

**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)

---



ISBN 92-2-101319-7

---

*First published 1975*

---

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.

ILO publications can be obtained through major booksellers or ILO local offices in many countries, or direct from ILO Publications, International Labour Office, CH-1211 Geneva 22, Switzerland. A catalogue or list of new publications will be sent free of charge from the above address.

---

Printed by the International Labour Office, Geneva, Switzerland

## CONTENTS

	<u>Page</u>
INTRODUCTION .....	1
APPLICATION OF CONVENTIONS (Articles 22 and 35 of the Constitution) .....	3
LIST OF REPORTS CONTAINING INFORMATION WHICH HAS NOT BEEN SUMMARISED .....	119





## 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 group<sup>1</sup> 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 1972 to 30 June 1974, 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.

---

<sup>1</sup> 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, 131, 134, 136.

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 1974. The report of the Committee of Experts on the Application of Conventions and Recommendations, which examines the reports is communicated separately to the Conference as Report III (Part 4).

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

## APPLICATION OF CONVENTIONS

(Articles 22 and 35 of the Constitution)

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

#### BOLIVIA

General Labour Act, 1942, and Regulations issued thereunder (1943).

Article 1 of the Convention. There is no classification of industrial and commercial undertakings for the purposes of an 8-hour day.

Article 2. Section 46 of the General Labour Act reproduces this Article. All male workers of legal age work an 8-hour day (48 hours a week). Women and young persons work 6 hours and 40 minutes per day (40 hours a week).

Article 3. According to section 46 of the General Labour Act, hours of work may be extended to 12 a day when, because of the kind of work they do, workers cannot be subject to a normal working day.

Article 4. Section 37 of the regulations to apply the General Labour Act authorises the extension referred to here.

Article 5. Section 48 of the General Labour Act reproduces this provision in full.

Article 6(a). Corresponds to section 46 of the General Labour Act and to section 36 of the Regulations; (b) authorisation is granted, on the request of the employer, for such time as may be necessary.

Article 7. Section 46 of the General Labour Act envisages continuous working when necessary, as is the case with transport, electric power, drinking water and industrial processes. Provision is made for overtime payments.

Article 8. Section 43 of the General Labour Act and the final part of section 67 thereof, and the Supreme Decree dated 23 November 1938, are in accordance with the cases envisaged in this Article.

#### GHANA

Labour Decree, 1967 (LS 1967 - Ghana 1).

Labour Regulations, 1969 (LS 1969 - Ghana 1C).

---

Articles 1 to 6 and 8 of the Convention. Part IV, Regulations 48 to 54 of the Labour Regulations, provide that the maximum hours of work of a worker shall be 8 a day or 45 a week, except in cases provided for in the Regulations.

The rules of any establishment or any branch thereof may fix different hours of work on one or more days in the week. Where shorter hours of work are fixed the hours of work on the other days of the week may be proportionately longer than 8 but may not exceed 9 a day or a total of 45 a week. Where longer hours are fixed the average number of hours of work reckoned over a period of 4 weeks or less shall not exceed 8 a day or 45 a week. In the case of establishments doing work of a seasonal nature where longer hours of work are fixed, such hours shall not exceed 10 a day and the average number of hours of work over a period of one year shall not exceed 8 a day.

Where a worker works after the hours fixed by the rules of the undertaking, whether public or private, the additional hours shall be deemed to be overtime work; no overtime work may be required unless that undertaking has fixed rates for overtime work.

Workers may be employed in shifts. In such a system the average number of hours reckoned over a period of 4 weeks or less shall not exceed 8 a day or 45 a week, provided that there shall be an established timetable for the shifts.

The Commissioner may prescribe shorter hours of work for workers in jobs declared to be manual labour and in jobs likely to be injurious to health, provided that such shorter hours shall be deemed to be equivalent work done on the basis of 8 hours a day, for the purposes of all rights which may flow from the employment.

Notwithstanding Regulation 50 of this part, a worker may be required to work beyond the fixed hours of work without additional pay in certain exceptional circumstances as determined by the Commissioner, including an accident threatening human lives and the very existence of the undertaking.

The time of commencement and closing of a worker's hours of work in any establishment shall be fixed in the rules of the establishment concerned, and in the case of operations underground, subject to specified conditions.

Article 7. This Article does not apply to Ghana.

The Chief Labour Officer of the Labour Department is entrusted with the responsibility of the above-mentioned legislation. Application is supervised through labour inspections carried out by officers of the Department in virtue of paragraph 48 of the Labour Decree.

---

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

GHANA

Labour Decree, 1967 (LS 1967 - Ghana 1).

Labour Regulations, 1969 (LS 1969 - Ghana 1C).

Articles 1 to 7 of the Convention. Regulations 55 and 57 of the Regulations provide that in any clerical work, and in agricultural, commercial or industrial undertakings, public or private, a worker shall be given a rest period of 36 consecutive hours in every 7 days of normal working hours, provided that such rest period shall, for preference, start from Saturday and end on the Sunday following and shall, wherever possible, be granted to the whole of the workers of each establishment.

These provisions do not apply to task workers, domestic workers in private homes and night watchmen.

The chief labour officer is entrusted with the application of the above Regulations which is enforced through labour inspections.

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

BOLIVIA

General Labour Act (Decree of 24 May 1939, later Act of 8 December 1942).

Regulation No. 244 of 23 August 1943 to implement the General Labour Act.

Article 1 of the Convention. The system of compensation for occupational hazards is set out in title VII, Chapter II of the Labour Code and its Regulations.

Article 2. Section 79 (title VII, Chapter I) provides that every undertaking or establishment shall pay its employees, workers or apprentices the compensation stipulated in the Act in the event of occupational accidents. Title VII, Chapter I, does not mention any exceptions of the kind permitted under paragraph 2 of Article 2 of the Convention.

Article 3. Not applicable.

Article 4. Under section 1 of the Act, not applicable to agriculture.

Article 5. Sections 88 and 89 of the Act provide for compensation to workers already covered by it. In the case of workers covered by the social security system, the Social Security Code provides for the payment of pensions for permanent incapacity or death as a result of an accident.

Article 6. Section 73 of the Act. The Social Security Code establishes entitlement to compensation for temporary incapacity as from the fourth day after the accident.

Article 7. The General Labour Act does not provide for additional compensation in these cases. Only a few workers are at present covered by this Act. Section 57 of the Social Security Code provides for additional compensation amounting to 50 per cent of the pension to injured workmen whose condition necessitates the constant help of another person.

Article 8. Section 59 of the Social Security Code provides that the National Social Security Fund may, on its own initiative or at the request of the person concerned, order a review of the conditions or degree of incapacity and appropriate changes in pensions.

Article 9. Persons sustaining injury in the course of their work receive medical, pharmaceutical and surgical attention at the expense of the employer, under sections 73 and 93 of the General Labour Act and sections 105, 106, 107 and 109 of the Regulations.

Article 10. Injured workmen are entitled to orthopaedic appliances under section 107 of the Regulations to implement the General Labour Act and section 28 of the Social Security Code.

Article 11. Sections 85 and 88 of the General Labour Act, sections 71, 85 and 87 of its Regulations and Special Act 102 of 29 December 1944 amplifying section 88 of the General Labour Act. Title VI of the Social Security Code guarantees the payment of compensation, which is also ensured by section 162 of the National Constitution.

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

BOLIVIA

General Labour Act, 1942, and Regulations thereto, 1943.

Article 2 of the Convention. The Government defines "night" as the time elapsing between 8 p.m. on one day and 6 a.m. on the next. The ban on night work in bakeries holds good between 10 p.m. on one day and 4 a.m. on the next.

Article 3. The staff doing preparatory work may be exempted from this ban.

Article 4. The Labour Act makes no provision for employers to make exceptions.

Article 5. The Labour Inspection Department, through its inspectors, ensures the application of labour legislation and inflicts penalties as appropriate.

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

AUSTRALIA

New Guinea

Industrial Relation Act, 1962-71.

Apprenticeship Act, 1967-70.

Public Service (Papua New Guinea) Act, 1963-71.

Administration Servants Act, 1958-67.

Public Services Conciliation and Arbitration Act, 1969-71.

Teaching Service Conciliation and Arbitration Act, 1971.

Teaching Service Act, 1971: Native Employment Ordinance, 1958-71.

Article 1 of the Convention. The Industrial Relations Act provides that the weekly cash wage shall not be less than the prescribed minimum and also provides for deductions (by agreement between employer and employee) for accommodation, food, clothing and other articles.

The above Act provides 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 Act. 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 Minister for National Development. Hearings of the Board are initiated by the Minister for National Development referring a matter to it. Where representatives of employers or workers 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.

Article 2. See under Article 1. Existing legislation and administrative practice provide representatives of organisations of employers and workers and, if necessary, members of the public with the opportunity to participate in consultation on legislation prepared to establish minimum wage-fixing machinery.

Article 3. See under Articles 1 and 2. No advantage was taken of clause 3 of Article 3 during the period under review.

Article 5. Statistics concerning the employment of indigenous workers are published in the Labour Information Bulletin. A copy of Bulletin No. 8 containing employment statistics for the year ended 30 June 1971 is forwarded with the report.

With the exceptions listed, the administration and enforcement of labour laws and regulations is a function of the Department of Labour and Industry. All workers other than general labourers employed by the Papua New Guinea Government are responsible to the Public Service Board. The appropriate Australian authorities administer wages and conditions of employment for Australian government workers engaged in Papua New Guinea. There are established procedures for the recovery of wages in all areas where a worker claims he has been underpaid.

Papua

See under New Guinea.

COSTA RICA

Labour Code of the Republic of Costa Rica (LS 1943 - C.R. 1).

Legislative Decree No. 832 (8 November 1959) (LS 1949 - C.R. 4).

Decree No. 6 (30 March 1951).

Decree No. 2562-TBS (29 March 1974).

Article 2 of the Convention. The National Wages Council, according to Legislative Decree No. 832, is a tripartite body. Non-government members are nominated from lists submitted by employers' and workers' organisations.

Article 3. The Government refers to Legislative Decree No. 832 and to the decrees and enactments enclosed with its report on the methods used for minimum wage fixing. According to section 11 of the Labour Code, a worker may not forgo his right to a minimum wage. There is a ban on agreements under which wages less than the statutory minimum may be paid.

Article 5. Minimum wages are applicable in each and every industry listed in the wage-fixing decrees. No distinction is made between industries as regards the field of application.

The highest labour authority in Costa Rica is the Ministry of Labour and Social Security. Within the Ministry, the National Labour Inspection Department applies and supervises minimum wages. The Labour Code (section 60) lays down that complaints concerning the payment of minimum wages must be lodged within three months.



LIBYAN ARAB REPUBLIC

Labour Code: Act No. 58-2970 (Al-Jarida al-Rasmiya, 1 May 1970)  
(LS 1970 - Libya 1).

Article 2 of the Convention. The employers' and workers' organisations are to be consulted through their representatives on the board mentioned in section 108 of the Labour Act.

Article 3. The board in question has not yet been set up but will be established in the near future.

Article 4. The Department of Employment Relations and Inspection, which supervises the machinery of inspection, comprises a number of inspectors distributed throughout the country and is working effectively.

SRI LANKA

Wages Boards Ordinance, Chapter 136 (September 1941). Legislative Enactments of Ceylon, 1956.

Shop and Office Employees (Regulation of Employment and Remuneration) Act (9 August 1954). Chapter 129 of Legislative Enactments of Ceylon, 1956.

Minimum Wages (Indian Labour) Ordinance (9 December 1927). Chapter 135 of Legislative Enactments of Ceylon, 1956.

Interim Devaluation Allowance of Employees Act. Act No. 40 of 1968.

Article 1 of the Convention. Wages boards have been established in 33 trades and remuneration tribunals have been established in 10 trades.

Article 2. Sections 8 and 9 of the Wages Boards Ordinance require prior consultation. Though there is no such requirement under the Shop and Office Employees Act, consultation does in practice take place.

Article 3. Minimum wages are fixed by wages boards for manual workers and by remuneration tribunals for white-collar workers. Wages boards consist of equal numbers of employers' and workers' representatives together with a number of independent members. Similar provisions exist under the Shop and Office Employees Act. Abatement of the minimum rates of wages is possible only under section 22 of the Wages Boards Ordinance and section 35 of the Shop and Office Employees Act to those workers who work shorter than normal working hours and in terms of section 39 of the Wages Boards Ordinance and section 36 of the Shop and Office Employees Act for non-ablebodied workers.

---

Minimum wage rates are paid monthly and also must be exhibited by employers. Workers are entitled to recover underpaid wages, subject to a limitation of time. The legislation is enforced by the labour inspectorate. Offenders are prosecuted.

The minimum wage system has proved a basis for discussions among employers and workers and has contributed towards raising the standard of living of the workers affected.

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

GERMAN DEMOCRATIC REPUBLIC

TGL 12542 of 22 October 1962: Marking of goods for transport and storage.

Marking of weight on heavy goods transported by vessels Act  
(RGBL. No. 71 dated 28 June 1933) (LS 1933 - Ger. 9).

According to TGL 12542, sheet 2, any object of 1,000 kilograms or more gross weight should carry an indication of weight. This is also recommended for objects weighing less than 1,000 kilograms.

Exceptions from the TGL provisions are not allowed.

Under article 1(3) of the Labour Code and article 14(5) of the Standardisation Order the managers of undertakings are responsible for the application of the labour law.

The Ministry of Transport and the labour inspection branches of the trade unions are entitled to verify the compliance with labour protection regulations in undertakings.

Convention No. 29: Forced Labour, 1930

THAILAND

Constitution of 1972.

Criminal Code BE 2499 (1956).

There are no specific measures or administrative regulations dealing with the provisions of the Convention as such. No amendments to national legislation were necessary for the purpose of giving effect to the Convention or to permit its ratification.

The ratification of the Convention gives the force of national law to its terms by virtue of the constitutional and administrative practices of Thailand. Section 22 of the Constitution of 1972 states that whenever no provision of the Constitution is applicable to any case it shall be decided in accordance with the administrative practice of Thailand under the democratic regime.

The illegal exaction of forced or compulsory labour is a penal offence under the provisions of sections 309 to 321 of the Criminal Code BE 2499 (1956) relating to individual freedoms, in which adequate provision is made for penalties.

Articles 1 and 2 of the Convention. No forced or compulsory labour is authorised in any form.

Articles 4 and 5. Not applicable.

Articles 6 to 13. No forced or compulsory labour is allowed as it would be in violation of the personal freedoms provided for in the Criminal Code.

Articles 14 to 21. Same remarks as for Articles 6 to 13.

Article 23. No new provisions or measures are necessary, since the provisions of the Criminal Code are already applicable to the matter.

Article 24. The Department of Police of the Ministry of Interior is responsible for the administration of law and order in the country and, in particular, the provisions of the Criminal Code referred to above which are enforced through the normal processes of vigilance exercised by the police.

Article 25. No decisions have been given by courts of law or other tribunals relating to the application of the Convention.

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

IRELAND

Factories Act, 1955.

Docks (Safety, Health and Welfare) Regulations, 1960.

Docks (Safety, Health and Welfare) (Forms) Regulations, 1965.

The provisions listed above apply the Convention as indicated under each Article in the report.

There is no exemption provided for in respect of paragraph 7 of Article 5.

In respect of Article 10, the Minister for Labour has power to apply for a court order to prohibit the employment of any person not considered suitable to give signals to the driver of lifting or transporting machinery.

With reference to Article 12, the district court may, on complaint, prohibit by order, either absolutely or subject to conditions, the use of any part of dock, wharf or quay or the carrying on of such process which involves risk of bodily injury.

The exceptions, or exemptions, provided under the Docks Regulations, 1960, are in accordance with the provisions of Article 15 of the Convention.

In respect of Article 18, no formal reciprocal arrangements have been drawn up with other countries; arrangements made in other countries for testing, examining and annealing and of certificates and records relating thereto, are mutually recognised.

Supervision is ensured by routine inspection of all ports during a 12-month period. Where a contravention is observed, a notice is sent to the offender and failing a satisfactory reply, a further follow-up inspection is carried out, where necessary. A prosecution may follow if the defect is not remedied. Special inspections are also carried out on receipt of complaints from workers or workers' organisations; serious and fatal accidents are investigated immediately.

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

AUSTRALIA

Norfolk Island

Public Service Ordinance, 1941.

Regulation 29 made under the Public Service Ordinance.

Australian Public Service Act, 1922-73.

Regulation 9 made under the Public Service Act.

The Public Service Ordinance, 1941, and Regulations and the Australian Public Service Act, 1922-73, and Regulations regulate the conditions and hours of work of Norfolk Island Administration staff and Australian public servants working on the Island. The hours of work for other employees are not prescribed by legislation but in practice conform to the provisions of the Convention.

The provisions of this Convention are applied to Administration staff by Regulation 29 made under the Public Service Ordinance and to Australian Public Service Staff Regulation 9 made under the Public Service Act.

The Public Service Ordinance is administered by the Minister for the Capital Territory. The Public Service Act is administered by the Prime Minister of Australia.

Normal hours of work for the Administration salaried staff are 36 hours 45 minutes per week, like those for the employees of the Australian public service working on the Island.

Normal hours of work for Administration wages staff are 40 hour per week. Hours of work for other employees on the Island are not prescribed by legislation but tend to be 40 hours per week. Most employees in commerce, however, work Saturday mornings and have Wednesday afternoons free.

Convention No. 52: Holidays with Pay, 1936

BURUNDI

Labour Code (Legislative Order No. 001/31 of 2 June 1966).

Legislative Decree No. 1/161 of 10 November 1971, for the amendment of the provisions of Title VI, Chapter 8, of the Labour Code, respecting holidays with pay.

Ministerial Ordinance No. 110/1/1972 of 18 November 1971 fixing the duration of the annual holiday with pay and of emergency leave.

Legislative Decree No. 1/61 of 6 August 1969 laying down general principles in respect of the public service.

Presidential Decree No. 1/62 of 6 August 1969 (Civil Service Regulations).

Article 1 of the Convention

1. The Labour Code, including the provisions respecting holidays with pay, applies to all workers in gainful employment.

2. Since the legislation on holidays with pay is applicable to all workers in gainful employment, the consultations with the National Labour Council, on which the most representative organisations of employers and workers are represented, have not been concerned with defining a line to separate the establishments specified in the Convention from other establishments.

3. The personnel covered by the Civil Service Regulations are entitled to an annual holiday of 20 days by virtue of section 22 of the Presidential Decree of 1969.

Article 2

1. Every worker covered by the provisions of the Labour Code is entitled to an annual holiday with pay of 20 working days after 12 months' service.

2. These provisions apply to all workers, irrespective of age.

3. Any holiday with pay may be divided into parts by the employer, with the worker's consent, but such division into parts may not have the effect of depriving the worker of the enjoyment of an annual holiday of six successive working days.

4. The duration of the holiday is increased by at least one working day per five-year period of service with the same employer. |

Article 3. A worker is entitled to the benefits in kind which he was receiving at the time of his departure on holiday.

Article 4. The Labour Code provides that any agreement to relinquish the right to the statutory holiday or to forgo such a holiday shall be void.

Article 5. The Labour Code provides that any person engaging in paid employment during his annual holiday shall be deprived of his right to payment in respect of that holiday.

Article 6. Every worker who leaves his employment, whether as a result of being dismissed or of his own volition or by mutual consent between the parties, is entitled in respect of every working day of holiday due to him to the payments in cash and in kind that he was receiving at the time of termination of the contract.

Article 7. Every employer is required to keep a register comprising a list of the names of all his employees and cards showing the dates of their holidays and the number of days' holiday to which they are entitled. The payment of holiday remuneration must be recorded on the pay slip.

Article 8. Breaches of the provisions of the Labour Code respecting holidays with pay are punishable by fines.

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

BURUNDI

Legislative Order No. 001/37 of 2 June 1966 promulgating the Labour Code of Burundi.

Ministerial Order No. 110/365 of 16 December 1966 establishing the manner of keeping the "employer" and "inspection" registers.

Article 1 of the Convention. The Labour Code is of general application.

Article 2. Sections 3(a) and 117 of the Labour Code prohibit the employment of persons under 16 years of age. Article 118 provides that ministerial orders may be issued allowing exceptions to this rule and authorising the employment of young persons between 12 and 16 years of age on light and healthy work. As a result, the national legislation does not comply with the relevant provisions of the Convention.

On the other hand, section 233 of the new draft code prohibits work by persons under 16 years of age, with the sole exception of work in agriculture.

Article 3. Children in technical schools are not workers in the sense of section 4 of the Code, which does not apply to them. Work in technical schools is subject to the approval and control of the public authority.

Article 4. Section 163(c) of the Code establishes an obligation for the employer to keep a separate register of workers under 18 years of age containing the necessary information.

Article 5. This Article of the Convention, concerning workers at least 15 years old, does not apply to Burundi, whose Code establishes a minimum age of 16 for employment.

LIBYAN ARAB REPUBLIC

Act No. 58-2970: Labour Code (Al-Jarida al-Rasmiya, 1 May 1970, Special Supplement) (LS 1970 - Libya 1).

Article 2 of the Convention. Subparagraph 1(a) of the Code stipulates that its provisions do not apply to members of the employer's family who work with him and are directly supported by him.

Article 3. This derogation applies only to young persons possessing at least an elementary school certificate.

Article 4. Provisions embodied in section 83 of the Labour Code.

Article 5. Section 92 of the Labour Code provides that the occupations and industries in which persons under 18 may be employed or may not be employed shall be determined by decree.

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

COLOMBIA

Recommendations of the Colombian Social Security Institute (ICSS) implemented through the Occupational Health Section of that Institute and the Labour Inspection Division of the Ministry of Labour and Social Security.

Labour Code, sections 366 and 367, promulgated by Decree No. 2663 of 5 August 1950 (LS 1950 - Col. 3).

These recommendations provide that, in accordance with articles 366 and 367 of the Labour Code, employers shall draw up their own rules respecting industrial hygiene and safety covering all the hazards inherent in the building industry. These various recommendations contain provisions covering the following points, among others:

- the organisation of safety committees, including employers' and workers' representatives;
- the construction of safety barriers to prevent materials falling on the public highway;
- the protection of openings in floors, the edges of platforms and the side openings of stairways to prevent workers from falling;
- the fitting of buffers at the ends of crane runways to ensure safety of working;

- 
- the installation of safety cages at the top of the vertical ladders giving access to crane cabins;
  - periodic overhaul of hoisting equipment;
  - the storage of building materials in orderly stacks to prevent collapse;
  - the installation of scaffolds which are dimensionally safe and equipped with ropes strong enough for the loads to be carried;
  - the construction of stepladders of adequate strength, equipped with safety devices;
  - the periodical checking of hand tools and their maintenance in good condition;
  - the setting up of temporary electrical installations in such a way as to prevent all risk of electrical shock to workers;
  - the regular removal of litter and bricks so as to keep work areas and traffic routes free;
  - the equipment of workers with the necessary personal protective equipment such as safety helmets, boots with steel-reinforced soles, dust masks, safety belts, oilskins, etc.

## IRELAND

Factories Act, 1955.

Building (Safety, Health and Welfare) Regulations, 1959.

Factories (Electricity) Regulations, 1972.

Provisions of national legislation which implements the Convention are indicated under each Article in the report. The Minister for Labour is empowered to make regulations after consultation with the Minister for Health giving effect to the provisions of the model code annexed to the Safety Provisions (Building) Recommendation, 1937 (No. 53).

In respect of Article 2, the only work done on the site of a "building operation" which is exempt from the respective provisions of the Regulations is the work of steeplejacks in the maintenance or repair of spires, steeples, chimney stacks, cooling towers and similar structures.

"The persons responsible for compliance therewith", for the purpose of clause (b) of Article 3 is any person undertaking building operations or any such operations to which the Act applies or every employer undertaking building operations to which the Regulations apply.

An efficient system of inspection carried out in accordance with Convention 81 and the reports of the Industrial Inspectorate contain the information required under Article 6.



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

PANAMA

The Labour Statistics Section of the Ministry of Labour and Social Welfare is responsible for compiling statistics on wages and hours of work, but it has been unable to complete its work due to financial difficulties and a shortage of staff. The Ministry is taking steps to form a statistical department in 1974 which will be responsible for compiling not only hours of work statistics but also other employment statistics.

Convention No. 81: Labour Inspection, 1947

BURUNDI

Labour Code (Legislative Order No. 001/31 of 2 June 1966).

Presidential Decree No. 001/87 of 25 August 1967 to determine the organisation and functioning of the labour administration.

Presidential Decree No. 001/43 of 30 March 1967 to amend the Civil Service Regulations.

Article 1 of the Convention. The system of labour inspection provided for in Title VIII, Chapter II, of the Labour Code covers all branches of economic activity and not only industry.

Article 2. Under the terms of section 146 of the Labour Code, the system of labour inspection is applicable to all persons or bodies corporate, whether public or private, which are parties to a contract of employment.

Article 3, paragraph 1. Section 149(2) and (4) of the Labour Code and sections 4(2) and 8(2) and (3) of Presidential Decree No. 1/87 of 25 August 1967 specify the supervisory functions of the labour inspection service, reproducing verbatim the terms of the Convention.

Paragraph 2. Section 149, paragraphs 1, 3, 5 and 6, and sections 170 to 175 and 205 to 212 of the Labour Code entrust the labour inspection service with other duties, such as the drafting of laws and regulations; the proffering of views and suggestions with a view to supplementing or improving the existing regulations as well as its views on matters connected with the installation of or alternations to equipment in units subject to administrative authorisation; the compilation and co-ordination of all information and statistics concerning the labour problem, and the conciliation of the parties in individual and collective labour disputes.

Article 4. Section 145, subsection 1(b), of the Labour Code states that the labour inspection service is placed under the authority of the Minister of Labour.

Article 5. The Government states in its report that the labour inspection service is frequently called upon to co-operate with other government services, institutions and public authorities as well as with workers and employers and their organisations.

Article 6. The labour inspectors are granted the status of public officials (section 148 of the Labour Code).

Article 7. Applicants are recruited by a senior official as appropriate to any technical or practical training they may have had. The organisation of recruitment is the task of the General Directorate for the Civil Service under the over-all supervision of a recruitment board. "The appointment of applicants to labour inspection duties is made at a level corresponding to the grade of Assistant Chief of Subdivision." The schedule to Presidential Decree No. 1/43 of 30 March 1967 for the amendment of the Civil Service Regulations specifies that assistant chiefs of subdivision are to be recruited from among applicants who have completed the "full six-year course of classical studies" and the "full course at the School of Administration". The report adds that "very strong priority is given to applicants who can show proof of having attended one or more advanced training courses organised by the ILO or of having received specialised training of a kind relevant to the duties they will be expected to perform". Lastly, the Government sends two or three inspectors each year to the African Regional Centre for Labour Administration for specialised training.

Article 8. There is no law to prevent women from being appointed to the inspection staff, although at the present time there are no women on the staff.

Article 9. Under section 154 of the Labour Code labour inspectors may, in the performance of their duties, seek the technical assistance of specified government technical experts or from specified governmental or government-controlled bodies.

Article 10. The staff of the labour inspection service comprises a director of the labour inspection department, an assistant director and seven labour inspectors.

Article 11. The Government's report states that spacious, adequately furnished buildings, conveniently located in the centre of town and linked to the local and inter-urban telephone network, are placed at the disposal of the General Directorate of Labour and the regional inspection service and that substantial appropriations have been provided for in the 1974 budget in order to give effect to this Article of the Convention.

Article 12. Labour inspectors provided with proper credentials are empowered to carry out any form of inspection as often and as thoroughly as is necessary to ensure the effective enforcement of the statutory provisions (sections 150, 151 and 152 of the Labour Code).

Article 13. In the performance of their duties labour inspectors are entitled to serve formal notice upon employers, their representatives and workers to the effect that they must ensure compliance with the statutory provisions respecting conditions of work, and to prescribe measures with immediate executory force in the event of imminent danger to the health or safety of workers. In an emergency an inspector may order a stoppage of work (section 153 of the Labour Code).

Article 14. Every industrial accident must be reported without delay to the local labour inspection service and to the National Social Security Institution and must be entered under the date when it occurred in a special register to be kept by the employer at the head office of the undertaking (section 139 of the Labour Code).

Article 15. Labour Inspectors are not permitted to have any direct or indirect interest in the undertakings under their supervision (section 157 of the Labour Code). They must treat as confidential the source of any complaint bringing to their notice a defect or breach of legal provisions and must give no intimation to the employer or his representative that a visit of inspection was made in consequence of the receipt of such a complaint (section 156 of the Labour Code). Breaches of this provision of the Labour Code, even if they occur after a labour inspector has ceased to work as such, are punishable by the penalties prescribed in section 73 of the Penal Code.

Article 16. Despite the serious transport difficulties the labour inspection department has to face, the service strives first and foremost to arrange for the inspection of establishments which may reasonably be presumed not to be in conformity with the social legislation.

Article 17. In the performance of their duties labour inspectors are empowered to certify in reports which are deemed to represent the true facts unless proof is furnished to the contrary that the statutory provisions have not been observed, where such non-observance is tantamount to a breach of the said provisions. It is, however, left entirely to the discretion of labour inspectors, if they think fit, to make observations to the employer or his representatives or to the workers rather than instituting or recommending proceedings (section 153 of the Labour Code).

Article 18. The Government states in its report that without prejudice to the possible application of sections 133 to 135 of the Penal Code, the Labour Code renders liable to a fine of from 2,000 to 5,000 francs and to from 15 days' to 3 months' penal servitude, or to one of these penalties only, any person who obstructs or attempts to obstruct a labour inspector in the performance of his duties. In the event of a second offence the fine is from 5,000 to 10,000 francs and the term of imprisonment from 1 to 6 months.

Article 19. Under the terms of section 158 of the Labour Code "labour inspectors are required to submit to the General Directorate of Labour a monthly report on the results of their activities".

Articles 20 and 21. Under the terms of section 158 of the Labour Code "the General Directorate of Labour shall publish once a year a general report on the work of the services under its control".

Articles 22, 23 and 24. The system of labour inspection provided for in Title VIII, Chapter II, of Legislative Order No. 001/31 of 2 June 1966 (Labour Code) covers all branches of economic activity, including commerce.

## GABON

Labour Code (LS 1962 - Gab. 1).

The provisions of this Convention are implemented by Act No. 88/61 of 4 January 1962 establishing the Labour Code of the Gabon Republic, particularly by its articles 144-157 inclusive. The Labour Inspectorate in Gabon enforces the legal provisions relating to working conditions and the protection of workers in all agricultural and forestry sectors, without exception.

For this purpose, the Labour Inspector, who is a public servant, possesses the same powers as police officers and is therefore empowered to enter freely and without previous notice at any hour of the day or night any workplace liable to inspection, to carry out any examination, test or inquiry considered necessary to satisfy himself that the legal provisions applicable are being strictly observed.

To facilitate his work, he may be accompanied by the head of the undertaking, sworn interpreters and workers' delegates of the undertaking visited, or by doctors or other specialists and, where necessary, obtain the assistance of the public security forces.

Although free to initiate visits and investigations within his area of responsibility, the labour inspector must submit to the Minister of Labour through his superior, the Director of Labour, all reports prepared after an inspection. The labour officer enjoys the same prerogatives.

A woman labour inspector now holds the post of head of service in a regional inspectorate.

The only impediment to full application of this Convention is the shortage of personnel for both planning and executory functions, despite the considerable effort made by the Government to train them.

## MADAGASCAR

Labour Code (Ordinance No. 60-119 of 1 October 1960)  
(LS 1960 - Mad. 1) (LS 1964 - Mad. 2) (LS 1969 - Mad. 2).

Order No. 1562 of 20 August 1973 to determine the structure and organisation of posts at the Ministry of the Public Service and Labour (Journal officiel de la République malgache, 14 July 1973).

Order No. 889 of 20 May 1960 to prescribe general measures in respect of occupational health and safety (Journal officiel de la République malgache, 4 June 1960).

Decree No. 61-226 of 19 May 1961 laying down regulations with respect to labour inspectors (Journal officiel de la République malgache, 3 June 1961).

Decree No. 61-227 of 19 May 1961 laying down regulations with respect to labour supervision officers (Journal officiel de la République malgache, 3 June 1961).

Decree No. 64-163 of 22 April 1964 for the establishment of a professional identity card for labour inspectors and supervision officers (Journal officiel de la République malgache, 2 May 1964).

The Labour Inspection Service covers all workers and employers, without distinction. It is placed under the supervision of the Director of Labour and the Minister of Labour.

At present there are six provincial inspectors - one for each province. In addition, eight labour supervision officers are operating, two at Tananarive, one at Antsirabé and one in each of the other provincial capitals. Lastly, there is a medical labour inspector attached to the Directorate of Labour.

The labour inspectors and supervision officers have the powers specified in Articles 12 and 13 of the Convention.

Any person contravening the provisions of the labour regulations is liable to immediate prosecution in pursuance of the penal provisions of the Labour Code.

The inspectors submit periodical reports to the Directorate of Labour, which publishes an annual statistical report containing some of the particulars they have supplied (this statistical report is regularly sent to the ILO).

The workers' organisations frequently contact the inspectors to report breaches of the regulations or to assist workers to reach an amicable settlement of individual disputes.

#### LIBYAN ARAB REPUBLIC

Act No. 58-2970 of 1 May 1970 to promulgate the Labour Code (Al-Jarida al-Rasmiya of 1 May 1970) (LS 1970 - Libya 1).

Article 1 of the Convention. The Labour Act and section 23 of the Constitutional Proclamation.

Article 3. Section 111 of the Labour Act.

Article 4. (1) The Department of Employment Relations and Inspection; (2) not applicable.

Article 5. There is close co-operation: (a) among the various ministries, government departments and official organisations; (b) with the Libyan Employers' Association and the General Federation of Labour.

Article 6. The Minister of Labour appoints the inspectors and issues decrees concerning the organisation of their work. In the performance of their duties they enjoy the status of "judicial police officers" in accordance with sections 110, 111, 112 and 113.

Article 7, paragraphs 1 and 2. That he should be experienced in labour questions and labour legislation.

Paragraph 3.

- (a) Local training courses when appointment starts;
- (b) high-level training courses outside Libya.

Article 9. There are no experts or specialists permanently employed in the inspection services, but they are called upon when need arises, in which case they are trained by other government services.

Article 10. There is an inspection department consisting of more than 44 inspectors, scattered throughout the various provinces of the country.

Article 11. The Ministry of Labour supplies inspectors with offices, and the means of transport and communication they require, plus travel and stop-over allowances during tours of inspection away from their normal place of residence.

Article 13. An inspector is entitled to order the stoppage of work in a factory or other place of work should he consider that working conditions there are a threat to life and limb, or otherwise injurious to health.

Article 14. The labour offices are informed about injuries occurring to workers in the performance of their duties; this is done in the form specified in section 105 of the Labour Act.

Article 16. Inspectors are ordered to undertake tours of inspection from time to time, in accordance with conditions.

Article 18. Section 165 specifies the punishment to be meted out to anyone guilty of supplying directors of labour or inspectors with false statements or information, or of obstructing the task of inspection; in such circumstances, a fine of not less than 20 and not more than 50 dinars is levied.

Article 19. The Ministry is now busy producing a form for the periodical reports which labour inspectors have to render to the Department of Employment Relations and Inspection.

Articles 22-24. Labour inspection in "commercial workplaces" is done in just the same way as in industrial premises.

Article 25. Not applicable.

Article 29, paragraphs 1, 2 and 3. Does not exist.

---

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

CANADA

Federal legislation

Criminal Code, R.S.C. 1970, c. C-34.

Canada Labour Code (R.S.C. 1970, c. L-1, Part V - (Industrial Relations)).

Public Service Staff Relations Act, R.S.C. 1970, c. P-35.

Canada Labour Code, R.S.C. 1970, c. L-1, Part I - (Fair Employment Practices).

Trade Unions Act, R.S.C. 1970, c. T-11.

Canadian Bill of Rights, S.C. 1960, c. 44.

Alberta

Alberta Labour Act, 1973 (S.A. 1973, c. 33, as amended).

Firefighters and Policemen's Labour Relations Act, R.S.A. 1970, c. 143, as amended.

Teaching Profession Act, R.S.A. 1970, c. 362, as amended.

Public Service Act, R.S.A. 1970, c. 288, as amended.

Crown Agencies Employee Relations Act, R.S.A. 1970, c. 79.

Individual Rights Protection Act, S.A. 1972, c. 2, as amended.

British Columbia

Labour Code of British Columbia, S.B.C. 1973, c. 122.

Public Service Labour Relations Act, S.B.C. 1973, c. 144.

Public Schools Act, 1958, c. 42, as amended.

Human Rights Code of British Columbia Act, S.B.C. 1973, c. 119.

Manitoba

Labour Relations Act, C.C.S.M., c. L-10, as enacted by S.M. 1972, c. 75, as amended.

Public Schools Act, R.S.M. 1970, c. P-250, as amended.

Civil Service Act, R.S.M. 1970, c. C-110, as amended.

Fire Departments Arbitration Act.

Human Rights Act, C.C.S.M., c. H-175, as enacted by S.M. 1974.

New Brunswick

Industrial Relations Act, S.N.B. 1971, c. 9, as amended.

Public Service Labour Relations Act, S.N.B. 1968, c. 88, as amended.

Human Rights Code, S.N.B. 1971, c. 8, as amended (LS 1971 - Can. 1).

Newfoundland

Labour Relations Act, R.S.N. 1970, c. 191, as amended.

Public Service (Collective Bargaining) Act, S.N. 1970  
(LS 1970 - Can. 2).

St. John's Fire Department Act, 1972, Act No. 12.

Newfoundland Teacher (Collective Bargaining) Act, 1973.

Constabulary Act, R.S.N. 1970, c. L-58.

Newfoundland Human Rights Code, R.S.N. 1970, c. 262, as amended.

Nova Scotia

Trade Unions Act, S.N.S. 1972, c. 19.

Civil Service Joint Council Act, R.S.N.S. 1967, c. 35, as amended.

Teaching Profession Act, P.S.N.S. 1968, c. 109.

Human Rights Act, S.N.S. 1969, c. 11, as amended.

Ontario

Labour Relations Act, R.S.O. 1970, c. 232.

Fire Departments Act, R.S.O. 1970, c. 169.

Police Act, R.S.O. 1970, c. 351.

Hospital Labour Disputes Arbitration Act, R.S.O. 1970, c. 208.

Teaching Profession Act, R.S.O. 1970, c. 456.

Public Service Act, R.S.O. 1970, c. 386.

Crown Employees Collective Bargaining Act.

Ontario Human Rights Code, R.S.O. 1970, c. 318, as amended.

Rights of Labour Act, R.S.O. 1970, c. 416.



Prince Edward Island

Prince Edward Island Labour Act, S.P.E.I. 1971, c. 35, as amended.  
 School Act, S.P.E.I. 1971, c. 55.  
 Nurses Act, S.P.E.I. 1972, c. 35.  
 Civil Service Act, S.P.E.I. 1962, c. 5, as amended.  
 Human Rights Code, S.P.E.I. 1968, c. 24.

Quebec

Labour Code, R.S.Q. 1964, c. 141, as amended (LS 1964 - Can. 2;  
LS 1969 - Can. 2).  
 Professional Syndicates Act, R.S.Q. 1964, c. 146, as amended.  
 Civil Service Act, S.Q. 1965, c. 14, as amended (LS 1965 - Can. 3).  
 Construction Industry Labour Relations Act, S.Q. 1968, c. 45,  
 as amended.  
 Employment Discrimination Act, R.S.Q. 1964, c. 142 (LS 1964 - Can. 3).

Saskatchewan

Trade Union Act, 1972, S.S. 1972, c. 137.  
 Teacher Collective Bargaining Act, 1973, S.S. 1973, c. 112.  
 Fire Departments Platoon Act, R.S.S. 1965, C. 173.  
 Fair Employment Practices Act, R.S.S. 1965, c. 293, as amended.

The free exercise of the right to organise is ensured by existing federal and provincial legislation and practice. In addition, in all jurisdictions, fair employment practices Acts and human rights Acts prohibit discrimination in employment and trade union membership.

Departments of labour and labour relations boards, or equivalents, administer labour legislation in each jurisdiction.

Employers are prohibited from compelling any person to refrain from becoming or being a member of a trade union, but closed shop, union shop or preferential hiring provided by collective agreements are valid.

Trade unions and "combinations of workmen or employees" are protected against actions in restraint of trade, criminal breach of contract and other actions of the kind.

At common law, there is no legal restriction on the individual's right to associate for any lawful object.

All jurisdictions have clauses in their labour Acts which exclude certain classes of persons from the scope of the Acts or from the definition of "employee", for example, managerial and supervisory personnel and persons employed in a confidential capacity in matters of labour relations: in some jurisdictions certain professional employees and agricultural workers. Such excluded persons, however, are not restricted in their freedom to establish and join organisations.

The special groups of employees which are in many cases excluded from the general labour Acts are schoolteachers, policemen, firemen, some categories of hospital workers and civil servants. In almost all cases, workers in these excluded categories are protected by special legislation. For example, schoolteachers in British Columbia, Manitoba, New Brunswick, Newfoundland, Nova Scotia, Prince Edward Island and Saskatchewan all have special legislation governing their labour matters, while Alberta and Quebec include teachers in the definition of an employee under their general labour Acts. Ontario has not included teachers in any Act for matters of labour relations, but teachers there still exercise freedom of association and have formed federations.

As is the case with teachers, all the special groups mentioned above do fall within the scope of some labour Act, and all have either organised under a trade union or have formed an association to represent them.

Article 2 of the Convention. 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 the legislation, except that they refer to participation in the lawful activities of the organisation. The Quebec Labour Code gives essentially the same rights to employers and employees as does the Federal Act, except that it refers to an association of employers or employees instead of an employers' organisation or trade union. In Saskatchewan, the Trade Union Act confirms organisation rights to employees, and refers indirectly to employers' associations.

No jurisdiction imposes any substantive conditions that must be fulfilled by employer or employee organisations when they are being established. All jurisdictions have to some extent provided certain varying requirements to be fulfilled by organisations upon being registered or certified, but generally these consist in providing a copy of constitutions, by-laws, financial statements, names of officers, and so on.

Article 3. No restrictions exist as to the rights of workers' and employers' organisations to draw up their own constitutions and rules, to elect their representatives in full freedom, to organise their administration and activities, and to formulate their programmes. The public authorities do not interfere with this right or impede the lawful exercise thereof.

Legislation or regulations may contain guidelines within which an organisation is free to create its own rules. For example, the Province of Newfoundland stipulates that the rules of a trade union may not be inconsistent with the provisions of the Trade Union Act, and provides certain topics with which the rules of a trade union must deal. Other jurisdictions, as in the case of the federal jurisdiction, require that certain information be provided when an organisation is being registered.

Article 4. Employers' and workers' organisations are not liable under federal or provincial laws and practice to dissolution or suspension by administrative authority.

Article 5. In all jurisdictions, workers' and employers' organisations have the right to establish federations and confederations and to join international workers' and employers' organisations. Several provinces have given express legislative sanction to federations of trade unions in their labour relations Acts. 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 Prince Edward Island, the definition includes a council of trade unions.

In Quebec, the Labour Code allows an association to affiliate with other organisations; but, if the association has entered into a collective agreement, affiliation cannot take place except during the 60 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.

Article 6. 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 Canada Labour Code provides that a council of trade unions may be certified for collective bargaining purposes, and there are no express prohibitions to limit the rights and guarantees of federations and confederations of workers' and employers' organisations.

Article 7. In all jurisdictions the acquisition of legal personality by workers' and employers' organisations, federations and confederations is not subject to restricting conditions.

At common law trade unions are voluntary associations ("collectivities of persons") which may acquire a legal personality if they wish.

However, labour legislation in Canada has provided trade unions and employers' organisations with legal status for specific purposes of legislation or court proceedings.

Consequently unions are considered legal entities when they appear before labour relations boards or other administrative tribunals established by labour relations statutes, and as legal persons for the purposes of labour legislation in case of court proceedings.

There are, however, differences in this respect between various jurisdictions.

The federal Labour Code and similar statutes in Ontario and Nova Scotia provide that trade unions and employers' organisations may be prosecuted in their own names for offences under those Acts.

The labour statutes in Alberta, Manitoba and New Brunswick provide that for the purposes of those statutes trade unions and employers' organisations may in their own name prosecute or be prosecuted, sue or be sued.

The Labour Code of British Columbia provides that "every union and every employers' organisation is a legal entity for the purposes of this Act" (s. 147).

In Newfoundland the Labour Relations Act provides that "a trade union or an employers' organisation may be prosecuted in their own names for an offence under this Act" (s. 56).

The Trade Union Act provides that all actions (suits, prosecutions, complaints) by or against a registered union (except suits involving union property) must be taken in the name of the union (s. 5(5)). The same Act provides (s. 5(7)) that an unregistered union may be sued in its own name or in the name of any of its members (s. 5(7)).

In Prince Edward Island the Labour Act provides that "A trade union or an employers' organisation may sue and be sued or be prosecuted by its name as filed under s. 41 and if not so filed then by the name by which it is commonly known" (s. 42(1)).

The statute does not provide the usual qualifying restriction that legal status is granted for the purposes of the Act.

In Saskatchewan the Trade Union Act provides that "A trade union shall not be made party to an action in any court unless the trade union may be made a party irrespective of this Act" (s. 29).

In Quebec the Professional Syndicates Act provides for incorporation of trade union or employers' organisations as professional syndicates. Professional syndicates may appear before the courts and acquire moveable and immovable property suited to their particular objects (s. 9).

In case of unincorporated trade unions or employers' organisations the Quebec Code of Civil Procedure provides that any group of persons associated for the pursuit of a common purpose in the Province, but lacking a civil personality and not being a partnership within the meaning of the Code, may defend any action at law taken against it. Such a group may also institute legal proceedings provided that it deposits with the court a certificate of the Labour Relations Board attesting that it is an association of employees within the meaning of the Labour Code (C.P. 60).

Article 8. The federal Criminal Code, designed to ensure public order and safety, does not impair the guarantees provided in the Convention. There are no general provincial statutes concerning the safety of the state which might apply to workers' and employers' organisations.

Article 9. The provisions of the Convention have not been applied to members of the armed forces, but have in varying degrees been applied to the police in the different Canadian jurisdictions.

A 1918 Order in Council denying members of the federal police the right to freedom of association was revoked in June 1974.

Municipal police in Alberta, British Columbia, Manitoba, New Brunswick, Newfoundland, Nova Scotia, Prince Edward Island, Quebec and Saskatchewan are free by statute to associate. In Ontario, municipal police are denied this right, but may form an association comprising only of police.

The provincial police forces of Ontario, Quebec and Newfoundland are allowed to join an association of police.

Convention No. 88: Employment Service, 1948

DENMARK

Employment Service and Unemployment Insurance Act (Legislative Notification No. 389 of 28 June 1973).

Article 1 of the Convention. The functions of the employment service, a neutral country-wide system, are to effect free exchange of manpower and assist in the choice of occupation and training within all trades and occupations. It is the duty of the employment service, as part of an active employment market policy, to follow the trend of employment market developments, take initiatives for measures relevant to that market and assist central and local government authorities in the collection and analysis of employment market data.

Article 2. The administration of the employment service is assigned to the Director of Labour.

Article 3. The employment service includes 27 main offices and a number of local offices throughout the country. A change in the geographical distribution of the employment offices is being considered, so as to concentrate on 14 regional offices and a number of local offices to provide a more effective service.

Article 4. A National Labour Board has been established to assist the Director of Labour and includes the latter and 17 other members representing the industrial organisations and departments of state concerned. To assist employment office managers, a labour market board has been set up in each county and for the Copenhagen area the National Confederation of Danish Trade Unions, the Danish Employers' Confederation and the county councils are represented in equal numbers. In both the National Labour Board and the 13 labour market boards, employers' and workers' representatives are nominated by the industrial organisations.

Article 5. The National Labour Board is a co-ordinating and promotive body to the local labour market boards. The Board can express its views on recommendations submitted by the Labour Directorate to the Minister of Labour on the structure, scale and means of the employment service, on the preparation of general provisions and directions. The Board may make recommendations to the Director of Labour as regards labour market policy and acts as a

co-ordinating link between the Labour Directorate and other central public and private bodies for the promotion of employment service. The local labour market boards have been set up to reinforce and activate employment service and labour market policy in general within their respective geographical fields.

Article 6. The employment service seeks to effect a placing according as far as possible with the wishes of the applicant for employment as well as of the employer. It may organise information and training courses for the benefit of marginal manpower such as housewives not gainfully employed, elderly persons and rehabilitees, self-employed craftsmen, shopkeepers and farmers wishing a change of occupation. Individual and collective guidance in the choice of occupation or training is provided as part of the employment service activity. The Ministry of Labour organises large-scale training facilities for adults with a view to facilitating mobility and adjustment of available manpower to the existing employment opportunities.

These training activities include vocational training of semi-skilled workers, etc., retraining of manpower in undertakings located in regional development areas and further training of skilled workers.

To promote employment development, the employment service may grant support to applicants for work if (i) they are unemployed or potentially unemployed; (ii) suitable work cannot be found for them in the area in which they are resident; and (iii) they take up employment at some other place where there is a need for such manpower or where unemployment among workers of the category concerned is deemed to be of a temporary nature.

The employment service has to collect data for various forms of statistics, which are normally analysed by the Directorate of Labour and the Statistics of Denmark. The Ministry of Labour prepares analyses and prognoses on the trend of employment and on labour market conditions.

There is co-operation between the public employment service and the state-recognised unemployment benefit funds.

The Employment Service and Unemployment Act provides for grants to be made, subject to certain conditions, towards employment measures for hard-core unemployed.

The employment service largely co-operates with social welfare authorities and other bodies.

Article 7.

- (a) Specialisation by occupation has been made to some extent within the employment service system.
- (b) The public employment service makes, in co-operation with the rehabilitation centres, a special effort to meet the needs of disabled persons. In 1972, the Minister of Labour appointed two committees, for the private and the public sector respectively, which should submit concrete and practical recommendations for re-employment of middle-aged and elderly persons as well as mildly handicapped persons who have lost or are liable to lose their normal employment.

Article 8. Under Chapter III of the Vocational Training (Semi-skilled Workers) and Retraining Act (Legislative Notification of 2 June 1971), the Minister of Labour may organise prevocational training for young unemployed persons aged between 18 and 25. Four such courses have been set up in four major provincial towns.

Article 9. Employment service staff are composed of persons appointed on a group contract basis (clerical staff) and those appointed on civil service-type conditions (employment exchange officers, placement officers for handicapped persons and vocational guidance officers), whose position and conditions of recruitment of the staff are independent of any change of government. Managers of local employment offices are appointed by the Minister of Labour on the recommendation of the Director of Labour with the co-operation of advisory boards. The rest of the staff are in principle recruited by the Director of Labour on the recommendation of the local employment office; the power of recruitment, however, has been delegated to the employment office managers, as regards initial posts for clerical staff.

After engagement employment exchange officers, placement officers for handicapped persons and vocational guidance officers receive instruction related to their work. Further training is provided for all categories of staff.

Article 10. The employment service invites employers as well as workers, through pamphlets, advertisements, etc., to make use of employment service facilities to the widest extent possible.

Article 11. Private employment agencies are in principle prohibited, with certain special exemptions; they are liable to supervision by the Director of Labour.

#### THAILAND

Employment Agency and Protection of Job-Seekers Act, B.E. 2511 (1968) (LS 1968 - Thai. 1).

Articles 1 and 2 of the Convention. The Employment Service has had an important part in government policies and administration since 1932. Its primary purpose and functions are to maintain stability in the employment field, to guard against exploitation, to acquaint job-seekers with employment opportunities and to provide counselling and vocational guidance services. Greater emphasis has been given in the Third National Development Plan to employment policies and the development of manpower resources. The Thai Department of Labour, Ministry of Interior, is responsible for the direction of the national system of employment offices.

Article 3. The Department of Labour, through its Employment Service Division, is responsible for the operation of public employment agencies in the Bangkok Metropolis and other large industrial towns with high demand for labour. The Service has been expanded over a period of six years.

Articles 4 and 5. A National Manpower Council, appointed in August 1973, includes the Employment Service in its terms of reference. Representatives of employers and workers as well as other organisations and institutions are appointed to the Council.

Article 6. The Service is responsible for occupational counselling and testing, labour market information, registration of skilled technicians and a recruitment service including professional and clerical as well as skilled and unskilled workers.

Research on development of a scientifically validated series of tests for Employment Service use is under way.

Some movements of workers from one area to another have been effected.

Article 7. Measures have been taken to some extent to facilitate specialisation by occupation and industry. In addition, there is a division for young people, women and disabled persons.

Article 8. The Employment Service acts as a co-ordinator between the school authorities and industry in this respect.

Article 9. The staff of the employment service, their status and conditions of service are governed by the rules and regulations of the Civil Service Commission. Recruitment and selection are made by the Department of Labour with the approval of the Civil Service Commission by an open-examination system.

Induction and in-service training is given by senior officers; confirmation of new officers is given only after six months' satisfactory performance on their jobs. Further training includes upgrading training, study tours in foreign countries and short in-service training abroad.

Article 10. Publicity in the form of bulletins, newspapers, radio and television is undertaken by the Employment Service. Contacts and visits are made by the Employment Service staff to industry to secure closer co-operation between employers and the Employment Service.

Article 11. No arrangement is necessary at this stage since there are no such private employment agencies.

Article 12. No exemption is sought under this Article.

Convention No. 89: Night Work (Women)  
(Revised), 1948

CONGO

General Order No. 3579 (25 November 1954) on the employment of women and especially of pregnant women (Official Gazette, French Equatorial Africa, No. 24, dated 15 December 1954, page 1569).

The Labour Code (LS 1964 - Congo 1).



Article 1 of the Convention. Section 3 of Order No. 3579 and section 108 of the Code forbid the employment of women at night in factories, mines, etc. The Government has not considered it necessary to define by regulation the dividing lines between industry on the one hand, and agriculture and trade on the other.

Article 2. Section 106 of the Code, read in conjunction with section 109 and sections 3(1) and 4 of the Order, define "night" in accordance with the Convention. The possibilities provided for in paragraph 2 of this Article have not been invoked.

Article 3. See under Article 1 above. National legislation provides for no exception for women employed in family undertakings to the general ban on night work.

Article 4. Nothing in national legislation provides for an exception to be made in the event of emergency to the general prohibition of night work by women.

Sections 110 of the Code and 5 of the Order invoke the possibility of an exception provided for in paragraph 2 of this Article.

Article 5. Sections 108 of the Code and 3(2) of the Order provide that, when because of exceptional economic conditions the national interest so demands, the ban on night work by women may be suspended on a proposal to be made by the Minister of Labour, who shall first consult the most representative employers' and workers' organisations.

Article 6. As regards exceptional circumstances, see under Article 5 above. There are no special provisions applying to undertakings especially subject to the effect of the seasons.

Article 7. An optional provision not invoked.

Article 8. The ban on night work does not apply to women occupying responsible managerial or technical posts, nor to women employed in medical work or social welfare services, when they do not, in the ordinary course of events, perform manual work.

Convention No. 90: Night Work of Young Persons  
(Industry) (Revised), 1948

BURUNDI

Legislative Order No. 001/37 of 2 June 1966 promulgating the Labour Code of Burundi.

Article 1 of the Convention. The Labour Code applies to all salaried workers.

Article 2. Section 108 of the Labour Code defines night work as that done between 10 p.m. and 5 a.m. Pursuant to article 112 of the Code, young persons must have a rest period of at least 12 consecutive hours between two work periods.

Article 3. Section 110 of the Labour Code prohibits night work by persons less than 18 years of age in public or private establishments or any branch thereof.

Section 113 of the Code permits exceptions in special circumstances, establishes by ministerial order, particularly for the purposes of apprenticeship or vocational training. The competent authority had not yet used its power to make exceptions under this Article of the Convention.

Article 4. The exceptions provided for in this Article have not been included in the national legislation.

Article 5. Not applicable.

Article 6. All legislation and regulations have to be published in the Official Bulletin of Burundi. The legislation includes provisions which comply with this Article of the Convention, especially as regards labour inspection, penalties for violations and the keeping of registers (section 163 of the Code).

Convention No. 96: Fee-Charging Employment  
Agencies (Revised), 1949

IRELAND

Employment Agency Act, 1971 (Acts of the Oireachtas, 1971, No. 27).

Employment Agency Regulations, 1972 (Statutory Instruments, 1972, No. 255).

Employment Agency (Exemption) Order, 1972 (Statutory Instruments, 1972, No. 257).

Article 1 of the Convention. The business of an employment agency is defined in section 1(2) of the Employment Agency Act, 1971, as the business of seeking, whether for reward or otherwise, on behalf of others, persons who will give or accept employment, and includes the obtaining or supplying for reward of persons who will accept employment from or render services to others.

Article 2. Ireland has accepted the provisions of Part III of the Convention and it is not proposed at present to provide for the progressive abolition of fee-charging employment agencies.

Article 10. The Employment Agency Act, 1971, designates the Minister for Labour as the competent authority. Section 2 provides that a person shall not carry on the business of an employment agency except with a licence, while section 3 sets out the conditions for the issuance of such a licence. An employment agency may not charge fees or expenses in excess of a scale approved by the Minister. Section 8(2)(g), (h) and (i) of the Act and sections 11 to 13 of the Regulations govern the placement and recruiting of workers abroad by employment agencies.

Article 11. Fee-charging employment agencies not conducted with a view to profit would have to hold a licence under the Act and would be subject to the same conditions and supervision as fee-charging agencies conducted with a view to profit. There are no such agencies licensed under the Act at present.

Article 12. With the exception of the categories exempted by Order No. 257 of 1972, non-fee-charging employment agencies are licensed and subject to the same conditions and supervision as fee-charging employment agencies. The Minister is satisfied that the agencies exempted are adequately supervised.

Article 13. Sections 4 and 10 of the Act provide for penalties, including revocation of the licence, in cases of violation of the provisions of the Act.

Article 14. The Minister for Labour has appointed a number of authorised officers who have powers of entry and inspection of licensed agencies and those which have applied for a licence. Agencies are obliged to submit reports of their activities and their premises are inspected from time to time.

Article 15. It is not intended to have recourse to this provision in respect of any area in the country.

The Department of Labour is the competent authority to which the application of the Employment Agency Act, 1971, and the Regulations thereunder has been entrusted. All licensed agencies are inspected at least once a year.

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

SRI LANKA

Trade Union Ordinance (CAP 138) (Legislative Enactments of Ceylon, 1956 (V)).

Industrial Disputes Act (CAP 131) (Revised Legislative Enactments, 1967 (I)).

Termination of Employment of Workmen (Special Provisions) Act (N.45 1971) (LS 1971 - Cey. 1).

Wages Boards Ordinance (CAP 136) (Legislative Enactments of Ceylon 1956 (V)).

Shop and Office Employees Act (CAP 129) (Legislative Enactments of Ceylon, 1956 (V)) (LS 1954 - Cey. 1).

Article 1 of the Convention. Workers are protected against anti-trade union discrimination by the provisions of the Industrial Disputes Act and can refer disputes to the industrial court established under this Act.

Section 49(1) of the Wages Boards Ordinance provides that dismissal of a worker for absence due to his membership of a wages board constitutes a breach of the law.

The Termination of Employment of Workmen (Special Provisions) Act protects the workers concerned against refusal to employ or termination of employment on the grounds of trade union membership or participation in union activities.

Under articles 26 and 27 of the Trade Union Ordinance, the unions, their leaders and members cannot be held responsible for prejudice resulting from labour disputes.

Article 2. The industrial courts established under the Industrial Disputes Act provide protection against acts of anti-union discrimination and interference.

Article 3. The Trade Union Ordinance gives workers the right to set up trade unions and to join them in accordance with their statutes.

The industrial courts established by the Industrial Disputes Act, the industrial courts for conciliation and arbitration and the administration of the Labour Department ensure respect for the right to organise.

Article 4. The Industrial Disputes Act provides amongst other things that an employer or a group of employers may conclude collective agreements with one or more unions. Workers' and employers' organisations are encouraged to negotiate.

Collective agreements have force of law.

The Shop and Office Employees Act provides that rates of remuneration may be established by agreement between employers and workers, with the assistance of the Labour Department.

Article 5. The Trade Union Ordinance does not apply to the armed forces and the police.

Article 6. The rights foreseen in the Convention are enjoyed by all public servants except members of the armed forces, the police force, officials of the judicial and prison administrations, and those of any body set up under the Agricultural Corps Ordinance.

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

ITALY

Constitution of the Italian Republic. (Gazzetta Ufficiale della Repubblica Italiana, 27 December 1947, No. 298, Extraordinary, page 3802.) (LS 1947 - It. 5).

Article 36 of the Italian Constitution guarantees the worker a sufficient wage. Except in the public sector, actual rates are settled by collective bargaining (article 39 of the Constitution). In agriculture, the national collective agreement of 26 April 1973 guarantees a basic wage and other benefits. Provincial collective agreements may prescribe higher rates and other allowances.

Convention No. 100: Equal Remuneration, 1951

CANADA

Federal legislation

Part III of the Canada Labour Code (Labour Standards)  
(LS 1971 - Can. 3).

British Columbia

Human Rights Act, 1969.

Alberta

Individual Rights Protection Act, 1972, as amended in 1973.

Saskatchewan

Labour Standards Act, 1969 (LS 1969 - Can. 1), as amended in 1972.

Manitoba

Equal Pay Act, 1970, as amended in 1972.

Ontario

Employment Standards Act, 1970 (LS 1970 - Can. 1).

Quebec

Employment Discrimination Act, 1964 (LS - Can. 3).

New Brunswick

Female Employees' Fair Remuneration Act, 1961.

Nova Scotia

Labour Standards Code, 1972.

Prince Edward Island

Human Rights Code, 1968.

Newfoundland

Human Rights Code, 1970.

Yukon Territory

Labour Standards Ordinance, 1968, as amended in 1973.

Northwest Territories

Fair Practice Ordinance, 1966.

The vast majority of workers in Canada come under provincial jurisdictions. At present, all jurisdictions in Canada, save one, enacted legislations which contain specific provisions relating to equal remuneration. The Province of Quebec has no legislative provisions referring explicitly to equality of remuneration, although such principle is implied in a provincial law which generally prohibits discrimination on grounds of sex in conditions of employment.

Article 1(a) of the Convention. The legislation of six provinces defines "pay" and "wages" as meaning remuneration in every form. In the federal, Ontario and the Yukon Territory legislation, "wages" are defined as including every form of remuneration, exclusive of tips and other gratuities; the legislation of Nova Scotia further excludes vacation pay or pay in lieu of vacation. The remuneration is not defined in Alberta, Quebec and the Northwest Territories.

Article 1(b). The terminology used to establish the concept of work of equal value in the legislation varies slightly: laws refer to the same, similar or substantially the same or similar work performed in the same establishment, under the same or similar working conditions and requiring the same, similar or equal skill, effort and responsibility. All the Acts make it clear that a difference in rates of pay based on a factor other than sex does not constitute failure to comply with their requirements.

Article 2. Wage determination. There are minimum wages laws in force in all jurisdictions in Canada which apply to workers without distinction on the basis of sex. In the organised segment of the labour force, which represents 36.6 per cent of the total salaried working population, wages over and above the minimum wage established by law are set through the process of collective bargaining. In the public service of Canada as well as the public service of most jurisdictions, rates of remuneration are determined through a combination of classification systems based on the requirements of the job and collective bargaining.

Application of the principle of equal remuneration to all workers. The federal equal remuneration provisions apply to all workers employed upon or in connection with the operation of federal works, businesses and undertakings which include most Crown corporations; employees of the public service are not covered; however, the Government of Canada has undertaken to meet the minimum standards set out in the Code in the public service as a matter of policy. The equal pay legislation of Alberta, Manitoba, Ontario, New Brunswick, Prince Edward Island, Newfoundland and the Yukon Territory applies without exception to all workers. In the remaining jurisdictions, the law provides for various exclusions (domestic workers in private homes, employees in undertakings in which only members of the employer's family are employed, employees engaged primarily in farming, ranching and market gardening, undertakings with less than five employees, persons holding managerial or supervisory positions). In all provinces equal pay legislation applies to provincial government employees.

Promotion of the principle of equal remuneration. The functions of the Human Rights Commission, responsible for administering human rights legislation, which prohibits discrimination in employment and conditions of employment on grounds of sex, include promoting acceptance, understanding of and compliance with the legislation and developing and conducting programmes of public information and education to that effect. Where equal pay provisions are incorporated in a general human rights legislation, the law provides specifically for promotional and educational activities. Quebec has no human rights commission but the Council on the Status of Women established in 1973 is empowered to conduct studies and research and to undertake public information activities. In the federal jurisdictions, dissemination of information is carried out by the administrative authorities by means of widely distributed pamphlets as well as audio-visual presentations for distribution to employers, employers' organisations and any other interested party. Increased emphasis is being put on training seminars. These information and promotional activities are supplemented by the work of another federal government agency, the Women's Bureau and similar bureaux are to be found in several provincial jurisdictions.

Progress made in the application of the principle. In terms of concrete results in actual reductions of differential between wage rates, progress achieved has been slight. On the other hand, in recent years the principle of equal pay for equal work is being increasingly recognised and since 1970 there has been evidence of rising awareness on the part of various segments of the Canadian society, including governments and trade unions, of the principle.

Article 3. None of the existing equal pay legislations provide specifically for promotion of objective job appraisal. Guidelines setting out elements of job analysis have been established in the federal jurisdictions and a number of jurisdictions report promoting objective job evaluation on an "ad hoc" basis in the course of investigations. But apart from the classification systems used in the public service of Canada and of most provincial governments and of the job evaluation systems in operation in some of the larger Canadian industries, there exists no systematic and formal job appraisal plan nor any formal programme for promoting the establishment of such plans.

Article 4. No formal mechanism has been established in either jurisdiction to solicit or ensure collaboration from workers' and employers' organisations. In the enforcement procedure of the existing legislations, employers and, where collective agreements are involved, workers' organisations are informed of the provisions of the law. However, no systematic monitoring of collective agreements with respect to possible violations of the law has yet been instituted in either jurisdictions in Canada with exceptions of Saskatchewan which reports to have recently initiated a programme in this regard.

Equal remuneration legislation may be activated upon the receipt of a complaint by the aggrieved person. In the Provinces of Alberta, Manitoba, Ontario and Nova Scotia, investigations may also be carried out on the initiative of the director appointed under the Act. Enforcement does not depend solely upon receipt of a complaint in the federal, Saskatchewan, Manitoba, Ontario and Nova Scotia jurisdictions: equal pay provisions are enforced by means of routine inspections by the field staff of the respective departments of labour. The Provinces of Ontario and Saskatchewan report having assigned a number of inspectors to concentrate exclusively on equal pay investigations. With the exception of New Brunswick and Quebec, in every jurisdiction the law prohibits discrimination or other forms of discrimination against an employee for reasons of having made a complaint or given evidence under the Act. In every jurisdiction the law provides for prosecution in the courts as a last resort; failure to comply with the Act is made an offence punishable by a fine.

Few cases of violation of equal pay legislation reach the point of a formal appeal. In the first equal pay case brought before the court in Ontario (1970), the Supreme Court of Ontario rules that to construe "the same" work as meaning "the identical" work is to render completely redundant the words following "the performance of which requires equal skill, effort and responsibility".

In spite of the lack of complete and precise data on earnings, it can be said that there is little evidence of noticeable improvement during the period under review, for various reasons. Occupational segregation may well account to a large extent for the gap between men's and women's earnings. In any case, there is a growing realisation of the need for a combined approach to the application of both equal remuneration provisions and other anti-discrimination provisions to ensure progress in furthering equality of treatment.

#### CHILE

The legislation under which this Convention is applied is section 35 of the Labour Code which states: "In the same class of work the wages of men and of women shall be equal."



Article 2 of the Convention. Under the legislation remuneration is determined either by law, collective agreement or contract, arbitration awards, decisions of tripartite committees or individual contracts of employment; it has always been applied without distinction as to the sex of the worker concerned.

Article 3. No special methods exist for the purposes referred to in this Article.

Supervision of compliance with the principle laid down in section 35 of the Labour Code is the responsibility of the Labour Directorate through its inspectors. Infringements are punishable by fines.

#### NETHERLANDS

##### Netherlands Antilles

The 1972 Ordinance on Minimum Wages (16 June 1972, P.B. 1972, No. 110) makes provision for the minimum wages to be earned by both men and women in the various sectors of commerce and industry. The implementation of this statutory regulation is still in the initial stage.

In practice it is customary, however, that when collective agreements are concluded the provisions of this Ordinance are applied; the minimum wages are graduated so that they are, generally speaking, higher than provided by the minimum wage scheme and these wages relate to both male and female workers.

#### SWITZERLAND

Article 1 of the Convention. No observations.

Article 2. Since in principle the State does not intervene directly in wage fixing, the Confederation can only recommend organisations of employers and of workers in the private sector to apply the principle of equal remuneration, as was done by the Federal Council in its circular of 13 September 1973.

The principle of equal remuneration is fully recognised in the case of persons employed by the Confederation. The Federal Council, which is required to respect the sovereignty of the cantons, has recommended that cantonal governments should apply this principle.

In the case of domestic work, it is some years now since the Federal Council has had to fix minimum wages.

As part of its policy to extend the scope of collective agreements, the Federal Council refuses to extend clauses that do not apply the principle of equal remuneration.

As regards wage amounts, standard contracts of employment drawn up by the Federal Council contain only provisions worded in general terms, none of which is contrary to the principle of equal remuneration. Application of the principle is recommended by the Confederation in the case of standard contracts drawn up by the cantonal authorities.

Article 3. The Institute for Industrial Organisation, which is connected with the Federal Polytechnic School, deals in particular with questions relating to job evaluation and is available to give advice to private undertakings and other interested organisations.

Article 4. In the case of officials and employees of the Confederation, cantons and communes, the law applicable to them generally provides for advisory bodies on which workers' organisations are represented.

Minimum wages can only be fixed for domestic work after consulting a committee made up of representatives of the cantonal authorities and of the organisations of employers and workers concerned. Standard contracts of employment can only be drawn up after consulting the occupational organisations.

Fields in which the State can establish legislative provisions determining wages directly are the public administration, domestic work (minimum wages) and occupations to which standard contracts of employment apply. The standard contracts influence individual contracts and any disputes concerning wages fall within the jurisdiction of the civil courts.

In extending the scope of collective labour agreements, it is the Federal Council that ensures that no decision in this respect runs counter to the principle of equal remuneration.

#### UNITED KINGDOM

##### Antigua

Article 2 of the Convention. The principle of equal remuneration is almost universally applied by means of regulations, collective agreements and other recognised machinery for wage determination.

Article 3. In private industry and in the government non-established sector, collective bargaining is the usual method adopted to promote an objective appraisal of jobs on the basis of the work to be performed. In the civil service the normal procedure is for the establishment of a commission of inquiry to carry out job evaluation exercise.

Article 4. The workers' and employers' organisations concerned give their co-operation.

The application of the regulations, collective agreements, etc. pertaining to equal remuneration is supervised and ensured by government departments and workers' and employers' organisations.

Belize

Wages Councils (Citrus Industry) (Wages Regulation) Order, 1962.

Article 2 of the Convention

1. The principle of equal remuneration for men and women workers for work of equal value is recognised throughout the country.

2. The methods in operation for determining rates of remuneration are:

- (a) direct bargaining;
- (b) collective agreement;
- (c) legally established wage and salary rates by the State;
- (d) national laws or regulations, e.g. wages councils.

These methods are applied to all workers in the respective categories.

Article 3. There is no legislation setting out any methods for the appraisal of jobs on the basis of work to be performed.

Where there are collective agreements the parties signing such agreements generally promote such an appraisal by working out a job description based on the work to be performed.

As stated before there is no discrimination between wage rates for men and women, except in the citrus industry. Where there is a legally established differential between the rates for men and women, e.g. by wages councils, the only way such a differential could be reduced is by collective agreement.

Subject to the direction of the Minister, the Labour Commissioner assisted by one senior and seven labour inspectors are entrusted with the responsibility of enforcing the labour legislation and administrative regulations.

Brunei

There is no legislation, administrative regulations or other measures by which the provisions of the Convention are applied in Brunei.

Article 1 of the Convention. It is not clear whether the term "remuneration" as defined in this Article should be interpreted as including maternity benefits payable to female workers under sections 83-95 of the Labour Enactment. If so, the provisions of those sections might be held to be inconsistent with the requirements of the Convention.

---

Article 2. The rates of remuneration established in the oil industry by collective agreement do not discriminate between men and women. The same applies to the scales of remuneration for the public service. No reliable information is available regarding other sectors.

#### Falkland Islands

Article 2 of the Convention. The rates of remuneration are based on the nature of the work performed, the qualifications necessary and the cost of living. No differentiation is made between men and women and this principle applies to all workers.

Article 3. There are no experts on job analysis and employers make objective appraisal of jobs on the basis of their own experience.

#### Gilbert and Ellice Islands

Article 2 of the Convention. It is government policy in respect of its workers to apply the principle of equal remuneration for work of equal value. The principle also applies to the Gilbert and Ellice Islands Development Authority who combined with Government employ approximately 60 per cent of the Colony's internal workforce.

Article 3. Government is currently undertaking an appraisal of government posts and includes reference to the work to be performed.

#### Hong Kong

There are at present no legislation or administrative regulations in Hong Kong giving effect to the provisions of this Convention.

Daily and monthly rates of pay in industry for men are generally higher than those for women but no difference is made in respect of piece rates (monthly-rated workers are usually employed in skilled jobs; most semi-skilled and unskilled workers are paid on daily rates while production-process workers' operatives are generally on piece rates). Commercial establishments generally pay their employees on monthly rates and, as in industry, the rates for men are generally slightly higher.

The Government introduced an equal pay scheme in April 1969 so that its female employees would achieve parity by 1975. All serving women officers, except those in posts specifically excluded from the scheme, are now moving towards this parity. The equal pay scheme introduced by the Government has influenced some of the larger companies to follow the Government's example.

Isle of Man

Although no legislation exists or is anticipated in the Isle of Man to give effect to the provisions of the Convention the fact that most workers on the Island are by recognised agreements or by accepted practice paid the same rates of pay as apply in the United Kingdom means that in general the requirements of the Convention are carried out in the Isle of Man.

St. Kitts-Nevis-Anguilla

No legislation has as yet been enacted on the subject of equal remuneration.

Article 2 of the Convention. So far as government employees are concerned remuneration is determined by a salaries commission and applies to the work done regardless of sex. In private industry rates of wages are fixed by collective bargaining.

Article 3. There has not been any objective appraisal of jobs on the basis indicated in this Article. Discussions and a conference with private industry have been held to encourage the acceptance of the principle of equal remuneration in industry.

Article 4. See comments on Article 3. So far as private industry is concerned no significant progress has yet been made.

The Convention is observed in spirit throughout the government service and it is hoped that in time it will apply to private industry.

Convention No. 101: Holidays with Pay  
(Agriculture), 1952

## BURUNDI

Labour Code (Legislative Order No. 001/31 of 2 June 1966).

Legislative Decree No. 1/161 of 10 November 1971, for the amendment of the provisions of Title VI, Chapter 8, of the Labour Code, respecting holidays with pay.

Ministerial Ordinance No. 110/1972 of 18 November 1971 fixing the duration of annual holidays and paid emergency leave.

Article 1 of the Convention. The Labour Code, including the provisions on holidays with pay, is applicable to all workers in gainful employment, so there has been no need to draw a line of demarcation between agriculture and other branches of activity.

Article 2. Prior to their promulgation the statutory provisions relating to holidays with pay were submitted for its opinion to the National Labour and Social Security Council, on which the most representative organisation of employers and workers are represented.

Article 3. The minimum duration of the holiday is 1 2/3 working days per full month of service, or 20 working days for a period of service of 12 months (MO No. 110/72 of 18 November 1971).

Article 4. No category of persons is excluded from the application of the Convention.

Article 5(b). The duration of the annual holiday is increased by at least one additional working day per five-year period of service.

(c) See under Convention No. 52, Article 6.

Article 6. See under Convention No. 52, Article 2.

Article 7. See under Convention No. 52, Article 3.

Article 8. See under Convention No. 52, Article 4.

Article 9. See under Convention No. 52, Article 6.

Article 10. Supervision of the application of the Convention is the task of the Labour Inspection Service.

Article 11. In agriculture, the Convention is applicable to labourers and rarely to skilled workers.

Articles 14 and 15. Inapplicable.

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

ITALY

Act No. 860 of 26 August 1950, respecting the physical and economic protection of working mothers (LS 1950 - It. 2).

Act No. 1204 of 30 December 1971, respecting the protection of working mothers (LS 1971 - It. 1).

Decree of the President of the Republic No. 1403 of 31 December 1971 to establish a compulsory social insurance scheme for women domestic employees and cleaners (Gazzetta Ufficiale, 10 April 1972, No. 94, page 2723).

Article 1 of the Convention. The provisions of Act No. 1204 are applicable to women workers in all sectors of production, whether in the employ of private or public employers, as well as to home workers, domestic employees and home helps (section 1). A lump-sum grant is payable in the event of confinement to women engaged directly in agriculture and those engaged in handicrafts and

commerce (section 23). Women workers on holdings farmed under a tenancy or sharecropping arrangement are assimilated to employees, even if they are themselves party to the arrangement.

Article 2. The national law makes no discrimination against any category of woman worker.

Article 3. These provisions are applied by sections 4 and 5 of Act No. 1204, which prescribe a period of compulsory interruption of work longer than that stipulated by the Convention. The maximum duration of paid sick leave is fixed by law, by regulations or by contract, but may not be less than six months.

Article 4. All women workers, including self-employed women, are entitled to prenatal, confinement and post-natal medical care at the expense of the sickness insurance institutions. They are also entitled to cash benefits financed through a compulsory social insurance scheme.

Article 5. A woman worker is entitled to two rest breaks of one hour each until her child reaches the age of one year.

Article 6. It is unlawful for a woman worker to be dismissed from the commencement of her pregnancy until her child's first birthday.

Article 7. An exception from the application of the Convention is made in respect of domestic workers for wages in private households, to whom Article 6 of the Convention does not apply.

The enforcement of the legislation respecting maternity protection is the responsibility of the Labour Inspectorate.

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

INDONESIA

Law on Conditions of Employment, No. 12 of 1948.

Government Regulation No. 13 of 1950 concerning working hours and rest hours.

Ministerial Regulation No. 11 of 1951 concerning the implementation of the Regulation on working hours and rest.

Ministerial Regulation No. 55 of 1953 concerning holidays for workers.

Government Regulation No. 21 of 1974 concerning annual leave.

Article 1 of the Convention. The provisions of the Convention are applied by national laws and regulations.

Article 2. Laws and regulations concerning weekly rest apply to all undertakings without exception.

---

Article 3. The Convention is applicable to the institutions, whether governmental or private in nature, mentioned in paragraph 1(a), (b), (c) and (d) of this Article.

Article 4. The Director of Development of Labour Protection is competent to deal with the questions covered by this Article.

Article 5. Undertakings in which the members of the board are members of one family and which do not have the form of a corporate body are excluded from the relevant provisions.

Article 6. Under section 10, subsection 3, of the Law on Conditions of Employment, workers shall be granted a weekly rest of at least one day.

Article 8. If a worker works on his weekly rest day, overtime pay must be paid to him.

Article 9. This Article applies to private undertakings, not to government institutions.

Article 10. Sections 17 and 18 of the above-mentioned law lay down penalties of imprisonment not exceeding three months or fine not exceeding 500 rupees.

The application of the above-mentioned provisions is entrusted to the Directorate of Workers' Conditions and Social Security of the Directorate General of Manpower Protection and Maintenance.

#### FRANCE

##### French Polynesia

Overseas Labour Code, Act No. 52-1322 of 15 December 1952  
(LS 1952 - Fr. 5).

The Overseas Labour Code regulates weekly rest without discrimination for each sector of activity.

The Inspector of Labour and Social Legislation and his lawful substitutes are responsible for the application of the Overseas Labour Code.

##### St. Pierre and Miquelon

Overseas Labour Code, 1952.

Order No. 240 of 13 May 1954.

Weekly rest is guaranteed by the legislation and regulations mentioned. The Inspector of Labour and Social Legislation is responsible for their enforcement.



Convention No. 110: Plantations, 1958

URUGUAY

Article 1 of the Convention. There are peanut, cotton, tobacco and citrus fruit plantations. There are rice paddies, too, but it is not specifically indicated that they are covered by the Convention.

Article 2. There is no record of discrimination.

Article 3. There have been no exceptions.

Articles 7 to 10. Staff are recruited by an official or foreman from the undertaking, in accordance with the spontaneous offer of labour. For the sugar-cane harvest, agreements are reached between the official or foreman and a delegate or contractor for a gang of men. This does not imply that there is such a thing as professional recruitment.

Article 11. There is a state system of medical consulting rooms, hospitals, preventoriums, clinics and the like, in cities, towns and villages, through which the state of health of the rural population can be supervised. The wage earner or the employer takes the initiative. Smallpox vaccination is compulsory, and is entirely free, as are injections against tetanus, poliomyelitis, diphtheria, tuberculosis and other diseases.

Articles 12 to 19. There is no recruitment and transfer of labour to remote parts.

Articles 20 to 23. According to the Government, contracts binding on the rural worker are unusual. The rural worker's rights and duties are set forth by special statute. Cessation of employment takes place when the worker resigns or is dismissed.

Article 24. An official body periodically defines a rural worker's wage and other forms of pay.

Article 25. The local agencies have labour inspectors with supervisory duties. Should an inspector establish that a worker is being paid less than the minimum, he compels the employer to pay the proper wage, and penal action (including fines) is taken by the Labour Inspection Department. A worker can bring legal proceedings against his employer for the payment of amounts owed to him.

Article 27. The law makes no provision for payment in kind. The worker must receive his full wage in cash, or a lesser wage, plus housing and food. Alcoholic beverages must not be sold in places of work.

Article 30. The authorities are investigating the possibility of requiring that official notice be given when the prices of commodities sold in works stores are put up. An official body keeps a check on the prices of staple foods.

Article 31. The only deductions made from wages are contributions towards the worker's retirement pension. Trade union dues, too, can be deducted, but only with the worker's consent.

Article 33. Payments are made at the statutory intervals (every fortnight or once a month). Failure to abide by this rule is punishable.

Article 34. Workers are kept informed by periodical official or trade union bulletin, by television, the radio and the press.

Article 35. Information is provided: (a) by the press and labour agencies; (b) by the labour inspectors; and (c) sanctions are imposed by labour inspectors and take the form of fines.

Article 37. The law provides entitlement to a paid annual leave. Entitlement to pay continues during holidays. The employer provides the General Labour Inspection Department, or its branch office in his area, with a list of the workers who are on holiday.

Article 38. One year's continuous service is the minimum required to qualify for annual paid holidays. This minimum period and the duration of holidays are established by decree of the Ministry of Labour and Social Security.

Article 39. There are no special holiday arrangements for young persons. For every four years' employment in the undertaking, the worker is entitled to an extra day's leave. He receives wages corresponding to the number of days of annual leave he earned during any fraction of the year worked by him. The duration of holidays with pay is 20 working days, excluding Sundays and public holidays.

Article 40. Pay for holidays is calculated on the following basis: workers paid by the month - one-thirtieth of the monthly wage; workers paid by the day - the current day's wage; the task worker - the average day's earnings during the month before his holidays were taken.

Article 41. Nobody can forgo his holidays.

Article 42. The workers can submit their claims through administrative channels, and if they get no satisfaction, can go to law.

Articles 47 and 48. A pregnant woman may stay away from work for the time certified necessary by her doctor. Should she be away for less than four months, she receives her full wages, but for the fifth and sixth months of absence she is paid only 65 per cent of normal earnings. Six weeks' leave is granted after the birth.

Article 49. A female worker can make two breaks of half an hour each to suckle her child.

Article 50. A woman dismissed during the period of maternity leave receives six months' wages as compensation, besides social welfare benefits.

Articles 51 to 53. Employers have to insure their employees against employment injury, irrespective of nationality.

Decree 622 (1 August 1973) laid down rules for the organisation of unions. They apply, too, to peasants' associations.

Article 71. The Labour Inspection Department supervises plantation work.

Article 72. A labour inspector's training programme has been launched. It comprises instruction in labour law, occupational safety and health and accidents at work.

Article 73. An inspector can talk to workers without the employer being present.

Article 74. Labour inspectors undertake exclusively the duties set forth in paragraph 1 of the Convention.

Article 75. The Labour Inspection Department will co-operate with the Children's Council in connection with work done by minors, with the State Safety Bank as regards occupational accidents, with the Social Security Bank for the purposes of employee registration and with the family allowance funds (for purposes of retirement pensions).

Article 76. The labour inspector enjoys statutory guarantees as regards stability of employment.

Article 77. The Labour Inspection Department possesses adequate equipment and resources.

Article 78. National regulations are in accordance with this particular Article.

Article 79. These provisions are applied.

Article 80. The local police have to provide this information.

Article 81. Labour inspectors in rural areas enjoy adequate transport facilities.

Articles 82 and 83. Anybody trying to impede labour inspection may be fined.

Article 84. The local agencies send in monthly reports on their activities.

Articles 85 and 86. The Rural Labour Institute has laid down that the worker must receive housing and food for himself and his family.

Article 87. An employer who fails to comply with the rules governing the housing of a worker and his family can be accused of contempt, the matter may be referred to the courts irrespective of any fine he may have to pay.

Article 88. A worker whose employment ceases has 30 days' grace to quit his dwelling.

Articles 89 and 90. The Rural Labour Institute obliges the employer to provide medical care for the workers residing in the undertaking.

Article 91. The only endemic diseases in the Uruguayan countryside are Chagas's disease and hydatidosis. Other endemic diseases have been eliminated by preventive action.

---

CHILE

---

Constitution of 1925, as amended.

The principle of non-discrimination in employment and occupation is embodied in the Constitution, article 10 of which lays down that the Constitution also ensures to all the inhabitants of the Republic admission to any public employment office without any conditions other than those imposed by the law.

Article 1 of the Convention. (a) There exists no distinction, exclusion or preference as defined in this Article.

(b) There exists likewise no other distinction, exclusion or preference which are not conditions permitting the performance of a particular job.

Article 2. No national policy as provided in this Article has been declared.

Article 3. (a) No measures have been taken in this respect.

(b) There are no legislative or other provisions of the kind referred to in this paragraph or methods of education and information of the public on the anti-discrimination policy.

(c) See under Article 1.

(d) and (f) It is not considered necessary to give effect to these provisions since there exist no problems of discrimination.

Article 4. Section 4(d) and (f) of Legislative Decree No. 32 considers as reasons for termination of the contract of employment acts punishable under the State Internal Security Act such as "crimes against the normal pursuit of national activities" and "crimes against the public order". Dismissed workers have in any case the right to appeal to the labour courts in accordance with the legal procedure.

Article 5. There are no provisions of the kind referred to in this Article in the country.

Convention No. 112: Minimum Age  
(Fishermen), 1959

AUSTRALIA

Navigation Act, 1912-72.

Northern Territory

Education Ordinance, 1957-65.

Fisheries Ordinance, 1965-73.

Pearling and Pearl Culture Ordinance, 1964.

New South Wales

Public Instruction (Amendment) Act, 1961.

Victoria

Education Act, 1958.

Social Welfare Act, 1970.

Queensland

Education Act, 1964-70.

Fisheries Acts, 1957-62.

South Australia

Education Act, 1972.

Western Australia

Education Act, 1928-70.

Tasmania

Education Act, 1932.

Article 1 of the Convention. In order to permit South Australian agreement to ratification, the competent authority has agreed to take the provisions of the Convention into account in exercising the discretionary power pursuant to section 78(2) of the Education Act. The Convention is inapplicable to the Australian Capital Territory which is landlocked.

Article 2, paragraph 1. The Article is applied in Australia by a combination of law and practice. Under the legislation relating to compulsory school attendance by children, the school-leaving age is 15 years. Therefore, the employment of children who are obliged to attend school is precluded in any occupation, including fishing, during school hours and, in specified circumstances, outside such hours.

The employment of children on fishing vessels outside the hours precluded by the compulsory school attendance legislation is subject to arrangements made pursuant to fisheries legislation in Australia whereby persons taking fish for sale and their boats are required to be licensed by the appropriate fishing authority.

Finally, there is general legislation which stipulates a minimum age for employment at sea. The Navigation Act, which is applicable to all vessels except those operating exclusively within the territorial waters of any one State, provides under section 40A(1) that "a person shall not engage another person for service at sea in any capacity unless the superintendent is satisfied that other person has attained the age of 16 years".

Paragraph 2. The occasional activities of children on board fishing vessels outside of school hours should be viewed in the light of the nature of the fishing industry in Australia. Where children do take part in activities on board fishing vessels, these are normally vessels operated by their fathers. Such activity is undertaken on a casual or recreational basis and could not be considered as activity intended for commercial profit. Moreover, it is considered that this occasional activity does not warrant supervision unless it prejudices a child's attendance at school.

Paragraph 3. Under the education legislation, the designated authority (usually the Minister for Education) may grant exemptions from compulsory attendance at school for children who are below the school leaving age. As a general rule of practice the discretionary power to grant exemptions is exercised in such a way as to take into consideration the criteria contained in the Article.

Article 3. The Article has no application in Australia as there are no coal-burning fishing vessels operating from Australian ports.

Article 4. In practice there are no approved training ships in Australia.

The state education legislation is administered by the Ministers of State designated in accordance with the laws of each State while the relevant provisions of the Northern Territory Education Ordinance are administered by the Australian Department of Education.

The supervision and enforcement of the arrangements relating to the granting of fishing licences is undertaken by the fishing authority prescribed in each jurisdiction.

#### CUBA

General bases for the organisation of occupational safety and health.

Article 2 of the Convention. Young persons (of from 15 to 18 years of age) are allowed to perform on board fishing vessels only activities consistent with apprenticeship or vocational training. The optional provisions of paragraphs 2 and 3 of Article 2 have not been invoked.

The authorities responsible for ensuring the application of the measures prescribed by national law are the Ministry of Labour and the Ministry of Education. The administrative authority in respect of fishing is the National Fisheries Institute, which supervises and administers the national fishing fleet.

ITALY

Act No. 977 of 17 October 1967 on the protection of young persons in employment (LS 1967 - It. 1).

Navigation Code.

Act No. 1859 of 31 December 1962 setting up state intermediate schools.

National legislation complies with the standards of the instrument in question. Act No. 977 of 1967 lays down that young persons may not be admitted to employment until they have completed their fifteenth year.

Section 242 of the Regulations issued under the Navigation Code entitles boys under the age of 14 (but over the age of 10) attending a nautical training school to sail not only in training ships but also on vessels manned solely by members of their own families. However, with the passing of Act No. 1859 of 1962, the foregoing provision is no longer operative since it conflicts with the requirement to attend school until completing the age of 14. Section 242 above, in allowing boys between the ages of 10 and 15 to sail on vessels manned solely by members of their family, does not relieve their parents or guardians of the obligation to ensure that they attend school. It is obvious therefore that the boys in question can only go to sea during their school holidays. Moreover, the work they do on board is a useful apprenticeship and therefore rules out the possibility of commercial profit prohibited by Article 2(2)(c) of the Convention.

KENYA

Merchant Shipping Act, No. 35 of 1967.

Article 1 of the Convention. For the purpose of the Act a "vessel" is deemed to include any ship or boat, or any description of vessel used or designed to be used in navigation, including "fishing vessels".

Article 2. Subparagraph (1) of section 96 of the Act prohibits employment of any person under the age of 14 years in any vessel. Subparagraph (2) of that section in accordance with paragraph (3) of this Article permits employment of persons under the age of 15 years under certain conditions.

---

Article 3. Subparagraph (5) of section 96 of the Act prohibits employment of young persons under the age of 18 years on any vessel as trimmers or stokers.

Article 4. The requirements of this provision are met under subparagraph (2) of section 96.

The Ministry of Power and Communications is responsible for the enforcement and supervision of the provision of the Act.

Convention No. 113: Medical Examination  
(Fishermen), 1959

CUBA

Occupational Health Regulations (Order No. 428 of the Ministry of Public Health dated 26 October 1966).

Article 1 of the Convention. No provision is made in national law for exemptions as specified in paragraph 2 of Article 1.

Article 3. The competent authority in respect of the medical examination of workers is the Ministry of Public Health. The examination is carried out by an official body and at the same time a pre-employment medical certificate is issued describing the nature of the work and the conditions under which it is to be performed. The certificate must stipulate that the worker must be physically and mentally fit to perform the work in question.

Article 4. Section 106 of the above-mentioned Regulations stipulates that every worker must undergo a preventive medical examination at least once every two years. Section 107 of the same Regulations prescribes a yearly medical examination for workers handling foodstuffs.

Article 5. Any person who, after examination, is refused a certificate is able to apply to the local labour council or to the regional delegation of the Ministry of Labour for a further examination by a joint medical board which will recommend that he be maintained in the post concerned or transferred to another suitable post.

The authorities responsible for the application of these provisions are the Ministries of Labour and of Public Health.



---

Convention No. 115: Radiation Protection, 1960

FRANCE

Comoro Islands

No particular action has been taken on the Convention, as the work to which it relates is not carried on on the Comoro Islands.

St. Pierre and Miquelon

The Convention has not been applied to the territory.

ITALY

Decree No. 1265 of 27 July 1934.

Act No. 635 of 26 April 1934.

Decree No. 303 of 19 March 1956.

Decree No. 185 of 13 February 1964.

The provisions of the Convention are applied by the legislation indicated above. Moreover, Italy has embodied in its regulations the basic standards for the protection of the public and workers against ionising radiation, adopted by the ECE as directives.

Decree No. 185 of 13 February 1964 establishes detailed standards for the protection of workers' health and the limitation of radiation doses and concentration and prohibits the employment of persons under 18 and pregnant women on the work in question. The Labour Inspectorate is responsible for enforcement of the relevant legal provisions.

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

ECUADOR

Compulsory Social Insurance Act and amendments made to it up to October 1968 (supplement to Registro Oficial, No. 881, 30 July 1959 (May 1969 edition)).

Decree No. 373-B of 4 September 1970 (Registro Oficial, No. 53, 4 September 1970).

---

Agreement between the Colombian Social Insurance Institution and the National Welfare Institution of Ecuador dated 18 January 1968 (Registro Oficial, No. 208, 22 April 1971).

Social Insurance Agreement with Spain of 7 May 1974.

Articles 2 and 3 of the Convention. Every alien residing and working in Ecuador has the same rights and obligations as Ecuadorian workers. Exempted from coverage are workers who go to Ecuador to work by virtue of a contract, provided that they can show proof that they are covered by an insurance scheme which guarantees them benefits at least equivalent to those prescribed by Ecuadorian law, and all aliens who go to Ecuador to work under contracts of not more than one year's duration (section 4 of the Compulsory Social Insurance Act). Foreign diplomats are also exempted from coverage. This exemption also applies to employees and domestic servants employed exclusively in the personal service of a diplomatic official, provided that they are not of Ecuadorian nationality nor domiciled in Ecuador, and provided that the social protection which is their due is provided at the expense of the State which has accredited the diplomat in question, another State or the diplomat himself (Decree No. 373-B of 4 September 1970).

Equality of treatment with the workers affiliated to the social security schemes of other member countries is established when bilateral agreements to that effect are concluded. At present agreements exist with Colombia and Spain.

Article 4. Equality of treatment is guaranteed without any condition as to residence for the grant of sickness and maternity insurance benefits.

Article 5. The payment of invalidity, old-age, survivors' and employment injury benefits is guaranteed to national beneficiaries resident abroad.

Article 7. Under the agreement concluded with Colombia, insured persons who have ceased working and who emigrate temporarily to another country maintain the rights they have acquired during the period of protection. In addition the periods of contribution in both countries are totalised for the purpose of the acquisition of entitlement to benefits and for the calculation of benefits.

Article 10. There is no explicit provision for effect to be given to this Article, but both refugees and stateless persons working in Ecuador are protected by the Compulsory Social Insurance Act on the same terms as any other worker.

Article 11. The administrative expenses incurred as a result of the application of the agreement with Colombia are borne by the institution which provides the benefits.

The Ecuadorian Social Security Institute is responsible for the application of the provisions of the laws, regulations, etc. No decisions have been given by courts of law in Ecuador concerning the application of the Convention. Further information will be supplied in a later report as to the manner in which the Convention is applied.

KENYA

National Social Security Fund Act (Laws of Kenya, Chapter 258, Revised Edition, 1967).

Article 3 of the Convention. Nationals of other countries enjoy equality of treatment with the nationals of Kenya as regards coverage and right to benefit. Equality of treatment is also granted in the case of survivors' benefits. Exceptions are made in accordance with paragraph 3 of this Article in respect of nationals of other countries who are covered by similar schemes.

Article 4. Equality of treatment as regards the grant of benefits is accorded without any condition of residence.

Article 5. Payments are made anywhere irrespective of residence. For the time being benefits are lump-sum payments.

Article 7. Kenya does not participate in schemes for the maintenance of the acquired rights and of rights in course of acquisition.

Convention No. 119: Guarding of Machinery, 1963

ITALY

Decree of the President of the Republic dated 27 April 1955, No. 547.

Article 1 of the Convention. Under the terms of Decree No. 547, the occupational safety standards are applicable to all types of machinery. When the provisions in question were being framed the employers' and workers' organisations were consulted.

Article 2. Sections 7, 41, 42 et seq. of the Decree give effect to this provision of the Convention, prohibiting the construction, sale, hire or transfer of machinery and machine parts which do not comply with the standards. Provision is made for the protection or guarding of all the dangerous parts specified in the Convention.

Article 3. The provisions of the Decree specify clearly that safety devices are not required in the case of parts so positioned as to be inaccessible.

Article 4. Section 7 of the Decree renders the supplier responsible for ensuring compliance with the provision whereby machinery supplied has to conform to the safety standards.

Article 5. In view of the short time that has elapsed since the industrial safety regulations came into force no exemptions have been allowed from the prohibition imposed by section 7 of the Decree.

---

Article 6. Machinery without safety devices cannot be used if it comes within the scope of the Decree.

Article 7. The employer is responsible for the application of the Convention.

Article 8. Italian law does not require the guarding of machinery which is safe by virtue of its construction or installation.

Article 9. No exemptions from the obligation to guard machinery are allowed. Nevertheless, the Labour Inspectorate may fix a time limit for the installation of safety devices.

Article 10. Section 4 of the Decree states that it is the responsibility and duty of employers, managers and supervisors to inform workers of the risks involved in their work and bring the safety standards to their notice.

Article 11. Section 6 of the Decree stipulates that no worker may modify or repair a safety device without previous permission from his employer, and the latter must be notified of any defect found. Nor may any worker be required to use any machinery in the absence of its guards.

Article 13. Section 5 of the Decree stipulates that self-employed workers have to be informed of the risks involved in their work. Machinery supplied to such workers has to be equipped with guards.

The protective standards are applicable to all sectors of the national economy. The employers' and workers' organisations are regularly consulted concerning the application of these standards.

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

CUBA

General bases for organising the protection of workers and occupational health (approved by the Council of Ministers on 8 September 1964).

Order No. 428 of the Minister of Public Health dated 26 October 1966, laying down regulations for occupational health.

Article 1 of the Convention. The relevant national laws and regulations are applicable to all the establishments specified in this Article of the Convention.

Article 2. No workplace is excluded from the application of the national laws and regulations.

Article 3. No cases of the type referred to in this Article have arisen.

Article 5. The bodies representing the economic production units and the workers have been consulted when provisions on the subject were to be adopted.

Article 6. The Ministry of Public Health supervises the application of the provisions on occupational health and carries out inspections of workplaces in which medical officers and other technical and health experts take part. Under Order No. 428, mentioned above, penalties are imposed in the event of infringement of these provisions.

Article 7. Sections 49, 50, 55, 88 to 94 and 96 of the Health Regulations referred to above give effect to the provision on the maintenance and cleaning of work premises and equipment.

Article 8. Sections 13 to 19 of the above-mentioned Regulations prescribe the provision of natural or artificial ventilation.

Article 9. Under the terms of sections 28 et seq. of these Regulations work premises have to have adequate lighting.

Article 10. Provision is made for an adequate temperature in sections 14 and 20 to 24 of the above-mentioned Regulations.

Article 11. Sections 4, 5 and 9 of the above-mentioned Regulations provide for work stations to be so laid out and arranged that workers are exposed to no risks.

Article 12. Sections 75 to 83 of the Regulations provide for the supply of drinking water to workplaces.

Article 13. The provision of washing facilities and sanitary conveniences is dealt with in sections 57 to 67 of the above-mentioned Regulations.

Article 14. Likewise, section 74 of the Regulations stipulates that adequate seats must be provided.

Article 15. Sections 68 to 70 of the Regulations provide for the approval of facilities as suitable for changing and leaving clothing.

Article 16. Effect is given to this particular provision by sections 13, 16, 17, 18 and 32 of the Regulations.

Article 17. Sections 43 to 47 and 54 of the Regulations provide for the protection of workers handling harmful substances or engaged in unhealthy processes. The workers use personal protective equipment.

Article 18. Effect is given to the provision concerning protection against harmful noise and vibrations by sections 25 to 27 of the Regulations.

Article 19. The stipulation that the necessary first-aid facilities must be provided is met through section 108 of the Regulations. There are workplaces with their own dispensary or infirmary which also offer their services to other workplaces.

As concerns Article 4 of the Convention, the nationally applicable provisions mentioned above cover practically all the matters and measures to which reference is made in the Hygiene (Commerce and Offices) Recommendation, 1964.

---

DENMARK

Occupational Safety, Health and Welfare (Commerce and Offices) Act (Legislative Notification No. 298 of 1968).

Occupational Safety, Health and Welfare (General) Act (Legislative Notification No. 297 of 1968).

Article 1 of the Convention. The Occupational Safety, Health and Welfare (Commerce and Offices) Act applies to employment of any kind in commerce and offices, whether public or private, in which commercial and office employees are working in the service of an employer.

Articles 2 and 5. The labour inspection service consulted the organisations of workers and employers in the revision of the Act.

Article 3. Cases of doubt as to the scope of the Act have not so far given rise to any decision on the part of the courts of law or other public authorities.

Article 6. The observance of the Act is supervised by the labour inspection service.

Articles 7 to 19. Reference is made to the corresponding sections of the Act.

The Occupational Safety, Health and Welfare (Commerce and Offices) Act largely complies with those requirements of the Hygiene (Commerce and Offices) Recommendation, 1964, that come within the sphere of the inspection service.

Greenland

Sections 19 to 24 of Part C of the Occupational Safety, Health and Welfare (Greenland) Act include detailed stipulations as to health and welfare devices at the place of work.

## FRANCE

Article 1 of the Convention. The provisions of sections L.231-1 and L.231-2 and sections R.232-1 to R.232-30 of the Code apply to all the trading establishments listed in Article 5 of the Convention.

Article 2. In the event of its being recognised as practically impossible to apply the provisions of the Labour Code, an establishment may be excluded permanently or temporarily from all or any of these provisions by ministerial order after an inquiry by the Labour Inspectorate and on the recommendation of the Industrial Hygiene Commission.

Article 3. When the services of the Labour and Manpower Inspectorate have doubts about the applicability of the Convention to a specific establishment, institution or administrative service, they submit the case to the central administration of the Ministry of Labour.

Article 4. The above-mentioned sections of the Code ensure application of the general principles set out in Part II of the Convention and of the proposals made in the Recommendation on hygiene.

Article 5. Sections R.232-1 to R.232-30 of the Labour Code were drawn up after consultation with the Industrial Hygiene Commission.

Article 6. For the application of labour legislation, the national territory is divided into 95 departments.

Breaches of the provisions of Part III to Volume II of the Labour Code are punishable by a fine of 500 to 3,000 francs (cf. section L.263-2).

Article 7. Section R.232-10 of the Labour Code stipulates that all work premises must be kept clean at all times. The floor must be completely cleaned at least once daily outside working hours.

Article 8. In closed premises, at least 10 m<sup>3</sup> of air must be provided for every person working in stores and offices open to the public.

These premises must be fitted with windows or other mobile frame openings leading directly to the open air. Ventilation must be adequate to prevent an excessive rise in temperature.

Article 9. Premises must be adequately lighted to ensure safety of work and movement (section R.232-6).

Article 10. Premises must be adequately heated to maintain a reasonable temperature during the cold season (section R.232-5).

Article 11. Premises must at all times be kept free from sources of infection.

Article 12. Workers must have access to fresh drinking water distributed in a suitably hygienic manner.

Article 13. Articles R.232-28, R.232-22 and R.232-25 provide that adequate and suitably ventilated and maintained sanitary conveniences shall be provided.

Article 14. A seat must be provided for each worker at his workplace (article R.232-29).

Article 15. Cloakroom with seats and individual cupboards must be provided in rooms which must be kept clean at all times (sections R.232-23 and R.232-24).

Article 16. Underground premises must be supplied with at least 30 metres of fresh air per hour and per person occupied. The other hygiene measures (cleanliness, lighting, etc.) also apply to such premises (section R.232-3).

---

Article 17. Where collective protective measures cannot be taken, workers must be provided with personal protective equipment maintained in a good state of operation and disinfected before being issued to a new user (section R.232-14).

Article 18. Noise must be maintained at a reasonable level by reduction at source, the isolation of noisy workshops, noise insulation of premises, etc. (section R.232-9).

Article 19. All establishments covered by the sections must possess a medical service run by a doctor possessing diplomas in special subjects including industrial hygiene, and have the full-time services of state-certified nurses.

#### Comoro Islands

Act No. 52-1322 of 15 December 1952 to establish a Labour Code (Overseas Territories) (LS 1952 - Fr. 5).

Order No. 55-118/IT of 17 June 1955 establishing hygiene and safety measures for the protection of workers.

Workplace hygiene and safety are governed by orders issued in consultation with an Advisory Technical Committee established in the Inspectorate of Labour and Social Legislation. These orders take into account local conditions and are designed to ensure workers, so far as possible, conditions of hygiene and safety equivalent to those enjoyed by workers in metropolitan France.

The regulations are applicable to undertakings of all types. These undertakings must offer conditions of hygiene and health meeting the specification given in the report.

#### French territory of the Afars and Issas

Order No. 63/91/SPCG of 29 July 1963, issued under section 134 of the Labour Code (Overseas Territories) and applicable in the territory to workers in establishments of all types, satisfactorily regulates all hygiene and safety matters.

#### Guadeloupe

See France.

#### Guyana

See France.



Martinique

See France.

New Caledonia

Act No. 52-1322 of 15 December 1952 establishing a Labour Code (Overseas Territories) (LS 1952 - Fr. 5).

Order No. 1848 of 7 December 1955 establishing hygiene and safety measures applicable in undertakings in New Caledonia.

Certain collective agreements.

Pursuant to section 134 of the Labour Code, orders governing hygiene and safety conditions in the workplace shall ensure to all workers in all occupations hygiene and safety conditions equal to those enjoyed by workers in metropolitan France. Order No. 1848, for example, is applicable to all undertakings, including vocational training establishments.

The general principles set out in Part II of the Convention are embodied in the texts referred to and applied in practice.

Orders issued for the application of occupational hygiene and safety measures are first of all submitted to the Technical Advisory Committee for recommendation.

The Inspectorate of Labour and Social Legislation is responsible for supervising the effective application of occupational hygiene and safety legislation, in collaboration with the Medical Labour Inspector.

Réunion

See France.

ITALY

Presidential Decree No. 303 of 10 March 1956: "General occupational health standards" (Gazzetta Ufficiale No. 105, 30 April 1956, Sup).

The provisions of the Decree cover all activities in which the workers are parties to an employment relationship or the equivalent, including those employed by the State and public bodies, but excluding employment on ships and aircraft, in mines, quarries and peat-bogs, as well as industrial, commercial and agricultural businesses directly run by the owner solely with the aid of the other members of his family.

---

Part II of the Convention is fully applied through the provisions of Title II of the above-mentioned Presidential Decree.

Enforcement in accordance with Article 6 of the Convention is the responsibility of the Ministry of Labour and Social Security, operating through the labour inspectorate, in collaboration with the health authorities and the competent bodies for certain individual sectors. Breaches of the foregoing regulations are punishable by law.

Under section 9 of Act No. 300 dated 20 May 1970 (the "Workers' Charter") workers, through their representatives, are entitled to supervise observance of the regulations for the prevention of employment injuries and occupational diseases and to promote the preparation and implementation of any measures calculated to protect their health and ensure their safety.

Convention No. 122: Employment Policy, 1964

AUSTRIA

Employment Market Promotion Act of 12 December 1968 (Bundesgesetzblatt, 21 January 1969, No. 7, Text 31) (LS 1968 - Aus. 2).

Article 1 of the Convention. The Government has repeatedly declared itself in favour of an employment market policy as found in the Convention, including, as one of the main aims of policy, the achievement and maintenance of the highest and most stable level of employment possible as well as full employment. Austria is also bound by a series of international agreements and treaties to direct its policy in this direction. Regarding choice of employment, the State Constitution provides for free choice and the Employment Market Promotion Act provides that vocational guidance and placement services shall be available to everyone. Employment market policy has increasingly earned a more important place in economic policy because besides promoting employment market stability it is simultaneously contributing to the effective use of the community's resources. In order to promote productive employment and thereby economic growth, employment market policy should be an actively used instrument of structural policy.

It is clear that the sustained pursuit and greatest possible achievement of the aims of full, productive and freely-chosen employment serve equally well the interests of the individual and the community. It should also contribute to the application of the principle of equality of opportunity, by reduction of differentials. These goals are pursued in Austria through the provisions of the Employment Market Promotion Act, as amended.

Article 2. The basis of Austrian employment market policy is the Employment Market Promotion Act, as amended in line with the most recent developments. To achieve the aims of the Act and to ensure the best possible use of available resources, the Federal Ministry for Social Administration developed the "blueprint for the design and application of instruments for the implementation of employment policy". This establishes the aims and main guidelines

of employment market policy, and covers the organisation and use of employment market services, assistance to the handicapped, measures to promote mobility, employment creation and the provision of the organisational and staffing facilities of the employment market administration necessary for these purposes. A list of specific measures is given in the "programme of focal points in employment market policy" drawn up yearly by the Federal Ministry for Social Administration, taking into account provincial programmes, employment market projections and overriding considerations of economic and social policy.

The services offered by the labour market administration to employers and employment seekers are provided by employment offices distributed throughout the federal territory. The placement and vocational guidance officials should have access to information on factors influencing the choice of workplace and good information on the working conditions in the vacancies offered as well as on persons seeking employment. Employment market administration staff collaborate particularly with employers' and workers' organisations in collecting information on remuneration and other working conditions. The assistance which the employment market administration can give job seekers, in addition to information, consists mainly of financial incentives to undertake conversion, further training and vocational training and the granting of other aids to facilitate mobility.

Measures to promote structural policy are taken by various services in Austria, since the national Constitution does not define the respective roles of the Federal and provincial governments. Appropriate co-operation and co-ordination are ensured through inter-ministerial committees assisted by regional offices.

The application of employment market administration measures to improve the distribution of labour by occupation or area was further extended by two of the amendments to the Employment Market Promotion Act, and includes strengthening the means of facilitating occupational mobility by provision of funds for setting up the necessary training facilities and providing grants to facilitate initial training, retraining or further training, etc. The above Act also provides for the means of facilitating the creation or maintenance of jobs and conversion or expansion of enterprises in cases where structural improvement is necessary.

A recent amendment to the Act extended the means of stimulating employment by envisaging the adoption, when desirable, of regional policies. The Act provides for additional funds beyond the budgeted ceiling for use in appropriate measures in the event of exceptional local or regional difficulties in the employment market. These forms of aid acquire great importance in the context of labour force transfers to expanding branches of the economy. These measures ensure in advance that the structural changes to be expected as a result of the free trade agreement between Austria and the European Communities can take place smoothly and cause only a minimum of hardship for workers. The Act was designed mainly as an instrument for use in the event of the partial or complete closing down of an undertaking due to economic difficulties resulting from integration, changes in the pattern of international competition or measures connected with structural improvement. The employment market administration is enabled on the one hand to secure jobs regionally in accordance with the requirements of the economy and the employment market situation and on the other hand to take into account any necessary restructuring.

Co-ordination of employment policy with economic and social policy is achieved mainly through the Employment Market Policy Advisory Board set up by the Federal Ministry for Social Administration. Employers' and workers' representatives on this Board advise the Federal Minister for Social Administration on the employment market policy to be followed. In addition these matters are discussed in the Economic and Social Council which has set up a special working group to examine employment market policy problems.

Article 3. Employers' and workers' representatives participate in the establishment of employment policy within the Employment Market Policy Advisory Board. They are also represented on the placement or administrative committees of each employment office or provincial employment office.

The offices of the Employment Market Administration, i.e. the Federal Ministry for Social Administration and its subordinate provincial and local employment offices are responsible for formulating and applying employment policy. The Employment Market Policy Advisory Board is responsible for advising the Federal Ministry for Social Administration on matters relating to employment market policy. The administrative committees in the provincial offices have to collaborate in executing the tasks for which the provincial employment offices are responsible under the Employment Market Promotion Act.

#### CUBA

Organic Act of the Ministry of Labour (Act No. 1021 of 27 April 1962).  
Act No. 1186 of 25 April 1966 concerning the structure and functions of the Central Planning Board.

Article 1 of the Convention. Reference is made to the information provided in the report on the Convention communicated in 1971 under article 19 of the ILO Constitution.<sup>1</sup>

With a view to improving labour productivity, an important project is being implemented under the direction and supervision of the Ministry of Labour designed to improve the manner in which work is organised and carried out, for the benefit of both the individual and society.

The measures adopted in order to overcome the problems arising from the shortage of technically qualified staff and the generally insufficient skills of a large part of the labour force include the reform and extension of general education, the creation of numerous technological institutes and schools and the establishment of faculties for the education of rural workers.

---

<sup>1</sup> See ILC, 57th Session, Geneva, 1972, Report III (Part 2A): "Summary of Reports on Unratified Conventions and on Recommendations", p. 16.

Article 2. Within the framework of the centrally planned economy, the effects on employment of programmes for economic and social development are regularly reviewed. Regular procedures exist for consultation and co-ordination of action between the authorities and economic and social bodies concerned in the implementation of economic and social plans and programmes.

Article 3. The adoption of important measures in this as in other fields is as a matter of practice preceded by appropriate consultations with the representatives of the economic and administrative bodies and of the workers. These take place through the submission of written opinions when requested on projects, and through meetings convened to permit the presentation of ideas and suggestions.

The national legislative authority is the Council of Ministers. The Central planning Board is responsible for assisting the Revolutionary Government in directing and planning national economic and social development. The Ministry of Labour is responsible for labour policy and planning in accordance with the national economic plans.

#### ECUADOR

Constitution of the Republic of Ecuador, 1945.

Act regulating the Ministry of Labour and Social Welfare (Executive Order 1337) (Registro Oficial No. 446 of 4 December 1973).

Presidential Decree No. 1207, establishing the Ecuadorian Vocational Training Service (Registro Oficial No. 141 of 20 September 1966, page 1261).

General Regulations of the Ecuadorian Vocational Training Service (Order No. 206 of 26 January 1973) (Registro Oficial No. 241 of 7 February 1973, page 5).

Article 1, paragraph 1 of the Convention. Article 141(20) of the Constitution guarantees "Admission to public posts and employment, according to merit and ability, except in the event of legal incompatibilities." According to section 3 of the Labour Code "The worker is free to devote his energies to any lawful work, as he sees fit."

The Government's desire to achieve social well-being by means of an employment policy has led it to concentrate on two main areas: first, harmonisation and development of the primary sectors, including the Agricultural Livestock and Forestry Sector, the Fishing Programme, the Geology and Mining Programme, the Hydrocarbons Programme, the Industrial Programme, the Handicrafts and Small Industry Programme, the Tourism Programme; and secondly, reinforcement of the infrastructure sectors, through programmes covering transport and communications, roads and bus terminals, road, rail, water and air transport, telecommunications, postal services, electric power, town

planning, housing, drinking water and sewerage. All this Plan of Action proposed by the Nationalist Revolutionary Government will create numerous job opportunities.

Paragraphs 2 and 3. The Government proposes to reinforce its activity in the sphere of promotion, training and motivation of the population. It also aims at adequate and accelerated training, guidance and utilisation of human resources. It is proposed to help the unemployed, by means of free vocational placement, guidance and reorientation services, to find useful employment which also meets the requirements of the nation. The main objectives of the Ecuadorian Vocational Training Service (SECAP), a body subject to public law, registered with the Ministry of Labour and Social Welfare, are to provide vocational training for workers in all branches of economic activity, accelerated training for persons over 14 years of age, vocational training for adults with possibilities of employment and vocational retraining to meet additional requirements in different branches of activity; to collaborate in the preparation of an Ecuadorian Classification of Occupations; and to organise and operate theoretical and practical training for jobs and occupations, according to the requirements of the different production processes throughout the country, in centres to be established for that purpose.

Article 2. The Government proposes to make every possible effort to promote economic growth and an increase in the availability of jobs; to aim at achieving a balance between employment supply and demand at all levels of skill; to achieve a substantial reduction in unemployment and progressive absorption of the underutilised labour force; to formulate a migration policy to control and channel by means of specific incentives the flow of population towards priority areas of the coast and the east according to their relative capacity to absorb labour; to reorganise agricultural work through the development of co-operatives and a real increase in the minimum agricultural wage; to eliminate illiteracy and create a new awareness among the active population of rural areas by means of new methods requiring young workers, students and other groups; to use and extend training systems for the manufacturing and oil industries; to prepare re-training systems for handicraft workers, having regard to the possible repercussions of the process of industrial integration and internal development, which will involve use of spare capacity in technical schools; to adapt the secondary and higher education system according to the present and future requirements for labour and the Government's social objectives; to increase the share of the new favoured classes in education; to make adequate use of industrial manpower through the establishment of urban work centres which will make for better co-ordination and more effective participation in the preparation of policies concerning wages, social advancement and increased absorption of labour; to aim at increasing direct employment by means of infrastructure schemes requiring intermediate technologies; and to prepare an employment policy laying emphasis on the retraining and continual upgrading of workers.

Article 3. Through the recently established Department of Human Resources and Employment, the Ministry of Labour and Social Welfare co-ordinates employment supply and demand, and at the same time operates a permanent programme of information and analysis of

the situation of the employment market. Moreover, employment policy is a more direct concern of the Government and has already been outlined in its statements of principles and Plan of Action.

Owing to the recent establishment of the Department of Human Resources and Employment, the information which should be included in this first report is not yet available. However, the Government undertakes to provide more detailed and extensive information in the next report.

The application of the Plans of Action is the responsibility of the whole of the public administration.

## FRANCE

### Comoro Islands

Finding employment for the workers available is giving rise to increasingly delicate problems as more and more young people pour on to the labour market and as job openings in agriculture decrease, especially since the traditional sources of employment for this labour force (Madagascar and Tanzania) are no longer absorbing workers from the Comoro Islands and are even sending home some of those already there. In agriculture a major campaign has been under way for several years for the renewal of the soil, its protection against erosion and the increasing of crop yields, as more than 80 per cent of the potentially active population derives a living from agriculture.

This campaign is being waged by the Directorate for Agriculture, Water and Forestry and Stockbreeding, the BDPA, the Society for the Economic Development of the Comoro Islands and the Tropical Agronomic Research Institute. The fact remains that the beneficial effects of any improvement are likely to be entirely offset by the natural growth in the population, which has reached the rate of 2.74 per cent.

There is practically no industry, apart from a few very small joinery firms. Building and road construction come second to agriculture as a source of employment, followed by the Comoro Islands Civil Service and miscellaneous activities.

The objectives set by Convention No. 122 are also those of the Government. The achievement of these objectives is a long-term operation calling for financial and technical resources which the Territory does not possess.

---

French Polynesia

[Convention non-applicable]

Act No. 52-1322 of 15 December 1952, instituting an Overseas Labour Code (LS 1952 - Fr. 5).

Order No. 1023/IT of 3 August 1957 for the general organisation of the Manpower Office.

Special efforts have been undertaken and pursued for several years to broaden the range of vocational training. Representatives of the employers and the workers are closely associated in the implementation of this policy.

Guadeloupe

See under France.<sup>1</sup>

Guyana

See under France.<sup>1</sup>

Martinique

See under France.<sup>1</sup>

Réunion

See under France.<sup>1</sup>

## IRAN

The Government refers to its reports of 1972 on the Convention and on the Employment Policy Recommendation, 1964 (No. 122), communicated under article 19 of the ILO Constitution.

---

<sup>1</sup> ILO: Summary of Reports on Ratified Conventions, International Labour Conference, 59th Session, 1974, Report III (Part I).



## ITALY

Progetto 80: Preliminary Report for the National Economic Plan, 1971/75 (Ministry of the Budget and Economic Planning).

The social policy of the Italian Government is based on the need to assure the highest possible standard of living for all citizens through the elimination of sectoral, regional and social imbalances and the achievement of full employment.

The Government's policy is set out in Progetto 80 which provides a plan for the creation of 2,200,200 new jobs by 1980. A marked reduction in the number of jobs in the agricultural sector will be balanced by significant increases in non-agricultural employment. Particular emphasis is laid on increasing productive employment in the country's southern region.

The implementation of this plan will, however, be very difficult in light of the recessive trend in many branches of the economy during 1971 and the somewhat weak revival in 1972 and 1973. It must therefore be assumed that large-scale emigration will remain as a persistent factor in the economy over the next few years.

In this connection, special efforts have been made to avoid emigration patterns which are likely to disrupt family units and measures have been taken to facilitate the reuniting of families of emigrant workers.

As part of its efforts to bring about a balanced development in all regions of the country, the Government is pursuing a policy of shifting industry to the south.

## KHMER REPUBLIC

Constitution of the Khmer Republic.

The Constitution of the Khmer Republic, the Asian Manpower Plan and the Post-War Reconstruction and Expansion Plan contains specific provisions to ensure an active policy as defined in the Convention.

Article 1 of the Convention. The Khmer Republic has drawn up a reconstruction and expansion plan for the post-war period, designed primarily to solve the unemployment and underemployment problems and subsequently achieve an active policy the aim of which will be the promotion of productive employment. The first stage in the Labour Administration's programme, forming part of the over-all plan, is devoted to strengthening this Administration, particularly as regards the placing and statistical services. The Administration intends to increase the number of vocational training centres and has recently created a General Directorate of Vocational Training which will draw up an expansion programme covering the rural sector.

The national economy has been disrupted by the war and the situation has been made worse by migration from rural areas to the towns.

Article 2. The Ministry of the Plan has embodied a manpower plan in the Five-Year Plan (1968-73) and in the Eight-Year Plan (1973-80). Meetings take place between the various heads of services and ministerial departments to establish a national employment policy or to consider its role within a co-ordinated economic and social policy.

Article 3. More or less formal consultation procedures have been instituted in respect of employment policy. Meetings of employers' and workers' representatives take place in the Joint Chamber of Commerce, or in the Ministry or the Directorate-General of Labour with one of the two groups.

The Ministry of Labour is responsible for establishing the general outline of an employment policy and employment administration, whilst the Directorate-General of Labour and Manpower deals with placement and the application of labour laws and regulations.

#### LIBYAN ARAB REPUBLIC

Constitutional Proclamation.

Labour Act, 1970 (LS 1970 - Libya 1).

Civil Service Act, No. 19 of 1964.

Supreme Planning Board (Creation) Act, No. 85 of 1970.

Permanent Council for Training and Manpower Development (Creation) Act.

Regulations for the Organisation of Vocational Training Centres and Courses.

Article 1 of the Convention. The aims to be attained by employment policy as part of the 1973-75 Plan for economic and social development are: (a) to make the best possible use of manpower resources by increasing the participation of groups which have to some extent been excluded from employment, redistributing the population, reducing hidden unemployment, creating employment in economically backward areas, guiding young people towards skills demanded by the labour market and devising a system of material and moral incentives for the improvement of skills; (b) to improve productivity through modern organisation, mechanisation and technology; (c) to improve and increase training facilities for the young; (d) to ensure that persons entering the labour force (some 103,000 during the Plan period) can find jobs in harmony with their qualifications and inclinations; and (e) to improve manpower planning machinery, particularly labour exchanges and the gathering of statistical and other data. The sole aim of the Plan shall be to devise policies and actions designed to achieve the speedy development of the national labour force and to ensure the best possible use thereof, since the labour force is considered the most important factor of development in the Plan.

Libya has no unemployment and Libyans are free to choose employment commensurate with their qualifications regardless of sex, colour or religious belief.

Article 2. A Supreme Council for Training and Development has been established to ensure the attainment of the social aims involved in economic development.

Article 3. Employers' associations and workers' organisations are consulted by calling on their representatives to share in the study and discussion of any matter connected with employment policy.

#### THAILAND

The Employment Service and Protection of Job-Seekers Act, B.E. 2511 (1968) (LS 1968 - Thai. 1) and related Regulations issued under the Act.

Constitution of Thailand, B.E. 2511 (1968).

The National Executive Council Announcement No. 322 on Occupations of Aliens, 13 December, B.E. 2515 (1972).

The Third National Economic and Social Development Plan (1972-76) of Thailand.

The ratification of the Convention gives it force of law by virtue of constitutional and administrative practice in Thailand.

Article 1 of the Convention. Since 1932 full employment has been the top priority for the Government of Thailand. This has been supported in the 1968 Constitution, which states: "the State shall encourage the people of working age to work according to their abilities and to accord them with appropriate protection". The 1972 Interim Constitution has made no change in the priority accorded to employment.

The Third National Development Plan of Thailand (Chapter 7) states specifically that the objective of the Plan is to improve the standard of living and income of the people. To do so, manpower policies are to be implemented that reduce the rate of population growth, generate sufficient employment to cope with potentially serious manpower problems (especially urban unemployment), pursue the development of an efficient production system, improve the utilisation of civil service manpower, and develop an equitable policy for labour protection and labour relations. As opposed to the first two development plans, which concentrated on economic objectives, it is now widely agreed that social objectives are also important. Consequently, the focal objectives for government policy are now employment and equity in income distribution.

Legislation has been introduced to regulate private employment agencies, to minimise exploitation of job applicants. Measures have also been taken to reserve certain jobs for Thais and to provide foreign investment incentives to promote employment and economic development.

Several Department of Labour employment offices have been set up in Bangkok, and in the very near future 20 more are planned for the provinces. These would facilitate placement, vocational guidance and improved public access to labour market information.

Vocational education activities have been expanded in conjunction with the ILO, UNDP and other international agencies in pursuit of these ends. Subject only to the limitation of resources and international politics every effort has been made to promote productive employment and the free choice of employment. No special or unsolved difficulties have been encountered.

Article 2. In addition to the relevance of many of the above comments, to implement the Employment Convention the National Economic and Social Development Board has a subcommittee for manpower and employment planning and a work unit for periodic review of the principal measures of economic and social policies.

Article 3. To facilitate appropriate employment policy formulation, formal consultative procedures have been established bringing together representatives of workers, employers, higher education and other national organisations.

The National Manpower Council, set up in August 1973, has replaced the former National Council for Skill Development and includes responsibility for co-ordinating all manpower and employment policies and plans. Principal implementing agencies for the Convention are the National Economic and Social Development Board, the National Manpower Council and the Department of Labour. Thailand has served as host country for and provided facilities to the ILO's Asian Regional Team for Employment Promotion, with whom closer co-operation is envisaged in the near future.

#### UNITED KINGDOM

##### Jersey

The Convention is not applicable in this territory.

#### YUGOSLAVIA

The Constitution places on the community an obligation to create conditions allowing citizens to exercise their right to work. Successive social development plans define the development objectives which present a common interest for work organisations, workers and citizens. Self-management agreements lay down the ways in which these objectives should be achieved. These objectives and decisions are reviewed each year.

Yugoslavia has achieved rapid rates of employment growth and structural change. The period 1952 to 1972 saw the establishment of industries which now form the base for rapid development and productivity growth. Important changes were also brought about in agriculture and the rural areas. From 1947 to 1971, the average

annual rate of growth of national income was 7 per cent. It must be mentioned that the country started from a low base and had to face the problems common to developing countries such as shortage of capital and skilled manpower, unbalanced regional and structural development and a high rate of population growth. Regional differences in the level of development have not yet been overcome and there has been considerable migration from rural to urban areas resulting in pressure on employment in the towns. The aspirations for a higher standard of living are growing faster than the resources available to satisfy them. External economic forces such as rising world costs and instability of the world monetary system have also had an adverse effect on economic development.

The dilemma facing the country was whether to choose the path of radical increase of labour productivity leading, in the long term, to full employment, or some other path which would take more account of the abundant labour supply available. The economic reform of 1965 marked a turning point in that it steered the economy towards modern technology, more rational organisation and a rapid growth of labour productivity. From 1964 to 1968 labour productivity grew at an average annual rate of 6 per cent. At the same time employment problems were aggravated, hidden labour reserves were revealed, employment stagnated and the number of Yugoslavs leaving to work abroad increased. During the period 1969 to 1972, wage-employment in the social sector increased faster than population growth, and the 1971 to 1975 Plan foresees an annual increase of 3 per cent in employment for wage earners. This means making room for 900,000 new wage earners - 600,000 in new jobs, 300,000 to replace those withdrawing from the labour force. This will be done partly by setting up new capacity and partly by fuller utilisation of existing capacity, for instance by introducing more shifts where this is possible.

The present Plan also foresees increased activity by citizens owning their own means of production, particularly in service activities which have hitherto been deficient.

There is still a need for internal migration from regions unable to employ all jobseekers to those regions which are short of workers. However, the Plan provides that the rate of economic growth of the underdeveloped regions shall be 25 per cent above the national average. A federal development fund covers 50 per cent of the investment needs of the underdeveloped regions. The planned development of agriculture will play an important part in the solution of regional employment problems.

The 1971-75 Plan coincided with constitutional reforms which reaffirmed the relationships between the self-managing work organisations and the federal and republic authorities, thus assuring a greater participation of the workers in the formulation and execution of employment policy. An agreement on the limitation of consumption has been concluded, thus bringing production and consumption closer together.

Convention No. 123: Minimum Age  
(Underground Work), 1965

AUSTRALIA

New South Wales

Coal Mines Regulation Act, 1912-72.

Mines Inspection Act, 1901-68.

Victoria

Mines Act, 1958.

Coal Mines Act, 1958.

Labour and Industry Act, 1958.

Labour and Industry (Employment Records) Regulations, 1965.

Queensland

Coal Mining Act, 1925-69.

Mines Regulation Act, 1964-68.

South Australia

Mines and Works Inspection Act, 1920-70.

Industrial Conciliation and Arbitration Act, 1972.

Western Australia

Mines Regulation Act, 1946-69.

Coal Mines Regulation Act, 1946-65.

Education Act, 1928-43.

Tasmania

Mines Inspection Act, 1968-73.

Wages Boards Act, 1920.

Northern Territory

Mines Regulation Ordinance, 1959-62.

The Convention has very limited application in the Australian Capital Territory where in practice no persons under the age of 16 years are engaged in underground work. The relevant New South Wales legislation applies in the Territory by virtue of section 6 of the Seat of Government Acceptance Act, 1909-55 enacted by the Australian Parliament.

The Tasmanian Mines Inspection Act was amended in 1971 to raise the minimum age for employment in underground work in mines from 15 to 16 years of age.

Article 1 of the Convention. The term "mine" is defined in legislation as set out below.

In New South Wales the definition of "mine" under section 4(1) of the Mines Inspection Act means and includes, inter alia, shaft, tunnel, drive or other excavation and also quarries. Under section 3(1) of the Coal Mines Regulation Act, the term "mine" covers every shaft in the course of being sunk, and every level and inclined plane in the course of being driven, and all the shafts, levels, planes, works, tramways and sidings, both below ground and above ground, etc.

In Victoria the definition of "mine", as laid down in section 369 of the Mines Act, includes any claim place pit shaft drive winze rise level or other excavation drift gutter lead vein lode or reef wherein or whereby is or has been carried on any operation for or in connection with the purpose of obtaining any metal or mineral, as well as quarries. Under section 5 of the Coal Mines Act "mine" includes every shaft in the course of being sunk, every tunnel and road in the course of being driven, and all the shafts, tunnels, road works, tramways and sidings, both below ground and above ground, in and adjacent to and belonging to a mine under this Act.

In Queensland, under section 4 of the Coal Mining Act, the term "coal mine" or "mine" is similar to the definition of "mine" laid down by the Coal Mines Act of Victoria.

Under section 5 of the Mines Regulation Act, "mine" means a place where any mining is carried on with a view to or for the purpose of winning mineral from a place where it occurs naturally or extracting mineral from its natural state. By virtue of section 4(3), the provisions of this Act apply to the principal quarries in Queensland by proclamation.

In South Australia, under section 4 of the Mines and Works Inspection Act, "mine" means any place in, or under, which any mining operation has been or is being carried on. The definition of "mining" includes quarrying.

In Western Australia, the definition of "mine" as laid down in section 5 of the Coal Mines Regulations Act is also similar to that given under section 5 of the Coal Mines Act in Victoria. Section 4 of the Mines Regulation Act defines a mine as a place where any operation for the purpose of obtaining any rock, metal, mineral or mineral substance has been, is being, or is to be carried on, and other working processes connected with such an operation.

---

In Tasmania the term "mine", as defined in section 3 of the Mines Inspection Act, includes, inter alia, places in or at which mining operations are carried on and any excavation resulting from the carrying out of mining operations. Section 2 of the regulations made under the Act defines "quarry".

In the Northern Territory "mines" is defined in section 4(1) of the Mines Regulation Ordinance as a place within the Territory where any operation for the purpose of obtaining any metal or mineral has been or is being carried on.

Article 2. In accordance with Article 2(2) a declaration was made at the time of ratification that the minimum age for admission to employment underground in mines in Australia shall be 16 years.

In New South Wales provision is made in section 41(1) of the Coal Mines Regulation Act that no boy under the age of 16 years and no female shall be employed underground in or about a mine. Under section 26(1) of the Mines Inspection Act boys below the age of 16 years and females shall not be employed in or about a mine. Section 26 of the Act also provides, inter alia, that no boy below the age of 18 shall be employed as lander or bracman at any platform or landing place either at or below the surface.

In Victoria section 371(1) of the Mines Act provides that boys shall not be employed underground in any mine and, under section 369, the term "boy" is defined as a boy under the age of 17 years. Section 371 also provides, inter alia, that females shall not be employed in or about any mine and boys under 18 years of age shall not be employed as lander or bracman, etc. The Coal Mines Act contains similar provisions.

In Queensland, under section 46(2) of the Mines Regulation Act, no male under the age of 16 years shall be employed underground in a mine except with the approval of the Chief Inspector; and under subsection (3) no female shall be employed underground in a mine except also with the approval of the Chief Inspector. Since the approval of the Chief Inspector has not been sought under subsection (2) for the last 30 years and such approval is unlikely to be sought in the future, it is considered that the provision is applied in accordance with the Convention. With regard to subsection (3), the discretionary power is exercised in favour of those females who are professionally qualified or training for professional qualifications (e.g. geology) and does not come within the scope of the Convention.

Under section 79(3) of the Coal Mining Act no boy under the age of 16 years and no female shall be employed below ground in any coal mine.

In South Australia, under section 17 of the Mines and Works Inspection Act, no boy under the age of 18 years and no girl or woman or any age shall be employed underground in any mine.

In Western Australia, under section 24(1) of the Coal Mines Regulation Act, nobody under the age which for the time being is the maximum age of compulsory attendance at a government or efficient school as fixed by the Education Act, 1928-43, or by any proclamation made by the Governor thereunder and no female shall be employed in or about any mine. Under subsection (2) no boy shall be employed in caging or uncaging trucks or skips in or at any shaft; and under



subsection (3) no boy shall be employed as a lander or bracman in or at any shaft. The Act defines a "boy" as a male under the age of 19 years. The Education Act provides for a school-leaving age of 15 years. Although in theory it is possible for a boy of 15 years to be employed underground in a coal mine, in practice boys under the age of 16 have not been employed underground for many years. It is therefore considered that custom and practice ensure full compliance with this requirement of the Convention.

Under section 41(1) of the Mines Regulation Act no female shall be employed underground; and under subsection (2) a boy under 16 years of age shall not be employed underground, except for a cadet or apprentice gaining the required experience as training for a profession or trade. Such exceptions were introduced into the Act in 1968 because it was considered essential for the purpose of learning that the boys should accompany their principals underground on occasions. As this is not regular or continuous underground employment, it is considered that the provision is in compliance with the Convention. The Western Australian awards covering gold, lead and nickel mining prohibit the regular employment underground of junior workers less than 18 years of age.

In Tasmania, section 22(1) of the Mines Inspection Act provides that no person under the age of 16 years shall be employed underground in a mine.

In the Northern Territory, under section 39 of the Mines Regulation Ordinance, no boy under the age of 16 years and no female shall be employed below ground in any mine.

Article 3. No general action is envisaged towards raising the minimum age specified at the time of ratification but, as indicated under Article 2, the minimum age for employment underground in some cases is higher than 16 years.

Article 4. As regards inspection, in all jurisdictions mining inspectors are appointed for the purpose of supervising the application of the legislation in question. The report states that the provisions relating to inspection are found in the Mines Inspection Act (Part IV, division 1) and the Coal Mines Regulation Act (Part I, division 3) of New South Wales; the Mines Act (Part III, division 2, subdivision 8) and the Coal Mines Act (Part I, division 10, subdivision A) of Victoria; the Mines Regulation Act (sections 8 and 14) and the Coal Mining Act (sections 6 and 63) of Queensland; the Mines and Works Inspection Act (sections 6 to 10) of South Australia; the Mines Regulation Act (division 2) and the Coal Mines Regulation Act (Division 2) of Western Australia; the Mines Inspection Act (section 6 and Part III) of Tasmania; and in the Mines Regulation Ordinance (sections 6 to 17) of the Northern Territory.

As regards sanctions, the report indicates that penalties for offences against the provisions giving effect to the Convention are found in the Mines Inspection Act (section 67) and the Coal Mines Regulation Act (sections 67 and 68) of New South Wales; the Mines Act (section 419) and the Coal Mines Act (section 64) of Victoria; the Mines Regulation Act (section 65) and the Coal Mining Act (section 105) of Queensland; the Mines and Works Inspection Act (section 20) of South Australia; the Mines Regulation Act (section 55) and the Coal Mines Regulation Act (section 60) of Western Australia; the Mines Inspection Act (section 52) of Tasmania; and in the Mines Regulation Ordinance (section 44) of the Northern Territory.

Concerning records, the report states that in New South Wales provision is made under section 28(1) of the Mines Inspection Act requiring a register to be kept in every mine containing, inter alia, the age and date of first employment of every boy employed below ground in a mine. "Boy" is defined in the Act as a male person under 18 years of age. The register must be produced to any inspector on request. Section 42(3) of the Coal Mines Regulation Act contains a similar provision. In Victoria section 122(1) of the Labour and Industry Act, 1958, requires employers bound by wages board determinations to keep a record, inter alia, of the age of every employee under 21 years of age; such records must be produced to an inspector on demand. The Labour and Industry (Employment Records) Regulations, 1965, contain the form of records which the employer must keep under the Act, and in which the age of a minor must be recorded in the Second Schedule while the date of commencement must be recorded in the Fourth Schedule. In Queensland section 46(5) of the Mines Regulations Act requires the manager of the mine to keep a register containing, inter alia, the age and date of the first employment underground of all males under the age of 18 years. Section 79(4) of the Coal Mining Act contains a similar provision. In South Australia section 139 of the Industrial Conciliation and Arbitration Act, 1972, requires all employers bound by awards to keep a record, inter alia, of the age of every employee under 21 years of age and to produce such record whenever demanded by an inspector. In Western Australia section 25 of the Coal Mines Regulation Act requires every mine to keep a register of boys under 19 years of age employed in the mine below ground containing, inter alia, their age and date of first employment. The register must be produced to an inspector on request. Section 24(6) of the Act requires, inter alia, that the birth certificate of every boy be retained by the owner or manager at the mine during the course of his employment. In Tasmania section 7(1) of the Wages Boards Act, 1920, requires every employer subject to determinations made under the Act to keep a record of every person employed including details of his age if under the age of 21 years and that such record be produced for inspection whenever demanded. In the Northern Territory, notwithstanding the absence of any legislative requirement, employers maintain, in practice, the necessary records of persons between the ages of 16 and 18 years who are employed or work underground and these records are available to inspectors and workers' representatives. The Government states that where there is no specific legislation requiring employers to keep records of persons between the ages of 16 and 18 years who are employed or work underground, the information required under paragraphs 4 and 5 may be readily obtained from the employment and wages records which employers are required to keep in Australia. These records must be made available to inspectors on request and, due to the strength of the miners' unions and the strict attitude which the mining employers adopt towards the application of the minimum age requirements, workers' representatives also have access to this information.

Article 5. Prior to ratification the National Labour Advisory Council was consulted and it agreed with the proposal that the minimum age for employment underground in mines specified at the time of ratification should be 16 years. No general action is envisaged towards raising the minimum age specified at the time of ratification but, in accordance with normal practice in Australia, consultations would take place with the employers' and workers' organisations concerned on any proposals to take such action.

ITALY

Act No. 977 of 17 October 1967 regarding the protection of children and young persons.

Royal Decree No. 1443 of 29 July 1927.

Presidential Decree No. 128 of 9 April 1959.

Royal Decree No. 1765 of 17 August 1935.

Royal Decree No. 2276 of 15 December 1936.

Royal Decree No. 200 of 25 January 1937.

Article 1 of the Convention. The term "mines" is defined in section 14 of Royal Decree No. 1443 of 29 July 1927. This definition is wider in scope than that of the Convention and covers all underground work in mines, quarries, peat workings and tunnels.

Article 2. Sections 1 and 5(d) of Act No. 977 prohibit the employment in underground work of young persons who have not reached 18 years of age.

Article 4. (1) Section 26 of Act No. 977 stipulates a fine of 3,000 to 6,000 lire per miner and per day of work for persons guilty of violations.

(2) (3) The labour inspectors are responsible for enforcement of the minimum age provisions (Presidential Decree No. 128 of 9 April 1959). Parents and employers are responsible.

(4) (5) Employers are responsible under the legislation relating to compulsory insurance against occupational accidents and diseases (Royal Decrees Nos. 1765 of 1935 and 2276 of 1936) to maintain a register containing in particular the information called for by this Article of the Convention. The provision concerning lists of young persons less than two years older than the specified minimum age is not applicable to Italy since the minimum age specified is 18, that is to say, two years more than the age stipulated in the Convention.

Convention No. 124: Medical Examination of  
Young Persons (Underground Work), 1965

ITALY

Act No. 977 of 17 October 1967 respecting the protection of children and young persons in employment (LS 1967 - It. 1).

Presidential Decree No. 128 of 9 April 1959 in respect of work in mines and quarries (Gazzetta Ufficiale No. 87 of 11 April 1959).

Presidential Decree No. 303 of 19 March 1956 establishing general regulations in respect of occupational hygiene.

Presidential Decree No. 1124 respecting compulsory insurance against industrial accidents and occupational diseases (LS 1965 - It. 1 and Gazetta Ufficiale (supplement) No. 257 of 13 October 1965).

Act No. 628 of 22 July 1961 respecting the organisation of the Ministry of Labour and Social Security (Gazetta Ufficiale No. 184 of 27 July 1961).

Royal Decree No. 1765 of 17 August 1935.

Article 1 of the Convention. Act No. 997 and Presidential Decree No. 303 are wide in scope and apply also to mines and quarries; Presidential Decree No. 128 of 1959 applies specifically to mines and quarries.

Article 2. A physical fitness test and annual medical examinations have to be carried out on all workers in mines and quarries.

Article 3(1). The medical examinations are performed by a qualified and approved physician; they are attested by a medical certificate appended to the service booklet.

Article 3(2). X-ray films of the lungs are normally made during the pre-employment medical examination and subsequent periodic re-examinations.

Article 3(3). The medical examinations do not involve the workers, young persons or adults in any expense. They are performed at the expense of the employer.

Article 4(1). Penalties are imposed in the event of failure to respect the obligation to carry out pre-employment medical examinations and re-examinations.

Article 4(2). The Ministry of Labour is responsible for the enforcement of the labour legislation; the enforcement of Presidential Decree No. 128 is a responsibility of the Ministry of Industry, Trade and Crafts in collaboration with the medical labour inspectorate.

Article 4(3). The labour inspectors and the employers are responsible for compliance with the regulations.

Article 4(4). The regulations provide for the keeping of a register containing the information specified in the Convention.

Convention No. 125: Fishermen's Competency  
Certificates, 1966

TRINIDAD AND TOBAGO

Chapter 18, No. 5, sections 88 to 93, Part VI of the Colonial Ordinance, Revised Laws of Trinidad and Tobago, Vol. II, 1950.

On the ratification of this Convention it was decided that effect would be given to its provisions through the application of the old law.

The term "interterritorial ship" (replacing "intercolonial ship") includes a ship employed in trading between the island of Trinidad and the island of Tobago, or between some places between the equator and latitude 28° north and east of longitude 90° W. and west of longitude 50° W., but does not include a coastal ship or a ship employed in trading within the waters of the territory.

In conjunction with the Ordinance, and with a view to giving effect to the provisions therein, the Government of Trinidad and Tobago has become an equal partner in the recently established Regional Fisheries Training School located in the north-west peninsula of Trinidad. This institution has been established under the auspices of the Food and Agriculture Organisation and CARICOM.

Convention No. 126: Accommodation of  
Crews (Fishermen), 1966

FRANCE

Comoro Islands

The Convention does not apply to this territory.

French Polynesia

The Convention is not applicable to this territory, as it relates to ships of 75 tons or more.

St. Pierre and Miquelon

The Convention is not applied overseas.

Convention No. 127: Maximum Weight, 1967

ITALY

Act No. 977 of 17 October 1967 respecting the protection of children and young persons in employment: sections 5(a), 14, 19(1) and 26 (penalties) (LS 1967 - It. 1).

Act No. 653 of 26 April 1934 to safeguard the employment of women: sections 11 and 24 (penalties) (LS 1934 - It. 6).

Act No. 1204 of 30 December 1971 respecting the protection of working mothers: sections 3 and 31 (penalties) (LS 1971 - It. 1).

---

Articles 1 to 6 of the Convention. Loads are transported manually by a category of self-employed workers not under the control of the labour inspectorate nor covered by protective legislation. Work of this type in agricultural and industrial undertakings and other fields constitutes only part of the normal occupation of the worker. These Articles therefore do not apply to Italy.

Article 7. Section 14 of Act No. 977 establishes the maximum loads which may be transported by boys (up to 15 years of age) and young persons (15 to 18 years of age). They may not be employed in manual transport operations for more than four hours daily.

The maximum weights for women are established by section 11 of Act No. 653.

Section 3 of Act No. 1204 of 1971 prohibits load lifting and carrying by women during pregnancy and for seven months following confinement.

#### CHILE

Labour Code, sections 339 et seq.

Decree No. 2494, Diario Oficial of 27 August 1923 (LS 1931 - Chil. 1).

Article 1 of the Convention. Chilean legislation provides no definitions of the terms contained in this Article.

Article 2. The system of labour inspection covers all branches of economic activity, according to the provisions of Legislative Decree No. 2, published in the Diario Oficial of 29 September 1967.

Article 3. Section 339 of the Labour Code establishes 80 kilos as the maximum weight for sacks of products or merchandise to be carried by one worker. A greater weight is permitted for sacks containing saltpetre, wheat or cement, which may weigh up to 86 kilos.

Article 4. The provisions for the enforcement of the Convention have been laid down taking account of physiological harm which could be occasioned by the manual transport of sacks.

Article 5. No information is available on the instruction of workers assigned to manual transport of loads other than light loads.

Article 6. Section 2 of Decree No. 2494 states that sacks without handles can be lifted with hooks if the contents cannot be damaged as a result. In practice attempts are made to facilitate the manual transport of loads by suitable technical devices.

Article 7. There are no special standards regarding the transport of loads by women or young workers; however, the weight limit laid down in section 339 of the Labour Code applies to all workers, irrespective of sex or age.

Article 8. The consultations referred to in this Article have not taken place.

MADAGASCAR

Labour Code (Ordinance No. 60-119 of 1 October 1960)  
(LS 1960 - Mad. 1).

Decree No. 62-152 of 28 March 1962 to prescribe the conditions of work of children, women and pregnant women (LS 1962 - Mad. 2).

The question of the maximum permissible weight to be carried by one worker is regulated by the Labour Code.

There are no special provisions limiting the weight of a load to be borne by an adult male.

However, Decree No. 62-152, mentioned above, regulates the handling of loads by women and young persons.

Article 5 of the Convention. Effect is given to this Article by means of the Vocational Training Programme in which the ILO is co-operating.

Article 6. As concerns technical devices for limiting or facilitating the manual transport of loads, they can be provided only to a certain extent in view of the resources at present available in Madagascar. The docks and the railways are equipped with machinery and appliances for the transport of loads.

Article 7. The provisions of Decree No. 62-152, already mentioned, are intended to ensure application of this provision of the Convention.

The regulations to be issued under the proposed Labour Code will certainly contain provisions giving effect to those of the Convention.

Convention No. 129: Labour Inspection  
(Agriculture), 1969

FRANCE

Decree No. 53-850 of 16 September 1953 (amended) concerning the special status of Inspectors of Social Legislation in Agriculture.

Decree No. 70-874 of 16 September 1970 concerning the special status of Officers for the Control of Social Legislation in Agriculture.

Ministerial Order No. 3594 of 30 June 1966 concerning the organisation, functions and operation of the Inspectorate of Social Legislation in Agriculture.

Decree No. 48-567 of 30 March 1948 concerning the duties of Labour and Manpower Inspectors in Overseas Territories.

Article 1 of the Convention. Agricultural social legislation, for which the Ministry of Agriculture is responsible, has existed for a long time in France. Since 1914, when laws relating to occupational accidents, social security and family allowances were enacted, three lists of agricultural and related activities have been issued. It is to these that the laws and regulations on agricultural social matters refer as a means of defining their area of application. In the event of disputes regarding the agricultural or non-agricultural nature of an undertaking, the matter is settled by the courts.

Article 3. France has a special inspection system for agriculture: "The Inspectorate of Social Legislation in Agriculture". In the overseas departments it is the ordinary labour inspectorate (responsible to the Ministry of Labour) which carries out the inspection of conditions in agriculture with the assistance, in each province (except Guyana) of an inspector and officer specialised in agricultural matters.

Article 4. French legislation applies to all wage earners in the undertakings referred to in Article 1 of the Convention, whatever their background, including apprentices.

Article 5. The workers referred to in subparagraphs (a), (b) and (c) of paragraph 1 of this Article are under the control of the inspectors of social legislation in agriculture as they are covered by the social security scheme for agriculture. They are placed under the control of these inspectors by sections 1024 to 1027 of the Rural Code. Consequently, it is unnecessary to submit the declaration foreseen in paragraph 2 of the Article.

Article 6. The inspectors of social legislation in agriculture are responsible for enforcement of the legal provisions relating to working conditions and the protection of workers while engaged in their work, in accordance with subparagraphs 1(a), (b) and (c) and paragraph 2 of this Article.

Section 4 of Decree No. 53-850 of 16 September 1953 stipulates that "the inspectors shall be responsible for all social questions affecting rural life".

In addition, section II, subsection 6, of Ministerial Instruction No. 3594 of 30 June 1966 provides that inspectors shall take all appropriate measures to provide information and instruction regarding the legislation for the enforcement of which they are responsible.

Inspectors of social legislation are also responsible for providing information to guide official action (section 4, subsection 2 of the Decree of 16 September 1953).

Except in overseas departments, labour inspectors in agriculture take part in the enforcement of legislation relating to occupational and preventive medicine, working conditions and family allowances, education and family allowances. They are also required to chair and promote the activities of joint committees for the establishment of collective agreements, to serve on the joint committees responsible for drawing up labour regulations for their departments, for chairing regional conciliation committees and department conciliation sections for the settlement of collective labour disputes. The inspectors also have certain duties in connection with the organisation of agricultural structures in the half of the districts in which these cannot be performed by the specialised service of the Ministry of Agriculture. These tasks do not interfere with the discharge of their inspection duties.



Article 7. Labour inspection in France is the responsibility of several ministries, depending on the area of economic activity involved; the Prime Minister is the central authority referred to in Article 7.

The inspectorate of social legislation in agriculture is directed by an inspector-general assisted by a central service under a divisional inspector. The decentralised services comprise 19 districts, each directed by a divisional inspector and covering 3 to 8 departmental inspectorates. The departmental inspectors are assisted by social legislation officers.

Article 8. The inspectors and officers of social legislation in agriculture are public servants covered by the General Statute for the Public Service and the special status relating to inspectors and officers (inspectors: Decree of 16 September 1953; technical officers: Decree of 16 September 1970).

Officials or representatives of occupational organisations do not participate in the inspection of social legislation in agriculture.

Article 9. Inspectorate staff are recruited by competition; the written and oral parts of this competition are designed to test the intellectual aptitudes of the candidates for the duties of inspector or officer.

Information, further training and retraining are organised systematically throughout service. Study and information meetings take place several times annually for divisional inspectors and once annually for the entire body of inspectors. In addition, information days or further training sessions are organised annually for inspectors and officers, covering in particular occupational accident prevention in agriculture.

Article 10. Under section 1 of the special status for inspectors, women are not eligible for appointment as inspectors of social legislation in agriculture. However, women are eligible for appointment as officers. The creation of an inter-ministerial corps of inspectors, due to take place in 1975, which will incorporate the inspectors of social legislation in agriculture, will open inspector posts to women.

Article 11. The measures referred to in this Article are found in French law so far as concerns the Ministry of Labour, which may assign temporary duties, carrying with them the powers of labour inspectors, to medical and engineering consultants. The law contains no similar provisions for the Ministry of Agriculture, but the practice is followed.

Article 12. Co-operation with other inspection services as called for in Article 12 of the Convention exists, particularly as regards hygiene and safety.

The possibility provided in paragraph 2 of the Article exists in France in the accident promotion field where sworn officials of the agricultural mutual funds collaborate with the inspectorate.

Article 13. There is collaboration between the inspectorate and the occupational organisations. This is recommended by ministerial directives and has developed within the joint committees on collective agreements, those responsible for drawing up provincial regulations and during the settlement of collective disputes. It is achieved through the workers' and works council representatives.

Article 14

- (a) The inspectorate consisted on 1 January 1974 of 415 persons, comprising 246 inspectors and 169 officers;
- (b) the geographical distribution of the inspection offices is as follows: 19 regional (or divisional) inspectorates, each with its headquarters in the main town of an administrative region; 92 departmental inspectorates, each with its headquarters in a departmental capital.

Article 15. The inspectors of social legislation in agriculture have offices adapted to their needs and of easy access.

No vehicles are provided for the inspection officials, who use their private cars and are paid a mileage allowance. These officials are reimbursed for travelling and accommodation expenses in accordance with the regulations applicable to travel by civil employees of the State. Officials are reimbursed for expenses actually incurred when they use public transport. When travelling by train, inspectors travel first class and officers second class.

Article 16. The inspectors and officers for social legislation in agriculture possess a personal card equivalent to "a standing mission order".

The right of access of inspectorate officials to agricultural undertakings is governed by two texts: Decree No. 47-1038 of 7 June 1947 and article 990 of the Rural Code.

In overseas departments labour inspectors who are responsible for agricultural questions are empowered to enter undertakings by article 1-611-8 of the Labour Code. Samples of products may be taken by the inspectors of the Fraud Control Department of the Ministry of Agriculture at the request of the inspectors of social legislation.

A room in the home of the head of an agricultural undertaking usually serves as his office, where the inspectors or officers are received either on his invitation or on that of a member of his family. When carrying out an inspection officials are free to notify the head of the undertaking of their presence, or not, as they wish.

Article 17. Labour inspectors - or inspectors of social legislation in agriculture when agricultural undertakings are involved - are consulted by the prefect of the department regarding permission to open unhealthy or dangerous undertakings. The inspectors of social legislation are also responsible for enforcement of Labour Code provisions relating to the testing of safety materials, equipment or devices before marketing. Inspectors of social legislation have to be notified in advance by employers of any new work processes constituting a hazard for safety or health, in so far as the provisions of the Labour Code apply to agricultural undertakings.

Article 18. Inspectors and officers are empowered by the Act of 31 July 1929 and the implementing decrees to give formal notice to the heads of undertakings to remedy any defects found in workers' accommodation. Inspectors are empowered to direct the heads of undertakings to comply with the provisions of Volume 2 of the Labour Code, concerning health and safety, in cases where these provisions are applicable to farms and agricultural undertakings.

Under article L-263-1 of the Labour Code "where there is a serious risk to the health or safety of a worker due to failure to comply with the provisions of sections I (General Provisions), II (Health) and III (Safety) of Volume 2 of the Labour Code and their application orders, the labour inspectorate refers the matter to a judge in chambers to obtain an injunction for measures to eliminate the risk, such as withdrawal from service, stoppage, the seizure of equipment, machines, devices, products, etc. The judge may also order the closure of a workshop or site". The inspector of social legislation exercises the powers of a labour inspector whenever the aforementioned provisions of the Labour Code apply to farms and agricultural undertakings.

As part of their continuing information responsibilities, the inspectors of social legislation may propose to the Ministry of Agriculture the approval or withdrawal of approval of equipment or parts of equipment declared dangerous.

The employer and the workers concerned are always informed by the inspector of social legislation of the measures taken. The employer is usually present during inspections and subsequently receives written confirmation of the measures in a letter or formal directive from the inspector, as appropriate.

Article 19. It is the agricultural mutual funds, which are responsible for the application of legislation on occupational accidents, which notify the inspector of social legislation in agriculture of all occupational accidents or diseases.

Article 20. Inspectors of social legislation are prohibited by the General Public Service Statute from having "interests likely to compromise their independence" in undertakings under their supervision.

Before taking up duty, inspectors of social legislation take an oath "not to reveal or use any information which comes to their knowledge in the course of their duties".

There is no legal obligation on inspectors of social legislation "to treat as absolutely confidential the source of any complaint". A clause of this type would be difficult to apply in small undertakings employing only one or two workers. It could be applied in larger undertakings where the inspector could carry out his visit in the course of a periodical inspection. In practice, the inspectors act as the individual circumstances dictate.

Article 21. Inspections are thorough but their frequency depends on the number of inspectors available. Undertakings in which working conditions are open to criticism are visited more frequently. Systematic checks take place either in all agricultural undertakings in a given district or, preferably, in all undertakings of a given type (forestry work, co-operatives, etc.).

Article 22. The relevant legislation provides penalties for any violation, ranging from minor offences to crimes. Inspectors of social legislation are free to give warnings before instituting proceedings.

Article 23. Inspectors' reports are held to be correct until proof is brought to the contrary. These reports are submitted to the public prosecutor's office. Penalties are pronounced by the courts.

Article 24. The relevant legislation provides penalties for breaches of the rules. The penalties laid down in the Labour Code for obstructing labour inspectors in the performance of their duties are applicable to the obstruction of inspectors of social legislation.

Article 25. Divisional and departmental inspectors submit an annual report.

Article 26. A consolidated annual report is prepared by the head of the Inspectorate of social legislation. The practice of submitting a report each year was stopped in 1959, and since then reports have covered several years; the last report submitted to the ILO covered the years 1967-71.

Action will be taken to return to the previous practice; the yearly reports will normally be sent to the ILO.

Article 27. The reports by the inspectors of social legislation cover most of the points listed in Article 27. Accident statistics are published by the bodies which manage the agricultural mutual funds.

#### Comoro Islands

The Convention is not applicable in the Comoro Islands.

Act No. 52-1322 of 15 December 1952.

Order No. 72-189/PRC/IT-C of 22 February 1972 respecting the organisation of the Inspectorate of Labour and Social Legislation in the Comoro group.

The Inspectorate of Labour and Social Legislation in the Comoro Islands is responsible for all matters relating to working conditions, labour-management relations and the employment of workers in agriculture, industry and commerce.

Consequently there is nothing new to report since the last report on labour inspection, with the exceptions of Order No. 72-189/PRC/IT-C of 22 February 1972 and Order No. 74-845/PRG/FOF of 9 September 1974 to supplement Order No. 72-189/IT-C in respect of vocational training.

---

The Labour Inspectorate comprises:

- a territorial inspectorate of labour, manpower and social security, which is the central organ of the labour administration;
- a regional inspectorate of labour and social legislation covering Grand Comoro and Mohéli;
- a regional inspectorate of labour and social legislation covering Anjouan and Mohéli.

The regional inspectorates are responsible for the enforcement of laws and regulations relating to labour, manpower and social security in the administrative regions under their control and within the terms of reference allotted to the inspectors of labour and social legislation by the Labour Code.

#### French territory of the Afars and Issas

The Convention is not applicable in this territory.

The Inspectorate of Labour and Social Legislation, whose field of responsibility is extended by the Labour Code (Overseas Territories) to agricultural undertakings and workers, complies with all the requirements of the Convention.

#### New Caledonia

The Convention is not applicable in New Caledonia and its associated territories.

Act No. 52-1322 of 15 December 1952 establishing a Labour Code (Overseas Territories), and particularly Title VII, Chapter 1, thereof.

Article 1 of the Convention. The term "agricultural undertaking" is not defined in any statutory text or regulation.

However, Order No. 1589 of 5 December 1953 establishing hours of work and exceptions thereto in agricultural undertakings lists the establishments to be considered as "agricultural undertakings".

Article 4. The labour inspection system covers all wage earners, including those employed in agriculture (the field of application is defined in article 1 of the Labour Code).

Labour inspection covers all branches of the economy and the labour inspectors have general powers.

Article 5. No declaration has been submitted in respect of paragraphs 1 or 2 of this Article and it is not intended to exclude certain categories of wage earners from labour inspection.

Article 6. Under section 145 of the Labour Code (Overseas Territories) the Inspector of Labour and Social Legislation establishes regulations in matters for which he is responsible, ensures that the statutory instruments on labour and workers' protection are complied with, assists employers and workers with advice and recommendations, co-ordinates and supervises the services and bodies which assist in giving effect to the social legislation, carries out all studies and inquiries bearing on the various social problems affecting the overseas territories, except those which are within the province of the technical service, although he may be called upon to collaborate with those services.

Article 7. There is no labour inspectorate specialised in agriculture.

The Inspectorate of Labour and Social Legislation, which is responsible for enforcement of labour legislation in agriculture, is under the technical authority of the Central Ministry of Labour, as it is a state and not a territorial service. The Territorial Inspector of Labour and Social Legislation is responsible for labour and social legislation inspection. The labour inspection service properly speaking is directed by an inspector of labour and social legislation, who is the deputy of the Territorial Inspector.

The labour inspection services are centralised in Nouméa. This centralisation is due mainly to the fact that most of the workers and employers are located in the administrative district of Nouméa.

Article 8. Under section 148 of the Labour Code, the Inspectorate of Labour and Social Legislation has permanently at its disposal such staff, equipment and supplies as are needed for its work, and the operating costs of the services and the cost of the special missions and facilities referred to in the Decree of 17 August 1944 are compulsorily debited to the local budgets. Under section 149 of the Labour Code, the status of inspectors of labour and social legislation is governed by decree in the form of public administrative regulations issued on the advice of the Minister for Overseas France and the Secretary of State responsible for the civil service.

There are no officials or representatives of occupational organisations in the labour inspection system.

Article 9. The inspectors of labour and social legislation are recruited by national competition.

No officials in the overseas territories are specially trained for labour inspection in agriculture.

Article 10. Women may be appointed on an equal footing with men in the labour inspection services. There are no women labour inspectors in New Caledonia at present.

Article 11. Section 154 of the Labour Code (Overseas Territories) invests labour inspectors with the right to call upon medical practitioners and technicians or to be accompanied by them during their inspections.

Article 12. No institution or service performs for agriculture functions similar to those of labour inspection.

Article 13. The interests of agriculture are not represented by any employers' or workers' organisations apart from the Chamber of Agriculture.

Article 14. There is no labour inspection service specifically for agriculture.

On 30 June 1974 the number of workers employed in agriculture was estimated at 1,200, spread over 318 undertakings.

The number of inspectors is at present sufficient for all inspection duties in the various branches of activity, of which agriculture, as indicated above, is the smallest.

Article 15. The labour officers and inspectors are provided with all material facilities necessary; each one possesses in particular an office and a vehicle and has the use of a secretarial pool.

The expenses of visits are reimbursed on the basis of a travel log, in accordance with the provisions of Order No. 118 of 1 February 1934 and the amendments thereto.

Article 16. The provisions of this Article of the Convention are embodied in section 154 of the Labour Code (Overseas Territories).

Article 17. No action has been taken for the application of this Article. In practice there are very few cases in which an inspection report could contain reservations.

Article 18. Section 153 of the Labour Code and section 59 of Order No. 1848 of 7 December 1955 empower labour inspectors to have alterations carried out or to take measures with immediate executory force by serving formal notice and presenting official reports.

In serious cases (immediate closure of a workplace) the labour inspector may notify the public prosecutor's office, which immediately sends a police officer to serve notice of closure.

The defects noted and the orders made are recorded in the appropriate part of the employer's register. If they are serious, they are confirmed by letter, a copy of which is addressed to the workers' representative.

Article 19. Occupational accident reports have to be submitted to the medical labour inspector, who may conduct an investigation with the labour inspector if necessary.

Article 20. The provisions of this Article are applied by sections 151 and 152 of the Labour Code.

Article 21. Priority is given to the inspection of undertakings to which the labour inspector's attention has been called by a complaint, a request for an inspection, etc. Some undertakings may therefore be visited several times in one year and others only once in two years.

Article 22. The Labour Code provides various penalties for violations of labour legislation, but the labour inspector is free to use his discretion and may either comment and give advice, serve formal notice or submit an official report.

---

Article 23. Not applicable.

Article 24. Title IX of the Labour Code fixes penalties for violations of legal provisions for the enforcement of which the labour inspectors are responsible and for obstruction of the inspectors in the performance of their duties.

Article 25. The labour inspectors prepare monthly reports containing merely statistical information.

The Inspectorate of Labour and Social Legislation prepares a general annual report, copies of which are sent to the various services concerned, to the central authority and to the ILO.

Article 27. The various data are given in the annual labour inspection report.

The only practical difficulties which sometimes arise in the application of the Convention are caused by the remoteness of some undertakings and the difficulty in locating them.

#### Réunion

See under France.

#### Guyana

See under France.

#### Guadeloupe

See under France.

#### Martinique

See under France.

#### MADAGASCAR

See under Convention No. 81.



Convention No. 130: Medical Care and  
Sickness Benefits, 1969

CZECHOSLOVAKIA

Act No. 20 of 17 March 1966 on Health Care of the People.

Act No. 54 respecting sickness insurance of employees, 1955  
(LS 1956 - Cz 3B), as amended.

Notification No. 88 respecting the sickness insurance of members of  
production co-operatives, 1967.

Act No. 103 respecting a social security scheme for co-operative  
farmers (LS 1964 - Cz 2B).

Part I. General provisions

Article 5 of the Convention. Persons whose employment is of  
casual nature are exempted from insurance under the Sickness  
Insurance Act. This category of person is, however, covered in  
respect of curative and preventive care provided by the State to  
all citizens. Persons temporarily working in the country for  
employers having no permanent residence therein are also exempted  
from sickness insurance.

Article 6. No account is taken of protection effected by  
means of voluntary insurance.

Article 7. Preventive care is not separated from curative care  
in the legislation since both are closely connected.

Part II. Medical care

Article 9. Curative and preventive care is afforded with a  
view to maintaining, restoring or improving the health of a person  
protected and his ability to work and to attend to his personal  
needs.

Articles 10 and 12. Health care is provided by the State to  
all citizens (and accordingly also to persons in receipt of a  
social security benefit and their dependants).

Article 13. Medical care in the extent required by the Con-  
vention, plus provision of services to convalescents, is assured by  
the national legislation.

Article 15. No qualifying condition exists with regard to  
provision of medical care.

Article 16. All the forms of medical care are provided through-  
out the contingency.

Article 17. Medical care is normally provided free of charge. However, payment may be demanded for some health services which are not indispensable.

Part III. Sickness benefit

Article 19. Recourse is had to subparagraph (b) of this Article. (According to which prescribed classes of the economically-active population, constituting not less than 75 per cent of the whole economically-active population are to be covered.) The Act respecting sickness insurance of employees, the notification respecting the sickness insurance of members of production co-operatives and the Act respecting a social security scheme for co-operative farmers in 1972 covered 99.19 per cent of the economically-active population.

Article 21. Recourse is had to the provisions of Article 22.

A. Sickness benefit is fixed on the basis of the employee's average net wage per working day, subject to a maximum of 120 Cz. crs. (five-day working week) or 100 Cz. crs. (six-day working week), which is quite exceptional. The basis for the calculation of the net daily wage is, in principle, the remuneration over the calendar year immediately preceding the beginning of the incapacity for work, less the income tax. Sickness benefit is payable, subject to fulfilment of the qualifying period of employment, up to one year at the rate of 60 per cent of the wage, from one to five years at the rate of 70 per cent, from five to ten years at the rate of 80 per cent, and ten years and over at the rate of 90 per cent, for the fourth and further days of sick leave. In cases of sickness due to employment injury these rates apply from the first day of incapacity. For the first three days sickness benefit is payable at the rate of 50, 60, 65 and 70 per cent, respectively. Sickness benefit is payable at the rate of 90 per cent when its amount is less than 16 Cz. crs. Children's allowances are also payable during sickness.

B. Recourse is had to paragraph 6(b) of Article 22. Workers engaged in manufacture of fabricated metal products (position 38 of the Classification) are selected as typical of skilled labour. In 1972 this category constituted 34.8 per cent of persons employed in industry.

C. Skilled employees' average net wage per day amounts to 98.04 Cz. crs.

D. Since the average rate of sickness benefit is 79 per cent of net daily wage, daily net sickness benefit is 77.45 Cz. crs. for a skilled worker who is employed five working days a week.

E and F. Daily children's allowances for two children during the work as well as during the contingency constitute 19.47 Cz. crs. per day.

G.  $\frac{D + F}{C + E}$  is 82.48 per cent.

Article 25. The right to sickness benefit is not conditioned by fulfilment of a qualifying period.

Article 26. Sickness benefit is payable from the first day of incapacity until recovery or the date when total or partial disability was certified. Normally, sickness benefit is payable for no longer than one year. It can be, however, payable after expiry of one year if there is reason to believe that the employee will soon regain his capacity for work.

Article 27. The funeral grant of 1,000 Cz. crs. is payable to the survivors of the employee for the burial arrangements.

#### Part IV. Common provisions

Article 28. Czechoslovak citizens may be reimbursed for the cost of the necessary treatment abroad. Those sent abroad by Czechoslovak authorities are reimbursed in any case. Cash sickness benefit may be suspended in cases referred to in paragraphs (b), (c), (d), (e), (f) and (g) of paragraph 1 of this Article.

Article 29. Right for appeal is secured.

Article 30. The State assures responsibility for the due provision of benefits.

Article 31. Medical care and sickness insurance are entrusted to the institutions governed by the public authorities.

Article 32. Non-nationals who normally work in Czechoslovakia are assured equality of treatment with the Czechoslovak citizens as regards medical care and sickness insurance.

Article 33. Derogation is made from the provisions of Article 26(1) of the Convention (granting of sickness benefit throughout the contingency).

#### Convention No. 131: Minimum Wage-Fixing Convention, 1970

##### FRANCE

Article 1 of the Convention. The Act of 2 January 1970 to revise the minimum guaranteed wage and establish a minimum growth wage aims at guaranteeing workers with the lowest remuneration not only the purchasing power of their wages but also a fair share in the economic development of the nation.

The purchasing power is maintained by means of a new sliding scale system that enables the rate to be readjusted whenever the national consumer price index reaches a level corresponding to an increase of at least 2 per cent over the last recorded minimum wage index.

Apart from readjusting the minimum wage by the sliding scale system, the minimum wage must be reviewed on 1 July of each year following consultation with the Higher Committee on Collective Agreements (which groups the most representative trade union organisation and the family associations) which sends the Government a report containing its views. The annual increase in the purchasing power of the minimum growth wage may not be less than half the increase in the purchasing power of average hourly wages recorded by the quarterly survey during the same year.

The minimum growth wage is applicable to almost all persons employed in the private sector in all occupations. The only persons to whom it does not apply are concierges and domestic servants for whom it is impossible to work out exactly how many of their hours of presence are actual working hours. There are, however, a number of regional or local agreements providing effective safeguards for this category of workers.

Article 2. The statutory provisions concerning the minimum growth wage are not subject to exemption. Penalties provided in this connection are fairly heavy to act as an effective deterrent.

Article 3. Under the French system for determining minimum wages no account is taken of factors of a family nature.

Article 4. Since 1 July 1972 the minimum growth wage, following successive rises, rose to 6.40 francs on 1 July 1974, corresponding to an over-all increase of 48.8 per cent. The purchasing power of the minimum wage has risen by 21.4 per cent in two years.

The minimum growth wage applicable in overseas departments has, on the whole, followed a similar trend.

In addition, clauses have been established designed to provide for a faster increase in the lowest wages, to institute monthly guarantees and provide for the granting of new social benefits.

Article 5. The supervision of the application of statutory provisions is carried out either directly by the labour inspectorate or directly by bodies of officials working for the technical ministries but under the authority of the Minister of Labour.

#### Comoro Islands

The Convention does not apply to the Comoro Islands.

Act No. 52-1322 of 15 December 1952 establishing a Labour Code (sections 91 to 98).

A labour consultative board composed of equal numbers of workers' and employers' representatives is responsible for studying the factors which may be used as a basis for determining minimum wages (study of minimum living wage, study of general economic conditions).

Apart from advising in cases in which it must be consulted, the labour advisory board may formulate conclusions on any matters connected with the making and implementation of collective agreements and particularly on their economic aspects.

Wage zones and guaranteed minimum interoccupational wages are established by the head of Government after receiving the recommendations of the labour advisory board.

If there is no collective agreement, or if there is no relevant provision in the agreement, the head of Government prescribes, by orders, the minimum wages payable in each occupational group, the minimum rates payable for overtime, night work or work on non-working days and, in appropriate cases, long-service and attendance bonuses.

The Government intervenes in the establishment of minimum wage scales only if there is no collective agreement or no relevant provision in the agreement applicable.

Enforcement is the responsibility of the Inspectorate of Labour and Social Legislation.

The numbers of wage earners in 1973 were: managerial grades - 464; salaried employees - 997; manual workers - 2,159; labourers - 9,886.

#### French territory of the Afars and Issas

The Convention is not applicable.

The provisions of Act No. 52-1322 of 15 December 1952 establishing a Labour Code (Overseas Territories) and particularly sections 95 et seq. satisfy all the requirements of this Convention.

#### Guyana

See under France.

#### Guadeloupe

See under France.

#### Martinique

See under France.

---

New Caledonia

---

The Convention is not applicable in New Caledonia and its associated territories.

Act No. 52-1322 of 15 December 1952 establishing a Labour Code (Overseas Territories) and particularly sections 95 and 163).

Order No. 58-388/CG of 26 December 1958 establishing the rate of the guaranteed minimum interoccupational wage, amended by Orders Nos. 69-239 of 8 May 1969, 69-488 of 6 November 1969, 74-316 of 24 June 1974 and 74-473 of 2 September 1974.

Article 1 of the Convention. Order No. 58-588 of 26 December 1958 as amended fixes the statutory minimum wage to be paid to workers not covered by collective agreements (all of which provide for better minimum rates). The workers to whom this minimum rate applies include domestic servants, agricultural workers and persons in some liberal professions, totalling about 4,000 workers (out of 30,101) on 30 June 1974.

All groups of wage earners are ensured a compulsory minimum starting wage established either by regulations or by agreement.

Article 2. The laws, regulations and agreements in respect of minimum wages have binding force on workers and employers. They form part of public policy and exceptions are not possible even with the agreement of the parties concerned.

Section 226 of the Labour Code establishes the penalties for breaches of the orders establishing minimum wage rates.

About 26,000 workers out of 30,101 have wages established by collective agreement, all of which are higher than the statutory minimum.

Article 3. Minimum wages are established on the basis of various studies, including those on minimum living wages and general economic conditions, and are submitted to the Labour Advisory Board (section 163 of the Labour Code).

Article 4. The statutory minimum wages and those fixed by regulations or wages agreements (including graded wage scales) are adjusted in accordance with variations in the cost-of-living index.

Section 8 of Order No. 58-388/CG of 26 December 1958 provides that: "the guaranteed minimum hourly wages for all trades established by the present Order are adjusted to the index established under Order No. 1 of 2 January 1957 instituting an official cost-of-living index in New Caledonia".

Under the collective agreements, wages are increased by "a cost-of-living allowance established by applying to the basic wage and length-of-service bonus an increase based on the official index figure established monthly by the Cost-of-Living Index Committee".

The official cost-of-living index thus directly affects the basic wage plus the service bonus.

The tables attached to this report show:

- (1) changes in the statutory minimum wage (hourly and monthly) as a result of variations in the cost-of-living index;
- (2) changes in the minimum wages of certain occupational groups between 1967/68 and December 1973/October 1974.

Article 5. The Inspectorate of Labour and Social Legislation is responsible for the effective application of all provisions relating to minimum wages.

The most common causes of individual labour disputes are those relating to non-payment of wages or the payment of substandard wages. In 1973, 561 individual disputes (or nearly 50 per cent of the annual total of 1,235) were in respect of wage claims.

### Réunion

See under France.

### LIBYAN ARAB REPUBLIC

Labour Act No. 58-2970 of 1970 (Al-Jarida al-Rasmiya, 1 May 1970) (LS 1970 - Libya 1).

Article 1 of the Convention. There is a single minimum wage applicable to all workers, including those working in agriculture and domestic service.

Employers' and workers' organisations are consulted through their representatives in the Advisory Council on Wages referred to in section 108 of the Act.

Article 2. Section 159 of the Labour Act.

Article 3. Recourse is had to research and local inquiries to ascertain standards of living and prices in various parts of the country.

Article 4. Section 108 of the Labour Act calls for the setting up of a Wages Council presided over by a representative of the Ministry of Labour, and comprising representatives of employers' associations and workers' organisations. This body is responsible for proposing general wages policies and for determining wage levels.

Article 5. Sections 110, 111, 112, 113 and 114 of the Labour Act (1970). Section 159 of the Labour Act prescribes the penalties applicable in cases of non-observance of any provision relating to minimum wages.

---

Convention No. 132: Holidays with  
Pay (Revised), 1970

---

SPAIN

Article 1 of the Convention. The Government is preparing a general provision fixing minimum annual holidays at 18 working days. Until this provision is promulgated the Convention is applied by means of ordinances and labour regulations and trade union collective agreements.

Article 2. Persons employed in agriculture are excluded from this Convention, as provided for in Article 15 of the Convention. Before ratifying the Convention, the Government consulted the national councils of workers and technicians and the employers. They also consulted all the persons in the agricultural sector defined in the Order to approve general regulations for rural work. The reason for the exclusion is that the said Order grants only 15 calendar days' holiday and that so far the length of holidays has not been extended by collective agreement.

Article 3. The minimum length of annual holidays with pay varies according to the labour ordinances and regulations. The minimum length exceeds that established in the Convention. A provision establishing 18 working days' holiday is in the course of preparation.

Article 4. All the labour regulations and ordinances provide for annual holidays with pay proportionate to the length of service when the latter is less than one year.

Article 5. No specific minimum period of service is required to entitle workers to holidays. The qualifying period varies according to length of service in the undertaking. Absence from work for justifiable reasons is considered as part of the period of service for the purposes of calculating annual holidays. It is forbidden to deduct from the annual holidays any special leave that has been granted during the year.

Article 6. When the minimum annual holidays are taken in working days, public holidays are not deducted. When the holidays are taken in calendar days and public holidays are counted as part of the holiday, the length of the latter is the same as or longer than that laid down in the Convention. Trade union collective agreements provide that days on which the workers has been ill or injured during the holidays shall not be counted as holiday days.

Article 7. Holiday remuneration is proportionate to normal wages. Article 35 of the Act respecting contracts of employment provides that cash payment shall be made at the beginning of the holidays.

Article 8. Workers are entitled to annual holidays with pay of seven consecutive working days or more. In accordance with collective agreements the holidays may be split up into minimum periods of two working weeks.

Article 9. Annual holidays with pay are taken during the year in which the worker becomes entitled to them.



Article 10. Labour regulations and ordinances and collective agreements determine the holiday period in accordance with the needs of the service and the interests of the staff. The labour courts settle disputes. It is compulsory for workers' representatives to be consulted concerning the holiday period.

Article 11. Section 35 of the Act respecting contracts of employment provides that if an employee ceases to perform services for the employer before he has taken his annual holidays with pay, he shall be entitled to payment corresponding to what he would have received, part of a month's service being calculated as a whole month.

Article 12. Under section 36 of the Act respecting contracts of employment any agreement which restricts the exercise of civil or political rights or prevents a worker from enjoying any social benefits provided by law becomes null and void. A worker may not give up his right to annual holidays with pay. It is prohibited to compensate a worker in cash for not taking a holiday.

Article 13. Under section 35 of the Act respecting contracts of employment, if an employee during his holiday performs work either for himself or for others which is counter to the purpose of the holiday, he is bound to refund to the employer the remuneration paid to him for the holiday.

Article 14. The labour inspection services (Act No. 39/1962 and Decree No. 2122/1971) supervise the application and enforcement of the regulations respecting holidays.

Convention No. 134: Prevention of  
Accidents (Seafarers), 1970

SPAIN

General provisions

Act No. 39 of 21 July 1962 respecting the organisation of the Inspectorate of Labour (LS 1962 - Sp. 4).

Decree No. 2122 of 23 July 1971 to approve the Labour Inspection Regulations (LS 1971 - Sp. 5).

Order of 9 March 1971 to approve the General Occupational Safety and Health Ordinance (LS 1971 - Sp. 2A).

Order of 9 March 1971. National Occupational Safety and Health Plan.

Decree of 11 March 1971. Occupational Safety and Health Committees.

Decree of 30 May 1974. Recast text of the General Social Security Act.

Decree of 22 June 1956. Occupational Accident Regulations.

---

Provisions in respect of seafarers

- Order of 28 October 1946. Labour Regulations for Sea Fishing.
- Order of 16 July 1959. National Labour Regulations for the Cod Fishing Industry.
- Order of 16 January 1961. National Labour Regulations for the Trawling Industry.
- Order of 26 July 1963. National Labour Regulations in respect of Seine and other Fishing.
- Order of 20 May 1969. Regulation of Work in the Merchant Marine.
- Order of 9 August 1970. Regulation of Work on Harbour Vessels.
- Decree of 28 October 1971. Inspection Regulations for Merchant Ships and Vessels.
- Order of 22 July 1965 (amended on 8 October 1968, 30 June 1969, 29 January 1970, 2 March 1971 and 26 April 1971). Rules for the Application of the SEVIMAR International Convention.
- Act of 30 December 1969. Special Social Security Provisions for Seafarers.
- Decree of 9 July 1970. General Regulations in respect of the Act governing the Special Social Security Provisions for Seafarers.

Article 1 of the Convention. In all the above-listed legislation the term "seafarers" relates to all persons who are employed in any capacity on board a ship other than a ship of war, i.e. workers occupied in sea transport (merchant marine) and sea fishing. The crews of warships are not included.

Article 2. The Decree of 22 June 1956 (sections 154 et seq.), the Order of 13 October 1967 (section 21) and the Violations and Penalties Regulations of the General Social Security System of 12 September 1970 (section 4, 1.1.K and 1.2.f) make it compulsory to report all accidents, whether serious or minor, within 24 hours of their occurrence. Reports are submitted on an official form on which all the information stipulated in the Convention has been given. Accident statistics were formerly compiled by the National Statistical Institute and are now compiled by the Technical General Secretariat of the Ministry of Labour. Responsibility for investigating the causes and circumstances of fatal or particularly serious accidents is vested in the National Labour Inspectorate by section 17 of Regulation 2122 of 23 July 1971. Safety campaigns are organised under the National Occupational Health and Safety Plan.

Article 3. General accident trends are investigated, in accordance with the General Occupational Health and Safety Ordinance (section 2, subsection 5), under the National Occupational Health and Safety Plan. The investigations can cover the shipping/fishing sector.

Articles 4 and 5. A draft of a special annex to the General Occupational Safety and Health Ordinance is at present under study and preparation for the merchant shipping sector, whose provisions cover all the points mentioned in Articles 4 and 5 of the Convention.

Article 6. Section 4, subsections 1, 2, 9 and 11 of the aforementioned General Ordinance complies with the requirements of Article 6 of the Convention in respect of the points listed in Article 4 of the Convention. Section 7, subsection 14, of the General Ordinance complies with the requirement that the texts or summaries of the measures mentioned in Article 4 of the Convention shall be brought to the attention of seafarers and displayed in a prominent position on board ship.

Article 7. The establishment of occupational health and safety committees is foreseen in a Decree of 11 March 1971. Furthermore, under Decree 432/71 a safety and health committee has to be formed on all vessels having a crew of 15 or more. The members of this committee include the master of the ship, the chief engineer, the chief deck officer, the officer in charge of the machine room, the ship's doctor, a petty officer and a seaman. The responsibilities of this committee are laid down in section 8, subsections A, B and D, of the aforementioned General Ordinance. Safety officials are appointed on other vessels. Every fishing vessel has at least one safety official.

Article 8. The Higher Occupational Safety and Health Council advises the Ministry of Labour, promotes and co-ordinates activities of official bodies and institutions with occupational safety and health responsibilities, promotes technical studies, publicises the results of occupational accident prevention measures and establishes the guidelines for the National Occupational Health and Safety Plan. Provision is made for official collaboration with bodies concerned with fishing who can collaborate in any way in implementing the Plan. In the case of the merchant marine, the same collaboration and contacts on health and safety questions are foreseen in all public bodies involved in the actual operation of ships.

Article 9. The undertaking is obliged by the General Occupational Health and Safety Ordinance (section 7, subsection 11) to give seafarers appropriate information concerning the hazards to which they may be exposed. The draft special annex to the Ordinance mentioned establishes the principle of vocational training for all seafarers serving on board ships. In compliance with this provision, the Ministry of Labour will direct the Under-Secretariat of Merchant Shipping to include health and safety amongst the subjects taught in seamen's schools and seamen's/fishermen's vocational training institutes. Other measures will include the organisation of conferences and talks, the publication of pamphlets and projection of films.

Article 10. Under Act 39 of 21 July 1962 (section 2, subsection (b)), the National Labour Inspectorate is responsible for supervising the general working conditions of seafarers, and particularly accident prevention. The Ministry of Labour convenes and organises congresses, assemblies or meetings on subjects relating to the prevention of occupational accidents. The inspection services are organised and operate in the manner established by the regulations of the National Labour Inspectorate as approved by Decree 2122 of 23 July. Inspections are carried out on ships of the merchant marine and the fishing fleet. Inspectors have free access to all ships, can question crew members and demand to see all documents; they can also order stoppage of work if they consider that there is a serious or imminent threat to the lives of workers.

## SWEDEN

Maritime Law of 12 June 1891 (No. 35) with amendments.

Act No. 243 of 1954.

Proclamation of 3 June 1960 (No. 487) with amendment No. 46 of 1974.

Act No. 719 of November 1965 with amendments.

Proclamation of 19 November 1965 (No. 908) with amendment No. 196 of 1972.

Article 1 of the Convention. The competent authority is the National Administration of Shipping and Navigation.

Article 2. All persons employed are covered by compulsory industrial insurance and special forms are provided for the reporting of all injuries. These are classified and assembled for statistical purposes. However, a special report is prepared on occupational accidents of maritime origin, which is based on the above reporting system. Steps are being taken to introduce a further system which will relate to "near-accidents".

Article 3. The above competent authority carries out the required research.

Articles 4 and 5. The necessary provisions have been issued by the above competent authority and are contained in the list of legislation above.

Article 6, paragraphs 1 and 2. Measures for inspection are provided for and provision made to ensure compliance.

Paragraph 3. Inspectors are qualified masters, chief engineers or naval architects.

Paragraph 4. Accident prevention and other safety notices are published and distributed to ships, shipowners, shipyards and others concerned. It is the duty of inspectors to inform crews on safety measures and relevant provisions.

Article 7. It is laid down in the Act that one or more members of the crew shall be appointed as safety representatives in ships with five or more crew. In special cases a representative must be appointed where there are less than five members. In ships with 25 or more crew there must be a safety committee set up.

Article 8. A programme has been set up based on the study mentioned under Article 2 above. Great emphasis is laid on safety inspections and new systems are being introduced. A national committee has been set up to study accident prevention on board ship and a Royal Commission is at present considering the working environment on board ships.

Article 9. Accident prevention is taught at officers' and seamen's schools. An annual booklet and other information about accident prevention is distributed on the ships.

Article 10. Informal contacts have been made with a view to implementing greater uniformity of action.

Convention No. 135: Workers' Representatives, 1971

FRANCE

Labour Code, Act No. 73-4 (2 January 1973) (Official Bulletin of the Ministry of State responsible for Social Affairs, No. 73-1 bis).

Act No. 73-680 dated 13 July 1973 (amending the Labour Code as regards termination of a contract of employment of indeterminate duration) (Official Gazette, 18 July 1973, No. 165, page 7,763).

Article 1 of the Convention. The Labour Code (section L. 412-2) forbids an employer, when making decisions on matters of recruitment, the organisation and allocation of work, vocational training, promotion, pay and social welfare benefits, and in connection with disciplinary action and dismissal, to take into consideration the fact of membership of, or active participation in the activities of, a union.

Under Act No. 73-680 (13 July 1973) an employer contemplating the dismissal of a worker must first of all summon the man to inform him of the reason or reasons for the action he (the employer) is contemplating and listen to the worker's views. The latter can appeal to the court against dismissal, if the grounds of dismissal are not substantial or based on fact, to seek either reinstatement or suitable compensation.

For the benefit of the trade union delegates (section L. 412-15) and the elected staff representatives in the undertaking, such as the staff delegates (section L. 420-22) and the members of the works council (section L. 436-1), the Labour Code lays down a special procedure for protection in the event of individual or collective dismissal or the non-renewal of a fixed-term contract of employment. By virtue of this procedure, the dismissal of any elected staff representative has to be referred to the works council or, in undertakings where there is none, directly to the labour inspector himself. Should the council refuse its agreement, dismissal may take place only with the consent of the competent labour inspector. Dismissals of trade union delegates, being referred directly to the labour inspector, cannot take effect until he agrees. Appeals may be lodged against the inspector's decision either with the Minister of Labour or with the competent administrative tribunal. Failure to follow this procedure is held to be equivalent to hampering the proper working of institutions representing the staff and as such is punishable by fines and imprisonment.

Article 2. The Labour Code offers certain facilities to workers' representatives in the performance of their functions. Thus, they are entitled to a number of hours of time off without loss of pay to perform their union duties (10 to 20 hours a month according to the kind of representative and the size of the undertaking as determined by the number of wage earners it employs) (sections L. 412-6, L. 420-19 and L. 434-1). Time spent by members of the works council at meetings is also paid for as time worked and is not counted as part of the authorised time off mentioned above (section L. 434-1).

The elected staff representatives, outside their regular statutory meetings, may where necessary ask for a meeting with the management. They are entitled to move freely throughout the undertaking and outside it (provided always that such movements are directly connected with their work as representatives of the staff and do not hinder or disorganise production). They enjoy the use of suitable premises and equipment and may (as happens with a works council, for instance) have the necessary staff to service their meetings and other business. Notice boards must be made available to them so that they can post up notices on work subjects for the staff. Throughout the undertaking, outside working hours and away from the actual workplaces, trade union pamphlets and tracts may be disseminated and the trade union dues collected without hindrance.

The staff representatives in the undertaking, like all other wage earners, enjoy educational leave, unpaid, lasting 12 days a year, to attend courses or meetings exclusively devoted to workers' education or trade union training. Besides this, they can ask for the assistance of representatives of their union from outside the undertaking in performing certain of their duties.

Failure to comply with the above rules is an offence punishable by fines and imprisonment.

Article 4. The types of workers protected and enjoying the facilities just described are defined by the Labour Code in sections L. 412-10 et seq. (trade union delegates), L. 420-1 et seq. (staff delegates) and L. 433-1 et seq. (members of the works council).

Article 5. The duties of a trade union delegate are compatible with those of a staff delegate and of a member of a works council. Although staff delegates and members of works councils are elected directly by the staff of the undertaking concerned, the right to present lists of candidates for office is reserved, for the first ballot, to the representative trade union organisations in the undertaking.

#### Comoro Islands

Overseas Labour Code (Act No. 52-1322 of 15 December 1952)  
(LS 1952 - Fr. 5; LS 1955 - Fr. 3).

Order No. 55-270/IT of 20 December 1955 concerning employees' delegates (Journal Officiel du Madagascar, 31 December 1955).

Article 1 of the Convention. Every proposed dismissal of an employees' delegate by the employer or his representative must be submitted to the Inspectorate of Labour and Social Legislation for a decision.

The employer may not immediately suspend the delegate concerned (while awaiting the final decision) unless there has been serious misconduct.

Article 2. The head of the undertaking must grant their employees' delegates the time needed to exercise their functions. Apart from exceptional circumstances, this time is limited to 15 hours per month. This time is considered as working hours and remunerated at the normal rates even if, by agreement between the parties, it has been taken outside statutory working hours or deemed to be equivalent to statutory hours.

The delegates meet the head of the undertaking or his representative at least once a month and at their request in cases of emergency.

Delegates representing particular categories of workers, workshops, branches or occupations also meet the head of the undertaking at their request.

Substitute delegates may accompany the titular delegates to meetings with the employer but, unless more favourable contractual provisions exist, this does not entitle them to remuneration.

At their request delegates may be assisted by a trade union representative of their occupation.

#### French territory of the Afars and Issas

Overseas Labour Code (LS 1952 - Fr. 5; LS 1955 - Fr. 3).

Order No. 477 of 14 April 1954 concerning the election of workers' representatives and the exercise of their functions (Journal Officiel de la Côte française des Somalis, 30 April 1955).

Act No. 56-416 of 27 April 1956 to ensure freedom of association and the protection of the right to organise (LS 1956 - Fr. 1).

Order No. 726 of 23 May 1956 to promulgate Act No. 56-416.

Section 167 of the Overseas Labour Code makes dismissal of an employees' delegate subject to prior agreement by the labour inspector (or his deputy).

Section 22 of Order No. 477 of 14 April 1954 grants these delegates 6 hours 40 minutes per month for trade union activities.

#### New Caledonia

Labour Code (Act No. 52-1322 of 15 December 1952) (LS 1952 - Fr. 5; LS 1955 - Fr. 3).

Act No. 56-416 of 27 April 1956 to ensure freedom of association and the protection of the right to organise (LS 1956 - Fr. 1).

Order No. 58-052/CG of 22 February 1958 issued under section 164 of the Overseas Labour Code, in respect of employees' delegates.

---

Article 1 of the Convention. Article 1 of Act No. 56-416 of 27 April 1956 provides that: "No employer shall take account of trade union membership or the pursuit of trade union activities in reaching any decision on such matters as ... disciplinary action and dismissal."

Special protection is afforded under section 167 of the Overseas Labour Code, repeated in section 22 of Order No. 58-052/CG of 22 February 1958, which provides that the dismissal of an employees' delegate shall be subject to prior decision by the inspector of labour and social legislation.

Article 2. Section 18 of Order No. 58-052 provides for employees' delegates to have a certain number of hours, considered and remunerated as hours of work, in which to exercise their functions (5 hours per month for a workforce of 11 to 50 workers, 10 hours for 51 to 100 workers, 15 hours for over 100 workers).

In exceptional circumstances (e.g. if the workplace is situated a long way from the main town of the area) the head of the undertaking must, at the written request of a delegate, authorise the grouping of the monthly hours granted over a period not exceeding three months during the year of the period of office.

According to section 19 of the Order "the head of the undertaking shall be required to make premises available to employees' delegates so that they may carry out their functions and, in particular, hold meetings".

Section 20 of the Order provides that the head of the undertaking or his representative shall receive workers' representatives once a month, during working hours, and at their request if necessary.

Employees' delegates may, if they so request, enlist the assistance of a representative from their trade union organisation in an advisory capacity.

Article 3. According to the law only employees' delegates are recognised as the workers' representatives who are entitled to the protection and facilities provided in the Convention.

In the Le Nickel company, which has 4,000 workers, a works committee was set up under a works agreement signed on 19 February 1969. The representatives of this committee and the shop stewards enjoy the same protection as the employees' delegates.

Article 4. See Article 3.

Article 5. Only the Le Nickel company has both trade union representatives and elected representatives.

In practice their activities are different and complementary, the employees' delegates dealing mainly with claims while the works committee is more concerned with problems of organisation.



HUNGARY

Act No. II (1967) to promulgate a Labour Code (Magyar Közlöny, 8 October 1967, No. 67, page 503) (LS 1967 - Hung. 2).

Order No. 1086 of the Hungarian Revolutionary Workers' and Peasants' Government and the Executive of the National Federation of Hungarian Free Trade Unions, respecting works councils, dated 17 November 1957 (Magyar Közlöny, 17 November 1957, No. 121, page 808) (LS 1957 - Hung. 2).

Transfer from one workplace to another or the dismissal of trade union representatives in the undertaking cannot be effected without the consent of the immediately superior trade union organ, on penalty of a fine. The elected members of works councils (üzemi tanácsok) enjoy the same legal protection as that afforded by the Labour Code to elected trade union officers.

State bodies and undertakings must work with the occupational unions, facilitate their work, keep them informed of the attitude adopted towards their comments and proposals, and explain the reasons for their position. In addition, state organs and undertakings must supply all requisite information about the application of rules and regulations concerning conditions of work.

Trade union officers and elected members of works councils are recognised as representatives of the staff of the undertaking and as such enjoy the protection and facilities provided for in the Labour Code.

SPAIN

Trade Union Act, No. 2, dated 17 February 1971 (Boletín Oficial del Estado, No. 43, 1971, page 2752) (LS 1971 - Sp. 1).

Presidential Decree No. 1878/1971 of 23 July 1971 to issue rules concerning the legal protection of and guarantees concerning persons elected to trade union office (Boletín Oficial del Estado, No. 193, 13 August 1971, page 13228).

Decree of the Ministry of Labour, No. 2381/1973 of 17 August 1973, to approve the second consolidated text under Act No. 24/1972 of 21 June 1972 respecting procedure in labour matters (Boletín Oficial del Estado, No. 236, 4 October 1973, page 19113).

Article 1 of the Convention. Section 51 of the Trade Union Act of 1971 establishes, as a basic principle, that trade union representatives, including works representatives, shall be protected by a legal system guaranteeing the performance of their functions with full freedom, independence, responsibility and the time necessary to carry them out, as well as the possibility of communication with those they represent and the exercise of the rights recognised by the said Act.

Sections 6 to 12 of Decree No. 1878/1971 deal with the various guarantees to protect trade union representatives in undertakings in respect of the termination or modification of their contract of employment or of disciplinary measures. Sections 107 to 117 of the consolidated text under the Act respecting procedure in labour matters provide for a special procedure to be followed in the event of dismissal of workers who have been elected to trade union office.

Article 2. In accordance with sections 13 to 18 of Decree No. 1878 of 1971, trade union representatives are allowed 40 working hours a month in which to carry out their trade union functions. This time, which can be increased by collective agreement or works agreement, is calculated as time worked so that the trade union representative is paid what he would have received had he been performing his normal work, including bonuses.

Moreover, in undertakings or workplaces with more than 50 workers trade union representatives are provided with adequate premises in which to carry on their representative trade union activities. Trade union representatives may distribute among the workers bulletins, periodicals and other printed matter, the publication of which is authorised as being of trade union or occupational interest. This distribution may not be carried out during working hours.

Articles 3, 4 and 5. For the purposes of the guarantees established, only elected trade union representatives shall be considered to represent the workers.

The law provides that the protection and facilities afforded to workers' representatives extend to all workers who have been elected to trade union office.

Article 6. Effect has been given to the Convention by means of the legislative provisions referred to at the beginning of this summary.

#### SWEDEN

Act of 11 September 1936 concerning the Right of Association and of Collective Bargaining (Svensk Författningssamling, 1936:506) (LS 1936 - Swed. 8), as amended in 1940 (LS 1940 - Swed. 3) and in 1974 (Svensk Författningssamling, 1974:374).

Act of 3 January 1949 concerning Workers' Protection (Svensk Författningssamling, 12 January 1949) (LS 1949 - Swed. 1), as amended in 1974 (Svensk Författningssamling, 17 June 1974).

Act of 9 January 1974 concerning Security of Employment (Svensk Författningssamling, 29 January 1974).

Act of 9 January 1974 concerning the Promotion of Employment (Svensk Författningssamling, 29 January 1974).

Act of 31 May 1974 concerning the Status of Shop Stewards at Workplaces (Svensk Författningssamling, 17 June 1974).

Article 1 of the Convention. All employees in Sweden are protected against unjustified dismissal (section 7 of the Act concerning Employment Security). Furthermore, the dismissal of an employee or any act prejudicial to the right of association shall be invalid and the employer is liable to compensate for damages arising from such procedures (Act concerning the Right of Association and Collective Bargaining, section 3). In addition to these general rules, trade union representatives at workplaces - shop stewards - are protected against dismissal or any act tending to worsen their terms and conditions of employment, as well as against dismissal or lay-off in case of redundancy (Act concerning the Status of Shop Stewards in Workplaces, sections 4, 5 and 8). Safety delegates appointed by a trade union, if any, or otherwise directly by the employees (Workers' Protection Act, section 42) and employees' representatives in adjustment groups (Promotion of Employment Act, section 15) are also protected against dismissal and prejudicial acts.

Article 2. A trade union representative must not be prevented by his employer from fulfilling his commission. He shall have the right to use a room or other space at the workplace and the right to time off as required for the trade union commission. However, an employer is entitled to refuse time off that jeopardises safety at the workplace, activities of importance for the community or other comparable interests (Status of Shop Stewards Act, sections 3, 6, 7 and 9).

Articles 3 and 4. The Act concerning the Status of Shop Stewards at Workplaces applies only to employees who at their place of work represent local workers' organisations which are currently or customarily party to collective agreements with the employer of the workers who are affected by the representatives' activities. The Acts concerning Employment Security and Employment Promotion cover trade union representatives as well as representatives appointed in some other way than through the local trade union.

A Royal Commission is at present drafting proposals for, among other things, greater powers for trade union representatives from outside the workplace.

Article 5. There is a general agreement that workers should be represented exclusively by existing trade unions. There is, in fact, no workers' representation outside the trade union movement.

- Convention No. 136: Benzene, 1971

FRANCE

Decree of 16 October 1939 (amended by Decree No. 47-1620 of 23 August 1947) respecting hygiene measures in undertakings where workers are exposed to the hazards of benzene poisoning (Journal Officiel of 21 October 1939 and 28 August 1947).

Order of 25 March 1943 establishing the list of industrial occupations covered by the Decree of 16 October 1939 as amended (Journal Officiel of 28 March 1943).

Order of 25 March 1943 establishing exceptions to the requirements of the Decree of 16 October 1939 as amended (Journal Officiel of 28 March 1943).

Order of 10 September 1947 establishing the terms of the notice giving warning of a benzene-poisoning hazard (Journal Officiel of 18 September 1947).

Order of 11 September 1947 establishing the terms of recommendations in respect of medical examinations carried out under the Decree of 16 October 1939 as amended (Journal Officiel of 18 September 1947).

Decree No. 69-446 of 14 June 1969 respecting the prohibition on the use of benzene as solvent (Journal Officiel of 20 June 1969).

Order of 10 October 1950 as amended by Order of 18 December 1951 establishing labelling rules for containers used for hydrocarbons containing benzene or other substances used industrially which contain benzene (Journal Officiel of 21 October 1950 and of 22 December 1951).

Order of 14 September 1972 as amended by Order of 15 February 1974 establishing a list of dangerous substances and preparations and rules for their labelling and packaging (Journal Officiel of 14 November 1972).

Article 1 of the Convention. The Decree of 16 October 1939, as amended, applies to those parts of undertakings covered by article L. 231-1 of the Labour Code.

Article 2. Many collective agreements which are applied throughout the country or a region contain provisions calling for the replacement of poisonous products by harmless or less harmful products.

Article 3. The Order of 25 March 1943 establishes the conditions under which derogations may be permitted from the Decree of 16 October 1939 as amended.

Article 4. Decree No. 69-646 prohibits the use of solvents or diluents containing more than 1 per cent by volume of benzene.

Articles 5, 6, 7 and 8. Technical protection measures are set out in the Order of 10 September 1947 establishing the terms of the notice regarding benzene-poisoning hazards (the removal of toxic vapours as they are produced, adequate ventilation to ensure that the benzene content of the workplace atmosphere does not exceed about  $0.1 \text{ g/m}^3$ ). It is stipulated that workers should change clothing when their work is finished and wash themselves thoroughly. In some cases workers are provided with personal protective equipment.

Article 9. The Decree of 16 October 1939 provides for a pre-employment medical examination and periodic re-examinations. The frequency of the latter is established by regulations. The medical examinations must include a blood test.

Article 10. The medical examinations are carried out by the industrial medical officer and do not involve the workers in any expense.

Article 11. At the time of the pre-employment medical examinations, pregnant women, nursing mothers and persons under 18 years of age are declared unsuitable.

Article 12. A label or marking has to be applied to containers holding benzene or products containing benzene.

Article 13. In establishments where workers are exposed to the hazard of benzene poisoning a notice has to be displayed indicating the dangers of benzene and the precautions to be taken. The head of the undertaking must ensure that any person complaining of being unwell as a result of the work being carried out is examined by a doctor.

Article 14. Heads of undertakings are responsible for the application of the health measures described; the health and safety committees, staff delegates and an industrial medical officer collaborate in the application of these measures. Enforcement is the responsibility of the Inspectorate of Labour and Manpower.

#### Comoro Islands

No special regulations have been issued in compliance with the Convention, as no work is done on the Comoro Islands which could cause diseases arising from benzene poisoning.

#### French territory of the Afars and Issas

Although there is at present no industry using benzene and constituting a health hazard for workers, the authorities of the territory will take all necessary measures to ensure compliance with this Convention after an inquiry has been conducted by the Ministry of Labour.

#### Guadeloupe

See under France.

#### Guyana

See under France.

#### Martinique

See under France.

---

New Caledonia

Act No. 52-1322 of 15 December 1952 establishing a Labour Code (Overseas Territories) (LS 1952 - Fr. 5).

Order No. 1848 of 7 December 1955 establishing the hygiene and safety measures applicable in undertakings in New Caledonia.

Order No. 60-360/CG of 9 December 1960 establishing the special hygiene and safety measures applicable in undertakings in which the workers are exposed to the hazard of poisoning arising from benzene.

Article 2 of the Convention. There are no specific regulations, but in practice harmless or less harmful substitute products are used whenever possible.

Article 3. All proposed measures relating to occupational hygiene and safety have to be referred to the Advisory Technical Committee, whose members include technicians and workers' and employers' representatives.

Article 9. Special medical supervision as foreseen in the Convention is provided for in sections 3 to 7 of Order No. 60-360.

Article 14. The labour inspectors and the medical labour inspector are responsible for supervising the application of the Order by the employer, who is responsible for its application.

Réunion

See under France.

## HUNGARY

Regulations for the prevention of benzene poisoning (appendix to Ordinance No. 12/1972/VII.12/EUM).

Decree No. 34 of 8 October 1967 issued under Act No. II of 1967 to promulgate a Labour Code (LS 1967 - Hun. 2B).

The provisions of the legislation which ensure the application of the Convention are indicated under each Article in the report.

No derogations have been granted under Articles 3 and 9 of the Convention.

LIST OF REPORTS CONTAINING INFORMATION WHICH  
HAS NOT BEEN SUMMARISED

- A. Reports containing information on important changes in the implementation of Conventions, or information supplied in reply to Observations or Direct Requests made by the Committee of Experts.
- B. Reports containing information on the practical effect given to Conventions, or on minor changes in their implementation.
- C. Reports merely repeating or referring to the information previously supplied.

Country	A Conventions Nos.	B Conventions Nos.	C Conventions Nos.
Australia	15, 26 .	9, 47, 99	7, 11, 21, 27, 45
New Guinea	-	7	8, 45
Norfolk Islands	-	-	122
Papua	-	7	8, 45
Austria	5, 33, 100, 102, 103, 128	13, 45, 87, 99	11, 21, 27, 98
Barbados	26, 87, 98	81, 101	7, 11, 50, 86, 97, 108
Belgium	1, 26, 97, 100, 122	5, 13, 14	7, 8, 9, 11, 15, 27, 43, 45, 58, 62, 68, 87, 98, 112
Byelorussian SSR	103	-	-
Burma	26	1, 87	11, 14, 15, 21, 27, 52
Bolivia	26, 87, 107	-	5, 14
Brazil	11, 26, 91, 97, 98, 103, 107, 108, 122	99, 101, 106, 111	5, 7, 14, 21, 45, 58, 92, 100, 120
Bulgaria	3, 27, 120	1, 14, 26, 35, 36, 37, 38, 39, 49, 68, 106, 111	7, 8, 9, 13, 15, 20, 21, 30, 32, 43, 45, 58, 59, 60, 62, 87, 98, 100, 112, 123

Country	A Conventions Nos.	B Conventions Nos.	C Conventions Nos.
Burundi	50, 64, 94	14, 26	-
Cameroon	9, 26, 87, 100, 122	33, 99, 123	3, 5, 11, 13, 14, 15, 45, 98
Western Cameroon	50, 64, 97	-	-
Canada	1, 26, 45, 111	33	7, 8, 14, 15, 27, 32, 58, 68, 108
Central African Republic	-	99	3, 11, 13, 14, 26, 33, 62, 67, 81, 87, 94, 95, 98, 100, 105, 111, 117, 118
Chad	14, 87	-	5, 6, 11, 26, 33, 41, 100, 105, 111
Chile	1, 17, 18, 19, 24, 25, 26, 29, 34, 35, 36, 37, 38, 63, 122	3, 6, 9, 30	2, 4, 5, 7, 8, 10, 11, 12, 13, 14, 15, 16, 20, 22, 27, 32, 45
Colombia	26	1, 14, 20, 99	5, 7, 8, 11, 15, 21, 100, 111
Congo	26, 119	-	5, 11, 13, 14, 33, 87
Costa Rica	29, 98, 99, 120, 122	92	11, 45, 81, 100, 111, 112
Cyprus	119, 128	-	11, 15, 45, 97, 98, 106, 123
Dahomey	26	-	5, 11, 13, 14, 33, 87, 100, 111
Denmark			
Greenland	122	98	-
Egypt	1, 26, 94, 95, 98, 111	106	14, 30
El Salvador	105	-	107
Ecuador	24, 29, 95, 98, 103, 115, 117, 119, 120, 123, 124, 131	45, 106	11, 101, 104



Country	A Conventions Nos.	B Conventions Nos.	C Conventions Nos.
Ethiopia	-	98, 111	11, 87
Finland	9, 91, 100, 108, 111, 122	7, 13, 20, 30, 32, 119, 120	8, 11, 14, 15, 21, 27, 45, 62, 87, 98
France	9, 35, 91, 97, 100, 105	5, 11, 14, 15, 26, 33, 36, 37, 38, 43, 49, 87, 98, 99, 106, 108, 112	3, 8, 13, 45, 58, 62, 68
Overseas departments:			
Guadeloupe	91	14	5, 58, 68
Guyana	91	14	5, 58, 68
Martinique	91	14	5, 58, 68
Réunion	91	14	5, 58, 68
Overseas territories:			
Comoro Islands	-	-	5, 14, 33
New Caledonia	-	3	-
French Polynesia	29	3, 14, 82	5, 6, 33, 95
French terri- tory of the Afars and Issas	-	3	5, 14, 33
Gabon	-	111	33, 41, 95
Germany, Fed. Rep. of	3, 9, 11, 62, 97, 100, 102, 111, 128	26, 98, 99	7, 8, 15, 27, 45, 87, 112
Ghana	50, 98, 100, 117, 119	26, 59, 106, 107	8, 11, 15, 45, 58, 64, 87, 111, 120
Greece	3, 87, 98	5, 45, 52	11, 14, 27
Guatemala	87, 97, 99, 108, 111, 119	26, 45, 98, 100	30, 58, 86, 106, 110, 112
Guinea	-	-	100
Honduras	29, 32, 42, 62, 108	14, 87, 98, 106, 111	45

Country	A Conventions Nos.	B Conventions Nos.	C Conventions Nos.
Hungary	62, 87, 100, 122	123	3, 7, 13, 14, 15, 21, 26, 27, 45, 98, 99, 103, 111
India	26, 100, 111	1, 11, 14	5, 15, 21, 27, 32, 45
Indonesia	29, 120	100	27, 45, 98
Iran	108	14, 106, 111	-
Iraq	1, 8, 26, 27, 98, 122	30, 111	13, 14, 59
Ireland	98	5, 20, 108	7, 8, 11, 14, 15, 21, 23, 27, 43, 49, 68
Iceland	91, 100	-	11, 15, 58, 87, 98, 111
Italy	32, 91, 97, 100, 102	3, 14, 26, 35, 36, 37, 38, 39, 40, 60, 68, 106, 111	7, 8, 9, 11, 13, 15, 27, 45, 58, 59, 87, 98, 108
Jamaica	8, 26	97	7, 11, 15, 50, 58, 64, 86, 87, 98
Japan	26, 27, 87, 98, 100	5, 7, 9, 15, 45, 58, 131	8, 50
Kenya	26, 64, 86, 98	14, 81, 99, 123	5, 11, 15, 27, 32, 45, 50, 58, 59, 97
Khmer Republic	13, 29	-	-
Kuwait	87, 111, 119	1	30, 106
Lebanon	81	89	90
Liberia	87, 98	-	29, 53, 111
Libyan Arab Republic	1, 3, 98, 100	14, 111	-
Luxembourg	27	11, 20	10, 13, 98
Malaysia	-	-	11, 45, 50, 64, 98

Country	A Conventions Nos.	B Conventions Nos.	C Conventions Nos.
States of Malaya			
State of Sabah	-	-	97
State of Sarawak	-	-	14
Malawi	-	26	11, 45, 50, 64, 86, 97, 98, 99, 100, 107, 111
Mali	26	14, 87, 111	5, 11, 13, 33, 41, 98, 100
Malta	8, 26, 108, 111	99	5, 7, 11, 15, 32, 35, 36, 87, 98
Morocco	26	14, 99	11, 13, 15, 27, 45, 98, 111
Mauritius	2, 8, 26, 50, 63, 64, 86, 98, 105, 108	5, 11, 14, 84, 99	7, 15, 32, 58, 59, 97
Mexico	9, 13, 32, 62, 87, 99, 102	26, 49, 120, 123	8, 11, 14, 21, 27, 30, 43, 45, 58, 100, 106, 108, 110, 111, 112
Mongolia	59, 87, 98, 103	-	100, 111
Netherlands	100, 102, 128	5, 14, 26, 33, 68, 99, 106	8, 13, 15, 21, 27, 32, 58, 62, 112, 123
New Zealand	1, 11, 122	9, 14, 26, 30, 32, 47, 59, 97	15, 21, 45, 49, 50, 58, 64
Niue Island	-	14, 50, 64	-
Tokelau Islands	-	-	50
Nicaragua	-	26	5, 7, 10, 11, 14, 15, 16, 19, 21, 23, 27
Nigeria	50, 87, 97, 98	26, 64	8, 11, 15, 32, 45, 58, 59
Norway	97, 111	5, 9, 26, 30, 32, 43, 49, 59, 68, 119	7, 8, 11, 13, 14, 15, 21, 27, 50, 58, 87, 98, 108, 112, 120

Country	A Conventions Nos.	B Conventions Nos.	C Conventions Nos.
Pakistan	1, 87, 96, 98, 111	59, 106	11, 14, 15, 21, 27, 32, 45
Panama	8, 9, 13, 15, 26, 27, 32, 64, 68, 81, 87, 100, 107, 108, 112, 119, 120	3, 20, 30, 43, 98, 110, 111	11, 21, 45, 58, 86, 123
Paraguay	87, 99, 100	1, 59, 60, 111	30, 73, 123
Peru	1, 8, 9, 24, 25, 29, 35, 36, 37, 38, 39, 41, 59, 62, 68, 69, 71, 73, 81, 88, 98, 100, 102, 105, 107, 114, 122	12, 14, 19, 20, 40, 56, 67, 90, 99, 111	4, 11, 26, 27, 32, 45, 58, 87, 112, 113
Philippines	59, 94, 98, 111	99, 100	110
Poland	11, 36, 87, 91, 98, 111, 122	35, 37, 38, 39, 40, 120	5, 7, 8, 13, 14, 15, 27, 45, 62, 68, 100, 112
Portugal	1, 17, 18, 19, 29, 68, 69, 74, 91, 92, 98, 100, 105, 108, 111	6, 12, 14, 26, 27, 45, 73, 81, 89, 104, 106	7
Romania	9, 11, 14, 27, 87	1, 3, 7, 100	5, 8, 13, 15, 98
Rwanda	-	-	11
Senegal	26, 102, 120, 125	12, 33, 87, 89, 98, 99, 111	4, 5, 10, 11, 13, 14, 52, 95, 96, 100, 101, 122
Sierra Leone	8, 26, 100, 105, 119	29, 99, 111	5, 7, 15, 32, 45, 50, 58, 59, 64, 86, 87, 98
Singapore	5, 8, 32	-	7, 11, 15, 45, 50, 64, 86
Spain	1, 26, 68, 91, 97, 99, 100, 103, 111, 112, 119, 120, 122, 131	60, 106	3, 5, 8, 9, 11, 13, 14, 15, 20, 27, 32, 45, 58, 59, 62, 123
Sudan	98, 100, 111, 122	-	-
Sri Lanka	8, 18	5, 45, 99	7, 11, 15, 58
Sweden	27, 100, 128	7, 9, 11, 13, 14, 32, 87, 98, 111, 119, 120	-

Country	A Conventions Nos.	B Conventions Nos.	C Conventions Nos.
Switzerland	26, 120	14, 111	5, 8, 11, 15, 27, 45, 58, 62, 123
Syrian Arab Republic	81, 119, 125	-	11, 14, 26, 45, 98, 100, 101, 111, 120
Trinidad and Tobago	85	-	15, 50, 97, 111
Tunisia	8, 18, 58, 77, 91, 108, 112, 119	26, 59, 99, 106, 124	11, 13, 14, 45, 62, 87, 107, 111, 120, 123
Turkey	95	45, 58, 99	11, 15
United Kingdom	7, 8, 11, 15, 26, 68, 87, 97, 98, 100, 102, 108, 122	5, 35, 36, 37, 38, 39, 40, 45, 99	32, 120
Belize	8	5	7, 50, 64, 86, 108
Bermuda	108	-	7
Brunei	42	12	-
Gibraltar	8	5	7, 35, 39, 86, 108
Gilbert and Ellice Islands	-	5	7, 50, 64, 86, 108
Guernsey	108	5, 8, 35, 36, 37, 38, 39, 50, 64, 86	7, 15, 40, 45, 65, 97, 122
Jersey	-	64	29, 50, 86
Isle of Man	102	5, 8, 35, 36, 39	7, 15, 37, 38, 40, 45, 50, 64, 97, 108
St. Helena	-	-	64, 86
St. Kitts- Nevis- Anguilla	-	5, 101	7, 50, 64, 86, 97
British Solomon Islands	8, 50, 64	-	7, 86, 108
Seychelles	-	-	7, 50, 86, 108

Country	A Conventions Nos.	B Conventions Nos.	C Conventions Nos.
United States	-	-	58
Puerto Rico	-	-	58
Guam	-	-	58
American Samoa	-	-	58
Virgin Islands	-	-	58
Uruguay	1, 2, 9, 11, 23, 24, 25, 26, 87, 97, 98, 99	14, 20, 21, 30, 43, 67	8, 12, 13, 19, 22, 27, 32, 45, 62, 105
Venezuela	26	-	-
Republic of Viet-Nam	98, 120	14, 26	5, 13, 45
Yemen	59, 95	98	15, 58, 64, 86
Zambia	11, 26, 50, 97	-	5, 45, 64, 86, 123

ISBN 92-2-101262-X

---

*First published 1975*

---

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.

ILO publications can be obtained through major booksellers or ILO local offices in many countries, or direct from ILO Publications, International Labour Office, CH-1211 Geneva 22, Switzerland. A catalogue or list of new publications will be sent free of charge from the above address.

---

Printed by the International Labour Office, Geneva, Switzerland

International Labour Conference  
60th Session 1975

---

**Report III  
(Part 2)**

Third Item on the Agenda :

Information and Reports on the Application  
of Conventions and Recommendations

# **Equal Remuneration**

**Summary of Reports on Unratified Conventions  
and on Recommendations  
(Article 19 of the Constitution)**

---

International Labour Office Geneva



## CONTENTS

	Page
Introduction .....	1
Equal Remuneration Convention, 1951 (No. 100) and Equal Remuneration Recommendation, 1951 (No. 90) .....	2

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 Equal Remuneration Convention, 1951 (No. 100) and the Equal Remuneration Recommendation, 1951 (No. 90).

The governments of member States were requested to send their reports to the International Labour Office before 1 July 1974. 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 1974.

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 60th (1975) Session, will include the general survey by the Committee on the reports on the above-mentioned Convention and Recommendation.

---

EQUAL REMUNERATION CONVENTION, 1951 (No. 100)  
AND EQUAL REMUNERATION RECOMMENDATION,  
1951 (No. 90)

ARGENTINA

National Constitution, article 14bis.

Legislative Decree No. 20392 of 16 May 1973 (Boletín Oficial, No. 22675).

- (a) Legislative Decree No. 20392 stipulates that there shall be no differences in remuneration for work of equal value and that any provision to the contrary in a collective agreement shall be null and void;
- (b) the enforcement of the legislative provisions is entrusted to the national authorities.

An Employment Contracts Bill is at present before Congress which contains extensive provisions on the employment of women.

AUSTRALIA

Legislation:

AUSTRALIA: Conciliation and Arbitration Act, 1904-1973;  
Public Service Arbitration Act, 1920-1973.

STATES:

New South Wales: Industrial Arbitration Act, 1940 as amended;

Victoria: Labour and Industry Act, 1958;  
Public Service (Public Service Board)  
Regulations;

Queensland: Industrial Conciliation and Arbitration  
Act, 1961-1973;  
Public Service Regulations of 1958;

South Australia: Industrial Conciliation and Arbitration  
Act, 1972;

Western Australia: Industrial Arbitration Act 1912-1973;  
Public Service Regulations 1964;

Tasmania: Wages Board Act 1920;  
Public Service Act 1973;  
Public Service (Equal Pay) Act 1966.

The principle of equal remuneration for work of equal value is applied in the federal jurisdiction by way of industrial awards and agreements made pursuant to the Conciliation and Arbitration Act and determination made pursuant to the Public Service Arbitration Act.

## EQUAL REMUNERATION

The Full Bench of the Australian Conciliation and Arbitration Commission in the Equal Pay Cases, 1969, laid down guidance for the implementation of equal pay. According to this guidance, female employees should be entitled to equal pay if the work performed by the males and the females is of the same or a like nature and of equal value. The Commission has also defined the way to determine whether the female employees are performing work of the same or a like nature and of equal value.

Following the Commission's decisions on the Equal Pay Cases in 1969 and 1972, which extended equal pay to women employed in the Australian Public Service, the principle of equal pay has been fully implemented in the Australian public service.

As regards the private sector, the Commission decided in 1972 that equal pay would be phased in by way of three instalments; one-third to be payable not later than 31 December 1973, half of the remainder by 30 September 1974 and the balance by 30 June 1975.

As regards minimum wages, the Australian Conciliation and Arbitration Commission in the National Wage Case 1974 decided that full equality would be phased in over a 13-month period. Accordingly, female workers would be entitled to 85 per cent of the male minimum wage as from the beginning of the first period to commence on or after 23 May 1974, 90 per cent by 30 September 1974 and 100 per cent by 30 June 1975.

### STATES

#### New South Wales

Section 88D of the Industrial Arbitration Act empowers the New South Wales Industrial Commission or a Conciliation Committee to insert in awards and industrial agreements provisions granting equal pay between the sexes to females performing work of the same or of a like nature and of equal value to work performed by males. The principle of equal remuneration for work of equal value was accepted by the Industrial Commission in the State Equal Pay Case 1973.

The new principle of equal pay for work of equal value will be phased in and fully implemented by 30 June 1975 on a similar basis to the phasing in of equal pay in the federal jurisdiction. As regards the New South Wales Public Service area of employment the principle of equal pay has now been largely implemented.

The New South Wales Government has indicated that it is prepared to legislate to amend the Industrial Arbitration Act in such manner as to entrench the principle of equal remuneration for work of equal value in the legislation. In addition the New South Wales Industrial Commission made a decision in the State Wage Case 1974 extending the minimum wage to adult female employees on the same basis as that adopted by the Australian Conciliation and Arbitration Commission in its decision in the National Wage Case 1974.

## UNRATIFIED CONVENTIONS AND RECOMMENDATIONS

---

### Victoria

There is no legislation embodying the principle of equal remuneration for work of equal value in Victoria. However, Victorian wage boards are required to take into consideration in determining wage rates relevant awards of the Australian Conciliation and Arbitration Commission including the Commission's decisions in 1969 and 1972 in regard to equal pay. Accordingly, provisions extending equal pay to females performing work of equal value are being progressively inserted in determinations of the wages boards. Approximately 85 per cent of these determinations have fixed one set of rates for adult employees in the categories specified irrespective of sex.

In 1973, the Victorian Public Service Board determined that the equal pay principle would be applied to female officers and employees of the public service in three stages, full equality to be attained by 30 June 1975.

On 3 June 1974 the Victorian Industrial Appeals Court issued a decision extending the minimum wage to female workers and full equality between male and female minimum wages will be reached progressively in three stages, the last of which ending on 30 June 1975.

### Queensland

The Queensland Industrial Conciliation and Arbitration Commission is required to fix the same wage irrespective of sex for employees performing the same work or producing the same return of profit to their employer. However, the Queensland Government has announced its intention to amend this provision in such manner as to ensure compliance with the requirements of the Convention.

There is no distinction between the wage rates payable to male and female officers employed under the Public Service Award-State which covers the members of the Queensland public service employed in the clerical, administrative and scientific areas.

Prior to December 1973, the Queensland Public Service Regulations operated to exclude generally women from entrance to the clerical/administrative area. However, on 20 December 1973 the State Public Service Board amended the Regulations in such manner as to remove all impediments to the employment of female clerical officers.

The Queensland Commission has decided to extend the application of the guaranteed minimum wage to adult females in a similar phasing-in period to that adopted by the Australian Commission.

### South Australia

In accordance with section 78 of the Industrial Conciliation and Arbitration Act the full Industrial Commission is required, on an appropriate application, to insert provisions in industrial awards and agreements granting equal remuneration to females when

## EQUAL REMUNERATION

---

it is satisfied that male and female employees are performing work of the same or a like nature and of equal value.

Since December 1973 the South Australian Public Service Board has recommended the principle of equal opportunities and of equal remuneration as a matter of policy. In accordance with this policy, the Female Officers Classification Review Committee has been requested by the Public Service Board to examine all classifications of offices predominantly and exclusively occupied by females with a view to establishing rates of pay for the job irrespective of the sex of the occupant. All positions, groups or categories occupied by males or females in the public service are now evaluated exclusively on work value criteria having regard to the skills required, essential or desirable qualifications and the range of responsibilities of the job.

As regards minimum wages, the Full Industrial Commission has decided to extend the application of the minimum wage to adult females on terms similar to those determined by the Australian Conciliation and Arbitration Commission in the National Wage Case 1974.

### Western Australia

Provision is made for the introduction of equal pay under Part X of the Western Australian Industrial Arbitration Act which makes it mandatory for the Industrial Commission, upon application, to insert in an award or agreement equal pay as between the sexes for male and female workers performing work of the same or of a like nature and of equal value. However, there still exists a differential between the male basic wage and the female basic wage.

Areas of employment where equal award rates apply include, among others, the state public service and the government teaching service.

On 28 May 1974 the Western Australian Commission decided to extend the minimum wage to adult female employees and increased the male and female basic wages by \$45 per week.

Although the Commission set the amount of the female minimum wage at a level equal to that set by the Australian Commission in the National Wage Case 1974, it declined to lay down a timetable for phasing in full equality of minimum wages as between male and female employees. The Commission also expressed some reservations concerning its ability to grant full equality between the male and female minimum wages because of its inability to discard a "needs component" in the adult male wage.

### Tasmania

The implementation of the principle of equal remuneration for work of equal value is a matter for determination by the appropriate wage-fixing authorities, namely the wages boards. In the private sector, over 30 per cent of wages board determinations provide for equal pay and it has been fully introduced in the public service area of employment in accordance with the provisions of the Public

## UNRATIFIED CONVENTIONS AND RECOMMENDATIONS

Service Act. This Act which applies only to the public sector ensures equal pay where the wage-fixing authority is satisfied that male and female employees are performing work of the same or a like nature and of equal value.

On 18 May 1974 the Chairman of the Tasmanian Wages Boards issued a decision extending the minimum wage to adult female workers employed under wages board determinations in three stages.

### Equal Opportunity

Committees on Discrimination in Employment and Occupation at the national and state levels have been recently set up to promote equality of opportunity in employment. In the area of government employment, restrictions on the employment of women have been progressively removed by the Australian and state governments.

As a matter of policy, the Australian Government has accepted the principle of equality of treatment, as between the sexes, in relation to access to vocational guidance and training and employment counselling facilities. The services of employment agencies operated by the Government are available to all workers irrespective of sex.

The ratification of Convention No. 100 remains under active consideration and, pending final clarification of the situation in one jurisdiction, it is anticipated that Australia will be in a position to ratify in the near future.

### Papua New Guinea

Native Employment Ordinance 1958-1971 and Regulations.

Industrial Relations Ordinance 1962-1972 and Regulations.

Public Service (Papua New Guinea) Ordinance 1963-1973 and Regulations.

Minimum terms and conditions of employment for indigenous workers are prescribed by Part X - Conditions of Service of the Native Employment Ordinance, by the Minimum Wages Board established under the Industrial Relations Ordinance and industrial awards.

Neither the Native Employment Ordinance nor the Industrial Relations Ordinance contains provisions either prescribing or requiring wage-fixing authorities to determine differential wage rates for male and female workers. No industrial awards contain provisions distinguishing between the wages payable to adult males and adult females although in the past a number of awards provided for the payment of full adult wages to married male juniors.

Wages and conditions of expatriate employees to whom the Native Employment Ordinance does not apply are not regulated by legislative provisions and generally negotiated between the parties. Accordingly, employers are not legally required to pay male and female expatriate employees equal pay for work of equal value. The Papua New Guinea Government is currently preparing a new Employment Code which is expected to contain provisions prohibiting this practice.



## EQUAL REMUNERATION

---

As regards employment in the public service, the principle of equal pay for work of equal value has been fully implemented. In the case of indigenous public servants a Committee of Inquiry was appointed in 1968 to examine the question of equal pay. As a result of the Committee's recommendations, the then existing wage differentials were abolished with effect from 1 July 1969. Equal pay was also extended to expatriate employees, following the decision of the Australian Commission in the Equal Pay Cases in 1969. From 1 January 1972, equal rates apply to both sexes.

The Papua New Guinea Government encourages the participation of women in all types of economic and social activity and supports the principle of equality of treatment in respect of the access of women to vocational training and terms and conditions of employment.

In this regard, the Public Service Ordinance was amended in 1969 to provide a single line salary structure for indigenous workers employed in the public service. In 1973, the same ordinance was amended to remove the prohibition on the engagement of indigenous married females or the continued employment of females after marriage. However, the marriage bar has been retained in respect of expatriate female officers.

Male and female members of the public service have equal access to in-service training facilities and programmes. Apart from the public service, there is as yet little support for the development of facilities for vocational guidance and training.

As a matter of policy within the public service, female workers are granted access to occupations and posts on equal basis to males.

The main impediment to the complete application of the principle of equal remuneration is the lack of effective regulation by legislation of the terms and conditions of employment of expatriate labour in the private sector.

As regards the implementation of the provisions of the Recommendation, the removal of the ban on the employment of married female indigenous labour will have the effect of considerably increasing the access of female workers to higher paid and career employment within the public service.

### Norfolk Island

The principle of equal remuneration for work of equal value has been implemented in respect of employees of the Norfolk Island Administration on the same basis as it has been implemented in the Australian public service.

Although the terms and conditions of workers in the private sector of employment in the Territory are largely unregulated by legislative provisions with respect to the determination of wage rates, there is no evidence to suggest that the principle of equal remuneration for work of equal value is not followed.

## UNRATIFIED CONVENTIONS AND RECOMMENDATIONS

---

The regulations made under the Public Service Ordinance, 1941 include restrictions on the engagement and continued employment of married women officers in public employment (regulations Nos. 23 and 24). These regulations are currently being revised and it is expected that regulations Nos. 23 and 24 will be removed as part of the current review of the ordinance.

### AUSTRIA

Paragraph 1 of the Recommendation. The remuneration for the majority of state employees is legally established by the Wages Act, BGBl 54/196, as amended, or the Contractual Employees Act, BGBl 86/1948, as amended. Remuneration for relatively small groups of state employees is established by collective agreements. The remuneration of employees of the provincial and local government departments is determined in a similar manner.

In neither case is there a difference in remuneration on grounds of sex and the principle of equal remuneration for men and women workers for work of equal value is fully respected.

Paragraph 2. Minimum wage rates are generally fixed by collective agreements. Control of collective agreements takes place only in cases of individual dispute involving the question of compliance with the law.

Paragraph 3. In view of the principle of wage rate autonomy, the federal Government cannot influence the terms of a collective agreement, even if in an individual case it conflicts with the principle of equal remuneration. There were isolated cases in which collective agreements did not comply with the principle of Convention No. 100.

In many branches of the economy, the employers' and workers' organisations have taken measures to eliminate existing differences between men and women in individual occupational categories, or to use more objective criteria for placing workers in various wage groups. The federal government is also checking whether the collective agreements at present in force respect the equal remuneration principles; where there is doubt, the matter is called to the attention of the representative organisations.

Paragraphs 4 and 5. As all the principles of Convention No. 100 are recognised by all employers' and workers' organisations, it can be expected that the remaining collective agreements will rapidly be adapted to the new situation brought about by the increasing employment of women.

Paragraphs 6 and 7. Measures have been taken to increase the participation of women in economic and occupational life.

The labour inspectorate offices are entrusted with the supervision of the application of the regulations and official orders issued for the protection of workers. In addition, the work council has the right to supervise the application of the legal provisions, collective agreements, works agreements and other labour agreements at the enterprise level.

## EQUAL REMUNERATION

---

### BANGLADESH

The Constitution of the Republic of Bangladesh guarantees equal pay for equal work between men and women without any discrimination. Differential rates between workers that may exist in Bangladesh will correspond to differences in the work to be performed and not to consideration of the sex of the workers.

### BELGIUM

Regulations governing remuneration of the staff of ministries  
(Royal Decree dated 22 July 1964).

Act dated 5 December 1968 concerning collective industrial agreements and joint committees.

Act dated 12 April 1965, amended by the Act dated 16 March 1971 (Labour Act), respecting the protection of workers' pay (article 47bis).

Paragraph 1 of the Recommendation. (a) The regulations governing the remuneration of staff of ministries bestows equal rights as regards pay on officials of both sexes. The amount of remuneration is worked out in consultation with the trade union organisations.

(b) Similarly, the provinces and communes have adopted a uniform system of payment by grade, no distinction being made by sex.

Paragraph 2. (a) and (b) Minimum and other wage rates in industry, where supervised by a public authority, take no account of sex.

(c) In the case of work done under a contract entered into by a public authority, the remuneration of the workers concerned is fixed by collective agreements concluded by the competent joint boards. The contracts entered into by the authorities make reference to these collective agreements, which exclude discrimination in any shape or form.

Paragraph 3. In Belgium the legislative authorities do not intervene directly in wage fixing. However, the Government refuses to give binding effect to collective agreements under which men are paid according to one wage scale and women according to another.

Under article 47bis of the Act of 12 April 1965, concerning the protection of workers' pay, any worker may bring an action before the competent judiciary body to secure compliance with the principle that both men and women workers should be paid the same rates.

## UNRATIFIED CONVENTIONS AND RECOMMENDATIONS

---

Paragraph 4. The Treaty of Rome, and especially the resolution adopted on 30 December 1961 by the Conference of EEC member States (which laid down a timetable for the progressive implementation of Article 119 of the Treaty), have led to the elimination of discriminatory clauses from almost all collective agreements.

Very few indeed are the sectors in which a collective agreement does not yet guarantee the application of the principle. Similarly, very few workers are not protected by a collective agreement concluded within a joint board. Furthermore, article 47bis of the 1969 Act guarantees that every female worker shall be entitled to equal pay.

Paragraph 5. In drawing up scales, no reference is made to distinctions according to sex, whereas other factors are taken into account; for instance, skills, occupation, seniority, age, and so on. Discrimination could be established only by analysing the criteria used for classification from the standpoint of non-discrimination, which would be exceedingly difficult to do. A few sectors only use the technique of job analysis under a collective agreement (the coal mines, and gas and electricity industries, for instance).

Paragraph 6. (a) and (b) In principle, vocational training facilities of all kinds are open to persons of either sex. In point of fact, tradition plays a part as well, but with the development of scholastic and vocational guidance women have a greater choice of occupation than before.

As regards the vocational training of adults, centres offering training for occupations traditionally reserved for men have been opened to women. Furthermore, if, because of lack of education, a woman does not possess the qualifications for direct entry to an adult training centre, she can acquire the necessary individual instruction at a special training centre. In 1972 the Belgian Government set up a special committee within the National Employment Agency to deal with the advanced vocational training of women and their return to economic activity. Its programme includes the expansion of vocational training for women so that the latter may henceforward have access to jobs traditionally reserved for men.

(c) In Belgium women have a number of options if they want to leave their children in a nursery or infant school. The Act of 20 July 1971 set up a Collective Equipment and Services Fund to finance the provision of such facilities for the families of wage earners.

(d) Generally speaking, there is no discrimination between men and women as regards access to jobs and occupations save when special regulations exist for the protection of women.

Paragraph 7. Ratification of Convention No. 100, but especially the entry into force of Article 119 of the Treaty of Rome and of the resolution adopted on 30 December 1961 by the Conference of EEC member States, have made people more aware than they were of the problem of equal pay for men and women.

## EQUAL REMUNERATION

---

Paragraph 8. The inquiry made in 1966 at the Community level into the make-up and apportionment of workers' wages, was taken up again in 1972 and extended to persons employed in industry, services, and trade.

### BRAZIL

Federal Constitution of the United States of Brazil, section 165, Part III.

Consolidation of Labour Laws, section 461 et seq. (LS 1943 - Bra. 1, 1957 - Bra. 1, 1967 - Bra. 2).

The Federal Constitution and the Consolidated Labour Legislation guarantee equal pay for men and women, and the regional labour offices, which are branches of the Ministry of Labour and Social Security and operate in every state and territory of Brazil, are responsible for enforcement of the principle.

Apart from such guarantees as are offered by the activities of the labour inspectors, women, who enjoy rights equal to those of men, can always appeal to a labour court should they have grounds to believe that their rights have been infringed.

Throughout the country, the principle of equal pay for men and women is given effect. No legal proceedings for non-compliance have ever been necessary.

All existing employers' and workers' organisations are fully aware of the legislation guaranteeing equality of pay between men and women. The federal Government is competent to enact labour legislation; throughout the country, federal legislation is given effect by the regional offices of the Ministry of Labour and Social Security.

### BULGARIA

Constitution of 18 May 1971 (Official Gazette, No. 39, 18 May 1971).

Labour Code (LS 1951 - Bulg. 2).

Order of 9 March 1973 concerning increases in remuneration for certain categories of workers (Official Gazette, No. 28, 6 April 1973).

Article 35 of the Constitution lays down the principle of equality before the law without distinction, inter alia, of sex and affirms that the State will ensure the equality of citizens by creating conditions in which recognised rights can be exercised and opportunities for their exercise. Article 36 affirms the same principle, stating specifically that "men and women have equal rights", while article 41 states that "work shall be remunerated in accordance with its quality and amount".

## UNRATIFIED CONVENTIONS AND RECOMMENDATIONS

---

The practical conditions necessary for the actual application of the principle have been created by the provision of a system of material, political and legal safeguards. In application of article 67 of the Labour Code, no account is taken of the sex of a worker in the fixing of his or her remuneration. The principle of equality is strictly observed in the fixing of base wage rates. A recent case of its application is to be found in the order of 9 March 1973 concerning increases in the remuneration of certain categories of workers.

Under Order No. 55 of the Central Committee of the Bulgarian Communist Party, the trade union organisations and committees take part in the classification of workers in the different grades through their representation on the committees to which this responsibility is assigned. They also express their views and make proposals on matters relating to the remuneration of labour and supervise the application of all legislative provisions relating to these principles.

In addition, the entire educational system is based on the principle of equality of treatment for both sexes. The welfare services and institutions providing assistance to working men are organised on a much larger scale than that proposed in the Recommendation. The Labour Code guarantees the rights of women during pregnancy, the rights of mothers and the right of children to receive an education.

### BURMA

There is no discrimination based on sex in Burma.

Equality of rights is guaranteed for both sexes in the 1964 Law defining the fundamental rights and responsibilities of the people's workers. Under article 154 of the new Constitution women are also guaranteed equal political, economic, social and cultural rights with men.

### BURUNDI

Labour Code, 1966.

Article 65 of the Labour Code guarantees equality of remuneration for all workers without distinction of sex.

In Burundi, wages are fixed by legislation and by individual agreements. The authorities fix minimum wage rates, which are identical for men and women. Other wage rates are usually established on the basis of minimum rates. As the latter are identical for men and women, it may be assumed that the principle of equal remuneration is applied at all levels in the national wage structure.

## EQUAL REMUNERATION

The principle of equal remuneration for men and women performing identical or comparable tasks is also generally applied in the civil service and also to non-established employees of the central and municipal authorities and of parastatal bodies. It is also applied in the teaching profession.

In the private sector a number of firms pay the same salaries to their non-manual employees irrespective of sex.

In the manual trades, cases of men and women performing the same kind of work or occupying the same types of posts are rare.

A wide variety of information media have been used to draw the attention of as many people as possible to the question of equality of remuneration.

In present circumstances there would seem to be no insurmountable obstacle to ratification of the Equal Remuneration Convention. However, it may be wondered whether attitudes will not change in the near future as the consequences of certain factors affecting the employment market - and in particular the general level of employment, chronic unemployment and underemployment, and the prejudicial effects of the existence of a pool of women available for employment especially as they come in increasing numbers to do the same jobs as men - become more apparent.

### CAMEROON

Act No. 67/LF/6, to institute the Labour Code of Cameroon (LS 1967 - Cam. 1)

Article 67 of the afore-mentioned Act provides that "In cases of equality in type of work, skill and output, equal remuneration shall be given to all workers irrespective of their sex, age and status ...".

The various collective agreements and regulations enacted under the Act embody this principle.

### CANADA

Legislation: there exists in all thirteen jurisdictions in Canada, save one, legislation dealing specifically with equal remuneration for men and women workers for work described, with variations from one jurisdiction to another, as same, similar, or substantially the same or similar.

In every jurisdiction there exist minimum wage laws which apply to workers without distinction on the basis of sex.

Every jurisdiction in Canada has enacted legislation prohibiting discrimination in employment and conditions of employment on a number of grounds which include sex in most instances.

## UNRATIFIED CONVENTIONS AND RECOMMENDATIONS

---

### Private sector - (i) Equality of remuneration.

In the federal jurisdiction and in the provinces of Saskatchewan, Ontario, Nova Scotia as well as in the Yukon Territory, equal remuneration provisions are incorporated in employment or labour standards legislation.

The provinces of Manitoba and New Brunswick have separate equal remuneration Acts.

In British Columbia, Alberta, Prince Edward Island, Newfoundland and the Northwest Territories, these provisions are part of human rights legislation which all prohibit discrimination generally in employment and conditions of employment on various grounds, including sex, with the exception of Prince Edward Island legislation where sex is not listed among prohibited grounds for discrimination.

In Quebec, there are no legislative provisions dealing specifically with equality of remuneration. Prohibition against this form of discrimination, however, is formulated implicitly in a law passed in 1964 to prohibit discrimination in hiring, promoting and conditions of employment on the basis of sex and other grounds. In eight jurisdictions, equal remuneration provisions apply to all workers coming under their respective legislative authority. In the remaining jurisdictions, the law provides for various exclusions such as domestic servants in private homes (in four jurisdictions), and persons in managerial or supervisory positions as well as undertakings with fewer than five employees (Quebec).

### (ii) Equality in vocational training and placement and of job opportunities.

The law under which was set up the National Employment Service of Canada prohibits discrimination on the basis of sex.

In order to promote equal opportunities for women, a senior position has been created in the Department of Manpower and Immigration to co-ordinate programmes for equal opportunities and to conduct research activities relating to the special needs of women workers. Five regional consultants have been appointed to promote equal opportunity for women on regional levels.

Furthermore, by December 1973, every jurisdiction in Canada, with the exception of the federal, the territorial administrations and the province of Prince Edward Island, had enacted a law prohibiting discrimination in employment and conditions of employment on grounds of sex.

At the beginning of 1974, the federal Government publicly announced its intention to introduce before the end of the year a law which would add sex and marital status to the prohibited grounds for discrimination and in the summer of 1974, the Northwest Territories amended their Anti-Discrimination Ordinance to include sex and marital status to the prohibited grounds for discrimination.



## EQUAL REMUNERATION

---

### Public sector - (i) Equality of remuneration.

With the exception of the federal Government, the province of British Columbia and the two territorial administrations, equal remuneration provisions in force specifically apply to public service employees and workers in industries and undertakings under public control as well as to workers employed in the private sector. However, British Columbia has, in December 1973, enacted a new Human Rights Code which applies to public service employees and workers in industries and undertakings under public control and provides no exclusions to the application of the section dealing with equality of remuneration. This Code has not yet been proclaimed into force. In the North-west Territories, the Territorial Council has recently established a permanent committee to study the status of women in the Territorial Public Service with strong emphasis on equality of remuneration.

In the federal jurisdiction, the equal remuneration provisions, as incorporated in the Canada Labour Code, apply to all federal undertakings, but do not apply to the public service of Canada. However, the Government of Canada has publicly announced that the minimum standards of the Code would be met within the public service as a matter of policy. Furthermore, in the public service of Canada, rates of remuneration are determined through a combination of classification systems based on the requirements of the job, regardless of the incumbent, and collective bargaining.

### (ii) Equality of vocational guidance and training and of job opportunities.

In Order to promote equal opportunities for women employees of the federal Government various measures have been taken, including the creation of an Office of Equal Opportunities within the Public Service Commission which is responsible for recruitment, selection and training of federal public servants. The Cabinet also issued a directive to encourage equal opportunities and different measures have been taken to implement this directive, particularly with respect to career counselling and training programmes.

A special service, the Anti-Discrimination Branch, has been established within the Public Service Commission to investigate allegations of discrimination in the service.

At the provincial levels, every provincial law, British Columbia law excepted, prohibiting discrimination in employment applies to the employees of the provincial Government. In addition, special measures related to the improvement of the status of women public service employees have been taken in a number of provincial jurisdictions.

For instance, the Government of Ontario carried out a study on equal opportunities for women, followed with practical measures.

The province of Quebec has established a Council on the Status of Women which submitted, in June 1974, various recommendations for equal opportunities for women, particularly in respect of existing recruitment, selection, training and classification procedures.

## UNRATIFIED CONVENTIONS AND RECOMMENDATIONS

The Government of Prince Edward Island has recently established a provincial Advisory Committee to investigate the status of women in the Province. The Committee submitted various recommendations to the Government of the Province in December 1973.

In the Province of Manitoba, a study on the relative position of men and women employed in the Manitoba civil service was carried out in 1972. In order to implement the recommendations formulated by the study, the Government of Manitoba has set up a Task Force on Equal Opportunities in the Civil Service.

In all jurisdictions, except Quebec, the application of equal remuneration legislation comes under the authority of the Department of Labour. In the Province of Quebec, the law prohibiting discrimination in employment is administered by the Minimum Wage Commissions.

As to the promotion of co-ordinated action between the federal and other jurisdictions in Canada, although the federal and provincial jurisdictions are completely autonomous within their respective legislative authority in labour matters, there have been established several mechanisms designed to foster co-ordinated action from both levels of jurisdiction.

The International Labour Affairs Branch of the Federal Department of Labour provides the secretariat for the Canadian Association of Administrators of Labour Legislation which serves as a vehicle for exchanges of information and experiences in areas of interest to the Department of Labour of every jurisdiction.

The same International Labour Affairs Branch has organised, in recent years, several meetings of federal and provincial Deputy Ministers of Labour for review and discussion of a number of ILO Conventions, including those pertaining to equal remuneration and discrimination in employment.

### CENTRAL AFRICAN REPUBLIC

Labour Code (Act No. 61/221 of 2 June 1961).

Decree No. 64/015 of 12 January 1964 to establish an index for the grading of officials by category and rank.

Section 96 of the Labour Code lays down that "remuneration shall be the same for all workers, irrespective of origin, sex or age, provided conditions as regards work, skill and output are equal". As a rule, this clause is embodied as it stands in collective agreements and in all other documents relating to wages. In the civil service, pay is the same for work of equal value.

The officials of the labour inspectorate are responsible for seeing that laws, regulations, and contracts having to do with this matter are complied with.

Employers' and workers' organisations co-operate in the application of these standards when collective agreements are being negotiated, when minimum wage levels are being determined, or when general economic conditions are under study.

## EQUAL REMUNERATION

---

### CONGO

Constitution of 24 June 1973.

Act 10/64 of 25 June 1964 to establish the Labour Code (LS 1964 - Congo (Bra.) 1).

Article 17 of the Constitution asserts that women are entitled to the same wage as men for equal work. Similarly article 80 of the Labour Code guarantees that workers of both sexes doing similar work shall enjoy equal pay, providing their skills and output are equal.

Article 80 of the Labour Code is embodied in collective agreements for trade and industry.

The inspectors of labour and social legislation are responsible for ensuring that these laws and regulations are applied.

### COSTA RICA

The Government refers to the information supplied in its previous report.

### CYPRUS

There are no legislative or administrative provisions in Cyprus in regard to the matters dealt with in the Convention. However, the Government, the public utilities and recently some undertakings in the banking industry have accepted and apply in practice the principle of equal pay.

Although in many collective agreements the unions do not differentiate between men and women as regards pay, in quite a few of them (mainly commercial establishments but also in manufacturing) they do not insist on equal pay. In several cases they even suggest unequal pay.

The Government is reluctant to legislate for equal pay or even forcefully encourage such equalisation through collective bargaining. The reasons are the following: (i) the technique of job evolution is practically unknown in most sections of the industry; (ii) there is a tendency by employers to expect or demand less from female workers even though they are both supposed to perform the same duties; (iii) the demand for female labour would fall in certain jobs; (iv) the widely held impression - whether justifiable or not - that women's productivity or efficiency generally is inferior to men's; (v) the socio-economic conditions and attitudes still are that the male is the principal breadwinner of the family; (vi) women are not as willing as men to further develop their skills and abilities.

## UNRATIFIED CONVENTIONS AND RECOMMENDATIONS

---

In general, the problem of equal pay is not serious in Cyprus - if there is a problem it is mainly the problem of low pay for certain jobs.

### CZECHOSLOVAKIA

Constitution of the Czechoslovak Socialist Republic of  
11 July 1960 (Act No. 100/1960) (LS 1960 - Cz. 2).

Labour Code (Act No. 65/1965) (LS 1965 - Cz. 1A, LS 1968 - Cz. 2  
and LS 1969 - Cz. 1).

Notification No. 158/1970, respecting the development of wage  
policy and the principles of remuneration for work, as  
amended and supplemented by Notification No. 165/1971.

According to article 20(3) of the Constitution men and women  
have equal status in the family, at work and in public activity.  
Article 27 of the Constitution provides, further, that the equal  
status of women shall be secured by maternity protection and by  
facilities and services which enable women to participate fully  
in economic and social life.

Articles VII and IV of the Basic Principles of the Labour  
Code provide respectively that women are entitled to the same  
status as men in matters of employment and, therefore, have the  
equal right to be remunerated for the work they do in accordance  
with its quantity, quality and importance for the society.

The application of the equal remuneration principle is  
ensured by the State Wage Policy and Regulation issued by the  
Federal Ministry of Labour and Social Affairs, other federal  
central authorities and by central authorities of the Czech and  
Slovak Socialist Republics (section 42, paragraph 1 of Act  
No. 133/1970 and Notification No. 158/1970 to apply this section).  
Wage regulations in individual branches of the economy do not make  
any distinctions based on sex.

The authorities mentioned in sections 35 and 36 of Notifica-  
tion No. 158/1970 are entrusted with the supervision of the  
application of the legislation and regulations concerning wages.  
Draft legislative texts concerning wages are discussed with the  
competent employers and workers' organisations (section 39 of  
Notification No. 158/1970).

Law and practice are in conformity with the provisions of  
the Recommendation and no further measures are required.

### DEMOCRATIC YEMEN

It is a general practice in Yemen that women are paid equal  
remuneration for work of equal value.

## EQUAL REMUNERATION

---

Agreements concluded between employers and employees provide for the payment of equal wage for equal value of work. Such agreements usually contain provisions which aim at eliminating any discrimination among workers on grounds of sex in respect of conditions of employment, including opportunities for vocational training and wage rates.

The Constitution of Yemen provides for equal rights to all citizens, in particular, its article 36 states: "The State shall guarantee equal rights for men and women in all fields of political, economic and social scope and shall provide in a progressive manner the conditions necessary for realising that equality.

The working women are given special attention for vocational qualifying".

The proposed labour legislation ensures equality of treatment to all workers irrespective of their sex (article 2(4). Article (5) of the proposed Labour Legislation states: "Wages are determined in accordance with the amount and kind of work, taking into consideration the Minimum Wage and minimum equal wage for equal value of work".

### DENMARK

The Government refers to the last report on the Equal Remuneration Convention No. 100.

### ECUADOR

Constitution of 25 May 1967.

Labour Code of 7 June 1971 (LS 1971 - Ecu. 1).

Despite the above legislation, there does exist in practice some discrimination against women, who have not yet been fully integrated into the employment market. The National Wages Council lays down the same minimum wage rates for men and women, but the Labour Inspection Department is still too understaffed to be able to ensure that these wage rates are complied with.

Because of the lack of technical services, the Government has not yet been able to undertake an objective assessment of the work done by women.

The Government is reviewing its vocational training schemes with a view to encouraging the training of women for new jobs. These schemes are still at the planning stage.

The introduction of collective agreements has not given rise to any progress towards equal pay for both sexes.

## UNRATIFIED CONVENTIONS AND RECOMMENDATIONS

---

### EGYPT

Labour Code, 1959 (LS 1959 - UAR 1).

The Labour Code guarantees equal remuneration for men and women workers doing the same job, the term "worker" embracing women as well as men.

Remuneration includes everything a worker receives, in whatsoever form, for work done.

Section 130 of the Labour Code lays down that - "female workers shall be subject to all the stipulations governing the employment of male workers without discrimination in the same job".

### EL SALVADOR

Constitution.

Labour Code of 23 January 1963 (LS 1963 - Sal. 1).

Executive Decree No. 55 of 16 July 1973 establishing minimum wage rates.

Section 182 of the Constitution provides for equality of remuneration in the following terms: "in any one undertaking or establishment and in identical circumstances, for equal work there shall be equal pay for all workers, irrespective of sex ...", and this principle has been embodied in section 123 of the Labour Code.

Executive Decree No. 55 of 16 July 1973, by which the Government laid down minimum wage rates for workers in agriculture and stockbreeding, industry, trade and services, lays down (section 4) that in an undertaking or establishment and in identical circumstances, women shall be entitled to the same minimum wages as adult male workers, provided they are doing equal work.

In existing collective labour contracts these legal prescriptions are given effect.

The Civil Service Act makes no provision for discrimination on grounds of sex.

No methods of appraisal of the kind referred to in paragraph 5 of the Recommendation have been developed.

The authorities competent to apply the law and regulations are the Labour Inspection Department, the Civil Service Committees, and the Civil Service Tribunal.

## EQUAL REMUNERATION

---

### FINLAND

Pay in the public sector is usually governed by collective agreements, and in the fixing of wage rates no account is taken of sex. When men and women are working side by side, recourse has been had to a job classification done jointly by employer and workers to ensure that in practice wages take no account of sex.

The labour market organisations (employers' and workers' confederations), early in the 1960s, reached agreement on equal pay, with uniform wage rates, irrespective of sex.

Wages policy between 1968 and 1972, and again in 1974, as pursued in accordance with decisions taken by the central occupational organisations, has led to a reduction in the gap separating men's wages from those paid to women. Collective agreements provided for uniform increases in cash wages and the establishment of minimum rates.

As regards education, men and women have equal rights, but there are differences as regards the subjects they choose to study. Thus girls tend to go in for literature or pharmacy, while the boys prefer the technical subjects.

Men and women enjoy equality of opportunity as regards vocational guidance or advice, vocational training and employment placing.

The Equality Council is busy on a study of equal pay. Special attention is given to systems of classification and to factors impeding application of the principle of equal pay in everyday life. It has been proposed that a statistical investigation be undertaken into wage differences between men and women.

A section of the Council, in which labour market organisations and the Ministry of Labour are represented, will assemble data concerning discrimination in employment.

### FRANCE

Act of 22 December 1972, respecting equal remuneration for men and women, and Decree of 27 March 1973 to apply the Act.

The Act of 22 December 1972 and the afore-mentioned decree oblige employers -

- to ensure that men and women doing the same work or work of equal value get the same pay;
- to use identical standards in calculating the various wage components; and
- to devise criteria for job classification and promotion which shall be the same for workers of either sex.

## UNRATIFIED CONVENTIONS AND RECOMMENDATIONS

---

These provisions also apply to employer-employee relations not covered by the Labour Code, and apply especially to workers bound by contracts in the public services.

In accordance with section L.133-3 of the Labour Code, national collective agreements must contain clauses specifying how the principle of equal pay for equal work is to be applied, and provide a procedure for the settlement of disputes arising therefrom.

Inspectors of labour and manpower, and inspectors concerned with the enforcement of social legislation in agriculture, are responsible for seeing that the law is complied with.

### GABON

Labour Code (Act No. 88/61 of 4 January 1962) (LS 1962 - Gab. 1).

Public Officials' salaries are determined in accordance with a scale which makes no distinctions according to sex.

For private enterprise the principle of non-discrimination as regards pay is dealt with by section 89 of the Labour Code, which states that in equal conditions as regards work, skill and output, wages shall be the same. Men and women workers have equal opportunities as regards vocational guidance and training and employment placing. Moreover, the Government gives women free access to jobs hitherto done by men; thus it is that women are now eligible for service in the national police.

The Gabonese Social Security Fund, anxious about the well-being of women workers (and especially so whenever they have family responsibilities) has set up medico-social welfare centres to meet the needs of women wage earners. This body has devised plans for the creation of nurseries which will shortly be published.

### GERMAN DEMOCRATIC REPUBLIC

Constitution of the German Democratic Republic of 6 April 1968.

Labour Code of 12 April 1961, amended by the Act dated 23 November 1966 (LS 1961 - GDR 1 and 1966 - GDR 1 and 1a).

Order of 3 February 1971, on the raising of the minimum wage and low wages.

The legal provisions apply to workers throughout industry and in every branch of the economy. Regulations concerning collective agreements (model collective agreements) for all branches of industry and all sectors of the economy have been adopted, based on these legal provisions.



## EQUAL REMUNERATION

---

By virtue of article 20(2) of the Constitution, men and women enjoy equal rights. The Constitution makes provision for pay commensurate with the quality and quantity of the work done, and lays down the principle that men and women shall be entitled to equal pay for work of equal value (article 24). The right to remuneration commensurate with the work done derives from the principle that "from each according to his capacities, to each according to his output", as enshrined in the Constitution, which is an essential part of the socialist nature of the basic right to work. The Labour Code amplifies the principles set forth in the Constitution (Labour Code, section 2, paragraphs 1 to 5; section 40, paragraph 1).

The amount of the remuneration paid is fixed in the light of the skills required, the complexity of the work to be done, the respect shown for labour standards, the time spent at work, and other variables. The degree of complexity of the job and the services expected of the worker are determined according to the principles of job classification. Assignment to a particular wage or salary group is done independently of the person doing the job, that is to say, without regard to sex, among other things.

Wages systems established with a view to estimating a worker's output must be based on criteria of output based on economic and technical factors, such as labour standards and other output indices. The award of bonuses will depend on whether the worker has achieved the output indices. Bonuses are granted independently of the person doing the job (Labour Code, section 43). Bonuses of all kinds, for instance, for work done on Sundays or public holidays or at night (Labour Code, sections 69 and 70) or for particularly arduous work (Labour Code, section 54), are awarded irrespective of sex.

The statutory minimum wage is laid down uniformly for all full-time workers, independently of the branch of industry or sector of the economy (Ordinance dated 3 February 1971, section 1). A woman's right to equal pay is also safeguarded by the fact that all citizens have an equal right to training and that access to training institutes is open to all (Constitution, article 25).

Women's vocational skills are vigorously promoted (Labour Code, section 126) by the law and model collective agreements which make provision for special study schemes, paid educational leave and other forms of financial assistance guaranteed by state funds or those of the undertaking concerned. Each year, in every undertaking, the manager and the trade union committee (Labour Code, section 127) draw up plans for the advancement of women which include training arrangements.

Every year more and more nurseries, kindergartens, etc. are opened in the German Democratic Republic where women can leave their children while at work. Efforts are constantly being made to increase the number of shops and service centres in undertakings, so that workers can do their shopping with a minimum loss of time.

Irrespective of any shift system that may be worked, undertakings have to provide facilities for obtaining hot and nourishing meals at reasonable prices. They must also supply their

## UNRATIFIED CONVENTIONS AND RECOMMENDATIONS

---

workers with foodstuffs and refreshments within the undertaking (Labour Code, section 119, paragraph 2a). These facilities are financed by state funds and the cultural and social activities funds of undertakings. Money from these latter funds has to be used in accordance with decisions taken by the works trade union committee (Labour Code, section 12(2), paragraph 8).

The State Secretariat of Labour and Wages supervises the national application of labour legislation.

It is for the local labour authorities to ensure that labour legislation is applied in all undertakings within the areas for which they are responsible, irrespective of which authority is actually responsible for such undertakings.

The unions are authorised to keep a check on the application of socialist labour law in all establishments, organisations and institutions.

Workers are entitled to submit their claims or disputes to the labour disputes committees or the courts. The unions can take part in all procedures undertaken in a labour tribunal, where they can represent the workers.

There is nothing in national law or practice which would impede ratification of the Equal Remuneration Convention, 1951. The Convention has not yet been ratified because during the reference period the German Democratic Republic was not a member of the ILO. However, action is now being taken with a view to ratification.

### GERMANY (FEDERAL REPUBLIC OF)

Basic Act, 1949.

Employment Promotion Act, 1969 (LS 1969 - Ger. F.R. 1).

In accordance with article 3 of the Basic Act, the Federal Labour Court has always considered that men and women are entitled to equal treatment and equal remuneration.

The Court holds that the principle of equality of rights not only precludes arbitrary differences in pay as between men and women, but actually requires that men and women doing the same work or work of equal value shall receive equal remuneration therefor. The legislation enacted for the protection of women affords no valid reason for reducing women's pay.

In certain industries collective agreements provide for what is called "light work". The German Federation of Labour feels that maintenance of "light work" is detrimental to the interests of women workers. The Federal Employers' Association takes a different view, on the grounds that "light work" can be done by men as well. But in certain sectors (chemical industry and certain metal-working sectors) the wages of persons doing "light work" are gradually being raised in stages with a view to eliminating discrepancies little by little. Besides this the federal

## EQUAL REMUNERATION

---

Government has asked independent experts to undertake an inquiry into this problem of what constitutes "light" and "heavy" work. It is expected that their findings will be available in 1975.

The Employment Promotion Act is designed to promote training programmes which will facilitate the entry or return of women into active life. Women have the same opportunities as men as regards job placing and vocational guidance.

### GHANA

Labour Regulations 1969 (LS 1969 - Ghana 1).

Effect is given to the provisions of the Recommendation by means of paragraphs 67 to 71 of the Labour Regulations. Female employees cannot be employed at lower wages for identical or substantially identical work.

An arrangement exists under the Labour Regulations which ensures co-operation between the Government and the organisations of employers and workers. An advisory board (on which employers and workers are represented) may be appointed by the commissioner to advise him in relation to his functions under these regulations.

Application is supervised through labour inspection.

### GUATEMALA

Constitution of 15 September 1965.

Labour Code of 16 August 1961 (LS 1961 - Gua. 1).

The Government maintains that the international labour standards to which Guatemala has subscribed have been embodied in national legislation and that this procedure guarantees the application of the Convention and Recommendation in question. As regards equal pay for work of equal value, there is no discrimination of any kind whatever. The national legislation governing wages in general and minimum wages in particular applies equally to workers of either sex.

The labour services are responsible for supervising the application of the international labour standards to which Guatemala has subscribed and of those appearing in the Labour Code, collective agreements and other texts. The special labour courts also have responsibilities in this connection.

The Labour Code is at present under review. It is possible that there will be enactments which directly or indirectly may have a bearing on the matters under review.

## UNRATIFIED CONVENTIONS AND RECOMMENDATIONS

---

### HONDURAS

Constitution.

Labour Code (IS 1959 - Hon. 1).

The Constitution, in section 124, and the Labour Code, in section 367, stipulate that there shall be equal pay for equal work provided that the job, the hours of work, the efficiency of the workers and their seniority are identical too. The Minimum Wages Act lays down that minimum wages shall take no account of sex. Collective agreements always specify that men and women workers shall be paid the same.

The Ministry of Labour is responsible for seeing that the principle of equal pay is complied with; various judicial authorities, including the labour courts, the Labour Court of Appeal and the Supreme Court of Justice, also have responsibilities. Organisations of employers and workers may co-operate in application through collective agreements.

### HUNGARY

Paragraph 1 of the Recommendation. The salary rates of public employees in both central and local administration are fixed according to the rules of Decree No. 15/1973/XII.27 issued by the Ministry of Labour. Within the limits laid down in the decree the actual salary rates for both men and women are fixed according to their responsibilities, education and seniority without any discrimination based on sex.

Paragraph 2. Basic wage and salary rates of manual and non-manual workers are fixed without any distinction based on sex according to the provisions laid down in Decree No. 7/1971/IV.1 of the Ministry of Labour with an account taken of the national unified occupational wage and salary scale now under elaboration.

Paragraph 3. The Constitution of the Hungarian People's Republic contains the principle of remuneration according to the quality and quantity of work done. The Labour Code specifies further that "when taking up a job and when determining the rights and duties of labour relations no prejudicial discrimination can be made among employees with regard to sex". The application of the principle of "equal pay for work of equal value" is guaranteed by these two statutory provisions which are reinforced by more detailed provisions contained in collective agreements.

The information of manual and non-manual workers is ensured by the adopted procedure of proclaiming statutory provisions and the of concluding collective agreements.

Paragraphs 4 and 5. In its resolution adopted last year the Council of Ministers stated that wage differentials between the sexes were mostly due to disparities in occupational skills and qualifications, conditions of work and seniority. The governmental decree outlined a number of measures aimed at gradual elimination of the remaining grounds giving rise to wage differentials between men and women.

## EQUAL REMUNERATION

---

Paragraph 6. The decree emphasised in particular the need to improve occupational skills and qualifications of women by inspiring them to take more advantage of initial vocational training and retraining courses as well as of other means specifically adapted to meet the requirement of women workers having children.

Paragraphs 7 and 8. See above.

### ICELAND

Act No. 60/1961 on Equal Remuneration for Women and Men.

Act No. 37/1973 on the Equal Remuneration Board.

Under Act No. 37/1973, women and men shall receive equal remuneration for work of equal value. Employers are forbidden to discriminate against their employees on grounds of sex in connection with remuneration, privileges, engagement for work, working conditions, etc.

The Equal Remuneration Board is composed of five members, including those appointed by employers' and workers' organisations. According to the Act the task of the Equal Remuneration Board is to serve as an advisory organ for the authorities, institutions and associations concerning equality between women and men as regards wages and other conditions of employment.

The Board shall also observe the development of society as regards equality between women and men and suggest measures of remedy. Then the Board shall initiate special research for possible discrimination as regards wages and other conditions of employment in connection with the Act.

### INDIA

See also the reports of the Government submitted in respect of Convention No. 100.

As regards paragraph 6 of the Recommendation, the various facilities provided by the Vocational Guidance and Employment Counselling Services in India are equally available to women workers. Similarly, vocational training facilities are also available to men and women workers on an equal footing. No discrimination is made on grounds of sex with regard to the provision of these facilities.

As regards placement of women workers, certain special measures, such as maintenance of separate registration records for women workers, are adopted so as to provide better placement facilities to women applicants. However, women applicants are considered not only for vacancies especially notified for them but for all vacancies for which they are eligible.

## UNRATIFIED CONVENTIONS AND RECOMMENDATIONS

---

Both the central and the state Governments are competent to take action in respect of the provisions of the Recommendation.

### INDONESIA

No specific regulation or practical provision exists in regard to the matters dealt with in the Recommendation. However, as paragraph 2 of the Basic Manpower Law does not tolerate any discrimination, equal remuneration is a stated fact.

The Ministry of Manpower is planning to introduce a wage law. Matters dealt with in the Recommendation may be taken into consideration at the drafting of the law.

### IRAN

Labour Act of 1959 (LS 1959 - Iran 1).

Paragraphs 1 to 5 of the Recommendation. The principle of equality of remuneration for men and women workers for work of equal value is implemented according to article 23 of the Labour Law of Iran. Employers and workers are informed on legal requirements through courses organised by labour and social security institutes, by Chamber of Commerce and by workers' organisations of Iran.

Paragraph 6. (a) As regards vocational guidance or employment counselling, vocational training and placement, there is no discrimination between men and women.

(b) Measures are being taken by workers' organisations and women's organisations of Iran to encourage women to use facilities for vocational guidance, employment counselling, vocational training and placement.

(c) Facilities such as day care and nursing centres are available for women workers.

(d) In law and practice men and women workers have equal access to occupations and posts, taking into consideration the provisions of the international regulations and national legislation related to the protection of the health and welfare of women.

Supervision is carried out by labour inspectors.

National law and regulations being in conformity with the provisions of the Recommendation, any supplementary measure is not needed at present.

## EQUAL REMUNERATION

---

### IRAQ

Act No. 151 of 16 July 1970 (the Labour Code) (LS 1970 - Iraq 1).

Workers' Retirement and Social Insurance Act (No. 39 of 1971).

The first section of the Labour Code affirms that everybody shall be entitled to equal employment opportunities, irrespective (among other things) of sex. The word "worker" as used in the Code applies equally to men and women.

As regards paragraph 6 of the Recommendation, an Employment and Vocational Training Institute has been set up under section 159 of the Code within the Ministry of Labour, to encourage vocational training. Men and women are equally entitled to make use of its services. The Workers' Retirement and Social Insurance Institute will plan social welfare services, such as social centres, hospitals, clinics, maternity homes, nurseries, kindergartens and so on.

The Inspection Department of the Ministry of Labour is responsible for ensuring compliance with labour legislation. Inspections are carried out by tripartite teams led by a labour inspector.

### ITALY

Article 37 of the Italian Constitution states that women workers shall be entitled to equal pay for equal work. Any woman worker can invoke this right in a court of law. Convention No. 100 and Article 119 of the Treaty of Rome, having been ratified by Italy, also give rise to statutory rights in this field.

There is a substantial body of case law establishing that in applying the principle, output shall not count; all that counts is the rate of pay for the job. Contractual clauses fixing different pay rates for men and women have been declared null and void.

Equal pay has been achieved in stages. After agreement had been reached on parity on 15 July 1960, a single list of occupational classifications, covering men and women alike in industry, with provision for eight wage classes, was drawn up. The unions, observing that women were often placed in the lowest classes, tried to reduce the number of classes. In principle, since 1964, collective agreements concluded in industry have provided for only five wage classes. In agriculture and the services sector parity in pay was achieved in December 1964 (this date corresponded to the last stage provided for in the EEC resolution of 31 December 1961).

The unions today are calling for a single occupational classification for workers and office employees, the number of wage classes to be reduced to a minimum.

As regards paragraph 6 of the Recommendation, Act No. 1044 of 30 December 1971 provides, inter alia, for the creation of 3,800 nursery schools as part of a five-year plan.

## UNRATIFIED CONVENTIONS AND RECOMMENDATIONS

---

### IVORY COAST

Labour Code (Act No. 64-290 of 1 August 1964) (LS 1964 - I.C. 1).

Section 80 of the Labour Code runs as follows: "In equal conditions as regards work, skill and output, the same wage shall be payable to all workers, irrespective of their origin, sex, age and status ...".

"Wages" as defined in the Code include benefits in kind. The definition of a "worker" excludes any distinction on grounds of sex.

Generally speaking, workers enjoy the same protection as regards the fixing of rates of pay without distinction of sex.

The Ministry of Labour is responsible for seeing that the Labour Code is enforced.

### JAMAICA

The Minimum Wage Law, Cap. 252 and Proclamations thereunder, make no distinction on the grounds of sex in fixing minimum wage rates.

Collective agreements do not discriminate regarding equality of pay between male and female workers.

Where information is available about disparities in wage levels and wage differentials of men and women, justification is based on questions such as job content, output or on such questions as education and training.

The Minimum Wage Division of the Ministry of Labour and Employment is entrusted with the supervision of the application of the Minimum Wage Law Cap. 282. The Labour Advisory Council (established on a tripartite basis) meets regularly in the establishment and working of arrangements for the protection of workers and the application of labour legislation.

It is generally agreed that there are no legal obstacles to the ratification of the Convention, and the Cabinet has now given permission for the Convention to be laid on the table of the House of Parliament for ratification.

### JAPAN

Working Women's Welfare Law (Law No. 113 of 1 July 1972) (LS 1972 - Jap. 1).

Vocational Training Law (Law No. 64 of 18 July 1969) (LS 1969 - Jap. 1).



## EQUAL REMUNERATION

---

The "Working Women's Welfare Law" has been enacted for the purpose of furthering the welfare and improving the status of working women. As the basic principle of this Law, section 1, provided that adequate consideration should be given so that working women may be able to secure harmony between their working life and family life, and to secure fuller working life, by making the best use of their abilities, with their maternity respected and yet without being discriminated against by sex. In article 7 it is provided that employment security organs, in order to help working women choose their own occupation and adapt themselves to their occupation, shall take necessary measures such as supplying information on employment and conducting vocational guidance. Further, as regards vocational training, the State, prefectures, etc. take necessary measures, such as better arrangements of facilities, in order to secure equal opportunities for working women and help them to be trained (article 8 of the same Law). Besides this, vocational training for women is also conducted in the vocational training organised by an employer, etc., under the recognition by the prefectural governor.

Under the provisions of the Child Welfare Law, the State and local public bodies establish day nurseries and crèches as facilities for women workers with dependants. Furthermore, the Employment Promotion Projects Corporation gives a low interest loan to an employer for setting up crèches and purchasing play goods, etc. in crèches.

As for other social welfare facilities, under the provisions of the Working Women's Welfare Law, the local public bodies are placed under an obligation to endeavour to set up welfare centres for working women, whose work includes counselling, guidance and provision of facilities for rest and recreation, school children's study, etc.

The responsibility of the enforcement of the Laws quoted above rests upon the Minister of Labour. The Women's and Minors' Bureau, set up in the Ministry of Labour, the Women's and Minors' offices set up in each prefecture, are engaged in public information services and give administrative guidance.

The Women's and Minors' Problem Council and the Vocational Training Council, established in the Ministry of Labour with the object of making research and recommendations to the administrative agencies concerned, are composed of members representing the workers, those representing the employers and those having knowledge and experience.

### KENYA

All freely negotiated collective agreements in Kenya now provide for equal pay for equal work for men and women.

There is, however, a slight variation on the minimum wages regulations made under the provisions of the Regulations of Wages and Conditions of Employment Act (Cap. 229) which provides for a reduction of approximately 10 per cent for women workers in the unskilled jobs.

## UNRATIFIED CONVENTIONS AND RECOMMENDATIONS

---

### KUWAIT

Employment (Private Sector) Act (No. 38 of 1964).

The principle of equal pay for equal work is in fact put into effect in all activities and occupations at the state level.

Section 27 of the Employment (Private Sector) Act No. 38 (1964) affirms the principle of equal pay between male and female workers for the same work.

Delay in ratification of the Convention is due to the fact that there is no text specifying equal pay for men and women employed in government service. The introduction of a suitable clause in the Labour Code is contemplated.

### LEBANON

In private enterprise Acts Nos. 12/65 of 17 February 1965 and 26/67 of 16 May 1967 provide that there shall be equal pay for "similar duties or tasks" as regards minimum wage rates and cost-of-living allowances. Minimum wage rates and cost-of-living allowances are payable to all wage earners, men and women alike, according to this legislation.

In the public sector, although there is no specific reference to equal pay in the statutes relating to officials and civil servants, there is no distinction based on sex in the conditions for admission to employment, and the wage or salary for each post is decided on irrespective of the person occupying that post.

Convention No. 100 is one of the 13 Conventions submitted by decree on 30 November 1967 to the Lebanese Parliament for ratification.

### LIBYAN ARAB REPUBLIC

Constitutional Proclamation.

Labour Code, 1970 (LS 1970 - Libya 1).

Section 4 of the Proclamation specifies that for every citizen, work is a right, an honour, and a duty. The word "citizen" applies to men and women alike, both considered as being equal.

In the Labour Code the word "worker" covers persons of either sex without distinction.

The Code makes it illegal to employ any worker for less than the statutory minimum wage.

In the civil service the pay is fixed in accordance with the nature of the post, irrespective of the sex of the incumbent.

## EQUAL REMUNERATION

---

It is for the Ministry of Labour and the Ministry of the Civil Service to ensure that the law is complied with. Representatives of employers and workers are consulted whenever these questions come up for discussion.

### LUXEMBOURG

Act of 22 June 1963 providing rules for the fixing of the salaries of state officials.

Act of 12 June 1965 concerning collective labour agreements (LS 1965 - Lux. 1).

Act of 12 March 1973 modifying minimum wages.

Grand-Ducal Regulations of 10 July 1974 concerning equality of remuneration for men and women.

Article 2, paragraph 3, of the Act of 22 June 1963 laying down rules for the fixing of the salaries of state officials lays down the general principle that a female official shall receive the same salary as a male official for identical services.

The Act of 12 March 1973, modifying the minimum social wage, reaffirmed the principle - established for the first time in a Grand-Ducal Order dated 22 April 1963 - of non-discrimination against women workers in matters relating to minimum wages.

The Act of 12 June 1965 concerning collective labour agreements required the insertion in all such agreements of provisions designed to secure the application of the principle of equality of remuneration without discrimination according to sex.

Under Grand-Ducal Regulations dated 10 July all employers, whether in the public or the private sector, are now required to give equal pay to men and women for the same work or work of equal value. It also states that the different elements making up the remuneration must be calculated on identical bases for men and women. Lastly, it makes compulsory the use of job classifications common to both sexes and the application of identical job classification criteria to men and to women.

Under these regulations, any provision in a contract of employment or a labour agreement of a nature to give rise to discrimination with regard to either sex in matters of remuneration is ipso jure null and void.

### MADAGASCAR

Decree No. 60,237 of 29 July 1960 concerning the classification of officials and state civil employees.

## UNRATIFIED CONVENTIONS AND RECOMMENDATIONS

---

The decree afore-mentioned, as amended by Decree No. 74,084 of 1 March 1974, ensures application of the principle of equal pay. These provisions apply to staff in the central administration as well as to personnel employed in territorial public bodies.

In public industries and undertakings, and in undertakings subject to official supervision, women workers (providing they are doing the same work, have the same seniority, and occupy the same occupational grade) enjoy all the perquisites appertaining to the grade in question, on an equal footing with men (unless, by individual contract, they enjoy special favours). A contracts board examines contracts entered into by public authorities to ensure that laws and regulations are complied with. Wage rates are closely bound up with the particular job to be done, and sex is never taken into account. For private enterprise there are decrees and orders regulating minimum wage rates, occupational grades and the indices connected therewith, and percentage increases or increases in the index, irrespective of sex. The Directorate of Labour and the Directorate of the Civil Service have opened information offices in which employers and workers can obtain information on the manner of applying the relevant legislation.

As regards vocational guidance and advice, vocational training and employment placing, men and women are on the same footing. However, the rules applicable to certain public servants limit the number of places reserved for women (10 per cent of the total) on account of the physical demands made on the worker by certain jobs.

### MALAWI

All trades and industries in Malawi are covered by minimum wages orders. Those industries for which there is no specific wage order are covered by the Wages (General) Order. All the wage orders abide by the policy regarding equal remuneration for men and women for work of equal value. The policy decision made by the Malawi Government regarding equal remuneration for men and women for work of equal value includes all emoluments.

The Ministry of Labour is the authority entrusted with the supervision of the application of the legislation and regulations.

The organisations of employers and workers are called upon to co-operate in this application under the Wages Advisory Board and/or under the various Wages Advisory Councils.

### MALI

Labour Code (Act No. 62/67 AN-RM of 9 August 1962) (IS 1962 - Mali 1).

Act No. 61/57 AN-RM of 15 May 1961, containing general statutes applicable to officials.

## EQUAL REMUNERATION

---

Ordinance No. 55/CMLN of 19 December 1972 governing the employment of personnel of state companies and undertakings.

Paragraph 1 of the Recommendation. Section 8 of Act No. 61/57 states that in the application of the Public Officials' Statute no difference is made on grounds of sex, except in so far as regulations for particular groups may make special provision therefor. These special provisions relate essentially to the corps of civil administrative officials; women, too, can apply to join the corps, but the positions of command are reserved for men.

Paragraphs 2 to 5. The principle of equal pay for equal work is set forth in article 85 of the Labour Code. All the collective agreements in force contain a clause identical in wording to that article.

Ordinance No. 55 of 19 December 1972 regulating the employment of persons employed in state companies and undertakings, lays down (article 1) that in its application no distinction is to be made between men and women workers.

The guaranteed minimum inter-occupational wages, fixed by decree, apply to men and women workers alike.

There is at present no difference between the wage rates for men and women fixed by collective agreement or other means, for work of equal value.

Paragraph 6. In state companies and undertakings, the Social Fund established by the Order No. 23 CMLN (11 April 1969), financed by payments from the undertakings concerned of not more than 5 per cent of their net profits, helps in improving the lot of both men and women workers and their families with regard to such things as housing, health and safety, assistance to the family, children's schooling allowances, the creation of nurseries and kindergartens, etc.

The labour inspectors are responsible for seeing that the laws and regulations are complied with.

For the time being, the Government of Mali is planning no action to give effect to those clauses in the Recommendation that are not already covered by national legislation or practice.

### MALTA

The principle of equal remuneration for men and women workers for work of equal value is laid down in the Constitution of Malta.

In the public sector full parity in remuneration has been reached since April 1971.

As regards the private sector of employment parity of remuneration has been reached in a number of industries through the enactment of wage regulation orders.

## UNRATIFIED CONVENTIONS AND RECOMMENDATIONS

---

In view of the fact that there are still some private sectors where the principle of equal remuneration has not yet been adopted, ratification of the Convention is not yet possible.

### MAURITIUS

Civil Establishment Order, 1973.

Industrial Relations Act, 1973.

Wage regulations and the Civil Establishment Order 1973 provide for equal remuneration to men and women and they cover a total of 54,236 workers out of a total of 149,214 wage earners. Moreover, there is no difference in the rates of pay of men and women employed as office workers in the private sector. The supervision of the application of the legislation and arbitration arrangements is entrusted to the Ministry of Labour and Industrial Relations. Organisations of employers and workers may be called upon to co-operate through the Labour Advisory Board.

The differentials in remuneration rates between men and women which exist in collective agreements relate to the agricultural sector, mainly the sugar industry, where heavy manual work is involved, and are on the whole based on an objective appraisal of output.

A National Remuneration Board set up in pursuance of the Industrial Relations Act (1973) must take into consideration the principles and practices of good industrial relations. The Code of Practice which is embodied in the Act, provides that payment systems should be based wherever applicable on some form of work measurement under which payment is linked to performance and that differences in remuneration should be related to the requirements of the job, which should wherever possible be assessed in a rational and systematic way in consultation with the trade unions concerned.

### MEXICO

Constitution of the United States of Mexico; Federal Labour Act (LS 1969 - Mex. 1) Federal State Employees Act.

The federal Constitution lays down the general principle of equality of pay (Part A, paragraph VII, of section 123). In addition to this provision, the principle is set forth for central government employees in the Federal State Employees Act. The Government affirms that the principle is observed in all federal establishments throughout the country. The same principle applies to workers other than those employed by the State.

Minimum wage rates are arrived at irrespective of sex.

## EQUAL REMUNERATION

---

Men and women workers enjoy equality of opportunity as regards vocational guidance and training. As regards employment opportunities, women compete with men on the same footing in the employment market.

Labour legislation in Mexico is a matter for the federal authorities.

### MONGOLIA

Article 76 of the Constitution ensures the equality of rights irrespective of sex to all citizens. Article 77 of the Constitution states: "Citizens of the MPR have the right to payment for work in accordance with its quantity and quality." Article 84 of the Constitution provides women equal rights with men in all spheres of economic, governmental, cultural and socio-political life. The exercise of these rights is secured by according women equal conditions with those of men in regard to work, rest and leisure, social insurance and education, as well as state protection of the interests of mother and child, state aid to mothers with large families, the granting of paid leave to women during pregnancy and after childbirth, the development of a network of maternity homes, nurseries and kindergartens.

Section 78 of the Labour Code states: "The work of wage and salary earners is paid for in accordance with its quantity and quality. For equal work by wage and salary earners, equal remuneration is payable, irrespective of sex, age, race or nationality."

The trade unions and appropriate governmental organs exercise strict controls of due observance of the constitutional principle.

### MOROCCO

Dahir dated 28 Rebia I, 1355 (18 June 1936), concerning minimum wages for wage and salary earners.

Decree dated 26 Kaada 1391 (15 January 1972) to adjust upwards the minimum wage in industry, trade, the liberal professions and agriculture.

Dahir dated 4 Shaaban 1377 (24 February 1958) (general regulations for the public service).

The labour inspectors and the inspectors of social legislation in agriculture are responsible for ensuring that legislation concerning the wages systems and the payment of wages is complied with.

## UNRATIFIED CONVENTIONS AND RECOMMENDATIONS

---

The order dated 20 Rebia I 1393 (24 April 1973), laying down conditions of employment and remuneration of agricultural workers, states that the minimum wage for women over 15 years of age shall be 80 per cent of the guaranteed daily minimum wage. Minus wage differentials are still in force in certain industries (and in particular the foodstuff and textile industries).

The Government is anxious to generalise the application of equal pay for equal work, while avoiding disturbances which might jeopardise the growth of certain vital economic sectors (especially the industries producing for export).

To assess the possible impact of equal pay for equal work (assuming the principle were to be applied), an inquiry is at present under way, to ascertain how many women are actually employed and their actual wage levels.

In the draft Labour Code the following wording is to appear in the general rules for determination of wages: "In equal conditions as regards work, skill and output, there shall be no discrimination between workers."

### NETHERLANDS

There are no statutory regulations in force under which a female worker is entitled to the same wages as received by a male worker for work of equal value.

As far as public servants are concerned the principle of equal pay has been applied to them from the sixties onwards. Also with regard to work in the employment of provinces and municipalities no distinction is made between men and women.

Under the Act on Minimum Wages and Minimum Holiday Allowances, all workers, both male and female, aged between 23 and 65, who work under a contract of employment for more than one-third of the hours of work usually worked in the industry concerned, are entitled to a certain minimum wage. Reduced rates of a minimum wage apply to young workers, both male and female, aged between 15 and 22. The existing classification systems do not include any characteristics for male and female workers. The jobs are evaluated irrespective of the question as to whether a position is held by a male or female worker.

In consequence of the ratification of ILO Convention No. 100, the Socio-Economic Council was requested to give its opinions regarding the desirability of a statutory regulation concerning the equal remuneration of men and women.

In 1973, the Council recommended that each female worker be granted an individual entitlement to equal pay under a general statutory regulation. The equal pay should not only relate to the basic wage, but also to all sources of income derived from the employment.



## EQUAL REMUNERATION

---

The Council is of the opinion that the conception of "work of equal value" should be specified in further detail. The following definition is suggested: "employment which by a generally accepted system of job evaluation is considered to be equal to other employment".

In addition the Council considers it advisable that if a female worker brings her claim to equal pay before a court of justice, the judge should ask the advice of experts (an advisory body) as to whether the work concerned should be regarded as equal.

In the opinion of the Council, this advisory body (tripartite committee) should be established within the Wages Inspectorate.

The Committee on the Position of Women and Girls in respect of employment made similar recommendations concerning the question of equal pay.

On 5 December 1973, the EEC Commission was informed that the introduction of a relevant bill could be expected in the first quarter of 1974.

### Surinam

Under article 7 of the Surinam Constitution, each citizen can be appointed to any function.

As far as organised industry is concerned, it is not always feasible to effectuate the equal pay principle, in view of the fact that the remuneration should not only be based on the work performance, but also on the needs of workers concerned. This is one of the reasons why the Surinam Government is of the opinion that it is not desirable that the Equal Remuneration Convention (No. 100) should be declared applicable to Surinam.

### NEW ZEALAND

Government Service Equal Pay Act, 1960.

Equal Pay Act, 1972.

Article 1 of the Convention. Section 2(1) of the Equal Pay Act, 1972, provides that "remuneration" means the salary or wages actually and legally payable to an employee, and includes bonuses, allowances, payment for overtime, etc.

However, the 1960 Act refers to scales of salary or wages, which would seem to exclude the above fringe benefits. In addition, some state employers are paying an allowance at a higher rate for men.

## UNRATIFIED CONVENTIONS AND RECOMMENDATIONS

---

The State Services Co-ordinating Committee (principal adviser to the Minister of State Services on personnel matters affecting those services) has accepted in principle that this allowance be changed to reflect equal pay, as defined in Convention No. 100. However, the final decision is not yet known. The existence of the adult allowance in its present form, as well as the payment of similar allowances in other state agencies not covered by the State Services Co-ordinating Committee, prevents New Zealand from fulfilling the requirements set forth in the Convention.

Article 2. The title of the Equal Pay Act, 1972, makes it clear that the Act is intended to ensure the removal and prevention of discrimination, based on the sex of the employees, in the rates of remuneration for paid employment.

This Act is applicable to any collective agreement, special agreement or award. In addition, the 1960 Act ensures the application of the principle of equal pay to the state services.

Article 3, Paragraph 1. Article 3 of the Equal Pay Act, 1972, and article 3 of the 1960 Act lay down criteria for use in an objective appraisal of jobs.

Paragraph 2. Articles 3 and 4 of the 1972 Act set out the methods to be followed in the appraisal of jobs, and the Act also outlines the powers of the Court of Arbitration. Similar provisions exist in the 1960 Act as well.

Paragraph 3. The 1972 Act allows for differential wage rates to be paid where there is no discrimination based on the sex of the employee.

Paragraph 4. The Equal Pay Act, 1972, provides that the existing industrial conciliation and arbitration machinery is to be used for the implementation and enforcement procedures of equal pay. This existing machinery is characterised by the equal representation of both employers' and workers' organisations. The majority of the determinations for equal pay are to be worked out in negotiations between representatives of employers and unions.

A committee representing the Department of Labour, the occupational organisations and women's associations, will be set up during the period of initial implementation of the Act to evaluate the progress made and possible shortcomings.

Paragraph 1 of the Recommendation. The Government Service Equal Pay Act, 1960, provides for equal remuneration for equal work to all government employees, but includes no definition of "wage" or "salary", and appears to refer to the bare wage or salary, exclusive of additional emoluments (see under Article 2 of the Convention).

Local government employees come under the Equal Pay Act, 1972, which provides that "remuneration" means not only the salary or wages but also any fringe benefits payable.

Paragraph 2. Workers not covered by the 1960 Act are covered by that of 1972.

## EQUAL REMUNERATION

---

Paragraph 3. The Department of Labour has taken steps to advise both employers and employees of the application of the 1972 Act.

Paragraph 4. The 1972 Act is to be implemented in five stages before becoming completely effective in 1977.

Paragraph 5. (See under Article 3(1) and (2) of the Convention.)

Paragraph 6. Vocational guidance centres are open to all.

The National Advisory Council on the Employment of Women promotes research into and has published information about women in the work force. A Parliamentary Select Committee on Women's Rights considers cases of discrimination and makes recommendations to bring about equality for women, including equality of opportunity in employment.

Paragraph 7. The 1972 Act had been based on the findings of a Commission of Inquiry into Equal Pay in New Zealand, which body had held meetings open to the public. The Department of Labour, and the employers' and workers' organisations, make extensive use of other means of information, such as publications, reports, seminars, etc.

Paragraph 8. In view of the current situation as regards equal pay, the Government feels that no further promotional activity is called for.

The Equal Pay Act, 1972, is administered by the Department of Labour. Employers' and workers' organisations will be able to co-operate through the tripartite Court of Arbitration and the review committee mentioned above (under Article 4).

The Government Service Equal Pay Act, 1960, is administered separately by each government agency.

## NIGER

Labour Code (Act No. 62/12) of 13 July 1962.

Under articles 1 and 90 of the Labour Code, which apply equally to all workers, all discrimination by sex is banned.

Women are barred from access to occupations only in so far as the practice of a particular occupation might be dangerous to their health.

## NIGERIA

The federal Ministry of Labour is for the time being entrusted with over-all responsibility for labour matters in this country, with the consent of the state governments.

## UNRATIFIED CONVENTIONS AND RECOMMENDATIONS

---

Section 28(1) of the Nigerian Constitution, which guarantees every Nigerian freedom from discrimination on the grounds of community, tribe, place of origin, religion or political opinion, makes no specific reference to discrimination on the grounds of sex. The principle of equal remuneration for work of equal value, however, has been an age-long practice all over the country in the public as well as in the private sector.

An administrative circular of 1949 to all government departments put into effect the principle of equal pay "where it is not already effective". This circular came into force in October 1948 when the country was operating a unitary system of government as a result of which the principle was widely implemented throughout the public sector and still remains so after the introduction of regions and states.

The only statutory minimum wages in this country are those fixed under the Wage Boards and Industrial Councils Decree. These apply to all employees of particular industries or part thereof without distinction between male and female workers.

Facilities for training and employment are open to everyone with requisite qualification irrespective of sex. Secondary schools are visited by the staff of the Ministry of Labour for the purpose of vocational guidance and counselling.

### NORWAY

In 1974 the Norwegian Government intended to submit a bill on equal status for men and women to the Storting. The question of equal remuneration and equal rights for men and women workers will be one of the main subjects covered in this Bill.

In Norway the Government takes no part in wage fixing in the private sector, this being a matter for the occupational organisations. However, to promote equal pay for equal work in private enterprise, the Government has set up an Equal Pay Council, a tripartite body which for years was active in providing information about the problems involved in giving effect to the principle. This has recently been replaced by an Equal Status Council, the terms of reference of which have been extended to include a whole range of problems having to do with equality of status for the two sexes.

As regards application of the principle involved, a general agreement, reached in 1961 by the main occupational organisations, had one exceedingly important result. It provides for the elimination, in collective agreements, of all differences in the wage scales applicable to men and women.

In the public sector the state and local authorities do, as a rule, apply the principle of equal pay for men and women, but there are still certain occupations, largely dominated by women, where pay is lower than it is in those occupations where men predominate.

## EQUAL REMUNERATION

---

At the request of the Equal Pay Council a special committee was set up to study women's wages in the public sector. Its report is expected shortly.

The Equal Pay Council was expected, among other things, to assemble information about the actual application of the principle in Norway, and to promote a more effective participation by women in economic activity. It assembled information about the difficulties encountered in putting the principle into effect and brought them to the notice of the employers' and workers' organisations.

The employment services, including the employment placing service and the vocational guidance and vocational training services, can be made use of by any worker irrespective of sex. Furthermore, efforts are being made gradually to eliminate all forms of discrimination as regards placing in employment.

With regard to vocational training, an attempt is being made to induce women to penetrate fields hitherto considered as male preserves.

A vast amount of informational activity has been undertaken to change the tradition-based division of occupations between men's and women's jobs.

Representatives of the employers' and workers' organisations are co-operating closely with the Equal Status Council, this latter body being tripartite in character and frequently consulting such organisations.

Very shortly the Government will be submitting a Bill for the long-term reinforcement of social facilities for children. The Equal Status Council has in addition made several proposals to increase women's rights during pregnancy and childbirth.

### PAKISTAN

There is no specific law giving effect to the provisions of the Convention. However, the principle of equal remuneration for men and women workers for work of equal value is being observed by the Minimum Wages Boards appointed on a tripartite basis by the provincial governments under the Minimum Wages Ordinance, 1961, and also through collective agreements between employers and workers. There is no discrimination in the government pay scales, in the wage rates in industries and undertakings under public control.

Rule 15 of the West Pakistan Minimum Wages Rules, 1962, provides that in fixing minimum rates of wages, the principle of equal remuneration for men and women workers for work of equal value shall be applied. Similarly under the West Pakistan Minimum Wages for Unskilled Workers Ordinance, 1969, there is no discrimination in Pakistan in the payment of wages to men and women workers for work of equal value.

## UNRATIFIED CONVENTIONS AND RECOMMENDATIONS

---

Provincial governments are entrusted with the supervision of application of the legislation.

### PANAMA

Constitution of 1972.

Labour Code (LS 1947 - Pan. 1, 1950 - Pan. 1).

The principle of equal pay for men and women for work of equal value is provided for by national legislation. Minimum wage rates make no distinction as regards pay for work of equal value, and the 315 collective agreements entered into in Panama all respect the principle of equal pay.

The authorities responsible for supervising application in Panama are the Ministry of Labour, the Labour Court and its sections, the Supreme Labour Tribunal and the Supreme Court of Justice.

### PERU

Constitution of 1931.

The Civil Code of 1936.

Legislative Decree No. 14222 laying down methods for the fixing of minimum wages (LS 1965 - Per. 1B).

Legislative Decree No. 17876 on systems of remuneration for public employees.

Section 23 of the Constitution lays down that "all inhabitants of the Republic, without distinction, shall enjoy equal rights and obligations under the Constitution and laws of the realm". Section 1572 of the Civil Code specifically guarantees equal pay for equal work, without distinction on grounds of sex. In the fixing of minimum wages, Legislative Decree No. 14192 takes no account of a worker's sex. In the public sector no distinction is made between men's and women's work, and the same system of remuneration is applied to all public servants.

The Ministry of Labour and the Wages and Minimum Living Wage Committee are responsible for supervising the application of these standards.

### PHILIPPINES

Act No. 679 to regulate the employment of women and children, (LS 1954 - Ph. 2), amended by Act No. 1131.

## EQUAL REMUNERATION

---

The Government refers to its previous reports on the Convention.

Section 7(e) of the Act forbids any discrimination in the clauses and conditions of employment on grounds of sex, and provides that pay shall be the same for both sexes for work of equal value.

### POLAND

Article 66 of the Constitution guarantees equal rights to men and women, particularly in matters relating to employment and remuneration. These rights are also safeguarded in day-to-day wages policy as expressed in government regulations and in the clauses of collective labour agreements.

The systems of fixing remuneration do not make any distinction in wage rates based on the sex of workers. All establishments where work is carried on are required to give their workers the opportunity to consult all existing legislation on remuneration, including the wage rates in force, so that workers can make sure that their wages have been properly calculated. In addition, if the worker considers that his remuneration is not in accordance with the legislation in force, the matter may be referred to the arbitration boards which exist in all establishments where work is carried on.

Women are guaranteed, by law and in practice, freedom of access to vocational instruction, training and further training. The preliminary vocational guidance services for schoolchildren advise girls on the job openings which their studies offer. In addition, the employment offices given women advice and information concerning the conditions under which training can be obtained and the prospects of obtaining employment and promotion in particular occupations.

In the educational field considerable progress has been made, and the educational standards of women have greatly improved. Preliminary vocational training courses exist for women who have no specific qualifications; women attending such courses may receive special "training allowances" during the entire period of training.

The range of opportunities for part-time work for women is increasing, particularly in commerce, health services and teaching; this makes it easier for them to reconcile their job and family responsibilities and to maintain continuity of employment. Women wage earners bringing up children are entitled to a wide range of rights and social benefits. At individual places of work there are a number of welfare services such as crèches, nursing schools and refectories.

## UNRATIFIED CONVENTIONS AND RECOMMENDATIONS

---

### ROMANIA

Constitution of the Socialist Republic of Romania (LS 1969 - Rum. 1).

Labour Code (LS 1972 - Rom. 1).

Article 18 of the Constitution states that all work is remunerated in accordance with its amount and quality and that equal pay is given for equal work. The Labour Code also affirms the principle of equal pay for equal work and states that women are entitled to hold any position or job in keeping with their training and abilities (articles 14 and 151).

Act No. 11 of 1968 bans all discrimination on grounds of sex in admission to the teaching profession.

The Ministry of Labour and the trade unions are responsible for supervising the application of the relevant legislation.

### RWANDA

Labour Code (LS 1967 - Rw. 1).

Section 82 of the Labour Code runs thus: "In equal conditions as regards work, skill and output, the same wage shall be payable to all workers covered by this Act, irrespective of their origin, sex or age."

There is no reason why Convention No. 100 should not be ratified. Nor should there be any obstacle to the formal acceptance of Recommendation No. 90. Both instruments are, in fact, applied in full. The only delaying factor is that women constitute only a very small proportion of the wage-earning labour force.

### SIERRA LEONE

The Regulation of Wages and Industrial Relations Act, No. 18 of 1971 (LS 1971 - S.L. 1).

Reference is made to the annual reports of the Government on the Convention.

Section 3(1) of the above Act provides for the establishment of a Joint National Negotiating Board (to be known as the Joint National Board) with powers to determine and fix maximum hours of work for all persons below supervisory level. Section 7(1), on the other hand, provides for the establishment of 14 Trade Group Negotiation Councils (to be known as Trade Group Councils) with powers and functions as provided by sections 11 and 12 respectively.



## EQUAL REMUNERATION

---

In practice, there is no form of discrimination of wages based on sex.

The employers' and workers' organisations, i.e. the Sierra Leone Employers' Federation and the Sierra Leone Labour Congress respectively were totally involved in the setting up of the Negotiating Boards and are much more so in their functioning. The Ministry of Labour is, however, entrusted with the application of the Act.

It is not intended to take any measures to give effect to the provisions of the Recommendation as, both by legislation and in practice, they have been given effect.

### SINGAPORE

There is no legislative provision providing for equal remuneration for men and women for work of equal value. However, there are administrative provisions for the application of this principle in the public sector. Since March 1962, women officers who are employed in the civil service and in statutory bodies have been accorded parity of treatment with male officers in respect of salaries, retirement age, retirement benefits, etc.

In the private sector, there are collective agreements executed by individual employers and unions which accept the principle of equal pay.

### SPAIN

Act 56/1961 (22 July 1961) on the political, occupational and labour rights of women (LS 1961 - Sp. 1B).

Decree 55 (17 January 1963) on minimum wages and their relation to those established by collective agreement or voluntary increases.

Decree 2310 (20 August 1970) on the labour rights of working women (LS 1970 - Sp. 2).

Order dated 6 December 1971, setting up the National Committee on Women's Work.

Decree 527 (29 March 1973) laying down the minimum wage for all occupations.

The Order dated 6 December 1971, setting up the National Committee on Women's Work (in which the national councils of employers and workers are represented) is constantly and effectively at work, and sees to it that the principle of equal pay is given effect. Act No. 56 of 1961 states that a woman may enter into any kind of collective contract, and that in labour regulations, collective agreements and works' regulations no discrimination

## UNRATIFIED CONVENTIONS AND RECOMMENDATIONS

---

based on sex or marital status shall be permissible. Decree 2310 (20 August 1970) applies Act No. 56 of 1961 to the world of labour and lays down that women may work in employment on an equal legal footing with men and shall be entitled to the same remuneration as men. Section 1, subsection 2, states that labour regulations or ordinances, collective agreements made with trade unions, compulsory rules made under collective agreements and works' regulations may contain nothing which would imply any discrimination against either sex as regards occupational categories, conditions of work or pay. Subsection 3 lays down that the rules governing apprenticeship, entry into employment, probation, classification, promotion, pay for special work, bonuses, etc., shall observe the principle of equality of the sexes. Subsection 4 categorically declares that "any arrangement, agreement or stipulation of a contract of employment which infringes the provisions of this section shall be null and void".

No distinction based on sex is made in the fixing of minimum wage rates for groups of occupations.

The Directorate-General of Labour (which maintains close contacts with the trade union organisation) is responsible for the application of these rules and regulations.

Various studies are now proceeding which have some bearing on this subject. They will be submitted to the Ministry of Labour with a view to the possible revision of existing legislation.

### SRI LANKA

Equality of opportunity is ensured to all citizens by the Constitution. Specifically, Chapter VI of the Constitution states "no citizen otherwise qualified for appointment in the central Government, local government, public corporation services and the like, shall be discriminated in respect of any such appointment on the grounds of race, religion, caste or sex, provided that in the interests of such services, specified posts or classes of posts may be reserved for members of either sex".

The Tripartite Wages Boards which are to be established in conformity with the Wages Boards Ordinance, are empowered to fix a minimum rate of wages for piece and/or a minimum time rate for workers employed in the trades concerned.

There is no limitation placed on these Boards to fix different rates of pay based on sex differential.

Trade union organisations are free to make representations to the labour officials to ensure that legislation introduced in this field is given effect to.

The Government has taken effective steps to provide the application to all workers of the principle of equal remuneration. But it is not now possible to ensure that this principle is given full effect. A few of the wages boards established have different rates for men and women who perform identical work. It has not been considered possible to burden the plantation industries, affected by a gradual drop in the world market prices, with additional financial burdens.

## EQUAL REMUNERATION

### SWEDEN

No legislation concerning equal remuneration exists in Sweden. However, the principle is fully accepted by the parties on the employment market.

By virtue of the "central agreement" concluded on 18 March 1960 between the Swedish Employers' Confederation (SAF) and the Swedish Confederation of Trade Unions (LO), both parties formally agreed to abide by the principle of equal pay for work of equal value.

Since 1967 no collective agreement has stipulated special wage rates for women workers in industry. The wages fixed in such agreements depend on the difficulties of the job, seniority, age, and so on, but sex does not come into it at all. Amongst white-collar workers, too, no distinction is made between men and women as regards salaries set forth by collective agreement or by contract. However, the position on the employment market does tend to favour men as far as real earnings are concerned.

In trade and industry, these last few years, wage differences between men and women of the same age and doing the same kind of work have been progressively reduced.

In the state-controlled sector remuneration depends on the job rather than the person doing it; sex is not taken into consideration.

The Government has taken action to alter the traditional structure of the employment market whereby some jobs were considered suitable only for men and the remainder only for women. Thus in 1972 the Prime Minister set up an Advisory Council on Equality between Men and Women, which body has made a number of recommendations. The following have recently been implemented: first, a three-year project has been started, whereby a special training grant of 5 Swedish crowns an hour will be paid to employers who employ and train men and women for jobs in which the other sex predominates; secondly, a new condition has been added to the rules governing regional development aid: employers must reserve at least 40 per cent of all newly-created jobs for women; thirdly, the Employment Service has been reinforced with a view to studying the problems of women in the employment market.

Besides this, experiments are now proceeding with the instruction of women into jobs traditionally reserved for men. They are being conducted by the Advisory Council in conjunction with the National Labour Market Board.

### SWITZERLAND

Federal Act of 28 September 1956, to permit the extension of the scope of labour agreements (LS 1956 - Sw. 2).

Federal Act of 30 June 1927 on the status of public officials.

## UNRATIFIED CONVENTIONS AND RECOMMENDATIONS

---

Since the State does not directly interfere in wage fixing, the federal authorities can only urge employers' and workers' organisations in the private sector to apply the principle of equal pay (Circular dated 13 September 1973 from the Federal Department of Public Economy).

As regards federal employees, the principle of equal pay applies fully. As regards persons employed by cantonal authorities, the Federal Council, which is obliged to respect the sovereign rights of the cantons, has urged the cantonal governments to put the principle into effect.

For several years now, the Federal Council has had no occasion to lay down minimum wages for home work.

As regards the procedure for extending the scope of collective agreements, the Federal Council refuses to allow the extension of clauses infringing the principle of equal pay.

As regards the actual amount of wages, the model collective labour contracts issued by the Federal Council contain only very general clauses, none of which infringes the principle of equal pay. Application of the principle is urged in the model contracts issued by the cantonal authorities.

The Federal Council, the cantonal governments and (in certain instances) the communes ensure the application of legislation governing the status of their officials and other persons employed by them.

The Federal Council can fix minimum wages for work done at home after consulting the employers' and workers' organisations concerned.

As regards the extension of the scope of collective labour agreements, it is the Federal Council which in the last resort ensures that no decision to extend infringes the principle of equal pay. However, disputes concerning wages laid down by an extended collective agreement or by a model contract are heard by the civil courts.

### TUNISIA

Labour Code, 1966 (LS 1966 - Tun. 1).

Decree No. 69/344 (27 September 1969) on non-discrimination in agricultural employment.

Decree No. 72/358 (21 November 1972) on the pay of state officials and employees and of persons employed by local authorities and public establishments of an administrative nature.

Act No. 68/21 of 21 July 1968 ratifying Convention No. 100, and Decree No. 72/358 guaranteeing equality of remuneration for men and women in the civil service, in local authorities and in public establishments of an administrative nature.

## EQUAL REMUNERATION

---

Section 3 of Decree No. 69/344 (27 September 1969) introduces such equality into agriculture as well. As regards industry, trade and the liberal professions, the Act of 2 July 1968 automatically aligned national legislation on international standards. The Labour Code has been amended accordingly.

Each public labour exchange has a vocational guidance specialist plus a woman official. In the bigger towns there are labour exchanges catering specially for women.

The labour inspectors are responsible for seeing that these laws and regulations are complied with.

### TURKEY

Constitution of the Turkish Republic, 1961.

Labour Act No. 1475 (LS 1967 - Tur. 1).

Minimum Wage Regulations dated 12 February 1972.

The 1961 Constitution guarantees equality of rights irrespective of sex.

Section 26 of the Labour Act No. 1475 provides for the equal remuneration of men and women workers performing jobs of similar nature and working with equal output.

Section 2 of the Minimum Wage Regulations lays down that no discrimination as to sex shall be made in the fixing of minimum wage rates.

The principle of equal pay for work of equal value is enforced in all public organisations and services of the central administration.

Throughout the public sector reforms are to be introduced, one aim being to determine and define all jobs and their responsibilities. In private enterprise too, research is under way into job evaluation methods and the objective criteria to be applied. Since 1966, every effort has been made to extend job evaluation programmes to the whole of the economy.

It is recommended that wherever equal pay is impossible, action should be taken to reduce wage discrepancies as between men and women or to provide both sexes with equal opportunities for promotion.

As regards access to vocational guidance and training, employment and recruitment and social services, men and women are absolutely equal.

## UNRATIFIED CONVENTIONS AND RECOMMENDATIONS

---

### UKRAINIAN SSR

This Recommendation is scrupulously complied with.

Article 98 of the Constitution of the Ukrainian SSR lays down that all citizens of the Ukrainian SSR are entitled to guaranteed employment for a reward commensurate with the quantity and quality of the work done. Under Article 102 of the Constitution, Ukrainian women are accorded equal rights with men in the economic, official, cultural and political fields. These rights are rendered effective by the fact that women have the same right to employment as men, the same right to a reward for their labour, to leisure, social security and education.

The Labour Code of the Ukrainian SSR provides that the work of manual and non-manual workers shall be remunerated according to quantity and quality. It is illegal to pay reduced rates on account of age, sex, race or nationality (section 94). In addition, sections 174, 178 and 181 of the Code provide for a number of privileges accorded to expectant and nursing mothers and women with a child under one year of age.

Legal proceedings are taken against persons guilty of infringing the legislation on equal pay for men and women. The authorities responsible for ensuring compliance with labour legislation are also responsible for seeing that the legislation concerning equal pay for equal work is observed.

### USSR

Constitution of the USSR and the Constitutions of the Union Republics and autonomous Republics.

Fundamental principle of labour legislation in the USSR and Union Republics (LS 1970 - USSR 1).

Equality of rights between women and men is founded on article 122 of the USSR Constitution: "Women in the USSR are accorded equal rights with men in all spheres of economic, governmental, cultural and socio-political life. The possibility for women to exercise these rights is ensured by according them the same rights as men to work, pay for their work, rest and leisure, social insurance and education, as well as state protection of the interests of mother and child, state aid to mothers with large families and unmarried mothers, leave with pay for women during pregnancy and a wide network of maternity homes, nurseries and kindergartens."

Equality of rights between women and men in the field of remuneration is guaranteed by the existing system of wages and salaries. The system is based on the principle of centralised fixing or the main element in the remuneration, i.e. the tariff wage rate on the salary for the post. The wage and salary rates provide differentials in respect of the workers' qualifications and the conditions and intensity of the work. The rates fixed centrally make no distinction for sex.

## EQUAL REMUNERATION

---

A special grading board at each enterprise, which includes management and trade union representatives, determines the appropriate grade or salary for each worker according to his knowledge and skill.

There is no distinction by reason of sex in regard to any of the forms of guarantee, compensation and bonuses.

Freedom for women in the choice of employment, occupation, type and nature of activity is guaranteed by article II of the Bases of USSR and Union Republic Legislation on marriage and family.

Equality of access to education and to training has been ensured by law and by practice; for instance, 50 per cent of students in higher education and 53 per cent of pupils in secondary special education were women in the 1972/1973 academic year.

Section 2 of the Fundamental Principles of Labour Legislation specifies the right to free training for an occupation and to free up-grading training. Women in the USSR are making full use of this right - learning a variety of trades in the vocational-technical schools or undergoing up-grading training at the enterprises.

All types of further training and retraining are open to women.

Soviet labour legislation provides for special health protection for women during pregnancy. On the doctor's recommendation, pregnant women are transferred to other, lighter jobs with pay at the same rate as the average earnings in the previous job. When a nursing mother or a woman with a child under one year of age is unable to continue her previous job, she is transferred to another with pay at the same rate as average earnings in the previous job until she ceases to feed the child or it reaches the age of one year.

These measures aim at maintaining equality of pay for women and men at the times which are unfavourable to women and achieving the most favourable conditions for their participation in social labour.

Any violation of the constitutional principles of equal pay for equal work involves liability under article 138 of the Criminal Code of the RSFSR and the corresponding articles in the criminal codes of the Union Republics.

Any labour contract which violates the principle of equal pay for equal work would be declared void under article 5 of the Bases of USSR and Union Republic Labour Legislation.

Implementation of the legislative standards is enforced by the system of governmental and non-governmental public inspection.

## UNRATIFIED CONVENTIONS AND RECOMMENDATIONS

---

### UNITED KINGDOM

Equal Pay Act 1970.

Equal Pay Act (Northern Ireland) 1971.

See the summary of these laws in International Labour Conference, 59th Session 1974, Report III (Part I), pp. 49-50.

It has been the policy of successive governments to encourage orderly progress toward the implementation of the provisions of the Equal Pay Act during the transitional period between its enactment in May 1970 and 29 December 1975 when it comes into operation.

Individual complaints will be dealt with by industrial tribunals and questions about collective agreements, pay standards and wage scales, by the Industrial Arbitration Board. In Wages Council Industries, wages inspectors have been instructed to draw employers' attention to the requirements of the Equal Pay Act.

An independent statutory body came into being to promote, improve and co-ordinate the training of workers generally. The facilities for vocational guidance are equally available to men and women.

A new training opportunities scheme was introduced in August 1972 providing greatly extended facilities for the training of workers. This new scheme aims at helping any male and female workers over 19 years of age who need training to equip themselves for a job. The number of women in training is rapidly increasing under the new scheme.

Moreover, the Government is firmly committed to the introduction, before the end of 1974, of proposals for legislation to secure equal status for women with men. This will include equality of opportunity in employment and training.

### Antigua

There are no legislative provisions giving effect to the Recommendation.

However, the principle of equal remuneration for men and women workers for work of equal value has been promoted by the Government, employers and employers' organisations, and workers' organisations. A multiplicity of collective agreements give effect to the provisions of the Recommendation.

The Labour Commissioner is entrusted with the over-all supervision of the application of collective agreements giving effect to the principle of equal remuneration.

As regards measures to be taken, the report refers to section 4(1) of the proposed Antigua Labour Code which prohibits discrimination in respect of conditions of work by reason of, among others, sex.



## EQUAL REMUNERATION

---

### Belize

There are no legislative provisions giving effect to the Recommendation.

In the public sector of employment, it is declared policy to institute equal remuneration. The trade unions concerned are in agreement, and scales of salary, etc., are calculated accordingly.

In the private sector the practice is to consult with employers and unions on the matter of a progressive move towards equal remuneration.

The Labour Department regularly assists and advises on the drawing up of collective agreements so that the terms of the Convention are borne in mind in drawing up agreements.

Substantial public funds to finance social and welfare facilities are not available in the country. Implementation of this Recommendation is some distance away.

### Bermuda

There are no legislative or administrative provisions in regard to the matters dealt with in Recommendation No. 90.

In practice, the Government applies the principle of equal remuneration for men and women for work of equal value. This also applies, to a large extent, to the private sector.

### Brunei

There are no legislative provisions in Brunei in regard to the matters dealt with in the Recommendation

As a matter of administrative practice, salary and wage scales approved for employees of government departments and public authorities generally do not discriminate between men and women employees. The same applies to the rates of remuneration established for workers in the oil industry by collective agreement.

No further measures are contemplated with a view to giving effect to the provisions of the Recommendation.

### Gibraltar

Equal pay for equal work for women employed in the Gibraltar Government Service and the United Kingdom Government Departments in non-industrial posts was implemented on 1 April 1969. The principle of equal pay has been accepted by the Government as an aim of policy and as part of general reviews of wages which have taken place since 1967, the differential in wages of men and women industrial employees of the Gibraltar Government and United Kingdom Government Departments being reduced from 25 per cent

## UNRATIFIED CONVENTIONS AND RECOMMENDATIONS

---

to 7 1/2 per cent. Cost of living payments are made at exactly the same rates for both men and women.

Conditions in the private sector generally follow those in government employment and in a number of cases, equal pay has already been implemented.

It is not intended that any measures should be taken at the present time owing to financial and economic considerations, but the situation will be kept under review.

### Hong Kong

In Hong Kong, there is at present neither legislative nor administrative provision giving effect to this Recommendation.

Wages are calculated on daily, monthly or piece rates. Daily and monthly rates of pay for men in industry are generally higher than those for women because of the different nature of their jobs, but no differentiation is made in respect of piece rates for the same kind of job.

The majority of the commercial firms pay their employees on monthly rates and, as in industry, the rates for men are generally higher than those for women; this is attributable to the fact that when men and women work on jobs of similar nature in the same establishment, the men hold a supervisory position and therefore tend to get more pay.

On 1 April 1969 the Government introduced a phased programme for equal pay whereby its female employees, doing equivalent or similar work of equal value to their male counterparts receive progressive annual increases in salary, so that by 1 April 1975 they will achieve parity with their male colleagues. The equal pay scheme introduced by the Government has influenced some of the larger firms to follow the Government's example.

The Government has made every effort to ensure that vocational guidance, vocational training and placement facilities are afforded to all irrespective of sex. The Labour Department operates a Youth Employment Advisory Service which at present provides careers guidance to secondary school leavers. A free placement service is carried out by the local employment service of the same department.

The Apprenticeship Unit of the Labour Department has continued its work of encouraging and assisting employers to set up proper apprenticeship training schemes in various industries. Suitably qualified female apprentices have been taken on by employers in the textiles and garments industries in recent years.

In the civil service, both male and female employees have equal access to training facilities. Promotion of civil servants is normally based on ability and competency in discharging their duties without regard to sex.

The Hong Kong Government has not the intention to take any immediate measures to give legislative effect to the provisions of the Recommendation, other than to put into practice an equal pay scheme by 1975 within the civil service.

## EQUAL REMUNERATION

---

### Montserrat

No legislative or administrative provisions exist with regard to any of the matters dealt with in the Recommendation.

However, in practice men and women get equal pay for work done in some industries. This principle is followed in particular in the civil service.

No plans are yet afoot to give effect to some or all of the provisions of the Recommendation by legislation.

### St. Helena

There is nothing in the laws and customs of St. Helena which discriminate against the rates of remuneration based on sex.

A system is already in operation which provides equal increments for men and women performing work of equal value, and equal opportunities are available for either sex to further their advancement in the public service. Women are eligible to serve in all posts and on all public bodies including jury service, with equal remuneration for work of equal value.

The workers' organisations co-operate by dealing directly with non-government bodies in respect of pay and conditions so that such bodies are, as far as possible, in keeping with the practice adopted by the Government regarding the Equal Remuneration Recommendation.

The provisions of the Recommendation are covered in practice in St. Helena and no further measures are contemplated at present.

### Seychelles

There are no legislative or administrative regulations which specifically apply the provisions of the Recommendation.

The differentials which exist between the remuneration of men and women in some categories of employment (e.g. agricultural workers and government unestablished employees) are due to the fact that the daily task demanded of a male worker is greater than that expected of a female doing similar work.

Salary scales for the civil service do not differentiate between the sexes.

Men and women have equal facilities for employment and vocational guidance, through the Labour Department's employment exchange and youth employment services.

The Employment Benefits Ordinance, Cap. 180, provides for employee benefits, irrespective of sex.

There is, at the moment, no intention of taking specific measures to give effect to the provisions of the Recommendation.

## UNRATIFIED CONVENTIONS AND RECOMMENDATIONS

---

### British Solomon Islands

There is no statutory provision in regard to the matters dealt with in Recommendation No. 90.

Since 1967 there has been a significant increase in the employment of women, particularly in the civil service, where they are employed in teaching, nursing, clerical and executive grades on the same terms as men.

It has been an unstated but cardinal principle of the Public Service Advisory Board to assume that equal remuneration will be paid to men and women.

In agriculture women who undertake employment are normally paid at the same rate as men.

It is not at present contemplated to take any additional measures to give effect to the provisions of the Recommendation.

### UNITED STATES

Equal Pay Act, 1963.

Title VII of Civil Rights Act, as amended by Equal Employment Opportunity Act of 1972 (LS 1964 - USA 1, 1972 - USA 1).

It is the position of the United States Government that the matters dealt with in ILO Convention No. 100 and Recommendation No. 90 are appropriate, in whole or in part, for action by the States.

Since the last report the Equal Pay Act was extended to employees employed in a bona fide executive, administrative or professional capacity or in the capacity of outside salesmen.

There have now been more than 25 appellate and supreme court decisions under the Act. These decisions uniformly hold that jobs do not have to be identical to be equal; they are "equal" for purpose of the Act if they involve the same basic job functions and require substantially equal skill, effort and responsibility.

The Act permits wage differentials which are based on merit, seniority and quality or quantity of production. It also permits wage differentials based on any other factor other than sex. But an employer is not permitted to base his wage rates on market conditions, i.e. on the salary at which the applicant is willing to work.

The courts have also uniformly held that an employer who is paying lower wages to women for equal work can come into compliance with the Equal Pay Act only by raising the wage rates of the women to those of the men.

## EQUAL REMUNERATION

---

As to the liability of unions under the Act, it has been held so far that unions can be enjoined from causing a violation of the Act, or from interfering with the employer's efforts at compliance; the union is not, however, responsible for any unpaid wages, and the employer, even where the union has been a party to the discrimination, must bear the back wage cost only.

The Equal Employment Opportunity Amendments of 1972 expanded the coverage of Title VII of the Civil Rights Act of 1964 and gives the Equal Employment Opportunity Commissioner enforcement authority.

As of 1973, 40 States and the District of Columbia have equal pay laws or include non-discrimination on the basis of sex in their fair employment practices provisions.

### UPPER VOLTA

Labour Code, 1962 (Journal Officiel, 18 August 1962).

Section 90 of the Code runs thus: "In equal conditions as regards work, skill and output, the same wage shall be payable to all workers, irrespective of their origin, sex, age and status ..."

This clause is embodied in full in section 38 of the Inter-Occupational Collective Agreement.

The wages paid to every worker are determined in accordance with the job he or she is doing in the undertaking.

The inspectors of labour and social security legislation are responsible for seeing that these rules are complied with. Employers' and workers' organisations can at any time report a breach to the Labour Inspection Department.

### VENEZUELA

Articles 1 and 2 of the Convention. The principle of equality of remuneration is applied by means of national laws and regulations.

The National Constitution lays down a series of principles guaranteeing "equal wages for equal work" (article 87).

Section 67 of the Labour Act provides as follows: "In fixing the amount of the wages in each class of work the quantity and quality of the work shall be taken into account and equal wages shall be paid for equal work performed in equivalent posts with the same working day and the same conditions of efficiency; such wages shall include both the payments made at the daily rate and the bonuses, payments in kind, supplies and every other allowance granted to an employee in return for his ordinary work;

## UNRATIFIED CONVENTIONS AND RECOMMENDATIONS

---

distinctions shall not be made on the grounds of sex or nationality." The terms of section 67 do not exclude the possibility of awarding bonuses, so long as such bonuses are available to all workers.

Over a long period the terms of collective agreements have come to be regulated fairly extensively in Venezuela. There is a pronounced trend towards the conclusions of collective agreements industry by industry, with a view to laying down general conditions of work.

Article 3. There are no obstacles to the application of this Article as far as Venezuelan law is concerned.

As regards measures to promote objective appraisal of jobs, two nation-wide surveys were carried out in 1954 and 1965 for the evaluation of posts in public administration, without regard to sex.

Article 4. Provision is made for co-operation between the State and employers' and workers' organisations through the minimum wage boards set up under section 75 of the Labour Act.

### REPUBLIC OF VIET-NAM

Constitution of 1967.

Labour Code (LS 1956 - V.N. 1).

Ministerial Edicts of 11 January 1974, fixing guaranteed minimum wage rates.

The Constitution asserts that all citizens, irrespective of sex, are equal.

Article 114 of the Labour Code provides for equal pay for work of equal value. This principle is reaffirmed in the Ministerial Edicts laying down minimum wage rates and in the Vietnamese rubber plantation workers' collective agreement.

In public administration and in state-owned industries and undertakings, men and women without distinction are paid according to the same wage scales. Women have equality of opportunity with men as regards recruitment, vocational guidance and training and access to employment.

In private enterprise the principle of equal pay is in practice applied in a variety of occupations and undertakings. No distinction is made between "men's work" and "women's work".

The labour inspectors are responsible for ensuring compliance with the relevant legislation.

The Government is contemplating the submission of the Convention to the competent authority with a view to ratification.

## EQUAL REMUNERATION

---

### ZAMBIA

The Minimum Wages, Wages Councils and Conditions of Employment Act is the principle piece of legislation dealing with the provisions of the Recommendation, with reference to all employees, including employees of the Government and local authorities. The practice in Zambia is designed to ensure the implementation of equal remuneration for work of equal value between male and female workers. The Ministry of Labour and Social Services is entrusted with the supervision and application of the Act.

The employers' and workers' organisations participate in the determination of wages through the wages boards and councils, joint industrial councils and in the case of government workers, through direct negotiation with the government ministry responsible for conditions of employment of all government workers.

It is not intended to take any measures to give effect to the provisions of the Recommendation as these are already adequately covered by both the legislation and industrial practice.

---





R.R (R)

International Labour Conference  
60th Session 1975

27 MAY 1975

---

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

09661/3

ISBN 92-2-101324-3

---

*First published 1975*

---

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.

ILO publications can be obtained through major booksellers or ILO local offices in many countries, or direct from ILO Publications, International Labour Office, CH-1211 Geneva 22, Switzerland. A catalogue or list of new publications will be sent free of charge from the above address.

---

Printed by the International Labour Office, Geneva, Switzerland

---

## CONTENTS

	Page
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 58th Session (Geneva, 1973) and additional information relating to the texts adopted at its 31st to 56th Sessions (1948 to 1971) <sup>1</sup> .....	

---

---

<sup>1</sup> The Conference did not adopt any Conventions or Recommendations at its 57th Session (1972).



---

## 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 58th Session, held in Geneva from 6 to 27 June 1973.

The period of one year provided for the submission to the competent authorities of the instruments in question expired on 27 June 1974, and the period of eighteen months on 27 December 1974.

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 56th Sessions (1948 to 1971). 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 58th 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 13 to 26 March 1975, the information received from the governments, as stated in its report.

### List of texts adopted by the Conference at its 31st to 58th Sessions

#### 31st Session (1948)

Freedom of Association and Protection of the Right to  
Organise Convention (No. 87).  
Employment Service Convention (No. 88).  
Night Work (Women) Convention (Revised) (No. 89).  
Night Work of Young Persons (Industry) Convention  
(Revised) (No. 90).  
Employment Service Recommendation (No. 83).

---

### 32nd Session (1949)

Paid Vacations (Seafarers) Convention (Revised) (No. 91).  
Accommodation of Crews Convention (Revised) (No. 92).  
Wages, Hours of Work and Manning (Sea) Convention  
(Revised) (No. 93).  
Labour Clauses (Public Contracts) Convention (No. 94).  
Protection of Wages Convention (No. 95).  
Fee-Charging Employment Agencies Convention (Revised)  
(No. 96).  
Migration for Employment Convention (Revised) (No. 97).  
Right to Organise and Collective Bargaining Convention  
(No. 98).  
Labour Clauses (Public Contracts) Recommendation (No. 84).  
Protection of Wages Recommendation (No. 85).  
Migration for Employment Recommendation (Revised) (No. 86).  
Vocational Guidance Recommendation (No. 87).

### 33rd Session (1950)

Vocational Training (Adults) Recommendation (No. 88).

### 34th Session (1951)

Minimum Wage Fixing Machinery (Agriculture) Convention  
(No. 99).  
Equal Remuneration Convention (No. 100).  
Minimum Wage Fixing Machinery (Agriculture) Recommendation  
(No. 89).  
Equal Remuneration Recommendation (No. 90).  
Collective Agreements Recommendation (No. 91).  
Voluntary Conciliation and Arbitration Recommendation  
(No. 92).

### 35th Session (1952)

Holidays with Pay (Agriculture) Convention (No. 101).  
Social Security (Minimum Standards) Convention (No. 102).  
Maternity Protection Convention (Revised) (No. 103).  
Holidays with Pay (Agriculture) Recommendation (No. 93).  
Co-operation at the Level of the Undertaking Recommendation  
(No. 94).  
Maternity Protection Recommendation (No. 95).

### 36th Session (1953)

Minimum Age (Coal Mines) Recommendation (No. 96).  
Protection of Workers' Health Recommendation (No. 97).

### 37th Session (1954)

Holidays with Pay Recommendation (No. 98).

---

#### 38th Session (1955)

Abolition of Penal Sanctions (Indigenous Workers)  
Convention (No. 104).  
Vocational Rehabilitation (Disabled) Recommendation  
(No. 99).  
Protection of Migrant Workers (Underdeveloped Countries)  
Recommendation (No. 100).

#### 39th Session (1956)

Vocational Training (Agriculture) Recommendation (No. 101).  
Welfare Facilities Recommendation (No. 102).

#### 40th Session (1957)

Abolition of Forced Labour Convention (No. 105).  
Weekly Rest (Commerce and Offices) Convention (No. 106).  
Indigenous and Tribal Populations Convention (No. 107).  
Weekly Rest (Commerce and Offices) Recommendation (No. 103).  
Indigenous and Tribal Populations Recommendation (No. 104).

#### 41st Session (1958)

Seafarers' Identity Documents Convention (No. 108).  
Wages, Hours of Work and Manning (Sea) Convention  
(Revised) (No. 109).  
Ships' Medicine Chests Recommendation (No. 105).  
Medical Advice at Sea Recommendation (No. 106).  
Seafarers' Engagement (Foreign Vessels) Recommendation  
(No. 107).  
Social Conditions and Safety (Seafarers) Recommendation  
(No. 108).  
Wages, Hours of Work and Manning (Sea) Recommendation  
(No. 109).

#### 42nd Session (1958)

Plantations Convention (No. 110).  
Discrimination (Employment and Occupation) Convention  
(No. 111).  
Plantations Recommendation (No. 110).  
Discrimination (Employment and Occupation) Recommendation  
(No. 111).

#### 43rd Session (1959)

Minimum Age (Fishermen) Convention (No. 112).  
Medical Examination (Fishermen) Convention (No. 113).  
Fishermen's Articles of Agreement Convention (No. 114).  
Occupational Health Services Recommendation (No. 112).

---

#### 44th Session (1960)

Radiation Protection Convention (No. 115).  
Consultation (Industrial and National Levels) Recommendation (No. 113).  
Radiation Protection Recommendation (No. 114).

#### 45th Session (1961)

Final Articles Revision Convention (No. 116).  
Workers' Housing Recommendation (No. 115).

#### 46th Session (1962)

Social Policy (Basic Aims and Standards) Convention (No. 117).  
Equality of Treatment (Social Security) Convention (No. 118).  
Reduction of Hours of Work Recommendation (No. 116).  
Vocational Training Recommendation (No. 117).

#### 47th Session (1963)

Guarding of Machinery Convention (No. 119).  
Guarding of Machinery Recommendation (No. 118).  
Termination of Employment Recommendation (No. 119).

#### 48th Session (1964)

Hygiene (Commerce and Offices) Convention (No. 120).  
Employment Injury Benefits Convention (No. 121).  
Employment Policy Convention (No. 122).  
Hygiene (Commerce and Offices) Recommendation (No. 120).  
Employment Injury Benefits Recommendation (No. 121).  
Employment Policy Recommendation (No. 122).

#### 49th Session (1965)

Minimum Age (Underground Work) Convention (No. 123).  
Medical Examination of Young Persons (Underground Work) Convention (No. 124).  
Employment (Women with Family Responsibilities) Recommendation (No. 123).  
Minimum Age (Underground Work) Recommendation (No. 124).  
Conditions of Employment of Young Persons (Underground Work) Recommendation (No. 125).

#### 50th Session (1966)

Fishermen's Competency Certificates Convention (No. 125).  
Accommodation of Crews (Fishermen) Convention (No. 126).  
Vocational Training (Fishermen) Recommendation (No. 126).  
Co-operatives (Developing Countries) Recommendation (No. 127).



---

#### 51st Session (1967)

Maximum Weight Convention (No. 127).  
Invalidity Old-Age and Survivors' Benefits Convention  
(No. 128).  
Maximum Weight Recommendation (No. 128).  
Communications within the Undertaking Recommendation  
(No. 129).  
Examination of Grievances Recommendation (No. 130).  
Invalidity Old-Age and Survivors' Benefits Recommendation  
(No. 131).

#### 52nd Session (1968)

Tenants and Share-croppers Recommendation (No. 132).

#### 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).

---

57th Session (1972)<sup>1</sup>

58th Session (1973)

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

---

---

<sup>1</sup> At this session, the Conference did not adopt any Conventions or Recommendations.

---

Summary of information relating to the submission  
to the competent authorities of the Conventions  
and Recommendations adopted by the International  
Labour Conference at its 58th Session (Geneva, 1973)  
and supplementary information on the texts adopted  
at its 31st to 56th Sessions (1948 to 1971)

AUSTRALIA

The instruments adopted at the 58th Session of the Conference were submitted to the competent authorities on 1 August 1974, Convention No. 137 has been ratified and ratification of Convention No. 138 is under consideration.

AUSTRIA

Convention No. 118 and the instruments adopted at the 58th Session of the Conference have been submitted to the competent authorities.

BELGIUM

The instruments adopted at the 58th Session of the Conference were submitted to Parliament on 23 January 1975. The Government can consider ratifying Convention No. 137 and can accept Recommendations Nos. 145 and 146.

BRAZIL

Recommendation No. 139 was approved by Legislative Decree No. 51, published in the National Congress Gazette on 1 July 1974.

BULGARIA

The instruments adopted at the 58th Session of the Conference were submitted to the Council of State on 22 April 1974.

---

#### BURMA

The instruments adopted at the 58th Session of the Conference were submitted to the Council of Ministers on 22 November 1973.

#### BYELORUSSIAN SSR

The instruments adopted at the 58th Session of the Conference were submitted to the Praesidium of the Supreme Soviet of the Byelorussian SSR in October 1973.

#### CAMEROON

The instruments adopted by the Conference at its 50th to 54th Sessions were submitted to the competent authorities on 20 April 1971.

#### CENTRAL AFRICAN REPUBLIC

The instruments adopted at the 58th Session of the Conference were submitted to the competent authorities on 30 August 1973.

#### COSTA RICA

The instruments adopted by the Conference at its 58th Session have been referred to the Legislative Assembly. The Government has proposed ratification of Conventions Nos. 137 and 138.

#### CUBA

The instruments adopted by the Conference at its 58th Session have been referred to the Council of Ministers. Convention No. 137 has been ratified and Convention No. 138 is in process of ratification.

---

#### DENMARK

The instruments adopted at the 58th Session of the Conference were referred to Parliament on 3 May 1974. Consideration is being given to the possible ratification of Conventions Nos. 137 and 138. Recommendations Nos. 145 and 146 have been brought to the notice of the organisations and authorities concerned.

#### ECUADOR

All outstanding instruments adopted at the 52nd to 58th Sessions of the Conference were on 7 November 1974 referred to the President of the Republic. The Government has suggested ratification of Conventions Nos. 136 and 139. Once the Labour Code has been amended, consideration will be given to the possible ratification of Conventions Nos. 129, 132 and 137.

#### EGYPT

The instruments adopted at the 58th Session of the Conference have been submitted to the competent authorities.

#### EL SALVADOR

The instruments adopted by the Conference at its 58th Session have been referred to the Legislative Assembly.

#### FINLAND

The instruments adopted at the 58th Session of the Conference were referred to Parliament on 13 September 1974. Ratification of Conventions Nos. 137 and 138 has been proposed, and it has been proposed, too, that Recommendations Nos. 145 and 146 be accepted.

#### FRANCE

The Conventions adopted at the 58th Session of the Conference have been referred to the competent authorities. The Government feels that ratification of Convention No. 137 should not be too difficult, and that the procedure for ratification of Convention No. 138 could begin once national legislation has been suitably amended. The Government intends to give consideration to such amendment.

---

## GERMANY, FEDERAL REPUBLIC OF

Convention No. 138 and Recommendation No. 146, adopted at the 58th Session of the Conference, have been referred to the competent authorities. Ratification of Convention No. 138 has been proposed.

## GHANA

The instruments adopted at the 58th Session of the Conference have been referred to the competent authorities.

## HUNGARY

The instruments adopted at the 58th Session of the Conference have been referred to the competent authorities.

## INDONESIA

The instruments adopted at the 58th Session of the Conference have been referred to the competent authorities.

## IRAN

The instruments adopted at the 58th Session of the Conference have been referred to the competent authorities.

## IRAQ

The Government has referred Recommendations Nos. 89, 91, 92, 96 and 97 to the competent authorities. All these instruments, except Recommendation No. 92, have been approved.

## ISRAEL

Conventions Nos. 133 to 138 and Recommendations Nos. 141 to 146, adopted from the 55th to the 58th Sessions of the Conference, have been submitted to the competent authorities.

---

#### JAMAICA

Convention No. 122 has been ratified.

#### JAPAN

Convention No. 121 has been ratified and the instruments adopted at the 58th Session of the Conference were submitted to the competent authorities on 28 May 1974.

#### KENYA

The instruments adopted at the 53rd, 54th and 56th Sessions of the Conference, and Convention No. 138 and Recommendation No. 146, adopted at the 58th Session, have been submitted to the competent authorities. The ratification of Conventions Nos. 129, 131, 132, 135 and 138, and the acceptance of Recommendations Nos. 135, 136 and 143, have been proposed.

#### KHMER REPUBLIC

Recommendations Nos. 143 and 144, adopted at the 56th Session of the Conference, have been submitted to Parliament.

#### KUWAIT

Conventions Nos. 137 and 138, adopted at the 58th Session of the Conference, have been submitted to the competent authorities.

#### LIBYAN ARAB REPUBLIC

The instruments adopted at the 56th and 58th Sessions of the Conference have been submitted to the competent authorities. The approval of Conventions Nos. 102, 103, 118, 121, 128, 131 and 138 has been proposed.

---

#### MALI

The instruments adopted at the 58th Session of the Conference were submitted to the competent authorities on 30 October 1974.

#### MEXICO

Conventions Nos. 131, 134 and 135 have been ratified. The instruments adopted by the Conference at its 58th Session have been submitted to the competent authorities.

#### MOROCCO

The instruments adopted at the 58th Session of the Conference have been submitted to the competent authorities.

#### NEPAL

Convention No. 131, adopted at the 54th Session of the Conference, has been ratified.

#### NETHERLANDS

Convention No. 135 and Recommendations Nos. 136, 138 and 143 have been submitted to the competent authorities. The ratification of Convention No. 135 and the acceptance of Recommendation No. 143 have been proposed.

#### NEW ZEALAND

The instruments adopted at the 58th Session of the Conference were submitted to the competent authorities on 15 August 1974.

#### NIGERIA

The instruments adopted at the 58th Session of the Conference have been submitted to the competent authorities.



---

#### NORWAY

The instruments adopted at the 58th Session of the Conference have been submitted to the competent authorities. Convention No. 137 has been ratified, and the acceptance of Recommendation No. 145 proposed.

#### PAKISTAN

The instruments adopted at the 55th and 56th Sessions of the Conference have been submitted to the competent authorities.

#### PERU

The instruments adopted by the Conference at its 56th Session have been submitted to the competent authorities. The possibility of ratifying Conventions Nos. 135 and 136 is under consideration.

#### PHILIPPINES

The instruments adopted at the 58th Session of the Conference were submitted to the competent authorities on 14 November 1973.

#### POLAND

Conventions Nos. 88, 99, 102, 103, 118, 119, 125, 126, 128, 129, 131, 133, 134, 135, 136 and 137, and Recommendations Nos. 83, 87, 89, 95, 103, 112, 123, 130, 131, 132, 135, 137, 138, 139, 140, 141, 142, 143, 144 and 145 have been submitted to the competent authorities.

#### ROMANIA

The instruments adopted at the 58th Session of the Conference have been submitted to the competent authorities.

---

#### RWANDA

The instruments adopted at the 58th Session of the Conference have been submitted to the competent authorities.

#### SENEGAL

The instruments adopted at the 58th Session of the Conference have been submitted to the competent authorities. Conventions Nos. 137 and 138 and Recommendations Nos. 145 and 146 have been adopted.

#### SIERRE LEONE

The instruments adopted at the 58th Session of the Conference have been submitted to Parliament.

#### SPAIN

Convention No. 137, adopted at the 58th Session of the Conference, has been submitted to the Cortes.

#### SUDAN

The instruments adopted at the 58th Session of the Conference have been submitted to the competent authorities.

#### SWEDEN

The instruments adopted at the 58th Session of the Conference have been submitted to the competent authorities. Convention No. 137 has been ratified.

#### SWITZERLAND

The instruments adopted at the 58th Session of the Conference were submitted to the competent authorities on 8 May 1974.

---

## SYRIAN ARAB REPUBLIC

Conventions Nos. 133, 135 and 138 and Recommendations Nos. 140 and 141 have been submitted to the competent authorities. The ratification of Conventions Nos. 135 and 138 has been proposed.

## TRINIDAD AND TOBAGO

The instruments adopted at the 58th Session of the Conference have been submitted to the competent authorities.

## TUNISIA

The instruments adopted from the 54th to the 58th Sessions of the Conference were submitted to the National Assembly on 5 June 1974.

## TURKEY

The instruments adopted at the 55th Session of the Conference have been submitted to the competent authorities. The ratification of Conventions Nos. 130 and 136 is contemplated.

## UNITED KINGDOM

The instruments adopted at the 58th Session of the Conference were submitted to the competent authorities on 18 December 1974.

## UKRAINIAN SSR

The instruments adopted at the 58th Session of the Conference have been submitted to the Praesidium of the Supreme Soviet of the Ukrainian SSR.

## USSR

The instruments adopted at the 58th Session of the Conference have been referred to the Presidium of the Supreme Soviet.

---

UNITED STATES

The instruments adopted at the 58th Session of the Conference have been submitted to the competent authorities.

VENEZUELA

The instruments adopted by the Conference at its 54th, 55th, 56th and 58th Sessions, and Recommendations Nos. 129 and 130, have been submitted to Congress.

REPUBLIC OF VIET-NAM

Recommendations Nos. 145 and 146, adopted at the 58th Session of the Conference, have been submitted to Parliament.

ZAMBIA

The instruments adopted at the 58th Session of the Conference have been submitted to the competent authorities. The ratification of Convention No. 138 and acceptance of Recommendation No. 146 have been decided upon.





International Labour Conference  
60th Session 1975

---

**Report III  
(Part 4A)**

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

ISBN 92-2-101323-5

---

*First published 1975*

---

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.

ILO publications can be obtained through major booksellers or ILO local offices in many countries, or direct from ILO Publications, International Labour Office, CH-1211 Geneva 22, Switzerland. A catalogue or list of new publications will be sent free of charge from the above address.

---

PRINTED BY "LA TRIBUNE DE GENÈVE", GENEVA (SWITZERLAND)



## CONTENTS

	Page
Index to Observations Made by the Committee (Classified by Countries) . . . . .	vii

### PART ONE

#### GENERAL REPORT

I. <i>Introduction</i> . . . . .	3
II. <i>General</i> . . . . .	6
New Member States . . . . .	6
New Conventions and Recommendations . . . . .	6
Obligations Binding Member States . . . . .	6
Governing Body's In-depth Review of International Labour Standards . . . . .	7
Collaboration with Other International Organisations . . . . .	7
Regional Reviews of the Application of Standards . . . . .	8
Regional Seminars on International Labour Standards . . . . .	8
Special Procedures . . . . .	8
Action for the Elimination of Discrimination in Employment and Occupation . . . . .	9
III. <i>Procedure of Direct Contacts</i> . . . . .	10
Other Types of Assistance to Governments . . . . .	11
IV. <i>The Role of Employers' and Workers' Organisations</i> . . . . .	11
Article 23 (2) of the Constitution . . . . .	11
Observations by Employers' and Workers' Organisations . . . . .	12
Measures to Promote Greater Participation . . . . .	13
V. <i>Reports on Ratified Conventions</i> (Articles 22 and 35 of the Constitution) . . . . .	13
Supply of Reports . . . . .	13
Reports Requested and Received . . . . .	13
Compliance with Reporting Obligations . . . . .	15
Supply of First Reports . . . . .	15
Replies to Committee's Comments . . . . .	15
Late Reports . . . . .	16
Examination of Reports . . . . .	16
Observations and Direct Requests . . . . .	16
Practical Application . . . . .	16
Cases of Progress . . . . .	17

VI. <i>Submission of Conventions and Recommendations to the Competent Authorities</i> (Article 19 of the Constitution) . . . . .	19
58th Session . . . . .	19
31st to 56th Sessions . . . . .	20
Comments by the Committee and Replies from Governments . . . . .	20
Nature of the Competent Authority . . . . .	20
Communication of Information and Documents . . . . .	20
Special Problems . . . . .	21
VII. <i>Reports on Unratified Conventions and on Recommendations</i> (Article 19 of the Constitution) . . . . .	21

## PART TWO

## OBSERVATIONS CONCERNING PARTICULAR COUNTRIES

I. <i>Observations concerning Annual Reports on Ratified Conventions</i> (Article 22 of the Constitution) . . . . .	25
A. General Observations . . . . .	25
B. Individual Observations . . . . .	29
Appendix I. Receipt of Detailed Reports on Ratified Conventions (States Members) as at 25 March 1975 . . . . .	180
Appendix II. Statistical Table of Reports on Ratified Conventions as at 25 March 1975 . . . . .	190
II. <i>Observations on the Application of Conventions in Non-Metropolitan Territories</i> (Article 22 and Article 35, Paragraphs 6 and 8, of the Constitution) . . . . .	191
A. General Observations . . . . .	191
B. Individual Observations . . . . .	192
Appendix. Receipt of Detailed Reports on Ratified Conventions (Non-Metropolitan Territories) as at 25 March 1975) . . . . .	204
III. <i>Observations concerning the Submission to the Competent Authorities of the Conventions and Recommendations Adopted by the International Labour Conference</i> (Article 19 of the Constitution) . . . . .	209
Appendix I. Information Supplied by Governments with Regard to the Obligation to Submit Conventions and Recommendations to the Competent Authorities . . . . .	223
Appendix II. Position of Member States with Regard to the Obligation to Submit Conventions and Recommendations to the Competent Authorities . . . . .	230
List of Direct Requests Addressed to Governments by the Committee (Classified by Countries) . . . . .	232

**PART THREE**

**GENERAL SURVEY OF THE REPORTS RELATING TO THE EQUAL  
REMUNERATION FOR MEN AND WOMEN WORKERS FOR WORK  
OF EQUAL VALUE CONVENTION (No. 100) AND RECOMMENDATION  
(No. 90), 1951**

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



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

**Afghanistan:**

General Report, para. 78.  
I A and B, Nos. 13, 41, 45, 95, 105.  
III.

**Algeria:**

I B, No. 3.

**Argentina:**

I B, Nos. 17, 32, 68, 81, 87, 100, 107, 111.

**Austria:**

I B, Nos. 100, 128.

**Barbados:**

I B, Nos. 81, 87, 95, 98.  
III.

**Belgium:**

I B, No. 32.

**Bolivia:**

General Report, para. 82.  
I B, Nos. 5, 14, 26, 87.

**Brazil:**

I B, Nos. 91, 94, 98, 103, 111.  
III.

**Bulgaria:**

III.

**Burma:**

I B, Nos. 52, 87.

**Burundi:**

I A and B, Nos. 26, 94.  
III.

**Byelorussian SSR:**

General Report, para. 77.  
I B, Nos. 11, 29, 87.  
III.

**Cameroon, United Republic of:**

III.

**Canada:**

I B, Nos. 45, 122.

**Central African Republic:**

General Report, para. 55.  
I B, Nos. 18, 33, 81, 87, 105, 118.  
III.

**Chad:**

General Report, para. 55.  
I B, Nos. 13, 29, 87, 111.  
III.

**Chile:**

I B, Nos. 1, 3, 18, 24, 25, 30, 32, 34, 37,  
38, 63, 111.  
III.

**Colombia:**

I B, Nos. 9, 24, 107.  
III.

**Congo:**

I B, No. 5.

**Costa Rica:**

I B, Nos. 87, 94, 95, 114.

**Cuba:**

I B, Nos. 11, 29, 67, 87, 98, 105, 106.

**Cyprus:**

I B, Nos. 111, 121, 128.

**Czechoslovakia:**

I B, Nos. 44, 87, 111.

**Dahomey:**

I B, No. 26.  
III.

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

**Democratic Yemen (Aden):**

III.

**Denmark:**

I B, Nos. 63, 100, 102.

II B, Nos. 5, 106.

**Dominican Republic:**

General Report, paras. 53, 55.

I A and B, Nos. 81, 87, 88, 98, 111, 119.

III.

**Ecuador:**

General Report, para. 54.

I A and B, Nos. 2, 24, 35, 37, 39, 98, 103, 111, 112, 113, 119, 123, 124, 127.

III.

**Egypt:**

I B, Nos. 1, 30, 87, 94, 95, 105, 106.

III.

**El Salvador:**

III.

**Fiji:**

General Report, para. 53.

I A.

**Finland:**

I B, Nos. 87, 91, 98, 100, 111, 122.

**France:**

I A and B, Nos. 19, 35, 36, 37, 38, 42, 97.

II A and B, Nos. 18, 19, 42, 99.

**Gabon:**

I B, Nos. 19, 29, 52, 101, 105.

III.

**Germany, Federal Republic of:**

I B, Nos. 3, 62, 100, 102.

**Ghana:**

I B, Nos. 105, 117.

**Greece:**

I B, Nos. 3, 87, 95, 98, 102.

III.

**Guatemala:**

I B, Nos. 30, 87, 97, 98, 99, 111.

III.

**Guinea:**

General Report, para. 55.

I A and B, Nos. 3, 5, 18, 29, 81, 105, 122.

**Guyana:**

I B, No. 108.

III.

**Haiti:**

General Report, paras. 53, 55, 78.

I A and B, Nos. 1, 24, 25, 30, 42, 81, 90, 98, 100, 105, 106.

III.

**Honduras:**

General Report, para. 78.

I B, Nos. 29, 87, 108.

**Hungary:**

General Report, para. 77.

I B, No. 87.

III.

**Iceland:**

I B, No. 100.

**India:**

I B, Nos. 100, 111.

**Indonesia:**

I B, Nos. 29, 100.

III.

**Iraq:**

I B, Nos. 29, 42, 81, 100.

III.

**Ireland:**

I B, Nos. 23, 121.

**Israel:**

I B, Nos. 100, 111.

**Italy:**

I B, Nos. 32, 108, 111.

III.

**Ivory Coast:**

General Report, paras. 53, 55.

I A.

III.

**Jamaica:**

I B, No. 117.

III.

**Japan:**

I B, Nos. 87, 98, 131.

**Jordan:**

General Report, para. 53.

I A and B, No. 105.

III.

- Kenya:**  
I B, Nos. 14, 17, 81.  
III.
- Kuwait:**  
I B, Nos. 1, 30, 87, 106, 119.
- Laos:**  
General Report, paras. 53, 55, 78, 82.  
I A.  
III.
- Lebanon:**  
I B, Nos. 81, 89.  
III.
- Liberia:**  
General Report, para. 55.  
I A and B, Nos. 29, 53, 55, 58, 87, 98, 104,  
105, 111, 112, 114.  
III.
- Luxembourg:**  
I B, Nos. 18, 27, 28, 89, 100.
- Madagascar:**  
General Report, para. 55.  
I B, Nos. 29, 87.  
III.
- Malawi:**  
General Report, para. 55.  
III.
- Malaysia:**  
I B, Nos. 98, 105.  
III.
- Malta:**  
I B, Nos. 108, 111.  
III.
- Mauritania:**  
General Report, paras. 54, 55.  
I B, Nos. 19, 22, 81, 111, 114, 118.  
III.
- Mauritius:**  
III.
- Mexico:**  
I B, Nos. 9, 13, 32, 55, 62, 63, 87, 102.
- Mongolia:**  
I A and B, No. 100.  
III.
- Morocco:**  
I B, No. 55.
- Nauru:**  
I A.
- Nepal:**  
General Report, para. 82.  
III.
- Netherlands:**  
I B, No. 9.  
II A and B, Nos. 17, 25, 33, 58, 81, 95,  
112.
- New Zealand:**  
II A and B, No. 99.
- Nicaragua:**  
I A.  
III.
- Niger:**  
General Report, paras. 53, 55.  
I A and B, No. 119.
- Nigeria:**  
I B, No. 95.
- Norway:**  
I B, Nos. 81, 100, 102.
- Pakistan:**  
I B, Nos. 87, 96, 111.
- Panama:**  
I B, No. 81.  
III.
- Paraguay:**  
I A and B, Nos. 59, 60, 107.  
III.
- Peru:**  
I B, Nos. 1, 8, 9, 24, 25, 32, 39, 40, 56, 68,  
69, 71, 79, 81, 87, 88, 90, 100, 102.  
III.
- Philippines:**  
I B, Nos. 23, 53, 59, 94.
- Poland:**  
I B, Nos. 11, 87.  
III.
- Portugal:**  
General Report, para. 77.  
I A and B, Nos. 18, 81, 105, 108, 111.
- Romania:**  
I B, Nos. 11, 24, 87.  
III.

**Rwanda:**

I B, Nos. 11, 17, 19, 26, 42.

**Senegal:**

I B, Nos. 19, 102, 121, 122.

**Sierra Leone:**

I A and B, Nos. 5, 15, 17, 29, 59, 105, 111.  
III.

**Singapore:**

I B, Nos. 5, 8, 98.

**Somalia:**

General Report, paras. 53, 55, 82.  
I A and B, Nos. 22, 94.  
III.

**Spain:**

I B, Nos. 1, 20, 30, 91.

**Sri Lanka:**

I B, No. 18.  
III.

**Sudan:**

I B, Nos. 100, 111.

**Sweden:**

I B, Nos. 100, 102, 121, 128.

**Switzerland:**

I B, No. 111.

**Syrian Arab Republic:**

I B, Nos. 19, 81, 87, 94, 96, 105, 106, 115,  
118.

**Tanzania:**

General Report, paras. 53, 55, 82.  
I A and B, Nos. 17, 26, 29, 81, 97, 105.  
III.

**Thailand:**

General Report, para. 53.  
I A.  
III.

**Togo:**

General Report, paras. 53, 55.  
I A.  
III.

**Trinidad and Tobago:**

I B, Nos. 85, 87.

**Tunisia:**

I B, Nos. 18, 29, 105.  
III.

**Turkey:**

I B, Nos. 42, 94, 95, 105, 111, 115, 119.

**Uganda:**

General Report, paras. 53, 55.  
I A and B, Nos. 5, 17, 105, 122.  
III.

**Ukrainian SSR:**

General Report, para. 77.  
I B, Nos. 11, 52, 87.  
III.

**USSR:**

General Report, para. 77.  
I B, Nos. 11, 29, 52, 87.  
III.

**United Kingdom:**

II A and B, Nos. 5, 7, 10, 26, 42, 63, 81,  
82, 84, 86, 87, 94, 95, 105, 108.

**Upper Volta:**

I B, No. 87.  
III.

**Uruguay:**

I B, Nos. 1, 2, 9, 17, 24, 25, 63, 94, 103.  
III.

**Venezuela:**

General Report, paras. 54, 55.  
I A and B, Nos. 22, 26.  
III.

**Republic of Viet-Nam:**

I B, No. 26.

**Yemen:**

General Report, para. 78.  
III.

**Yugoslavia:**

I B, Nos. 22, 91, 114.

**Zaire:**

General Report, para. 55.  
I B, Nos. 29, 81, 94, 117.  
III.



**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 45th Session in Geneva from 13 to 25 March 1975. The Committee has the honour to present its report to the Governing Body.

2. The Committee learned with profound regret of the death since its last session of one of its members, Mr. Earl Warren, and paid tribute to his memory. Mr. Warren had left a lasting imprint as Chief Justice of his country and the Committee was proud to have counted such a distinguished personality as a member.

3. The Committee also learned with regret that Mr. L. A. Lunz and Mr. I. Ruiz Moreno had ceased to be members of the Committee. It recalled that during his years as a member Mr. Lunz had, through his keen intelligence and vast experience, made a most valuable contribution to the Committee's work. Mr. Ruiz Moreno, who had participated in the Committee's work since 1957, had left his mark as an outstanding jurist whose devotion and eminence would long be remembered by his colleagues.

4. In order to fill these vacancies, the Governing Body has appointed Sir William DOUGLAS (Barbados), Mr. Frank McCULLOCH (United States) and Mr. Grigory TUNKIN (USSR), whom the Committee was pleased to welcome at its present session.

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

The Right Honourable Sir Adetokunbo ADEMOLA, GCON, KBE, CFR, PC (Nigeria), former Chief Justice of Nigeria; Chairman, National Census Board; Honorary Benchers 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 Benin;

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; associate member of the Institute of International Law; member of the International Commission of Jurists; trustee of the International Legal Centre; Vice-President of the Egyptian Society of International Law;

The Honourable Sir William DOUGLAS (Barbados),

Chief Justice of Barbados; Chairman, Commonwealth Caribbean Council of Legal Education;

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 of 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) and to the Fifth Extraordinary Session of the General Assembly (New York, 1967), on the Arab-Israeli Conflict; President of the Peruvian Red Cross Society (1963-1974);

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 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; 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; President of the Anjuman Hilal-i-Ehmar (Red Crescent Society) of Sind Province; Chancellor of the University of Sind;

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. Frank W. McCULLOCH (United States),

Professor of Law at the University of Virginia; former chairman of the National Labor Relations Board (1961-70); member Public Employee Rights Commission for the State of Virginia; member, State Employees Labor Relations Council of Illinois;

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; former President of the International Committee of the Red Cross; 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. 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; first Vice-President of the Ibero-American Academy of Labour and Social Security Law;

**Mr. Grigory TUNKIN (USSR),**

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

**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. Jean-Maurice VERDIER (France),**

Professor at the University of Paris X, Honorary Dean of the Faculty of Law and Economics; 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 VILFAN (Yugoslavia),**

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

**Mr. Kisaburo YOKOTA (Japan),**

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

6. The Committee elected Mr. GARCÍA SAYÁN as Chairman and Mr. RAZA-FINDRALAMBO as Reporter of the Committee.

7. 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."

8. 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 47 to 67 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 68 to 79 below, and Part Two (III)); and (c) review of reports supplied by governments under article 19 of the Constitution on the Equal Remuneration Convention, 1951 (No. 100) and Recom-

mendation, 1951 (No. 90). (See paragraphs 80 to 83 below and Part Three, which is published in a separate volume as Report III (Part 4B).)

9. The United Nations was represented at the Session by Mr. Marc Schreiber, Director of the Human Rights Division, who stressed the close collaboration between the International Labour Organisation and the United Nations in the field of human rights, and the parallels between the ILO supervisory procedures and those being established for the United Nations international instruments and in particular the International Covenants on Human Rights. The Committee noted with interest in this connection that these Covenants are likely to enter into force shortly, and that the Covenant on Economic, Social and Cultural Rights in particular provides for the association of the specialised agencies in the supervision of the implementation of its provisions.

## II. General

### *New Member States*

10. The Committee learned that since its last session Fiji had become a Member of the International Labour Organisation, bringing the total membership to 125.

### *New Conventions and Recommendations*

11. The Committee was informed that at its 59th Session (June 1974) the International Labour Conference adopted the Occupational Cancer Convention, 1974 (No. 139), the Occupational Cancer Recommendation, 1974 (No. 147), the Paid Educational Leave Convention, 1974 (No. 140) and the Paid Educational Leave Recommendation, 1974 (No. 148).

### *Obligations Binding Member States*

12. In the course of 1974, 70 ratifications by 26 member States were registered, of which 49 were new ratifications and 21 represent the confirmation by new member States of previous obligations. One of the new ratifications will result in the entry into force of the Dock Work Convention, 1973 (No. 137) on 24 July 1975. The total number of ratifications on 31 December 1974 was 4,053.

13. During 1974, 411 new declarations in respect of the application of Conventions to non-metropolitan territories were registered, of which 410 were without modifications and one with modifications. Of these declarations 409 were communicated by France. The total number of declarations now includes 1,351 declarations of application without modifications and 113 declarations of application with modifications. The number of non-metropolitan territories was 45 on 31 December 1974.

14. One denunciation not accompanied by the ratification of a revising Convention was registered during 1974. This related to the Unemployment Provision Convention, 1934 (No. 44), denounced by Czechoslovakia. On the other hand, by Decree No. 74688 of 14 October 1974, the Government of Brazil cancelled its denunciation of the Labour Clauses (Public Contracts) Convention, 1949 (No. 94). Thus the total number of denunciations of this type remained unchanged on 31 December 1974, at 23.

*Governing Body's In-Depth Review of International Labour Standards*

15. The Committee learned with interest that in November 1974, an in-depth review of international labour standards was submitted to the Governing Body. It noted that the question had been the subject of a preliminary discussion in the Programme, Financial and Administrative Committee of the Governing Body at its 194th (November 1974) Session and that at the following Session (March 1975) the Governing Body had requested the Director-General to consult member States and employers' and workers' organisations in connection with the in-depth review. The results of this consultation will be brought to the attention of the November 1975 Session of the Governing Body, when it will consider the arrangements to be made for further consideration of the review.

*Collaboration with Other International Organisations*

16. As in previous years, the Committee noted the ILO's continued active collaboration with other international organisations on questions concerning the supervision of instruments adopted under their auspices. Thus, in conformity with its 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 on the Social Policy (Basic Aims and Standards) Convention, 1962 (No. 117) were sent to the United Nations, FAO and UNESCO.

17. The Committee took note with interest of the documents relating to the work of the Committee on the Elimination of Racial Discrimination responsible for supervising the International Convention on the Elimination of All Forms of Racial Discrimination, which were communicated to it pursuant to the arrangements for co-operation between the two Committees. Also pursuant to these arrangements, the United Nations was represented at the sitting of the Committee devoted to the examination of reports on the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), at which UNESCO was also invited to be represented in accordance with the arrangements between the ILO and UNESCO for the co-ordination of their procedures for the application of Convention No. 111 and the UNESCO Convention against Discrimination in Education.

18. Within the framework of ILO collaboration with the Council of Europe, a representative of the ILO participated in a consultative capacity, in conformity with article 26 of the European Social Charter, in meetings of the Committee of Independent Experts responsible for the supervision of the application of the Charter. Under the procedure for the supervision of the application of the European Code of Social Security and the Protocol thereto, in which the Committee of Experts is closely associated, the Committee was called on this year to examine a number of reports from States which have ratified these instruments. Most of these reports referred to new legislation adopted in the countries concerned and thus required a detailed analysis involving a substantial amount of work. The conclusions reached by the Committee at its present session on the basis of the governments' reports will be communicated to the Secretary-General of the Council of Europe for transmission to that organisation's Committee of Experts on Social Security. A representative of the ILO also participated in the meetings of the Subcommittee on the European Code of Social Security and of the Committee on Social and Health Questions of the

Consultative Assembly. These bodies, to which the reports of governments on the application of the Code and Protocol are also communicated for examination, reached conclusions analogous to those of the Committee of Experts.

### *Regional Reviews of the Application of Standards*

19. The Committee was informed that the Tenth Conference of American States Members of the ILO, held in Mexico City in 1974, examined—in accordance with what has now become regular practice at regional meetings of the ILO—the situation in the countries of the Americas with respect to the ratification and application of international labour standards, with special reference to the Conventions relating to freedom of association, minimum wages, labour inspection and indigenous populations. The Committee noted the importance attached by the Conference to ILO Conventions, as expressed in two resolutions. The first, concerning the role of international labour standards in the countries of the Americas, emphasised the fundamental importance of the ratification and application of ILO Conventions for the workers of the Americas, and called for the continued consideration of standards at future regional meetings. The second, concerning the exercise of trade union rights, urged the governments of States of the region which had not yet done so to ratify and apply Conventions Nos. 87, 98 and 135.

### *Regional Seminars on International Labour Standards*

20. The aim of these seminars, which the Office has organised for more than ten years in various regions of the world, is to familiarise the officials of national ministries of labour with the obligations of member States and the ILO procedures relating to Conventions and Recommendations. Two seminars of this type were organised during 1974. The first took place in Buenos Aires from 29 April to 10 May 1974, for officials from Latin American countries. Eighteen officials from 17 countries of the region took part. A second seminar for officials from countries in the Asian region took place in New Delhi from 28 October to 8 November 1974, attended by 21 persons from 19 countries of that region. The results achieved through these seminars in the fields of the preparation and supply of the information and reports due and the examination of problems of application amply demonstrate their usefulness, and the Committee welcomed the fact that it was planned to continue them.

### *Special Procedures*

21. The Committee was informed that, pursuant to a resolution adopted by the International Labour Conference at its 59th Session in June 1974, the Governing Body had appointed a Commission of Inquiry under article 26 of the ILO Constitution to examine the observance by Chile of the Hours of Work (Industry) Convention, 1919 (No. 1) and the Discrimination (Employment and Occupation) Convention, 1958 (No. 111). The persons appointed to the Commission of Inquiry were the same as those appointed by the Governing Body to serve as a panel of the Fact-Finding and Conciliation Commission on Freedom of Association to which, with the consent of the Government of Chile, certain complaints by various international workers' organisations alleging violations of freedom of association in Chile had been referred, Chile not having ratified the freedom of association Conventions. The Committee noted that the two commissions had held two sessions during 1974, had visited Chile in November-December 1974 and were to meet to prepare their final reports in April-May 1975.



22. The Committee had noted in its 1973 report that a panel of the Fact-Finding and Conciliation Commission on Freedom of Association had been appointed to consider a complaint alleging infringements of trade union rights in Lesotho. The Chairman of the panel visited Lesotho in January 1975 and the Committee is to meet in May 1975 to prepare its report.

*Action for the Elimination of Discrimination in Employment and Occupation*

23. The proclamation by the United Nations of 1975 as International Women's Year has placed the promotion of equality of opportunity and treatment for women in the forefront of the Committee's concerns as regards the elimination of discrimination in employment and occupation. In particular, Volume B of the present report contains a general survey of the effect given to the Equal Remuneration Convention, 1951 (No. 100), both in ratifying and in non-ratifying countries, and to Recommendation No. 90 on the same subject—which contains in addition a number of more general provisions concerning the promotion of equality of opportunity and treatment for women in the field of employment. As is underlined by this survey, the interdependence of all these questions makes it increasingly necessary to examine them as a whole. The Committee has noted with interest, in this context, that a report presented to the Conference this year on *Equality of Opportunity and Treatment for Women Workers* (Report VIII) will provide the occasion for a general discussion of the whole range of these problems. It hopes that the result will be to encourage reflection and action throughout the world, leading to decisive progress in all the fields concerned.

24. Special attention has also been given to this aspect in the individual observations and direct requests made to the countries which have ratified the Discrimination (Employment and Occupation) Convention, 1958 (No. 111). In addition, a general observation on this Convention, to be found in Part Two I B of this report, invites all these countries to provide detailed information on any measures which they may have taken, on the occasion of International Women's Year, to promote equality of opportunity and treatment without distinction as to sex in all the fields covered by this Convention. Already this year it has been possible in a number of individual observations to note with satisfaction progress made in this area following previous comments, and the Committee trusts that it will be in a position, when it examines the next reports, to take note in the same way of further progress in response to the expectations which have been more particularly expressed this year.

25. The activities of the International Labour Office by way of technical aid, education and information aimed at promoting equality of opportunity and the elimination of discrimination in employment, of which the Committee was informed, have also a decisive role to play in this sense. For example, a practical guide on "Special National Procedures concerning Non-Discrimination in Employment, with Particular Reference to the Private Sector", based on ILO standards and on a variety of examples from national systems, has recently been published and should constitute a precise technical aid in the adoption of appropriate provisions in this field, including non-discrimination on grounds of sex and equal remuneration. The Committee hopes that other measures will continue to be taken with a view to promoting the awareness and enjoyment of their rights of the workers themselves, both women and men, through the dissemination of simple information material adapted to the needs and conditions of the different countries, whether this is done

through workers' education programmes, through the publication of manuals, brochures and illustrations or through other written or oral means of communication.

### III. Procedure of Direct Contacts

26. Since the last session, direct contacts have taken place with the Governments of Afghanistan and Ecuador.

27. In accordance with the principles governing this procedure, a representative of the Director-General visited Afghanistan in November 1974 for discussions with the competent government services concerning the application of Conventions Nos. 13, 41, 45 and 95.

28. The direct contacts with Ecuador also took place in November 1974. They concerned the application of Conventions Nos. 29, 105, 112, 113, 119, 123, 124, 127 and the measures to be taken for the submission of ILO Conventions and Recommendations to the competent national authorities. During his mission, the representative of the Director-General also entered into contact with the employers' and workers' organisations.

29. Particulars of the results of these direct contacts, as also of further measures taken as a result of earlier direct contacts (Peru, 1972: Conventions Nos. 8, 68, 69; Argentina, 1973: Convention No. 81; Paraguay, 1973: Conventions Nos. 52, 59, 60, 77, 78, 79, 89, 90 and 95) will be found in the general observations and individual observations on the Conventions in question and on submission to the competent authorities addressed to the countries concerned in Part Two I A and B and III below.

30. A further outcome of the direct contacts with Ecuador was the Government's decision to initiate the procedure for the ratification of Conventions Nos. 77, 78, 81, 88 and 90.

31. The Committee learned that requests for the establishment of direct contacts had been received from the Governments of Nicaragua (Conventions Nos. 1, 2, 3, 4, 6, 8, 9, 12, 13, 17, 18, 22, 24, 25, 28, 29, 30, 87, 98, 100, 111, namely all the ratified Conventions whose application has given rise to comments by the Committee), Panama (submission of Conventions and Recommendations to the competent authorities), Singapore (Conventions Nos. 98 and 105) and Cyprus (Convention No. 111).

32. It was also informed that recourse had been had to the direct contacts procedure in relation with complaints being examined by the Governing Body Committee on Freedom of Association. Thus at the request of the Government of Jordan, against which two complaints had been made, a representative of the Director-General—in this case a member of the Fact-Finding and Conciliation Commission on Freedom of Association—accompanied by an official of the Office, visited Jordan in April-May 1974. On receipt of his report, the Committee on Freedom of Association was able to reach its final conclusions in the cases relating to Jordan which had been before it since May 1971 and November 1972 respectively.

33. In addition, in a case relating to Uruguay which was first considered by the Committee on Freedom of Association in November 1973, the Governing Body decided at its 195th (February-March 1975) Session on the recommendation of the

Committee on Freedom of Association to request the Government to give its consent to the initiation of direct contacts in view of the important problems raised in the case and of the continued receipt of complaints relating to the trade union situation in Uruguay.

34. The Committee was glad to learn that the Minister of Labour of Ecuador had underlined at the Tenth American Conference of States Members of the ILO (Mexico City, November-December 1974) the contribution that can be made by the direct contacts procedure: the recent experience in his country had shown that the system of direct contacts was perhaps the best means of enabling governments to deal with certain difficulties that prevented full compliance with their obligations under the ILO Constitution and Conventions.

35. The direct contacts procedure thus continues to produce useful results and to be resorted to by governments at a steady rate, often to discuss a considerable number of cases. It has taken its place as a positive element in the procedures for assisting in the implementation of standards and the obligations relating to them.

#### *Other Types of Assistance to Governments*

36. The Committee drew attention in its last report to the readiness of the Office to provide governments with assistance of a less formal character than that available under the direct contacts procedure, in order to help them discharge their obligations in relation to international labour standards. It learned with interest at its present session that, with a view to providing advice and assistance of this kind, an official of the Office visited El Salvador, Guatemala and Nicaragua in November 1974.

37. It also noted with interest that two of the governments with which an official of the Office, on the occasion of a mission in the region in 1973, had held discussions of issues relating to the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), had since ratified the Convention (Barbados and Jamaica). Recalling that it had in previous reports referred to the useful contribution which might be made by direct contacts in solving problems relating to this Convention, the Committee considers this to be equally true of assistance of a less formal character.

## **IV. The Role of Employers' and Workers' Organisations**

38. At each of its sessions, the Committee draws special attention to the role which employers' and workers' organisations may and should play in the context of its own supervisory functions, in assessing whether Conventions and Recommendations are satisfactorily implemented within their countries.

#### *Article 23 (2) of the Constitution*

39. One aspect of this role is based on article 23 (2) of the ILO Constitution which requires governments to ensure that copies of the reports sent to the ILO in regard to Conventions and Recommendations are also sent to the representative organisations in their countries. This year again the Committee found that, subject to some exceptions<sup>1</sup>, this obligation was well observed by governments.

<sup>1</sup> The following Governments have not indicated in any of their reports on ratified Conventions whether copies thereof have been sent to the representative organisations: Liberia, Mongolia, Trinidad and Tobago. The following Governments have supplied these particulars in some of their

*Observations by Employers' and Workers' Organisations*

40. Employers' and workers' organisations, on the basis of the above-mentioned copies of reports and of the explanatory material sent to them by the Office, are in a position to submit observations concerning the measures taken by their governments to meet their obligations, particularly as regards the practical application of ratified Conventions. These organisations have always been encouraged to send such observations, by both the present Committee and the Conference Committee, and recent years have shown a steady increase in the number of such observations communicated to the ILO.

41. This year over 50 observations have been received from employers' and workers' organisations<sup>1</sup>, as compared with 34 last year and considerably fewer in previous years. The observations were communicated in approximately equal numbers by employers' and by workers' organisations. Most were transmitted by the government concerned in its reports, a feature which the Committee noted with interest since it bears witness to regular consultation between the government and the representative organisations, in accordance with the letter and spirit of article 23 (2) of the Constitution. In four cases, where the observations were communicated

---

reports only: Central African Republic, Ecuador, Egypt, Gabon, Sudan and Uruguay, and the following merely stated their intention of communicating copies to the representative organisations: Nigeria, Portugal, Yemen. Comments have been addressed by the Committee to the above-mentioned Governments, and also to the following Governments which omitted to supply the relevant information regarding reports on unratified Conventions and Recommendations: Malaysia, Nigeria, Portugal, Uruguay, or regarding information on the submission of Conventions and Recommendations to the competent authorities: Central African Republic, Kenya, Libyan Arab Republic, Mauritius, Mexico, Pakistan, Peru and Senegal.

<sup>1</sup> Austria: Congress of Labour Chambers on Conventions Nos. 5, 89, 100. Brazil: National Confederation of Agricultural Workers on Convention No. 11; National Confederation of Workers in Maritime, Fluvial and Air Transport on Conventions Nos. 16, 22, 53, 58, 91, 92, 108 and 113; National Confederation of Commerce and National Confederation of Commercial Workers on Convention No. 106; Shipowners Association on Convention No. 91; National Confederation of Communications and Publicity Workers on Convention No. 100. Canada: Canadian Labour Congress, Canadian Railway Labour Association, Canadian Chamber of Commerce, Manufacturers Association, Canadian Construction Association on Convention No. 122. Colombia: National Association of Industrialists on Convention No. 24. Finland: Confederation of Finnish Employers (STK) on Conventions Nos. 87, 98, 100, 111 and 122; Confederation of Finnish Trade Unions (SAK) on Conventions Nos. 87, 98, 111; Confederation of Commerce Employers (LTK) on Conventions Nos. 87, 111, 122; Federation of Employees and Salaried Workers on Convention No. 100. India: Indian Centre of Trade Unions on Convention No. 100. Ireland: Irish Congress of Trade Unions on Convention No. 122. Italy: Professional Association of Petrol Undertakings (ASAP) on Conventions Nos. 3, 14, 26, 100, 111; General Confederation of Industry on Conventions Nos. 26, 100; General Confederation of Agriculture on Conventions Nos. 100, 122; Italian General Confederation of Labour (CGIL) on Convention No. 100. Japan: General Council of Trade Unions (SOHYO) on Conventions Nos. 87 and 98. Norway: Confederation of Norwegian Employers and Confederation of Norwegian Trade Unions on Convention No. 100. Spain: National Council of Employers and National Council of Workers and Technicians on Convention No. 135. Sweden: Swedish Shipowners Association on Convention No. 15. Seychelles (United Kingdom): Building Construction and Civil Engineering Trade Unions on Convention No. 87.

In the case of Portugal, the Government stated that the workers' organisations in particular had made many observations, but that these could not be forwarded because of the general reorganisation of labour relations which was taking place.

In addition, observations relating to the effect given to Recommendation No. 90 (on which reports were due under article 19 of the Constitution) were received from Brazil: Confederation of Industry, National Confederation of Industrial Workers, National Confederation of Workers in Maritime, Fluvial and Air Transport, National Confederation of Commercial Workers, National Confederation of Communications and Publicity Workers; Colombia: National Association of Industrialists; Italy: Italian General Confederation of Labour (CGIL) and Japan: Japanese Confederation of Trade Unions (DOMEI).

directly to the ILO, they were transmitted to the governments concerned for their comments.

42. The nature of these observations varies considerably from case to case and it was found this year that many did not introduce any new elements. Certainly observations from an organisation confirming that ratified Conventions are being fully applied may be useful, but it is chiefly the comments referring to difficulties in the application of Conventions, together with the reply of the government concerned, which can be the more interesting from the point of view of supervision. Accordingly, the Committee expresses its appreciation to those organisations which communicated observations of substance, and to the governments which transmitted and commented on these observations; it hopes that the participation of representative organisations through this channel will develop further in coming years.

43. Past experience shows that observations by employers' and workers' organisations calling for greater compliance with ratified Conventions are frequently followed up by the government concerned. This year for example the Committee has found that legislative or other measures have been taken, as a consequence of such comments, by the Government of Barbados in respect of Conventions Nos. 87 and 98 and by the Governments of Dahomey and the Republic of Viet-Nam in regard to Convention No. 26. In other cases—relating to the application of Conventions Nos. 87 and 98 by Japan, and of Convention No. 9 by the Netherlands—initial measures have already been taken by the governments concerned in the past year, and the matter is still pending before the Committee.

#### *Measures to Promote Greater Participation*

44. Last year the Committee reviewed the measures by which employers' and workers' organisations could be helped to participate more actively in the implementation of international labour standards.

45. One of the means then considered of furthering participation by workers' organisations in the ILO's standard-setting activities was the series of study courses for workers organised in conjunction with regional conferences. A course of this kind had been held in Nairobi in 1973 in relation with the Fourth African Regional Conference, another was held in Mexico in 1974 before the Tenth Regional Conference of American States Members, and arrangements are being made for yet another course in 1975 in conjunction with the Eighth Asian Regional Conference which is to meet in Sri Lanka.

46. Another measure was suggested by the Workers' members of the Conference Committee in 1974, that is that arrangements be made to ensure that organisations should receive copies of the observations and direct requests addressed to their governments by the Committee.

## **V. Reports on Ratified Conventions**

(Articles 22 and 35 of the Constitution)

### *Supply of Reports*

#### *Reports Requested and Received.*

47. By far the greater part of the Committee's work consists in the examination of the reports <sup>1</sup> supplied by governments on Conventions which have been ratified by

<sup>1</sup> ILO: *Summary of Reports on Ratified Conventions*, Report III (Part 1), International Labour Conference, 60th Session, Geneva, 1975.

member States and on those which have been declared applicable to non-metropolitan territories.

48. Detailed reports are normally requested at two-yearly intervals, in accordance with a procedure approved by the Governing Body and 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 60 Conventions<sup>1</sup> and covered the period from 1 July 1972 to 30 June 1974. In addition to the two-yearly reports, 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.

49. A total of 2,189 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, 1,854 of these reports had been received by the Office. This figure corresponds to 84.6 per cent of the reports requested, as compared with 74.3 per cent last year. This substantial increase in the number of reports received as compared with recent years was welcomed by the Committee. 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.

50. In addition, 497 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, 411 reports, or 81.6 per cent, had been received by the end of the Committee's session. A further 796 reports were requested on Conventions ratified by the member States but not declared applicable to the non-metropolitan territories; of these 609, or 75.1 per cent, were received. A list of the reports received and those which are overdue, classified by territory and by Convention, may be found in the Appendix to section II of Part Two of this report.

51. Apart from the above-mentioned reports, 24 Governments also supplied general reports on the Conventions for which detailed reports were not due for the period under review (Argentina, Australia, Belgium, Brazil, Burma, Cyprus, Denmark, Federal Republic of Germany, Honduras, India, Iran, Kenya, Kuwait, Malaysia, New Zealand, Norway, Philippines, Sierra Leone, Singapore, Sweden, Switzerland, Syrian Arab Republic, United Kingdom, Uruguay).

52. In certain cases, the reports were not accompanied by copies of the relevant legislation, statistical data or other documentation necessary for their full examination. Where this is not already available in the Office, the work of supervision may be delayed and the Committee has therefore requested the International Labour Office to ascertain, upon receipt of governments' reports, whether the relevant legislation and other material is appended or otherwise accessible, and if not, to write

<sup>1</sup> 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, 131, 134, 136.

immediately to the governments concerned requesting them to supply the necessary texts in order to enable the Committee to fulfil its task.

### *Compliance with Reporting Obligations.*

53. Of the 120 governments from which reports were due on the application of ratified Conventions in States Members, the great majority have supplied all or most of the reports requested. However, a number of governments have not complied with their obligation to supply reports on ratified Conventions. Thus, none of the reports due this year has been received from the following countries: Dominican Republic, Fiji, Haiti, Ivory Coast, Jordan, Niger, Thailand, Uganda. No reports have been received for the last two years from Laos, Somalia and Togo and for the last three years from Tanzania.

### *Supply of First Reports.*

54. A total of 57 first reports on the application of ratified Conventions was 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 1973: Venezuela (Conventions Nos. 111, 120); or 1971: Ecuador (Conventions Nos. 86, 110). The Committee regrets this continued failure to supply the first reports, and once again urges the governments concerned to make every effort to ensure the despatch of all first reports when they are requested.

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

55. The majority of governments replied in their reports to the observations and direct requests of the Committee of Experts. 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 31 governments contacted in this way, only 6 have sent the information requested. The number of cases in which no replies have been given to the Committee's comments thus remains substantial. A total of 18 governments has thus failed to reply to most or even all of the observations and direct requests relating to Conventions on which reports were requested this year (involving 139 cases <sup>1</sup> as against 161 last year).

56. In cases of this kind the Committee can only repeat the observations or requests that it had made previously on the Conventions in question. The failure of the governments concerned to supply the reports requested or to reply to the Committee's comments thus delays the work of both the Committee of Experts and the Conference Committee. The Committee must therefore once again urge upon

<sup>1</sup> Central African Republic (Conventions Nos. 3, 26, 33, 62, 67, 81, 87, 95, 100, 105, 117, 118, 119), Chad (Conventions Nos. 13, 29, 52, 81, 87, 98, 100, 105, 111), Dominican Republic (Conventions Nos. 26, 81, 87, 88, 89, 98, 100, 111, 119), Guinea (Conventions Nos. 5, 13, 18, 26, 29, 33, 45, 62, 81, 94, 105, 111, 112, 119, 120, 122), Haiti (Conventions Nos. 1, 24, 25, 30, 42, 81, 90, 98, 100, 105, 106), Ivory Coast (Conventions Nos. 29, 52), Laos (Conventions Nos. 4, 6, 29), Liberia (Conventions Nos. 29, 53, 55, 104, 105, 111), Madagascar (Conventions Nos. 26, 29, 111, 117, 118, 119, 120, 122, 124), Malawi (Conventions Nos. 26, 86, 99), Mauritania (Conventions Nos. 19, 22, 29, 53, 62, 94, 111, 114, 118), Niger (Conventions Nos. 26, 33, 102, 111, 119), Somalia (Conventions Nos. 17, 22, 45, 84, 94, 95, 105, 111), Tanzania (Conventions Nos. 17, 26, 29, 50, 59, 63, 65, 81, 88, 97, 98, 105, 108), Togo (Conventions Nos. 26, 29), Uganda (Conventions Nos. 5, 17, 64, 86, 98, 105, 122, 123), Venezuela (Conventions Nos. 3, 81, 88), Zaire (Conventions Nos. 18, 29, 64, 81, 88, 94, 117, 119, 120, 121).

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.

#### *Late Reports.*

57. The Committee has noted that once again the great majority 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 after the due date, as 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 1974.

#### *Examination of Reports*

58. 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.*

59. 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 either in the form of "observations" which are reproduced in the Committee's report or of "direct requests" which are communicated to the governments concerned. 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 1975 or to report in detail for the period 1974-75.

60. 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. In the course of the examination of the effect given to some Conventions, two members of the Committee stated that they could not associate themselves with the Committee's observations regarding certain countries (see Part II, section I B, under Conventions Nos. 29 and 87). 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.

#### *Practical Application.*

61. 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 on the Conventions approved by the Governing Body, and the governments' replies to these



questions constitute an important source of information on practical application available to the Committee. The Committee has also taken into account other authoritative sources of information, including the labour inspection reports communicated by governments to the ILO, government reports and studies, observations on the application of ratified Conventions submitted to the ILO by employers' and workers' organisation (as more fully discussed in Chapter IV of this report) and technical co-operation reports of experts or missions working in fields covered by Conventions.

62. This year over 44 per cent of the reports supplied on Conventions for which particulars of practical application are specifically requested contained such data. This proportion constitutes some progress in comparison with the figures recorded for the last two years, but is still lower than those of some previous years, and the Committee hopes that governments will continue their efforts to include information on practical application in their reports, particularly on those Conventions for which such data are specifically requested. Direct requests on this point have been addressed to certain countries which have failed to reply to the questions in the report forms concerning practical application. A number of other countries, on the other hand, have supplied information of this kind in more than two-thirds of the reports concerned: Australia, Austria, Finland, Federal Republic of Germany, Greece, India, Ireland, Israel, Italy, Japan, Kenya, Lebanon, Mauritius, Netherlands, New Zealand, Senegal, Sweden.

63. 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 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.*

64. 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. Relevant details concerning the countries in question are to be found in Part Two of this report, and cover 91 instances in which measures of this kind have been taken, involving 43 States and 5 non-metropolitan territories. The full list is as follows:

Countries	Conventions Nos.
Afghanistan . . . . .	45
Argentina . . . . .	81, 87, 100, 111
Austria . . . . .	128
Barbados . . . . .	87, 98
Brazil . . . . .	103
Cuba . . . . .	106
Cyprus . . . . .	121, 128
Denmark . . . . .	63, 100, 102
Ecuador . . . . .	98, 112, 113, 123, 124, 127
Finland . . . . .	111
France . . . . .	97
Federal Republic of Germany . . . . .	62
Greece . . . . .	3, 87, 98
Guatemala . . . . .	99, 111

Countries	Conventions Nos.
Guinea . . . . .	3
Iceland . . . . .	100
Iraq . . . . .	42, 81
Ireland . . . . .	121
Jamaica . . . . .	117
Luxembourg . . . . .	27, 100
Malta . . . . .	108
Mexico . . . . .	102
Morocco . . . . .	55
Nigeria . . . . .	95
Norway . . . . .	81, 102
Pakistan . . . . .	111
Peru . . . . .	8, 9, 39, 40, 69, 71, 88, 102
Portugal . . . . .	18, 105, 108
Romania . . . . .	24
Rwanda . . . . .	17, 19
Senegal . . . . .	19, 102, 121
Singapore . . . . .	5
Sri Lanka . . . . .	18
Sudan . . . . .	100, 111
Sweden . . . . .	102, 121, 128
Switzerland . . . . .	111
Syrian Arab Republic . . . . .	81, 94, 115
Trinidad and Tobago . . . . .	85
Tunisia . . . . .	18
Turkey . . . . .	42, 115
Upper Volta . . . . .	87
Uruguay . . . . .	2, 103
Yugoslavia . . . . .	22, 91, 114
<i>Non-Metropolitan Territories</i>	
<i>Denmark :</i>	
Faeroe Islands . . . . .	5, 106
<i>United Kingdom :</i>	
Antigua . . . . .	105
Brunei . . . . .	63, 81, 94
Gilbert and Ellice Islands . . . . .	10, 26
St. Lucia . . . . .	42

65. These cases bring the total recorded instances of progress, since the Committee began listing them in its reports 12 years ago, to over 920. They provide a particularly useful illustration 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.

66. The Committee draws particular attention to the high number of cases concerning the Discrimination (Employment and Occupation) Convention, 1958 (No. 111). These instances of specific and measurable progress in the implementation of a promotional Convention, relating to fundamental human rights, whose application is mainly achieved through a gradual process which is frequently less apparent, are to be particularly welcomed.

67. They do not, however, as the Committee regularly points out, exhaust the instances in which Conventions and Recommendations have a measurable influence on the legislation and practice of member States through the operation of the supervisory procedures. Such influence may be observed in particular where new measures are adopted as a result of the submission of newly adopted instruments to the competent authority and where legislative or other measures are taken as a result

of a decision to ratify, as for example, in the case of certain first reports examined this year, where new legislation was adopted shortly before or after ratification (Denmark, Convention No. 88, Hungary, Convention No. 120, Ireland, Convention No. 96, Spain, Convention No. 134, Syrian Arab Republic, Convention No. 123, Sweden, Convention No. 134).

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

(Article 19 of the Constitution)

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

- (a) information on action taken to submit to the competent authorities, within the constitutional time limits of 12 or 18 months, the instruments adopted by the Conference at its 58th Session (1973), namely: the Dock Work Convention, 1973 (No. 137) and Recommendation, 1973 (No. 145) and the Minimum Age Convention, 1973 (No. 138) and Recommendation, 1973 (No. 146);
- (b) additional information on action taken to submit to the competent authorities the instruments adopted by the Conference from its 31st (1948) to its 56th (1971) Sessions (Conventions Nos. 87 to 136 and Recommendations Nos. 83 to 144) <sup>2</sup>;
- (c) replies to the observations and direct requests made by the Committee at its 1974 Session.

### *58th Session*

69. The Committee has noted with interest that the governments of the following 44 member States have indicated that they have submitted to the authorities considered as competent by them the instruments adopted by the Conference at its 58th Session: Australia, Austria, Belgium, Bulgaria, Burma, Byelorussian SSR, Central African Republic, Costa Rica, Cuba, Denmark, Ecuador, Egypt, El Salvador, Finland, Ghana, Hungary, Indonesia, Iran, Israel, Japan, Libyan Arab Republic, Mali, Mauritius, Mexico, Morocco, New Zealand, Nigeria, Norway, Philippines, Romania, Rwanda, Senegal, Sierra Leone, Sudan, Sweden, Switzerland, Trinidad and Tobago, Tunisia, Ukrainian SSR, USSR, United Kingdom, United States, Venezuela, Zambia.

70. The governments of the following 8 countries have indicated that they have submitted to the competent authorities certain of the instruments adopted by the Conference at its 58th Session: France, Federal Republic of Germany, Kenya, Kuwait, Poland, Spain, Syrian Arab Republic, Republic of Viet-Nam.

71. 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.

<sup>1</sup> ILO: *Summary of Information on the Submission to the Competent Authorities of Conventions and Recommendations Adopted by the International Labour Conference*, Report III (Part 3), International Labour Conference, 60th Session, Geneva, 1975.

<sup>2</sup> The Conference did not adopt any Conventions or Recommendations at its 57th (1972) Session.

*31st to 56th Sessions*

72. The Committee noted with interest that considerable progress has been made in several countries in submitting instruments adopted by the Conference since its 31st Session to the competent authorities, and the following cases in particular were noted: Ecuador (instruments adopted from the 52nd to the 56th Sessions), El Salvador (instruments adopted from the 46th to the 50th Sessions and at the 54th Session), Kenya (instruments adopted at the 53rd, 54th and 56th Sessions), Poland (numerous instruments adopted from the 31st to the 56th Sessions), Sierra Leone (instruments adopted from the 46th to the 49th Sessions, at the 51st Session and the 53rd to the 56th Sessions), Somalia (instruments adopted from the 45th to the 56th Sessions), Togo (instruments adopted from the 53rd to the 56th Sessions), Tunisia (instruments adopted from the 54th to the 56th Sessions), Upper Volta (instruments adopted from the 53rd to the 56th Sessions), Venezuela (instruments adopted at the 51st Session and from the 54th to the 56th Sessions).

73. 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*

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

75. The Committee notes with regret that, notwithstanding its repeated requests, a number of governments have again failed to supply 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 trusts that governments will endeavour in future to supply all the required information and documents.

*Nature of the Competent Authority*

76. This Committee and the Conference Committee have repeatedly stressed that the question of the nature of the competent authority is a fundamental aspect of the obligation to submit instruments. While the Committee has been able in recent years to point to several instances of progress made as a result of its previous comments in relation to procedures for the submission of Conventions and Recommendations to the competent national authorities, in other cases problems in this respect still exist and the Committee can only repeat the hope that they will soon be solved.

*Communication of Information and Documents*

77. The Committee must stress once again the importance of the provision by governments of the information and documents called for by points II and III of the Memorandum adopted by the Governing Body (date of submission, government proposals, copies of the submission documents, decisions of the competent authorities in respect of the instruments submitted to them). Several countries, however, still do not transmit all or most of this information to the Office. The following countries

in particular have not supplied the documents relating to the submission of instruments adopted during at least the last ten sessions of the Conference under consideration (48th to 58th): Byelorussian SSR, Hungary, Portugal, Ukrainian SSR, USSR. The Committee trusts that all the governments concerned will take the necessary steps to comply with the Memorandum on Submission.

### *Special Problems*

78. The position in certain countries is still a matter of grave concern to the Committee. In these cases, either no measures have been taken or no information has been supplied as to the actual submission to the competent authorities of the instruments adopted by the Conference at several consecutive sessions. The Committee thus notes with regret that, in the following cases, no information showing that the Conventions and Recommendations adopted by the Conference during at least the last seven sessions under consideration (51st to 58th) have in fact been submitted to the competent authorities: Afghanistan, Haiti, Honduras, Laos, Yemen.

\* \* \*

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

## **VII. Reports on Unratified Conventions and on Recommendations**

(Article 19 of the Constitution)

80. In accordance with a decision taken by the Governing Body, governments were requested to supply reports under article 19, paragraphs 6 and 7, of the ILO Constitution on the Equal Remuneration Convention, 1951 (No. 100) and Recommendation, 1951 (No. 90).

81. Of a total of 171 reports requested, 135 have been received (i.e. 79 per cent), together with 18 reports concerning non-metropolitan territories. This is the highest proportion of reports under article 19 of the Constitution that has ever been received. The Committee hopes that this trend towards a fuller response to the request for such reports, already noted last year, will be maintained. A table showing reports supplied by the various governments is appended to Part Three of the present report (Volume B).

82. 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: Bolivia, Laos, Nepal, Somalia, Tanzania.

83. Part III of this report (Volume B) contains the Committee's general survey of the questions covered by the Convention and Recommendation. As usual, it takes account not only of reports supplied under article 19 of the Constitution but also of those supplied under article 22 by countries which have ratified the Convention. This

survey, in accordance with the practice followed in previous years, was prepared on the basis of a preliminary examination by a working party comprising four members of the Committee, chosen by it at its previous session.

\* \* \*

84. The Committee would like to express its appreciation of the invaluable assistance rendered to it by the officials of the ILO, whose competence and devotion to duty make it possible for the Committee to accomplish an increasing volume of work in a limited period of time.

Geneva, 25 March 1975.

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

E. RAZAFINDRALAMBO,  
*Reporter.*

## **PART TWO**

### **OBSERVATIONS CONCERNING PARTICULAR COUNTRIES**





## OBSERVATIONS CONCERNING PARTICULAR COUNTRIES

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

#### A. GENERAL OBSERVATIONS

##### *Afghanistan*

The Committee has been informed that direct contacts took place in Afghanistan in November 1974, between the competent national services and a representative of the Director-General of the ILO, with regard to Conventions Nos. 13, 41, 45 and 95, concerning the application of which it had made various comments.

The Committee notes with satisfaction that, as a result of these contacts, a Decree has been adopted on the application of Convention No. 45.

In addition, it notes with interest that, as a result of these contacts, three draft Decrees have been drawn up, with the aim of bringing Afghanistan's labour legislation into line with the provisions of Conventions Nos. 13, 41 and 95. The Committee hopes therefore that these draft Decrees will shortly be approved and requests the Government to supply information on the measures taken in his regard.

##### *Burundi*

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.

##### *Dominican Republic*

The Committee notes with regret that the reports due have not been received. Since in 1974 most of the reports due were not received, the Committee can only hope that the Government will be in a position 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.

##### *Ecuador*

The Committee has been informed that direct contacts took place in Ecuador, from 30 October to 12 November 1974, between the competent national services and a representative of the Director-General of the ILO, with regard to Conventions Nos. 29, 105, 112, 113, 119, 123, 124 and 127, concerning the application of which it had made various comments.

The Committee notes with satisfaction that, as a result of these direct contacts, three executive orders were adopted on 14 November 1974, for the implementation of Conventions Nos. 112, 113, 123, 124 and 127, as well as a Ministerial Order dated

7 November 1974, with a view to the adoption of the necessary legislation to implement Convention No. 119.

In addition, the Committee notes with interest that, also as a result of these contacts, two draft amendments to the Penal Code and to the Labour Code have been drawn up, with a view to complying more fully with Conventions Nos. 29 and 105. The Committee hopes that these two draft amendments will be approved in the near future, and requests the Government to supply information on any measures which may be taken in this regard.

*Fiji*

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

*France*

In its general observation in 1973, the Committee had noted that, by virtue of section 5 of Act No. 73-4 of 2 January 1973 relating to the Labour Code, the provisions of the international labour Conventions applicable as part of the French domestic law were to be appended to the Labour Code. The Committee has recently learned with interest from a government communication that an edition of the Labour Code is presently being printed by the Administration of Official Gazettes and that it will include the texts of the Conventions in question as an appendix to the legislative section.

The Committee has also noted with interest that the principle of appending to the Social Security Code the international labour Conventions dealing with social security questions, ratified by France, has been adopted and will soon be put into practice.

*Guinea*

The Committee notes with regret that only one of the 23 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.

*Haiti*

The Committee notes with regret that the reports due have not been received, despite assurances given by the Government to the Conference Committee in 1974. Since in recent years the Committee has frequently had to point out that the Government had failed to fulfil its obligation to submit reports on the application of ratified Conventions, it must insist that the Government take the necessary action in order to fulfil in future the obligation under the ILO Constitution to supply annual reports 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, and that it will reply in its reports to the comments made by the Committee.

*Jordan*

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.

*Laos*

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

*Liberia*

The Committee notes that for the second year in succession the reports received under article 22 of the Constitution of the ILO do not state whether copies thereof have been communicated to the representative organisations of employers and workers, in accordance with article 23, paragraph 2, of the Constitution. It hopes that in future the reports will indicate whether this has been done.

*Mongolia*

Further to its previous observation, the Committee notes with interest that the new Labour Code is being translated into Russian and will be communicated in due course. In addition, certain relevant provisions of the legislation have been quoted in the reports and the Russian translation of others has been communicated. The Committee hopes that the Government will shortly be able to supply the translation of the Labour Code and of certain other legislative texts which are mentioned in a direct request.

*Nauru*

The Committee expresses its appreciation for the report for the period 1972-74, supplied pursuant to the Government's decision to continue to comply with the terms of the Conventions which had been accepted on behalf of Nauru before its accession to independence in 1968 and to report on their application.

*Nicaragua*

The Committee notes with interest that the Government has formally requested the establishment of direct contacts with the ILO, in order to consider the implementation of certain Conventions ratified by Nicaragua (Nos. 1, 2, 3, 4, 6, 8, 9, 12, 13, 17, 18, 22, 24, 25, 28, 29, 30, 87, 98, 100, 105 and 111) as well as other matters relating to international standards. The Committee hopes that these direct contacts will take place as soon as possible and that they will produce the desired results.

*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.

*Paraguay*

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.

*Portugal*

With reference to the comments previously made by the Committee concerning the application in Portuguese overseas territories of Conventions ratified by Portugal, the Committee notes the information given by the Government on the profound changes in the status of these territories which are currently taking place. In these circumstances, the Committee has this year limited its comments in respect of the application of Conventions ratified by Portugal to the situation in metropolitan Portugal.

*Sierra Leone*

The Committee notes with regret that only one of the 20 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.

*Somalia*

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.

*Tanzania*

The Committee regrets to note that once again the reports due have not been received. As regards Tanganyika, the most recent reports were received in 1972 after the Committee's meeting, and in the case of Zanzibar no report has been received since 1965. The Committee notes the statement of a Government representative to the Conference Committee in 1974 that the delay in sending reports had been caused by decentralisation of activities for rural development. It also recalls that, according to a Government representative at the Conference Committee in 1973, a Minister responsible for labour questions was appointed in Zanzibar, which ought to facilitate the preparation of the reports. The Committee must insist that the necessary steps be taken to ensure that in future reports on the application of ratified Conventions will be sent regularly as regards Zanzibar as well as Tanganyika and it trusts that they will contain replies to the Committee's comments.

*Thailand*

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.

*Togo*

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.

*Uganda*

The Committee notes with regret that for the second year in succession the reports due have not been received. With regard to the comments made by the

Committee on certain provisions of the Employment Act which are not in conformity with ratified Conventions or on the lack of legislative measures to give effect to certain other ratified Conventions, the Committee notes the Government's statement that the new Employment Decree which will greatly affect relevant ratified Conventions will soon become law. It hopes that the Decree will be adopted in the very near future in order to bring the legislation into conformity with the ratified Conventions.

The Committee must, however, once more recall that it had also made comments on a number of Conventions whose application is not affected by the Employment Act or the proposed amendments thereto. 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, to include in these reports the information called for in the report forms and to reply to all the comments made by the Committee.

### *Venezuela*

The Committee notes with satisfaction that the official edition of "Leyes Sociales de Venezuela" (Social Laws of Venezuela), ordered and authorised by the Labour Ministry, contains the complete texts of all the international labour Conventions ratified by Venezuela.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States: *Bangladesh, Chad, Congo, Democratic Yemen (Aden), Guatemala, Honduras, Indonesia, Iran, Jamaica, Liberia, Madagascar, Malaysia, Mongolia, Nigeria, Paraguay, Poland, Rwanda, Ukrainian SSR, USSR, Upper Volta, Republic of Viet-Nam, Yemen, Yugoslavia.*

## B. INDIVIDUAL OBSERVATIONS

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

#### *Chile (ratification: 1925)*

The Committee notes that, in pursuance of a resolution adopted by the Conference at its 59th (June 1974) Session, a Commission of Inquiry was appointed under article 26 of the ILO Constitution to determine whether Legislative Decree No. 35 of 24 September 1973 has infringed this Convention. In these circumstances, the Committee has decided to suspend its examination of this question until the Commission of Inquiry has submitted its final report.

As regards the other points raised in its previous observation, in respect of sections 25 and 28 of the Labour Code, the Committee has noted the information supplied by the Government in its last report to the effect that "the necessary amendments have not yet been made to the Labour Code in order to bring sections 25 and 28 into conformity with the Convention" and that "a commission on the reform of the Labour Code is now functioning to which the question will, in any case, be submitted". The Committee recalls that divergencies between the Labour Code and the Convention are as follows:

1. Section 25 of the Labour Code contains an exception in the case of persons engaged in tasks which, by their nature, cannot be subject to fixed hours of work; such an exception is not authorised by the Convention.

2. Section 28 of the Code provides that, in work which is not in itself harmful to the workers' health and in special cases approved by the appropriate labour inspectorate, a written agreement may be entered into for overtime up to two hours per day, whereas Article 6, paragraphs 1 (b) and 2, of the Convention states that such overtime may be allowed only as a temporary measure to deal with exceptional pressure of work, and that the maximum of additional hours must be fixed in each instance.

The Committee requests the Government to indicate any progress made in bringing the Labour Code into full conformity with the Convention.

*Egypt (ratification: 1960)*

In connection with its previous comments, the Committee notes the information given by the Government in its report, particularly the indication that the points raised in the Committee's observations are to be submitted to the secretariat of the Higher Labour Advisory Council for inclusion in the draft consolidated labour code at present being prepared.

*Articles 1 and 6 (1) (a) of the Convention.* Section 1 of Order No. 62 of 1960 provides that workers may be present at the workplace for more than 11 hours when engaged in such work as the transport of passengers or goods by road or rail. The Committee points out in this connection that the scope of the Convention as defined in Article 1 (1) (d) includes the transport of passengers or goods by road or rail, and that Article 6 (1) (a), while allowing for regulations made by public authority to determine permanent exceptions, limits them to preparatory or complementary work which must necessarily be carried on outside the limits laid down for the general working of an establishment, or for certain classes of workers whose work is essentially intermittent.

The Committee therefore hopes that steps can be taken to specify the classes of workers whose work is regarded as essentially intermittent within the meaning of the Convention, and to guarantee for workers in road and rail transport—other than those whose work is intermittent—a normal working week of 48 hours in accordance with the Convention.

*Haiti (ratification: 1952)*

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

*Article 1 of the Convention.* The Committee reiterates its hope that the Government will take the necessary steps to amend section 104 of the Labour Code, which excludes certain undertakings from the scope of the hours of work provisions, and in particular, land transport (covered by Convention No. 1), laundries, hairdressers' shops, chemists' shops, bakeries and grocery shops, in which essential commodities are sold (which are covered by Convention No. 30), which is contrary to Conventions Nos. 1 and 30.

*Article 6.* The Committee again points out that section 100 of the Labour Code of 1961 permits overtime up to 20 hours a week, whereas Article 6 of Convention No. 1 stipulates that the maximum number of hours of overtime must be laid down 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 Committee would be grateful if the Government would report what progress has been made in this regard.<sup>1</sup>

*Kuwait* (ratification: 1961)

The Committee recalls that since 1964 the Government has repeatedly stated its intention of taking action to give effect to the Convention on the various points raised in the Committee's earlier comments.

*Article 1 of the Convention.* Section 2 of the Employment (Private Sector) Act (No. 38 of 1964) exempts from its application temporary workers employed for periods not exceeding six months at a time and workers in undertakings with fewer than five employees, whereas this Article of the Convention does not allow of such exemptions.

*Article 3 and Article 6 (1) (b) and (2).* Sections 34 and 35 of the Labour Law (Private Sector) and sections 14 and 15 of the Labour Law (Public Sector) provide that the employer may order work for two additional hours per day and on the weekly rest day but prescribe no limit to the total hours of overtime, whereas under these Articles of the Convention additional hours are permitted only as temporary exceptions to avoid serious interference with the ordinary working of the undertaking, the maximum number being fixed in each instance after consultation with the organisations of employers and workers concerned.

The Committee urges the Government to take the steps required to bring the law into conformity with the above provisions of the Convention in the near future.

*Peru* (ratification: 1945)

In relation to its earlier observation the Committee has noted the information given by the Government in its last report, and trusts that the Presidential Decree prepared during the direct contacts for giving full effect to Articles 3, 4, 5 and 6 of the Convention will shortly be approved. The Committee requests the Government to report any action taken in this connection.

*Spain* (ratification: 1929)

In connection with its previous comments the Committee noted the recent ordinances transmitted by the Government, which have reduced normal working hours per week in the construction, glass and pottery, iron and steel, metal production and chemical industries to 45 or 44 hours a week.

It has also noted with interest the Labour Relations Bill which the Government communicated at a later date. Having noted that section 21 of this Bill contains provisions limiting the work week to 44 hours, and limiting the maximum number of supplementary hours which may be requested of workers to 10 per month and to 100 per year, it hopes that this text will be adopted shortly in order to bring the legislation into conformity with Conventions Nos. 1 and 30.

*Uruguay* (ratification: 1933)

In connection with its previous observation, the Committee notes that the Government has given in its report for 1972-74 information on the practical

---

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 60th Session and to report in detail for the period ending 30 June 1975.

application of the Convention and statistics of violations of the Convention punished by the courts.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States: *Burma, Burundi, Canada, Ghana, Greece, India, Iraq, Libyan Arab Republic, Paraguay, Portugal, Syrian Arab Republic.*

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

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

#### *Ecuador* (ratification: 1962)

The Committee notes with interest the provisions of Executive Decree No. 1334, establishing the Employment and Human Resources Directorate within the Ministry of Labour and Social Welfare. It notes also the Basic Operational Regulations of the Employment and Human Resources Directorate which entrust the operation of the placement service to the latter body. The Committee further notes the Government's statement that free employment agencies will be established in the near future by the Ministry of Labour and Social Welfare but that at present only private placement agencies exist.

The Committee hopes that the free public employment agencies, provided for in the Convention, have begun to operate. It would ask the Government to state also what measures have been taken, or are envisaged, to co-ordinate the activities of the system of public placement offices, provided for in the Executive Decree, with the free placement agencies run by the workers' organisations and to establish the advisory committees described in paragraph 1 of Article 2 of the Convention.

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

Further to its previous comments, the Committee notes with satisfaction that a national employment service has been established by the National Employment Service (SENADEMP) Act, approved by the Council of State on 5 December 1974. The Committee requests the Government to indicate what measures have been taken or are envisaged to establish advisory committees including representatives of employers and of workers, as provided for in Article 2 of the Convention.

The Committee notes also that one of the functions of the SENADEMP is the development of a programme of manpower data and hopes that this will enable the Government to provide the International Labour Office with the information called for in Article 1 of the Convention.

\* \* \*

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

Information supplied by *Mauritius* and the *Syrian Arab Republic* in answer to a direct request has been noted by the Committee.



**Convention No. 3: Maternity Protection, 1919***Algeria* (ratification: 1962)

1. *Article 3 (c) of the Convention* (in relation to Article 3 (a) and (b)). In its earlier observations the Committee pointed out that the national law (Decision No. 49-045 as amended, and Order of 26 October 1959) which provides for payment of maternity benefit for eight weeks, is not in conformity with the Convention under which benefit is to be paid for the 12 weeks of maternity leave and any extension of leave (in case of delayed confinement or illness arising out of pregnancy or confinement). In its last report the Government indicates that, as from 1 January 1975, the maternity leave period has been increased to 14 weeks with full wages. While the Committee notes this extension of the leave period with interest, it would point out that the Convention does not make the employer directly liable for the cost of maternity benefits but provides for these to be paid out of public funds or by means of an insurance system. It therefore requests the Government to report what action it contemplates for ensuring that this provision of the Convention is fully applied.

2. *Articles 3 (d) and 4.* The Committee also notes with regret that the Government's report gives no information on the adoption of the new Labour Code which was to bring the national law fully into line with the above provisions of the Convention relating to a woman's right to two half-hour interruptions per day for nursing the child and to the unlawfulness of giving notice of dismissal to a woman during her absence on maternity (and any extension of it). The Committee hopes that the Code will shortly be adopted and that the Government will not fail to report on progress in this connection.

3. The Committee also requests the Government to indicate whether the studies mentioned in its report (received in 1972) as having been undertaken with a view to recasting the social insurance system and unifying the existing schemes, led to results and, if so, whether the qualifying conditions for maternity benefit entitlement laid down in the national law have been abolished or eased, as the Government stated in the report mentioned.

*Chile* (ratification: 1925)

*Article 3 (c) of the Convention* (maternity benefits). In its earlier comments the Committee requested the Government to take such steps as are necessary to enable maternity benefits to be provided for women workers who have not fulfilled the qualifying conditions laid down in sections 31 and 32 of Act No. 10383 of 1952 on compulsory insurance, as amended. The Committee also pointed out that, under Act No. 16781 of 1968 on medical attendance for salaried employees and the implementing regulations, women workers with the status of salaried employees were required to contribute to the cost of certain medical services whereas the Convention provides for free medical attendance to be granted to any woman employed in a public or private industrial or commercial undertaking, regardless of her status.

In its report for the period 1972-74 the Government stated with regret that it had not yet been possible to include corresponding rules in the national law. The Committee takes note of this statement and hopes that the Government will take the necessary steps in the near future to ensure full implementation of the Convention on these points.

*Article 4* (prohibiting dismissal during absence on maternity leave). In response to the Committee's earlier comments, the Government informed the Committee in 1973 that, while it was true that the law left it open in theory for a woman to be dismissed during maternity leave on certain clearly specified grounds, this could not arise in practice since the specified grounds for dismissal could not by their nature occur during maternity leave. The Committee takes note of this statement and also of the information given by the Government in its report for 1972-74 that it had not been possible to include a provision in the national law corresponding to that in the Convention. The latter expressly provides that, where a woman is absent on maternity leave (or remains absent for a longer period as a result of illness arising out of pregnancy or confinement), it shall not be lawful (until her absence has exceeded a maximum period to be fixed by the competent authority in each country) for her employer to give her notice of dismissal at such a time that the notice would expire during such absence. The Committee hopes that this amendment can be made in the near future so as formally to bring the national law into complete harmony with the Convention.

*Federal Republic of Germany* (ratification: 1927)

*Article 4 of the Convention* (prohibition of dismissal). In response to the Committee's observations since 1953 concerning section 9 of the Maternity Protection Act of 1952, as amended in 1965 (which allows dismissal during pregnancy and confinement in certain exceptional cases), the Government states that the circular issued by the Federal Ministry of Labour and Social Affairs on 26 July 1968 is still being implemented without difficulty, and that it expects to submit a proposed amendment of section 9 (3) of that Act to the Bundestag in the near future.

The Committee, while noting the Government's statement on the application of this Convention, would urge it to report all progress made with a view to bringing national legislation formally into complete conformity with the Convention.

*Greece* (ratification: 1920)

Further to earlier comments, the Committee noted with satisfaction that Circular No. 109 of 21 September 1974, sent by the Ministry of Social Services to the appropriate departments of the Social Insurance Institute (IKA), gives effect to the last clause of subparagraph (c) of Article 3 of the Convention dealing with payment of maternity benefit in the event of longer prenatal leave due to a mistake in estimating the date of confinement. The Committee hopes that a provision to this effect can be inserted also in the social insurance legislation when it is next revised.

*Guinea* (ratification: 1966)

Further to its previous observations the Committee notes with satisfaction, from the information given at the 1973 Session of the Conference, that Presidential Decree No. 205 PR6 of 31 July 1972 made postnatal leave compulsory, as required by *Article 3 (a) of the Convention*.

The Committee regrets to note, however, that the Government has for the second time failed to send a report and that the Decree has not brought the national law into conformity with the Convention on the other points referred to in its earlier comments, namely: *Article 3 (c)* (payment of maternity benefit in case of extension of prenatal leave due to a mistake of the medical adviser or midwife in estimating the date of confinement); *Article 3 (d)* (right to two interruptions per day of a minimum of half an hour each for nursing the child); and *Article 4* (prohibiting dismissal

during a woman's absence on maternity leave and any extension owing to illness). The Decree also provides that prenatal leave shall be taken one month before confinement, whereas under the Convention a woman has the right to leave work six weeks before confinement (Article 3 (b)); and it provides that, if the child dies during the leave, the woman must resume work one month thereafter, whereas there are no such restrictions in the Convention.

The Committee hopes that the Government will not fail to report the action taken or contemplated for giving full effect to the Convention on the above points.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States: *Argentina, United Republic of Cameroon, Central African Republic, Gabon, Libyan Arab Republic, Panama, Romania, Venezuela.*

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

A request regarding certain points is being addressed directly to *Laos*.

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

*Bolivia* (ratification: 1954)

The Committee refers to its previous observation in which it noted that, following the direct contacts between the departments concerned and a representative of the Director-General of the International Labour Office, a draft Legislative Decree had been prepared for amending section 58 of the Labour (General) Act in accordance with the provisions of Article 2 of the Convention.

The Committee hopes that the draft will be adopted in the near future and requests the Government to report progress in this matter.

*Congo* (ratification: 1960)

*Article 2 of the Convention.* Following its previous comments, the Committee notes with interest the information given by the Government that the draft revised version of the Labour Code no longer contains the provisions of section 116 (2) of the present Code, allowing children under 16 years attending a public or private school to be employed on light work on a school day or a holiday.

The Committee requests the Government to report on progress in this connection.

*Guinea* (ratification: 1959)

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

*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.

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

*Sierra Leone* (ratification: 1961)

See under Convention No. 59, Article 4.

*Singapore* (ratification: 1965)

In connection with its earlier comments the Committee notes with satisfaction that sections 67 and 82 of the Employment Act have been amended by the Employment (Amendment) Act 1973, which came into force on 1 September 1973, so as to prohibit children under the age of 14 years from being employed or working in industrial undertakings, as required by the Convention.

*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:

The Committee notes that according to the Government's report the draft Employment Decree, which takes account of the Committee's previous comments, is in its final stage of completion. The Committee trusts that this Decree will be adopted shortly and will bring the national legislation into conformity with the following provisions of the Convention which were the subject of its previous comments:

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 Article 1 of the Convention.

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

\* \* \*

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

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

Requests regarding certain points are being addressed directly to the following States: *Laos, Portugal, Senegal*.

**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**

*Peru* (ratification: 1962)

Further to its earlier observations, the Committee notes with satisfaction that, as a result of the direct contacts between the departments concerned and a representa-

tive of the Director-General of the ILO, Presidential Decree No. 009/74/TR was issued on 27 May 1974, which makes regulations on unemployment indemnity (shipwreck) in accordance with the provisions of this Convention.

*Singapore* (ratification: 1964)

The Committee regrets to note from the report that the Government has taken no decision to extend the coverage of section 83 of the Merchant Shipping Ordinance relating to indemnities against unemployment in case of shipwreck, so as to include ships' masters—who are not covered by the definition of "seamen" in section 3 of the Ordinance. The Government argues that masters are free to negotiate inclusion of such a clause in their contracts of engagement. Further to the direct requests made by it since 1965, the Committee recalls that, under *Article 1 (1) of the Convention*, protection against unemployment in the event of shipwreck is required for "all persons employed on any vessel engaged in maritime navigation" and there is no provision for excluding masters. The Committee once again requests the Government to supply information on measures taken to amend national legislation so as to give full effect to the Convention on this point.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States: *Iraq, Jamaica, Mauritius, Panama, Sierra Leone, Sri Lanka, Sweden, Tunisia, United Kingdom*.

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

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

*Colombia* (ratification: 1933)

Further to its previous observations, the Committee notes with interest that Decree No. 658 of 10 April 1974 provides for the establishment of departmental employment services in the cities of Barranquilla and Cali, capitals respectively of the Atlantic and Pacific provinces in which the principal ports of the country are situated, and that these offices will assure placement services for seamen.

The Committee hopes that these offices will begin operations shortly and that their activities will include the placing of seamen in accordance with the provisions of the Convention. The Committee would also be glad if the Government would provide a copy of the above Decree and of any other legislation or regulations governing the functioning of these employment services.

*Mexico* (ratification: 1959)

Further to its previous observations the Committee notes that the National Committee for the Co-ordination of Ports has undertaken a study of the advisability of establishing joint committees of shipowners and seamen to advise on the running of public employment offices for seamen in accordance with Articles 4 and 5 of the Convention. It notes also from the Government's report that in view of the way in which the present system (under which the placement of seamen takes place through co-operatives or through shipping agents) has functioned, the National Committee for the Co-ordination of Ports has neither taken any decisive action to change this

system nor has it taken the operation of advisory committees into favourable consideration, although no final decision has been made on the matter yet and it is still under consideration.

As the Committee recalls that it has had occasion to refer to this matter since 1957, it can only again express the hope that the necessary measures will now be taken to establish a system of employment offices for seamen in accordance with Articles 4 and 5 of the Convention.

*Netherlands (ratification: 1948)*

Further to its previous observation, the Committee notes with interest the information supplied to the Conference to the effect that a working party has been set up by the Socio-Economic Council, a tripartite body, to investigate the possibilities of modifying the present system of placing seamen in the Netherlands. It notes also that an improvement in statistical information can be expected in the near future when the administrative data concerning placement will be processed by a computer. The Committee notes further the statistical information provided in the Government's most recent report with respect to the placement activities of the national centre for placement of personnel on coasters in Groningen and of the national centre for placement of personnel on merchantmen in Rotterdam.

*Peru (ratification: 1962)*

Further to its earlier comments the Committee notes with satisfaction that on 21 December 1973 the Government issued Ministerial Resolution No. 1905 prohibiting the business of finding employment for seamen for gain and establishing public employment offices for seamen in accordance with the requirements of the Convention.

*Uruguay (ratification: 1933)*

*Article 4 of the Convention.* Further to its previous observation noting the objections made in February 1973 by the Uruguayan Confederation of Workers to Decree No. 463/968, in that the latter provides that representatives of seafarers on the managing committees of the Merchant Marine Personnel Registers shall be representative of occupational organisations having legal personality, the Committee notes the statement of the National Merchant Marine Board to the effect that "in the text of the Convention in question there is no article which prevents the State of Uruguay from requiring that trade unions or representative organisations of seafarers have legal personality". The Committee would point out that the only criterion provided in Article 4 of the Convention respecting the associations of shipowners and seamen which are to organise and maintain an efficient and adequate system of public employment offices for finding employment for seamen is that they be representative. In so far as the law in force in Uruguay enables all representative organisations of seafarers to acquire legal personality through compliance with purely formal requirements, such as registration, the terms of the Convention would not prevent the Government from requiring that these organisations have legal personality. If, however, the law or administrative practice of the country were to prevent a representative organisation of seafarers from acquiring legal personality and, as a result, from participating in the organisation and maintenance of the system of public employment offices for seamen, this would be contrary to the provisions of Article 4 of the Convention. The Committee would request the Government to indicate whether any organisations of seafarers have acquired legal personality under

the law and thus qualified to participate in the organisation and maintenance of the employment services engaged in the placing of seamen and whether legal personality has been refused to any such organisations.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States: *Argentina, United Republic of Cameroon, Mexico, Panama, Peru, Romania, Spain, Uruguay, Yugoslavia.*

Information supplied by *Finland, France, Federal Republic of Germany, Greece* and *Israel* 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 under Convention No. 87.

*Cuba* (ratification: 1935)

See under Convention No. 87.

*Poland* (ratification: 1924)

See under Convention No. 87.

*Romania* (ratification: 1930)

See under Convention No. 87.

*Rwanda* (ratification: 1962)

In several earlier direct requests the Committee noted that the Government was proposing to have a law adopted to extend the provisions of the Labour Code to workers engaged in agriculture, and requested the Government to report any progress in this matter. The Committee notes that the last report of the Government no longer contained a reference to this question.

It trusts that the legislation contemplated will be adopted at an early date and once more requests the Government to provide information on this subject.

*Ukrainian SSR* (ratification: 1956)

See under Convention No. 87.

*USSR* (ratification: 1956)

See under Convention No. 87.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States: *Algeria, Bangladesh, Brazil, Czechoslovakia, Ethiopia, German Democratic Republic, Zambia.*

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

A request regarding certain points is being addressed directly to *Rwanda*.

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

*Afghanistan* (ratification: 1939)

See under General Observation.

*Chad* (ratification: 1960)

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:

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.

*Mexico* (ratification: 1938)

The Committee notes from the information communicated by the Government to the Conference Committee in 1973 and repeated in the latest report that draft regulations on health and safety in work which should ensure the application of the Convention are on the point of being finalised and will be submitted for comment to the representative organisations of employers and workers. It trusts that these draft regulations will be adopted in the near future and will give full effect to the various provisions of the Convention.

The Committee also hopes that the Government will shortly be in a position to communicate, as it has indicated, the statistics mentioned in Article 7 of the Convention.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States: *Congo, Guinea, Khmer Republic, Panama*.

Information supplied by *Algeria* and *Colombia*, in answer to a direct request, has been noted by the Committee.

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

*Bolivia* (ratification: 1954)

The Committee refers to its previous observation in which it noted that, as a result of the direct contacts between the departments concerned and a representative



of the Director-General of the International Labour Office, a draft Legislative Decree in accordance with Article 5 of the Convention had been prepared. The Committee hopes that the draft will be adopted in the near future and requests the Government to report any progress made in this matter.

*Kenya (ratification: 1964)*

In connection with its previous observation, the Committee notes from the Government's report that the Labour Bill, which was to include provisions to ensure a weekly rest for all workers in industry, is still in preparation. On the other hand, the Committee noted with interest that section 7 of the Regulation of Wages (General) Order 1975, which came into force on 3 January 1975, provides that every employee shall have a right to a full day of weekly rest. Nevertheless the scope of the Order, as defined in section 2 (2), only covers employees to whom other wage regulation orders apply, whereas Article 1 of the Convention provides that a weekly rest shall be given in all industrial undertakings.

The Committee has expressed its hope on a number of occasions since 1965 that a text of general application on the lines of the Convention can be adopted so as to guarantee the right of all workers in industry to weekly rest, and it requests the Government to report progress in this area and to send all texts implementing the Convention.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States: *Burundi, Lebanon, Libyan Arab Republic*.

Information supplied by *Iran, Mauritius and Portugal* 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.* In the comments which it has made on this point in previous years the Committee has pointed out that section 55 (2) (b) of the Employers and Employed Act, authorising the employment of young persons of not less than 16 years of age—instead of 18 years—as trimmers or stokers on vessels engaged solely in coastal trade, is contrary to the Convention. As the Joint Consultative Committee recommended repeal of section 55 (2) (b) since 1966, the Committee urges that steps to this end be taken at a very early date. Alternatively the Government may wish to consider the ratification of the Minimum Age Convention, 1973 (No. 138) as it suggested in its last two reports and in a communication to the 1974 Conference Committee.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States: *Australia, United Republic of Cameroon (Western Cameroon), Iraq, Panama, Sweden, United Kingdom*.

**Convention No. 17: Workmen's Compensation (Accidents), 1925***Argentina* (ratification: 1950)

*Article 5 of the Convention.* Further to its previous observation, the Committee notes with interest from the Government's reply that the Ministry of Labour has asked the management of the Industrial Accidents Fund to require persons receiving lump-sum compensation (paid under Act No. 9688 in cases of less than 66 per cent incapacity) to submit reports to show that the sum is being properly utilised.

The Committee requests the Government to forward a copy of the note from the Ministry of Labour mentioned in the report.

*Kenya* (ratification: 1964)

The Committee has noted the report for 1971-72 (received too late for examination at the previous session) and the information given by the Government to the 1974 Conference Committee.

It finds that the Government has not replied to its previous observations and that no action has been taken to bring the national law into conformity with the following provisions of the Convention: *Article 5* (compensation for permanent incapacity or death to be paid in the form of periodical payment or, by way of exception, as a lump sum); *Articles 9 and 10* (medical and pharmaceutical aid, supply and renewal of artificial limbs and surgical appliances as long as they are required).

As regards *Article 11 of the Convention* the Government indicates that it has not had occasion to use section 26 (i) of the Workmen's Compensation Act, providing for the establishment of compulsory insurance for certain types of undertaking, and that in the event of an employer being insolvent the Bankruptcy Ordinance, 1930, or the Companies Ordinance, 1933, are applicable. Since these are not sufficient to ensure payment of compensation to injured workmen or their dependants in all circumstances, as required by the Convention, the Committee hopes that adequate provision will be made (e.g. by setting up a guarantee fund) to ensure that the Convention is fully applied also as regards this point.

*Rwanda* (ratification: 1962)

The Committee has learnt of the adoption of the Legislative Decree of 22 August 1974 on the organisation of social security. Further to its earlier comments, it notes with satisfaction that the Decree provides for additional compensation for injured workmen with incapacity necessitating the constant help of another person, as laid down in *Article 7 of the Convention*.

*Sierra Leone* (ratification: 1961)

The Committee notes the Government's reports (received in May and October 1974) and its reply to the Committee's earlier comments in relation to *Articles 5 and 11 of the Convention*.

As regards *Article 5 of the Convention*, the Committee pointed out that the Employment Injuries Compensation Ordinance, which provides that compensation in cases of permanent incapacity or death may be paid in the form of periodical payments but shall not exceed an amount equivalent to a specified number of months' wages (56 and 42 months respectively, under the 1969 amendment) is not compatible with the Convention, which provides that compensation in such cases

shall be a periodical payment for life and only authorises payment wholly or partially in a lump sum as an exception and where the competent authority is satisfied that it will be properly utilised.

As regards *Article 11*, the Committee pointed out that sections 27 and 28 of the ordinance did not seem to be adequate, in the absence of a compulsory insurance scheme, for ensuring payment of compensation to an injured workman or his dependants in all cases and to safeguard them against insolvency of the employer or insurer, as required by the Convention.

In its latest report the Government indicates that it has examined these points carefully; as regards *Article 5* it contemplates asking the help of the International Labour Office in solving the problem, and as regards *Article 11*, making arrangements for legislation to make workers' insurance against occupational risks compulsory. The Committee was interested to note this statement and hopes that the Government will take the action required to bring the national law into conformity with the Convention. It requests the Government to report on any progress in this matter.

#### *Tanzania (ratification: 1962)*

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

*Article 5 of the Convention.* The Government stated in its report for 1967-69 that the National Provident Fund has not so far been able to cover the whole working population, and thus the proposal to grant compensation for industrial accidents in the form of pensions was still under consideration. The Committee hopes that the necessary action will be taken to give effect to this proposal and to ensure the full application of this *Article of the Convention*, which prescribes that the compensation payable where permanent incapacity or death results from the injury shall be in the form of periodical payments; it authorises payment in the form of a lump sum only in certain cases and when the competent authority is satisfied that it will be properly utilised.

*Articles 9 and 10.* The Committee also hopes that the Government will indicate the measures taken or contemplated to increase or abolish the maximum amounts set by the national legislation for medical aid and the supply of the necessary artificial limbs and surgical appliances, since the Convention does not provide for the limitation of these benefits.<sup>1</sup>

#### *Uganda (ratification: 1963)*

*Article 5 of the Convention.* Since 1966 the Committee has been drawing the Government's attention to the fact that sections 6 and 7 of the Workmen's Compensation Ordinance, which make provision for payment of compensation in the form of a lump sum in the event of death or permanent incapacity resulting from an accident, are incompatible with this *Article of the Convention*.

In 1969 the Committee noted that the Labour Commissioner had taken measures with a view to ensuring that in all cases of serious permanent incapacity or death (where the victim left dependent children), compensation would be paid in the form of periodical payments and that full or partial payment in a lump sum would be authorised only in exceptional cases. At the same time the Committee requested the Government to indicate whether this practice was to be embodied in a statutory provision.

In a statement made to the Conference Committee in 1969, the Government declared that this procedure had been and was still being observed in administrative

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 60th Session.

practice and that up to that time there had been no difficulties justifying the changing of that practice into law.

In 1970 the Committee noted that while introducing certain improvements in the level of compensation the Workmen's Compensation (Amendment) Act of 1969 merely confirmed the principle of a lump sum based on a maximum of 54 months' earnings in case of permanent total incapacity and 41 months' earnings in case of death (where there were dependants). Consequently, even if, pursuant to the administrative practice referred to by the Government, compensation was provided in the form of periodical payments, the duration of these payments would necessarily be limited, since under the terms of the national legislation the total amount paid as compensation was not allowed to exceed a sum equivalent to a certain number of months' earnings. The Convention, on the other hand, does not lay down any time limit for the payment of compensation in the form of periodical payments in the event of permanent incapacity or death.

Since the Government for the fourth year in succession has not sent a report the Committee has no information on the measures adopted to bring the national legislation into conformity with the above-mentioned provision of the Convention.

The Committee trusts that the Government will not fail to report on action taken on this point.<sup>1</sup>

*Uruguay (ratification: 1933)*

The Committee notes with regret that the Government's report has not been received. The Committee is bound, therefore, to repeat its previous comments which concerned the application of *Article 11 of the Convention*.

As pointed out by the Committee, the provisions of national legislation concerning privileged debts do not go far enough to ensure that this provision of the Convention is fully applied by ensuring in all circumstances, in the event of the insolvency of the employer or insurer, the payment of compensation to injured workmen and their dependants.

In 1971 the Government informed the Conference that a Bill was in preparation providing for the establishment of a national social security institution which would also handle the administration of employment injury benefits. The Government added that pending the adoption of this Bill the State Insurance Bank would continue to pay the compensation due in this respect, even in the case of workers employed by employers not covered by the compulsory insurance scheme instituted under Act No. 12,949 of 1961, and that a special guarantee fund was to be set up to meet such payments.

The Committee of Experts has expressed the view that pending the extension of compulsory employment injury coverage to all the workers in the country the establishment of this special fund might enable better effect to be given to the aforementioned provision of the Convention.

The Committee accordingly hopes that the Government will not fail to indicate the measures taken to give full effect to the Convention on this point.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States: *Belgium, Bolivia, Chile, Rwanda, Somalia*.

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

---

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 60th Session.

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

*Article 2 of the Convention.* In its earlier observations and requests, the Committee raised two questions in relation to the schedule of occupational diseases appended to Ordinance No. 59/60 of 20 April 1959.

The first concerned the left-hand column in the schedule and the entries under "Diseases Caused" for lead poisoning and mercury poisoning (items 1 and 2). By listing certain morbid conditions which may result from such forms of poisoning, without stating that these are the main diseases caused, the national law is limitative in character, as contrasted with the provisions of the Convention which is drafted in general terms so as to cover all diseases which might be caused by the substances. In its reply to the Committee's comments, the Government seems to be referring to the right-hand column of the schedule, listing the corresponding types of work. This list has not at any time been referred to in the Committee's comments, since the national law makes it clear that it is an indicative list. The Committee trusts therefore that the Government will without fail reconsider the matter in the light of the foregoing and will take action to bring the national law into full conformity with the Convention on this point, as seems to be its intention as stated in its earlier reports and information given to the Conference in 1971.

The second question raised by the Committee concerns the types of work liable to produce anthrax infection (item 18 in the schedule to the 1959 Ordinance). Here the list of operations is not an indicative one and is more limited in scope than that in the Convention, since it refers only to loading, unloading and transport of carcasses or parts of animals infected by anthrax, or of bags, wrappings or bins containing or having contained such carcasses, whereas the Convention covers "loading and unloading or transport of merchandise" in general. By using these words, the Convention automatically protects any worker engaged in such operations who contracts anthrax, by creating a presumption that his illness is of occupational origin and relieving him of responsibility for proving that the merchandise handled was contaminated by animals infected with anthrax.

The Committee hopes that the Government will be able to bring the national law into conformity with the Convention on this point also.

*Chile (ratification: 1933)*

The Government states in reply to the Committee's earlier comments that the Office of the Superintendent of Social Security has confirmed the opinion that it is unnecessary to amend Decree No. 109 of 1968, since this was drafted in general terms and there is thus no doubt that occupational disease compensation is payable in cases of poisoning by lead alloys and mercury amalgams and also of anthrax infection contracted by a worker employed on loading and unloading or transport of merchandise.

While noting the statement, the Committee points out that section 18 of Decree No. 109 takes a restrictive approach to the number of specific agents involving risk of occupational disease, since it limits them to those listed under the headings in the table in that section. Lead alloys and mercury amalgams, however, are not mentioned under items 6 and 7 in that section which relate to lead and mercury poisoning respectively, whereas the Convention makes a clear distinction between the two categories of substances; nor does it appear from the wording of item 24 that work

involving risk of anthrax infection also includes “loading and unloading or transport of merchandise” generally, as provided in the Convention. The latter creates a presumption, in favour of workers employed in those operations, that anthrax illness is of occupational origin, thus relieving them of the obligation of bringing proof that they have been in contact with infected merchandise. The Committee hopes that the Government will be able to reconsider the matter in the light of the foregoing, and will take the necessary action to bring the national law into full conformity with the Convention on the points mentioned.

*Guinea (ratification: 1959)*

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

Since 1964 the Committee has been pointing out that the list of occupational diseases contained in section 136 of the Social Security Code is not in conformity with that given in Article 2 of the Convention in that, in the first place, it does not mention poisoning by the alloys or compounds of lead or by mercury, its amalgams and compounds and, in the second place, it does not contain a list of the operations liable to cause those poisonings or to cause anthrax infection, as is required by the Convention.

In its earlier observations the Committee pointed out that, by listing the processes liable to cause these diseases, the Convention automatically established a presumption of occupational origin for any workers employed on these processes who contracted any of the diseases in question.

In its report in 1967 the Government referred to a draft Order which included a schedule of occupational diseases and the corresponding operations which was in conformity with that of the Convention. As this draft was not adopted, the Government stated in 1972 that the Convention would be implemented after the adoption of the new Social Security Code, which had already been submitted to the National Assembly.

Since the Government has not sent a report, and since its previous report contained no reply on this question, the Committee has no information as to whether the above-mentioned Code has been adopted.

It trusts that the Government will without fail report whether the Code has been adopted or whether other action has been taken to give full effect to the Convention.<sup>1</sup>

*Luxembourg (ratification: 1928)*

In its earlier comments the Committee drew attention to the fact that the occupational diseases compensation system introduced by the Grand-Ducal Regulations of 26 May 1965 and the amending Act of 30 March 1966, while being more flexible and protecting a larger number of workers, is not in accordance with *Article 2 of the Convention*. The table in the national law does not list the industries and occupations liable to cause the different diseases mentioned in the Convention, and therefore does not automatically create a presumption that the disease is of occupational origin in favour of the workers in the industry or occupation in question—as is done in the Convention by which Luxembourg is still bound.

In its last report the Government indicates that, in accordance with current practice in the country, the burden of proof as to whether a disease is or is not of occupational origin lies on the insurance association, which carries out the necessary investigation after receiving a notification from the employer or medical practitioner concerned.

The Committee has duly noted this statement and hopes that in the circumstances the Government will have no difficulty in securing full application of the Convention

---

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 60th Session.

on this point by statute or by regulations. One solution would be to instruct the insurance associations to treat as of occupational origin any disease covered by the Convention contracted by a worker employed in the industry or occupation listed opposite in the Schedule to the Convention, as has been done in other countries mentioned in the Government's report.

The Committee requests the Government to report on progress in this matter.

*Portugal* (ratification: 1931)

Further to its previous observations and direct requests, the Committee notes with satisfaction the adoption of Decree No. 434/73 of 25 August 1973 issuing the list of occupational diseases provided for in paragraph 1 of section XXV of Act No. 2127 of 3 August 1965.

The points on which there are still some divergencies between the national law and the provisions of the Convention are indicated in a request sent directly to the Government.

*Sri Lanka* (ratification: 1952)

Further to its earlier observations, the Committee notes with satisfaction that the Notification dated 5 June 1974, issued by the Minister for Social Services under section 55 (1) of the Workmen's Compensation Ordinance, has supplemented the list of occupational diseases in conformity with the Convention.

*Tunisia* (ratification: 1959)

1. The Committee has learned of the adoption of Decree No. 74-320 of 4 April 1974 and notes with satisfaction that lead alloys and mercury amalgams have been added to the list of toxic substances liable to cause occupational lead poisoning and mercury poisoning, as provided for in the Convention. The Committee also notes that the new legislation contains a more extensive list of diseases giving the right to compensation and of operations liable to cause them.

2. The Committee regrets, however, that its earlier comments have not been taken into account in the Decree as regards the limitative character of the list of different pathological manifestations in the left-hand column of the table (under the heading "Diseases Caused" for lead poisoning and mercury poisoning) and as regards the list of operations corresponding to anthrax infection (item 43 of the table, right-hand column).

3. As regards the first point, the Committee has pointed out several times that, by listing the diseases liable to be caused by the different toxic substances, the scope of the table in the national law is necessarily more limited than the Schedule to the Convention, which in this respect is drafted in general terms so as to cover all diseases, including atypical or new forms which might be attributed to contact with such substances. The Committee suggested earlier some solutions which the Government had taken into account in a draft sent to the ILO in 1965. This draft, while maintaining the system of listing of the different pathological manifestations, made it clear that the list was an indicative one by specifying that "all manifestations liable to be due to contact" with the substances could be treated as occupational and give rise to compensation. The Committee hopes that a similar possibility can be provided for in the new Decree, thus bringing it fully into conformity with the Convention on this point.

4. As regards the types of work corresponding to anthrax infection, the Committee also drew attention to the fact that the reference in the list in the earlier law to operations of "loading and unloading or transport" of infected animals or animal carcasses was narrower in scope than the Convention, which covers in this connection "loading and unloading or transport of merchandise" of any kind. The Committee notes that while the 1974 Decree refers again to merchandise "liable to have been contaminated by infected animals or carcasses, etc. of such animals" it also mentions "all work exposing the worker to the risk" of anthrax infection. The Committee therefore asks the Government to indicate whether under this new legislation workers employed on loading and unloading or transport of merchandise in general can, when they contract anthrax infection, automatically receive compensation without being required to prove the occupational origin of their illness, as required by the Convention.

\* \* \*

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

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

*France* (ratification: 1928)

The Committee regrets to note that for the second year in succession, the Government's report has not arrived. It therefore feels obliged to raise in a further direct request the question to which it has drawn the Government's attention since 1970 (equality of treatment for the revaluation of certain elements of industrial injury benefit and for the compensation for certain persons who suffered industrial accidents before the entry into force of new provisions concerning such accidents). The Committee hopes that the Government will make a point of supplying the information requested.

*Gabon* (ratification: 1961)

The Committee notes with regret that, according to the Government's report, the Social Security Code which, according to the Government's previous statements, was to expressly guarantee equality of treatment as between Gabon nationals and nationals of any State ratifying the Convention, without condition as to residence, has not yet been adopted. It recalls that, under the legislation now in force (Decree No. 57-245 of 24 February 1957), foreign workers who have suffered an industrial accident (or their dependants) who cease to reside in Gabon, receive in principle a lump sum equal to three times their pension, and that foreign dependants of a foreign worker who were not residing in Gabon at the time of the accident receive no compensation. The Committee trusts that the draft Social Security Code, to which the Government has referred since 1967, and which, according to the statement of the Government representative at the Conference in 1974 was soon to be adopted, will indeed be adopted in the very near future and that it will give full effect to *Article 1, paragraph 2, of the Convention*.

*Mauritania* (ratification: 1963)

The Committee regrets to note that for the third year in succession the Government's report has not arrived. The Committee therefore feels obliged to raise the



question in a further direct request, and it hopes that the Government will not fail to supply the information and will take the measures requested.

*Rwanda* (ratification: 1962)

Further to its earlier observations, the Committee notes with satisfaction that the Legislative Decree of 22 August 1974 on the organisation of social security expressly provides for equality of treatment as between aliens and nationals, without any condition of residence, in cases of workmen's compensation.

*Senegal* (ratification: 1962)

*Article 1, paragraph 2, of the Convention.* In connection with its earlier comments the Committee notes with satisfaction that section 94 of Act No. 73-37 of 31 July 1973 gives a foreign worker meeting with an industrial accident, together with his dependants, the same rights as Senegal nationals in cases where the worker's country of origin has concluded a social security agreement with Senegal or has laws and regulations giving Senegal nationals the same rights.

*Syrian Arab Republic* (ratification: 1960)

*Article 1, paragraph 2, of the Convention.* The Committee refers to its earlier comments on section 94 of the Social Insurance Act (Act No. 92 of 1959 as amended by Act No. 143 of 1961), under which industrial accident pensions cease to be paid, when the beneficiary leaves the country definitively, and can be replaced by an equivalent lump sum. It notes that, although the Government indicated in its report for the period ending 30 June 1971 that actuarial studies would be undertaken to establish a table for the conversion of pensions into lump sums, its last report merely refers to the setting up of a study committee, including an actuary. In view of the Government's obligation under Article 5 of Convention No. 118 to guarantee its own nationals (among others) in the event of residence abroad, not a conversion of the pension into a lump sum, but continued payment of the pension (see observation on Convention No. 118), the Committee again expresses the hope that, when the Government takes action to amend section 94 of the Social Insurance Act accordingly, it will without fail extend this right of continued payment to nationals of Members which have ratified this Convention, so as to ensure equality of treatment in this respect without any condition as to residence. It requests the Government to provide detailed information on action taken or contemplated to this end.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States: *Brazil, Chile, France, Gabon, Mauritania, Portugal, Senegal.*

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

*Spain* (ratification: 1932)

The Committee notes with interest that a circular issued by the Provincial Union of Workers and Technicians announcing a decision taken by the general committee of the workers' section of the Madrid Bakeries Group gave practical effect as from

1 October 1973 to the National Bakeries Regulations, 1964, and to the provisions of this Convention. It requests the Government to indicate in its future reports any similar measures of implementation taken in relation to other provinces of the country.

\* \* \*

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

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

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

#### *Mauritania* (ratification: 1963)

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 take the necessary measures and supply the information requested.

#### *Somalia* (ratification: 1960)

The Committee notes with regret that for two consecutive years the Government's report has not been received. The Committee is bound, therefore, to repeat its previous observations which were as follows:

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

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

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

*Article 9, paragraph 1.* The Maritime Code provides that an agreement for an indefinite period may not be rescinded by the seaman except in the port of destination of the vessel, whereas the Convention provides that such an agreement may be terminated by either party in any port where the vessel loads or unloads, provided that the required notice has been given.

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

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

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

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

*Article 9, paragraph 1, of the Convention.* Further to its previous observations, the Committee notes the information provided by the Government in its report (which was received after its session in 1974), as well as to the Conference Committee. It notes also the draft special regulations on work on board merchantmen, drawn up by the Merchant Marine Officers Association, and communicated by the Government. The Committee regrets to note that section 14 of the above-mentioned draft reproduces the provisions of section 289 of the former regulations under the Labour Act, which had given rise to its previous comments, in that crew members continue to

be forbidden to terminate their contracts when the ship is in foreign waters or ports. The fact that they may do so once the ship has been away from a Venezuelan port for more than six months does not improve the situation appreciably. In fact, taking into account working conditions at sea, six months' notice would deprive seamen of the opportunity to terminate their contracts in any port, as required by the Convention in case of contracts without limit of time, of any practical significance. The Committee trusts, therefore, that the draft regulations will be changed to take into account the above points so that any seaman may terminate his contract in any port without being subject to any other condition than that of respecting the agreed notice, which may not be less than 24 hours.

*Article 6, paragraph 3(10) (c), Article 8, Article 13, paragraph 1, and Article 14, paragraph 2.* The Committee trusts that the draft regulations will include provisions similar to these Articles of the Convention, the absence of which in the national legislation has been pointed out in its earlier comments, and that the Government will indicate in its next report the steps taken to amend and supplement the draft regulations.<sup>1</sup>

*Yugoslavia (ratification: 1929)*

In previous observations, the Committee had drawn attention to the fact that Yugoslav law made no provision for written articles of agreement in accordance with the requirements of the Convention, and the Government had indicated that the introduction of a written agreement raised problems in the context of the Yugoslav self-management system. The Committee recalls that this problem was the subject of direct contacts with a representative of the Director-General of the ILO in 1971, when a common understanding was reached on a form of solution. With the introduction of constitutional reforms later in 1971, jurisdiction over the question was transferred to the constituent republics, but the Government indicated that it did not foresee that the adoption of the necessary legislation by the republics would cause any difficulty.

The Government's report for 1971-73, received too late to be examined in 1974, refers to the adoption of the Act of 13 April 1973 respecting the relationships between workers in associative work, sections 13 and 14 of which provide that a person shall not acquire worker status in a basic associative work organisation until he has signed a document accepting the rights and obligations of the organisation's self-management agreement, a copy of which must be given to him.

The Committee notes with satisfaction that the above provisions give effect to certain of the requirements of Article 3 of the Convention, tending to ensure that the worker has reasonable facilities to examine the agreement before signing and by requiring that he sign a document accepting the agreement.

The Committee further notes that the question of seamen's work will be regulated more fully by legislation of the constituent republics, and requests the Government to supply copies of all relevant laws and regulations as they are adopted.

\* \* \*

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

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

<sup>1</sup> The Government is asked to supply full information to the Conference at its 60th Session.

**Convention No. 23: Repatriation of Seamen, 1926***Ireland* (ratification: 1930)

Earlier comments of the Committee related to the incompatibility between section 32 of the Merchant Shipping Act, 1906—which does not provide for entitlement to repatriation (a) where a seaman is landed in a Commonwealth country, and (b) where a foreign seaman is engaged in a foreign port and landed in another foreign port—and Article 3, paragraph 1, of the Convention. The Committee has noted the Government's communication to the 1974 Conference Committee, indicating that the revision of the Merchant Shipping Act was proceeding. Since the Government has referred to the revision since 1965 and having regard to the fact that the Government considers national practice to be in accordance with the Convention, the Committee hopes that the revision of the provisions of the 1906 Act which still lie in the way of full application of the Convention can take place in the near future.

*Philippines* (ratification: 1960)

Following its earlier comments the Committee notes that the Legal Office of the Department of Labour is currently preparing a draft amendment to the Code of Commerce in order to bring it into line with the following provisions of the Convention: Article 3 (obligation to repatriate any seaman, whether a national or a foreigner, who is landed during or at the expiration of his engagement) and Article 4 (expenses of repatriation not to be charged to a seaman if landed for one of the reasons listed). The Committee hopes that the revision of the legislation will soon be completed and will give effect to these two Articles.

\* \* \*

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

**Convention No. 24: Sickness Insurance (Industry), 1927***Chile* (ratification: 1931)

*Article 4, paragraph 1, of the Convention.* In earlier direct requests the Committee noted that section 3 of Act No. 16781 of 2 May 1968 only provides for benefit in the form of medicines and appliances at such time as the finances of the Medical Care Fund permit this and on the decision of the President of the Republic. The Committee notes with regret from the report that such benefit, which is required by the Convention, is still not provided. It requests the Government to supply information on the action taken or contemplated for giving full effect to the Convention on this point.

*Colombia* (ratification: 1933)

The Committee notes with interest that the scope of social insurance has been extended to the Cordoba and Sucre departments of the country. It once more hopes that further steps can be taken to extend the protection of sickness insurance to all workers covered by the Convention in all parts of the country, so as to give full effect to *Article 2 of the Convention*. In connection with its earlier comments, the

Committee also notes that, while the Government still intends to abolish the minimum contributions requirement for readmission of workers to social insurance, it only plans to reduce the qualifying period for obtaining medical care from five weeks to four. Since under *Article 3 of the Convention* qualifying periods should be entirely eliminated in this field, the Committee again expresses its hope that the Government will continue its efforts to give full effect to the Convention on this point, unless it envisages ratification of the Medical Care and Sickness Benefits Convention 1969 (No. 130) which revises Conventions No. 24 and No. 25 while allowing for certain qualifying conditions in regard to medical care and permitting ratifying countries to avail themselves of various temporary exception clauses relating inter alia to the range of persons covered.

*Ecuador* (ratification: 1962)

The Committee notes with regret that the Government's report provides no answer to its earlier observations on the following points, and that it must therefore repeat them:

*Article 2 of the Convention.* In connection with its earlier comments, the Committee notes with regret that section 6 of the Social Security Code introduced by Decree No. 51 of 14 January 1972 excludes certain categories of foreign workers from compulsory insurance, as was already the case in section 4 of the Compulsory Social Insurance Act. The Committee hopes that advantage will be taken of postponement of the entry into force of the Code so as to amend its provisions relating to coverage and eliminate any reference to nationality (see also the Committee's direct requests in relation to Convention No. 103 and Article 3 of Convention No. 118).

*Article 4.* The Committee notes with interest that the Social Security Code lays down no qualifying period for entitlement to medical care, as contrasted with section 7 of the basic regulations of the medical department which are still in force. It once more hopes that the existing qualifying conditions will shortly be abolished through the coming into operation of the Code.

*Haiti* (ratification: 1955)

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

Further to the comments which it has been making since 1957, the Committee notes with concern that the Acts of 12 September 1951 and 18 September 1967, which both provided for the establishment of sickness insurance, have still not been applied. In its report, the Government simply states that it is not in a position to reply to the Committee's latest observation because a Decree of February 1972, the purpose of which it does not explain, has not so far been applied.

The Committee trusts that, in the very near future, the Government will take the necessary steps to fulfil the international obligations which it accepted by ratifying this Convention as long ago as 1955. It would ask to be informed of any progress in the matter.<sup>1</sup>

*Peru* (ratification: 1945)

*Article 2 of the Convention.* The Committee notes from the Government's report, in relation to its earlier comments, that social insurance for wage earners has been extended to workers in 51 new provinces in seven territorial departments, under

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 60th Session.

Presidential Decrees approved on 10 July and 11 September 1973. The Committee again expresses the hope that such efforts will continue, particularly through the unification of the different sickness insurance schemes which the Government has in mind, so that the statutory provisions can apply to all workers covered by the Convention throughout the country. It requests the Government to indicate any further progress in this field.

*Article 4.* In earlier comments the Committee requested the Government to abolish the qualifying condition (payment of a specified number of contributions) imposed for the granting of medical care benefit under the wage-earners' 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 under the salaried employees' scheme (section 66 (a) of Act No. 13724 of 18 November 1961). The Committee notes that the possibility of reducing the length of the qualifying period will be considered after the committee on unification of the wage-earners' and salaried employees' schemes has submitted its conclusions. It would again express the hope that the Government will take this opportunity not merely to reduce the qualifying period but to abolish any such condition for the granting of medical care benefit, as required by the Convention. It requests the Government to supply information on the steps taken for this purpose.

*Romania (ratification: 1929)*

Further to its earlier comments, the Committee notes with satisfaction that paragraphs 2 and 3 of section 25 of the Council of Ministers Order (No. 880) of 21 August 1965, which provided for suspension of sickness benefit in a case not covered by Article 3 of the Convention (unjustified absence during the 30 days preceding sick leave), were revoked by Council of Ministers Order (No. 1597) of 19 December 1974.

*Uruguay (ratification: 1933)*

Further to its earlier observations, the Committee notes from the Government's report for the period 1971-73 that the Ministry of Labour has prepared a draft law for unifying sickness insurance and extending it to further branches of activity. It also notes from a statement made to the 1974 Session of the Conference by a government representative, that a body to study the financing of sickness insurance was being set up in the Ministry of Health. As stated in the Government's report for 1973-74, the special schemes set up over the past 15 years under different enactments for the benefit of employed persons in particular industries are all that exist at present. The Committee recalls in this connection that the Government referred to a draft law on sickness insurance for the first time in 1955, and later reported a project for a general health insurance system worked out by a committee of the House of Representatives, on which the Committee made comments in 1968 (repeated in 1970 and 1971). While noting with interest that the management of the existing schemes has been centralised under a sickness insurance supervisory board established by Decree No. 736 of 10 September 1973, the Committee trusts that steps can be taken to extend the scope of sickness insurance to all workers covered by the Convention ratified by Uruguay more than 40 years ago, particularly workers in commerce and domestic personnel, and requests the Government to indicate what progress has been made in this direction.<sup>1</sup>

\* \* \*

---

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 60th Session.

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

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

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

*Chile* (ratification: 1931)

See under Convention No. 24.

*Haiti* (ratification: 1955)

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

*Peru* (ratification: 1960)

See under Convention No. 24.

*Uruguay* (ratification: 1933)

The Committee notes with regret that, although more than 40 years have passed since ratification of this Convention, there is still no sickness insurance scheme for agricultural workers, as the Government's report for 1973-74 recognises. The Committee nevertheless hopes that the draft law for extending the present sickness insurance for workers in certain industries to other branches of activity, to which the Government referred in its report for the period ending 30 June 1973 (see observation concerning Convention No. 24), will make it possible to give effect to this Convention, and that the Government will be able to take appropriate action and provide information on this matter.<sup>1</sup>

\* \* \*

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

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

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

*Bolivia* (ratification: 1954)

Further to its previous comments, the Committee notes from the report that Decree No. 11 706 of 16 August 1974 established a new National Wages Council whose function shall be, *inter alia*, to suggest to the Government bases for minimum wage fixing and the wage systems by region and sector of activity. The Committee trusts, therefore, that measures will be taken at an early date to ensure effective application of the Convention and that the Government will supply information about the functioning of the National Wages Council and about the minimum rates fixed.

---

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 60th Session.

*Burundi* (ratification: 1963)

Following its previous observation, the Committee notes with interest from the report that the draft for the new Labour Code provides for the fixing of a minimum legal inter-industry wage for unskilled workers, of higher rates for a limited number of key occupations where no occupational classification is laid down by collective agreement, and for an annual review of minimum wages by the National Labour and Social Security Council. It requests the Government to indicate any progress made in this connection, and to enclose the text of provisions adopted.

The Committee also notes that no action has been taken to review the basic minimum wages last adjusted in 1963, having regard to the changes mentioned in the report in the cost of living since that time. It hopes that the Government will soon be able to indicate, in accordance with Article 5 of the Convention, the measures taken for this purpose.

*Dahomey* (ratification: 1960)

With reference to its previous observation, the Committee notes with interest that, following a request for revision made by the trade unions, the Government adopted Decree No. 74-129 of 9 May 1974 to fix new inter-industry guaranteed minimum wages with effect from 1 July 1974.

*Rwanda* (ratification: 1962)

Following its previous observation, the Committee notes the information supplied by the Government to the Committee at the 1974 Session of the Conference and in its last report.

*Articles 1 and 5 of the Convention.* The Committee notes with interest that a statutory minimum wage at present exists for workers in the unskilled category and that the last text on this subject was Ministerial Order No. 71/73 of 23 November 1973. The Government also indicates that the Ministerial Order to define the occupational categories and fix corresponding wages will be adopted in the near future. The Committee hopes that the Government will soon be able to supply the text in question together with copies of all Orders already adopted in regard to minimum wages for unskilled workers.

*Article 3, paragraph 2 (3), and Article 4, paragraph 1.* The Government indicates that neither the Labour Code nor the implementing Orders provide for penalties against employers who do not observe the statutory minimum wage rates but that appropriate penalties will be provided in the Order on occupational categories mentioned above. The Committee hopes that the necessary provisions will be adopted in the near future.

*Tanzania* (ratification: 1962)*Zanzibar.*

The Committee notes with regret that since 1965 no report has been received on the application of the Convention in Zanzibar. The Committee is bound, once more, 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 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)*

The Committee noted with interest from the Government's report that Decree No. 121 of 31 May 1974—which was issued under the organic law of 30 May 1974 authorising the President to take extraordinary measures in economic and financial matters—fixed minimum wage rates for all workers. Referring to its earlier comments, the Committee would be grateful if the Government would in future indicate any new development in the introduction of wage-fixing machinery as mentioned in Articles 1, 2 and 3 of the Convention, and the results obtained from the application of such machinery.

#### *Republic of Viet-Nam (ratification: 1955)*

*Article 5 of the Convention.* In its observation made in 1973 the Committee referred to communications received in 1972 and 1973 from the Viet-Nam Railway Workers' Federation concerning lack of minimum wage fixing. The Committee notes with interest that minimum wage rates effective from 1 July 1971 and from 22 October 1973 were successively fixed for the whole country by two Orders dated 21 May 1973 (No. 138/BLD/TTT/ND and No. 139/BLD/TTT/ND) and two Orders dated 11 January 1974 (No. 13/BLD/TTT/ND and No. 14/BLD/TTT/ND). It also notes from the report that the Government is taking steps to comply in future with the obligation under Article 5 of the Convention. The Committee hopes that future reports will show that minimum wage rates have been fixed annually in pursuance of section 110 of the Labour Code and will provide the information required under this Article of the Convention.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States: *Canada, Central African Republic, Chile, Colombia, Costa Rica, Dominican Republic, Egypt, Ghana, Guinea, Lebanon, Libyan Arab Republic, Luxembourg, Madagascar, Malawi, Mauritius, Niger, Panama, Sudan, Tanzania (Tanganyika), Togo, United Kingdom, Uruguay, Zambia.*

Information supplied by *Argentina, Australia, Barbados, Belgium, United Republic of Cameroon, Congo, Guyana, India, Iraq, Ireland, Jamaica, Kenya, Mali, Malta, Morocco, Nigeria, Senegal, Sierra Leone, Spain, Switzerland* and *Upper Volta* in answer to a direct request has been noted by the Committee.

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

*Luxembourg* (ratification: 1931)

Following its previous observation, the Committee notes with satisfaction that, under an Act of 4 April 1974, the Inspectorate of Labour and Mines will be responsible for supervising implementation of the provisions of the Convention.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States: *Bangladesh, Bulgaria, Iraq, Panama, Sweden.*

Information supplied by *Japan* and *Romania*, in answer to a direct request, has been noted by the Committee.

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

*Luxembourg* (ratification: 1931)

The Committee notes with regret that no report has been received. It has, however, noted from the statement made by a Government representative to the Conference Committee in 1974 that, as the Moselle is a joint German-Luxembourg condominium and most of the vessels on the Moselle fly foreign flags, the Government has serious reservations about unilaterally imposing building standards for these vessels and the denunciation of the Convention has been envisaged.

The Committee points out in this connection that most of the Articles of the Convention, in particular Articles 2, 3, 4, 6, 7, 9, 10, 11, 12, 13 and 14, either govern safety equipment both on land and on board ship, or do not necessarily affect the construction of vessels. It noted with interest, in this connection, that a considerable number of provisions of the Convention are, in the Government's opinion, directly applicable under national jurisdiction and that the system of labour inspection was extended to inland navigation by the Act of 4 April 1974, which empowers the Labour Inspectorate to order action with immediate binding force where there is imminent danger to the safety of workers engaged in the loading or unloading of vessels.

In these circumstances, the Committee expresses the hope that the Government will be able to take appropriate measures to ensure the application of the Convention and that it will provide information on this matter with its next report.

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

One member of the Committee, Mr. Tunkin, stated that he could not agree with the observations of the Committee in relation to the USSR and the Byelorussian SSR. He emphasised that in the world of today characterised by the existence of opposing social, economic, political and legal systems, norms of universal international conventions, which were generally democratic in their social nature, might engender in the course of their implementation norms of municipal legal systems which might be socialist or capitalist. This meant that social realities produced as a

result of the implementation of ILO Conventions or social realities with which these Conventions were confronted might be different in the capitalist and socialist countries, although in both cases these realities might be in conformity with the Conventions. It was especially true of those Conventions that touched upon fundamental principles and structures of the existing social systems, as Conventions Nos. 29 and 87. In this situation there was a tendency to assume that the methods and results of the implementation of these Conventions in the capitalist countries were the only ones which were in conformity with the Conventions. This approach to the implementation of these Conventions made itself felt on some occasions and in particular in the Committee's observations relating to the application of Convention No. 29 in the USSR and the Byelorussian SSR. Mr. Tunkin stated further that such an approach was incompatible with the very foundation of contemporary international law, which was peaceful co-existence of States with differing social and economic systems. He also stated that the observations of the Committee with regard to the USSR and Byelorussian SSR did not reflect the actual situation in these countries.

Another member of the Committee, Mr. Gubinski, associated himself with the statement made by Mr. Tunkin. He also stated that in his opinion the legislation of the USSR and the Byelorussian SSR provided legal guarantees which were at least equal to the guarantees contained in the legislation of several other countries.

The Committee recognises that social realities in countries based on different social and political systems, although differing from one another, may be in full conformity with particular ILO Conventions. Divergencies between national legislation and a ratified Convention may, however, occur in any country. In compliance with its terms of reference, while noting the various political, economic and social conditions existing in different countries, the Committee has to examine and has examined, from a purely 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, irrespective of their political, social or economic systems. It should be noted that Convention No. 29 is drafted in precise terms and provides only for a number of strictly defined exceptions.

#### *Byelorussian SSR (ratification: 1956)*

1. In previous observations, the Committee has referred to the following matters:
  - (a) the direction to employment of certain persons under the Ukase of the Presidium of the Supreme Soviet of the Byelorussian SSR of 15 May 1961 to intensify the campaign against persons evading useful work and leading an antisocial, parasitic way of life, as amended by Ukase of the Presidium of the Supreme Soviet of the Byelorussian SSR of 30 March 1970;
  - (b) the obligations in regard to the planning of agricultural production imposed on collective farms by an Order of the Central Committee of the Communist Party of the Soviet Union and the Council of Ministers of the USSR of 20 March 1964;
  - (c) restrictions on the possibility of terminating membership in a collective farm resulting from clause 7 of the Model Collective Farm Rules adopted on 28 November 1969.

The Committee notes that the Conference Committee in 1974 considered the situation of the Byelorussian SSR in regard to these matters to be covered by the discussion of the corresponding observation which it had made in respect of the

application of Convention No. 29 by the USSR; it also notes that the Government's latest report refers to the statements made in the Conference Committee. The Committee accordingly refers to the observation made this year in respect of the USSR, and expresses the hope that the Government of the Byelorussian SSR will re-examine the situation of Byelorussia in regard to the application of the Convention in the light of the additional explanations there provided.

2. Since 1964 the Committee has requested the Government to supply copies of the Administrative Code of the Byelorussian SSR, of any regulations issued in application of this Code, and of any laws or regulations governing the performance of communal services, which had been mentioned by the Government in an earlier report. It notes with regret that these texts have still not been supplied, and urges the Government once more to make them available.

*Chad* (ratification: 1960)

The Committee notes with regret that once again the Government has failed to supply a report and that it has no new information at its disposal in reply to its previous comments.

1. *Forced labour for recovery of taxes.* In its previous observations, the Committee had referred to section 260 bis 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. Having regard to 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 260 bis, the Committee hopes that the Government will be able to indicate in the near future the measures which have been taken to bring this provision into conformity with the Convention.

2. *Exaction of labour from persons subject to restriction on residence.* In its previous observations, 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 restrictions on residence following completion of a sentence. In this regard, the Government stated to the Conference Committee in 1972 that in practice no form of forced labour had been exacted from such persons. The Committee once again expresses the hope that, to ensure the observance of the Convention, section 2 of the Act of 1959 will be repealed.

3. Since 1965 the Committee has requested the Government to supply a copy of the instructions which, according to its statements, had been adopted to ensure that, in accordance with Article 2, paragraph 2 (c), of the Convention, no form of prison labour might be imposed on persons who are banished, interned or expelled by administrative decision under Act No. 14 of 13 November 1959. The Committee regrets to note that this text has not yet been supplied. It hopes that a copy will be communicated as soon as possible.

4. *Compulsory service for public works.* In its previous comments, the Committee had referred to section 7 (4) of Ordinance No. 2 of 27 May 1961 on the organisation and recruitment of the army and to sections 3 and 4 of Decree No. 9 of 6 January 1962 on the recruitment of the army, under which persons liable to military service who have not been called up for active service may be called upon, by order of the Government, to perform work of general interest. In this regard, the Committee had drawn attention to paragraphs 24-26 of the Committee's general report of 1971, in

which it referred to the adoption of the Special Youth Schemes Recommendation, 1970 (No. 136) and the clarification which the deliberations of the International Labour Conference on this instrument had provided concerning the relationship between certain compulsory schemes involving the participation of young persons in activities directed to economic and social development and the Conventions on forced labour. The Committee hopes that the Government will supply full information on the present position of law and practice as regards the mobilisation of persons for work of general interest, as well as on any measures which may have been taken or may be contemplated in this regard in order to ensure the full application of the Convention.<sup>1</sup>

*Cuba (ratification: 1953)*

In previous observations, the Committee referred to Act No. 1231 of 16 March 1971, by virtue of which all men between the ages of 17 and 60 years who are able to work, but are not enrolled at an educational institution or connected with a work centre without just cause, or who are connected with a work centre but have abandoned it (unjustified absence for more than 15 working days being considered as abandonment of work), or who are connected with a work centre and have been punished at least three times for unjustified absence by the labour committee of the work centre and repeat the offence, are considered to be in a precriminal state of idleness and may be subjected to various security measures, all involving an obligation to work (sections 3 and 4). Failure to comply with security measures or subsequently again falling into any of the precriminal states of idleness constitutes the crime of idleness, and is punishable with imprisonment in a rehabilitation centre for from 12 to 24 months with an obligation to work (sections 8 and 9). The Committee also noted that powers to impose security measures on persons in a precriminal state of idleness and imprisonment as a punishment for the crime of idleness were vested in administrative bodies—namely, labour committees of work centres and Regional Appellate Committees consisting of officials of the Ministry of Labour and a representative of the Central Organisation of Cuban Trade Unions (sections 13 to 22 and 25).

The Committee considered that the provisions of Act No. 1231 were contrary to the Convention and expressed the hope that they would be repealed.

The Committee has taken note of the provisions of Act No. 1250 of 23 June 1973 relating to the organisation of the judicial system and Act No. 1251 of 25 June 1973 on penal procedure, copies of which have been supplied with the Government's last report. It notes with interest that, as from the date of full implementation of the new judicial organisation, competence to deal with cases under Act No. 1231 of 16 March 1971 was to be vested in the regional and provincial people's courts.

The Committee has also taken note of the explanations provided by the Government concerning the purpose and effect of Act No. 1231 of 1971. According to the Government, this Act provides for the imposition of measures of social prevention and re-education of a penal nature on persons who clearly and without any justification avoid their social duty to work and, in doing so, it merely perfected measures contained since 1938 in the Social Defence Code, which had also provided for the application of precriminal security measures on idle persons but had not been criticised as contrary to the Convention. The Government considers that the measures imposed under Act No. 1231 fall within the exception provided for in Article 2, paragraph 2 (c), of the Convention in respect of work or service exacted as a consequence of a conviction in a court of law.

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 60th Session.

With regard to the above explanations, the Committee considers it necessary to draw attention to the comments made in paragraphs 55 and 56 of the general survey of forced labour in its report of 1968, where it pointed out that the creation of a general obligation to work, enforceable by penal sanctions, is incompatible with the standards laid down in Conventions Nos. 29 and 105 and also emphasised that legislation which establishes an unduly extensive definition of vagrancy and assimilated offences may constitute a direct or indirect means of compulsion to work. The Committee also wishes to point out that where legislation imposes a legal obligation to work, contrary to the Convention, the fact that the observance of that obligation is enforced by a sanction imposed by judicial process does not bring the situation within the exemption provided for in Article 2, paragraph 2 (*c*), of the Convention; the sanction in such a case constitutes one of the elements of "forced or compulsory labour" as defined in the Convention—namely, the requirement that the labour should be executed "under the menace of a penalty".

The Committee observes that the earlier provisions of the Social Defence Code referred to by the Government contain a stricter definition of "habitual idleness" than that contained in Act No. 1231, applying to persons who, though fit for work, habitually remain unoccupied, living at the expense of the work of others or of public welfare or without known means of subsistence. As these provisions remain in force and as competence to deal with cases of this kind is now vested in bodies forming part of the country's judicial system, the Government may wish to consider whether it is not in a position to dispense with the additional provisions contained in Act No. 1231.

Lastly, the Committee considers it appropriate to draw attention to the fact that the imposition of penalties involving compulsory labour as a punishment for absence from work appears also to be incompatible with the Government's obligation under Article 1 (*c*) of Convention No. 105 (ratified by Cuba) not to make use of any form of forced or compulsory labour as a means of labour discipline.

The Committee hopes that the Government will review the position in the light of the foregoing comments and will take the necessary measures to bring national legislation into conformity with Conventions Nos. 29 and 105.

#### *Gabon* (ratification: 1960)

In observations made since 1964 the Committee has noted that, under Ordinance No. 50/62 of 21 September 1962, every citizen who is physically fit and has completed his eighteenth year, and cannot prove that he has an occupation or is registered at an educational establishment, may be required, subject to penal sanctions, to accept any employment assigned to him by the authorities. The Committee has pointed out that these provisions are incompatible with the Convention.

The Committee has taken note of the statement made by a Government representative to the Conference Committee in 1974, indicating that the draft of a new Labour Code—which would repeal Ordinance No. 50/62 and which had been submitted to the National Assembly for a second reading in May 1973—was then before the Council of Ministers, and that the problem would be resolved before March 1975. The Committee trusts that the Government will be able to indicate the repeal of Ordinance No. 50/62 in the very near future.<sup>1</sup>

#### *Guinea* (ratification: 1961)

See under Convention No. 105.

<sup>1</sup> The Government is asked to provide full particulars to the Conference at its 60th Session.

*Honduras (ratification: 1957)*

In 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 requirements 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, in its last report, that, although the provisions of the Police Act are practically not applied, it recognises the correctness of the Committee's observations and the need for revision of the Act. The Government also indicates that it has requested expert assistance from the United Nations for the reform of penal legislation, and that it intends to bring the legislation into conformity with the Convention.

The Committee hopes that the necessary measures to ensure the observance of the Convention will be adopted at the earliest possible opportunity.

*Indonesia (ratification: 1950)*

In previous comments the Committee asked the Government to supply copies of the laws and regulations governing the treatment of prisoners and detainees who have not been the subject of a conviction in a court of law, and information concerning the conditions regulating the performance of labour by such detainees. It notes the extracts from the Penal Code (Act No. 1 of 1946, as amended) and from the Prison Regulations (S.G. No. 708 of 1917, as amended) supplied by the Government, according to which unconvicted prisoners are to be given an opportunity to work of their own will but are not to be forced to work.

The Committee has also noted the discussion which took place in the Conference Committee in 1974. The Workers' members referred to allegations that large numbers of persons had been held in detention for almost ten years, that some 10,000 of these detainees were forced to work in an agricultural labour camp on the Island of Buru, and that detainees elsewhere had been forced to work on major construction projects. The Employers' members stated that there had been many allegations concerning the conditions of detention in Indonesia and stressed the need for information on the factual situation. The Government representative took note of the comments of the Employers' and Workers' members and stated that the Government would supply the information requested as soon as possible. The Committee notes that, while the Government has appended the previously mentioned legislative provisions to its last report, it has not provided any information on the matters referred to by the Workers' and Employers' members of the Conference Committee. Having regard to the serious nature of the questions at issue, the Committee trusts

that full information will be supplied, particularly on the factual situation as regards work by the detainees concerned.<sup>1</sup>

*Iraq (ratification: 1962)*

In previous observations, the Committee had noted that, under section 3 (11) of Act No. 20 of 1970 regulating internal and foreign trade, the Council for Regulating Internal and Foreign Trade may when necessary, with the approval of the President, summon labourers for employment in public services producing and providing manufactured and semi-manufactured goods. Penal sanctions for non-compliance with such a summons and for refraining from working in a factory, workshop or trading establishment taken over by the said Council are laid down in sections 10 (1) and 16 of the Act. The Committee had observed that these provisions permit the exaction of forced labour, contrary to the Convention.

In its last report, the Government has indicated that the question of amending Act No. 20 of 1970 is receiving attention from the responsible authorities. The Committee hopes that the provisions permitting the exaction of forced labour will be repealed at an early date.

*Liberia (ratification: 1931)*

The Committee notes the statement in the Government's report—similar to that made in the previous report—that a new Labour Code, which takes account of all ratified Conventions, has been presented to the National Legislature for review and adoption. The Committee regrets however that, for the second year in succession, the Government has provided no information on a series of matters in relation to which action additional to the adoption of the new Labour Code is necessary.

In these circumstances, the Committee is bound once more to draw attention to the various measures still required to ensure the observance of this Convention.

1. *Local public works.* In its previous observations the Committee noted that, according to information provided to a representative of the ILO in the course of direct contacts in 1972:

- (a) the Revised Laws and Administrative Regulations for Governing the Hinterland, 1949, are still regarded by the Ministry of Local Government, Rural Development and Urban Reconstruction as the basis for local administration, and are used as such by the Officials of the Ministry in the various areas of the country;
- (b) the above-mentioned Laws and Administrative Regulations contain provisions permitting the exaction of 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;
- (c) almost the entire programme of local works (construction of roads, bridges, markets, schools, clinics, etc.) is carried out on a "self-help" basis, involving the supply of unpaid labour by the local inhabitants;
- (d) the maintenance of tribal roads and bridges remains an obligation upon tribesmen.

The Committee noted that conflicting statements had been made by representatives of the public authorities as to whether and to what extent compulsory labour

---

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 60th Session.



was still being used for local public works. It observed that, 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 was important that new regulations concerning the operation of local government—which would specifically repeal and replace the Revised Laws and Administrative Regulations of 1949—should be enacted. It appeared from information provided to the ILO representative in 1972 that such revised regulations were already under consideration.

The Committee notes the statement made by a Government representative to the Conference Committee in 1973, to the effect that works involved in local self-help schemes are undertaken voluntarily by the members of the community concerned and that, as self-help projects are carried out as permitted under Article 2, paragraph 2 (e), of the Convention, no measures to change the situation are contemplated.

The Committee considers that the following measures are still necessary to clarify the present situation:

- (a) So long as the Revised Laws and Administrative Regulations Governing the Hinterland, 1949, are used as the basis of local administration, the possibility of the application of the provisions relating to exaction of compulsory labour remains. The Committee hopes that the new regulations which in 1972 were stated to be under consideration will be issued at an early date and will unambiguously eliminate the powers to exact labour still appearing in the text currently in use.
- (b) If the Government wishes to avail itself of the provisions of Article 2, paragraph 2 (e), of the Convention (which except from the Convention certain compulsory minor communal services) whether for the maintenance of tribal roads and bridges or for other minor local works, it should specifically provide for this possibility and regulate the imposition of such services in a manner complying with the conditions stated in Article 2, paragraph 2 (e).

The Committee trusts that appropriate measures on this question will be taken at an early date.

2. *Prohibition of forced labour.* The Committee recalls that the national legislation does not prescribe penal sanctions for the illegal exaction of forced or compulsory labour, as required by Article 25 of the Convention. It trusts that the necessary provisions for this purpose will be included in the new Labour Code, and that these provisions will be enacted at an early date.

3. *Legislation relating to vagrancy.* The Committee recalls the statement made by a Government representative to the Conference Committee in 1973 that agreement had been reached to delete from section 346 of the Penal Code the provision which states that an idle person who is offered employment and who refuses is deemed a vagrant, and that this change was to be reflected in the new Criminal Code to be submitted to the Legislature at its current session. The Committee trusts that this amendment—recommended in 1963 by the Commission of Inquiry appointed under article 26 of the ILO Constitution and repeatedly promised by the Government since then—will be enacted in the near future.

4. *Enforcement of the prohibition of forced or compulsory labour.* The Committee has in previous observations stressed the need, in addition to the adoption of a legislative prohibition of forced labour (as mentioned in point 2 above), of ensuring the strict observance of such legislation, in accordance with Articles 24 and 25 of the

Convention. In this connection, the Committee has had to note the insufficiency of labour inspection, particularly in the agricultural sector, where some of the major difficulties in the application of the Convention had occurred. It had requested the Government to provide information in future reports on the measures taken to ensure the observance of the Convention, including copies of the annual reports of the Ministry of Labour and Youth and the Ministry of Local Government, Rural Development and Urban Reconstruction.

The Committee has taken note of the report of the Ministry of Labour, Youth and Sports for 1973. This report appears to confirm the absence of arrangements for labour inspection in agriculture, since it mentions the possibility that this sector may soon be placed under the jurisdiction of labour inspectors and commissioners and the lack of transport facilities which would enable them to undertake this work.

The Committee notes with regret that the annual reports of the Ministry of Local Government, Rural Development and Urban Reconstruction (which is responsible for various matters affecting the application of the Convention, more particularly those referred to in points 1 and 5 of the present observation) have not been provided, notwithstanding the undertaking given by a Government representative to the Conference Committee in 1973 that this would be done.

In the circumstances, the Committee must once more stress the need for the adoption of measures for the effective enforcement of the Convention, in accordance with Articles 24 and 25, and for the supply of appropriate information in this connection (including the annual reports of the previously-mentioned government departments).

5. *Compulsory cultivation for tribal chiefs.* In its previous observations the Committee had noted that, according to the annual reports for 1969-70 and 1970-71 of the Department of Internal Affairs (now the Ministry of Local Government, Rural Development and Urban Reconstruction), "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 the Regulations, and that they continue to have their tribesmen make large rice farms for them for little or no pay". It had requested the Government to indicate the measures taken to eliminate this form of compulsory labour, including particulars of sanctions imposed.

The Committee regrets that the Government has not furnished any information on this matter, and repeats its previous request.

6. *Employment of labour by certain concession companies.* In previous observations the Committee had noted 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 the report for the period ending October 1972, the Government stated that it had 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.

The Committee notes that since then no further information on this question has been provided by the Government. As the matter has been outstanding for many years, the Committee can only express the hope once more 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. The Government has indicated 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 made in 1963 by the Commission of Inquiry appointed under article 26 of the ILO Constitution 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 Government has indicated that the texts of the Conventions in question are to be appended to the new Labour Law. The Committee accordingly hopes that the above-mentioned action will be taken at an early date.<sup>1</sup>

#### *Madagascar (ratification: 1960)*

The Committee notes with regret that the Government has not provided any information in reply to its previous observation, which related to the following matters:

1. *Prison labour.* In its previous comments the Committee noted—

- (a) that Decree No. 59-121 of 27 October 1959 on the organisation of prison services, as amended, makes it possible for prison labour to be hired out to private undertakings;
- (b) that section 68 of that Decree, as amended by Decree No. 63-167 of 6 March 1963, makes prison labour compulsory not only for persons sentenced to deprivation of liberty, but also for those in custody pending trial.

The Committee once more requests the Government to take the necessary action to bring the above enactments into conformity with Article 2, paragraph 2 (c), of the Convention.

2. *Forced labour in connection with failure to pay taxes.* With reference to its earlier observations concerning the provisions of the Labour Code and of Ordinance No. 62-065 permitting the imposition of labour as a means of recovering taxes and as a penalty imposed by administrative decision in the event of non-payment of taxes, the Committee has noted the Government's statement in its report for 1970-72 and to the Conference Committee in 1973 that as from 1973 there would no longer be any forced labour for the payment of taxes, since the minimum tax had been abolished and the provisions of the abovementioned Ordinance No. 62-065 no longer applied. The Committee requests the Government to indicate the legislative measures by which these changes were made.

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 60th Session.

3. *Development work by the "fokonolona" (local communities).* The Committee has noted that Ordinance No. 62-004 of 24 July 1962 to determine the tasks, responsibilities and powers of the *fokonolona*, to which it had previously referred, was repealed by Ordinance No. 73-009 of 24 March 1973 concerning the organisation of the rural population so as to enable the people to control their own development; however, the new Ordinance has not eliminated the possibility of requiring the members of the *fokonolona*, to participate in works decided upon by the *fokonolona*. The Committee is addressing a number of questions to the Government on this subject in a direct request.

*Sierra Leone (ratification: 1961)*

The Committee notes from the Government's latest report that, although the attention of the appropriate authorities has been drawn to its comments concerning the repeal or amendment of the provisions of the Chiefdom Councils Act relating to compulsory cultivation, no legislative action has yet been initiated. As this matter has been the subject of comments by the Committee since 1964, the Committee urges the Government to take the necessary measures at the earliest opportunity to bring the legislation in question into conformity with the Convention.

*Tanzania (ratification: 1962)*

*Tanganyika.*

The Committee notes with regret that for the second year in succession no report has been received. Accordingly no information is available in answer to its previous observations, in which it had 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;
- (b) Part X of the Employment Ordinance also permits the exaction of forced labour for public purposes;
- (c) section 6 of the Ward Development Committees Act, 1969, 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 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.

In view of the Government's repeated assurances that measures would be taken to bring national legislation into conformity with the Convention, the Committee trusts that the above-mentioned provisions will be repealed in the very near future.

*Zanzibar.*

The Preventive Detention Decree, 1964, which authorises the detention of persons by administrative decision, provides in section 5 that regulations may be made applying to such detainees any of the provisions of the Prisons Decree relating to

convicted prisoners. Notwithstanding the requests repeatedly made by the Committee since 1966, the Government has failed to supply information on the regulations which have been made in this regard. The Committee is accordingly not in a position to satisfy itself that the terms of Article 2, paragraph 2 (c), of the Convention (which permits the exaction of labour only from persons convicted in a court of law) are being respected in the case of persons detained under the Preventive Detention Decree.<sup>1</sup>

*Tunisia (ratification: 1962)*

The Committee notes with regret that, for the fourth 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;
- (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 emergencies 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 urges the Government to take measures at an early date to bring the legislation in question into conformity with the Convention.

*USSR (ratification: 1956)*

The Committee has noted the information and explanations furnished by the Government to the Conference Committee in 1974. It has also taken note of certain new legislative provisions published subsequently.

1. *Direction to employment of certain persons.* In previous observations, the Committee had noted that 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) permitted the direction to employment of certain persons by decision of the Executive Committee of a Soviet of Working People's Deputies under the menace of penalties laid down in section 209<sup>1</sup> of the Penal Code of the RSFSR. It had considered that this legislation did not correspond with the provisions of the Convention, and had expressed the hope that the legislation in question, as well as the corresponding provisions in force in the other Union Republics, would be brought into conformity with the Convention.

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 60th Session, and to report in detail for the period ending 30 June 1975.

In the statement made to the Conference Committee in 1974, the Government indicated that the struggle against idleness was a preventive measure taken by the Government against criminality and that the notion of idleness was very close to that of vagrancy, since the idler was susceptible to drunkenness and speculation and lived at the expense of others, but that a person who lived on his income acquired by honest labour or depended on members of his family was not an idler under the terms of the legislation. The Government also indicated that in the USSR, according to the Constitution, the Fundamental Principles of Labour Legislation and the Labour Codes of the Republics, work was a moral obligation and a duty for each citizen. The Government accordingly considered that assignment to a job under the above-mentioned legislation should be considered as covered by the exception from the scope of the Convention laid down in Article 2, paragraph 2 (b), in respect of "any work or service which forms part of the normal civic obligations of the citizens of a fully self-governing country". The Government further stated that the assignment of an idler to a job was carried out in three stages, i.e. recommendation by the public authorities to take up a freely-chosen job, assignment to a specific job by the Executive Committee of a Soviet of Working People's Deputies, and if the person still refused to work, judicial proceedings under section 209<sup>1</sup> of the Penal Code. The Government considered that the procedure, looked at as a whole, was in conformity with the Convention. It emphasised that in the final stage the citizen was required to take a job by a decision of a tribunal, which was compatible with the Convention, in view of the exception laid down in Article 2, paragraph 2 (c), in respect of "any work or service exacted from any person as a consequence of a conviction in a court of law".

With respect to the question whether compulsory assignment to a job pursuant to a general obligation to engage in socially useful work can be considered as covered by the exception in respect of "normal civic obligations" provided for in Article 2, paragraph 2 (b), of the Convention, the Committee considers it appropriate to refer to certain comments made in the general survey of forced labour in its report of 1968. The Committee pointed out (paragraph 37 of the survey) that the Convention itself, in other exceptions to its provisions, referred to certain forms of work or service which constituted normal civic obligations (compulsory military service, work or service in cases of emergency, and minor communal services) and that other examples of normal civic obligations were compulsory jury service, the duty to assist a person in danger or to assist in the enforcement of law and order. The Committee emphasised that the exception in respect of "normal civic obligations" must be read in the light of other provisions of the Convention, and cannot be invoked to justify recourse to forms of compulsory service which are contrary to such other provisions. It pointed out (paragraph 55 of the survey) that legislation imposing an obligation on all able-bodied citizens to engage in a gainful occupation, failing which they are liable to compulsory direction to specific work, subject to penal sanctions, is incompatible with the Convention.

With respect to the question whether the labour required under the Ukase of 4 May 1961 can be considered to fall within the exception provided for in Article 2, paragraph 2 (c), of the Convention, the Committee wishes to point out that this exception relates to work or service exacted as a consequence of a conviction in a court of law. Work imposed by decision of an administrative authority (i.e. the Executive Committee of a Soviet of Working People's Deputies) accordingly does not fall within the exception, nor can it be brought within the exception by the fact that the punishment for non-compliance with such an administrative decision is subsequently imposed by a court of law.

With reference to the Government's statement that the notion of idleness is very close to that of vagrancy, since an idler is susceptible to drunkenness and speculation, the Committee observes that the Penal Code of the RSFSR contains specific provisions for the punishment of speculation, hooliganism and vagrancy and the treatment of alcoholics (sections 62, 154, 206 and 209). The Committee also recalls the comments in paragraph 56 of its general survey of forced labour of 1968, that unduly extensive definitions of vagrancy and assimilated offences may be a means of compulsion to work incompatible with the Convention. In any event, the imposition of labour as a preventive measure by an administrative body upon persons who have not been found guilty of any offence by any judicial instance is not permitted by the Convention.

The Committee expresses the hope that, in the light of the preceding comments, the Government will reconsider the position and take measures to bring the legislation in question into conformity with the Convention.

2. *Obligations in the planning of agricultural production.* In previous comments, the Committee had referred to the obligations with regard to agricultural production imposed on collective farms by the Order of the Central Committee of the Communist Party of the Soviet Union and the Council of Ministers of the USSR of 20 March 1964 dealing with the planning of agricultural production, and the penal sanctions laid down in section 172 of the Penal Code of the RSFSR and the corresponding provisions of the Penal Codes of other Union Republics for the non-performance or improper performance of duties by persons occupying offices in social institutions, organisations or enterprises.

In the information provided to the Conference Committee in 1974, the Government stated that the above-mentioned Order of 20 March 1964, entitled "Order relating to Facts of Flagrant Violations and Distortions in the Practices of Planning of Kolkhozes and Sovkhozes" was intended to negate obligations which had existed in the past concerning decisions on the areas to be sown and on planning of productivity and of stock raising and condemned "as a harmful practice hampering agricultural development, the practice of stereotyped planning and arbitrary imposition from above on collective farms and state farms of tasks relating to their sowing areas and their structure". The Government stated that section 172 of the Penal Code of the RSFSR did not speak of agricultural production, that the purchase by the State of the agricultural production of state and collective farms was made, in accordance with Chapter 25 of the Civil Code of the RSFSR, on the basis of contractual agreements, and that the planning of production on collective farms was done freely by the collective farms.

The Committee considers it appropriate to recall that the Order of 20 March 1964 establishes a distinction between the internal organisation of production and the nature and quantity of commodities to be produced. Thus, the preamble to the Order indicates that collective and state farms must be given an assignment for the quantities and types of products which they are to sell to the State, but are to be left to determine how to use the land most rationally to obtain the largest amount of produce and successfully to fulfil the state plans for its purchase. Similarly, it is provided in section 3 of the Order that "the collective and state farms must be given only a state plan for purchases of farm products, and the planning of production must be effected by the collective and state farms themselves, proceeding from the need to ensure the fulfilment of the state plans for purchases of farm products". In the light of these provisions, it has appeared to the Committee that, in planning their production, farms are under an obligation to ensure the attainment of the assignments set in accordance with the state plan.

The Committee has noted the provisions of the Civil Code of the RSFSR mentioned by the Government (Chapter 25). According to section 267 of this Code, "State purchases of agricultural produce from state and collective farms is effected by procurement contracts concluded on the basis of the plans of state purchase of such products and the plans for the development of agricultural production on collective and state farms". Since procurement contracts must be made on the basis of the plans, collective farms, in concluding them, would appear to remain bound by the obligations which the Order of 1964 places upon them in planning their production.

The Committee had also referred in this connection to section 172 of the Penal Code of the RSFSR, which punishes the non-performance or improper performance of duties by an official which causes substantial harm to state or social interests (officials for this purpose being defined by section 170 in a manner covering the managements of collective farms). Although the section does not specifically refer to agricultural production, it had appeared to the Committee that the management of a collective farm would be liable to punishment under the section if it disregarded the duties relating to planning of agricultural production imposed by the Order of 20 March 1964. Having regard to the statement made by the Government to the Conference Committee in 1974, the Committee would appreciate additional information on the measures by which the observance of the duties laid down in the Order of 20 March 1964 would be enforced.

3. *Termination of membership of collective farms.* In previous comments, the Committee noted that, according to article 3 of the Fundamental Principles of Labour Legislation of the USSR and the Union Republics adopted on 15 July 1970, the labour of collective farm members was regulated by the collective farm rules adopted on the basis of and in conformity with the model collective farm rules and the legislation of the USSR and the Union Republics relating to collective farms; that, under clause 7 of the model collective farm rules adopted on 28 November 1969, a member's application to leave the collective farm must be submitted to the management committee and the general meeting of the collective farm; and that, under the passport regulations approved by Ordinance of the Council of Ministers of the USSR of 21 October 1953, the system for delivery of passports was in general not applicable to rural areas. It accordingly appeared that a member of a collective farm might terminate his membership only with the consent of the management committee and the general assembly of the collective farm, that if such consent was refused, he would remain bound by all the obligations resulting from his membership of the collective farm (including obligations regarding work), and that, so long as he remained a member of the collective farm, he would not obtain a passport which was a necessary prerequisite for taking employment elsewhere as a wage or salary earner. The Committee considered that these restrictions on the right of a member of a collective farm to terminate that membership and to take up employment elsewhere were contrary to the Convention.

In the information furnished to the Conference Committee in 1974 the Government stated that in practice the examination by the collective farm administration and general assembly of an application under clause 7 of the model rules was intended to inform all the members of the collective farm and possibly to permit the assembly to persuade the member concerned not to leave, but that no restriction of the possibility to leave a collective farm existed either in practice or in law. The Government also indicated that the certificate of identity, civil status and assets which permitted a member of a collective farm who had resigned to find another job had to be issued by the rural or village Soviet of Working People's Deputies within one month of application.



The Committee notes that new regulations concerning the passport system were approved by the Council of Ministers of the USSR on 28 August 1974. It notes with interest that, under section 1 of these regulations, all Soviet citizens over 16 years of age shall hold a Soviet passport, and it is provided in section 2 of the Order approving the regulations that citizens living in rural areas, to whom passports were not formerly issued, will, on moving to another place for a prolonged period, be issued with a passport.

Having regard to the Government's statement that in practice clause 7 of the model collective farm rules involves no restriction on the possibility of terminating membership of a collective farm, the Committee hopes that, in order to make clear the legal rights of those concerned, consideration will be given to the amendment of this clause to provide that members of a collective farm may terminate their membership by a unilateral decision, subject only to giving notice of reasonable length.

*Zaire (ratification: 1960)*

The Committee regrets to note that, for the fourth year in succession, the Government has provided no information on a number of points raised by the Committee, to which it must therefore once more draw attention.

1. In earlier comments the Committee had referred to sections 71 and 73 of the Decree of 10 May 1957 on indigenous districts, under which able-bodied adult men could be obliged to do agricultural work or engaged in public works. The Government stated in its report for 1967-69 that that Decree had been repealed. However, Legislative Ordinance No. 69/012 of 12 March 1969 concerning the organisation of local communities, which repealed the Decree of 10 May 1957, re-enacted, in sections 58, 60 and 87, the provisions relating to the imposition of compulsory agricultural work and public works, subject to penal sanctions. The Committee urges the Government to take the necessary measures to repeal these provisions or to amend them so as to permit the exaction of the services in question only in the circumstances defined in Article 2, paragraph 2 (*d*) and (*e*), of the Convention, that is, in emergencies or for the purpose of minor communal services.

2. In previous direct requests, the Committee also referred to various provisions relating to the imposition of forced labour by administrative authorities as a means for recovering taxes and to compulsory civic service, and to the need for repeal of old legislation permitting the requisition of civilians, the exaction of labour for extraordinary works from the inhabitants of villages and the exaction of penal labour from prisoners who have not been sentenced by a court. The Committee can only express regret at the Government's persistent failure to provide any information on the steps taken or contemplated to ensure the observance of the Convention in regard to these matters.<sup>1</sup>

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States: *Belgium, Burma, Burundi, Chile, Costa Rica, Cuba, Czechoslovakia, Dominican Republic, Ecuador, France, Gabon, Honduras, Indonesia, Iran, Iraq, Ivory Coast, Khmer Republic, Laos, Madagascar, Mauritania, Peru, Senegal, Sudan, Syrian Arab Republic, Tanzania, Togo, USSR, Yugoslavia, Zaire.*

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 60th Session and to report in detail for the period ending 30 June 1975.

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

Further to its previous comments, the Committee notes from the information communicated by the Government that the provisions of paragraph 2 of section 108 of the Labour Code (which authorises the exclusion of certain employees from the protection of the provisions relating to hours of work) are not applied in practice.

The Committee has also taken note of the assurances given by the Government in its report to the effect that, while it has not yet been possible to adopt the amendment to section 131 of the Labour Code to bring it into conformity with the requirements of Article 7 of the Convention, this will be done in the near future and it has been submitted to the Commission on the Reform of the Labour Code.

The Committee therefore hopes that, within the framework of the reform of the Labour Code, sections 108 (2) and 131 of the Code will be brought into conformity with the Convention.

*Egypt* (ratification: 1960)

See under Convention No. 1.

*Guatemala* (ratification: 1961)

Following its earlier comments, the Committee notes the Government's statement in the report that the draft labour code at present in preparation will include provisions corresponding to those in the relevant ILO Conventions. It hopes that legislative or other provisions will soon be adopted to limit the temporary exceptions to those indicated in Article 7 (2) (b), (c) and (d) of the Convention, and also to limit the maximum allowable additional hours in the year as laid down in Article 7 (3). The Committee also hopes that employers' and workers' organisations will be consulted in this connection, as laid down in Article 8 of the Convention.

*Haiti* (ratification: 1952)

*Articles 1, 7 (3), and 8 of the Convention.* See under Convention No. 1.

*Kuwait* (ratification: 1961)

*Articles 1, 4, 7 and 8 of the Convention.* See the observation under Convention No. 1, Articles 1, 3 and 6.

*Spain* (ratification: 1932)

In connection with its previous comments the Committee notes with interest the information to the effect that the 1971 Ordinance on employment in commerce provides for a normal working week of 48 hours and that the 1972 Ordinance on employment in offices provides for one of 45 hours.

As regards the preliminary draft for a general Act on labour, the Committee refers the Government to its comments under Convention No. 1.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States: *Iraq, Norway, Panama, Paraguay, Syrian Arab Republic.*

Information supplied by *Colombia* 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 with regret that the Government's report contains no information on the results of the work of the special commission set up under Ministerial Resolution MT No. 183 of 27 April 1973 to consider and draft a bill to bring the national legislation into conformity with the Convention. The Committee hopes that the necessary provisions to ensure full compliance with the Convention can be adopted shortly, and requests the Government to indicate any progress made in this matter.

*Belgium* (ratification: 1952)

The Committee notes, from the information supplied by the Government, that the question of terminating the exception in respect of ships of inland navigation provided for in section 541 of the general regulations for labour protection has been submitted to the Joint Committee for safety, hygiene and improvement of the working environment of the port of Antwerp. It further notes that this Committee, after having studied the memorandum of 21 November 1973 containing the reply by the ILO to the question put in regard to the exact bearing of the provision in Article 15 of the Convention which permits member States to grant exceptions for certain ships, has given its opinion which is to be submitted to the Higher Council for safety, hygiene and improvement of the working environment and that the latter will soon render its decision on the matter.

The Committee recalls that an exemption of ships engaged in inland navigation from Article 6 of the Convention is incompatible with Article 15 thereof. It hopes therefore that appropriate measures will be taken to bring national legislation into conformity with the provisions of the Convention.

*Chile* (ratification: 1935)

The Committee notes once again with regret from the information supplied by the Government in its latest report that no measure has as yet been taken to give effect to its comments repeated since 1963. It is bound therefore to point out once again that Decree No. 655 of 7 March 1941 does not meet the provisions of the Convention concerning the following points: Article 2, paragraph 2 (3); Article 3, paragraph 3; Article 5, paragraphs 2, 3, 4 and 6; Article 9, paragraph 2 (1), (3), (4), (7), (8) and (9); Article 11, paragraphs 3 to 7; Article 12 and Article 14.

The Committee urges the Government to adopt in the very near future the necessary measures to ensure the full application of the Convention.

*Italy* (ratification: 1933)

The Committee has noted the statement of a Government representative made to the Conference Committee in 1974 as well as the information contained in the report. The Government once again refers to the draft general regulations on the prevention of accidents in dockside work, drawn up in conformity with the provisions of the Convention and designed to replace, at the national level, all the regulations adopted by the local port authorities. The Committee firmly expresses the hope that the Government will do all in its power to ensure the rapid adoption of the draft regulations mentioned above.<sup>1</sup>

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 60th Session and to report in detail for the period ending 30 June 1975.

*Mexico (ratification: 1934)*

The Committee has taken note of the information supplied by the Government concerning the application of Article 17, paragraphs 1 and 3, of the Convention. It hopes that the Government will be in a position to communicate, with its next report, the decisions taken to determine the sanctions to be applied (Article 17, paragraph 2) for failure to observe the Ministerial Circular which had been issued in order to give effect to Articles 4, 6, 11 and 13 of the Convention.

The Committee, moreover, requests the Government to indicate whether the regulations to apply the Federal Labour Act, mentioned in the preceding reports, and which should contain provisions giving effect to the Convention, have already been adopted and if so to supply copies of the regulations in question.

*Peru (ratification: 1962)*

In its previous direct requests the Committee noted that there appeared to be no legislative provisions or regulations concerning the protection of dockers against accidents, corresponding to the detailed provisions of the Convention, and it expressed the hope that appropriate measures would be adopted for this purpose. As the Government indicates in its report that no legislation has been adopted in this connection, the Committee trusts that the Government will soon take the necessary measures to ensure full application of the Convention.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States: *Bangladesh, Bulgaria, Byelorussian SSR, Honduras, Mauritius, Netherlands, Panama, Singapore, Ukrainian SSR, USSR.*

**Convention No. 33: Minimum Age (Non-Industrial Employment), 1932***Central African Republic (ratification: 1962)*

Following its earlier comments, the Committee notes a statement made by the Government to the Conference Committee in 1973 to the effect that it was bearing the observations of the Committee of Experts in mind and would study the advisability of issuing provisions in line with those in the Convention. As the latest report of the Government gives no new information in this connection, the Committee hopes that action will be taken in the near future to give effect to the provisions of the Convention relating to the points raised.

*Article 3, paragraphs 1 (c) and 4 (b), of the Convention.* Earlier government reports indicated that school attendance was not entirely compulsory. The Committee recalls that, under the Convention, the duration of light work permitted for children attending school must not exceed two hours per day while the hours spent at school and on light work must not together exceed seven per day, and the duration of light work for children not attending school must not exceed four hours per day.

*Article 3, paragraph 2 (b).* Section 4 (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 done during night hours in public or private industrial establishments". Since the wording used refers only to industrial establishments

and would not apply to the non-industrial types of work covered by the Convention, the Committee reiterates the hope that action will be taken to prohibit expressly the employment of children aged 12 to 14 years during the night, i.e. during a period of at least 12 hours comprising the interval between 8 p.m. and 8 a.m., as prescribed in the Convention.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States: *Dahomey, Guinea, Mali, Niger, Senegal*.

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

*Chile* (ratification: 1935)

Further to its previous comments, the Committee notes with interest that the Government has expressed its intention to ratify the Fee-Charging Employment Agencies Convention (Revised), 1949, (No. 96) which would involve, ipso jure, the immediate denunciation of Convention No. 34, and that it has undertaken a detailed study of the legislative and other measures necessary to this end, the results of which are communicated in its report. The Committee hopes that the Government will take appropriate action at an early date to introduce legislation which either permits the ratification of Convention No. 96 or gives effect to the provisions of the present Convention.

\* \* \*

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

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

*Ecuador* (ratification: 1962)

The Committee regrets that the Government's report fails to provide answers to its earlier direct requests on the following points, to which it feels bound to revert:

*Article 2 (1) of the Convention.* The Committee, having noted with interest that domestic servants and home workers are expressly covered by the Social Security Code instituted by Decree No. 51 of 14 January 1972, hopes that their coverage will be confirmed by an early coming into force of the Code.

*Article 12.* The Committee notes with regret that its earlier comments regarding the exemption of certain categories of foreign workers from compulsory insurance under section 4 of the Compulsory Social Insurance Act do not appear to have been taken into account. It hopes that advantage will be taken of the postponement of the entry into force of the new social security code to amend the provisions relating to scope (section 6) in such a way as to eliminate any reference to nationality (cf. the Committee's direct requests in respect of Convention No. 118, Article 3, and of Convention No. 103).

*France* (ratification: 1939)

The Committee notes that the difficulties to which it had referred previously with respect to the "supplementary allowance", entitlement to which is reserved under

sections L 685 and L 707 of the Social Security Code to persons of French nationality or to nationals only of countries which have signed an international reciprocity agreement are still present and that the Government continues to regard the allowance as a form of assistance not coming within the scope of the Convention. The Committee cannot share this viewpoint but it notes, according to the statements again made by the Government representative to the Conference in 1974, that the Government intends to ratify the Invalidity, Old-Age and Survivors' Benefits Convention, 1967 (No. 128)—and to accept the obligations of Part II (Invalidity Benefit) and Part III (Old Age Benefit)—involving the denunciation of Conventions Nos. 35 to 38.

\* \* \*

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

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

*France* (ratification: 1939)

See under Convention No. 35.

\* \* \*

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

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

*Chile* (ratification: 1935)

*Article 5 of the Convention.* The Committee has since 1961 pointed out in its comments to the Government that the qualifying period for salaried employees (especially those aged 45 years and over in the private sector) and for railway personnel was longer than the 60 months permitted by the Convention (section 10 of Act No. 10475 of 1952 concerning salaried employees in the private sector, section 23 of Act No. 1340 *bis* of 1930 concerning public employees and journalists, section 35 of Act No. 8569 of 1946 concerning bank employees, and section 1 of Decree No. 2259 of 1931 concerning railway personnel).

In its observation in 1973 the Committee drew the Government's attention to the fact that an increase in the length of the qualifying period according to an individual's age at the time when the contingency arises, as is already provided for in the scheme for employees in the private sector, would be in accordance with paragraph 5 of Article 11 of the Invalidity, Old-Age and Survivors' Benefits Convention, 1967 (No. 128), which revised Conventions Nos. 35, 36, 37 and 38 and under which acceptance of the obligations of Part II (Invalidity Benefits) when ratifying implies ipso jure denunciation of Conventions Nos. 37 and 38. The Committee was interested to note from the Government's report that it is still its intention to ratify Convention No. 128 (as previously announced to the Conference in 1973).

The Committee would again express its hope that the Government will introduce amendments of the law enabling all workers regardless of age to receive an invalidity pension after a qualifying period no longer than that permitted by the present Convention, unless Convention No. 128 is ratified. It requests the Government to provide information on the action taken in view of one course or the other.<sup>1</sup>

*Ecuador* (ratification: 1962)

The Committee regrets to note that the Government's report fails to provide answers to its earlier direct requests on the following points, to which it is bound to revert:

*Article 2 (1) of the Convention.* See under Convention No. 35.

*Article 6.* The Committee notes with regret, in connection with its earlier comments, that section 72 of the Social Security Code instituted by Decree No. 51 of 14 January 1972 provides—as clause 76 of the Provident Funds Rules—that an insured person who ceases to be liable to insurance without having become entitled to benefit retains his rights only for a period equal to one-tenth of his contribution periods and for a maximum of six months, whereas the Convention requires maintenance of rights in course of acquisition in respect of contributions for a term which, if variable, must be not less than one-third of the total contribution period (minus any period for which contributions have not been credited) or, if it is fixed, must not be less than 18 months. The Committee once more expresses the hope that advantage will be taken of the postponement of the entry into force of the Code to make the amendments needed to give full effect to the Convention—unless the Government prefers to ratify the Invalidity, Old-Age and Survivors' Benefits Convention 1967 (No. 128) which contains more flexible provisions on this point.

*Article 13.* See under Article 12 of Convention No. 35.

*France* (ratification: 1939)

*Article 13 of the Convention.* See under Convention No. 35 (Article 12).

\* \* \*

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

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

*Chile* (ratification: 1935)

See under Convention No. 37.

*France* (ratification: 1939)

*Article 13 of the Convention.* See under Convention No. 35 (Article 12).

\* \* \*

<sup>1</sup> The Government is asked to report in detail for the period ending 30 June 1975.

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

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

*Ecuador* (ratification: 1962)

The Committee regrets to note that the Government's report fails to provide answers to its earlier direct requests on the following points, to which it feels bound to revert:

*Article 2 (1) of the Convention.* See under Convention No. 35.

*Article 6.* See under Convention No. 37.

*Article 7 (4).* The Committee notes with interest that the Social Security Code instituted by Decree No. 51 of 14 January 1972 does not provide—as is laid down in section 56 (c) of the Provident Funds Rules still in force—that a pension shall not be payable to a surviving spouse who had been the guilty party in a judicial separation or had been separated *de facto* for more than ten years prior to the death of the insured, since this provision is contrary to the Convention which permits withholding of pension only where the marriage was dissolved or separation pronounced in proceedings where the wife was found solely at fault. The Committee once again hopes that the elimination of this disqualification will be confirmed by the early coming into force of the Code.

*Article 15.* See under Article 12 of Convention No. 35.

*Peru* (ratification: 1945)

*Article 4, paragraph 2, of the Convention.* In connection with its earlier comments, the Committee notes with satisfaction that the Presidential Decree of 11 July 1962 on social insurance for salaried employees, which in section 102 made entitlement to a survivor's pension subject to a qualifying period longer than the five-year maximum laid down in the Convention, was repealed by Legislative Decree No. 19990 of 24 April 1973 instituting a national system of social security pensions, and that under sections 25 and 51 of this Decree a survivor's pension is payable after three years of contribution only.

\* \* \*

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

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

*Peru* (ratification: 1960)

See under Convention No. 39.

\* \* \*

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



**Convention No. 41: Night Work (Women) (Revised), 1934***Afghanistan* (ratification: 1939)

See General Observations concerning Afghanistan.

\* \* \*

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

**Convention No. 42: Workmen's Compensation (Occupational Diseases) (Revised), 1934***France* (ratification: 1948)

The Committee has noted the Government's report (received in April 1974) and the information provided in answer to its earlier observations. It was interested to note that, in order to be able to give more precise replies to the observations, the Government proposes to refer the question to the occupational diseases subcommittee of the Industrial Hygiene Committee and to the latter Committee itself, and that it has also ordered an over-all study to be made of the problems arising in relation to compensation for occupational disease.

The Committee hopes that at the same time the necessary steps can be taken to make the list of pathological manifestations given under each occupational disease in the schedules to the French legislation indicative in character; this will enable diseases which are not mentioned in the schedule but can be caused by harmful substances or agents covered by the Convention to be also regarded as occupational diseases giving rise to compensation when contracted by workers employed in the industries or exercising the occupations mentioned in the Convention, without the need to wait for a revision of schedules before compensation can be claimed.

The Committee also hopes that, as part of the new extensions of the schedules that may be proposed by the working groups mentioned in the Government's report, it will be possible to supplement the national law in line with the Convention, both as regards poisoning by any halogen derivative of hydrocarbons of the aliphatic series or any phosphorus compound, and as regards certain products liable to cause primary epitheliomatous cancer of the skin.

The Committee requests the Government to report any progress made in this matter.

*Haiti* (ratification: 1955)

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

In response to the requests and observations which the Committee has been making since 1966 regarding the lack of any statistical data by which one could judge the degree to which the Convention was applied in practice, the Government states that the absence of such data is due to the tendency of the employers to lump together under the heading "industrial accidents" all cases which are sent to the "François Duvalier" Hospital of the Occupational Accident, Sickness and Maternity Insurance Office.

In this connection the Committee would venture to point out that section 172 of the Act of 18 September 1967 requires every worker whose disease is diagnosed as occupational to inform his

employer immediately of the fact, and that the employer in turn must notify the Occupational Accident, Sickness and Maternity Insurance Office by sending to it within five days a special form duly filled in by the parties concerned. The above-mentioned office must also have a service for statistics and actuarial calculations, the duties of which are defined in detail by section 118 of the 1967 Act; the office must, according to section 174 of the Act, keep the General Labour Inspectorate currently informed of any occupational diseases which have been noted. Consequently, the Committee trusts that the Government will have no difficulty in compiling and transmitting the statistical data called for by Point V of the report form adopted by the Governing Body, indicating, inter alia, the industries and occupations causing occupational diseases, the number of workers employed in them, the number of cases of such diseases reported, the amount of compensation paid, etc.<sup>1</sup>

#### *Iraq (ratification: 1941)*

Further to its previous comments, the Committee notes with satisfaction that the new list of occupational diseases under section 111 of the Workers' Pensions and Social Security Act (No. 39 of 1971), appended to the Government's report, follows the wording of the Convention as regards the points to which the comments referred.

#### *Rwanda (ratification: 1962)*

Further to its earlier observations, the Committee noted with interest the adoption of the Legislative Decree of 22 August 1974 on the organisation of social security, which replaces the Act of 15 November 1962.

The Committee also noted the Government's statement that the Ministerial Order provided for in section 20 of the Legislative Decree—to prescribe a list of occupational diseases—had not yet been issued but that it would contain a list of diseases and corresponding types of work in accordance with the list in the Convention. The Committee trusts that the Order will be adopted in the very near future and that it will take account of the points mentioned in its earlier comments, particularly as regards silicosis in association with tuberculosis, poisoning by the halogen derivatives of hydrocarbons of the aliphatic series and the types of work liable to cause them, as well as including, among the types of work corresponding to anthrax infection, the loading and unloading or transport of merchandise in general.

The Committee requests the Government to send information on the progress made and also the text of the Order mentioned above as soon as it is adopted.

#### *Turkey (ratification: 1946)*

In connection with its earlier comments the Committee notes with satisfaction that the Regulations for Social Insurance Procedures relating to Health Matters (No. 7/4496 of 26 May 1972) have completed the list of occupational diseases and corresponding types of work on some of the points indicated in the Committee's comments.

There are still certain other points, however, to which the Committee is drawing attention in a direct request.

\* \* \*

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

#### **Convention No. 43: Sheet-Glass Works, 1934**

A request regarding certain points is being addressed directly to *Mexico*.

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 60th Session.

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

#### **Convention No. 44: Unemployment Provision, 1934**

*Czechoslovakia* (ratification: 1950)

The Committee notes, in relation to its earlier comments, that the Convention was denounced in 1974.

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

*Afghanistan* (ratification: 1937)

With regard to its previous comments, the Committee notes with satisfaction that, as a result of the direct contacts established in Kabul, in November 1974, between the competent national authorities and a representative of the Director-General of the ILO, Presidential Decree No. 1307 of 8 March 1975 has been adopted to give effect to the provisions of this Convention.

*Canada* (ratification: 1966)

The Committee notes that legislation has been adopted both in Manitoba and in Newfoundland removing the prohibition of underground work for women and that other jurisdictions have indicated an intention to do the same in the near future. The Committee notes also that the situation was discussed at a meeting of federal and provincial ministers of labour on ILO questions and that the consensus of opinion was that Canada should consider denouncing this Convention. The Committee notes further that in the light of this consensus the Government intends to submit the question to the provincial governments and to the workers' and employers' organisations for their comments and advice.

In these circumstances the Committee requests the Government to indicate any future developments in this connection.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States: *Federal Republic of Germany, Guinea, New Zealand, Somalia, Sri Lanka*.

#### **Convention No. 47: Forty-Hour Week, 1935**

Requests regarding certain points are being addressed directly to the following States: *Byelorussian SSR, Ukrainian SSR, USSR*.

#### **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**

Requests regarding certain points are being addressed directly to the following States: *Burundi, United Republic of Cameroon, Ghana, Guyana, Tanzania (Zanzibar)*.

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

**Convention No. 52: Holidays with Pay, 1936***Burma* (ratification: 1954)

The Committee notes from the last report of the Government that the Labour Legislation Committee is considering the possibility of incorporating the provisions of Articles 1, 2 and 4 of the Convention in a Bill on annual vacations and public holidays. It recalls that various references have been made by the Government since 1959 to new laws or regulations to give effect to the Convention on the various points raised since 1957, i.e. scope (Article 1 of the Convention); longer holidays for persons under 16 years (Article 2 (2) of the Convention); public and customary holidays and interruptions of attendance at work due to sickness not to be counted as part of the annual holiday (Article 2 (3) of the Convention); agreements to forgo the annual holiday to be void (Article 4).

The Committee feels bound therefore to express once more its hope that the Government will do everything possible to take the requisite action in the very near future.<sup>1</sup>

*Gabon* (ratification: 1961)

The Committee notes that the report contains none of the information asked for in its previous direct requests concerning the application of Article 4 of the Convention.

It is now several years since the Committee first drew the attention of the Government to the fact that section 122 of the 1962 Labour Code—which provides that the total period of service for holiday entitlement in the case of expatriate workers may be increased by collective agreement or individual contract to 24 or 30 months, and may also, at the express request of the worker if the employer agrees, be prolonged by one year with the authorisation of the labour inspector so as to amount to 24 months—is inconsistent with the requirements of Articles 2 and 4 of the Convention.

The Committee requests the Government to indicate what action has been taken or is contemplated for ensuring that a minimum holiday of six working days is given each year to all workers covered by the Convention, including those who are expatriates or displaced persons.

*Ukrainian SSR* (ratification: 1956)

The Committee notes from the Government's report that no action has been taken on its previous observation which was concerned with the following points:

*Articles 2 and 4 of the Convention.* The Committee notes that section 80 of the new Code provides that the annual holiday must be carried forward when the worker is performing his national or social duties, and that carrying the holiday forward to the following year may be authorised, in exceptional

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 60th Session and to report in detail for the period ending 30 June 1975.

cases, when the granting of a holiday to the worker during the current year may have unfortunate consequences for the working of the undertaking, whereas, according to Article 2 of the Convention, every person covered is entitled to an *annual* holiday of at least six working days, and, according to Article 4, any agreement to relinquish the right to an annual holiday is void. The Committee hopes that the Government will take the necessary steps to ensure that, in all circumstances, the persons covered by the Convention have a minimum holiday of six working days every year, thus bringing the legislation into harmony with the Convention. It would ask the Government to report any progress made in the matter.

#### *USSR (ratification: 1956)*

The Committee regrets to note from the Government's report that no action has been taken on its previous observation, which ran as follows:

1. It recalls that section 74 of the new Labour Code of the RSFSR provides that the annual holiday must be carried forward when the worker is performing national or social duties, and that it can be carried forward to the following year when, in exceptional cases, the granting of a holiday to the worker during the current year might have unfortunate consequences for the working of the undertaking, whereas Article 2 of the Convention prescribes that every person covered is entitled to an *annual* holiday of at least six working days, and, according to Article 4, any agreement to relinquish the right to an annual holiday is void. The Committee hopes that the Government will take the necessary steps to ensure that, in all circumstances, the persons covered by the Convention receive a holiday of at least six working days every year, thus bringing the legislation into conformity with the Convention on this point, and it would ask the Government to report any progress made in this direction.

2. In its earlier comments, the Committee also drew attention to the need to amend section 19 of the Regulations of 30 April 1930 so as to guarantee, as required by the Convention, that when a holiday is divided into parts, one part must be equal to the minimum prescribed by the Convention. The Committee would be grateful if the Government would provide information as to how the provisions of the new Labour Code of the RSFSR affect the question of dividing up the holiday.

3. The Committee would also like to have information as to the position in the other federated republics with regard to the points mentioned above.

The Committee hopes that the Government will supply the information and will take the necessary steps in the near future.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States: *Brazil, Chad, Ivory Coast, Lebanon, USSR, Yugoslavia*.

#### **Convention No. 53: Officers' Competency Certificates, 1936**

##### *Liberia (ratification: 1960)*

The Committee notes with regret that for the second consecutive year the Government's report gives no reply to its previous observations, in which it noted from the Government's report that the Deputy Commissioner of Maritime Affairs had been requested to provide information on the number and nature of contraventions reported and the action taken on them, and that this material would be sent to the ILO.

The Committee also notes that no information has been supplied on the practical application of the Convention as requested in Point V of the report form. It trusts that the Government will not fail to furnish the promised material and the information requested, so as to enable it to assess the extent to which the provisions of the Convention are applied.

*Philippines* (ratification: 1960)

Further to its earlier comments, the Committee notes with interest from the Government's report that the updating of the merchant shipping regulations has been completed. It hopes that the new regulations, incorporating provisions on inspection and effective application, in accordance with Articles 5 and 6 of the Convention, will be sent to the ILO as promised in the report.

\* \* \*

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

**Convention No. 55: Shipowners' Liability (Sick and Injured Seamen), 1936***Liberia* (ratification: 1960)

The Committee notes with regret that for the second year in succession the Government's report contains no reply to previous comments. It is bound therefore to repeat its previous observation which was as follows:

The Committee 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 occurring 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).

The Committee hopes that the Government will make every effort to take the necessary action in the very near future.<sup>1</sup>

*Mexico* (ratification: 1939)

The Committee notes that the Government, in its reply to the Committee's previous observation, considers that the provisions of the federal Labour Act on compensation for occupational hazards and those of the Social Security Act give effect to *Article 5 of the Convention* (payment of wages to sick or injured seamen) and *Article 7* (burial expenses), and that these Articles are thus applied despite the absence of any special provisions for seamen in section 204 of the Labour Act relating to the shipowner's liability.

As the Committee explained in its previous direct request (dealing also with *Articles 3, 4 and 6*) the provisions of the federal Labour Act on compensation for occupational hazards are insufficient to give effect to the Convention which also covers non-occupational accidents and diseases, while the Social Security Act can only be taken into consideration if and in so far as its scope has been extended to all seamen sailing in ships registered in Mexico. Moreover, shipowners could only be relieved of liability to pay wages and burial expenses if the corresponding social security benefits were paid on board and abroad, and if the cash benefit replacing wages were paid from the first day of incapacity.

Hence the Committee hopes that the Government will take appropriate action for full application of the above provisions of the Convention, and requests it to send information on this matter.

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 60th Session.

*Morocco* (ratification: 1958)

The Committee noted with satisfaction in connection with its earlier comments, that the Merchant Shipping Code has been supplemented by Legislative Decree No. 1-73-407 dated 15 Rejeb 1397 (5 August 1974) to give effect to the measures to be taken to safeguard property left on board by sick, injured or deceased seamen (*Article 8 of the Convention*).

**Convention No. 56: Sickness Insurance (Sea), 1936***Peru* (ratification: 1962)

The Committee regrets to note that the Government's report gives no reply to its earlier comments. It must therefore repeat its previous observation relating to the following points:

*Article 3 of the Convention.* See under Convention No. 24, Article 4.

*Article 7.* The Committee has since 1966 drawn the Government's attention to the need for provision to be made, within the framework of sickness insurance both for wage earners and for salaried employees, for automatic maintenance of the right to compulsory insurance after the termination of the last engagement over a period fixed by national laws or regulations in such a way as to cover the normal interval between successive engagements. The Committee must raise the question again and trusts that the Government will not fail to indicate the action taken or contemplated for ensuring full application of the Convention in this respect.<sup>1</sup>

\* \* \*

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

**Convention No. 58: Minimum Age (Sea) (Revised), 1937***Liberia* (ratification: 1960)

Following its earlier observations concerning the exemptions from coverage permitted by the national law but not by the Convention, the Committee notes with interest that the draft for the new Labour Code was laid before the legislature in January 1975. As the draft provides minimum age standards for all vessels with only those exemptions mentioned in the Convention, the Committee hopes that it will soon be adopted.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States: *Democratic Yemen* (Aden), *Tunisia*.

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 60th Session.

**Convention No. 59: Minimum Age (Industry) (Revised), 1937***Paraguay* (ratification: 1966)

Further to its earlier observation, the Committee notes with interest that, as a result of the direct contacts between the departments concerned and a representative of the Director-General of the ILO, a Bill has been laid before Congress for amending sections 119 and 120 of the Labour Code, by raising the minimum age for admission to industrial employment to 15 years, as required by Article 2 of the Convention. The Committee hopes that the Bill will shortly be approved and requests the Government to report any action taken to this end.

*Philippines* (ratification: 1960)

*Article 2 of the Convention.* The Committee notes with regret that sections 137 and 138 of the new Labour Code of 1 May 1974 set the minimum age for admission of children to industrial employment at 14 years, contrary to the Convention which prescribes a minimum of 15 years. It would be grateful if the Government would indicate the action taken or contemplated for bringing the law into line with the Convention.<sup>1</sup>

*Sierra Leone* (ratification: 1961)

Further to its previous observations, the Committee notes from the Government's report that no action has yet been taken to bring the law into line with the provisions of the Convention on the following points:

*Article 4 of the Convention.* Every employer in an industrial undertaking to keep a register of all persons under the age of 18 years employed by him, and of the dates of their births.

*Article 5.* An age higher than 15 years to be prescribed for the admission to dangerous employments of adolescents other than apprentices.

The Committee further notes with interest that the Government is still contemplating ratification of the Minimum Age Convention, 1973 (No. 138), which might involve denunciation of Convention No. 59.

It hopes that appropriate action will take place in the near future, and requests the Government to report all progress made in this connection.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States: *Burundi, Democratic Yemen* (Aden), *Iraq, Libyan Arab Republic, Mongolia, Peru, Philippines, Spain, Tanzania, Tunisia.*

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

**Convention No. 60: Minimum Age (Non-Industrial Employment) (Revised), 1937***Paraguay* (ratification: 1966)

Further to its previous observation, the Committee notes with interest that, as a result of the direct contacts between the departments concerned and a representative

<sup>1</sup> The Government is asked to provide full particulars to the Conference at its 60th Session and to report in detail for the period ending 30 June 1975.



of the Director-General of the ILO, a Bill has been laid before Congress bringing the provisions of sections 119, 120 and 154 of the Labour Code into line with those of Articles 2 and 3 of the Convention. The Committee hopes that the Bill will shortly be approved, and requests the Government to report any action taken to this end.

\* \* \*

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

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

#### *Federal Republic of Germany (ratification: 1955)*

Following its earlier comments, the Committee notes with satisfaction the amendments made in the accident prevention regulations giving effect to the provisions of Article 16 of the Convention relating to personal safety equipment.

#### *Mexico (ratification: 1941)*

The Committee notes the latest report and the information supplied by the Government to the Conference Committee in 1973. The Committee notes that section 268 of the draft building regulations for the federal district includes provisions which are in conformity with those of Articles 11, 12 and 14, paragraphs 2, 3 and 4, and Article 15, paragraph 2, of the Convention, and that the provisions of Articles 14, paragraph 1, and 15, paragraphs 1 and 3, will be incorporated into the technical standards which are due to supplement the aforesaid regulations.

The Committee also notes that a government circular has been addressed to the States informing them of the provisions of the Convention and reminding them of the need to prepare or supplement local regulations in such a way as to give effect to the Convention. Since the Government also declared that it is giving serious consideration to the proposal put forward by the Committee of Experts regarding the adoption, in pursuance of section 512 of the Labour Act, of basic safety regulations for the building industry which would be applicable to the whole country, the Committee hopes that the Government will do all in its power to see that the necessary measures are adopted as rapidly as possible, either at the national level or in local regulations, to give full effect to all the provisions of the Convention, which was ratified more than 30 years ago.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States: *Algeria, Central African Republic, Colombia, Guinea, Honduras, Hungary, Mauritania, Peru*.

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

#### *Chile (ratification: 1957)*

Further to its previous observations and direct requests, the Committee notes with regret that the following provisions of the Convention still require implementation.

*Part II of the Convention.* (a) The statistics of average earnings communicated with the report do not cover building and construction; (b) the statistics of numbers employed and total hours worked by age, sex and industry in Greater Santiago communicated with the report do not comply with the requirements of Articles 5 and 9, paragraph 2, of the Convention, which provide for the compilation of statistics of hours actually worked by individual wage-earners relating to the same period as the statistics of average earnings.

*Part IV.* The only statistics communicated with the report relate to the "living wage" in agriculture and mining in the Department of Santiago. These data are however insufficient to give effect to the requirements of paragraphs 2 and 3 of Article 22.

The Committee further notes that the statistics which are at present compiled do not appear in any national publication. It trusts that the Government will take steps to expand the statistics in the respects indicated above and to publish them within the time limits laid down in Article 1 (b) of the Convention.

#### *Denmark (ratification: 1939)*

Further to its previous observations and requests, the Committee notes with satisfaction the publication in May 1973 of statistics of hours actually worked in the principal manufacturing industries covering the years 1965-72. The Committee notes however that the plan to prepare statistics of hours actually worked in building and construction has been abandoned due to the uncertainty to which such statistics are subject, and trusts that the Government will take steps to improve the reliability of such statistics with a view to their publication as required by the Convention.

#### *Mexico (ratification: 1942)*

The Committee notes with interest the detailed information supplied in response to its previous observation.

*Article 1 of the Convention.* The Committee notes that the *Statistical Yearbook of the United States of Mexico* for 1970-71 (containing, inter alia, statistics of hours of work and hourly wage rates in 1970 and 1971 and of hours worked and hourly wages for 1971) was not published until 1973. The Committee hopes that in future these statistics will be published within a year of the compilation as required by this Article of the Convention.

*Article 5.* The Committee notes that statistics of average earnings and hours actually worked in mining are compiled and communicated to the ILO. It trusts that the Government will take the necessary steps to include these statistics in national publications.

*Articles 12 and 21.* The Committee notes that according to the Government's report the index numbers required by these Articles are compiled but are not published. It hopes that the Government will take the necessary steps to include index numbers complying with these Articles in national publications.

#### *Uruguay (ratification: 1954)*

The Committee notes the information supplied in response to its previous observation and direct request.

*Parts II and IV of the Convention.* The Committee notes with interest that the results of the Labour Census of 1969, communicated with the Government's report, include statistics of average hourly earnings of men and women in mining, in the manufacturing industry as a whole, in construction and in agriculture. The Committee hopes the Government will take steps to expand and develop these statistics in the respects indicated in a direct request, to compile and publish statistics of hours actually worked, in accordance with Part II of the Convention, and to ensure that the statistics are published each year within twelve months of their compilation as required by Article 1 (b) of the Convention.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States: *Barbados, Burma, Chile, Egypt, Kenya, Mauritius, Mexico, Syrian Arab Republic, Tanzania, Uruguay.*

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

#### **Convention No. 64: Contracts of Employment (Indigenous Workers), 1939**

Requests regarding certain points are being addressed directly to the following States: *Burundi, United Republic of Cameroon, Ghana, Guyana, Mauritius, Panama, Uganda, Zaire.*

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

#### **Convention No. 65: Penal Sanctions (Indigenous Workers), 1939**

A request regarding certain points is being addressed directly to *Tanzania* (Tanganyika).

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

*Cuba* (ratification: 1953)

*Article 18, paragraph 3, of the Convention.* The Committee notes that the Government repeats in its report its statement that the competent organs and services are considering the question of control books with a view to proposing action in relation to such regulation. The Committee hopes that such action will soon ensure the application of this provision of the Convention.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States: *Central African Republic, Peru, Uruguay.*

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

Further to its earlier comments, the Committee has noted from the Government's report that the Ministry of Labour is undertaking a study with a view to revising the current law on contracts of engagement, which will include the drafting of standards on food and catering on board ship, taking account of the provisions of the Convention.

The Committee hopes that this study will lead to the adoption of standards bringing the national law into conformity with the Convention, and it requests the Government to report any progress in this matter.

*Peru* (ratification: 1962)

Further to its earlier comments the Committee notes with interest that, as a result of the direct contacts between the appropriate departments and a representative of the Director-General of the ILO, Presidential Decree No. 213-74-TR was issued on 21 May 1974 to set up a committee to draw up regulations on food and catering on board ships.

The Committee hopes that the Government will report any progress on the adoption of a statutory instrument bringing the legislation into conformity with the Convention.

\* \* \*

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

**Convention No. 69: Certification of Ships' Cooks, 1946***Peru* (ratification: 1962)

Further to its earlier comments the Committee notes with satisfaction the adoption on 27 May 1974, as a result of direct contacts between the appropriate department and a representative of the Director-General of the ILO, of Presidential Decree No. 008/74/TR, requiring all ships' cooks to possess a certificate of competency issued by the Directorate General of Harbours and Coastguards.

\* \* \*

In addition, a request regarding certain points is being addressed directly to *Peru*. Information supplied by *Ukrainian SSR* and *USSR* in answer to a direct request has been noted by the Committee.

**Convention No. 71: Seafarers' Pensions, 1946***Peru* (ratification: 1962)

The Committee notes with satisfaction, in connection with its earlier direct requests, that Legislative Decree No. 19990 of 24 April 1973 establishing a national

social security pensions system has abolished all limitations on the maintenance of rights in course of acquisition, thus giving full effect to *Article 4 (1) of the Convention*.

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

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

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

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

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

A request regarding certain points is being addressed directly to *Uruguay*.

**Convention No. 79: Night Work of Young Persons  
(Non-Industrial Occupations), 1946**

*Peru* (ratification: 1962)

In relation to its earlier observation the Committee notes with interest the information, given by the Government in its last report, that the draft Presidential Decree prepared during the direct contacts on the application of the provisions of this Convention is being co-ordinated with the other departments concerned and will be issued as soon as a favourable opinion is received from them. The Committee hopes that the decree will be adopted in the near future and requests the Government to send the text as soon as it has been issued.

**Convention No. 81: Labour Inspection, 1947**

*Argentina* (ratification: 1955)

Further to its earlier observations the Committee notes with satisfaction that, as a result of direct contacts between the appropriate departments and a representative of the Director-General of the ILO in April 1973, the report on the work of the labour inspectorate for 1973 and the first half-year of 1974 has been prepared and sent to the International Labour Office in accordance with Article 20 of the Convention.

*Barbados* (ratification: 1967)

*Article 20 of the Convention.* In connection with its earlier comments the Committee noted with interest that the reports of the labour inspection service for 1969 and 1970 had been sent to the International Labour Office. Since this Article requires the annual reports to be published within 12 months of the end of the year to which they relate and to be transmitted to the International Labour Office within

three months of publication, the Committee hopes that the Government will take steps to ensure that the reports for 1971 and 1972 are published in the near future and sent to the Office, and that the periods prescribed in the Convention are adhered to in future.

*Central African Republic (ratification: 1964)*

The Committee notes that the Government's reply contains no new information in reply to its previous observation, which related to the following provisions:

*Article 11, paragraph 2, of the Convention.* The Committee would again draw the Government's attention to the fact that the discontinuing of the reimbursement of travel expenses for all officials makes it impossible for the labour inspection service to supervise workplaces for whose inspection a journey is necessary. It repeats its hope that the examination of the possibility of reintroducing such expenses for labour inspection, to which the Government referred in its report for 1972-73, will be very shortly completed, and requests the Government to supply information on the measures taken to this end.

*Articles 20 and 21.* The Committee notes that, since the ratification of the Convention, only one inspection report, which was incomplete and unpublished, has been communicated to the ILO. It recalls that under Article 20 of the Convention the Government is required to publish an annual report on the work of the inspection service, that publication must take place within 12 months of the year to which the report related and be followed by the transmittal of the report to the ILO within three months. The Committee trusts that the Government will take the necessary measures to give effect to the Convention on this point.

*Dominican Republic (ratification: 1953)*

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 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.

The Committee hopes that the Government will make every effort to take the necessary action in the very near future.<sup>1</sup>

*Guinea (ratification: 1959)*

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

*Article 13, paragraph 2(b), of the Convention.* The Committee notes with regret that the Government's latest report contains no information, in reply to its observation of 1972, on the measures taken to empower labour inspectors to make or to have made orders requiring measures with immediate executory force in the event of imminent danger, as required by Article 13, paragraph 2 (b), of the Convention. It notes, however, from the information given by the Government to the Conference Committee in 1972, that labour inspectors do have those powers in conformity with the Convention. The Committee therefore hopes that the adoption of a legislative provision to confirm this practice would not raise any difficulties, and it trusts that one will be adopted in the very near future.

*Article 20.* The Committee notes with regret that, despite its repeated observations, no annual report on the work of the Labour Inspectorate has been published since the Convention was ratified. It also notes with regret from the information communicated by the Government to the Conference Committee in 1972, that the Government does not intend to take any steps for the time being to rectify this situation. The Committee must merely stress once again the importance of publishing an annual report on the inspection service, which constitutes a summing-up of the Government's activities for the protection of the workers, and it urges the Government to take, in the near future, the necessary steps to apply Article 20 of the Convention.

The Committee hopes that the Government will make every effort to take the necessary action in the very near future.<sup>1</sup>

*Haiti (ratification: 1952)*

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

*Article 12, paragraph 1 (a).* Section 367 of the Act of 18 September 1967, reproducing the wording of section 497 of the Labour Code, authorises inspectors to enter undertakings liable to inspection only "in accordance with working hours", whereas Article 12, paragraph 1 (a), of the Convention states that inspectors should be empowered to enter at any hour of the day or night.

*Article 12, paragraph 2.* Section 503 of the Labour Code requires the inspector to inform the employer of his presence at the beginning of his visit, whereas, according to Article 12, paragraph 2, of the Convention, the inspector should be entitled not to inform the employer of his presence if he considers that to do so might be prejudicial to the effectiveness of the inspection.

*Article 13, paragraphs 2 (b) and 3.* The Labour Code does not expressly empower inspectors to make or to have made orders requiring measures with immediate executory force in the event of imminent danger.

*Articles 20 and 21.* The last annual report on the work of the inspection services received in the ILO dealt with the years 1966-67, but it did not appear to have been published and did not contain all the information called for by Article 21 of the Convention.

Moreover, the Government has not supplied the information requested by the Committee from 1955 onwards concerning the status and conditions of service of labour inspectors (*Article 6 of the Convention*).

The Committee can only repeat its hope that the Government will supply the information asked for above and will in the very near future take all necessary steps to apply fully the provisions in question.<sup>1</sup>

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 60th Session.

*Iraq (ratification: 1951)*

*Article 12, paragraph 1(c) (iv), of the Convention.* Further to its previous observation the Committee notes with satisfaction that section 9 (e) of the Labour Inspection Regulations 1974 authorises labour inspectors to take or remove for analysis samples of materials and substances used or handled by workers.

*Kenya (ratification: 1964)*

*Article 15(c) of the Convention.* The Committee notes from the Government's report that the Bill to amend the Employment Act so as to require labour inspectors to treat as absolutely confidential the source of any complaint, as required by this provision of the Convention, is not yet complete but will be submitted to the competent authority as soon as possible. As the Government has referred to this Bill over a number of years, the Committee trusts that it will be approved very shortly.

*Lebanon (ratification: 1962)*

*Articles 3, 10, 12, 13, paragraphs 2 (b) and 3, and 15, subparagraphs (a) and (c), of the Convention.* The Committee notes with regret that the Government has not replied to the observations made over a period of several years concerning the application of the Convention. It recalls that the information given by the Government to the 1973 Conference Committee indicated that a draft Labour Code (prepared with technical assistance from an expert of the ILO) was nearly complete and would give effect to the Conventions ratified by the Lebanon. It trusts that the draft will include provisions ensuring the application of the above Articles and paragraphs of the Convention and that it will be adopted in the near future. The Committee requests the Government to report on progress in this connection.

*Articles 20 and 21.* Further to its previous observation the Committee notes the annual report of the work of the labour inspectorate for 1973, which does not appear to have been published and does not contain the information specified in Article 21 on the workplaces liable to inspection and number of workers employed in them (subparagraph (c)), on violations and penalties imposed (subparagraph (e)), and the statistics of industrial accidents and occupational diseases (subparagraphs (f) and (g)). The Committee hopes that in future the annual report on the work of the labour inspectorate will be published regularly and transmitted to the ILO within the time limit indicated in Article 20, and that it will contain all the details indicated in Article 21 of the Convention.

*Mauritania (ratification: 1963)*

Further to its previous observations the Committee notes with interest from the information supplied by the Government that a special effort will be made to give effect to the following provisions of the Convention before the end of 1975:

*Article 19.* Labour inspectors or local inspection officers to submit to the central inspection authority periodical reports on the results of their work.

*Articles 20 and 21.* The central inspection authority to publish and transmit to the ILO within a specified time an annual general report on the work of the inspection services under its control.

The Committee hopes that the Government will thus soon be in a position to publish such a report and transmit a copy to the ILO, and that it will contain the information mentioned in Article 21 of the Convention.



*Norway* (ratification: 1949)

*Articles 20 and 21 (c) of the Convention.* Referring to its previous direct request, the Committee notes with satisfaction that labour inspection reports for 1970, 1971, 1972 and 1973 have been published and sent to the ILO. These reports contain, amongst other things, figures relating to the undertakings liable to inspection and to the number of persons employed therein.

*Panama* (ratification: 1958)

*Article 6 of the Convention.* Following its previous observations, the Committee noted from the Government's report that the Bill to give effect to this Article of the Convention was still in preparation. It can only express its hope once again that the Bill, which has been referred to by the Government for many years, will shortly be approved and will be such that labour inspectors are assured of stability of employment and are independent of changes of government and of improper external influences, as provided in Article 6 of the Convention.<sup>1</sup>

*Peru* (ratification: 1960)

The Committee takes note of the information supplied by the Government in response to its previous observations, and wishes to draw its attention once more to the following points which have been raised over a number of years in relation to the application of the Convention.

*Article 10 of the Convention.* The Committee notes with interest that, following its earlier comments, the Government has provided in its draft budget for an increased number of labour inspectors and that training measures for new inspectors are planned. It hopes that the Government will report all progress made in strengthening the inspection services.

*Article 12, paragraph 1 (a).* The Convention provides that labour inspectors shall be empowered to enter freely any workplace liable to inspection at any hour of the day or night, whereas section 7 (1) of the Presidential Decree of 12 July 1971 only authorises visits when the enterprise is in operation.

*Article 12, paragraph 1 (b).* The Convention provides that labour inspectors shall be empowered to enter by day any "premises" which they may have reasonable cause to believe to be liable to inspection, whereas section 7 (d) (last part) of the 1971 Decree referred to in the Government's report only authorises visits to workplaces (*centros de trabajo*) and only when the inspector has good reason to suppose that certain provisions are being violated to the detriment of workers' health.

*Article 12, paragraph 1 (c) (iv).* The Committee notes that the provisions to which the Government refers do not expressly empower labour inspectors to take samples of materials and substances used or handled, as provided in the Convention.

*Article 13, paragraph 2 (b).* The Committee notes that the inspectors may make or cause to be made orders requiring measures with immediate executory force, under the Health Code and sections 1 and 18 of the 1971 Presidential Decree. It notes, however, that the last-mentioned enactment does not contain provisions concerning measures with immediate executory force.

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 60th Session.

*Article 15 (a).* The Committee notes that neither section 89 of the Code of Civil Procedure nor the Act of 29 May 1950, referred to by the Government, seems to provide that inspectors shall not have any interest in the undertakings under their supervision.

*Articles 20 and 21.* The Committee notes with interest the Government's statement that administrative and budgetary arrangements have been made for the annual report on the activities of the labour inspection service to be published during the next biennial budget period. It hopes that the report will contain the information mentioned in Article 21 of the Convention, and requests the Government to send a copy to the International Labour Office in accordance with Article 20, paragraph 3, of the Convention.

The Committee hopes that the Government will take the necessary steps to ensure the application of the above-mentioned provisions of the Convention.

*Portugal (ratification: 1962)*

*Articles 20 and 21 of the Convention.* Further to its earlier comments, the Committee notes with interest the Government's statement that the necessary arrangements have now been made to meet the Committee's previous observations. It hopes that the central inspection authority will, at a very early date, be able to publish an annual general report on the work of the inspection services under its control, and that the report will contain all the information specified in Article 21 of the Convention. The Committee trusts that in future such reports will be regularly prepared and sent to the International Labour Office within the time limit prescribed by the Convention.

*Syrian Arab Republic (ratification: 1960)*

*Article 12, paragraph 1 (a), of the Convention.* With reference to its previous comments, the Committee notes with satisfaction that section 8 of Order No. 465 of 4 July 1965 has been amended by Order No. 164 of 20 February 1974, so as to enable labour inspectors to enter at any time any undertaking subject to labour inspection, as required by this provision of the Convention.

*Articles 20 and 21.* With reference to its previous direct requests, the Committee has also noted with satisfaction that the annual report on the activities of the inspection service for 1973 has been published as provided in Article 20 of the Convention and that it contains the information mentioned in Article 21.

*Tanzania (ratification: 1962)*

*Tanganyika.*

The Committee notes with regret that for the fourth year in succession the Government has not furnished a report.

*Article 12 of the Convention.* The Committee has taken note of the statement made by a Government representative to the Conference Committee in 1974 to the effect that, of the three grades of inspectors, only the lowest-grade inspectors needed prior authorisation to make a visit. However, section 9 (2) of the Employment Ordinance specifically provides that every labour inspector must have such authorisation from the Labour Commissioner in order to carry out an inspection. In consequence, the Committee can only recall once again that the Convention makes no provision for any such restriction on the powers of inspectors, and trusts that the

necessary steps will be taken very shortly to amend section 9 (2) of the Employment Ordinance so as to ensure that effect is given to Article 12 of the Convention.

*Article 20.* No annual report on the work of the labour inspection services has been received by the Office since 1967, and the last report received covered the year 1963. The Committee trusts that the necessary steps will be taken very shortly to publish and forward annual reports on the work of the inspection services within the time limits laid down by Article 20.<sup>1</sup>

*Zaire* (ratification: 1968)

The Committee notes with regret that for the third year in succession the Government has not furnished a report, and that in consequence the Committee does not have sufficient information concerning the application of Articles 7, 9, 10, 11, 13, paragraph 2 (*b*), 14, 16, 19, 20 and 21 of the Convention, about which comments were made in its earlier direct requests.

The Committee therefore finds itself obliged to take up these matters again in a further direct request, and hopes that the Government will not fail to supply with its next report the information requested.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States: *Argentina, Barbados, Burundi, Central African Republic, Chad, Costa Rica, Dominican Republic, Gabon, Haiti, Iraq, Kenya, Kuwait, Libyan Arab Republic, Mauritania, Nigeria, Norway, Panama, Peru, Senegal, Turkey, Venezuela, Zaire.*

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

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

**Convention No. 85: Labour Inspectorates (Non-Metropolitan Territories), 1947**

*Trinidad and Tobago*

*Article 5 (c) of the Convention.* Following its earlier direct requests, the Committee noted with satisfaction the Circular (No. L.S.S.C. 7/5/23) of the Ministry of Labour, Social Security and Co-operatives dated 10 September 1973, which provides that labour inspectors shall treat as absolutely confidential the source of any complaint, as laid down in this Article of the Convention.

The Committee recalls in this connection that upon becoming a Member of the ILO, Trinidad and Tobago undertook to continue to apply Convention No. 85 until it was able to ratify the Labour Inspection Convention, 1947 (No. 81).

**Convention No. 86: Contracts of Employment (Indigenous Workers), 1947**

Requests regarding certain points are being addressed directly to the following States: *Malawi, Mauritius, Uganda.*

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 60th Session.

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

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

One member of the Committee, Mr. Gubinski, stated that he insisted on the fact that he could not associate himself with the Committee's observations regarding the application of the Freedom of Association Conventions in several socialist countries since, in his opinion, account should be taken of the economic and social systems existing in these countries. If sufficient account was taken of these factors, the role fulfilled by the trade unions in many social fields as well as the conformity of the trade union situation with the principles laid down in the Convention would be brought into perspective. Another member of the Committee, Mr. Tunkin, associated himself with the statement made by Mr. Gubinski. He stated that this was one of the cases which demonstrated that there is a fault in the very approach of the Committee to the problem of the application of some of the ILO Conventions in the world of today. He stated that he was opposed to comments made by the Committee with respect to certain socialist countries, in particular, the USSR, the Byelorussian SSR, and the Ukrainian SSR, and he referred in this connection to his statement concerning Convention No. 29.

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 has noted the information supplied by the Government in its latest report regarding the new Act on workers' occupational associations (No. 20.615), promulgated on 11 December 1973.

The Committee notes with satisfaction that, as a result of this Act and Act No. 20.509, two provisions on which it commented in earlier direct requests have become inoperative. These related on the one hand to the ban on party political activities by any occupational organisation and, on the other, the disqualification of persons coming within the definition of followers of a particular political trend of opinion from holding union office.

In its comments on the earlier Trade Union Act, the Committee observed that the effect of the distinction in the Act between the most representative unions with special legal personality for the trade (*personería gremial*) and those without it is to give the former a series of rights which excludes the possibility of trade union activity by all other organisations. The Committee indicated that the giving of certain preferential or exclusive rights to the most representative organisations did not constitute an infringement of the Convention. Privileges given by statute should not go beyond granting exclusive or preferential bargaining rights, consultation with governments and representation on international organisations. Those organisations

which did not possess this character should be able to represent their members, especially in cases of individual grievances.

The Committee notes with regret that the new Act has not altered the former system. However, it introduces other provisions under which special legal personality can be granted only to a union for a trade or occupation or to a works union if there is no organisation for the branch of economic activity already having special legal personality; nor can such personality be granted to a union for a branch of activity in a given area if another union entitled to represent the same branch already exists with a considerably wider territorial coverage (sections 22 to 24 of Act No. 20.615). The Committee considers that the effect of these provisions—as well as others in the regulatory Decree under the Act, providing that for registration as an occupational association 20 per cent of the workers concerned must be members (section 3), and that the contributions fixed for associations with special legal personality must be paid by all workers in the branch of activity (section 7)—is to restrict the right of workers to establish and join organisations of their own choosing (Article 2 of the Convention).

The Committee hopes that the Government will reconsider the legislation taking these comments into account, and requests it to indicate in its next report the action taken to bring it into line with the Convention.

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

Following its earlier direct requests, the Committee notes with satisfaction the Trade Unions (Amendment) Act, 1974, which amends section 35 of the Act by enabling trade unions to appeal to the Supreme Court against decisions of the Registrar of Trade Unions concerning violations of the regulations on the use of union funds.

#### *Bolivia* (ratification: 1965)

The Committee notes with interest the information given in the Government's report that a codification committee is drafting new legislation on trade unions, and that the relevant provisions of the General Labour Act will be revised and that full account will be taken of the comments previously made by the Committee.

The Committee is making a new direct request to the Government in this matter, drawing its attention to various comments made on earlier occasions and expressing the hope that the Government will take them into account in the drafting of the trade union legislation.

#### *Burma* (ratification: 1955)

In a written statement to the Conference Committee in 1974, later confirmed in its reports for the period 1 July 1973 to 30 June 1974, the Government indicates that the comments of the Committee of Experts will be communicated to a Labour Legislation Committee which is responsible for reviewing the labour laws in force. The Committee finds that the previous report from the Government contained similar information. It therefore feels bound to recall the comments made in its preceding observation, which were 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.<sup>1</sup>

#### *Byelorussian SSR (ratification: 1956)*

Further to its previous observation, the Committee notes that the report of the Government contains no new information and merely refers to that supplied in its report of 1973. Since the legislation of the Byelorussian SSR on the matter raised by the Committee is similar to that which is operative in the USSR it considers that it is appropriate to refer to the observations made this year in relation to the USSR.

As regards the other matters on which the Committee had previously made comments (including more particularly the right of meeting without prior authorisation) the Committee remains prepared to consider the situation further in the light of any new elements which may be brought to its attention.

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

The Committee notes with regret that the Government's report does not refer to the questions raised in the Committee's previous observations. In earlier reports the Government had indicated that the divergencies pointed out by the Committee would be eliminated in a new Labour Code. However, it was stated in a government communication to the Conference in 1973 that it did not appear appropriate to adopt the new Code.

In these circumstances the Committee can only repeat the comments made over several years concerning the following: section 10 of the Code, providing that officers of a union must have been in the trade or occupation for five years; section 22, providing that collective agreements must be discussed by delegates from the unions of employers or workers belonging to the occupation or occupations; and section 6, imposing restrictions on the trade union rights of aliens.

The Committee hopes that the Government will take action to amend those provisions so as to bring the legislation into conformity with the Convention.<sup>2</sup>

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

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

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 60th Session and to report in detail for the period ending 30 June 1975.

<sup>2</sup> The Government is asked to report in detail for the period ending 30 June 1975.

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 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.

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

#### *Costa Rica (ratification: 1960)*

Following its earlier observation the Committee notes the information supplied by the Government to the 1974 Conference Committee on a Bill to be submitted to the Legislative Assembly in order to safeguard the right of trade unions to hold meetings on plantations.

In view of the importance, for the exercise of the right to organise on plantations, of the right of trade union leaders to have access and the right of workers to hold meetings, the Committee hopes that the Government will as soon as possible adopt such legislative and administrative measures as are needed to enable the persons concerned to exercise these rights effectively and fully. The Committee requests the Government to send copies of the statutory texts as soon as they are adopted.

The Committee had also noted the information given by the Government in its last report that a Bill to amend Part V of the Labour Code concerning trade union organisations has been laid before the Legislative Assembly.

The Committee is sending the Government a direct request relating to certain provisions in the Bill.

#### *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 supply information on any developments in this connection.<sup>1</sup>

<sup>1</sup> The Government is asked to report in detail for the period ending 30 June 1975.

*Czechoslovakia (ratification: 1964)*

The Committee notes the Government's report in connection with the observations made in 1974.

The Committee had indicated that it appeared from article 5 of the Constitution, from Act No. 37 of 1959 and from the 1965 Labour Code that the only recognised trade union organisations are the Revolutionary Trade Union Movement and its basic units; and it pointed out that a situation in which legal recognition is given only to a single trade union organisation and its units means that workers are not given the possibility of choosing between different organisations, which infringes the rights and guarantees laid down in the Convention.

In its report the Government states that the names of voluntary organisations in article 5 of the Constitution are given as examples only and that this provision does not exclude the possibility that trade union organisations may be formed separately from the Revolutionary Trade Union Movement. To remove any doubt regarding the freedom to establish trade unions, Act No. 74 of 1973 was passed, which rendered inoperative the provisions of Act No. 68 of 1951 providing for the formation of a single unified trade union organisation. The Government indicates that the Revolutionary Trade Union Movement is the only union organisation in the country and that the workers have not formed any other although they have the possibility of doing so. Since it is so widely representative, the law has conferred a number of rights on the Movement and its basic units. If the representative character of the organisation changed with the creation of other union organisations, the authorities would make proposals for appropriate changes in the current law.

The Committee observes that, even if the workers could establish other union organisations as explained by the Government, these could not perform any trade union functions as the law assigns such functions only to the Revolutionary Trade Union Movement and its basic units. It seems to the Committee that the practical effect of the law is to exclude any possibility of workers in a given category forming a different organisation, which is incompatible with Article 2 of the Convention.

As regards directors of enterprises, the Committee had asked the Government to send precise information on the legal situation regarding the rights of such directors to form organisations separate from those to which the workers of the enterprise belong. In its report the Government only refers to this question by indicating that article 5 of the Constitution does not exclude the possibility of other organisations being formed, including organisations of directors, outside the Revolutionary Trade Union Movement. The Committee requests the Government to specify which provisions in Acts or regulations are applicable in this case.

*Dominican Republic (ratification: 1956)*

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

The Committee notes 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 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 supply information on all developments in this field, and to submit copies of the new text of the revised Code as soon as it is adopted.

*Egypt (ratification: 1957)*

The Committee notes with regret that no report for the period 1973-74 has been received. It has taken note of the information given by a representative of the Government at the 1974 Conference Committee in response to an earlier observation.

The Committee's comments concerned, in particular, section 162 of the Labour Code, as amended, which prohibits the establishment of more than one general trade union for the workers in a given occupation or trade, and section 169 of the Code which prohibits the establishment of more than one union committee in any one town or village.

The Committee notes with interest, from the information given by the Government, that the members of a tripartite committee responsible for revising and amending the Labour Code have reached agreement regarding the comments on sections 162 and 169 and that, as the workers wish to avoid multiplicity of organisations, the tripartite committee considers that the Code need not expressly prohibit it as unification has taken place spontaneously; and the new Labour Code will soon reflect these changes.

The Committee also noted with interest that the tripartite committee had already accepted certain other earlier observations.

The Committee hopes that the new legislation will shortly be enacted and will take into account all the questions raised.<sup>1</sup>

*Finland (ratification: 1950)*

The Committee noted the contents of the Government's report and the comments submitted by the employers' and workers' organisations. The comments of the employers' organisations relate to points which do not affect the application of the Convention. The Committee notes in particular that the Confederation of Finnish Trade Unions considers section 21 (a) and (b) of the Associations Act 1919 as clearly contrary to Article 4 of the Convention. Under these two provisions the Ministry of the Interior or the province governor may by administrative order suspend a trade union organisation.

The Committee has already observed from the terms of the legislation that a purely temporary suspension is involved, strictly limited in time and valid only if confirmed by a court within 14 days. The action does not affect the continued existence of the organisation and its executive committee continues to manage its business and finances during the suspension. It is an integral part of the dissolution procedure which is exclusively a matter for the courts. The provisions do not therefore appear to be of such a character as to impair the principle laid down in Article 4 of the Convention.

*Greece (ratification: 1962)*

Further to the recommendations made in 1970 by the Commission of Inquiry established to examine the observance by Greece of the Freedom of Association

<sup>1</sup> The Government is asked to report in detail for the period ending 30 June 1975.

Conventions and to the comments made by this Committee in its previous observations, the Committee takes note of the information supplied by the Government in its latest report.

The Committee, in its previous observation, had drawn attention to various provisions of Legislative Decree No. 890/1971, which were not in conformity with the Convention, in particular sections 17 (paragraph 3), 14, 31 and 38, in so far as these provisions imposed restrictions on the freedom of trade unions to elect their representatives, section 12, paragraph 2, concerning the inspection of books of trade unions by the authorities at any time, section 5, which prohibited trade unions, in general terms, from engaging in political activities, and section 2, which provided for a minimum of five unions to constitute a federation, and five federations to constitute a confederation.

The Committee had also, in its previous observation, requested information concerning any court decisions applying the provisions contained in sections 21 and 22 of Legislative Decree No. 795 of 1970, according to which associations could be dissolved or suspended by the courts, more particularly when their aims or activities were directed against the territorial integrity of the State or against the constitutional system, or if they pursued objects other than those set out in their statutes.

In its direct request of 1973 the Committee had also made certain comments concerning section 25 (2) of Legislative Decree No. 890/1971 which provided that, in congresses of federations and confederations, the total number of votes of an individual union or association of unions should not exceed one-fifth of the total number of votes cast at the congress. The Committee had taken the view that such a provision constituted an interference in the internal administration of trade unions, contrary to Article 3 of the Convention.

In its direct request of 1973 the Committee, noting that a draft legislative decree to replace Law No. 257 concerning maritime trade unions was in course of preparation, expressed the hope that this new decree would soon be promulgated and that it would take full account of the comments previously made by the Committee.

The Committee notes with satisfaction that, by virtue of Legislative Decree No. 42, promulgated on 14 September 1974, Legislative Decree No. 890 of 1971 and Legislative Decree No. 795 of 1970 have been repealed, as well as Legislative Decree No. 353 of 1974, which had been enacted to amend and complete Legislative Decree No. 890 of 1971, and all other decrees or ministerial orders passed by virtue of these laws. The Committee also notes that Law No. 257 of 1967 concerning maritime trade unions and federations, as well as all subsidiary legislation promulgated thereunder has been repealed by Legislative Decree No. 85 of 1974.

According to Legislative Decree No. 42 of 1974 provisional administrations shall be appointed by the court to replace the executive committees of trade unions and federations until such time as elections have taken place. The procedure to be applied in the holding of elections is laid down in Legislative Decree No. 6 of 1975.

With regard to maritime unions, provisions concerning the appointment of provisional administrations and elections are contained in Legislative Decree No. 85 of 1974. The Committee hopes that trade union elections will be held as soon as possible and requests the Government to supply information concerning these elections.

In addition, the Committee notes that, notwithstanding the promulgation of Legislative Decree No. 42 of 1974, Legislative Decree No. 891 of 1971 concerning the financial support to workers' organisations and federations (under which the Trade Union Special Fund Management Organisation (ODEPES) was established) remains in force, as amended by article 5 of Legislative Decree No. 42 of 1974.

In this connection the Committee had pointed out that the system of financing trade unions in Greece through the organisation ODEPES, the resources of which come mainly from part of the budget of the Workers' Fund, which is controlled by the State, although the financial help provided by ODEPES is voluntary, was restrictive in character and constituted a threat to the independence of occupational organisations. The Committee notes that the amendments brought about by article 5 of Legislative Decree No. 42 of 1974 only affect the composition of the administration of ODEPES as well as the amounts by which trade unions can benefit from the support of this organisation.

As the Committee has emphasised on a number of occasions, the organisation and administration of trade union finances, including the fixing of union dues, are internal matters for the unions to settle themselves, and as regards the collection of dues, the unions should be free to conclude agreements with the employers providing for a check-off system. The Committee, in its latest observation, had also noted that a decision of the Council of State made it impossible to collect union dues by a check-off system provided for by collective agreement. Again, in its latest observation, the Committee had stated that a system whereby sums required for the financial support of workers' associations would be channelled through the social insurance services, as it was then contemplated, would not appreciably change the present system and would not suffice to guarantee the financial independence of the trade union movement.

The Committee trusts that the Government, in order to enable the unions to become financially independent, will re-examine the present system in the light of the foregoing comments, and in particular that it will adopt legislation permitting the unions, if they so desire, to collect dues from their members by means of check-off arrangements established by collective agreements.

Finally, the Committee notes with satisfaction the Government's statement that Presidential Decree No. 700 of 1974 brings into force articles 5, 6, 8, 10, 12, 14, 95 and 97 of the Constitution which had been suspended and lifts the state of emergency which had been reintroduced by Presidential Decree No. 411 of 1973, except as regards certain distant regions.

The Committee is also addressing a direct request to the Government in connection with certain other matters concerning journalists and public servants.

#### *Guatemala (ratification: 1952)*

Following its earlier observations, the Committee has taken note of the statements made by a representative of the Government at the 1974 Session of the Conference and the information given in the Government's last report, indicating that the tripartite commission had submitted the draft Labour Code and Code of Labour Procedure and that discussion of the drafts in Congress had begun in May 1974.

The Committee took note in particular of the information that the draft Labour Code had taken into account the Committee's comments. These related, among other things, to the ban on re-election of union officers, government supervision of unions, dissolution of unions for intervention in election or party politics, and the ban on the formation of minority unions in undertakings.

The Committee noted also, from the statement of the Government representative, that the draft Code covers the matters dealt with in Decree No. 31-71 which is to be revoked. This Decree prescribed rules to govern union activities during the state of emergency.

On the point raised in its previous observation concerning the right to organise of workers employed directly or indirectly by the State who are covered neither by the

Labour Code nor by the Civil Service Act, the Committee feels that it should remind the Government of the advisability of making specific provision for such workers to have the rights laid down in the Convention.

The Committee would also like to make a reference to its earlier comments concerning Decree No. 1786 of 1968, which prohibits recourse to strike action or to arbitration, in collective disputes relating to collective economic demands, by workers in autonomous or semi-autonomous state enterprises engaged in business activities similar to that of private enterprises. The Committee wishes to point out once again that this provision represents a serious limitation on the scope for action and on the activities of the unions concerned. It would remind the Government that the Committee on Freedom of Association has taken the view that a ban on strike action might be permissible in the case of genuinely essential services where stoppages might be harmful to the public interest; but in such cases the workers concerned should be given adequate guarantees that their interests will be safeguarded through appropriate conciliation and arbitration procedures which are both impartial and rapid and in which those concerned can take part at every stage. The Committee hopes that these considerations will be borne in mind in the process of revising the national law.

With regard to its earlier comments on section 63 of the Civil Service Act, which gives civil servants the right to associate freely for the promotion of their professional interests but under which no regulations have been issued for its concrete application, the Committee notes that the National Civil Service Office has been consulted. It again expresses the hope that the Government will shortly take the necessary steps for making the right of association of civil servants fully effective in accordance with the standards laid down in the Convention.

The Committee requests the Government to send, as soon as possible, a copy of the text of the new Labour Code.<sup>1</sup>

### *Honduras (ratification: 1956)*

The Committee notes the Government's statement in its report that the procedure for revising the Labour Code had been delayed.

In the observations made by it to the Government over many years, the Committee has stressed the need for changes in several provisions of the Labour Code, as follows:

1. Amendment of section 2 of the Labour Code so as to extend the right of association explicitly to workers in agricultural and stockbreeding undertakings not regularly employing more than 10 workers, so as to bring this section into line with Article 2 of the Convention.

2. Action to bring sections 475 and 504 of the Labour Code into line with Article 2 of the Convention, so as to abolish the condition that 90 per cent of a union's membership must be Honduras citizens.

3. Amendment of section 472 of the Labour Code, which is inconsistent with Article 2 of the Convention by providing that there shall be only one plant union in a given enterprise, institution or establishment and that, where more than one union already exists, only the union embracing the greatest number of workers shall continue.

---

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 60th Session.

4. Amendment of section 510 (c) of the Labour Code, which is inconsistent with Article 3 of the Convention by requiring union officers, at the time of their election, to be persons regularly carrying on the occupation or craft represented by the union and who have regularly carried it on for more than six months in the preceding year.

5. Action to bring the following sections into line with Article 4 of the Convention under which workers' and employers' organisations shall not be liable to be dissolved or suspended by administrative authority, namely—

- (a) sections 570 and 571, permitting the Minister of Labour and Social Welfare to make an order imposing penalties which may include dissolution of a union that has initiated or supported a strike declared without the required majority of votes;
- (b) section 500 (2) (b), which provides for possible administrative suspension of union officers who have been responsible for infringements of the Code;
- (c) section 500 (2) (c), permitting the Ministry of Labour and Social Welfare to withdraw for the time being an organisation's corporate status where it has been responsible for an infringement of the Code.

6. Action to bring the following two sections of the Code into line with Article 6 of the Convention, namely section 537 under which federations or confederations are not entitled to declare a strike, and section 541 which requires union officers to have carried on the occupation or craft represented by the union for more than one year before election.

7. Amendment of section 500 (5) of the Labour Code, which provides that any member of a union's managing committee who has been the cause of a penalty involving dissolution of the union may be deprived for three years of the right of association in any form in union affairs, since this provision is not compatible with Article 2 of the Convention.

The Committee trusts that the Government will in the near future decide on a revision of the Labour Code and will, in connection therewith, amend the above-mentioned provisions so as to bring them into conformity with the standards laid down in the Convention.<sup>1</sup>

#### *Hungary (ratification: 1957)*

The Committee notes the Government's report in connection with the observation previously made by the Committee.

The Committee had pointed out that the Labour Code, by assigning certain basic trade union functions, such as collective bargaining and the formulation of grievances in the undertakings, solely to the works committee mentioned in the Code, seemed to exclude, contrary to the Convention, the possibility of the workers forming other organisations able to work for furthering and defending their members' interests. In its report the Government indicates that the works committee mentioned in the Code as the organ for the defence of the workers' interests is the organ of any union established and functioning within the undertaking, and that this is not a violation of the principle of freedom of association.

The Committee understands from the provisions of the Code that the unions cover the workers of various undertakings and that they are represented in these undertakings by the works committee concerned. In this case, even if the workers in

<sup>1</sup> The Government is asked to supply full particulars to the 60th Session of the Conference.

an undertaking could form another organisation, it could not perform the trade union functions indicated above since the Labour Code assigns them to the works committee mentioned in the Code. Hence the Committee can only repeat its earlier conclusions.

As regards the position of directors of undertakings, the Committee had noted the statement by a representative of the Government to the 1973 Conference Committee that directors have the right to form organisations separate from those to which the workers belong, and asked the Government to indicate which provisions were applicable in this case and if such organisations could be established to further and defend the interests of their members. In its report the Government repeats that there are no legal obstacles to directors forming their own body for defending their interests, and the fact that there is only one body of this type, the Hungarian Chamber of Commerce, is not due to a legal impediment but to the fact that the Chamber meets the needs of those concerned and the creation of other bodies would be superfluous.

As regards members of agricultural co-operatives, the Government representative stated that these could, under certain sections of Act No. III of 1967, form special organisations, territorial organisations and a national council. The Government's report reproduces those provisions, which form part of the Agricultural Producers' Co-operatives Act.

The Committee has pointed out previously that co-operatives cannot be regarded *de facto* or *de jure* as workers' "organisations" within the meaning of Article 10 of the Convention. The Government representative indicated that employees of co-operatives can establish trade unions. The Committee understands that these employees are not members of the co-operatives. The Committee also understands that members of co-operatives are not covered by the Labour Code, and that they do not have the right to establish trade unions, which is contrary to the Convention.

#### *Japan (ratification: 1965)*

The Committee takes note of the information communicated by the Government in its report, the statements made by the Government and the Japanese workers' representative to the Conference Committee in 1973, the observations communicated by the General Council of Trade Unions of Japan (SOHYO) and the comments made by the Government on the observations communicated by SOHYO.

The Committee, in its previous observations, had addressed a number of comments to the Government concerning the system of registration of employees' organisations in the public sector, the inability of non-registered organisations to obtain legal personality and to have full-time trade union officers retaining employee status, the situation of non-registered organisations in connection with their right to bargain collectively, the legislation concerning the suspension or cancellation of the registration of a trade union, the denial of the right of association to fire defence personnel, and the definition of the scope of managerial and supervisory personnel.

The Committee notes with interest the information supplied by the Government concerning the recommendations issued by the Advisory Council on the Public Service Personnel System on these matters, and that an examination of the report of the Advisory Council as well as of other questions relating to labour relations in the public sector is continuing at the national level. In particular, the Committee notes with interest the Government's statement that, as a result of this, new legislative provisions are already envisaged regarding the conferring of corporate status on employees' organisations and their federations, the cancellation of registration of

employees' organisations and the definition of the scope of managerial and supervisory personnel.

The Committee requests the Government to supply information concerning the progress made to adopt appropriate measures to give full effect to the recommendations made by the Committee in its previous observations, and to supply the text of any legislation enacted in this respect.

*Kuwait (ratification: 1961)*

Following its earlier observation and direct requests for information, the Committee notes with interest the Government's reply indicating that an amendment of the law has been prepared, which takes the Committee's comments into account and includes the principles designed to safeguard freedom of association and to encourage the activities of workers' organisations, in accordance with the Convention and the comments submitted by the Committee in this connection.

These comments related in particular to questions concerning the formation of trade unions, membership of nationals and foreigners, denial of the vote to foreign members of a union, inspection of books and registers of unions, disposal of union property in the event of dissolution, prohibition of political activities by unions, and restrictions on the formation of federations or confederations of trade unions.

The Committee requests the Government to keep it fully informed of progress in this area and to send copies of the legislative amendments as soon as they are adopted.

*Liberia (ratification: 1962)*

The Committee notes the information given by the representative of the Government to the 1974 Conference Committee and by the Government in its latest report, that the draft of the new Labour Code was to be submitted to Parliament at its January 1975 Session for debate and approval, and that the Code takes all the ratified Conventions into account.

The Committee hopes that the draft will be adopted in the very near future and will take fully into account the comments made in its previous observations, in particular those concerning the rights of agricultural workers' organisations, the right of organisation for workers and employees in the public sector, and the right of organisations to elect their representatives freely, so bringing the law into line with this Convention.<sup>1</sup>

*Madagascar (ratification: 1960)*

In the observation made by it in 1974 the Committee noted the statement of the Government to the effect that the current revision of the Labour Code would eliminate from section 3 the sentence: "trade unions are forbidden to engage in any political activity" and that this section would be replaced by the following provision: "the sole purpose of trade unions is to study and defend their occupational interests". Similar information had already been given in the report supplied in 1970.

In its last report the Government states that action on the Committee's comments can take place only when the Labour Code is promulgated. The Committee trusts that the new Labour Code will be adopted in the very near future and that it will contain the above-mentioned amendment. It requests the Government to send any information in this connection and also the text of the new Code as soon as it is adopted.

---

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 60th Session and to report in detail for the period ending 30 June 1975.

*Mexico (ratification: 1950)*

Following its previous observation the Committee has taken note of the statement by the Government to the 1973 Conference Committee on the Application of Conventions and Recommendations and of the last report of the Government, which to a large extent reproduces the arguments submitted by the Government earlier in connection with the different points to which the Committee has drawn attention since 1958.

The Committee has re-examined the various questions raised by it, and feels that the additional details given by the Government do not contain any new element enabling it to modify its earlier conclusions, i.e. that the federal Act on state employees contains a number of provisions (sections 68, 69, 71, 72, 73, 75, 79 and 84) which are contrary to the provisions of the Convention.

In view of this, the Committee can only reiterate those conclusions, while declaring its readiness to resume its examination of the indicated questions whenever new elements are brought to its notice by the Government.

*Pakistan (ratification: 1951)*

Following its previous observations the Committee notes the information given by the Government to the 1973 Conference Committee and the other information provided by the Government, including that in its latest report.

1. As regards section 7(1) (d) of the Industrial Relations Ordinance as amended, which provides that for registration purposes 75 per cent of the persons forming the executive committee shall be persons from among the workers actually employed in the establishment or industry concerned, the Committee still considers this provision is restrictive and it would again request the Government to give consideration to the possibility of amending it so as to include persons previously employed in the establishment or industry among those eligible to represent the union.

2. The Committee noted earlier that the definition of workers, in the Industrial Relations Ordinance, excludes persons employed in managerial and administrative posts or holding supervisory posts with wages exceeding 600 rupees a month, or persons who have managerial functions. Under the Ordinance such persons may form unions of employers but may not belong to the same unions as the workers in the corresponding unit. The Committee had indicated that the notion of supervisors and managerial or similar personnel must not be defined so broadly as to weaken the organisations by depriving them of a considerable portion of their present or potential members; it requested the Government to clarify which categories of persons cannot belong to the workers' unions.

The Committee notes from the clarification given by the Government that, first, the persons concerned are persons employed mainly in functions of a managerial nature and that the supervisors holding mainly managerial functions (for whom the wage limit has been raised to 800 rupees) are very few in number; and secondly, that it is a matter for the courts to determine to what category (workers or employers) "supervisors" and "managers" belong.

3. As regards public servants, the Government indicates that it has noted the comments of the Committee on the draft Government Servants (Staff Relations) Ordinance. The Committee expresses the hope that the draft will soon be adopted and that the right of public servants to organise will be fully recognised in conformity with the terms of the Convention.



*Peru (ratification: 1960)*

The Committee notes that in its latest report the Government makes no reference to the draft supreme decree which was prepared as a result of the direct contacts between the competent national authorities and a representative of the Director-General of the ILO, the purpose of which decree was to grant the right to organise to workers in state enterprises subject to Act No. 4916 as amended so as to extend its scope, and to the workers of such enterprises subject to the provisions covering workers in the private sector.

Furthermore, the Committee regrets that the report contains no information on the other questions raised in its previous comments, which were in the following terms:

1. Under the law, a trade union can be established only if it has a membership of more than 50 per cent of the workers in an undertaking if it is a workers' union; of more than 50 per cent of the employees if it is an employees' union; and of more than 50 per cent of the workers and the employees respectively if it is a mixed union. The Committee has pointed out that such a condition is incompatible with Articles 2, 7 and 11 of the Convention.

2. Under the Supreme Decree No. 001 of 1963, trade union leaders must be workers or employees in the undertaking concerned, a provision which is not in conformity with Article 3 of the Convention under which workers and employers shall have the right to elect their representatives in full freedom and public authorities shall refrain from any interference which would restrict this right or impede the lawful exercise thereof.

3. The Committee has pointed out the desirability of amending section 6 of Supreme Decree No. 009 of 1961, which prohibits trade unions from devoting themselves to political activities, so as to bring this provision into harmony with the Government's own statement to the effect that this prohibition is applied in conformity with the resolution on the independence of the trade union movement adopted in 1952 by the Conference, and thus to avoid any possible discrepancy with Article 3 (1) of the Convention under which workers' organisations shall have the right to organise their activities and to formulate their programmes.

4. It seems to result from sections 5 and 9 of Supreme Decree No. 009 that it is lawful to establish only unions for a given undertaking (or works unit) or professional unions (these latter only in the case of persons who practise a profession or exercise an independent activity). According to the Government's report, there are nevertheless many cases where trade unions representing an industry have been registered and, moreover, workers in establishments with fewer than twenty workers (the minimum number required for the setting up and continued existence of a trade union) have the possibility of establishing and joining trade unions. The Committee is, however, of the opinion that, to avoid misinterpretation, the law ought to be amended so as to bring it into conformity with the actual practice reported by the Government as well as with Article 2 of the Convention.

5. Section 23 of Decree No. 021 provides that the five trade unions necessary for the formation of a federation "shall be of the same branch of activity", a provision which appears to be contrary to Articles 5 and 6 of the Convention. The Committee has urged that unions belonging to different branches of activity should be enabled to form federations and that, as regards the formation both of federations and of confederations, the law should be brought into conformity with the provisions of the Convention.

The Committee trusts that the necessary measures will be taken very shortly to ensure that both legislation and practice are in full conformity with the provisions of the Convention, and requests the Government to indicate the measures taken to this end.<sup>1</sup>

*Poland (ratification: 1957)*

The Committee notes the Government's report which refers in particular to the provisions in the new Labour Code relating to trade union matters.

The Committee understands that under the Code members of co-operatives have the right to form trade unions, and it requests the Government to state whether this

<sup>1</sup> The Government is asked to report in detail for the period ending 30 June 1975.

interpretation is correct. As regards directors of enterprises, the Committee requests the Government to provide precise information on the legal position regarding the right of such directors to form trade union organisations separately from those to which the workers in the enterprise belong.

The Government's report indicates that work on the preparation of a new Act on trade unions is continuing. The Committee hopes that the work will soon be completed and that the observations previously made on points which were not in conformity with the Convention will be taken into account. The Committee continues to be ready to resume consideration of the questions indicated in earlier years and requests that it be kept informed of any developments in the matter.

*Romania (ratification: 1957)*

The Committee notes the Government's report which reproduces the information given to the 1974 Conference Committee.

The Committee observes that the draft of a new trade union Act is at present being discussed by the union organisations and their leaders, and that as soon as a final text is ready it will be submitted for approval by the competent authorities. The Committee again expresses the hope that the principles and guarantees laid down in the Convention will be taken fully into account and that the Act will soon be adopted.

Section 164 of the Labour Code defines a trade union as an occupational organisation established by virtue of the right of association laid down in the Constitution and functioning in accordance with the Rules of the General Confederation of Trade Unions, those of the federations established for each branch of activity and those of the unions in the enterprises.

The Government indicated that the unions and federations operate under their own rules which are drafted in accordance with model rules approved by the Congress of the General Confederation of Trade Unions, that under the Rules of the Confederation and the model rules for federations and unions, trade unions are free to affiliate with federations and federations are free to affiliate with the confederations, and that the existence of unaffiliated organisations is possible. While bearing this in mind, the Committee had requested the Government to make it clear whether it is possible to establish unions, federations and confederations able to draft their own rules without following the model rules of the General Confederation of Trade Unions, and to carry on their activities independently of that organisation.

The Committee observes that the Government indicates in its report that section 164 of the Labour Code provides the juridical framework for ensuring trade union freedom in the country and that the model rules adopted by the Congress of the General Confederation relate to the organisations affiliated to it and are in the nature of recommendations. In these circumstances and in order to avoid any doubts regarding the scope of the provisions in section 164 of the Code, the Committee hopes that the new Act on trade unions will clearly state that it is possible to form unions, federations and confederations which can freely draft their own rules and carry on their activities independently of the General Confederation of Trade Unions.

As regards collective farms, the Committee had noted that the provisions on trade unions in the Labour Code did not appear to apply to members of such collectives and requested the Government to indicate if the new Act on trade unions would cover such members and would expressly give them the right to establish organisations for furthering and defending their interests. In its report the Government

indicates that the right of association is guaranteed for all citizens without distinction, and it is for those concerned to decide on the type of association which they wish to establish. The Government goes on to say that in Romania members of the collective farms are persons who freely decide to become partners in the farms, which are organisations with the aim of promoting their interests, while the paid employees on the farms set up their own unions for the defence of their interests.

The Committee has examined the various articles of the Labour Code including section 183 (mentioned by the Government), and it appears from these that the provisions of the Code relating to trade unions do not apply to members of collective farms, but only to employees on the staff of the farm under a contract of employment. As regards the nature of collective farms, the Committee has previously pointed out that the farms cannot be regarded *de facto* or *de jure* as "organisations" of workers within the meaning of Article 10 of the Convention. Consequently, the Committee hopes that the Government will bring the members of co-operative farms within the scope of the new trade unions Act so that they can establish and join unions of their own choice.

*Syrian Arab Republic* (ratification: 1960)

The Committee notes with regret that the Government merely states in its report that it is not convinced of the need to amend Legislative Decree No. 84 in the manner suggested by the Committee. The Committee must therefore revert to the points to which it has for some years drawn attention as being inconsistent with the Convention.

1. Sections 2 and 8 of Legislative Decree No. 84 of 1968, which provide that a union committee (for the workers of a given category) can be established only if the number of members is 50 or more and that, where a category comprises fewer than 50 persons, the workers must form a single union committee, do not fully comply with Articles 2 and 11 of the Convention.

2. Sections 2 to 7 of Legislative Decree No. 84 provide that only one union committee can exist for each category of workers and that only one union for a given trade can be established in a region; furthermore, the unions for different trades in a region may only form a single federation, and the unions for a given trade or group of trades in the country as a whole may only form a single national confederation of federations. These provisions imposing a single, uniform organisational pattern of 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 those 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, making the holding of trade union office conditional on a minimum period of six months' prior employment in the occupation, is contrary to 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 acceptance of gifts or legacies without

authorisation and making union accounts liable to financial inspection by the authorities at any time, 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, specifying various grounds on which the general federation shall have the right to dissolve the executive of any union are incompatible with Article 3 of the Convention.

The Committee trusts that the Government will reconsider these points and the possibility of modifying the national law accordingly so as to make it compatible with the provisions of the Convention.<sup>1</sup>

*Trinidad and Tobago* (ratification: 1963)

Following its previous observations, the Committee has taken note of the Government's statement to the Conference Committee in 1973 and the information in the Government's latest report, indicating that a tripartite committee had been formed to consider amendments of the national law, taking the Committee's comments into account. These comments related to the following questions:

As regards the right of civil servants to organise, the Committee had noted that, according to the information sent by the Government and the statutory provisions (section 24 of the Civil Service Act, 1965, section 72 of the Education Act, 1966, section 28 of the Fire Service Act, 1965, and section 26 of the Prison Service Act), the position appeared to be as follows: where a category of civil servants is already represented by an association, these civil servants may form or join other associations, but the latter associations would not have right to represent their members.

The Committee had taken the view that this legislation was not in conformity with Article 2 of the Convention, which lays down 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 interference from the public authorities.

The Committee had also considered that if the system of representation of a whole class of civil servants by a single association for purposes of consultation and bargaining were maintained, it would be necessary to establish adequate safeguards and objective criteria for determining the most representative associations entitled to carry out these functions. Such safeguards and criteria should include, in particular, the following: the most 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 a new election after a specified period.

The Committee had also noted that, as a result of sections 27 and 28 of the Fire Service Act, fire officers may form unions but cannot be represented by the Civil Service Association or by any other trade union recognised as a bargaining agent for any class or classes of public officers immediately before the commencement of the Civil Service Act, 1965. Such provisions were equally contrary to Article 2 of the Convention.

The Committee hopes that the tripartite committee will conclude its work as quickly as possible, and that it will take the above considerations into account in amending the law.

---

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 60th Session and to report in detail for the period ending 30 June 1975.

The Committee requests the Government to provide full information on progress made on these questions.<sup>1</sup>

*Ukrainian SSR (ratification: 1956)*

Further to its previous observation, the Committee notes that the report of the Government contains no new information and merely refers to that supplied in its report of 1972. Since the legislation of the Ukrainian SSR on the matters raised by the Committee is similar to that which is operative in the USSR, it considers that it is appropriate to refer to the observations made this year in relation to the USSR.

As regards the other matters on which the Committee had previously made comments (including particularly the right of meeting without prior authorisation), the Committee remains prepared to consider the situation further in the light of any new elements which may be brought to its attention.

*USSR (ratification: 1956)*

Further to its previous observation, the Committee notes that the report of the Government contains no new information and merely refers to that supplied in its report of 1973. The Committee can therefore only repeat its observation on the following points:

The Committee, referring to the issue raised concerning the right of workers to establish an organisation other than the trade union committee representing the category to which they belong, had observed in 1973 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 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 the workers of the same category being set up. The Committee considered that if the legislation directly or indirectly were to 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.

The Government representative stated that neither the sections of the Labour Code referred to nor any other provisions excluded the possibility of setting up organisations other than those which already existed. The sections cited did not deal with the question of the number of trade unions and workers themselves decided to what trade union movement they wished to belong. The Government representative added that this question was not decided by legislation.

The Committee takes note of these clarifications. It must note, however, that even if the workers of a particular category could set up a new organisation, the latter would not be able to carry out its functions, since the legislation bestows these functions on the trade union committee exclusively. Consequently the Committee can only repeat its earlier conclusions.

As regards the question concerning the right to organise trade unions of members of collective farms, the Committee observed that these members appeared 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, and by section 27 of the Civil Code of the RSFSR, governing the procedure and conditions for the establishment of trade unions. However, with regard to the operation of trade unions 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, therefore, requested the Government to indicate whether the members of collective farms could not only establish organisations under the provisions of the Constitution and the Civil Code cited, 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.

The Committee notes the statement of the Government representative to the effect that the question does not arise in the practical life of the country, but that in any case workers on

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 60th Session.

collective farms had the right to set up trade unions by virtue of the provisions of the Constitution. According to this statement, if these workers wished to establish a trade union, practice would determine under what form it should be done and whether, for example, special legislation should be adopted.

The Committee considers that this uncertainty concerning the conditions under which a trade union of members of collective farms could effectively operate may have the effect of preventing the establishment of such organisations and the adoption of express provisions in this respect in accordance with the guarantees of the Convention would enable the workers concerned to form trade unions if they so desire.

As regards the provisions of article 126 of the Constitution, which provides that the Communist Party is the leading core of all organisations of the working people, the Committee observed that if the above-mentioned constitutional provisions 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 organisations of their own choosing.

In his statement the Government representative declared that the Convention did not deal with the question of the relationship between trade unions and political parties, but only with the relationship between trade unions and the State. According to the representative, referring to the preparatory work of the Convention, the latter was aimed at guaranteeing freedom of association in relation to the public authorities, and consequently, it was not within the competence of the Committee to examine the relationship between trade unions and political parties.

The Committee considers that if, by virtue of article 126 of the Constitution, it were impossible to establish a workers' organisation independent of the Communist Party, the question which would arise would be precisely one of trade union freedoms being restricted as a consequence of certain legislative provisions adopted by the State. In this connection the Committee deems it useful to recall that the resolution on the independence of the trade union movement, adopted by the International Labour Conference in 1952, lays down that governments should not attempt to transform the trade union movement into an instrument for the pursuance of political aims nor should they attempt to interfere with the normal functions of a trade union movement because of its freely established relationship with a political party.

As regards other matters on which the Committee had previously made comments (including particularly the right of meeting without prior authorisation and the 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.<sup>1</sup>

### *Upper Volta (ratification: 1960)*

The Committee notes with satisfaction the information supplied by the Government, as well as the text of Act No. 9/73/AN of 7 June 1973, modifying certain articles of the Labour Code which had been the subject of earlier observations. The Committee notes in particular article 231 of that Act, according to which the declaration of a strike, after notification of refusal by the party concerned of the judgment of the Arbitration Council, is deemed to be lawful.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States: *Algeria, Argentina, Bangladesh, Bolivia, United Republic of Cameroon, Canada, Chad, Congo, Costa Rica, Egypt, Ethiopia, Ghana, Greece, Honduras, Ireland, Mongolia, Nigeria, Pakistan, Panama, Paraguay, Philippines, Sweden, Syrian Arab Republic, Trinidad and Tobago, Uruguay.*

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

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 60th Session, and to report in detail for the period ending 30 June 1975.

**Convention No. 88: Employment Service, 1948***Dominican Republic* (ratification: 1953)

The Committee notes with regret that the Government's report has not been received. The Committee is bound, therefore, to refer once again to the statement made by a government representative to the Conference Committee in 1973 in response to its earlier observations. According to that statement, the report of an inter-organisation mission set up to study a programme to promote full employment would certainly cover the question of the establishment of advisory committees for the employment service.

The Committee notes that in its report "Generación de empleo productivo y crecimiento economico: el caso de la República Dominicana" (Generation of Productive Employment and Economic Growth: the case of the Dominican Republic) the above-mentioned mission recommends that employers' and workers' organisations be associated in the functioning of the employment service through the creation of a national advisory committee and if necessary of regional committees. The Committee trusts that the Government will indicate in the near future the action that has been taken with a view to giving effect to Articles 4 and 5 of the Convention which requires the establishment of advisory committees.

The Committee also notes that the above report contains other recommendations for improving the employment service, and requests the Government to provide information on any measures taken in the light of these recommendations, so as to give fuller effect to the provisions of Articles 2, 6, 7, 9 and 11 of the Convention.<sup>1</sup>

*Peru* (ratification: 1962)

Further to its previous observations, the Committee notes with satisfaction that two new regional placement offices have been established at Chimbote and Arequipa and that a third was due to begin operations at Trujillo by the end of 1974. It hopes that in future reports the Government will be able to indicate further progress in extending the network of placement offices to the various regions of the country.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States: *Costa Rica, Dominican Republic, Peru, Syrian Arab Republic, Tanzania* (Tanganyika), *Thailand, Turkey, Venezuela, Zaire*.

**Convention No. 89: Night Work (Women) (Revised), 1948***Lebanon* (ratification: 1962)

*Article 2 of the Convention.* Further to its previous comments, the Committee notes with interest the information supplied by the Government that section 26 of the Labour Code, which prescribes a rest period during the night of only nine hours, will be amended so as to bring the legislation into conformity with the Convention, which provides for a rest period of at least 11 consecutive hours. The Committee hopes that

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 60th Session.

this amendment will take place in the near future and requests the Government to send the new text when it has been adopted.

*Luxembourg* (ratification: 1958)

In connection with its previous observations regarding the circumstances in which the prohibition of night work may be suspended under Article 5 of the Convention, the Committee notes the information supplied by the Government to the effect that the latter is prepared to reconsider at an early stage, after consulting the employers' and workers' organisations, what action is necessary to ensure the application of the Convention in practice. The Committee requests the Government to indicate any progress made in this respect.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States: *Austria, Dominican Republic, Yugoslavia*.

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

**Convention No. 90: Night Work of Young Persons (Industry) (Revised), 1948**

*Haiti* (ratification: 1957)

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

*Article 3 of the Convention.* The Committee has since 1960 drawn the Government's attention to the need for measures to bring the Labour Code (section 85 of which prohibits night work in industry for apprentices only) into conformity with Article 3 of the Convention (which requires such prohibition in respect of all young persons under 18 years). The Government explains in its report for 1969-70 that in practice minors under 18 years are not employed either in industrial or in commercial undertakings. In these circumstances, the Committee trusts that the Government will have no difficulty in introducing the necessary legislative measures, to which reference was made for the first time in the report for the period 1959-60 in the context of a new draft Labour Law, and thus ensure that full effect will be given to the basic requirements of the Convention in the very near future.<sup>1</sup>

*Peru* (ratification: 1962)

In relation to its earlier observation, the Committee notes with interest the information given by the Government in its last report that the draft Presidential Decree prepared during the direct contacts for giving effect to the provisions of this Convention is being co-ordinated with the other departments concerned and will be issued as soon as favourable opinions are received from them. The Committee hopes that the decree will be adopted in the near future and requests the Government to send the text as soon as it has been issued.

\* \* \*

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

---

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 60th Session.



**Convention No. 91: Paid Vacations (Seafarers) (Revised), 1949***Brazil* (ratification: 1965)

The Committee noted the contents of the Government's report and the accompanying observations of the Shipowners' Association and National Confederation of Sea, River and Air Transport Workers. It notes the statement made by the Confederation regarding the application of sections 139 (referred to in earlier comments of the Committee) and 149 of the Consolidated Labour Laws, to the effect that:

- (a) section 139, providing that the annual holiday shall be granted at the time most convenient for the employer, should be brought into line with the Convention so that the holiday is given by mutual agreement as the requirements of the service allow;
- (b) certain collective agreements specify the place for the annual holiday and in practice fill the gaps in the current law.

The Committee hopes that the committee appointed by the Minister of Labour (according to the Confederation's statement) with a view to revising the Consolidated Labour Laws will propose action for the amendment of the sections mentioned so as to bring them into conformity with the provisions of Article 4 of the Convention. It requests the Government to supply copies of the collective agreements mentioned by the Confederation, and to report any progress in this matter.

*Finland* (ratification: 1966)

Following its earlier direct requests, the Committee notes with interest the Government's statement that the Bill on annual paid vacations for seafarers, which was to be submitted to Parliament before the end of 1974, will bring the law into conformity with *Article 4, paragraph 2, of the Convention* which provides that no person may be required without his consent to take the annual vacation holiday due to him at a port other than a port in the territory of engagement or a port in his home territory.

The Committee hopes that the Bill will be approved in the very near future.

*Spain* (ratification: 1971)

Following its previous comments, the Committee noted with interest, from the Government's report, that a completed preliminary draft for a basic labour law of general application abolishes any penalty resulting in an actual reduction of the length of a worker's annual leaves.

It would ask the Government to send a copy of the new Act as soon as it is approved.

*Yugoslavia* (ratification: 1967)

Following its previous comments, the Committee notes with satisfaction the coming into force of the Act of 13 April 1973 respecting the relationships between workers in associative work, section 27 of which provides for annual holidays of 18 working days for all workers, as required by the Convention.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States: *Iceland, Italy, Netherlands, Norway, Poland, Portugal, Tunisia.*

### **Convention No. 92: Accommodation of Crews (Revised), 1949**

A request regarding certain points is being addressed directly to *Costa Rica.*

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

### **Convention No. 94: Labour Clauses (Public Contracts), 1949**

#### *Brazil* (ratification: 1965)

The Committee notes with satisfaction that the Government of Brazil has cancelled its denunciation of the Convention.

#### *Burundi* (ratification: 1963)

The Committee notes that the Government has again referred to draft legislation which is to ensure compliance with the provisions of the Convention. It recalls that it has been requesting the Government since 1963 to adopt measures requiring the insertion of labour clauses in public contracts (*Article 2 of the Convention*) and that, although the Government has communicated draft legislation in different forms in this regard several times, this has not yet been enacted.

The Committee hopes, therefore, that legislation or other appropriate measures will soon be adopted in order to give effect to the provisions of the Convention, whether it is inserted into a revised Labour Code or otherwise. The Committee also hopes that when taking these steps the Government will bear in mind the provisions of the Convention concerning the definition and scope of public contracts (*Article 1*), consultation with the organisations of employers and workers concerned (*Article 2, paragraph 3*), measures to ensure that persons tendering for contracts are aware of the terms of the clauses (*Article 2, paragraph 4*) and measures to ensure the application of the labour clauses included in public contracts (*Articles 4 and 5*).

#### *Costa Rica* (ratification: 1960)

The Committee notes that the Government informed the Conference Committee in 1974 that steps for implementing the provisions of the Convention would be taken and that the Bill intended to apply the Convention would be resubmitted to the Legislative Assembly which had earlier failed to adopt it. The Committee hopes that the necessary steps will soon be taken, and recalls in this connection that it has called for implementing measures in its earlier comments as regards the following provisions of the Convention: *Article 1, paragraph 1* (scope); *Article 1, paragraph 2* (application to contracts awarded by authorities other than central authorities); *Article 2* (terms of clauses to be included); and *Article 5* (sanctions and other measures to ensure the observance and application of the provisions of labour clauses).

#### *Egypt* (ratification: 1960)

The Committee notes the statement in the Government's report that the questions raised in previous observations would be submitted to the secretariat of the Superior

Labour Advisory Council for consideration in relation with the amendment of the Labour Code (Act No. 91 of 1959). It recalls that the Government had already indicated in earlier reports that amendments to meet the Committee's points were being included in the revision of the Labour Code.

The Committee must therefore reiterate the hope that steps will be taken in the near future to bring national legislation into conformity with the Convention, and that the measures adopted will in particular 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.

#### *Philippines (ratification: 1953)*

The Committee notes that rules and regulations governing public contracts are to be adopted by the Government in accordance with the Labour Code of 1974 and after consultation of employers' and workers' organisations; it also notes that these draft rules—an extract of which has been supplied—reflect most of the requirements of the Convention.

In view of the repeated assurances given by the Government since 1962 regarding measures of implementation, the Committee trusts that the draft rules will be adopted without further delay and will ensure full compliance with the Convention.

#### *Somalia (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:

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 relates to 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.

#### *Syrian Arab Republic (ratification: 1957)*

Further to its previous comments on Article 5 (2) of the Convention, the Committee notes with satisfaction that measures have been taken to ensure that

workers may obtain wages to which they are entitled by the withholding of payments due under public contracts.

*Turkey (ratification: 1961)*

The Committee regrets that for the third time in succession no report has been received. It recalls, however, that the Government had 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 has been adopted and will ensure full compliance with the terms of the Convention.

*Uruguay (ratification: 1954)*

The Committee notes with regret that for the second time 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 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 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.

*Zaire (ratification: 1961)*

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

The Committee regrets that no reply has been made to its direct requests of 1970, 1971 and 1972. It recalls that the Government had indicated in its report for 1967-69 that the draft legislation respecting public contracts had not yet been promulgated but that the competent legal services had made proposals to bring it into closer conformity with the international standards. The Committee hopes that the Government will take the necessary steps to ensure the early promulgation of the legislation in question, after consultation with the organisations of employers and workers concerned regarding the terms of the labour clauses in accordance with Article 2 (3) of the Convention, and that this legislation will be in full conformity with the provisions of the Convention.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States: *Barbados, Brazil, Central African Republic, Ghana, Guatemala, Guinea, Mauritania, Philippines, Spain.*

**Convention No. 95: Protection of Wages, 1949***Afghanistan* (ratification: 1957)

See General Observations.

*Barbados* (ratification: 1967)

*Articles 4 and 10 of the Convention.* The Committee notes from the Government's reply to its previous observation that the legislation necessary to give effect to these provisions (regulation of payments in kind, measures on the attachment or assignment of wages) was to be submitted to Parliament very shortly. It hopes that the text in question will be enacted soon and that the Government will supply a copy thereof with its next report.

*Costa Rica* (ratification: 1960)

The Committee refers to the direct requests and observations addressed to the Government since 1964, in which it has asked that measures be taken: (a) to revise section 165 of the Labour Code which provides that harvest workers on coffee plantations may be paid in tokens and not in legal tender (*Article 3 of the Convention*); (b) to revise section 166 or take other appropriate measures to ensure that the payment of wages in the form of liquor of high alcoholic content or of noxious drugs shall not be permitted (*Article 4 (1)*); and (c) to issue a decree or take other appropriate measures to ensure that the value attributed to payments in kind is fair and reasonable (*Article 4 (2) (b)*).

The Committee regrets that the Government's report contains no information on any measures taken to eliminate the above-mentioned discrepancies and ensure compliance with the Convention. It appears, however, from information submitted to the Conference Committee in 1974 that the Government intends to issue the necessary implementing measures through the revised text of the Labour Code. The Committee recalls therefore the Government's assurance, in its report for 1966-67, that sections 165 and 166 of the Code would be revised and that a decree would be adopted to facilitate the application of Article 4 (2) of the Convention. It trusts that early steps will be taken on the lines already indicated by the Government in 1967 or otherwise to ensure the application of Article 3, Article 4 (1) and Article 4 (2) (b) of the Convention.

*Egypt* (ratification: 1960)

The Committee notes the statement in the Government's report that the questions raised concerning Articles 2 and 4 of the Convention would be submitted to the secretariat of the Superior Labour Advisory Council for consideration in relation with the amendment of the Labour Code. The Committee recalls that in its report in 1972 the Government stated that it had already been decided to include amendments regarding these two Articles in the revision of the Code. As the Committee has already made a number of comments on these points, it hopes that measures will soon be taken to bring the national legislation into conformity with the Convention in accord with the points made in the direct requests of 1973 and 1974, which read as follows:

*Article 2 of the Convention.* The Committee notes with interest from the Government's report for 1971-72 that modifications are planned in the Labour Code (Act No. 91 of 1959) which would eliminate the exclusions of certain categories of casual workers presently contained in sections 20 (a) and 88 (a) of the Code; it hopes that information on any progress made in this regard will be supplied.

*Article 4.* The Committee notes with interest the Government's statement that a modification in the legislation is being drafted which would bring section 3 of the Labour Code into conformity with paragraph 2 (a) and (b) of this Article. Accordingly, the Committee hopes that these measures will soon be adopted and will ensure that, in cases where part of the wages may be paid in kind (in agriculture or in any other sectors), these payments shall be regulated in accordance with this Article of the Convention.

*Greece (ratification: 1955)*

*Article 4 of the Convention.* The Committee recalls its past comments on the need to ensure that payments in kind are made only within the limits and subject to the guarantees prescribed in paragraphs 1 and 2 (a) and (b) of this Article of the Convention. As previous reports had repeatedly indicated that this would be done, the Committee trusts that the measures in question will be taken in the near future and will ensure full conformity with Article 4.

*Article 7.* The Committee recalls that no measures appear to exist to protect workers from coercion in making use of works stores or services operated in connection with an undertaking, and to ensure, where access to other stores or services is not possible, that prices are fair and reasonable. The Committee trusts that the Government will take the legislative and practical measures necessary to ensure the application of this Article.

*Nigeria (ratification: 1960)*

Further to its previous comments, the Committee notes with satisfaction that the Labour Decree of 1974 brings the national legislation into conformity with Article 4(1) and (2) (a) of the Convention (restrictions on payments in kind) and Article 15 (records of wage payments, etc.).

*Turkey (ratification: 1961)*

*Article 2 of the Convention.* The Committee recalls that small trade and handicraft undertakings are excluded from the scope of the Labour Act, under section 5, but that a Bill had been prepared in 1972 to modify section 5 and extend the scope of the Act to those undertakings. The Committee regrets that the Government's latest report makes no reference to this matter and trusts that the Bill will be enacted at an early date.

The Committee also recalls that agricultural workers are excluded from the scope of the Labour Act but that the protection of wages of these workers was to be ensured under the Agricultural Labour Bill. It notes that this draft was submitted to the Grand National Assembly but was not approved during the legislative session. The Committee trusts that measures will be taken to ensure the enactment of this Bill at an early date and that it will ensure the full application of the Convention to agricultural workers.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States: *Central African Republic, Colombia, Democratic Yemen (Aden), Ecuador, Honduras, Iran, Italy, Libyan Arab Republic, Nigeria, Philippines, Sierra Leone, Somalia, Syrian Arab Republic, Turkey.*

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

**Convention No. 96: Fee-Charging Employment Agencies (Revised), 1949***Pakistan* (ratification: 1952)

Further to its previous observations, the Committee can only note that the Government's report repeats the information already communicated to the Conference, according to which a committee to examine the implementation of the Convention in the light of the previous comments by the Committee of Experts, was established in 1974, that it produced tentative legislation in April of that year to regulate fee-charging employment agencies, and that the Government therefore desired that the direct contacts procedure might be kept in abeyance for the time being.

The Committee trusts that the draft legislation will take account of its previous comments indicating that the definition of "employment agency conducted with a view to profit" in Article 1 of the Convention covers all persons who act as intermediaries for the purpose of supplying workers for an employer, and accordingly brings within the scope of the Convention labour contractors, private recruiters and tribal chiefs and heads of villages who act as intermediaries within the meaning of the Convention. The Committee further trusts that the legislation will be enacted and implemented in the near future so as to give effect to the Convention which has been the subject of comments since 1955.<sup>1</sup>

*Syrian Arab Republic* (ratification: 1957)

Further to its previous direct requests the Committee notes from the Government's report for 1972-73 that the Bill designed to bring the national legislation into conformity with the Convention, which according to information communicated to the Conference Committee in June 1972 had been submitted to the National Assembly, has not yet been adopted. The Committee trusts that this Bill will be adopted in the near future and that it will (a) either repeal sections 18 and 22 of Act No. 91 of 1959 which authorise the establishment of private employment agencies and the use of labour recruiting agencies or regulate these agencies in accordance with Articles 5 or 6 and 8 of the Convention, and (b) include provisions regulating the placement of domestic servants in accordance with the Convention, either by extending the application of Chapter III of the Labour Code to this category of workers, or by providing for the regulation of fee-charging employment agencies for such workers in accordance with Articles 5 or 6 and 8.

\* \* \*

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

**Convention No. 97: Migration for Employment (Revised), 1949***France* (ratification: 1954)

The Committee notes with satisfaction, in connection with its previous observations, that the maternity allowance which was payable only to children of French

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 60th Session.

nationality under section L 519 of the Social Security Code has been replaced by a post-natal allowance granted irrespective of the nationality under Act No. 75-6 of 3 January 1975. The Committee requests the Government to indicate whether the decree under section 8 III of the Act mentioned, to prescribe the commencement date and conditions for applying the new law and the necessary transitional arrangements, has been promulgated and, if so, to send the text.

*Guatemala* (ratification: 1952)

Further to its earlier comments the Committee notes with regret that no action has yet been taken to ensure, as required by *Article 8 of the Convention*, that a foreign worker who is unable to follow his occupation by reason of illness contracted or injury sustained subsequent to entry cannot be returned to the territory of origin or territory from which he emigrated, under section 78 of the Aliens Act (Decree No. 1781 of 25 January 1936) which provides that "the Executive has exclusive power to expel from national territory, on any grounds and without giving reasons, any alien whatever whose stay it considers undesirable for the country". The Government merely indicated in its report that provisions of national law that are contrary to the Convention are automatically abrogated by reason of the ratification of the Convention and that any violation of Article 8 would give rise to penalties under section 269 of the Labour Code. Referring to paragraph 31 of its general report in 1963 and to the general observation on this point in its 1970 report, the Committee would once more request the Government in the present case—in order to avoid any uncertainty as to the law and in default of legislative action to bring the Aliens Act expressly and formally into conformity with the Convention on this point—to take appropriate practical steps to draw the attention of all concerned (in particular, workers, the police and the courts) to the provisions of Article 8 of the Convention which modify the earlier conflicting provisions of national law.

*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 points are being addressed directly to the following States: *Belgium, United Republic of Cameroon* (Western Cameroon), *Federal Republic of Germany, Italy, Netherlands, New Zealand, Nigeria, Norway, Spain, United Kingdom, Uruguay, Zambia.*

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



**Convention No. 98: Right to Organise and Collective Bargaining, 1949***Barbados* (ratification: 1967)

In an earlier direct request the Committee noted the information from the Government that a Bill to amend the Trade Unions Act 1964 was in preparation for the purpose of ensuring full conformity of the national law with the provisions of the Convention.

The Committee notes with satisfaction that the Trade Unions (Amendment) Act 1974 contains a new provision to prevent acts calculated to cause the dismissal of or otherwise prejudice a worker or to bring pressure on him by reason of his trade union membership, functions or activities.

*Brazil* (ratification: 1952)

The Committee has noted the information supplied by the Government in its report that a Bill has been laid before Parliament to amend Decree No. 200 of 25 February 1965 and section 566 of the Consolidated Labour Laws. The Committee notes with interest that the amendment would enable employees of public foundations and of partly state-financed undertakings to organise.

It also notes from the Government's report that employees of public undertakings are placed on the same footing as civil servants and have therefore no right to organise. According to Executive Message No. 291 to Parliament, the Acts organising the public undertakings should indicate what type of organisation can be adopted by the employees concerned, having regard to the interests of the State.

The Committee recalls having pointed out on many occasions that, while the Convention does not deal (Article 6) with the position of public servants engaged in the administration of the State, it is applicable to all workers employed by the State who are not public servants acting as agents of public authority. It has also been the Committee's view that, while admitting that the concept of public servants may vary to some extent with the different juridical systems, an exemption from the application of the Convention of public servants not acting as agents of public authority—even if they have been given the same status as that of public servants engaged in the administration of the State—is contrary to the intention of this Convention.

As regards collective bargaining the Committee would repeat its earlier direct request to the Government for information on the action taken under Article 4 of the Convention to encourage and promote the full development and utilisation of machinery for voluntary negotiation with a view to regulation of terms and conditions of employment by means of collective agreements.

*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.

*Ecuador* (ratification: 1954)

Further to its earlier direct requests for information, the Committee notes with satisfaction that section 43 (*j*) of the new Labour Code prohibits an employer from

interfering in activities that are strictly union matters and from violating the right to carry on such activities freely, and also that the administrative authorities are careful to prevent such acts of interference.

The Committee is addressing a separate request to the Government for information on other points.

*Finland* (ratification: 1951)

The Committee takes note of the Government's report and the comments made by the Confederation of Finnish Employers and the Confederation of Finnish Trade Unions in relation to the Convention. The Committee does not consider that the question raised by the Confederation of Finnish Employers regarding section 17 of the Contracts of Employment Act, 1970, affects the application of Article 4 of the Convention.

The Confederation of Finnish Trade Unions, on the other hand, indicates that the system of penalties in cases of dismissal of union representatives is very inadequate. The Committee requests the Government to examine this question in the light of Article 1 of the Convention and to send its comments.

*Greece* (ratification: 1962)

Following its previous observations, the Committee notes with satisfaction the information communicated by the Government in its latest report.

It notes that section 2 of Legislative Decree No. 73 of 2 October 1974 repealed article 20 of Act No. 3239/1955 (as amended by Legislative Decree No. 3755 of 1957) which permitted the public authorities to change all or part of a collective agreement (or an arbitration award) when it appeared to be contrary to the policy of the Government in economic, social or other matters.

The Committee also notes that section 3 of the new Legislative Decree No. 73/1974 replaced paragraph 2 of section 2 of Legislative Decree No. 186/1969 which laid down certain conditions to be fulfilled before trade unions could be recognised for collective bargaining purposes, which conditions were not, in the opinion of the Committee, sufficiently precise for their objective implementation. Section 3 of Legislative Decree No. 73 provides that the criterion for determining the most representative trade union or federation shall be the numerical superiority of membership of that union or federation in any given area or throughout the country.

*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.

*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:

The Committee has noted that no substantive legislative provision existed to guarantee the protection of workers' organisations against interference by employers and their organisations and, more particularly, as provided for in Article 2 (2) of the Convention, against acts designed to promote the establishment of workers' organisations under the domination of employers or their organisations, or to support workers' organisations by financial or other means, with the object of placing such organisations under the control of an employer or an employers' organisations.

The Committee hopes that the Government will adopt legislative measures on this matter and will furnish information on any progress in this connection.

*Japan (ratification: 1953)*

The Committee notes the information supplied by the Government in its report, the statement made by the Government to the Conference Committee in 1973, the observations transmitted by the General Council of Trade Unions of Japan (SOHYO) and the comments made by the Government on the observations transmitted by SOHYO.

In its previous observations the Committee had made comments regarding the protection of workers and unions against acts of anti-union discrimination in the public sector, the difficulties arising in connection with section 8 of the Public Corporation and National Enterprise Labour Relations Law, which excludes from collective bargaining matters affecting the management and operation of public corporations and national enterprises, and the implementation of agreements and awards in the public sector.

The Committee trusts that the Government will continue to give consideration to these questions, with a view to the adoption, wherever necessary, of appropriate measures to give effect to the recommendations made by the Committee. The Committee requests the Government to continue to supply information on any progress made in this connection and to supply the text of any legislation enacted.

*Liberia (ratification: 1962)*

The Committee notes the information supplied by the Government in its latest report and, in particular, the submission of the draft new Labour Code to Parliament in January 1975.

The Committee hopes that the comments made in its earlier observation on the following two points will be taken fully into account in the new Code:

- (a) recognition of the right to organise and bargain collectively of government employees not engaged in the administration of the State and also of workers in public undertakings or autonomous public institutions;
- (b) protection of workers against any acts of anti-union discrimination.

*Malaysia (ratification: 1961)*

Further to its previous observation, the Committee has taken note of the statements made to the 1974 Conference Committee by a representative of the Government as well as the information supplied in the last report.

The Committee's comments related to the provisions on collective bargaining in sections 12 and 13 A of the Industrial Relations Act 1967, as amended by the Essential (Industrial Relations) Regulations 1969, under which a number of matters relating to the employment and termination or dismissal of workers are excluded from the scope of collective bargaining and under which no collective agreement in specified industries can provide for conditions of employment more favourable than those given in Part XII of the Employment Ordinance 1955, unless such provisions are approved by the Minister.

The Committee notes from the information provided by the Government that the National Joint Labour Advisory Council, which is tripartite, is engaged in a review of the legislation, including the 1967 Industrial Relations Act, and will propose amendments where necessary, having regard to the economic and social context.

The Committee hopes that the review will make it possible to amend the Act so as to promote voluntary negotiation of collective agreements between employers' and workers' organisations, in accordance with Article 4 of the Convention.

The Committee requests the Government to keep it fully informed of progress made in this matter.

*Singapore* (ratification: 1965)

In connection with its earlier observations concerning certain aspects of the law on collective bargaining and agreements, the Committee notes that the Government has indicated its wish for direct contacts in respect of this Convention in particular. In accordance with the usual procedure, the Committee suspends its examination of the case so as to be able to take the results of the direct contacts into account later.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States: *Bangladesh, Chad, Costa Rica, Democratic Yemen (Aden), Ecuador, Egypt, Ghana, Ireland, Jordan, Kenya, Libyan Arab Republic, Mauritius, Nigeria, Pakistan, Panama, Paraguay, Peru, Philippines, Portugal, Sri Lanka, Tanzania (Tanganyika), Trinidad and Tobago, Tunisia, Turkey, Uganda, Uruguay, Republic of Viet-Nam, Zaire.*

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

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

*Guatemala* (ratification: 1962)

Further to its previous comments, the Committee notes with satisfaction that the Decrees passed in 1973 and 1974 fixed minimum wages for four sectors of agricultural work (stock-raising, poultry farming, cotton and sugar cane) and that studies are now proceeding with a view to fixing minimum wages in other activities.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States: *Costa Rica, Malawi, Mexico, Sri Lanka, Syrian Arab Republic, Turkey, Uruguay.*

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

**Convention No. 100: Equal Remuneration, 1951**

*Argentina* (ratification: 1956)

In connection with its earlier comments, the Committee notes with satisfaction that the Contracts of Employment Act of 20 September 1974 ensures the application of the principle of equal remuneration for work of equal value, and in this respect supplements the Act of 16 May 1973 noted in its previous observation.

The Committee requests the Government to provide any useful information available on the practical application of the above-mentioned Act and of the Act of 16 May 1973 establishing the principle of equal remuneration, particularly as regards

the elimination of the differentiation made in job grading and in fixing remuneration rates in certain collective agreements. The Committee requests also the Government to send copies of any collective agreements for industries in which large numbers of women are employed that have been signed or renewed since the coming into force of the Equal Remuneration Act.

*Austria (ratification: 1953)*

The Committee has noted the information given in the Government's report and the comments of the Congress of the Austrian Chamber of Labour, from which it appears that progress is continuing in the elimination of remuneration disparities in collective agreements, so that separate scales for women are now the exception. The Committee also noted with interest that, in view of the trend in the characteristics of female employment, the Government has started to investigate how far the collective agreements in the sectors and branches affected by the trend were applying the principle of equal remuneration within the meaning of the Convention. The Committee requests the Government to supply further information on the results of the investigation and of any approaches made to the employers' and workers' organisations.

The Committee notes however from the information in the report that the problem, referred to in the previous requests, of the grading of women workers at the bottom of the wage scale still exists, and that the efforts made over several years (for example, in the textile and leather industries) to formulate objective job descriptions have not yet produced positive results. It also notes that the current provisions governing collective agreements do not permit the Conciliation Board to check the legality of the content of collective agreements. The Committee requests the Government to indicate any action that might be taken or contemplated in order to ensure that autonomy of contract does not affect respect for the principle of equal remuneration, since this is one aspect of the equality of rights without distinction of sex enshrined in general terms in the Austrian Constitution as a principle of public policy.

*Denmark (ratification: 1960)*

Bearing in mind its earlier comments and the information contained in the Government's report, as well as in the report—cited by the Government—of the Commission of the European Communities on the application at 31 December 1973 of the principle of equal remuneration in Denmark and other countries, the Committee has noted with satisfaction the provisions of the new national agreement concluded in 1973 between the Danish Employers' Confederation (DA) and the National Confederation of Danish Trade Unions (LO). The Committee remarks that one of the main purposes of this agreement has been to eliminate the differences in wage rates based on sex provided for in the previous agreement of 1971; it is also stipulated that differences existing by virtue of collective agreements for branches of industry and, at the undertaking level, in piece-work rates must be abolished; the 1973 agreement also provides for the removal of all restrictions upon access to employment based on sex. The Committee further notes that an agreement with similar effects was concluded at the same time between the Confederation of Trade Unions and the Confederation of Agricultural Employers (SALA). The Committee requests the Government to supply with its next report copies of wage agreements at the branch level which have come into force since the national agreement of 1973, and would appreciate receiving information as to the practical implementation of the

principle of equal remuneration in and by collective agreements (having regard in particular to bonus and allowance schemes, rates actually paid, and to grading and job evaluation schemes).

Lastly, the Committee has noted from the Government's report that measures are under consideration, in the light of the proposed (now operative) Directive of the Council of the European Communities on the approximation of the laws of the EEC member States concerning the application of the principle of equal pay, with a view to extending the guarantee of equal remuneration to persons not covered by any collective agreement. The Committee requests the Government to supply information as to the action taken on these proposals.

*Finland (ratification: 1963)*

The Committee has examined with interest the detailed information furnished by the Government's reports under articles 19 and 22 of the Constitution of the ILO, as well as the appended comments from employers' and workers' organisations and from the Advisory Council for Equality set up in 1972. The Committee has noted with interest that the committee set up in 1971 by the Finnish Employers' Confederation and the Federation of Salaried Employees to study the remuneration system for office employees in industry completed its work in 1974 and proposed a new wage determination system based on objective description and classification of tasks. The Committee requests the Government to supply information concerning the implementation of the recommendations of this committee, as according to the Government's report the new classification is to be used from 1974 onwards as the basis for the determination of wages by collective bargaining in the sector in question.

The Committee has also noted with interest from the information supplied by the Finnish Employers' Confederation that a large number of training courses in job classification have been organised, with the assistance of interested trade unions, and that the classification system used in industry has been revised, in agreement with the trade unions concerned, with a view to giving more accurate weight value to certain factors, mainly those relating to the degree to which the work is exacting. The Committee attaches particular importance to the furtherance of the efforts being made to eliminate the discrimination often inherent in job classification systems due to the unequal emphasis laid on the "qualities peculiar to women" as compared with the "qualities peculiar to men", and would like to be informed of any progress made in this respect, and of the manner in which such progress has been accomplished.

Lastly, and in more general terms, the Committee would be grateful if the Government would supply information as to the results of the research undertaken by the Advisory Council for Equality in order to clarify the role of the wage determination machinery, job appraisal methods or other relevant factors in the maintenance of inequalities between wage rates for men and women workers.

*Federal Republic of Germany (ratification: 1956)*

The Committee has noted the information given by the Government, in response to its earlier comments, on developments in the matter of remuneration rates in the wage groups for "light work". While regretting that no agreement could be reached between the parties as to the method to be followed in the inquiry which the Government decided some years ago to undertake jointly with the employers' and workers' organisations concerned, the Committee was interested to note the decision of the Government to call upon independent experts to carry out an objective

appraisal of the relative demands of heavy and light work, in the hope that this will make it possible to measure the correct weighting for factors such as nervous tension or the mental demands of employment in modern industrial society. The Committee would be grateful if the Government would transmit the results of the inquiry, which were expected at the beginning of 1975. It hopes that they will help in the search by the parties for a final solution to the problem of light work wage groups, since the possibility of change in the direction demanded by the Convention has been confirmed by the progress made in certain industries (chemicals and metalworking), as indicated in the Government's report under article 19 of the ILO Constitution.

*Haiti (ratification: 1958)*

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

The Committee regrets that, despite its observations and direct requests from 1963 onwards, the Government has not provided the text of the decision 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 last 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.

The Committee hopes that the Government will make every effort to take the necessary action in the very near future.<sup>1</sup>

*Iceland (ratification: 1958)*

The Committee notes with satisfaction the adoption of Act No. 37/1973 respecting the establishment of an Equal Remuneration Board to promote the application of the principle set forth in the Convention, to investigate complaints and to set the enforcement machinery in motion. The Committee notes with interest that the new Act formally recognises the concept of "work of equal value", embodied in the Convention, and that it applies not only to remuneration but also to hiring, advancement and conditions of work in general. The Committee would be grateful if the Government would supply further information on the various activities of the Council within the spheres assigned to it by the Act.

*India (ratification: 1958)*

The Committee has noted with interest the Government's renewed assurance that all possible measures are continuing to be taken to eliminate, in drawing up rates of

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 60th Session and to report in detail for the period ending 30 June 1975.

remuneration, any discrimination based on sex. The Committee took particular note of the decision of the Conference of Labour Ministers of the States of India, held in New Delhi on 27 and 28 September 1974, to remove over a three to six months' period existing disparities in the rates of remuneration. The Committee would be obliged if the Government would supply further information on the action undertaken to implement this decision and of the results obtained.

The Committee has also taken note of the information addressed to the Office by the Centre of Indian Trade Unions (CITU) alleging failure to observe the Convention, and of the Government's observations on this matter. Without wishing to appraise the value to be attached to the statistics supplied by the workers' organisation mentioned above, the Committee notes that the Government recognises that differing minimum rates of remuneration exist in certain sectors (mainly in agriculture and plantations) and that it continues to explain these disparities by considerations relating to the traditional and customary character of the division of labour between men and women, to the "light" nature of the work carried out by women and to the yield of female labour, adding that equal remuneration is effectively granted where women execute identical work or are employed in jobs normally carried out by men. The Committee points out, in the first place, that the principle, as defined by the Convention, applies to "work of equal value" and is therefore not limited to cases where men and women are employed in identical work. The Committee points out, moreover, that a difference in remuneration can only be established on the basis of objective criteria concerning the value of the work, to the exclusion of any consideration, explicit or implicit, regarding the sex of the worker. The Committee requests the Government to indicate the measures taken to suppress any reference to sex in fixing rates of remuneration and to encourage an objective appraisal of female jobs on the basis of the work involved.

Finally, the Committee would be obliged if the Government would supply copies, which have previously been asked for, of the decisions of the wages councils and of collective bargaining agreements which fix rates of remuneration above the minimum wage, and also provide a copy of the proceedings of the Conference of Labour Ministers of 27 and 28 September 1974 (and of any later conferences making decisions concerning equal remuneration).

#### *Indonesia (ratification: 1958)*

The Committee notes with regret that the Government's answers to its previous requests do not allow it to appreciate how the application of the principle of equal remuneration is ensured or promoted. In view of the fact that there does not appear to be any specific provision of general application in Indonesia establishing the principle set forth in the Convention and that many men and women workers are not covered by the collective agreements in force and since, moreover, there is no information available indicating how the principle is applied in practice for rates of remuneration subject to statutory regulation or public control, the Committee would be grateful if the Government would indicate in its next reports what legislative, statutory or promotional measures have been taken to give full effect to all the provisions of the Convention. In this connection and with reference to the information supplied in the report under article 19 of the Constitution of the ILO to the effect that the Government intended bringing in a Wages Act, the Committee hopes that the Government will consider this an appropriate occasion to give formal sanction to the principle embodied in the Convention and to specify the methods by which it will be applied.



*Iraq (ratification: 1963)*

The Committee has noted with interest, further to its previous comments, the detailed information communicated by the Government on the efforts made since 1966, with the help of ILO experts, to promote the objective evaluation of jobs and on the methods and criteria used. In has, in particular, taken note with interest of the results, considered very encouraging, obtained by the tripartite evaluation committees established in industrial undertakings, whose work has made it possible to institute a rational and objective wages structure. The Committee has also noted with interest that the evaluation of jobs is now used to a large extent in fixing rates of remuneration in public and private establishments, and that the number of establishments using these methods will grow still more in the years to come. The Committee requests the Government to continue to supply information on the developments in this field which promote the practical application of equal remuneration.

*Israel (ratification: 1965)*

Following its previous comments, the Committee notes with interest the detailed information supplied by the Government concerning the efforts made over a number of years to promote the objective appraisal of jobs with a view to, in particular, promoting the principle of equal remuneration, both in the public and private sectors. It notes in this connection the information supplied by the Israeli Institute of Productivity on the criteria, methods and procedures used to that effect. The Committee has also noted with interest that in a concern which produces sweets and food for which a collective agreement regulating wages contained wage scales which differed according to sex, equal remuneration has been achieved in a certain number of plants within the concern following job evaluation; the Committee requests the Government to indicate the results of operations which are to be carried out in other enterprises in the same group, and, more generally, to continue to supply information on the practical application of the methods of job evaluation.

*Luxembourg (ratification: 1967)*

In connection with its earlier comments, the Committee notes with satisfaction the coming into force of the Grand Ducal Regulations of 10 July 1974, which are designed to ensure equal remuneration for men and women for the same work or work of equal value (section 1), to establish identical standards for calculating the different components of the remuneration making it clear that the grades and classification criteria must be the same for both sexes (section 3), and to make null and void any discriminatory clause in a contract or agreement (section 4). The Committee would be grateful if the Government would in its next reports give information on the practical application of these Regulations making the right to equal remuneration one of general scope, and on any other action which may also be taken for applying the EEC Council Directive of 10 February 1975 on reduction of differences between the national laws relating to the application of the principle of equal remuneration.

*Mongolia (ratification: 1969)*

See under General Observations.

*Norway (ratification: 1959)*

The Committee thanks the Government for the detailed information supplied in reply to its earlier comments. It has noted with interest that the passing of an Act

prohibiting discrimination between men and women is considered to be an important step towards attainment of the objective of equality and that a Bill concerning equality of status (including equal remuneration) was drafted in 1974. The Committee hopes that the next report will announce that this Bill has become law.

As concerns the slowness of the progress made, according to the report, in the manufacturing industry generally, the Committee has noted that while the average earnings of women rose in 1972 and 1973 more steeply than those of men, the gap is still wide, for instance, in the case of office work in industry, the average earnings of women standing in 1973 at 87-88 per cent of the average earnings of men, or slightly below the 1969 level; in the commercial sector, wide disparities are to be noted for female shop employees, especially juniors, whose average monthly earnings were less than 80 per cent of those of men in 1973. The Government's report explains that the weakness of the trend during the period 1972-74 was mainly due to wage drift, which, as during the previous period, was largely in favour of men's wages. The Committee would be grateful if the Government would explain the working of the guarantee against wage drift instituted under the central agreement of 1970, and indicate whether measures have been taken or are contemplated by the employers' and workers' organisations or by the public authorities, to ensure that opportunities for individual wage increments are equalised.

The Committee has also noted with interest from the information contained in the Government's report and from the appended comments from the employers' and workers' organisations that, in the negotiations of 1974, stress was laid on the relative improvement of low wages, the abolition of the lowest grades in the pay scales and the reclassification of women in higher wage groups. It was thus possible to achieve substantial progress in the public sector, where equal remuneration has been accorded to categories such as nurses, infant schoolteachers and cleaners. The Committee would be grateful if the Government would continue to supply information concerning the measures taken in respect of employment by central or local public authorities, as a report submitted in September 1974 by a governmental committee appointed to evaluate the rates of pay of occupational groups with different sex compositions revealed that occupations mainly performed by women were at the lower end of the pay scale in this sector. The Committee would also be grateful if the Government would supply in its next report information concerning the effects, in the private sector, of the adjustments resulting from the pay negotiations of 1974—information which it was not in a position to provide at the time of preparation of its report, except for the textile and clothing industry, where the Committee has noted with interest that the lowest pay groups have been abolished.

The Committee notes the reply to its earlier comments with regard to the implementation of the measures to which reference is made in Article 3 of the Convention (objective appraisal of jobs) to the effect that the employers' and workers' organisations have not taken any general measures in this field. However, in its comments on the Government's report, the Norwegian Employers' Confederation states that the introduction of a new classification system under the collective agreement for salaried employees implies that a systematic job evaluation will be carried out in individual undertakings. The Committee would like to be informed of the progress made in this sector, the methods and criteria adopted, and any measures which may be deemed necessary by the authorities to encourage the objective appraisal of jobs on a wider scale.

Lastly, the Committee has noted that the proposals of the Equal Status Council have included proposals designed to further the application of the principle of equal remuneration for domestic workers and home workers. Please indicate what action

has been taken on these proposals, while continuing to supply information concerning the activities of the Council as they relate to the application of the principle of the Convention.

*Peru* (ratification: 1960)

The Committee has noted the contents of the Government's report, which indicates that the provision in section 15 (*d*) of Legislative Decree No. 14222, allowing the National Minimum Wage Board to fix lower rates for jobs where the output of women is considered to be "manifestly lower than that of men", has not been applied in practice. It notes with interest that the Government, acting on the Committee's earlier comments, will indicate in its next report the change made in the national law on the above point so as to bring it fully into line with the Convention.

*Sudan* (ratification: 1970)

The Committee notes with satisfaction from the Government's report that, following its previous comments, the Public Service Act, 1974, which establishes equality of remuneration for work of equal value without distinction of sex, has rendered inoperative Circular No. 27/1968 under which special wage scales could be established for jobs regarded as suitable for women or to be preferably held by women.

*Sweden* (ratification: 1962)

The Committee has noted the information and documentary material supplied by the Government with the report in response to its previous request. It has noted with interest that steady progress is being maintained towards the equalisation of men's and women's wages, mainly thanks to the efforts of the employers' and workers' organisations, which have been directed, particularly since the early 1970s, towards a relative improvement in low wages. The Committee hopes that the Government will continue to supply information on any further measures taken and on the further progress made with the application of the principle of the Convention.

The Committee has also noted from the Government's report that while little progress has been made with the classification of jobs in state employment, a new project of a similar kind has been started which is designed to cover the entire working population, and in which the employers' and workers' organisations are participating. The Committee would be grateful if the Government would keep it informed as to the progress of this project, and supply further particulars of the methodology and criteria adopted.

Lastly, the Committee has noted from the information contained in the report furnished by the Government under article 19 of the Constitution of the ILO that an Advisory Council on Equality between Men and Women was set up in 1972. The Committee has noted with interest that the guidelines laid down for this body, composed of representatives of the public authorities, the employers' and workers' organisations and women's associations, indicated clearly that the public authorities should play an active part in the joint effort to attain the objective of equality, and that this effort implied an over-all strategy embracing every aspect of the general question of equal status. The Committee would be grateful if the Government would supply information concerning the activities of this Council, and in particular those concerned with the promotion of the principle of equal remuneration.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States: *Afghanistan, Algeria, Belgium, United Republic of Cameroon,*

*Canada, Central African Republic, Chad, Chile, Dominican Republic, Ecuador, France, Ghana, Guatemala, Iran, Italy, Japan, Jordan, Libyan Arab Republic, Netherlands, Paraguay, Philippines, Portugal, Sierra Leone, Spain, Sudan, Switzerland, Tunisia, United Kingdom, Upper Volta.*

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

### **Convention No. 101: Holidays with Pay (Agriculture), 1952**

*Gabon* (ratification: 1961)

*Article 8 of the Convention.* See under Convention No. 52.

\* \* \*

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

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

*Denmark* (ratification: 1962)

*Part IV (Unemployment Benefit), Article 24 of the Convention (in conjunction with Article 69).* 1. In its earlier comments the Committee drew the Government's attention to the fact that section 61 (2) of the Placement and Unemployment Insurance Act, No. 114 of 24 March 1970, which provided that unemployment benefit was not payable to workers employed by an undertaking affected by a labour dispute at the commencement of the dispute, or who had been employed there for over three weeks during the eight weeks immediately preceding the commencement of the dispute, was not in conformity with Article 69 (i) of the Convention, according to which unemployment benefit may be suspended only where the person concerned has lost his employment as a direct result of a stoppage of work due to a labour dispute. The Committee has noted with satisfaction that this section of Act No. 114 has been amended by Act No. 163 of 4 April 1973 in such a way that the workers employed in an undertaking affected by a labour dispute are excluded from receiving unemployment benefit only if they are members of an unemployment benefit fund (or a branch of such a fund) in whose occupational field the dispute has occurred, or if their wages are likely to be affected by the outcome of the dispute.

2. Further to its earlier comments, the Committee has also noted with satisfaction that Act No. 317 of 19 June 1974 has repealed section 60 of the Placement and Unemployment Insurance Act, No. 114 of 24 March 1970, which provided for suspension in cases which might be incompatible with the Convention (cases where the person concerned had been paid wages higher than a specified level during a period immediately prior to the contingency arising).

3. Concerning subsection 3 of section 61 of the aforementioned Act providing for the suspension of benefits for all the members of an unemployment insurance fund (or a branch of such a fund) where at least 65 per cent of its members are considered to be involved in a labour dispute, the Committee had requested the

Government to take the necessary steps to ensure that in such cases unemployment benefit would be suspended only for workers implicated in the dispute or whose conditions of work might be influenced by the outcome of the dispute. In response to those comments, the Government states that it shares the view of the committee that was appointed to revise the provisions of section 61 of the Act, and which considered that, where a labour dispute has assumed such dimensions, the continued unemployment of the non-striking members of a fund is normally due to the dispute itself and their conditions of work are liable to be affected by the outcome of this dispute. The Committee notes this statement and requests the Government to supply information as to the manner in which these provisions of the law are put into practice, and to specify in particular whether there is not a risk that the suspension of unemployment benefit in such circumstances may apply to workers whose conditions of work are not likely to be directly affected by the outcome of the dispute due to the fact that they are not employed either in the undertaking where the dispute is taking place or within the territorial range of the collective agreement with the signature or revision of which the dispute is concerned.

*Federal Republic of Germany (ratification: 1958)*

*Part XIII (Common Provisions), Article 69 (i) of the Convention.* In its previous observation the Committee felt that the wording of subsections (3) and (4) of section 116 of the Employment Promotion Act of 1969 and the wording of the Federal Office of Labour Instructions of 22 March 1973 ("Neutrality Order") were open to some doubts as to their conformity with the Convention, since they could in certain cases, e.g. those mentioned in clauses 3 and 4 of the Instructions, be interpreted so as to exclude from unemployment benefit workers who were not participating in a trade dispute, were not employed in the undertaking where the dispute existed, and in respect of which it is not certain that conditions of employment could be affected by the dispute.

The Committee has noted the information given by the Government on the scope of collective agreements. It has also noted the Government's statement that the Neutrality Order ensures that workers who become unemployed as a result of a trade dispute to which they are not parties will not be deprived of benefit unless it is absolutely clear that the dispute concerns their conditions of employment also, and that it does this even if the workers are outside the geographical scope of the collective agreement in question but inside its occupational scope.

Referring to its earlier observation, the Committee would again request the Government to provide information on the way in which the law, particularly sections 3 and 4 of the Neutrality Order, are applied in practice. It would also ask the Government to send a copy of the decision of the Federal Social Court on the appeal against a judgment of the Baden-Württemberg Social Court on 27 November 1972, when the decision was handed down. The Committee would also be glad to receive information concerning the passing of the bill to amend section 116 of the Act of 1969, which, according to certain information brought to the Committee's notice, is said to have been submitted to the Legislative Committee of the Federal Council ("Bundesrat") in 1973.

*Greece (ratification: 1955)*

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 following matters, which were raised in its previous direct requests:

1. *Part XIV: Miscellaneous Provisions—Article 76, paragraph 1, of the Convention* (in conjunction with Articles 9, 15, 21, 27, 33, 48, 55 and 61, and also 65 or 66). For some years back the Government has been referring to its earlier reports for statistical data regarding the number of protected persons as a percentage of the total number of wage earners and the amounts paid as benefits to standard beneficiaries in each of the branches accepted. Moreover, it provides inadequate information as to the method used to calculate the average duration of unemployment benefit and the proportion of resources which is provided by the insurance contributions of the wage earners who are protected. In view of the fact that the statistical data given in the Government's report for the period 1970-72 do not make it possible to determine whether the relevant provisions of the Convention are still respected, the Committee trusts that in its next report the Government will provide, in respect of each Part of the Convention specified in its ratification, the detailed information called for by the report form approved by the Governing Body, either for the period covered by the report or, if such data are not available, for the preceding period. The Committee would also ask the Government to state whether the amount of the benefits paid in respect of old age, employment injuries, invalidity and death of the breadwinner have been revised in the light of the changes in the general level of earnings resulting from changes in the cost of living (paragraph 10 of Article 65 or paragraph 8 of Article 66 of the Convention).

2. *Part IV (unemployment benefit), Article 24, paragraph 2 (average duration of benefit)*. The Government's report received in 1973 states that the average duration of unemployment benefit was 77 days in 1971, whereas the Convention stipulates that the average duration of benefit must be at least 13 weeks (91 days) within a period of 12 months. The Committee would therefore ask the Government to take the necessary steps to apply completely this provision of the Convention.

#### Mexico (ratification: 1961)

1. *Part XI (Calculation of periodical payments), paragraph 10 of Article 65 of the Convention or paragraph 8 of Article 66 (revision of certain periodical payments) of the Convention*. Further to its previous comments, the Committee notes with satisfaction that sections 172 and 173 of the new Social Insurance Act of 22 February 1973 have introduced machinery for the periodic increase of pensions paid by the Mexican Social Insurance Institute in cases of invalidity, old age and death of the breadwinner. The Committee requests the Government to communicate all available information on the practical application of these provisions, as is requested in the report form approved by the Governing Body (Title VI of Article 65).

2. *Part XIV (Miscellaneous provisions), Article 76 in relation with Articles 9, 15, 27, 33, 48, 55 and 61 (scope)*. The Committee has also noted with interest the progress made in extending the coverage of social security and again expresses the hope that the Government will continue its efforts in this direction; it would be glad if the Government would indicate in its next report any further progress made in this respect.

#### Norway (ratification: 1954)

*Article 10, paragraph 2, of the Convention*. Further to its earlier comments, the Committee has noted with satisfaction that under the terms of section 3 of the Administrative Regulations of 18 October 1973 the cost of medical examinations during pregnancy and of one post-natal examination is refunded in full.

#### Peru (ratification: 1961)

*Part V (Old-Age Benefit) and Part IX (Invalidity Benefit) of the Convention*. Further to its previous comments, the Committee notes with satisfaction of Legislative Decree No. 19990 of 24 April 1973, for the institution of a National Social Security Pension Scheme, and of Supreme Decree No. 011-74-TR of 31 July 1974, for the administration of the aforementioned Legislative Decree, which have brought

the national legislation into harmony with certain provisions of the Convention (rules used for the calculation of old-age and invalidity pensions).

*Senegal* (ratification: 1962)

*Part VII (Family benefits), Article 43 of the Convention.* In connection with its earlier comments the Committee notes with satisfaction that section 8 of Act No. 73-37 of 31 July 1973 issuing the Social Security Code has reduced the qualifying period for family benefits to three months, in line with the Convention.

*Sweden* (ratification: 1953)

*Part IV (Unemployment benefit), Article 22 of the Convention* (rate of unemployment benefit). Further to its earlier comments, the Committee notes with satisfaction that under section 19 of the new Unemployment Insurance Act of 5 June 1973 the daily unemployment allowance cannot be fixed at a rate lower than that required by the Convention.

*Article 24 (in relation to Article 69 (i))* (suspension of unemployment benefit where a person has lost his employment as a direct result of a stoppage of work due to a labour dispute). The Committee has also noted the information given by the Government on the practical application of section 3 of Act No. 93 of 14 May 1969. It hopes that the Government will indicate in future reports any changes in the application of this section.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States: *Austria, Denmark, Iceland, Ireland, Italy, Luxembourg, Mauritania, Mexico, Niger, Peru, Senegal.*

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

*Brazil* (ratification: 1965)

*Article 4, paragraph 8, of the Convention.* In connection with the Committee's earlier comments, the Government reports that it has submitted to Congress a new Bill No. 2275 of 1974—Message No. 468/74) to include maternity cash benefit in the benefits paid by the National Social Provident Institute. The Committee has also been informed that the Bill was passed by Congress as Act No. 6136 of 7 November 1974 (Official Gazette, 8 November 1974, p. 12726). It notes with satisfaction that section 1 of the Act adds maternity pay to the the list of benefits in Act No. 3807, section 22, I of 26 August 1960 (as amended by Act No. 5890 of 8 June 1973), payable by the National Social Provident Institute, so that the national law has been brought fully into line with the above provision of the Convention.

*Ecuador* (ratification: 1962)

The Committee notes with interest the information given by the Government in its report, particularly on the progress made in extending the scope of the Convention to women agricultural workers under the Rural Social Insurance (Pilot Plan).

The Committee regrets to find, however, that there has not been progress on the other matters referred to in its earlier comments and which are set out in detail in a

new direct request: *Article 1, paragraphs 1 to 6 of the Convention* (scope); *Article 2* (exemption of certain foreign women workers from maternity insurance scheme); *Article 3, paragraphs 2 and 3* (length of maternity leave); *Article 3, paragraph 4* (extension of prenatal leave in case of delayed confinement); *Article 4, paragraphs 1, 5 and 8* (length of benefit period and grant of benefit to women not insured or not fulfilling the qualifying conditions); and *Article 5* (length of interruptions for nursing).

The Committee trusts that the Government will take action to give full effect to the Convention, particularly in connection with the revision of the Social Security Code.

*Uruguay* (ratification: 1963)

The Committee has noted Decree No. 641 of 1973 amending the rules for holidays of officials, and notes with satisfaction that the Decree contains provisions which correspond to certain provisions of the Convention.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States: *Austria, Brazil, Ecuador, Italy, Mongolia, Spain, Uruguay.*

**Convention No. 104: Abolition of Penal Sanctions  
(Indigenous Workers), 1955**

*Liberia* (ratification: 1962)

In previous observations, the Committee noted that article 35 (*p*) of the Revised Laws and Administrative Regulations for Governing the Hinterland, 1949, which remain operative within the tribal jurisdiction, lays down fines for any labourer supplied to persons engaged in farming who absconds in transit or who, after arrival at his destination, refused to perform the services for which he has been engaged. The Committee observed that, 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 recalls the statement made by a Government representative to the Conference Committee in 1973 that the Government had decided to repeal those sections of the penal legislation which did not conform to ILO standards. It also notes the statement in the Government's latest report that the new draft Labour Code currently before the National Legislature takes into account all the ratified Conventions.

The Committee once again expresses the hope that the repeal of the above-mentioned provisions relating to penal sanctions for failure to perform services will no longer be delayed.

\* \* \*

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

**Convention No. 105: Abolition of Forced Labour, 1957**

*Afghanistan* (ratification: 1963)

The Committee regrets to note that the Government has once more failed to supply the information and legislative texts requested by the Committee since 1968,



relating to collective work in the public interest, compulsory military service, prison labour, penal legislation, freedom of assembly and association, and press legislation. In the absence of the information and legislative texts in question, the Committee is unable to satisfy itself that the Convention is being effectively observed in Afghanistan.

*Central African Republic (ratification: 1964)*

*Article 1 (a) of the Convention.*

1. In observations made for a number of years, the Committee noted that, under the provisions of Act No. 63/411 of 17 May 1963, every active citizen must belong to a designated National Movement and respect its political line and the decisions of its executive bodies, and any person forming or attempting to form any other 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, liability to prison labour). The Committee pointed out that recourse to forced or compulsory labour in such circumstances was contrary to the provisions of Article 1 (a) of the Convention. In its last report, the Government makes no reference to this question. The Committee once again expresses the hope that appropriate measures will be adopted in the near future to bring the above-mentioned legislation into conformity with the Convention.

2. The Committee notes with regret that the Government has also not replied to its direct requests concerning the practical application of a number of other legislative provisions which curtail freedom of expression and association, subject to penalties involving compulsory labour, and the measures taken or contemplated in regard to some of them so as to ensure compliance with the Convention. The Committee can only emphasise the importance of the supply of this information, failing which it cannot satisfy itself that the Convention is being observed.

*Article 1 (b).*

3. The Committee refers to its observation of 1974 concerning Convention No. 29, relating to the following legislation: Ordinance No. 66/04 of 1966 (as amended in 1972) establishing a general obligation, subject to penal sanctions, to provide proof of having a regular occupation; Ordinance No. 66/38 of 1966 permitting the imposition of compulsory cultivation on any person aged 18 to 55 years not belonging to the active population as defined in the Ordinance; and Act No. 60/109 of 1960 providing for the fixing of minimum areas to be cultivated in each rural community.

*Cuba (ratification: 1958)*

See under Convention No. 29.

*Egypt (ratification: 1958)*

The Committee notes with regret that for the second year in succession no report has been received. It is bound, therefore, to repeat its previous observation, which was as follows:

*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.

The Committee once more expresses the hope that appropriate measures will be taken in regard to these provisions (which it is again specifying in detail in a direct request) 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.

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 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 has referred to various provisions of the Labour Code, the Penal Code and legislation relating to discipline in the merchant navy under which imprisonment with compulsory labour may be imposed as a punishment for having participated in a strike. In its report for 1969-71 the Government stated that it was 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.

*Gabon (ratification: 1961)*

*Article 1 (c) and (d) of the Convention.* In direct requests addressed to the Government for a number of years, the Committee has pointed out that, under section 153 (1), (4), (5) and (9) (read together with section 156) and under sections 169, 186 and 188 of the Merchant Navy Code (Act No. 10/63 of 12 January 1963), certain breaches of discipline by seamen are punishable with imprisonment, involving, by virtue of Act No. 55-59 of 15 December 1959 on the organisation of the penitentiary services and penitentiary system, as amended, an obligation to perform labour.

The Committee regrets that, in its last report, the Government has provided no reply to the questions raised in relation to the above provisions. It once more requests the Government to examine these provisions in the light of Article 1 (c) and (d) of the Convention which prohibit any form of forced or compulsory labour (including labour required of persons sentenced to imprisonment) as a means of labour discipline or as a punishment for having participated in strikes. The Committee refers in this connection to the explanations given in paragraphs 121 and 127 of the general survey on forced labour in its report of 1968, where it indicated that, while the imposition of penalties involving compulsory labour for acts tending to endanger the safety of the ship or the life or health of persons on board is not incompatible with the Convention, it prohibits the application of such penalties for breaches of discipline which do not endanger safety.

The Committee hopes that the Government will adopt the necessary measures to ensure compliance with the Convention on this point and that it will provide information on the measures adopted or contemplated to this end.

*Ghana (ratification: 1958)*

In previous comments the Committee referred to various provisions of the Penal Code, the Newspaper Licensing Act 1963, the Merchant Shipping Act 1963, the Protection of Property (Trade Disputes) Ordinance and the Industrial Relations Act

1965, under which imprisonment (involving an obligation to perform labour) may be imposed as a punishment for non-observance of restrictions imposed by discretionary decision of the executive on the publication of newspapers and the carrying on of associations, for various breaches of discipline in the merchant marine and for participation in certain forms of strikes. The Committee had requested the Government to adopt the necessary measures in regard to these provisions to ensure that no form of forced or compulsory labour (including compulsory prison labour) might be exacted in circumstances falling within Article 1 (a), (c) or (d) of the Convention.

The Committee regrets that in its last report the Government has merely repeated the statement made in its reports ever since 1967 that these matters are still under consideration. As the Committee's comments on most of the points at issue were originally made ten or more years ago, the Committee trusts that the Government's next report will provide detailed information on the measures taken to bring national legislation into conformity with the Convention.

The Committee has also repeatedly requested the Government to supply information on the practical application of a number of legislative provisions, as well as on recourse to emergency powers and the effect of the measures taken by virtue of such powers on the implementation of the Convention. The Committee regrets that the Government has once more failed to provide any information on these matters, and trusts that the necessary indications will be furnished in the next report.

#### *Guinea (ratification: 1961)*

The Committee notes with regret that no report has been received. The Committee is bound, therefore, to repeat its previous observation which was as follows:

1. *Organisation for Work Centres of the Revolution.* By virtue of Decree No. 416/PRG of 22 October 1964, all persons between 16 and 25 years are placed at the service of the Organisation for Work Centres of the Revolution, which is aimed at ensuring the rapid liquidation of the technical and economic underdevelopment of the Republic. In answer to the Committee's comments regarding the conflict between these provisions and Article 1 (b) of the Convention (which provides for the suppression of any form of forced or compulsory labour as a means of mobilising and using labour for purposes of economic development), the Government has repeatedly stated that the Decree of 1964 had fallen into disuse and would be repealed.

The Committee trusts that the Decree in question will be repealed at an early date.

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.<sup>1</sup>

#### *Haiti (ratification: 1958)*

The Committee notes with regret that the Government's report has not been received and consequently no information is available in reply to its previous observation.

1. In observations made since 1967, the Committee has noted that every year since 1960 a decree has 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

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 60th Session.

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 conform 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, according to the relevant legislative texts, have had as their aim, *inter alia*, the maintenance of the political, economic and financial stability of the nation and the increase in the well-being of the rural and urban populations.

In its report supplied in 1973, the Government stated that it considered the Committee's observations to be justified. It also stated that the country was enjoying a period of peace and prosperity that it hoped would continue and that the Government authorities would take the opportunity to adapt their action to the appropriate standards.

The Committee has however noted that in 1973 and in 1974—by Decrees of 24 September 1973 and of 21 August 1974—the above-mentioned constitutional guarantees were once again suspended for periods of more than six and seven months respectively. In view 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 this matter in the light of the obligations accepted under the Convention.

2. In its previous observations, 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 falling within 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 falling within Article 1 (a) of the Convention;
- (c) section 3 of the Decree of 8 December 1960 concerning the obligation of workmen 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 again expresses the hope that the Government will take the necessary measures with regard to the above-mentioned legislative provisions to ensure that no form of forced or compulsory labour may be imposed for purposes falling within the scope of the Convention and that it will provide full information on this subject.<sup>1</sup>

*Jordan (ratification: 1958)*

The Committee notes with regret that the Government has supplied no report on this Convention and that accordingly no information is available 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.

*Liberia (ratification: 1962)*

In direct requests made for a number of years, the Committee had drawn attention to the fact that 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 any activities to continue or revive certain political parties) might lead to the imposition of compulsory labour in circumstances falling within Article 1 (a) of the Convention. The Committee notes that the Government in its latest report merely states that a new Labour Code which was about to be presented to the Legislature would take into account all ratified Conventions. As the Government had previously indicated that the Committee's comments would be taken into consideration in the preparation of a new Penal Law, and as it is not apparent what changes were to be made in the above-mentioned provisions by the proposed new Labour Code, the Committee once more expresses the hope that measures will be taken at an early date to bring these provisions into conformity with the Convention.

*Malaysia (ratification: 1958)*

1. *Prison labour.* In previous comments, the Committee referred to a number of provisions under which imprisonment (involving, by virtue of section 52 of the Prisons Ordinance, an obligation to perform labour) might be imposed in circumstances falling within the Convention. In its last report, the Government has expressed the view that the Convention applies only where forced labour is used as a direct instrument of achieving certain ends specified in the Convention, and does not include work done by a prisoner incidental to a prison sentence. On the basis of the terms of reference of the United Nations/ILO Ad Hoc Committee on Forced Labour (as a result of whose report it was decided to adopt Convention No. 105) the Government also considers that the Convention should be regarded as applicable only to systems of forced labour constituting an element in the economy of a country.

The Committee refers in this connection to paragraph 85 of the general survey of forced labour in its report of 1968, where it pointed out that, while in most cases

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 60th Session.

labour exacted as a consequence of a conviction in a court of law would have no relevance to the application of the Convention, this instrument applies to any form of forced or compulsory labour (including labour required as a consequence of a conviction in a court of law) when imposed in any of the five cases specifically enumerated in Article 1. Of these five cases, only Article 1 (b) refers to the exaction of forced or compulsory labour for purposes of economic development. In prohibiting forced or compulsory labour as a means of political coercion, as a punishment for expressing views, as a punishment for having participated in strikes, etc., the Convention is concerned to provide protection to individuals against a particular form of punitive measures, irrespective of whether they are applied on a systematic scale or for economic ends.

2. *Article 1 (a) of the Convention.* In previous comments, the Committee referred to a number of provisions under which penalties involving liability to compulsory labour might be imposed in circumstances falling within Article 1 (a) of the Convention, namely:

- (a) sections 8 and 10 of the Internal Security Act, 1960, under which restrictions may be imposed upon persons in regard, inter alia, to their activities or employment, and they may be prohibited from addressing public meetings or taking part in political activities, contraventions of such restrictions or prohibitions being punishable, under sections 44 and 44 A of the Act, by imprisonment (involving, as previously noted, liability to compulsory labour);
- (b) section 2A of the States of Malaya Restrictive Residence Ordinance, under which persons may be forbidden, on pain of imprisonment, to make any public speech or address any meeting without police permission or to publish any document which, in the opinion of the Chief Police Officer, has a seditious tendency;
- (c) sections 22, 24 and 25 of the Internal Security Act, 1960, and sections 3 and 4 of the Sabah Undesirable Publications Act (Cap. 151), empowering the authorities to prohibit particular publications or series of publications or all publications by particular persons, and punishing with imprisonment the publication, sale, distribution, reproduction, or possession of any such prohibited publications;
- (d) sections 3 (1) and (4), 7 (1), 7A (1), 7B and 17 of the States of Malaya Printing Presses Ordinance, 1948 (as amended by Ordinance No. 32 of 1957) and sections 3 (1) and (3), 7 (1) and 15 of the Sabah Printing Presses Ordinance (Cap. 107), making it an offence, punishable with imprisonment, to keep or use any printing press or to publish or distribute any newspaper without a licence, which the authorities may grant, refuse or revoke at their discretion;
- (e) sections 5, 7, 13 and 41-47 of the Societies Act, 1966 granting extensive powers to refuse or cancel registration of any association of seven or more persons, including an absolute discretionary power to prohibit any such association, and making it an offence, punishable with imprisonment, to be a member of a prohibited or unregistered association or to publish, sell or possess any matter issued on behalf or in the interests of such an association.

In its last report, the Government has stated that the penalties which may be imposed under the above-mentioned legislation are not intended as a means of political coercion or education or as a punishment for holding or expressing political views, but as punishment for doing certain physical acts such as printing, publishing, circulating, etc. a prohibited document or publication, organising unlawful associations, or making a public speech.

The Committee refers in this connection to paragraphs 108, 110, 113 and 114 of the previously mentioned general survey of forced labour of 1968, in which it pointed out that legislation of the kind mentioned above is a basis for depriving individuals, by a discretionary administrative decision which is not dependent on the commission of any illegal act and is not subject to judicial review, of the possibility of publishing views, engaging in political activity or associating for the purpose of advocating particular policies, ideologies or views. In so far as such limitations are enforced by penalties involving liability to compulsory labour, they are contrary to Article 1 (a) of the Convention.

The Committee hopes that the Government will once more review the position in the light of Article 1 (a) of the Convention and of the explanations provided in the previously mentioned general survey of forced labour, with a view to the adoption of appropriate measures to ensure the observance of the Convention.

3. *Emergency legislation.* In its previous comments, the Committee had noted that, in addition to legislation of permanent application, other provisions had been adopted pursuant to a proclamation of emergency made in 1964 or might be brought into operation in special circumstances in accordance with the Emergency (Essential Powers) Act, 1964, the Public Order (Preservation) Ordinance, 1958, the Sabah Preservation of Public Security Ordinance 1962, the Sarawak Emergency Regulations Ordinance, 1948, and the Sarawak Preservation of Public Security Ordinance, 1962. The Committee regrets that the Government's last report provides no information on the present position regarding the application of these special provisions and their effect upon the observance of this Convention.

Recalling the comments in paragraphs 54, 92, 95 and 102 of the general survey of forced labour of 1968, in which it emphasised that the nature and duration of any measures occasioned by an emergency should be limited to what was strictly required by the exigencies of the situation, the Committee trusts that the Government will provide full information on this matter.

4. *Article 1 (c) and (d).* In previous comments, the Committee had noted that the Malayan Merchant Shipping Ordinance, 1952, and the Sabah and Sarawak Merchant Shipping Ordinances of 1960 contained provisions punishing various breaches of discipline by seamen with imprisonment (involving, as previously noted, liability to compulsory labour) and providing for the forcible conveyance on board ship of seamen who had abandoned their service in order to compel them to perform their duties. The Committee notes the Government's statement that the laws in question are under review and that its comments will be duly considered. It hopes that appropriate changes to ensure the observance of the Convention will be made.

5. *Article 1 (d).* In its previous comments, the Committee had noted that, under section 23 of the Industrial Relations Act, 1967, the competent minister may impose compulsory arbitration not only in disputes in essential services, but in respect of any trade dispute if he is satisfied that the dispute is likely to affect the economy of the country or that it is expedient in the public interest to do so. By virtue of section 41 (b) and (d), any strike thereupon becomes illegal, both during the arbitration proceedings and in relation to any matters covered by the award. Under sections 42 and 43, violations of this prohibition may be punished with imprisonment (involving, as previously noted, liability to compulsory labour).

The Committee regrets that the Government has provided no information on the measures taken or contemplated in regard to the above-mentioned provisions to ensure that, in conformity with Article 1 (d) of the Convention, no form of forced or compulsory labour may be imposed as a punishment for having participated in

strikes. It hopes that the Government will review the position in the light of the requirements of the Convention, and adopt the necessary measures for their observance.

*Portugal (ratification: 1959)*

*Article 1 (d) of the Convention.* In earlier comments the Committee had noted that, under Legislative Decree No. 23870 of 18 May 1934 and section 170 of the Penal Code, participation in strikes was punishable with imprisonment, involving compulsory labour. The Committee notes with satisfaction that these provisions have been repealed by Legislative Decree No. 392 of 27 August 1974 regulating the exercise of the right to strike and the right of lockout, which recognises the right to strike and provides for penalties of imprisonment only in cases of violence, threats or coercion against workers or employing bodies.

*Sierra Leone (ratification: 1961)*

In comments addressed to the Government since 1964, the Committee has referred to certain provisions of the Summary Conviction Offences Act (Cap. 37) and the Protectorate Vagrancy Act (Cap. 64), under which natives who remain without regular employment for more than 21 days are, in certain circumstances, deemed idle and disorderly persons and liable to imprisonment (involving, under the Prisons Act, 1960, an obligation to perform labour); the Committee has also noted that, under the Chiefdom Councils Act (Cap. 61), orders may be issued for various purposes to be obeyed by natives, for example, for cultivation of land. According to section 3 of the Interpretation Act (Cap. 1), the term "native" means "any person who is a member of a race, tribe, or community settled in Sierra Leone (or the territories adjacent thereto) other than a race, tribe or community (a) which is of European or Asiatic origin or (b) whose principal place of settlement is in the Colony". In view of this definition, it appeared that the above-mentioned legislative provisions permitted the imposition of forms of compulsory labour on a particular group of the population, defined in terms of racial and/or social origin. The Committee accordingly requested the Government to review the provisions in question in the light of Article 1 (e) of the Convention, which prohibits any form of forced or compulsory labour as a means (inter alia) of racial or social discrimination.

In its report for 1963-64, the Government undertook to review the above-mentioned provisions in the light of the requirements of the Convention. However, no legislative action has been initiated on the matter, and the Government's last report merely indicates that the Committee's comments have been referred to the appropriate authorities. The Committee trusts that measures will be taken at the earliest opportunity to bring the legislation into conformity with the Convention.

*Syrian Arab Republic (ratification: 1958)*

In observations and direct requests made since 1967 the Committee had noted that under section 1 of Legislative Decree No. 4 of 2 January 1965, anyone who attempts in any manner whatsoever to impede the implementation of socialist legislation is punishable with hard labour for life, and that under section 15 of the Economic Penal Code (promulgated by Legislative Decree No. 37 of 16 May 1966), anyone who commits any act whatsoever of resistance to the socialist régime is punishable with imprisonment for from one to three years or, if harm to public property has resulted, with hard labour for from five to fifteen years. The Committee



had pointed out that these provisions were framed in such general terms that they appeared to permit the imposition of compulsory labour for purposes falling within the scope of Article 1 (a), (c) and (d) of the Convention.

The Committee had also noted that, by virtue of sections 7, 10, 11, 13, 19 and 22 of the Economic Penal Code, various breaches of labour discipline were punishable by imprisonment or, if committed wilfully, by hard labour, namely failure by any person employed in the public sector to carry out public plans or the activities of the public sector, negligence in packing, handling, transport, etc., of public property, neglect to take normal precautions in the use of machinery or to observe proper industrial and technical methods, waste of raw materials, and acting in a manner contrary to the general production plan established by the competent authorities and thereby causing prejudice to general production. The Committee had pointed out that these provisions appeared to permit compulsory labour in circumstances falling within Article 1 (c) and (d) of the Convention.

The Government stated in 1971 that it had set up an interministerial committee to study the Committee's observations together with the question of bringing national legislation into line with the Convention. The Committee regrets to note that since then the Government has not provided any information with respect to the above-mentioned legislative provisions. It once more requests the Government to re-examine these provisions in the light of its obligations under the Convention and to take the necessary measures to ensure that no form of forced or compulsory labour may be imposed in any of the circumstances enumerated in Article 1 of the Convention.

#### *Tanzania (ratification: 1962)*

##### *Tanganyika.*

The Committee notes with regret that once again no report has been supplied, and that consequently no information is available on the following matters which have been the subject of observations for a number of years:

*Article 1 (a) of the Convention.* In its previous comments the Committee noted that, by virtue of section 21 A of the Newspaper Ordinance (Cap. 229), inserted by Act No. 23 of 1968, the President may, if he considers that it is in the public interest or in the interest of peace and order to do so, prohibit the further publication of any newspaper. Any person who thereafter prints or publishes such a newspaper or sells or distributes any copy thereof in any public place may be punished with imprisonment (involving, by virtue of Part XI of the Prisons Act, 1967, an obligation to perform labour).

Referring to paragraph 108 of the general survey of forced labour in its report of 1968, the Committee expresses the hope that appropriate measures will be taken in regard to these provisions to ensure that, in accordance with Article 1 (a) of the Convention, no form of forced or compulsory labour (including labour imposed on persons serving a sentence of imprisonment) may be used as a means of political coercion or as a punishment for expressing political views or views ideologically opposed to the established political, social or economic system.

*Article 1 (c).* The Committee notes that, under section 284 A of the Penal Code (added by Act No. 2 of 1970), any employee of a "specified authority" (i.e. the Government, a local authority, a registered trade union, the Tanganyika African National Union or any body affiliated to it, any publicly-owned company, etc.) who causes pecuniary loss to his employer or damage to his employer's property, by any wilful act or omission, negligence or misconduct, or failure to take reasonable care or

to discharge his duties in a reasonable manner is punishable with imprisonment for up to two years (involving, as previously indicated, an obligation to perform labour).

The Committee hopes that appropriate measures will be taken in regard to these provisions to ensure that, in accordance with Article 1 (c) of the Convention, no form of forced or compulsory labour (including labour imposed on persons serving a sentence of imprisonment) may be used as a means of labour discipline.

*Article 1 (c) and (d).* The Committee notes that under section 145 (1) (b) (c) and (e) and section 147 of the Merchant Shipping Act 1967, various breaches of discipline by seamen are punishable by imprisonment (involving, as previously indicated, an obligation to perform labour). Further, under section 151 of this Act, any seaman who deserts from a foreign ship may be forcibly conveyed on board ship or delivered to the master, mate or owner of the ship or his agent.

The Committee expresses the hope that appropriate measures will be taken in regard to these provisions to ensure that, in accordance with Article 1 (c) and (d) of the Convention, no form of forced or compulsory labour (including compulsory prison labour) may be used as a means of labour discipline or as a punishment for having participated in strikes.

*Article 1 (d).* The Committee notes that sections 4, 8, 11 and 27 of the Permanent Labour Tribunal Act, 1967, which contain general provisions for compulsory arbitration in labour disputes, make it possible in practice to render all strikes illegal, contraventions of this prohibition being punishable with imprisonment (involving, as previously indicated, an obligation to perform labour).

The Committee hopes that appropriate measures will be adopted in regard to these provisions to ensure that, in accordance with Article 1 (d) of the Convention, no form of forced or compulsory labour (including compulsory prison labour) may be imposed as a punishment for having participated in strikes.

### *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.<sup>1</sup>

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 60th Session.

*Tunisia* (ratification: 1959)

The Committee regrets that, for the fourth year in succession, the Government has supplied no report on this Convention, and that consequently no information is available on questions which have been the subject of direct requests for a number of years.

In its previous comments the Committee had noted that, under the Labour Code of 1967, participation in strikes is unlawful in various circumstances. Thus, the Government may impose compulsory arbitration whenever it considers that a strike or threatened strike may affect the national interest and any strike thereupon becomes unlawful (sections 384 to 387). A strike is also unlawful if it has not been approved by the central trade union organisation (section 387). Participation in an unlawful strike or incitement to pursue such a strike is punishable with imprisonment (involving, by virtue of section 13 of the Penal Code, liability to compulsory labour). Workers may also be called up whenever a strike may impair a vital national interest, failure to comply with a call-up decision being likewise punishable with imprisonment (sections 389 and 390 of the Labour Code, as amended by Act No. 73-77 of 8 December 1973).

In the general survey of forced labour in its report of 1968 (paragraphs 94 and 124 to 126), the Committee indicated that in certain cases restrictions upon strikes (even if enforced by sanctions involving compulsory labour) would not be incompatible with the Convention, for example, in emergencies or in the case of essential services whose interruption would endanger the existence or well-being of the population. However, the prohibitions resulting from the above-mentioned provisions of the Labour Code are of much wider scope and, in so far as enforced by sanctions involving compulsory labour, are contrary to Article 1 (*d*) of the Convention. The Committee accordingly hopes that appropriate measures will be taken to bring these provisions into conformity with the Convention.

*Turkey* (ratification: 1961)

The Committee notes that, following the discussion of this case which took place in the Conference Committee in 1974, the Government representative stated that the Government would send detailed information in its next report in reply to the Committee's observations. It regrets that the Government has furnished only a brief interim reply, which was moreover received only in the course of the Committee's session. In these circumstances, the Committee has been obliged to defer its further examination of the case until next year. It hopes that it will then have before it the full and detailed report which the Government has undertaken to furnish with respect to the matters mentioned in the previous observations.

*Uganda* (ratification: 1963)

The Committee notes with regret that, for the second year in succession the Government has supplied no report on this Convention. The Committee is bound, therefore, to repeat its previous observation which was as follows:

*Article 1 (a) of the Convention.* The Committee notes that imprisonment (involving, by virtue of section 46 of the Prisons Act, an obligation to perform work) may be imposed for contravention of the following provisions:

(a) sections 1, 2, 3, 5 and 12 of the Suspension of Political Activities Decree, 1971 (as amended by Decree No. 6 of 1973), which prohibit participation in any political party or in any public meeting or procession organised for propagating or imparting political ideas or information, and the uttering in any public meeting or public place of any political slogan;

- (b) section 21 A of the Newspaper and Publications Act (inserted by Decree No. 35 of 1972), under which the publication of any newspaper may be prohibited if the competent Minister considers it to be in the public interest to do so—a power exercised, for example, by the Newspaper and Publications (Prohibition) Order (S.I. 1973 No. 2);
- (c) sections 1, 2, 3 and 5 of the Public Order and Security Act, 1967, under which restrictions may be imposed, inter alia, on an individual's association or communication with other persons by a decision taken by the President at his discretion which may not be questioned in any court;
- (d) sections 54 (2) (c), 55, 56 and 56 A of the Penal Code, which empower the competent Minister to declare any combination of two or more persons to be an unlawful society (a power exercised in respect of various political, religious and student organisations by Statutory Instruments Nos. 12 of 1968, 153 of 1972 and 63 of 1973) and prohibit any speech, publication or activity on behalf or in support of any such association.

The Committee expresses the hope that appropriate 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 compulsory prison labour) 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.

*Article 1 (c) and (d).* In previous comments the Committee had noted that, under section 16 (a) of the Trade Disputes (Arbitration and Settlement) Act, 1964, workers employed in "essential services" might be prohibited from terminating their contract of service, even by notice, that, by virtue of sections 16, 17 and 20 A of the same Act, strikes might be prohibited in various services which, while including services generally recognised as essential services, also extended to other services whose interruption would not necessarily endanger the existence or well-being of the population, and that contravention of these prohibitions might be punished with imprisonment (involving, as previously noted, an obligation to perform work).

In its report for 1969-71, the Government stated that the Trade Disputes (Arbitration and Settlement) Act was being reviewed with a view to bringing it into conformity with Article 1 (c) and (d) of the Convention. The Committee hopes that measures to this end will be taken at an early date.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States: *Afghanistan, Belgium, Brazil, United Republic of Cameroon, Central African Republic, Chad, Cyprus, Democratic Yemen (Aden), Dominican Republic, Ecuador, Egypt, El Salvador, France, Ghana, Guinea, Haiti, Iran, Iraq, Ireland, Italy, Jordan, Libyan Arab Republic, Malaysia, Mauritius, Mexico, Niger, Paraguay, Peru, Poland, Portugal, Rwanda, Senegal, Sierra Leone, Somalia, Syrian Arab Republic, Tanzania, Trinidad and Tobago, Tunisia, Uruguay.*

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

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

*Cuba* (ratification: 1958)

In connection with its previous comments the Committee notes with satisfaction that Act No. 1240 of 14 December 1972 does not contain any provision such as those in section 8 (c) of Act No. 1120 of 1963 which it repealed and which in certain respects were contrary to the Convention.

*Egypt* (ratification: 1958)

In connection with its previous requests the Committee notes that the Government in its report reiterates its intention of taking the Committee's comments into account when drafting the new Labour Code.

*Article 8, paragraph 3, of the Convention.* The Committee recalls that it has over a period of several years drawn the attention of the Government to the absence in the 1959 Labour Code of any provision for a compensatory rest period of 24 consecutive hours in respect of each period of 7 days in cases where temporary exemptions from the weekly rest provision have been granted under section 120 of the Code. Since section 121 of the Code provides for payment of double wages in case of work on the weekly rest day, the Committee trusts that legislative or other action will be taken to ensure that persons covered by the Convention are always given the weekly rest prescribed in this provision, even where they receive compensatory wages.

*Haiti (ratification: 1958)*

The Committee regrets that no report has been received since 1968. Accordingly, it is bound to repeat its previous comments, which were as follows:

*Article 2 of the Convention.* The Government has stated that, although no provision has yet been adopted for safeguarding the right to weekly rest of employees of the customs and other services covered by section 320 of the Labour Code, the General Inspection Service is responsible for ensuring that this category of worker enjoys the weekly rest. In these circumstances, the Committee hopes that the Government will be able to adopt provisions expressly guaranteeing a rest period for these workers in accordance with the Convention.

*Article 7, paragraph 2.* The Committee notes that as yet no amendment has been brought to national legislation in order to ensure that compensatory rest is granted to public officials and employees. It must once again express the hope that this amendment will be made in the near future.

The Committee hopes that the Government will supply information on any measures taken or contemplated to bring the legislation into conformity with the Convention.

*Kuwait (ratification: 1961)*

In connection with its comments over the period since 1964, the Committee notes that the Government in its report repeats that its intention is to take them into account when amendments are made in the Labour Code. It also notes that pending such amendment of the Code the Ministry, being anxious to ensure that workers are granted a weekly break, has been in contact with certain employers to get them to agree to a day off a week, which would constitute an official period of rest. The Committee again hopes that the Government will, either by amendments in the Labour Code or through other means, introduce provisions to bring the national law into conformity with the requirements of the Convention on the following points:

*Article 2 of the Convention.* The need to provide expressly for a weekly rest period of 24 consecutive hours in the course of each period of seven days for temporary workers employed for periods up to 6 months and for workers in undertakings with fewer than 5 employees in establishments covered by the Convention, since section 2 of Law No. 38 of 1964—like the preceding Labour (Private Sector) Law of 1959—exempts these categories of workers from its scope.

*Article 8, paragraph 3.* The need for action to ensure that, when persons covered by the Convention work on their rest days in pursuance of section 15 of the Labour (Public Sector) Law of 1960 and section 35 of the Labour (Private Sector) Law of 1964, they still receive a compensatory rest period of 24 consecutive hours in the course of the next 7 days, regardless of whether compensatory wages are paid.

*Syrian Arab Republic (ratification: 1958)*

*Article 8, paragraph 3, of the Convention.* The Committee recalls that it has since 1964 drawn the attention of the Government to the absence in the 1959 Labour Code

of any provision for a compensatory rest period of 24 consecutive hours in respect of each period of 7 days in cases where temporary exceptions from the weekly rest provision have been permitted under section 120 of the Code.

The Committee urges that legislative or other measures be adopted so that persons covered by the Convention always receive the weekly rest period provided for in the above-mentioned provision.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States: *Afghanistan, Bangladesh, Colombia, Cuba, Cyprus, Egypt, Indonesia, Iran, Netherlands, Spain.*

Information supplied by *Brazil, Bulgaria, Ecuador, Pakistan, Portugal* and *USSR*, in answer to a direct request has been noted by the Committee.

### **Convention No. 107: Indigenous and Tribal Populations, 1957**

#### *Argentina* (ratification: 1960)

The Committee notes with interest that since 1973 the National Service of Indigenous Affairs has undertaken a campaign in favour of the indigenous population of Argentina. It hopes that information on this campaign will be supplied in connection with the replies to the various points raised in the request being addressed directly to the Government.

#### *Colombia* (ratification: 1969)

The Committee notes with regret that the Government merely states in its report that the information requested regarding the application of the Convention will be made available at the Conference. It recalls that no report was supplied in the previous two years and that consequently no reply has been received to the detailed direct requests and observations addressed to the Government in 1972, 1973 and 1974.

The Committee must therefore urge the Government once again to communicate a full and up-to-date report on the present position of the indigenous populations of the country and on all measures taken or being considered with a view to ensuring their protection, their land rights, their health and their traditions, in accordance with the terms of the Convention and taking into account the various points raised in the request addressed directly to the Government.<sup>1</sup>

#### *Paraguay* (ratification: 1969)

The Committee notes with concern that, since the ratification of the Convention in 1969, only one brief report has been received from the Government (for the period 1970-72), that this year again no report has been received, and that accordingly there is no reply to the detailed request addressed to the Government in 1974 and calling for information on the measures taken to give effect to each Article of the Convention.

In view of the Government's failure to furnish this information, the Committee is unable to satisfy itself of the observance by Paraguay of the Convention which

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 60th Session and to report in detail for the period ending 30 June 1975.

requires measures for the protection of the members, institutions, property and labour of the indigenous populations. The Committee must therefore urge the Government once again to communicate a full and up-to-date report on the indigenous populations of the country and on all measures taken or being considered with a view to ensuring their protection.<sup>1</sup>

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States: *Argentina, Bolivia, Brazil, Colombia, Costa Rica, Ecuador, Mexico, Panama, Paraguay.*

### **Convention No. 108: Seafarers' Identity Documents, 1958**

#### *Guyana* (ratification: 1966)

*Articles 2 to 4 of the Convention.* Following its earlier observation, the Committee notes from the Government's report that the seafarer's identity document is being printed and that copy will be sent as soon as possible.

*Articles 5 and 6.* Having received no reply to its earlier comments on the application of these Articles, the Committee can only repeat the comments as follows: The Government states that foreign seafarers holding a valid seafarer's identity document are not denied the right of entry and re-admission and that nevertheless, an examination is being carried out so as to ensure that these Articles of the Convention are fully applied. The Committee recalls that, in the absence of legislative provisions or regulations on the matter, the port authorities and immigration services should be given specific instructions so as to ensure that the rights of entry and re-admission are granted to holders of identity documents issued in accordance 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.<sup>2</sup>

#### *Honduras* (ratification: 1960)

Further to its earlier comments regarding the need to bring national legislation into line with the provisions of Article 2, paragraph 1, and Article 4, paragraph 2, of the Convention, the Committee notes that the Government is pursuing its efforts to secure the adoption of the necessary measures as soon as possible.

The Committee hopes that the Government will be able to indicate in the near future that action has been taken in this respect.

#### *Italy* (ratification: 1963)

Further to its earlier observations, the Committee notes from the Government's report that the competent ministries have not yet completed their examination of the Bill providing for the introduction of identity documents as prescribed by the Convention.

The Committee trusts that the Government will be able to indicate in the near future that the above Bill has become law and that it will be in conformity with the various Articles of the Convention.<sup>2</sup>

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 60th Session.

<sup>2</sup> The Government is asked to report in detail for the period ending 30 June 1975.

*Malta* (ratification: 1965)

Following its previous comments, the Committee has noted with satisfaction the passing of a new Merchant Shipping Act instituting a seafarer's identity document conforming with the provisions of Articles 1 to 4 of the Convention.

*Portugal* (ratification: 1967)

Following its previous comments, the Committee has noted with satisfaction from the information and copies of legislation communicated by the Government, that a new seafarer's identity document has been instituted under Legislative Decree No. 224/72. Under section 6 of Ministerial Order No. 474/72 issued thereunder, this identity document must be kept in the seafarer's possession at all times, according to Article 3 of the Convention. Furthermore, according to the report, this document will contain the statement prescribed in Article 4, paragraph 2, of the Convention.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States: *Barbados, Brazil, Finland, Guatemala, Honduras, Iceland, Malta, Panama, Portugal, Spain, Sweden, Tanzania, Ukrainian SSR, USSR.*

Information supplied by *Denmark, Iran, Mauritius, Tunisia* and the *United Kingdom* in answer to a direct request has been noted by the Committee.

**Convention No. 110: Plantations, 1958**

Requests regarding certain points are being addressed directly to the following States: *Cuba, Guatemala, Mexico, Panama, Philippines, Uruguay.*

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

As is recalled in Part One of the present report (paragraph 23), 1975 has been proclaimed International Women's Year by the United Nations. The Committee is convinced that on this occasion governments will seek in particular to re-examine their legislation, programmes and policies with a view to eliminating any discrimination against women which may still exist in the field of employment and occupation and promoting in actual practice equality of opportunity and treatment in this field for the workers of both sexes. The Committee therefore invites governments to provide in their next reports detailed information on the measures taken to this end, covering not only the particular questions which may have been raised in its individual observations and direct requests but also more generally any initiative taken on this subject in the country. When examining the next reports, the Committee hopes to be able to take note, on the basis of this information, of further progress in the application of the Convention as regards discrimination in employment on the grounds of sex.

More generally, as regards measures designed to prevent discrimination on the basis of the various criteria covered by the Convention, the Committee also considers it useful to draw governments' attention again to the value of adopting provisions



aimed at fostering public acceptance of the principle of non-discrimination and at a better prevention of the possibility of discriminatory practices in employment through the application of appropriate procedures for the examination and concrete settlement of all cases in which such practices may be alleged; such provisions would in particular meet the requirements of Article 3 (b) of the Convention. The Committee has learned with interest that the International Labour Office has published a practical guide to "Special National Procedures concerning Non-discrimination in Employment, with Particular Reference to the Private Sector" based on the relevant ILO standards and on a variety of examples of special machinery, judicial or other, established in various countries. This guide is designed to facilitate the adoption of appropriate provisions on this subject at the national level. The Committee hopes that full use will be made of this technical aid, and that it will be able to take note shortly of further progress in the application of the Convention on this point also.

*Argentina* (ratification: 1968)

The Committee noted with satisfaction, further to its earlier comments, that Act No. 17401 of 22 August 1967, which excluded from public office or employment persons classed as being or having been engaged in activities motivated by certain political opinions, was repealed by Act No. 20509 of 27 March 1973.

*Brazil* (ratification: 1965)

Further to its request concerning the application of the single paragraph added to section 482 of the Labour Code to provide for the dismissal of a worker "when it is duly established by administrative inquiry that he has committed acts prejudicial to national security", the Committee notes the Government's statement in its report to the effect that it has no knowledge of any case of dismissal for such acts, even in connection with illegal strikes, but that such a case would be submitted to the control of the labour courts; and that as regards the definition of such acts, reference should be made to the offences against the security of the State specified in the laws.

The Committee nevertheless observes that the terms used in the single paragraph of section 482 of the Labour Code are not limited to offences of this nature (which would involve sentences which section 482 (d) already specifies as grounds for termination of contract). Moreover, even if there is a control by the labour courts in dismissal cases, the terms used in the single paragraph seem, in this particular case, to leave it entirely to the administrative inquiry to decide whether the facts are duly proven.

The Committee therefore hopes that the Government will be able to take measures with a view to repeal or to amend this provision so as to remove all doubt as to its scope and as to the guarantees available through control by the courts (Articles 3 (c) and 4 of the Convention).

*Chad* (ratification: 1966)

The Committee regrets to note that the Government's latest report contains no replies to the points referred to in its previous observation and in its direct requests repeatedly made since 1969. It urges therefore the Government to supply in its next report full information on these points which are once more repeated in detail in a direct request.

*Chile (ratification: 1971)*

With reference to its previous observation regarding the elimination of discrimination based on political opinion, the Committee notes that, following a resolution adopted by the Conference at its 59th (June 1974) Session on this subject among others, the Governing Body entrusted examination of the application of Convention No. 111 by Chile to a Commission of Inquiry under article 26 of the ILO Constitution. The Committee accordingly decided to suspend consideration of the matter until the Commission of Inquiry has submitted its final report.

As regards other questions covered by the Convention, the Committee notes that the first report of the Government merely indicates that article 10 of the National Constitution guarantees equality for citizens in respect of access to public employment and office, that there is no discrimination within the meaning of the Convention and that no measures have been taken along the lines indicated in Articles 2 and 3 of the Convention. Since such measures are required under the Convention with a view to preventing discrimination not only in the laws and in the public sector but also in practical situations and in the private sector, the Committee hopes that the next report of the Government will contain more detailed information on the effect given to the various provisions of the Convention in this respect.

*Cyprus (ratification: 1968)*

Further to its observation of 1974, in which the Committee suggested that the outstanding questions concerning the application of the Convention could best be examined through direct contacts, the Government has indicated in its report that, if this suggestion is maintained, it would be prepared to accept such contacts and that it invites the ILO to initiate them as soon as it seems appropriate. The Committee has taken note of this indication with interest and, since direct contacts could indeed be useful at a suitable moment, it hopes that effect can be given to the Government's invitation in due course.

*Czechoslovakia (ratification: 1964)*

The Committee notes from the report that the Bill to amend the Labour Code—which according to a statement by a Government representative at the 1974 Conference Committee was to have been examined by the Federal Assembly in that year and to come into force on 1 January 1975—has not yet been approved by the Assembly and is to be voted on in the spring of 1975.

The Committee therefore regrets to observe that the necessary modifications (announced by the Government as long ago as 1972) have not yet been made in the provisions of sections 46 and 53 of the Labour Code, which were introduced in 1969 to permit the dismissal of any worker who was not “sufficiently worthy of confidence to occupy his functions” because of activities “calculated to cause a breach of the socialist social order”, and which are not in conformity with the standards laid down in the Convention for protecting workers against discrimination based on political opinion for the reasons indicated by the Commission in its previous observations.

The Committee trusts that the required measures to bring national law and practice into harmony with the Convention will come into force without further delay.<sup>1</sup>

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 60th Session and to report in detail for the period ending 30 June 1975.

*Dominican Republic* (ratification: 1962)

The Committee notes with regret that for the third consecutive year the Government's report or replies to its comments have not 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 requests. In this respect the Committee has noted with interest the information contained in a previous report of the Government concerning the insertion in the new draft Labour Code of certain provisions prohibiting all discrimination made on the basis of race, religion or economic situation, in respect of employment and occupation, as well as in such fields as social welfare, education, cultural activities, etc. (sections 15 and 17). It hopes that the Government will be able to supply in its next report information on the entry into force of the new Labour Code and the implementation of the aforesaid provisions. The Committee requests the Government to indicate what are the procedures available to persons who consider that they have been the subject of discrimination within the meaning of the Convention by (a) a public authority or (b) a private body or employer. The Committee also requests the Government to communicate any information on the procedures or other measures which ensure in practice equality of opportunity and treatment in respect of appointment and promotion in the public service; the Government is requested to supply copies of any regulations in this regard.

The Committee hopes that the Government will make every effort to take the necessary action in the very near future.<sup>1</sup>

*Ecuador* (ratification: 1962)

Further to its preceding observation the Committee noted the information contained in the Government's report which arrived too late to be examined in 1974.

The Committee noted with interest that, according to the report, the Government is paying particular attention to the development of vocational training without discrimination, and is trying in this way to correct the effects of individual behaviour patterns which still impede equality of opportunity and treatment in respect of employment. It hopes that the next reports of the Government will provide detailed information on action taken and results achieved in this respect. Since however the elimination of discriminatory behaviour by individuals must also be assisted by the use of suitable procedures for examining and dealing with all alleged cases of such behaviour, the Committee requests the Government to indicate what steps have been taken or are contemplated with a view to enacting specific legislation for the purpose within the meaning of Article 3 (b) of the Convention.

*Finland* (ratification: 1970)

The Committee noted with satisfaction from the Government's report that, under a Decree (471/74) amending the Decree on the admissibility of women to posts or offices in the civil service, women may now be appointed to posts or offices which were not previously open to them (except certain posts in the defence and police services).

The Committee also noted with interest, further to its previous request, that recent reports of the Advisory Committee on Equality, the Committee on Offences in Employment Matters and the Committee on the Constitution have recommended

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 60th Session.

enactment of supplementary legislation in relation to the prevention of discriminatory practices within the meaning of the Convention. It likewise noted with interest the observations of the Finnish Confederation of Trade Unions, which are mentioned in the Government's report and are in favour of such legislation. The Committee hopes that the next report of the Government will contain information on action taken or contemplated as a result of these recommendations (Article 3 (*b*) of the Convention).

*Guatemala* (ratification: 1960)

The Committee noted with satisfaction that, following its comments concerning Decrees No. 1813 and 1823 of 1936 which imposed certain restrictions on the basis of race or national origin for the practice of certain commercial professions or comparable activities, the Government reports that all provisions of this kind were considered as having been made inoperative by section 14 *bis* of the Labour Code prohibiting various forms of discrimination.

*India* (ratification: 1960)

The Committee noted with interest the information supplied by the Government, further to its earlier comments, on developments in the situation of members of the Scheduled Castes and Scheduled Tribes in matters of employment, training and placement, and on the Bill to amend the Untouchability (Offences) Act, 1955. It hopes that the Government will continue to supply detailed information on progress in these matters.

In addition, the Committee notes that, in relation to its comments regarding possible new legislation designed to prevent discriminatory practices within the meaning of the Convention in a more general way (Article 3 (*b*)), the Government has made a reference to the provisions of the Indian Constitution on equality of opportunity which—as indicated in earlier reports—are designed to ensure observance of the principles of non-discrimination by the authorities under the central and state governments. In view of the advantages offered by provisions designed to prevent discriminatory practices in the private as well as in the public sector and specifying suitable methods for examining and dealing concretely with alleged cases of such practices, the Committee expresses the hope that the Government will be able to supply additional information in its next report on measures adopted or planned to this end.

*Israel* (ratification: 1959)

The Committee has noted the information supplied by the Government further to its previous observation. It hopes that the Government will be able to give, in its next report, specific information on trends in the participation rates for members of the different ethnic and religious groups of the population in higher-grade posts, in the private and public sectors. In particular, it requests the Government to indicate what action has been taken on the recommendations of the Inter-Ministry Committee set up in 1974 (which the report indicates as having been approved by the Government) and for increasing the recruitment from members of the Arab population to skilled positions in the civil service and other public services.

In addition, the Committee notes that—as the Government points out—the Employment Service Act, 1959 prohibits discrimination in the placement operations to which it applies (section 42) and provides for a grievances procedure (section 43). However, since these provisions do not relate to admissions to certain categories of

posts (particularly posts at the higher level referred to in section 32 (b)) or to other aspects of employment (such as promotion), the Committee draws the Government's attention to the fact that it would be useful to adopt supplementary provisions on the prevention of discriminatory practices in respect of employment and occupation in general, including specific methods for examining and dealing with any case of alleged discriminatory practices (Article 3 (b) of the Convention).

*Italy* (ratification: 1963)

The Committee notes with interest from the Government's report and the detailed documentation attached to it, that a Committee on Women's Work Problems, including representatives of the employers' and workers' organisations and of the women's associations, was set up by a Decree dated 17 December 1973, and that inquiries will be carried out on the inequalities still existing in practice as between men and women in matters of employment, particularly as regards employment security and advancement in certain sectors. The Committee hopes to be kept informed of the development of these activities and of the results obtained.

*Liberia* (ratification: 1959)

Having noted from the information supplied by the Government in reply to its previous observation that the new draft Labour Code was in the process of being placed before the legislature in January 1975 for review and adoption, the Committee hopes that the next report will contain detailed information on developments in this respect together with a copy of the new Labour Code.

Furthermore, in view of the information previously given by the Government, that the Ministry of Labour and Youth has recommended the enactment of specific legislation to prevent discrimination in employment, the Committee hopes that the next report will contain detailed information on progress made 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 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 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 and of treatment in general is implemented in the various branches of the economy.

*Malta* (ratification: 1968)

The Committee has noted the information supplied by the Government in reply to its direct request and for the documentation submitted with the report. It hopes that the Government will continue to supply information on further developments as regards equality of remuneration between men and women for work of equal value.

However, the Committee regrets to note from the report that in the public sector female employees are required to resign on contracting marriage, and that the Government states that it is unable at this stage, due to a high level of unemployment, to implement a change in this policy. The Committee hopes that this matter would be reviewed as soon as possible and steps would be taken in order to bring the legislation and practice into line with the Convention in this respect.

*Mauritania* (ratification: 1963)

The Committee notes with regret that for the third consecutive year the Government's report has not been received, and that it had no information on the points mentioned in its previous observations. The Committee 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 has been alleged—the Committee requests the Government to indicate in the very near future what measures have been taken or are contemplated to this end.<sup>1</sup>

*Pakistan* (ratification: 1961)

Further to its previous comments, the Committee notes with satisfaction that regulations dated 17 November 1972, 31 December 1973 and 17 April 1974, copies of which were sent by the Government, have extended to the tribal regions of the North-West Frontier Province and Baluchistan various social and labour enactments which were not previously applicable, with a view to increasing equality of treatment for the populations of these regions. The Committee also noted with interest the information provided by the Government on action taken or contemplated to promote the advancement of backward classes and regions under article 37 of the new Constitution. It requests the Government to continue to provide detailed information on developments of national policy in these matters.

In addition, while noting from the report that, at the national policy level, there are no discriminatory laws or practices and that article 27 (1) of the Constitution lays down equality of all citizens in regard to employment in state service, the Committee would be grateful if the Government would supply information on action taken or contemplated towards the elimination of discriminatory practices that may arise in the private sector or as a result of personal prejudice, such as those which are to be discouraged by the State under article 33 of the Constitution ("local, racial, tribal, sectarian or provincial prejudices") and those based on sex, by introducing appropriate methods for cases of alleged discriminatory practices to be examined and dealt with concretely (Article 3 (*b*) of the Convention).

*Portugal* (ratification: 1959)

See under General Observations.

*Sierra Leone* (ratification: 1966)

The Committee has noted with interest from the information supplied by the Government in reply to its observation that the Government delegates to the 59th Session of the Conference have obtained from the Office specimen legislation that would enable the Law Department to draft such legislation as may be calculated,

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 60th Session.

within the meaning of Article 3 (b) of the Convention, to secure the acceptance and observance of the national policy concerning the elimination of discrimination in employment and occupation. The Committee hopes that the Government will be able to supply information in its next report on the progress made in this respect.

*Sudan* (ratification: 1970)

Further to its earlier comments, the Committee noted with satisfaction from the detailed information provided by the Government that Circular No. 27/1968, which made the Establishment Bureau responsible for determining which posts are suitable for women or should preferably be held by women, and which laid down that married women should only be engaged by the month, is no longer in force and that the Public Service Act, 1974 provides for the same conditions for men and women (see also under Convention No. 100).

*Switzerland* (ratification: 1961)

The Committee noted with satisfaction, following its earlier comments, that clause 76, paragraph 3, of the regulations for public servants concerning the termination of employment of women in the event of marriage was repealed by an Ordinance dated 20 December 1972.

It also noted with interest from the Government's report that a study of recent regulations in some cantons showed that they contained no provision on termination of employment on the marriage of women public servants, and would be grateful if the Government will continue to supply information on any further developments in relation to the elimination of such provisions which may still exist in other cantonal, and, should the occasion arise, in communal regulations.

*Turkey* (ratification: 1968)

The Committee regrets that for the third consecutive year the Government's report has not been received and that, therefore, it has received no replies to the points raised on the application of the Convention in its previous requests. It trusts that the Government will not fail to supply, for consideration at the next session, a report containing detailed replies to the points which are repeated again in a direct request.<sup>1</sup>

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States: *Afghanistan, Algeria, Bangladesh, Bulgaria, Chad, Dahomey, Ecuador, Egypt, Ethiopia, Finland, Gabon, Ghana, Guinea, Honduras, Iran, Iraq, Jordan, Kuwait, Libyan Arab Republic, Madagascar, Mali, Mexico, Mongolia, Morocco, Niger, Pakistan, Paraguay, Peru, Philippines, Poland, Senegal, Somalia, Spain, Sudan, Trinidad and Tobago, Turkey, Republic of Viet-Nam, Yugoslavia.*

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

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 60th Session.

**Convention No. 112: Minimum Age (Fishermen), 1959**

*Ecuador* (ratification: 1969)

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, Decree No. 1180 was issued on 14 November 1974 to regulate minimum age for admission to employment as fishermen, in accordance with the provisions of the Convention.

*Liberia* (ratification: 1960)

Following its previous observation concerning the application of Article 2, paragraph 2, of the Convention (participation of children in activities on board fishing vessels during the school holidays) and Article 3 (young persons under the age of 18 years not to be employed on board coal-burning fishing vessels as trimmers or stokers), the Committee notes with interest that the new Labour Code Bill was laid before the legislature in January 1975. Since the report indicates that the above-mentioned Articles of the Convention will be implemented by provisions in this Bill, the Committee hopes that it will soon be adopted.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States: *Australia, Guinea, Italy, Panama, Spain, Tunisia*.

**Convention No. 113: Medical Examination (Fishermen), 1959**

*Ecuador* (ratification: 1969)

In connection with 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, Decree No. 1180 was issued on 14 November 1974 which makes regulations for the medical examination of fishermen, in conformity with the provisions of the Convention.

\* \* \*

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

**Convention No. 114: Fishermen's Articles of Agreement, 1959**

*Costa Rica* (ratification: 1964)

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.



*Liberia* (ratification) 1960)

Following its earlier observation, the Committee notes that the new Labour Code Bill was laid before the legislature in January 1975. As the report indicates that the Bill will fully implement the Convention, the Committee hopes that it will be adopted shortly.

*Mauritania* (ratification: 1963)

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.

*Yugoslavia* (ratification: 1961)

See under Convention No. 22.

\* \* \*

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

**Convention No. 115: Radiation Protection, 1960***Syrian Arab Republic* (ratification: 1964)

Following its earlier comments, the Committee notes with satisfaction the issue of Order No. 1112 of 19 December 1973 on protection against ionising radiations, which gives effect to various Articles of the Convention.

*Turkey* (ratification: 1968)

Following its earlier comments, the Committee notes with satisfaction that the industrial safety and health regulations issued in Order No. 7/7583 of 4 December 1973 give effect to *Article 12 of the Convention* (medical examination of workers).

\* \* \*

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

**Convention No. 117: Social Policy (Basic Aims and Standards), 1962***Ghana* (ratification: 1964)

The Committee notes with regret that the Government's report contains no response to the point raised in its previous observations concerning *Article 8 of the Convention*, in which it had noted that information concerning the conclusion of international agreements regulating matters of common concern in connection with migrant workers was to be communicated by the Government as soon as it became available.

The Committee hopes that this information will be supplied shortly and that it will show significant progress in the application of this Article of the Convention, which is designed to promote equality of protection and advantages for migrant workers in the country where they are employed.

*Jamaica* (ratification: 1966)

Further to its direct requests of 1973 and 1974 regarding certain specific means of improving standards of living, in accordance with the terms of the Convention and on the lines recommended in the Report on Employment and Unemployment in Jamaica (PREALC/54), the Committee notes with satisfaction that progress has been achieved in regard to some of the suggested means of action, such as the introduction of a new \$20 million housing project to relieve urban congestion in Kingston and elsewhere (Article 3 (2) (c) of the Convention), the large-scale expansion of the labour-intensive reafforestation programme over the next three years (Article 3 (2) (d)), the creation in 1973 of a training planning subcommittee with co-ordinating functions and the newly introduced training of teachers for teaching agriculture in primary, junior and secondary schools (Article 15). The Committee hopes that the Government will continue to promote projects of this kind designed to meet specific problems, along the lines of the Convention.

*Zaire* (ratification: 1967)

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

The Committee notes with regret that the Government has not replied to direct requests of 1970, 1972 and 1973. It recalls that the Government's previous reports were confined to general indications concerning the principles of equality before the law, of the right to work and of non-discrimination, enshrined in the Constitution and in the Labour Code.

Since this information does not provide a clear indication of the effect given to the Convention, the Committee requests the Government to supply in its next report detailed information concerning the application of each Article of the Convention, in accordance with the report form approved by the Governing Body of the International Labour Office; and also that it enclose a copy of the Manifesto of the N'Sele (the National Party of Zaire).

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States: *Central African Republic, Costa Rica, Ecuador, Ghana, Jamaica, Jordan, Madagascar, Syrian Arab Republic, Tunisia.*

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

*Central African Republic* (ratification: 1964)

As the Government has for several years given no reply to the Committee's earlier comments on the application of the Convention, the Committee is obliged to formulate a new direct request on the same points. This request refers in particular to the payment of employment injury pensions to the survivors of a foreign worker who were not resident in the Central African Republic at the time of his death, and to the payment of old-age pensions and family allowances (both to nationals and non-nationals) when the pensioner or children are resident outside the Republic

(Article 4, paragraph 1, and Articles 5 and 6 of the Convention). The Committee again expresses the hope that the Government will without fail supply all the information required.<sup>1</sup>

*Mauritania* (ratification: 1968)

The Committee regrets to note that for the third year in succession the Government's report has not arrived. It therefore feels obliged to raise in a further direct request the question which refers particularly to the payment of benefits to persons who are resident abroad (*Articles 5 and 6 of the Convention*). The Committee hopes that the Government will not fail to supply the information requested.

*Syrian Arab Republic* (ratification: 1963)

*Article 5 of the Convention (for branches (d), (e), (f) and (g))*. With reference to its comments since 1966, the Committee notes with regret that no action has yet been taken for paying invalidity, old-age and survivors' benefits and employment injury pensions to Syrian nationals and nationals of other Members which have accepted the obligations of the Convention for the branch or branches concerned, when the beneficiary is resident abroad. Such action would involve amendment of section 94 of the Social Insurance Act (No. 92 of 1959 as amended by Act No. 143 of 1961) under which the benefits cease to be paid when the beneficiary leaves the country definitively and can be replaced by an equivalent lump sum (calculated according to the table provided for in section 61 for conversions made at the request of the beneficiary).

The Committee notes that the Government, after stating in its report for the period ending 30 June 1967 that section 94 would be amended to bring it into line with the Convention, in a later report merely indicated that actuarial studies were going to be made for preparing the conversion table under section 61, and referred in its last report to the setting up of a study committee which includes an actuary.

The Committee would like to draw the Government's attention to the fact that implementation of the Convention in this matter does not require a conversion of pensions into lump sums but does require continued payment of these benefits in a case where the beneficiary is resident or transfers his residence abroad. The Committee hopes that the Government will be able to provide detailed information of the action taken or contemplated in this respect (see also the observation relating to Convention No. 19).<sup>1</sup>

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States: *Central African Republic, Denmark, Ecuador, Ireland, Madagascar, Mauritania, Norway, Zaire*.

**Convention No. 119: Guarding of Machinery, 1963**

*Dominican Republic* (ratification: 1965)

The Committee notes with regret that the Government's report has not been received. It refers to the Government's previous statement that new legislative provisions regarding the guarding of machinery were being considered and recalls the following points, raised in its direct requests since 1971:

<sup>1</sup> The Government is requested to supply full particulars to the Conference at its 60th Session .

*Article 1, paragraph 1, of the Convention.* There appears to be no provision in Regulation No. 807 of 1966 specifying that all power-driven machinery, new or second-hand, is covered by the relevant provisions, as required by the Convention.

*Article 1, paragraph 2.* Please indicate whether, as required by the Convention, any decision has been taken, after consultation of the employers' and workers' organisations, regarding machinery operated by manual power.

*Article 2, paragraph 2.* Please indicate the measures taken or envisaged to regulate the transfer of machinery by means other than its sale or hire.

*Article 2, paragraphs 3 and 4, and Article 6.* The Committee notes that the enumeration, in the Regulation, of the dangerous parts of machinery which have to be guarded does not cover all the parts listed in the Convention. Please indicate the measures taken or envisaged to specify all these parts, as well as any others which the competent authority considers to be liable to present danger.

*Articles 3 and 8.* In so far as exceptions are permitted, please indicate whether any provisions exist, regulating those exceptions and specifying appropriate safeguards.

*Articles 12, 13 and 14.* Please supply information on the manner in which effect is given to these Articles.

*Article 16.* The Committee points out that, under this Article, the employers' and workers' organisations must be consulted before any relevant laws or regulations are issued.

The Committee hopes that the Government will take the necessary action in the very near future and will supply full information in this respect.

#### *Ecuador (ratification: 1969)*

Further to its earlier comments the Committee notes with interest that, as a result of direct contacts between the competent national services and a representative of the Director-General of the ILO, Executive Order No. 4002 was issued on 7 November 1974, instructing the Department of Industrial Health and Safety in the Office of the Director-General for Labour to prepare within a period of six months provisions in consultation with the organisations of employers and workers concerned giving effect to the provisions of this Convention. The Committee hopes that in its next report the Government will provide information on the progress made in this matter.

#### *Kuwait (ratification: 1964)*

The Committee notes with regret, from the information sent by the Government in response to its earlier comments, that there has been no progress yet as regards legislation to implement the Convention. It can only reiterate its hope that the revision of the labour law, to which the Government has referred since 1970, will soon be completed and will make it possible to give full effect to the various provisions of the Convention relating to the sale, hire or transfer in any other manner and use of machinery of which the dangerous parts are without appropriate guards (Parts I, II and III), and will ensure the application of the Convention in all sectors of the economy (Article 17).

#### *Niger (ratification: 1964)*

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

Further to its earlier comments, the Committee notes the information supplied by the Government to the effect that the proposed new health and safety regulations to replace the General Order No. 5253/IGTLS/AOF of 19 July 1954 are so important that time is required for consultation, more especially with the occupational organisations concerned.

The Committee trusts that appropriate measures will be adopted in the very near future and will give effect to the Convention more particularly as regards its application to machinery operated by manual power (Article 1, paragraph 2), the sale, hire, transfer and exhibition of machines (Articles 2 to 4), informing and instructing workers (Article 10) and prohibiting the removal of guards or making them inoperative (Article 11).

#### *Turkey* (ratification: 1967)

The Government having failed to reply to the previous direct requests on the application of this Convention, the Committee must take up the matter once again in a new direct request and it hopes that the Government will make every effort to take the necessary measures and supply the information requested.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States: *Central African Republic, Congo, Cyprus, Ghana, Guatemala, Guinea, Jordan, Madagascar, Panama, Paraguay, Sierra Leone, Spain, 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: *Costa Rica, Ecuador, France, Guinea, Indonesia, Jordan, Madagascar, Paraguay, Senegal, Spain, Switzerland, Republic of Viet-Nam, Zaire.*

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

#### **Convention No. 121: Employment Injury Benefits, 1964**

##### *Cyprus* (ratification: 1966)

In connection with its earlier comments, the Committee noted with satisfaction that the Sixth Schedule to the Social Insurance Act, 1972, eliminated any distinction in benefit rate between workers over 18 years and those under that age, thus giving full effect to *Article 20 of the Convention*, and that the regulations made under this Act in 1972 in respect of occupational diseases extended the coverage to all diseases caused by ionising radiations, in accordance with *Article 8*.

##### *Ireland* (ratification: 1969)

*Article 8 of the Convention.* In connection with its earlier comments, the Committee noted with satisfaction that the Social Welfare (Occupational Injuries) (Prescribed Diseases) (Amendment) Regulations, 1973, had added to the list of

occupational diseases those caused by chrome and its toxic compounds, by the toxic halogen derivatives of hydrocarbons of the aliphatic series and by ionising radiations; and that the list of processes involving risk of anthrax had been supplemented by an item "loading and unloading, or transport, of merchandise which may have been contaminated by animals or carcasses infected with anthrax."

*Senegal (ratification: 1966)*

1. The Committee notes with satisfaction, in relation to its earlier comments:

- (a) that the normal age limit for family allowances and orphans' pensions has been raised from 14 to 15 years by sections 21 and 87 of Act No. 73-37 of 31 July 1973 regarding the Social Security Code (*Article 1 (e) of the Convention*);
- (b) that under section 61 of that Act, where an industrial accident is the result of wilful misconduct by the person injured, part of the benefit which would have been payable to that person is payable to the dependants (*Article 22, paragraph 2*).

2. The Committee regrets to note that advantage has not been taken of this revision of the law to raise the rate of benefit paid during the first 28 days of temporary incapacity to the level required by *Article 13*, since in the words of the report "the general economy of the country" did not permit such increase. The Committee wishes to point out in this connection that the difference between the rate of employment injury benefit plus family allowances and the level required by the Convention appears to be less than that indicated in the Government's report, as is explained in a new direct request. The Committee thus hopes that the Government will reconsider the matter and report any action taken to give full effect to the Convention on this point.

*Sweden (ratification: 1969)*

In connection with its earlier direct requests, the Committee noted with satisfaction that, as a result of an increase in the rate of sickness benefit under Act No. 465 of 5 June 1973, the amount required under *Article 13 of the Convention* in respect of temporary incapacity is now met.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States: *Cyprus, Ireland, Luxembourg, Senegal, Sweden, Zaire*.

**Convention No. 122: Employment Policy, 1964**

*Canada (ratification: 1966)*

Further to its previous observation, the Committee notes that, although there was a general national improvement in the employment situation during the period covered by the Government's report (the seasonally adjusted rate of unemployment having fallen from the 6.7 per cent noted in the previous observation to 5.2 per cent in the second quarter of 1974), since that time the situation has worsened so that the seasonally adjusted figure for January 1975 once again was 6.7 per cent. It notes also that regional disparities persist and that, despite improvements recorded in 1974, the unemployment rates in the Atlantic Region, Quebec, Ontario and British Columbia

have risen considerably since the end of the period covered by the Government's report. In this connection the Committee notes with interest the programme of General Development Agreements and Subsidiary Agreements between the federal and provincial jurisdictions whose purpose is to encourage co-ordinated federal and provincial action aimed at the realisation of each region's and province's potential for economic and social development and requests the Government to provide information on the results achieved through these and other programmes, in particular in regions such as the Atlantic Provinces and Quebec.

The Committee notes that the unemployment rate amongst certain categories of workers is exceptionally high, particularly in the case of young persons between 14 and 25 years of age (17.2 per cent for males and 10.6 per cent for females, according to *Statistics Canada*). The Committee notes in this regard that the Government has communicated with its report a memorandum issued by the Canadian Labour Congress in 1974 which states that "there should be an all-out effort to reduce structural imbalances between demand for and supply of labour in all industries and regions in [Canada]. Until manpower centres across the country are provided with properly qualified staff, capable of matching unemployed workers with vacant jobs for which they are eligible, this imbalance between demand and supply will continue, and thus contribute to maintaining a high unemployment rate."

The Committee notes that programmes have been undertaken to improve this situation and, while recognising that the forces producing the high rate of unemployment are not exclusively national in origin, would ask the Government to provide information on the progress of the Canada Manpower Programme, the Canada Manpower Adjustment Programme and related measures and to describe their impact on the categories of workers amongst whom unemployment is highest.

#### *Finland* (ratification: 1968)

The Committee notes the information supplied by the Government concerning measures which have been taken to co-ordinate employment policy at the national and regional levels. It notes also the joint statement of the Finnish Employers' Confederation and the Confederation of Commerce Employers which considers that no changes have been made in the bodies established for co-operation between the authorities concerned and the labour market organisations and calls for a new approach to employment policy in view of the changes in the Finnish employment situation owing to the scarcity of manpower.

The Committee would request the Government to provide information on the implementation and progress of measures to improve co-ordination and co-operation between the authorities involved in employment policy and the labour market organisations and to describe any steps taken or envisaged for remedying the shortage of manpower in Southern Finland, mentioned in the Government's report, while at the same time reducing the higher levels of unemployment that persist in the north of the country.

#### *Guinea* (ratification: 1966)

The Committee notes with regret that the Government's report has not been received and recalls that the Government has not as yet supplied a full report on the application of the Convention.

In the absence of any indication that the Government has declared or is pursuing an active employment policy in accordance with the Convention the Committee once again points out, as it did in its previous observation, that the essential first steps towards the formulation and implementation of an active employment policy are

(a) the introduction into the planning machinery of such procedures and/or bodies as may be necessary to ensure that employment policy is given a high degree of priority in future plans, and that there is full co-ordination and co-operation between all the ministries and other institutions concerned (for example, those responsible for planning, economic affairs, labour, education and training, industry, trade, agriculture, public works); and (b) the development of procedures for the collection and analysis of the statistics necessary for the formulation of an active employment policy and research into the economic and social factors affecting employment, unemployment and underemployment.

The Committee trusts that the Government will now take steps to initiate action in these two fields and will supply information on the progress made, with particular reference to the points covered by the previous direct requests, which are again being raised in a further request.<sup>1</sup>

*Senegal* (ratification: 1966)

The Committee notes with regret that the Government's report for 1972-74 contains no information on the points raised in its previous direct request. Accordingly, the Committee has not been able to assess the extent to which the Fourth Plan, 1974-77 incorporates an active policy designed to promote full, productive and freely-chosen employment. The Committee trusts that the Government will reply in full to the points which are again being raised in a direct request.<sup>2</sup>

*Uganda* (ratification: 1967)

The Committee notes with regret that for the third consecutive year the Government's report has not been received. The Committee is bound, therefore, to reiterate its previous observations, in which it requested the Government to 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 the Government will provide all available information concerning unemployment, underemployment and the size and composition of the labour force.<sup>1</sup>

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States: *Algeria, Byelorussian SSR, Brazil, United Republic of Cameroon, Chile, Costa Rica, Denmark, Guinea, Hungary, Iraq, Italy, Jordan, Khmer Republic, Libyan Arab Republic, Madagascar, Panama, Paraguay, Peru, Poland, Senegal, Spain, Sudan, Thailand, Tunisia, Ukrainian SSR, United Kingdom, USSR, Republic of Viet-Nam, Yugoslavia.*

Information supplied by *France* and *New Zealand* in answer to a direct request has been noted by the Committee.

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 60th Session.

<sup>2</sup> The Government is requested to report in detail for the period ending 30 June 1975.



**Convention No. 123: Minimum Age (Underground Work), 1965***Ecuador* (ratification: 1969)

Further to its earlier comments, the Committee notes with satisfaction that, as a result of the direct contacts between the departments concerned and a representative of the Director-General of the ILO, Decree No. 1179 was issued on 14 November 1974 to regulate on the minimum age for work underground, in conformity with the provisions of the Convention.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States: *Australia, Byelorussian SSR, United Republic of Cameroon, Cyprus, France, Gabon, Italy, Jordan, Kenya, Madagascar, Panama, Rwanda, Thailand, Uganda, Ukrainian SSR, USSR, Republic of Viet-Nam, Zambia.*

Information supplied by *Hungary, Mexico, Tunisia* and *Yugoslavia* in answer to a direct request has been noted by the Committee.

**Convention No. 124: Medical Examination of Young Persons (Underground Work), 1965***Ecuador* (ratification: 1969)

Further to its earlier comments the Committee notes with satisfaction that, as a result of the direct contacts between the departments concerned and a representative of the Director-General of the ILO, Decree No. 1179 was issued on 14 November 1974 which makes regulations on the medical examination of young persons for underground work, which are in conformity with the provisions of the Convention.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States: *Gabon, Italy, Jordan, Madagascar, Tunisia, USSR.*

**Convention No. 125: Fishermen's Competency Certificates, 1966**

Requests regarding certain points are being addressed directly to the following States: *Senegal, Syrian Arab Republic, Trinidad and Tobago.*

**Convention No. 126: Accommodation of Crews (Fishermen), 1966**

A request regarding certain points is being addressed directly to the *USSR*.

**Convention No. 127: Maximum Weight, 1967***Ecuador* (ratification: 1969)

Further to its earlier comments, the Committee notes with satisfaction that, as a result of the direct contacts between the competent national services and a represen-

tative of the Director-General of the ILO, Decree No. 1178 was issued on 14 November 1974 regulating the maximum load to be carried by a worker, in accordance with the provisions of the Convention.

\* \* \*

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

#### **Convention No. 128: Invalidity, Old-Age and Survivors' Benefits, 1967**

*Austria* (ratification: 1969)

In connection with its earlier comments, the Committee notes with satisfaction that the exemption from the insurance scheme of an employer's parents, even if not living with him (section 5 (1) of the Social Insurance (General) Act) was abolished, as regards parents and parents-in-law, by two decisions of the Constitutional Court, dated 26 June 1969 and 1 December 1971, and as regards adoptive parents, by a Federal Act of 16 December 1972.

*Cyprus* (ratification: 1968)

In connection with its earlier direct requests, the Committee notes with satisfaction that the rate of survivors' benefit was raised successively by Act No. 106 of 1972 and Act No. 22 of 1974, so that for a standard beneficiary (widow with two dependent children) it has attained 45 per cent of the wage of an ordinary adult male labourer, being the percentage required by *Article 23* in relation to *Article 27 of the Convention*.

*Sweden* (ratification: 1968)

The Committee notes with satisfaction that the age limit for receipt of the basic orphan's pension has been raised from 16 to 18 years by Act No. 473 of 5 June 1973, amending section 5 (5) of Chapter VIII of Act No. 381 of 1962, and that consequently the Government no longer takes advantage of *Article 41 of the Convention* permitting beneficiaries of survivors' benefits to be determined in a manner which is different from that required by *Article 21 (in relation to Article 1, subparagraph (h) (ii))*.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States: *Austria, Federal Republic of Germany, Netherlands, Norway, Sweden*.

#### **Convention No. 129: Labour Inspection (Agriculture), 1969**

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

#### **Convention No. 130: Medical Care and Sickness Benefits, 1969**

A request regarding certain points is being addressed directly to *Czechoslovakia*.

**Convention No. 131: Minimum Wage Fixing, 1970**

*Japan* (ratification: 1970)

Further to its previous observation and direct requests relating to this Convention and to Convention No. 26, the Committee has taken due note of the information supplied by the Government in the Conference Committee in 1974 and also in the latest reports on these two instruments.

*Article 1, paragraph 1, of the Convention.* The Committee notes with interest the information supplied on the results achieved by the “yearly plans for the promotion of minimum wages” which aim at ensuring that all workers are covered by minimum wages by the end of the fiscal year 1975. It requests the Government to continue to indicate in its future reports further progress and developments in this field.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States: *Ecuador, Libyan Arab Republic.*

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

**Convention No. 132: Holidays with Pay (Revised), 1970**

A request regarding certain points is being addressed directly to *Spain*.

**Convention No. 134: Prevention of Accidents (Seafarers), 1970**

A request regarding certain points is being addressed directly to *Spain*.

**Convention No. 135: Workers' Representatives, 1971**

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

**Convention No. 136: Benzene, 1971**

A request regarding certain points is being addressed directly to *France*.

**Appendix I. Receipt of Detailed Reports on Ratified Conventions  
(States Members) as at 25 March 1975**

*(Article 22 of the Constitution)*

**Reports received: 1,854      Reports not received: 335      Total: 2,189**

State Member	Reports received		Reports not received		Grand total
	Total	Conventions Nos.	Total	Conventions Nos.	
Afghanistan . . . . .	6	13, 41, 45, 95, 100, 111	4	4, 14, 105, 106	10
Algeria . . . . .	16	3, 11, 13, 14, 32, 58, 62, 68, 87, 91, 97, 98, 99, 100, 119, 120	2	111, 122	18
Argentina . . . . .	28	1, 3, 5, 7, 8, 9, 11, 13, 14, 15, 20, 21, 26, 27, 30, 32, 33, 35, 36, 45, 50, 58, 68, 87, 98, 100, 107, 111	0	—	28
Australia . . . . .	12	7, 9, 11, 15, 21, 26, 27, 45, 47, 99, 122, 123	2	8, 112	14
Austria . . . . .	15	5, 11, 13, 21, 27, 33, 45, 87, 98, 99, 100, 102, 103, 122, 128	0	—	15
Bangladesh . . . . .	13	1, 11, 14, 15, 21, 27, 32, 45, 59, 87, 98, 106, 111	1	107	14
Barbados . . . . .	10	5, 7, 11, 26, 50, 86, 87, 97, 98, 108	3	63, 102, 128	13
Belgium . . . . .	27	1, 5, 7, 8, 9, 11, 13, 14, 15, 26, 27, 32, 33, 43, 45, 58, 62, 68, 87, 91, 97, 98, 99, 100, 102, 112, 122	7	21, 50, 64, 82, 84, 85, 107	34
Bolivia . . . . .	8	1, 5, 14, 17, 20, 26, 87, 107	0	—	8
Brazil . . . . .	20	5, 7, 11, 14, 21, 26, 45, 58, 91, 97, 98, 99, 100, 103, 106, 107, 108, 111, 120, 122	0	—	20
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 . . . . .	9	1, 11, 14, 15, 21, 26, 27, 52, 87	0	—	9

## OBSERVATIONS CONCERNING RATIFIED CONVENTIONS

State Member	Reports received		Reports not received		Grand total
	Total	Conventions Nos.	Total	Conventions Nos.	
Burundi . . . . .	11	14, 26, 29, 50, 52, 59, 64, 81, 90, 94, 101	12	1, 4, 11, 12, 17, 18, 19, 27, 42, 62, 89, 105	23
Byelorussian SSR . . . . .	21	11, 14, 15, 27, 29, 32, 45, 47, 58, 59, 60, 87, 98, 100, 103, 106, 111, 119, 120, 122, 123	0	—	21
Cameroon, United Republic of . . .	15	3, 5, 9, 11, 13, 14, 15, 26, 45, 87, 98, 99, 100, 122, 123	0	—	15
Eastern Cameroon . . .	1	33	0	—	1
Western Cameroon . . .	3	50, 64, 97	0	—	3
Canada . . . . .	16	1, 7, 8, 14, 15, 26, 27, 32, 45, 58, 68, 87, 100, 108, 111, 122	0	—	16
Central African Republic .	21	3, 5, 11, 13, 14, 26, 33, 62, 67, 81, 87, 94, 95, 98, 99, 100, 105, 111, 117, 118, 119	0	—	21
Chad . . . . .	13	4, 5, 6, 11, 14, 26, 33, 41, 87, 98, 100, 105, 111	5	13, 29, 52, 81, 95	18
Chile . . . . .	39	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 22, 24, 25, 26, 27, 29, 30, 32, 34, 35, 36, 37, 38, 45, 63, 100, 111, 122, 127	0	—	39
Colombia . . . . .	23	1, 3, 5, 7, 8, 9, 11, 13, 14, 15, 20, 21, 26, 29, 30, 62, 81, 88, 99, 100, 106, 107, 111	0	—	23
Congo . . . . .	8	5, 11, 13, 14, 26, 33, 87, 119	0	—	8
Costa Rica . . . . .	18	11, 26, 29, 45, 81, 87, 92, 94, 95, 98, 99, 100, 106, 111, 112, 120, 122, 127	8	88, 102, 107, 113, 114, 117, 129, 130	26
Cuba . . . . .	41	1, 3, 5, 7, 8, 9, 11, 13, 14, 15, 20, 21, 26, 27, 29, 30, 32, 45, 58, 59, 60, 67, 87, 91, 92, 97, 98, 99, 100, 103, 105, 106, 107, 110, 111, 112, 120, 122, 131, 135, 136	0	—	41

REPORT OF THE COMMITTEE OF EXPERTS

State Member	Reports received		Reports not received		Grand total
	Total	Conventions Nos.	Total	Conventions Nos.	
Cyprus . . . . .	12	11, 15, 45, 87, 97, 98, 106, 111, 119, 122, 123, 128	0	—	12
Czechoslovakia . . . . .	23	1, 5, 11, 13, 14, 21, 26, 27, 35, 36, 37, 38, 39, 40, 43, 45, 49, 87, 98, 99, 100, 111, 123	0	—	23
Dahomey . . . . .	10	5, 11, 13, 14, 26, 33, 87, 98, 100, 111	0	—	10
Democratic Yemen . . . . .	8	15, 58, 59, 64, 86, 95, 98, 105	0	—	8
Denmark . . . . .	23	5, 7, 8, 9, 11, 14, 15, 21, 32, 58, 62, 87, 88, 98, 100, 102, 106, 108, 111, 112, 120, 122, 129	0	—	23
Dominican Republic . . . . .	0	—	17	1, 5, 7, 26, 29, 45, 81, 87, 88, 89, 98, 100, 105, 106, 107, 111, 119	17
Ecuador . . . . .	21	11, 29, 45, 87, 95, 100, 101, 103, 104, 105, 106, 112, 113, 115, 117, 119, 120, 122, 123, 124, 131	10	24, 26, 35, 37, 39, 86, 98, 107, 110, 111	31
Egypt . . . . .	19	1, 2, 11, 14, 26, 30, 45, 53, 89, 94, 95, 98, 100, 101, 104, 106, 107, 111, 115	3	63, 87, 105	22
El Salvador . . . . .	2	105, 107	0	—	2
Ethiopia . . . . .	4	11, 87, 98, 111	0	—	4
Fiji . . . . .	0	—	13	5, 8, 11, 26, 45, 50, 58, 59, 64, 84, 86, 98, 108	13
Finland . . . . .	23	7, 8, 9, 11, 13, 14, 15, 20, 21, 27, 30, 32, 45, 62, 87, 91, 98, 100, 108, 111, 119, 120, 122	0	—	23
France . . . . .	40	3, 5, 8, 9, 11, 13, 14, 15, 26, 27, 29, 32, 33, 35, 36, 37, 38, 43, 45, 49, 58, 62, 68, 84, 87, 91, 97, 98, 99, 100, 105, 106, 108, 112, 120, 122, 129, 131, 135, 136	3	17, 19, 123	43
Gabon . . . . .	20	3, 5, 11, 13, 14, 19, 26, 29, 33, 41, 45, 52, 87, 98, 99, 100, 105, 111, 123, 124	0	—	20

## OBSERVATIONS CONCERNING RATIFIED CONVENTIONS

State Member	Reports received		Reports not received		Grand total
	Total	Conventions Nos.	Total	Conventions Nos.	
German Democratic Republic . . . . .	2	11, 27	0	—	2
Germany, Federal Republic of . . . . .	21	3, 7, 8, 9, 11, 15, 26, 27, 45, 62, 87, 97, 98, 99, 100, 102, 111, 112, 121, 122, 128	0	—	21
Ghana . . . . .	23	1, 8, 11, 14, 15, 26, 45, 50, 58, 59, 64, 87, 94, 98, 100, 105, 106, 107, 108, 111, 117, 119, 120	0	—	23
Greece . . . . .	18	1, 3, 5, 7, 8, 9, 11, 13, 14, 15, 27, 45, 52, 58, 87, 98, 105, 108	1	102	19
Guatemala . . . . .	16	26, 30, 45, 58, 86, 87, 97, 98, 99, 100, 106, 108, 110, 111, 112, 119	0	—	16
Guinea . . . . .	1	100	22	3, 5, 11, 13, 14, 18, 26, 29, 33, 45, 62, 81, 87, 94, 98, 99, 105, 111, 112, 119, 120, 122	23
Guyana . . . . .	13	5, 7, 11, 15, 26, 45, 50, 64, 86, 87, 97, 98, 108	0	—	13
Haiti . . . . .	0	—	15	1, 5, 14, 24, 25, 30, 42, 45, 81, 90, 98, 100, 105, 106, 107	15
Honduras . . . . .	11	14, 29, 32, 42, 45, 62, 87, 98, 106, 108, 111	1	100	12
Hungary . . . . .	20	3, 7, 13, 14, 15, 21, 26, 27, 45, 62, 87, 98, 99, 100, 103, 111, 122, 123, 135, 136	0	—	20
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 . . . . .	7	27, 29, 45, 98, 100, 106, 120	0	—	7
Iran . . . . .	7	14, 95, 100, 106, 108, 111, 122	0	—	7
Iraq . . . . .	16	1, 8, 13, 14, 15, 26, 27, 29, 30, 58, 59, 98, 100, 111, 122, 135	2	106, 136	18

**REPORT OF THE COMMITTEE OF EXPERTS**

State Member	Reports received		Reports not received		Grand total
	Total	Conventions Nos.	Total	Conventions Nos.	
Ireland . . . . .	23	5, 7, 8, 11, 14, 15, 20, 21, 23, 26, 27, 32, 43, 45, 49, 62, 68, 87, 96, 98, 102, 108, 122	0	—	23
Israel . . . . .	16	1, 5, 9, 14, 20, 30, 87, 91, 97, 98, 100, 102, 106, 111, 112, 122	0	—	16
Italy . . . . .	38	3, 7, 8, 9, 11, 13, 14, 15, 26, 27, 32, 35, 36, 37, 38, 39, 40, 45, 58, 59, 60, 68, 87, 91, 97, 98, 99, 100, 102, 103, 106, 108, 111, 112, 119, 120, 122, 123	0	—	38
Ivory Coast . . . . .	0	—	16	3, 5, 11, 13, 14, 26, 29, 33, 45, 52, 87, 98, 99, 100, 110, 111	16
Jamaica . . . . .	12	7, 8, 11, 15, 26, 50, 58, 64, 86, 87, 97, 98	0	—	12
Japan . . . . .	14	5, 7, 8, 9, 15, 26, 27, 45, 50, 58, 87, 98, 100, 131	1	21	15
Jordan . . . . .	0	—	10	29, 98, 100, 105, 111, 117, 119, 120, 122, 123	10
Kenya . . . . .	21	5, 11, 14, 15, 26, 27, 29, 32, 45, 50, 58, 59, 64, 81, 86, 97, 98, 99, 105, 112, 123	1	17	22
Khmer Republic . . . . .	3	13, 29, 122	0	—	3
Kuwait . . . . .	6	1, 30, 87, 106, 111, 119	0		6
Laos . . . . .	0	—	4	4, 6, 13, 29	4
Lebanon . . . . .	4	26, 81, 89, 90	3	14, 45, 52	7
Liberia . . . . .	11	29, 53, 55, 58, 87, 98, 104, 105, 111, 112, 114	0	—	11
Libyan Arab Republic . . . . .	6	1, 3, 14, 98, 100, 111	4	26, 59, 122, 131	10
Luxembourg . . . . .	23	1, 3, 4, 7, 8, 9, 10, 11, 13, 14, 15, 20, 26, 27, 30, 81, 87, 89, 98, 100, 102, 103, 121	6	5, 21, 28, 45, 59, 60	29
Madagascar . . . . .	11	26, 29, 87, 111, 117, 118, 119, 120, 122, 123, 124	7	5, 11, 13, 14, 33, 100, 132	18



## OBSERVATIONS CONCERNING RATIFIED CONVENTIONS

State Member	Reports received		Reports not received		Grand total
	Total	Conventions Nos.	Total	Conventions Nos.	
Malawi . . . . .	12	11, 26, 45, 50, 64, 86, 97, 98, 99, 100, 107, 111	0	—	12
Malaysia . . . . .	3	50, 64, 98	0	—	3
States of Malaya . . . . .	2	11, 45	0	—	2
Sabah . . . . .	3	15, 86, 97	0	—	3
Sarawak . . . . .	5	7, 11, 14, 15, 86	0	—	5
Mali . . . . .	11	5, 11, 13, 14, 26, 33, 41, 87, 98, 100, 111	0	—	11
Malta . . . . .	14	5, 7, 8, 11, 15, 26, 32, 35, 36, 87, 98, 99, 108, 111	0	—	14
Mauritania . . . . .	25	3, 5, 6, 11, 13, 14, 15, 17, 18, 23, 26, 33, 52, 58, 81, 84, 87, 89, 90, 91, 95, 96, 101, 112, 122	10	19, 22, 29, 53, 62, 94, 102, 111, 114, 118	35
Mauritius . . . . .	21	2, 5, 7, 8, 11, 14, 15, 26, 32, 50, 58, 59, 63, 64, 84, 86, 97, 98, 99, 105, 108	0	—	21
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 . . . . .	6	59, 87, 98, 100, 103, 111	0	—	6
Morocco . . . . .	10	11, 13, 14, 15, 26, 27, 45, 98, 99, 111	0	—	10
Netherlands . . . . .	24	5, 8, 9, 13, 14, 15, 21, 26, 27, 32, 33, 45, 58, 62, 68, 97, 99, 100, 102, 106, 112, 122, 123, 128	3	11, 87, 91	27
New Zealand . . . . .	21	1, 9, 11, 14, 15, 21, 26, 30, 32, 42, 45, 47, 49, 50, 58, 59, 64, 84, 97, 99, 122	0	—	21
Nicaragua . . . . .	23	1, 3, 5, 7, 8, 9, 10, 11, 13, 14, 15, 16, 19, 21, 23, 26, 27, 28, 30, 87, 98, 100, 111	0	—	23
Niger . . . . .	0	—	13	5, 11, 13, 14, 26, 33, 87, 98, 100, 102, 111, 119, 135	13
Nigeria . . . . .	13	8, 11, 15, 26, 32, 45, 50, 58, 59, 64, 87, 97, 98	0	—	13

**REPORT OF THE COMMITTEE OF EXPERTS**

State Member	Reports received		Reports not received		Grand total
	Total	Conventions Nos.	Total	Conventions Nos.	
Norway . . . . .	33	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, 130	0	—	33
Pakistan . . . . .	15	1, 11, 14, 15, 21, 27, 32, 45, 59, 87, 96, 98, 106, 107, 111	0	—	15
Panama . . . . .	31	3, 8, 9, 11, 13, 15, 20, 21, 26, 27, 30, 32, 43, 45, 58, 64, 68, 81, 86, 87, 98, 100, 107, 108, 110, 111, 112, 119, 120, 122, 123	0	—	31
Paraguay . . . . .	9	1, 30, 59, 60, 87, 99, 100, 111, 123	10	11, 14, 26, 98, 105, 106, 107, 119, 120, 122	19
Peru . . . . .	48	1, 4, 8, 9, 11, 12, 14, 19, 20, 24, 25, 26, 27, 29, 32, 35, 36, 37, 38, 39, 40, 41, 45, 56, 58, 59, 62, 67, 68, 69, 71, 73, 79, 81, 87, 88, 90, 98, 99, 100, 102, 105, 107, 111, 112, 113, 114, 122	0	—	48
Philippines . . . . .	8	59, 87, 94, 98, 99, 100, 110, 111	0	—	8
Poland . . . . .	27	5, 7, 8, 9, 11, 13, 14, 15, 27, 35, 36, 37, 38, 39, 40, 45, 62, 68, 87, 91, 98, 100, 111, 112, 120, 122, 123	1	105	28
Portugal . . . . .	29	1, 4, 6, 7, 12, 14, 17, 18, 19, 26, 27, 29, 45, 68, 69, 73, 74, 81, 89, 91, 92, 98, 100, 104, 105, 106, 107, 108, 111	1	88	30
Romania . . . . .	14	1, 3, 5, 7, 8, 9, 11, 13, 14, 15, 27, 87, 98, 100	0	—	14
Rwanda . . . . .	13	4, 11, 12, 14, 18, 26, 42, 50, 62, 64, 89, 105, 123	0	—	13
Senegal . . . . .	22	4, 5, 10, 11, 12, 13, 14, 26, 33, 52, 87, 89, 95, 96, 98, 99, 100, 101, 102, 111, 120, 122	0	—	22
Sierra Leone . . . . .	20	5, 7, 8, 15, 26, 29, 32, 45, 50, 58, 59, 64, 86, 87, 98, 99, 100, 105, 111, 119	1	95	21

## OBSERVATIONS CONCERNING RATIFIED CONVENTIONS

State Member	Reports received		Reports not received		Grand total
	Total	Conventions Nos.	Total	Conventions Nos.	
Singapore . . . . .	11	5, 7, 8, 11, 15, 32, 45, 50, 64, 86, 98	0	—	11
Somalia . . . . .	0	—	6	29, 65, 84, 85, 105, 111	6
Trust Territory of Somaliland . . . . .	0	—	6	16, 17, 19, 22, 23, 45	6
British Somaliland . . . . .	0	—	4	50, 64, 94, 95	4
Spain . . . . .	38	1, 3, 5, 7, 8, 9, 11, 13, 14, 15, 20, 26, 27, 30, 32, 45, 58, 59, 60, 62, 68, 91, 97, 99, 100, 103, 106, 108, 111, 112, 119, 120, 122, 123, 131, 132, 134, 135	0	—	38
Sri Lanka . . . . .	11	5, 7, 8, 11, 15, 18, 26, 45, 58, 98, 99	0	—	11
Sudan . . . . .	7	26, 81, 95, 98, 100, 111, 122	1	29	8
Sweden . . . . .	23	7, 8, 9, 11, 13, 14, 15, 21, 27, 32, 58, 87, 98, 100, 102, 108, 111, 119, 120, 122, 128, 134, 135	0	—	23
Switzerland . . . . .	14	5, 8, 11, 14, 15, 26, 27, 45, 58, 62, 100, 111, 120, 123	0	—	14
Syrian Arab Republic . . . . .	17	1, 11, 14, 26, 30, 45, 98, 99, 100, 106, 107, 111, 119, 120, 123, 129, 131	2	87, 124	19
Tanzania . . . . .	0	—	18	11, 12, 15, 16, 17, 19, 26, 29, 50, 59, 63, 64, 65, 86, 94, 95, 98, 105	18
Tanganyika . . . . .	0	—	6	32, 45, 81, 88, 101, 108	6
Zanzibar . . . . .	0	—	5	5, 7, 58, 85, 97	5
Thailand . . . . .	0	—	4	14, 105, 122, 123	4
Togo . . . . .	0	—	9	5, 11, 13, 14, 26, 29, 33, 84, 87	9
Trinidad and Tobago . . . . .	7	15, 50, 87, 97, 98, 111, 125	0	—	7
Tunisia . . . . .	24	8, 11, 13, 14, 18, 26, 45, 58, 59, 62, 77, 87, 91, 99, 106, 107, 108, 111, 112, 119, 120, 123, 124, 127	6	29, 98, 100, 105, 117, 122	30

**REPORT OF THE COMMITTEE OF EXPERTS**

State Member	Reports received		Reports not received		Grand total
	Total	Conventions Nos.	Total	Conventions Nos.	
Turkey . . . . .	11	11, 14, 15, 45, 58, 81, 95, 99, 100, 105, 115	4	94, 98, 111, 119	15
Uganda . . . . .	0	—	16	5, 11, 12, 17, 19, 26, 29, 45, 50, 64, 86, 94, 98, 105, 122, 123	16
Ukrainian SSR . . . . .	25	11, 14, 15, 27, 32, 45, 47, 52, 58, 59, 60, 69, 87, 92, 98, 100, 103, 106, 108, 111, 112, 119, 120, 122, 123	0	—	25
USSR . . . . .	24	11, 14, 15, 27, 29, 32, 45, 47, 52, 58, 59, 60, 87, 98, 100, 103, 106, 108, 111, 112, 119, 120, 122, 123	0	—	24
United Kingdom . . . . .	28	5, 7, 8, 11, 15, 26, 32, 35, 36, 37, 38, 39, 40, 45, 50, 64, 68, 84, 86, 87, 97, 98, 99, 100, 102, 108, 120, 122	0	—	28
United States . . . . .	1	58	0	—	1
Upper Volta . . . . .	11	3, 5, 11, 13, 14, 26, 33, 87, 97, 98, 111	1	100	12
Uruguay . . . . .	41	1, 2, 8, 9, 10, 11, 12, 13, 14, 15, 16, 19, 20, 21, 22, 23, 24, 25, 26, 27, 30, 32, 43, 45, 58, 59, 60, 62, 67, 73, 77, 78, 79, 87, 90, 97, 98, 99, 103, 105, 110	2	17, 94	43
Venezuela . . . . .	11	1, 5, 7, 11, 13, 14, 21, 22, 26, 27, 45	6	3, 81, 88, 98, 111, 120	17
Republic of Viet-Nam . . . . .	10	5, 13, 14, 26, 27, 45, 98, 111, 120, 123	1	122	11
Yemen . . . . .	2	104, 111	0	—	2
Yugoslavia . . . . .	25	3, 5, 7, 8, 9, 11, 13, 14, 15, 27, 45, 58, 87, 91, 97, 98, 100, 102, 103, 106, 111, 112, 119, 122, 123	0	—	25
Zaire . . . . .	12	4, 11, 12, 26, 50, 64, 84, 89, 95, 98, 100, 118	14	14, 17, 18, 19, 27, 29, 62, 81, 88, 94, 117, 119, 120, 121	26
Zambia . . . . .	9	5, 11, 26, 45, 50, 64, 86, 97, 123	3	99, 100, 131	12

## OBSERVATIONS CONCERNING RATIFIED CONVENTIONS

State Member	Reports received		Reports not received		Grand total
	Total	Conventions Nos.	Total	Conventions Nos.	
<i>Other States :</i>					
Albania <sup>1</sup> . . . . .	0	—	16	5, 6, 10, 11, 16, 21, 29, 52, 58, 59, 77, 78, 87, 98, 100, 112	16
Lesotho <sup>1</sup> . . . . .	0	—	11	5, 11, 14, 19, 26, 29, 45, 64, 65, 87, 98	11
Nauru . . . . .	1	27	0	—	1
Rep. of South Africa <sup>1</sup> . .	0	—	7	2, 19, 26, 42, 45, 63, 89	7

<sup>1</sup> 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).

# REPORT OF THE COMMITTEE OF EXPERTS

## Appendix II. Statistical Table of Reports on Ratified Conventions as at 25 March 1975

(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 <sup>1</sup>	16.6	666	82.6	695	86.2
1949-1950	831	253	30.4	597	71.8	666	80.1
1950-1951	907	288	31.7	705	77.7	761	83.9
1951-1952	981	268	27.3	743	75.7	826	84.2
1952-1953	1 026	212	20.6	840	81.8	917	89.3
1953-1954	1 175	268	22.8	1 077	91.7	1 119	95.2
1954-1955	1 234	283	22.9	1 063	86.1	1 170	94.8
1955-1956	1 333	332	24.9	1 234	92.5	1 283	96.2
1956-1957	1 418	210	14.7	1 295	91.3	1 349	95.1
1957-1958	1 558	340	21.8	1 484	95.2	1 509	96.8
1958-1959	995 <sup>2</sup>	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	—	—

<sup>1</sup> First year for which this figure is available.

<sup>2</sup> As a result of a decision by the Governing Body, detailed reports were requested as from 1958-59 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**

#### *France*

In its previous observations, the Committee had noted that declarations had not yet been made, in accordance with 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. The Committee notes with interest that in November 1974 the Government of France communicated 453 such declarations to the Director-General of the International Labour Office, including 409 declarations indicating that the Convention would be applied without modification to the territory in question.

The Committee regrets that none of the reports due in respect of the application of Conventions in St. Pierre and Miquelon has been received. It hopes that the reports in question will be available for examination at its next session.

#### *Netherlands*

In previous observations, the Committee drew attention to the fact that no information had been provided to indicate the measures taken, in accordance with article 35, paragraph 4, of the ILO Constitution, to bring to the notice of the Government of the Netherlands Antilles a number of Conventions ratified by the Netherlands. It regrets that no further information has been supplied on this matter, and once more expresses the hope that the necessary indications will be furnished.

In the light of the information available, the Government would appear to be in a position to make a declaration of application to the Netherlands Antilles in respect of Convention No. 24.

The Committee regrets that none of the reports due in respect of the application of Conventions in Surinam has been received, and that accordingly no information is available in answer to the observations and direct requests made previously.

#### *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 the reports in question will be available for examination at its next session.

#### *United Kingdom*

The Committee notes that once again no reports have been received in respect of the application of Conventions in Southern Rhodesia (Zimbabwe), and that accord-

ingly no information is available in answer to the observations previously made concerning the observance in this territory of Conventions Nos. 81, 82, 84, 86 and 105. It recalls that the decisions of the United Nations concerning the right of the people of Zimbabwe to self-determination and most recently General Assembly Resolution 3297 (XXIX) of 13 December 1974 have affirmed the primary responsibility for the territory of the Government of the United Kingdom as administering power under Chapter XI of the United Nations Charter, and expresses the hope that appropriate measures will be taken to ensure the observance of the obligations accepted in respect of Southern Rhodesia (Zimbabwe) under or in relation to international labour Conventions.

The Committee also regrets that none of the reports due in respect of the application of Conventions in Dominica has been received. It hopes that the reports in question will be available for examination at its next session.

## B. INDIVIDUAL OBSERVATIONS

### Convention No. 3: Maternity Protection, 1919

A request regarding certain points is being addressed to *France* (St. Pierre and Miquelon).

The Committee has noted the information supplied by *France* (French Polynesia, French Territory of the Afars and the Issas, New Caledonia) in reply to a direct request.

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

#### *Denmark*

##### *Faeroe Islands.*

In connection with its previous observations the Committee notes with satisfaction the adoption of Act No. 58 of 24 May 1974 on safety, hygiene and occupational welfare, which prohibits the employment of children under 14 years of age in industrial undertakings, as required by the Convention.

#### *United Kingdom*

##### *Hong Kong.*

In connection with its previous observations, the Committee notes with regret that there has been no progress on the matter raised, i.e. the incompatibility with Article 3 of the Convention of the provisions of section 2 (2) (a) of the Factories and Industrial Establishments Ordinance (No. 34 of 1955) which exempt from its application any establishment "not carried on by way of trade or for purposes of gain".

The Committee hopes that the necessary steps will be taken in the near future to bring the law into conformity with the Convention and with current practice, and it requests the Government to report any progress in this matter.

\* \* \*

In addition, a request regarding certain points is being addressed directly to *Denmark* (Faeroe Islands).



**Convention No. 7: Minimum Age (Sea), 1920***United Kingdom**St. Vincent.*

The Government having failed to reply to the previous direct requests on the application of this Convention, the Committee must take up the matter once again in a new direct request and it hopes that the Government will make every effort to supply the information requested.

\* \* \*

In addition, a request regarding certain points is being addressed directly to the *United Kingdom* (St. Vincent).

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

Requests regarding certain points are being addressed directly to the following States: *Denmark* (Faeroe Islands), *United Kingdom* (Belize, British Solomon Islands, British Virgin Islands, Dominica, Falkland Islands (Malvinas), Gibraltar, Hong Kong, Monserrat, St. Helena, St. Kitts-Nevis-Anguilla, St. Lucia, St. Vincent, Seychelles).

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

A request regarding certain points is being addressed directly to *Denmark* (Faeroe Islands).

**Convention No. 10: Minimum Age (Agriculture), 1921***United Kingdom**Gilbert and Ellice Islands.*

In connection with its previous comments the Committee noted with satisfaction that sections 84 and 89 of the Employment Ordinance 1965 have been amended by the revising Ordinances No. 2 of 20 June 1972 and No. 3 of 15 December 1972, so as to prohibit employment of children under the age of 14 years, as provided in the Convention.

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

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

*Articles 7 and 10 of the Convention.* In reply to the Committee's earlier observations with respect to the application of these provisions (concerning, respectively, the award of additional compensation to injured workmen whose incapacity necessitates the constant help of another person and the entitlement of injured workmen to the renewal of artificial limbs and surgical appliances), the Government again refers to section 4, paragraph 2, of the Ordinance of 1966 respecting workmen's

compensation, which deals with benefits other than those provided for in the above-mentioned provisions of the Convention. The Government adds, however, that in actual practice no difficulties have been encountered with regard to the application of these provisions and that the possibility is being examined of issuing statutory regulations that are attuned to existing conditions.

The Committee has noted these statements and trusts that steps will be taken in the very near future to bring the national legislation fully into line with the Convention, as requested of the Government as long ago as 1958, and that the Government will not fail to indicate what progress has been made in this respect.

\* \* \*

In addition, a request regarding certain points is being addressed directly to the *Netherlands* (Netherlands Antilles).

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

*France*

*Overseas Departments* (French Guiana, Guadeloupe, Martinique, Réunion). See under Convention No. 42, France.

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

*France*

*Overseas Departments* (French Guiana, Guadeloupe, Martinique, Réunion).  
See under Convention No. 19, France.

\* \* \*

In addition, a request regarding certain points is being addressed directly to *France* (French Guiana, Guadeloupe, Martinique, Réunion).

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

Requests regarding certain points are being addressed directly to *Australia* (New Guinea and Papua).

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

A request regarding certain points is being addressed directly to the *United Kingdom* (Jersey).

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

*Netherlands*

*Netherlands Antilles.*

The Committee regrets to note that for the second year in succession no report has been received. The Committee is bound therefore to repeat its previous comment which was as follows:

*Article 2 of the Convention.* As regards the exclusion of home-workers from sickness insurance, as provided for by section 1 of the Order No. 15 of 6 January 1966, the Government states that an amendment to bring the legislation into conformity with the Convention will be considered. The Committee duly notes this statement and hopes that the next report will indicate the progress made towards extending sickness insurance to this category of workers, in accordance with Article 2, paragraph 2, of the Convention, which permits an exception only for home-workers whose conditions of work are not of a like nature to those of ordinary wage earners.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States: *Netherlands* (Netherlands Antilles), *United Kingdom* (Jersey).

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

#### *United Kingdom*

##### *Gilbert and Ellice Islands.*

*Article 3, paragraph 2 (2), of the Convention.* The Committee refers to its past comments and notes with satisfaction that the Industrial Relations Ordinance, No. 33 of 1974, provides for equal representation of employers and workers on the Incomes Commission to which matters relating to minimum wages can be referred.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the *United Kingdom* (Hong Kong, Montserrat, St. Kitts-Nevis-Anguilla).

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

Requests regarding certain points are being addressed directly to *France* (Overseas Departments: French Guiana, Guadeloupe, Martinique, Réunion; French Polynesia).

### **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 previous observations, the Committee notes from the information supplied by the Government that draft regulations under section 17 (1) of the Ordinance of 22 August 1952 are in preparation and will specify the types of employment which are prohibited for young persons under 18 years. The Committee hopes that the drafts will shortly be adopted and requests the Government to send the relevant texts.

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

*Overseas Departments* (French Guiana, Guadeloupe, Martinique, Réunion). See under Convention No. 42, France.

*United Kingdom**Brunei.*

The Committee notes with interest the proposed amendment of the list of occupational diseases in the schedule to the 1957 Workmen's Compensation Act, sent with the report. It hopes that the amendment can be approved in the near future and that the entry relating to silicosis will also cover tuberculosis, as provided in the Convention.

The Committee requests the Government to keep it informed of progress in the adoption of the amendment.

*St. Lucia.*

Further to its previous comments, the Committee notes with satisfaction the passing of the Workmen's Compensation (Amendment) Act (No. 15 of 1973) to amend the Workmen's Compensation Ordinance, 1964; the Act has supplemented, in conformity with the Convention, the list of occupational diseases in the schedule to the earlier Ordinance as regards silicosis with pulmonary tuberculosis and certain operations liable to give rise to anthrax infection.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States: *Netherlands* (Netherlands Antilles), *United Kingdom* (British Solomon Islands).

**Convention No. 50: Recruiting of Indigenous Workers, 1936**

A request regarding certain points is being addressed directly to the *United Kingdom* (British Solomon Islands).

Information supplied by the *United Kingdom* (Hong Kong) in answer to a direct request has been noted by the Committee.

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

Following its earlier observations, the Committee notes from the Government's report that the draft amendment of the relevant law, which is intended to make it illegal to employ children under the age of 16 years on vessels, is now in preparation. The Committee hopes that the law can be supplemented in this way very shortly.<sup>1</sup>

<sup>1</sup> The Government is asked to report in detail for the period ending 30 June 1975.

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

A request regarding certain points is being addressed directly to the *Netherlands* (Surinam).

**Convention No. 63: Statistics of Wages and Hours of Work, 1938***United Kingdom**Brunei.*

Further to its previous direct requests the Committee notes with satisfaction that the *Labour Department Annual Report, 1973*, published in 1974, contains statistics of time rates of wages and normal hours of work in 1973 which are in compliance with Articles 13 to 20 of the Convention.

*St. Lucia.*

The Committee notes from the information communicated in response to its previous direct requests, that the statistics required under the Convention have still not been published, although draft statistics exist for the period 1964-73. It further notes with regret that no statistics have been communicated to the Office since those included in the report for 1969-71. The Committee trusts that in future the statistics required under Articles 13 to 20 and 22 of the Convention will be published and communicated to the ILO within the time limits laid down in Article 1 (b) and (c) of the Convention.

\* \* \*

In addition, a request regarding certain points is being addressed directly to the *United Kingdom* (Brunei).

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

A request regarding certain points is being addressed directly to the *United Kingdom* (British Solomon Islands, Seychelles).

**Convention No. 81: Labour Inspection, 1947***Netherlands**Surinam.*

The Committee notes the Government's statement to the Conference Committee in 1974 that optimum efforts would be made to ensure the adoption before the end of the year of the Labour Inspection Bill which is to give full effect to the Convention. The Committee regrets that the report has not been received and that, consequently, no further information on the action taken is available. It recalls that it has repeatedly called for the implementation of various provisions of the Convention, and in particular Articles 12 and 13 thereof (powers of labour inspectors), and trusts that the draft legislation will be adopted in the very near future and will ensure full compliance with the Convention.

*United Kingdom**Brunei.*

*Articles 20 and 21 of the Convention.* Further to its previous observations, the Committee notes with satisfaction that the Government has published and supplied the *Annual Report of the Department of Labour, 1973*, which contains detailed information on the activities of the labour inspection service.

It hopes that the Government will continue to issue and communicate these Reports and that they will contain all the information specified in Article 21 of the Convention, including in particular statistics on violations and on occupational diseases (paragraphs (e) and (g) of Article 21) which were not given in the 1973 Report.

*St. Vincent.*

The Committee notes with regret that for the second year in succession the Government's report has not been received. It recalls, with regard to *Articles 20 and 21 of the Convention*, that the last annual inspection report available in the Office dates back to 1961, and urges the Government to take all necessary steps to ensure that the annual inspection reports will be published and transmitted to the ILO within the time limits laid down by Article 20 of the Convention.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States: *Netherlands* (Surinam), *United Kingdom* (Brunei, St. Vincent).

**Convention No. 82: Social Policy (Non-Metropolitan Territories), 1947***United Kingdom**St. Vincent.*

The Committee regrets that for the fourth time in succession 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 observation and direct requests, which read as follows:

*Article 18 of the Convention.* Please indicate the measures that the Government intends to take in order to abolish all discrimination, as called for by paragraphs 1 and 2 of this Article of the Convention, and in particular the current practice, referred to in the report for 1966-68, of fixing minimum wage rates for women employed in agriculture and in industrial undertakings at a lower level than for men engaged in the same occupations.

*Article 19, paragraphs 2 and 3.* The Committee notes from the Government's reply to its request made in 1969 that it intends to enact legislation on compulsory education fixing a school-leaving age, when the financial situation permits, and that the need to enact such legislation will be kept in mind. The Committee hopes that in its next report the Government will indicate any progress made towards the full application of the above-mentioned paragraphs of the Convention.

*Southern Rhodesia (Zimbabwe).*

See General Observations.

**Convention No. 84: Right of Association (Non-Metropolitan Territories), 1947***United Kingdom**Southern Rhodesia (Zimbabwe).*

See General Observations.

\* \* \*

In addition, a request regarding certain points is being addressed directly to the *United Kingdom* (Brunei).

**Convention No. 85: Labour Inspectorates (Non-Metropolitan Territories), 1947**

A request regarding certain points is being addressed directly to the *United Kingdom* (St. Kitts-Nevis-Anguilla).

**Convention No. 86: Contracts of Employment (Indigenous Workers), 1947**

*United Kingdom*

*Southern Rhodesia* (Zimbabwe).

See General Observations.

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

*United Kingdom*

*Seychelles.*

In its earlier comments the Committee noted that section 10 (1) (d) of the Trade Unions and Trade Disputes Ordinance (c.116), as amended by Ordinance No. 6 of 1970, empowers the Registrar of Trade Unions to refuse registration of a trade union where he is satisfied that there is already in existence a trade union which adequately represents the interest of the applicants, and that section 15 (2) (a) (iv) authorises him to refuse to register any alteration or amendment to the rules of an existing union where, by such alteration or amendment, the trade union seeks to represent interests, the whole or a substantial number of which are, in the opinion of the Registrar, sufficiently represented by another trade union already registered. The Committee pointed out that these provisions ran counter to the principles laid down in the Convention.

The Committee notes that observations have been submitted by the Seychelles Construction, Building and Civil Engineering Workers Union and that, according to the Union, the Registrar has refused to register a federation formed by the merger of three large unions, basing his refusal on section 19 (2) (a) (iv) of the Trade Unions Ordinance (c. 179) of which the content is similar to that of section 15 (2) (a) (iv) mentioned above.

The Committee notes moreover that the Government in its report does not refer to these observations, which were transmitted to it. It also notes that, according to both the present report and the previous report, the Registrar has not yet refused registration to a union on the basis of the above-mentioned provision of the Trade Unions and Trade Disputes Ordinance, as amended, that he will only use his power in the last resort in exceptional circumstances, and that this question will be kept under consideration in order to bring the law as rapidly as possible into full conformity with the Convention.

The Committee trusts that the above-mentioned provisions will be repealed in the very near future and that the Government will, as it has given its assurance, supply information on any progress made in this respect.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States: *Netherlands* (Surinam), *United Kingdom* (Dominica, St. Vincent).

### Convention No. 94: Labour Clauses (Public Contracts), 1949

#### *United Kingdom*

##### *Brunei.*

The Committee notes with satisfaction that the Labour (Public Contracts) Rules, 1971, ensure fuller compliance with the Convention as regards *Article 1* (scope) and *Article 5* (sanctions for failing to observe labour clauses), on which comments had been addressed to the Government in previous years.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States: *Netherlands* (Netherlands Antilles), *United Kingdom* (Dominica).

### Convention No. 95: Protection of Wages, 1949

#### *Netherlands*

##### *Surinam.*

*Article 4 (2) (b) of the Convention.* In reply to the Committee's previous observation regarding the measures needed to ensure that the value attributed to payments in kind is fair and reasonable, the Government reiterates that this question is being studied. As such measures, which may be in the form of legislation or otherwise, are required under the Convention, the Committee trusts that early steps will be taken to have them issued.

*Article 15 (d).* The Government refers, as regards the maintenance of adequate records, to the Accident Regulations of 1947 and the provision requiring insurance companies to furnish the Director of Labour and Housing with wage returns made by employers in regard to the said Regulations. The Committee would be glad if the Government would indicate (a) whether all employers in Surinam are required to supply wage returns to insurance companies and (b) in what form and manner such returns must be made (whether, for example, they indicate gross amount of wages and any deductions made).

#### *United Kingdom*

##### *St. Lucia.*

*Article 4, paragraph 2, of the Convention.* The Committee notes with interest that its previous comments have been passed on to the Attorney General's Office for the preparation of draft legislation to amend section 23 (1) of the Wages Ordinance, 1965; this at present leaves employers and workers free to agree on the giving of "allowances and privileges" as part of the workers' remuneration, whereas the Convention requires compliance with certain protective conditions in this respect. The Committee recalls that it has raised this point in comments since 1961, and hopes that the Government will be able in the near future to bring the legislation into conformity with the Convention.



*St. Vincent.*

The Committee notes with regret that for the second time 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 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 (Jersey)*.

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

*France*

*Overseas Departments (French Guiana, Guadeloupe, Martinique, Réunion).*

The Committee refers to its previous observations with respect to the application of Article 3, paragraph 3, of the Convention in the Overseas Departments, and to the assurances given by a Government representative to the Conference Committee in 1973 to the effect that the Government would be taking steps as soon as possible to set up advisory committees in each of these departments. The Committee notes with regret that a report has been received only with respect to the Department of French Guiana, and that it contains no further information on the subject. The Committee can only reiterate the hope that the Government will take appropriate steps very shortly to ensure that the local employers' and workers' organisations are consulted when minimum wages are fixed for the Overseas Departments.

*New Zealand*

*Cook Islands.*

In the absence of a report this year, the Committee recalls that the last detailed report on the application of the Convention was supplied in 1953, and trusts that the next report will contain information on minimum wage fixing machinery currently in force in agriculture, and on the practical application of this machinery.

\* \* \*

Information supplied by *Australia* (New Guinea and Papua) in answer to a direct request has been noted by the Committee.

### **Convention No. 101: Holidays with Pay (Agriculture), 1952**

Information supplied by the *United Kingdom* (St. Kitts-Nevis-Anguilla) in answer to a direct request has been noted by the Committee.

**Convention No. 105: Abolition of Forced Labour, 1957***United Kingdom**Antigua.*

With reference to its previous direct requests relating to the application of Article 1 (c) and (d) of the Convention, the Committee notes with satisfaction that the Merchant Seamen's Discipline (Amendment) Act, No. 20 of 1973 has repealed the provisions of the Merchant Seamen's Discipline Act under which deserters could be forcibly returned to their ship and certain breaches of discipline by seamen were punishable with imprisonment (involving an obligation to perform labour).

*Southern Rhodesia (Zimbabwe).*

See General Observations.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States: *Netherlands* (Surinam), *United Kingdom* (Bermuda, Brunei, St. Kitts-Nevis-Anguilla).

**Convention No. 106: Weekly Rest (Commerce and Offices), 1957***Denmark**Faeroe Islands.*

*Article 7 of the Convention.* Following its previous requests, the Committee notes with satisfaction that the Safety, Health and Occupational Welfare Act, which came into force on 1 January 1975, makes provision in section 27 for a compensatory rest period for workers employed regularly on Sundays, thus bringing the law into closer conformity with the Convention.

\* \* \*

In addition, a request regarding certain points is being addressed directly to the *Netherlands* (Surinam).

**Convention No. 108: Seafarers' Identity Documents, 1958***United Kingdom**Brunei.*

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.

*Dominica.*

The Government having failed to reply to the previous direct requests on the application of this Convention, the Committee must take up the matter once again in a new direct request and it hopes that the Government will make every effort to take the necessary measures and supply the information requested.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the *United Kingdom* (Antigua, Bermuda, Brunei, Dominica, Falkland Islands (Malvinas), St. Kitts-Nevis-Anguilla, St. Vincent).

**Convention No. 112: Minimum Age (Fishermen), 1959**

*Netherlands*

*Surinam.*

In its previous direct requests the Committee pointed out (*a*) that the 1963 Labour Ordinance fixed at 14 years the general minimum age whereas Article 2 of the Convention provides for a minimum age of 15 years, and (*b*) that Article 18 of the Ordinance authorises exceptions to this provision which go beyond the exceptions provided for in Articles 2 and 4 of the Convention.

In its report for the period 1971-73, which was received after the Committee's meeting in 1974, the Government once again referred to draft legislation modifying the law at present in force which would take account of the divergences which have been pointed out. The Committee trusts that the Government will soon be in a position to indicate the amendments thus introduced.

**Convention No. 122: Employment Policy, 1964**

Requests regarding certain points are being addressed directly to the following States: *Australia* (New Guinea and Papua), *Denmark* (Greenland), *Netherlands* (Surinam).

**Appendix. Receipt of Detailed Reports on Ratified Conventions (Non-Metropolitan Territories)  
as at 25 March 1975**

*(Articles 22 and 35 of the Constitution)*

Reports received: 1,041      Reports not received: 278      Total: 1,319

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 1974 are in *italic*.

Countries and territories	Reports received		Reports not received		Population <sup>1</sup> (thou- sands)
	Total	Conventions Nos.	Total	Conventions Nos.	
Australia . . . . .	44		0		
New Guinea . . . . .	15	<i>7, 8, 9, 11, 15, 21, 22, 26, 27, 45, 47, 99, 112, 122, 123</i>	0	—	1 752
Norfolk Island . . . . .	14	<i>7, 8, 9, 11, 15, 21, 26, 27, 45, 47, 99, 112, 122, 123</i>	0	—	2
Papua . . . . .	15	<i>7, 8, 9, 11, 15, 21, 22, 26, 27, 45, 47, 99, 112, 122, 123</i>	0	—	829
Denmark . . . . .	46		0		
Faeroe Islands . . . . .	23	<i>5, 7, 8, 9, 11, 14, 15, 21, 32, 58, 62, 87, 88, 98, 100, 102, 106, 108, 111, 112, 120, 122, 129</i>	0	—	42
Greenland . . . . .	23	<i>5, 7, 8, 9, 11, 14, 15, 21, 32, 58, 62, 87, 88, 98, 100, 102, 106, 108, 111, 112, 120, 122, 129</i>	0	—	52
France . . . . .	339		87		
<i>Overseas Departments :</i>					
French Guiana . . . . .	37	<i>2, 3, 5, 8, 9, 11, 13, 14, 15, 29, 33, 35, 36, 37, 38, 43, 45, 49, 58, 62, 68, 82, 84, 87, 91, 97, 98, 99, 100, 106, 108, 112, 120, 122, 129, 131, 136</i>	8	<i>17, 19, 26, 27, 32, 105, 123, 135</i>	56
Guadeloupe . . . . .	35	<i>2, 3, 5, 8, 9, 11, 13, 14, 15, 29, 33, 35, 36, 37, 38, 43, 45, 49, 58, 62, 68, 82, 84, 87, 91, 98, 100, 106, 108, 112, 120, 122, 129, 131, 136</i>	10	<i>17, 19, 26, 27, 32, 97, 99, 105, 123, 135</i>	337

<sup>1</sup> For footnotes see end of table, p. 208.

**NON-METROPOLITAN TERRITORIES**

Countries and territories	Reports received		Reports not received		Population <sup>1</sup> (thousands)
	Total	Conventions Nos.	Total	Conventions Nos.	
Martinique . . . . .	35	2, 3, 5, 8, 9, 11, 13, 14, 15, 29, 33, 35, 36, 37, 38, 43, 45, 49, 58, 62, 68, 82, 84, 87, 91, 98, 100, 106, 108, 112, 120, 122, 129, 131, 136	10	17, 19, 26, 27, 32, 97, 99, 105, 123, 135	344
Réunion . . . . .	32	3, 5, 8, 9, 11, 13, 14, 15, 29, 33, 35, 36, 37, 38, 43, 45, 49, 58, 62, 68, 87, 91, 98, 100, 106, 108, 112, 120, 122, 129, 131, 136	14	2, 17, 19, 26, 27, 32, 44, 82, 84, 97, 99, 105, 123, 135	466
<i>Overseas Territories:</i>					
Comoro Islands <sup>2</sup> . . . .	39	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, 106, 108, 112, 120, 122, 123, 129, 131, 135, 136	0	—	271
French Polynesia . . . .	75	2, 3, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 22, 23, 24, 26, 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, 106, 108, 112, 113, 114, 115, 122, 123, 124, 125, 126	6	27, 120, 129, 131, 135, 136	127
French Territory of the Afars and the Issas . .	47	3, 5, 8, 9, 11, 13, 14, 15, 26, 27, 32, 33, 35, 36, 37, 38, 43, 45, 49, 53, 55, 56, 58, 62, 68, 69, 71, 73, 74, 84, 87, 91, 92, 97, 98, 99, 100, 106, 108, 112, 120, 122, 123, 129, 131, 135, 136	0	—	99
New Caledonia . . . .	39	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, 106, 108, 112, 120, 122, 123, 129, 131, 135, 136	0	—	110
St. Pierre et Miquelon .	0	—	39	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, 106, 108, 112, 120, 122, 123, 129, 131, 135, 136	5

REPORT OF THE COMMITTEE OF EXPERTS

Countries and territories	Reports received		Reports not received		Population <sup>1</sup> (thousands)
	Total	Conventions Nos.	Total	Conventions Nos.	
Netherlands . . . . .	25		46		
Netherlands Antilles . .	25	5, 8, 9, 11, 13, 14, 15, 21, 26, 27, 32, 33, 45, 58, 62, 68, 73, 87, 97, 99, 100, 112, 122, 123, 128	17	12, 16, 17, 19, 23, 24, 25, 42, 48, 71, 91, 101, 102, 106, 118, 121, 124	230
Surinam . . . . .	0	—	29	5, 8, 9, 11, 13, 14, 15, 21, 26, 27, 32, 33, 45, 58, 62, 68, 81, 87, 91, 97, 99, 100, 102, 105, 106, 112, 122, 123, 128	419
New Zealand . . . . .	40		21		
Cook Islands . . . . .	0	—	21	1, 9, 11, 14, 15, 21, 26, 30, 32, 45, 47, 49, 50, 58, 59, 64, 84, 97, 99, 105, 122	21
Niue Island . . . . .	20	1, 9, 11, 14, 15, 21, 26, 30, 32, 45, 47, 49, 50, 58, 59, 64, 84, 97, 99, 122	0	—	5
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 . . . . .	542		124		
Antigua . . . . .	29	5, 7, 8, 11, 15, 26, 32, 35, 36, 37, 38, 39, 40, 45, 50, 64, 68, 84, 86, 87, 97, 98, 99, 100, 102, 105, 108, 120, 122	0	—	73
Belize . . . . .	28	5, 7, 8, 11, 15, 26, 32, 35, 36, 37, 38, 39, 40, 45, 50, 64, 68, 84, 86, 87, 97, 98, 99, 100, 102, 108, 120, 122	0	—	128
Bermuda . . . . .	28	5, 7, 8, 11, 15, 26, 32, 35, 36, 37, 38, 39, 40, 45, 50, 64, 68, 84, 86, 87, 97, 98, 99, 100, 102, 108, 120, 122	0	—	56
British Virgin Islands . .	27	5, 7, 8, 11, 15, 26, 32, 35, 36, 37, 38, 39, 40, 45, 50, 64, 68, 86, 87, 97, 98, 99, 100, 102, 108, 120, 122	1	84	12
Brunei . . . . .	27	5, 7, 8, 11, 15, 26, 32, 35, 36, 37, 38, 39, 40, 45, 50, 64, 68, 84, 86, 87, 97, 98, 99, 100, 102, 120, 122	1	108	141

NON-METROPOLITAN TERRITORIES

Countries and territories	Reports received		Reports not received		Population <sup>1</sup> (thousands)
	Total	Conventions Nos.	Total	Conventions Nos.	
Dominica . . . . .	0	—	31	5, 7, 8, 11, 15, 26, 32, 35, 36, 37, 38, 39, 40, 45, 50, 64, 68, 69, 84, 86, 87, 94, 97, 98, 99, 100, 101, 102, 108, 120, 122	73
Falkland Islands (Malvinas) . . . . .	28	5, 7, 8, 11, 15, 26, 32, 35, 36, 37, 38, 39, 40, 45, 50, 64, 68, 84, 86, 87, 97, 98, 99, 100, 102, 108, 120, 122	0	—	2
Gibraltar . . . . .	28	5, 7, 8, 11, 15, 26, 32, 35, 36, 37, 38, 39, 40, 45, 50, 64, 68, 84, 86, 87, 97, 98, 99, 100, 102, 108, 120, 122	0	—	28
Gilbert and Ellice Islands . . . . .	28	5, 7, 8, 11, 15, 26, 32, 35, 36, 37, 38, 39, 40, 45, 50, 64, 68, 84, 86, 87, 97, 98, 99, 100, 102, 108, 120, 122	0	—	59
Guernsey . . . . .	29	5, 7, 8, 11, 15, 26, 32, 35, 36, 37, 38, 39, 40, 45, 50, 64, 65, 68, 86, 87, 97, 98, 99, 100, 102, 108, 120, 122, 124	1	82	50
Hong Kong . . . . .	29	5, 7, 8, 11, 12, 15, 26, 32, 35, 36, 37, 38, 39, 40, 45, 50, 64, 68, 84, 86, 87, 97, 98, 99, 100, 102, 108, 120, 122	0	—	4 077
Jersey . . . . .	30	5, 7, 11, 15, 17, 26, 29, 32, 35, 36, 37, 38, 39, 40, 45, 50, 64, 68, 82, 84, 86, 87, 97, 98, 99, 100, 102, 108, 120, 122	1	8	70
Isle of Man . . . . .	29	5, 7, 8, 11, 15, 26, 32, 35, 36, 37, 38, 39, 40, 45, 50, 64, 68, 82, 84, 86, 87, 97, 98, 99, 100, 102, 108, 120, 122	0	—	50
Montserrat . . . . .	28	5, 7, 8, 11, 15, 26, 32, 35, 36, 37, 38, 39, 40, 45, 50, 64, 68, 84, 86, 87, 97, 98, 99, 100, 102, 108, 120, 122	0	—	12
St. Kitts-Nevis-Anguilla .	26	5, 7, 11, 15, 26, 32, 35, 36, 37, 38, 39, 40, 45, 50, 64, 68, 84, 86, 87, 97, 98, 99, 100, 102, 120, 122	4	8, 82, 95, 108	65

REPORT OF THE COMMITTEE OF EXPERTS

Countries and territories	Reports received		Reports not received		Population <sup>1</sup> (thousands)
	Total	Conventions Nos.	Total	Conventions Nos.	
St. Helena . . . . .	28	5, 7, 8, 11, 15, 26, 32, 35, 36, 37, 38, 39, 40, 45, 50, 64, 68, 84, 86, 87, 97, 98, 99, 100, 102, 108, 120, 122	0		5
St. Lucia . . . . .	52	2, 5, 7, 8, 10, 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, 84, 86, 87, 88, 92, 94, 95, 97, 98, 99, 100, 101, 102, 105, 108, 115, 120, 122, 124	4	11, 81, 82, 85	115
St. Vincent . . . . .	12	5, 11, 26, 37, 38, 39, 40, 50, 64, 84, 98, 100	26	7, 8, 12, 15, 16, 17, 32, 35, 36, 45, 63, 68, 81, 82, 86, 87, 88, 95, 97, 99, 102, 105, 108, 115, 120, 122	91
Seychelles . . . . .	28	5, 7, 8, 11, 15, 26, 32, 35, 36, 37, 38, 39, 40, 45, 50, 64, 68, 84, 86, 87, 97, 98, 99, 100, 102, 108, 120, 122	0	—	55
Solomon Islands . . . .	28	5, 7, 8, 11, 15, 26, 32, 35, 36, 37, 38, 39, 40, 45, 50, 64, 68, 84, 86, 87, 97, 98, 99, 100, 102, 108, 120, 122	0	—	170
Southern Rhodesia . . .	0	—	55	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, 100, 101, 102, 105, 108, 115, 120, 122, 124	5 690
United States . . . . .	5		0		
American Samoa . . . .	1	58	0		31
Guam . . . . .	1	58	0		93
Puerto Rico . . . . .	1	58	0		2 809
Trust Territory of Pacific Islands . . . . .	1	58	0		95
Virgin Islands . . . . .	1	58	0		67

<sup>1</sup> Source: United Nations: *Demographic Year Book*, 1972.

<sup>2</sup> Reports for the period ending 30 June 1974, communicated by France.



### **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 statement of a Government representative at the 1974 Conference Committee to the effect that an inter-ministry committee had already completed or would soon complete the examination of the instruments adopted from the 46th to the 52nd Session of the Conference, and that these would be submitted to the competent government authorities.

While regretting the absence of new information in this matter, the Committee trusts that these instruments together with those adopted from the 53rd to the 58th Sessions can shortly be submitted and that the Government will send in this connection the information and documents requested in the Memorandum adopted by the Governing Body.

#### *Barbados*

The Committee has noted from a statement made by a Government representative to the Conference Committee in 1974 that the instruments adopted from the 51st to the 56th Sessions of the Conference have been submitted to the Cabinet. The Committee recalls that the competent authority for this purpose is the authority which has the power to legislate on the matters dealt with by the Convention or Recommendation. Since, according to article 48 of the Constitution of Barbados and indications provided previously by the Government, it is in Parliament that the power to legislate is vested, the Committee hopes that the Government will shortly be in a position to indicate that the instruments adopted from the 51st to the 58th Sessions of the Conference which might call for legislative action 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.

#### *Brazil*

The Committee notes from the information given by the Government to the 1974 Conference Committee that Recommendation No. 131 has been submitted to Congress. It has also noted that, since then, Recommendation No. 139 has been submitted to that legislative body. The Committee trusts that the Government will shortly announce that all the instruments adopted from the 46th to the 58th Sessions of the Conference which are still listed in the last column of the table in Appendix I to the present section have been submitted to Congress, and that it will supply, in this connection, the information and the documents called for in the Memorandum adopted by the Governing Body (points II and III of the questionnaire).

*Bulgaria*

The Committee notes that the instruments adopted at the 58th Session of the Conference have been submitted to the Council of State, which has transmitted them for consideration to the appropriate ministries and other bodies with a view to possible ratification and future amendments to the Bulgarian law. The Committee again expresses the hope that the Government will be in a position to submit the instruments adopted by the Conference not only to the Council of State but also to the National Assembly as the most representative legislative body.

*Burundi*

The Committee notes from the statement of a Government representative at the 1974 Conference Committee and from a more recent communication that the services of the Ministry of Labour are carrying out a stage-by-stage study of the instruments adopted from the 47th to the 56th Sessions of the Conference and that the instruments will be submitted progressively. In view of the assurances given by the Government, the Committee trusts that it will shortly submit all these instruments to the competent authorities, together with those adopted at the 58th Session of the Conference, and that it will supply the information and documents called for in the Memorandum adopted by the Governing Body (points II and III of the questionnaire).

*Byelorussian SSR*

The Committee notes the information given by the Government that the instruments adopted at the 58th Session of the Conference have been submitted to the Praesidium of the Supreme Soviet of the Byelorussian SSR. In this connection, the Committee reiterates its hope that the Government will also be able to communicate the instruments adopted by the Conference to the Supreme Soviet itself as the most representative legislative body.

In addition, the Committee must point out again this year that the documents by means of which the instruments were submitted, copies of any proposals made by the Government and information as to the decisions of the competent authority concerning the instruments submitted—except in the case of ratified Conventions—have never been supplied.

The Committee would reiterate the hope that the Government will in future supply the information and documents called for in the Memorandum adopted by the Governing Body.

*United Republic of Cameroon*

The Committee notes with interest the information provided by the Government regarding submission to the competent authorities of all the instruments adopted from the 50th to the 54th Sessions of the Conference. It hopes that the information and documents relating to the submission of the instruments adopted from the 50th to the 53rd Sessions will be sent shortly.

The Committee also notes that the procedure of submission of the instruments adopted from the 55th to the 58th Sessions of the Conference is continuing. It hopes that the Government will soon be able to report that such submission has taken place 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).

*Central African Republic*

The Committee notes the submission of the instruments adopted at the 58th Session of the Conference to the Council of Ministers, which is the competent legislative organ. In addition, the Committee notes that no information has been received in response to its earlier observation, and in view of this it can only express once more its hope that the Government will soon be able to announce that the instruments adopted at the 49th, 50th and 52nd Sessions of the Conference have also been submitted to the competent authorities, and that it will send, in respect of these instruments and also of the instruments adopted at the 53rd Session, the information and documents called for in the Memorandum adopted by the Governing Body.

*Chad*

The Committee notes with regret that no information has been received in response to its earlier comments. It trusts that the Government will shortly communicate copies of the documents submitting to Parliament the instruments adopted from the 50th to the 54th Session of the Conference and that it will indicate whether the instruments adopted at the 55th, 56th and 58th Sessions have been submitted to the competent authorities, and will supply in this connection the information and documents called for in the Memorandum adopted by the Governing Body (points II and III of the questionnaire).

*Chile*

The Committee regrets that no information has been received in response to its earlier observation. It trusts that the Government will shortly announce that all the instruments adopted from the 50th to the 58th Sessions of the Conference have been submitted to the competent authorities and that it will supply, in respect of the instruments adopted since the 49th Session, the information and documents called for in the Memorandum adopted by the Governing Body.

*Colombia*

The Committee notes with regret that again no information has been received in response to its earlier comments. In view of this, it can only recall once more the basic obligations of governments under article 19 of the Constitution of the ILO to submit to the competent authorities all Conventions and Recommendations adopted by the Conference, including Conventions which they do not intend to ratify or Recommendations to which they do not intend to give effect. The Committee trusts that the Government will shortly announce that the many instruments 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 the Government has supplied no information in reply to its previous observation, in which it noted that the statement of the Government representative to the Conference Committee in 1973 that the labour administration had made arrangements to submit the texts of the outstanding Conventions and Recommendations to the revolutionary military Government, which was the competent authority. The Committee also noted that the procedure to be followed for this purpose had been examined during the direct contacts which

took place in December 1973 between the departments concerned and a representative of the Director-General of the ILO and that, according to information subsequently provided by the Government, the instruments in question were being examined by the labour administration and other competent ministries with a view to preparing proposals for action in relation to them.

The Committee trusts that the Government will shortly be in a position to announce the submission to the competent authority of all the instruments adopted from the 45th to 56th Sessions as well as of those which were adopted at the 58th Session of the Conference, and that it will provide in this connection the information and documents called for in the Memorandum adopted by the Governing Body.

#### *Democratic Yemen*

Further to its previous observations, the Committee trusts that the Government will shortly be able to say whether the instruments adopted from the 53rd to the 58th Sessions of the Conference have been submitted to the competent authorities, in accordance with article 19, paragraphs 5 (b) and 6 (b), of the ILO Constitution. The Committee hopes that the Government will at the same time supply the information and documents called for in the Memorandum adopted by the Governing Body (points I, II and III of the questionnaire).

#### *Dominican Republic*

The Committee notes with regret that again no information has been received in response to its earlier observations. It trusts that the Government will shortly indicate that the instruments adopted during the 52nd, 53rd, 56th and 58th Sessions of the Conference have been submitted to Congress, and that it will supply, in relation to these instruments and to those adopted from the 44th to the 51st Sessions and already submitted to Congress, the information and documents called for in the Memorandum adopted by the Governing Body (points II and III of the questionnaire).

#### *Ecuador*

The Committee notes with satisfaction that, as a result of the direct contacts between the national departments concerned and a representative of the Director-General of the ILO, the Government has supplied the information and documents relating to the submission to the competent authorities of all the instruments adopted at the 52nd and 53rd Sessions of the Conference, of Convention No. 132 and of the Recommendations adopted at the 54th Session, and of all the instruments adopted at the 55th, 56th and 58th Sessions.

#### *Egypt*

The Committee notes the information and documents supplied by the Government relating to the submission to the National Assembly of the instruments adopted at the 58th Session of the Conference. It hopes that the Government will shortly be able to report submission of the instruments adopted at the 33rd, 36th, 37th, 41st, 43rd and 47th Sessions of the Conference, and supply in this connection the information and documents called for in the Memorandum adopted by the Governing Body.

#### *El Salvador*

The Committee notes with satisfaction the information and documents relating to the submission to the Legislative Assembly of all the instruments adopted from the

46th to the 49th Sessions of the Conference, of the Conventions adopted at the 50th Session and of all the instruments adopted at the 54th and 58th Sessions. The Committee hopes that the Government will soon be able to announce that the instruments adopted at the 52nd, 55th and 56th Sessions of the Conference have also 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.

*Gabon*

The Committee notes the information given by a Government representative to the Conference Committee in 1974, indicating that a number of instruments adopted by the Conference at various sessions were being considered with a view to submission to the competent authorities. Recalling the comments previously made, the Committee trusts that the Government will shortly be in a position to indicate whether all the instruments adopted from the 45th to the 50th Sessions of the Conference and already submitted to the Council of Ministers have also been brought before the National Assembly, and whether all the instruments adopted from the 51st to the 58th Sessions of the Conference have been submitted to the competent authorities. It also hopes that the Government will supply, in this respect, the information and documents called for in the Memorandum of the Governing Body (points II and III of the questionnaire).

*Greece*

The Committee expresses the hope that it will be possible for the submission of the instruments adopted from the 44th to the 46th Sessions and at the 58th Session of the Conference to be carried out shortly, and that the Government 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).

*Guatemala*

Having received no information this year in response to its earlier observations, the Committee can only reiterate its hope that the Government will soon provide the information and documents called for in the Memorandum adopted by the Governing Body (point II (b) and (c) and point III of the questionnaire) in respect of the various instruments already submitted to Congress (Conventions Nos. 91, 92, 93, 103, 104, 107, 115, 117, 121, 123 to 126, 128 and 129; and Recommendations Nos. 87 to 100, 103, 104, 112 to 119, 121, 123 to 127, 131 and 132). Similarly, the Committee trusts that the Government will indicate that all the instruments adopted from the 53rd to the 58th Sessions of the Conference have been submitted to Congress, and that it will supply, in this connection, the information and documents mentioned above.

*Guyana*

The Committee notes with regret that the Government has not replied to its 1974 observations. It trusts that it will report in the near future that the instruments adopted at the 54th, 55th, 56th and 58th Sessions of the Conference have been submitted to the National Assembly and that it will provide, in this connection, the information and documents called for in the Memorandum adopted by the Governing Body.

*Haiti*

The Committee regrets to note once more that the Government has sent no information on the submission to the competent authorities of the numerous instruments adopted by the Conference from the 31st to the 58th Sessions still appearing in the last column of the table in Appendix I to the present section. It must therefore stress once again the fundamental importance of the obligation laid on Members, under article 19 of the Constitution of the ILO, to submit to the competent legislative authorities all instruments adopted by the Conference, regardless of what action the governments may intend to take on them.

The Committee trusts that the Government will in the very near future take the necessary action for submitting all the Conventions and Recommendations in question to the legislative Chambers 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).

*Hungary*

The Committee has noted the statement made by a representative of the Government to the Conference Committee in 1974. It has also noted that the instruments adopted at the 58th Session of the Conference have been submitted to the Presidential Council. In order that the purpose of the obligation of submission may be fully achieved, the Committee once again expresses the hope that the Government will also be able to submit the instruments adopted by the Conference to the National Assembly, as the most representative legislative body.

The Committee also hopes that the Government will be able to announce that the instruments adopted at the 55th and 56th Sessions of the Conference (with the exception of Conventions Nos. 135 and 136) have been submitted to the competent authorities and that in future the documents of submission will be regularly transmitted as called for in the Memorandum adopted by the Governing Body (point II (c) of the questionnaire).

*Indonesia*

The Committee noted with interest the information and documents sent by the Government concerning the submission to Parliament of the instruments adopted at the 58th Session of the Conference. Referring to its earlier observation, it hopes that the Government will soon provide information on its proposals to, and the decisions of, the competent authorities regarding the instruments adopted from the 52nd to the 56th Sessions of the Conference previously submitted to Parliament.

*Iraq*

The Committee has noted that the Recommendations adopted at the 34th and 36th Sessions of the Conference have been submitted to the competent authorities, and that Recommendations Nos. 89, 91, 96 and 97 have been accepted. The Committee hopes that in future the documents submitting the instruments adopted by the Conference will be supplied. In addition, the Committee trusts that the Government will in the near future be able to submit to the competent authorities the numerous instruments still appearing in the last column of the table of Appendix I to the present section, 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).

*Italy*

The Committee regrets to note that no information has been received in response to its earlier direct requests. It hopes that the Government will soon supply, in respect of the instruments adopted at the 53rd, 54th and 55th Sessions of the Conference already submitted to Parliament, the information and documents called for in the Memorandum adopted by the Governing Body, and that it will be able to indicate that the instruments adopted at the 56th and 58th Sessions of the Conference have also been submitted to Parliament.

*Ivory Coast*

Referring to its observations over the period since 1971, the Committee notes with regret that the Government has again not provided the information requested. It therefore trusts that the Government will very soon be able to announce that all the instruments adopted from the 50th to the 54th Sessions and at the 58th Session of the Conference, and also Convention No. 134 and the Recommendations adopted at the 55th and 56th Sessions, have been submitted to the National Assembly, and that it will supply in this respect the information and documents, as called for in the Memorandum adopted by the Governing Body.

*Jamaica*

The Committee has noted the ratification of Convention No. 122. It trusts that the Government will be able to indicate that 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 provide in this connection the information and documents called for in the Memorandum adopted by the Governing Body. It also trusts that the Government will shortly be able to supply the documents submitting to the Chamber of Representatives the instruments adopted from the 51st to the 54th Sessions (except Convention No. 132 and Recommendation No. 136).

*Jordan*

The Committee notes the information given by the Government to the 1974 Conference Committee on the submission of all the instruments adopted by the Conference to the authorities concerned with a view to ratification. As no further information has been received on this subject, the Committee trusts that the Government will soon be able to indicate whether all the instruments listed in the last column of the table in Appendix I to this section have actually been submitted to the competent authority, and to supply in this connection the information and documents, as called for in the Memorandum adopted by the Governing Body.

In addition, the Committee hopes that the Government can clarify whether the instruments adopted at the 51st, 53rd and 56th Sessions of the Conference have been submitted to Parliament as well as to the Council of Ministers.

*Kenya*

The Committee has noted with satisfaction from the information and documents supplied by the Government that all the instruments adopted at the 53rd, 54th and 56th Sessions of the Conference, together with Convention No. 138 and Recommendation No. 146 adopted at the 58th Session, have been submitted to the competent authorities. It hopes that the Government will shortly be able to announce that the

instruments adopted at the 55th Session and the remaining instruments adopted at the 58th Session have been submitted as well.

*Laos*

As no information has been provided since 1973 regarding submission to the competent authorities of the instruments adopted from the 48th to the 56th Sessions of the Conference, the Committee trusts that the Government will shortly be able to announce that these instruments and those adopted at the 58th Session 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.

*Lebanon*

The Committee has noted with interest from the information and documents supplied to the Conference Committee in 1974 that Convention No. 102 adopted at the 35th Session of the Conference, together with all the Conventions adopted from the 44th to the 53rd Session, have been submitted to the Chamber of Deputies. It hopes that the Government will soon supply information on the decisions taken by the competent authorities with regard to these instruments.

The Committee also hopes that the Government will shortly be able to announce the submission of all the instruments still listed in the last column of the table in Appendix I to this section, 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 regrets to note that the Government has not replied to its earlier observation. It trusts that the Government will indicate soon whether the instruments adopted at the 56th Session of the Conference (of which it earlier announced the submission to the competent authorities) and the numerous instruments listed in the last column of the table in Appendix I to this section have been brought before the legislative organ, and will supply, in this connection, information and documents called for in the Memorandum adopted by the Governing Body.

*Madagascar*

The Committee notes from a communication received from the Government that the forthcoming promulgation of the new Labour Code will enable action to be taken on the Committee's observation of 1974. It trusts that the Government will shortly be able to announce that the instruments adopted at the 55th, 56th and 58th Sessions of the Conference have been submitted to the competent authorities and that it will supply in this respect the information and documents called for in the Memorandum adopted by the Governing Body.

*Malawi*

Further to its earlier observations, the Committee has noted the Government's communication to the Conference Committee in 1974, again stating that under the Constitution of Malawi the President is the competent authority for purposes of submission.

The Committee can only point out that, according to article 19, paragraphs 5 and 6, of the ILO Constitution, every Convention or Recommendation 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 section 35 (2) of the Constitution of Malawi lays down that "the legislative power of Parliament shall be exercised by Bills passed by the National Assembly and assented to by the President", it would appear that the National Assembly has in principle the power to legislate for the purposes of article 19 of the ILO Constitution. The Committee therefore trusts that the Government will be able to reconsider the position in the light of the above considerations, and to submit in future the Conventions and Recommendations which may call for legislative action not only to the President but also to Parliament.

#### *Malaysia*

The Committee regrets to note that the Government has not replied to the direct requests made by it in 1973 and 1974. It hopes that, as regards the instruments adopted from the 47th to the 56th Sessions of the Conference which have been submitted to Parliament, the Government will supply the information and documents called for in the Memorandum adopted by the Governing Body (points II (c) and III of the questionnaire). It also hopes that the instruments adopted at the 58th Session can be submitted shortly and that the Government will supply the related information and documents as mentioned above.

#### *Malta*

The Committee regrets to note that the Government has not replied to the direct requests made by it in 1973 and 1974. It hopes that the Government will shortly be able to announce that the instruments adopted at the 55th, 56th and 58th Sessions of the Conference have been submitted to the competent authorities.

#### *Mauritania*

The Committee regrets to note that no information has been received in response to its earlier comments. It trusts that the Government will shortly be able to announce that Recommendations Nos. 118, 119, 126, 127, 129, 130 and 131 and the instruments adopted at the 54th, 56th and 58th Sessions of the Conference have been submitted to the National Assembly, and that, in connection with Recommendation No. 115 and all the instruments adopted from the 47th to the 52nd and from the 54th to the 58th Sessions, it will supply the documents and information called for in the Memorandum adopted by the Governing Body.

#### *Mauritius*

Following its previous observation, the Committee notes the information given by the Government to the Conference Committee in 1974 and subsequently, indicating that the instruments adopted at the 53rd, 54th, 56th and 58th Sessions of the Conference have been submitted to the Cabinet and that the instruments adopted at the 55th Session were going to be submitted.

The Committee recalls that the competent authority for the purposes of submission is the authority with power to legislate. Since article 45 of the Constitution of Mauritius vests the power to legislate in Parliament, the Committee hopes that the Government will submit such instruments adopted by the Conference as may call for legislative action not only to the Cabinet but also to Parliament. The Committee

hopes that the Government will also supply in this connection the information and documents called for in the Memorandum adopted by the Governing Body (points I, II and III of the questionnaire).

### *Mongolia*

The Committee noted with interest from the information and document given by the Government to the Conference Committee in 1974, that Recommendations Nos. 133, 134, 135, 136, 143 and 144 had been referred to the Presidium of the People's Great Khural. It hopes that the Government will shortly be able to announce that the instruments adopted at the 55th and 58th Sessions of the Conference have also been submitted. Also the Committee trusts that, in future, the instruments adopted by the Conference will be submitted also to the People's Great Khural as the most representative legislative body.

### *Nepal*

The Committee noted with interest that Convention No. 131 has been ratified. With reference to the comments made by it over the period since 1969, it trusts that the Government will very shortly indicate whether all the other instruments adopted from the 51st to the 58th Sessions of the Conference have been submitted to the competent authorities in accordance with article 19, paragraphs 5 (b) and 6 (b), of the ILO Constitution.

The Committee would recall that the authorities to which these instruments have to be submitted are those empowered to legislate on matters dealt with by the instruments in question, that is to say, in most cases, the national Parliament. It hopes that the Government will also supply, in this connection the information and documents called for in the Memorandum adopted by the Governing Body (points II and III of the questionnaire).

### *Nicaragua*

The Committee notes with regret that again no information has been received in response to its earlier comments. In these circumstances it can only reiterate the hope that the Government will shortly supply information on the proposals made by it and on any decision taken by the competent authorities in connection with the Recommendations adopted from the 40th to the 51st Sessions of the Conference, as called for in points II (b) and (c) and III of the questionnaire in the Memorandum adopted by the Governing Body.

The Committee also trusts that the Government will in the near future announce the submission to Congress of Conventions Nos. 127 and 128 adopted during the 51st Session, as well as the Conventions and Recommendations adopted from the 52nd to the 56th Sessions and at the 58th Session of the Conference, and that it will supply, in this connection, the information and documents called for in the Memorandum mentioned.

### *Panama*

The Committee noted with interest that the Government had asked for direct contacts with the ILO with a view to the submission of all outstanding Conventions and Recommendations to the competent authorities.

The Committee hopes that such contacts will take place shortly and will produce satisfactory results.

*Paraguay*

The Committee notes with regret that no information has been received in response to its previous comments. It trusts that the Government will indicate at a very early date that the Conventions adopted from the 41st to the 51st Sessions of the Conference and listed in the last column of the table in Appendix I to the present section, as well as the Conventions and Recommendations adopted from the 53rd to the 56th Sessions and at the 58th Session have been submitted to the competent authorities, and will supply, in this connection, the information and documents called for in the Memorandum adopted by the Governing Body (points II and III of the questionnaire).

*Peru*

The Committee notes that the instruments adopted at the 56th Session of the Conference have been submitted to the competent authorities. The Committee reiterates its hope that the Government will be able to indicate at an early date that 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 provide the information and documents called for in the Memorandum adopted by the Governing Body (points II and III of the questionnaire).

*Poland*

Following its earlier observations, the Committee noted with satisfaction the information from the Government concerning the submission to the competent authorities of all those instruments adopted from the 31st to the 56th Sessions of the Conference which had not already been submitted, together with Convention No. 137 and Recommendation No. 145, adopted at the 58th Session. It hopes that the Government will shortly be able to supply the information and documents called for in points II (c) and III of the questionnaire at the end of the Memorandum adopted by the Governing Body. It hopes also that the Government will indicate whether the remaining instruments adopted at the 58th Session have been submitted.

*Romania*

The Committee notes the information supplied by the Government on the submission to the competent authorities of the instruments adopted at the 58th Session of the Conference. It hopes that, in respect of those instruments and of the instruments adopted at the 55th and 56th Sessions, the Government will be able to supply the information and documents called for in point II (b) and (c) and point III of the questionnaire at the end of the Memorandum adopted by the Governing Body.

*Sierra Leone*

The Committee noted with satisfaction the information and documents supplied by the Government to the Conference Committee in 1974 and at a subsequent date, indicating that the instruments adopted from the 46th to the 58th Sessions of the Conference had been submitted to Parliament.

The Committee hopes that the Government will soon supply information on the proposals made by the Joint Advisory Committee to Parliament, and on the decisions taken by Parliament on the instruments mentioned.

*Somalia*

The Committee noted with satisfaction from a statement made by a Government representative to the Conference Committee in 1974 and from the documents supplied by the Government to that Committee that the instruments adopted from the 45th to the 56th Sessions of the Conference had been submitted to the competent authorities. The Committee hopes that the Government will soon provide information on its proposals and the decisions taken by the competent authority with regard to the said instruments.

In addition, the Committee would be glad if the Government would indicate whether the instruments adopted at the 58th Session have also been submitted to the competent authority.

*Sri Lanka*

In the absence of a reply to its earlier observation, the Committee trusts that the Government will shortly be able to announce that the instruments adopted at the 55th, 56th and 58th Sessions of the Conference have been submitted to the competent authorities, that it will supply in relation to these instruments the information and documents called for in the Memorandum adopted by the Governing Body, and that it will also supply, as announced earlier, information on its proposals in regard to the instruments adopted at the 44th Session.

*Tanzania*

The Committee once more notes with regret that no information has been given since 1971 in response to its observations. It trusts that the Government will not fail to supply very shortly the information and documents called for in the Memorandum adopted by the Governing Body in respect of the instruments adopted from the 47th to the 53rd Sessions of the Conference, and will be able to indicate that the instruments adopted at the 54th, 55th, 56th and 58th Sessions have been submitted to the competent authorities.

*Thailand*

The Committee noted with interest from the information given by the Government to the Conference Committee in 1974 that the instruments adopted from the 52nd to the 56th Session of the Conference had been submitted to the competent authorities. The Committee requests the Government to indicate whether the instruments adopted at the 58th Session have also been so submitted, and to supply, in respect of all the instruments mentioned, the information and documents called for in the Memorandum adopted by the Governing Body (points II (c) and III of the questionnaire).

*Togo*

Further to its previous comments, the Committee has taken note with satisfaction of the documents and information supplied to the Conference Committee in 1974 as regards submission to the competent authorities of the Conventions and Recommendations adopted by the Conference at its 53rd, 54th, 55th and 56th Sessions. It would be glad if the Government would indicate whether the instruments adopted at the 52nd and 58th Sessions have also been so submitted.

*Tunisia*

The Committee notes with satisfaction from the information and documents supplied by the Government that the instruments adopted from the 54th to the

58th Sessions of the Conference have been submitted to the competent authorities. It would be glad if the Government would indicate what proposals it has made, and any decisions taken by the competent authorities in relation to the instruments mentioned.

*Uganda*

The Committee notes with regret that once again no information has been received in reply to its previous comments. It trusts that the Government will indicate very shortly whether the instruments adopted from the 53rd to the 56th Sessions of the Conference and those adopted at the 58th Session 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.

*Ukrainian SSR*

The Committee has noted the information supplied by the Government that the instruments adopted at the 58th Session of the Conference have been submitted to the Praesidium of the Supreme Soviet of the Ukrainian SSR. In this connection, the Committee reiterates the hope that the Government will also be able to communicate the instruments adopted by the Conference to the Supreme Soviet itself as the most representative legislative body.

In addition, the Committee must point out again this year that the documents by means of which the instruments were submitted, copies of any proposals made by the Government and information as to the decisions of the competent authority concerning the instruments submitted—except in the case of ratified Conventions—have never been supplied.

The Committee would reiterate the hope that the Government will in future supply the information and documents called for in the Memorandum adopted by the Governing Body.

*USSR*

The Committee has noted the information supplied by the Government that the instruments adopted at the 58th Session of the Conference have been submitted to the Praesidium of the Supreme Soviet. In this connection the Committee reiterates its hope that the Government will also be able to communicate the instruments adopted by the Conference to the Supreme Soviet itself as the most representative legislative body.

In addition, the Committee must point out again this year that the documents by means of which the instruments were submitted, copies of any proposals made by the Government and information as to the decisions of the competent authority concerning the instruments submitted—except in the case of ratified Conventions—have never been supplied.

The Committee would reiterate the hope that the Government will in future supply the information and documents called for in the Memorandum adopted by the Governing Body.

*Upper Volta*

Following its previous comments, the Committee notes with satisfaction the information and documents communicated by the Government to the Conference Committee in 1974 concerning the submission to the competent authorities of the instruments adopted at the 53rd, 54th, 55th and 56th Sessions of the Conference.

The Committee would be glad if the Government would indicate whether the instruments adopted at the 58th Session of the Conference have also been submitted.

*Uruguay*

The Committee regrets to note once more that no information has been provided in reply to its earlier comments. It trusts that the Government will in the near future indicate that the instruments adopted at the 54th, 55th, 56th and 58th Sessions of the Conference have been submitted to the competent authorities, and that it will provide, in respect of them, the information and documents called for in the Memorandum adopted by the Governing Body (points II and III of the questionnaire).

*Venezuela*

In relation to its earlier comments the Committee notes with satisfaction the information and documents regarding the submission to Congress of Recommendations Nos. 129 and 130 and of all the Conventions and Recommendations adopted by the Conference at its 54th, 55th, 56th and 58th Sessions. In addition, the Committee hopes that the Government will be able to indicate at an early date that Recommendation No. 131 and the instruments adopted at the 53rd Session 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).

*Yemen*

Following its previous observations, the Committee notes with interest, from information supplied by the Government, that the instruments adopted from the 49th to the 58th Sessions of the Conference had been submitted to the Council of Ministers with a view to bringing them before the legislature. The Committee hopes that the Government will indicate whether this submission has actually taken place and that it will supply in this connection the information and documents called for in the Memorandum adopted by the Governing Body.

*Zaire*

The Committee must note that, again this year, the Government has provided no information in reply to its earlier comments. The Committee can only once more request it to supply the information and documents called for in the Governing Body's Memorandum (points II and III of the questionnaire) in respect of the instruments adopted by the Conference from the 50th to the 53rd Sessions and already submitted to the competent authorities. The Committee trusts that the Government will also state whether the instruments adopted from the 54th to the 58th Sessions have been submitted as well, and will in this connection supply the information and documents mentioned.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States: *Algeria, Argentina, Bangladesh, Bolivia, Burma, Canada, Central African Republic, Congo, Costa Rica, Cyprus, Czechoslovakia, Ethiopia, France, Federal Republic of Germany, Ghana, Guinea, Honduras, Iceland, India, Iran, Ireland, Israel, Khmer Republic, Kuwait, Libyan Arab Republic, Luxembourg, Mexico, Netherlands, Niger, Nigeria, Pakistan, Portugal, Qatar, Singapore, Spain, Sudan, Syrian Arab Republic, Trinidad and Tobago, Turkey, United Arab Emirates, Venezuela, Republic of Viet-Nam, Yugoslavia.*

**Appendix I. Information Supplied by Governments with Regard to the Obligation to Submit Conventions and Recommendations to the Competent Authorities**

*(31st to 58th Sessions of the International Labour Conference, 1948-73) <sup>1</sup>*

*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, 56th and 58th
Algeria . . . . .	47th to 56th	58th
Argentina . . . . .	31st to 56th	58th —
Australia . . . . .	31st to 58th	
Austria . . . . .	31st to 58th	—
Bangladesh . . . . .	—	58th
Barbados . . . . .	51st to 56th	58th
Belgium . . . . .	31st to 58th	—
Bolivia . . . . .	31st (C 87, 89, 90), 32nd (C 91, 92, 93, 96, 98), 34th (C 100; R 90), 35th (C 103), 40th (C 106; R 103), 41st (C 108; R 105, 106, 107, 108, 109), 42nd (C 111; R 111) and 55th	31st (C 88; R 83), 32nd (C 94, 95, 97; R 84, 85, 86, 87), 33rd, 34th (C 99; R 89, 91, 92) 35th (C 101, 102; R 93, 94, 95) 36th, 37th, 38th, 39th, 40th (C 105; R 104), 41st (C 109), 42nd (C 110; R 110), 43rd, 44th, 45th (R 115), 46th, 47th, 48th, 49th, 50th, 51st, 52nd, 53rd, 54th, 56th and 58th
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, 131), 53rd (R 133, 134), 55th (R 139) 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), 52nd, 53rd (C 129, 130), 54th, 55th (C 133, 134; R 137, 138, 140, 141, 142), 56th (C 136; R 143, 144) and 58th
Bulgaria . . . . .	31st to 58th	—
Burma . . . . .	31st to 58th	—

<sup>1</sup> The Conference did not adopt any Conventions or Recommendations at its 57th Session (June 1972).

**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)
Burundi . . . . .	53rd	47th, 48th, 49th, 50th, 51st, 52nd, 54th, 55th, 56th and 58th
Byelorussian SSR . . .	37th to 58th	—
Cameroon, United Republic of . . . .	44th to 54th	55th, 56th and 58th
Canada . . . . .	31st to 56th	58th
Central African Republic	45th to 48th, 51st, 53rd to 56th and 58th	49th, 50th and 52nd
Chad . . . . .	45th to 54th	55th, 56th and 58th
Chile . . . . .	31st to 49th and 51st (C 127, 128)	50th, 51st (R 128, 129, 130, 131), 52nd, 53rd, 54th, 55th, 56th and 58th
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), 56th (R 143, 144) and 58th
Congo . . . . .	45th to 53rd, 54th (C 131, 132; R 135), 55th (C 133, 134) and 56th	54th (R 136), 55th (R 137, 138, 139, 140, 141, 142) and 58th
Costa Rica . . . . .	31st to 53rd and 58th	54th, 55th and 56th
Cuba . . . . .	31st to 58th	—
Cyprus . . . . .	45th to 56th	58th
Czechoslovakia . . . .	31st to 56th	58th
Dahomey . . . . .	49th (C 123, 124; R 124, 125) and 52nd	45th, 46th, 47th, 48th, 49th (R 123), 50th, 51st, 53rd, 54th, 55th, 56th and 58th
Democratic Yemen . .	—	53rd, 54th, 55th, 56th and 58th
Denmark . . . . .	31st to 58th	—
Dominican Republic . .	31st to 51st, 54th and 55th	52nd, 53rd, 56th and 58th
Ecuador . . . . .	31st to 58th	—
Egypt . . . . .	31st, 32nd, 34th, 35th, 38th, 39th, 40th, 42nd, 44th, 45th, 46th, 48th to 56th and 58th	33rd, 36th, 37th, 41st, 43rd and 47th
El Salvador . . . . .	31st to 51st, 53rd, 54th and 58th	52nd, 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)
Ethiopia . . . . .	31st to 53rd, 54th (C 131, 132; R 135), 55th and 56th	54th (R 136) and 58th
Finland . . . . .	31st to 58th	—
France . . . . .	31st to 56th and 58th (C 137, 138)	58th (R 145, 146)
Gabon . . . . .	45th to 50th and 56th (C 135; R 143)	51st, 52nd, 53rd, 54th, 55th, 56th (C 136; R 144) and 58th
Germany, Federal Republic of . . . . .	34th to 56th and 58th (C 138; R 146)	58th (C 137; R 145)
Ghana . . . . .	40th to 58th	—
Greece . . . . .	31st to 43rd and 47th to 56th	44th, 45th, 46th and 58th
Guatemala . . . . .	31st to 52nd and 53rd (C 129)	53rd (C 130; R 133, 134), 54th, 55th, 56th and 58th
Guinea . . . . .	43rd to 56th	58th
Guyana . . . . .	50th to 53rd	54th, 55th, 56th and 58th
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, 56th and 58th
Honduras . . . . .	39th to 44th and 45th (C 116)	45th (R 115), 46th, 47th, 48th, 49th, 50th, 51st, 52nd, 53rd, 54th, 55th, 56th and 58th
Hungary . . . . .	31st to 54th, 56th (C 135, 136) and 58th	55th and 56th (R 143, 144)
Iceland . . . . .	31st to 56th	58th
India . . . . .	31st to 56th	58th
Indonesia . . . . .	33rd to 58th	—
Iran . . . . .	31st to 58th	—
Iraq . . . . .	31st, 32nd (C 95, 98), 34th, 35th (C 102, 103), 36th, 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, 54th (C 132; R 135, 136), 55th and 56th	32nd (C 91, 92, 93, 94, 96, 97; R 84, 85, 86, 87), 33rd, 35th (C 101; R 93, 94, 95), 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 (C 131) and 58th
Ireland . . . . .	31st to 56th	58th

**REPORT OF THE COMMITTEE OF EXPERTS**

State	Sessions of which the adopted texts have been submitted to the authorities considered as competent by governments	Sessions of which the adopted texts have not been submitted (including cases in which no information has been supplied)
Israel . . . . .	32nd to 55th (C 133, 134; R 141, 142), 56th and 58th	55th (R 137, 138, 139, 140)
Italy . . . . .	31st to 55th	56th and 58th
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), 56th (R 143, 144) and 58th
Jamaica . . . . .	47th, 48th (C 122), 49th (C 123, 124; R 124, 125), 50th (R 127), 51st to 53rd and 54th (C 131; R 135)	48th (C 120, 121; R 120, 121, 122), 49th (R 123), 50th (C 125, 126; R 126), 54th (C 132; R 136), 55th, 56th and 58th
Japan . . . . .	35th to 58th	—
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, 55th and 58th
Kenya . . . . .	48th to 54th, 56th and 58th (C 138; R 146)	55th and 58th (C 137; R 145)
Khmer Republic . . . . .	53rd, 54th and 56th	55th and 58th
Kuwait . . . . .	45th to 56th and 58th (C 137, 138)	58th (R 145, 146)
Laos . . . . .	—	48th, 49th, 50th, 51st, 52nd, 53rd, 54th, 55th, 56th and 58th
Lebanon . . . . .	31st (C 88, 89, 90), 32nd (C 95), 34th (C 100), 35th (C 102, 103), 44th (C 115), 45th (C 116), 46th (C 117, 118), 47th (C 119), 48th (C 120, 121, 122), 49th (C 123, 124), 50th (C 125, 126), 51st (C 127, 128) and 53rd (C 129, 130)	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; R 93, 94, 95), 36th, 37th, 38th, 39th, 40th, 41st, 42nd, 43rd, 44th (R 113, 114), 45th (R 115), 46th (R 116, 117), 47th (R 118, 119) 48th (R 120, 121, 122), 49th (R 123, 124, 125), 50th (R 126, 127), 51st (R 128, 129, 130, 131), 52nd, 53rd (R 133, 134), 54th, 55th, 56th and 58th
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, 55th and 58th
Libyan Arab Republic . . . . .	35th to 58th	—

**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)
Luxembourg . . . . .	31st to 56th	58th
Madagascar . . . . .	45th to 54th	55th, 56th and 58th
Malawi . . . . .	49th to 54th and 56th	55th and 58th
Malaysia . . . . .	41st to 56th	58th
Mali . . . . .	44th to 58th	—
Malta . . . . .	49th to 54th	55th, 56th and 58th
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, 56th 58th
Mauritius . . . . .	53rd, 54th, 56th and 58th	55th
Mexico . . . . .	31st to 53rd, 54th (C 131; R 135, 136), 55th (C 134; R 137, 138, 139, 140, 141, 142), 56th (C 135; R 143, 144) and 58th	54th (C 132), 55th (C 133) and 56th (C 136)
Mongolia . . . . .	53rd, 54th and 56th	55th and 58th
Morocco . . . . .	39th to 58th	—
Netherlands . . . . .	31st to 40th, 41st (C 108; R 105, 106, 107, 108), 42nd to 53rd, 54th (C 131; R 135, 136), 55th (C 133, 134; R 138, 140, 141, 142), and 56th (C 135; R 143)	41st (C 109; R 109), 54th (C 132), 55th (R 137, 139), 56th (C 136; R 144), and 58th
New Zealand . . . . .	31st to 58th	—
Nepal . . . . .	54th (C 131)	51st, 52nd, 53rd, 54th (C 132; R 135, 136), 55th, 56th and 58th
Nicaragua . . . . .	40th to 50th and 51st (R 128, 129, 130, 131)	51st (C 127, 128), 52nd, 53rd, 54th, 55th, 56th and 58th
Niger . . . . .	45th to 51st (C 127; R 128, 129, 130), 52nd to 55th and 56th (C 135)	51st (C 128; R 131), 56th (C 136; R 143, 144) and 58th
Nigeria . . . . .	45th to 58th	—
Norway . . . . .	31st to 58th	—
Pakistan . . . . .	31st to 56th	58th

**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)
Panama . . . . .	31st (C 87, 88, 89), 32nd (C 92, 94, 95, 96, 98), 34th (C 100), 38th (C 104), 40th (C 105, 107), 41st (C 108), 42nd (C 110, 111), 43rd (C 112, 113, 114), 44th (C 115), 45th (C 116), 46th (C 117), 47th (C 119), 48th (C 120, 122), 49th (C 123, 124), 50th (C 125, 126), 51st (C 127)	31st (C 90; R 83), 32nd (C 91, 93, 97; R 84, 85, 86, 87), 33rd, 34th (C 99; R 89, 90, 91, 92), 35th, 36th, 37th, 38th (R 99, 100), 39th, 40th (C 106; R 103, 104), 41st (C 109; R 105, 106, 107, 108, 109), 42nd (R 110, 111), 43rd (R 112), 44th (R 113, 114), 45th (R 115), 46th (C 118; R 116, 117), 47th (R 118, 119), 48th (C 121; R 120, 121, 122), 49th (R 123, 124, 125), 50th (R 126, 127), 51st (C 128; R 128, 129, 130, 131), 52nd, 53rd, 54th, 55th, 56th and 58th
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, 56th and 58th
Peru . . . . .	31st to 43rd, 44th (C 115), 45th (C 116), 46th (C 117, 118), 47th (C 119), 48th (C 120, 121, 122), 49th, 50th (C 125, 126; R 126) and 56th	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 58th
Philippines . . . . .	31st to 58th	—
Poland . . . . .	31st to 56th and 58th (C 137; R 145)	58th (C 138; R 146)
Portugal . . . . .	31st to 56th	58th
Qatar . . . . .	—	58th
Romania . . . . .	39th to 58th	—
Rwanda . . . . .	47th to 58th	—
Senegal . . . . .	44th to 58th	—
Sierra Leone . . . . .	45th to 58th	—
Singapore . . . . .	50th to 56th	58th
Somalia . . . . .	45th to 56th	58th
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), 56th and 58th (C 137)	46th (C 118), 48th (C 121), 55th (C 133) and 58th (C 138; R 145, 146)
Sri Lanka . . . . .	31st to 54th	55th, 56th and 58th

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)
Sudan . . . . .	39th to 58th	—
Sweden . . . . .	31st to 58th	—
Switzerland . . . . .	31st to 58th	—
Syrian Arab Republic . . . . .	31st to 54th, 55th (C 133, 134; R 137, 138, 139, 140, 141), 56th (C 135; R 143) and 58th (C 138)	55th (R 142), 56th (C 136; R 144) and 58th (C 139; R 145, 146)
Tanzania . . . . .	46th to 53rd	54th, 55th, 56th and 58th
Thailand . . . . .	31st to 56th	58th
Togo . . . . .	44th to 51st and 53rd to 56th	52nd and 58th
Trinidad and Tobago . . . . .	47th to 58th	—
Tunisia . . . . .	39th to 58th	—
Turkey . . . . .	31st to 56th	58th
Uganda . . . . .	47th to 52nd	53rd, 54th, 55th, 56th and 58th
Ukrainian SSR . . . . .	37th to 58th	—
USSR . . . . .	37th to 58th	—
United Arab Emirates . . . . .	—	58th
United Kingdom . . . . .	31st to 58th	—
United States . . . . .	31st to 58th	—
Upper Volta . . . . .	45th to 56th	58th
Uruguay . . . . .	31st to 53rd	54th, 55th, 56th and 58th
Venezuela . . . . .	31st to 50th, 51st (C 127, 128; R 128, 129, 130), 52nd and 54th to 58th	51st (R 131) and 53rd
Republic of Viet-Nam . . . . .	33rd to 52nd, 53rd (R 133, 134), 54th (R 135, 136), 55th (R 137, 138, 139, 140, 141, 142), 56th (R 143, 144) and 58th (R 145, 146)	53rd (C 129, 130), 54th (C 131, 132), 55th (C 133, 134), 56th (C 135, 136) and 58th (C 137, 138)
Yemen . . . . .	—	49th, 50th, 51st, 52nd, 53rd, 54th, 55th, 56th and 58th
Yugoslavia . . . . .	31st to 54th and 56th	55th and 58th
Zaire . . . . .	45th to 53rd	54th, 55th, 56th and 58th
Zambia . . . . .	49th to 58th	—

**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 1971)	58th (June 1973)	
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	44	
Some of these texts have been submitted . . . .	7	2	— <sup>1</sup>	4	3	1	— <sup>1</sup>	4	1	13	3	7	8	1	9	6	9	6	6	2	13	— <sup>1</sup>	8	4	5	7	8	
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	70	
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	122	

<sup>1</sup> At this session the Conference adopted one Recommendation only.

TABLE II. OVER-ALL POSITION OF MEMBER STATES AT 26 MARCH 1975

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 1971)
All the texts have been submitted .	56	54	55	58	59	59	62	62	68	68	66	71	69	70	87	84	88	95	90	85	72	92	94	80	68	75
Some of these texts have been submitted . . . . .	4	7	— <sup>1</sup>	4	2	—	— <sup>1</sup>	1	—	8	5	6	5	3	6	8	8	7	12	7	11	— <sup>1</sup>	4	9	10	12
None of these texts have been submitted (including cases in which no information has been supplied by the Government)	—	—	8	2	5	7	7	6	8	1	8	2	6	10	8	10	12	8	12	23	34	26	23	32	43	34
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

<sup>1</sup> At this session the Conference adopted one Recommendation only.

## LIST OF DIRECT REQUESTS ADDRESSED TO GOVERNMENTS BY THE COMMITTEE (CLASSIFIED BY COUNTRIES) <sup>1</sup>

### **Afghanistan:**

Art. 22, Nos. 100, 105, 106, 111.

### **Algeria:**

Art. 22, Nos. 11, 62, 87, 100, 111, 122.  
Subm.

### **Argentina:**

Art. 22, Nos. 3, 9, 20, 81, 87, 107.  
Subm.

### **Australia:**

Art. 22, Nos. 15, 112, 123.  
Art. 35, Nos. 22, 122.

### **Austria:**

Art. 22, Nos. 89, 102, 103, 128.

### **Bangladesh:**

Art. 22, general.  
Art. 22, Nos. 11, 27, 32, 87, 98, 106, 111.  
Subm.

### **Barbados:**

Art. 22, Nos. 42, 63, 81, 94, 108, 115.

### **Belgium:**

Art. 22, Nos. 17, 29, 97, 100, 105.

### **Bolivia:**

Art. 22, Nos. 17, 87, 107.  
Subm.

### **Brazil:**

Art. 22, Nos. 11, 19, 52, 53, 94, 101, 103,  
105, 107, 108, 122.

### **Bulgaria:**

Art. 22, Nos. 27, 32, 111.

### **Burma:**

Art. 22, Nos. 1, 29, 63.  
Subm.

### **Burundi:**

Art. 22, Nos. 1, 14, 29, 50, 59, 64, 81, 90.

### **Byelorussian SSR:**

Art. 22, Nos. 32, 47, 122, 123.

### **Cameroon, United Republic of:**

Art. 22, Nos. 3, 9, 15, 50, 64, 87, 97, 100,  
105, 122, 123.

### **Canada:**

Art. 22, Nos. 1, 26, 87, 100.  
Subm.

### **Central African Republic:**

General Report, para. 39.  
Art. 22, Nos. 3, 26, 62, 67, 81, 94, 95, 100,  
105, 117, 118, 119.  
Subm.

### **Chad:**

Art. 22, general.  
Art. 22, Nos. 41, 52, 81, 87, 98, 100, 105,  
111.

### **Chile:**

Art. 22, Nos. 2, 17, 19, 26, 29, 34, 35, 36,  
37, 38, 63, 100, 122, 127.

### **Colombia:**

Art. 22, Nos. 20, 26, 62, 95, 106, 107.

### **Congo:**

Art. 22, general.  
Art. 22, Nos. 13, 87, 119.  
Subm.

### **Costa Rica:**

Art. 22, Nos. 26, 29, 81, 87, 88, 92, 98, 99,  
107, 113, 114, 117, 120, 122.  
Subm.

### **Cuba:**

Art. 22, Nos. 29, 106, 110.

<sup>1</sup> 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.

The numbers refer to Conventions.



**Cyprus:**

Art. 22, Nos. 105, 106, 119, 121, 123.  
Subm.

**Czechoslovakia:**

Art. 22, Nos. 11, 29, 130.  
Subm.

**Dahomey:**

Art. 22, Nos. 33, 111.

**Democratic Yemen:**

Art. 22, general.  
Art. 22, Nos. 58, 59, 95, 98, 105.

**Denmark:**

Art. 22, Nos. 102, 118, 122.  
Art. 35, Nos. 5, 8, 9, 122.

**Dominican Republic:**

Art. 22, Nos. 26, 29, 81, 88, 89, 100, 105.

**Ecuador:**

General Report, para. 39.  
Art. 22, Nos. 29, 35, 37, 39, 95, 98, 100,  
103, 104, 105, 107, 111, 115, 117, 118,  
120, 131.

**Egypt:**

General Report, para. 39.  
Art. 22, Nos. 26, 63, 87, 98, 105, 106, 111.

**El Salvador:**

Art. 22, No. 105.

**Ethiopia:**

Art. 22, Nos. 11, 87, 111.  
Subm.

**Finland:**

Art. 22, Nos. 20, 108, 111.

**France:**

Art. 22, Nos. 19, 29, 100, 105, 120, 123,  
129, 135, 136.  
Art. 35, Nos. 3, 19, 29.  
Subm.

**Gabon:**

General Report, para. 39.  
Art. 22, Nos. 3, 19, 29, 41, 81, 111, 123,  
124.

**German Democratic Republic:**

Art. 22, No. 11.

**Germany, Federal Republic of:**

Art. 22, Nos. 45, 97, 128.  
Subm.

**Ghana:**

Art. 22, Nos. 1, 26, 50, 64, 87, 94, 98, 100,  
105, 111, 117, 119.  
Subm.

**Greece:**

Art. 22, Nos. 1, 87.

**Guatemala:**

Art. 22, general.  
Art. 22, Nos. 94, 100, 108, 110, 119.

**Guinea:**

Art. 22, Nos. 13, 26, 33, 45, 62, 94, 105,  
111, 112, 119, 120, 122.  
Subm.

**Guyana:**

Art. 22, Nos. 50, 64.

**Haiti:**

Art. 22, Nos. 81, 105.

**Honduras:**

Art. 22, general.  
Art. 22, Nos. 29, 32, 42, 62, 87, 95, 108,  
111.  
Subm.

**Hungary:**

Art. 22, Nos. 62, 122, 135.

**Iceland:**

Art. 22, Nos. 91, 102, 108.  
Subm.

**India:**

Art. 22, No. 1.  
Subm.

**Indonesia:**

Art. 22, general.  
Art. 22, Nos. 29, 106, 120.

**Iran:**

Art. 22, general.  
Art. 22, Nos. 29, 95, 100, 105, 106, 111.  
Subm.

**Iraq:**

Art. 22, Nos. 1, 8, 15, 27, 29, 30, 59, 81,  
105, 111, 122.

**Ireland:**

Art. 22, Nos. 87, 98, 102, 105, 118, 121.  
Subm.

**Israel:**

Subm.

**Italy:**

Art. 22, Nos. 91, 95, 97, 100, 102, 103,  
105, 112, 122, 123, 124, 127.

**Ivory Coast:**

Art. 22, Nos. 29, 52.

**Jamaica:**

Art. 22, general.  
Art. 22, Nos. 8, 117.

**Japan:**

Art. 22, No. 100.

**Jordan:**

Art. 22, Nos. 98, 100, 105, 111, 117, 119,  
120, 122, 123, 124.

**Kenya:**

General Report, para. 39.  
Art. 22, Nos. 63, 81, 98, 123.

**Khmer Republic:**

Art. 22, Nos. 13, 29, 122.  
Subm.

**Kuwait:**

Art. 22, Nos. 81, 111.  
Subm.

**Laos:**

Art. 22, Nos. 4, 6, 29.

**Lebanon:**

Art. 22, Nos. 14, 26, 52, 90.

**Liberia:**

Art. 22, general.

**Libyan Arab Republic:**

General Report, para. 39.  
Art. 22, Nos. 1, 3, 14, 26, 59, 81, 95, 98,  
100, 105, 111, 122, 131.  
Subm.

**Luxembourg:**

Art. 22, Nos. 26, 102, 121.  
Subm.

**Madagascar:**

Art. 22, general.  
Art. 22, Nos. 26, 29, 111, 117, 118, 119,  
120, 122, 123, 124.

**Malawi:**

Art. 22, Nos. 26, 86, 99.

**Malaysia:**

General Report, para. 39.  
Art. 22, general.  
Art. 22, No. 105.

**Mali:**

Art. 22, Nos. 33, 111.

**Malta:**

Art. 22, No. 108.

**Mauritania:**

Art. 22, Nos. 19, 22, 29, 53, 62, 81, 84, 94,  
102, 114, 118.

**Mauritius:**

General Report, para. 39.  
Art. 22, Nos. 8, 26, 32, 63, 64, 86, 98, 105.

**Mexico:**

General Report, para. 39.  
Art. 22, Nos. 9, 43, 49, 63, 99, 102, 105,  
107, 110, 111.  
Subm.

**Mongolia:**

General Report, para. 39.  
Art. 22, general.  
Art. 22, Nos. 59, 87, 103, 111.

**Morocco:**

Art. 22, No. 111.

**Netherlands:**

Art. 22, Nos. 32, 91, 97, 100, 106, 128.  
Art. 35, Nos. 17, 25, 42, 62, 81, 87, 94,  
105, 106, 122.  
Subm.

**New Zealand:**

Art. 22, Nos. 45, 97.

**Niger:**

Art. 22, Nos. 26, 33, 102, 105, 111.  
Subm.

**Nigeria:**

General Report, para. 39.  
Art. 22, general.  
Art. 22, Nos. 81, 87, 95, 97, 98.  
Subm.

**Norway:**

Art. 22, Nos. 30, 81, 91, 97, 118, 128.

**Pakistan:**

General Report, para. 39.  
Art. 22, Nos. 87, 96, 98, 111.  
Subm.

**Panama:**

Art. 22, Nos. 3, 8, 9, 13, 15, 26, 27, 30, 32, 64, 68, 81, 87, 98, 107, 108, 110, 112, 119, 122, 123.

**Paraguay:**

Art. 22, general.  
Art. 22, Nos. 1, 30, 87, 98, 100, 105, 107, 111, 119, 120, 122.

**Peru:**

General Report, para. 39.  
Art. 22, Nos. 9, 20, 29, 35, 36, 37, 38, 39, 40, 41, 59, 62, 67, 69, 73, 81, 88, 98, 102, 105, 111, 114, 122.

**Philippines:**

Art. 22, Nos. 59, 87, 94, 95, 98, 100, 110, 111.

**Poland:**

Art. 22, general.  
Art. 22, Nos. 91, 105, 111, 122.

**Portugal:**

General Report, para. 39.  
Art. 22, Nos. 1, 6, 18, 19, 91, 98, 100, 105, 108.  
Subm.

**Qatar:**

Subm.

**Romania:**

Art. 22, Nos. 3, 9.

**Rwanda:**

Art. 22, general.  
Art. 22, Nos. 12, 17, 105, 123.

**Senegal:**

General Report, para. 39.  
Art. 22, Nos. 6, 19, 29, 33, 81, 102, 105, 111, 120, 121, 122, 125.

**Sierra Leone:**

Art. 22, Nos. 8, 95, 100, 105, 119.

**Singapore:**

Art. 22, No. 32.  
Subm.

**Somalia:**

Art. 22, Nos. 17, 45, 84, 95, 105, 111.

**Spain:**

Art. 22, Nos. 9, 59, 60, 68, 94, 97, 100, 103, 106, 108, 111, 112, 119, 120, 122, 132, 134.  
Subm.

**Sri Lanka:**

Art. 22, Nos. 8, 45, 98, 99.

**Sudan:**

General Report, para. 39.  
Art. 22, Nos. 26, 29, 100, 111, 122.  
Subm.

**Sweden:**

Art. 22, Nos. 8, 15, 27, 87, 108, 121, 128, 135.

**Switzerland:**

Art. 22, Nos. 100, 120.

**Syrian Arab Republic:**

Art. 22, Nos. 1, 29, 30, 63, 87, 88, 95, 99, 105, 115, 117, 119, 125, 129.  
Subm.

**Tanzania:**

Art. 22, Nos. 26, 29, 50, 59, 63, 65, 88, 98, 105, 108.

**Thailand:**

Art. 22, Nos. 88, 122, 123.

**Togo:**

Art. 22, Nos. 26, 29.

**Trinidad and Tobago:**

General Report, para. 39.  
Art. 22, Nos. 87, 98, 105, 111, 125.  
Subm.

**Tunisia:**

Art. 22, Nos. 8, 58, 59, 77, 91, 98, 100, 105, 112, 117, 119, 122, 124, 127.

**Turkey:**

Art. 22, Nos. 42, 81, 88, 95, 96, 98, 99, 111, 119.  
Subm.

**Uganda:**

Art. 22, Nos. 64, 86, 98, 123.

**Ukrainian SSR:**

Art. 22, general.  
Art. 22, Nos. 32, 47, 108, 122, 123.

**USSR:**

Art. 22, general.  
Art. 22, Nos. 29, 32, 47, 52, 108, 122, 123,  
124, 126.

**United Arab Emirates:**

Subm.

**United Kingdom:**

Art. 22, Nos. 7, 8, 15, 26, 97, 100, 122.  
Art. 35, Nos. 7, 8, 24, 25, 26, 32, 42, 50,  
63, 64, 81, 84, 85, 87, 94, 95, 105, 108.

**Upper Volta:**

Art. 22, general.  
Art. 22, No. 100.

**Uruguay:**

General Report, para. 39.  
Art. 22, Nos. 9, 23, 26, 63, 67, 77, 78, 87,  
97, 98, 99, 103, 105, 110.

**Venezuela:**

Art. 22, Nos. 3, 81, 88.  
Subm.

**Viet-Nam, Republic of:**

Art. 22, general.  
Art. 22, Nos. 98, 111, 120, 122, 123.  
Subm.

**Yemen:**

General Report, para. 39.  
Art. 22, general.

**Yugoslavia:**

Art. 22, general.  
Art. 22, Nos. 9, 24, 25, 29, 52, 56, 89, 101,  
111, 122.  
Subm.

**Zaire:**

Art. 22, Nos. 18, 29, 64, 81, 88, 98, 118,  
119, 120, 121.

**Zambia:**

Art. 22, Nos. 11, 26, 97, 123.

**REPORT III**

**(PART 4 A)**

**International Labour Conference**

**FIFTY-SEVENTH SESSION**

**GENEVA, 1972**

**Third Item on the Agenda**

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

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

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

---

**Volume A**

**General Report and Observations  
concerning Particular Countries**

---

**INTERNATIONAL LABOUR OFFICE  
GENEVA 1972**

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

# CONTENTS

## PART ONE

### GENERAL REPORT

	Page
I. <i>Introduction</i> . . . . .	3
II. <i>General</i> . . . . .	6
New Conventions and Recommendations . . . . .	6
Obligations Binding Member States . . . . .	6
Special Procedures . . . . .	6
Procedure of Direct Contacts with Governments . . . . .	7
Comments by Employers' and Workers' Organisations . . . . .	8
General Survey on Freedom of Association . . . . .	8
Action Undertaken in the Field of Discrimination . . . . .	9
Measures relating to Recommendations . . . . .	9
Regional Seminars on National and International Labour Standards . . . . .	10
Collaboration with Other International Organisations . . . . .	10
III. <i>Role of Employers and Workers and Their Organisations in the Implementation of ILO Standards</i> . . . . .	10
1. Association of Employers and Workers in the Application of Certain Conventions . . . . .	11
Consultation Prior to the Adoption of Legislative Measures . . . . .	12
Participation in Prescribed Bodies . . . . .	13
Collaboration in Application of Relevant Legislation or Other Measures . . . . .	13
2. Consultation and Participation on a Basis of Equality . . . . .	14
Relevant Provisions . . . . .	14
Methods Prescribed . . . . .	14
Degree of Application . . . . .	15
Proposed Action . . . . .	16
3. Effective Implementation of Article 23, Paragraph 2, of the Constitution . . . . .	17
General Situation . . . . .	18
Organisations to Which Copies of Reports and Information Are to Be Communicated . . . . .	19
Types of Information to Be Communicated . . . . .	21
Date of Communication . . . . .	23
Conclusion . . . . .	24
IV. <i>Reports on Ratified Conventions</i> . . . . .	25
1. Supply of Reports . . . . .	25
Reports Requested and Received . . . . .	25
Compliance with Reporting Obligations . . . . .	26
Supply of First Reports . . . . .	26

# REPORT OF THE COMMITTEE OF EXPERTS

	Page
Replies to Committee's Comments . . . . .	27
Late Reports . . . . .	28
2. Examination of Reports . . . . .	28
Observations and Direct Requests . . . . .	28
Practical Application . . . . .	29
V. <i>Positive Measures by Governments to Give Effect to ILO Standards</i> . . . . .	30
VI. <i>Submission of Conventions and Recommendations to the Competent Authorities</i> . . . . .	33
54th Session . . . . .	33
31st to 53rd Sessions . . . . .	34
Comments by the Committee and Replies from Governments . . . . .	34
Nature of the Competent Authority . . . . .	34
Form of Submission—Communication of Documents . . . . .	35
Federal States . . . . .	35
Communication of Copies of Information to Representative Organisations . . . . .	36
Special Problems . . . . .	36
VII. <i>Reports on Unratified Conventions and on Recommendations</i> . . . . .	37
Supply of Reports . . . . .	37
General Surveys . . . . .	37
<i>Appendix : Cases of Progress in the Application of Ratified Conventions, 1964-72</i> . . . . .	39

## PART TWO

### OBSERVATIONS CONCERNING PARTICULAR COUNTRIES

I. Observations concerning Annual Reports on Ratified Conventions (Article 22 of the Constitution) . . . . .	45
A. General Observations . . . . .	45
B. Individual Observations . . . . .	53
Appendix I. Receipt of Detailed Reports on Ratified Conventions (States Members) as at 29 March 1972 . . . . .	214
Appendix II. Statistical Table of Reports on Ratified Conventions at 29 March 1972 . . . . .	224
II. Observations on the Application of Conventions in Non-Metropolitan Territories (Article 22 and Article 35, Paragraphs 6 and 8, of the Constitution) . . . . .	225
A. General Observations . . . . .	225
B. Individual Observations . . . . .	225
Appendix. Receipt of Detailed Reports on Ratified Conventions (Non-Metropolitan Territories) as at 29 March 1972 . . . . .	239
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) . . . . .	245
Appendix I. Information Supplied by Governments with Regard to the Obligation to Submit Conventions and Recommendations to the Competent Authorities . . . . .	261



## CONTENTS

---

	Page
Appendix II. Position of Member States with Regard to the Obligation to Submit Conventions and Recommendations to the Competent Authorities . . . . .	268

### PART THREE

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

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

### PART FOUR

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

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

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

## **Afghanistan:**

General Report, paragraphs 104, 108, 142, 143.  
I A and B Nos. 4, 41, 45, 95, 106.  
III.

## **Albania:**

I A.

## **Algeria:**

I B Nos. 17, 42, 44, 77, 81, 88, 89.  
III.

## **Argentina:**

I B Nos. 2, 17, 23, 29, 32, 42, 68, 81, 87,  
88, 100.

## **Australia:**

I B No. 42.

## **Austria:**

I B Nos. 81, 94, 103.

## **Barbados:**

I B Nos. 17, 19, 42, 95.  
III.

## **Belgium:**

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

## **Bolivia:**

General Report, paragraphs 104, 108, 142, 143.  
I A and B Nos. 5, 26, 42, 87, 96, 107.  
III.

## **Brazil:**

I B Nos. 81, 94, 96, 103, 107.  
III.

## **Bulgaria:**

General Report, paragraph 139.  
I B No. 81.  
III.

## **Burma:**

General Report, paragraphs 104, 108.  
I A and B Nos. 17, 52.  
III.

## **Burundi:**

General Report, paragraph 146.  
I B No. 94.  
III.

## **Byelorussia:**

General Report, paragraph 139.  
I B Nos. 11, 29, 52, 87, 98.  
III.

## **Cameroon:**

I B No. 19.

## **Canada:**

I B No. 63.

## **Central African Republic:**

I B Nos. 4, 18, 29, 41, 87, 105.  
III.

## **Ceylon:**

I B Nos. 18, 81.  
III.

## **Chad:**

General Report, paragraph 142.  
I A and B Nos. 13, 29, 33, 81, 111.  
III.

## **Chile:**

General Report, paragraphs 104, 108, 142.  
I A and B Nos. 34, 37, 63.  
III.

## **Colombia:**

I B Nos. 2, 3, 8, 12, 18, 22, 23, 24, 25, 107.  
III.

## **Congo:**

I B Nos. 4, 13, 87.

## **Costa Rica:**

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

## **Cuba:**

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

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

**Cyprus:**

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

**Czechoslovakia:**

General Report, paragraphs 104, 108.  
I A and B Nos. 42, 63, 87, 111.

**Dahomey:**

General Report, paragraphs 104, 108.  
I A and B Nos. 18, 29.  
III.

**Denmark:**

General Report, paragraph 108.  
I B Nos. 52, 63, 102.  
II A and B Nos. 5, 6.

**Dominican Republic:**

General Report, paragraph 108.  
I A and B Nos. 1, 29, 52, 79, 81, 87, 88, 90,  
98, 105.  
III.

**Ecuador:**

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

**Egypt:**

I B Nos. 17, 87, 95.  
III.

**El Salvador:**

General Report, paragraphs 142, 143.  
I B No. 105.  
III.

**Ethiopia:**

General Report, paragraphs 104, 108.  
I A.  
III.

**Finland:**

I B No. 42.

**France:**

I B Nos. 35, 36, 37, 38, 42, 81, 96, 97.  
II A and B Nos. 42, 82.

**Gabon:**

General Report, paragraphs 105, 108.  
I A and B Nos. 19, 29, 52.  
III.

**Federal Republic of Germany:**

I B Nos. 22, 96, 102.

**Ghana:**

I B Nos. 81, 117.

**Greece:**

I B Nos. 81, 87, 90, 95, 98, 105.  
III.

**Guatemala:**

I B Nos. 58, 77, 78, 79, 81, 87, 88, 90, 96,  
105, 108, 113, 114.  
III.

**Guinea:**

I B Nos. 3, 5, 18, 29, 81, 105.

**Guyana:**

I B No. 42.

**Haiti:**

General Report, paragraphs 104, 108, 142, 146.  
I A and B Nos. 1, 24, 25, 29, 30, 42, 90, 100,  
105.  
III.

**Honduras:**

General Report, paragraphs 104, 108, 142, 143.  
I A and B Nos. 29, 78, 87.  
III.

**Hungary:**

General Report, paragraph 139.  
I B Nos. 6, 41, 48.  
III.

**Indonesia:**

III.

**Iran:**

I A.

**Iraq:**

I B Nos. 17, 29, 52, 81, 95.  
III.

**Ireland:**

I B Nos. 23, 118.

**Israel:**

I B Nos. 79, 118.

**Italy:**

I B Nos. 32, 52, 60, 81, 88.

**Ivory Coast:**

General Report, paragraphs 104, 108, 142.  
I A.  
III.

**Jamaica:**

I B No. 81.  
III.

**Japan:**

I B No. 98.

**Jordan:**

General Report, paragraph 108.  
I A and B No. 105.  
III.

**Kenya:**

I B Nos. 17, 81.

**Kuwait:**

I B No. 106.

**Laos:**

General Report, paragraphs 104, 142, 143, 146.  
I A.  
III.

**Lebanon:**

General Report, paragraphs 104, 142, 143.  
I A and B Nos. 81, 89.  
III.

**Lesotho:**

I A.

**Liberia:**

General Report, paragraphs 104, 108.  
I A and B Nos. 29, 53, 58, 111, 113.  
III.

**Libyan Arab Republic:**

I B Nos. 52, 89, 95.

**Luxembourg:**

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

**Madagascar:**

I A and B Nos. 29, 118.  
III.

**Malawi:**

I B No. 64.  
III.

**Malaysia:**

I B Nos. 17, 105.

**Mali:**

I B No. 81.

**Mauritania:**

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

**Mauritius:**

General Report, paragraph 104.  
I A.

**Mexico:**

I B Nos. 9, 13, 22, 42, 52, 62, 63, 90, 102.

**Morocco:**

I B Nos. 55, 81.

**Nepal:**

III.

**Netherlands:**

I B Nos. 44, 89, 90.  
II B Nos. 17, 19, 33, 42, 58, 62, 69, 81, 88, 95.  
III.

**New Zealand:**

I B Nos. 17, 42.

**Nicaragua:**

General Report, paragraphs 104, 108.  
I A and B Nos. 1, 3, 4, 9, 12, 17, 24, 25,  
29, 30, 111.  
III.

**Niger:**

I B Nos. 85, 119.

**Norway:**

I A and B Nos. 29, 44, 63, 96.

**Pakistan:**

I B Nos. 22, 29, 81, 87, 90, 96.  
III.

**Panama:**

General Report, paragraphs 104, 108.  
I A and B Nos. 12, 42, 81, 111.  
III.

**Paraguay:**

General Report, paragraphs 104, 105, 108, 146.  
I A and B Nos. 89, 90, 95, 99.  
III.

**Peru:**

I A and B Nos. 1, 4, 8, 12, 22, 24, 25, 27, 41,  
44, 52, 56, 68, 69, 77, 78, 79, 81, 87, 88, 90.  
III.

**Philippines:**

I B Nos. 17, 53, 59, 89, 90, 94, 95.

**Poland:**

General Report, paragraph 142.  
I B Nos. 48, 87, 92, 98.  
III.

**Portugal:**

General Report, paragraph 139.  
I B Nos. 1, 18, 26, 81, 111.  
III.

**Romania:**

I B No. 24.

**Rwanda:**

I A and B Nos. 17, 19.

**Western Samoa:**

I A.

**Senegal:**

I B Nos. 19, 52, 101.

**Sierra Leone:**

General Report, paragraph 105.

I B Nos. 29, 32, 81.

III.

**Singapore:**

I B Nos. 81, 98, 105.

**Somalia:**

General Report, paragraphs 142, 143.

I A and B Nos. 16, 22.

III.

**Republic of South Africa:**

I A.

**Spain:**

I B Nos. 24, 25.

**Sudan:**

I B No. 2.

**Switzerland:**

I B Nos. 18, 29.

**Syrian Arab Republic:**

I A and B Nos. 95, 105, 118.

III.

**Tanzania:**

General Report, paragraphs 104, 108.

I A and B Nos. 29, 81, 97, 105.

III.

**Thailand:**

General Report, paragraph 105.

I A.

III.

**Togo:**

General Report, paragraph 104.

I A.

III.

**Trinidad and Tobago:**

General Report, paragraphs 104, 146.

I A and B No. 87.

III.

**Tunisia:**

I B No. 18.

**Turkey:**

I A and B Nos. 42, 81, 94, 95.

**Uganda:**

I B Nos. 65, 81, 95.

**Ukraine:**

General Report, paragraph 139.

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

III.

**USSR:**

General Report, paragraph 139.

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

III.

**United Kingdom:**

I B Nos. 42, 88, 105.

II A and B Nos. 5, 22, 42, 56, 81, 82, 84, 85, 86, 95, 105, 108.

**Upper Volta:**

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

**Uruguay:**

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

**Venezuela:**

General Report, paragraph 108.

I A and B Nos. 1, 22.

**Republic of Viet-Nam:**

I B No. 6.

III.

**Yemen Arab Republic:**

General Report, paragraphs 104, 142, 146.

I A.

III.

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

General Report, paragraph 108.

**Yugoslavia:**

I B Nos. 18, 22, 48, 81, 89, 102, 114.

**Zaire:**

General Report, paragraphs 104, 108.

I A.

**Zambia:**

I B Nos. 123, 124.



## **PART ONE**

### **GENERAL REPORT**





# **GENERAL REPORT**

## **I. Introduction**

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

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

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

The United Nations was represented at the meeting.

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

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

former Chief Justice of Nigeria;

Mr. Günther BEITZKE (Federal Republic of Germany),

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

Mr. Boutros BOUTROS-GHALI (Egypt),

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

Mr. Pralhad Balacharya GAJENDRAGADKAR (India),

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

**Mr. E. GARCÍA SAYÁN (Peru),**

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

**Mr. Arnold GUBINSKI (Poland),**

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

**Begum Raāna Liaquat Ali KHAN (Pakistan),**

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

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

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

**Mr. L. A. LUNZ (USSR),**

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

**Mr. Jean MORELLET (France),**

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

**Mr. E. RAZAFINDRALAMBO (Madagascar),**

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

**Mr. Paul RUEGGER (Switzerland),**

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

**Mr. Isidoro RUIZ MORENO (Argentina),**

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

**Mr. Arnaldo Lopes SUSSEKIND (Brazil),**

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

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

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

Mr. Joza VILFAN (Yugoslavia),

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

Mr. Earl WARREN (United States),

former Chief Justice of the United States;

Mr. Kisaburo YOKOTA (Japan),

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

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

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

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

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

## II. General

### *New Conventions and Recommendations*

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

### *Obligations Binding Member States*

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

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

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

### *Special Procedures*

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

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

### *Procedure of Direct Contacts with Governments*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### *Measures relating to Recommendations*

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

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

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

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

#### *Collaboration with Other International Organisations*

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

*Participation in Prescribed Bodies.*

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

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

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

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

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

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

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

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

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

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

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

\* \* \*

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

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

### *Relevant Provisions.*

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

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

### *Methods Prescribed.*

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

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

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

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

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

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

#### *Degree of Application.*

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

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

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

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

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

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

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

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

#### *Proposed Action.*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### *General Situation.*

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

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

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

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

<sup>2</sup> Khmer Republic.



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

<sup>4</sup> Spain.

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

<sup>6</sup> Romania.

<sup>7</sup> Rwanda.

<sup>8</sup> Khmer Republic.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### *Date of Communication.*

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

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

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

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

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

---

<sup>1</sup> Mexico.

<sup>2</sup> United Kingdom.

<sup>3</sup> Canada.

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

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

### *Conclusion.*

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

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

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

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

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

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

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

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

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

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

## IV. Reports on Ratified Conventions

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

#### *1. Supply of Reports*

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

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

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

---

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

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

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

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

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

#### *Compliance with Reporting Obligations.*

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

#### *Supply of First Reports.*

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

<sup>1</sup> Conventions Nos. 2, 4, 6, 10, 12, 16, 17, 18, 19, 22, 23, 24, 25, 29, 34, 41, 42, 44, 48, 52, 53, 55, 56, 63, 65, 69, 71, 73, 74, 77, 78, 79, 81, 82, 85, 88, 89, 90, 92, 94, 95, 96, 101, 104, 105, 113, 114, 115, 117, 118, 121, 124, 125, 126, 127.



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

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

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

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

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

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

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

#### *Late Reports.*

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

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

## *2. Examination of Reports*

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

#### *Observations and Direct Requests.*

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

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

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

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

#### *Practical Application.*

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

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

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

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

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

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

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

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

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

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

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

*Non-Metropolitan Territories*

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

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

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

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

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

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

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

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

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

### (Article 19 of the Constitution)

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

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

#### 54th Session

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

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

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

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

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

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

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

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

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

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

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

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

#### *Nature of the Competent Authority*

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



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

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

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

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

#### *Federal States*

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

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

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

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

### *Special Problems*

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

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

\* \* \*

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

## VII. Reports on Unratified Conventions and on Recommendations

### (Article 19 of the Constitution)

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

#### *Supply of Reports*

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

#### *General Surveys*

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

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

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

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

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

\* \* \*

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

Geneva, 29 March 1972.

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

E. RAZAFINDRALAMBO,  
*Reporter.*

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

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

# REPORT OF THE COMMITTEE OF EXPERTS

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

# GENERAL REPORT

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





## **PART TWO**

### **OBSERVATIONS CONCERNING PARTICULAR COUNTRIES**



## **OBSERVATIONS CONCERNING PARTICULAR COUNTRIES**

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

#### **A. GENERAL OBSERVATIONS**

##### *Afghanistan*

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

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

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

##### *Albania*

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

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

##### *Bolivia*

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

*Burma*

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

*Chad*

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

*Chile*

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

*Costa Rica*

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

*Czechoslovakia*

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

*Dahomey*

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

*Dominican Republic*

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

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

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

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

*Ecuador*

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

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

*Ethiopia*

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

*Gabon*

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

*Haiti*

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

*Honduras*

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

*Iran*

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

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

*Ivory Coast*

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

*Jordan*

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

*Laos*

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

*Lebanon*

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

*Lesotho*

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

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

*Liberia*

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

*Madagascar*

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

*Mauritania*

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

*Mauritius*

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

*Nicaragua*

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

*Norway*

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

*Panama*

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

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

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

#### *Paraguay*

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

#### *Peru*

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

#### *Rwanda*

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

#### *Western Samoa*

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

#### *Somalia*

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



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

*Republic of South Africa*

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

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

*Syrian Arab Republic*

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

*Tanzania*

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

*Thailand*

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

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

*Togo*

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

*Trinidad and Tobago*

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

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

*Turkey*

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

*USSR*

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

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

*Upper Volta*

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

*Uruguay*

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

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

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

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

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

*Venezuela*

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

*Yemen Arab Republic*

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

*Zaire*

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

\* \* \*

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

## B. INDIVIDUAL OBSERVATIONS

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

*Dominican Republic (ratification : 1933)*

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

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

*Haiti (ratification : 1952)*

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

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

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

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

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

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

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

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

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

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

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

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

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

*Portugal* (ratification : 1928)

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

*Venezuela* (ratification : 1935)

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

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

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

\* \* \*

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

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

*Argentina* (ratification : 1933)

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

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

*Colombia* (ratification : 1933)

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

*Ecuador* (ratification : 1962)

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

---

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

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

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

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

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

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

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

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

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

\* \* \*

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

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

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

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

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

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

*Guinea (ratification : 1966)*

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

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

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

*Mauritania* (ratification : 1963)

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

*Nicaragua* (ratification : 1934)

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

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

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

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

\* \* \*

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



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

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

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

*Central African Republic (ratification : 1960)*

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

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

*Congo (ratification : 1960)*

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

*Nicaragua (ratification : 1934)*

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

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

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

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

*Peru* (ratification : 1945)

See paragraph 18 of the General Report.

\* \* \*

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

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

*Bolivia* (ratification : 1954)

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

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

*Guinea* (ratification : 1959)

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

\* \* \*

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

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

---

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

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

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

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

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

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

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

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

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

\* \* \*

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

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

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

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

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

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

*Peru* (ratification : 1962)

See paragraph 18 of the General Report.

\* \* \*

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

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

*Mexico* (ratification : 1939)

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

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

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

*Nicaragua* (ratification : 1934)

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

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

---

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

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

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

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

\* \* \*

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

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

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

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

*Byelorussia* (ratification : 1956)

See under Convention No. 87.

*Cuba* (ratification : 1935)

See under Convention No. 87.

*Ukraine* (ratification : 1956)

See under Convention No. 87.

*USSR* (ratification : 1956)

See under Convention No. 87.

\* \* \*

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

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

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

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

*Nicaragua* (ratification : 1934)

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

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

*Panama* (ratification : 1958)

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

See also under General Observations.

*Peru* (ratification : 1962)

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

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

\* \* \*

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

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

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

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

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

*Congo* (ratification : 1960)

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

*Mexico* (ratification : 1938)

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

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

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

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

\* \* \*

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

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

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

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

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

*Uruguay* (ratification : 1933)

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

\* \* \*

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

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

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

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



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

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

\* \* \*

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

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

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

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

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

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

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

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

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

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

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

*Burma (ratification : 1956)*

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

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

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

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

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

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

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

*Cuba (ratification : 1928)*

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

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

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

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

*Egypt (ratification : 1960)*

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

*Iraq (ratification : 1960)*

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

*Kenya (ratification : 1964)*

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

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

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

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

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

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

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

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

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

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

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

*Nicaragua (ratification : 1934)*

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

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

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

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

*Philippines (ratification : 1960)*

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

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

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

*Rwanda (ratification : 1962)*

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

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

\* \* \*

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

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

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

*Central African Republic (ratification : 1964)*

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

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

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

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

#### *Ceylon (ratification : 1952)*

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

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

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

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

#### *Dahomey (ratification : 1960)*

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

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

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

*Guinea* (ratification : 1959)

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

*Mauritania* (ratification : 1961)

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

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

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



*Portugal* (ratification : 1931)

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

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

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

*Switzerland* (ratification : 1927)

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

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

*Tunisia* (ratification : 1959)

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

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

*Upper Volta* (ratification : 1960)

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

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

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

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

*Yugoslavia* (ratification : 1927)

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

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

\* \* \*

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

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

*Barbados* (ratification : 1967)

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

*Cameroon* (ratification : 1962)

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

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

*Gabon* (ratification : 1962)

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

*Rwanda* (ratification : 1962)

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

*Senegal* (ratification : 1962)

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

\* \* \*

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

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

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

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

*Colombia* (ratification : 1933)

See under Convention No. 8.

*Federal Republic of Germany* (ratification : 1930)

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

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

*Mexico* (ratification : 1934)

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

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

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

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

*Pakistan (ratification : 1932)*

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

*Peru (ratification : 1962)*

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

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

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

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

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

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

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

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

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

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

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

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

*Venezuela (ratification : 1944)*

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

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

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

*Yugoslavia (ratification : 1929)*

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

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

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

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

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

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

\* \* \*

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

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

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

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

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

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

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

See under Convention No. 8.

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

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

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

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

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

\* \* \*

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

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

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

*Colombia* (ratification : 1933)

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

The Committee hopes that the regulations in question will be adopted in the near future and that adequate measures will be taken to enable sickness insurance to cover effectively all groups of workers coming within the scope of the Convention throughout the national territory. The Committee asks the Government to supply information on the progress made towards this goal and to state—as it has been asked to do on several occasions in the past—whether it has been able to overcome the administrative and financial difficulties which, according to its earlier statements, in practice prevented the extension of the scheme to cover *domestic servants*.

*Article 4, paragraph 1.* In earlier observations the Committee also drew attention to the fact that regulation 7 of the General Regulations concerning Sickness and Maternity Insurance, which fixes a contribution period of five weeks for entitlement to medical care, was not in conformity with the Convention, which does not provide for a qualifying period for the grant of medical treatment and the supply of medicines and appliances. The Committee hopes that on the occasion of

---

<sup>1</sup> The Government is asked to report in detail for the period ending 30 June 1972.



the recent reorganisation of the Social Insurance Institute and the adoption of new regulations under Decree No. 433 of 1971, steps can be taken to abolish this requirement of a qualifying period.

*Ecuador* (ratification : 1962)

The Committee notes the information provided by the Government in reply to its earlier observations and requests. It notes that *out-workers* are covered by the general social security scheme and that *domestic workers* also receive cash benefits under the regulations of the National Welfare Institute.

The Committee also notes with interest that a draft Social Security Code is at present being discussed at the national level and that it will contain all the necessary provisions to ensure application of the Convention.

The Committee hopes that the Code will be adopted in the near future and will be in complete conformity with the Convention, more particularly as regards both its *scope* (by including foreigners and permitting exceptions only in the case of the categories of workers mentioned in Article 2, paragraph 2, of the Convention) and the *qualifying period* (while the Convention authorises a qualifying period or minimum contribution period before the worker becomes entitled to sickness benefit, it does not provide for any such qualifying period for medical care, which must be given as from the commencement of the illness in accordance with Article 4, paragraph 1).

The Committee requests the Government to report progress towards the adoption of this Code.

*Haiti* (ratification : 1955)

The Committee notes with regret that the Government's report has not been received. The Committee is bound, therefore, to repeat its previous observation which was as follows :

Further to the observations and direct requests made by it since 1957, the Committee notes with concern that the provisions of the Acts of 12 September 1951 and 18 September 1967, both of which provided for the establishment of a health insurance scheme, have so far never been implemented. It notes that the Government finds itself unable to give effect to such an insurance scheme in the present circumstances as priority has been given to other objectives.

The Committee trusts that the Government will take the necessary action in the very near future to fulfil the international obligations entered into by it as a result of its ratification of this Convention, which took place in 1955. It requests the Government to indicate the progress made in this respect.<sup>1</sup>

*Nicaragua* (ratification : 1934)

The Committee notes that the Government's report has not been received. It has however noted with interest the information communicated by the Government to the Conference in 1971 on Convention No. 3 concerning the further extensions of the social security scheme, including sickness insurance, to new regions of the country.

The Committee hopes that this scheme will soon cover the whole of the country and all the categories of workers coming within Conventions Nos. 24 and 25, and that the Government will not fail to supply information—and particularly statistics—on further progress made to this end, as it did in its report for 1967-69.

---

<sup>1</sup> The Government is asked to report in detail for the period ending 30 June 1972.

*Peru (ratification : 1945)*

*Article 4 of the Convention.* In its reply to the Committee's previous observations and requests pointing out that the qualifying period (payment of a specified number of contributions) to which the grant of medical care is made subject in both the workers' and the employees' insurance schemes is contrary to the Convention, the Government refers to the amendment of sections 55 and 56 of Act No. 13724 (employees' insurance) which concern the constitution of the resources of the insurance scheme and not the qualifying periods in question. However, the Government indicated in its report for 1966-68 that a Bill reforming workers' social insurance and containing provisions to this end had been submitted to Parliament and, in its report for 1969-70 on Convention No. 35 it indicated that special committees responsible for the reorganisation of the two social insurance schemes had been set up under a Supreme Decree of 28 January 1969 and a Legislative Decree of 29 September 1970. Since the Government's reply contains no new information on this question, the Committee is compelled to draw attention to it once again, in the hope that the necessary measures will be taken shortly.

The Committee also requests the Government to indicate whether the social insurance scheme has been extended to further regions of the country.

*Romania (ratification : 1929)*

*Article 3, paragraph 2, of the Convention.* Further to its earlier requests concerning the provisions of section 25 of Decision No. 880/1965 of the Council of Ministers (suspension of cash benefits because the worker was absent without reason during the thirty days preceding sick leave), the Committee notes that no steps have yet been taken to bring the national legislation into conformity with the Convention, which makes no provision for such suspension. The last report shows that the draft new Labour Code, which, according to an earlier statement by the Government, would remove this discrepancy, is still under discussion and that a certain time must still elapse before the draft can be adopted.

The Committee hopes that the above provisions of the national legislation can be amended at an early date, either by the adoption of the draft new Labour Code or by an amendment to the above-mentioned decision, and that the Government will report any progress in this matter.

*Spain (ratification : 1933)*

*Article 3 of the Convention.* Further to its earlier observations, the Committee notes with interest the information given by the Government to the Conference Committee in 1970 and in its latest report ; it also notes the Bill appended to the report, which is intended, *inter alia*, to amend section 129 of Decree No. 907 of 21 April 1966 by repealing the provision under which benefits are paid only if the illness lasts for at least seven days. The Committee hopes that this Bill will be adopted soon and that the national legislation will thus be brought into complete conformity with the Convention, which does not prescribe any minimum duration of incapacity in order to qualify for sickness benefit.

*Uruguay (ratification : 1933)*

For some years the Committee has been drawing attention to the fact that there is no general sickness insurance scheme and that the various laws which have set up

special schemes for certain categories of workers either do not cover large numbers of workers covered by the Convention or do not give full effect to its provisions. In its various reports on the application of the Convention, the Government referred to a number of Bills designed to introduce a general scheme, and the Committee examined these Bills and made appropriate comments on them.

In its report for 1969-71, the Government refers to two new Bills communicated to the Office in May 1971, and on which it asks for the Committee's views. The Committee believes that the Bills in question are the Bill for the creation of the National Social Security Institute and the National Health Service Bill (which also provides for sickness benefits).

As regards the National Health Service Bill, the Committee examined it in 1968 and made comments on it in its observation of 1968 (repeated in 1970 and 1971), to which it draws the Government's attention.

As regards the Bill for the creation of the National Social Security Institute, the Committee notes that this Bill is designed to bring about the progressive co-ordination and centralisation of the administration of all the social insurance schemes, including the sickness scheme, but that it does not contain provisions corresponding to those of the Convention. In any event, the Government indicates in its supplementary report received in February 1972 that it has not yet been possible for these Bills to be adopted in view of the renewal of the national Parliament, but that once the new legislature is installed it will take action in regard to them.

The Committee trusts that the necessary measures will be taken to ensure the full application of the Convention as regards both its scope (*Article 2*) and certain other provisions mentioned in its previous observations (*Article 3*: waiting period of three days and limitation of the grounds for suspending benefits to the cases set out in paragraph 3 of this Article; *Article 4*: grant of medical, pharmaceutical and therapeutic care until the expiry of the period prescribed for the grant of financial benefit, i.e. a minimum period of twenty-six weeks). The Committee requests the Government to indicate the progress made to this end.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States: *Chile, Peru*.

Information supplied by the *Netherlands* in answer to a direct request has been noted by the Committee.

### **Convention No. 25 : Sickness Insurance (Agriculture), 1927**

*Colombia* (ratification : 1933)

See under Convention No. 24.

*Haiti* (ratification : 1955)

See under Convention No. 24.<sup>1</sup>

---

<sup>1</sup> The Government is asked to report in detail for the period ending 30 June 1972.

*Nicaragua* (ratification : 1934)

See under Convention No. 24.

*Peru* (ratification : 1945)

See under Convention No. 24.

*Spain* (ratification : 1932)

See under Convention No. 24.

*Uruguay* (ratification : 1933)

See under Convention No. 24.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States : *Chile, Peru*.

Information supplied by the *Netherlands* in answer to a direct request has been noted by the Committee.

**Convention No. 26 : Minimum Wage-Fixing Machinery, 1928***Bolivia* (ratification : 1954)

The Committee notes with regret that for the second year in succession the Government's report has not been received. The Committee is bound, therefore, to repeat its previous observation, which was as follows :

The Committee notes with interest that a National Wages Council has been set up by Decree No. 08436 of 29 July 1968, and that it is empowered, *inter alia*, to examine and propose the fixing of minimum wages. The Committee trusts that, as was indicated in the Government's report, the National Wages Council will proceed in the near future to a study of the Convention and that this study will lead to the establishment of minimum wage-fixing machinery meeting the requirements of the Convention.

*Portugal* (ratification : 1959)

Further to its previous comments, the Committee notes with satisfaction that Legislative Decree No. 49212 of 28 August 1969, as amended by Legislative Decree No. 492/70 of 22 October 1970, prescribes in section 1, sub-section 2, and section 26, sub-section 3, the means by which employers' and workers' organisations should be consulted and participate (Articles 2 and 3, paragraphs 2 (1) and (2), of the Convention).

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States : *Burma, Burundi, Italy, Lebanon, Luxembourg, Nicaragua, Portugal, Rwanda*.

**Convention No. 27 : Marking of Weight (Packages Transported by Vessels), 1929**

*Cuba* (ratification : 1954)

The Committee notes from the Government's reply to its previous observation that the adoption of formal measures to ensure the application of Article 1, paragraph 4, of the Convention (national laws or regulations to determine the person or body responsible for the marking of weight) is still under consideration. Recalling that this Convention was ratified as long ago as 1954, the Committee trusts that the necessary legislative measures will be taken in the near future.<sup>1</sup>

*Luxembourg* (ratification : 1931)

Further to its previous observation, the Committee notes from the Government's reports that no legislative provisions concerning the application of either this Convention or of Convention No. 28 have yet been adopted. It recalls, in this connection, that according to the statement of a Government representative to the Conference Committee in 1969, the Government intended to proceed with the preparation of regulations giving effect to both Conventions.

The Committee must again express the hope that regulations providing for the marking of weights on packages as required by this Convention and for the protection of dockers against accidents as required by Convention No. 28 will be issued in the near future.

*Peru* (ratification : 1962)

See paragraph 18 of the General Report.

\* \* \*

In addition, a request regarding certain points is being addressed directly to *Pakistan*.

**Convention No. 28 : Protection against Accidents (Dockers), 1929**

*Luxembourg* (ratification : 1931)

See under Convention No. 27.

\* \* \*

In addition, a request regarding certain points is being addressed directly to *Nicaragua*.

**Convention No. 29 : Forced Labour, 1930**

*Argentina* (ratification : 1950)

In its observations of 1968 and 1970 the Committee had referred to section 47 of the National Defence Act (Act No. 16,970) of 6 October 1966 and sections 2

---

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 57th Session.

and 8 of Act No. 17,192 of 2 March 1967 on civil defence service, under which all inhabitants over 14 years of age, of either sex, other than those performing military service, may be called up for compulsory service, *inter alia*, to preserve the welfare of the community and the normal and full functioning of the activities and services which ensure the development of the nation. It had observed that the compulsory service which might be exacted under these provisions was distinct from compulsory military service within the meaning of Article 2, paragraph 2 (a), of the Convention and was not confined to cases of emergency as defined in Article 2, paragraph 2 (d), and that the legislation thus permitted the imposition of a form of forced or compulsory labour prohibited by the Convention.

In 1970 a government representative stated in the Conference Committee that in practice there was no discrepancy between the situation in Argentina and the Convention, since forced labour had never been used. He also stated that an amendment to section 2 of the National Defence Act had been drawn up to bring that Act into conformity with the Convention by providing that forced labour might be imposed only in cases of emergency. However, in its report for 1969-71, the Government indicates that no amendment of the legislation is contemplated, on the ground that the purposes to which the legislation is directed—"satisfying the needs of national security", "preserving internal order", "contributing directly or indirectly to the preparation or maintenance that the effort of war requires"—bring it within the exception in respect of emergencies provided for in Article 2, paragraph 2 (d), of the Convention.

The Committee observes that the above-mentioned purposes, quoted by the Government in its report, are only some of those for which compulsory call-up of labour is permitted by the legislation in question, section 2 of Act No. 17,192 listing in addition thereto "the preservation of the well-being of the community and of the normal and full development of the activities and services which ensure the development of the nation". Moreover, action for "satisfying the needs of national security" may cover a wide range of activities, since, by virtue of sections 2 and 3 of Act No. 16,970, this would comprise all measures taken by the State "to protect the vital interests of the nation from substantial interference and disturbance". The Committee recalls—as it had already noted in its observation of 1968—that the memorandum accompanying Act No. 16,970 explained the need for new legislation, *inter alia*, on the ground that earlier legislation had not taken account of the interdependence of the security and the development of the nation. It has therefore to be concluded that the powers to call up labour under Acts Nos. 16,970 and 17,192 are not limited, either in wording or in intent, to circumstances of emergency within the meaning of Article 2, paragraph 2 (d), of the Convention.

The Committee trusts that measures will be taken at an early date to bring the legislation in question into conformity with the Convention.

#### *Byelorussia (ratification : 1956)*

1. The Committee regrets to note that the Government's report once again contains no information in answer to the Committee's direct request relating to legislation governing the treatment of persons evading socially useful work.

The Committee notes that, under the Ukase of the Presidium of the Supreme Soviet of the Byelorussian SSR of 15 May 1961 to intensify the campaign against persons evading socially useful work and leading an anti-social, parasitic way of life, as amended by Ukase of the Presidium of the Supreme Soviet of the Byelorussian SSR of 30 March 1970, persons may be compulsorily directed to employment

by decision of the Executive Committee of a Soviet of Working People's Deputies ; wilful non-compliance with such a decision is punishable with imprisonment or corrective labour for up to one year, under section 6 of the Ukase of 1961 (as amended) and section 204<sup>1</sup> of the Penal Code of the Byelorussian SSR (inserted by Ukase of the Presidium of the Supreme Soviet of the Byelorussian SSR of 30 March 1970).

The Committee is obliged to point out once more that work undertaken pursuant to compulsory direction to employment by the Executive Committee of a Soviet of Working People's Deputies under the above-mentioned legislation is labour performed under the menace of a penalty and for which the person concerned has not offered himself voluntarily. Such work accordingly falls within the definition of "forced or compulsory labour" contained in Article 2, paragraph 1, of the Forced Labour Convention, and is not covered by the exception provided for in Article 2, paragraph 2 (c), of the Convention relating to labour exacted as a consequence of a conviction in a court of law.

In the light of the above indications and the explanations contained in paragraph 55 of the general survey of forced labour in its report of 1968, the Committee trusts that measures will be taken at an early date to bring the legislation in question into conformity with the Convention, which provides for the suppression of forced or compulsory labour in all its forms.

2. The Committee also regrets that the Government has once again failed to supply copies of various legislative texts which the Committee has been requesting for a number of years. It trusts that these texts (which it is once more enumerating in a direct request) will be supplied with the next report.

\* \* \*

Professor Lunz stated that he could not associate himself with the observations in respect of Byelorussia, Ukraine and the USSR concerning the Ukases of 1970 as to "intensification of the campaign against persons evading socially useful work...": these Ukases were not designed to institute forced labour, but their purpose was to reinforce the principle of the general obligation to work, i.e. to uphold the rule that a person capable of working has the right and is obliged to choose by himself any kind of socially useful activity.

#### *Central African Republic (ratification : 1960)*

In previous observations the Committee has noted that, by virtue of Ordinance No. 4 of 8 January 1966 and Ordinance No. 66/38 of 3 June 1966, all persons, of either sex, aged between 18 and 55 years, who are not incapacitated from work or registered at an educational establishment and who are unable to prove that they belong to one of eight categories of the active population, are liable to penal sanctions and can be directed to work of general interest, particularly the cultivation of land, and that compulsory cultivation may also be imposed under section 28 of Act No. 60/109 of 27 June 1960 concerning the development of the rural economy. The Committee has pointed out that these provisions, which grant the authorities extensive powers to impose forced or compulsory labour, are incompatible with the Government's obligations under the Convention.

The Committee notes the statement made by a government representative to the Conference Committee in 1971, and repeated in the latest report, that a note requesting the amendment of Ordinances Nos. 4 of 8 January 1966 and 66/38 of

3 June 1966 would be submitted to the Government for decision. It recalls the statements made to the Conference Committee in 1966, 1968 and 1970 that measures to ensure the observance of the Convention would be taken ; according to the statement made in 1970, draft legislation to repeal the two Ordinances of 1966 had already been submitted to the Council of Ministers.

The Committee once more expresses the hope that the two Ordinances of 1966 will be repealed, and Act No. 60/109 amended, in the very near future.<sup>1</sup>

#### *Chad (ratification : 1960)*

The Committee notes with regret that no report has been received, and that therefore no information is available in answer to its previous direct requests, in which it had pointed out the following discrepancies between the national legislation and the Convention :

1. Act No. 28-62 of 28 December 1962 provided for the insertion in the General Code of Direct Taxes of a new section (260*bis*) permitting the exaction of labour for the recovery of taxes, contrary to Article 10 of the Convention.

2. Under section 2 of Act No. 14 of 13 November 1959, persons convicted of any offence whatsoever entailing a restriction on residence may be used for work of public utility during a period of time to be fixed by order of the Prime Minister not exceeding one-third of the period of restriction of residence. As, under section 46 of the Penal Code, persons sentenced to hard labour, detention or penal servitude are subject to a restriction on residence for up to twenty years, these provisions empower the administrative authorities to exact forced labour from the persons concerned for prolonged periods following completion of their sentence. The exaction of labour in these circumstances is contrary to the Convention.

The Committee once more expresses the hope that measures will be taken to bring the above-mentioned legislation into conformity with the Convention.

#### *Cuba (ratification : 1953)*

The Committee notes that, under Act No. 1231 of 16 March 1971, all men between the ages of 17 and 60 years who are able to work, but are not enrolled at an educational institution or connected with a work centre without just cause, or who are connected with a work centre but have abandoned it (unjustified absence for more than fifteen working days being considered as abandonment of work), or who are connected with a work centre and have been punished at least three times for unjustified absence by the labour committee of the work centre and repeat the offence are considered to be in a precriminal state of idleness (section 3). They may then be subjected to various security measures, all involving an obligation to work (section 4). Failure to comply with security measures or subsequently again falling into any of the precriminal states of idleness constitutes the crime of idleness, and is punishable with imprisonment in a rehabilitation centre for from twelve to twenty-four months with an obligation to work (sections 8 and 9). Decisions to impose security measures on persons in a precriminal state of idleness and decisions to impose imprisonment as a punishment for the crime of idleness are taken by

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 57th Session and to report in detail for the period ending 30 June 1972.



administrative bodies (sections 13 to 22)—the former either by the labour committee of the work centre or the Regional Appellate Committee (consisting of two officials of the Ministry of Labour and a representative of the Central Organisation of Cuban Trade Unions), the latter by the Regional Appellate Committee.

The Committee observes that the above-mentioned legislation grants extensive powers to impose forced or compulsory labour within the meaning of the Convention, that is, “work of service which is exacted from any person under the menace or a penalty and for which the said person has not offered himself voluntarily”. It accordingly trusts that, in accordance with the obligations incumbent upon the Government under the Convention, measures for the repeal of the provisions in question will be taken at an early date.

*Dahomey (ratification : 1960)*

1. The Committee regrets that no report has been received, and that accordingly no information is available on the measures taken to bring national legislation into conformity with the Convention. The Committee must once more draw attention to the fact that the following legislation provides for the imposition of forced labour, in violation of the Convention :

- (a) Act No. 62-21 of 14 May 1962, which empowers the Minister of Labour, in the absence of voluntary manpower, to call up any able-bodied Dahomeyan citizen between 18 and 50 years of age who is not able to prove that he is regularly engaged in permanent and lawful employment providing him with normal means of subsistence ;
- (b) Decree No. 239 of 1 June 1962 concerning collective village fields, which provides for the establishment and cultivation in every village of collective fields in accordance with directives given by the Departmental Committee for Rural Development concerning the area to be cultivated, the crops to be grown within the framework of the National Plan, the timing of operations and the system of rotation of crops ;
- (c) Ordinance No. 62 PR/MDRC of 29 December 1966, requiring all able-bodied men to work full time in the zones designated as priority zones in each village, subprefecture and prefecture, with a view to attaining the production targets fixed by the Five-Year Plan of Economic and Social Development.

While noting the statement made by a government representative to the Conference Committee in 1970 that in practice the above-mentioned legislation had not been applied, the Committee must once more express the hope that the texts in question—two of which have now been in force for ten years—will be repealed at the earliest possible moment.

2. Notwithstanding the Committee's repeated requests since 1964, a copy of the provisions regulating prison labour has not yet been supplied. In these circumstances, the Committee is unable to satisfy itself of the observance of the conditions laid down in Article 2, paragraph 2 (c), of the Convention. It urges the Government to supply a copy of the regulations now in force in this regard.<sup>1</sup>

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 57th Session and to report in detail for the period ending 30 June 1972.

*Dominican Republic (ratification : 1956)*

The Committee notes with regret that the Government's report supplies no information in reply to direct requests repeatedly addressed to the Government since 1967. The Committee is once more addressing a direct request to the Government and urges it to supply full information on the matters mentioned therein.

See also under Convention No. 105.

*Ecuador (ratification : 1954)*

With reference to its previous observations concerning the observance of the conditions laid down in Article 2, paragraph 2 (c), of the Convention in regard to prison labour, the Committee notes from the Government's report that the administration of prisons and agricultural penal colonies has been reorganised by Decree No. 1053 of 29 December 1970, section 3 (c) of which provides for the issue of regulations governing the operation of prisons and penitentiaries. The Committee also notes, from the information submitted by the Government to the Conference Committee in 1971, that provisions concerning prison labour are being studied by a group of experts with a view to ensuring the observance of the Convention. The Committee accordingly hopes that the Government will be able to supply with its next report copies of the provisions adopted to regulate the work of prisoners in penitentiaries, agricultural penal colonies and prisons.

*Gabon (ratification : 1960)*

In observations made since 1964, the Committee has noted that, by virtue of Ordinance No. 50/62 of 21 September 1962, any physically fit citizen over 18 years of age who does not prove that he has an occupation or is registered at an educational establishment may be required, subject to penal sanctions, to take up employment to which he is directed by the authorities. The Committee has pointed out that these provisions, which grant the authorities extensive powers to impose forced or compulsory labour, are incompatible with the Government's obligations under the Convention.

The Committee notes the information communicated by the Government to the Conference Committee in 1971, indicating that the provisions of the above-mentioned Ordinance of 1962 had never been applied, that important amendments to the Ordinance had been prepared by the Ministry of Labour and were then before the National Assembly for adoption, and that the Government had not found it easy to repeal the Ordinance which formed part of a series of laws and regulations aimed at attenuating the bad effects of instability of workers in employment and of their geographical mobility and at combating unemployment and vagrancy.

The Committee notes with regret that the report due from the Government has not been received, so that no further information is available on the measures adopted to bring national legislation into conformity with the Convention. It recalls that already in 1966 the Government informed the Conference Committee that the Ministry of Labour had submitted to the Government draft legislation to repeal Ordinance No. 50-62, and that similar statements were made to the Conference Committee in 1968, 1969 and 1970.

The Committee must point out that the Ordinance of 1962 has now been in force, in violation of the Convention, for almost ten years, and once more expresses the hope that it will be repealed at the earliest possible moment.<sup>1</sup>

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 57th Session and to report in detail for the period ending 30 June 1972.

*Guinea* (ratification : 1961)

See under Convention No. 105.

*Haiti* (ratification : 1958)

The Committee regrets to note that no report has been supplied, and that accordingly no information is available in answer to its previous observation, in which it had pointed out the following discrepancies between the national legislation and the Convention :

1. Section 230 of the Penal Code—according to which persons convicted of vagrancy are required, after having served their sentence, to reside in a place designated by the public prosecutor and to work on state works—provides for the imposition of forced or compulsory labour in circumstances not permitted by the Convention.

2. National legislation does not lay down penal sanctions for the illegal exaction of forced or compulsory labour, as required by Article 25 of the Convention.

The Committee once more expresses the hope that measures will be taken to bring national legislation into conformity with the Convention in regard to the above-mentioned points.

*Honduras* (ratification : 1957)

In its previous observations, the Committee noted that—

- (a) the Police Act of 8 February 1906 granted the police extensive powers to compel persons to perform labour against their will, contrary to the Convention ;
- (b) that offences against the Police Act were tried not by courts of law but by officials and agents of the police, and that the penalties which might be imposed included imprisonment, involving, by virtue of section 98 of the Penal Code and section 70 of the Prison Regulations Act, an obligation to perform labour, contrary to Article 2, paragraph 2 (c), of the Convention, which permits the exaction of such labour only as a consequence of a conviction *in a court of law* ;
- (c) that, under section 98 of the Penal Code, persons sentenced to penal servitude may be required to perform work for private employers, contrary to the requirement in Article 2, paragraph 2 (c), of the Convention, that convicts shall not be hired to or placed at the disposal of private persons, companies or associations.

In its report for 1968-70 the Government stated that it was proposed to set up an interministerial committee to draft the measures required to bring the above-mentioned legislation into conformity with the Convention.

The Committee regrets that this year no report has been supplied, so that no information is available on the action taken or contemplated to eliminate the existing discrepancies between the national legislation and the Convention. It trusts that these measures will be taken in the very near future.

*Iraq (ratification : 1962)*

In previous comments, the Committee had noted that, under Act No. 41 of 1943 regulating the economic life, labour might be called up for production and preparation of commodities in factories or on works carried on by the Government or under its supervision. It had requested that measures be taken to bring this legislation into conformity with the Convention.

The Committee notes, from the Government's report for 1969-71, that the above-mentioned Act has been repealed and replaced by Act No. 20 of 1970 regulating internal and foreign trade. It observes that, under section 3 (11) of the new Act, the council for regulating internal and foreign trade may when necessary, with the approval of the President, summon labourers for employment in public services producing and providing manufactured and semi-manufactured goods. Penal sanctions for non-compliance with such a summons and for refraining from working in a factory, workshop or trading establishment taken over by the said council are laid down in sections 10 (1) and 16 of the Act.

The above-mentioned provisions permit the exaction of forced labour, contrary to the Convention. The Committee trusts that they will be repealed at an early date.

*Liberia (ratification : 1931)*

The Committee regrets that no report has been received. It has, however, noted the statements made by a Government representative to the Conference Committee in 1971 and the replies to its last observations subsequently supplied. There appears to have been little change in the situation regarding the implementation of the Convention, and the Committee finds it necessary to revert to its previous comments :

1. *Article 25 of the Convention.* Consequent upon the repeal of the original Chapter 16 of the Labour Practices Law on 18 February 1966, national legislation no longer lays down penal sanctions for the illegal exaction of forced or compulsory labour, as required by Article 25 of the Convention. The Government has indicated its intention to include an appropriate provision in the proposed new Penal Law. The Committee recalls the assurance given by the Government to the Conference Committee in 1969 that, if the revised Penal Law could not be introduced in the session of the Legislature opening in October 1969, amendments to the existing Penal Law would be introduced to bring it into conformity with Article 25 of the Convention.

The urgency of enacting the necessary penal provisions is underlined by the fact that, in the case of forced labour reported to the ILO in 1969, while certain disciplinary measures were taken against a government official involved in the matter, no action of any kind appears to have been taken against the plantation owner who employed labourers under compulsion.

2. *Amendment to section 346 (b) of the Penal Law.* The Commission of Inquiry appointed under article 26 of the ILO Constitution had recommended, in paragraphs 419 and 420 of its report of 1963, that section 346 (b) of the Penal Law (which laid down an extensive definition of vagrancy, and might be used as an indirect means of compulsion to work) should be repealed during the legislative session 1963-64. In 1969 the Government informed the Conference Committee that the new Penal Law would take account of this recommendation and that, if the new Penal Law was not introduced for adoption in the legislative session opening in

October 1969, the Government would have the existing Law appropriately amended. Neither the new Penal Law nor the necessary amendment to the existing Penal Law appears to have been adopted.

3. *Article 2, paragraph 2 (c), of the Convention.* The Government stated in 1969 that the revised penal legislation would provide specifically, as required by the Convention, that work of convicted persons should be performed under the supervision and control of a public authority and that prisoners should not be hired to or placed at the disposal of private individuals, associations or companies. The Government has stated that, pending the enactment of the new Penal Law, it has issued an Executive Order on this matter, which is being scrupulously followed. The Committee hopes that a copy of this Executive Order will be supplied.

4. *Incorporation of ILO Conventions in the Liberian Code of Laws.* The Commission of Inquiry noted that, although according to the Liberian Government a ratified Convention became part of the law of Liberia upon its publication by virtue of section 80 of the Foreign Relations Law, the Liberian Code of Laws of 1956 contained no reference to international labour Conventions ratified by Liberia. In addition to recommendations on matters in respect of which specific legislative action appeared to be necessary, the Commission of Inquiry therefore recommended (in paragraph 421 of its report of 1963) that, when a revised edition of the Code of Laws was issued, the texts of these Conventions should be incorporated in it and that, pending the issue of such a revised edition, an appropriate supplement to the existing Code of Laws should be issued without delay and made generally available. The Government has repeated its assurance that the Conventions will be incorporated in the Code of Laws as soon as possible; the necessary action remains to be taken.

5. *Concession agreements.* The Commission of Inquiry recommended (in paragraphs 444, 449 and 451 of its report) that all clauses in concession agreements providing for government assistance in securing and maintaining an adequate labour supply should be abrogated not later than the legislative session of 1963-64. While specific action was taken for the amendment of one such agreement (as noted by the Committee in 1966), similar action was not taken in respect of others, but an Act of 18 February 1966 sought to make void any provision in any concession agreement which might even remotely violate Convention No. 29. However, the Committee noted that another Act adopted on the very same day had given legislative approval to a concession agreement containing a clause relating to assistance in securing and maintaining an adequate labour supply identical in its terms to that which had been criticised by the Commission of Inquiry. The Government informed the Conference Committee in 1966 and in 1970 that, under the provisions of the Act of 18 February 1966, it was negotiating the recommended changes with two of the companies concerned (the Liberian Mining Company and the Liberian Agricultural Corporation). In 1971 the Government stated that the two companies, having taken cognisance of the Act of February 1966 abrogating the clause concerned, consider this clause deleted from their respective agreements.

Having regard to the fact that the clause in question was contained in agreements formally approved by an Act of the Legislature and that in another case the deletion of a similar clause from a concession agreement was effected by formal agreement also approved by the Legislature, the Committee once more expresses the hope that copies of the letters from the two companies renouncing their rights under the clause will be supplied.

6. *Local public works.* The Commission of Inquiry recommended, in paragraph 453 of its report, that a thorough review be made by the Government of policy and practice as regards the procurement of labour for work on secondary roads and public works other than those executed under major contracts. The Commission of Inquiry made this recommendation because it had been unable to reach any definite conclusion on the allegations of forced labour in public works in so far as secondary roads and public works other than those executed under major contracts were concerned. It is to be noted that, under sections 72 and 220 of the Aborigines Law, responsibility for local public works, including the construction of roads and bridges, in areas under tribal jurisdiction rests on the tribal authorities, and that section 223 of this Law provides for the supply by the Central Government for such works only of material, equipment and tools, thus leaving to the tribal authorities the responsibility for procuring the necessary labour. Evidence to this effect was also given to the Commission of Inquiry in relation to the execution of an extensive programme for the construction of secondary roads (as noted in paragraph 279 of its report).

The comprehensive review of policy and practice in regard to the procurement of labour for local public works recommended by the Commission of Inquiry appears not to have been made. The Government has merely provided certain explanations of the situation, from which it appears that roads are constructed under the supervision of the Department of Public Works, but that the Government looks to the tribal authorities to implement local self-help projects, on a voluntary basis.

From the provisions of the Aborigines Law, noted above, it appears that the type of works to be carried out by unpaid tribal labour goes beyond "minor communal services" (as excepted from the Convention by Article 2, paragraph 2 (e)) and constitutes local public works within the meaning of Article 10 of the Convention. The Committee accordingly once more expresses the hope that the comprehensive review of the manner in which labour is procured for work on secondary roads and other public works not executed under major contracts, recommended by the Commission of Inquiry in 1963, will be made, as a basis for the issue of clear regulations on the matter.

7. *Employment services.* The Commission of Inquiry, in paragraphs 456 and 458 of its report, pointed out the need for action in the field of manpower policy to ensure the effective observance of the Convention. The Government has once more indicated that the development of employment services is among the priority projects of the National Labour Affairs Agency. The Committee hopes that precise information on the organisation and activities of the employment services will be supplied in future reports.

8. *Enforcement of the prohibition of forced or compulsory labour.* Under Articles 24 and 25 of the Convention, the Government is under an obligation to ensure that the legislation relating to the prohibition of forced or compulsory labour is strictly enforced. The Commission of Inquiry indicated, in paragraphs 455 and 458 of its report, that action in the field of labour inspection was necessary to guarantee the effective fulfilment, in fact as well as in law, of the obligations which Liberia has assumed.

The Committee has repeatedly drawn attention to the importance of ensuring the strict observance of the Convention in the agricultural sector, since it was there that some of the major difficulties in the application of the Convention had existed in the past. It regrets that, notwithstanding the assurance given by a Government

representative to the Conference Committee in 1971 that detailed information on labour inspection in agriculture would be supplied, no such information has been provided. It can only emphasise once more the need for effective labour inspection in the agricultural sector in order to ensure the strict observance of the Convention, in accordance with the obligations arising out of Articles 24 and 25 of the Convention.

Having regard to the fact that action on the above-mentioned matters has been outstanding for a considerable time, the Committee hopes that positive measures to deal with them will be taken at a very early date.<sup>1</sup>

#### *Madagascar (ratification : 1960)*

In its observation of 1971 the Committee had taken note of a series of recommendations made by a government committee for legislative amendments on matters which had previously been the subject of comments in regard to the application of this Convention. It has noted the following developments on these questions :

1. *Development works carried out by fokonolona (local communities).* In its previous comments the Committee had noted that, under Ordinance No. 62-004 of 24 July 1962 laying down the competence, responsibilities and powers of *fokonolona*, labour might be exacted for works undertaken in implementation of the development plan, particularly in relation to the provision of roads, agricultural hydraulic works and the development of production. The Committee notes with interest that, in accordance with a recommendation made by the above-mentioned government committee, section 3 of Ordinance No. 62-004 was amended by Act No. 71-005 of 30 June 1971 so as to delete the power of the Sub-Prefect to prescribe the means of participation of the *fokonolona* in the execution of development works in the absence of an agreement on this matter signed by the representatives of the *fokonolona*.

The Committee is bound to observe, as it did in a direct request addressed to the Government in 1971, that in view of other provisions of the Ordinance of 1962 defining the obligations of the *fokonolona* to participate in development works and the nature of the works in question, the labour exacted under this Ordinance appears not to be limited to "minor communal services" (excluded from the Convention by Article 2, paragraph 2 (e), thereof) but to be used for the execution of public works of local or general interest. The Committee is once more addressing a direct request to the Government on this matter, and hopes that it will be able to take the necessary additional measures to ensure the observance of the Convention.

2. *Forced labour in connection with non-payment of taxes.* The previously mentioned government committee recommended the repeal of the provisions of the Labour Code and of Ordinance No. 62-065 relating to the imposition of labour as a means of recovery of taxes or as a punishment by administrative decision for non-payment of taxes, and their replacement by a provision making tax defaulters liable to imprisonment for up to twenty-nine days upon conviction by a magistrate's court. In this connection, the Committee has noted the comments communicated to the ILO by the Federation of Trade Unions of Madagascar (FISEMA), indicating that the amendments in question are under consideration by the National Assembly

---

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 57th Session and to report in detail for the period ending 30 June 1972.

and stating the opinion that the provision for punishment by imprisonment of tax defaulters would be contrary to the spirit of Article 10 of the Convention.

The Committee considers that, while the provisions at present in force are contrary to Article 10 of the Convention in so far as they permit the imposition of labour for the recovery of taxes and are also incompatible with Article 2, paragraph 2 (c), in so far as they permit the imposition of labour as a punishment by administrative decision, a provision for punishment of tax defaulters by imprisonment (with a consequent obligation to perform work as provided for in the prison regulations) would be compatible with the Convention so long as such punishment was imposed as a consequence of a conviction in a court of law and the other conditions laid down in this connection in Article 2, paragraph 2 (c), were respected.

The Committee hopes that the necessary amendments will be adopted at an early date.

3. *Prison labour.* The previously mentioned government committee recommended various amendments to Decree No. 59-121 of 27 October 1959 to organise the prison services so as to remove therefrom provisions permitting the hiring out of prisoners to private undertakings or persons, which are contrary to Article 2, paragraph 2 (c), of the Convention. The Committee notes that this matter is still under consideration, and hopes that the amendments in question will be adopted at an early date.

#### *Mauritania (ratification : 1961)*

1. In direct requests addressed to the Government since 1964 the Committee had noted that Ordinance No. 62-101 of 26 April 1962 empowered district officers to requisition persons "with a view to meeting the needs arising from the circumstances", and had requested the Government to take measures to restrict recourse to such powers to cases of emergency as defined in Article 2, paragraph 2 (d), of the Convention. In its report for 1968-69 the Government recognised that this Ordinance might permit abuse and indicated that it would be amended with a view to limiting the powers in question.

The Committee notes with regret that the Government's report for 1969-71 supplies no further information on this matter. It trusts that Ordinance No. 62-101 will be amended at an early date so as to limit the possibility of calling up labour to cases of emergency as defined in the Convention.

2. The Committee notes that, by virtue of sections 1 and 2 of Act No. 70.029 of 23 January 1970 concerning requisitioning of personnel, officials and employees of public and semi-public administrations, services, enterprises and establishments and employees in the private sector may be obliged, subject to penal sanctions, to perform their functions whenever circumstances so require, and particularly to ensure the operation of a service considered indispensable to meeting essential needs of the country or of the population. The Committee notes that the last-mentioned example merely illustrates the circumstances in which the powers of requisition may be exercised and does not limit the general nature of these powers, exercisable "whenever circumstances so require". It hopes that measures will be taken to amend Act No. 70.029 of 23 January 1970 so as to limit recourse to the powers of requisition provided for therein to cases of emergency as defined in Article 2, paragraph 2 (d), of the Convention.



*Nicaragua* (ratification : 1934)

In a series of direct requests and observations made since 1958, the Committee has repeatedly requested the Government to supply copies of the Police Code and any other laws and regulations governing prison labour.

The Committee regrets to note that no report has been received this year, and that, although the Government submitted certain information to the Conference in 1971, it did not supply the texts requested. The Committee can only reiterate that as a result of the Government's persistent failure to make the relevant legislation available, the Committee has been unable to satisfy itself that the conditions and guarantees laid down in Article 2, paragraph 2 (c), of the Convention, with respect to the exaction of work or services from persons convicted in a court of law, are observed in Nicaragua.<sup>1</sup>

*Norway* (ratification : 1932)

In previous direct requests the Committee had referred to section 5 of the Vagrancy Act, 1900, under which certain categories of convicted persons might be required to perform labour for private individuals, contrary to Article 2, paragraph 2 (c), of the Convention. The Committee notes with satisfaction that this provision (which, according to the Government's previous reports, was not applied in practice) has been repealed by Act No. 27 of 6 May 1970.

*Pakistan* (ratification : 1957)

1. *Restrictions on termination of employment.* In previous observations and direct requests the Committee has drawn attention to the fact that, under the Pakistan Essential Services (Maintenance) Act, 1952, it is an offence punishable with imprisonment for up to one year, for any person in employment (of whatever nature) under the Central Government to terminate his employment without the consent of his employer, notwithstanding any express or implied term in his contract providing for termination by notice (sections 2, 3 (1), (b) and explanation 2, and section 7 (1)). Pursuant to section 3 of the Act, these provisions may be extended to other classes of employment. Persons to whom the Act applies may also be ordered, subject to penal sanctions, not to leave specified areas (sections 4, 5 (c) and 7 (1)).

Similar provisions are contained in the West Pakistan Essential Services (Maintenance) Act, 1958, as regards persons in employment under the West Pakistan Government or any agency set up by it or a local authority or any service relating to transport or civil defence.

The Committee has pointed out that, by prohibiting workers from terminating their employment without the employer's consent, even by notice, the above-mentioned legislation permits the exaction, subject to penal sanctions, of labour for which the persons concerned no longer offer themselves voluntarily, and which accordingly constitutes forced or compulsory labour within the meaning of Article 2, paragraph 1, of the Convention. The Committee has expressed the hope that the provisions in question would either be repealed or amended so as to confine their application to cases of emergency as defined in Article 2, paragraph 2 (d), of the Convention.

---

<sup>1</sup> The Government is asked to supply full information to the Conference at its 57th Session and to report in detail for the period ending 30 June 1972.

In its latest report, the Government states that the Pakistan Essential Services (Maintenance) Act, 1952, is invoked extremely rarely for rejecting resignation from service, and has been mainly used to prevent central government employees from striking. The Government accordingly considers that the Act does not provide for forced or compulsory labour. It also states the view that continuance of the Act in central government service is essential to ensure that there is no breakdown of the structure of services at any stage thereby impairing the well-being of the nation as a whole.

The Committee observes that, while the Pakistan Essential Services (Maintenance) Act provides a basis for prohibiting strikes in employment subject to its provisions, its effect is not limited to such circumstances. Nor is the Act confined to cases where the maintenance of employees in particular services is essential to meet or avert circumstances endangering the well-being of the population (in respect of which the exception for cases of emergency provided for in Article 2, paragraph 2 (d), of the Convention could be invoked). The Act makes it possible at all times to retain employees in the services concerned against their will, subject to penal sanctions, and is accordingly incompatible with the Convention.

The Committee once more expresses the hope that the Pakistan Essential Services (Maintenance) Act, 1952, will be amended so as to bring it into conformity with the Convention, and that the West Pakistan Essential Services (Maintenance) Act, 1958 (in regard to which the Government has provided no information in its report), will also be the subject of appropriate amendments.

2. *Direction of labour under the Control of Employment Ordinance, 1965.* The Committee had previously noted that, although the emergency which had occasioned the promulgation of the Control of Employment Ordinance, 1965, had been terminated, the provisions of this Ordinance and the regulations issued thereunder which permitted the imposition of compulsory labour continued in force. It had expressed the hope that these provisions would be repealed.

In its latest report, the Government states that the Defence of Pakistan Ordinance, 1971, had subsequently been issued in connection with a state of emergency.

The Committee hopes that the Government will in its next report provide full information on the measures taken to repeal the provisions of the Control of Employment Ordinance, 1965, and the regulations thereunder permitting compulsory labour and—if the Defence of Pakistan Ordinance, 1971, remains in force—on the effect of this Ordinance and of any regulations issued under it on the application of the Convention.

3. *Article 25 of the Convention.* In 1968 a Government representative stated in the Conference Committee, with reference to allegations of recourse to coercion by certain labour recruiters, that stringent legal action had been taken against the persons involved under the existing laws. In answer to the Committee's direct request for fuller information on these matters, the Government states that information is being collected from the Governments of Punjab and Sind. The Committee recalls that, under Article 25 of the Convention, ratifying States are required to ensure that the penalties imposed by law for the illegal exaction of forced or compulsory labour are strictly enforced. It accordingly hopes that full information will be supplied concerning the action taken to comply with this requirement.

#### *Sierra Leone (ratification : 1961)*

The Committee notes the statement made by a Government representative to the Conference Committee in 1971 that the Government had not lost sight of the

Committee's request for repeal of the provisions of the Chiefdom Councils Act (Cap. 61) relating to compulsory cultivation. The Government's latest report indicates that, in the view of the Attorney-General, this form of compulsory labour is permitted by the Sierra Leone Constitution, but that the Government will continue to keep the matter under review and that it will take steps to effect the necessary amendments as and when circumstances permit.

The Committee once more expresses the hope that measures will be taken at an early date either to repeal the relevant provisions of the Chiefdom Councils Act or to amend them so as to permit the imposition of compulsory cultivation only in cases of emergency as defined in Article 2, paragraph 2 (d), of the Convention.

*Switzerland* (ratification : 1940)

In previous direct requests the Committee had noted that, under the legislation of the majority of Cantons, decisions for the placement in labour institutions of vagrants and other categories of persons leading an anti-social life were taken by administrative authorities. It had pointed out that the obligation to perform labour imposed in these circumstances was not compatible with the Convention, since Article 2, paragraph 2 (c), excepts such labour from the scope of the Convention only when it is exacted as a consequence of a conviction in a court of law.

The Committee has noted with interest the circular sent by the Federal Government to the Cantonal Governments on 6 July 1970, drawing their attention to the Committee's comments, and requesting those Cantons whose legislation or practice are contrary to the provisions of Article 2, paragraph 2 (c), of the Convention to amend their legislation or practice so as to vest competence to order internment in a judicial authority in all cases where the person interned is obliged to work.

The Committee notes with satisfaction that in the Canton of Schwyz an Order of 16 October 1970 repealed the legislation which permitted internment in labour institutions by administrative decision (Act of 7 August 1896, Decree of 22 August 1901 and Police Regulation of 17 May 1892) and that in the Canton of St. Gallen an Act of 5 May 1971 has repealed the principal provisions relating to this matter (Act of 1 August 1872 and Regulations of 21 August 1872, Act of 22 December 1924, and the provisions in section 61 of the Public Assistance Act of 18 May 1964 relating to internment in a labour institution).

The Committee also notes that in various other Cantons the revision of the relevant legislation is under consideration and that in the Canton of Uri it has been decided, pending such revision, to use the existing powers extremely sparingly having regard to the obligations arising out of the ratification of the Convention.

The Committee hopes that the Government will be in a position to indicate in the next report further progress in bringing the relevant Cantonal legislation into conformity with the Convention.

*Tanzania* (ratification : 1962)

*Tanganyika.*

The Committee has taken note of the statement made by a Government representative to the Conference Committee in 1971. It regrets however that the report due for the period 1970-71 has not been received, and that accordingly no information is available on the measures taken with a view to eliminating the existing discrepancies between national legislation and the Convention. The Committee must accordingly once more draw attention to the following matters :

1. *Compulsory cultivation.* Prior to its amendments in 1962, paragraph 45 of section 52 (1) of the Local Government Ordinance authorised a local authority to require persons to plant specified crops only for themselves and their families in cases where there existed a danger of a shortage of foodstuffs. This provision was amended by Act No. 64 of 1962 so as to grant local authorities general powers to impose compulsory cultivation. The Employment Ordinance was similarly amended by Act No. 82 of 1962 to except such cultivation from the prohibition of forced labour contained in that Ordinance.

Before the Conference Committee in 1971, a Government representative stated that the powers to impose compulsory cultivation had not been used in practice, that the Government's rural development programme had had such an impact on the rural population that the imposition of compulsory cultivation was not necessary, and that the legislation in question would never be applied since it conflicted with government policy.

The Committee has however noted, from Government Notices published in the *Gazette*, that many by-laws imposing compulsory cultivation have been made by local authorities, and approved by the competent Minister.

Moreover, as the Committee pointed out in 1971, the powers to impose compulsory cultivation appear to have been used with increasing stringency. The by-laws made initially under the above-mentioned provisions generally required the cultivation of not more than one acre of land and left a choice among various crops. More recent by-laws frequently require the cultivation of at least three acres and impose the obligation to grow the specific crops directed by the authorised officer of the District Council concerned (for example, Government Notices Nos. 7, 61, 108, 157, 159, 167, 187 and 241 of 1968).

The Committee expresses the hope that measures will be taken at the earliest possible date either to repeal the relevant provisions of the Local Government Ordinance and the Employment Ordinance or to amend them so as to limit the possibility of imposing compulsory cultivation to cases of actual or threatened famine falling within the exception in respect of emergencies provided for in Article 2, paragraph 2 (d), of the Convention.

2. *Forced labour for public works and portorage.* The Committee notes the statement made by the Government representative to the Conference Committee in 1971 that the provisions of the Employment Ordinance permitting recourse to forced labour for public works and portorage had not been used since Tanganyika's independence in 1961. The Committee must once more recall that, notwithstanding its requests for formal repeal of the provisions in question and the fact that the Employment Ordinance has been amended on several occasions since 1961, these provisions remain in force. It trusts that they will be repealed in the near future.

### *Zanzibar.*

The Preventive Detention Decree, 1964, which authorises the detention of persons by administrative decision, provides in section 5 that regulations may be made applying to such detainees any of the provisions of the Prisons Decree relating to convicted prisoners. Notwithstanding the requests repeatedly made by the Committee since 1966, the Government has failed to supply information on the regulations which have been made in this regard. The Committee is accordingly not in a position to satisfy itself that the terms of Article 2, paragraph 2 (c), of the Convention (which permits the exaction of labour only from persons *convicted in a*

*court of law*) are being respected in the case of persons detained under the Preventive Detention Decree.<sup>1</sup>

*Ukraine (ratification : 1956)*

1. In previous direct requests the Committee had referred to section 11 of the Labour Code of the Ukrainian SSR—which permitted the call-up of labour in exceptional cases, including cases of shortage of labour for carrying out important state work—and had expressed the hope that these provisions would be amended so as to limit the powers in question to cases of emergency as defined in the Convention. The Government had indicated that these provisions had not been used for many years, and previously had been used only in cases of natural calamities.

The Committee notes with interest from the Government's last report that a new Labour Code adopted by the Supreme Soviet of the Ukrainian SSR on 10 December 1971 contains no provisions corresponding to section 11 of the previous Code. The Committee hopes that a copy of the new Code will be available for examination with the Government's next report.

2. In its first report on the Convention, presented in 1958, the Government provided certain extracts from the Administrative Code of the Ukrainian SSR relating to compulsory service in cases of emergency. Since 1959 the Committee has requested the Government to supply a copy of the full text of this Code. It notes with regret that this text has still not been supplied, and can only urge the Government once more to make it available.

3. The Committee regrets that the Government's report also contains no information in answer to previous direct requests concerning the Ukase of the Presidium of the Supreme Soviet of the Ukrainian SSR of 12 June 1961 to intensify the campaign against persons evading socially useful work and leading an anti-social, parasitic way of life, as amended by Ukase of the Presidium of the Supreme Soviet of the Ukrainian SSR of 18 March 1970. Under this legislation, persons may be compulsorily directed to employment by decision of the Executive Committee of a Soviet of Working People's Deputies ; wilful non-compliance with such a decision is punishable with imprisonment or corrective labour for up to one year, under section 6 of the Ukase of 1961 (as amended) and section 214<sup>1</sup> of the Penal Code of the Ukrainian SSR (inserted by Ukase of the Presidium of the Supreme Soviet of the Ukrainian SSR of 18 March 1970).

The Committee is obliged to point out once more that work undertaken pursuant to compulsory direction to employment by the Executive Committee of a Soviet of Working People's Deputies under the above-mentioned legislation is labour performed under the menace of a penalty and for which the person concerned has not offered himself voluntarily. Such work accordingly falls within the definition of "forced or compulsory labour" contained in Article 2, paragraph 1, of the Forced Labour Convention, and is not covered by the exception provided for in Article 2, paragraph 2 (c), of the Convention relating to labour exacted as a consequence of a conviction in a court of law.

In the light of the above indications and the explanations contained in paragraph 55 of the general survey of forced labour in its report of 1968, the Committee

<sup>1</sup> The Government is asked to supply full particulars to the 57th Session of the Conference and to report in detail for the period ending 30 June 1972.

trusts that measures will be taken at an early date to bring the legislation in question into conformity with the Convention, which provides for the suppression of forced or compulsory labour in all its forms.

\* \* \*

See the opinion of Professor Lunz, under Byelorussia.

*USSR (ratification : 1956)*

1. In previous direct requests the Committee had referred to section 11 of the Labour Code of the RSFSR of 1922 (as amended)—which permitted the call-up of labour in exceptional cases, including cases of shortage of labour for carrying out important state work—and had expressed the hope that these provisions would be amended so as to limit the powers in question to cases of emergency as defined in the Convention. The Government had indicated that in practice recourse was had to these provisions only very rarely, in cases of natural calamities.

The Committee notes with satisfaction that the new Labour Code of the RSFSR adopted on 9 December 1971, which is due to come into force on 1 April 1972, does not contain any provisions corresponding to section 11 of the previous Labour Code.

The Committee would appreciate information on the position in this regard in the other Union Republics.

2. The Committee regrets that the Government's report contains no information in answer to the Committee's observation of 1971 concerning the Ukase of the Presidium of the Supreme Soviet of the RSFSR of 4 May 1961 to intensify the campaign against persons evading socially useful work and leading an anti-social, parasitic way of life, as amended by Ukase of the Presidium of the Supreme Soviet of the RSFSR of 25 February 1970. Under this legislation, persons may be compulsorily directed to employment by decision of the Executive Committee of a Soviet of Working People's Deputies; wilful non-compliance with such a decision is punishable with imprisonment or corrective labour for up to one year, under section 6 of the Ukase of 1961 (as amended) and section 209<sup>1</sup> of the Penal Code of the RSFSR (inserted by Ukase of the Presidium of the Supreme Soviet of the RSFSR of 25 February 1970).

The Committee is obliged to point out once more that work undertaken pursuant to compulsory direction to employment by the Executive Committee of a Soviet of Working People's Deputies under the above-mentioned legislation is labour performed under the menace of a penalty and for which the person concerned has not offered himself voluntarily. Such work accordingly falls within the definition of "forced or compulsory labour" contained in Article 2, paragraph 1, of the Forced Labour Convention, and is not covered by the exception provided for in Article 2, paragraph 2 (c), of the Convention relating to labour exacted as a consequence of a conviction in a court of law.

In the light of the above indications and the explanations contained in paragraph 55 of the general survey of forced labour in its report of 1968, the Committee trusts that measures will be taken at an early date to bring the legislation in question into conformity with the Convention, which provides for the suppression of forced or compulsory labour in all its forms.

The Committee hopes that appropriate measures will also be taken in regard to the corresponding legislation in force in the other Union Republics.

\* \* \*

See the opinion of Professor Lunz, under Byelorussia.

*Upper Volta* (ratification : 1960)

In observations made since 1965, the Committee has drawn attention to the following discrepancies between national legislation and the Convention :

- (a) under Act No. 6-63-AN of 12 February 1963 (as amended by Ordinance No. 45/PRES of 30 October 1966), all men and women over 18 years of age may be called up by the Government, for successive periods of two years, for work of national interest (including private undertakings), contrary to Articles 1 and 4 of the Convention ;
- (b) under section 2 of the Labour Code and sections 91 and 99 of the Order of 4 December 1950 to issue prison regulations, prisoners may be hired out to private persons or undertakings, contrary to Article 2, paragraph 2 (c), of the Convention ;
- (c) under section 14 of Act No. 25-60 of 3 February 1960 (as amended by Ordinance No. 43/PRES of 3 October 1966), forced labour may be imposed for the recovery of taxes, contrary to Article 10 of the Convention.

The Government informed the Conference Committee in 1970 that an inter-ministerial committee had been established to prepare the amendments required to bring national legislation into conformity with the Convention. A Government representative confirmed, before the Conference Committee in 1971, the Government's intention to submit the necessary Bills to the National Assembly.

In view of these assurances, the Committee regrets that the Government's latest report no longer makes any reference to measures to change national legislation, but is limited to stating : "The Government has repeatedly emphasised to the Conference and in its reports that no form of forced labour exists in Upper Volta, and it maintains its earlier remarks".

The Committee must point out that it is the Government's obligation to make the provisions of the Convention effective in both law and practice. The legislation mentioned above permits serious infringements of the Convention. The Committee urges the Government to take the necessary measures with a view to the repeal of all provisions contrary to the Convention.<sup>1</sup>

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States : *Algeria, Austria, Belgium, Brazil, Burma, Burundi, Byelorussia, Cameroon, Ceylon, Chad, Congo, Costa Rica, Czechoslovakia, Dahomey, Dominican Republic, Ecuador, Egypt, Finland, Gabon, Federal Republic of Germany, Greece, Honduras, Iceland, India, Indonesia, Iran, Iraq, Israel, Italy, Ivory Coast,*

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 57th Session and to report in detail for the period ending 30 June 1972.

*Kenya, Kuwait, Laos, Lesotho, Libyan Arab Republic, Luxembourg, Madagascar, Malaysia, Mali, Morocco, Netherlands, Nigeria, Norway, Pakistan, Panama, Peru, Senegal, Singapore, Sudan, Switzerland, Syrian Arab Republic, Tanzania, Togo, Tunisia, Uganda, Ukraine, USSR, United Kingdom, Venezuela, Republic of Viet-Nam, Zaire, Zambia.*

Information supplied by *Jordan* in answer to a direct request has been noted by the Committee.

**Convention No. 30 : Hours of Work (Commerce and Offices), 1930**

*Haiti* (ratification : 1952)

See under Convention No. 1.<sup>1</sup>

*Nicaragua* (ratification : 1934)

*Article 7, paragraph 2 (c), (d), and paragraphs 3 and 4 ; Article 8 of the Convention.* See under Convention No. 1, Article 6.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States : *Panama, Syrian Arab Republic.*

**Convention No. 32 : Protection against Accidents (Dockers) (Revised), 1932**

*Argentina* (ratification : 1950)

Further to its previous observations, the Committee notes with interest the adoption of Resolution No. 31/70 of the Director of the port of Buenos Aires and Dock Sud, "approving" the application of the Convention in this port, a copy of which was supplied with the Government's report. The report, however, does not provide information either on the application of the Convention in the other ports, harbours, etc., covered by Article 1 thereof, or on the adoption of certain additional measures required by Articles 4, 6, 9, 11, 12, 13 and 17. Recalling the Government's previous statements that the necessary legislative measures were being considered in order to give full effect to the Convention, the Committee trusts that the Government will be able to take the required measures in the near future concerning the points mentioned above, which are dealt with in more detail in a direct request.

*Italy* (ratification : 1933)

The Committee notes from the information supplied by the Government to the Conference Committee in 1971 that the safety and hygiene regulations, which will provide for the protection of dockers against accidents, have not yet been adopted by the Ministry of Labour and Social Welfare as the Bill authorising this action is

<sup>1</sup> The Government is asked to supply full information to the 57th Session of the Conference.



still pending before Parliament. The Committee reiterates its hope that every effort will be made to ensure the speedy adoption of this Bill.<sup>1</sup>

*Sierra Leone* (ratification : 1961)

Further to its previous direct request, the Committee notes with satisfaction from the Government's report that posters embodying summaries of the relevant regulations have been prepared and are posted in prominent places in the docks, as required by Article 17 (3) of the Convention.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States : *Argentina, Peru, Singapore, USSR*.

**Convention No. 33 : Minimum Age (Non-Industrial Employment), 1932**

*Chad* (ratification : 1960)

*Article 3 of the Convention.* Further to its earlier comments, the Committee notes with satisfaction the adoption on 8 February 1969 of Decree No. 55/PR concerning the employment of children, which subjects the exceptions which are authorised for light work for children over 12 years of age to certain guarantees and limitations prescribed by the Convention.

*Mauritania* (ratification : 1961)

Referring to its earlier observations concerning Order No. 084 of 16 February 1967 laying down exceptions to the minimum age for admission to employment, the Committee must note that no change has yet been made to the legislation following the direct contacts which took place in October 1969. The Government in fact repeats in its report the assurances given previously that it intends to amend the legislation in order to bring it into conformity with the provisions of the Convention. The Committee trusts that the Government will take the necessary steps to amend Order No. 084 of 16 February 1967, and particularly section 1 thereof, in the very near future, so as to prohibit expressly the employment of children legally of school age on light work during the hours fixed for school attendance, and to limit the duration of such work to two hours per day, on either school days or holidays, the total number of hours spent at school and on light work not to exceed seven per day, as required by paragraph 1 (c) of Article 3 of the Convention.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States : *Chad, Guinea, Ivory Coast, Senegal, Upper Volta*.

---

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 57th Session.

**Convention No. 34 : Fee-Charging Employment Agencies, 1933**

*Chile* (ratification : 1935)

The Committee notes with regret that the Government's report has not been received. The Committee is bound therefore, to repeat its previous observation, which was as follows :

Further to its previous observations, the Committee notes from the Government's report that, in view of the demands upon the resources of the newly established National Employment Service in other fields, the Government has decided not to abolish the existing fee-charging employment agencies for the time being but to subject them to supervision.

The Committee trusts that the National Employment Service will be rapidly expanded to a point where it is possible to abolish all fee-charging employment agencies conducted with a view to profit, that pending their abolition such agencies will be regulated in accordance with the requirements of Article 3, paragraph 4, of the Convention and that in its next report the Government will supply details of the measures adopted to ensure such regulation.

The Committee further notes with interest that the first steps have been taken with a view to abolishing a new category of fee-charging employment agencies which place employees and professional staff. The Committee would be glad if the Government would in future reports provide detailed information as to the number of such agencies as may continue to exist and the nature of their activities, as well as the measures taken with a view to their total abolition in accordance with Article 2 of the Convention.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States : *Argentina, Mexico*.

**Convention No. 35 : Old-Age Insurance (Industry, etc.), 1933**

*France* (ratification : 1939)

*Article 12 of the Convention.* The Committee notes the information given by the Government to the Conference Committee in 1971, and also in its latest report, in response to the observations it has been making for several years regarding the supplementary allowance introduced by the Act of 30 June 1956, which is paid only to French nationals and to nationals of countries which have signed an "international reciprocity agreement". (The allowance is intended to supplement the invalidity and old-age benefits granted under various social insurance schemes.)

Noting that this information does not contain any new element which would alter the existing situation, the Committee trusts that the Government will reconsider the matter and take measures to extend the benefit of this allowance—which in the near future will be financed entirely out of public funds—to all foreigners fulfilling the conditions laid down in the national legislation who are nationals of States bound by the Convention, in accordance with Article 12, paragraph 3, of the instrument.

As the Committee pointed out in its earlier observations, the Convention should—as regards Article 12, paragraph 3—be considered as a general treaty of reciprocity binding all the States which have ratified it. Consequently, the payment of the above allowance to nationals of States which are parties to the Convention would not be contrary to national legislation (section L.707 of the Social Security Code), as claimed by the Government in its statements, and would not involve an

undue financial burden, since, in virtue of bilateral agreements, the allowance is already being paid to foreign workers who are nationals of some of the countries in question.

**Convention No. 36 : Old-Age Insurance (Agriculture), 1933**

*France* (ratification : 1939)

*Article 12 of the Convention.* See under Convention No. 35.

**Convention No. 37 : Invalidity Insurance (Industry), 1933**

*Chile* (ratification : 1935)

The Committee notes with regret that the Government's report has not been received. The Committee is bound, therefore, to repeat its previous observation, which was as follows :

*Article 5 of the Convention.* In the observations and requests that it has been making to the Government since 1961, the Committee has drawn attention to the provisions of the legislation establishing for most of the schemes applicable to *employees* a qualifying period longer than that prescribed by the Convention for entitlement to invalidity pension. In reply to these comments, the Government indicated to the Conference in 1967 and in its report for 1966-68, received in 1970, that a Bill for the revision of the social security system was before the National Congress, and would take into account the points raised by the Committee, namely: (a) the non-conformity with the Convention of section 10 of Act No. 10475 of 1952, under which employees in the private sector who are 45 years old or over must have completed a qualifying period of more than five years; (b) the non-conformity with the Convention of Acts Nos. 1340 *bis* of 1930 (section 23) and 8569 of 1946 (section 35), and of Decree No. 2259 of 1931 (section 1), applying respectively to public employees, bank employees, and employees of the state railways, which provide for periods of contribution longer than those prescribed by the Convention.

While regretting to learn from additional information communicated by the Government that this Bill was not adopted by the National Congress, the Committee notes that the Government has not lost sight of this reform which continues to occupy a position of priority in its programme and that the comments of the Committee are being taken into consideration. The Committee hopes that the Government will make every possible effort to bring national legislation into conformity with the Convention in the near future.

*France* (ratification : 1939)

*Article 13 of the Convention.* See under Convention No. 35, Article 12.

**Convention No. 38 : Invalidity Insurance (Agriculture), 1933**

*France* (ratification : 1939)

*Article 13 of the Convention.* See under Convention No. 35, Article 12.

**Convention No. 41 : Night Work (Women) (Revised), 1934**

*Afghanistan* (ratification : 1939)

See under Convention No. 4.<sup>1</sup>

<sup>1</sup> The Government is asked to report in detail for the period ending 30 June 1972.

*Central African Republic* (ratification : 1960)

See under Convention No. 4.

*Hungary* (ratification : 1936)

Further to its previous observations regarding the need to take steps to ensure the application of the basic provisions of the Convention, the Committee notes, from the statement made by the Government representative to the Conference Committee in 1971 and from the report for the period 1970-71, that efforts to restrict night work for women in industry are continuing.

As national legislation does not contain a general prohibition of night work for women in industry, the Committee urges once again that the necessary steps be taken to ensure complete application of the Convention, which was ratified a considerable number of years ago.<sup>1</sup>

*Peru* (ratification : 1945)

See paragraph 18 of the General Report.

\* \* \*

In addition, a request regarding certain points is being addressed directly to *Gabon*.

**Convention No. 42 : Workmen's Compensation (Occupational Diseases)  
(Revised), 1934***Algeria* (ratification : 1962)

In its reports submitted in 1968 and 1970, the Government stated that the points raised by the Committee in its earlier comments would be studied with a view to bringing the provisions of the Order of 22 March 1968 into conformity with the Convention. The Committee notes with regret, however, that no action has yet been taken to bring these provisions, and in particular the schedule of occupational diseases appended to the Order in question, into conformity with the Convention as regards : (a) the restrictive nature of the list of pathological manifestations deemed to be diseases caused by the substances listed in the Schedule to the Convention ; (b) poisoning caused by *all* compounds of arsenic, *all* halogen derivatives of hydrocarbons of the aliphatic series and *all* compounds of phosphorus ; (c) anthrax infection (addition of loading, unloading or transport of merchandise in general to the relevant list of processes).

Consequently, the Committee is obliged to revert to the question and to point out again to the Government in a direct request the reasons why it considers that the existing legislation does not fully give effect to the Convention. The Committee hopes that the Government will reconsider the matter and take the necessary action in the near future.

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 57th Session and to report in detail for the period ending 30 June 1972.

*Argentina* (ratification : 1950)

The Committee notes the information supplied by the Government in reply to its previous observations and notes further that the new legislation (namely Act No. 18,913 of 31 December 1970), while enlarging the definition of occupational diseases, does not change the present situation.

The Committee recalls that its previous comments concerned the schedule of occupational diseases appended to the Decree of 14 January 1916 (as amended by the Decrees of 19 February 1932 and 29 April 1936) which :

- (a) only mentions certain of the diseases and poisonous substances set forth in the Schedule to the Convention ;
- (b) does not raise a presumption that these diseases are occupational in origin since it does not list the occupations or activities liable to give rise to them, as does the Convention.

The Committee trusts that the Government will adopt in the very near future the necessary measures to bring national legislation fully into line with the Convention.

*Australia* (ratification : 1959)

Further to its previous comments, the Committee notes with satisfaction the adoption of the new Compensation (Commonwealth Employees) Act (No. 48 of 1971) and the Regulations No. 112 made under the Act, which contain a list of occupational diseases and the corresponding occupations as required by the Convention.

As to the other points on which the Committee made comments concerning the legislation of the various states, the Committee also notes with interest the information supplied by the Government, according to which in certain cases (Australian Capital Territory, Northern Territory, New South Wales, Tasmania) the necessary amendments were already being studied, whereas in other cases (Western Australia and Victoria) the question would be submitted again to the competent authorities.

The Committee hopes that the necessary measures can be taken in the near future, so that the legislation of the various states concerned can be brought formally into complete conformity with the Convention as regards the various points mentioned in a further direct request.

*Barbados* (ratification : 1967)

Further to its earlier comments the Committee notes with satisfaction that the compensation scheme for industrial accidents and occupational diseases has been incorporated in the National Insurance and Social Security Scheme and that a schedule of occupational diseases was laid down by the Employment Injury (Prescribed Diseases) Regulation, 1971.

*Belgium* (ratification : 1949)

Further to its earlier comments regarding certain points in the schedule of occupational diseases, the Committee notes that Belgium has ratified the Employment Injury Benefits Convention, 1964 (No. 121), and that consequently Convention No. 42 has been denounced *ipso jure* as from the date on which the new Convention comes into force for Belgium.

*Bolivia* (ratification : 1954)

For several years the Committee has been pointing out to the Government that there are certain discrepancies between the national legislation and the Convention, in particular on the following points : (a) *anthrax infection* (the table of occupational diseases in Schedule I to the Social Security Code does not list anthrax infection among the occupational diseases in respect of which compensation is payable) ; (b) *silicosis in association with tuberculosis* (the national legislation covers tuberculosis only when the worker is directly exposed to this risk and not when it appears in association with silicosis) ; (c) *all the nitro- and amido-derivatives of benzene or its homologues* (the table in question sets out only certain of the nitro- and chloro-nitro-compounds of benzene or its homologues) ; (d) *the list of occupations likely to result in any of the occupational diseases listed in the Convention* (the Social Security Code does not contain a list of this nature, from which it is to be assumed that it is for the worker to prove the occupational origin of his disease ; this is contrary to the Convention, which establishes in this respect a presumption of occupational origin in the worker's favour for all the diseases listed in the left-hand column of the schedule to Article 2 of the Convention when they afflict workers employed in the corresponding trades, industries or processes listed in the right-hand column of the schedule).

Since the report for 1968-69 contained no new information and since for the second consecutive year no report has been received, the Committee trusts that the Government, in accordance with the assurance given in its reports received in 1965 and 1967, will not fail to take the necessary measures to supplement in the above-mentioned respects the table of occupational diseases in Schedule I to the Social Security Code, and that it will indicate in its next report the progress made in this regard.<sup>1</sup>

*Cuba* (ratification : 1936)

The Committee notes with interest, from the Government's reply to its previous comments, that the competent national authorities are still examining the points referred to therein, and that it is hoped that an instrument, to supplement current legislation on occupational diseases, will be drafted very shortly. The Committee hopes that these measures will be taken in the very near future and that the proposed legislation will include, in conformity with the provisions of Article 2 of the Convention : (a) poisoning by lead (as a metal) and its alloys, and by mercury ; (b) primary epitheliomatous cancer of the skin caused by bitumen, mineral oils and paraffin, or their compounds, products or residues ; (c) pulmonary tuberculosis in association with silicosis ; (d) a list of all the trades, industries or processes liable to give rise to the occupational diseases set forth in the Convention.

*Czechoslovakia* (ratification : 1949)

In reply to the Committee's previous comments concerning the list of occupational diseases appended to Notification No. 102/1964 SB, and in particular concerning the inclusion among the occupations likely to cause anthrax infection of the "loading and unloading or transport of merchandise" in general (so as formally to release workers thus employed from the onus of proving the occupational origin

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 57th Session and to report in detail for the period ending 30 June 1972.

of their disease and thus confirm the established practice) the Government indicated in its report for 1965-67 that it would take account of this point when the above-mentioned Notification was revised.

In its report for 1967-69 the Government indicated that the question continued to be under consideration. Since no report has been received for examination at the present session, the Committee can only raise the question once again in the hope that the proposed revision will be undertaken in the near future and that it will also take account of the comments made concerning lead compounds and amalgams of mercury.

*Finland (ratification : 1950)*

Further to its earlier comments, the Committee notes that Finland has ratified the Employment Injury Benefits Convention, 1964 (No. 121), and that consequently Convention No. 42 has been denounced *ipso jure* as from the date on which the new Convention came into force for Finland.

*France (ratification : 1948)*

The Committee notes with regret that the Government's report has not been received. The Committee is bound, therefore, to repeat its previous observation, which was as follows :

1. As far as the restrictive nature of the list of pathological manifestations appearing in the schedule in the French legislation is concerned, the Government states that the inquiries being undertaken at the present time have not brought to light any new occupational diseases of such a nature as to be excluded from the right to compensation. In this connection the Committee can only remind the Government that the restrictive enumeration in the legislation of certain symptoms and pathological manifestations establishes a system of coverage which is more limited than that required under the Convention, the deliberately broad wording of which is such as to ensure that compensation is paid for every disorder, even if it is atypical or new which may appear as the result of poisoning.

The Committee has further taken note of the Government's statement that it is keeping the question under active consideration, and trusts that the necessary measures will consequently be taken in the near future in order to give an indicative character to the list of the various pathological manifestations appearing under each of the diseases set out in the schedules of the national legislation, which will permit compensation, in accordance with the Convention, in respect of disorders which are not included in these schedules but which may result from the toxic substances and agents listed in the Convention.

2. So far as the other points of divergence between French legislation and the Convention are concerned, the Government states that the technical studies, which have been started are continuing and confirms its intention to submit to the Industrial Health Committee the conclusions which are reached as a result of these studies.

The Committee trusts that the necessary measures, which have been brought to the attention of the Government since 1958, will be adopted soon and that the schedules of occupational diseases at present in force can be added to so as to include, as is required by the Convention, poisoning by *all* the halogen derivatives of hydrocarbons of the aliphatic series and by all the compounds of phosphorus, as well as primary epitheliomatous cancer of the skin caused by tar, bitumen, mineral oil, paraffin and the compounds and residues of these substances.<sup>1</sup>

*Guyana (ratification : 1966)*

The Committee notes with satisfaction that, in accordance with its earlier comments, a new schedule of occupational diseases was introduced by Regulations No. 34 of 1969, issued in virtue of the National Insurance and Social Security Act, No. 15 of 1969.

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 57th Session to report in detail for the period ending 30 June 1972.

*Haiti (ratification : 1955)*

The Committee notes with regret that the Government has sent no report in response to the requests for information on the practical application of the Convention which it has been making since 1966. In its previous report the Government merely stated that as compensation for occupational diseases had not yet given rise to any court cases, there were no statistics in this respect. However, the Committee's request related not to the outcome of possible cases in the courts, but to information such as the number of cases of occupational disease compensated following the extension of the compulsory accident insurance system and the amount of compensation paid by the Occupational Accident, Sickness and Maternity Insurance Office. In view of the fact, moreover, that the aforesaid Office includes *inter alia* a statistical and actuarial service, the functions of which are defined in detail in section 118 of the Act of 18 September 1967 concerning the Department of Social Affairs, and that, furthermore, section 174 of this Act requires the said Office to report any cases of occupational disease regularly to the General Labour Inspectorate, the Committee trusts that in its next report the Government will supply detailed information on the number of cases of occupational diseases, the amount of compensation paid and any other information to throw light on the way in which the legislation in question is applied in practice.

*Luxembourg (ratification : 1958)*

The Committee notes the information supplied by the Government to the Conference in 1971 and in its report for 1969-71 in reply to the comments made in earlier years.

As regards poisoning by *lead alloys* and *amalgams of mercury*, the Committee notes the Government's statement that the provisions of the national legislation (items 22 and 19 of the Regulations of 26 May 1965) are interpreted by the responsible authorities in the widest sense so as to cover all diseases caused by harmful substances which have lead or mercury as a base.

As to the fact that *the schedule to this legislation does not contain an enumeration of the trades, industries or processes which are liable to give rise to occupational diseases* (including anthrax infection) the information given by the Government seems to confirm that, under the system of compensation at present in force, the victim suffering from one of the diseases listed in the schedule to the 1965 regulations may be required to produce proof of the occupational origin of his disease, which is contrary to the Convention. As the Committee pointed out in its earlier observations and requests, the fact that the Convention lists in the right-hand column of its schedule the industries and occupations liable to cause the diseases shown in the left-hand column automatically raises a presumption of occupational origin in favour of workers engaged in these industries or occupations when they develop one of the diseases in question.

The Committee notes, however, that the questions arising out of its comments are to be referred for study to the Supreme Commission on Occupational Diseases ; it hopes that the necessary steps will be taken, either by legislation or by administrative action (e.g. ministerial circulars or instructions) to give full effect to the Convention on this point.

*Mexico (ratification : 1937)*

With reference to its earlier observations, the Committee notes with satisfaction that the provisions of the new Federal Labour Act of 2 December 1969 and more



particularly the schedule of occupational diseases contained in section 513 of the Act conform, to a great extent, to the provisions of the Convention.

*New Zealand* (ratification : 1938)

The Committee notes with interest that the Government, in reply to earlier observations, reports that legislation is being drafted on the basis of the recommendations of the Select Committee of the House of Representatives, which had before it comments of the Royal Commission of Inquiry into the system of compensation for occupational injuries.

The Committee hopes that this legislation will be adopted in the near future and will supplement the system of over-all coverage at present in force by a "dual schedule" system which would establish a presumption of occupational origin for the diseases listed in Article 2 of the Convention.

*Panama* (ratification : 1959)

Further to its earlier observations, the Committee regrets to note that the Government has not submitted a report and that it therefore has no information as to the steps taken to give effect to the Convention by establishing a list of occupational diseases and the corresponding trades, industries and processes, as required by Article 2 of the Convention. The Committee trusts that the Government will make a point of submitting a report to its next session, indicating the measures taken or contemplated.

See also under General Observations.

*Turkey* (ratification : 1946)

The Committee notes with regret, in connection with its earlier observation and direct requests, that the provisions giving effect to sections 11B and 135A (f) of the Social Insurance Act of 1964 have not yet been adopted. It notes that the draft regulations drawn up in 1965 for this purpose and containing a list of occupational diseases are still being studied by the Council of State.

The Committee trusts that the draft regulations in question will be adopted soon and will remove the discrepancies at present existing between the national legislation and Article 2 of the Convention, to which reference is made in a further direct request to the Government.

*United Kingdom* (ratification : 1936)

The Committee notes with interest that the Government intends to submit the points raised in its earlier requests and observations to the Industrial Hygiene Advisory Council, which is responsible, *inter alia*, for revising the schedule of "prescribed diseases".

The Committee hopes that the Government will find it possible in the near future to include this revision in the programme of work of the Advisory Council and that the schedule of occupational diseases can thus be supplemented to meet the requirements of the Convention as regards anthrax infection, poisoning by the halogen derivatives of hydrocarbons of the aliphatic series and manifestations due to radiations.

*Uruguay* (ratification : 1954)

Further to its earlier observations, the Committee notes with satisfaction the adoption of Decree No. 853/971 of 16 December 1971 which contains a new schedule of occupational diseases in conformity with that contained in Article 2 of the Convention.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States : *Algeria, Australia, Barbados, Brazil, Denmark, Guyana, Honduras, Iraq, Malta, Mexico, Nauru, Norway, Poland, Turkey, Uruguay.*

**Convention No. 44 : Unemployment Provision, 1934***Algeria* (ratification : 1962)

The Committee, referring to comments which it has made since 1965, is concerned to note that there are no provisions to apply the Convention. Indeed, the operation of the only existing provisions concerning assistance to involuntarily unemployed workers—which, in the absence of an unemployment insurance scheme were not adequate to give effect to the Convention—has had to be suspended, as was stated by the Government in its report for 1968-69.

The Committee can only note the economic difficulties to which the Government continues to refer in its recent reports and which have led it to reserve all available resources for the creation of permanent jobs within the framework of the economic plan. Nevertheless, it would be grateful if the Government could give consideration to the measures which it proposes to take, in the light of this situation, to fulfil obligations which it accepted by ratifying this Convention.

*Cyprus* (ratification : 1965)

Further to its earlier observation regarding the non-payment of unemployment benefits to Turkish Cypriot workers, the Committee notes the information given by the Government to the Conference Committee in 1970 and also in its letter of 26 May 1971 and its report for 1969-71. It notes that consultations took place with the parties concerned and that a tripartite committee comprising Greek Cypriots and Turkish Cypriots has been set up to study the problem of reintegrating Turkish Cypriot workers into the social insurance scheme but that the principles drawn up by that committee were not entirely accepted by the persons concerned.

The Committee can only express the hope once again that a solution can be found to this question by agreement among all concerned in view of the importance of the problem. It would ask the Government to keep it informed of developments.

*Netherlands* (ratification : 1966)

*Article 16 of the Convention.* With reference to its previous direct request, the Committee notes with satisfaction that the period of residence in the Netherlands required of foreigners in order that they may qualify for unemployment allowances (which come out of funds to which the claimants have not contributed) has been

abolished by Decree of 10 July 1969 in respect of citizens of States which have ratified the Convention, as required by this provision of the Convention.

*Norway (ratification : 1957)*

*Article 11 of the Convention.* Further to its previous direct requests, the Committee notes with satisfaction that, on the occasion of the incorporation of the unemployment insurance scheme into the National Insurance, the Act of 27 November 1970 fixed a minimum of thirteen weeks for the duration of unemployment benefit.

*Peru (ratification : 1962)*

The Committee notes with regret that no report has been received. It is bound, therefore, to repeat its previous observation, in which, referring to the comments it had been making since 1965, it expressed its regret that no progress had been made in the application of the Convention.

On several occasions the Government had indicated that the Committee set up to draft a new Labour Code was considering the establishment of a system of unemployment insurance guaranteeing benefit or allowances to persons habitually employed for wages or salary who became involuntarily unemployed. However, the Government's report for the period 1969-70 made no further reference to this question, and in a statement made at the 56th Session of the Conference a Government representative merely indicated that the various questions relating to the Convention should be considered in the light of the principles underlying the policy of developing social security—principles which had been spelled out in a draft decree prepared by a special committee.

The Committee of Experts can only express once again the firm hope that the Government will do everything it can, within the framework of this policy, to fulfil the commitments into which it entered on ratifying this Convention, and request the Government to inform it of any progress made in this respect.<sup>1</sup>

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States : *Cyprus, Czechoslovakia, Netherlands, Switzerland.*

**Convention No. 45 : Underground Work (Women), 1935**

*Afghanistan (ratification : 1937)*

See under Convention No. 4.

**Convention No. 48 : Maintenance of Migrants' Pension Rights, 1935**

*Hungary (ratification : 1937)*

Further to its previous observations and requests concerning the applicability of the Convention in the absence of bilateral agreements, and irrespective of the

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 57th Session and to report in detail for the period ending 30 June 1972.

nature of the migratory movements in question, the Committee notes the statement made by the Government in its report that it will continue to examine the possibility of implementing the Convention. The Committee trusts that the Government will keep it informed of any measures taken or contemplated to this end.

*Poland* (ratification : 1938)

The Committee notes with regret that for the second year in succession no report has been received and therefore no reply has been given to its previous direct requests. The Committee is accordingly compelled to raise the question once again in a further direct request.

*Yugoslavia* (ratification : 1946)

The Committee notes with interest, from the information supplied by the Government in its report for 1969-71, that the difficulties in applying the Convention, on which the Committee had made previous comments (Parts II and III of the Convention concerning the setting up of a scheme for the maintenance of acquired rights and rights in course of acquisition in conjunction with all other States bound by the Convention) might be removed in 1972 as a result of the current revision of the legislation, which should come into effect as from 1 January 1973. The Committee hopes that the Government will be able to report progress in this field.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States : *Hungary, Poland, Yugoslavia*.

Information supplied by *Spain* in answer to a direct request has been noted by the Committee.

**Convention No. 50 : Recruiting of Indigenous Workers, 1936**

Requests regarding certain points are being addressed directly to the following States : *Burundi, Cameroon* (Western Cameroon), *Rwanda, Singapore, Tanzania* (Zanzibar).

**Convention No. 52 : Holidays with Pay, 1936**

*Burma* (ratification : 1954)

The Committee notes with regret that the Government's report has not been received. The Committee is bound, therefore, to repeat its previous observation, which was as follows :

The Government states in its report that the comments of the Committee are under consideration in amending the Leave and Holiday Act, 1951. The Committee recalls that the Government has been referring since 1959 to the adoption of new legislation or regulations to give effect to the Convention on the various points raised since 1957 in the Committee's previous comments and relating to Article 1 (scope), Article 2, paragraph 2 (longer annual holiday for young workers), Article 2,

paragraph 3 (exclusion from the annual holiday of public holidays and interruptions of work due to sickness), and Article 4 of the Convention (restriction of the right to postpone the annual holiday).

The Committee once more urges the Government to make every effort to take the necessary measures at the earliest date.<sup>1</sup>

*Byelorussia (ratification : 1952)*

Further to its previous comments, the Committee notes with interest that section 32 of the Fundamental Principles governing the Labour Legislation of the USSR and the Union Republics prohibits payment of cash compensation in substitution for annual leave, except when the worker is dismissed before having used up his leave.

The Committee would be grateful if the Government would indicate whether, following the adoption of the above Fundamental Principles of Labour Legislation, a new Labour Code has been adopted and entered into force, and whether in this Code the national legislation has been brought into conformity with the Convention on the points raised by the Committee in its comments since 1959 concerning the postponement of the whole holiday from one year to the next and the division of the holiday into several parts without a guarantee of a minimum continuous period of holiday.

*Cuba (ratification : 1953)*

*Article 2, paragraph 1, of the Convention.* Further to its previous comments, the Committee has taken due note of the Government's renewed statement that the postponement of holidays permitted under section 1, paragraph G, of Resolution No. 111 of 1965 has an exceptional character and is granted for brief periods to meet cases of appreciable increase of work. The Committee wishes to point out once again that, under paragraph G, postponements may be authorised beyond those already allowed by paragraph F of section 1 of the resolution, which provides that annual holidays—or fractions thereof—may be deferred for a period of not more than half the duration of the respective qualifying periods giving entitlement to such holidays, as laid down in paragraph C of section 1 of the resolution. In so far as such postponements may result in the worker not being granted, in the course of a whole year, a minimum holiday of at least six working days, the provisions in question are not in conformity with the Convention which lays down the principle of an *annual* holiday. The Committee therefore trusts that the Government will take appropriate steps to ensure that recourse to paragraphs F and G of section 1 of the resolution will not deprive the worker of the minimum annual holiday prescribed by the Convention.

*Denmark (ratification : 1959)*

Further to its earlier comments, the Committee notes with satisfaction that the Holidays with Pay Act, No. 273 of 1970, as amended in 1971, provides in sections 9 and 11 that in cases of division of annual holidays, at least 12 days must be granted consecutively, thus ensuring conformity with Article 2, paragraph 4, of the Convention.

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 57th Session and to report in detail for the period ending 30 June 1972.

*Dominican Republic* (ratification : 1956)

Further to its earlier observations, the Committee notes with interest that, as a result of direct contacts between the responsible national services and a representative of the Director-General of the ILO, a Bill has been drafted and submitted to the President of the Republic and, subsequently, to the National Congress, to amend sections 168, 172 and 180 of the Labour Code, so as to bring them into conformity with the Convention.

The Committee trusts that this Bill will be adopted soon and requests the Government to inform it of the decision taken in the matter.

*Gabon* (ratification : 1961)

The Committee notes with regret that no report has been received. It hopes that a report will be supplied for examination by the Committee at its next session and will contain full information on the points raised in its comments since 1968 and which are taken up once again in a new direct request.

*Iraq* (ratification : 1960)

Further to its previous comments, the Committee notes with satisfaction the adoption of Labour Law No. 151 of 1970, as a result of which certain discrepancies between national legislation and Articles 1 and 2, paragraph 4, of the Convention have been eliminated.

*Italy* (ratification : 1952)

The Committee notes, from the Government's report, that the Bill, first mentioned in the report for 1965-67, has not been resubmitted to the current legislature, as was the Government's indicated intention, but that the preparation of a new text is now in an advanced stage. It refers to the statement by a Government representative to the Conference Committee in 1970, that although existing legislation does not contain express provisions in regard to the points raised by the Committee concerning the division of holidays into parts and the exclusion of periods of sickness from the duration of the holiday, the national Constitution and collective agreements, including those having force of law, contain provisions meeting such requirements. The Committee recalls its past comments on the desirability of a comprehensive legislative text to ensure the full application of the Convention to all the workers concerned and can only reiterate the hope that the new Bill will be adopted soon and will meet all the requirements of the Convention.

*Libyan Arab Republic* (ratification : 1962)

Further to its previous comments, the Committee notes with satisfaction the adoption of the Labour Law of 1970 which has brought national legislation into conformity with Articles 2, paragraph 4, 3 (a), 4 and 7 of the Convention.

*Mauritania* (ratification : 1963)

The Committee must note that following the direct contacts which took place in regard to this Convention in October 1969, appropriate amendments to the legislation have not yet been made. In its last report the Government merely states that, as a result of the Committee's observations, it has initiated studies with a view

to amending the national legislation on holidays with pay. The Committee trusts that the Government will, in the very near future, take the necessary measures to amend section 24 of Book II of the Labour Code, which makes it possible to postpone the actual grant of a holiday for a period of as long as three years, so as to ensure that the postponement of the holiday can be permitted only in respect of that part which exceeds the minimum of six working days prescribed by the Convention.

*Mexico (ratification : 1938)*

Further to its previous comments, the Committee notes with satisfaction that the new Federal Labour Act of 1970 has extended the application of the holiday with pay provisions to workers in small-scale industries.

*Peru (ratification : 1960)*

The Committee notes from the Government's report that a General Labour Act is being drafted. It can therefore only reiterate the hope that the new legislation will be adopted soon and will give effect to the Convention on the following points, raised by the Committee since 1963.

*Article 2, paragraph 3 (b), of the Convention.* The Committee recalls that section 7 of Supreme Decree No. 17 of 24 October 1961, which lays down that absence due to illness will be counted as working days for the purpose of calculating the length of service which gives entitlement to holidays, and that section 32 of Law No. 13724 of 1961, which prohibits the dismissal of the employee during the period when he is in receipt of social security benefit, do not specifically ensure that the periods of illness are not counted in the annual holidays. The Committee trusts that the new General Labour Act will include provisions giving effect to the Convention on this point.

*Article 3 (a).* The Committee recalls that, under existing provisions (Supreme Decree No. 17 of 1961, sections 8 and 9), holiday remuneration includes only the cash equivalent of food. It reiterates the hope that provisions will also be adopted which will expressly include, in the remuneration of holidays, the cash equivalent of *all* remuneration in kind.

*Article 4.* The Government refers to Section 3 of Act No. 13683 of 1961, which provides that an employee must take a minimum of ten days of his annual holiday entitlement, only the remainder being replaceable by double remuneration in payment for his work and by way of compensation for his holiday. The Committee must recall, however, as it had pointed out previously, that section 13 of Supreme Decree No. 17 of 1961 and Supreme Decree No. 4 D.T. of 26 November 1957 both permit the accumulation of holidays due over two consecutive years. The Committee reiterates the hope that the General Labour Act will contain provisions to ensure that the postponement of annual holidays will be permitted only for that part of the holidays which exceeds the minimum of six working days prescribed by the Convention.

*Senegal (ratification : 1962)*

Further to its earlier observations, the Committee notes with satisfaction the adoption of Act No. 71-54 of 28 July 1971 amending, *inter alia*, section 145 of the Labour Code so as to ensure that, if the holiday is postponed, a minimum of six

working days must nevertheless be taken every year (Article 2, paragraph 1, and Article 4 of the Convention).

*Ukraine (ratification : 1956)*

Further to its previous comments the Committee notes with satisfaction from the Government's report that section 83 of the new Labour Code of the Ukrainian SSR, adopted on 10 December 1971, prohibits the payment of cash compensation in substitution for annual leave, except when the worker is dismissed in circumstances which make it impossible for him to take his leave.

The Committee hopes that a copy of the new Code will be available for examination with the Government's next report, and that the report will include information in particular on the effect of the new Code on the other points raised by the Committee in its comments since 1959, concerning the postponement of the whole holiday from one year to the next, and the division of the holiday into several parts without a guarantee of a minimum continuous period of holiday.

*USSR (ratification : 1952)*

1. Further to its previous comments the Committee notes with satisfaction that section 66 of the new Labour Code of the Russian SFSR, adopted on 9 December 1971, prohibits the payment of cash compensation in substitution for annual leave, except when the worker is dismissed before having used up his leave.

2. The Committee notes with regret, however, that section 74 of the new Labour Code still allows in certain cases the postponement of the whole of the holiday from one year to the next. As the Committee has pointed out in its comments since 1959, such postponement is not in conformity with the Convention which establishes the principle of an *annual* holiday, and provides that "any agreement to relinquish the right to an annual holiday with pay or to forgo such a holiday, shall be void". The Committee accordingly hopes that the necessary measures will be taken by the Government to bring the legislation in question into conformity with the Convention on this point.

3. In its earlier comments the Committee had also pointed to the need for the amendment of regulation 19 of the regulations of 30 April 1930 so as to ensure, in conformity with the Convention, that when holidays are divided into parts, one of these parts shall be of at least the minimum duration prescribed by the Convention. The Committee would be grateful if the Government would supply information on the effect of the new Labour Code of the Russian SFSR on the question of division of holidays.

4. The Committee would also appreciate information on the position in the other Union republics in respect of the points raised above.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States : *Central African Republic, Chad, Czechoslovakia, Egypt, Gabon, Greece, Guinea, Ivory Coast, Kuwait, Lebanon, Libyan Arab Republic, Madagascar, Mali, Morocco, Panama, Paraguay, Syrian Arab Republic, Upper Volta.*

Information supplied by *Hungary* in answer to a direct request has been noted by the Committee.



**Convention No. 53 : Officers' Competency Certificates, 1936**

*Liberia* (ratification : 1960)

The Committee has noted from the Government's report for the period 1970-71 that the Government intended to prepare a detailed report which would contain a reply to the previous observation and direct requests. In the absence of such report, the Committee must request the Government once again to supply statistics on the number of officers' competency certificates issued in each specific licence grade and information on the number and nature of the contraventions reported and the action taken on them, as required in point V of the report form adopted by the Governing Body.

*Philippines* (ratification : 1960)

The Committee notes with regret that the Government's report has not been received. The Committee is bound, therefore, to repeat its previous observation, which was as follows :

The Committee had noted that while the Revised Philippine Merchant Marine Regulations provided for the certification of officers, in accordance with the Convention, they did not contain provisions regarding inspection and enforcement in relation to these requirements, as provided for in Articles 5 and 6 of the Convention. The Committee notes from the Government's report that new Merchant Marine Regulations, which contain appropriate provisions on these matters, have been submitted to Congress for approval. The Committee trusts that these new Regulations will be approved at an early date, and that copies thereof can be supplied with the next report.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States : *Bulgaria, Mauritania, Peru*.

Information supplied by the *Syrian Arab Republic* in answer to a direct request has been noted by the Committee.

**Convention No. 55 : Shipowners' Liability (Sick and Injured Seamen), 1936**

*Morocco* (ratification : 1958)

*Article 8 of the Convention.* Further to its earlier requests concerning the shipowner's obligation to take measures for safeguarding property left on board by sick, injured or deceased seafarers, the Committee notes from the Government's report that no progress has been made towards the adoption of the draft Code of Maritime Trade which was to bring national legislation into line with this provision of the Convention. In view of the fact that the Government has been referring to this draft since as far back as 1964, and the fact that its report for 1967-69 stated that it had reached the stage of ministerial visas, the Committee hopes that the draft will be adopted in the near future and that the Government will report all progress made in this respect.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States : *Greece, Liberia, Peru*.

**Convention No. 56 : Sickness Insurance (Sea), 1936**

*Belgium* (ratification : 1948)

*Article 2, paragraphs 4 and 5, of the Convention.* Further to its previous direct requests, the Committee notes with satisfaction that the Royal Order of 28 December 1971 has repealed subsection 1 (4) of section 125 of the Royal Order of 4 October 1936 as amended by the Royal Order of 7 January 1958 which provided for the suspension of cash benefits in cases where the insured person had been guilty of insulting or assaulting any person belonging to the insurance administration.

*Article 3.* The Committee notes, however, that the new order does not seem to have repealed the provision of subsection 2 of section 125 of the above-mentioned Royal Order of 1936 which relates to suspension of benefits in kind on similar grounds. The Committee hopes that on the occasion of a future revision of the national regulations, the Government will be able to ensure their conformity with the Convention also on this point.

*Peru* (ratification : 1962)

*Article 7 of the Convention.* In direct requests made since 1966 the Committee has drawn the Government's attention to the need to provide, in accordance with this Article of the Convention, for the right to *compulsory insurance* benefit to continue, after the termination of the last engagement, for a period fixed by national laws or regulations in such a way as to cover the normal interval between successive engagements.

The Committee regrets to note that the Government's report has not been received, and that consequently no reply has been given to the above-mentioned comments. The Committee can only raise the question once again and hopes that the Government will not fail to indicate the measures taken or envisaged to ensure the full application of the Convention on this point.

**Convention No. 58 : Minimum Age (Sea) (Revised), 1936**

*Guatemala* (ratification : 1961)

With reference to its earlier observation, the Committee notes the information given by the Government to the Conference Committee in 1971, and also in its latest report. The Committee regrets to note that, according to that information, no legislation has yet been adopted to introduce the reforms which are essential for the application of Article 2, paragraph 1, of the Convention which fixes at 15 years the minimum age for the admission of children to employment at sea.

With regard to Article 4 of the Convention, which requires a register to be kept of all persons under the age of 16 years employed on board and of the dates of their births, the Committee notes that the labour inspectors have been instructed to check that such a register is kept. Nevertheless, the Committee would be grateful if the Government would indicate the provisions which provide for penalties when the master or owner fails to comply with this obligation.

The Committee trusts that the Government will at an early date take such steps as are still necessary to give full effect to the provisions of the Convention.<sup>1</sup>

*Liberia* (ratification : 1960)

Further to its observations of 1970 and 1971, the Committee notes with regret that the Government's report has not been received.

In its earlier comments the Committee had noted that while the Maritime Law (Title 22 of the Liberian Code of Laws, 1956) lays down a minimum age of 16 years, this applied only to employment on vessels of 1,600 tons or more engaged in trade between foreign ports or between Liberian ports and foreign ports. It had pointed out that these limitations were not in conformity with the Convention, which applies to all ships and boats, of any nature whatsoever, engaged in maritime navigation.

While the Maritime Law had been amended by the Merchant Seamen's Act, 1964, the Committee had pointed out that, under section 326 of the revised Law, the minimum age requirement was still limited to employment on Liberian vessels engaged in foreign trade (as defined in section 291 of the Law) and that, by virtue of section 290 (2) (a), it did not apply to employment of children on vessels of less than 75 net tons.

The Committee urges the Government to take measures in the near future with a view to applying the Convention to all vessels without any exception other than those provided for by the Convention itself.<sup>1</sup>

*Uruguay* (ratification : 1954)

Further to its earlier observations, the Committee notes with satisfaction that, as a result of the direct contacts which took place between the competent national services and a representative of the Director-General of the ILO, the Children's Board on 10 December 1971 approved a resolution prohibiting the employment of children under 15 years of age on board vessels, in accordance with the provisions of this Convention.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States : *Turkey, People's Democratic Republic of Yemen* (Aden).

**Convention No. 59 : Minimum Age (Industry) (Revised), 1937**

*Philippines* (ratification : 1960)

Further to its earlier comments, the Committee notes the information supplied by the Government in its report regarding the adoption of Act No. 6237 to amend the Woman and Child Labour Law, Act No. 679. It notes more particularly the Government's statement that section 2 of Act No. 679, as amended, prohibits the employment of children under 16 years in industrial undertakings. The Committee regrets to note, however, from the information contained in the Government's

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 57th Session and to report in detail for the period ending 30 June 1972.

report, that section 1 (a) of Act No. 679, as amended, permits the employment of children between 12 and 15 years of age in light work, and that section 1 (b) permits the employment of children between 12 and 15 years of age in industrial establishments if it can be shown that the child concerned knows how to read and write, contrary to Article 2 of the Convention.

The Committee trusts that the Government will not fail to take the necessary measures to bring its legislation into complete conformity with the Convention.<sup>1</sup>

*Uruguay* (ratification : 1954)

Further to its earlier observations, the Committee notes with satisfaction that, as a result of the direct contacts which took place between the competent national services and a representative of the Director-General of the ILO, the President of the Republic on 16 December 1971 approved Decree No. 852/971, which regulates the minimum age for the employment of young persons in industrial undertakings in accordance with the provisions of this Convention.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States : *Mongolia, People's Democratic Republic of Yemen* (Aden).

**Convention No. 60 : Minimum Age (Non-Industrial Employment) (Revised), 1937**

*Italy* (ratification : 1952)

Further to its previous comments concerning Article 3, paragraph 6 (a), and Article 8 (a) of the Convention, the Committee notes with satisfaction the adoption on 4 January 1971 of Decree No. 36 which defines the forms of light work on which children over 14 years of age may be employed.

*Uruguay* (ratification : 1954)

Further to its earlier observations, the Committee notes with satisfaction that, as a result of the direct contacts which took place between the competent national services and a representative of the Director-General of the ILO, the President of the Republic on 16 December 1971 approved Decree No. 852/971, which regulates the age of admission of young persons to non-industrial occupations in accordance with the provisions of this Convention.

\* \* \*

In addition, a request regarding certain points is being addressed directly to *Italy*.

**Convention No. 62 : Safety Provisions (Building), 1937**

*Mexico* (ratification : 1941)

Further to its previous observations, the Committee notes from the Government's report that no legislative measures have yet been adopted to bring the

---

<sup>1</sup> The Government is asked to supply full information to the 57th Session of the Conference.

legislation into conformity with certain provisions of the Convention to which the Committee has been referring over a period of several years. The Committee recalls that notwithstanding the provisions of the federal legislation in the field of occupational safety, contained in the Federal Labour Act and in the 1934 regulations concerning the prevention of industrial accidents, certain provisions of the Convention require in addition the adoption of regulations for the protection of building construction workers. The Committee had pointed out that no measures appeared to have been adopted in conformity with Article 8, paragraph 2, of the Convention, to regulate the construction of working platforms, gangways and stairways, etc., or to determine the height in excess of which these regulations shall apply. It had also referred in particular to the need for regulations on hoisting machines and tackle and their attachments used in building construction, with particular regard to their quality and strength (Article 11 of the Convention), periodical inspection and testing (Article 12) and the determination of their safe working load (Article 14, paragraph 1), as well as for the application of Article 17 (special means of protection when work is carried on in proximity to places where there is a risk of drowning). The Committee had furthermore pointed out with respect to these matters that the regulations on building and urban services in force in the Federal District did not contain the necessary provisions, and that in the states and territories of the Republic there appeared to be no safety regulations applying to building construction workers.

For these reasons, the Committee had expressed the hope that the Government would take steps at the federal level, either through Congress or through some other competent federal authority, for the introduction of measures ensuring the application of the Convention. In this connection, the Committee noted that although the new Federal Labour Act, which entered into force in 1970, does not contain provisions giving effect to the aforementioned requirements of the Convention, section 512 of the Act provides that the measures that must be taken for the prevention of occupational risks shall be laid down by regulations made under the Act.

In its report as well as in a communication to the Conference Committee in 1971, the Government again refers to the eventual incorporation of appropriate provisions in the building regulations for the Federal District, and in such regulations as may be adopted by the states. With respect to the Federal District, the Government indicates that the Committee formerly established to revise the existing regulations has been replaced by a Legislative Studies Committee, to whose attention the Government has brought the need to bring the above-mentioned regulations into conformity with the Convention. The Government adds that positive results are expected in the near future.

The Committee cannot but express hope that the necessary action will be taken soon, not only in respect of the regulations applicable to the Federal District, but also with a view to an effective application of all provisions of the Convention in respect of the whole country. The Committee trusts that no effort will be spared in order to give full effect to this Convention, which was ratified in 1941.<sup>1</sup>

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States : *Algeria, Burundi, Guinea, Peru.*

---

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 57th Session and to report in detail for the period ending 30 June 1972.

**Convention No. 63 : Statistics of Wages and Hours of Work, 1938***Canada* (ratification : 1946)

*Article 6 (a) of the Convention.* Further to its observation of 1970, the Committee notes with satisfaction that the statistics of average earnings now include all cash payments and bonuses received from the employer by the persons employed, including bonuses paid at long or irregular intervals, which had previously been excluded from the compilation.

*Chile* (ratification : 1957)

The Committee notes with regret that for the third year in succession the Government's report has not been received. The Committee is bound, therefore, to repeat its previous observation, which was as follows :

*Part II of the Convention.* The Committee regrets to note that the data currently compiled continue not to include the following: (a) statistics of average earnings in the building and construction industries; (b) statistics of hours actually worked by wage earners in the principal mining and manufacturing industries, including building and construction.

In these circumstances the Committee must reiterate the hope that the Government will do all in its power to give full effect to the various requirements of Part II of the Convention.

*Part IV.* The Committee also notes that no statistics are as yet compiled of wages in agriculture, and only to a very limited extent of hours of work in agriculture. The Committee trusts that the Government will take early action in respect of this Part of the Convention as well.

*Part III.* The Committee would point out that, under Article 2, paragraph 3, of the Convention, every Member is required to indicate periodically the extent to which any progress has been made with a view to the application of Parts of the Convention excluded from its acceptance.

*Cuba* (ratification : 1954)

The Committee regrets to note once more that the Government's report fails to mention any progress in the compilation and publication of statistics on wages and hours of work. It can only reiterate the hope that all necessary steps will be taken without delay to ensure the application of this Convention, which was ratified many years ago.<sup>1</sup>

*Czechoslovakia* (ratification : 1950)

The Committee notes with regret that the Government's report has not been received. The Committee is bound, therefore, to repeat its previous observation, which was as follows :

*Article 21 of the Convention.* The Committee notes that annual index numbers have not been compiled so far. In this connection the Government states that statistics of wage rates would not accurately reflect the trend of wages in Czechoslovakia, and their compilation would be very complicated and costly, but that the Federal Statistical Office will re-examine the possibility of giving effect to this provision of the Convention. The Committee trusts that the Government will be able to take the necessary action towards this end.

*Denmark* (ratification : 1939)

The Committee notes with interest that statistics of hours actually worked in manufacturing industries, building and construction are in course of compilation

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 57th Session and to report in detail for the period ending 30 June 1972.

after the acceptance of the Government's proposals by the Committee on labour market statistics. The Committee would be glad if the Government would indicate the publications in which these statistics were transmitted to the ILO.

*Mexico (ratification : 1942)*

The Committee notes with interest the information given in the Government's report and its appendices, more especially as regards the application of Article 5, paragraph 2 (criteria for selecting representative establishments and wage earners).

*Part II, Article 5, of the Convention.* The Committee trusts that the Government will soon take the necessary measures to publish statistics of average earnings and hours of work in the mining industry and will, in its next report, indicate the publications containing these data.

*Articles 6, 7 and 8.* Please state what measures have been taken to put into effect the provisions of these Articles concerning the elements (in particular, social benefits) to be included in statistics of average earnings and the supplementary information to be given on allowances in kind (as well as family allowances, whenever possible).

*Article 12.* Please state what steps have been taken to compile and publish index numbers of the general movement of earnings.

*Part III and IV.* The information supplied by the Government on minimum wage rates and normal hours of work does not show any change in the application of Part III (statistics of time rates of wages and of normal hours of work in mining and manufacturing industries) and Part IV of the Convention (wages and hours of work in agriculture). The Committee trusts that in the near future measures will be taken to apply fully these provisions.

*Norway (ratification : 1940)*

*Article 12 of the Convention.* Further to its previous direct requests, the Committee notes with satisfaction that index numbers showing the general movement of average hourly earnings for the whole of mining and industry, and also for building and construction, are now regularly compiled and published.

*Uruguay (ratification : 1954)*

*Article 12 of the Convention.* Further to its previous comments, the Committee notes with satisfaction that index numbers showing the general movement of wages (manufacturing industries, etc.) are now compiled.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States: *Australia, Barbados, Botswana, Burma, Canada, Ceylon, Denmark, Egypt, Finland, Guatemala, Kenya, New Zealand, Norway, Syrian Arab Republic, Tanzania, United Kingdom, Uruguay.*

**Convention No. 64 : Contracts of Employment (Indigenous Workers), 1939**

*Malawi* (ratification : 1966)

Further to its previous observations, the Committee notes with satisfaction that the standard contract forms used for workers engaged for employment in South Africa by the Mines Labour Organisation (Wenela) Limited have been amended so as to provide, as required by Article 13 of the Convention, that repatriation expenses are to be borne wholly by the employer.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States : *Burundi, Cameroon* (Western Cameroon), *Rwanda, Singapore, Somalia* (former British Somaliland).

**Convention No. 65 : Penal Sanctions (Indigenous Workers), 1939**

*Uganda* (ratification : 1963)

The Committee regrets to note that no report has been received, and that accordingly no information is available concerning the action taken to repeal the provisions permitting the imposition of penal sanctions for breaches of contracts of employment contained in sections 61 (1) (b) and 64 of the Employment Act. The Committee recalls that the Government had indicated already in its report for 1963-64 that legislation which would repeal these provisions was shortly to be introduced. It hopes that measures to bring the Employment Act into conformity with the Convention will be adopted at an early date.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States : *Ghana, Kenya, Liberia, Nigeria, Singapore, Tanzania*, (Tanganyika), *Trinidad and Tobago*.

**Convention No. 67 : Hours of Work and Rest Periods (Road Transport), 1939**

*Cuba* (ratification : 1953)

The Committee notes the information supplied in the Government's reports for the periods 1968-70 and 1970-71.

*Article 18, paragraph 3, of the Convention.* The Government reiterates its views that the socialist nature of the state undertakings concerned ensure the application by the appropriate authorities of the relevant legislation and other workers' protection measures. It further states that the absence of an individual control book does not hinder the implementation of the Convention, which is ensured through measures taken in each undertaking, relating to the organisation of work, the



establishment of timetables and work shifts and the rotation of staff, and that compulsory compliance with such measures is reflected in records and control documents kept by the undertakings. While appreciating these considerations, the Committee is bound to point out (a) that the Convention, under Article 1, paragraph 2, applies to "all vehicles, whether publicly or privately owned" and (b) that the present provision does not concern the enforcement authorities as such (dealt with in paragraph 1 of Article 18) but aims at providing such authorities with a specific means of control, in addition to the keeping of appropriate records, already required under paragraph 2 of this Article. The Committee therefore notes with interest the Government's statement that the competent bodies will continue to keep under consideration the point raised above and hopes that the Government will find it possible to introduce individual control books, as required by the Convention.

*Uruguay* (ratification : 1954)

Further to its earlier observations, the Committee notes with interest that, as a result of the direct contacts which took place between the competent national services and a representative of the Director-General of the ILO, a draft decree has been prepared which takes into account the comments made by the Committee concerning the application of this Convention.

The Committee hopes that this draft will be adopted at an early date, so as to bring the national legislation into conformity with the provisions of the Convention, and it would ask the Government to keep it fully informed on the matter.

**Convention No. 68 : Food and Catering (Ships' Crews), 1946**

*Argentina* (ratification : 1956)

Further to its previous observation, the Committee notes with regret that no progress has been made in adopting the Bill which was to bring the national legislation into conformity with the Convention. Although the Government indicates in its report that certain standards relating to food and catering are applied in the enterprise ELMA, the Committee must once more point out that necessary legislation and other implementing measures have to be adopted to give effect to the requirements of the Convention which was ratified some years ago.<sup>1</sup>

*Peru* (ratification : 1962)

See paragraph 18 of the General Report.

\* \* \*

In addition, a request regarding certain points is being addressed directly to *Portugal*.

**Convention No. 69 : Certification of Ships' Cooks, 1946**

*Peru* (ratification : 1962)

See paragraph 18 of the General Report.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States : *Ukraine, USSR*.

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 57th Session.

**Convention No. 71 : Seafarers' Pensions, 1946**

Requests regarding certain points are being addressed directly to the following States : *Netherlands, Peru*.

**Convention No. 73 : Medical Examination (Seafarers), 1946**

Requests regarding certain points are being addressed directly to the following States : *Peru, Sweden, Tunisia*.

**Convention No. 74 : Certification of Able Seamen, 1946**

A request regarding certain points is being addressed directly to *Egypt*.

**Convention No. 77 : Medical Examination of Young Persons (Industry), 1946**

*Algeria* (ratification : 1962)

*Article 1, paragraph 2 (a), of the Convention.* Further to its earlier observation, the Committee notes from the Government's report that the draft legislation to extend the application of the provisions of the Act of 11 October 1946 concerning the organisation of medical services in underground and open-cast mines and quarries, to which the Government has been referring since 1968, has not yet been adopted.

*Article 1, paragraph 2 (d).* The Committee notes from the Government's report that in practice the labour and social welfare inspectors and supervisors ensure the application of the labour regulations concerning medical inspection to workers of all ages and both sexes employed in all the undertakings falling within the new scope of the regulations. It must point out, however, that, in accordance with section 3 of the Decree of 14 December 1956 and section 1 of the Order of 2 August 1957, detailed provisions concerning the medical examination of workers have still to be adopted for all types of transport undertakings.

The Committee trusts that appropriate steps will be taken at an early date to give effect to the above-mentioned provisions of the Convention.

*Guatemala* (ratification : 1952)

Further to its earlier observations, the Committee notes the information contained in the report to the effect that the Government hopes in the very near future to announce some progress in its national legislation. The Committee trusts that the necessary measures will be taken in the near future to ensure the complete application of the Convention, and more particularly on the following points :

*Article 3, paragraphs 2 and 3, of the Convention.* Repetition of the medical examination at intervals of not more than one year, and definition of the special

circumstances in which a medical examination will be required at more frequent intervals.

*Article 4.* Medical re-examination until at least the age of 21 years in occupations which involve high health risks.

*Article 5.* While noting that, according to the Government's report, medical examinations carried out by the dispensaries of the Ministry of Public Health and Social Welfare do not involve the child or young person, or his parents, in any expense, the Committee would appreciate it if the Government would indicate what legislative text or regulations guarantee that the examinations are free of charge, and would supply a copy of the text.

*Peru* (ratification : 1962)

See paragraph 18 of the General Report.

*Uruguay* (ratification : 1954)

Further to its earlier observations, the Committee notes with satisfaction that, as a result of the direct contacts which took place between the competent national services and a representative of the Director-General of the ILO, the President of the Republic on 16 December 1971 approved Decree No. 851/971, which regulates medical examinations for children and young persons in industry, in accordance with the provisions of this Convention.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States : *Argentina, Guatemala, Luxembourg, Paraguay, Uruguay.*

Information supplied by *Italy* in answer to a direct request has been noted by the Committee.

### **Convention No. 78 : Medical Examination of Young Persons (Non-Industrial Occupations), 1946**

*Guatemala* (ratification : 1952)

As regards the application of Articles 3, 4 and 5 of the Convention, see the observation on Convention No. 77.

The Committee trusts that effect will also be given in the near future to the provisions of Article 7, paragraph 2 (a), of the Convention concerning "children and young persons engaged either on their own account or on account of their parents in itinerant trading or in any other occupation carried on in the streets or in places to which the public have access".

*Honduras* (ratification : 1960)

The Committee notes with regret that the Government's report has not been received. The Committee is bound, therefore, to repeat its previous observation, which was as follows :

*Article 2 of the Convention.* In its reply to the Committee's direct request of 1970, the Government states that measures are required to prescribe a medical examination for workers under 18 years of age. As no such measures have been taken as yet, the Committee trusts that the necessary steps will be taken to bring the national legislation into harmony with the various provisions of this Article.

*Article 3.* The Committee notes the Government's statement that labour inspectors for safety and hygiene require, during their visits to enterprises, that periodical medical examinations be conducted. The Committee trusts that the Government will adopt the necessary legislative measures to provide for the repetition of medical examinations for young persons under 18 years of age at intervals of not more than one year, and to determine the special circumstances in which a medical re-examination is required in addition to the annual examination or at more frequent intervals, or empowering the competent authority to require medical re-examinations in exceptional cases.

*Article 4.* The Committee regrets to note that the Government has not replied to its previous request concerning this point. It must therefore express the hope that the Government will take appropriate action—as the Government has already promised in its first report—as regards occupations involving high health risks.

*Article 5.* The Committee notes from the Government's reply to its previous request that the Ministry of Public Health and Social Assistance has been asked to ensure that medical examinations be free of any charge. It would be glad if the Government would indicate in its next report what steps have been taken in this respect.

*Article 6.* It appears from the Government's statement in reply to the previous request that the Youth Guidance Centre at Jalteva is not a centre for the vocational guidance and physical and vocational rehabilitation of handicapped young persons. In these circumstances, the Committee would be glad if the Government would indicate what measures have been taken or are contemplated to give effect to the various provisions of this Article.

*Article 7.* The Committee notes from the Government's reply to its previous request that appropriate measures will be taken, in due course, to give effect to the provisions of this Article. The Committee trusts that these measures will be taken in the very near future.

The Committee trusts that the Government will not fail to indicate in its next report the measures taken to give effect to the above-mentioned Articles of this Convention, which was ratified more than ten years ago.

*Peru* (ratification : 1962)

See paragraph 18 of the General Report.

*Uruguay* (ratification : 1954)

Further to its earlier observations, the Committee notes with satisfaction that, as a result of the direct contacts which took place between the competent national services and a representative of the Director-General of the ILO, the President of the Republic on 16 December 1971 approved Decree No. 851/971, which regulates medical examinations for young persons in non-industrial occupations in accordance with the provisions of this Convention.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States : *Algeria, Argentina, France, Guatemala, Iraq, Israel, Luxembourg, Paraguay, Uruguay.*

Information supplied by *Italy* in answer to a direct request has been noted by the Committee.

### **Convention No. 79 : Night Work of Young Persons (Non-Industrial Occupations), 1946**

*Dominican Republic* (ratification : 1953)

Further to its earlier observations, the Committee notes with interest that, as a result of direct contacts between the responsible national services and a representa-

tive of the Director-General of the ILO, a Bill has been drafted and submitted to the President of the Republic and subsequently to the National Congress, to amend section 224 of the Labour Code so as to bring it into conformity with the Convention.

The Committee trusts that this Bill will be adopted soon and requests the Government to inform it of the decision taken in the matter.

*Guatemala* (ratification : 1952)

Further to its earlier observation the Committee notes from the Government's report that a Commission on Labour and Social Welfare Legislation has been given the task of revising the Labour Code, and that, *inter alia*, the draft Code is to take full account of Article 6, paragraph 1 (*b*), of the Convention concerning the employer's obligation to keep a register of all young persons under 18 years of age in his employment.

It hopes that the Government will also take measures to ensure the identification and supervision of persons under 18 years of age engaged in employment in the streets or in public places, in accordance with Article 6, paragraph 1 (*c*), of the Convention and will report all developments in these fields.

*Israel* (ratification : 1953)

Further to its earlier observations, the Committee notes with regret that the Government's report contains no fresh information concerning the revision of section 25 (*e*) of the Act of 1963 concerning the employment of children, as amended, which permits the employment of young persons on shift work until midnight, whereas the Convention does not permit any such exception.

The Committee once again expresses the hope that the amendment in question will be adopted in the very near future.

*Peru* (ratification : 1962)

See paragraph 18 of the General Report.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States : *Bulgaria, Guatemala, Israel, Italy, Paraguay*.

**Convention No. 81 : Labour Inspection, 1947**

*Algeria* (ratification : 1962)

*Articles 20 and 21 of the Convention.* Further to its earlier comments, the Committee notes with interest the Government's statement concerning the establishment, within the Ministry of Labour, of a sub-directorate for occupational affairs, which will make it possible to compile and publish a general annual report on the work of the labour inspection services. As such a document has not been published for a number of years, the Committee trusts that this report, which is required under Article 20 of the Convention and should contain all the information required by Article 21, will be published and transmitted to the ILO in the near future.

*Argentina (ratification : 1955)*

*Article 14 of the Convention.* For a number of years, the Committee has been drawing attention to the need to supplement the national legislation so as to make the notification of occupational diseases compulsory, in accordance with Article 14 of the Convention, and a Government representative mentioned to the Conference Committee in 1964 a draft decree which would give effect to this Article. However, as neither of the last two reports of the Government contains any information as to action taken in this matter, the Committee trusts that the necessary legislative provisions will be adopted in the very near future.

*Articles 20 and 21.* The Committee has taken note of a number of reports in typescript on the work of the national inspection service and of various provincial services in 1970, which were appended to the Government's report on the application of the Convention. As the Committee has already pointed out in its observation in 1971, the central inspection authority is required, according to Article 20 of the Convention, to publish an annual general report on the work of the inspection services under its control. It is therefore the responsibility of the Ministry of Labour to prepare a general report giving all the information required by Article 21 of the Convention and providing a synthesis of the information supplied by its own services and the provincial inspection services. The Committee trusts that, within the framework of the reorganisation of the inspection services which has been going on since 1970, it will prove possible to take the necessary measures at an early date so that in future such a report can be regularly published and transmitted to the ILO.

*Austria (ratification : 1949)*

*Article 10 of the Convention.* In its observation of 1970, the Committee indicated that comments had been made by the Congress of Austrian Workers' Chambers to the effect that the number of labour inspectors was insufficient to ensure that workplaces were regularly inspected. In reply, the Government states that 79.1 per cent of the workplaces liable to inspection were inspected in 1968 and 80.6 per cent in 1969. It also refers to the difficulties encountered in the recruitment of technical inspectors with a high level of qualification, as a result of which the strength of the inspection service has remained stationary in recent years.

The Committee takes note of this information. It hopes that the Government will continue its efforts to resolve its recruiting difficulties by taking suitable measures to attract qualified personnel into the inspection service in sufficient numbers to ensure effective inspection.

*Brazil (ratification : 1957)*

1. Further to its previous comments, the Committee can only note that this Convention was denounced by Brazil in 1971.

2. The Committee has further duly noted the information given in the last report concerning the merging of the labour inspection services and the social welfare inspection services; this information throws useful light on certain points which had been raised earlier by the Committee.

3. The Committee also takes due note of the Government's statement in its report that it intends to continue to ensure the application of the Convention. The

Committee is prepared to examine any report which the Government may wish to submit on this subject in future.

*Bulgaria* (ratification : 1952)

*Article 20 of the Convention.* The Committee notes that the most recent report on the work of the Labour Inspectorate received in the ILO covered the year 1967. Since during the past ten years only two annual reports on the work of the inspection services have been transmitted to the ILO, the Committee recalls that Governments are, by virtue of Article 20 of the Convention, under an obligation to publish an annual report on the work of the inspection services within twelve months of the end of the year to which it relates and to transmit a copy to the ILO within three months of publication. It trusts that the reports for 1968 and 1969 will soon be received in the ILO and that in future such reports will be regularly published and transmitted to the ILO within the prescribed time limits.

*Ceylon* (ratification : 1956)

The Committee notes the information supplied by the Government in response to its observation and direct request of 1970.

*Article 6 of the Convention.* The Committee notes that so far there has been no change in the situation as regards the promotion prospects of labour inspection, concerning which the Labour Officers' Association sent certain comments to the ILO in 1968. It notes, however, that the Salaries Commission, which is still studying the question, has been informed of the Committee's interest in the matter, and it hopes that the Government will soon be able to report on the progress made towards ensuring that labour inspectors, as required by Article 6 of the Convention, enjoy conditions of employment and career prospects corresponding to their responsibilities and are protected against improper external influences. It hopes to receive copies of the final reports of the Salary Anomalies Committee and the Salaries Commission.

*Article 13, paragraphs 2 (b) and 3.* The Committee notes with interest that a draft amendment to section 44 of the Factories Ordinance to empower inspectors of factories to order measures with immediate executory force to be taken in cases of imminent danger is at present being examined by the Legal Draftsman. It hopes that this draft will soon be adopted so as to give full effect to these paragraphs of the Convention.

*Article 15 (c).* The Committee notes that the Bill requiring inspectors to treat as absolutely confidential the source of any complaint, in accordance with this Article of the Convention, has not yet been submitted to Parliament. As the Government has been referring to this Bill since 1965, the Committee trusts it will be adopted in the very near future and that a copy of the text will be transmitted with the next report.

*Chad* (ratification : 1964)

*Article 20 of the Convention.* Further to its previous direct requests, the Committee notes with satisfaction the report on the work of the Labour Inspectorate in 1970, which was published and transmitted to the ILO in accordance with Article 20 of the Convention.

*Cuba (ratification : 1954)*

*Articles 12 and 13, paragraph 2 (b), of the Convention.* Further to its earlier observations and direct requests, the Committee notes with satisfaction—from the information given by the Government to the Conference Committee in 1971 and also in its report—that the Regulations of 18 July 1967 concerning protection and hygiene in mines and quarries gives labour inspectors in mines the power of supervision required under Article 12, paragraph 1 (a) and (c) (ii), of the Convention, and the power to make orders with immediate executory force provided for in Article 13, paragraph 2 (b).

Consequently, the Committee hopes that provisions covering all sectors of economic activity can likewise be adopted soon so as to confer expressly on labour inspectors all the powers required under these Articles of the Convention, either by way of administrative regulations under the General Basic Rules concerning Industrial Protection and Hygiene, to which the Government refers, or within the framework of the Labour Inspection Regulations mentioned in earlier reports.

*Article 15 (c).* The Committee notes from the information supplied by the Government that no steps have so far been taken to apply this provision of the Convention. In view of the statement by the Government representative to the Conference Committee in 1971 that the matter was still being studied, the Committee trusts that this study will very soon lead to the inclusion in the legislation of a clause expressly referring to the absolutely confidential character of complaints made to labour inspectors.

*Article 20.* The Committee notes with regret that no annual report has yet been published on the work of the inspection services. As no such report has been transmitted to the ILO since the Convention was ratified, the Committee can only urge the Government once more to take the necessary steps to ensure that such reports are published and transmitted to the ILO as required by this Article of the Convention.<sup>1</sup>

*Dominican Republic (ratification : 1953)*

The Committee notes that the Government's report contains no information on the points raised previously. The Committee can therefore only recall once again the points on which information should be supplied or measures taken :

*Article 6 of the Convention.* According to the report for 1965-67, the Civil Service Act was to ensure stability of employment for officials of the labour inspection service and a statute for the inspection service was being studied. In view of the importance of this provision of the Convention, the Committee trusts that the draft texts in question will be adopted and enter into force as soon as possible.

*Article 7.* The Committee requests the Government to indicate the various training courses for labour inspectors to be organised, in pursuance of Ministerial Order No. 7/67, and to indicate the results thereof.

*Article 13, paragraphs 2 (b) and 3.* The Committee requests the Government to indicate what means of enforcement are available to inspectors in order to ensure that the measures with immediate executory force required in the event of

---

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 57th Session, and to report in detail for the period ending 30 June 1972.



imminent danger are effectively taken. Please also indicate any problems encountered in this connection.

*Article 14.* Regulation 56 of the Industrial Hygiene and Safety Regulations which, according to the Government, gives effect to this Article, only provides for compulsory notification in the case of *industrial accidents*. The Committee requests the Government to take the necessary action to ensure that notification of *occupational diseases* is also made compulsory.

*Articles 20 and 21.* In its report for 1965-67 the Government referred to Article 55 of the Dominican Constitution, which requires that each year Secretaries of State submit to Parliament a report on the activities of their administration for the past year. For the above Articles of the Convention to be fully applied, the report in question should contain all the information required under Article 21 and be communicated to the International Labour Office. The Committee therefore hopes that in future the reports on labour administration will be communicated to the ILO and will contain information on the work of the labour inspection services.<sup>1</sup>

*France (ratification : 1950)*

*Articles 20 and 21 of the Convention.* For some years, the Committee has been drawing attention to the Government's obligation, under Article 20 of the Convention, to publish annually a "general report" on the work of the inspection services, containing all the information required by Article 21. The last general report was published in September 1966 and covered the year 1964. Since then, the Government has appended to its reports on the application of the Convention certain statistical information regarding the work of the inspection service, but this was not published until April 1970, when some statistics for 1965, 1966 and 1967, corresponding to the items listed in Article 21, (c), (d) and (e) of the Convention, were published in "Statistiques Sociales". The most recent statistics received by the ILO refer to the work of the inspection service in 1968; these were published in January 1971, but are incomplete, as were those published in 1970.

Consequently, the Committee trusts that the Government will very shortly take the necessary measures to ensure that in future a general report on the work of the inspection services will again be published regularly within the time limits prescribed by the Convention.

*Ghana (ratification : 1959)*

*Articles 20 and 21 of the Convention.* The Committee notes that the most recent annual report of the Department of Labour to reach the ILO covered the year 1963-64. It recalls that, according to Article 20 of the Convention, the annual report on the work of the inspection services must be published within the twelve months following the end of the year to which it refers and must be transmitted to the ILO within three months after publication. The Committee trusts that the Government will take the necessary steps to ensure that in future these time limits are respected.

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 57th Session and to report in detail for the period ending 30 June 1972.

*Greece (ratification : 1955)*

Further to its earlier observations, the Committee has duly noted the annual report on the activities of the labour inspectorate in 1970, which was published and transmitted to the ILO within the time limits laid down in *Article 20 of the Convention* and which contained all the information required by *Article 21*.

*Article 12, paragraph 1 (c) (i) of the Convention.* Further to its earlier observations, the Committee notes with satisfaction, from the information given by the Government to the Conference Committee in 1970 and in its last report, that section 5, subsection 2 (b), of Legislative Decree No. 515 of 1970 concerning the hours of work of wage earners authorises the labour inspectors to interrogate the employers or the staff of the undertaking on any matters concerning the application of the legal provisions in force, as required by *Article 12, paragraph 1 (c) (i), of the Convention*.

*Articles 12, paragraph 1 (c) (iv), and 13.* The Committee notes with interest that a draft Legislative Decree to amend section 5 of Legislative Decree No. 515 of 1970 so as to give effect to *Article 13 of the Convention* (power of inspectors to make orders) will be submitted shortly to the Council of Ministers.

As the present wording of section 5 (b) of Legislative Decree No. 515 is too general to give effect to *Article 12, paragraph 1 (c) (iv), of the Convention*, the Committee hopes that the draft Legislative Decree mentioned above will also give inspectors power to take samples in accordance with this Article, and that it will be adopted in the near future.

*Guatemala (ratification : 1952)*

The Committee notes with regret, from the information supplied by the Government in reply to its observation of 1970, that no progress has been made in dealing with the points it has been raising for a number of years.

*Articles 14 and 15 (a) and (c) of the Convention.* Since 1957 the Committee has been drawing attention to the need to supplement the Labour Code so as to require notification of occupational diseases, in conformity with *Article 14 of the Convention*, and to prohibit labour inspectors from having any interest in the undertakings under their supervision and from revealing the source of any complaint brought to their notice, in accordance with *Article 15 (a) and (c)*. The Committee notes that the draft amendment to the Labour Code, which, according to information given by the Government from 1967 onwards, is to contain provisions in conformity with the above-mentioned Articles of the Convention, is still being studied by the National Congress. The Committee trusts that the legislative texts in question will be adopted in the very near future.

*Article 20.* The Committee notes that no report on the work of the labour inspectorate has been published or transmitted to the ILO since that for 1962-66. It recalls that, by virtue of this Article of the Convention, the Government is under an obligation to publish an annual report on the work of the inspection services within twelve months of the end of the year to which it relates and to transmit it to the ILO within three months after publication. It trusts that the Government will take

the necessary steps to ensure that in future the time limits laid down in the Convention are respected.<sup>1</sup>

*Guinea (ratification : 1959)*

*Article 13, paragraph 2 (b), of the Convention.* Since 1966, in reply to observations made by the Committee, the Government has been referring to a revision of the Labour Code designed to give labour inspectors power to make or have made orders requiring measures with immediate executory force in the event of imminent danger, as provided for by this paragraph of the Convention. The Committee notes, from the last report, that this revision has not yet been completed. It trusts that it will be completed very shortly and that the text of the amendments will be forwarded with the next report.

*Article 20.* The Committee regrets to note that, despite repeated assurances given by the Government, no annual report on the work of the inspection services has so far been received by the ILO. The Committee recalls that, under this Article of the Convention, an annual report on the work of the inspection services must be published within twelve months after the end of the year to which it relates, and that a copy must be transmitted to the ILO within three months after publication. It must once again urge the Government to take the necessary steps to have such reports published and transmitted to the ILO.

*Iraq (ratification : 1951)*

*Articles 20 and 21 of the Convention.* Further to its earlier observations and direct requests, the Committee notes with satisfaction that the annual report on the work of the labour inspectorate in 1970 was published, as required by Article 20 of the Convention, and that it contains all the information called for by Article 21.

*Article 12, paragraph 1 (c) (iv).* The Committee notes with interest, from the information given by the Government to the Conference Committee in 1971, that the regulations for the labour inspectorate will empower inspectors to take samples of materials and substances used, in accordance with this provision of the Convention. As this question has been raised by the Committee since 1960, it hopes that in the very near future the national legislation will be supplemented so as to give effect to this clause.

*Italy (ratification : 1952)*

Since 1970 the Committee has been examining comments received between June 1969 and March 1971 from various branches of the National Association of Labour Inspectors (ANIL) and from its national headquarters regarding in particular the application of Articles 6, 10, 11, paragraph 2, and 16 of the Convention, and the information supplied by the Government on the points raised in these comments.

According to ANIL, the labour inspectors do not receive sufficient remuneration having regard to the importance and difficulty of their duties, and the labour inspection service does not have sufficient staff, in view of the large number of workplaces subject to its supervision, to discharge its functions effectively. At the

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 57th Session and to report in detail for the period ending 30 June 1972.

54th (1970) Session of the Conference, the Government referred to two Bills designed to improve, one, the career prospects and the salary scales of all personnel employed by the State, and the other the mission allowances of labour inspectors, and it supplied information as to the number of labour inspectors and the frequency of inspection visits, while recognising the need to increase the number of technically qualified inspectors and make inspection more effective. In reply, ANIL stated that Decree No. 1077 of 28 December 1970 on the reorganisation of the careers of persons employed by the State had modified the salary scales of state employees without, however, improving the status of labour inspectors in keeping with their responsibilities, and that the Bill designed to provide for increased mission allowances had been rejected, while the sum paid at present did not cover all the expenses incurred.

The Committee has taken note of the statements made by Government representatives to the Conference Committee in 1971 and of the information supplied by the Government during the 1971 Session of the Conference and in its last report. As regards inspectors' conditions of service (Article 6 of the Convention) the Government states that the basic salary of labour inspectors is the same as that of other public officials of the same grade, and that their over-all remuneration is more favourable by reason of the bonuses from which they may benefit because of the special nature of their work. It adds that Decree No. 1077 has improved the career advantages and salary scale of labour inspectors in the same way as those of other officials, with certain supplementary career advantages for technical staff. In regard to the size of the inspection service staff and the effectiveness of supervision (Articles 10 and 16 of the Convention), the Government supplies detailed information on the number and qualifications of inspection service officials, from which it emerges in particular that the proportion of posts provided for in the budget which are actually filled has increased—for the two categories of staff which undertake inspection duties—from 57.2 per cent and 73 per cent in 1966 to 69.77 per cent and 91.18 per cent respectively in 1971, an increase which is stated to be greater than the increase in the number of workers subject to inspection. The Government also refers to certain measures for the internal reorganisation of the labour inspection services which have been taken since the beginning of 1971 with a view to increasing and strengthening the supervisory activities of these services.

The Committee notes this information with interest. It also takes note of the statement made by a Government representative to the Conference Committee in 1971, that despite recent improvements in the situation additional measures were still required to increase the effectiveness of labour inspection and that the Government was moving in that direction. It consequently hopes that the Government will in future indicate any further progress made in ensuring the full application of Articles 6, 10 and 16 of the Convention, with a view to attracting to, and retaining in, the labour inspection service a staff sufficient in quality and in numbers to carry out frequent and effective supervision of the workplaces liable to inspection.

In regard to the reimbursement of expenses incurred by inspectors in the performance of their duties (Article 11, paragraph 2, of the Convention) the Committee has noted that, while transport costs are fully reimbursed to inspectors who travel by public transport, other expenses incurred while on inspection visits are reimbursed by a fixed sum. According to the statement made by a Government representative to the Conference Committee in 1971, a new Bill regulating mission indemnities had been laid before Parliament. Since Article 11, paragraph 2, of the

Convention provides that any travelling and incidental expenses necessary for the performance of their duties shall be reimbursed to labour inspectors, the Committee hopes that the Bill in question will fix labour inspectors' mission indemnities so as to comply with this provision and that it will be enacted in the near future.

*Jamaica (ratification : 1962)*

*Article 15 (c) of the Convention.* Further to its previous direct requests, the Committee notes with satisfaction that staff circular AD.21 of 13 August 1970 instructs labour officers to treat as strictly confidential the source of any complaint and not to give any intimation to the employer or his representative that a visit of inspection was made as a consequence of the receipt of a complaint, thus giving effect to Article 15 (c) of the Convention.

*Article 12, paragraph 1 (c) (i).* The Committee notes from the Government's reply to its previous direct request that it is no longer proposed to adopt a formal provision empowering inspectors to interrogate alone, or in the presence of witnesses, the employer or the staff of an undertaking, since the provisions of the present legislation already empower inspectors to carry out "any inspection or inquiry" which they may consider desirable for ensuring the proper observance of the legislation. Since, as was already pointed out in the direct request of 1966, these provisions are drafted in terms too general to give effect to this very specific clause of the Convention, the Committee trusts that the Government will be able to re-examine this question with a view to including a provision in the national legislation giving full effect to Article 12, paragraph 1 (c) (i), of the Convention.

*Article 13, paragraphs 2 (b) and 3.* The Committee notes with interest that, with a view to giving effect to its previous direct requests, an application has been made to the competent authority to consider the adoption of provisions empowering labour inspectors to apply to a magistrate with a view to his ordering the immediate closure of a factory in cases of imminent danger to the safety of workers, in conformity with Article 13, paragraphs 2 (b) and 3, of the Convention.

*Article 14.* The Committee notes that the Draft Mining Regulations, which contain a provision requiring the notification of occupational diseases in mines, as required by Article 14 of the Convention, are still under consideration. It hopes that these draft regulations, to which the Government has been referring since 1965, will be adopted shortly.

*Article 20.* Following its previous observations, the Committee has taken note with interest of the reports of the Factory and Minimum Wage Inspectorates for 1963 to 1969, and of the reports of the Ministry of Labour and National Insurance for 1962, 1963 and 1964, and of the draft reports of this Ministry for 1965 and 1966. It notes from the Government's report for 1968-70 that the subsequent reports of the Ministry were in preparation. It hopes that the reports of the Ministry of Labour for the years 1965 and 1969 will be published shortly, and that in future the annual inspection reports will be published and communicated to the ILO within the time limits laid down by Article 20 of the Convention.

*Kenya (ratification : 1964)*

*Article 15 (c) of the Convention.* For several years the Government has been referring to a Bill requiring labour inspectors to treat as absolutely confidential the source of any complaint, as required by this Article of the Convention. The

Committee notes from the Government's reply to its previous observation that this Bill has not yet been adopted and that it will be submitted shortly to the competent authority. The Committee trusts that it will be adopted in the very near future.

*Lebanon (ratification : 1962)*

The Committee notes with regret that the Government's report has not been received. The Committee is bound, therefore, to repeat its previous observation, which was as follows :

*Articles 3, 10, 12 and 13, paragraphs 2 (b) and 3, of the Convention.* The Committee notes with interest from the Government's reply to its direct request of 1968 that plans for reorganising the Ministry of Labour and Social Affairs are under way, and will give full effect to Articles 3 and 10 of the Convention (by strengthening the staffing of the labour inspection service and confining the duties of inspectors to inspection work) and to Article 12 of the Convention (by defining in detail the powers of labour inspectors).

The Committee hopes that this scheme will soon be adopted and that it will also contain provisions empowering inspectors to make or to have made orders requiring measures with immediate executory force in the event of imminent danger to the health or safety of the workers, in accordance with Article 13, paragraphs 2 (b) and 3, of the Convention. It appears in fact that Articles 107 and 108 of the Labour Code, as amended by the Act of 17 September 1962, to which the Government report refers, do not confer the authority to order the immediate closing of an undertaking at risk, since the Director-General of the Ministry can take the decision to close down an establishment only if the safety measures ordered in the warning issued by the competent board have not been taken by the employer; this procedure necessarily implies a certain delay during which an imminent danger might materialise.

*Article 20.* The Committee notes that no report on the work of the inspection services has so far been received in the ILO. As, under Article 20 of the Convention, the annual report on the work of the inspection services must be published within twelve months after the end of the year to which it relates, and transmitted to the ILO within three months after its publication, the Committee hopes that the Government will not fail to carry out its intention, expressed in its report, to take the necessary steps to ensure that in future these annual reports are published and communicated to the ILO within the prescribed time limits.

*Mali (ratification : 1960)*

*Articles 20 and 21 of the Convention.* Further to its earlier direct requests, the Committee notes with satisfaction the annual report on the work of the inspection services in 1969, which was published and transmitted to the ILO within the time limits laid down in Article 20 and which contained all the information called for under Article 21 of the Convention.

*Mauritania (ratification : 1963)*

Further to its previous observations and direct requests, the Committee notes that the last report of the Government contains no information as to the measures taken, as a result of the direct contacts in October 1969, to give effect to the following provisions of the Convention.

*Article 13, paragraph 2 (b), of the Convention,* according to which the labour inspector must be empowered to make or to have made orders requiring measures with immediate executory force in the event of imminent danger to the health or safety of the workers.

*Article 19,* according to which the labour inspectors or local inspection offices must be required to submit to the central inspection authority periodical reports of a general nature on the results of their inspection activities.

*Articles 20 and 21*, according to which the central inspection authority must publish and transmit to the ILO, within certain time limits, an annual general report on the work of the inspection services under its control.

The Committee trusts that the necessary measures to give effect to these provisions will be taken at an early date.

*Morocco* (ratification : 1958)

*Articles 20 and 21 of the Convention.* The Committee notes the report on the work of the labour inspectorate for 1969 and 1970, which was appended to the Government's report on the application of the Convention. It notes that this report, like the previous inspection report, has not been published and covers a period of two years. Moreover, it notes that it is incomplete (it does not contain statistics of industrial accidents and occupational diseases as prescribed by Article 21 (f) and (g) of the Convention). Since, under Article 20 of the Convention, a report on the work of the labour inspectorate must be published each year, the Committee trusts that the necessary steps will be taken to ensure that future reports, containing all the information required under Article 21 of the Convention, will be published annually, as prescribed by the Convention.

*Pakistan* (ratification : 1954)

*Article 20 of the Convention.* The Committee notes that the last annual Report on the Working of Labour Laws received by the ILO covered the year 1966. It notes from the information supplied by the Government in its last report on the application of the Convention, in reply to the previous observation, that steps have been taken with the competent authorities with a view to ensuring that in future the annual reports on the activities of the inspection services are published and transmitted within the time limits laid down by the Convention. In view of the repeated assurances given on this subject by the Government in its previous reports, the Committee trusts that the Reports on the Working of Labour Laws for 1967, 1968 and 1969 have been published, that they will shortly be transmitted to the ILO and that in future the time limits laid down by the Convention will be respected.

*Panama* (ratification : 1958)

In its earlier observations and direct requests the Committee drew attention to the need for the adoption of laws or regulations to give effect to the following provisions of the Convention :

*Article 6* (stability of employment and independence of inspectors) ;

*Article 12, paragraph 1 (a) and (c) (i) and (iv)* (right of inspectors to enter freely at any hour of the day or night any workplace liable to inspection, to interrogate employers and staff and to take samples of materials and substances used) ;

*Article 13, paragraph 2 (b)* (right of inspectors to make or to have made orders requiring measures with immediate executory force in the event of imminent danger to the health or safety of the workers) ;

*Article 15 (c)* (duty of inspectors to treat as absolutely confidential the source of any complaint).

The Committee notes with regret that no report has been received, and that consequently no information is available, in reply to its earlier comments, as to the

position in regard to certain draft texts which were designed to take the Committee's comments into account (draft regulations for the staff of the administration and a Bill organising the Ministry of Labour and Social Welfare). The Committee has however been informed of the recent adoption of a new Labour Code, and it trusts that the Government will not fail to indicate what action has been taken to give effect to the above-mentioned provisions of the Convention, mentioning any changes that have been brought about in the situation as a result of the new Labour Code.

*Articles 20 and 21.* The Committee has taken note with interest of the annual report of the Ministry of Labour for 1969-70, which contains information on the work of the inspection services. Nevertheless, since this report does not give the information called for in clauses (a), (b), (c) and (g) of Article 21 of the Convention, the Committee hopes that in future all this information will be included in the annual reports on the work of the inspection services.<sup>1</sup>

*Peru (ratification : 1960)*

For a number of years, the Committee has been drawing attention to the need to confer on labour inspectors the powers provided for by Articles 12, paragraph 1 (a), (b) and (c) (iv), and 13, paragraph 2 (b), of the Convention, and to prohibit them from having any direct or indirect interest in the undertakings under their supervision, as required by Article 15 (a). The Committee notes from the Government's latest report that no measures to this end have yet been taken or envisaged. Thus Supreme Decree No. 003-71-TR of 12 July 1971, which contains provisions relating to labour inspection, does not take into account the comments made by the Committee and in particular reproduces, in section 7 (a), a provision relating to labour inspectors' rights of entry, to which the Committee had drawn attention as being insufficient to give full effect to the Convention. In these circumstances, the Committee recalls that at the present time the Convention is not fully complied with in the following respects :

*Article 12, paragraph 1 (a).* Section 7, subsection 1, of the Supreme Decree of 23 March 1938 and section 7 (a) of the Supreme Decree of 12 July 1971 empower labour inspectors to enter workplaces liable to inspection only during working hours, whereas under this provision of the Convention the right of entry must be available outside working hours as well.

*Article 12, paragraph 1 (b).* National legislation does not contain any provision empowering inspectors to enter by day any premises which they have reasonable cause to believe to be liable to inspection.

*Article 12, paragraph 1 (c) (iv).* National legislation does not contain any provision empowering inspectors to take samples of materials and substances used in the workplace.

*Article 13, paragraph 2 (b).* National legislation does not contain any provision empowering inspectors to make or have made orders requiring measures with immediate executory force in the event of imminent danger.

*Article 15 (a).* National legislation does not expressly prohibit inspectors from having any direct or indirect interest in the undertakings under their supervision.

---

<sup>1</sup> The Government is asked to report in detail for the period ending 30 June 1972.



The Committee trusts that the necessary measures will be taken very shortly to amend or complete the national legislation on these points.

*Articles 20 and 21.* In reply to the observation of 1970, the Government repeats its statement that, because of budgetary restrictions, the elements necessary for the publication of an annual report on the work of the labour inspection services—both in personnel and in material resources—are lacking. As no annual inspection report containing the information provided for by Article 21 of the Convention has been published since the Convention was ratified, the Committee trusts—in view of the importance of such a report—that the Government will take all necessary measures in order to ensure that this report is published very shortly and transmitted regularly to the ILO in accordance with Article 20 of the Convention.<sup>1</sup>

*Portugal (ratification : 1962)*

*Articles 20 and 21 of the Convention.* The Committee notes from the Government's reply to its previous observations that the annual report on the work of the labour inspection services for which provision is made, in conformity with Articles 20 and 21 of the Convention, in section 36 of the Labour Inspection Regulations, has not so far been prepared because it would have overlapped with reports published by other official bodies, which contain some of the information called for by section 36. The Committee also notes that steps have now been taken to ensure the publication of separate inspection reports for Portugal and for its overseas provinces.

The Committee would point out that, according to Article 20 of the Convention, the central inspection authority is required to publish and to transmit to the ILO within certain time limits an annual general report on the work of the inspection services under its control, and that the report must contain all the information listed in Article 21 of the Convention. The Committee expresses the hope that in future such reports will be prepared for Portugal and for its overseas provinces and will be published and transmitted to the ILO within the time limits laid down in the Convention.

*Sierra Leone (ratification : 1961)*

The Committee has noted the information supplied by the Government to the Conference Committee in 1970, and in its last report, in reply to the observation of 1970.

*Article 12 of the Convention.* The Committee notes that, with a view to giving effect to Article 12, paragraph 1 (c) (iv), of the Convention, it is proposed to insert in the Employers' and Employed Act and in the Wages Boards Act a provision empowering labour inspectors to take samples of materials and substances "likely to be harmful to the health or safety of workers". The Committee considers that this qualification constitutes a restriction on inspection rights which is not provided for by the Convention. Since this question has been the subject of comments for a number of years, the Committee trusts that the above-mentioned provision will be amended accordingly and enacted very shortly, and that similar powers will be conferred on inspectors of machinery under the Machinery (Safe Working and Inspection) Act.

---

<sup>1</sup> The Government is asked to report in detail for the period ending 30 June 1972.

*Article 15 (c).* The Committee notes that an amendment to the Wages Boards Act providing that inspectors must treat as absolutely confidential the source of any complaint had been sent to the Attorney-General in 1967 and was being examined by him. Since this question has been the subject of comments for a number of years, the Committee trusts that the aforementioned amendment will be adopted very shortly so as to give effect to this provision of the Convention, and that analogous provisions will also be introduced into the other legislative texts relating to labour inspectors.

*Articles 20 and 21.* The Committee notes that the last report on the activities of the labour inspection service received by the ILO covered the year 1967. It recalls that under Article 20 of the Convention the annual inspection reports must be published in the year following the end of the year to which they relate and transmitted to the ILO within three months of publication. It hopes that in future these time limits will be respected and that the annual inspection reports will contain all the information required under Article 21 of the Convention.

#### *Singapore (ratification : 1965)*

*Article 21 of the Convention.* Further to its earlier direct requests, the Committee notes with satisfaction that the annual report on the work of the labour inspection services in 1969 contains all the information required under this Article of the Convention, including the statistics of occupational diseases called for in clause (g).

#### *Tanzania (ratification : 1962)*

##### *Tanganyika.*

The Committee notes with regret that the Government's report has not been received. The Committee is bound, therefore, to repeat its previous observation, which was as follows :

*Article 12 of the Convention.* For several years the Committee has been drawing the Government's attention to the need to remove the restriction on the powers of labour inspectors imposed by section 9, subsection 2, of the Employment Ordinance, by virtue of which a labour inspector may not enter a place of work and carry out the inspections provided for in the Ordinance "unless the inspector has been previously authorised in writing by the Labour Commissioner". The Government has stated, in particular in 1963, that this restriction was explained by the lack of training and experience of the new inspectors recruited in the country, but that it was implementing a policy for the training of inspectors which should allow this limitation to be removed in due course.

The Committee notes that the Government's latest report, like the previous ones, merely indicates that the training of inspectors is being continued, and reaffirms the Government's intention to amend section 9 (2) of the Ordinance, in conformity with the Convention. The Committee wishes to recall that the restriction of the powers of labour inspectors which is provided for by section 9 (2) of the Employment Ordinance is not only inconsistent with Article 12 of the Convention, but also seems likely to have an adverse effect on the efficiency of the inspection work and the authority of the inspectors; the Committee trusts that in the present circumstances the Government will have no difficulty in taking the necessary action to abolish this limitation, and that the next report will give details of the steps taken towards this end.

*Article 20.* The Committee notes that the last annual report on the work of the labour inspection services received at the ILO dates from 1963. It recalls that under Article 20 of the Convention, such reports must be published within twelve months after the end of the year to which they relate, and be communicated to the ILO within three months after their publication; the Committee accordingly trusts that the Government will take the necessary steps to ensure that in future these reports are published and communicated within the prescribed time limits.

*Turkey (ratification : 1951)*

*Articles 20 and 21 of the Convention.* The Committee notes, from the information given by the Government to the Conference Committee in 1971 and in its last report, in reply to the Committee's previous observation, that a circular has been sent to the Regional Labour Directorates and that approaches have been made to the judicial authorities with a view to collecting the statistical data required for the publication of an annual report on the work of the inspection services. Since 1963, when the last report on these services, dealing with 1959, was published, the Government has referred to various steps taken to ensure the regular publication of such a report. The Committee therefore trusts that these steps will lead in the near future to the publication, within the prescribed time limits, of annual reports on the work of the inspection services, as required by Articles 20 and 21 of the Convention.

*Uganda (ratification : 1963)*

*Articles 12, paragraph 1 (c) (i), and 15 (c), of the Convention.* For several years, the Government has been referring to a Bill designed to give effect to Article 12, paragraph 1 (c) (i), of the Convention, which empowers labour inspectors to carry out interrogations in the course of their inspections, and to Article 15 (c) which requires them to treat as absolutely confidential the source of any complaint. The Committee notes with regret, from the Government's reply to its previous observation, that the Bill has not yet been adopted and is still being examined. It trusts that it will be adopted in the very near future and that the text will be sent with the next report.

*Article 20.* The Committee notes that the last report on the work of the labour inspectorate to reach the ILO deals with 1966. It also notes, from the Government's reply to its previous observation, that the reports for 1967, 1968 and 1969 will not be published. It trusts that in future the annual reports of the Ministry of Labour will be published regularly and transmitted to the ILO within the time limits laid down in this Article of the Convention.

*Yugoslavia (ratification : 1955)*

*Article 12, paragraph 1 (a), of the Convention.* The Committee notes that the last report of the Government does not contain any new element in reply to its previous direct requests, in which it pointed out that section 105 of the Basic Workers Protection Act, which authorises labour inspectors—competent to supervise the application of the provisions governing health and safety in employment—to enter undertakings liable to inspection during working hours, does not give full effect to this provision of the Convention, which does not limit the right of inspectors to enter premises at any hour of the day or night. The Committee trusts that the necessary measures will be taken—possibly as part of the general revision of the legislation to which the report refers—so as to ensure complete conformity with the Convention on this point.

*Article 12, paragraphs 1 (c) (i) and (iv) and 2, and Article 15 (c).* The Committee notes from the Government's reply to its previous direct request that, because of recent constitutional changes, it has not so far been possible to revise and codify the national legislation as planned, but that this will be done soon and that, on this occasion, the Committee's comments will be brought to the attention

of the competent authorities. The Committee hopes that the Labour Protection Act will soon be supplemented so as to confer expressly on labour inspectors the powers of supervision laid down by Article 12, paragraphs 1 (c) (i) and (iv) and 2, of the Convention and to require them to treat information as confidential as provided for by Article 15 (c) of the Convention.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States : *Algeria, Argentina, Austria, Barbados, Bulgaria, Cameroon, Chad, Costa Rica, Cuba, Cyprus, Denmark, Egypt, Finland, France, Federal Republic of Germany, Guyana, Haiti, India, Iraq, Ireland, Italy, Jamaica, Japan, Kenya, Kuwait, Lebanon, Luxembourg, Malawi, Malaysia, Malta, Mauritania, Netherlands, New Zealand, Nigeria, Norway, Pakistan, Peru, Senegal, Sierra Leone, Switzerland, Syrian Arab Republic, Turkey, Uganda, Venezuela, Republic of Viet-Nam, Yugoslavia, Zaire.*

Information supplied by *Greece, Israel* and *Spain* in answer to a direct request has been noted by the Committee.

**Convention No. 82 : Social Policy (Non-Metropolitan Territories), 1947**

A request regarding certain points is being addressed directly to *Guyana*.

**Convention No. 84 : Right of Association (Non-Metropolitan Territories), 1947**

A request regarding certain points is being addressed directly to *Somalia*.

**Convention No. 85 : Labour Inspectorates (Non-Metropolitan Territories), 1947**

*Niger*

The Committee notes with interest, from the reply to its previous direct request, that the Government proposes to ratify the Labour Inspection Convention, 1947 (No. 81), and that the procedure for this purpose will be set in motion in the very near future.

\* \* \*

In addition a request regarding certain points is being addressed directly to *Trinidad and Tobago*.

**Convention No. 86 : Contracts of Employment (Indigenous Workers), 1947**

A request regarding certain points is being addressed directly to *Singapore*.

**Convention No. 87 : Freedom of Association and Protection  
of the Right to Organise, 1948**

One member of the Committee, Mr. Gubinski, stated that he insisted on the fact that, as last year, he could not associate himself with the Committee's observations

regarding the application of the Freedom of Association Conventions in certain socialist countries since, in his opinion, account should be taken of the economic and social system existing in these countries. This statement was supported by another member of the Committee, Professor Lunz, who added that the appropriate approach would show the great positive role of the trade unions in many spheres of social life of the socialist countries, backed by their respective legislation, and the compatibility of the latter with the principles of Convention No. 87.

The Committee wishes to emphasise once again in this connection, as it has done since 1962, its opinion that "in compliance with its terms of reference, while noting the various political, economic and social conditions in different countries, it is not called upon to express any view concerning the systems of different countries, but simply to examine from a purely legal point of view, to what extent the countries which have ratified Conventions give effect in their legislation and practice to the obligations which derive therefrom". The Committee, in performing its functions in connection with Convention No. 87, applied the same criteria as in the case of all other Conventions.

#### *Argentina (ratification : 1960)*

The Committee notes the comments supplied by the Government in its latest report with regard to the Committee's observation concerning the rights granted to the most representative trade unions and the removal of trade union leaders by the public authorities.

The Committee had observed that the distinction made under Act No. 14455 between the most representative trade unions having trade union personality as such and other unions had the effect of conferring on the former a number of exclusive rights which, in practice, covered all normal trade union activities. In the Government's opinion, the more representative character of the associations with trade union personality justifies their playing a bigger part in relations with the State. The Government adds that if the same functions were conferred on associations that were less representative, trade union activity would thereby be weakened. The Committee considers that the fact of granting certain preferential or exclusive rights to the most representative organisations does not infringe the principles of freedom of association, but it is obliged to repeat that the privileges thus granted by law should not exceed, in particular, exclusive or preferential rights as regards collective bargaining, consultation with governments and representation in international organisations. The trade unions that do not have this character should be able to represent their members, particularly in the event of individual claims. Consequently, the Committee requests the Government to consider what measures it might take in the light of the previous observations.

As regards the observation made by the Committee concerning the removal of trade union leaders by the public authorities, the Government states that this is done by legislative means when incidents occur that are totally alien to the pursuit of occupational interests and are frequently of a subversive nature. In practice, the Government adds, its interventions have been short-lasting and have terminated with the free election of new leaders. In these circumstances, the Committee can only repeat that the removal of trade union leaders, in cases where violations of the legislation or of the union rules have been proved, as well as the appointment of temporary administrators, should be effected only through the courts, and it requests the Government to take the necessary measures to this effect.

*Bolivia* (ratification : 1965)

The Committee regrets to note that once again the Government's report has not been received.

The Committee recalls having noted in 1971 that Supreme Decree No. 7822 concerning trade unions, on which it had commented in a previous direct request, had been repealed by Supreme Decree No. 8937 of 26 September 1969. This latter Decree also establishes that provisions guaranteeing freedom of association and the free and democratic election of trade union leaders are to be drawn up with the participation of workers' organisations established at the national level.

In this connection, the Committee would draw the Government's attention to the comments made in its direct requests of 1967 and 1969 concerning trade union legislation. It again requests the Government to supply information in its next report on the measures taken, and on the legislation in force concerning trade unions.

*Byelorussia* (ratification : 1956)

The Committee notes the discussion in the Conference Committee in 1971, and also the report submitted by the Government, which contains no new information. The Committee observes that in the discussion in question reference was made to the future adoption of new Labour Codes in the Union Republics of the USSR. The Committee trusts that, with its next report, the Government will be able to send a copy of the new Labour Code of Byelorussia, so that the Committee can examine it. If so, the Committee would ask the Government also to indicate more particularly whether it is legally possible for workers belonging to a category to set up an organisation other than the trade union committee which represents that category ; whether it is legally possible for managers of undertakings to set up and to join trade unions other than those to which the workers in these undertakings belong ; and what are the trade union rights of members of, and other workers on, collective farms, and those of foreign workers.

*Central African Republic* (ratification : 1960)

The Committee notes with interest the information supplied by the Government to the effect that, on the one hand, the provision of the new draft Labour Code prescribing that officers of a trade union must have been engaged in the occupation concerned for a period of one year, was to be deleted in order to conform with the Convention and, on the other hand, that adoption of the draft Code presented no particular problem.

The Committee would be glad if the Government would be good enough to supply a copy of the new Code as soon it has been adopted.

*Congo* (ratification : 1960)

The Committee notes the Government's report and the discussion which took place in the Conference Committee in 1971 concerning the application of the Convention and, in particular, the statements made by a Government representative as to the scope and significance of Act No. 40/64 of 17 December 1964 which established a single trade union organisation.

The Committee notes with interest from the Government's report that it intends, after thorough study and after consulting the Congolese Trade Union Confederation, to propose to the Council of State the repeal of Act No. 40/64 and also that

of the supplementary Act No. 3/65 of 25 May 1965 ; the Government adds that, in any case, these texts cannot be repealed unless the workers' trade union organisations agree.

The Committee requests the Government to supply information on any measures taken to bring its legislation into conformity with the Convention on the various points to which it has drawn attention since 1968.

*Cuba (ratification : 1952)*

The Committee notes that the Government's last report contains no new information.

The Committee remains prepared to consider further the points raised in preceding years at such time as any new elements shall have been brought to its attention. The Committee would be grateful if the Government would keep it informed of any developments in this connection.

*Czechoslovakia (ratification : 1964)*

The Committee notes with regret that the Government's report has not been received. The Committee is bound, therefore, to repeat that it remains prepared to consider further the points raised previously once it has been provided with new information. Meanwhile, the Committee requests the Government to keep it informed of any developments in this connection.

*Dominican Republic (ratification : 1956)*

The Committee notes with regret that the Government's report has once again not been received. The Committee is bound, therefore, to repeat its previous observation, which was as follows :

With respect to the questions that gave rise to its comments which were repeated in 1969 in an observation and a direct request, the Committee notes the information given in the Government's report for 1968-69 concerning the appointment of a new committee responsible for studying the revision of the Labour Code. The Committee also notes the statement of the Government representative to the Conference Committee in 1969 to the effect that this committee had been set up two years before to consider improvements to the Labour Code, and had drawn up a report which was to be submitted to Congress, and that a tripartite committee has also been appointed with a view to advising on the proposed texts. The representative added that all the comments made by the Committee of Experts would be brought to the attention of these bodies and taken into account so that the Government would soon be in a position fully to meet its obligations regarding the application of the Convention.

In its previous direct requests and observations, the Committee has referred repeatedly to the situation of various categories of workers who are outside the scope of the Labour Code, such as public servants and other workers employed by the State, and various categories of agricultural workers. The Committee has also referred to sections 368 to 379 of the Code, the concurrent application of which might seriously restrict the right to strike.

In view of the statements made concerning the revision of the legislation, the Committee asks the Government to specify in its next report the action taken to ensure that persons not covered by the Labour Code enjoy full freedom of association, in conformity with Article 1 of the Convention, and to amend sections 368 to 379 of the Code so that they do not impair the rights guaranteed to trade unions by the provisions of Articles 3 and 8, paragraph 2, of the Convention.

*Egypt (ratification : 1957)*

The Committee notes with interest the information communicated by the Government in its report that a joint committee, on which the Ministry of Labour and the General Federation of Labour are represented, met several times in February 1971, and that work was in progress on a final draft of the amendments

proposed by this committee with regard to that part of the Labour Code dealing with trade unions. From additional information supplied by the Government the Committee notes that the proposals of this joint committee have now been submitted to the National Assembly.

The Committee notes, however, from the report, that the above-mentioned proposals do not take full account of all the points which it last raised in its observation of 1970, in particular regarding sections 182 and 183 of the Labour Code (which restrict the formation of more than one general federation) and sections 203, 205 and 232 of the Labour Code (which may lead to a denial of the right to strike).

The Committee also wishes to point out that the proposal to transfer to the General Federation of Labour the present prerogatives of the Ministry of Labour with regard to trade unions might lead to a situation where it would be legally or practically impossible to form trade unions not affiliated with the General Federation, thereby infringing the right of workers to establish and to join organisations of their own choosing (Article 2 of the Convention) and the right of such organisations to draw up their constitution and rules, to elect their representatives in full freedom, to organise their administration and activities and to formulate their programmes (Article 3).

The Committee trusts that full account of all the matters which it has raised in its previous and present observations will be taken in the revision of the Labour Code, and that the Government will supply information on the progress made in this connection.

*Greece (ratification : 1962)*

The Committee has examined the report of the Government, a communication supplied to the Conference Committee in 1971, the statement made by a Government representative to that Committee, a letter dated 18 March 1972 from the Government to the Director-General and has also been informed of the discussions on the matter which took place in the Governing Body.

The Committee recalls that in its previous observation it endorsed the recommendations made in its report by the Commission of Inquiry established to examine the observance by Greece of the freedom of association Conventions, and requested the Government to amend those provisions of Legislative Decrees Nos. 185 and 186 of 1969 which were not in conformity with Convention No. 87.

The Committee observes that the Governing Body of the ILO continues to keep under review the whole question of the effect given to the recommendations of this Commission of Inquiry and that it has had before it various communications from the Government indicating the steps which have been taken, or which it is proposed to take, to ensure conformity with the freedom of association Conventions.

The Committee notes with interest that two new legislative decrees concerning trade unions and their financing (Nos. 890 and 891, respectively) were promulgated in May 1971, the former having the effect of repealing Legislative Decree No. 185/1969, the latter repealing certain sections of Legislative Decree No. 186/1969. Having examined these new legislative decrees, the Committee makes the following observations. On certain other matters, the Committee is making a direct request to the Government.

*Articles 3 and 4 of the Convention.* The Committee of Experts and the Commission of Inquiry considered that sections 9 and 10 of Legislative Decree No. 185, which laid down occupational requirements for the holding of trade union office



and the remuneration of union officers, staff and legal advisers, were contrary to Article 3 of the Convention. These provisions, following the repeal of Legislative Decree No. 185, are no longer operative.

The Committee, however, notes that section 17 (3) of Legislative Decree No. 890 provides that a member of an executive committee of an occupational organisation or federation who has completed 15 years' continuous service in that capacity shall not be re-elected to office until five years have elapsed from the date on which he completed his 15 years' service. This period will commence to run from the date of commencement of the Decree. According to sections 14 and 31, only a person actually carrying on his occupation and trade (with limited exceptions) is qualified to hold trade union office. Under section 38, workers and employers shall cease to be members of their occupational associations (and thus be prevented from holding union office) as from the date on which they are pensioned off under a major insurance institution, and workers who, pursuant to Legislative Decree No. 185/1969, have retired from the executive committee of an organisation and are in receipt of a retirement pension or other benefit from the Auxiliary Fund for trade union officers and personnel, or from the Workers' Fund, or from both simultaneously, shall be considered as retired pensioners and shall not be entitled to be members of an occupational organisation. The Committee is of the opinion that these provisions, in so far as they restrict trade unions in the election of their representatives in full freedom, are not in conformity with Article 3 of the Convention.

The Committee, in accordance with the recommendation of the Commission of Inquiry, also requested the Government to give detailed information about any judicial decision interpreting or applying the provisions of section 6 of Legislative Decree No. 185 which provided, *inter alia*, that trade unions should be dissolved by order of the court if their purpose or activity was directed against the territorial integrity of the State or its security, or its political or social order, or the civil liberties of the citizen. From the statement made by a Government representative to the Conference at its 56th Session (June 1971), as well as from the information contained in the Government's report, it appears that no judicial decisions were taken applying this provision, which has now been repealed following the enactment of Legislative Decree No. 890.

The Committee notes, however, that sections 21 and 22 of Legislative Decree No. 795, which was promulgated in December 1970, provide for the suspension or dissolution of associations in circumstances similar to those envisaged in section 6 of Legislative Decree No. 185. The Committee, accordingly, repeats its request to the Government to supply information on any judicial decisions applying these provisions of Legislative Decree No. 795.

With regard to the system of financing trade unions introduced by sections 10 to 15 of Legislative Decree No. 186/1969, the Committee recalls that it was of the same view as the Commission of Inquiry that this system was not in conformity with the Convention. The Committee, however, notes that sections 10 to 15 of Legislative Decree No. 186 have been repealed and replaced by Legislative Decree No. 891 of 1971.

This decree provides for the setting up of an organisation known as the "Trade Union Special Fund Management Organisation" (ODEPES), the object of which is the financial support of all workers' occupational associations and federations which are lawfully active in the country, and the safeguard of the free exercise of trade union rights. This organisation shall be administered by a managing committee of seven members consisting of the chairman or, in his absence, the

Secretary-General of the General Confederation of Labour, and six workers' representatives elected for a two-year period by the chairman or secretaries-general of the lawfully active federations. According to this Decree, the assets of the organisation shall be made up, in particular, of 25 per cent of the annual income of the Workers' Fund. Trade unions shall be entitled to financial support from the organisation if they fulfil certain conditions laid down in the decree. Following the commencement of the activities of the new organisation on 1 January 1972, all collective agreements or arbitration awards respecting the check-off system for trade union dues and other modes of paying such dues to associations and federations ceased to have effect.

Having regard to the new provisions for the financing of trade unions, the Committee feels bound to express its regret that under the new system, unions are still basically dependent for their finances on the state-controlled Workers' Fund—the income of which is made up by compulsory contributions of all workers. The Committee would appreciate information concerning the means, if any, by which unions are allowed to collect contributions from their own members, and whether these means include check-off arrangements established by collective agreements.

While noting the Government's statement that trade unions are no longer dependent on the Workers' Fund, the Committee is of the opinion that the new system continues to be restrictive and can only repeat that any form of state control, either through the Workers' Fund or by any other form of direct or indirect intervention, should be abolished in order that the trade union movement may achieve the financial independence which is a prerequisite for the enjoyment of the guarantees laid down in the Convention.

In addition, the Committee notes that section 12 (2) of Legislative Decree No. 890/1971 lays down that all books, registers, accounts, etc., of a union shall be kept available for inspection *at any time* by the supervisory authority. In this connection, the Committee takes the view that such wide power conferred on the authorities is liable to lead to abuse and constitutes a risk of limiting the right of organisations to organise their administrations and activities without interference by the public authorities. The Committee considers that such control should be limited to exceptional cases where there are serious circumstances justifying this course, for instance, presumed irregularities in the annual statement of accounts or irregularities reported by members of the organisation.

Section 5 of the same decree prohibits organisations from becoming dependent upon a political party, or from becoming involved in activities having direct or indirect political aims. In this connection, the Committee considers that a prohibition in general terms of the engagement by trade unions in political activities could give rise to difficulties by reason of the fact that the interpretation given to the relevant provisions could, in practice, change at any moment and thus restrict the possibility of action of the organisation. It would therefore seem desirable that the Government should be able, without prohibiting political activities of organisations in general terms, to entrust to the judicial authorities the task of repressing abuses which might, in certain cases, be committed by occupational organisations which had lost sight of the fact that their fundamental objective should be the economic and social advancement of their members.

*Articles 5 and 6.* Section 2 of Legislative Decree No. 890 provides that at least five unions shall be required in order to constitute a federation, and at least five federations to constitute a confederation. Although section 2 qualifies this by

permitting the establishment of federations grouping together unions of the same branch of activity where five unions of the same branch do not exist, the Committee is of the opinion that legislation which requires a minimum number of organisations to form an organisation of a higher degree is incompatible with the Convention.

*Article 8.* In its previous observation the Committee, in endorsing the view of the Commission of Inquiry, had recalled the resolution concerning trade union rights and their relation to civil liberties adopted by the International Labour Conference in 1970, which states that the rights conferred upon workers' and employers' organisations must be based upon respect for those civil liberties which have been enunciated in particular in the Universal Declaration of Human Rights and in the International Covenant on Civil and Political Rights and that the absence of these civil liberties removes all meaning from the concept of trade union rights. In that resolution the Conference placed special emphasis on such rights as the rights to freedom and security of person, freedom from arbitrary arrest and detention, freedom of opinion and expression, freedom of assembly, the right to a fair trial by an independent and impartial tribunal and the right to protection of the property of trade union organisations. The Committee, noting that the Constitution of 1968 has not yet been fully brought into force and that the state of siege has not been lifted as regards the whole country, wishes again to recall the above principles, and to express the hope that the Government will, in the near future, be able to report that those rights which are essential for the normal exercise of trade union rights have been fully restored in Greece.

\* \* \*

The Committee trusts that the Government will supply information on any progress made to bring the legislation into full conformity with the Convention, and that steps will soon be taken to bring into force the remaining provisions of the Constitution and to repeal the legislation which maintains the existence of the state of siege in certain parts of the country.

#### *Guatemala (ratification : 1952)*

The Committee notes the Government's report and also the information given to the Conference Committee in 1971 and the statement made by a representative of the Government to that Committee.

1. In particular, the Committee notes with interest that the Ministry of Labour and Social Welfare considers that consideration should be given to the view that it would be desirable to remove from the legislation those provisions which are contrary to international standards and are liable to cause confusion. The Committee notes that the Council of State felt there was no obligation to keep amending the Labour Code on account of the ratification of international Conventions, which thus became part of internal law, and that the continuous incorporation of Conventions into the Code would create a sense of uncertainty as to what was basic labour law. The Committee, on the other hand, believes that the adoption of specific provisions to bring the legislation into line with ratified Conventions would be the best means of avoiding any uncertainty in the matter on the part of any of the persons concerned. In the meanwhile, the Committee thinks it would be a step forward if measures were taken along the lines suggested by the

Council of State, namely that, with a view to facilitating the application and consultation of Conventions ratified by Guatemala and thus becoming part of national law, it would be desirable "to incorporate these texts in a future edition of the Labour Code, indicating in the relevant chapters the sections which were linked up with such treaties and Conventions", and therefore suggesting to the executive that "it should arrange for a new edition of the Labour Code to be published along the lines suggested".

The Committee notes the statement of the Government representative to the Conference Committee that national legislation was being revised and that the Government intended to include in the new Labour Code provisions which were in conformity with the Convention, thus avoiding problems of its application. The Committee trusts that this revision will be completed soon and will take into account the comments it has made in previous years regarding section 222 (a) of the Code (prohibiting re-election of trade union leaders), section 211 (a) and (b) (government supervision of trade unions), section 226 (a) (dissolution of unions for intervening in electoral affairs or party politics) and section 211 (c) (prohibiting the establishment of minority unions in undertakings). The Committee requests the Government to indicate in its next report any progress made in this matter.

2. In its previous observation, the Committee indicated that it would be desirable for the Government to lay down specific standards concerning the trade union rights of workers employed either directly or indirectly by the State and who are excluded from the scope of the Labour Code and the Civil Service Law. The Committee notes that this observation was passed on to the competent authorities for consideration; it requests the Government, in its next report, to supply information on any measures taken in the matter.

3. As regards Decree No. 1786 of 1968, which prohibits recourse to strikes or to arbitration in respect of collective economic demands by the employees of autonomous or semi-autonomous state undertakings engaged in economic activities similar to those of private undertakings, the Committee must stress that this represents a serious restriction on the possibilities of action and on the activities of the unions concerned. The Committee recalls once again that, although the Committee on Freedom of Association of the Governing Body considered that the prohibition of strikes might be acceptable in the case of certain special categories of workers, it was referring particularly to civil servants and persons engaged in essential services. Moreover, the Committee has pointed out that it would not appear to be appropriate that all state undertakings should be treated on the same basis as regards restrictions on the right to strike, without distinguishing in the relevant legislation between those which were genuinely essential in that any interruption might cause public hardship, and those which were not essential according to that criterion. It should be added that, if strikes are prohibited for the workers in question, such prohibition should be accompanied by adequate, impartial and speedy conciliation and arbitration procedures in which the parties can take part at every stage. Consequently, the Committee again requests the Government to state in its next report what measures have been taken in the light of the above considerations.

4. With regard to section 63 of the Civil Service Law, which permits civil servants to associate freely for occupational purposes, the Committee notes that no regulations to give effect to this provision were issued during the period 1969-71.

The Committee trusts that the Government will, in the near future, issue the necessary measures to enable civil servants to exercise fully their trade union rights in accordance with the standards of the Convention.

5. The Committee notes Decree No. 31-71, which regulates certain trade union activities during a state of emergency and refers to the existence of another decree which suspended the operation of trade union activities. Decree No. 31-71 makes it possible (with the approval of the Ministry of Labour and Social Welfare) to extend the term of office of union leaders when it is impossible to hold union meetings because of a state of emergency, and authorises these leaders to undertake only activities connected with the termination or negotiation of collective agreements. The Committee realises that these provisions represent progress as compared with the decree under which it appeared that trade union activities in general had been suspended. Nevertheless, since the normal functioning of trade union organisations is still seriously affected, the Committee would draw attention to the desirability of taking steps to permit these organisations to engage in all legitimate trade union activities. The Committee requests the Government to be good enough to supply information in its next report on any measures taken to this end.

#### *Honduras (ratification : 1956)*

The Committee notes with regret that the Government's report has not been received. The Committee is bound, therefore, to repeat its previous observation, which was as follows :

With regard to the observation which it has repeatedly addressed to the Government over a number of years, the Committee notes the statement made in the Government's last report, confirming the need to review the various problems raised in the observation, in consultation with the workers' organisations. In view of the time that has elapsed without any progress being made, the Committee trusts that the Government will proceed without further delay to bring its legislation into conformity with the provisions of the Convention and that it will indicate in its next report what measures have been taken to this effect.

The following list indicates the points that have previously been raised, and, in addition, two others that have been the subject of direct requests by the Committee.

1. Harmonisation of sections 475 and 504 of the Labour Code with Article 2 of the Convention, to eliminate the requirement that at least 90 per cent of the members of a trade union must be Honduran workers.

2. Amendment of section 472 of the Labour Code, which provides, contrary to Article 2 of the Convention, that there should be not more than one trade union within any undertaking, institution or establishment, and that, where several trade unions exist together, only the one comprising the largest number of workers should be retained.

3. Amendment of section 510 (c) of the Labour Code, which provides, contrary to Article 3 of the Convention, that trade union leaders must, at the time of their election, be normally engaged in the occupation or trade represented by the union and have been normally so engaged for more than six months during the previous year.

4. Harmonisation of the following provisions with Article 4 of the Convention, which stipulates that workers' and employers' organisations shall not be liable to be dissolved or suspended by administrative authority:

- (1) sections 570 and 571 of the Labour Code, which provide that the Ministry of Labour and Social Welfare may, by order, impose sanctions which may go as far as the dissolution of a trade union which has engaged in or supported a strike not decided upon by the necessary majority;
- (2) section 500 (2) (b), under which trade union leaders responsible for infringements of the Code may be suspended by administrative authority; and
- (3) section 500 (2) (c), under which the Ministry of Labour and Social Welfare may temporarily withdraw the legal personality of a trade union responsible for infringements of the Code.

5. Harmonisation with Article 6 of the Convention of section 537, under which federations and confederations of trade unions have no right to declare a strike, and section 541, which prescribes that the leaders of federations or confederations must have been engaged in the occupation or trade concerned for more than one year before their election.

6. Amendment of section 2 of the Labour Code, to extend the right of association to workers belonging to agricultural or stockbreeding, undertakings not permanently employing more than ten persons, which would achieve compliance with Article 2 of the Convention.

7. Amendment of section 500 (5) of the Labour Code, which provides that any member of the Committee of management of a trade union who has caused the union to incur the sanction of dissolution may be deprived of the right of association in any form for up to three years, which is incompatible with Article 2 of the Convention.

### *Mauritania (ratification : 1961)*

The Committee must note that, following its observations and those of the Conference Committee, as well as the direct contacts established with the Government, the Government states in its report that the national legislation is presently being amended with a view to bringing it into conformity with the Convention.

The Committee requests the Government to indicate the amendments made to bring the national legislation into conformity with the Convention. It hopes that these amendments will take account of the points raised by the Committee in its previous direct requests (and which are again set out in a request communicated directly to the Government), with regard to sections 1 and 7 of Book III and sections 40 and 48 of Book IV of the Labour Code.

Furthermore, the Committee observes that, in terms of Act No. 70.030 of 23 January 1970, persons engaged in the same occupation, similar trades or related occupations concerned with the production of articles of a specified type, or exercising the same liberal profession, may freely form only one occupational trade union for each category of persons thus defined, and that every worker or employer shall be free to join the union for his occupation. It also appears to the Committee that only one trade union confederation is recognised and that no trade union which is not affiliated to this confederation is allowed to exist.

In this connection, the Committee feels bound to point out to the Government that *unification of the trade union movement imposed through state intervention* by legislative means runs counter to the principle embodied in Article 2 of the Convention according to which workers and employers shall have the right to establish and to join organisations of their own choosing.

The Committee has emphasised in this regard that there is a fundamental difference, with respect to the guarantees of freedom of association and protection of the right to organise, between a situation in which a trade union monopoly is instituted or maintained *by legislation* and the *factual situations* which are found to exist in certain countries in which all the trade union organisations join together *voluntarily* in a single federation or confederation, without this being the direct or indirect result of legislative provisions applicable to trade unions and to the establishment of trade union organisations. The fact that workers and employers generally find it in their interest to avoid a multiplication of the number of competing organisations does not, in fact, appear sufficient to justify direct or indirect intervention by the State, and, especially, intervention by the State by means of legislation.

The Committee trusts that account will be taken of the above considerations in the proposed amendments to the national legislation.

*Pakistan* (ratification : 1951)

The Committee notes with interest the information supplied by the Government to the Conference Committee in 1971 according to which a draft Government Servants (Staff Relations) Ordinance is currently under examination and that this Ordinance is aimed at the effective implementation of the Convention so far as government servants are concerned. The Committee hopes that this Ordinance will soon be brought into force and that copies of the Ordinance, as promulgated, will be supplied. The Committee is addressing a direct request to the Government concerning the draft Ordinance, of which a copy has been supplied by the Government.

*Peru* (ratification : 1960)

The Committee notes with interest the information supplied by the Government to the Conference Committee in 1971, according to which the Committee set up by the Government in 1970 to prepare draft labour legislation is considering, *inter alia*, questions raised in the observations made in connection with the application of the present Convention. The Committee also takes note of the statements in the Government's report regarding the constitution of two new workers' confederations and the right conferred on members of the teaching profession, under section 21 of the Education Act (No. 15215), to form trade union organisations for the defence of their occupational interests.

The Committee hopes that when the new labour legislation is drafted, full account will be taken of the comments made in previous observations and direct requests concerning the right to organise of public servants, workers in state enterprises and other categories of workers ; the minimum percentage of workers in an undertaking required to form a union ; the free election of trade union leaders ; the political activities of trade unions ; the establishment of unions representing an industry ; the constitution of federations without restriction as to the minimum number of trade unions or the branch of activity to which they belong ; and the exercise of the right to strike.

The Committee requests the Government to supply information on any developments in the matter.

*Poland* (ratification : 1957)

The Committee notes that the Government's last report contained no new information.

The Committee remains prepared to consider further the points raised in preceding years at such time as any new elements shall have been brought to its attention. The Committee would be glad if the Government would keep it informed of any developments in this connection.

*Trinidad and Tobago* (ratification : 1963)

The Committee observes that the Government's report contains no new information concerning the observations which it previously addressed to the Government. The Committee can, therefore, only repeat the matters which it mentioned in its previous observation as being contrary to the Convention. These were as follows :

Section 24 of the Civil Service Act, 1965, provides that for the purpose of recognition by the Minister an association formed pursuant to subsection (2)—or, by subsection (1), an existing

organisation—may not be representative of any class or classes of civil servants already represented by an appropriate recognised association nor may it admit to its membership a civil servant who is a member of an appropriate recognised association. Similar provisions are contained in section 72 of the Education Act, 1966; section 28 of the Fire Service Act; and section 26 of the Prison Service Act, 1965.

According to these provisions and to the information sent by the Government, it would appear that whenever a category of civil servants is already represented by an association, such civil servants may form or join other associations, but the latter would not have any right to represent their members.

The Committee considers that this legislation is not in conformity with Article 2 of the Convention, which establishes that workers shall have the right to establish and join organisations of their own choosing, and with Article 3, which guarantees the right of workers' organisations to organise their activities without the interference of the public authorities.

The Committee further considers that if the system of representation of a whole class of civil servants by a single association for purposes of consultation and bargaining is maintained, it would be necessary to establish adequate safeguards and objective criteria for the determination of the most representative associations entitled to carry out these functions. Such safeguards and criteria should include, in particular, the following: the representative organisation to be chosen by a majority vote of the employees in the unit concerned and the right of an organisation which failed to secure a sufficiently large number of votes to ask for new elections after a stipulated period.

The Committee also notes that as a result of sections 27 and 28 of the Fire Service Act, fire officers may form associations but may not be represented by the Civil Service Association nor by any other trade union recognised as a bargaining body for any class or classes of public officers immediately before the commencement of the Civil Service Act, 1965. Such provision is equally contrary to Article 2 of the Convention.

The Committee trusts that the Government will, at an early date, adopt appropriate measures in the light of the above observations so as to ensure full compliance with the provisions of the Convention.

#### *Ukraine (ratification : 1956)*

The Committee notes the discussion in the Conference Committee in 1971 and the report submitted by the Government. It observes that on 10 December 1971 a new Labour Code was adopted in the Ukraine, and it trusts that a copy will be sent by the Government with its next report, so that it can be examined by the Committee. The Committee would also ask the Government to indicate more particularly whether it is legally possible for workers belonging to a category to set up an organisation other than the trade union committee which represents that category; whether it is legally possible for managers of undertakings to set up and to join trade unions other than those to which the workers in these undertakings belong; and what are the trade union rights of members of and other workers on collective farms, and those of foreign workers.

#### *USSR (ratification : 1956)*

The Committee notes the report submitted by the Government and, more particularly, the statement made by the Government representative to the Conference Committee in 1971, in reply to an earlier observation. The Committee further observes that on 9 December 1971 a new Labour Code was adopted by the RSFSR and that on 27 September 1971 a Decree was issued to approve the Regulations on the Rights of Factory, Works or Local Trade Union Committees.

According to the statement of the Government representative, while, under sections 152 and 153 of the Labour Code of the RSFSR trade unions had to be registered with the Central Council of Trade Unions in order to operate legally, these provisions had not been operative for many years back. Consequently, ac-



according to the Government representative, the obligation to register had been eliminated from the Constitution of the trade unions in the USSR; there was no clause to this effect in the model statute adopted by the XIII Trade Union Congress in 1963. The representative also referred to Article 95 of the "Fundamental Principles governing the Labour Legislation of the USSR and the Union Republics" which state that trade unions do not require to register with any government authority, and he indicated that this reflected current practice.

The Committee notes with satisfaction that section 225 of the new Labour Code of the RSFSR of 1971 reproduces the wording of Article 95 of the Fundamental Principles and does not contain any other clause obliging a trade union to be registered with an inter-union organisation or with any other body.

In view of the adoption of the new Labour Code, the Committee is making a direct request to the Government on the following points on which it made detailed observations, the last occasion being in 1962, namely the right of workers to set up an organisation other than the trade union committee which represents the category to which they belong and the right to organise of managers of undertakings, of members of collective farms and of foreign workers.

As regards the other provisions, not contained in the Labour Code, which the Committee had considered as contrary to, or liable to be contrary to, the rights and guarantees laid down in the Convention, the Committee remains prepared to consider further the points raised in preceding years in the light of any new elements which should be brought to its attention.

#### *Upper Volta (ratification : 1960)*

In its previous observation the Committee noted that sections 223 and 230 of the Labour Code might in practice lead to a prohibition of strikes *in all cases*. It pointed out that a general prohibition of the right to strike applying to all workers would represent a considerable restriction on the action of organisations to further and defend the interests of their members (Article 10 of the Convention). The provision might therefore be contrary to Article 8, paragraph 2, of the Convention, which provides that "the law of the land shall not be such as to impair, nor shall it be so applied as to impair, the guarantees provided for in this Convention", including the right of unions to organise their activities in full freedom (Article 3). It therefore requested the Government to take the necessary measures to ensure the conformity of the legislation with the Convention in this respect.

In its latest report the Government states that a Bill to take account of the Committee's observations and to amend sections 223 and 230 of the Labour Code will be submitted to the National Assembly early in 1972.

The Committee notes this information with interest and requests the Government to forward with its next report the text of the Bill in question, or of the Act itself if it has already been promulgated.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States: *Austria, Botswana, Chad, Egypt, Gabon, Greece, Guatemala, Hungary, Liberia, Mauritania, Mongolia, Nicaragua, Pakistan, Panama, Trinidad and Tobago, USSR.*

**Convention No. 88 : Employment Service, 1948***Algeria* (ratification : 1962)

Further to its previous comments, the Committee has taken note of Ordinance No. 71.42 of 17 June 1971 for the organisation of the National Labour Office. It notes with interest that section 14 of the Rules of the Office provides for the setting up of a guidance council, which must study and advise on all matters concerning the operation and management of the Office. It hopes that this council will be established at an early date (Articles 4 and 5 of the Convention) and that representatives of employers and workers will be appointed to it in equal numbers, as required by the Convention.

*Argentina* (ratification : 1956)

Further to its earlier observation, the Committee notes from the Government's report that, within the framework of the plan for the decentralisation of the Employment Service, agreements have been concluded with several provinces (Chubut, Neuquén, Rio Negro, Santa Cruz and Tierra del Fuego) for the establishment of provincial employment services. It would ask the Government to state whether these services have already been established and to provide information as to the proposed development of the network of provincial services and as to the working and results of those already in existence.

The Committee regrets to note, on the other hand, that no other progress appears to have been made in the reorganisation of the Employment Service. As this reorganisation was referred to by the Government in its first report on the application of the Convention in 1958, the Committee trusts that the necessary steps will be taken in the very near future, so as to ensure the application of the Convention.

*Cyprus* (ratification : 1960)

The Committee thanks the Government for the information supplied in reply to its direct request. It also notes the information given to the Conference Committee in 1970, and the discussion which took place there regarding a communication of 1969 from the Federation of Turkish Trade Unions of Cyprus, according to which there are no public employment offices in the Turkish areas of the island and no representatives of Turkish employers or workers on the Labour Advisory Boards.

On the first point, the Government states that the location of employment offices has not changed since 1959, and that they are open to all Cypriot citizens without discrimination and that the establishment of offices in the Turkish sectors was made difficult by the attitude of the Turkish Cypriot community. On the second point, it appears from the discussion that representatives of the Turkish Cypriot workers take part in the work of certain joint bodies but not in the Labour Advisory Board. The Government states that this is due to the refusal of the parties concerned to participate.

As the problems mentioned above seem to fall within the more general context of the situation in Cyprus, the Committee can only express the hope that a solution to these problems can be found on the basis of an agreement between the various parties concerned and that future reports will show how matters have evolved in this respect.

*Dominican Republic (ratification : 1953)*

In its last report on the Convention, which covered the period 1967-68, the Government indicated that the advisory committees required under Articles 4 and 5 (including the National Advisory Committee on Employment for which provision had been made in Decree No. 574 of 5 May 1960) had not yet been set up. On the other hand, a Government representative informed the Conference Committee in 1971 that the question of the establishment of regional committees was being examined by the National Advisory Committee on Employment.

In view of the fact that for the second year in succession no report has been received from the Government, the Committee trusts that the Government will supply detailed information on any advisory committees, national or regional, that have been set up or are contemplated.<sup>1</sup>

*Guatemala (ratification : 1961)*

The Committee notes the information supplied by the Government in reply to its earlier observation.

*Article 3 of the Convention.* The Government states that it has not yet been able to establish the regional employment offices contemplated within the framework of the Highlands Development Programme because of a shortage of resources, but that a plan has been prepared for which the Government has requested assistance from the United Nations Special Fund. In this connection the Committee would point out that so far no employment office has been opened outside the capital ; it hopes that in the near future the Government will be able to report progress towards the establishment of a national network of employment offices, as required by this Article.

*Articles 4 and 5.* The Committee notes with regret that the report does not contain the information requested on the work of the Advisory Employment Council.

*Article 9.* The Committee notes that section 28 of the Civil Service Act makes provision for staff regulations for the various government services. It hopes that the regulations governing the staff of the employment service will soon be drawn up and that the Government will send a copy of the text, together with any other relevant information concerning the recruiting and status of that staff. The Government has also indicated that the national programme for training the staff of the labour administration service, including the employment service, was launched in January 1971. The Committee hopes that, in consequence, the information previously requested on the training of the staff of the employment service can now be supplied.

In this connection the Committee notes that the report refers also to a technical assistance mission of the ILO in 1970. It trusts that the results of this mission will contribute to the adoption of appropriate measures to give effect to the above-mentioned Articles, and also Articles 6, 7, 8, 10 and 11 of the Convention, to which the Committee has also referred in its earlier observations.

*Italy (ratification : 1952)*

The Committee refers to its earlier comments on the application of Article 4,

---

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 57th Session.

paragraph 3, of the Convention, the study of which it had postponed pending a decision on the representation made by the General Confederation of Italian Agriculture, in accordance with article 24 of the Constitution of the ILO, concerning the application of this Article of the Convention.

It notes that the Committee set up by the Governing Body to consider this representation submitted its report to the Governing Body in November 1971. It has taken note of this report, and also of the following points which emerge from the conclusions of that Committee.

The said Committee considered that any disparity of representation was contrary to the rule of equality of representation, which is laid down in absolute terms by Convention No. 88. It thought that, in view of the express terms of the Convention, inequality of representation in the committees of the Italian Employment Service could not be justified as a more favourable condition for the workers concerned on the basis of article 19, paragraph 8, of the Constitution of the ILO, since this clause in the Constitution had to be understood as applying to national provisions which went beyond the requirements of a Convention but did not conflict with them. The Committee also considered that these basic considerations were not affected by the argument that it was the Italian system as a whole which should be considered more favourable than that prescribed by the Convention since the representation of employers and workers was built into the Employment Service itself in the form of committees with powers of decision instead of their co-operation being limited to participation in advisory committees outside the service.

As regards the related question of committees having executive functions, the Workers' member of the said Committee considered that, in view of the different nature of these functions, the committees could be considered as bodies of a different kind from those contemplated by Article 4, and therefore were beyond its scope. On the other hand, the other two members of the said Committee were of the opinion that the fact that the committees had executive functions—which the Committee considered to be compatible with the Convention—did not mean that they were not the bodies envisaged by Article 4 of the Convention for associating employers and workers with the Employment Service and that there was no reason why equality of representation should not apply to such committees; the Employers' member indeed expressed the view that such equality was *a fortiori* necessary in such cases.

The Committee of Experts has taken note of the conclusions of the Committee as summarised above. It also notes that Italy denounced the Convention on 9 August 1971, the Government stating in doing so that it reserved the right to propose a revision of the Convention so as to make the principle of equality of representation a minimum guarantee which could permit more favourable treatment for the workers.

Finally, the Committee notes the comments submitted by the General Confederation of Italian Agriculture and the General Confederation of Italian Industry. In their comments, these organisations stressed particularly that equality of representation of the two social partners was a basic element in achieving the aims of general interest of the Employment Service. The General Confederation of Italian Industry further pointed out that it had made reservations regarding, *inter alia*, sections 33 and 34 of Act No. 300 of 20 May 1970 and regarding the Government's statement concerning the participation of employers' and workers' organisations in the realisation of employment policy, at least as regards certain aspects of the Employment Service.

*Peru* (ratification : 1962)

The Committee notes from the Government's reply to its observation in 1971 that the resources available at present do not permit the local offices in Trujillo, Arequipa and Huancaya to engage in placing activities.

The Committee recalls that, such being the case, there are only four employment offices in operation in the country (in the Lima-Callao area), and it trusts that in the near future measures will be taken to extend the placing functions of the Employment and Human Resources Service to the existing local offices and to other parts of the country, so as to give effect to Articles 1 to 3 of the Convention.

*United Kingdom* (ratification : 1949)

The Committee must note the denunciation of the Convention by the United Kingdom in 1971.

The Committee notes in this connection the Government's statement that the object of the denunciation is to ensure that the Convention does not preclude the development of the public employment services in directions which may make it both necessary and desirable to make charges to employers who benefit from them.

The Committee further notes, with interest, the Government's statement that in all respects except the charging of employers for special services the Government, in spite of its denunciation, will consider itself still bound by the Convention and will, on a voluntary basis, render the reports described in article 22 of the Constitution of the ILO. The Committee remains prepared to examine all future reports communicated for this purpose.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States : *Algeria, Belgium, Brazil, Canada, Colombia, Costa Rica, Cuba, Czechoslovakia, Egypt, Ethiopia, Iraq, Ireland, Libyan Arab Republic, Peru, Singapore, Sweden, Syrian Arab Republic, Tunisia, Venezuela.*

Information supplied by *Greece, New Zealand and Switzerland* in answer to a direct request has been noted by the Committee.

**Convention No. 89 : Night Work (Women) (Revised), 1948***Algeria* (ratification : 1962)

Further to its previous observations concerning section 22 (a) of Book II of the Labour Code (suspension of the prohibition of night work for women employed in undertakings working for national defence), the Committee notes with interest the Government's statement in the report that account has been taken of its observations in drafting the new Algerian Labour Code.

The Committee hopes that the draft will be adopted in the near future and will give full effect to the Convention.

*Costa Rica* (ratification : 1960)

The Committee notes with regret that the Government's report has not been received. The Committee is bound, therefore, to repeat its previous observation, which was as follows :

*Article 5 of the Convention.* Further to its previous observation concerning the discrepancy between section 88 (b) of the Labour Code, as amended (which empowers the Ministry of Labour to authorise night work for women employed in undertakings rendering services of public interest), and Article 5 of the Convention (which permits the suspension of night work, after consultation with the employers' and workers' organisations concerned, only "when in case of serious emergency the national interest demands it"), the Committee notes the Government's statement that within the framework of the current revision of the Labour Code steps will be taken to ensure its full compliance with this Article of the Convention.

The Committee trusts that the necessary measures will be adopted in the near future to ensure that any exceptions to the night work prohibition meet the requirements of Article 5 of the Convention.

*Lebanon (ratification : 1962)*

In an earlier direct request the Committee noted that the Government intended to propose amendments to section 26 of the Labour Code (which provides for a night rest period of nine hours only) so as to extend the period to conform with Article 2 of the Convention (which requires a night rest period of at least eleven consecutive hours).

The Committee notes that the report submitted in June 1971 contains no new information. It trusts that the Government will, in the very near future, take the necessary measures to give effect to Article 2 of the Convention.

*Libyan Arab Republic (ratification : 1962)*

Further to its previous observation, the Committee notes with satisfaction that section 96 of the Labour Act of May 1970 prescribes that night work for women is prohibited between 8 p.m. and 7 a.m., being a period of eleven consecutive hours, as required by Article 2 of the Convention.

*Netherlands (ratification : 1954)*

Further to its earlier observations, concerning the need to amend section 83 (7) of the Labour Act of 1919 so as to bring it into conformity with Article 4 (a) of the Convention (cases of *force majeure*), the Committee notes with satisfaction the adoption of Decree No. 224 of 25 March 1971 amending the Labour Act accordingly.

*Paraguay (ratification : 1966)*

The Committee regrets that no report has been received.

In its earlier comments the Committee noted that section 127 (d) of the Labour Code exempted from the prohibition of night work for women cases where "the nature of the work itself requires it to be executed at night and by women". Since such an exception, in so far as it applies to industrial undertakings, is not permitted under the Convention, the Committee hopes that in the near future the Government will take the necessary measures to amend this provision of the Labour Code.

*Philippines (ratification : 1953)*

Referring to its earlier comments, the Committee has taken note with interest of the information supplied by the Government in its report concerning the adoption, on 19 June 1971, of Act No. 6237, bringing the national legislation into line with Conventions Nos. 89 and 90. The Committee hopes that the text of this Act will be available in the near future.

The Committee also notes the Government's statement in its report to the effect that section 7 (b) of the Act of 19 June 1971 is to be amended again. The Committee hopes that the proposed amendment will take due account of Article 2 of the Convention, which defines "night" as signifying a period of at least eleven consecutive hours, including an interval of at least seven consecutive hours falling between 10 o'clock in the evening and 7 o'clock in the morning.<sup>1</sup>

*Yugoslavia (ratification : 1956)*

Further to its previous observations, the Committee notes the Government's statement in its report for 1969-71 that, in the course of the revision of the Labour Code, which is at present being considered, the comments of the Committee regarding the application of the Convention will be submitted to the competent legislative bodies so that they may regulate the matter more fully. The comments in question referred to the discrepancies between section 5 (3) of the Basic Labour Relations Act of 4 April 1965, which permits night work to be authorised "when justified by special circumstances of a public, economic, social, etc., nature" and Article 5 of the Convention, which permits such exceptions only "when in case of serious emergency the national interest demands it".

According to the Government's report, 426 authorisations were given during 1970 for night work by 50,000 women workers. While duly noting the Government's statement that it endeavours to restrict recourse to night work by women, the Committee observes that the corresponding totals for 1966 and 1967 were 37,500 and 35,500 respectively.

Consequently, the Committee can only reiterate its hope that the necessary measures will be taken in the near future to bring section 54 (3) of the Act and also national practice into conformity with Article 5 of the Convention.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States : *Algeria, Belgium, Brazil, Greece, Guatemala, Guinea, Iraq, Ireland, Italy, Kuwait, Libyan Arab Republic, Luxembourg, Republic of Viet-Nam, Zaire.*

**Convention No. 90 : Night Work of Young Persons (Industry) (Revised), 1948**

*Dominican Republic (ratification : 1957)*

Further to its earlier observations, the Committee notes with interest that, as a result of direct contacts between the responsible national services and a representative of the Director-General of the ILO, a Bill has been drafted and submitted to the President of the Republic and subsequently to the National Congress, to amend section 224 of the Labour Code so as to bring it into conformity with the Convention.

The Committee trusts that this Bill will be adopted soon and requests the Government to inform it of the decision taken in the matter.

---

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 57th Session and to report in detail for the period ending 30 June 1972.

*Greece (ratification : 1962)*

Further to its earlier observation, the Committee notes the information supplied by the Government in its report, to the effect that it contemplates legislative action to bring its legislation into conformity with the Convention. The Committee hopes these measures will be taken soon so as to ensure the application of the Convention on the following points.

*Article 2, paragraphs 1 and 2, of the Convention.* According to this Article, the prohibition of night work covers a period of at least twelve consecutive hours, including, in the case of young persons under 16 years of age, the interval between 10 p.m. and 6 a.m., whereas, according to section 6 of Act No. 4029 of 1912, the period during which night work is prohibited is of only eleven consecutive hours, including the interval between 9 p.m. and 5 a.m.

*Article 4, paragraph 2.* Section 7 of the Act does not limit the possibility of suspending the prohibition of night work "in case of emergencies which could not have been foreseen and which are not of a periodical character, or are the result of accidents" to young persons between 16 and 18 years of age, as required by the Article. Moreover, section 8 of the Act permits a reduction of the period during which night work is prohibited in "undertakings or for types of work in which there is regularly an increased demand for labour at certain periods of the year (seasonal activities) or in cases of an exceptional backlog of work", whereas such exceptions are not permitted by the Convention.

*Article 6, paragraph 1 (d) (organisation and maintenance of a system of inspection adequate to ensure effective enforcement) and paragraph 1 (e) (keeping by every employer of a register showing the names and dates of birth of all persons under 18 years of age employed by him).* The Committee also notes the Government's reply to its earlier comments to the effect that the provisions of Royal Decrees Nos. 235 and 289, Legislative Decree No. 1254 and the Decision of the Minister of Labour No. 9107 lay down a minimum age which ensures the application of the Convention in road transport undertakings. It requests the Government to state what corresponding provisions of the legislation apply to rail transport and airports, as covered by Article 1, paragraph 1, of the Convention.

*Guatemala (ratification : 1952)*

As regards the provisions of Article 6, paragraph 1 (e), see under Convention No. 79 the observation concerning Article 6, paragraph 1 (b) (register of young persons under 18 years of age).

*Haiti (ratification : 1957)*

The Committee notes with regret that the Government's report has not been received. The Committee is bound, therefore, to repeat its previous observation, which was as follows :

*Article 3 of the Convention.* The Committee has since 1960 drawn the Government's attention to the need for measures to bring the Labour Code (section 85 of which prohibits night work in industry for apprentices only) into conformity with Article 3 of the Convention (which requires such prohibition in respect of all young persons under 18 years). The Government explains in its report for 1969-70 that in practice minors under 18 years are not employed either in industrial or in commercial



undertakings. In these circumstances, the Committee trusts that the Government will have no difficulty in introducing the necessary legislative measures, to which reference was made for the first time in the report for the period 1959-60 in the context of a new draft Labour Law, and thus ensure that full effect will be given to the basic requirements of the Convention in the very near future.<sup>1</sup>

*Mexico (ratification : 1956)*

The Committee notes with satisfaction that section 175, II, of the new Federal Labour Act, which came into force on 1 May 1970, prohibits night work for young persons under 18 years of age in industry, in accordance with Article 3, paragraph 1, of the Convention.

The Committee also notes that section 60 of the new Act reproduces in substance the provisions of sections 68 and 71 of the Federal Labour Act of 18 August 1931, which defined the night as the period from 8 p.m. to 6 a.m., which means ten consecutive hours instead of the twelve prescribed in Article 2, paragraph 1, of the Convention. The Committee hopes that the Government will be able to remove this serious discrepancy between its legislation and the terms of the Convention.

*Netherlands (ratification : 1954)*

Further to its earlier observations concerning the need to amend section 83 (7) of the Labour Act of 1919 so as to bring it into conformity with Article 4, paragraph 2, of the Convention (cases of emergency), the Committee notes with satisfaction the adoption of Decree No. 224 of 25 March 1971, amending the Labour Act accordingly.

*Pakistan (ratification : 1951)*

The Committee notes that in its report the Government states, in reply to the Committee's observations, that the provisions of Article 3, paragraph 3, of the Convention (whereby young persons of 16 years employed in night work for purposes of apprenticeship or vocational training must be granted a rest period of at least thirteen consecutive hours between two working periods) and in Article 6, paragraph 1 (e) (which requires the employer of persons under 18 years of age to keep a register showing their dates of birth), have already been incorporated in the draft Mines Ordinance, 1970, and the draft Factories Ordinance, 1970.

The Committee trusts that the Government will adopt these draft texts in the near future so as to comply with the provisions of the Convention.

*Paraguay (ratification : 1966)*

The Committee regrets that for the third consecutive year no report has been received.

*Article 2, paragraph 1, of the Convention.* Section 122 of the Labour Code prohibits the employment at night of young persons under 18 years of age during a period of eleven consecutive hours, whereas the Convention prescribes a night period of twelve consecutive hours. The Government is requested to indicate the measures taken or envisaged in order to remove this discrepancy between the national legislation and the Convention.

*Article 2, paragraph 2.* Under section 122 of the Code, the night period during which all young workers under 18 years shall not be employed includes the hours

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 57th Session and to report in detail for the period ending 30 June 1972.

between 10 p.m. and 5 a.m. (a seven-hour interval); the Convention, however, requires, for young persons under 16 years of age, the inclusion in the night period of the interval between 10 p.m. and 6 a.m. (an eight-hour interval). The Government is requested to indicate the measures taken or envisaged with a view to bringing the national legislation into conformity with this provision of the Convention.

*Peru* (ratification : 1962)

See paragraph 18 of the General Report.

*Philippines* (ratification : 1953)

See under Convention No. 89.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States : *Costa Rica, Guatemala, Guinea, Israel, Lebanon, Mauritania, Yugoslavia*.

Information supplied by *Poland* in answer to a direct request has been noted by the Committee.

#### **Convention No. 91 : Paid Vacations (Seafarers) (Revised), 1949**

Requests regarding certain points are being addressed directly to the following States : *Israel, Netherlands, Poland, Portugal, Tunisia*.

#### **Convention No. 92 : Accommodation of Crews (Revised), 1949**

*Belgium* (ratification : 1962)

In its previous requests the Committee had drawn attention to the need of bringing the national legislation on the accommodation of crews into conformity with Article 10, paragraphs 1 and 2, Article 13, paragraph 2, Article 14, paragraph 1, and Article 15, paragraph 2, of the Convention. The Government had indicated in reply that the working group which had been studying the revision of the Maritime Inspection Regulations and which was in favour of measures to bring the national legislation into conformity with these Articles of the Convention, was nearing the end of its work. The Committee notes that the Maritime Inspection Regulations have not yet been amended, but that the preparatory work is practically completed. It trusts that the necessary amendments will be made at an early date to give full effect to the above-mentioned Articles of the Convention.

*Cuba* (ratification : 1952)

Further to its previous observations, the Committee notes both from the Government's report for 1969-70 and from the statement made by a Government representative to the Conference Committee in 1971 that the recently established Ministry of Merchant Shipping and Ports will stimulate research and studies leading to the adoption by the Government of the legislative provisions which should be adopted in view of the ratification by Cuba of the Convention.

As, according to the Government, the Convention is already implemented in practice, the Committee trusts that appropriate legislative measures will be taken at a very early date to give full effect to the various provisions of the Convention.

*Poland* (ratification : 1954)

Further to its previous observation the Committee notes from the Government's report that the draft regulations to give effect to the various Articles of the Convention (which, according to a statement by a Government representative in the Conference Committee in 1971, were already prepared and expected to be adopted shortly) are now being redrafted to take account also of the provisions of the Accommodation of Crews (Supplementary Provisions) Convention, 1970 (No. 133). Bearing in mind that Convention No. 92 was ratified as long ago as 1954, the Committee trusts that the Government will make every effort to issue the regulations in question in the near future.<sup>1</sup>

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States : *Costa Rica, Yugoslavia*.

**Convention No. 94 : Labour Clauses (Public Contracts), 1949**

*Austria* (ratification : 1951)

The Committee notes with interest, from the information supplied by the Government to the Conference Committee in 1970 and from its latest report, that Upper Austria puts into effect the Federal instructions concerning labour clauses in public contracts and that Vorarlberg has been asked to provide information immediately as to the steps it proposes to take to apply the Convention. The Committee also notes the Government's statement to the effect that the application of the Convention by municipalities can be ensured by means of instructions issued by the Federal and provincial authorities, which can supervise their application on the basis of the applicable laws and regulations in each case. It hopes that future reports will continue to contain information on the application of the Convention by provincial and local authorities.

*Brazil* (ratification : 1965)

In reply to the observation made in 1970, the Government states that, having studied the purpose of the Convention, it does not think it necessary to take new legislative measures, since the existing legislation is in conformity with the Convention in that all contracts entered into by the public authorities with private individuals—except as regards administrative formalities and specific financial and fiscal rules—are governed by common law standards and that, consequently, all the standards of labour and social welfare legislation are automatically applied to the workers employed by the contracting undertakings.

The Committee would stress in this connection—as it has had occasion to do in its comments concerning the application of this Convention and more particularly

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 57th Session and to report in detail for the period ending 30 June 1972.

in its General Observations in 1956 and 1957—that the basic obligation deriving from it is the inclusion in public contracts of appropriate clauses, according to Article 2 of the Convention, to ensure to the workers concerned wages, hours of work and other conditions of labour which are not less favourable than those established for work of the same character in the trade or industry concerned by collective agreement, arbitration or national laws or regulations. This obligation must be fulfilled even when national legislation on these matters exists and is applicable to all workers, since the legislation often prescribes only minimum conditions which can be improved upon by collective agreement. Similarly, the obligation to include appropriate clauses must also be observed when there are collective agreements governing the conditions of work in question, since those collective agreements may not be of general application. Finally, the inclusion of the labour clauses required by the Convention is an additional guarantee that the conditions of employment laid down by law or by collective agreement will be observed, because of the sanctions provided for by Article 5 of the Convention.

The Committee hopes that the Government will be good enough to re-examine the question in the light of the above observations and will take the necessary steps to ensure full compliance with the Convention.

#### *Burundi (ratification : 1963)*

The Committee notes the information and the two new Bills supplied by the Government. As the Government had already announced two earlier Bills in 1969, the Committee hopes that the present texts will be approved in the very near future and will ensure complete application of the Convention.

The Committee would also point out that, under Article 1, paragraph 4, of the Convention, the limit of expenditure below which the Convention will not apply to public contracts must be fixed after consultation with the organisations of employers and workers concerned, where such exist. In this connection the Committee notes that the draft legislative decree containing a provision for fixing such a limit does not mention—as is done in the case of the other drafts submitted by the Government—whether the National Labour Council was consulted in advance. It hopes that the Government will take the necessary steps to ensure the consultation required by the Convention on this point.

#### *Costa Rica (ratification : 1960)*

The Committee has noted from the Government's report for the period 1968-70 that the necessary steps had been taken for the promulgation of a new executive decree with a view to giving effect to the Convention, and that the following report would indicate the results achieved in this connection. The Committee notes with regret that the report due this year has not been received. It recalls that measures are necessary to ensure compliance with the following provisions of the Convention: Article 1, paragraph 1 (scope), Article 1, paragraph 2 (application to contracts awarded by authorities other than central authorities), Article 1, paragraph 3 (application to subcontractors and assignees), Article 2 (terms of the clauses to be included), and Article 5 (sanctions and other measures to ensure the observance and application of the provisions of the labour clauses).

The Committee hopes that the Government will inform it shortly of the measures taken to ensure the application of the Convention.

*Mauritania* (ratification : 1963)

The Committee recalls the direct contacts which took place in 1969 with regard to this Convention and notes with interest the information supplied by the Government to the effect that, after consulting the National Labour Council, the Council of Ministers adopted in January 1972 the proposals regarding Decree No. 65,049 of 25 February 1965 concerning public contracts, so as to bring it into conformity with the Convention. The Committee hopes that the Government will soon be able to state what action has been taken to ensure the application of the Convention, and more particularly its Articles 1, 2 and 5.

*Philippines* (ratification : 1953)

In its previous observation, the Committee had referred to the assurance given by a Government representative to the Conference Committee in 1970 that immediate steps would be instituted by the Government to implement the Convention fully through legislation and it regretted that the Government's report for 1969-70 referred neither to the new provisions which were to ensure full conformity with the Convention as regards public works contracts, nor to steps for the introduction of legislative measures regarding other types of public contracts (i.e. public contracts for the manufacture, assembly, handling and shipment of materials, supplies or equipment and for the performance or supply of services (Article 1, paragraph 1 (c), of the Convention)). A Government representative indicated to the Conference Committee in 1971 that the draft Bill to give effect to the Convention had not been adopted because of certain difficulties, including that of bringing together public contractors for hearings before the Labour Committee, but that every effort would be made to have this legislation enacted during the next session of Congress.

The Committee must note with regret that the Government's report has not been received and no further information is thus available on any progress in the matter. As observations have been addressed to the Government since 1956 regarding the manner in which the Convention is applied, the Committee can only reiterate the hope that, as stated before the Conference Committee in 1970 and 1971, immediate steps will be taken to ensure that the appropriate labour clauses are inserted in all public contracts as defined in the Convention, that the organisations of employers and workers concerned are consulted regarding the terms of these clauses, and that all the other provisions of the Convention are satisfactorily observed.<sup>1</sup>

*Turkey* (ratification : 1961)

The Government states in its report that it intends to hold consultations between the ministries concerned regarding the inclusion in public contracts of labour clauses in harmony with the requirements of the Convention, even in cases where legislation and collective agreements already exist.

In view of the fact that the Government stated to the Conference Committee in 1970 that the competent authorities would, in the very near future and in consultation with the employers' and workers' organisations, proceed to draft a decree providing for the inclusion of labour clauses in all public contracts in accordance

<sup>1</sup> The Committee is asked to supply full particulars to the Conference at its 57th Session and to report in detail for the period ending 30 June 1972.

with Article 1 of the Convention, and also for the posting up of notices concerning conditions of employment, the Committee trusts that appropriate measures will be taken in the very near future.

*Uruguay (ratification : 1954)*

The Committee notes with regret that the Government's report contains no reply on the following points which were raised in its earlier observation.

*Article 1, paragraph 1 (c) (ii) and (iii), of the Convention.* The Government stated in its previous report that these provisions of the Convention were fully applied. The Committee asks the Government to specify what measures exist to ensure the application of the Convention to contracts for the manufacture, assembly, handling or shipment of materials, supplies or equipment and for the performance or supply of services.

*Article 1, paragraph 3.* The Committee hopes that the Government will also indicate the measures which ensure the application of the Convention in respect of work carried out by subcontractors or assignees of contracts. It would point out that, even if subcontractors and assignees are subject to all the provisions of labour law, including the decisions of wage-fixing boards and collective agreements, specific provisions concerning respect for these provisions in carrying out public contracts are not superfluous, since they are a supplementary guarantee, backed by the sanctions mentioned in Article 5 of the Convention.

*Article 4 (a) (ii) and (iii), and (b).* The Committee hopes that the Government will state what are the exact provisions which require the posting of notices and will supply copies of such notices and also specimens of the records of time worked and wages paid.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States : *Barbados, Denmark, Finland, Ghana, Guatemala, Guinea, Malaysia (Sarawak), Morocco, Philippines, Syrian Arab Republic, Zaire.*

Information supplied by *Jamaica* in answer to a direct request has been noted by the Committee.

**Convention No. 95 : Protection of Wages (1949)**

*Afghanistan (ratification : 1957)*

The Committee notes that the Government has again stated, before the Conference Committee in 1971, that all the requirements of the Convention will be met by the draft Labour Law (see above, General Observation).

The Committee must therefore point out once again that the 1946 Regulations, the only relevant legislative provisions currently in force, do not ensure conformity with the Convention, particularly as regards Article 2 (scope) (the Regulations being applicable only to industry), Article 4 (remuneration in kind), Article 12 (2) (wage rights on termination of employment) and Article 13 (time and place of payment).

Accordingly, the Committee can only urge the Government to take early steps to ensure the full application of the Convention.<sup>1</sup>

*Barbados (ratification : 1967)*

*Articles 4 and 10 of the Convention.* The Committee notes from the Government's reply to its previous observation that the necessary legislation is being prepared to give effect to these provisions of the Convention (regulation of payments in kind, measures on the attachment or assignment of wages). It hopes that the legislation in question will be enacted soon and that the Government will supply a copy thereof.

*Egypt (ratification : 1960)*

The Committee notes with interest the information supplied in the report for 1970-71 in reply to earlier observations.

*Article 2 of the Convention.* As regards government employees, the report refers to Act No. 46 of 1964 promulgating the regulations governing civilian workers in government service and states that the Act is of general application in respect of the workers in the public service who are covered and that its provisions ensure the application of the Convention to such workers. As the Act of 1964 does not appear to guarantee the protection of wages for this group of workers, as required by the Convention, the Committee would be grateful if the Government would state what steps have been taken or are contemplated to give effect to the various provisions of the Convention in regard to these workers.

As regards temporary workers, who are excluded from the scope of Book II, Chapter II, of the Labour Code by section 88 (a), the Committee notes the statement in the report that amendments on this point are being considered in the new draft Labour Code. In this connection the Committee would point out that temporary workers are also excluded from the scope of Book I, Chapter III, by virtue of section 20 (a), and that for this reason they do not appear to be protected against deductions from wages for the purpose of obtaining or retaining employment (Article 9 of the Convention).

*Article 4.* The Government's report states that there are no clauses providing for the payment of wages in kind in the public sector, that such a system is non-existent in the private sector and, finally, that section 45 of the Labour Code prescribes payment in legal tender of wages and other sums owing to the worker. However, section 3 of the Labour Code appears to provide for the possibility of partial payment in kind (since the definition of wages in that section includes allowances in kind), and such payment is expressly permitted in certain types of work, such as in hotels, restaurants, cafés and bars (section 3, last clause); the Committee therefore reiterates the hope that the Government will take the necessary steps to regulate the payment of wages in kind, in accordance with paragraph 2 (a) and (b) of Article 4 of the Convention.

*Article 5.* With regard to the payment of wages directly to the worker, the Government refers to section 690 of the Civil Code, according to which employers must pay their workers on the date and in the place prescribed by the contract or

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 57th Session and to report in detail for the period ending 30 June 1972.

by custom. As these provisions seem to relate more to Article 13, paragraph 1, of the Convention (time and place of payment) than to Article 5, the Committee hopes that the Government will take the necessary steps to amend section 46 of the Labour Code and ensure that wages are paid directly to the worker.

*Greece (ratification : 1955)*

*Articles 4 and 7, paragraph 2, of the Convention.* The Committee notes with interest that (a) the Supreme Labour Council, to which the Government had referred the Committee's observations on the need to bring national legislation into line with the above Articles of the Convention (concerning payments in kind and control of prices in works stores), had unanimously given a favourable opinion, and that (b) the question had been referred to the competent authority for action. The Committee hopes that the new provisions will soon be adopted and will be in harmony with the Convention.

*Iraq (ratification : 1960)*

Further to its earlier observations, the Committee notes with satisfaction that the new Labour Code (Law No. 151 of 1970) takes account of Articles 2 and 4 concerning the scope of the Convention and partial payment of wages in kind.

*Libyan Arab Republic (ratification : 1962)*

Further to its previous observations, the Committee notes with satisfaction that the Labour Code of 1970 provides for the fuller application of the Convention, particularly as regards the following provisions : Article 3 (1) (payment of wages in legal tender) ; Article 5 (payment of wages directly to the workers) ; Article 7 (1) (prohibition of coercion in use of works stores) ; and Article 13 (time and place of wage payments).

*Paraguay (ratification : 1966)*

The Committee regrets to note that for the third year in succession the Government has failed to supply a report in reply to the Committee's previous direct request, which related to the following matters :

*Article 2 of the Convention.* The Committee notes that the division of the Labour Code dealing with tillage and stock-raising (Book I, Title III, Chapter 5, Division I) does not expressly specify that the general provisions of the Code are applicable to this sector, unlike the divisions dealing with other categories of workers, which contain explicit provisions to this effect (e.g. sections 143, 179, 184 and 185). Please indicate whether the Labour Code in general and, more particularly, the provisions regarding the protection of wages are applicable to agricultural and stock-raising work.

*Article 4, paragraph 1.* The Committee notes that section 232 of the Labour Code does not expressly prohibit the payment of wages in the form of liquor of high alcoholic content or noxious drugs, and that the prohibition laid down in section 187 covers only indigenous workers. Please indicate what measures are envisaged to prohibit in a general way the payment of wages in the form of liquor of high alcoholic content or noxious drugs, as required by the Convention.

*Article 7, paragraph 2.* The Committee notes that section 242, subsection 2, of the Labour Code contains no provision prescribing, in conformity with this Article of the Convention, that stores or services established in connection with an undertaking are not operated for the purpose of securing a profit but for the benefit of the workers concerned. Please indicate what measures are envisaged to bring the legislation fully into conformity with this provision of the Convention.



*Article 8, paragraph 2.* Please indicate the measures taken or contemplated to ensure that workers are informed of the conditions under which and the extent to which deductions from wages may be made.

The Committee trusts that the Government will make every effort to take the necessary action in the near future.

*Philippines (ratification : 1953)*

Further to its previous direct requests, the Committee notes with satisfaction that Republic Act No. 6129 of 17 June 1970 extends the wage protection provisions of the Minimum Wage Law to workers in retail and service enterprises employing not more than five employees.

*Syrian Arab Republic (ratification : 1957)*

*Articles 2 and 9 of the Convention.* The Committee notes with regret that the Government's report has not been received. In its previous observation the Committee noted that the proposed amendments to sections 20 (a) and 88 (a) of the Labour Code, which were to extend the protection of wages provisions of the Labour Code to casual workers and thus bring the national legislation into conformity with these provisions of the Convention, had not been adopted. The Committee trusts that the Government will make every effort to adopt the necessary amendments in the near future.

*Article 4.* See the direct request, made in 1971, on Convention No. 99 (payments in kind to agricultural workers).

*Turkey (ratification : 1961)*

*Article 2 of the Convention.* The Committee notes with satisfaction that, pursuant to its earlier direct requests, the new Labour Law of 25 August 1971 extends the scope of the labour legislation to apprentices over 18 years of age.

The Committee also notes that the new Labour Law continues to except tradesmen and small handicraft undertakings employing not more than three workers (section 5). It hopes that the favourable evolution of economic and social conditions pointed out by the Government in its report for 1968-70 will permit the elimination of this restriction in the near future.

The Committee notes the statement by the Government to the Conference Committee in 1971 in regard to the state of advancement of the draft Labour Law relating to agriculture and reiterates its hope, stated in its observation of 1971, that the legislation in question will be adopted shortly, and that it will be such as to ensure the protection of their wages to agricultural workers.

*Uganda (ratification : 1963)*

The Committee regrets that the Employment (Amendment) Bill, to which reference has been made since 1965, has not yet been submitted to Parliament. It can merely repeat the hope expressed in its earlier observation that legislative measures taking full account of its previous comments concerning Articles 2 (2), 4, 5, 6, 8 (1), 9, 12 and 13 of the Convention will be enacted in the very near future.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States: *Algeria, Argentina, Cameroon, Central African Republic, Colombia, Costa Rica, Cyprus, Guatemala, Guyana, Honduras, Iraq, Italy, Libyan Arab Republic, Malaysia, Niger, Nigeria, Philippines, Sierra Leone, Somalia (former British Somaliland), Turkey, Uruguay, People's Democratic Republic of Yemen (Aden).*

Information supplied by *Ecuador, Guinea and Malta* in reply to a direct request has been noted by the Committee.

### **Convention No. 96 : Fee-Charging Employment Agencies (Revised), 1949**

#### *Belgium* (ratification : 1958)

The Committee notes with interest, from the Government's reply to its previous direct requests, that the problem of temporary work is being studied in depth since the considerable expansion of this type of work in Belgium makes it necessary to adopt legislative measures in this field.

The Committee hopes that in preparing the proposed legislation or regulations, the Government will bear in mind the requirements of the Convention. Thus, while agencies falling within the scope of the Convention may be allowed to operate, this should be subject to the conditions laid down in Article 5, paragraph 1, of the Convention, and to the existence of regulations and penalties as prescribed in Article 5, paragraph 2, and Article 8 of the Convention.

The Committee hopes that the Government will continue to supply information on the progress made in regard to the proposed legislative measures.

#### *Bolivia* (ratification : 1954)

The Committee regrets that for the second year in succession no report has been received and recalls that the Government's last report, covering the period 1968-69, failed to reply to the Committee's direct request of 1968. It therefore hopes that a report will be supplied for examination at its next session and will contain full information on the matters which it is again raising in a direct request.

#### *Brazil* (ratification : 1957)

Further to its previous direct requests, the Committee notes that the Convention (of which the Government had accepted Part II) was denounced on 14 January 1972. It recalls in this regard that in an observation of 1969 it had expressed its satisfaction on the adoption of legislation designed to ensure improved compliance with the terms of the Convention, and had subsequently requested the Government to supply further information regarding the application of this legislation.

The Committee has been informed of the reasons given by the Government for its denunciation of the Convention. It notes with interest in this regard that, while it was not possible for the Government to fix a time-limit for the abolition of fee-charging agencies conducted with a view to profit as required by Part II of the Convention, such agencies are in fact regulated as provided for by Part III. In these circumstances, the Government may wish to consider what further action might be envisaged with regard to the Convention, taking into consideration the measures already in force within the framework of Part III thereof.

*Costa Rica (ratification : 1960)*

The Committee notes with regret that the Government's report has not been received. The Committee is bound, therefore, to repeat its previous observation, which was as follows :

The Committee notes from the reply to its direct request made in 1968 that intermediaries do from time to time, though not on a systematic or permanent basis, act as middlemen for the purpose of supplying workers for an employer, and that these activities, because they are carried out on a casual basis, do not appear to be prohibited by section 80 of the Organic Act of 1955. Under the terms of the Convention, however, such activities conducted with a view to profit are prohibited even if they are occasional or intermittent.

As regards the Government's reference to Articles 6 and 7 of the Convention, the Committee ventures to point out that they deal only with agencies *not* conducted with a view to profit. In connection with the Government's contention that middlemen come within the exceptions provided for by Article 5 of the Convention, the Committee points out that such exceptions must be made in respect of categories of persons exactly defined by national laws or regulations for whom the public employment service cannot make appropriate arrangements and that the intermediaries so excepted must be regulated in accordance with Article 5, paragraph 2.

The Committee would be glad if the Government would indicate in its next report the measures taken to ensure that the provisions of Article 5 of the Convention are complied with in respect of middlemen or to prohibit them from acting, even occasionally, as intermediaries between employers and workers in accordance with Article 3 of the Convention.

*France (ratification : 1953)*

The Committee takes note with interest of Decree No. 71-971 of 3 December 1971—issued in application of Act No. 69-1185 of 26 December 1969 relating to the placement of theatrical artists—which regulates the manner in which licences may be issued, renewed or suspended, in accordance with Article 5 of the Convention.

The Committee also takes note with interest of the publication on 3 January 1972 of Act No. 72-1 on temporary work. It recalls that the question of undertakings for temporary work had been the subject of an observation in 1970 and notes that the new Act provides for the protection of the rights of the workers concerned in such fields as contracts of employment, conditions of work, social security, workers' representation, participation in the benefits resulting from industrial expansion, vocational training, etc., that restrictions are imposed on the recruitment or placing of foreign workers abroad, that it establishes the responsibilities of the temporary work undertakings and of the utiliser, that the temporary work undertakings are required to make a declaration to the administrative authority, and that provision is made for supervision and penalties.

The Committee has also noted that during the debate on the Bill relating to temporary work in the National Assembly, the Secretary of State for Labour, Employment and Population indicated that after some experience had been obtained in the application of the Act, it would be possible to decide whether, in the light of that experience, amendments were necessary.

The Committee accordingly hopes that the Government will supply information (a) on any decrees issued in application of the Act ; (b) on the practical application, in the light of experience, of the Act of 3 January 1972, with special reference to any fields in which the supervision of temporary work undertakings

may have been found insufficient ; and (c) on any regulations governing activities whereby French workers may be made available to utilisers abroad (the new Act regulates such activities only as regards foreign workers).

The Committee also hopes that the Government will indicate in future reports what measures it may be considering with a view to supplementing the protection afforded under the Act by providing for further regulation and supervision of temporary work undertakings, on the lines indicated in Articles 5 and 8 of the Convention.

*Federal Republic of Germany (ratification : 1954)*

Further to its previous direct requests, the Committee notes with interest the information supplied in the Government's report concerning the activities of agencies which place temporary staff at the disposal of other undertakings. It notes in particular that it was decided in judgments of the Federal Constitutional Court and the Federal Social Court concerning the applicability of sections 35 and 37 of the Placement and Unemployment Insurance Act (now replaced by sections 4 and 13 of the Employment Promotion Act, 1969) to such agencies, that these may only supply temporary workers to undertakings if no placing activities are involved ; and that such placing activities are involved if the person or agency supplying the temporary worker does not assume the risks of an employer in full ; for the assumption of these risks, it is necessary that there should exist a genuine employment relationship between the agency and the worker which guarantees the latter's social protection, that this employment relationship should be of longer duration than the period for which the worker is made available to an undertaking and that the worker should be entitled to remuneration even if the agency cannot provide him with a mission.

The Committee further notes from the report that the above-mentioned judgments which appear to confirm that it is unlawful for agencies for temporary staff to act as intermediaries within the meaning of Article 1 of the Convention, form the basis of draft legislation for the regulation of such agencies which is designed to ensure, *inter alia*, that such agencies do not, under the guise of placing their employees temporarily at the disposal of other undertakings, in fact conduct placing activities, and provides in particular that there shall be a stable and lasting employment relationship between the agency and the worker.

The Committee would be glad if the Government would supply a copy of the legislation when it is adopted and provide information in future reports on its practical application.

*Guatemala (ratification : 1953)*

Further to its previous observations, the Committee notes with interest that, according to the Government's report, the draft reform of the Labour Code, which is at present being examined by the Labour and Social Welfare Committee of Congress, includes provisions relating to the total suppression of the system of private recruitment of workers for agriculture and its replacement by regional employment offices. The Committee trusts that the amendments to the Labour Code will be enacted shortly and will give full effect to the requirements of the Convention in regard to recruiting agents in agriculture.

The Committee points out in this connection that according to the terms of the present Labour Code, recruiting agents may operate in fields other than agriculture (for example sections 34 and 35 of the Code contain provisions relating to recruiters of Guatemalan workers for employment abroad) ; it hopes that the amendments being considered by the Government will also extend to recruiting activities in general. The Committee recalls in this regard that the Convention provides for alternative lines of action : such agents should in principle be prohibited under Article 3 ; if, however, appropriate placing arrangements cannot conveniently be made within the framework of the public employment service for any particular category of workers, an exception to the prohibition may be made in accordance with Article 5, paragraph 1, provided that the activities of the agents so excepted are regulated in accordance with Article 5, paragraph 2.

Finally, the Committee recalls that failure to comply with any new provisions adopted in this respect should be the subject of penalties in accordance with Article 8.

*Luxembourg* (ratification : 1958)

The Committee notes with interest, from the Government's reply to its previous direct requests regarding temporary work agencies, that a Bill concerning the reform of the National Labour Office contains a provision reaffirming formally that placing activities lie within the exclusive competence of the public employment service. It also notes that the question of possible exceptions under Article 5 of the Convention is still being considered.

The Committee hopes that the Government will continue to supply information on any developments which occur in this field. It also points out that, in so far as the Government may decide to authorise exceptions for certain categories of persons, these should be subject to the conditions laid down in Article 5, paragraph 1, of the Convention, and to the existence of regulations and penalties as prescribed in Article 5, paragraph 2, and Article 8 of the Convention.

*Norway* (ratification : 1950)

Further to its direct request of 1970 concerning the activities of agencies for temporary staff, the Committee notes with satisfaction that, by an Act of 18 June 1971 amending the Employment Promotion Act of 27 June 1947, no person is allowed to carry on activities with a view to placing persons employed by him at the disposal of a third party, but that exceptions may be granted to this prohibition subject to such conditions as are deemed appropriate by the Labour Department.

*Pakistan* (ratification : 1952)

See paragraph 18 of the General Report.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States : *Bolivia, Egypt, Finland, France, Libyan Arab Republic, Netherlands, Norway, Pakistan, Sweden, Syrian Arab Republic, Turkey.*

Information supplied by *Japan* in answer to a direct request has been noted by the Committee.

**Convention No. 97 : Migration for Employment (Revised), 1949***France* (ratification : 1954)

*Article 6, paragraph 1 (b), of the Convention.* Further to its previous comments, the Committee notes that the Government has maintained, both in the statement made by its representative to the Conference Committee in 1971 and in its report, that the conditions of nationality for the grant of a special birth allowance, known as a "maternity allowance" (provided for by section L 519 of the Social Security Code) are justified by the demographic considerations which inspired this allowance which, in spite of its inclusion in the family benefits scheme, is not intended, like other family benefits, to contribute to the upkeep of children.

The Committee, while it does not underestimate the scope and diversity of the efforts made for the reception of migrants, as set out in the report, once again expresses the hope that the Government will re-examine its position with a view to granting a maternity allowance to immigrants who are lawfully in the country. Although in the Government's view this allowance is inspired by demographic considerations, the Committee nevertheless considers that this allowance is one of the social security benefits designed to cover "family responsibilities" which must be granted without discrimination in respect of nationality under Article 6, paragraph 1 (b), of the Convention.

*Tanzania (Zanzibar)* (ratification : 1964)

In its comments made over a number of years, the Committee has asked the Government to take the necessary measures to extend the provision of medical attention to members of migrant workers' families authorised to accompany them, as required by *Article 5 of the Convention*.

No report having been submitted by the Government since 1965 the Committee has consequently no information as to the measures which may have been taken in this matter, or on the general situation of migrant workers. It, therefore, urges the Government not to fail to submit a report for consideration at the next session of the Committee, and trusts that the report will contain full information on the application of the Convention, and also on the question whether the majority of immigrants are still seasonal workers—as the Government stated in its first report—and whether these workers are accompanied by members of their families.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States : *Cameroon* (Western Cameroon), *Spain*, *Upper Volta*, *Yugoslavia*.

**Convention No. 98 : Right to Organise and Collective Bargaining, 1949***Byelorussia* (ratification : 1956)

See under Convention No. 87.

*Cuba* (ratification : 1952)

See under Convention No. 87.

*Dominican Republic (ratification : 1953)*

With regard to certain categories of agricultural workers, see under Convention No. 87.

*Greece (ratification : 1962)*

The Committee takes note of the information communicated by the Government to the Conference Committee in 1971, and confirmed by the Government in its report and in a letter dated 18 March 1972, that a draft legislative decree on collective bargaining will soon be brought before the Council of Ministers for adoption. According to the Government the effect of this decree will be to bring the legislation into conformity with the provisions of the Convention.

In its previous observation, the Committee made certain comments on the provisions of Legislative Decree No. 186/1969 establishing basic minimum membership and certain other criteria which had to be fulfilled by trade unions in order that they might be recognised as representative for the purpose of collective bargaining. The Committee recalled that the Commission of Inquiry established under article 26 of the Constitution of the ILO found that the effect of the basic membership requirement had been to reduce substantially the number of organisations capable of concluding collective agreements. Furthermore, the Committee considered that the criteria established by the legislation relating to an attitude of absolute independence towards any influence unrelated to the trade union objectives pursued by it and the activities developed within the limits of such objectives, were not sufficiently precise for their objective implementation.

The Committee trusts that the new legislative decree will be promulgated at an early date and that it will eliminate any divergencies which exist between the present legislation and the Convention. In this connection, the Committee also wishes to draw the attention of the Government to the comments made in a direct request in 1971 with regard to the approval by the authorities of collective agreements, as required by section 20 (2) of Act No. 3239 of 1955 as amended by section 8 of Legislative Decree No. 3755 of 1957.

The Committee requests the Government to supply information on the progress of the draft legislative decree, and to supply copies thereof when it has been promulgated.

*Japan (ratification : 1953)*

The Committee has taken note of certain observations communicated by the General Council of Trade Unions of Japan (SOHYO) and of the comments made by the Government concerning this information. The Committee proposes to deal with the questions raised by SOHYO in so far as they relate to Convention No. 98.

In its communication the General Council of Trade Unions of Japan refers to a productivity improvement campaign launched by the National Railway Authority in order to eliminate its financial deficit. According to SOHYO, the Authority had been conducting courses, during which the National Railway Workers' Union (Kokuro) and the National Railway Motive Power Workers' Union (Doryokusha) were accused of opposing the rationalisation programme of the Authority which involved the dismissal of 165,000 employees. After these courses, continues SOHYO, certain of the management personnel adopted anti-union policies and

used the productivity campaign as a means to canvass severance from the unions and even the disintegration of the unions. Furthermore, states SOHYO, the Authority does not observe normal labour practices in the workshop and disregards what has been confirmed either orally or in writing between the union and management. SOHYO refers, in particular, to instructions issued by the Chief of Personnel at one plant (OHI) in which non-renewal or repudiation of an agreement is encouraged where such an agreement is disadvantageous to the plant authority, and in which it is stated that where there is any opposition by a union to any suggestion made to it, no conditions suggested by the union should be accepted.

In its comments on the information supplied by SOHYO, the Government states that, as a result of the huge deficit in the finances of the National Railways, the Authority had, since 1969, conducted a productivity drive at the central and local levels. The unions had rigorously opposed the productivity drive and submitted complaints against unfair labour practices to the Public Corporation and National Enterprise Labour Relations Commission (KOROI) and to the competent court. The Government provides detailed information concerning the legislation and procedure relating to unfair labour practices, including acts of anti-union discrimination. With regard to the dispute in question, the Government states that the Minister of Labour, in an effort to settle the matter, arranged for voluntary talks between the unions and the President of the National Railways. The Government also indicates that agreement was reached on most of the cases of unfair labour practices brought before the KOROI. The productivity education, continues the Government, was postponed temporarily on 29 October 1971.

From the information supplied by SOHYO, the Committee observes that there are essentially two questions which call for examination, namely (a) acts of anti-union discrimination, and (b) unfair labour practices with regard to collective bargaining.

With regard to the former question, the Committee notes that the unions concerned have had recourse to the existing machinery for protection against acts of anti-union discrimination and that several decisions have been taken by the competent bodies in connection with the complaints. The Committee further notes that an agreement was reached on most of the cases of unfair labour practices.

The Committee hopes that the Government will continue to supply information regarding the steps taken to provide adequate protection to workers and unions against acts of anti-union discrimination, in accordance with Article 1 of the Convention and that it will supply full information on further developments regarding the dispute between the unions and the National Railways.

As regards collective bargaining, the Committee notes that, by virtue of Article 7 of the Trade Union Law, the refusal to bargain collectively without fair and appropriate reason is considered an unfair labour practice. The Committee also notes, however, that the Public Corporation and National Enterprise Labour Relations Law provides that matters affecting the management and operation of public corporations and national enterprises shall be excluded from collective bargaining. The Committee recalls that the Fact-Finding and Conciliation Commission on Freedom of Association concerning Persons Employed in the Public Sector in Japan drew attention in its report to the restrictions on the right of organisations to negotiate by the systematic removal of subjects from the scope of bargaining on the ground that they are matters solely for the decision of the employer. The Commission considered that questions such as personnel strength or manning and personnel transfers should not be regarded as outside the scope of collective bargaining conducted in an atmosphere of mutual good faith and trust.



The Committee hopes that the Government will examine the situation in the light of the above considerations and that it will continue to adopt all necessary measures to ensure the full development of voluntary collective bargaining, in accordance with Article 4 of the Convention. The Committee requests the Government to supply information on any measures taken in this connection.

*Poland* (ratification : 1957)

See under Convention No. 87.

*Singapore* (ratification : 1965)

Further to the comments made in its previous direct requests of 1969 and 1970, which the Government states have been noted, the Committee must again draw attention to the points raised therein regarding the Employment Act, 1968 and the Industrial Relations (Amendment) Act, 1968. The Committee had noted that section 7 of the Industrial Relations (Amendment) Act inserts a new section, 24A, in the Industrial Relations Ordinance whereby collective agreements made in certain new undertakings may not contain provisions more favourable than those in Part IV of the Employment Act, unless such provisions are approved by the Minister. In addition, sections 5 of the Industrial Relations (Amendment) Act and 46 (1) of the Employment Act impose a number of limitations on collective bargaining. The Committee considers that such limitation on and ministerial control over the areas of negotiation is not consonant with "the full development and utilisation of machinery for voluntary negotiation between employers or employers' organisations and workers' organisations with a view to the regulation of terms and conditions of employment by collective agreement" as provided for in Article 4 of the Convention. The Committee trusts that the Government will re-examine this legislation in the light of Article 4 of the Convention.

*Ukraine* (ratification : 1956)

See under Convention No. 87.

*USSR* (ratification : 1956)

See under Convention No. 87.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States : *Chad, Costa Rica, Ecuador, Egypt, Hungary, Jordan, Liberia, Libyan Arab Republic, Mongolia, Nicaragua, Panama, Portugal, Tanzania, Trinidad and Tobago, People's Democratic Republic of Yemen (Aden).*

**Convention No. 99 : Minimum Wage Fixing Machinery (Agriculture), 1951**

*Paraguay* (ratification : 1964)

The Committee regrets that for the fourth year in succession no report has been received. It trusts that a report will be supplied for its next session and will contain

full information on the matters raised in its previous direct requests, which it is bound to repeat once more.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States : *Hungary, Malta, Paraguay.*

### **Convention No. 100 : Equal Remuneration, 1951**

#### *Argentina (ratification : 1956)*

The Committee notes from the report of the Government, in reply to its earlier observations, that only 16 collective agreements out of the 281 which had been renewed as of 24 May 1971 provided for different rates of remuneration between men and women workers for work of equal value, whereas some other collective agreements contain clauses concerning equal wages for work of equal value.

The Committee notes that certain of the sixteen collective agreements containing expressly differing wage rates apply to sectors in which the proportion of women employed seems to be particularly high : tobacco, clothing, dry cleaning and cleaning industries and the oil, foodstuffs, meat and pork butchers' branches. As regards the new Collective Agreement No. 47/71, the Committee notes that the wording of section 64 is identical with that of section 66 of the renewed Collective Agreement No. 29/70, on which it had already commented ; this agreement prescribed different wage categories and wage rates for male and female workers, putting women as a group at the bottom of the wage scale, below the level of male labourers. The mere renewal in section 64 of Collective Agreement No. 47/71 of section 66 of Collective Agreement No. 29/70, without removing these explicit disparities in employment groups and in rates of remuneration, does not meet the requirements of the Convention, which are based on the assumption that considerations of sex must not be among the criteria or factors entering into the fixing of wages.

The Committee requests the Government to supply fuller information as to the measures taken or contemplated to ensure the application of the principle of equal remuneration in sectors and industries employing large numbers of women, and more especially to change those clauses of collective agreements which still differentiate expressly between the wages of women workers and those of men. It would be glad if the Government would supply copies of the collective agreements for industries employing large numbers of women, and also of the above-mentioned agreement No. 47/71, together with fuller information as to the steps which the Government proposes to take to promote an objective appraisal of jobs on the basis of the work to be performed (Article 3 of the Convention).

#### *Haiti (ratification : 1958)*

The Committee notes with regret that no report has been supplied by the Government since 1967 in reply to its previous observations.

The Committee is therefore compelled to renew its previous comments in which it has since 1968 invited the Government to supply copies of all decisions of the Higher Wage Board, fixing minimum rates of remuneration in accordance with section 39 of the Schedule to the Labour Code.

The Committee hopes that the information requested will indicate the measures taken or proposed to this end.<sup>1</sup>

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States : *Chad, Ecuador, Israel, Jordan, Libyan Arab Republic, Luxembourg, Mongolia, Nicaragua, Norway, Panama, Turkey, Upper Volta.*

Information supplied by *Egypt*, in answer to a direct request has been noted by the Committee.

### **Convention No. 101 : Holidays with Pay (Agriculture), 1952**

*Cuba* (ratification : 1954)

*Article 2 of the Convention.* See under Convention No. 52.

*Senegal* (ratification : 1952)

See under Convention No. 52.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States : *Algeria, Central African Republic, Colombia, Gabon, Italy, Madagascar, Mauritania, Peru, Upper Volta.*

Information supplied by *Poland*, in answer to a direct request, has been noted by the Committee.

### **Convention No. 102 : Social Security (Minimum Standards), 1952**

*Belgium* (ratification : 1959)

*Part VI, Employment Injury Benefit.* Further to its previous comments, the Committee notes with satisfaction that the Act of 24 April 1971 has made insurance against industrial accidents compulsory.

*Denmark* (ratification : 1962)

*Part IV of the Convention—Unemployment Benefit.* The Committee notes with regret that the Government's reports for the period 1968-70 and for the period ending 30 June 1971 contain no information concerning the application of this Part of the Convention, and that accordingly no reply has been given to its earlier requests with respect to Articles 22 (rate of benefit) and 24 (in relation with Article 69 : cases where benefit may be suspended) of the Convention. The Committee is bound, therefore, to raise the matter again in a new request addressed directly to the Government.

<sup>1</sup> The Government is asked to report in detail for the period ending 30 June 1971.

*Federal Republic of Germany (ratification : 1958)*

Further to its previous comments, the Committee notes the statement of the Government representative at the Conference in 1971 and the information given by the Government in its report concerning the following points.

*Part II. Medical Care—Articles 10 and 12 of the Convention.* The Government states that, according to the jurisprudence of the Federal Social Insurance Tribunal, the sickness insurance funds may no longer refuse hospitalisation—by virtue of the discretionary power conferred on them by the Social Insurance Code—when that is the only means of diagnosis or treatment. The Government also gives information as to the expenditure incurred by the sickness funds for such hospitalisation and indicates once more its intention of amending the legislation by means of the third Sickness Insurance (Amendment) Act so as to establish a formal right to hospitalisation in the light of the above-mentioned jurisprudence.

*Part XIII. Common Provisions—Article 69 (e) and (f).* The Government also states that it intends, under the third Sickness Insurance (Amendment) Act, to bring section 192 of the Social Insurance Code (which authorises the suspension of sickness benefit when the sickness is due to the insured person having culpably taken part in a brawl) into conformity with the Convention (which limits the possibilities of suspension to cases of criminal offences or wilful misconduct of the person concerned).

The Committee hopes that these changes will be made, as the Government indicates, before the end of the present legislative period in 1973 and requests the Government to report what measures are taken to this end.

*Mexico (ratification : 1961)*

1. *Part VI (Employment Injury Benefit—Article 34, paragraph 2 of the Convention.* Further to its previous comments, the Committee notes with satisfaction that section 487 of the new Labour Act of 2 December 1969 defines the medical care to which victims of employment injuries are entitled, and that a description of this care is also given in the regulations for the medical services of the Mexican Social Security Institute, a copy of which the Government supplied.

2. *Parts II (Medical Care), III (Sickness Benefit), V (Old-Age Benefit), VI (Employment Injury Benefit), IX (Invalidity Benefit) and X (Survivors' Benefit—Articles 9, 15, 27, 33, 48, 55 and 61 (Scope).* Further to its previous comments, the Committee notes that the fragmentary statistical data supplied in the Government's report do not make it possible, over ten years after the Convention came into force, to determine whether the number of protected persons reaches the percentages required by each Part for which Mexico has accepted the obligations of the Convention. The Committee deals with this point in greater detail in a new direct request. It expresses the hope that the Government will pursue the efforts already made to extend the scope of its legislation and that, in its next report, on the basis of all available statistics, it will supply the information called for by the report form.

*Yugoslavia (ratification : 1964)*

*Part IV : Unemployment Benefits, Articles 21 and 22 of the Convention.* Further to its previous comments, the Committee notes with regret from the Govern-

ment's report for 1968-70 that it has not been thought possible, in the course of the recent amendments to the Unemployment Insurance Act, to delete the clauses authorising a reduction in unemployment benefit according to the means available to the beneficiary and his family during the contingency covered. The Committee therefore feels obliged to return to the question and to express once more the hope that it can be reconsidered by the Government in connection with the present general revision of the social security system, so that the national legislation can be brought into complete harmony with the Convention, which only permits the granting of unemployment benefit to be made subject to an income criterion when protection is extended to *all residents* (and not only to certain categories of employees, as in the case in Yugoslavia). However, the Convention does authorise a certain flexibility in other respects (paragraph 4 of Article 24) in the case of seasonal workers, and this flexibility might help to meet certain difficulties, having regard to the structure of the national labour force as described by the Government in its reports.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States : *Austria, Denmark, Federal Republic of Germany, Italy, Mexico, Netherlands, Senegal.*

### **Convention No. 103 : Maternity Protection (Revised), 1952**

*Austria* (ratification : 1969)

In its first report on the application of the Convention the Government refers to a communication it has received from the Austrian Chamber of Workers ; a request is being addressed to the Government, *inter alia*, on this matter.

*Brazil* (ratification : 1965)

*Article 4, paragraph 8, of the Convention.* Further to its earlier observations, the Committee notes from the Government's report for 1968-70 that the Bill which was intended to prescribe the payment of maternity benefit under the social welfare system and thus bring national legislation into conformity with the above-mentioned provision of the Convention (under which an employer may in no case be individually liable for the cost of such benefits due to women employed by him), has been approved by the Minister of Labour and Social Welfare and is now being considered by the Ministry of Planning and General Co-ordination.

The Committee hopes that the draft will be adopted in the very near future and that the Government will not fail to report all progress made to this end.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States : *Austria, Brazil, Ecuador, Luxembourg, Mongolia, Uruguay.*

### **Convention No. 104 : Abolition of Penal Sanctions (Indigenous Workers), 1955**

Requests regarding certain points are being addressed directly to the following States : *Liberia, Nigeria.*

**Convention No. 105 : Abolition of Forced Labour, 1957***Central African Republic (ratification : 1964)*

In previous observations and direct requests the Committee had noted that, according to paragraph 4 of the Constitution of the national movement "MESAN", approved by Act No. 63-411, every active citizen must belong to the MESAN movement and must respect its political line and the decisions taken by its executive bodies. Under section 4 of the Act, anyone who constitutes or attempts to constitute any other party, movement, group, association or organisation of a political character may be sentenced to imprisonment for up to one year (involving, by virtue of section 62 of Order No. 2,772 of 18 August 1955, an obligation to perform labour). Sentences of imprisonment involving compulsory labour may also be imposed upon any person engaging in political activities in any form whatsoever outside the MESAN movement (section 5 of Act No. 63-411, read together with sections 2, 4 and 5 of Act No. 64-20 of 6 May 1964).

The Committee had expressed the hope that the Government would take measures in regard to the above-mentioned provisions to ensure that, in accordance with Article 1 (a) of the Convention, no form of forced or compulsory labour (including compulsory prison labour) might be imposed as a means of political coercion or as a punishment for holding or expressing political views or views ideologically opposed to the established political, social or economic system.

In its last report the Government states that political detainees, political agitators and persons convicted on account of their political opinions are not subjected to forced labour, but are placed under house arrest or interned in disciplinary establishments. The Committee observes however that, in the information communicated to the Conference Committee in 1971, the Government, while providing similar indications with regard to political detainees and political agitators, stated that "persons sentenced by the judicial authorities are subject to forced labour, in accordance with the provisions of section 4 (c) of the Labour Code". The Committee also observes that, by virtue of section 62 of Order No. 2772 of 18 August 1955, an obligation to perform labour is imposed on all persons sentenced to imprisonment (except those serving sentences not exceeding one month). Accordingly, persons sentenced to imprisonment for violating Acts Nos. 63-411 and 64-20 would be subject to this obligation.

The Committee is bound to point out once more that the imposition of forced or compulsory labour (including compulsory prison labour) for engaging in any political activity outside the MESAN movement or constituting any other group or association of a political character is contrary to Article 1 (a) of the Convention. It hopes that measures will be taken at an early date to ensure the observance of the Convention in this regard.

With reference to Article 1 (b) of the Convention, see under Convention No. 29.

*Cuba (ratification : 1958)*

*Article 1 (b) and (c) of the Convention.* See under Convention No. 29.

*Dominican Republic (ratification : 1958)*

The Committee notes with interest, from the information provided in the Government's report on Convention No. 29, that sections 270 and 271 of the

Penal Code, containing provisions relating to the repression of vagrancy by administrative authorities which appear incompatible with Conventions Nos. 29 and 105, are to be repealed, and that it is also proposed to amend Act No. 3134 of 11 December 1951, under which imprisonment (involving compulsory labour) may be imposed in certain circumstances for failure to perform work by the agreed date or within the time necessary for its execution, contrary to Article 1 (c) of Convention No. 105. The Committee hopes that measures to eliminate the existing discrepancies between the above-mentioned legislative provisions and the Convention will be adopted at an early date.

The Committee regrets that no information has been supplied in regard to the other matters raised in its previous comments, concerning the imposition of penal labour for purposes falling within Article 1 (a) and (d) of the Convention by virtue of the following provisions :

- (a) sections 2 and 3 of Act No. 1443 of 14 June 1947, prohibiting publications, meetings (whether public or private) and groups or associations aimed at propagating theories or views incompatible with the civil, republican, democratic and representative character of the Government of the Republic ;
- (b) the provisions of the Labour Code making strikes illegal in a number of cases and imposing imprisonment as a penalty for contravention of such prohibitions (sections 370, 373, 374, 640, 678 (15) and 679 (3)).

The Committee once more expresses the hope that the Government will take the necessary measures in relation to the above-mentioned provisions to ensure that no form of forced or compulsory labour may be imposed by virtue thereof for any of the purposes mentioned in Article 1 of the Convention.

The Committee regrets that the Government has again failed to supply information on the practical application of a number of legislative provisions, which has been repeatedly requested by the Committee. It is once more addressing a direct request to the Government on these matters, and trusts that full information thereon will be supplied.

*El Salvador (ratification : 1958)*

In direct requests and observations since 1964 the Committee has drawn the Government's attention to a number of provisions of the Penal Code (sections 139A to 139C and 139E to 139G) and of Legislative Decree No. 876 of 27 November 1952 (sections 1 (7), (15) and (16), 3 and 4) by virtue of which penalties involving an obligation to perform labour may be imposed on persons advocating certain doctrines. The Committee had expressed the hope that the necessary measures would be taken in relation to these provisions to ensure that, in accordance with Article 1 (a) of the Convention, no form of forced or compulsory labour might be used as a means of political coercion or as a punishment for expressing political views or views ideologically opposed to the established political, social or economic system.

In 1969 and again in 1970 the Conference Committee was informed by the Government that the above-mentioned observations had been brought to the attention of the Ministry of Justice and of the committee which was considering the revision of the Penal Code, with a view to the deletion of the relevant provisions of the Penal Code.

The Committee notes the Government's statement in the latest report that these provisions have never been applied in practice but that it remains the Government's intention to remove them from the national legislation. The Committee hopes that the necessary repealing legislation will be adopted at an early date.

*Greece (ratification : 1962)*

Referring to its previous observations concerning the suspension of a number of constitutional guarantees, the Committee notes from the Government's report that during the period 1 July 1970 to 30 June 1971 the constitutional guarantees relating to freedom from arbitrary arrest and detention and the right of assembly subject to conditions laid down by law were brought into force. It appears, however, that the constitutional provisions concerning freedom of expression and of the press and freedom of association and to form political parties are still not in force. The Committee notes that the Government has not indicated the measures taken to ensure that these restrictions do not lead to the imposition of forced or compulsory labour (including labour exacted as a consequence of a conviction in a court of law) in circumstances falling within the scope of the Convention. The Committee hopes that the next report will contain specific information on this matter.

The Committee has further taken note of fifteen legislative decrees adopted at the end of December 1970, copies of which were communicated by the Government, and which relate, *inter alia*, to public meetings, associations and unions, political parties and states of siege. A number of comments concerning these texts are addressed to the Government in a direct request.

In direct requests previously addressed to the Government, the Committee referred to a number of provisions of the Penal and Disciplinary Code of the Merchant Marine which authorised the imposition of a sentence of imprisonment (involving, by virtue of the legislation on the prisons, an obligation to work) for certain disciplinary offences. It pointed out that, in so far as the offences concerned did not relate to acts affecting the safety of the ship or persons on board, these provisions were incompatible with Article 1 (c) of the Convention, which prohibits any form of forced or compulsory labour as a means of labour discipline.

The Committee notes that a new Penal and Disciplinary Code of the Merchant Marine has been brought into force by Legislative Decree No. 654 of 1970. It regrets to note that this Code contains provisions essentially corresponding to those which were the subject of its earlier comments. It hopes that the necessary measures will be taken to bring Legislative Decree No. 654 of 1970 into conformity with the Convention, with due regard to the more detailed comments addressed to the Government in a direct request.

*Guatemala (ratification : 1959)*

For a number of years the Committee has addressed comments to the Government on various matters relating to the application of Article 1 (a) and (b) of the Convention. The Committee notes from the Government's report that these comments are still being considered by the competent authorities. The Committee trusts that full information on the measures taken to ensure the application of the Convention in regard to these matters will be available for examination at its next session.<sup>1</sup>

<sup>1</sup> The Government is asked to report in detail for the period ending 30 June 1972.



*Guinea (ratification : 1961)*

1. *Organisation for Work Centres of the Revolution.* In previous observations, the Committee had referred to Decree No. 416/PRG of 22 October 1964. This decree provided for the establishment of an "Organisation for Work Centres of the Revolution", aimed, *inter alia*, at ensuring the rapid liquidation of the technical and economic underdevelopment of the Republic (section 1). By virtue of section 2, all persons between 16 and 25 years (both male and female) are members of this organisation. Provision is made for the organisation of members in work brigades in the countryside and on work sites, and the carrying on of production activities, the net proceeds of which are to be credited to the investment funds of the nation (sections 1 to 7).

Since the above-mentioned provisions have the effect of placing all persons between 16 and 25 years at the service of the Organisation for Work Centres of the Revolution, the Committee had asked the Government to indicate the measures taken or contemplated, in regard to the Decree of 1964, to ensure that, in accordance with Article 1 (*b*) of the Convention, no form of forced or compulsory labour was used as a method of mobilising and using labour for purposes of economic development.

The Committee notes the statement made by a Government representative to the Conference Committee in 1971, and repeated in its report, that Decree No. 416 of 1964 was an anachronism and not needed, and that it would be repealed. The Committee hopes that the Decree of 1964 will be repealed in the very near future.

2. *Supply of legislative texts.* The Committee regrets that the Government has once more failed to supply copies of a number of legislative texts repeatedly requested since 1967, namely laws and regulations (other than the Penal Code, which is already available to the Committee) concerning prison labour, the preservation of public order, the press and publications, meetings and associations, vagrancy and idle persons, and discipline of seamen. It urges the Government to supply the legislative texts in question, as in their absence the Committee is unable to satisfy itself of the conformity of the legislation concerned with the Convention.<sup>1</sup>

*Haiti (ratification : 1958)*

The Committee regrets to note that no report has been received and that consequently no information is available in regard to the matters raised in the observations made since 1967. In these observations the Committee had noted that every year since 1960 a decree had been issued granting full powers to the President of the Republic and suspending for a period of six to eight months a considerable number of constitutional guarantees which represent necessary safeguards for the effective observance of the Convention. Among the constitutional provisions suspended have been those guaranteeing individual liberty, trial by the courts established by the Constitution and the law and the right of peaceful assembly, reserving jurisdiction over cases involving civil or political rights to the courts of law, prohibiting the trial of political offences *in camera*, and requiring the courts to enforce orders and regulations made by the public authorities only to the extent that they conformed to the law (respectively articles 17, 18, 31, 112, 113, 122 (second para-

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 57th Session and to report in detail for the period ending 30 June 1972.

graph) and 125 (second paragraph) of the Constitution of 1971, reproducing corresponding provisions of the Constitutions of 1957 and 1964).

While the Committee has recognised that the suspension of constitutional guarantees may in certain circumstances be necessary, it has emphasised that such exceptional measures should be resorted to only in cases of extreme gravity constituting emergencies (that is, endangering the existence or well-being of the population). The Committee has noted that the regular, yearly suspensions of constitutional guarantees in Haiti have not been confined to such circumstances, but have been motivated in the relevant legislative texts by such considerations as the wish to prevent the slowing up of economic processes and to permit the taking of prompt and energetic political and economic measures.

The Committee notes that by Decree of 11 September 1971 the previously mentioned constitutional guarantees were again suspended for a period of over six months. In the light of these repeated and prolonged suspensions of the constitutional guarantees in question, the Committee cannot be satisfied that the provisions of the Convention are effectively observed. It once more urges the Government to reconsider its practice in the matter in the light of the obligations accepted under the Convention.

In its previous observations and direct requests, the Committee had drawn attention to the fact that, in so far as persons sentenced to imprisonment are required to perform labour (section 26 of the Penal Code) :

- (a) sections 2 to 6 of the Legislative Decree of 19 November 1936—providing for punishment by imprisonment of any profession of Communist faith or the propagation of Communist or anarchist doctrines—might result in the imposition of forced or compulsory labour for purposes mentioned in Article 1 (a) of the Convention ;
- (b) sections 162 and 165 of the Penal Code—prescribing imprisonment as a punishment for the making of speeches or publication of writings by clergymen criticising the Government or public authorities—might likewise lead to the imposition of forced or compulsory labour in circumstances falling within Article 1 (a) of the Convention ;
- (c) section 3 of the Decree of 8 December 1960 concerning the obligation of workers to respect working hours—providing for punishment by imprisonment of any official or employee of a public or private administration, a bank or a commercial or industrial undertaking who abandons his work with the evident object of paralysing the national economy—might lead to the imposition of forced or compulsory labour as a punishment for breach of labour discipline or for having participated in a strike, within the meaning of Article 1 (c) and (d) of the Convention.

In its report for the period ending 30 June 1965 the Government had stated that it intended to amend section 26 of the Penal Code so as to ensure that no form of forced or compulsory labour falling within the Convention might be imposed by virtue of the above-mentioned legislation. No such amendments, however, appear to have been adopted. The Committee urges that appropriate measures be adopted at an early date to ensure the observance of the Convention in relation to this legislation.<sup>1</sup>

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 57th Session and to report in detail for the period ending 30 June 1972.

*Jordan* (ratification : 1958)

The Committee regrets to note that no information has been supplied in answer to the direct requests made by the Committee in 1969 and 1970. The Committee is once more addressing a direct request to the Government, concerning the application of Article 1 (a) and (b) of the Convention, and trusts that full information on all the matters raised will be available for examination at its next session.

*Malaysia* (ratification : 1958)

In direct requests and observations made since 1961, the Committee has drawn the Government's attention to a certain number of matters relating to the application of Article 1 (a), (b), (c), (d) and (e) of the Convention. The Committee notes from the Government's latest report that the examination of these matters, although actively pursued, has not yet been completed. In view of the importance of the questions outstanding, the Committee trusts that the Government will supply detailed information on the measures taken or contemplated to ensure compliance with the Convention.<sup>1</sup>

*Singapore* (ratification : 1965)

In its previous comments the Committee had observed that imprisonment (involving, by virtue of the provisions of the Prisons Ordinance, liability to compulsory labour) might be imposed as a penalty for contravention of a number of legislative provisions which appeared to have a bearing on the application of Article 1 (a) of the Convention. The Committee had referred in particular to the following provisions :

- (a) sections 3, 7, 7A and 7B of the Printing Presses Ordinance (Cap. 226, as amended by Ordinance No. 11 of 1960), making it an offence to keep and use any printing press or to print or publish any newspaper except under a licence which may be granted and revoked by the competent minister in his absolute discretion ;
- (b) clause 7 of the conditions for newspaper licences laid down in the Printing Presses (Application and Permits) Rules, 1961 (as amended by Government Notice No. S 78 of 1961), read together with sections 7 and 17 of the Printing Presses Ordinance, making it an offence for a newspaper to publish " any article ing Presses Ordinance, making it an offence for a newspaper to publish " any which is likely to cause ill will or misunderstanding between the Government and the people of Singapore and the Government and the people of the Federation of Malaya " ;
- (c) sections 3 and 4 of the Undesirable Publications Act, 1967, empowering the competent Minister, in his absolute discretion, to prohibit particular publications or series of publications or all publications by any person (whether published or printed within or outside Singapore) and making it an offence to publish, sell, distribute or reproduce or to possess without reasonable excuse any such prohibited publication ;
- (d) sections 22, 24 and 25 of the Internal Security Act, 1960 (made applicable to Singapore, under the provisions of the Malaysia Act, 1963, by the Modification of Laws (Internal Security and Public Order) (Singapore) Order, 1963), grant-

<sup>1</sup> The Government is asked to report in detail for the period ending 30 June 1972.

ing similar powers to prohibit, *inter alia*, publications considered prejudicial to the national interest, public order or security) ;

- (e) sections 4, 14 to 18 and 24 of the Societies Act, 1966, requiring the registration of every association of ten or more persons, but excluding from registration, *inter alia*, any association whose registration is considered contrary to the national interest or which has affiliations or connections with any organisation outside Singapore considered to be contrary to the national interest, and making it an offence to act as a member of an unregistered society, to publish, sell or possess matter issued by or on behalf or in the interests of such a society, etc.

In its report for 1967-69 the Government stated that it considered the above-mentioned provisions necessary, in the present context, to combat subversion, in the national interest, and that they were not used as a means of political coercion or as a punishment for the expression of views. The Committee pointed out, however, in its observation of 1970, that, in one of the above-mentioned cases, penal sanctions involving liability to compulsory labour might be imposed for the publication of particular views, and that the other provisions were a basis for depriving individuals, by a discretionary administrative decision which was not dependent on the commission of any offence and not subject to judicial review, of the possibility of publishing their views or of associating for the purpose of advocating particular policies, ideologies or views. The Committee concluded that, in so far as such restrictions were enforced by penalties involving liability to compulsory labour, they would appear to fall within the scope of Article 1 (a) of the Convention. It accordingly expressed the hope that the Government would review the above-mentioned legislation, in the light of the provisions of Article 1 (a) of the Convention and of the comments concerning the scope of these provisions contained in paragraphs 90 to 92 and 101 to 116 of the general survey of forced labour in Part Three of the Committee's report of 1968, with a view to the adoption of appropriate measures to guarantee the observance of the Convention.

The Committee notes with regret that the Government's report for 1969-71 contains no indication that any further consideration has been given to the above-mentioned problems, the Government merely asserting that forced or compulsory labour is not practised in Singapore. The Committee can only stress once again that the imposition of compulsory labour by virtue of the above-mentioned legislative provisions is not compatible with the obligations incumbent upon the Government under the Convention.

#### *Syrian Arab Republic (ratification : 1958)*

In previous observations and direct requests the Committee had referred to a number of matters relating to the application of Article 1 (a), (c) and (d) of the Convention. It notes with interest the Government's statement that an inter-ministerial committee has been set up to consider the Committee's observations together with the question of bringing national legislation into conformity with the Convention. It hopes that the Government will be able to indicate in the next report the measures taken in this regard.

#### *Tanzania (ratification : 1962)*

##### *Tanganyika.*

The Committee regrets to note that no report has been received and that consequently it has no new information at its disposal on various matters which

have been the subject of direct requests for a number of years. The Committee is once more addressing a direct request to the Government, concerning the application of Article 1 (a), (b), (c) and (d) of the Convention, and trusts that full information on all the matters raised will be available for examination at its next session.

As regards Article 1 (b) of the Convention, the Committee also refers to its observation concerning Convention No. 29.

#### *Zanzibar.*

The Committee regrets that for the fifth year in succession no report has been supplied, so that the comments repeatedly made since 1967 remain unanswered.

In its previous comments the Committee had referred in particular to the Afro-Shirazi Party Decree, 1965, by virtue of which the Afro-Shirazi Party was declared the sole political party and all other political parties, organisations or societies were declared unlawful (sections 2 and 8). Under sections 4 and 5 of the Decree, membership or management of any prohibited party, organisation or society is punishable with imprisonment. In so far as persons serving a sentence of imprisonment are required to perform compulsory labour (section 47 of the Prisons Decree), the foregoing provisions permit the imposition of forced or compulsory labour as a means of political coercion, within the meaning of Article 1 (a) of the Convention. The Committee once more expresses the hope that measures will be taken to ensure the observance of the Convention in this regard.

A number of other matters, relating to Article 1 (a), (c) and (d) of the Convention, are once more the subject of a direct request. The Committee urges the Government to provide the information so requested.

#### *United Kingdom (ratification : 1957)*

With reference to its previous direct requests relating to the application of Article 1 (c) and (d) of the Convention and the comments regarding these provisions in its general surveys of forced labour of 1962 (paragraphs 117 and 137) and of 1968 (paragraphs 121 and 127), the Committee notes with satisfaction that the Merchant Shipping Act, 1970—the relevant provisions of which the Government expects to bring into force in 1972—will :

- (a) repeal sections 222-224 of the Merchant Shipping Act, 1894, which provided for the forcible return of deserters to their ship,
- (b) abolish the penalty of imprisonment (involving an obligation to perform labour) provided for in sections 221 and 225 of the 1894 Act for breaches of discipline by seamen, except in the case of offences endangering the ship or persons on board (which fall outside the purview of the Convention), and
- (c) extend to seafarers the exemption from criminal liability in respect of acts done in contemplation of furtherance of a trade dispute provided for in the Conspiracy and Protection of Property Act, 1875.

The Committee hopes that the relevant provisions of the Merchant Shipping Act, 1970, will be brought into force at an early date.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States : *Afghanistan, Argentina, Australia, Austria, Belgium, Cameroon, Canada, Central African Republic, Chad, Cyprus, Dahomey, Denmark, Dominican*

*Republic, Ecuador, Finland, Gabon, Federal Republic of Germany, Ghana, Greece, Guinea, Guyana, Haiti, Honduras, Iceland, Iran, Ireland, Italy, Jamaica, Jordan, Kenya, Liberia, Libyan Arab Republic, Malaysia, Mali, Mexico, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Pakistan, Panama, Peru, Philippines, Senegal, Sierra Leone, Singapore, Somalia, Spain, Sweden, Syrian Arab Republic, Tanzania, Trinidad and Tobago, Tunisia, Turkey, Uganda, Uruguay, People's Democratic Republic of Yemen (Aden).*

Information supplied by *Cuba* in answer to a direct request has been noted by the Committee.

### **Convention No. 106 : Weekly Rest (Commerce and Offices), 1957**

*Afghanistan* (ratification : 1963)

See under Convention No. 4.

*Kuwait* (ratification : 1961)

*Articles 2, 7 and 8 of the Convention.* The Committee notes with regret that the Government's report for 1968-70 contains no information on the progress made towards adoption of the amendments intended to apply fully the provisions of these Articles. It trusts that the Government will indicate the measures taken to ensure the application of : (a) a weekly rest for workers employed for a period of less than six months, the exclusion of whom is contrary to Article 2 of the Convention ; (b) a compensatory rest for workers who are obliged to work during the normal weekly rest period, as required by Articles 7 and 8 of the Convention.

*Article 11.* The Committee notes the explanations given in the report and would be glad if the Government would supply detailed information as to the days fixed as weekly rest days for the various categories of persons and types of establishments.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States : *Dominican Republic, Egypt, Haiti, Iran, Italy, Paraguay, Syrian Arab Republic, Ukraine.*

### **Convention No. 107 : Indigenous and Tribal Populations, 1957**

#### *General Observation*

The Committee has taken note of the resolution adopted in May 1971 by the United Nations Economic and Social Council on the problem of indigenous populations (Resolution No. 1587 (L)).

It notes in particular the appeal addressed to the States concerned to take account of the needs of such populations in their policies of economic and social development, and to take any necessary legislative or other measures for the protection of such populations, for the elimination of discrimination against them, and for their progressive integration in the national community.

The Committee wishes to emphasise in this connection the many measures taken in this field by the countries concerned since the adoption in 1957 of the

Indigenous and Tribal Populations Convention. This is borne out, both by the fact that the Convention has been ratified by twenty-four States including most of those in which indigenous and other tribal and semi-tribal populations exist, and by the numerous measures already taken in these countries to promote the progressive application of the Convention, and the additional measures constantly being introduced.

Nevertheless, in view of the action being considered in relation with the above-mentioned resolution, the Committee would be glad if the governments of all ratifying States would endeavour to supply particularly full information in their next reports on the Convention, both as regards new measures being contemplated, and as regards the over-all effect of existing plans and legislation and the proportion of the indigenous populations benefiting therefrom.

*Bolivia (ratification : 1962)*

The Government having failed to reply to the previous direct requests on the application of this Convention, the Committee must take up the matter once again in a new direct request and it hopes that the Government will make every effort to take the necessary measures and supply the information requested.

*Brazil (ratification : 1965)*

The Committee has noted the information contained in the Government's report and particularly the information on proposals to extend the activities of the National Foundation of Indians (FUNAI) to new geographic areas, and on new projects to be initiated in such fields as education and health.

The Committee notes, however, that only 70,000 Indians are at present assisted through the FUNAI, out of a total which is estimated by the Government to be between 120,000 and 180,000. It hopes that the Government will take the necessary measures to speed up the extension of the protective services of the responsible body to all Indians, particularly in view of the schemes now being actively pursued for the economic development of areas traditionally occupied by Indians.

The Committee notes also that the information supplied is insufficient to permit, for example, an assessment of the number of Indians benefiting from health services (including immunisation against diseases introduced from the exterior). The Committee hopes therefore that the next report will supply full information on the present situation regarding the protection of Indians, in accordance with the direct request and the report form on this Convention.

*Colombia (ratification : 1969)*

The Committee was informed that a communication signed by the National Agrarian Federation (FANAL-UTC) and another forwarded by the Latin American Federation of Farm Workers (*Federación Campesina Latinoamericana*) were received by the International Labour Office in August and September 1970 expressing deep concern about the alleged ill treatment of the indigenous population of the region of Planas (Meta) in Colombia, and that the text thereof was communicated to the Government for comment.

The Committee notes with interest that, in a reply sent in December 1970 the Director-General of Community Integration and Development (Ministry of Interior) indicated that as a result of the events which occurred in Planas, the programmes and policies relating to indigenous populations were being analysed

and that the problem of Planas was symptomatic of the situation facing a large part of the indigenous population. The Committee also notes from the Government's reply that the measures being envisaged to remedy the situation include the following : a revision of the present indigenous policy with the assistance of the Anthropology Department of the National University ; the reorganisation of the General Directorate for Community Integration and Development ; the creation in 1971 of six new regional commissions for the assistance and protection of the indigenous populations ; the training of indigenous leaders and of officials ; the training of " promoters of social change " to act as intermediaries ; the reinforcement of the Indigenous Affairs Division ; and the study of new legislative measures for the protection of the indigenous populations.

The Committee notes that the Government's first report (for the period ending 15 October 1971) on the present Convention does not show to what extent the measures outlined in the above communication are being implemented. It trusts therefore that full information will be supplied on these matters and on the other points set out in the direct request on this Convention, so as to ensure that urgent measures for the protection of the indigenous populations concerned are taken, as envisaged by the Government and required by the Convention.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States : *Bolivia, Brazil, Colombia, Costa Rica, Egypt, India, Mexico, Pakistan, Portugal.*

#### **Convention No. 108 : Seafarers' Identity Documents, 1958**

*Guatemala* (ratification : 1960)

Further to its previous observations, the Committee notes with satisfaction that Governmental Decision No. 8-70 relating to seafarers' identity documents was issued on 10 February 1970 to give effect to the Convention.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States : *Greece, Guatemala, Tanzania (Tanganyika), USSR.*

#### **Convention No. 110 : Plantations, 1958**

A direct request regarding certain points is being addressed to the *Philippines*.

#### **Convention No. 111 : Discrimination (Employment and Occupation), 1958**

##### *General Observation*

The Governing Body of the International Labour Office, at its 184th Session (November 1971), invited the Committee to commend for use as appropriate, in cases where questions relating to the application of Convention No. 111 might appear to require clarification, direct contacts whereby a fuller examination of



those questions might be carried out in agreement with the government concerned, in accordance with the procedure introduced in 1968 as one of the general methods of work of the Committee.

The Committee considers that recourse to this procedure could be particularly useful to governments in the fields covered by Convention No. 111, where questions of assessing measures taken or to be taken in the light of national circumstances often arise. The Committee also feels that, in general, this procedure could be used by governments to help them in their own efforts to establish the facts, to determine whether or not certain measures are necessary or to overcome differences of opinion by an objective examination of the situation, based on the principles of the Convention.

The Committee therefore specially invites governments, when they are considering the measures to be taken in connection with earlier comments or, more generally, the information to be collected or the measures to be contemplated in the fields covered by this Convention, to give consideration to the possibility of having recourse to the procedure mentioned above in all appropriate cases.

*Chad* (ratification : 1966)

The Committee notes with regret this year again that the Government's report has not been received. The Committee is bound, therefore, to repeat its previous observation, which was as follows :

The Committee regrets that, in the absence of a report it has received no replies to the points raised in its previous direct request. It hopes that the Government will not fail to supply information on these points which are repeated in detail in a new direct request and which concern the following: the need to supply information on the various questions listed in the report form; the practical application of national policies against discrimination; the types of employment from which women are excluded under the Public Service Regulations "by reason of special requirements of physical aptitude"; and finally, the measures taken for the promotion of equal opportunity in vocational training and employment for different ethnic and social population groups as well as for both sexes.

*Czechoslovakia* (ratification : 1964)

The Committee regrets that the report which the Government had been asked to supply for examination at the present session, in accordance with the request made by the Conference Committee in 1971, has not been received. It has however taken note of the statements made by a Government representative to the Conference Committee concerning the points raised in the observation made in 1971.

In that observation, the Committee noted that, by virtue of amendments made to the Labour Code in 1969, a worker could be dismissed, *inter alia*, if "his activity has been such as to constitute a breach of the socialist social order and he is therefore not sufficiently reliable to hold his previous office or post..." (new section 46 (1) (e) of the Code and new section 53 (1) (c)). It observed that the general wording of these provisions made it possible for the employment rights of individuals to be infringed for reasons connected with their political opinions, and therefore invited the Government to revise this legislation in order to bring it into conformity with the provisions of the Convention.

According to the statement made by a Government representative to the Conference Committee, the above-mentioned provisions were aimed at an activity directed against certain principles laid down in the Constitution defining the socialist social order, which it was necessary to distinguish from a simple activity based on a divergent political opinion; in addition, the reference to the worker's not being sufficiently reliable showed that these provisions were only applicable to workers

holding posts of a certain importance in the state administrative and economic apparatus ; for these reasons, the provisions in question were considered not to go beyond the measures authorised under Article 4 of the Convention for the protection of the security of the State.

The Committee notes that the principles of the national Constitution (Chapter 1) described in the statements referred to above are political principles, and that the criteria on the basis of which an activity directed against these principles could be distinguished from an activity based on a divergent political opinion have not been specified. It observes that, in protecting workers against discrimination on the basis of political opinion, the Convention implies that this protection shall be afforded to them in respect of activities expressing or demonstrating opposition to the established political principles—subject only to the limitations referred to below—since the protection of opinions which are neither expressed nor demonstrated would be pointless, and that the protection afforded by the Convention is not limited to simple differences of opinion within the framework of the established principles.

While it is true that Article 4 of the Convention permits the exclusion from this protection of “activities prejudicial to the security of the State”, this term should not be defined in a manner which would authorise measures inconsistent with the basic protection provided for by the Convention. While it is also true that, subject to this same limitation, special requirements for certain specified forms of employment may relate to the reliability or restraint which may be expected from their incumbents in political matters, it does not appear from the wording of the 1969 amendments to the Labour Code that their scope is so limited. On the contrary, the effect of these amendments was to add certain supplementary provisions to sections 46 and 53 of the Labour Code which already authorised the dismissal of a worker who, for example, did not fulfil the conditions or standards set for the performance of his habitual job, or who had committed serious breaches of labour discipline or who had been convicted of a serious offence.

The Committee can only observe once again that the general terms of the 1969 amendments to the Labour Code referred to above make it possible for workers to be penalised on account of their political opinion, and it trusts that both national legislation and national practice will be brought into conformity with the Convention.<sup>1</sup>

#### *Liberia (ratification : 1959)*

The Committee notes with regret that the Government's report has not been received. The Committee is bound, therefore to repeat its previous observation, which was as follows :

The Committee notes with regret that the report of the Government does not contain any reply to its previous direct request and only repeats the contents of the previous report. It hopes that the Government will supply information on the points which are again listed in a direct request and which concern: the eligibility of women, in law and practice, for vocational training opportunities; equality of pay without regard to sex; the repeal of article 53 of the Public Land Law (providing different conditions for aborigines and other citizens of the Republic in matters of rights to land) which had been announced by the Government, in view of the fact that this article no longer corresponded to existing conditions and was incompatible with the national policy of unification and integration. The Committee would also be grateful if the Government would supply further information on results achieved in the general application of this policy of unification and integration and on the results obtained in the areas covered by the Convention.

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 57th Session.

*Nicaragua* (ratification : 1967)

The Committee notes with regret that this year again the Government's report has not been received. The Committee is bound, therefore, to repeat its previous observation which was as follows :

The Committee notes with regret that in the absence of a report . . . it has received no replies to the points raised in its previous direct request. It hopes that the Government will not fail to provide information on these points which are repeated in detail in a new direct request and which concern : measures to promote equality of practical opportunities for training, employment and the improvement of working conditions of particular ethnic groups, for example in the Atlantic coast regions ; the practical promotion of equality between the sexes in matters of training and employment ; the application of a policy of non-discrimination in the public service ; and finally, the safeguards and appeal procedures which ensure the elimination of discrimination based on political opinion, particularly in view of article 116 of the national Constitution.

*Panama* (ratification : 1966)

The Committee notes with regret this year again that the Government's report has not been received. The Committee is bound, therefore, to repeat its previous observation, which was as follows :

The Committee . . . regrets that no specific reply to its previous request has been received. It hopes that the Government will not fail to supply information on the points mentioned once again in a direct request, and which relate to : the application of Act No. 25 of 9 February 1956 punishing refusal to engage an applicant for employment on the grounds of social or racial origin, sex, religion or political opinion ; measures taken to further in practice equality of opportunity in employment and occupation for indigenous and rural populations, in particular under the integration policy provided for in Act No. 18 of 1952 (which set up the National Institute of Native Studies) and in article 94 of the national Constitution ; the practical promotion of equality between the sexes as regards access to vocational training and employment and conditions of employment ; and finally the guarantees provided to persons who might be affected, as regards employment, by measures based on " the security of the State " (Article 4 of the Convention).

See also under General Observations.

*Portugal* (ratification : 1959)

The Committee has taken note of the report provided by the Government for examination at the present session, in accordance with the request made by the Conference Committee in 1971. It has also noted statements made by the representative of the Government of Portugal to the Conference Committee regarding the points raised in its observation of 1971.

In its observation the Committee noted that in Angola and Mozambique particularly there were differences between different categories of workers as regards the legislation applicable to them and their membership of trade unions. It asked the Government for information as to the practice followed with regard to the classification of workers in these categories, the breakdown of workers of different racial origins in each category, and the status of workers of different categories in regard to trade union matters. Finally, it asked what policies the Government intended to adopt regarding the extension to all categories of workers of a similar status.

In the light of the available information it would appear that the " Rural Labour Code " of 1962, which is applicable to workers considered to be unskilled, and which replaced the earlier " Native Labour Code " of 1928, applies in practice only to indigenous workers ; it would not appear, in the absence of any regulation issued pursuant to section 288 of the Rural Labour Code, that " rural workers " have up to the present been included in the trade union organisation.

Workers belonging to other occupational categories are, in Angola, covered by the 1957 Labour Code and, in Mozambique, by Legislative Instrument No. 1595 of 1956, which grant them a more favourable status ; however, within these categories, further subdistinctions are made according to whether the workers are skilled or semi-skilled, and trade union members or not. This legislation is applicable to workers of different racial groups, but the Committee has not received any information as to the extent of the respective participation of these groups in the different types of employment falling under these categories (it noted from the report that the Government would attempt to compile statistics in this regard).

The Committee considers that a hierarchy of status among workers which, although it may not be exactly on racial lines, nevertheless corresponds to a considerable extent in practice to such a division, makes it difficult to determine whether the objectives of the Convention can be fully attained. It considers that one step towards a more satisfactory solution would be the introduction of uniform legislation ensuring, on all essential matters, the same status for all categories of workers. It notes from the report that the Government does not consider it possible, for the time being, to determine precisely to what extent such uniformity might be appropriate in view of the large-scale phenomenon of migration of rural workers to the towns. However, for the reasons indicated above and since this phenomenon might on the contrary be considered as making such a reform all the more justified, the Committee hopes that the Government will take the necessary steps to eliminate the difference between the legislative status of "rural workers" and that of other workers, as well as any other differences of status mentioned above.

As regards the present situation, the Committee has noted the other information contained in the statements of the Government representative or in the report, concerning the measures intended to bring about in Mozambique changes such as have already taken place in Angola (where a higher proportion of workers has ceased to be governed by the "Rural Labour Code"), as well as the responsibilities of each overseas Labour, Social Security and Social Welfare Institute in supervising the occupational classifications resulting from written contracts or the internal regulations of undertakings, and in imposing fines in cases of false declarations on the nature of the work performed. It hopes that, pending the more far-reaching reform mentioned above, the Government will provide detailed information on the measures taken and the results achieved with a view to ensuring an appropriate classification of workers, irrespective of their former status.

The Committee has also noted with interest from the report that amendments to the national Constitution published on 23 August 1971 introduced new references to non-discrimination in respect of race and eliminated the provisions which specifically referred to "natives". It has also noted that two decrees of 27 July 1971 dealt with the reorganisation of the overseas Labour, Social Security and Social Welfare Institutes and with the establishment of an Employment Service overseas and that, according to the report, the measures to be taken in pursuance of this legislation should promote equality of opportunity and treatment in respect of conditions of work, vocational training and access to various occupations, as well as trade union matters. The Committee hopes that the Government will supply detailed information on the changes which already have taken place in this respect and on the results achieved. It also hopes that the Government will supply, as announced in its report, the previously requested information concerning access to public employment overseas.

Finally, the Committee again notes that, in the Government's opinion, all the desired information regarding the application of the Convention could be collected

by an inquiry in accordance with articles 26 to 34 of the Constitution of the ILO. In these circumstances, the Committee suggests, within the framework of its own terms of reference, that these matters might be dealt with by direct contacts between a representative of the Organisation and the Government.<sup>1</sup>

*Upper Volta* (ratification : 1961)

The Committee notes with satisfaction from the information supplied by the Government in reply to its earlier comments that sections 7 and 22 of Decree No. 435-PRES of 1960 which excluded women from the staff of the labour inspectorate, were repealed by Decree No. 278/PRES/TFP of 28 July 1965.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States : *Algeria, Chad, Colombia, Ecuador, Egypt, Guinea, Italy, Jordan, Liberia, Libyan Arab Republic, Mongolia, Nicaragua, Panama, Poland, Senegal, Somalia, Syrian Arab Republic, Ukraine.*

Information supplied by the *Central African Republic* in answer to a direct request has been noted by the Committee.

**Convention No. 112 : Minimum Age (Fishermen), 1959**

Requests regarding certain points are being addressed directly to the following States : *Guinea, Liberia, Tunisia.*

**Convention No. 113 : Medical Examination (Fishermen), 1959**

*Guatemala* (ratification : 1961)

Further to its earlier direct requests, the Committee notes with regret that, according to the Government's report, the necessary legislative measures have still not been taken to give effect to the provisions of the Convention. The Committee trusts that the Government will soon be able to announce the adoption of these measures.

*Liberia* (ratification : 1960)

Further to its observations of 1970 and 1971, the Committee notes with regret that the Government's report has not been received and that, therefore, no information is available on the adoption of measures to give effect to the various provisions of the Convention.

The Committee recalls that these measures should be designed (a) to broaden the scope of the relevant legislation (Chapter X of Title 22 of the Liberian Code of Laws, as amended in 1964) so as to include vessels of less than 75 tons and boats manned entirely by members of the same family, since the exemptions allowed in the Convention relate exclusively to vessels which do not normally remain at sea for periods of more than three days ; (b) to supplement this legislation by detailed provisions concerning the medical examination of fishermen, since section 336 (d) by no means suffices to ensure application of the Convention.

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 57th Session.

The Committee trusts that these measures will be taken at an early date.<sup>1</sup>

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States : *Belgium, Brazil, Costa Rica, Guinea, Tunisia, Yugoslavia.*

**Convention No. 114 : Fishermen's Articles of Agreement, 1959**

*Guatemala* (ratification : 1961)

See under Convention No. 113.

*Yugoslavia* (ratification : 1961)

See under Convention No. 22.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States : *Costa Rica, Cyprus, Guinea, Liberia, Mauritania, Peru.*

**Convention No. 115 : Radiation Protection, 1960**

Requests regarding certain points are being addressed directly to the following States : *Barbados, Brazil, Ghana, Guinea, Guyana, Iraq, Netherlands, Syrian Arab Republic, Turkey.*

Information supplied by *Hungary, Switzerland*, and the *United Kingdom* in answer to direct requests has been noted by the Committee.

**Convention No. 117 : Social Policy (Basic Aims and Standards), 1962**

*Ghana* (ratification : 1964)

*Article 8 of the Convention.* The Committee has taken due note of the Government's statement, in reply to the observation made in 1971, that information concerning the conclusion of international agreements regulating matters of common concern arising in connection with migrant workers will be communicated as soon as it becomes available. The Committee hopes that the next report will be able to point to significant progress in the application of these provisions of the Convention, which are designed to protect migrant workers and ensure that they receive equality of opportunity and treatment with national workers.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States : *Costa Rica, Ghana, Guinea, Israel, Italy, Kuwait, Madagascar, Niger, Senegal, Syrian Arab Republic, Zaire, Zambia.*

---

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 57th Session and to report in detail for the period ending 30 June 1972.

**Convention No. 118 : Equality of Treatment (Social Security), 1962***Ireland (ratification : 1964)*

*Article 6 of the Convention.* Further to its previous comments concerning the non-payment (with certain exceptions) of family allowances in respect of children resident abroad, the Committee notes with interest that, at the request of one State, Italy, which, like Ireland, has accepted the obligations of the Convention in respect of family benefit, the Government has considered entering into a bilateral agreement with a view to guaranteeing, in accordance with the Convention, the grant of family allowances to workers residing in the territory of either of the States in question even though their children reside in the territory of the other. It also notes with interest that there is now a movement towards a multilateral arrangement (which would also cover two other States, Netherlands and Norway, which have accepted the obligations of the Convention in respect of the same branch). The Committee hopes that the Government will endeavour to guarantee the implementation of this provision of the Convention (the scope of which, incidentally, is not restricted to the children of wage earners) and that it will report the progress made to this end.

*Israel (ratification : 1965)*

*Articles 5 and 6 of the Convention.* With references to its previous comments the Committee notes with satisfaction, from the Government's reports for the periods 1968-69 and 1969-70, that certain conditions of residence which were required under the National Insurance Act for the payment of death grants and family benefit have been repealed in virtue of sections 11 and 34 of the National Insurance Act (Amendment No. 2), 1969.

The Committee asks the Government to state whether the regulations mentioned in section 11 of this amendment have been issued, and to supply information on the application of the new provisions in practice (more particularly in the event of the death of a pensioner who was resident abroad), and on certain other points raised in a direct request to the Government.

*Madagascar (ratification : 1964)*

*Article 7 of the Convention.* Further to its previous comments, the Committee notes with interest, from the Government's report, the conclusion in January 1971 of a multilateral social security agreement designed more particularly to establish a system for the maintenance of acquired rights and rights in course of acquisition under the legislation of the Malagasy Republic and that of other States Members of the Common African, Malagasy and Mauritian Organisation (OCAMM) for which the present Convention is also in force. It requests the Government, in its next reports, to supply information as to the steps taken to put this system of maintenance of rights into effect.

*Syrian Arab Republic (ratification : 1963)*

See paragraph 111 of the General Report.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States : *Brazil, Guinea, Israel, Italy, Madagascar, Mauritania, Norway, Sweden, Zaire.*

**Convention No. 119 : Guarding of Machinery, 1963**

*Niger* (ratification : 1964)

Further to its previous observation, the Committee notes the Government's report, in which reference is made to Decree No. 5253/IGTLS/AOF, dated 19 July 1954. Although this decree contains certain provisions concerning dangerous machinery, the Committee must recall that measures are still required to give effect in particular to the following provisions of the Convention :

*Article 1 (2) of the Convention.* The competent authority shall determine the extent to which machinery operated by manual power is to be considered as machinery for the purposes of the Convention.

*Articles 2 to 4.* Measures are required to regulate the sale, hire, transfer and exhibition of machinery.

*Article 10.* Steps shall be taken to ascertain that workers are informed about the relevant laws and regulations, and instructed on the dangers involved and the precautions to be taken.

*Article 11.* The obligation to work only when the guards are in position, and not to make guards inoperative, shall be prescribed.

Having noted further the Government's statement that the draft decree concerning hygiene and safety which is to deal with these matters, is still under study, the Committee once more expresses the hope that the necessary legislative measures to give full effect to the provisions of the Convention will be taken in the near future, and that in their elaboration the employers' and workers' organisations concerned will be consulted, as required by Article 16 of the Convention.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States : *Algeria, Central African Republic, Congo, Dominican Republic, Guinea.*

**Convention No. 120 : Hygiene (Commerce and Offices), 1964**

Requests regarding certain points are being addressed directly to the following States : *Algeria, Byelorussia, Finland, Guinea, Jordan, Mexico, Poland, Senegal, Ukraine, Zaire.*

**Convention No. 121 : Employment Injury Benefits, 1964**

*Cyprus* (ratification : 1966)

Further to its previous direct requests, the Committee notes with satisfaction that the Social Security Act, 1964, was amended by Act No. 23 of 1970 so as to comply fully with the Convention on the following points : *Article 1 (e)* (definition of the term "dependent child" by reference to the age of 15 years) ; *Article 8* (list of occupational diseases caused by chrome or its toxic compounds and by the toxic halogen derivatives of hydrocarbons of the aliphatic series, primary epithelio-



matous cancer of the skin and anthrax infection); *Article 18, paragraph 2* (funeral benefit), and *Article 22, paragraph 2* (payment of part of the cash benefit to dependants of the insured person when benefit is suspended).

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States : *Cyprus, Finland, Guinea, Ireland, Netherlands, Senegal, Zaire.*

### **Convention No. 122 : Employment Policy, 1964**

#### *General Observation*

The Committee wishes to draw the attention of all ratifying countries to the General Survey on the Reports concerning the Employment Policy Convention and Recommendation, 1964 (Nos. 122), contained in Volume B of its report for 1972. This survey does not attempt to describe or evaluate the situation in individual countries ; such an evaluation is undertaken by the Committee within the framework of article 22 of the ILO Constitution and has been reflected most recently in the individual requests addressed directly to governments in 1971 and 1972.

The general survey does however contain indications as to the scope of the Convention and the bearing of the detailed provisions of the Employment Policy Recommendation, 1964, upon the more general terms of the Convention. The Committee hopes that in preparing the detailed reports which will be due on the Convention from all ratifying countries for the period ending 30 June 1972 governments will take these indications into account, as well as any points raised in the direct requests mentioned above.

Having regard to the comprehensive and promotional character of the Convention, and to the role which representatives of employers and workers are called upon to play in its application, the Committee hopes that the reports supplied will be such as to enable it to keep abreast of developments in all relevant fields and to frame its possible observations or direct requests on the basis of information covering all matters relevant to employment policy as defined in the Convention.

In this regard, the Committee wishes to point out that many aspects of an active employment policy go beyond the immediate competence of the ministry responsible for labour questions, so that the preparation of a full report on the Convention will normally require the collaboration of other ministries or government agencies such as those dealing with economic affairs, planning, education, industry, trade, public works, etc. The Committee has noted in this regard that such a practice already appears to be followed by a number of countries and trusts that all governments will be able to do likewise in preparing their future reports.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States : *Belgium, Brazil, Guinea, Hungary, Jordan, Senegal, United Kingdom.*

Information supplied by *Norway* in answer to a direct request has been noted by the Committee.

**Convention No. 123 : Minimum Age (Underground Work), 1965**

*Zambia* (ratification : 1967)

*Article 4, paragraphs 4 and 5, of the Convention.* Further to its earlier comments, the Committee notes with satisfaction the adoption of the Mines Regulations of 1971, paragraph 2117 (3) and (4) of which requires the employer to keep a register and to make it available to the inspectors and to authorised representatives of the trade unions.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States : *Bulgaria, Kenya, Mexico, Netherlands, USSR, Zambia.*

**Convention No. 124 : Medical Examination of Young Persons  
(Underground Work), 1965**

*Cyprus* (ratification : 1967)

Further to its previous direct request, the Committee notes with satisfaction that the Mines and Quarries (Pneumoconiosis Prevention) (Amending) Regulations were adopted in 1970 to give effect to the provisions of the Convention.

*Zambia* (ratification : 1967)

Further to its earlier direct request, the Committee notes with satisfaction the adoption of the Mining Regulations, 1971, which extend to quarries the scope of the Mines and Minerals Act, 1969, introduce a system of inspection to ensure compliance with the provisions of the Act and require employers to keep records which must be available to inspectors and also to the duly authorised representatives of trade unions, at their request.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States : *Bulgaria, Finland, Gabon, Hungary, Madagascar, Mexico, Netherlands, Poland, Tunisia, Uganda, USSR, Zambia.*

**Convention No. 125 : Fishermen's Competency Certificates, 1966**

Requests regarding certain points are being addressed directly to the following States : *Belgium, Senegal.*

**Convention No. 126 : Accommodation of Crews (Fishermen), 1966**

Requests regarding certain points are being addressed directly to the following States : *Belgium, Spain.*

**Convention No. 127 : Maximum Weight, 1967**

A request regarding certain points is being addressed directly to *Spain*.

**Convention No. 128 : Invalidity, Old-Age and Survivors' Benefits, 1967**

A request regarding certain points is being addressed directly to *Austria*.

**Appendix I. Receipt of Detailed Reports on Ratified Conventions (States Members)  
as at 29 March 1972**

*(Article 22 of the Constitution)*

Reports received: 1,504      Reports not received: 488      Total: 1,992

State Member	Reports received		Reports not received		Grand total
	Total	Convention Nos.	Total	Convention Nos.	
Afghanistan . . . . .	0	—	8	4, 41, 45, 95, 100, 105, 106, 111	8
Algeria . . . . .	32	6*, 10*, 13, 14, 17, 18*, 19, 24*, 29, 42, 44*, 63*, 69*, 71*, 73*, 74*, 77*, 78, 81, 88, 89, 92*, 94*, 95, 96*, 101, 105*, 111, 119, 120, 122*, 127*	1	56	33
Argentina . . . . .	29	2, 4, 6, 10, 12, 16, 17, 18, 19, 22, 23, 29, 32, 34, 41, 42, 52, 53, 68, 71, 73, 77, 78, 79, 81, 88, 90, 95, 105	0	—	29
Australia . . . . .	14	10, 12, 16, 18, 19, 22, 29, 42*, 63, 85*, 88, 99*, 105*, 122*	0	—	14
Austria . . . . .	27	2, 4*, 6, 10, 11, 12, 17, 18*, 19, 21, 24, 25, 27, 29, 42, 63, 81, 87, 89, 94, 95, 98, 101, 102, 103, 105, 128	0	—	27
Barbados * . . . . .	15	12, 17, 19, 22, 29, 42, 63, 65, 74, 81, 94, 95, 101, 105, 115	0	—	15
Belgium * . . . . .	34	2, 6, 10, 12, 16, 17, 18, 19, 22, 23, 29, 42, 53, 55, 56, 69, 73, 74, 81, 82, 85, 88, 89, 92, 94, 96, 101, 105, 113, 114, 115, 122, 125, 126	0	—	34
Bolivia . . . . .	0	—	8	5, 14, 19, 26, 42, 87, 96, 107	8
Brazil . . . . .	26	6, 12, 16, 19, 22, 29, 42, 52, 53, 81, 88, 89, 92, 94, 95, 96, 101, 104, 105, 107, 113, 115, 117, 118, 120, 122	0	—	26

For footnotes see end of table, p. 223.

## OBSERVATIONS CONCERNING RATIFIED CONVENTIONS

State Member	Reports received		Reports not received		Grand total
	Total	Convention Nos.	Total	Convention Nos.	
Bulgaria *	31	6, 10, 12, 16, 17, 18, 19, 22, 23, 24, 25, 29, 34, 42, 44, 52, 53, 55, 56, 69, 71, 73, 77, 78, 79, 81, 94, 95, 113, 123, 124	0	—	31
Burma	0	—	18	1, 2, 6, 11, 14, 15, 16, 17, 18, 19, 21, 22, 26, 27, 29, 42, 52, 63	18
Burundi	16	4, 11, 12, 14, 17, 18, 19, 26, 27, 29, 42, 50, 62, 64, 89, 94	1	105	17
Byelorussia *	12	10, 16, 29, 52, 77, 78, 79, 87, 90, 95, 98, 115	0	—	12
Cameroon *	10	3, 9, 10, 16, 19, 29, 81, 94, 95, 105	0	—	10
Eastern Cameroon *	2	4, 6	0	—	2
Western Cameroon	0	—	4	50, 64, 65, 97	4
Canada	8	16, 22, 63, 69, 73, 74, 88, 105	0	—	8
Central African Republic *	28	2, 3, 4, 6, 10, 11, 17, 18, 19, 29, 33, 41, 52, 67, 81, 87, 88, 94, 95, 98, 99, 101, 104, 105, 111, 117, 118, 119	1	14	29
Ceylon	8	16, 18, 29, 63, 81, 89, 90, 96	0	—	8
Chad *	9	4, 5, 13, 33, 52, 81, 87, 98, 100	9	6, 11, 14, 26, 29, 41, 95, 105, 111	18
Chile	0	—	16	2, 4, 6, 10, 12, 16, 17, 18, 19, 22, 24, 25, 29, 34, 37, 63	16
Colombia	26	2, 3*, 4, 8, 12, 16, 17*, 18, 19, 22, 23, 24, 25, 29*, 30*, 52, 81*, 88, 95*, 99*, 101*, 104*, 105, 106*, 107*, 111*	1	62	27
Congo *	13	4, 5, 6, 11, 13, 14, 26, 29, 33, 41, 87, 95, 119	0	—	13
Costa Rica	0	—	16	29, 81, 88, 89, 90, 92, 94, 95, 96, 98, 105, 107, 111, 113, 114, 117	16

**REPORT OF THE COMMITTEE OF EXPERTS**

State Member	Reports received		Reports not received		Grand total
	Total	Convention Nos.	Total	Convention Nos.	
Cuba . . . . .	30	3, 6, 10, 12, 16, 17, 18, 19, 22, 23, 29, 42, 52, 63, 77, 78, 79, 81, 87, 88*, 89, 90, 92, 94, 95, 96, 98, 101, 104, 105	0	—	30
Cyprus . . . . .	15	2, 16, 19, 29, 44, 81, 88, 89, 90, 94, 95, 105, 114, 121, 124	0	—	15
Czechoslovakia . . . . .	0	—	19	10, 12, 17, 18, 19, 24, 25, 29, 34, 42, 44, 52, 63, 87, 88, 89, 90, 111, 115	19
Dahomey . . . . .	0	—	8	4, 6, 18, 29, 41, 85, 95, 105	8
Denmark . . . . .	15	2*, 6*, 12*, 16*, 18*, 19*, 29*, 42*, 52*, 53*, 63*, 81*, 92*, 102, 118*	2	94, 105	17
Dominican Republic * . .	3	29, 79, 81	19	1, 5, 7, 10, 19, 26, 45, 52, 87, 88, 89, 90, 98, 100, 104, 105, 106, 107, 119	22
Ecuador . . . . .	9	2, 24, 29, 95, 98, 100, 103, 105, 111	15	26, 86, 101, 104, 106, 107, 110, 112, 113, 117, 119, 120, 123, 124, 127	24
Egypt * . . . . .	19	2, 17, 18, 19, 29, 52, 53, 63, 74, 81, 88, 89, 94, 95, 96, 101, 104, 105, 115	0	—	19
El Salvador . . . . .	3	12, 104, 105	0	—	3
Ethiopia . . . . .	0	—	3	2, 88, 98	3
Finland . . . . .	21	2, 12, 16, 17, 18, 19, 22, 29, 52, 53, 63, 73, 81, 92, 94, 96, 105, 118*, 119*, 121, 124	0	—	21
France . . . . .	39	2, 6, 10, 12, 16, 22, 23, 24*, 29, 35*, 36, 37*, 38, 44, 52, 53, 55, 56, 63, 69, 71, 73, 74, 77, 78, 81, 82, 85, 88, 89, 92, 94, 95, 96, 97*, 101, 105, 113, 114	4	17, 18, 19, 42	43
Gabon . . . . .	8	3*, 4*, 6*, 13, 19, 45*, 105*, 124	19	5, 10, 11, 12, 14, 26, 29, 33, 41, 52, 85, 87, 95, 96, 98, 99, 100, 101, 123	27

## OBSERVATIONS CONCERNING RATIFIED CONVENTIONS

State Member	Reports received		Reports not received		Grand total
	Total	Convention Nos.	Total	Convention Nos.	
Fed. Republic of Germany*	22	2, 10, 12, 16, 17, 18, 19, 22, 23, 24, 25, 29, 42, 56, 63, 81, 88, 96, 101, 102, 105, 114	0	—	22
Ghana . . . . .	17	16, 19, 22, 23, 29, 65, 69, 74, 81, 88, 89, 90, 92, 94*, 105*, 115, 117*	0	—	17
Greece . . . . .	18	2, 6, 16, 17, 19, 29, 42, 52, 55, 69, 81, 87*, 88, 89, 90, 95, 98, 105	0	—	18
Guatemala * . . . . .	21	19, 58, 63, 65, 77, 78, 79, 81, 87, 88, 89, 90, 94, 95, 96, 101, 105, 108, 113, 114, 118	0	—	21
Guinea . . . . .	23	10, 16, 17, 18, 29, 52, 62, 81, 89, 90, 94, 95, 105, 112, 113, 114, 115, 117, 118, 119, 120, 121, 122	0	—	23
Guyana . . . . .	13	2, 10, 12, 19, 29, 42, 65, 81, 82, 94, 95, 105, 115	0	—	13
Haiti . . . . .	0	—	17	1, 12, 14, 17, 19, 24, 25, 29, 30, 42, 77, 78, 81, 90, 100, 105, 106	17
Honduras . . . . .	0	—	6	29, 42, 78, 87, 95, 105	6
Hungary * . . . . .	24	2, 6, 10, 12, 16, 17, 18, 19, 24, 29, 41, 42, 48, 52, 77, 78, 87, 95, 98, 99, 101, 115, 122, 124	0	—	24
Iceland . . . . .	3	2, 29, 105	0	—	3
India . . . . .	13	4, 6, 16, 18, 19, 22, 29, 42, 81, 88, 89, 90, 118	0	—	13
Indonesia . . . . .	2	19, 120*	1	29	3
Iran * . . . . .	3	29, 104, 105	0	—	3
Iraq . . . . .	16	16, 17, 18, 19, 22, 29*, 42, 52, 77, 78, 81*, 88, 89, 95, 105, 115*	0	—	16
Ireland . . . . .	20	2, 6, 10, 12*, 16, 19, 22, 23, 29, 44, 63, 69, 74, 81, 88, 89, 92, 105, 118*, 121*	0	—	20

REPORT OF THE COMMITTEE OF EXPERTS

State Member	Reports received		Reports not received		Grand total
	Total	Convention Nos.	Total	Convention Nos.	
Israel . . . . .	19	9, 10*, 19*, 29*, 48*, 52*, 77*, 78*, 79*, 81*, 88*, 90*, 94*, 95*, 96*, 101*, 105*, 117, 118*	1	53	20
Italy . . . . .	35	2*, 4*, 6*, 10*, 12*, 16, 18*, 19*, 22, 23, 29*, 42*, 44*, 48*, 52*, 53, 55*, 69, 71, 73, 77*, 78*, 79*, 81*, 88*, 89*, 90*, 94*, 95*, 96*, 101*, 105*, 114*, 117*, 118*	0	—	35
Ivory Coast . . . . .	0	—	25	3, 4, 5, 6, 11, 13, 14, 18, 19, 26, 29, 33, 41, 45, 52, 85, 87, 95, 96, 98, 99, 100, 105, 110, 111	25
Jamaica . . . . .	10	7, 16, 19*, 26*, 29, 65, 81, 94, 105*, 117*	0	—	10
Japan . . . . .	12	2, 10, 16, 18, 19, 22, 29, 42, 73, 81, 88, 96	0	—	12
Jordan * . . . . .	6	29, 81, 105, 117, 118, 124	0	—	6
Kenya . . . . .	14	2, 12, 17, 19, 29*, 45, 63, 65, 81, 88, 89, 94, 105, 123	0	—	14
Khmer Republic . . . . .	3	4, 6, 29	0	—	3
Kuwait . . . . .	6	29*, 52, 81*, 89, 105*, 117*	0	—	6
Laos . . . . .	0	—	4	4, 6, 13, 29	4
Lebanon . . . . .	0	—	5	45, 52, 81, 89, 90	5
Liberia . . . . .	0	—	13	29, 53, 55, 58, 65, 87, 98, 104, 105, 111, 112, 113, 114	13
Libyan Arab Republic * . .	7	29, 52, 88, 89, 95, 96, 105	1	104	8
Luxembourg . . . . .	22	2, 6, 10, 12, 17, 18, 19, 24, 25, 27, 28, 29, 42, 77*, 78*, 79*, 81, 88*, 90, 96*, 103, 105	5	4, 16, 22, 23, 89	27
Madagascar . . . . .	12	4*, 6*, 12*, 19*, 29*, 41*, 52*, 95*, 101*, 117, 118*, 124*	0	—	12
Malawi * . . . . .	6	12, 19, 65, 81, 89, 104	0	—	6



## OBSERVATIONS CONCERNING RATIFIED CONVENTIONS

State Member	Reports received		Reports not received		Grand total
	Total	Convention Nos.	Total	Convention Nos.	
Malaysia * . . . . .	5	29, 65, 81, 95, 105	0	—	5
States of Malaya * . . .	3	12, 17, 19	0	—	3
State of Sabah * . . . .	2	16, 94	0	—	2
State of Sarawak * . . .	4	12, 16, 19, 94	0	—	4
Mali * . . . . .	11	4, 6, 17, 18, 19, 29, 41, 52, 81, 95, 105	0	—	11
Malta . . . . .	14	2, 10, 12, 16, 19, 22, 29, 42, 81, 88, 89, 95, 99, 105	0	—	14
Mauritania * . . . . .	23	3, 5, 6, 17, 18, 19, 22, 23, 29, 33, 52, 53, 81, 87, 89, 90, 94, 95, 96, 101, 102, 114, 118	0	—	23
Mauritius . . . . .	0	—	32	2, 5, 7, 8, 11, 12, 14, 15, 16, 17, 19, 26, 29, 32, 42, 50, 58, 59, 63, 64, 65, 74, 81, 84, 86, 94, 95, 97, 98, 99, 105, 108	32
Mexico * . . . . .	19	9, 12, 16, 17, 19, 22, 23, 29, 34, 42, 52, 53, 55, 62, 63, 90, 95, 105, 124	0	—	19
Mongolia . . . . .	6	59, 87, 98, 100, 103, 111	0	—	6
Morocco . . . . .	18	2, 4, 12, 17, 18, 19, 22, 29, 41, 42, 52, 55, 65, 81, 94, 101, 104, 105	0	—	18
Netherlands . . . . .	31	2*, 10, 12, 16, 17, 19, 22, 23*, 24, 25, 29, 44, 63*, 69, 71, 73, 74, 81, 88, 89, 90, 91, 92, 94, 95, 101, 105, 115, 118, 123, 124	4	48, 96, 121, 128	35
New Zealand * . . . . .	21	2, 10, 12, 16, 17, 22, 29, 42, 44, 52, 53, 63, 65, 74, 81, 82, 88, 89, 101, 104, 105	0	—	21
Nicaragua . . . . .	0	—	34	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 87, 98, 100, 105, 111	34
Niger * . . . . .	11	4, 6, 18, 29, 41, 65, 85, 95, 104, 105, 117	0	—	11

**REPORT OF THE COMMITTEE OF EXPERTS**

State Member	Reports received		Reports not received		Grand total
	Total	Convention Nos.	Total	Convention Nos.	
Nigeria . . . . .	10	16, 19, 29, 65, 81, 88, 94, 95, 104, 105	0	—	10
Norway . . . . .	29	2*, 10*, 12*, 18*, 19*, 22, 24*, 25*, 29*, 42*, 44*, 53, 56*, 63, 69, 71, 73, 81*, 88*, 90*, 92, 95*, 96*, 101, 105*, 115*, 118*, 119*, 126	0	—	29
Pakistan * . . . . .	13	4, 6, 16, 18, 19, 22, 27, 29, 81, 89, 90, 96, 107	2	105, 118	15
Panama . . . . .	0	—	26	3, 8, 9, 10, 11, 12, 13, 15, 16, 17, 19, 20, 21, 22, 23, 29, 30, 42, 45, 52, 81, 87, 98, 100, 105, 111	26
Paraguay . . . . .	0	—	24	11, 14, 26, 29, 52, 77, 78, 79, 81, 89, 90, 95, 99, 101, 105, 106, 107, 115, 117, 119, 120, 122, 123, 124	24
Peru . . . . .	24	1*, 10*, 12*, 19*, 22, 23, 24*, 25*, 29*, 52*, 53, 55, 62*, 68, 71, 73, 79*, 81*, 87, 90*, 101*, 105*, 113, 114	11	4, 8, 27, 32, 41, 44, 56, 69, 77, 78, 88	35
Philippines * . . . . .	8	17, 59, 77, 88, 89, 90, 95, 105	3	23, 53, 94	11
Poland . . . . .	33	2*, 6*, 10*, 12*, 16*, 17*, 18*, 19*, 22*, 23*, 24*, 25*, 29*, 42*, 69*, 73*, 74*, 77*, 78*, 79*, 87*, 90*, 92*, 95*, 96*, 98*, 101*, 105*, 111*, 115*, 120, 123*, 124*	1	48	34
Portugal * . . . . .	16	4, 6, 12, 17, 18, 19, 29, 69, 73, 74, 81, 89, 92, 104, 105, 111	0	—	16
Romania . . . . .	7	2, 6, 10, 16, 24, 29, 89	0	—	7
Rwanda * . . . . .	9	4, 12, 17, 18, 19, 42, 89, 94, 105	0	—	9
Senegal . . . . .	17	4, 6, 10, 12, 18, 19, 29, 52, 81, 89, 95, 96, 101, 105, 117, 121, 125*	0	—	17

## OBSERVATIONS CONCERNING RATIFIED CONVENTIONS

State Member	Reports received		Reports not received		Grand total
	Total	Convention Nos.	Total	Convention Nos.	
Sierra Leone . . . . .	11	17, 19, 22, 29, 65, 81, 88, 94, 95, 101, 105	3	16, 125, 126	14
Singapore * . . . . .	10	12, 16, 19, 22, 29, 65, 81, 88, 94, 105	0	—	10
Somalia *	6	29, 65, 84, 85, 105, 111	0	—	6
Former Trust Territory of Somaliland*	6	16, 17, 19, 22, 23, 45	0	—	6
Former British Somaliland * . . . . .	4	50, 64, 94, 95	0	—	4
Spain . . . . .	27	2, 4, 6, 10, 12, 16, 17, 18, 19, 22, 23, 24, 25, 29, 34, 42, 48, 81, 88, 89, 95, 105, 113, 114, 115, 126, 127	0	—	27
Sudan * . . . . .	3	2, 19, 29	0	—	3
Sweden . . . . .	17	2*, 10, 12, 16, 19, 29, 63, 73, 81*, 88*, 92*, 96*, 101, 105, 115, 118*, 121*	0	—	17
Switzerland . . . . .	14	2, 6, 16, 18, 19, 23, 29, 44, 63, 81, 88, 89, 105, 115	0	—	14
Syrian Arab Republic	17	2, 17, 18, 19*, 29*, 53, 63, 81*, 88, 89, 94, 101, 104, 105, 115*, 118*, 125*	7	1, 30, 52, 95, 96, 106, 117	24
Tanzania . . . . .	0	—	11	12, 16, 17, 19, 29, 63, 65, 94, 95, 98, 105	11
Tanganyika . . . . .	0	—	4	81, 88, 101, 108	4
Zanzibar . . . . .	0	—	5	5, 7, 58, 85, 97	5
Thailand * . . . . .	1	19	8	14, 29, 88, 104, 105, 122, 123, 127	9
Togo . . . . .	0	—	9	4, 5, 6, 14, 29, 41, 84, 85, 95	9
Trinidad and Tobago . . .	0	—	6	16, 19, 29, 65, 85, 105	6
Tunisia . . . . .	24	4, 6, 8, 12, 16, 17, 19, 22, 23, 52, 65, 73, 81, 88, 89, 90, 91, 95, 104, 112, 113, 114, 118, 124	3	18, 29, 105	27
Turkey * . . . . .	2	42, 115	7	2, 81, 88, 94, 95, 96, 105	9

REPORT OF THE COMMITTEE OF EXPERTS

State Member	Reports received		Reports not received		Grand total
	Total	Convention Nos.	Total	Convention Nos.	
Uganda . . . . .	7	12, 19, 29, 81, 94, 95, 124	3	17, 65, 105	10
Ukraine * . . . . .	18	10, 15, 16, 23, 29, 52, 69, 73, 77, 78, 79, 87, 90, 92, 95, 98, 111, 115	0	—	18
USSR * . . . . .	22	10, 16, 23, 27, 29, 32, 52, 69, 73, 77, 78, 79, 87, 90, 92, 95, 98, 108, 115, 119, 123, 124	2	113, 126	24
United Kingdom . . . . .	28	2, 10, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 56, 63, 65, 69, 74, 81, 82, 85, 88*, 92, 94, 95, 101, 105, 115*, 124	0	—	28
United States . . . . .	2	53, 74	1	55	3
Upper Volta * . . . . .	23	3, 4, 5, 6, 11, 13, 14, 17, 18, 19, 26, 29, 33, 41, 52, 85, 87, 95, 97, 98, 100, 101, 111	0	—	23
Uruguay * . . . . .	23	2, 10, 12, 16, 17, 19, 22, 23, 24, 25, 42, 52, 63, 73, 77, 78, 79, 89, 90, 94, 95, 101, 105	0	—	23
Venezuela * . . . . .	1	81	9	1, 2, 6, 19, 22, 29, 41, 88, 105	10
Republic of Viet-Nam * . .	5	6, 29, 52, 81, 89	0	—	5
Yemen Arab Republic . .	0	—	2	104, 111	2
People's Democratic Republic of Yemen . . .	13	15*, 16*, 19*, 29*, 58*, 59*, 64*, 65*, 86*, 94*, 95*, 98, 105	0	—	13
Yugoslavia * . . . . .	27	2, 8, 12, 13, 16, 17, 18, 22, 23, 24, 25, 29, 48, 52, 53, 56, 58, 69, 73, 74, 81, 88, 89, 92, 101, 113, 114	2	19, 90	29
Zaire . . . . .	0	—	18	4, 11, 12, 17, 18, 19, 29, 81, 88, 89, 94, 95, 98, 100, 117, 118, 120, 121	18
Zambia . . . . .	11	12, 17*, 18, 19, 29*, 65, 89, 105*, 117, 123, 124*	0	—	11

## OBSERVATIONS CONCERNING RATIFIED CONVENTIONS

State Member	Reports received		Reports not received		Grand total
	Total	Convention Nos.	Total	Convention Nos	
<i>Other States</i>					
Albania <sup>1</sup> . . . . .	0	—	16	5, 6, 10, 11, 16, 21, 29, 52, 58, 59, 77, 78, 87, 98, 100, 112	16
Lesotho <sup>2</sup> . . . . .	0	—	11	5, 11, 14, 19, 26, 29, 45, 64, 65, 87, 98	11
Rep. of South Africa <sup>3</sup> . .	0	—	7	2, 19, 26, 42, 45, 63, 89	7
Western Samoa . . . . .	3	29, 65, 104	0	—	3

\* Reports received too late to be summarised in Report III (Part I).

<sup>1</sup> The notice given by Albania of its withdrawal from the ILO expired on 5 August 1967, but this State continues to be bound by the Conventions which it has ratified (article 1, paragraph 5, of the Constitution).

<sup>2</sup> The notice given by Lesotho of its withdrawal from the ILO expired on 15 July 1971, but this State continues to be bound by the Conventions which it has ratified (article 1, paragraph 5, of the Constitution).

<sup>3</sup> The notice given by the Republic of South Africa of its withdrawal from the ILO expired on 11 March 1966, but this State continues to be bound by the Conventions which it has ratified (article 1, paragraph 5, of the Constitution).

# REPORT OF THE COMMITTEE OF EXPERTS

## Appendix II. Statistical Table of Reports on Ratified Conventions at 29 March 1972

(Article 22 of the Constitution)

Period	Reports requested	Reports received at the date requested		Reports received in time for the session of the Committee <sup>1</sup>		Reports received in time for the session of the Conference	
		Number	Percentage	Number	Percentage	Number	Percentage
1931-1932	447	—	—	406	90.8	423	94.6
1932-1933	522	—	—	435	83.3	453	86.7
1933-1934	601	—	—	508	84.5	544	90.5
1934-1935	630	—	—	584	92.7	620	98.4
1935-1936	662	—	—	577	87.2	604	91.2
1936-1937	702	—	—	580	82.6	634	90.3
1937-1938	748	—	—	616	82.4	635	84.9
1938-1939	766	—	—	588	76.8	— <sup>2</sup>	—
1943-1944	583	—	—	251	43.1	314	53.9
1944-1945	725	—	—	351	48.4	523	72.2
1945-1946	731	—	—	370	50.6	578	79.1
1946-1947	763	—	—	581	76.1	666	87.3
1947-1948	799	—	—	521	65.2	648	81.1
1948-1949	806	134 <sup>3</sup>	16.6	666	82.6	695	86.2
1949-1950	831	253	30.4	597	71.8	666	80.1
1950-1951	907	288	31.7	705	77.7	761	83.9
1951-1952	981	268	27.3	743	75.7	826	84.2
1952-1953	1 026	212	20.6	840	81.8	917	89.3
1953-1954	1 175	268	22.8	1 077	91.7	1 119	95.2
1954-1955	1 234	283	22.9	1 063	86.1	1 170	94.8
1955-1956	1 333	332	24.9	1 234	92.5	1 283	96.2
1956-1957	1 418	210	14.7	1 295	91.3	1 349	95.1
1957-1958	1 558	340	21.8	1 484	95.2	1 509	96.8
1958-1959	995 <sup>4</sup>	200	20.4	864	86.8	902	90.6
1958-1960	1 104 <sup>4</sup>	256	23.2	838	76.1	963	87.4
1959-1961	1 362 <sup>4</sup>	243	18.1	1 090	80.0	1 142	83.8
1960-1962	1 309 <sup>4</sup>	200	15.5	1 059	80.9	1 121	85.6
1961-1963	1 624 <sup>4</sup>	280	17.2	1 314	80.9	1 430	88.0
1962-1964	1 495 <sup>4</sup>	213	14.2	1 268	84.8	1 356	90.7
1963-1965	1 700 <sup>4</sup>	282	16.6	1 444	84.9	1 527	89.8
1964-1966	1 562 <sup>4</sup>	245	16.3	1 330	85.1	1 395	89.3
1965-1967	1 833 <sup>4</sup>	323	17.4	1 551	84.5	1 643	89.6
1966-1968	1 647 <sup>4</sup>	281	17.1	1 409	85.5	1 470	89.1
1967-1969	1 821 <sup>4</sup>	249	13.4	1 498	82.4	1 601	87.9
1968-1970	1 898 <sup>4</sup>	360	18.9	1 463	77.0	1 549	81.6
1969-1971	1 992 <sup>4</sup>	237	11.8	1 504	75.5	—	—

<sup>1</sup> The opening date of the session of the Committee of Experts has, in general, been the end of March or the beginning of April. In a number of cases, however, the session has opened on other dates, varying between 29 February in 1932 and 23 July in 1945; the date limit for the receipt of reports has accordingly varied.

<sup>2</sup> The Conference did not meet in 1940.

<sup>3</sup> First year for which this figure is available.

<sup>4</sup> As a result of a decision by the Governing Body, detailed reports were requested only on certain ratified Conventions.

## **II. Observations on the Application of Conventions in Non-Metropolitan Territories (Article 22 and Article 35, Paragraphs 6 and 8, of the Constitution)**

### **A. GENERAL OBSERVATIONS**

#### *Denmark*

The Committee notes with regret that only four of the nineteen reports due in respect of the Faroe Islands and seven of the sixteen reports due in respect of Greenland have been received. It hopes that the remaining reports will be available for examination at its next session.

#### *France*

The Committee notes with regret that none of the reports due in respect of French Polynesia has been received. It hopes that the reports in question will be available for examination at its next session.

#### *United Kingdom*

The Committee notes that no reports have been received in respect of the application of Conventions in Southern Rhodesia, and that accordingly no information is available in answer to the observations previously made with respect to this territory concerning Conventions Nos. 81, 82, 84, 86 and 105. In these circumstances, the Committee can only refer to its previous observations.

The Committee also notes with regret that none of the reports due in respect of Bahamas, Brunei, St. Christopher-Nevis-Anguilla, St. Lucia and St. Vincent has been received. It hopes that the reports in question will be available for examination at its next session.

The Committee notes with interest from the reports of Hong Kong in respect of Conventions Nos. 95 and 124 that, following recent legislative measures, improved declarations are under consideration. In the light of information contained in the report of the Gilbert and Ellice Islands in respect of Convention No. 74, the Government may also wish to consider the possibility of making a declaration of application in that case.

\* \* \*

In addition, a request regarding certain points is being addressed directly to *Australia*.

### **B. INDIVIDUAL OBSERVATIONS**

#### **Convention No. 2 : Unemployment, 1919**

A request regarding certain points is being addressed directly to the *Netherlands* (Surinam).

**Convention No. 5 : Minimum Age (Industry), 1919***Denmark**Faroe Islands.*

Further to its earlier observations made since 1957, the Committee notes from the information supplied by the Government that a Bill on occupational safety, health and welfare is to be drawn up and will ensure conformity with the Minimum Age (Industry) Convention, 1919 (No. 5), and the Night Work of Young Persons (Industry) Convention, 1919 (No. 6). The Committee hopes that the necessary measures to prohibit the employment of children in industrial undertakings, in accordance with Convention No. 5, and night work for children, in accordance with Convention No. 6, will be adopted in the very near future.

*United Kingdom**Bahamas.*

*Article 4 of the Convention.* Further to its earlier comments, the Committee notes with satisfaction that section 29 of the Fair Labour Standards Act, No. 13 of 1970, makes it compulsory for the employer to keep a record showing, *inter alia*, the names and ages of the persons employed.

*British Virgin Islands.*

*Article 4 of the Convention.* Further to its earlier direct request, the Committee notes with satisfaction that the specimen copy of the return giving information on the number and working conditions of workers, which employers are required to supply at the request of the labour inspector under section 6, subsection 1 (b) of the Labour Ordinance, has been amended so as to include the dates of birth of the workers, as required by this Article of the Convention.

\* \* \*

In addition, a request regarding certain points is being addressed directly to the *United Kingdom* (Bahamas).

**Convention No. 6 : Night Work of Young Persons (Industry), 1919***Denmark**Faroe Islands.*

See under Convention No. 5.<sup>1</sup>

\* \* \*

In addition, a request regarding certain points is being addressed directly to *France* (Comoro Islands).

**Convention No. 7 : Minimum Age (Sea), 1920**

Requests regarding certain points are being addressed directly to the *United Kingdom* (Bahamas, St. Vincent).

<sup>1</sup> The Government is asked to report in detail for the period ending 30 June 1972.



**Convention No. 8 : Unemployment Indemnity (Shipwreck), 1920**

Requests regarding certain points are being addressed directly to the following States : *Denmark* (Faroe Islands), *United Kingdom* (Solomon Islands).

**Convention No. 10 : Minimum Age (Agriculture), 1921**

Requests regarding certain points are being addressed directly to *France* (Overseas Departments : French Guiana, Guadeloupe, Martinique, Réunion).

**Convention No. 11 : Right of Association (Agriculture), 1921**

A request regarding certain points is being addressed directly to the *United Kingdom* (St. Christopher-Nevis-Anguilla).

**Convention No. 14 : Weekly Rest (Industry), 1921**

A request regarding certain points is being addressed directly to the *Netherlands* (Netherlands Antilles).

**Convention No. 16 : Medical Examination of Young Persons (Sea), 1921**

A request regarding certain points is being addressed directly to *Denmark* (Faroe Islands).

**Convention No. 17 : Workmen's Compensation (Accidents), 1925**

*Netherlands*

*Netherlands Antilles.*

The Committee notes the Government's reply to its earlier observations, and also the declaration of the Government representative to the Conference Committee in 1970. It notes the information supplied on the application of *Article 8 of the Convention* (supervision and methods of review of compensation) and wishes to draw attention to the following points :

*Article 7 of the Convention.* The Government refers to section 4, paragraphs 2 (e) and (f) and paragraph 3 of Ordinance No. 14 of 6 January 1966 concerning benefits (transport of the victim, instruction in the use of artificial limbs, and cash payments in place of medical aid) other than those required by this Article of the Convention. The Article in question provides for additional compensation where the injury results in incapacity of such a nature that the injured workmen must have the constant help of another person in order to meet daily needs. The Committee therefore hopes that the Government—in accordance with its intention as declared to the Conference—will take the necessary steps to amend its legislation on this point, more especially as, according to its report, every case of this kind is in practice examined and dealt with according to circumstances.

*Article 10.* The Committee notes from the statement of the Government representative at the Conference that in practice every injured workman may request the renewal of his artificial limbs (the supply of which is provided for in section 4, paragraph 2 (d) of Ordinance No. 14 of 1966) when they do not come up to standard. The Committee hopes that a formal clause to this effect will be incorporated in the legislation in the course of the amendment referred to above.

*Surinam.*

The Committee notes with interest the information supplied by the Government in response to its earlier observations and requests, to the effect that the draft amendment to Decree No. 145 of 1947 concerning industrial accidents and occupational diseases has been submitted to the states of Surinam.

The Committee trusts that this amendment, which is intended to give effect to Articles 7 and 10 of the Convention (concerning respectively additional compensation when the injured workman must have the constant help of another person and the renewal of artificial limbs and surgical appliances), will be adopted at a very early date.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States: *Netherlands* (Netherlands Antilles); the *United Kingdom* (Guernsey).

**Convention No. 18 : Workmen's Compensation (Occupational Diseases), 1925**

A request regarding certain points is being addressed directly to *Denmark* (Faroe Islands).

**Convention No. 19 : Equality of Treatment (Accident Compensation), 1925**

*Netherlands*

*Surinam.*

Further to its previous observations, the Committee notes with interest, from the Government's report for 1970-71, that the draft Ordinance concerning compensation for industrial accidents, which will provide equality of treatment for all workers irrespective of nationality, has been submitted for approval to the states of Surinam. The Committee trusts that this draft, to which the Government has been referring since 1964, will be adopted in the near future and that the Government will be able to supply information on the subject (see also the direct request concerning Convention No. 118).

\* \* \*

In addition, requests regarding certain points are being addressed directly to: *France* (Overseas Departments: French Guiana, Guadeloupe, Martinique, Réunion).

**Convention No. 22 : Seamen's Articles of Agreement, 1926**

*United Kingdom*

*Bahamas.*

The Committee regrets that no report has been received and that therefore no information is available on the matter raised in its previous direct requests,

concerning the measures needed to give effect in Bahamas to the various Articles of the Convention.

\* \* \*

In addition, a request regarding certain points is being addressed directly to the *United Kingdom* (Seychelles).

**Convention No. 24 : Sickness Insurance (Industry), 1927**

Requests regarding certain points are being addressed directly to the *United Kingdom* (Guernsey, Jersey).

**Convention No. 25 : Sickness Insurance (Agriculture), 1927**

Requests regarding certain points are being addressed directly to the following States : *Netherlands* (Netherlands Antilles), *United Kingdom* (Guernsey, Jersey).

**Convention No. 26 : Minimum Wage-Fixing Machinery, 1928**

A request regarding certain points is being addressed directly to the *United Kingdom* (Virgin Islands).

**Convention No. 29 : Forced Labour, 1930**

Requests regarding certain points are being addressed directly to the following States : *France* (French Polynesia), *Netherlands* (Surinam).

Information supplied by *France* (Comoro Islands), *United Kingdom* (Gibraltar, Jersey) in answer to direct requests has been noted by the Committee.

**Convention No. 32 : Protection against Accidents  
(Dockers) (Revised), 1932**

A direct request regarding certain points is being addressed directly to the *United Kingdom* (Falkland Islands (Malvinas)).

**Convention No. 33 : Minimum Age (Non-Industrial Employment), 1932**

*Netherlands*

*Netherlands Antilles.*

*Article 5 of the Convention.* The Committee notes from the Government's reply to its earlier comments that the National Decree to determine the types of employment in which persons under 18 years of age are prohibited to engage, in accordance with section 17 (1) of the Ordinance of 22 August 1952, will be adopted upon the completion of the current reorganisation of the labour inspectorate. In this connection the Committee recalls that, in the Government's report for 1966-68,

such measures were already referred to within the framework of the revision of the labour regulations. The Committee therefore trusts that the above-mentioned National Decree will be adopted in the very near future so as to give full effect to this Article of the Convention.

**Convention No. 41 : Night Work (Women) (Revised), 1934**

A request regarding certain points is being addressed directly to *France* (Comoro Islands).

**Convention No. 42 : Workmen's Compensation (Occupational Diseases) (Revised), 1934**

*France*

*Overseas Departments* (French Guiana, Guadeloupe, Martinique, Réunion).

See under Convention No. 42, France.

*Netherlands*

*Surinam.*

In its previous observations and requests, the Committee has pointed out that the national list of occupational diseases is not fully in conformity with the Convention on the following points : (a) the loading, unloading and transport of merchandise are not included in the operations liable to give rise to anthrax infection ; (b) the list in question does not mention the mercury and lead compounds and the homologues of benzene.

In its last report, the Government indicates that the relevant section of the draft text which will amend and supplement Decree No. 145 of 1947 on occupational injuries has been brought into full conformity with Article 2 of the Convention and that the draft is being submitted to the states of Surinam for approval.

The Committee notes the above information with interest and hopes that the draft text will be adopted very soon. It requests the Government to supply information on the progress achieved in this connection.

*United Kingdom*

*Hong Kong.*

The Committee notes with satisfaction that, in reply to its earlier direct requests, the Workmen's Compensation Ordinance (Amendment of Second Schedule) Order No. 14, 1970, added the loading, unloading or transport of merchandise in general to item 14 of the schedule of occupational diseases appended to the Ordinance and dealing with anthrax infection.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States : *Australia* (New Guinea and Papua), *Netherlands* (Netherlands Antilles), *United Kingdom* (Bahamas, Brunei, Gibraltar, St. Lucia, Solomon Islands).

Information supplied by the *United Kingdom* (Bermuda) in answer to a direct request has been noted by the Committee.

**Convention No. 50 : Recruiting of Indigenous Workers, 1936**

A request regarding certain points is being addressed directly to the *United Kingdom* (Solomon Islands).

**Convention No. 55 : Shipowners' Liability (Sick and Injured Seamen), 1936**

A request regarding certain points is being addressed directly to the *United States* (Eastern Samoa).

**Convention No. 56 : Sickness Insurance (Sea), 1936**

*United Kingdom*

*Guernsey.*

*Article 5 of the Convention.* With reference to its earlier requests, the Committee notes with satisfaction the adoption of the Social Insurance (Amendment) (Guernsey) Law, 1971, and the Social Insurance (Maternity Benefit) (Guernsey) Regulations, 1971, issued under the amended Law. These Regulations make provision for a maternity allowance and a maternity grant, the latter being payable also to the wives of insured persons in the event of childbirth.

\* \* \*

In addition, a request regarding certain points is being addressed directly to the *United Kingdom* (Guernsey).

**Convention No. 58 : Minimum Age (Sea) (Revised), 1936**

*Netherlands*

*Netherlands Antilles.*

Further to its previous observations, the Committee notes with interest, from the Government's report, that the National Seamen (Signing on) Decree (PB 1960, No. 201) is to be amended so as to prohibit the employment on board ship of young persons under 16 years of age.

The Committee hopes that the amendment will be adopted in the near future.

**Convention No. 62 : Safety Provisions (Building), 1937**

*Netherlands*

*Surinam.*

Further to its previous observation, the Committee notes from the Government's statement to the Conference Committee in 1971, that the question of making operative the Safety Ordinance of 1962 required further consultations in view of its technical complexity. The Committee further notes from the Government's report that the matter is being examined in co-operation with the Ministry of Public

Works and Transport and that the Government anticipates positive results at an early date.

The Committee therefore hopes that the Government will be able to report in the near future on the adoption of the measures necessary to give full effect to the various provisions of the Convention which have been the subject of its previous comments.<sup>1</sup>

### **Convention No. 63 : Statistics of Wages and Hours of Work, 1938**

Requests regarding certain points are being addressed directly to the *United Kingdom* (Brunei, St. Lucia).

### **Convention No. 64 : Contracts of Employment (Indigenous Workers), 1939**

A request regarding certain points is being addressed directly to the *United Kingdom* (Solomon Islands).

### **Convention No. 69 : Certification of Ships' Cooks, 1946**

#### *Netherlands*

##### *Netherlands Antilles.*

The Committee notes from the Government's reply to its previous observation that it has been decided to submit a draft national ordinance of 1962, giving effect to the provisions of the Convention, to the competent authorities for approval as soon as the School of Navigation founded in 1966 is able to include in its programme a course for certificated ships' cooks. The Committee trusts that the necessary steps will be taken in the near future.

### **Convention No. 81 : Labour Inspection, 1947**

#### *Netherlands*

##### *Surinam.*

The Committee notes with interest the draft Labour Inspection Ordinance prepared in order to take account of its earlier comments. It notes that the draft ensures fuller application of the Convention and more particularly of Articles 12 and 13 concerning the powers of inspectors, and it hopes that it will be adopted in the near future.

#### *United Kingdom*

##### *Antigua.*

The Committee notes with regret that the Government's report has not been received. The Committee is bound, therefore, to repeat its previous observation, which was as follows :

*Article 15, paragraph (c) of the Convention.* The Committee notes from the Government's reply to its observation of 1968 that the revision of the Factories Ordinance, 1957, designed to give effect to Article 15 (c) of the Convention, is still in process, and it is too early to anticipate the outcome. The

---

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 57th Session and to report in detail for the period ending 30 June 1972.

Committee trusts that the revision of the Ordinance will soon be completed, and will impose on labour inspectors the express obligation to treat as absolutely confidential the source of any complaint brought to their notice, in conformity with Article 15 (c) of the Convention.

*Article 20.* The Committee also notes with interest that, as a result of its earlier observations, the annual report of the Department of Labour for 1968, containing information on the work of the labour inspectorate, was transmitted to the ILO. It hopes that the report for 1969 will soon reach the ILO and that in future the time limits laid down in this Article for the publication of the annual reports on the inspection service and their transmission to the ILO will be respected.

*Brunei.*

The Committee notes with regret that the Government's report has not been received. The Committee is bound, therefore, to repeat its previous observation, which was as follows :

*Articles 20 and 21 of the Convention.* The Committee notes that the last annual report of the Department of Labour received in the ILO dates back to 1964. It observes, moreover, that the last two reports of the Government on the application of the Convention contained information which, according to Article 21 of the Convention, should appear in the annual report on the work of the inspection services provided for in Article 20 of the Convention.

Since, however, this information cannot be regarded as a substitute for such a report, the Committee hopes that the Government will take the necessary steps to ensure that an annual report on the work of the inspection services, containing all the information specified in Article 21 of the Convention, will be published within twelve months after the end of the year to which it relates, and transmitted to the ILO within three months after its publication, in conformity with Article 20 of the Convention.

*Grenada.*

The Committee notes with regret that the Government's report contains no reply to previous comments. It is bound therefore to repeat its previous observation, which was as follows :

The Committee notes from the Government's reply to its observation of 1968 that it is not intended to appoint a factories inspector, but that the inspection functions provided for in the Factories Ordinance of 1958 are exercised by the labour inspector.

With regard to the report on the work of the inspection services provided for in section 61, paragraph 5, of the Factories Ordinance, the Committee hopes that this document will be published and transmitted within the time limits prescribed by Article 20 of the Convention and that it will contain all the information specified in Article 21 of the Convention.

The Committee also notes that a new Bill currently being considered contains provisions obliging the labour inspector to observe secrecy as to the source of any complaints brought before him, in conformity with Article 15 (c) of the Convention. As the Government has been referring for some years to its intention to supplement the national legislation on this point, the Committee trusts that this Bill will be adopted at a very early date and that the text thereof will be transmitted with the next report.

*Southern Rhodesia.*

See General Observation in section II A above.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States : *France* (Overseas Departments : French Guiana, Guadeloupe, Martinique, Réunion), *Netherlands* (Netherlands Antilles and Surinam), *United Kingdom* (Antigua, British Honduras, Gibraltar, Guernsey, Isle of Man, St. Vincent and Solomon Islands).

**Convention No. 82 : Social Policy (Non-Metropolitan Territories), 1947***France**New Caledonia.*

*Article 19 of the Convention.* The Committee notes with satisfaction that by Resolution No. 284 of 16 December 1970 (brought into force by Order No. 53 of 7 January 1971) the Territorial Assembly has made primary instruction compulsory for children of both sexes, French as well as foreign, residing within the territory and between the ages of 6 and 14 years.

The above-mentioned documents not having been received, the Committee requests the Government to supply them with the next report.

*United Kingdom**Antigua.*

The Committee notes with regret that the Government's report has not been received. The Committee is bound, therefore, to repeat its previous observation, which was as follows :

*Article 16 of the Convention.* In its reply to the observation of 1969, the Government states that the need to protect all categories of workers in the terms of this Article (advances on wages) in so far as such protection is necessary is fully appreciated and will be implemented at as early a date as the legislative process will allow. The Committee hopes that the necessary measures will soon be taken and that information on the progress made will be supplied in the next report.

*Bermuda.*

*Article 18 of the Convention.* The Committee notes that the Government has not replied to its previous direct request regarding the activities of the recently created Race Relations Board. The Committee also notes in this regard that a Bermuda Workers' observer stated before the Conference Committee in 1971 (paragraph 63 of the said Committee's report) that despite the existence of constitutional and legislative provisions, problems of discrimination continued to exist in practice, particularly because of different systems of education and the consequences of such inequalities on employment.

The Committee would therefore be glad if the Government would indicate, as already requested, what results have been achieved in promoting equality of opportunities through the Race Relations Board, and also any other measures which may have been taken, in accordance with this Article of the Convention, to abolish all discrimination between workers.

*Southern Rhodesia.*

See General Observation in section II A above.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States : *France* (Comoro Islands, French Territory of the Afars and the Issas), *United Kingdom* (Bermuda, Gibraltar, St. Vincent).

**Convention No. 84 : Right of Association (Non-Metropolitan Territories), 1947***United Kingdom**Southern Rhodesia.*

See General Observation in section II A above.

\* \* \*



In addition, requests regarding certain points are being addressed directly to the *United Kingdom* (Brunei, Solomon Islands).

Information supplied by the *United Kingdom* (Bahamas) in answer to a direct request has been noted by the Committee.

### **Convention No. 85 : Labour Inspectorates (Non-Metropolitan Territories), 1947**

#### *United Kingdom*

##### *Montserrat.*

See paragraph 111 of the General Report.

##### *St. Christopher-Nevis-Anguilla.*

The Committee regrets that for the third year in succession no report has been received. It trusts that a report will be supplied for examination by the Committee at its next session and will contain full information on the matter raised in its previous direct requests, which read as follows :

The Committee has noted the Labour Ordinance, No. 8 of 1966, and wishes to draw the Government's attention to the following point.

*Article 4, paragraph 2 (a) of the Convention.* Section 12 (a) of the Labour Ordinance 1966 provides that the inspector may enter and inspect premises " at any working hour of the day and night ". This provision is more limited than this paragraph of the Convention, which provides that inspectors may enter freely and without previous notice " at any hour of the day or night " any workplace liable to inspection.

The Committee hopes that the Government will not fail to indicate any measures adopted or envisaged with a view to bringing national legislation into conformity with the Convention on this point.

##### *St. Lucia.*

The Committee notes with regret that the Government's report has not been received. The Committee is bound, therefore, to repeat its previous observation, which was as follows :

*Article 4 of the Convention.* The Committee notes from the Government's reply to its observation of 1969 that the Labour Bill which is to contain provisions conferring on labour inspectors the power to enforce the posting of notices required by the legal provisions, and of interrogating the employer or the staff, in conformity with Article 4 of the Convention, has not yet been adopted.

Since this Bill has now been in preparation for more than ten years, the Committee trusts that the Government will take all the necessary steps to ensure that it is adopted very soon, and that it will transmit a copy of it with its next report.

### **Convention No. 86 : Contracts of Employment (Indigenous Workers), 1947**

#### *United Kingdom*

##### *Southern Rhodesia.*

See General Observation in section II A above.

### **Convention No. 87 : Freedom of Association and Protection of the Right to Organise, 1948**

Requests regarding certain points are being addressed directly to the *Netherlands* (Surinam), *United Kingdom* (Bahamas, Dominica, St. Vincent, Seychelles).

Information supplied by the *United Kingdom* (Gilbert and Ellice Islands) in answer to a direct request has been noted by the Committee.

**Convention No. 88 : Employment Service, 1948**

*Netherlands*

*Surinam.*

The Committee notes with interest that a Vocational Training Council on a tripartite basis has been set up and that it is intended to establish local employment offices. It requests the Government to indicate in future reports the progress made in setting up these offices.

*Articles 4 and 5 of the Convention.* The Committee further notes that the question of the establishment of advisory committees is still under consideration. It recalls that the co-operation and consultation of employers and workers as regards the operation and general policy of the employment service can also be ensured through committees which fulfil other functions in the labour field if that is the most appropriate arrangement under national conditions, provided always that the members comprise equal numbers of employers and workers, appointed after consultation of their representative organisations. The Committee therefore trusts that the Government will be able to make appropriate arrangements in this regard.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the *Netherlands* (Netherlands Antilles), *United Kingdom* (Bahamas).

**Convention No. 89 : Night Work (Women) (Revised), 1948**

A request regarding certain points is being addressed directly to the *Netherlands* (Netherlands Antilles).

**Convention No. 90 : Night Work of Young Persons (Industry) (Revised), 1948**

A request regarding certain points is being addressed directly to the *Netherlands* (Netherlands Antilles).

**Convention No. 94 : Labour Clauses (Public Contracts), 1949**

Requests regarding certain points are being addressed directly to : *Netherlands* (Netherlands Antilles, Surinam), *United Kingdom* (Brunei, Dominica, Grenada, St. Christopher-Nevis-Anguilla, St. Vincent, Solomon Islands).

**Convention No. 95 : Protection of Wages, 1949**

*Netherlands*

*Surinam.*

*Article 2 of the Convention.* The Committee refers to its earlier observations and notes with satisfaction the coming into force of the National Public Service Ordinance (Government Decree No. 195 of 1962), which extends the national

legislation concerning the protection of wages to cover civil servants and public employees under contract.

*Article 4, paragraph 2 (b), and Article 15 (d).* As regards the value of allowances in kind and the question of the maintenance of records, with reference to which several earlier observations and requests have been made, the Committee requests the Government to provide additional information concerning the Bill referred to in the report under Article 4, paragraph 2 (*b*), and also on the progress made in giving effect to Article 15 (*d*) of the Convention.

### *United Kingdom*

#### *Grenada.*

The Committee notes with regret that the Government's report has not been received. The Committee is bound, therefore, to repeat its previous observation, which was as follows :

The Government states, in reply to the Committee's previous observation, that a Bill on the protection of wages, which upon enactment will enable the territory to meet its obligations under the Convention, has been sent to the Legal Department for vetting. As the Government has been referring to the Bill since 1961, the Committee hopes that the proposed legislation will be enacted in the very near future and will take into account its previous comments relating to Article 3, paragraph 1, Article 4, Article 6, Article 8, paragraph 2, Article 10, Article 13 and Article 15 (*b*), (*c*) and (*d*) of the Convention.

#### *St. Vincent.*

The Committee notes with regret that the Government's report has not been received. The Committee is bound, therefore, to repeat its previous observation which was as follows :

*Articles 2, 5, 6, 10, 12 and 15 of the Convention.* The Committee notes that the draft of the Labour Ordinance which, according to the Government, will give effect to these Articles of the Convention has not yet been completed. As the matter has been raised since 1960, the Committee hopes that the appropriate measures will soon be taken to ensure the application of these provisions.

\* \* \*

In addition, a request regarding certain points is being addressed directly to the *United Kingdom* (Bahamas, Jersey, Montserrat, St. Lucia).

### **Convention No. 98 : Right to Organise and Collective Bargaining, 1949**

Requests regarding certain points are being addressed directly to the *United Kingdom* (Dominica, Grenada, Seychelles).

Information supplied by the *United Kingdom* (Gilbert and Ellice Islands) in answer to a direct request has been noted by the Committee.

### **Convention No. 101 : Holidays with Pay (Agriculture), 1952**

Requests regarding certain points are being addressed directly to the *Netherlands* (Surinam), *United Kingdom* (St. Christopher-Nevis-Anguilla).

**Convention No. 105 : Abolition of Forced Labour, 1957**

*United Kingdom*

*Southern Rhodesia.*

See General Observation in Section II A above.

\* \* \*

In addition, requests regarding certain points are being addressed to the following States : *Denmark* (Faroe Islands), *Netherlands* (Netherlands Antilles, Surinam), *New Zealand* (Niue), *United Kingdom* (Antigua, Bahamas, Bermuda, British Virgin Islands, Montserrat, St. Christopher-Nevis-Anguilla, Seychelles).

Information supplied by the *United Kingdom* (Hong Kong) in answer to a direct request has been noted by the Committee.

**Convention No. 106 : Weekly Rest (Commerce and Offices), 1957**

A request regarding certain points is being addressed directly to *Denmark* (Faroe Islands).

**Convention No. 108 : Seafarers' Identity Documents, 1958**

*United Kingdom*

*Gibraltar.*

Further to its previous direct requests, the Committee notes with satisfaction that a Standing Order has been issued to give effect to Article 6 of the Convention.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the *United Kingdom* (Bermuda, British Virgin Islands, Brunei, Dominica, Falkland Islands (Malvinas), Grenada, St. Christopher-Nevis-Anguilla, Seychelles).

Information supplied by the *United Kingdom* (Gilbert and Ellice Islands, St. Lucia) in answer to a direct request has been noted by the Committee.

**Convention No. 115 : Radiation Protection, 1960**

Information supplied by the *United Kingdom* (British Honduras) in answer to a direct request has been noted by the Committee.

**Convention No. 122 : Employment Policy, 1964**

Requests regarding certain points are being addressed directly to the *Netherlands* (Netherlands Antilles, Surinam).

**Appendix. Receipt of Detailed Reports on Ratified Conventions (Non-Metropolitan Territories)  
as at 29 March 1972**

*(Articles 22 and 35 of the Constitution)*

Reports received: 923      Reports not received: 373      Total: 1,296

The numbers of Conventions in respect of which declarations of application without modifications or declarations of application with modifications had been registered by 1 January 1971 are underlined.

The territories enumerated below are listed without prejudice to any questions of a political character, regarding which the Committee is not competent to express an opinion.

States and Territories	Reports received		Reports not received		Popula- tion <sup>1</sup> (thou- sands)
	Total	Convention Nos.	Total	Convention Nos.	
Australia . . . . .	38		4		
New Guinea * . . . . .	12	<u>10, 12, 16, 19, 22, 29, 42,</u> <u>63, 85, 88, 99, 105</u>	2	<u>18, 122</u>	1 750
Norfolk Island * . . . . .	14	<u>10, 12, 16, 18, 19, 22, 29,</u> <u>42, 63, 85, 88, 99, 105,</u> <u>122</u>	0	—	1
Papua * . . . . .	12	<u>10, 12, 16, 19, 22, 29, 42,</u> <u>63, 85, 88, 99, 105</u>	2	<u>18, 122</u>	670
Denmark . . . . .	11		24		
Faroe Islands . . . . .	4	<u>5*, 6*, 8, 106</u>	15	<u>2, 12, 16, 18, 19,</u> <u>29, 42, 52, 53, 63,</u> <u>81, 92, 94, 105,</u> <u>118</u>	40
Greenland * . . . . .	7	<u>2, 6, 16, 52, 63, 81, 118</u>	9	<u>12, 18, 19, 29, 42,</u> <u>53, 92, 94, 105</u>	50
France . . . . .	284		55		
<i>Overseas Departments :</i>					
French Guiana . . . . .	33	<u>2, 6, 10, 12, 16, 22, 23,</u> <u>24*, 29, 44, 52, 53, 55,</u> <u>56, 63, 69, 71, 73, 74, 77,</u> <u>78, 81, 82, 88, 89, 92, 94,</u> <u>95, 96, 101, 105, 113, 114</u>	4	<u>17, 18, 19, 42</u>	50
Guadeloupe . . . . .	33	ditto	4	ditto	330
Martinique . . . . .	33	ditto	4	ditto	340
Reunion . . . . .	33	ditto	4	ditto	450

For footnote see end of table, p. 244.

**REPORT OF THE COMMITTEE OF EXPERTS**

States and Territories	Reports received		Reports not received		Population <sup>1</sup> (thousands)
	Total	Convention Nos.	Total	Convention Nos.	
<i>Overseas Territories :</i>					
Comoro Islands * . . . .	38	2, 6, 10, 12, 16, 17, 18, 19, 22, 23, 24, 29, 42, 44, 52, 53, 55, 56, 63, 69, 71, 73, 74, 77, 78, 81, 82, 85, 88, 89, 92, 94, 95, 96, 101, 105, 113, 114	0	—	270
French Polynesia . . . . .	0	—	38	2, 6, 10, 12, 16, 17, 18, 19, 22, 23, 24, 29, 42, 44, 52, 53, 55, 56, 63, 69, 71, 73, 74, 77, 78, 81, 82, 85, 88, 89, 92, 94, 95, 96, 101, 105, 113, 114	110
French Territory of the Afars and the Issas * .	38	2, 6, 10, 12, 16, 17, 18, 19, 22, 23, 24, 29, 42, 44, 52, 53, 55, 56, 63, 69, 71, 73, 74, 77, 78, 81, 82, 85, 88, 89, 92, 94, 95, 96, 101, 105, 113, 114	0	—	100
New Caledonia * . . . . .	38	2, 6, 10, 12, 16, 17, 18, 19, 22, 23, 24, 29, 42, 44, 52, 53, 55, 56, 63, 69, 71, 73, 74, 77, 78, 81, 82, 85, 88, 89, 92, 94, 95, 96, 101, 105, 113, 114	0	—	110
St. Pierre and Miquelon *	38	2, 3, 6, 10, 12, 16, 17, 18, 19, 22, 23, 24, 29, 42, 44, 52, 53, 55, 56, 63, 69, 71, 73, 74, 77, 81, 82, 85, 88, 89, 92, 94, 95, 96, 101, 105, 113, 114	1	78	5
Netherlands . . . . .	92		3		
Netherlands Antilles . .	58	2, 5, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 21, 22, 23, 24, 25, 26, 27, 29, 32, 33, 42, 44, 45, 48, 58, 62, 63, 68, 69, 71, 73, 74, 81, 87, 88, 89, 90, 91, 92, 94*, 95, 96, 97, 99, 101, 102, 105, 112, 115, 118, 121, 122, 123, 124, 128	0	—	220
Surinam * . . . . .	34	2, 10, 12, 16, 17, 19, 21, 22, 23, 24, 25, 42, 44, 48, 62, 63, 69, 71, 73, 74, 81, 88, 89, 90, 92, 95, 96, 101, 115, 118, 121, 123, 124, 128	3	29, 94, 105	390

**NON-METROPOLITAN TERRITORIES**

States and Territories	Reports received		Reports not received		Population <sup>1</sup> (thou- sands)
	Total	Convention Nos.	Total	Convention Nos.	
New Zealand . . . . .	47		16		
Cook Islands . . . . .	5	29, 65, 82, 104, 105	16	2, 10, 12, 16, 17, 22, 42, 44, 52, 53, 63, 74, 81, 88, 89, 101	20
Niue * . . . . .	21	2, 10, 12, 16, 17, 22, 29, 42, 44, 52, 53, 63, 65, 74, 81, 82, 88, 89, 101, 104, 105	0	—	5
Tokelau Islands * . . . .	21	2, 10, 12, 16, 17, 22, 29, 42, 44, 52, 53, 63, 65, 74, 81, 82, 88, 89, 101, 104, 105	0	—	2
United Kingdom . . . . .	441		266		
Antigua * . . . . .	23	2, 10, 12, 16, 17, 19, 24, 25, 29, 42, 44, 56, 63, 65, 69, 74, 88, 92, 94, 95, 101, 115, 124	5	22, 81, 82, 99, 105	60
Bahamas . . . . .	0	—	30	2, 7, 10, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 56, 63, 65, 69, 74, 81, 82, 85, 87, 88, 92, 94, 95, 101, 105, 115, 124	160
Bermuda * . . . . .	29	2, 10, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 56, 63, 65, 69, 74, 81, 82, 85, 88, 92, 94, 95, 101, 105, 108, 115, 124	0	—	50
British Honduras * . . . .	27	2, 10, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 56, 63, 65, 69, 74, 81, 82, 88, 92, 94, 95, 101, 105, 115, 124	0	—	130
British Virgin Islands * . .	27	2, 10, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 56, 63, 65, 69, 74, 81, 82, 85, 88, 92, 94, 95, 101, 105, 124	1	115	10
Brunei . . . . .	0	—	33	2, 7, 10, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 50, 56, 63, 65, 69, 74, 81, 82, 84, 88, 92, 94, 95, 101, 105, 108, 115, 120, 122, 124	120

REPORT OF THE COMMITTEE OF EXPERTS

States and Territories	Reports received		Reports not received		Population <sup>1</sup> (thousands)
	Total	Convention Nos.	Total	Convention Nos.	
Dominica * . . . . .	27	2, 10, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 56, 63, 65, 69, 74, 81, 85, 88, 92, 94, 95, 101, 105, 115, 124	4	26, 82, 99, 108	70
Falkland Islands (Malvinas) * . . . . .	28	2, 10, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 56, 63, 65, 69, 74, 81, 82, 85, 88, 92, 94, 95, 101, 105, 115, 124	0	—	2
Gibraltar * . . . . .	28	2, 10, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 56, 63, 65, 69, 74, 81, 82, 88, 92, 94, 95, 101, 105, 108, 115, 124	0	—	30
Gilbert and Ellice Islands*	28	2, 10, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 56, 63, 65, 69, 74, 81, 82, 85, 88, 92, 94, 95, 101, 105, 115, 124	0	—	60
Grenada * . . . . .	22	10, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 56, 63, 65, 69, 74, 81, 82, 92, 101, 115, 124	6	2, 88, 94, 95, 105, 108	100
Guernsey . . . . .	13	2, 10, 12, 17, 19, 24, 25, 42, 44, 56, 81*, 88, 115	14	16, 22, 29, 63, 65, 69, 74, 82, 92, 94, 95, 101, 105, 124	47
Hong Kong . . . . .	27	2, 10, 12, 16, 17, 19, 22*, 24, 25, 29, 42, 44, 56, 63, 65*, 69, 74, 81*, 82*, 88, 92, 94, 95, 101, 105*, 115*, 124	0	—	4 090
Jersey . . . . .	26	2, 10, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 56, 63, 65, 69, 74, 81*, 88, 92, 94, 95, 101, 105, 115, 124	7	50, 64, 82, 84, 86, 120, 122	64
Isle of Man * . . . . .	31	2, 10, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 50, 56, 63, 64, 65, 69, 74, 81, 82, 84, 86, 88, 92, 94, 95, 101, 105, 115, 124	0	—	50
Montserrat * . . . . .	26	2, 10, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 56, 63, 65, 69, 74, 81, 82, 85, 88, 92, 94, 101, 115, 124	2	95, 105	20



**NON-METROPOLITAN TERRITORIES**

States and Territories	Reports received		Reports not received		Popula- tion <sup>1</sup> (thou- sands)
	Total	Convention Nos.	Total	Convention Nos.	
St. Christopher-Nevis- Anguilla . . . . .	0	—	31	2, 10, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 56, 63, 65, 69, 74, 81, 82, 85, 86, 88, 92, 94, 95, 101, 105, 115, 120, 122, 124	60
St. Helena * . . . . .	27	2, 10, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 56, 63, 65, 69, 74, 81, 82, 88, 92, 94, 95, 101, 105, 115, 124	1	85	5
St. Lucia . . . . .	0	—	32	2, 10, 12, 16, 17, 19, 22, 24, 25, 26, 29, 39, 40, 42, 44, 56, 63, 64, 65, 69, 74, 81, 82, 85, 88, 92, 94, 95, 101, 105, 115, 124	120
St. Vincent . . . . .	0	—	43	2, 5, 7, 10, 12, 16, 17, 19, 22, 24, 25, 26, 29, 32, 35, 36, 37, 38, 42, 44, 50, 56, 63, 65, 69, 74, 81, 82, 87, 88, 92, 94, 95, 97, 99, 101, 102, 105, 108, 115, 120, 122, 124	100
Seychelles * . . . . .	28	2, 10, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 56, 63, 65, 69, 74, 81, 82, 85, 88, 92, 94, 95, 101, 105, 115, 124	0	—	50
Solomon Islands * . . . .	24	2, 10, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 56, 63, 65, 69, 74, 81, 88, 92, 101, 105, 115, 124	3	82, 94, 95	160
Southern Rhodesia . . . .	0	—	54	2, 5, 7, 8, 10, 11, 12, 15, 16, 17, 19, 22, 24, 25, 26, 29, 32, 35, 36, 37, 38, 39, 40, 42, 44, 45, 50, 56, 63, 64, 65, 68, 69, 74, 81, 82, 84, 86, 87, 88, 92, 94, 95, 97, 98, 99, 101, 102, 105, 108, 115, 120, 122, 124	5 270

# REPORT OF THE COMMITTEE OF EXPERTS

States and Territories	Reports received		Reports not received		Popula- tion <sup>1</sup> (thou- sands)
	Total	Convention Nos.	Total	Convention Nos.	
United States	10		5		
American Samoa . . . . .	2	53, 74	1	55	30
Guam . . . . .	2	53, 74	1	55	100
Puerto Rico . . . . .	2	53, 74	1	55	2 840
Trust Territory of Pacific Islands	2	53, 74	1	55	100
Virgin Islands . . . . .	2	53, 74	1	55	60

\* Reports received too late to be summarised in Report III (Part I).

<sup>1</sup> Source: United Nations: *Demographic Year Book*, 1970.

### **III. Observations concerning the Submission to the Competent Authorities of the Conventions and Recommendations Adopted by the International Labour Conference (Article 19 of the Constitution)**

#### *Afghanistan*

The Committee refers to its observation of 1971 and to the statement of a Government representative to the Conference Committee in 1971 to the effect that the instruments adopted from the 46th to the 52nd Sessions of the Conference had been examined by an interministerial committee which had referred them to the competent government authorities. The Committee notes with regret that no further information has been received on this matter. It requests the Government to specify the authorities to which the instruments in question were submitted and to provide in this connection the information and documents called for in the Memorandum adopted by the Governing Body. The Committee also hopes that the Government will soon be able to submit to the competent authorities the instruments adopted at the 53rd and 54th Sessions of the Conference, and that it will supply also in this respect the information and documents referred to above.

#### *Algeria*

The Committee notes, from the information given by the Government to the Conference Committee in 1971, that in the elaboration of labour legislation account has been taken to a considerable extent of the instruments adopted at the 52nd and 53rd Sessions of the Conference, which were due to be submitted to the Council of the Revolution in the near future. The Committee notes with regret that the Government has not supplied any subsequent information on this matter and has still not sent, as regards the instruments adopted from the 47th to the 51st Sessions of the Conference, which were submitted to the Council of the Revolution in 1969, the information and documents called for in the Memorandum adopted by the Governing Body (points I, II and III of the questionnaire).

The Committee trusts that the Government will soon indicate whether the instruments adopted at the 52nd, 53rd and 54th Sessions have been submitted to the competent authorities, and will provide the information and documents mentioned above in respect of the instruments adopted from the 47th to the 54th Sessions of the Conference.

#### *Barbados*

The Committee has taken note of the information supplied by the Government to the Conference Committee in 1971 with regard to the instruments adopted at the 51st, 52nd and 53rd Sessions of the Conference which were shortly to be submitted to Parliament. The Committee hopes that the Government will soon be able to indicate that these instruments, as well as those adopted at the 54th Session of the Conference, have been submitted to the legislature and that it will supply in this

connection the information and documents called for in the Memorandum adopted by the Governing Body (points II and III of the questionnaire).

#### *Bolivia*

The Committee again notes with regret that the Government has supplied no information in answer to its previous observations. It recalls that the Government indicated to the Conference Committee in 1969 that of the Conventions and Recommendations adopted from the 31st to the 51st Sessions of the Conference, thirty-one Conventions and ten Recommendations had been submitted to the National Congress in January 1969. In the absence of any further information on the subject, the Committee can only once again request the Government to specify which are the instruments in question and to communicate the relevant information and documents requested in the Memorandum adopted by the Governing Body (points II (c) and III of the questionnaire).

The Committee also trusts that the Government will indicate in the near future that all the instruments listed in the last column of the table in Appendix I to the present section have been submitted to the competent authority and that it will supply in this connection the above-mentioned information and documents.

#### *Brazil*

The Committee notes, from the information transmitted by the Government, that Recommendations Nos. 126 and 128 have been submitted to the National Congress. It once more expresses the hope that the Government will soon be able to indicate that all the instruments adopted from the 46th to the 53rd Sessions of the Conference and not yet submitted to the competent authorities (as enumerated in the last column of the table in Appendix I to this section), and also those adopted at the 54th Session, have been submitted to Congress, and that it will transmit, in respect of all the instruments mentioned above, the information and documents required by the Memorandum adopted by the Governing Body.

#### *Bulgaria*

The Committee notes from the information supplied by the Government that the instruments adopted at the 54th Session of the Conference have been submitted to the Presidium of the National Assembly, which took note of them and transmitted them to the competent ministries and bodies so that account may be taken of them in the framing of a new Labour Code and of statutory instruments concerning the training and employment of young people. The Committee once again expresses the hope that the Government will be able to submit the instruments adopted by the Conference also to the National Assembly itself.

The Committee must further point out that, notwithstanding its repeated requests, the documents regarding the submission of Conventions and Recommendations, which are called for in the Memorandum adopted by the Governing Body (point II (c) of the questionnaire) have never been supplied. It trusts that these documents will soon be supplied and that they will be communicated regularly in future, whenever new instruments are submitted.

#### *Burma*

The Committee notes with regret that since 1969 the Government has supplied no information in reply to its observations. It trusts that the Government will in the

near future supply the information and documents requested in the Memorandum adopted by the Governing Body (points II and III of the questionnaire) with respect to the instruments adopted from the 44th to the 51st Sessions of the Conference.

The Committee hopes that the Government will also indicate whether the instruments adopted at the 52nd, 53rd and 54th Sessions of the Conference have been submitted to the competent authorities and that it will supply the above-mentioned information and documents relating thereto.

#### *Burundi*

In its previous observation the Committee had noted the statement of a Government representative to the Conference Committee in 1970 to the effect that a certain number of instruments adopted at the 47th to 52nd Sessions of the Conference, and also the instruments adopted at the 53rd Session, had already been submitted to the competent authorities and that efforts would be made to submit all these instruments. The Committee then asked the Government for additional information on this point. It must note with regret that, notwithstanding the statement by a Government representative to the Conference Committee in 1971, according to which information regarding the submission of certain instruments to the competent authorities was already with the Ministry of Foreign Affairs for transmission to the ILO, no information on the matter has so far been received. The Committee can merely repeat the hope that in the near future the Government will specify the instruments which have already been submitted and will take the necessary measures to submit to the competent authorities all the instruments adopted from the 47th to the 54th Sessions of the Conference which have not yet been submitted, and that it will supply in this respect the information and documents called for in the Memorandum adopted by the Governing Body (points I, II and III of the questionnaire).

#### *Byelorussia*

The Committee has taken note of the information supplied by the Government according to which the instruments adopted during the 54th Session of the Conference were submitted to the Presidium of the Supreme Soviet. In this connection, it reiterates the hope that the Government will be able to communicate the instruments adopted by the Conference also to the Supreme Soviet itself.

Furthermore, the Committee must point out that notwithstanding its repeated requests, the documents submitting the Conventions and Recommendations and particulars of the action taken by the competent authorities in their respect (article 19 (5) (c) and (6) (c) of the Constitution) have never been supplied, as called for in the Memorandum adopted by the Governing Body. It trusts that the documents and information in question will be supplied soon and that they will be communicated regularly, in the future, whenever new instruments are submitted.

#### *Central African Republic*

The Committee has noted from the information supplied by the Government that the instruments adopted at the 54th Session of the Conference have been submitted to the competent authorities and that Conventions Nos. 123 and 124, adopted at the 49th Session of the Conference, and Convention No. 127, adopted at the 51st Session, are to be submitted very shortly, ratification of these Conventions posing no particular problem. Referring to its previous observation, the Com-

mittee hopes that the Government will soon be in a position to indicate that all the instruments adopted from the 49th to the 52nd Sessions of the Conference have been submitted to the competent authorities, and that it will supply, in respect of the instruments adopted from the 49th to the 54th Sessions of the Conference, the documents whereby they were submitted as well as information on any decision taken by the competent authorities, as called for in the Memorandum adopted by the Governing Body (points II (c) and III of the questionnaire).

#### *Ceylon*

The Committee has taken note of the documents submitting to Parliament the instruments adopted at the 49th, 50th and 51st Sessions of the Conference and hopes that the Government will soon indicate that the instruments adopted at the 52nd and 53rd Sessions, which had been translated and were being printed for presentation to Parliament, and those adopted at the 54th Session have also been submitted to the legislature.

The Government also indicates that a further communication will follow as regards its proposals concerning the instruments adopted since the 44th Session. The Committee trusts that the Government will supply in respect of all the instruments mentioned above the particulars required in the Memorandum adopted by the Governing Body, regarding the Government's proposals and any decisions taken by the competent authorities on the instruments considered.

#### *Chad*

The Committee notes with regret that once again no information has been supplied in answer to its comments made since 1967. It trusts that the Government will state in the very near future whether the instruments adopted from the 50th to the 54th Sessions of the Conference have been submitted to the competent authorities and that it will supply in this respect the information and documents called for in the Memorandum adopted by the Governing Body.

#### *Chile*

The Committee notes once again with regret that the Government has supplied no information in answer to its previous observations. It trusts that the Government will state in the very near future whether the instruments adopted from the 50th to the 54th Sessions of the Conference have been submitted to the competent authorities, and that it will also supply, in respect of all the instruments adopted since the 49th Session of the Conference, the information and documents called for in the Memorandum adopted by the Governing Body.

#### *Colombia*

The Committee has taken note with interest of the information and documents supplied by the Government regarding the submission to the National Congress with a view to ratification of numerous Conventions adopted since the 31st Session of the Conference. The Committee has also noted that certain other Conventions, including all those not yet submitted to the competent authorities, will be submitted to Parliament at its ordinary session beginning in July 1972, and that, furthermore, a large number of Recommendations, some thirty of which were adopted from the 31st to the 54th Sessions of the Conference, have been submitted to the National Labour Council.

The Committee hopes that the Government will soon be in a position to indicate that all Recommendations and Conventions still listed in the last column of the table in Appendix I to the present section, have been submitted to the legislature, and that the Government will supply in this respect the information and documents requested in the Memorandum adopted by the Governing Body (points II and III of the questionnaire).

*Dahomey*

The Committee notes the statement made by a Government representative to the Conference Committee in 1971, according to which Conventions Nos. 123 and 124 and Recommendations Nos. 124, 125 and 132 have been submitted, with a view to ratification or other appropriate measures, to the Presidential Council, which is the competent legislative authority. It notes with regret, however, that the only information received subsequently shows that Recommendation No. 136 is being studied with a view to its submission to the competent authorities. The Committee trusts that the Government, which has stated that it is conscious of its obligations under article 19 of the ILO Constitution, will in the very near future take the necessary measures to submit to the competent authorities all the instruments adopted from the 45th to the 54th Sessions of the Conference, and that it will supply in this connection the information and documents called for in the Memorandum adopted by the Governing Body (points II and III of the questionnaire).

*Dominican Republic*

The Committee notes with regret that once more no information has been received in reply to its earlier observations. It trusts that the Government will supply in the near future with regard to the instruments adopted at the 51st Session of the Conference, already submitted to Congress, the information and documents called for in the Memorandum adopted by the Governing Body. It hopes that the Government will also state whether the instruments adopted at the 52nd, 53rd and 54th Sessions of the Conference have been submitted to Congress and will supply in this connection the information and documents mentioned above.

*Ecuador*

The Committee has noted from the information supplied by the Government to the Conference Committee in 1971 that various instruments adopted from the 31st to the 51st Sessions had been submitted to the President of the Republic, who was at that time the competent authority, and that the Ministry of Labour would shortly transmit to the International Labour Office replies to the Memorandum adopted by the Governing Body. The Committee notes with regret that no further information has been received in this respect. It trusts that the Government will supply very shortly, in respect of the instruments in question, the information and documents called for in the said Memorandum (points I, II and III of the questionnaire). It hopes that the Government will also indicate whether the instruments adopted from the 52nd to the 54th Sessions of the Conference (except Convention No. 131 which has been ratified) have been submitted to the competent authorities, and that it will supply the necessary information and documents also in respect of these instruments.

*Egypt*

The Committee notes the information and documents concerning the submission to the National Assembly of the instruments adopted at the 54th Session of the

Conference. It hopes that the Government will soon be in a position to indicate that the instruments listed in the last column of the table of Appendix I of this section have also been submitted to the competent authorities, and that it will supply in this connection information and documents called for in the Memorandum adopted by the Governing Body.

#### *El Salvador*

In its previous observation the Committee noted from the information supplied by the Government that the Minister of Labour had transmitted to the Minister of Foreign Affairs the instruments adopted by the Conference from its 46th to its 52nd Session, with a view to their submission to the Legislative Assembly. The Government indicated at the same time that the instruments adopted at the 54th Session had also been transmitted to the Minister of Foreign Affairs. The Committee also notes that, according to the statement of a Government representative to the Conference Committee in 1971, the International Services Department of the Ministry of Labour had had contacts with the Ministry of Foreign Affairs, which was responsible for considering the ratification of Conventions, and the Government hoped that this year it would be able to supply information regarding the submission of Conventions to the Legislative Assembly.

The Committee recalls once again that Conventions and Recommendations must in every case be submitted to the legislative authorities, even if it is not intended to ratify a Convention or give effect to a Recommendation. The Committee must emphasise that it has no information regarding the actual submission of any of the instruments adopted from the 31st to the 54th Sessions of the Conference to the competent authorities except in the case of three ratified Conventions. The Committee urges the Government to take the necessary steps for the submission to the competent authorities in the near future of all the instruments in question, and to supply the relevant information and documents called for in the Memorandum adopted by the Governing Body.

#### *Ethiopia*

The Committee notes the statement made by a Government representative to the Conference Committee in 1971 and repeated in the Government's reply to its previous observation, to the effect that article 30 of the national Constitution gives exclusive power to the Emperor to ratify international agreements and to determine which international agreements shall be subject to ratification before becoming binding upon the Empire, and that consequently the Government's terms of reference are to submit instruments adopted by the Conference to the Council of Ministers and, through this body, to the Emperor alone.

In this connection, the Committee wishes to point to the clear distinction which must be drawn between "submission" and "ratification". The former constitutes an obligation of a general character established by the ILO Constitution. It does not, however, imply the obligation to propose that a Convention be ratified or a Recommendation accepted. As indicated in points I and II (c) of the Memorandum adopted by the Governing Body, the "competent authority" for the purpose of submission (article 19, paragraphs 5, 6 and 7, of the Constitution of the International Labour Organisation) means the body empowered, by the national Constitution, to legislate in respect of the questions to which a Convention or Recommendation relates.

The Committee observes, in this respect, that the Government also refers to article 71 of the Constitution of Ethiopia, which provides that "in all cases in



which legislation is deemed to be necessary or appropriate, the decision made in Council and approved by the Emperor shall be communicated by the Prime Minister to Parliament in the form of a proposal for legislation". In addition, under article 86, paragraph (b), of the national Constitution, laws may be proposed to either or both Chambers of Parliament by ten or more members of either Chamber of Parliament. It thus appears that under the Constitution of Ethiopia, the body empowered to legislate is the Parliament, which must accordingly be considered as being in principle the "competent authority" for the purposes of article 19 of the Constitution of the International Labour Organisation.

The Committee hopes that in the light of the above comments, the Government will be able to reconsider the position and that the instruments adopted by the Conference will be submitted not only to the Emperor through the Council of Ministers, but also to Parliament. It also hopes that the Government will soon indicate whether the instruments adopted at the 53rd and 54th Sessions of the Conference have been submitted to the competent authorities and will supply in this connection the information and documents called for in the Memorandum adopted by the Governing Body.

### *Gabon*

In its communication to the Conference Committee in 1971 the Government stated that the procedure for ratification often involved rather long delays and that international labour Conventions were at that time being examined by the National Assembly. The Committee notes with regret that it has received no further information on this matter. It thinks it, however, useful to recall that a clear distinction must be drawn between ratification and the submission of instruments adopted by the Conference. Under article 19 of the Constitution of the ILO, governments are required in every case to submit Conventions and Recommendations to the competent authorities; this obligation, however, does not necessarily imply that ratification of a Convention or acceptance of a Recommendation must be proposed.

The Committee trusts that the Government will soon indicate whether the instruments adopted from the 45th to the 50th Sessions of the Conference, which have already been submitted to the Council of Ministers, have also been submitted to the National Assembly. It would ask the Government to state also whether the instruments adopted from the 51st to the 54th Sessions of the Conference have been submitted to the competent authorities and to supply in this connection the information and documents called for in the Memorandum adopted by the Governing Body.

### *Greece*

The Committee has taken note of the information and documents communicated by the Government concerning the submission to the competent authorities of Conventions Nos. 104, 107, 131, and 132 and Recommendations Nos. 99, 101, 102, 104 and 135. It also notes the Government's intention to submit at an early date to the competent authorities Convention No. 106 and Recommendations Nos. 100, 103 and 136. The Committee hopes that these instruments, as well as the other instruments listed in the last column of the table in Appendix I to the present section, will be submitted to the competent authorities in the near future, and that the Government will supply in this regard the information and documents requested in the Memorandum adopted by the Governing Body.

*Guatemala*

The Committee notes with regret that the Government has not yet provided, in respect of the numerous instruments whose submission to Congress it reported in 1969, the information and documents called for in the Memorandum adopted by the Governing Body (points II (b) and (c) and III of the questionnaire). The Committee trusts that the Government will soon supply the information and documents in question and will also state whether Convention No. 130 and Recommendations Nos. 133 and 134, adopted at the 53rd Session of the Conference, and the instruments adopted at the 54th Session, have been submitted to Congress, and that it will supply, in respect of the instruments adopted at the 53rd and 54th Sessions of the Conference, the information and documents mentioned above.

*Haiti*

The Committee notes with regret that once more the Government has not supplied any information concerning the submission to the competent authorities of the numerous instruments adopted by the Conference at various sessions from the 31st to the 54th and listed in the last column of the table in Appendix I to this section.

It must insist on the fundamental importance of the obligation incumbent on member States under article 19 of the ILO Constitution to submit to the competent legislative authorities all of the Conventions and Recommendations adopted by the Conference, it being understood that the Government remains entirely free to decide whether it is appropriate to ratify a Convention or to give effect to a Recommendation.

The Committee hopes that the Government will take the necessary measures with a view to submitting in the near future the above-mentioned instruments to the Legislative Chambers and that it will supply in this regard the information and documents called for in the Memorandum adopted by the Governing Body.

*Honduras*

The Committee notes with regret that, although a Government representative indicated to the Conference Committee in 1970 that the measures concerning the submission procedures were under study at the Ministry of Labour and Social Security, the Government has supplied no information regarding the submission to the competent authorities of the very numerous instruments adopted by the Conference from the 45th to the 54th Sessions which are listed in the last column of the table in Appendix I to this section.

The Committee can only recall once again the fundamental importance of the obligation which is incumbent on member States by virtue of article 19 of the Constitution of the ILO. It trusts that the Government will not fail to take the necessary measures for the submission to the competent authorities of all the instruments in question and that it will supply, in this regard, the information and documents requested in the Memorandum adopted by the Governing Body.

*Hungary*

The Committee notes that the instruments adopted at the 53rd and 54th Sessions of the Conference have been submitted to the Presidential Council. In this

connection the Committee reiterates the hopes that the Government will be in a position to communicate the instruments adopted by the Conference to the National Assembly itself.

The Committee must further point out that, notwithstanding its repeated requests, the documents submitting the instruments adopted by the Conference have never been supplied, as called for in the Memorandum adopted by the Governing Body. It trusts that these documents will be supplied soon and that they will be communicated regularly in future, whenever new instruments are submitted.

#### *Indonesia*

The Committee notes, from the information supplied by the Government, that the instruments adopted at the 54th Session of the Conference have been submitted to the competent authorities. The Committee has also taken note of the statement made by a Government representative to the Conference Committee in 1971 to the effect that everything was being done in order that the instruments already submitted to the President of the Republic for transmission to Parliament should be submitted to Parliament as soon as possible.

The Committee notes with regret that no information has since been supplied by the Government on the submission to Parliament of the instruments concerned. It trusts that the Government will soon be in a position to indicate that the instruments concerned as well as those adopted at the 52nd and 53rd Sessions of the Conference have been submitted to the competent authorities and that it will supply in respect of all the above instruments, including those of the 54th Session, the information and documents called for in the Memorandum adopted by the Governing Body.

#### *Iraq*

The Committee notes with regret that the Government has not supplied any information in reply to the previous observation. It trusts that the Government will soon be able to indicate whether the numerous instruments listed in the last column of the table in Appendix I to this section have been submitted to the competent authorities, and that it will supply in this regard the information and documents requested in the Memorandum adopted by the Governing Body.

#### *Ivory Coast*

The Committee notes with regret that the Government has not replied to its previous observation. It hopes that the Government will soon be in a position to indicate whether the instruments adopted from the 50th to the 53rd Sessions, as well as those adopted at the 54th Session, have been submitted to the National Assembly, and that it will supply in this connection the information and documents called for in the Memorandum adopted by the Governing Body.

#### *Jamaica*

The Committee has taken note of the information and documents supplied by the Government on the submission to the House of Representatives of Conventions Nos. 123 and 124 and Recommendations Nos. 124 and 125. It also has noted the statement made by a Government representative to the Conference Committee in 1971 that Conventions Nos. 125, 126 and 128 and Recommendations Nos. 126, 128 and 131 were being examined by various ministries and other bodies

concerned. As no further information has however been supplied on the submission of these instruments to the competent authority, the Committee hopes that the Government will soon be in a position to indicate that the instruments in question as well as all the other instruments listed in the last column of the table in Appendix I to this section have been submitted to the competent authority, and that it will supply in this connection the information and documents called for in the Memorandum adopted by the Governing Body.

*Jordan*

The Committee notes with regret that the Government has supplied no information in answer to the observation of 1971. The Government had indicated previously that the Conventions and Recommendations must be submitted to the Council of Ministers, which in turn submits them to Parliament, and that all the Conventions and Recommendations adopted by the Conference had been submitted to the Council of Ministers.

The Committee hopes that the Government will soon be in a position to indicate that all the instruments listed in the last column of the table in Appendix I to this section, as well as those adopted at the 51st and 53rd Sessions of the Conference, have been submitted to Parliament and that it will supply in this connection the information and documents called for in the Memorandum adopted by the Governing Body.

*Laos*

The Committee notes that the Government has supplied no information in reply to its previous observations. It trusts that the Government will soon be in a position to indicate that all the instruments adopted from the 48th to the 54th Sessions of the Conference have been submitted to the competent authorities and will supply in this connection the information and documents called for in the Memorandum adopted by the Governing Body.

*Lebanon*

The Committee notes the information communicated by the Government to the Conference Committee in 1971, according to which inter-ministerial consultations had permitted the establishment of a simplified procedure for the submission of Conventions and Recommendations to the competent authority, thus enabling the Government to fulfil its obligations. The Government had indicated, in addition, that a decision of the Council of Ministers authorising the Minister of Labour and Social Affairs to present the instruments directly to the President of the Council with a view to their submission to the competent authority, was already in the executory stage and that the Minister of Labour was preparing a detailed list of the Conventions adopted by the Conference from its 35th to its 52nd Session with a view to their submission to the President of the Council who would have them processed in accordance with the new procedure.

The Committee notes with regret that no further information has been received in this regard. It trusts that the Government will very soon be able to indicate that the numerous instruments adopted from the 31st to the 54th Sessions of the Conference, which are listed in the last column of the table in Appendix I to this section, have been submitted to Parliament and that it will supply in this regard, the information and documents requested in the Memorandum adopted by the Governing Body.

*Liberia*

Further to its previous observation the Committee notes with regret that a Government representative at the Conference Committee in 1971 merely repeated the information given earlier by the Government to the effect that all instruments had been submitted to the President for submission to the legislature, and indicated that the Committee of Experts would be informed when they had been transmitted to the legislature. In the absence of any further information on this matter, the Committee can only reiterate the hope that the Government will not fail to indicate in the near future whether the numerous instruments listed in the last column of the table in Appendix I to this section have been submitted to the legislature, and that it will supply, with regard to those instruments, the information and documents called for in the Memorandum adopted by the Governing Body.

*Madagascar*

Following its earlier comments, the Committee notes with satisfaction the text of the decrees by which the Government has submitted to Parliament the instruments adopted during the 53rd and 54th Sessions of the Conference. In this connection, it hopes that the Government will also communicate in the future—in particular, as regards Recommendations and non-ratified Conventions—information on the proposals which may have been made by the Government when submitting instruments and on the decisions taken in respect of these proposals.

*Malawi*

Further to its previous observations the Committee has noted the statement made by a Government representative to the Conference Committee in 1971 and repeated in a subsequent communication by the Government to the effect that under the Constitution of Malawi the competent authorities to which instruments were to be submitted were the President and the Cabinet. In this connection, the Committee must once more point out that the expression “competent authority” refers to the body empowered under the National Constitution to legislate in respect of the questions to which the Convention or Recommendation relates. Since it appears from article 18 of the National Constitution that the legislative power of the Republic vests in the Parliament which consists of the President and the National Assembly, the Committee trusts that the Government will in future submit all the instruments adopted by the Conference which call for legislative action not only to the President but also to the National Assembly.

The Committee hopes that the Government will soon indicate whether the instruments adopted at the 54th Session of the Conference have been submitted to the competent authority and that it will supply in this connection the information and documents called for in the Memorandum adopted by the Governing Body.

*Mauritania*

The Committee notes the information given by the Government to the Conference Committee to the effect that Conventions Nos. 119, 125, 126, 127 and 128 and Recommendations Nos. 115 and 132 had been submitted to the legislature. The Committee hopes that the Government will soon be able to indicate that

Recommendations Nos. 118, 119, 126, 127, 128, 129, 130 and 131, as well as the instruments adopted at the 54th Session of the Conference, have also been submitted to the National Assembly, and that, in respect of Recommendation No. 115 and all instruments adopted from the 47th to the 52nd Sessions and at the 54th Session, it will supply the information and documents called for in the Memorandum adopted by the Governing Body.

### *Nepal*

The Committee notes with regret that the Government has once more failed to supply any information in reply to its previous comments. It hopes that the Government will soon be in a position to indicate whether the instruments adopted from the 51st to the 54th Sessions of the Conference have been submitted to the competent authorities, in conformity with article 19, paragraphs 5 (b) and 6 (b), of the ILO Constitution.

The Committee recalls that the authorities to whom these instruments should be submitted are those empowered to legislate in respect of the questions covered by the instruments concerned, i.e. as a rule the national Parliament. It hopes that the Government will also supply in this connection the information and documents called for in the Memorandum adopted by the Governing Body (points II and III of the questionnaire).

### *Netherlands*

Further to its previous observation the Committee notes that Recommendation No. 111 has been submitted to Parliament, that Convention No. 110 and Recommendation No. 110 are before the Council of Ministers and will soon be submitted to Parliament, and that steps are being taken with a view to submitting Recommendations Nos. 107 and 109, while Conventions Nos. 129 and 130 and Recommendations Nos. 105, 106, 108 and 126 to 134 will be submitted as soon as the viewpoints of the Netherlands Antilles and Surinam have reached the Government. The Committee trusts that the Government will soon be in a position to indicate that all instruments listed in the last column of the table in Appendix I to this section have been submitted to Parliament and that it will supply in this connection the information and documents called for in the Memorandum adopted by the Governing Body.

### *Nicaragua*

The Committee notes, from the statement made by a government representative to the Conference Committee in 1971, that the Recommendations submitted to the Legislative Chambers in 1968 are in the process of examination. It requests the Government once again to supply, in the near future, in regard to the Recommendations adopted by the Conference from its 40th to 51st Sessions, information on the proposals made by the Government and on the decisions ultimately taken by the competent authorities as to future action in regard to these instruments, as requested in points II (b) and (c) and III of the questionnaire in the Memorandum adopted by the Governing Body.

The Committee trusts that the Government will also indicate whether Conventions Nos. 127 and 128, adopted at the 51st Session, as well as the instruments adopted from the 52nd to the 54th Sessions of the Conference have been submitted to the National Congress and that it will supply in this regard, the information and documents requested in the above-mentioned Memorandum.

*Pakistan*

Further to its previous observations, the Committee hopes that the Government will soon be in a position to indicate whether Conventions Nos. 127 and 128 and Recommendations Nos. 128 and 131, and the instruments adopted at the 52nd to 54th Sessions of the Conference have been submitted to the competent authorities, and that it will supply in this connection the information and documents called for in the Memorandum adopted by the Governing Body.

*Panama*

In the observation made in 1971 the Committee recalled that Conventions, as well as Recommendations, must be submitted to the competent authorities in all cases, but that the submission does not imply an obligation to propose ratification of a Convention or the acceptance of a Recommendation. It trusts, consequently, that the Government will not fail to take, within the near future, the measures necessary for the submission to the competent authorities of the numerous instruments listed in the last column of the table in Appendix I to this section, and that it will supply, in this regard, the information and documents requested in the Memorandum adopted by the Governing Body.

*Paraguay*

The Committee notes with regret that no information has been supplied in reply to its previous requests. It hopes that the Government will soon be able to indicate that the Conventions adopted at the 41st to 51st Sessions of the Conference which appear in the last column of the table of Appendix I to this section, as well as the instruments adopted during the 53rd and 54th Sessions of the Conference, have been submitted to the competent authorities and that it will supply in this regard the information and documents called for in the Memorandum adopted by the Governing Body (points II (b) and (c) and III of the questionnaire).

*Peru*

The Committee notes the information supplied by the Government regarding the measures taken to communicate Convention No. 129, Recommendation No. 133 and the instruments adopted at the 54th Session of the Conference to certain legal and governmental organs, and the opinions given by the latter on these instruments. It notes with regret, however, that the Government has supplied no information on the actual submission of Conventions and Recommendations to the President and the Council of Ministers, who are at present the competent authorities according to the Government's indication in its letter of 12 March 1970. It trusts that the Government will be able to state in the very near future whether all the instruments listed in the last column of the table in Appendix I to this section have been submitted to the competent authorities, and that in this connection it will supply the information and documents called for in the Memorandum adopted by the Governing Body.

*Poland*

The Committee notes with regret that once again no information has been supplied in reply to its previous comments. It trusts that the Government will indicate in the near future whether the numerous instruments listed in the last

column of the table of Appendix I to this section have been submitted to the competent authorities and that it will supply in this regard the information and documents requested in the Memorandum adopted by the Governing Body.

*Portugal*

The Committee notes that the instruments adopted at the 54th Session of the Conference have been submitted to the National Assembly. It also must observe that, in spite of its repeated requests, the information and documents called for in points II (b) and (c) and III of the questionnaire in the Memorandum adopted by the Governing Body, have never been supplied. It trusts that the documents and information in question will soon be forwarded and that they will be supplied as a regular practice in future when new instruments are submitted.

*Sierra Leone*

The Committee notes from the information communicated by the Government and from the statement made by a government representative to the Conference Committee in 1971 that Recommendation No. 132 had been submitted to Parliament in 1970, that all the instruments adopted from the 46th to the 49th Sessions of the Conference were being discussed in the Joint Consultative Committee and that Conventions Nos. 118, 122, 129 and 130 and Recommendations Nos. 116, 117, 120, 122 and 123 and the instruments adopted at the 54th Session were submitted to the Cabinet.

The Committee recalls in this connection that the authorities to which these instruments should be submitted are those empowered to legislate, i.e. as a rule, Parliament. The Committee hopes that the Government will soon be in a position to indicate whether the above-mentioned instruments (except Convention No. 119 which has been ratified) and others adopted at the 51st, 53rd and 54th Sessions of the Conference have been submitted to Parliament, and that it will supply in this connection the information and documents called for in the Memorandum adopted by the Governing Body.

*Somalia*

The Committee notes with regret that the Government has supplied no information in answer to the observation made in 1971. The Committee once more expresses the hope that the Government will not fail to take the necessary action in order to submit to the competent authorities the instruments adopted from the 45th to the 54th Sessions of the Conference, and that it will supply, in this connection, the information and documents called for in the Memorandum adopted by the Governing Body.

*Syrian Arab Republic*

The Committee notes the information and documents communicated by the Government in regard to the submission to the Council of Ministers, stated by the Government to be the competent legislative authority, of several Conventions and Recommendations, as well as the measures taken with a view to the submission of other instruments still listed in the last column of the table in Appendix I to this section. The Committee hopes that the Government will soon be able to indicate that all the instruments so far not submitted to the competent authorities will be submitted and that it will supply, in this regard, the information and documents called for in the Memorandum adopted by the Governing Body.



*Tanzania*

The Committee notes with regret that the Government has supplied no information in answer to its previous observation. The Committee trusts that the Government will soon supply, with regard to the instruments adopted by the Conference at its 47th to 53rd Sessions, the information and documents called for in the Memorandum adopted by the Governing Body, and that it will also indicate whether the instruments adopted at the 54th Session of the Conference have been submitted to the competent authorities.

*Thailand*

The Committee notes the information supplied by the Government on the action taken regarding Recommendation No. 122. It regrets, however, that the Government has supplied no information in reply to its previous observation. The Committee hopes that the Government will soon be in a position to indicate whether the instruments adopted from the 52nd to 54th Sessions have been submitted to the competent authorities, and that it will supply, in this connection, the information and documents called for in the Memorandum adopted by the Governing Body.

*Togo*

The Committee notes with regret that the Government has supplied no information in reply to the direct requests which were addressed to it in 1970 and 1971. The Committee trusts that the Government will soon be able to indicate whether the instruments adopted from the 52nd to the 54th Sessions of the Conference have been submitted to the competent authorities and that it will also communicate, in this regard, the information and documents requested in points II and III of the questionnaire in the Memorandum adopted by the Governing Body.

*Trinidad and Tobago*

Further to its previous observations, the Committee has taken note with satisfaction of the information and documents communicated by the Government with regard to the submission to Parliament of the instruments adopted at the 50th to 54th Sessions of the Conference.

*Ukraine*

The Committee notes from the information supplied by the Government that the instruments adopted at the 54th Session of the Conference have been submitted to the Presidium of the Supreme Soviet. In this connection, it reiterates the hope that the Government will find it possible to communicate the instruments adopted by the Conference also to the Supreme Soviet itself.

The Committee must further point out that, notwithstanding its repeated requests, the documents submitting the Conventions and Recommendations and particulars of the action taken by the competent authorities in their respect (article 19, paragraphs 5 (c) and 6 (c), of the Constitution) have never been supplied, as called for in the Memorandum adopted by the Governing Body. It trusts that the documents and information in question will be supplied soon, and that they will be communicated regularly in future whenever new instruments are submitted.

## USSR

The Committee notes from the information supplied by the Government that the instruments adopted at the 54th Session of the Conference have been submitted to the Presidium of the Supreme Soviet. In this connection, it reiterates the hope that the Government will find it possible to communicate the instruments adopted by the Conference also to the Supreme Soviet itself.

The Committee must further point out that, notwithstanding its repeated requests, the documents submitting the Conventions and Recommendations and particulars of the action taken by the competent authorities in their respect (article 19, paragraphs 5 (c) and 6 (c), of the Constitution) have never been supplied, as called for in the Memorandum adopted by the Governing Body. It trusts that the documents and information in question will be supplied soon, and that they will be communicated regularly in future, whenever new instruments are submitted.

*Republic of Viet-Nam*

The Committee notes the information communicated by the Government regarding the submission to Parliament of Recommendations Nos. 133 and 134 (53rd Session of the Conference) and Recommendations Nos. 135 and 136 (54th Session) and regarding the decision of the Council of Ministers concerning the possibility of ratifying Conventions Nos. 129 and 130. The Committee hopes that the Government will soon be able to indicate that these two Conventions, as well as Conventions Nos. 131 and 132, adopted during the 54th Session of the Conference, have also been submitted to Parliament.

Referring to its previous observations, the Committee again requests the Government to supply in the near future, in regard to the instruments adopted from the 45th to the 52nd Sessions of the Conference which were submitted to Parliament in 1969, as well as in regard to all the instruments subsequently submitted, the information and documents requested in the Memorandum adopted by the Governing Body.

*Yemen Arab Republic*

The Committee again notes with regret that the Government has so far failed to supply any information concerning the submission of the instruments adopted by the Conference to the competent authorities. It once more draws the Government's attention to the fundamental importance of the obligation incumbent on it by virtue of article 19, paragraphs 5 (b) and 6 (b), of the Constitution of the ILO, to submit the instruments adopted by the Conference to the competent authorities. It hopes that the Government will soon be in a position to indicate that the instruments adopted from the 49th to 54th Sessions of the Conference have been submitted to the competent authorities and that it will supply in this connection the information and documents called for in the Memorandum adopted by the Governing Body.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States: *Australia, Austria, Belgium, Cameroon, Congo, Costa Rica, Czechoslovakia, Finland, Ghana, Guyana, Iceland, India, Iran, Israel, Italy, Kenya, Kuwait, Luxembourg, Malaysia, Mauritius, Mexico, Mongolia, Niger, Nigeria, Rwanda, Spain, Sudan, Tunisia, Turkey, Uganda, United States, Upper Volta, Uruguay, Venezuela, People's Democratic Republic of Yemen (Aden), Yugoslavia, Zaire.*

**Appendix I. Information Supplied by Governments with Regard to the Obligation to Submit  
Conventions and Recommendations to the Competent Authorities**

*(31st to 54th Sessions of the International Labour Conference, 1948-70)*

*Note :* The number of the Convention or Recommendation is given in parentheses, preceded by the letter "C" or "R" as the case may be, when only some of the texts adopted at any one session have been submitted. Ratified Conventions are considered as having been submitted.

Account has been taken of the date of admission or readmission of States Members to the ILO for determining the sessions of the Conference whose texts are taken into consideration.

State	Sessions of which the adopted texts have been submitted to the authorities considered as competent by governments	Sessions of which the adopted texts have not been submitted (including cases in which no information has been supplied)
Afghanistan . . . . .	31st to 45th	46th, 47th, 48th, 49th, 50th, 51st, 52nd, 53rd and 54th
Algeria . . . . .	47th to 51st	52nd, 53rd and 54th
Argentina . . . . .	31st to 54th	—
Australia . . . . .	31st to 52nd	53rd and 54th
Austria . . . . .	31st to 46th (C 117; R 116, 117), 47th to 53rd	46th (C 118) and 54th
Barbados . . . . .	—	51st, 52nd, 53rd and 54th
Belgium . . . . .	31st to 53rd	54th
Bolivia . . . . .	31st (C 87), 32nd (C 96), 40th (C 107), and 45th (C 116)	31st (C 88, 89, 90; R 83), 32nd (C 91, 92, 93, 94, 95, 97, 98; R 84, 85, 86, 87), 33rd, 34th, 35th, 36th, 37th, 38th, 39th, 40th (C 105, 106; R 103, 104), 41st, 42nd, 43rd, 44th, 45th (R 115), 46th, 47th, 48th, 49th, 50th, 51st, 52nd, 53rd and 54th
Brazil . . . . .	31st to 45th, 46th (C 117, 118), 47th (C 119), 48th (C 120, 121, 122), 49th (C 123, 124; R 124, 125), 50th (C 125; R 126), 51st (C 127; R 128) and 53rd (R 133, 134)	46th (R 116, 117), 47th (R 118, 119), 48th (R 120, 121, 122), 49th (R 123), 50th (C 126; R 127), 51st (C 128; R 129, 130, 131), 52nd, 53rd (C 129, 130) and 54th
Bulgaria . . . . .	31st to 54th	—
Burma . . . . .	31st to 51st	52nd, 53rd and 54th
Burundi . . . . .	53rd	47th, 48th, 49th, 50th, 51st, 52nd and 54th
Byelorussia . . . . .	37th to 54th	—

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)
Cameroon . . . . .	44th to 49th	50th, 51st, 52nd, 53rd and 54th
Canada . . . . .	31st to 54th	—
Central African Republic	45th to 48th, 53rd and 54th	49th, 50th, 51st and 52nd
Ceylon . . . . .	31st to 51st	52nd, 53rd and 54th
Chad . . . . .	45th to 49th	50th, 51st, 52nd, 53rd and 54th
Chile . . . . .	31st to 49th	50th, 51st, 52nd, 53rd and 54th
Colombia . . . . .	31st to 39th, 40th (C 105, 106, 107; R 103), 41st (C 109; R 105, 106, 108), 42nd to 44th, 45th (C 116), 46th (C 118), 47th (C 119), 48th (C 120, 121, 122), 49th (C 123, 124), 50th (C 125, 126), 51st (C 127), 53rd (C 129, 130) and 54th (C 131, 132)	40th (R 104) and 41st (C 108; R 107, 109), 45th (R 115), 46th (C 117; R 116, 117), 47th (R 119), 48th (R 120, 121, 122), 49th (R 123, 124, 125), 50th (R 126, 127), 51st (C 128; R 128, 129, 130, 131), 52nd, 53rd (R 133, 134) and 54th (R 135, 136)
Congo . . . . .	45th to 53rd	54th
Costa Rica . . . . .	31st to 53rd	54th
Cuba . . . . .	31st to 54th	—
Cyprus . . . . .	45th to 54th	—
Czechoslovakia . . . . .	31st to 54th	—
Dahomey . . . . .	49th (C 123, 124; R 124, 125) and 52nd	45th, 46th, 47th, 48th, 49th (R 123), 50th, 51st, 53rd and 54th
Denmark . . . . .	31st to 54th	—
Dominican Republic . . . . .	31st to 51st	52nd, 53rd and 54th
Ecuador . . . . .	31st to 51st and 54th (C 131)	52nd, 53rd and 54th (C 132; R 135, 136)
Egypt . . . . .	31st, 32nd (C 91, 92, 93, 94, 95, 96, 98; R 84, 85, 86, 87), 34th (C 100; R 89, 91, 92), 35th (C 101, 102; R 93, 94, 95), 38th, 39th, 40th, 42nd, 44th, 45th, 46th (C 118; R 116, 117), 48th to 54th	32nd (C 97); 33rd, 34th (C 99; R 90), 35th (C 103), 36th, 37th, 41st, 43rd, 46th (C 117) and 47th
El Salvador . . . . .	38th (C 104) and 40th (C 105, 107)	31st, 32nd, 33rd, 34th, 35th, 36th, 37th, 38th (R 99, 100), 39th, 40th (C 106; R 103, 104), 41st, 42nd, 43rd, 44th, 45th, 46th, 47th, 48th, 49th, 50th, 51st, 52nd, 53rd and 54th

**SUBMISSION TO COMPETENT AUTHORITIES**

State	Sessions of which the adopted texts have been submitted to the authorities considered as competent by governments	Sessions of which the adopted texts have not been submitted (including cases in which no information has been supplied)
Ethiopia . . . . .	31st to 52nd	53rd, 54th
Finland . . . . .	31st to 50th	51st, 52nd, 53rd and 54th
France . . . . .	31st to 54th	—
Gabon . . . . .	45th to 50th	51st, 52nd, 53rd and 54th
Germany (Federal Republic) . . . . .	34th to 54th	—
Ghana . . . . .	40th to 53rd	54th
Greece . . . . .	31st to 37th, 38th (C 104; R 99), 39th, 40th (C 105, 107; R 104), 41st (C 108), 47th to 53rd and 54th (C 131, 132; R 135)	38th (R 100), 40th (C 106; R 103), 41st (C 109; R 105, 106, 107, 108, 109), 42nd, 43rd, 44th, 45th, 46th and 54th (R 136)
Guatemala . . . . .	31st to 52nd and 53rd (C 129)	53rd (C 130; R 133, 134) and 54th
Guinea . . . . .	43rd to 54th	—
Guyana . . . . .	50th to 53rd	54th
Haiti . . . . .	31st (C 90), 32nd (C 98), 34th (C 99, 100), 40th to 44th, 46th to 49th	31st (C 87, 88, 89; R 83), 32nd (C 91, 92, 93, 94, 95, 96, 97; R 84, 85, 86, 87), 33rd, 34th (R 89, 90, 91, 92), 35th, 36th, 37th, 38th, 39th, 45th, 50th, 51st, 52nd, 53rd, and 54th
Honduras . . . . .	39th to 44th and 45th (C 116)	45th (R 115), 46th, 47th, 48th, 49th, 50th, 51st, 52nd, 53rd and 54th
Hungary . . . . .	31st to 54th	—
Iceland . . . . .	31st to 53rd	54th
India . . . . .	31st to 53rd	54th
Indonesia . . . . .	33rd to 51st and 54th	52nd and 53rd
Iran . . . . .	31st to 52nd	53rd and 54th
Iraq . . . . .	31st, 32nd (C 95, 98), 34th (C 99, 100; R 90), 35th (C 102, 103), 40th (C 105, 106), 42nd (C 111; R 111), 43rd (C 112, 113, 114), 44th, 45th (C 116), 46th (C 117, 118), 48th (C 122), 49th (C 123, 124) and 51st to 53rd	32nd (C 91, 92, 93, 94, 96, 97; R 84, 85, 86, 87), 33rd, 34th (R 89, 91, 92), 35th (C 101; R 93, 94, 95), 36th, 37th, 38th, 39th, 40th (C 107; R 103, 104), 41st, 42nd (C 110; R 110), 43rd (R 112), 45th (R 115), 46th (R 116, 117), 47th, 48th (C 120, 121; R 120, 121, 122), 49th (R 123, 124, 125), 50th and 54th
Ireland . . . . .	31st to 54th	—

**REPORT OF THE COMMITTEE OF EXPERTS**

State	Sessions of which the adopted texts have been submitted to the authorities considered as competent by governments	Sessions of which the adopted texts have not been submitted (including cases in which no information has been supplied)
Israel . . . . .	32nd to 53rd	54th
Italy . . . . .	31st to 52nd	53rd and 54th
Ivory Coast . . . . .	45th to 49th	50th, 51st, 52nd, 53rd and 54th
Jamaica . . . . .	47th, 49th (C 123, 124; R 124, 125), 50th (R 127) and 51st (R 129, 130)	48th, 49th (R 123), 50th (C 125, 126; R 126) 51st (C 127, 128; R 128, 131), 52nd, 53rd and 54th
Japan . . . . .	35th to 54th	—
Jordan . . . . .	40th (C 105), 42nd (C 111; R 111), 45th (C 116), 46th (C 117, 118), 47th (C 119), 48th (C 120, 122), 49th (C 123, 124), 50th (R 127), 51st (C 127; R 129, 130, 131) and 53rd	39th, 40th (C 106, 107; R 103, 104), 41st, 42nd (C 110; R 110), 43rd, 44th, 45th (R 115), 46th (R 116, 117), 47th (R 118, 119), 48th (C 121; R 120, 121, 122), 49th (R 123, 124, 125), 50th (C 125, 126; R 126), 51st (C 128; R 128), 52nd and 54th
Kenya . . . . .	48th to 52nd and 53rd (C 130; R 133, 134)	53rd (C 129) and 54th
Khmer Republic . . .	53rd and 54th	—
Kuwait . . . . .	45th to 54th	—
Laos . . . . .	—	48th, 49th, 50th, 51st, 52nd, 53rd and 54th
Lebanon . . . . .	31st (C 88, 89, 90), 32nd (C 95), 34th (C 100) and 35th (C 103)	31st (C 87; R 83), 32nd (C 91, 92, 93, 94, 96, 97, 98; R 84, 85, 86, 87), 33rd, 34th (C 99; R 89, 90, 91, 92), 35th (C 101, 102; R 93, 94, 95), 36th, 37th, 38th, 39th, 40th, 41st, 42nd, 43rd, 44th, 45th, 46th, 47th, 48th, 49th, 50th, 51st, 52nd, 53rd and 54th
Liberia . . . . .	31st (C 87), 32nd (C 98), 38th (C 104), 40th (C 105), 42nd, 43rd (C 112, 113, 114), 48th, 49th and 50th	31st (C 88, 89, 90; R 83), 32nd (C 91, 92, 93, 94, 95, 96, 97; R 84, 85, 86), 33rd, 34th, 35th, 36th, 37th, 38th (R 99, 100), 39th, 40th (C 106, 107; R 103, 104), 41st, 43rd (R 112), 44th, 45th, 46th, 47th, 51st, 52nd, 53rd and 54th
Libya . . . . .	35th to 54th	—
Luxembourg . . . . .	31st to 53rd	54th
Madagascar . . . . .	45th to 54th	—
Malawi . . . . .	49th to 53rd	54th
Malaysia . . . . .	41st to 54th	—



TABLE II. OVER-ALL POSITION OF MEMBER STATES AT 29 MARCH 1972

Number of States in which, according to information supplied by governments,	Sessions at which decisions were adopted																						
	31st (June 1948)	32nd (June 1949)	33rd (June 1950)	34th (June 1951)	35th (June 1952)	36th (June 1953)	37th (June 1954)	38th (June 1955)	39th (June 1956)	40th (June 1957)	41st (April/May 1958)	42nd (June 1958)	43rd (June 1959)	44th (June 1960)	45th (June 1961)	46th (June 1962)	47th (June 1963)	48th (June/July 1964)	49th (June 1965)	50th (June 1966)	51st (June 1967)	52nd (June 1968)	53rd (June 1969)
All the texts have been submitted .	54	50	51	53	55	56	58	57	65	65	65	69	67	69	84	77	83	90	84	79	58	77	64
Some of these texts have been submitted . . . . .	5	9	— <sup>1</sup>	7	4	—	— <sup>1</sup>	6	—	11	4	6	6	2	6	11	10	7	14	8	14	— <sup>1</sup>	7
None of these texts has been submitted (including cases in which no information has been supplied by the Government)	1	2	12	4	7	10	11	6	11	1	8	4	7	12	11	14	15	13	16	28	45	41	50
Number of States which were Members of the Organisation at the time of the Session . . . . .	60	61	63	64	66	66	69	69	76	77	79	79	80	83	101	102	108	110	114	115	117	118	121

<sup>1</sup> At this session the Conference adopted one Recommendation only.