and III of the questionnaire at the end of the text).

Mongolia

The Committee regrets to note that the Government has supplied no information in reply to its earlier direct requests. It hopes that the Government will soon be able to indicate whether the instruments adopted from the 53rd to the 56th Sessions of the Conference have been submitted to the competent authorities in accordance with

article 19, paragraphs 5 (b) and 6 (b), of the Constitution of the ILO. It recalls in this connection that the authorities to whom these instruments should be submitted are the authorities vested with the power to legislate in the fields covered by the instruments in question. The Committee hopes that, in connection with the submission of these instruments, the Government will also supply the information and documents called for in the Memorandum adopted by the Governing Body. (Points I, II and III of the questionnaire at the end of the text.)

Nepal

The Committee notes with regret that the Government has failed to supply any information in reply to its comments since 1969. It trusts that the Government will be able to indicate soon whether the instruments adopted from the 51st to the 56th Sessions of the Conference have been submitted to the competent authorities in conformity with article 19, paragraphs 5 (b) and 6 (b), of the Constitution of the ILO.

The Committee recalls that the authorities to whom these instruments should be submitted are those empowered to legislate in respect of the matters covered by the instruments concerned, i.e. as a rule, the Parliament. It hopes that the Government will also supply, in connection with the submission of these instruments, the information and documents called for in the Memorandum adopted by the Governing Body (points II and III of the questionnaire).

Netherlands

The Committee regrets to note that no information has been received in reply to its previous observation. It trusts that the Government will indicate in the near future whether all the instruments listed in the last column of the table in Appendix I to this section have been submitted to Parliament, and that it will supply in this connection the information and documents called for in the Memorandum adopted by the Governing Body.

Pakistan

No information having been received in reply to its previous observations, the Committee reiterates the hope 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 from the 52nd to 56th 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

The Committee regrets to note that the Government has supplied no information in response to its previous observation. It recalls that while Recommendations as well as Conventions must in all cases be submitted to the competent authorities, this does not imply any obligation to propose ratification of a Convention or acceptance of a Recommendation. It therefore 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 connection the information and documents called for in the Memorandum adopted by the Governing Body.

Paraguay

The Committee regrets to note that no information has been supplied in response to its earlier comments. It trusts that the Government will, in the very near future, indicate whether the Conventions adopted from the 41st to the 51st Sessions of the Conference, which are listed in the last column of the table in Appendix I to this section, and also the instruments adopted from the 53rd to the 56th 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.

Peru

The Committee regrets to note that the Government has supplied no information in response to its previous observation. It trusts that the Government will, in the very near future, indicate whether all the instruments listed in the last column of the table in Appendix I to this section have been submitted to the competent authorities and that it will supply in this connection the information and documents called for in the Memorandum adopted by the Governing Body.

Poland

The Committee has noted the information and documents supplied by the Government concerning the submission of Recommendations Nos. 122 and 126 to the competent authorities. It has also noted with interest the statement of the Government that efforts have been made to settle in the near future the question of the instruments not yet submitted to the competent authorities. The Committee hopes that the Government will soon be able to indicate that all instruments still listed in the last column of the table in Appendix I of this section 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.

Portugal

The Committee notes that the instruments adopted at the 55th Session of the Conference have been submitted to the National Assembly. It hopes that the Government will also indicate whether the instruments adopted at the 56th Session have been submitted to the National Assembly.

The Committee further notes with interest the statement made by a Government representative to the Conference Committee in 1972 that the Government was prepared to supply the records of the competent organs relating to the submission of ILO instruments. The Committee hopes accordingly that the Government will supply soon the information and documents called for in the Memorandum adopted by the Governing Body (points II (b) and (c) and III of the questionnaire). It recalls that the information and documents in question have never been supplied and trusts that they will be communicated regularly in future, whenever new instruments are submitted.

Rwanda

Further to its previous comments the Committee has noted with interest the Government's statement that copies of all files on submission of instruments to the President of the Republic are transmitted to the National Assembly, as well as the information and documents supplied by the Government concerning the submission,

under this new procedure, of the instruments adopted from the 53rd to 56th Sessions of the Conference.

Sierra Leone

In a communication brought to the attention of the Conference Committee in 1972 the Government indicates that Parliament is the competent authority to which instruments should be submitted but that in practice the latter are submitted to the Cabinet for information and that after examination by the Joint Consultative Committee the advisory body on labour and other related matters Parliament enacts the necessary legislation. The Government further indicates that all instruments adopted from the 46th to the 56th Sessions have been submitted to the Cabinet and that most of them have been submitted to the Joint Consultative Committee for examination and recommendation.

The Committee has taken due note of this information and ventures to recall that while article 19 of the ILO Constitution requires governments to submit Conventions and Recommendations to the competent authorities in all cases, this obligation does not imply any necessity to ratify a Convention or to give effect to a Recommendation and that, as indicated in the Memorandum adopted by the Governing Body, proposals regarding any action to be taken in respect of the instruments considered may either accompany or follow their submission to the competent authorities. The Committee hopes accordingly that the Government will take the necessary measures in the near future to submit to Parliament all instruments adopted from the 46th to 56th 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.

Somalia

The Committee notes the statement made by a Government representative to the Conference Committee in 1972 that the Government would examine soon the possibility of ratifying Conventions and hoped to be able shortly to fulfil its obligations with regard to submission. It regrets to note that no additional information has been received in this connection and it can only recall the fundamental obligation incumbent on the Government, under article 19 of the Constitution of the ILO, to submit in all cases the Conventions as well as the Recommendations, to the competent authorities, even when it is not proposed to ratify a Convention or give effect to a Recommendation. The Committee trusts that the necessary measures will be taken very shortly to submit to the competent authorities the instruments adopted from the 45th to the 56th Sessions of the Conference, and that the Government will supply in this connection the information and documents called for in the Memorandum adopted by the Governing Body.

Sri Lanka

The Committee notes with regret that no information has been supplied in answer to its previous observation. It trusts that the Government will soon indicate whether the instruments adopted from the 52nd to 56th 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. The Committee further reiterates the hope that the Government will soon communicate, as already announced in 1971, information on its proposals in respect of instruments adopted from the 44th to 51st Sessions and on any decision taken by the competent authorities in this connection.

Tanzania

The Committee regrets to note that the Government has supplied no information in reply to its previous observations. It trusts that the Government will supply shortly, in connection with the instruments adopted by the Conference from its 47th to its 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, 55th and 56th Sessions of the Conference have been submitted to the competent authorities.

Thailand

The Committee regrets to note that no information has been received in reply to its previous observation. It trusts that the Government will take the necessary measures in the near future to submit to the competent authorities the instruments adopted from the 52nd to the 56th 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.

Togo

The Committee regrets to note that no information has been supplied in response to its comments since 1970. It trusts that the Government will soon indicate whether the instruments adopted from the 52nd to the 56th Sessions of the Conference have been submitted to the competent authorities and that it will also supply in this connection the information and documents called for in points II and III of the questionnaire at the end of the Memorandum adopted by the Governing Body.

Ukrainian SSR

Further to its previous observations, the Committee has noted the discussion which took place in the Conference Committee in 1972 concerning the questions of the determination of the competent authority and of the communication by the Government of the information and documents called for in the Memorandum adopted by the Governing Body. The Conference Committee having expressed the wish that the Committee of Experts should examine all the different views expressed, the Committee of Experts wishes first of all to note the unanimous concern, expressed in the discussion, that the ILO's work in general, and its standard-setting activities in particular, should receive the widest dissemination possible. It considers that this important aspect should be kept in mind when reviewing the principal points raised in the course of the discussion. The Committee refers in this regard to its previous comments and to the indications provided by the Government since 1957.

As regards the nature of the competent authority, according to the relevant provisions of article 19 of the ILO Constitution, the submission of Conventions and Recommendations must be made to "the authority or authorities within whose competence the matter lies, for the enactment of legislation or other action". The expression "competent authority" thus signifies in the first place the authority which, according to the Constitution of each State, is vested with the power to legislate in the fields covered by the instruments in question, i.e. as a rule, the Parliament. In the case of instruments which do not call for legislative measures but for other action, the competent authority may be a different one, but it would be desirable, if the purpose of the obligation to submit is to be fully achieved, to submit the instruments to the most representative legislative body as well, so as to bring them to the knowledge of

public opinion. In the present case it seems to the Committee that, under the relevant provisions of the Constitution of the Ukrainian SSR, while the Presidium can indeed issue decrees and interpret the laws in force in the Ukrainian SSR (article 30 (*b*) and (*c*) of the Constitution of the Ukrainian SSR, as amended up to 1965), article 23 of the Constitution provides that "The Supreme Soviet of the Ukrainian SSR is the sole legislative organ of the Republic". It therefore seems that the Supreme Soviet is in principle the authority vested by the national Constitution with the *general* power to legislate on the matters dealt with by ILO Conventions and Recommendations, as it did, for example, in adopting the Act of 10 December 1971 approving the Labour Code of the Ukrainian SSR. In these circumstances, it would seem that the legislative powers of the Presidium, even if they extended in fact to all the subjects covered by ILO instruments, should not exclude the competence of the Supreme Soviet as the body in which the general power to legislate is vested. It therefore seems appropriate for Conventions and Recommendations to be brought to the attention of the members of the Supreme Soviet which, as has been seen, adopts the fundamental texts in the field of labour legislation. Similarly, in the case of instruments which do not call for legislative measures but for other action, it would be desirable, to ensure the widest possible dissemination of Conventions and Recommendations, to submit these instruments also to the Supreme Soviet as the most representative parliamentary body. It is understood that the most appropriate procedure to be followed in bringing these instruments before the Supreme Soviet can be determined by the Government in the light of national practice.

As regards the question of communication of the information and documents requested in the Memorandum adopted by the Governing Body, the information and documents involved are those requested in points II (*c*) and III of the questionnaire at the end of this Memorandum. In this connection, the Committee is bound to note that, notwithstanding its repeated requests, copies of the documents by means of which the instruments have been submitted, copies of any proposals of the Government and the competent authority's decisions—except in the case of ratified Conventions—have never been supplied.

The Committee hopes that the Government will reconsider these questions in the light of the above comments, that it will be in a position to communicate the instruments adopted by the Conference to the Supreme Soviet also, and that it will in future regularly supply, in connection with the submission of new instruments, the information and documents called for in the Memorandum adopted by the Governing Body.

USSR

Further to its previous observations, the Committee has noted the discussion which took place in the Conference Committee in 1972 concerning the questions of the determination of the competent authority in the USSR and of the communication by the Government of the information and documents called for in the Memorandum adopted by the Governing Body. The Conference Committee having expressed the wish that the Committee of Experts should examine all the different views expressed, the Committee of Experts wishes first of all to note the unanimous concern, expressed in the discussion, that the ILO's work in general, and its standard-setting activities in particular, should receive the widest dissemination possible. It considers that this important aspect should be kept in mind when reviewing the principal points raised in the course of the discussion.

As regards the first question, the Government representative stated in particular that, under the constitutional system of the USSR, the Presidium of the Supreme Soviet was the competent authority to which Conventions and Recommendations

should be submitted, that the Presidium had power to legislate and that it ratified international treaties including ILO Conventions and enacted legislation in this connection. The Committee refers in this regard to its previous comments and to the indications provided by the Government since 1957. According to the relevant provisions of article 19 of the ILO Constitution, the submission of Conventions and Recommendations must be made to "the authority or authorities within whose competence the matter lies, for the enactment of legislation or other action". The expression "competent authority" thus signifies in the first place the authority which, according to the Constitution of each State, is vested with the power to legislate in the fields covered by the instruments in question, i.e. as a rule, the Parliament. In the case of instruments which do not call for legislative measures but for other action, the competent authority may be a different one, but it would be desirable, if the purpose of the obligation to submit is to be fully achieved, to submit the instruments to the most representative legislative body as well, so as to bring them to the knowledge of public opinion. In the present case it seems to the Committee that, under the relevant provisions of the Constitution of the USSR, while the Presidium can indeed issue ordinances and interpret the laws in force in the USSR as well as ratify international Conventions (article 49 (b), (c) and (o) of the Constitution of the USSR, as amended up to 1965), article 32 of the Constitution provides that "The legislative power of the USSR is exercised exclusively by the Supreme Soviet of the USSR". It therefore seems that the Supreme Soviet is in principle the authority vested by the Constitution of the USSR with the *general* power to legislate on the matters dealt with by ILO Conventions and Recommendations, as it did, for example, in adopting Act No. 2-VIII of 15 July 1970 approving the fundamental principles governing the labour legislation of the USSR and Union Republics. In these circumstances, it would seem that the legislative powers of the Presidium, even if they extended in fact to all the subjects covered by ILO instruments, should not exclude the competence of the Supreme Soviet as the body in which the general power to legislate is vested. It therefore seems appropriate for Conventions and Recommendations to be brought to the attention of the members of the Supreme Soviet which, as has been seen, adopts the fundamental texts in the field of labour legislation. Similarly, in the case of instruments which do not call for legislative measures but for other action, it would be desirable, to ensure the widest possible dissemination of Conventions and Recommendations, to submit these instruments also to the Supreme Soviet as the most representative parliamentary body. It is understood that the most appropriate procedure to be followed in bringing these instruments before the Supreme Soviet can be determined by the Government in the light of national practice.

As regards the question of communication of the information and documents requested in the Memorandum adopted by the Governing Body, the information and documents involved are those requested in points II (c) and III of the questionnaire at the end of this Memorandum. In this connection the Committee is bound to note that, notwithstanding its repeated requests, copies of the documents by means of which the instruments have been submitted, copies of any proposals of the Government and the competent authority's decisions—except in the case of ratified Conventions—have never been supplied.

The Committee hopes that the Government will reconsider these questions in the light of the above comments, that it will be in a position to communicate the instruments adopted by the Conference to the Supreme Soviet also, and that it will in future regularly supply, in connection with the submission of new instruments, the information and documents called for in the Memorandum adopted by the Governing Body.

Republic of Viet-Nam

Further to its previous observation the Committee has noted with satisfaction the information and documents supplied by the Government concerning the submission to Parliament of Conventions adopted by the Conference from its 45th to 51st Sessions and of Recommendations adopted from the 45th to 56th Sessions. It hopes that the Government will be able to indicate soon that Conventions Nos. 129 to 136 have also 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.

Yemen

The Committee regrets to note once again that the Government has so far not supplied any information relating to the submission to the competent authorities of the instruments adopted by the Conference. It must once again draw the Government's attention to the fundamental importance of the obligation incumbent upon 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 recalls in this connection that the authorities to whom the instruments should be submitted are those empowered to legislate in respect of the matters covered by the instruments in question. The Committee trusts that the Government will be able to indicate soon that the instruments adopted from the 49th to the 56th 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.

Yugoslavia

The Committee regrets to note that no information has been received in reply to its previous direct requests. It hopes that the Government will indicate shortly whether the instruments adopted from the 53rd to the 56th Sessions of the Conference have been submitted to the competent authorities and that it will supply in this connection the information and the documents called for in the Memorandum adopted by the Governing Body.

* * *

In addition, requests regarding certain points are being addressed directly to the following States: *Australia, Belgium, Cameroon, Canada, Congo, Costa Rica, Czechoslovakia, Dominican Republic, Finland, Ghana, Guinea, Guyana, Hungary, Iceland, Ireland, Israel, Italy, Kenya, Khmer Republic, Kuwait, Madagascar, Malaysia, Malta, Mexico, New Zealand, Niger, Nigeria, Philippines, Romania, Singapore, Spain, Sudan, Syrian Arab Republic, Trinidad and Tobago, Tunisia, Turkey, Uganda, United States, Upper Volta, Uruguay, Venezuela, Zaire.*

**Appendix I. Information Supplied by Governments with Regard to the Obligation to Submit
Conventions and Recommendations to the Competent Authorities**

(31st to 56th Sessions of the International Labour Conference, 1948-71)

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, 54th, 55th and 56th
Algeria	47th to 56th	—
Argentina	31st to 56th	—
Australia	31st to 54th	55th and 56th
Austria	31st to 46th (C 117; R 116, 117), 47th to 56th	46th (C 118)
Barbados	51st (C 128)	51st (C 127; R 128, 129, 130, 131), 52nd, 53rd, 54th, 55th and 56th
Belgium	31st to 54th	55th and 56th
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, 54th, 55th and 56th
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), 53rd (R 133, 134) and 56th (C 135)	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), 54th, 55th and 56th (C 136; R 143, 144)
Bulgaria	31st to 56th	—
Burma	31st to 51st	52nd, 53rd, 54th, 55th and 56th
Burundi	53rd	47th, 48th, 49th, 50th, 51st, 52nd, 54th, 55th and 56th
Byelorussian SSR . . .	37th to 56th	—

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)
Cameroon	44th to 49th	50th, 51st, 52nd, 53rd, 54th, 55th and 56th
Canada	31st to 54th	55th and 56th
Central African Republic	45th to 48th and 53rd to 55th	49th, 50th, 51st, 52nd and 56th
Chad	45th to 54th	55th and 56th
Chile	31st to 49th	50th, 51st, 52nd, 53rd, 54th, 55th and 56th
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), 54th (C 131, 132), 55th (C 133, 134) and 56th (C 135, 136)	40th (R 104) and 41st (C 108; R 107, 109), 45th (R 115), 46th (C 117; R 116, 117), 47th (R 118, 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), 54th (R 135, 136), 55th (R 137, 138, 139, 140, 141, 142) and 56th (R 143, 144)
Congo	45th to 56th	—
Costa Rica	31st to 53rd	54th, 55th and 56th
Cuba	31st to 56th	—
Cyprus	45th to 56th	—
Czechoslovakia	31st to 56th	—
Dahomey	49th (C 123, 124; R 124, 125) and 52nd	45th, 46th, 47th, 48th, 49th (R 123), 50th, 51st, 53rd, 54th, 55th and 56th
Democratic Yemen . .	—	53rd, 54th, 55th and 56th
Denmark	31st to 56th	—
Dominican Republic . .	31st to 51st, 54th and 55th	52nd, 53rd and 56th
Ecuador	31st to 51st and 54th (C 131)	52nd, 53rd, 54th (C 132; R 135, 136) 55th and 56th
Egypt	31st, 32nd, 34th, 35th, 38th, 39th, 40th, 42nd, 44th, 45th, 46th, 48th to 56th	33rd, 36th, 37th, 41st, 43rd and 47th
El Salvador	31st to 45th, 50th (R 126, 127), 51st and 53rd	46th, 47th, 48th, 49th, 50th (C 125, 126), 52nd, 54th, 55th and 56th
Ethiopia	31st to 53rd, 54th (C 131, 132; R 135), 55th and 56th	54th (R 136)
Finland	31st to 50th, 52nd and 54th	51st, 53rd, 55th and 56th
France	31st to 56th	—

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)
Gabon	45th to 50th	51st, 52nd, 53rd, 54th, 55th and 56th
Germany (Federal Republic)	34th to 56th	—
Ghana	40th to 53rd	54th, 55th and 56th
Greece	31st to 40th, 41st (C 108) and 47th to 56th	41st (C 109; R 105, 106, 107, 108, 109), 42nd, 43rd, 44th, 45th and 46th
Guatemala	31st to 52nd and 53rd (C 129)	53rd (C 130; R 133, 134), 54th, 55th and 56th
Guinea	43rd to 54th	55th and 56th
Guyana	50th to 53rd	54th, 55th and 56th
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, 54th, 55th and 56th
Honduras	39th to 44th and 45th (C 116)	45th (R 115), 46th, 47th, 48th, 49th, 50th, 51st, 52nd, 53rd, 54th, 55th and 56th
Hungary	31st to 54th, 56th (C 135, 136)	55th and 56th (R 143, 144)
Iceland	31st to 54th	55th and 56th
India	31st to 56th	—
Indonesia	33rd to 51st and 54th	52nd, 53rd, 55th and 56th
Iran	31st to 56th	—
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), 51st to 53rd and 56th	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, 54th and 55th
Ireland	31st to 55th	56th
Israel	32nd to 53rd	54th, 55th and 56th
Italy	31st to 55th	56th
Ivory Coast	45th to 49th, 55th (C 133) and 56th (C 135, 136)	50th, 51st, 52nd, 53rd, 54th, 55th (C 134; R 137, 138, 139, 140, 141, 142) and 56th (R 143, 144)

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)
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, 54th, 55th and 56th
Japan	35th to 56th	—
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), 53rd and 56th	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, 54th and 55th
Kenya	48th to 52nd and 53rd (C 130; R 133, 134)	53rd (C 129), 54th, 55th and 56th
Khmer Republic . . .	53rd, 54th and 56th (C 135, 136)	55th and 56th (R 143, 144)
Kuwait	45th to 56th	—
Laos	—	48th, 49th, 50th, 51st, 52nd, 53rd, 54th, 55th and 56th
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, 54th, 55th and 56th
Liberia	31st (C 87), 32nd (C 98), 38th (C 104), 40th (C 105), 42nd, 43rd (C 112, 113, 114), 48th, 49th, 50th and 56th	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, 54th and 55th
Libyan Arab Republic .	35th to 55th	56th
Luxembourg	31st to 56th	—
Madagascar	45th to 54th	55th and 56th
Malawi	49th to 53rd	54th, 55th and 56th
Malaysia	41st to 56th	—
Mali	44th to 56th	—
Malta	49th to 54th	55th and 56th

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)
Mauritania	45th, 46th, 47th (C 119), 48th, 49th, 50th (C 125, 126), 51st (C 127, 128), 52nd, 53rd and 55th	47th (R 118, 119), 50th (R 126, 127), 51st (R 128, 129, 130, 131), 54th and 56th
Mauritius	—	53rd, 54th, 55th and 56th
Mexico	31st, 32nd (C 91, 92, 93, 94, 95, 96, 97, 98), 34th (C 99, 100; R 89, 90, 92), 35th (C 101, 102, 103), 38th, 40th to 52nd, 53rd (C 130; R 133, 134) and 55th (R 137, 138, 139, 140, 141, 142)	32nd (R 84, 85, 86, 87), 33rd, 34th (R 91), 35th (R 93, 94, 95), 36th, 37th, 39th, 53rd (C 129), 54th, 55th (C 133, 134) and 56th
Mongolia	—	53rd, 54th, 55th and 56th
Morocco	39th to 56th	—
Nepal	—	51st, 52nd, 53rd, 54th, 55th and 56th
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), 51st (R 128, 129, 130, 131), 52nd, 53rd, 54th, 55th and 56th
New Zealand	31st to 55th	56th
Nicaragua	40th to 50th and 51st (R 128, 129, 130, 131)	51st (C 127, 128), 52nd, 53rd, 54th, 55th and 56th
Niger	45th to 51st (C 127; R 128, 129, 130), 52nd, 53rd, 55th and 56th (C 135)	51st (C 128; R 131), 54th and 56th (C 136; R 143, 144)
Nigeria	45th to 54th and 56th	55th
Norway	31st to 56th	—
Pakistan	31st to 50th and 51st (R 129, 130)	51st (C 127, 128; R 128, 131), 52nd, 53rd, 54th, 55th and 56th
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) and 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, 54th, 55th and 56th

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)
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, 54th, 55th and 56th
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, 54th, 55th and 56th
Philippines	31st to 55th	56th
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, 122), 49th (C 123, 124; R 124, 125) and 50th (R 126)	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), 49th (R 123), 50th (C 125, 126; R 127), 51st, 52nd, 53rd, 54th, 55th and 56th
Portugal	31st to 55th	56th
Romania	39th to 56th	—
Rwanda	47th to 56th	—
Senegal	44th to 56th	—
Sierra Leone	45th, 47th (C 119), 50th and 52nd	46th, 47th (R 118, 119), 48th, 49th, 51st, 53rd, 54th, 55th and 56th
Singapore	50th to 55th	56th
Somalia	—	45th, 46th, 47th, 48th, 49th, 50th, 51st, 52nd, 53rd, 54th, 55th and 56th
Spain	39th to 45th, 46th (C 117; R 116, 117), 47th, 48th (C 120, 122; R 120, 121, 122), 49th to 54th, 55th (C 134; R 137, 138, 139, 140, 141, 142) and 56th	46th (C 118), 48th (C 121) and 55th (C 133)
Sri Lanka	31st to 51st	52nd, 53rd, 54th, 55th and 56th
Sudan	39th to 53rd	54th, 55th and 56th
Sweden	31st to 56th	—

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)
Switzerland	31st to 56th	—
Syrian Arab Republic . .	31st to 53rd and 54th (C 131, 132; R 135)	54th (R 136), 55th and 56th
Tanzania	46th to 53rd	54th, 55th and 56th
Thailand	31st to 51st	52nd, 53rd, 54th, 55th and 56th
Togo	44th to 51st	52nd, 53rd, 54th, 55th and 56th
Trinidad and Tobago . .	47th to 54th	55th and 56th
Tunisia	39th to 53rd	54th, 55th and 56th
Turkey	31st to 54th and 56th	55th
Uganda	47th to 52nd	53rd, 54th, 55th and 56th
Ukrainian SSR	37th to 56th	—
USSR	37th to 56th	—
United Kingdom	31st to 56th	—
United States	31st to 50th, 51st (C 127; R 128, 129, 130), 52nd and 53rd	51st (C 128; R 131), 54th, 55th and 56th
Upper Volta	45th to 52nd	53rd, 54th, 55th and 56th
Uruguay	31st to 53rd	54th, 55th and 56th
Venezuela	31st to 50th, 51st (C 127, 128; R 128) and 52nd	51st (R 129, 130, 131), 53rd, 54th, 55th and 56th
Rep. of Viet-Nam	33rd to 52nd, 53rd (R 133, 134), 54th (R 135, 136), 55th (R 137, 138, 139, 140, 141, 142) and 56th (R 143, 144)	53rd (C 129, 130), 54th (C 131, 132), 55th (C 133, 134) and 56th (C 135, 136)
Yemen	—	49th, 50th, 51st, 52nd, 53rd, 54th, 55th and 56th
Yugoslavia	31st to 52nd	53rd, 54th, 55th and 56th
Zaire	45th to 53rd	54th, 55th and 56th
Zambia	49th to 56th	—

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)	55th (Oct. 1970)	56th (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	43	38
Some of these texts have been submitted	7	2	— ¹	4	3	1	— ¹	4	1	13	3	7	8	1	9	6	9	6	6	2	13	— ¹	8	4	5	7
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	73	76
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	121	121

¹ At this session the Conference adopted one Recommendation only.

TABLE II. OVER-ALL POSITION OF MEMBER STATES AT 28 MARCH 1973

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 .	55	52	53	55	57	57	60	60	66	67	66	70	68	70	85	78	83	90	85	80	61	80	72	56
Some of these texts have been submitted	5	8	— ¹	6	3	—	— ¹	3	—	9	4	6	6	2	6	10	10	7	13	9	14	— ¹	6	4
None of these texts has been submitted (including cases in which no information has been supplied by the Government)	—	1	10	3	6	9	9	6	10	1	9	3	6	11	10	14	15	13	16	26	42	38	43	61
Number of States which were Members of the Organisation at the time of the Session . .	60	61	63	64	66	66	69	69	76	77	79	79	80	83	101	102	108	110	114	115	117	118	121	121

¹ At this session the Conference adopted one Recommendation only.

IV. Communication of Copies of the Reports and Information to the Representative Organisations of Employers and Workers (Article 23, paragraph 2, of the Constitution)

States

Requests regarding certain points are being addressed directly to the following States: *Argentina, Barbados, Brazil, Cameroon, Central African Republic, Democratic Yemen, Denmark, Dominican Republic, Egypt, France, Gabon, Greece, Guinea, Haiti, Hungary, Iceland, Indonesia, Italy, Jordan, Kenya, Malaysia, Netherlands, Nigeria, Paraguay, Peru, Poland, Romania, Rwanda, Tunisia, Upper Volta.*

Non-Metropolitan Territories

Requests regarding certain points are being addressed directly to the following States: *France (French Territory of the Afars and the Issas), Netherlands (Netherlands Antilles, Surinam).*

LIST OF DIRECT REQUESTS ADDRESSED TO GOVERNMENTS BY THE COMMITTEE (CLASSIFIED BY COUNTRIES)¹

Afghanistan:

Art. 22, general.
Art. 22, Nos. 100, 105, 111.

Algeria:

Art. 22, general.
Art. 22, Nos. 11, 13, 42, 62, 87, 99, 100, 105,
111, 119, 120, 122, 127.

Argentina:

Art. 22, Nos. 3, 9, 20, 26, 87, 88, 107, 111.
Art. 23 (2).

Australia:

Art. 22, Nos. 15, 26, 122.
Art. 35, Nos. 99, 122.
Subm.

Austria:

Art. 22, Nos. 87, 100, 102, 103, 128.

Barbados:

Art. 22, Nos. 26, 87, 98, 108.
Art. 23 (2).

Belgium:

Art. 22, Nos. 26, 91, 97, 100, 102, 105, 122.
Subm.

Bolivia:

Art. 22, Nos. 14, 96, 107.

Botswana:

Art. 22, general.

Brazil:

Art. 22, Nos. 26, 91, 97, 98, 100, 103, 105,
106, 108, 111, 117, 122, 124, 125, 127.
Art. 23 (2).

Bulgaria:

Art. 22, Nos. 27, 29, 32, 106, 111, 120.

Burma:

Art. 22, Nos. 1, 26, 29, 63.

Burundi:

Art. 22, Nos. 14, 26, 50, 64.

Cameroon:

Art. 22, general.
Art. 22, Nos. 9, 15, 94, 105.
Subm.
Art. 23 (2).

Canada:

Art. 22, Nos. 1, 26, 122.
Subm.

Central African Republic:

Art. 22, Nos. 3, 13, 26, 33, 62, 67, 81, 94, 100,
117, 118, 119.
Art. 23 (2).

Chad:

Art. 22, Nos. 29, 33, 87, 98, 100, 105, 111.

Chile:

Art. 22, Nos. 3, 18, 19, 24, 25, 29, 34, 35, 36,
37, 38.

Colombia:

Art. 22, Nos. 1, 3, 13, 18, 26, 29, 30, 81, 106,
107, 111.

Congo:

Art. 22, Nos. 26, 119.
Subm.

Costa Rica:

Art. 22, Nos. 29, 81, 92, 113, 114, 117, 122.
Subm.

Cuba:

Art. 22, general.
Art. 22, Nos. 9, 27, 63, 81, 91, 106, 110.

Cyprus:

Art. 22, Nos. 87, 106, 119, 123, 128.

¹ The abbreviations used are the following:

"Art. 22 ": application of ratified Conventions in member States.

"Art. 35 ": application of ratified Conventions in non-metropolitan territories.

"Subm. ": submission of Conventions and Recommendations to the competent authorities.

"Art. 23 (2) ": communication by governments of copies of reports and information to the representative organisations of employers and workers.

The numbers refer to Conventions.

Czechoslovakia:

Art. 22, Nos. 11, 29, 44, 52, 63, 88, 111.
Subm.

Dahomey:

Art. 22, Nos. 29, 33, 98, 100, 105.

Democratic Yemen:

Art. 22, Nos. 58, 59, 95, 98, 105.
Art. 23 (2).

Denmark:

Art. 22, Nos. 32, 94, 102, 105, 108, 118, 122.
Art. 35, Nos. 8, 16, 18, 105, 106.
Art. 23 (2).

Dominican Republic:

Art. 22, general.
Art. 22, Nos. 26, 29, 81, 88, 89, 100, 105, 106,
111, 119.
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Art. 23 (2).

Ecuador:

Art. 22, Nos. 35, 37, 39, 87, 98, 100, 103, 104,
112, 117, 120, 123, 124.

Egypt:

Art. 22, Nos. 1, 14, 26, 87, 95, 98, 105, 106,
107, 111.
Art. 23 (2).

Ethiopia:

Art. 22, Nos. 11, 87, 88, 111.

Finland:

Art. 22, Nos. 9, 20, 91, 108, 111, 118, 122.
Subm.

France:

Art. 22, Nos. 9, 19, 32, 105, 125.
Art. 35, Nos. 3, 19, 26, 29, 91.
Art. 23 (2).

Gabon:

Art. 22, general.
Art. 22, Nos. 29, 41, 52, 87, 101, 105, 111, 123.
Art. 23 (2).

Germany (Fed. Republic):

Art. 22, Nos. 9, 62, 97, 99.

Ghana:

Art. 22, general.
Art. 22, Nos. 26, 50, 64, 87, 98, 100, 107, 111,
119.
Subm.

Greece:

Art. 22, Nos. 1, 9, 87, 102.
Art. 23 (2).

Guatemala:

Art. 22, general.
Art. 22, Nos. 87, 94, 97, 99, 100, 105, 108,
110, 111, 119.

Guinea:

Art. 22, general.
Art. 22, Nos. 13, 26, 33, 45, 62, 105, 112, 120,
122.
Subm.
Art. 23 (2).

Guyana:

Art. 22, Nos. 26, 50, 64.
Subm.

Haiti:

Art. 22, general.
Art. 22, Nos. 81, 98, 105, 106.
Art. 23 (2).

Honduras:

Art. 22, Nos. 29, 32, 42, 62, 95, 105, 111.

Hungary:

Art. 22, general.
Art. 22, Nos. 29, 62, 100, 122, 123.
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Art. 23 (2).

Iceland:

Art. 22, Nos. 102, 108.
Subm.
Art. 23 (2).

India:

Art. 22, Nos. 1, 26, 111.

Indonesia:

Art. 22, general.
Art. 22, Nos. 27, 29, 100, 120.
Art. 23 (2).

Iran:

Art. 22, Nos. 106, 108, 111.

Iraq:

Art. 22, Nos. 1, 8, 15, 26, 27, 30, 59, 98, 100,
105, 111, 122.

Ireland:

Art. 22, Nos. 26, 87, 98, 122.
Subm.

Israel:

Art. 22, Nos. 9, 19, 48, 53, 87, 91, 100.
Subm.

Italy:

Art. 22, Nos. 91, 97, 102.
Subm.
Art. 23 (2).

Ivory Coast:

Art. 22, Nos. 26, 29, 52, 110.

Jamaica:

Art. 22, Nos. 8, 26, 117.

Japan:

Art. 22, Nos. 27, 100.

Jordan:

Art. 22, general.

Art. 22, Nos. 81, 98, 100, 105, 119, 120, 123, 124.

Art. 23 (2).

Kenya:

Art. 22, Nos. 26, 64, 65, 86, 98, 105, 123.

Subm.

Art. 23 (2).

Khmer Republic:

Art. 22, Nos. 13, 29.

Subm.

Kuwait:

Art. 22, general.

Art. 22, Nos. 1, 30, 87, 111, 119.

Subm.

Laos:

Art. 22, Nos. 4, 6, 29.

Lebanon:

Art. 22, Nos. 14, 26, 52, 81, 90.

Liberia:

Art. 22, Nos. 65, 105, 114.

Libyan Arab Republic:

Art. 22, Nos. 100, 104.

Luxembourg:

Art. 22, Nos. 26, 100, 103.

Madagascar:

Art. 22, Nos. 119, 120, 122, 123.

Subm.

Malawi:

Art. 22, general.

Art. 22, Nos. 26, 86, 97, 99.

Malaysia:

Subm.

Art. 23 (2).

Mali:

Art. 22, Nos. 26, 33.

Malta:

Art. 22, Nos. 8, 26, 99, 111.

Subm.

Mauritania:

Art. 22, general.

Art. 22, Nos. 19, 22, 29, 53, 62, 81, 94, 102, 114, 118.

Mauritius:

Art. 22, Nos. 2, 5, 8, 14, 17, 26, 32, 59, 63, 64, 81, 86, 98, 105, 108.

Mexico:

Art. 22, Nos. 43, 49, 99, 102, 110, 123.

Subm.

Mongolia:

Art. 22, general.

Morocco:

Art. 22, Nos. 26, 111.

Netherlands:

Art. 22, Nos. 26, 32, 91, 96, 99, 121, 128.

Art. 35, Nos. 13, 14, 29, 62, 87, 94, 105, 112, 122.

Art. 23 (2).

New Zealand:

Art. 22, Nos. 45, 122.

Art. 35, No. 99.

Subm.

Niger:

Art. 22, Nos. 33, 102, 111.

Subm.

Nigeria:

Art. 22, general.

Art. 22, Nos. 26, 50, 87, 97.

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Art. 23 (2).

Norway:

Art. 22, Nos. 30, 91, 102, 111, 128.

Pakistan:

Art. 22, general.

Art. 22, Nos. 1, 59, 87, 98, 105, 106, 118.

Panama:

Art. 22, Nos. 3, 8, 9, 12, 13, 15, 16, 17, 19, 20, 22, 23, 26, 27, 29, 30, 42, 43, 52, 53, 64, 65, 68, 69, 71, 73, 78, 81, 87, 88, 89, 92, 95, 98, 100, 104, 105, 108, 111, 112, 113, 114, 120, 123, 124, 125, 127.

Paraguay:

Art. 22, general.

Art. 22, Nos. 1, 11, 29, 30, 52, 59, 60, 77, 78, 79, 81, 87, 95, 98, 99, 100, 105, 111, 117, 120, 122, 123, 124.

Art. 23 (2).

Peru:

Art. 22, Nos. 9, 20, 24, 25, 32, 35, 36, 37, 38, 39, 40, 59, 62, 67, 71, 73, 81, 88, 102, 107, 111.

Art. 23 (2).

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Philippines:

Art. 22, Nos. 87, 88, 89, 100, 110, 111.
Subm.

Poland:

Art. 22, Nos. 9, 13, 19, 35, 36, 37, 38, 39, 40,
48, 91, 105, 122, 123.
Art. 23 (2).

Portugal:

Art. 22, Nos. 6, 14, 17, 19, 89, 105, 106.

Romania:

Art. 22, Nos. 9, 27.
Subm.
Art. 23 (2).

Rwanda:

Art. 22, Nos. 11, 26, 50, 64, 94.
Art. 23 (2).

Senegal:

Art. 22, general.
Art. 22, Nos. 13, 26, 33, 99, 102, 111, 120, 122.

Sierra Leone:

Art. 22, Nos. 8, 26, 99, 100, 119, 125, 126.

Singapore:

Art. 22, Nos. 8, 32.
Subm.

Somalia:

Art. 22, general.
Art. 22, Nos. 45, 84, 111.

Spain:

Art. 22, Nos. 26, 69, 91, 97, 99, 100, 103, 111,
112, 120, 122.
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Sri Lanka:

Art. 22, No. 8.

Sudan:

Art. 22, general.
Art. 22, Nos. 26, 81, 95, 98, 100, 122.
Subm.

Sweden:

Art. 22, Nos. 27, 100, 102, 121, 128, 129, 130.

Switzerland:

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Syrian Arab Republic:

Art. 22, Nos. 1, 19, 30, 52, 87, 95, 96, 99, 105,
106, 107, 117, 118, 119, 125.
Subm.

Tanzania:

Art. 22, Nos. 17, 26, 29, 50, 59, 63, 65, 88,
98, 108.

Thailand:

Art. 22, No. 14.

Togo:

Art. 22, general.
Art. 22, Nos. 26, 29.

Trinidad and Tobago:

Art. 22, general.
Art. 2, Nos. 85, 87, 98, 105, 111.
Subm.

Tunisia:

Art. 22, Nos. 8, 55, 58, 59, 77, 91, 98, 100,
105, 108, 112, 117, 119, 122, 123, 127.
Subm.
Art. 23 (2).

Turkey:

Art. 22, Nos. 81, 88, 95, 96, 98, 99, 111, 119.
Subm.

Uganda:

Art. 22, Nos. 17, 64, 86, 98, 105, 123.
Subm.

Ukrainian SSR:

Art. 22, general.
Art. 22, Nos. 27, 32, 47, 92, 108, 113, 120,
122, 123, 124, 126.

USSR:

Art. 22, general.
Art. 22, Nos. 29, 32, 47, 92, 106, 108, 122,
123.

United Kingdom:

Art. 22, Nos. 7, 8, 15, 26, 87, 97, 122.
Art. 35, Nos. 5, 7, 8, 10, 22, 26, 29, 32, 42,
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United States:

Art. 35, No. 55.
Subm.

Upper Volta:

Art. 22, Nos. 3, 26, 29, 97, 100.
Subm.
Art. 23 (2).

Uruguay:

Art. 22, Nos. 9, 26, 97, 99, 103, 105.
Subm.

Venezuela:

Art. 22, general.
Art. 22, Nos. 3, 88.
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Viet-Nam (Republic of):

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Yugoslavia:

Art. 22, Nos. 3, 9, 19, 24, 25, 45, 56, 88, 90,
91, 103, 123.

Zaire:

Art. 22, Nos. 18, 29, 64, 81, 89, 94, 117, 118,
119, 120, 121.

Subm.

Zambia:

Art. 22, Nos. 26, 50, 97, 105, 123.