

International Labour Conference  
61st Session 1976

---

Report III  
(Part 1)

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

# Summary of Reports on Ratified Conventions

(Articles 22 and 35 of the Constitution)

---



International Labour Office Geneva

*First published 1976*

---

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.

---

## 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 .....	89



## 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 1973 to 30 June 1975, 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. 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, 129, 130, 132, 135.

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 1975. 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. 14: Weekly Rest (Industry), 1921

UNITED KINGDOM

St. Kitts-Nevis-Anguilla

Article 1 of the Convention. Industry is defined as a branch of trade or manufacture as distinguished from commerce which is an exchange of merchandise. Agriculture is defined as the cultivation of the soil.

Article 2. Periods of rest are more or less compulsory in industrial undertakings. Workers enjoy at least 24 hours' rest period each week. The weekly period of rest is commonly set to coincide with Sunday which is a Common Law Day.

Article 4. In the case of shiftworkers in industrial undertakings periods of rest may fall on any other day than Sunday. If workers have to work on their rest day, they are paid overtime or may be given an additional day off. Shiftworkers work according to a roster drawn with the concurrence of St. Kitts-Nevis Trades and Labour Union. Organisations of employers and workers are usually given the opportunity to comment on any legislation prior to its introduction in the House of Assembly. It is common for tripartite meetings to take place between employers, employers' organisations and representatives of the Government to resolve any controversial issues arising out of the bill before it passes into law.

Article 5. In case workers have to work on their rest day, they are paid overtime or may be given compensatory rest. This position is based purely on custom.

Article 7. Weekly rest for shiftworkers is based on a roster drawn according to an agreement with the St. Kitts-Nevis Trades and Labour Union.

In general, the Department of Labour (Labour Commissioner) is responsible for over-all application of the Convention. The Inspection Division carries out periodic inspections of the various undertakings.

---

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

---

FRANCE

New Caledonia

The Convention is applied by the provisions of the Order of 9 August 1961, establishing the age and skill requirements for the registration of French sailors in overseas territories of the Republic.

The Head of the State Maritime Affairs Department and the Seamen's Physician appointed by the delegate of the Republic are responsible for the application of these provisions.

GERMAN DEMOCRATIC REPUBLIC

Labour Code of 23 November 1966 (LS 1966 - Ger. D.R. 1A).

Ordinance of 2 July 1969 on Labour and Conduct Aboard Sea-going Vessels (LS - 1969 - Ger. D.R. 1).

Directive of 25 November 1974 (Sea-going Vessel Manning Directive)(S.V.M.D.).

Service Instruction for the Medical Service of the GDR of 31 July 1968 (F.D.M.N.).

Article 1 of the Convention. The term "ship" (or "vessel") has been defined in S.V.M.D., article 2, as a water craft which is, or can be, used for maritime navigation, its floating accessories included. This term includes also inland vessels which are used for maritime navigation.

Article 2. The legislation does not apply the exceptional clause concerning members of the same family. The employment of any seafarer is conditional on the production of a medical certificate issued by the Medical Services of the Transport System. The same applies also to all young people who enter into an employment relationship. Article 138, paragraph 2, of the Labour Code provides that working conditions must be so organised that they accord with the state of physical development of the young people.

Article 3. Medical examination of young people must, in principle, be carried out every 12 months and a new medical certificate must be prepared.

Article 4. The exception covered by this Article is not made use of.

The Ministry of Transport has charged the Navigation Board with controlling and supervising the observance of the legal rules



connected with maritime navigation. The medical supervision of working people employed in transport falls within the competence of the Medical Services of the Transport System.

Convention No. 23: Repatriation of Seamen, 1926

FRANCE

New Caledonia

The Convention is applied by the Act of 13 December 1926 establishing the Maritime Labour Code (extended to the Territory by Act 60(508) of 12 July 1966).

The authorities responsible for ensuring the repatriation of seamen are the French consuls abroad and the Head of the Maritime Affairs Department in the Territories and Overseas Departments. Ships' captains can be ordered to repatriate sailors.

GERMAN DEMOCRATIC REPUBLIC

Seamen's Ordinance of 2 July 1969 (LS 1969 - Ger. D.R. 1).

First Regulation of 15 April 1974 on the Seamen's Decree.

Sea-going Vessel Manning Directive (S.V.M.D.) of 25 November 1974.

Article 1 of the Convention. The above legislation applies to all sea-going vessels registered in the GDR and engaged in traffic outside the territorial waters of the GDR. Vessels below a certain tonnage limit are not excluded.

Article 2. The S.V.M.D. defines the terms quoted in subparagraphs (a), (b) and (c) of Article 2 of the Convention, and determines the geographical limits for the "home trade vessels".

Article 3. The legal system of the GDR proceeds from the assumption that discharge does not necessarily imply that the employment relationship with the company has been terminated. If a seaman had to be left behind for one of the reasons mentioned in Article 4 of the Convention, he is entitled to repatriation to a port of the GDR, i.e. port of registry of the ship, port at which he was engaged or the port at which the voyage commenced.

As far as, in exceptional cases, foreign citizens have been engaged as crew members on a ship of the GDR, their discharge implies, as a rule, a termination of the employment relationship. They are, however, entitled to repatriation as foreseen in paragraph 4 of Article 3 of the present Convention.

Articles 4 and 5. The terms of Articles 4 and 5 are fully applied in the GDR by the provisions of the First Regulation on the Seamen's Decree (DB of 15 April 1974).

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

UNITED KINGDOM

Gibraltar

Employment of Women, Young Persons and Children Ordinance  
(Chapter 41 of 1941) (Laws of Gibraltar, 1950, Vol. 1,  
Chapters A to L).

The provisions of Articles 1 to 4 of the Convention are applied in Gibraltar by the above Ordinance.

The Department of Labour and Social Security is responsible for the administration of the Employment of Women, Young Persons and Children Ordinance. The Captain of the Port is responsible for the administration of the Merchant Shipping Ordinance under which Articles of Agreement are signed (sections 12 to 23 of the Ordinance).

Gilbert and Ellice Islands

The Employment Ordinance 1965.

Articles 1, 2 and 3 of the Convention. No person under 15 years of age can be employed on a ship unless it is a school or training ship approved and supervised by a public authority.

The authority responsible is the Commissioner of Labour.

St. Kitts-Nevis-Anguilla

The Employment of Women, Young Persons and Children Act, Cap. 290 as amended by Ordinance No. 14/66 and the Employment of Children (Restriction) Ordinance No. 2 of 1966.

The UK Merchant Shipping (International Labour Conventions) Act, 1925, applied by U.K.S.R. and Order No. 267 of 1942.

The above legislation applies the provisions of the Convention.

The Police, the Harbour Master and Comptroller of Customs are entrusted with its application.

---

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

---

ROMANIA

Act No. 10 of 23 November 1972 establishing the Labour Code of the Socialist Republic of Romania ("Buletinul Oficial", 1 December 1972, Part I, No. 140, p. 1168) (LS 1972 - Rom. 1).

Order No. 483 on the classification of enterprises, issued by the Council of Ministers on 24 May 1962.

Order No. 2595 issued by the Council of Ministers on 21 November 1968 concerning violations and penalties for violations of the regulations in respect of compulsory general education.

Order No. 577 issued by the Council of Ministers on 12 June 1975 establishing some measures for the generalisation of the first part of the lycée programme and the educational plan for the school year 1975-76.

Article 1 of the Convention. The provisions of the Labour Code apply to all sectors.

Article 2. The minimum age for admission to employment is 16. Employment in industry is authorised from the age of 15 in certain exceptional circumstances.

Article 5. Workers under 18 years of age may not be assigned to work in unhealthy, arduous or dangerous conditions.

UNITED KINGDOM

Gibraltar

The Employment of Women, Young Persons and Children Ordinance (Chapter 41 of 1941) (Laws of Gibraltar, 1950, Vol. 1, Chapters A to L).

Education Ordinance, 1974. (First Supplement to the Gibraltar Gazette, No. 1495 of 29 March 1974).

Article 1 of the Convention. "Industrial undertaking" is defined in Part I of the Schedule to the Employment of Women, Young Persons and Children Ordinance in the same terms as in the Convention.

Article 2. The Employment of Women, Young Persons and Children Ordinance, section 2, defines a child as a person under the age of 15 years and section 4 prohibits the employment of children in industrial undertakings. Section 3(2) of the Ordinance exempts industrial undertakings in which only members of the same family are employed from the provisions of the Ordinance.

Article 3. There is no special reference in legislation to work carried out in technical schools. In fact there are no technical schools in Gibraltar attended by children under 15 years of age.

Article 4. Section 4(3) of the Employment of Women, Young Persons and Children Ordinance requires the keeping of a register without any indication of the precise form it should take.

Article 5. Section 67 of the Education Ordinance prohibits the employment of any young person (over the age of 15 years and under the age of 18 years) without first consulting the Director of Education or other authorised officer. The employer is also required to give notice of the nature of the employment.

#### Gilbert and Ellice Islands

The Employment Ordinance, 1965.

Article 1 of the Convention. The Employment Ordinance, 1965 defines the term "industrial undertaking" as in the Convention.

Article 2. Section 85 of the Ordinance prohibits children under 15 from being employed in industrial undertakings except in employment approved by the Governor.

Article 3. There are no technical schools attended by children.

Article 4. Such registers are required under section 88 of the Ordinance.

#### Hong Kong

Factories and Industrial Undertakings Ordinance (Chapter 59)  
Factories and Industrial Undertakings Ordinance (Amendment) Regulations 1975 (The Hong Kong Government Gazette, L.N. 7 of 1975).

The Mining Ordinance No. 33 of 1954 and subsidiary legislation made thereunder (Chapter 285 of the Revised Edition, 1964).

Education Ordinance and Regulations made thereunder (Cap. 279 of Revised Edition, 1971).

Education (Amendment) Regulations 1974 (L.N. 122/74, Legal Supplement No. 2).

The Registration of Persons (Amendment) Ordinance 1973, Chapter 177, and the Registration of Persons (Amendment) Regulations 1973 (L.N. 158/73).

Article 1 of the Convention. The term "industrial undertaking" is defined essentially as in the Convention. No action has been

made to define the line of division separating industry from agriculture as the definition of "industrial undertaking" is judged to be sufficiently clear.

Article 2. Regulation 4 of the Factories and Industrial Undertakings Regulations prohibits the employment of a child in any industrial undertaking or dangerous trade, "child" being defined as a person under the age of 14 years.

Article 3. Section 2(3)(a) of the Factories and Industrial Undertakings Ordinance exempts from compliance with this ordinance undertakings which are not carried on by way of trade or for purposes of gain. These include technical schools as envisaged in this Article.

Article 4. Regulation 15 of the Factories and Industrial Undertakings Regulations requires the proprietor of every industrial undertaking in which young persons are employed to maintain a register of all such young persons employed therein, "young person" being defined as "any person of or over the age of 14 years and under the age of 18 years".

Article 5. Regulation 5 of the Factories and Industrial Undertakings Regulations prohibits the employment of any young person on underground work in any mine or quarry, or in any industrial undertaking involving a tunnelling operation. Regulation 6 further prohibits the employment of any female of whatever age or any male young person under 16 years of age in any dangerous trade except with the written permission of the Commissioner for Labour. Regulation 9 of the Factories and Industrial Undertakings (Woodworking Machinery) Regulations prohibits the employment of any person under 16 years of age on any woodworking machine except with the written permission of the Commissioner for Labour.

#### St. Kitts-Nevis-Anguilla

The Employment of Women, Young Persons and Children Act,  
Cap. 290 (Revised 1961).

The Act amended by Ordinance No. 14/1966 to make provisions for the definition of "labour inspector".

Article 1 of the Convention. The Act uses the same wording as the Convention.

Article 2. No child shall be employed or work in any public or private industrial undertaking, or in any branch thereof, other than an undertaking in which only members of the same family are employed.

Article 3. These provisions shall not apply to the exercise of manual labour by any child under order of detention in a reformatory or industrial school, or by any child receiving instruction in manual labour in any school, provided that such work is approved and supervised by public authority.

Article 4. Section 8 of the Act prescribes the particulars that shall be kept in the register.

Article 5. There are no other national laws which empower a higher age or ages than 18 years for the admission thereto of young persons or adolescents.

The Labour Inspector is responsible for the application of the Act. Such inspection takes place in factories and other related workplaces.

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

DENMARK

Occupational Safety, Health and Welfare (General) Act No. 226 of 1954 (LS 1954 - Den. 1) (Legislative Notification, No. 297, of 4 July 1968, as amended).

Ministries of Labour and Social Affairs Regulations, No. 401, of 27 July 1945 concerning the design and use of mechanically operated cranes.

Ministry of Social Affairs Regulations of 26 April 1960 concerning Rules on Welfare Measures in the Field of Building and Construction.

Ministry of Labour Regulations, No. 407, of 18 November 1965 concerning Rules on Building Operations (First Part).

Labour Inspection Notice, as amended, M 1/1967 concerning directions relating to tower cranes, mobile cranes and hoist winches.

Article 1, paragraph 1 of the Convention. Reference is made to the legislation mentioned above. Regulations No. 407 of 1965 have been drawn up on the basis of Part II of the Convention and Part I (scaffolds) of the Model Code annexed to Recommendation No. 53. The Ministry of Labour Regulations of 2 July 1974 comply with Regulation 41 of the Model Code.

Article 2. Building activities are covered by the legal provisions, in pursuance of section 1(1)(c) of the General Act. Exceptions may be made under section 2 of the Act but none have been granted so far.

Article 3. Section 3 of the General Act defines the persons responsible for compliance with the law.

Article 4. A labour inspection service, staffed with qualified personnel having appropriate powers, ensures the enforcement of safety measures.

Article 5. Local legislation applies on Faroe Islands and in Greenland.

Article 6. Quarterly statistical surveys of accidents, distributed by branch and trade, are compiled.

Article 7, paragraphs 2(a) and 7. Reference is made to paragraph 4 of Part I, paragraph L 6 of Part III and paragraph N 10 of Regulations No. 407.

Article 8, paragraph 2. Reference is made to Part II, B of Regulations No. 407.

Article 9, paragraphs 2-3. Part II, H, 3-8 of Regulations No. 407 contains safety provisions governing work on roofs. Reference is made to Part II, C; E, 1-6; F, 1-2; G, 1-2; H, 11, 13 and 15 of the Regulations.

Article 10, paragraph 4. Reference is made to Part I, 10 of Regulations No. 407. Co-operation is ensured between the Labour Inspection Service and the electricity authorities.

Article 11. A load test with overloading of 25 per cent is required for any new crane, and after removal and re-erection or after substantial alteration or repair of a crane. The total load is determined in relation to the ultimate tensile strength of the ropes.

Article 12. Special forms are used for notification of cranes to the Labour Inspection Service.

Article 13. The age of 20 is required for the operation of cranes intended for regular crane drivers. To drive other cranes or to be employed as a signaller or chain fastener, the age of 18 is required. The issue of crane driver certificates is under consideration.

Article 14. The maximum permissible working load is clearly marked on all gear.

Article 15. The crane regulations as a whole are designed to prevent accidental descent of load.

Article 16. Relevant provisions are contained in Part I, 15 of Regulations No. 407.

Article 17. Although there are no special provisions on life-saving equipment, section 5 of the General Act can be regarded as ensuring compliance with the Convention.

Article 18. Part 1, I, 6 of Regulations No. 407 refers.

---

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

FRANCE

New Caledonia

Order No. 58-044 CG of 14 February 1958 in respect of apprenticeship contracts.

Order No. 58-067 CG of 1 March 1958 establishing the manner of implementing the legal provisions in respect of plant medical and health services.

Order No. 59/057 CG of 26 January 1959 in respect of work by women and children.

Order No. 69-507/CG of 20 November 1969 concerning the establishment of an inter-undertaking medical service, amended by Order No. 75-309 CG of 21 July 1975.

The Convention is applied by the aforementioned legislation for the enforcement of which the medical labour inspector is specially responsible.

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

FRANCE

New Caledonia

See under Convention No. 77.

Convention No. 81: Labour Inspection, 1947

ROMANIA

Constitution of the Socialist Republic of Romania (article 18) (LS 1969 - Rum. 1).

Labour Code (LS 1972 - Rom. 1).

Act No. 5/1965 concerning the Protection of Labour (Buletinul Oficial, dated 23 December 1969).



Decree No. 783/1969, concerning the organisation and operation of the Ministry of Labour, with later amendments (BO No. 129, dated 15 November 1969).

Decision No. 2896 of the Council of Ministers, respecting the notification, investigation and registration of industrial accidents and occupational diseases (IS 1966 - Rum. 1).

Instruction No. 50/1967 concerning the application of this decision (BO, Part I, of 14 January 1967).

Decision No. 2494/1969 by the Council of Ministers defining and punishing breaches of the labour legislation.

Decision No. 1672/1974 by the Council of Ministers concerning the planning and financing of labour protection and expenditure thereon (BO, No. 168, dated 28 December 1974).

Decision No. 304/1975 by the Council of Ministers concerning the supply, use and upkeep of protective equipment and working clothes, and the provision of health and sanitation equipment (BO, No. 39, 21 April 1975).

In Romania, labour protection is governed by the above-mentioned enactments. The State concerns itself directly with this problem, which receives high priority.

Standards for labour health and safety are laid down for work stations, machinery, equipment, apparatus, installations, etc., and for different technical processes.

National standards have to be observed in all branches of production. The managements of undertakings have to devise protective measures for each work station and take action against pollution of the environment. From time to time, in co-operation with the trade union organisations and health organs, they have to analyse the causes of labour accidents and occupational diseases, and take action to prevent them.

Responsibility is borne by those who organise, direct, co-ordinate and supervise work processes in establishments, from the foreman up to the Ministry.

A breach of legislation leads at once to disciplinary, administrative, material or criminal sanctions, according to the law.

Socialist organisations are called upon to make specialist labour protection personnel available to the Ministry of Labour or to the labour inspection authorities. They also have to supply all relevant information when industrial accidents, or cases of industrial disease, occur.

The state health inspection authorities, the state inspection authorities responsible for checking boilers and pressure vessels, installations and machinery, lifting equipment and measurement apparatus, the state building and construction inspection authorities, the inspection authorities responsible for fire prevention,

and other state inspection authorities and bodies subordinate there- to all have to give the Ministry of Labour and its supervisory organs their fullest support and co-operation.

The local inspection authorities responsible for labour protection have their own transport facilities or can use those belonging to the district authorities responsible for labour problems and labour and social questions.

They employ staffs with a technical training enabling them to work effectively in their particular field. Act No. 12/1971, on the recruitment and promotion of such staff, requires them to be specially qualified.

The instructions issued by the Ministry of Labour must be obeyed by all labour organisations and units.

The supervisory authorities responsible to the Ministry of Labour constantly rely on the support of the trade unions, which in their turn organise mass checks to see that the law is respected.

A breach of the labour safety regulations means prison from three months to three years or a fine varying between 50 and 3,000 lei.

The Ministry of Labour directs and supervises activities in connection with the protection of labour and, together with the Ministry of Health, draws up national standards for this purpose. It also issues permits for work to begin in any new or re-equipped establishment and ensures that standards are respected in plans for new undertakings. With the central authorities concerned, it analyses the causes of occupational accidents and diseases, and directs and supervises the information and instruction provided in connection with the protection of labour.

It is entitled to call upon socialist organs and organisations to produce the documents or information it needs to carry out its duties. Should there be a risk, it can order work in the undertaking concerned to be wholly or partly suspended, and it keeps a record of breaches of the regulations.

The state inspection authorities responsible for labour matters possess the same prerogatives.

The state labour inspectors can enter an establishment at any time of the day or night.

Under article 17 of the Constitution there is no discrimination between men and women wishing to become labour inspectors; this article lays down that all citizens, irrespective of nationality, race, sex or creed are equal and have equal rights in every field of the country's economic, political, legal, social and cultural life.

A breach of professional secrecy is punished in proportion to the gravity of the offence committed.

The special instructions require the drafting of special and periodical reports.

The labour inspection authorities work according to an annual plan, which allocates their work for each month. Each economic unit is inspected in accordance with this plan, at intervals depending on the nature of the work, the working conditions and the unit's size and importance.

URUGUAY

Act No. 5350 (17 November 1915).

Act No. 13,640 (26 December 1967)

Act No. 14106 (14 March 1973).

Article 1 of the Convention. Since 1915, there has been a system of labour inspection for industrial and commercial undertakings (Act No. 5350 dated 17 November 1915).

Article 2. Labour inspection applies to all industrial and commercial undertakings without exception.

Article 3. The inspection system endeavours to protect the worker in accordance with Acts No. 13,640 (26 December 1967) and No. 14106 (14 March 1973). The inspectors ensure that labour legislation is complied with and provide both employers and workers with technical information and advice; report to the authorities any shortcomings or abuses not covered by current legislation; promote co-operation with other government services and with institutions both public and private and further collaboration with employers and workers; prosecute anybody guilty of infringing the law; study the practical consequences of the effect given to labour legislation, and discharge any other duties assigned to them provided these duties do not interfere with their primary function.

Article 4. The General Labour Inspection Department is answerable to the Ministry of Labour and Social Security.

Article 5. The Labour Inspection Department co-operates with various other official services by means of tripartite committees.

Articles 6 and 7. The labour inspector is a civil servant subject to the general system provided for in articles 58, 69, 60 and 61 of the Constitution. Following ministerial orders enacted in 1974 and 1975, labour inspection training courses have been organised.

Article 8. By virtue of the Constitution (articles 74, 75 and 76), women are classed as citizens equally with men, and hence persons of either sex can become civil servants, e.g. labour inspectors.

Article 9. In accordance with Act No. 5032 dated 21 July 1914 and its Regulatory Decree dated 22 January 1936, labour inspectors enforce this legislation, with the exception of technical regulations for which other government bodies bear responsibility. Act No. 10,004 (28 February 1941) requires doctors of the Ministry of Public Health to advise the legal and administrative authorities

whenever asked to do so. The courts are empowered to appoint experts to give advice on damage and its possible consequences.

Articles 10 and 11. The General Labour Inspection Department has two divisions, one dealing with labour inspection in Montevideo, and the other being responsible for the rest of the country. In the budget, labour inspectors are classed in Grades I and II, but this does not imply any specialisation of duties. The labour service is now being reorganised and provided with the premises and facilities it needs to enforce the Convention in full.

Article 12. In Uruguay, the powers of labour inspectors are defined in an Executive Decree dated 29 October 1957, and in Act No. 14159 (21 February 1974).

Article 13. Should workers be at risk, an inspector can call on the police to stop work in the undertaking concerned. He can also call in the police should he be obstructed in carrying out his duties.

Article 14. The Labour Inspection Department acts automatically whenever notified of an industrial accident.

Article 15. As civil servants, labour inspectors are subject to all the legislation mentioned in the paragraph dealing with Articles 6 and 7 of the Convention. As regards the provisions concerning incompatibility, section 152 of Act No. 13420. (2 December 1965) should be added.

Article 16. The General Inspector of Labour orders inspections in the various branches of activity, apart from such inspections as may be carried out following denunciations.

Articles 17 and 18. Those guilty of infringing the law in labour matters are subject to fines imposed by the General Inspector of Labour by means of a procedure allowing for appeals, as provided for in the Constitution, section 317. Apart from fines, an undertaking may be closed down, and any form of obstructionism is likewise punishable.

Articles 19, 20 and 21. The periodical reports made by the General Labour Inspection Department are embodied in the annual report submitted to the Ministry of Labour and Social Security. This report gives details of the inspections undertaken, the punishments inflicted and the sums levied as a result, the operations of the joint boards, workers' wage claims, etc.

#### Labour inspection in commerce

Articles 22, 23 and 24. Commercial undertakings are inspected in just the same way as industrial ones.

Article 25. Ratification of the Convention by Uruguay is exclusive of none of its parts.

Article 26. No doubts about the application of this Convention have been expressed.

Article 29. There has been no problem in connection with application of the Convention to any particular area, undertaking or activity.

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

AUSTRALIA

Norfolk Island

There is no legislation in force in relation to freedom of association and protection of the right to organise.

There are no employers' or workers' organisations in the Territory nor are there any legislative requirements in relation to the establishment of such organisations.

There are no substantive or formal conditions to be fulfilled when establishing such organisations. All workers and employers, without distinction, may establish and join organisations of their own choosing without previous authorisation.

The absence of employers' and workers' organisations can be attributed to the small workforce, the relatively high standard-of-living conditions and the good relations existing between employer and employee in the Territory.

There are no legislative measures which ensure the free exercise of the right to organise nor are there any restrictions in practice on the exercise of this right.

Convention No. 88: Employment Service, 1948

AUSTRIA

A federal Act for the promotion of the employment market (Employment Market Promotion Act) dated 12 December 1968 (Bundesgesetzblatt, 21 January 1969, No. 7, Text 31), LS 1968 - Aus. 2), as amended by federal Act of 21 March 1973 (BGBL, 13 April 1973, No. 38, Text No. 173) (LS 1973 - Aus. 1 A), Federal Act on Special Assistance (BGBL, 28 December 1973, No. 153, Text No. 642) (LS 1973 - Aus. 1 B) and by federal Act of 6 March 1974 (BGBL, 29 March 1974, No. 59, Text No. 179) (LS 1974 - List No. 2).

Instructions for the carrying out of vocational guidance and placement, 1971.

Orders concerning the adaptation of the organisation of labour market administration to modern requirements (No. 34.506/4 - 15/2/73 and No. 34.506/24 - 15/2/74).

Article 1 of the Convention. The Federal Ministry of Social Administration and the subordinate state and local employment offices constitute the employment market administration. The services rendered by the administration are free.

According to the Employment Market Promotion Act (EMPA) the employment market administration is required to contribute, within an active employment market policy, to the attainment and maintenance of full employment and the prevention of unemployment.

Article 2. Location and geographical outreach of state and local employment offices, within a country-wide comprehensive system, is determined by the Minister of Social Administration through ordinances, according to the criterion of modern and optimal services to the population. Effectiveness and rationality of the employment market administration have been the major guiding principles for its recent reorganisation.

Article 3. There is adequate coverage of the country by employment offices. In general, each political unit has one office, which, in case of need, has branch or auxiliary establishments.

The Ministry of Social Administration has established supervisory machinery which, if necessary, can also require changes to be made in the existing network of employment service offices.

Article 4. Paragraph 41 of the EMPA provides for the setting up of an Employment Market Policy Advisory Board in the Ministry of Social Administration. The Board advises the Ministry on the elaboration of employment market policies. It is composed of six employers' and six workers' representatives, and two experts in the socio-economic sciences plus one representative each from the Federal Ministries of Finance, Commerce and Industry, Agriculture and Forestry, Construction and Technology, Internal Affairs, Education and Art and the Federal Ministry for Communications and equal numbers of alternates. At the regional and local level, administrative committees and placement committees respectively are established according to paragraph 76 of the Unemployment Insurance Act.

Article 5. According to paragraph 41 of the EMPA, the task of the Advisory Board is to advise the Ministry in the formulation of employment market policy.

Article 6. The different employment service activities, specified in the Convention, are provided for and enacted by law. The relevant paragraphs of the EMPA are referred to in detail.

Article 7. Ten specialised offices in Vienna and special arrangements for agricultural workers, handicapped workers and other persons who are difficult to place provide evidence of an appropriate degree of specialisation of the employment service.

Article 8. Special facilities for youth exist where they have proved useful, especially as regards vocational guidance. Vienna has a special youth employment office.

Article 9. It is established custom in the civil service that changes in Government do not affect the status and conditions of the staff of employment services and that they are protected from external influences. Paragraphs 8 and 15 of the EMPA provide that labour market administration personnel is to be recruited solely on the basis of their qualification for the job in question and that arrangements are made for their training and further training.

Article 10. Employment services are required to publish information on job and trainee vacancies as well as on applications for employment, as far as this is necessary for successful placement and the expenses involved appear justified. Collaboration with employers' and workers' organisations is ensured by the Employment Market Policy Advisory Board.

Article 11. Paragraph 17 of the EMPA states the conditions under which placement activities can be carried out outside the employment market administration. The Ministry of Social Administration is required to supervise these activities.

Article 12. No part of Austria is excluded from the application of the Convention.

#### Greenland

At the time of ratification a reservation was made as to the application of the Convention to Greenland. Reference is made, however, to the report on Convention No. 122 relating to Greenland.

#### Faroe Islands

At the time of ratification a reservation was made as to the application of the Convention to the Faroe Islands.

#### PORTUGAL

Legislative Decree No. 762, dated 30 December 1974.

Article 1 of the Convention. The duties of the employment service include analysing information on the situation of the employment market and its probable evolution, placing workers so that there is a closer correspondence between employment opportunities and the supply of labour, and the development of informational and vocational guidance services.

Article 2. The national authority which is responsible for the direction of the employment service is the General Directorate of Employment.

Article 3. The employment service comprises 45 centres in 21 districts covering the whole country.

Articles 4 and 5. Provision is made for the setting up of regional branches which will include employment and vocational training centres. These branches will be assisted by regional advisory committees on which workers and employers will of necessity be represented; the composition and powers of these committees and the geographical areas for which they will be responsible will be determined by decision of the Minister of Labour.

Article 6. Through its network of centres the employment service registers, interviews and provides guidance for job seekers, including those who would require vocational training. It records employment opportunities offered by undertakings. It refers employment applicants to vacancies that suit their experience, occupational and physical abilities and their preferences.

A national system of adjusting the supply of labour to employment opportunities operates at the central, regional and local levels. The central office collects statistics from all the local centres on their monthly activities, and reports on the situation of the employment market; this information is collated with data received from other sectors of activity and national statistics and reports on the employment market are then drawn up.

Unemployment insurance is administered by the aforementioned network of centres; the local offices of the social security institutions are responsible for paying the benefits.

Article 7. The employment centres, especially in the economically most developed regions, are organised according to sectors (building, metalworking and engineering, services, etc.). Ordinary placement is based on the applicant's abilities as is that of disabled persons and the young people.

Article 8. The centres have vocational guidance services which are mainly responsible for selecting applicants for training but they also provide young persons with information about jobs, vocational guidance properly speaking and information about the employment market.

Article 9. Since the employment service comes under the General Directorate of Employment, its officials have the status of public officials and this gives them independence and a free hand in dealing with the persons using the service.

Employment service officials, and in particular those in the centres, are given general training at the outset of their career, followed up by specialised training courses.

Article 10. Thanks to the recent introduction of unemployment insurance there will be greater information available for making a clearer assessment of the situation of the employment market. Meetings have been held at various levels with workers' and employers' representatives and appropriate talks, lectures, etc. have been given to make the public aware of the services available.

Article 11. The employment service has established links with the trade unions' employment agencies.



ROMANIA

Constitution (LS 1969 - Rum. 1).

Labour Code (LS 1972 - Rom. 1).

Decree No. 783 (1969) concerning the organisation and operation of the Ministry of Labour.

Decision No. 371 (1975) by the Council of Ministers, concerning the recruitment and allocation of unskilled labour.

Decision No. 445 (1953) by the Council of Ministers, concerning the recruitment and allocation of skilled workers and technical and administrative staff.

Decision No. 105 (1969) by the Council of Ministers, concerning training and advanced training courses for workers and personnel with intermediate standards of skill.

Act No. 12 (1971) concerning the recruitment and training of staff for state socialist units.

Article 1 of the Convention. The labour offices answerable to the Ministry of Labour act as free public employment exchanges. There are no private employment agencies. In the performance of its duties with respect to the recruitment and placing of manpower, the Ministry of Labour draws up a plan for the rational use of labour, with the co-operation and advice of the State Planning Board and the other Ministries and central organisations.

Article 2. The Ministry of Labour is the national body which centralises and supervises the activities of the employment service, in accordance with the requirements of State units.

Article 3. There are manpower offices in each region (district) and in the city of Bucharest; in the major industrial centres and chief towns there are placement offices.

Article 4. The recruitment and allocation of manpower are checked every week in each administrative area by a committee made up of one delegate from the district People's Council, one delegate from the district trade union, and one delegate from the manpower office. The respective units nominate the members of these committees.

Article 5. The draft annual recruitment plan is based on proposals made by ministries and central economic organisations, and by the executive organs of the district People's Councils.

Article 6. With a view to ensuring that recruitment is carried out fairly, section 51 of Act No. 12 provides for the use of aptitude and intelligence tests, etc. Recruitment zones have been defined, and the requisite permits are issued by the manpower offices. The units in the socialist sectors have to inform the organs designated within their zones, within 24 hours, whenever a vacancy arises, so that it may be filled at once. The manpower offices operate a clearing system to balance supply and demand.

Vacancies can be filled by direct transfer, after agreement has been reached among the units concerned. To aid occupational mobility, training and advanced training courses are organised in undertakings and in other state socialist organisations, and in vocational training centres, for the benefit of partly-trained workers and staff. Special courses are organised to meet applicants' requirements, and in accordance with the needs of the national economy. Welfare benefits, such as unemployment allowances, medical care, as well as conditions of life and work, etc., are dealt with in individual contracts of employment and supervised and regulated by the specialised manpower bodies, in accordance with the Labour Code.

Articles 7 and 8. The manpower offices devote special attention to the recruitment, placing, training and use of young people by supplying information about openings in educational establishments, in certain manpower offices and in other information centres. Special action is also taken to assist women and the handicapped, more especially, to find work.

Article 9. The manpower offices have a staff of specialists (economists, lawyers, sociologists and psychologists) who periodically take advanced and refresher courses run by the Ministry of Labour, in co-operation with the management training centre (CEPECA).

Articles 10 and 11. There are no private employment agencies. In co-operation with the other ministries and central organisations, and with the executive committees of the People's Councils of districts, municipalities, industrial centres and large towns, the Ministry of Labour carefully supervises, at regular intervals, the dissemination of information about vacancies.

#### Convention No. 95: Protection of Wages, 1949

##### IRAN

Labour Law dated 17 March 1959 (26 esfand 1337) (LS 1959 - Iran 1).

Article 1 of the Convention. Section 4 of the Labour Law defines "wage" and "salary" as "cash payment made, and non-pecuniary allowances granted to workers against performance of work".

Article 2. According to the Note 2 of section 6 of the Labour Law, wages and salaries of fishermen, sailors, crews, airport workers, pilots, technicians and employees working in the aeroplanes or workers whose type of work is such that their wages and earnings are partly or entirely provided through customers or clients; dock workers as well as workers whose type of work requires working on shift basis shall be specified under separate regulations. These regulations have already been implemented for all these workers except dock workers. Agricultural workers and housemaids and servants shall also be subject to separate special acts (section 8 of the Labour Law).

Articles 3 and 4. Wages are payable only in cash and paid in local currencies. Non-pecuniary allowances may be paid as part of a wage or salary if there is mutual agreement of both parties. (Note 1 of section 21 of the Labour Law.)

Article 5. Implemented by section 21 of the Labour Law.

Article 6. This Article is implemented in practice.

Article 7. Commodities are sold only by co-operatives and there is no obligation on workers to buy goods from these co-operatives.

Article 8. Section 24 of the Labour Code prescribes that no more than one-quarter of the worker's wages can be attached or assigned in satisfaction of any sum due by him, unless such a debt was incurred through purchase of living necessities from co-operative societies.

This rule does not apply to maintenance expenses for the worker's recognised dependent persons, which are subject to the provisions of the Civil Code.

Article 9. There are no private employment services in Iran, but persons who obtained a work permit from the Ministry of Labour and Social Affairs may undertake employment services for certain work for a definite period of time.

Article 10. See under Article 8 above.

Article 11. According to section 24 of the Labour Law the worker's wages or salaries shall be paid in preference to other employer's debts, including taxes.

Articles 12 and 13. Section 21 of the Labour Law prescribes that wages or salaries must be paid at the end of every week or of every fortnight, at the workplace and on a working day. Other appropriate arrangements may be made through collective agreement or contract of employment.

Article 14. Wages and manner of payment are considered when concluding an employment contract.

Article 15. (a) Workers are informed of the relevant laws and regulations through the Workers' Organisation of Iran as well as through their own contracts.

(b) The Ministry of Labour and Social Affairs and the Ministry of Justice are responsible for the implementation of the Convention.

(c) Violations of section 21 of the Labour Law or payment of wages below the fixed minimum wage are punishable by fines under section 58 of the Labour Law.

## ROMANIA

Labour Code (LS 1972 - Rom. 1).

Payment According to Quantity and Quality of Work Law, No. 57 of 29 October 1974.

Order of the Council of Ministers, No. 821 of 1962.

The Labour Code provides that remuneration is calculated according to the quantity, quality and social importance of the work. The complexity, responsibility and effort involved are taken into account. Minimum wages are fixed in each branch of activity. Wages are paid regularly at intervals not exceeding one month. Wages due in money must be paid before all other obligations. No deductions may be made from wages except as provided by law. Increased benefits may be granted for seniority, work in dangerous or unpleasant situations and special achievement. Persons causing damage to the undertaking may be assessed for these damages through deductions from wages. The total deductions from wages for damages may not exceed one-third of the monthly wage, or one-half in combination with all other deductions.

As the central specialised body in labour questions, the Ministry of Labour supervises the application of legal provisions relative to the labour relationship.

The labour relationship may only be broken off for the reasons mentioned in the law.

The Payment According to Quantity and Quality of Work Law provides that payment as a result of the labour relationship includes payment on the basis of pay scales for different activities, plus other allowances and bonuses (section 193(1)). Payment to members of agricultural production co-operatives is based on the co-operative's production. Payment may be made in money, in money and in kind, or - by decision of the general assembly - wholly in kind (section 187(1)). There is no restriction in the legislation on the worker's right to dispose of his wages freely.

There are no works stores in Romania, since supply of goods and services is assured either by various commercial enterprises, or by co-operative societies for agricultural workers.

Deductions from wages are regulated by section 109(2) of the Labour Code. Payment of wages is regulated by section 192 of Law No. 57/1974. It is made either weekly, fortnightly or monthly. Assignment of wages and other transactions in wages are prohibited, and attachments and deductions may be made only in the cases specified by law. When the labour relationship ends, money wages must be paid within three days.

Article 13 of the Convention is regulated by Order No. 821/1962 of the Council of Ministers.

Section 205 of Law No. 57/1974 defines the persons responsible for controlling methods of payment.

Article 14 of the Convention is applied by sections 205 and 206 of Law No. 57/1974; and the means of providing remedies for disputes in this field are regulated by sections 208(1) and 209(3) of the Law.

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

AUSTRALIA

Norfolk Island

There are no legislative provisions or regulations in force in the Territory which either give effect to the Convention or which prohibit or restrict the rights covered by the instrument.

In the absence of employers' and workers' organisations, terms and conditions of employment are negotiated between the employer and the worker concerned.

See also Convention No. 87.

Convention No. 100: Equal Remuneration, 1951

IRAN

Labour Act of 17 March 1959 (26 esfand 1337) (LS 1959 - Iran 1).

Article 1 of the Convention. Section 4 of the Labour Act defines "wages" and "salary" as all cash payments made and non-pecuniary allowances granted to workers in return for the performance of work.

Article 2. Section 23 of the Labour Act stipulates that "for equal work men and women workers shall be paid an equal wage".

Article 3. Jobs are classified in Iran in accordance with the provisions of an executive by-law concerning job classification in workshops. This by-law stipulates that jobs shall be classified on the basis of various criteria, especially as regards skill and responsibility levels and conditions of work by quantitative and qualitative analysis of the various elements of each job.

The methods to be used in carrying out this appraisal are established by the employers' and workers' organisations through collective agreements and approved by the Minister of Labour and Social Affairs.

Article 4. The provisions relating to job appraisals without considerations of sex are established by the collective agreements concluded under the supervision of the Ministry of Labour and Social Affairs, whereas the minimum wage is recommended by a commission composed of representatives of the Government, employers and workers and confirmed by the Ministry of Labour and the Central Labour Council which is also tripartite (section 22 and Chapter XII of the Labour Code).

## ZAIRE

Labour Code (LS 1967, Congo (Kin) 1).

Ordinances Nos. 67/442 bis of 1 October 1967 and 70/341 of 23 December 1970, establishing minimum inter-occupational wage regulations and minimum family allowances ("Moniteur congolais" No. 20 of 15 October 1967 and No. 1 of 1 January 1971).

Article 1 of the Convention. Remuneration is defined by the Labour Code as the sum total of the earnings capable of being calculated in cash and fixed by agreement or by the provisions of laws and regulations, payable by an employer to a worker under a contract of employment. It does not include statutory family allowances, travelling expenses and benefits granted exclusively to facilitate the performance of the workers' duties.

Article 2. The statutory minimum wage rate makes no distinction on the grounds of sex.

The collective agreements make no distinction between men and women for work of equal value.

Section 72 of the Labour Code establishes that in cases of equality of type of work, skill and output, equal remuneration shall be given to all workers irrespective of their origin, sex and age.

Article 3. Rates of remuneration and job appraisals are carried out on the basis of the general job classification established by Ordinance 67/442 bis.

Collective agreements have to be approved by the Labour Inspector, who may request changes in clauses conflicting with the legislation or regulations.

Article 4. The negotiators of collective agreements draw up detailed classifications for industries or undertakings on the basis of the general statutory classification.

The Inspector of Labour is responsible for enforcement of the equal pay provisions.

ZAMBIA

The Minimum Wages, Wages Councils and Conditions of Employment Act (laws of the Republic of Zambia, CAP 506).

The provisions of the Convention are adequately covered by both the legislation and industrial practice.

The Minimum Wages, Wages Councils and Conditions of Employment Act is the principal piece of legislation dealing with the provisions of the Convention, with reference to all employees, including employees of the Government and Local Authorities.

The employers' and workers' organisations participate in the determination of wages through the medium of Wages Boards and Councils, Joint Industrial Councils, and in the case of government workers, through direct negotiations.

The Ministry of Labour and Social Services is the authority entrusted with the supervision and application of the Minimum Wages, Wages Councils and Conditions of Employment Act.

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

URUGUAY

Act No. 7318 (10 December 1920) establishing a weekly rest period (LS 1920 - Ur. 2).

Act No. 7586 (31 May 1923) defining a half-day off for the purposes of the above Act.

Act No. 8797 (22 October 1931) introducing a 36-hour weekly rest in shops (LS 1931 - Ur. 1).

Act No. 11887 (2 December 1952) extending Act No. 8797 to office staff employed in industry.

Act No. 14320 (17 December 1974) (Diario Oficial No. 19,429 dated 26 December 1974).

Article 1. The provisions of the Convention are given effect by national legislation.

Article 2. In any industrial or commercial establishment and its subsidiaries, both employers and workers have to take their weekly rest, whatever the nature of such establishments may be, and irrespective of whether they are public or private, lay or religious, whether they provide vocational training or pursue charitable ends. The only exception concerns employers in establishments not obliged to close on rest days.

---

Article 3. Not applicable.

Article 4. The weekly rest periods in industry, commerce and banking are not the same. In industry, the rest period is one of 24 hours, in commerce 36 hours (with some variations), and in banking 48 hours (always the same two days - Saturdays and Sundays). But there are commercial establishments not subject to the 36 hours requirement, which observe, as in industry, a rest period of 24 hours, namely, butchers' shops and hairdressing establishments for men, children and women.

During the Sunday rest, all retail establishments must be closed and all business must cease. With a shift system, closure is not imposed, and Sunday work by women and children (forbidden under the other system) is permitted. When exceptions are made to the Sunday rest, closure is not required, but women and minors may not work. In shops, the 36-hour rest must begin at 12.30 on Saturday, and the establishment must close. There are the same exceptions to Sunday closing as in industry and when Saturday afternoon and Sunday are replaced by a day-and-a-half during the week there is no obligation to close. In commercial establishments of certain kinds (grocery stores, florists' shops, service stations, etc.), closure on Sundays only is compulsory, the remainder of the 36 hours being made up by either the Saturday afternoon or the Monday morning. Bakers' delivery men can choose any other half day off during the week.

Article 5.

The 24-hour rest. Sunday rest and closure of the establishment.

1. Industries (except commercial subsidiaries and offices, which have a 36-hour rest) the nature of which does not permit the exceptions allowed in Act No. 7318 (10 December 1920).

2. Barbers' shops for men and children, and hairdressers' establishments in the 18 non-metropolitan departments.

3. Butchers' shops (which open in turns on Sundays from 16 December to 15 March).

The 36-hour rest. Closure between 12.30 on Saturday and Monday morning.

1. Commercial establishments which can, without inconvenience to the public, shut down on Saturday afternoon (jewellers, bazaars, shops, ironmongers, shoe shops, men's-wear shops, etc.).

Article 10. For the period between 28 June 1974 and 30 June 1975, the General Department of Labour and Social Insurance Inspection reports that there were 115 breaches of the Convention, leading to the levying of 5,100 new pesos in fines.



Convention No. 108: Seafarers' Identity Documents, 1958

URUGUAY

Act No. 14,112 (30 April 1973).

Decree No. 242/1969 (20 May 1969).

Article 1 of the Convention. An international convention, once ratified, becomes law. This Convention therefore applies to all persons entered in the register of seamen of the Uruguayan merchant marine.

Article 2, paragraph 1. Embarkation permits, replaced after six months by "embarkation booklets" are issued by the authorities to Uruguayan seamen.

Paragraph 2. Documents are issued exclusively to Uruguayan nationals resident in Uruguay.

Article 4. The "embarkation booklet" corresponds to the "seafarer's identity document" provided for in the Convention.

The National Prefecture of Shipping and the Department of Migration ensure that the Convention is complied with.

Convention No. 110: Plantations, 1958

ECUADOR

Labour Code: ("Corporación de estudios y publicaciones", 1971, No. 3) and (LS 1971 - Ec. 1).

Part I

Article 1 of the Convention. The following plantations and crops exist in the country: banana, coconut, citrus fruits, plantain, pineapple, abaca, castor oil, palm oil, sugar cane, cocoa, coffee, tea, sisal, rubber, etc. The term plantation covers all permanent or semi-permanent holdings on which these plants are cultivated for commercial or industrial purposes.

Article 2. Section 148(g) of the National Constitution and section 78 of the Labour Code stipulate that "there shall be equal remuneration for equal work without distinction of sex, race, nationality or religion".

Article 3. The Convention is fully applied.

Article 4. Section 148(d) stipulates that any provision which implies the renunciation, reduction or alteration of any worker right shall be null and void.

Part II

Articles 5 to 10. These are applied by the provisions of Articles 23 to 28 of the Labour Code. Contracts for employment abroad have to be drawn up in writing. Recruiters have to maintain a representative in Ecuador to deal with claims from the workers or their families and have to deposit with the authorities a sum equal at least to the value of the return journey. The diplomatic or consular representative of Ecuador has to supervise the fulfilment of contracts and report thereon to the Minister of Social Welfare and Labour. Contracts for employment within the country, but in another province, have to be drawn up in writing and stipulate that the cost of travel in both directions shall be at the employer's expense; they have to be approved by the local labour officer.

Article 11. Our legislation contains no provision corresponding to this Article.

Articles 12 to 14. Sections 23 to 28 of the Labour Code satisfy the requirements of these Articles (cf. the comments under Articles 5 to 10). Pursuant to section 323, the employer's liability includes occupational disease and employment accidents.

Articles 15 to 18. These are complied with by the provisions of sections 23 to 28 of the Labour Code.

Article 19. There is no corresponding national provision.

Part III

Article 20. Under section 148(b) of the Constitution, the employment contract is binding on employers and workers. Section 11 of the Labour Code provides that a contract of employment may be express or tacit, and in the former case may be written or oral; it may be for a fixed term or an indefinite period. In application of section 14 of the Labour Code, when work is of a stable character, a contract must be for a minimum duration of one year and may not stipulate a maximum duration, although section 15 provides, as an exceptional measure, that contracts concluded for the first time may be made for a probationary period of not more than 90 days. Nevertheless, an employer may not keep on probationary contracts a number of employees exceeding 15 per cent of his total personnel. Undertakings starting operation are not subject to this limit for the first six months.

Articles 21 to 23. The legislation does not provide any penal sanctions for breach of a contract of employment.

Part IV

Articles 24 to 35. Subsections 148(e), (f), (g), and (h) of the Constitution provide that every worker shall receive minimum remuneration adequate to cover his personal and family requirements and that it shall not be attachable except for the settlement of support payments. The State has to establish family wages preferably by means of children's allowances; there is equal pay for equal work, without any distinction; no unauthorised deduction may be made from a worker's earnings, which must be paid in legal tender and at intervals not exceeding one month. Section 211 of the Labour Code provides that collective agreements shall lay down

hours of work, rates of pay, pace and quality of work, rest periods and vacations, family allowances and any other conditions agreed by the parties. Pursuant to section 218, the terms of a collective agreement are deemed to be incorporated in individual contracts and prevail over the latter in the event of dispute. By Decree 1413 of 1973, the minimum wage for agricultural workers was increased to 600 sucres in the highlands and 750 on the coast. Section 78 of the Labour Code guarantees equal remuneration for equal work, without distinction, but skill and experience in the performance of work are taken into account in determining remuneration. Section 80 provides that wages and salaries shall be freely negotiated, but shall not in any case be less than the statutory minimum rates. Section 81 stipulates that contracts of employment shall provide for wages to be paid per day wherever the employment is not permanent, and per week or month where the employment is stable and continuous, payment by the hour is prohibited. Paragraphs 82 and 85 provide that wages shall be paid out at intervals of not more than one week and salaries of not more than one month and that both shall be paid to the employee directly or to a person nominated by him, at the place where he is employed. Section 86 prohibits payment by means of promissory notes, vouchers or in any form other than legal tender, as well as deductions except as authorised by law.

#### Part V

Articles 36 to 42. Section 68 of the Labour Code provides that every worker shall be entitled in every year to an unbroken rest period of 15 days and shall receive the corresponding pay. Employees under 16 years of age are entitled to 20 days' vacation, and those over 16 but under 18 to 18 days' vacation every year. Section 70 adds that remuneration for the vacation period shall be paid out in single sums equivalent to one-twenty-fourth of the worker's total annual pay, and section 71 stipulates that the annual vacation is a right which cannot be renounced or replaced by a money payment.

#### Part VI

Articles 43 to 45. Subsections 148(i) and (j) of the Constitution establish that the maximum working day is 8 hours and the working week is 48 hours, and that Saturday afternoon is free. Fewer hours may be worked by night than by day and night work is paid at a higher rate; it may not be undertaken by women or young persons under 18 years of age. Not more than six hours daily may be worked underground and the total working day may not exceed 7 hours. Every worker must be given at least 42 hours' unbroken weekly rest and annual holidays. Under section 49 of the Labour Code, the number of compulsory working days may not exceed five-and-a-half in a week and Sundays and Saturday afternoons shall normally be periods of compulsory rest. Section 50 provides that the weekly rest period may be taken by all the employees together, or in rotation if necessary. Section 92 provides that remuneration shall be paid in full for the compulsory rest days.

#### Part VII

Articles 46 to 50. Section 148(n) of the Constitution gives protection to working mothers; pregnant women may not be dismissed nor may they be asked to perform work involving considerable effort. Sections 133 to 136 of the Labour Code prohibit work by women for a

period of three weeks before and three weeks after confinement and guarantee them full remuneration; they prohibit termination of the contract for reasons of pregnancy or if absence continues for a period not exceeding one year owing to illness due to pregnancy or confinement although in the latter case remuneration will be paid for only six weeks. For nine months after confinement, the mother has to be granted a break of 15 minutes every three hours to nurse her child. Permanent workplaces where not less than 50 persons are employed have to establish a nursery and provide everything necessary, including food, free of charge.

#### Part VIII

Articles 51 to 53. Section 148(q) of the Constitution stipulates that health and safety measures shall be taken for the protection of workers. At the same time, section 329 of the Labour Code obliges the employer to pay compensation for occupational accidents or diseases if a worker is not included in the social insurance system. Under section 341, the employer has to provide medical or surgical care until the worker is fit to resume work or is declared disabled. In the event of death resulting from occupational accident or disease, the worker's heirs are entitled to compensation. Section 43 of the Civil Code makes no distinction between Ecuadorians and foreigners as regards civil rights.

#### Part IX

Articles 54 to 61. Section 41 of the Labour Code obliges employers to recognise workers' associations. Section 43(j) prohibits him interfering in activities of a strictly trade union character. Under section 226, all representative collective agreements are binding. Section 420 provides that the labour authorities shall promote the formation of employees' associations, particularly unions. Section 441 creates a conciliation and arbitration tribunal composed of five members and section 444 makes any agreement reached by the tribunal immediately operative. Section 531 establishes a summary oral court procedure for the settlement of disputes.

#### Part X

Articles 62 to 70. Section 148(k) of the Constitution recognises and guarantees freedom of association to employers and workers and section 409 of the Labour Code recognises the right to establish federations and confederations and to affiliate with and withdraw from them. Every worker over 14 years of age may belong to a union. Unions may not be suspended or dissolved save by judicial process before a labour court. Section 411 of the Code confers legal personality on legally constituted and registered occupational associations.

#### Part XI

Articles 71 to 84. Section 148(z) of the Constitution entrusts the urban and rural labour inspectorates with the enforcement of labour legislation. The inspectors have to hold law diplomas. Sections 501 to 506 of the Labour Code provide that there shall be an inspector for each province, assisted by subinspectors responsible for the various areas and branches of employment. Their functions

are: to ensure that the health and safety regulations are complied with in all places of employment; to ensure that in employer-employee relationships the rights conferred and obligations imposed by law are respected and performed; to make visits of inspection; to satisfy themselves that the statutory regulations respecting employment are complied with and report to their superiors; to endorse or refuse to endorse applications concerning dismissals; to attend meetings of supervisory committees; to impose fines and perform any other functions for which provisions are made by law. They are responsible under civil and criminal law and can be fined when necessary.

Part XII

Articles 85 to 88. Arrangements for the housing of plantation workers are settled by collective agreement. The Directorate of Rural Development, the Housing Board and the Housing Finance Bank are investigating the housing requirements of agricultural workers in an effort to improve the situation.

Part XIII

Articles 89 to 91. Workers receive the minimum medical care.

There is no jurisprudence to report. The employers' and workers' organisations to which this report was submitted had no comments to make.

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

NETHERLANDS

Labour Act of 1919 (LS 1964 - Neth. 1).

Labour Decree 1920 (LS 1933 - Neth. 4).

Penal Code.

Collective Agreements Act.

Decrees by virtue of the Industrial Safety Act of 1934.

Equal Wage for Women and Men Act of 1975.

Article 1 of the Convention. Under sections 90 and 429 of the Penal Code racial discrimination is prohibited. The legislation concerning employment contracts applies equally to all workers.

Under the Collective Agreements Act any stipulation whereby an employer binds himself not to employ persons of a particular race or persons who hold a particular religious or political conviction or who are members of an association or of a particular association, or to employ such persons exclusively, shall be null and void.

Protective labour legislation contains prohibitions for women to work in coal mines and in quarries, to do stevedoring work and to work at night.

There is no information from which it appears that in actual practice a distinction is made in relationship between persons or groups of persons, with the exception of the priestly office in the Roman Catholic church. There are, however, indications that in the policy of recruitment by employers preference based on sex (for men as well as for women) is a factor.

Article 2. Where necessary, measures to promote the elimination of discrimination in employment and occupation will be taken. It was not considered necessary to introduce any special statutory regulations in connection with the ratification of this Convention.

An Act to lay down rules respecting the entitlement of workers to a wage that is equal to the wage of workers of the other sex for work of equal value has been adopted in March 1975.

The protective labour legislation is being reconsidered with a view to any discriminatory consequences. The desirability of taking further measures in connection with a possible discrimination between men and women is being examined in various respects.

Article 3. Advisory bodies such as the Socio-Economic Council (S.E.R.) and the Joint Industrial Labour Council as well as the employers' and workers' organisations may take initiatives, upon request or at their own initiative, if this should be necessary.

Placement work without a licence granted by the public authorities is prohibited.

Article 4. If a situation like the one referred to in this Article occurs the normal penal procedures apply, with possibilities of lodging an appeal.

Article 5. A number of statutory regulations, which are not deemed to be discrimination, protect older workers and handicapped workers in respect of their employment.

The application of the above-mentioned legislation and administrative regulations is entrusted to the Ministry of Social Affairs and outdoor services such as Wages Inspectorate, Wages and Salaries Bureau and Labour Inspectorate.

#### ROMANIA

Constitution (LS 1969 - Rum. 1).

Labour Act (LS 1972 - Rom. 1):

Discrimination in the field of employment is incompatible with the socialist system and runs counter to the principles of socialist ethics and equity, and is punishable by law.

According to Article 17 of the Constitution, citizens of the Romanian Socialist Republic, without distinction of nationality, race, sex or creed, enjoy the same rights throughout the economic, political, legal, social and cultural life of the nation.

The State guarantees the equal rights of citizens. Any limitation of such rights, or any discrimination based on nationality, race, sex or creed, is illegal.

Anybody trying to impose such restrictions, to spread nationalist or chauvinist propaganda, or to stir up hatred for reasons of race or nationality is punished by the law.

In accordance with Article 18 of the Constitution and section 2 of the Labour Code, all citizens are entitled to work, irrespective of sex, nationality, race or religion. Every citizen will have the opportunity to pursue an occupation befitting his aptitudes in economic, administrative, social and cultural affairs in accordance with the requirements of society as a whole, and will be paid according to the amount and quality of the work he does. The principle of "equal pay for equal work" will be observed.

Under Article 23 of the Constitution, women enjoy the same rights as men.

#### VENEZUELA

Constitution (1961).

Labour Act (LS 1945 - Ven. 1; LS 1947 - Ven. 2).

Regulations enacted under the Labour Act (LS 1973 - Ven. 1).

In Venezuela, international Conventions count as law as soon as the Congress of the Republic has completed the procedure laid down in the Constitution for the approval of legislation. Under the Venezuelan legal system, there are none of the kinds of discrimination mentioned in this Convention. The absence of discrimination is a constitutional principle implicit in many clauses of the Constitution.

Persons of non-Venezuelan origin who entered the country before they were seven and have been permanently resident therein until their majority (Constitution, Article 45), enjoy the same rights as Venezuelans by birth.

Everybody is entitled to work, and the State tries to ensure that anybody fit to work receives such employment as will provide him with a decent standard of living. Freedom of employment is subject only to such restrictions as are laid down by law (Constitution, Article 84). Section 18 of the Labour Act lays down that 75 per cent of the staff of any undertaking must be Venezuelans.

Work is specially protected. The law will take such steps as are necessary to improve the workers' material, moral and intellectual standing. No worker may forgo those privileges which the law lays down with a view to his protection (Constitution, Article 85).

Nobody may prevent anybody else from working, nor prevent anybody else from exercising whatever occupation, trade or business he chooses, providing it is legal (Labour Act, section 7).

The volume and quantity of the work are factors for which a allowance must be made in deciding on the wage for each type of job. There is equal pay for equal work (hours of work, efficiency, and the operations involved being the same). This equal pay embodies not only the daily rate for the job, but in addition tips, bonuses, allowances and any other payment to which a worker may be entitled for his ordinary work. No difference based on sex or nationality is permissible (Labour Act, section 67).

The constitutional ban on discrimination is binding on everybody on Venezuelan soil, and hence no exceptions or relaxations of the rule, by agreement between the parties, can be allowed. The above provisions specifically and generally settle the problem of discrimination in Venezuela, and are expressly designed to ensure application of Convention 111.

Convention No. 115: Radiation Protection, 1960

GERMANY, FEDERAL REPUBLIC OF

Law concerning the Pacific Use of Atomic Energy and Protection from the Hazards Thereof (Atomic Law) of 23 December 1959 (Bundesgesetzblatt, I, page 814), amended by the Law of 2 March 1974 (BGBL, I, p. 469).

Decree concerning Protection from Injuries Caused by Radiations of Radioactive Substances (First Radiation Protection Decree), of 15 October 1965 (BGBL, I, p. 1654).

Decree concerning Protection from Injuries Caused by X-Rays (X-Ray Decree) of 1 March 1973 (BGBL, I, p. 173).

Notices of the Federal Ministers of Labour and Social Affairs and of Youth, Family and Health of 2 January 1974 and 15 March 1974 made under the X-Ray Decree.

Articles 1 and 2 of the Convention. The Convention is applied by virtue of the provisions listed above. As regards accelerators, the appropriate amendment to the First Radiation Protection Decree is in preparation. The Notices mentioned above were drawn up in collaboration with the highest labour authorities of the Federal Länder. The X-Ray Decree applies to protection against X-rays having an energy of at least five keV.

Article 3. The provisions of the above legislation incorporate the basic EURATOM standards. Following amendment of the latter, these provisions will be accordingly modified.

Article 4. General protection during activities involving exposure to ionising radiations is provided by legislation.



Article 5. According to the above legislation, the exposure of persons to radiations must - even below the maximum admissible concentration - be reduced to the lowest possible level.

Article 6. The maximum admissible dose of ionising radiations corresponds to the basic EURATOM standards and the ICRP Recommendations.

Article 7. For workers aged 18 and over, who are directly engaged in radiation work, uniform levels of maximum doses of radioactive substances and X-rays are laid down:

(a) Five rems per year, but not more than three rems in 13 consecutive weeks.

(b) Workers under the age of 18 may not be engaged in work involving ionising radiations. They may be in areas exposed to relatively higher radiation only for training purposes and may not absorb a dose exceeding a maximum of 0.5 rem per year.

Article 8. For workers who are not directly engaged in radiation work, the maximum admissible dose for occasional presence in so-called supervision areas is 1.5 rems per year and for permanent presence in so-called control areas 0.5 rem per year.

Article 9. The areas in which there is a possibility of absorbing a dose in excess of 1.5 rems per year (supervision areas) must be marked.

Persons in contact with ionising radiations must be instructed every six months on the possible dangers and the precautions to be taken for their protection.

Article 10. State authorities must approve or be notified of work involving exposure of workers to ionising radiations in the course of their work.

Article 11. Legislation requires dosymetric surveillance of workers and monitoring of workplaces.

Article 12. Workers engaged in radiation work must undergo medical examinations prior to taking up such work and after six months or at most one year thereafter must re-undergo such examinations annually. Doctors must be empowered by the authorities to carry out such examinations.

Article 13. In case of exposure to a high single dose of radiation:

(a) the worker concerned must immediately undergo a medical examination;

(b) the employer must immediately notify the competent authority of any excesses of the admissible dose, accidents or injuries;

(c) a person responsible for radiation protection must see that protection measures are taken. The competent authorities must be notified that such persons have been sent for;

(d) persons who have been exposed to a high dose of radiation may be employed in supervision areas only with the permission of the competent authorities and provided there are no objections thereto.

Article 14. It is prohibited to employ workers contrary to medical advice.

Article 15. The supervision of the application of the provisions is incumbent on the public inspection authorities of the Länder who work in close co-operation with the statutory accident insurance institutions.

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

ROMANIA

Constitution (LS 1969 - Rum. 1).

Labour Code dated 23 November 1972 (LS 1972 - Rom. 1).

Act No. 8 (1972) providing for the planned economic and social development of Romania.

Act No. 11 (1968) on Education in the Socialist Republic of Romania.

Act No. 2 (1971) to improve the vocational training of wage earners employed by socialist units.

Act No. 57 (1974) on pay in relation to the quality and quantity of the work done.

Act No. 50 (1974) on town and country planning.

Statutes of mutual insurance societies attached to trade unions, based on Decree No. 358 (1949) concerning the organisation of such societies in trade unions.

Act No. 9 (1971) on canteens and restaurants for wage earners.

Decision No. 371 (1955) by the Council of Ministers on the planned recruitment and allocation of unskilled labour.

Articles 1 to 5 of the Convention. The efforts of the workers to fulfil the objectives of the 1971-75 five-year plan ahead of time have resulted in major improvements in the material and spiritual life of the Romanian people. Romanian legislation has as its guiding principle the promotion of this rise in the standard of living, which is the subject of the first 23 articles of the Constitution and the Act on planned economic and social development. The national plan is intended to ensure that people's incomes keep pace with the rise in the national income. It lays down the principles which are to govern the way in which the increased goods and services available are to be shared, together with the principles to govern the provision of housing, improved standards of comfort, the development of municipal activities, the improvement of conditions of work, social and health insurance and the improvement of workers' leisure and cultural activities.

Articles 6 to 9. The Ministry of Labour organises the recruitment and allocation of unskilled labour.

Articles 10 to 12. The Act on pay as a function of the quantity and quality of the work done puts these provisions into practice.

Article 13. The trade union friendly societies provide loans, depending on seniority and members' ability to repay, at 5 per cent interest.

Article 14. Article 17 of the Constitution declares that Romanian citizens enjoy equal rights irrespective of nationality, race, sex and creed, and Article 18 prescribes equal pay for equal work.

Article 15. The aims of education, as set forth in this article, are covered by the 1968 Education Act, which establishes compulsory education for ten years. Section 7 of the Labour Code requires establishments employing young persons between 14 and 16 years of age to assist them to pursue their compulsory general education, and Decision No. 2598-1968 by the Council of Ministers (section 2) prescribes fines for employers who compel children of under 16 to work during school hours or during other compulsory school activities. This Decision allows minors over 16 who have not yet finished their compulsory schooling to take employment, providing they take evening classes or correspondence courses.

Article 16. The provisions concerning the teaching of new techniques in this article are covered by the 1971 Act concerning the vocational and advanced training of workers in socialist units. Since that time, a national scheme has been set up and the collective management bodies of socialist units are responsible for organising and running these courses. They include refresher courses and instruction leading to the acquisition of more advanced qualifications or new skills. This improvement in vocational training is brought about either at the place of work or in advanced training centres, or by on-the-job training within the work unit or other work units in Romania or in other establishments abroad, or through the acquisition after recruitment of an educational diploma, post-graduate degree or doctorate. Vocational training expenses are either reckoned as production costs or included in investment budgets of units. The cost of post-graduate study is borne by contributions from the units which enter their staff for training of this kind.

#### SPAIN

Decree 1541/1972 (15 June), approving the revised text of the Third Economic and Social Development Plan Act.

Decree 3090/0972 (2 November) on employment policy.

Order dated 18 December 1972 regulating the movements of workers and their families within the country.

Order dated 25 January 1975 requiring the Fourteenth Investment Plan for 1975 to be put into effect by the National Labour Protection Fund.

---

Decree 180/1968 (27 July), regulating the employment, status and establishment of foreign workers in Spain.

Act 14/1975 (2 May) revising certain sections of the Civil Code.

Act dated 15 November 1971, partly revising the Criminal Code.

Act dated 4 May 1970, dealing with education in general and the financing of educational reform.

Act 38/1973 (19 December) on collective agreements.

Decree 547/1975 (21 March) laying down the minimum inter-occupational wage, and the rates and classes of contribution to the social security scheme.

Decree 3804/74 (11 October 1974) (Boletín Oficial del Estado, November 1974), deals with wage advances on recruitment, its limits, and the system of repayment.

Act 20/1975 (2 May 1975) to improve the protection afforded to independent workers by the Special Agrarian Social Insurance Scheme (B.O.E. 5/V/1975).

Decree 1147/1975, dated 9 May, on the reassessment of social security pensions (B.O.E. 2/VI/1975).

Order dated 9 May 1975 on improvements in social security pensions (B.O.E. 2/VI/1975).

Decree 1495/1975 (10 July), to apply the first final clause in Act 20/1975 (2 May), improving the protection given to the self-employed under the Special Agrarian Social Insurance Scheme (B.O.E. 11/VII/1975).

Order dated 24 June 1975, laying down the proportion of the cost of drugs provided for the self-employed under the Special Agrarian Social Insurance Scheme borne by the Scheme (B.O.E. 12/VII/1975).

The Contracts of Employment Act, 1944 (LS 1944 - Esp. 1).

Order dated 11 April 1953, on social security insurance, issued under the Decree dated 20 February 1953.

Article 3, 1 and 2 (a), (b), (c) and (d) of the Convention.  
The aims provided for herein have been included in the Third Development Plan, which sets out to ensure: "a steady rise in standards of living, a better distribution - personal, functional, sectoral and regional - of income subject to the requirements of social justice, and the ordering of all available resources in the service of man as an individual and member of a family, and for the joint well-being of the Nation".

A study of internal migration in Spain and another of likely developments in the migration of Spaniards within Europe, undertaken by the Department of Social Planning, show that among the factors which play the principal part in causing such movements are the low incomes earned by rural families, inadequate social facilities, and the difficulties experienced by young people in finding employment.

The worst of all the consequences of the drift to the town, as far as the countryside is concerned, is the ageing of the rural population.

The Plan encourages the recruitment of young people by agricultural employers. However, the drift from the countryside to the towns, and from the smaller towns to the big ones, has led to rapid urban growth. The Plan lays down town-planning objectives - housing requirements must be met, the infrastructure and urban services must be improved in the fastest-growing towns and the provincial capitals. Thus, during the three years of the Third Plan, 1 million housing units have been built, thus reducing the existing shortage. All in all, 3,000 hectares have been urbanised and water and sewage systems supplied to cater for 3,300,000 people.

The Regional Development Plans and the policy of growth points represent attempts to provide the requisite technical and social infrastructure for each region, to modify and reduce migration, to develop backward areas and to establish major areas of industrial growth. It is planned to create one of the latter in Galicia.

Article 4, (a), (b), (c), (d) and (e). The action taken to increase production capacity and improve the living standards of agricultural producers has involved subsidies to assist farm modernisation, official credits at low rates of interest and with easy rates of reimbursement, and tax reliefs to encourage savings and credit co-operatives (rural funds).

Article 5, paragraphs 1 and 2. Action has been taken to improve the living standards of producers and wage earners and to guarantee a minimum level by means of official surveys undertaken in conjunction with the Trade Union Organisation and other occupational organisations.

Articles 6 and 9. Steps have been taken to ensure that the conditions of employment of migrant workers who have to live away from home should be commensurate with normal family requirements. There are various allowances for removals, reinstallation, etc., the amounts being based on standards laid down by the National Labour Protection Fund.

Articles 10 and 13. The minimum inter-occupational wage in agriculture, industry and services, irrespective of sex, is revised once a year in consultation with the Trade Union Organisation in the light of the cost of living indices, productivity, the real growth of the economy and the ideal of social justice according to which the lowest incomes should be raised to a proportionately greater extent. There is a guarantee of payment of wages owed to workers, who can appeal to the labour courts; these latter render, free of charge, an oral ruling. The work of labour inspection serves the same ends. As regards direct payment in legal tender, the regulations governing wages (Decree 2380/73) stipulate that the worker must be given a separate pay-slip showing the composition of his wage and must sign as having received his pay, the receipts being kept by the undertaking for examination by the labour inspection authorities. As regards the rules governing advances of wages on recruitment, Decree 3084/74 meets the point made in Article 12 of the Convention.

Article 14. Decree 180/1968 lays down that wages and other conditions of employment for foreigners authorised to work in Spain,

may not be inferior to those laid down by law for Spaniards in that particular occupation and place. The Act of June 1961 grants women the same rights as men as regards the exercise of an occupation, except that they cannot join the armed forces and merchant marine unless they undertake medical activities. Similarly, a woman can enter into contracts of employment of any kind, and suffers no discrimination based on her sex or marital status, even if the latter changes during the employment relationship when the law requires a woman's husband to give his authorisation for the exercise of rights, he must do so in writing, and if he refuses his consent, his opposition becomes null and void should the courts rule that he has acted in ill-faith or unfairly. Labour legislation accepts the principle of equal pay for work of equal value. The Organic Law of the State (1967) recognises the right to religious freedom and this principle is safeguarded by the penalties laid down in the 1971 Act, which partially amends the Criminal Code.

Article 15. Minors under 14, of either sex, may not be employed on work of any kind. Farms and family workshops are exempted from this rule. The General Education Act, 1970, declares that education, amongst other things, is designed to develop a person's capacity to undertake occupational activities which will conduce to the country's social, cultural, scientific and economic development. It affirms that every Spaniard is entitled to receive, and the State is under an obligation to provide, a general education and vocational training which will equip him to do a job useful to society and to himself.

#### SUDAN

Constitution 1973.

Employers and Employed Persons Ordinance 1948 as amended 1969, 1973.

Agreement between Libya and Sudan.

Trade Disputes Ordinance 1966 as amended 1969 (LS 1966 - Sud. 2).

Minimum Wages Ordinance 1952 (LS 1952 - Sud. 1).

Minimum Wages Ordinance 1974.

#### Part I. Economic policy

In the Sudanese economy there is a shortage of finance, technology, skilled labour and management skills. Economic planning is used for the acceleration of economic development. Five- and ten-year plans were made in the 1960s. A five-year plan for 1970-75 incorporated socialist economic planning to increase domestic production, with investment planning in both the public and the private sectors. This five-year plan attempted to decrease reliance on foreign aid. Special attention is paid to developing the agricultural sector. Shrinkage in manpower available in agriculture is due to migration to cities. There is still overpopulation (i.e. underemployment) in agricultural areas. Attempts are made to develop decentralised industrial centres to decrease migration from rural to urban areas, whilst at the same time developing agricultural areas.

Part II. Improvements of standards of living

The development of agricultural production is an important factor in the economy. Diversity of crops is also being developed to improve diet. There is an increase in irrigation schemes and rotation of crops, with accompanying development of education, housing and health services. Irrigation schemes will impede migration within rural areas by decreasing overutilisation of land in certain areas and enabling the population to live in more areas. Nomadic populations will be encouraged to settle by the improvement of infrastructures in certain areas. Urban congestion is to be relieved by decentralisation of industries and services wherever possible, and community development programmes will be promoted. Communication facilities are also being improved towards this end (roads, etc.). Chronic debt among rural populations results from the low availability of capital in these areas to make plans which can be carried out effectively. This is being dealt with by agrarian reform, improved marketing facilities and the provision of credit through banks rather than local merchants. Measures are to be taken to prevent alienation of agricultural land for non-agricultural purposes, and to develop it.

Part III. Provisions concerning migrant workers

Article 6. In the main areas of labour utilisation (agriculture), employers are either the Government or the private sector. Conditions of employment of migrant workers take into consideration normal family needs, including accommodation, health services, travel allowances, sometimes food. In organised sectors, including the industrial, the Employers and Employed Persons Ordinance, 1948 (amended 1969, 1973) provides for equal pay for equal work; no special privileges are given to seasonal (migrant) workers.

Article 7. Workers are free to dispose of their income as they wish.

Article 8.

1. Sudanese workers are in many neighbouring countries.
2. Agreement made with Libya provides workers with protection and advantages equal to those of workers resident in Libya. A similar agreement with the United Arab Emirates is proposed.
3. Agreement provides for workers to be able to transfer part of their wages and savings to Sudan.

Part IV. Remuneration of workers and related questions

Article 10.

1. Minimum wage fixing by collective agreement is provided for in section 12 of Trade Dispute Ordinance, 1966/69.
2. The Minimum Wages Ordinance, 1974 (Provisional Order) makes provision for this purpose. It covers most parts of the country and the Minister may extend it by order as he thinks fit.
3. Workers and employers are informed of minimum wages through publication in the Official Gazette. Labour inspectors supervise enforcement.

4. Recovery for underpayment is handled by the industrial relations officer in the case of the breaking of a collective agreement, and by the labour inspectors in other cases. If the employer does not fulfil his obligations he can be taken to court.

Article 11. Covered by sections 15, 16, 17, 28, 29 and 30 of the Employers and Employed Persons Ordinance and Rule 3 of the Employers and Employed Persons Rules.

Article 12. Section 17 of Employers and Employed Persons Ordinance regulates repayments of advances but does not yet satisfy all requirements of this Article. Amendment of the Ordinance is now under consideration.

Part V. Non-discrimination on grounds of race, colour, sex, belief, tribal association and trade union affiliation

Article 14. No discrimination in labour legislation nor in collective agreements exists in cases enumerated in paragraph 1 on grounds of race, colour, sex, belief, tribal association or trade union affiliation. Labour legislation and collective agreements apply equally to all citizens.

In general, see sections 38 and 56 of the Constitution which guarantee equality before the law and prohibit discrimination in work opportunities. Sections 27 and 55 deal with cases of mothers and children. Section 58 deals with the right to seek remedies in courts.

Part VI. Education and training

Article 15.

1. The Ministry of Education has adopted a policy of diversifying higher secondary education into academic, technical, agricultural, commercial and teachers' training. Thirty vocational training and technical secondary schools were opened in 1971-72. Plans are made for the proportion of academic to technical training schools to be 40 to 60 by the end of the current five-year plan in 1977/78. Vocational training centres have also been established for school-leavers of primary and general secondary schools.

2. Primary education is not yet universal, so there are no laws or regulations prescribing school-leaving age.

3. No official measures have been taken to prohibit the employment of persons below the school-leaving age during school hours. The Ministry relies on the authority of parents, on the increasing desire for education and on the co-operation of school authorities with parents in this matter.



---

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

---

GERMANY, FEDERAL REPUBLIC OF

Commercial Code.

Occupational Code.

Workplaces Decree of 20 March 1975.

Dangerous Substances Decree of 17 September 1971.

Generally speaking, the Convention is applied by section 120a and 120b of the Occupational Code and by section 62, subsection 1, of the Commercial Code. These provisions are supplemented by a Workplaces Decree adopted on 20 March 1975, which implements both the Convention and the Recommendation. The Dangerous Substances Ordinance of 17 September 1971 implements the relevant provisions of the Convention and Recommendation.

Article 1 of the Convention. The Workplaces Decree applies to all industrial, crafts, commercial and insurance enterprises, including their offices.

Article 2. The above-mentioned Decree, based on the Commercial Code, does not apply to mines, agricultural or forestry enterprises, fisheries, the merchant navy, pharmacies, institutions considered as non-commercial, such as doctors' and lawyers' offices, public services run by the federal administrations of the provinces and districts, itinerant trades, markets and public transport.

Article 3. In the event of doubt regarding the application of the Convention, the person concerned may, after the labour inspectorate has given an administrative ruling, refer the matter to the courts.

Article 5. The employers' and workers' organisations were consulted when preparing the Workplaces Decree and their suggestions were taken into account.

Article 6. Enforcement is the responsibility of the provincial labour inspection services which are associated with the procedures for the approval of building plans. The inspectors can order appropriate measures and impose fines if their orders are not complied with. The inspectors undergo basic training and specialised training, which continues during service.

Articles 7 to 19 of the Convention are applied by various provisions of the Workplaces and Dangerous Substances Ordinances.

VENEZUELA

Labour Code (LS 1947 - Ven. 2).

Regulations issued under the Labour Code (LS 1973 - Ven. 1).

Occupational Health and Safety Regulations.

Article 1 of the Convention. Section 8 of the Labour Code, and section 21 of the Regulations issued thereunder, define the establishments to which the Convention applies. Such establishments include all undertakings, organisations and establishments, whether public or private.

Article 2. By virtue of section 6 of the Labour Code, members of the armed forces and officials or public servants are not covered by the Code.

Article 3. The ordinary courts of justice interpret and apply legal standards. But no instance of the kind indicated in the Convention has ever occurred.

Article 4. The provisions of the Recommendation are included in the Occupational Health and Safety Regulations, referred to above.

Article 6. Sections 208 to 215 of the Labour Code prescribe the duties of the bodies responsible for inspection. The regulations to the Labour Code, sections 410 to 420, also contain provisions applicable to the inspection services. Section 267 of the Code lays down the penalties applicable.

Article 7. Section 122 of the Labour Act guarantees favourable conditions of work, with adequate protection for health and safety. Sections 101 to 103 of the Occupational Health and Safety Regulations deal with cleanliness and upkeep in places of work.

Article 8. Sections 122 to 128 of the aforesaid Regulations deal with ventilation, prescribing an adequate volume of air per person. They likewise define minimum heights for roofs in places of work, and deal with mechanical ventilation.

Article 9. Sections 129 to 135 of the Regulations lay down standards for lighting, for which the employer is responsible. These same sections likewise deal with the appropriate siting of apertures or windows providing light.

Article 10. Sections 141 to 145 of the Regulations provide for the maintenance of proper conditions of temperature and humidity so as to safeguard workers' health in their place of work.

Article 11. Section 100 of the Regulations lays down that comfortable and adequate seats must be provided, so that workers can do their jobs sitting down.

Article 12. Section 84 of the Regulations deals with the provision of adequate supplies of fresh drinking water. Section 860 also deals with this question.

Article 13. Sections 87 to 93 of the Regulations require an adequate provision of wash-basins and showers, with towels and other requisites, for the workers' convenience. Adequate sanitary facilities are also provided for.

Article 14. Section 100 of the Regulations requires employers to provide seats in adequate numbers for workers who have to do their jobs sitting down.

Article 15. Section 94 of the Regulations lays down that cloak-rooms of at least 5 square metres floor space must be provided, with separate facilities for women.

Article 16. In accordance with section 127 of the Regulations, cellars may not be worked in unless the requisite lighting and ventilation exist.

Article 17. The Regulations lay down that individual protective equipment, supplied by the employer, must be used in all dangerous and unhealthy jobs.

Article 18. Sections 137 to 140 of the Regulations deal with protection against noise and vibration likely to cause physical or mental disorders.

Article 19. Section 109 of the Regulations deals with the siting of medical services and infirmaries in relation to dining-rooms and dormitories. Section 121 prescribes a first-aid box in any camp where workers have to stay for up to 30 days.

Convention No. 121: Employment Injury Benefits, 1964

GERMANY, FEDERAL REPUBLIC OF

The Act to reorganise the statutory accident insurance scheme and to amend to this effect the Federal Insurance Code (RVO), dated 30 April 1963 (Bundesgesetzblatt 1963, Part I, No. 23, p. 241) (LS 1963 - Ger. F.R. 2).

Ordinance (No. 7) respecting occupational diseases, dated 20 June 1968 (BGBL 1968, Part I, No. 42, p. 721) (LS 1968 - Ger. F.R. 1).

Article 4 of the Convention. All wage earners are protected.

Article 6. Cash benefits for temporary disability are payable where the injured person's earning capacity is reduced by 20 per cent or more (section 555 RVO).

Article 7. The expression "employment accident" means an accident sustained by an insured person during an activity covered by the accident insurance scheme. Damage to a prosthetic or major orthopaedic appliance is equated with a physical injury. An accident sustained by an insured person while travelling in connection with an activity covered by the accident insurance scheme, whether to or from the place of that activity, is also considered as an employment accident (sections 548 to 550 RVO).

Article 8. Subparagraph (c) of this Article is complied with. The list of occupational diseases is contained in a schedule to the Ordinance (No. 7) respecting occupational diseases, adopted in pursuance of section 551 RVO. Subsection (2) of section 551 adds that, in individual cases, compensation shall be granted for a disease, even if it is not entered in the list, if the other conditions for recognising it as an occupational disease have, in the light of new findings, been fulfilled.

Article 9. The benefits referred to in paragraph 1 are granted throughout the contingency. Eligibility for benefits is not made subject to the length of employment, to the duration of insurance or to the payment of contributions. The daily allowance is granted from the date on which the incapacity for work began (section 560 RVO, subsection 1, second sentence).

Article 10. Medical care and allied benefits in respect of a morbid condition comprise: medical treatment, dental care, personal nursing care, hospital care when the nature of the injury so requires and the provision of medicines and prosthetic and orthopaedic appliances (sections 557 to 559 RVO).

Curative treatment is not restricted to certain prescribed measures but seeks by all appropriate means to eliminate the physical injury or impairment of health and the reduction of earning capacity and to prevent any aggravation of the consequences of the accident and to enable the injured person to resume his previous occupation or, if this is not possible, to take up some other occupation.

Article 13. The requirements of Article 19 are complied with. Where a wage earner is incapacitated for work he continues to draw his wages for six weeks (sections 1 and 2 of the Act respecting the continued payment of remuneration). The temporary disability allowance payable from the seventh week on amounts to 75 per cent of the earnings lost. This is increased by 4 per cent of the previous earnings when the insured person has a family dependant and by 3 per cent for each additional dependant. The injured person's cash benefits are calculated on the basis of earnings of up to 36,000 DM per annum (sections 560 and 180 RVO). The relation between the benefit for the standard beneficiary and the wage of the skilled manual male employee is equal to 100 per cent for the first six weeks and to 85 per cent thereafter. There is no minimum amount prescribed for temporary disability compensation.

Article 14. The requirements of Article 19 are complied with. In case of total loss of earning capacity the permanent disability pension amounts to two-thirds of the injured person's earned income over the year preceding the employment accident. The accident pension is increased by 10 per cent in respect of each child (children's supplement). The children's supplement is at least equal to the family benefits provided for in the Federal Act respecting family benefits. The injured person's annual income must not exceed 36,000 DM. The pension, including the children's supplement, may not exceed 85 per cent of the annual earnings (sections 570 to 577 RVO). The relation between the benefit for the standard beneficiary (including children's supplements) and the standard skilled manual male employee is equal to 80 per cent. There is no minimum amount prescribed for the permanent disability pension. However, the injured person's annual earnings for the purpose of calculating the pension must amount to at least 300 times the local wage for his place of employment at the time of the accident.

In case of partial loss of earning capacity, the injured person is granted the percentage of the full pension corresponding to the loss of earning capacity.

Article 15. An injured person whose earning capacity has been reduced by less than 30 per cent may claim his pension in the form of a lump sum. A pension equal to or greater than 30 per cent can also be converted into a lump sum if it is to be used for the acquisition or improvement of landed property or land. Finally, the accident insurance carrier may pay an injured person who is resident abroad an appropriate capital sum in final settlement of any benefits to which he is entitled, with his consent (sections 604, 607, 613 and 616 RVO).

Article 16. Throughout the time the injured person is in a condition requiring the constant help or attendance of another person, he is entitled to the appropriate care, which may however be replaced by an attendance allowance (see also Article 10).

Article 17. The pension may be reassessed any time during the first two years following the accident. After that it can only be reassessed at intervals of one year at least where substantial changes in circumstances justify it (sections 1585 and 622 RVO).

Article 18. Where an employment accident results in death the widow is entitled to a pension equal to three-tenths of her husband's annual earnings; if she has reached the age of 45 years or for such time as she is bringing up one or more children, her pension is at the rate of two-fifths. The same rate of pension is payable to a widower if his wife was principally responsible for the maintenance of the family. Every child of the parent who died receives an orphan's pension equal to one-fifth of the annual earnings and three-tenths of the annual earnings in the case of a full orphan. Where a person who dies as a result of an employment accident leaves behind parents, grandparents, step-parents or foster-parents to whose maintenance he substantially contributed out of his earnings, they are granted a pension equal to one-fifth of his annual earnings (in the case of a single parent) or three-tenths (in the case of both parents). Survivors' pensions may not, in aggregate, exceed the amount of the annual earnings (sections 590, 593, 595 and 596 RVO). There is no minimum amount prescribed for survivors' pensions. (As regards the minimum annual earnings, see under Article 14.) The requirements of Article 19 are complied with. The relation between the benefit for the standard beneficiary and the standard wage is 80 per cent.

Article 21. The pensions are adjusted by legislation to reflect variations in the level of wages.

Article 22. The cases in which benefits may be suspended correspond to those given in subparagraphs (a) to (f) of paragraph 1 of this Article. A pension may be granted in full or in part to the injured person's dependants in cases such as those mentioned in subparagraphs (b) and (d) of the same paragraph.

Article 23. Every claimant has a right of appeal where he considers that he has been wrongly refused a benefit or is entitled to a higher or different type of benefit than that which he is granted (Act respecting jurisdiction in social cases).

Article 24. The scheme is administered by bodies coming under public law. The persons protected participate in the administration of the scheme.

Article 25. The law guarantees provision of the benefits granted in compliance with this Convention.

Article 26. Measures are taken to prevent industrial accidents, to provide rehabilitation services and to find employment for disabled persons (sections 556 and 567 RVO).

Article 27. The legislation makes no distinction between nationals and non-nationals.

#### LUXEMBOURG

Volume II of the Social Security Code as on 30 June 1974.

Article 4 of the Convention. Use has been made of clause 2(d) of this Article under which agricultural workers have been excluded.

Article 5. No declaration has been made under Article 2.

Article 6. No minimum loss of earning capacity giving entitlement to the cash benefit foreseen in paragraph 1 of Article 14 is foreseen in the legislation of Luxembourg.

Article 7. An "industrial accident" is one occurring as a result of or during work.

Article 8. Use has been made of clause (c) of Article 8. Apart from the occupational diseases included in the list of diseases covered by the compulsory accident insurance, other diseases may be recognised by the board of management of the accident insurance association provided that adequate proof is provided that they are of an occupational nature.

Article 9. The benefits foreseen in paragraph 1 are granted throughout the contingency. Eligibility for benefit is not subject to extent of employment, the duration of insurance or the payment of contributions. No recourse has been made to the provisions of paragraph 3(a) of this Article.

Article 10. The benefits include medical care, pharmaceutical supplies and all means of ensuring satisfactory treatment or reducing the consequences of an accident, and to the maintenance and replacement of such means. Hospital treatment and maintenance have to be provided when the nature of the injuries or disease calls for care which the insured person cannot receive otherwise.

Article 11. Recourse has not been made to this Article.

Article 12. No declaration has been made in respect of this Article.

Article 13. In the event of an initial incapacity for work a cash benefit is payable equivalent to the wages which the injured person would have earned had work continued during the period of incapacity. This benefit is payable so long as the injured person is unable to practise his occupation, but for a maximum of 13 weeks following the accident. During the period of incapacity for work, the injured person continues to receive family allowances.

Article 14. There is no prescribed degree of loss of earning capacity. Recourse is had to the provisions of Article 19. In the event of total loss of earning capacity for more than 13 weeks, an insured worker is eligible for benefits amounting to 80 per cent of the annual wages determined in accordance with sections 98 or 99 of the Social Security Code. In cases of incapacity for work of at least 50 per cent, the injured person receives an additional 10 per cent of the amount of that benefit for each child under 18 years of age, or under 25 years of age if a student, and without limit of age if the child is disabled. The benefit and additional benefit combined may not exceed the total annual remuneration. The benefit is based on the annual remuneration of the injured person during the year preceding the accident in the undertaking in which it occurred. The benefit for persons who receive no wages or whose annual remuneration is less than the reference minimum is calculated on the basis of the minimum wages applicable on the day of the accident to persons in the same category. Benefits calculated in accordance with Article 98 are adjusted to salary levels. Independently of this adjustment, benefits are adapted to the cost-of-living index. Luxembourg legislation makes no distinction between men and women. No benefit may be based on a wage less than the established minimum. The same rules apply to an insured employee, except that there is a maximum to the earnings on which the benefit may be calculated, that in cases of partial incapacity the benefit is established as a fraction of the full benefit, depending on the degree of earning capacity retained, and that benefits of less than 10 per cent may be converted into an equivalent lump sum. Conversion can take place at the earliest three years after the accident.

Article 15. Recourse is had to paragraph 1 of Article 15 only in the case of benefits of less than 40 per cent. The lump sum corresponds to the actuarial equivalent based on the sum of the benefit and the age of the beneficiary at the time of conversion of periodical payments.

Advances may be made on benefits of more than 40 per cent to enable the beneficiary to take up an occupation or acquire or build property.

Article 16. If, as a result of an accident, the injured person himself is not only totally incapacitated for work, but is also disabled to such an extent as to require the constant help or attendance of another person, the benefit is increased proportionately to the degree of incapacity, but may not exceed the total annual remuneration.

Article 17. So long as the consequences of the accident are not stabilised, benefits are established provisionally and may be modified or stopped in the light of periodical medical examinations. As soon as the consequences of the accident are stabilised, the benefits are fixed for the remainder of the beneficiary's life and cannot undergo any further modifications unless the incapacity for work subsequently drops by at least 10 per cent.

Article 18. If the breadwinner dies, periodical payments are made to the widow, disabled and dependent widower, children up to the age of 18 or, if they are studying, up to the age of 25, and without limitation of age if the child is an invalid, to dependent parents of the deceased person, to the sister or unmarried daughter and to the mother or mother-in-law of the deceased person under

certain conditions, to grandchildren up to the age of 18 provided that a deceased person was responsible for their upkeep. The combined survivors' benefits may not exceed 80 per cent of the annual remuneration. Parents may make use of their entitlement only when this maximum has not been attained by the widow's and children's benefits; grandchildren may make use of their entitlements only if the same maximum has not been attained by the benefits to the widow, children and parents.

Article 21. Benefits are automatically adapted to changes in the cost-of-living index. Adaptation takes place if the change in the index during the previous six month period amounts to 2.5 per cent of the previous adaptation level. Independently of the adaptation to the cost-of-living index benefits are adjusted in accordance with changes in the mean wage level.

Article 22. Benefits may be suspended in the cases foreseen under (a) (unless there is an agreement), (c), (d), (e) and (f) of Article 22. If, in the case foreseen under (a), the protected person has relatives living in the Grand Duchy, who would be entitled to the benefit on his death, this will be paid to them to the extent of their entitlement.

Article 23. Every claimant has a right of appeal in the case of refusal of benefit or complaint as to its quality or quantity.

Article 24. The accident insurance association, industrial section, is managed by a general assembly and a board of directors. The board of directors consists of the chairman of the accident insurance association and members elected from the heads of undertakings. Since the entry into force of the Act of 30 March 1966 concerning the reform of accident insurance, there is a legal right for workers' delegates to serve with voting rights on all insurance association bodies. As in the past, representation will be joint when it is a case of establishing the benefits for accident victims or their statutory heirs, or of establishing safety measures.

Article 25. The benefits are compulsory under statutory provisions binding on the Government and particularly the Minister of Labour and Social Security, to whom the accident insurance association is responsible.

Article 26. 1(a) The occupational safety service of the accident insurance association distributes the texts of safety regulations to new member undertakings; (b) injured persons are admitted, at the expense of the insurance association, to specialised centres at home and abroad for occupational rehabilitation; (c) the State, districts, the National Railway Society of Luxembourg and public establishments have to reserve at least 2 per cent of their total paid establishment for handicapped workers. In the private sector, undertakings which regularly employ at least 50 workers have to reserve at least 50 per cent of their paid establishment for handicapped workers, and those with at least 25 and not more than 50 workers have to give handicapped workers priority in filling posts for which they are particularly suited. Victims of work accidents have priority in the allocation of posts in the public service or in the private undertaking in question.

Article 27. There is no discrimination within the Grand Duchy between Luxembourg nationals and foreign workers.



URUGUAY

Act No. 14,116 (30 April 1973) (ratifying Convention No 121).

Act No. 10,004 (28 February 1941) (Diario Oficial No. 10,335 dated 17 March 1941) (LS 1941 - Ur. 1).

Act No. 12,949 (23 November 1961) (D.O., 28 December 1961).

No legal changes have taken place which might affect the treatment of workers who are victims of occupational disease or injury, and the enactments mentioned above are still in force. As regards temporary and permanent allowances, the criteria set forth in the above-mentioned legislation are applied. A re-evaluation is undertaken every two years and increases are immediately paid. The Government cannot, at this juncture, supply the information asked for about the way in which the State Insurance Bank is organised, but will do so shortly.

Convention No. 122: Employment Policy, 1964

MAURITANIA

Act No. 62-023 to establish a Labour Code, dated 23 January 1963 (LS 1963 - Mau. 1).

Collective labour agreement, dated 13 February 1974, concluded between the National Union of Mauritanian Industrialists and Merchants, the Trade Union of Mauritanian Undertakings and the Union of Mauritanian Workers.

This Convention was ratified as part of the measures aimed at harmonising the employment policies of the various regional and subregional groupings.

Article 1 of the Convention. According to the Convention a comprehensive employment policy should be framed at the development planning stage. Several official statements and communications have been issued giving employment policy a central role in the development of the country.

The creation of the National Employment Office, which has sole responsibility throughout the country, provides the necessary link between those seeking jobs and the available employment opportunities. This Office is also responsible for providing full information about the situation of the employment market.

Labour productivity is a major concern of the undertakings and of the Government itself. In collective bargaining the Ministry of Labour recommends that remuneration should correspond to productivity through the introduction of output incentives.

Freedom of choice in employment is guaranteed in theory by legislation but in practice this is an ideal which is difficult to attain under present conditions. The opportunity to acquire vocational training is provided for under a training policy which is an important element in the Government's full employment policy.

At the national level, employment policy is an integral part of economic and social policy and may occupy a high priority in discussions on an economic project in which the creation of jobs may prevail over the use of modern technology.

Article 2. In Mauritania there are two Employment Committees, each fulfilling a separate function: the first, which is appointed by the National Assembly, establishes the broad outlines of employment policy and the second, which takes part in the preparation of the Plan, sees that the social and economic objectives take employment requirements fully into account.

Article 3. In Mauritania consultation and co-operation are the norm. The employers and workers are kept informed of measures being discussed in Parliament. When legal measures concerning employment are involved, the National Labour Council, which is composed, inter alia, of employers' and workers' representatives, must be informed about these. The policy of giving every possible job to a national is carried out entirely on the basis of agreements negotiated with the employers and the workers.

The application of labour laws and regulations is ensured by the labour services set up under the Labour Code.

#### ROMANIA

The main standards governing employment problems in our country are described in the report on the application of the Convention concerning the Organisation of the Employment Service (No. 88), 1948, which is related to this Convention.

The main objective of Romania's employment policy is to ensure the fullest and most rational use possible of labour. This policy was expressly defined at the National Conference of the Romanian Communist Party in June 1972.

The accelerated development of production forces in Romania has brought about major changes in the active population by increasing the size of the labour force occupied in industry and other non-agricultural branches. As a result of the 1971-1975 Five-Year Plan, the number of workers in these sectors has increased by over 1.3 million to a total of 6.2 million, i.e. 62 per cent of the active population. Attainment of the targets fixed in the subsequent Five-Year Plan (1976-1980) implies a further increase of 1 to 1.2 million workers in industry and other non-agricultural branches as well as in state agriculture and agricultural equipment centres. It is expected that 7.5 million workers, representing over 72 per cent of the country's active population, will be working in these sectors by 1980. This large-scale manpower shift will have marked economic and social effects, bringing about fundamental changes in the entire social structure of the country.

The raising of workers' skills will be decisive for continued rapid development in the country and fulfilment of the Party's programme. Teaching and instruction will play the essential role in the achievement of the training targets, as it is at the basis of all the education and training for youth and the entire nation. Instruction in the 1976-1980 five-year period has been planned to provide vocational training for about 2 million persons, including 250,000 technicians, foremen, engineers and other specialists. Special effort will be made to ensure close co-ordination between learning and production so that young persons will be able to achieve success in socially useful work. During the same period, higher learning will be provided for 180,000 to 200,000 supervisors and 80,000 technicians.

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

SYRIAN ARAB REPUBLIC

Law No. 91 of 5 April 1959 establishing the Labour Code,  
(LS 1959 - UAR 1.).

Ministerial Order No. 417 of 26 August 1959.

Ministerial Order No. 1206 of 11 December 1974 amending Decree No. 417 of 16 August 1959 concerning the minimum age for admission to employment.

Article 1 of the Convention. The terms "mining" and "quarrying" are defined in Chapter V, section 141 (a, b, c) of the Labour Code.

Article 2. Section 124 of Chapter III of the Labour Code gives the Minister of Social Affairs and Labour power to establish the list of industries in which it is prohibited to employ young persons under the age of 15, or the age of 17 in certain other industries.

Ministerial Order No. 417 of 1959 lists the industries covered by section 124.

Article 4.

1. The necessary measures are taken to ensure the application of the provisions relating to the employment of young workers in underground work. Penalties for violations are foreseen in section 223 of Chapter VII of the Labour Code.

2. and 3. Section 212 of Chapter VI of the Labour Code empowers labour inspectors to ensure that the provisions in respect of mines and quarries are observed.

4. and 5. The information required is recorded in the employers' registers in accordance with Ministerial Order No. 1206 of 11 December 1974.

---

Article 5. The employers' and workers' organisations were consulted during the drafting of the Labour Code.

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

FRANCE

New Caledonia

See under Convention No. 77.

SYRIAN ARAB REPUBLIC

Act No. 91 (5 April 1969): Labour Code (LS 1959 - UAR 1).

Order No. 465 dated 4 July 1965, by the Ministry of Social Affairs and Labour, to publish the Labour Inspection Regulations (LS 1965 - Syr. 1).

Decree No. 290, by the Ministry of Social Affairs and Labour, dated 12 March 1975.

Decree No. 403, dated 10 April 1975, by the Ministry of Social Affairs and Labour.

Article 1 of the Convention. "Mines" and "quarries" are defined in section 141 of the Labour Code.

Article 2. A medical examination of fitness for employment and periodical check-ups thereafter at least once a year, are prescribed for young persons under 21 years of age working in mines or quarries.

Article 3. The doctors undertaking the medical examinations are qualified and approved by the competent authorities. After examination, a medical certificate is made out in the prescribed manner and stamped by the Ministry of Health.

The Decree requires lungs to be X-rayed on recruitment and, if necessary, on the occasion of later check-ups. Neither the young workers, nor their parents or guardians, have to pay anything for these medical examinations.

Article 4. Provision is made for appropriate action, including punishment, to enforce the Convention. The employer must keep records of the data specified in the Convention and, if requested so to do by the workers' representatives, he must produce them.

Article 5. Consultations are under way concerning the ways whereby the Convention should be given effect.

Convention No. 127: Maximum Weight, 1967

COSTA RICA

Constitution, Article 7.

Labour Code, Law No. 2 of 27 August 1943, Article 1 (LS 1943 - CR 1).

Article 1 of the Convention. The legislation contains no definitions; those of the present Article would be applicable. Section 87 of the Labour Code contains a definition of "minor worker".

Article 2. The existing system of labour inspection covers all sectors of economic activity.

Article 3. The matter is regulated by sections 193 and 200 of the Labour Code.

Article 4. The provisions referred to above regulate the matter in a general way; the obligation rests with the employer to take the necessary precautions. The maximum weight for loads to be manually transported by workers is fixed at 80 kilogrammes.

Article 5. The Ministry of Labour and Social Welfare through the Office of Medicine, Occupational Safety and Hygiene informs the employees by way of posters containing instructions of the safe techniques of manual handling of loads.

Article 6. According to section 200 of the Labour Code the appropriate technical devices must be used for handling loads weighing over 80 kilogrammes.

Article 7. Article 87 of the Labour Code prohibits the employment of women and young workers on unhealthy, dangerous or heavy work, but does not define clearly such work or lay down a maximum weight for loads to be manually transported by young persons and women. The Government intends to bring the national legislation into conformity with this provision of the Convention as the Labour Code is now being thoroughly revised.

Article 8. It had not been considered necessary to consult the organisations of workers and employers as most of the relevant provisions had been adopted prior to ratification. Consultations will be effected when, as in the case of Article 7 of the Convention, legislation needs to be amended.

FRANCE

Labour Code (3rd edition, Dalloz, 1974).

Decree dated 21 May 1965 (Journal Officiel, 27 May 1965).

Decree No. 75-273 (21 April 1975), concerning labour inspection (J.O., 23 April 1975).

Decree No. 73-1046 dated 15 November 1973 (J.O., 25 October 1973).

Article 1 of the Convention. The carrying of loads is defined in sections R 234-6 and R 234-7 of the Labour Code, which also define a "young worker" as an individual between the ages of 16 and 18.

Article 2. There is a labour inspection system in industry, commerce, agriculture and transport. The Convention applies in all these sectors, except agriculture.

Articles 3 and 4. The Labour Code, section R 233-1, allows the works' doctor to decide whether one man is able to carry loads in excess of 55 kg. No worker, however, may lift more than 105 kg.

Article 5. Vocational courses are run by the French National Research and Safety Institute.

Article 6. To carry loads in excess of the upper limits laid down, recourse to lifting devices is compulsory.

Article 7. Section R 234-6 lays down limits for the loads that women and young workers may carry.

Article 8. The relevant legislation was enacted after the Industrial Safety Committee, comprising employers' and workers' representatives, had been consulted.

#### Guadeloupe, Guyana, Martinique and Réunion

See under France.

#### New Caledonia

There is no general regulation on this question. Order No. 59-057/CG dated 26 February 1959 concerning employment of women and young persons regulates only the transport (including lifting and putting down) of loads by these workers.

Article 2 of the Convention. The Order applies to all establishments and these are subject to control by the labour inspector.

Articles 3 and 7. The relevant regulation prohibits any transport of loads by pregnant women. Maximum weights are fixed for women and young persons.

Article 4. The regulation on the maximum weight takes into account the physiological characteristics of the worker.

Article 6. The Order envisages the use of wheelbarrows, carts, vehicles on wheels and wagons circulating on rails.

Article 8. The regulations in the matter are adopted with the advice of the Consultative Commission of Labour. The Territorial Inspection of Labour and Social Laws is responsible for ensuring compliance with labour legislation.

French Territory of the Afars and Issas

Sections 118 and 119 of the Overseas Territories Labour Code, as well as implementing Order No. 786 (17 June 1955), are in accordance with the provisions of the Convention.

Convention No. 128: Invalidity, Old-Age  
and Survivors' Benefits, 1967

BARBADOS

The National Insurance and Social Security Act, 1966 as amended in 1973.

The National Insurance and Social Security (Benefits) Regulations, 1967 as amended in 1970, 1971, 1974.

Part II. Invalidity benefit

Article 8 of the Convention. In order to qualify for invalidity benefit, an insured person must be "incapable of work as a result of a specific disease or bodily or mental disablement which is likely to remain permanent" (Regulation 21 of the National Insurance and Social Security (Benefit) Regulations, 1967).

Article 9. The number of insured persons is 75,000 and the total number of employees approximately 90,000.

Article 11. A pension is payable if at least 150 contributions have been actually paid. The annual rate of pension is 40 per cent of the average annual insurable earnings supplemented by 1 per cent of the total insurable earnings on which contributions were based subsequent to the first 500 contributions. Maximum pension is 60 per cent of average annual insurable earnings.

Article 12.

1. The benefit is granted throughout the contingency.

2. An insured person may be disqualified from receiving benefit for a period if: (a) he has become incapable of work through his own misconduct; (b) he fails to attend for medical or other examination when required; (c) he indulges in behaviour calculated to retard his recovery; (d) he absents himself from his home without leaving word as to where he may be found; (e) he engages in remunerative work.

3. In cases where the beneficiary is imprisoned or detained in legal custody, up to 50 per cent of the pension may be paid to the dependants (Regulation 50 of the National and Social Security (Benefit) Regulation, 1967).

Part III. Old-age benefit

Article 15. The pensionable age is 65 years. No conditions have been prescribed for lowering the pensionable age since no occupation has been designated as being arduous or unhealthy.

Article 16. (See Article 9 above.)

Articles 17 and 18. The qualifying conditions for an old-age pension are that the insured person must have 500 contributions to his account of which 150 must have been actually paid. The pension formula is the same as in the case of invalidity.

Article 19. (See Article 12, points 1 and 3 above.)

Part VI. Common provisions

Article 30. All contributions are valid for an unlimited period.

Article 31. Invalidity pension may be suspended if the pensioner engages in remunerative employment. Old-age pension is paid whether or not the pensioner continues in employment.

Article 33. A person cannot be paid both old-age and invalidity pension.

Article 34. There is a right of appeal to an appeal tribunal and further to a National Insurance Commissioner.

Article 35. The National Insurance Scheme is a statutory scheme administered by the National Insurance Board under the general control of the Minister responsible for the subject.

Article 37. Exclusions from compulsory insurance are minimal and apply mainly to casual workers and persons employed by a close relative without pecuniary remuneration.

## URUGUAY

Part III. Old-age benefits

Act No. 14,230 (23 July 1974). Sets up a retirement and pensions service for policemen. The Social Security Bank will transfer funds to this service and continue paying benefits during the first year of operation of the Act.

Decree No. 924/73 (31 October 1973). Regulations for a public servants' pension scheme. A male public servant must have had 40 years' service, a female 35. Both men and women must be 60 or more, in accordance with section 578 of Act 14,106 (14 March 1973). (Diario Oficial, No. 19,152 dated 6 November 1973.)

Decree No. 955/73 (14 November 1973). Suspends the application of the special retirement and similar benefits paid by the Social Security Institutes, Autonomous Establishments, Decentralised Services and other Semi-Government Establishments, as from the entry into effect of the Decree (D.O., No. 19,162 dated 21 November 1973).



Decree No. 333/74 (30 April 1974). Authority is given to pay the special retirement benefit mentioned in the aforesaid Decree, up to an amount of \$150,000.

Part V. Calculation of periodical payments

Act No. 14,293 (31 October 1974). This lays down that increases due to the system of re-evaluation of benefits for persons with more than one entitlement, for which the Social Security Bank is responsible, will become effective for one entitlement only (D.O., No. 19,394 dated 7 November 1974).

Act No. 14,300 (21 November 1974). Approval is given to payment of a percentage bonus for the current year on entitlements paid by the Social Security Bank (15 per cent of the total benefit, with a minimum of \$7,500 and a maximum of \$15,000). Entitlements in excess of \$200,000 are excluded (D.O., No. 19,409 dated 28 November 1974).

Act No. 14,340 (6 March 1975). This lays down that the benefits paid by the Social Security Bank, including old-age pensions, and those subject to re-evaluation, will be increased by 25 per cent from 1 March 1975, over the amount paid out on 31 December 1974, as a form of advance on the amount by which the benefit will be increased during the current year (D.O., No. 19,478 dated 13 March 1975).

Part VI. Common provisions

Act No. 14,150 (31 January 1974). Rates of contribution. Rates for contributions to personal retirement benefits are reduced by 2 per cent for all workers privately employed and affiliated to any state, semi-state or private social security organisation, including those covered by the Retirement Pension and Civil and School Benefits Fund (D.O., No. 19,213 dated 12 February 1974).

Convention No. 129: Labour Inspection  
(Agriculture), 1969

DENMARK

The Occupational, Safety, Health, Welfare (Agriculture, Forestry and Horticulture) Act (cf. Legislative Notification No. 299 of 4 July 1968).

The Occupational Safety, Health and Welfare (General) Act (cf. Legislative Notification No. 297 of 4 July 1968).

Article 1 of the Convention. Act No. 299 contains no definition of the term "agricultural undertaking". The scope of the Convention is, however, in accordance with the administrative practice as to the scope of the Act. Labour inspection applies to all undertakings, including agricultural ones. The rules of paragraph 3 of Article 1 are in accordance with section 1(5) of the Act No. 228.

Articles 3, 6 to 10, 16 and 20. Act 216 of 19 May 1971 abolishes municipal inspection of machinery. Section 24 of Act No. 228, Chapters 10 to 15 of the General Act No. 226 applies *mutatis mutandis* to agricultural undertakings. The organisation and functions of the labour inspection as well as its conditions of service, rights and obligations, etc., can be deduced from Convention 81 reports.

Article 4. In conformity with section 1(1) of Act 228.

Article 5. Certain provisions of sections 11 to 17 of Act 228 apply also to agricultural undertakings including family undertakings and private households. Provisions of section 22 relating to the work of children and young workers cover also family holdings.

Article 6. Wages are not enforceable by the Labour Inspection Services but regulated by collective agreements.

Articles 11, 14 and 15. The labour inspectorate is divided into 27 areas. It deals concurrently with agriculture, is supervised by the Labour Inspection Service and technically supported by industrial medical officers, the State Institute of Industrial Hygiene as well as by special inspectors.

Article 12. The co-operation between the Labour Inspection Service and other government services and approved institutions is regulated through various rules of joint consultation.

Article 13. Large-scale co-operation is carried on between the Labour Inspection Service and organisations of employers and workers.

Article 17. The Labour Inspection Service participates to some extent in the preventive control of new plants, etc., in agriculture.

Article 18. The provisions correspond to provisions 54 and 55 of the General Act.

Article 19. Ministry of Labour Regulations No. 236 of 2 May 1973 provides for the notification by the employer of any industrial accident or case of poisoning. Occupational diseases notification is regulated by Ministry of Labour Regulation of 2 November 1964.

Article 21. The Labour Inspection Service regulates the labour inspection in agriculture.

Articles 22 and 23. Provision for prosecution is found in section 71 of the General Act.

Article 24. Penal sanctions apply equally to obstructing labour inspectors in the performance of their duties according to section 71 of the General Act.

Article 27. The Labour Inspection Service prepares an annual report dealing with the subjects set out in Article 27 of the Convention.

NETHERLANDS

Labour Act 1919 (LS 1964 - Neth. 1).

Safety Act 1934 (LS 1934 - Neth. 2).

Act concerning Dangerous Equipment, 1952.

Act concerning Insecticides, 1962.

Article 1 of the Convention. In the Labour Act of 1919 the term "agricultural work" is defined and not "agricultural undertaking".

Article 4. The Safety Act covers all agricultural enterprises, while the Insecticides Act and the Dangerous Equipment Act cover all persons employed by an agricultural undertaking.

Article 5. A declaration as meant in the first and second paragraphs has not been issued. Categories of persons as mentioned under paragraphs 1(a) and (b) of the Convention are normally not covered by the Safety Act, but covered only by the Insecticides Act and Dangerous Equipment Act.

Article 6. The Netherlands have a Labour Inspectorate which has also the responsibility for labour inspection in agriculture, i.e. the supervision of observance of a number of social Acts (Labour Act 1919, Safety Act 1934, etc.), and advise thereupon to central government authorities. The Dutch Labour Inspectorate in agriculture has no advisory or enforcement function regarding legal provisions relating to conditions of life of workers and their families.

Article 7. The Dutch Labour Inspectorate in agriculture is part of the Labour Inspectorate under the supervision of a Director-General of Labour.

Article 8. The Dutch Labour Inspectorate's staff consists of public officials whose stability of employment and remuneration has been regulated by law. No officials or representatives of occupational organisations are included in the Labour Inspectorate.

Article 9. A technical university training is required for labour inspectors. Technical officials must have a technical college training. Women inspectors must have received training in the social field. Controllers are recruited from various trades and professions. Special courses are open to newly recruited staff.

Article 10. Men and women are equally eligible for labour inspection staff in agriculture. In practice there is one woman inspector, but several female control staff.

Article 11. Several technical experts including an agriculturalist are assigned to advise the Director-General of Labour and the district heads.

Article 12. The Labour Inspectorate is effectively supported by the police with respect to maintaining a check on the application of the Acts.

Article 14. The Dutch Labour Inspectorate has been divided into one head office and ten labour inspection districts which employ respectively one co-ordinator on insecticides matters and ten technical officers for agriculture, five controllers for agriculture and ten for insecticides matters.

Article 15. Transport and office facilities are made available for inspection purposes. Officials are reimbursed for expenses made in connection with their work.

Article 16. Provisions in the Labour Act, Safety Act, Dangerous Equipment Act, Economic Delicts Act and Insecticides Act give effect to this Article of the Convention.

Article 17. Movable conveyors are subject to a preventive inspection. Application of insecticides is allowed only if legally permitted. Dangerous or other environment-disturbing devices may only be installed after permission of the head of the Labour Inspectorate.

Article 18. Apart from the provision mentioned under Article 16, officials of the Labour Inspectorate are empowered in certain defective situations to draw up a report on behalf of the police; to request the head of the district to demand the employer that such a situation be remedied within a specified time limit and to order that persons must not be present in places indicated by the district head.

Article 19. Employers shall report occupational accidents and diseases affecting their workers to social insurance bodies which inform the Labour Inspectorate. The Labour Inspectorate can make an investigation into relevant cases at any time.

Article 20. Several provisions of the Labour Act, Safety Act, Dangerous Equipment Act, Dangerous Materials and Substances Act, Special Labour Act 1945 and Factories Act give effect to this Article of the Convention.

Article 21. The practice of the Labour Inspectorate is in accordance with this Article.

Article 22. Several provisions of the Acts mentioned under Article 20 give effect to this Article of the Convention.

Article 23. In cases of infringement of the legal provisions the labour inspector is empowered to report the matter to the public prosecutor, who can proceed with the matter and bring a charge before the court.

Article 24. The penalties are indicated in the various laws mentioned under Article 20.

Article 25. The district heads are required to submit monthly and annual reports to the Director-General of Labour.

Articles 26 and 27. The reports are always communicated to the ILO as part of the reports relating to Convention 81.

URUGUAY

Act No. 5,350 (17 November 1915).

Act No. 10,809 (16 October 1946) and the Decree issued thereunder dated 11 February 1949.

Act No. 12,842 (22 December 1960).

Act No. 13,035 (9 January 1962).

Act No. 13,345 (5 March 1964).

Act No. 13,426 (22 December 1965).

Act No. 13,640 (26 December 1967).

Act No. 14,106 (14 March 1973).

The information provided in connection with Convention No. 81 also holds good for Convention No. 129. In Uruguay, labour inspection was introduced by Act No. 5,350 (17 November 1915). Latterly, the General Incomes, Expenditure and Investments Budget Act, No. 13,640 (26 December 1967), has defined the maximum extent of centralisation for the labour administration services.

Convention No. 130: Medical Care and  
Sickness Benefits, 1969

NORWAY

National Insurance Act, 17 June 1966, No. 12 as amended  
(LS 1970 - Nor. 1; LS 1971 - Nor. 2).

Article 6 of the Convention. No account is taken of protection effected by voluntary insurance schemes.

Article 7. Preventive medical care is provided principally in connection with maternity, family planning, vaccination, children's services and dental services for children. Reduced sickness benefit is paid for partial incapacity.

Article 10. Recourse is had to paragraph (c). All residents are covered.

Article 12. Persons who are in receipt of a social security benefit for invalidity, old age or death of the breadwinner are entitled to medical care so long as they are insured persons residing in Norway.

Article 13. Medical care includes all the types of care enumerated under Article 13(a) to (f).

Article 15. There is no qualifying period for medical care (National Insurance Act, Chapter 2). There is a qualifying period of three years for rehabilitation benefits except for the victims of occupational injuries.

Article 16. There is no limit to the duration of medical care for an insured person.

Article 17. Cost sharing applies to treatment outside health institutions (hospitals) to an extent varying from 17 per cent to 44 per cent for first and second consultations. For subsequent consultations there is no cost sharing for general medical practical care, but there is cost sharing for specialist treatment at various rates up to 23 per cent. Hospital treatment is paid in full by the insurance scheme. Except for children under six, for whom the whole cost of dental treatment is normally paid, the insured person is refunded part of dental expenditure.

Article 19. Recourse is had to Article 19(b). One hundred per cent of the economically active who have an annual income of 4,000 kroner or more are covered.

Article 21. Recourse is had to Article 22. The rate of sickness benefit is calculated at 4 kroner plus 0.1 per cent of annual income up to a fixed annual amount plus one-third of 1 per cent for so much of the annual income between the fixed annual amount and a fixed higher amount.

The standard beneficiary's gross annual income is either of two amounts depending on whether his earnings are computerised as minimum wage per hour or earnings per hour. On the latter basis the percentage attained is 45.1 per cent instead of the 60 per cent required by the Convention; and on the former basis is 52.1 per cent instead of the percentage required by the Convention.

Article 25. The qualifying period is 14 days' employment or self-employment but this qualifying period is waived in certain circumstances including for incapacity caused by occupational injury.

Article 26. Sickness benefit is normally paid for a maximum of 52 weeks subject to a three-day waiting period. It is succeeded by rehabilitation allowances so long as the beneficiary continues to receive treatment with the prospect of improving his capacity for work. If the beneficiary's capacity for work is restored for 12 months, further incapacity on account of a recurrence of the earlier illness will be counted as a new incapacity for work.

Article 27. Funeral benefit is paid.

Article 29. Appeal to the National Insurance Institution and to the Social Insurance Review Board is provided for. The decisions of these bodies may be brought before the ordinary courts.

Article 30. Through the Ministry of Social Affairs and through the Board of the National Insurance Institution (members of the Board are appointed by the Government), the Government ensures the provision of benefits and takes responsibility for the proper administration of the National Insurance Institution.

Article 32. Equality of treatment to non-nationals who reside or work in Norway is assured.

Article 33. The total relevant expenditure on medical care and sickness benefit amounts to 5.9 per cent of the national income in 1973. If net as opposed to gross income were used for calculating whether the 60 per cent of previous earnings as required by Article 22 is attained, the relevant percentages would be 68.4 per cent on the basis of earnings per hour, and 73.8 per cent on the basis of wages per hour (see under Articles 21 and 22 above). Taxation rates in Norway are high and the rates change from year to year. Sickness benefit is not taxable.

URUGUAY

Act 14,119 of 30 April 1973 (ratifies Convention No. 130).

Act 14,407 of 22 July 1975 (Diario Oficial, No. 16569 of 31 July 1975).

Articles 7 to 9 of the Convention. The insurance offers medical, surgical and pharmaceutical care which can be considered as comprehensive within the limits of the country's means.

Article 10. A total of 99,300 workers is protected in Montevideo and 39,300 throughout the country. Family members can be protected provided that they pay the same contribution as the worker.

Article 12. Old-age pensioners continue to be members of the Sickness Insurance Fund and persons receiving unemployment benefit retain the right to medical care for the duration of this benefit.

Article 13. The insurance provides medical, surgical and pharmaceutical care.

Article 18. The insurance pays cash sickness benefits.

Articles 21 and 22. The sickness benefit amounts to 70 per cent of the worker's basic pay or salary less the contribution to the sickness and pensions insurance.

Convention No. 131: Minimum Wage Fixing Convention, 1970

CUBA

Constitution of the Republic, dated 7 February 1959 (Gaceta Oficial, No. 13 (special edition), 7 February 1959).

Act No. 1021 to reorganise the Ministry of Labour, dated 27 April 1962 (ibid., No. 5278, 4 May 1962).

Article 1 of the Convention. The system of minimum wages is applicable to all workers without exception. The minimum wage rates have force of law.

The competent national authority for everything connected with the organisation and planning of labour and wages is the Ministry of Labour. Various public bodies and economic agencies and the national workers' trade unions participate in the wage-fixing process.

Article 2. If a worker is paid less than the minimum wage, he is entitled to appeal to the bodies responsible for the administration of labour justice. The wage rates fixed by the Ministry of Labour cannot be changed by agreement between employers and workers.

Article 3. The elements referred to in this Article of the Convention are taken into consideration when adopting official measures relating to the organisation and planning of wages.

Article 4. The Ministry of Labour is responsible for carrying out research and inquiries into ways of improving the system of wages and remuneration. This work is carried out with the participation of, and in consultation with, the national trade unions and bodies concerned.

Article 5. The Ministry of Labour is responsible for supervising the application of all provisions relating to minimum wages.

#### FRANCE

##### St. Pierre and Miquelon

The Convention has not been extended to overseas Territories.

Information on effective wage rates can be found in the report on Convention No. 26. The Inspector of Labour and Social Legislation is responsible for ensuring the application of the minimum wages provisions.

#### NETHERLANDS

Minimum Wage and Minimum Leave Allowance Act (LS 1968 - Neth. 1).

Article 1 of the Convention. Under the Minimum Wage and Minimum Leave Allowance Act, any worker who is over 23 and under 65 years of age and who works more than one-third of the normal hours of work is entitled to a minimum wage. From 1 January 1974 this Act also applies to young workers aged 15 to 22 inclusive who are entitled to a certain percentage of the minimum wage.

The legislation provides for the possibility of a reduced minimum wage being fixed (1) for an individual worker on account of disability or (2) for a sector of industry or a group of undertakings for economic reasons. These provisions were formulated



in consultation with the organised sector. As regards exemption for economic reasons, no such exemption has been granted to a sector of industry since 1971.

Article 2. Where necessary, the entitlement to the minimum wage established by law can be confirmed by the civil courts. Approximately 2.2 million workers are covered by collective agreements, some of which have been made binding.

Articles 3 and 4. The minimum wage is adjusted every six months at least to changes in the wages fixed by collective agreements. This rule was adopted in consultation with the Social and Economic Council. This Council is always consulted about a possible structural increase in the minimum wage.

Article 5. Supervision is ensured by civil procedures.

SYRIAN ARAB REPUBLIC

Law No. 91: Labour Code, dated 5 April 1959 (Al-jarida al rasmiya, 7 April 1959, No. 71 bis "B", p. 1) (LS 1959 - UAR 1).

Article 1 of the Convention. The wage regulations as established by Administrative Instructions No. 6450/1/b of 3 September 1974 apply to all workers in all sectors of the economy except agriculture. The categories of workers covered by the minimum wage regulations are determined by the Ministry of Social Affairs and Labour in consultation with the employers' and workers' organisations.

The agricultural workers to which the minimum wages thus established do not apply are covered by the Agricultural Labour Act of 3 September 1969 (No. 135).

Article 2. The minimum wage orders issued by the Minister of Social Affairs and Labour under Article 159 of the Labour Code have force of law and cannot be subject to any abatement. All violations of these orders are punishable by fine (section 228 of the Labour Code).

Although permitted by law (section 89 of the Labour Code), the establishment of minimum wage rates by a collective agreement has not developed in practice.

Article 3. In accordance with section 2(b) of Instructions No. 6450/1/b, wages are established in such a manner as to enable the worker to meet the minimum costs of food, clothing, accommodation, medicines, etc., bearing in mind the cost of living and decisions taken by the Price-Fixing Board.

In establishing minimum wages, account is also taken of the requirements of economic development and productivity, and the desirability of maintaining the level of employment.

Article 4. Section 156 of the Labour Code provides for the setting up of joint committees to propose the fixing of wages in each province or governorship. These committees, under the chairmanship of a delegate from the Ministry of Social Affairs and Labour, consist of a delegate from the Ministry of Industry or the Ministry of Economic Affairs and Commerce, as the case may be, a representative of the employers and a representative of the workers, the latter two to be chosen by the employers' organisation and the trade union federation, respectively.

Article 5. In accordance with section 212 of the Labour Code, labour inspectors are empowered to act as judicial police officers in execution of the provisions of the Code and the orders made thereunder, including those in respect of minimum wage regulations.

Convention No. 135: Workers' Representatives, 1971

AUSTRIA

Federal Act of 14 December 1973 concerning collective labour relations (Bundesgesetzblatt No. 22/1974) as amended by Federal Act of 11 June 1975 (BGBL No. 360/1975) (LS 1973 - Aus. 2).

Federal Act of 10 March 1967 concerning staff representation in federal offices (BGBL No. 133/1967) as amended by Federal Acts of 16 July 1971 (BGBL No. 284/1971), 21 January 1972 (BGBL No. 25/1972) and 11 June 1975 (BGBL No. 363/1975).

Federal Act of 2 June 1948 concerning the principles underlying labour law in agriculture and forestry (BGBL No. 782/1948) as amended by Federal Act of 28 November 1974 (BGBL No. 782/1974).

Article 1 of the Convention. The Federal Act of 14 December 1973 (which applies to all enterprises with the exception of the agricultural and forestry sectors, the public service, the postal and telegraph services, the federal railways and other communication services operated by them as well as the public institutions for the education and upbringing of the young) contains a general provision protecting workers' representatives (works council members), against any form of discrimination based on their status or activities as workers' representatives. The same Act also contains specific provisions protecting workers' representatives against dismissal based on the same grounds. There are similar provisions in the Federal Act of 10 March 1967 applying to the public service and in the Federal Act of 2 June 1948 applying to the agriculture and forestry sectors.

Article 2. The Federal Act of 14 December 1973 provides for:

- (a) Time off, without loss of pay, to enable workers' representatives to carry out their functions effectively.
- (b) Time off, with or without loss of pay, to enable workers' representatives to take part in certain training courses.
- (c) Material facilities to be made available by the employer.

The Federal Act of 10 March 1967, applying to the public service contains provisions similar to those mentioned under (a) and (c) above.

The Federal Act of 2 June 1948, applying to the agriculture and forestry sectors contains provisions similar to those mentioned under (a), (b) and (c) above.

Articles 3 and 4. Workers' representatives are those freely elected by the workers in accordance with the above laws. They include members of works councils, branch committees and, at the level of the undertaking, members of the central works council or central committees elected by the members of the works council or staff representatives.

Article 5. The Federal Act of 14 December 1973 contains some general provisions aimed at encouraging co-operation between workers' representatives and the trade unions. There are similar provisions in the Federal Act of 10 March 1967 applying to the public service and in the Federal Act of 2 June 1948 applying to the agriculture and forestry sectors.

The possible undermining of the position of trade unions does not exist since the close collaboration between the unions and the workers' representatives has its roots in the trade union background of most members of works councils.

Article 6. Effect to the Convention has been given through legislation.

#### CUBA

Constitution of the Republic, dated 7 February 1959, Article 69.

Act No. 962 respecting industrial associations, dated 1 August 1961 (Gaceta Oficial, 3 August 1961, No. 12, p. 2) (LS 1961 - Cuba 1).

The above legislation was adopted before the Convention was ratified.

Article 1 of the Convention. Protection of the activities and rights of workers' trade union representatives in undertakings and places of work is legally guaranteed under the provisions of the Act respecting industrial associations.

Article 2. The facilities referred to in this Article of the Convention are provided in Cuba as a logical outcome of the social and economic system in force and of the importance laid on the activities and functions performed by the workers' organisations.

Article 4. The workers who are elected to form the executive boards of each trade union at every level (works, regional, provincial and national unions), as well as other categories of delegates and elected persons are regarded as the workers' representatives and they are granted the protection and facilities for carrying out their trade union duties provided for in this Convention.

Article 5. Cuba does not have two types of workers' representatives; the trade union organisations are the sole bodies representing and acting on behalf of the workers in matters affecting conditions of work.

An example of the type of facilities afforded by law to the workers' trade union representatives is the obligation for employers to grant leave of absence to the workers for the time spent in the discharge of their duties on the executive board of the trade union organisation. In these cases it is up to the trade union organisation and not the undertaking which employs them to recompense the workers who benefit from such leave.

## FRANCE

St. Pierre and Miquelon

Labour Code (Overseas Territories) (LS 1952 - Fr. 5; LS 1955 - Fr. 3; LS 1956 - Fr. 1), section 164 (Order No. 242, dated 13 May 1954, concerning application of article 164 - Journal Officiel, 31 May 1954).

Every effort is made to ensure that staff delegates have enough time to perform their trade union duties.

There are two regular and two deputy delegates for between 51 and 100 workers; for 101 workers and over, there are three of each.

## GERMANY, FEDERAL REPUBLIC OF

Constitution (Peaslee, Vol. III, p. 361).

Works Constitution Act, dated 15 January 1972 (LS 1972 - Ger. F.R. 1), as amended by the Act dated 2 March 1974 (Bundesgesetzblatt I, No. 22, 9 March 1974).

Federal Staff Representation Act, dated 15 March 1974 (BGBL I, No. 26 of 20 March 1974), as amended by the Act dated 25 April 1975 (BGBL I, p. 1005).

Protection against Dismissal Act, dated 25 August 1969 (LS 1969 - Ger. F.R. 3), as amended by the Act dated 15 March 1974 (BGBL I, No. 26 of 20 March 1974).

Disabled Persons Act of 29 April 1974 (BGBL I, No. 46 of 30 April 1974), as amended by the Act of 29 October 1974 (BGBL I, p. 2879, BGBL I, 1975, p. 1010).

Article 1 of the Convention. Under the terms of section 78 of the Works Constitution Act, members of the works council, the central works council, the combine works council, the youth delegation, the central youth delegation, the ship's committee, the fleet works council, and any other delegations provided for by the Act must not be interfered with or obstructed in the discharge of their duties. They must not be prejudiced or favoured by reason of their office. Apprentices who have performed the duties of members of

the aforementioned representative bodies are entitled in principle to a permanent appointment immediately after completing their contract of apprenticeship or vocational training.

In addition, sections 15 and 16 of the Protection against Dismissal Act prohibit the dismissal of a member of a works council. Such protection usually lasts for 12 months (six months for members of a ship's committee) following the expiry of their term of office.

Under section 103 of the Works Constitution Act, the exceptional dismissal of a workers' representative requires the consent of the works council, but the latter's decision may be overruled by the labour court. Furthermore, under section 37(4) of this Act the workers' representatives' income is guaranteed during their term of office and for one year thereafter. This guarantee is extended to two years after the expiry of their term of office in respect of members of the works council who have been released from their work duties for three full consecutive terms of office (section 38(3) of the Act). During these periods they are entitled, as far as the facilities offered by the establishment permit, to take any career training that they missed because of their release.

Under the terms of section 75 of the Works Constitution Act, the employers and the works council must ensure that there is no discrimination against persons on account of their political or trade union activity or convictions. Under section 119 of the same Act any person who, by inflicting or threatening reprisals or granting or promising favours, obstructs or influences an election of workers' representatives, obstructs or interferes with the activities of workers' representatives or discriminates against these representatives or their substitutes, is liable to a penalty.

The same protection is granted by the Federal Staff Representation Act and the Staff Representation Act passed by each Land, and to the disabled persons' representatives under the Disabled Persons Act. Moreover, the provisions in the Constitution guaranteeing the right to form associations and declaring any agreement to limit or impede this right to be null and void (Article 9, paragraph 3) provides wide-scale protection for trade union representatives against prejudicial acts by reason of their trade union office or activities.

Article 2. Under the Works Constitution Act, the workers' representatives enjoy such facilities as the following: expenses of the works council to be defrayed by the employer; provision of premises, material facilities and office staff required for the meetings, consultations and day-to-day operation of the works council; paid time off to attend training courses and release from their work duties without loss of pay to the extent necessary for the proper performance of their functions or to attend training courses, having regard to the size and nature of the establishment.

Federal and state public servants are granted the same facilities as the above under the Federal Staff Representation Act and staff representation legislation of the Länder.

Disabled workers' representatives enjoy similar facilities under the Disabled Persons Act.

In accordance with rulings handed down by the Federal Constitutional Court and the Federal Labour Court, trade union representatives

are entitled, inter alia, to disseminate trade union information and ideas among trade union members in the undertaking.

In addition, more and more collective agreements are stipulating that trade union delegates be released from their work duties without loss of pay during their term of office or to attend training courses. These agreements establish, in some instances, the right to elect trade union delegates in the undertakings.

Article 4. The types of workers' representatives entitled to the protection and facilities provided for in this Convention are determined by legislation.

As regards the trade union representatives, in addition to the court rulings protecting trade union activities in the undertaking in accordance with the Constitution, collective agreements may freely determine the position as regards the trade union delegates.

Article 5. Measures have been taken to ensure that the existence of elected representatives cannot undermine the position of the trade unions or their representatives in the undertakings and public service departments, and to encourage co-operation between the trade union representatives and the elected representatives.

Section 2(3) of the Works Constitution Act specifically states that the Act shall not affect the functions of trade unions and more particularly the protection of their members' interests. Moreover, as section 74(3) of this Act states, the fact that an employee has assumed duties under the Act does not restrict him in his trade union activities even where such activities are carried out in the establishment.

Under section 77 of the Works Constitution Act, works agreements may not deal with remuneration and other conditions of work that have been fixed or are normally fixed by collective agreement, except where the collective agreement expressly authorises the making of supplementary works agreements. The same principle holds good in public services under the terms of the federal and state legislation respecting staff representation.

As regards co-operation, the employer and the works council must work together in a spirit of mutual trust having regard to the applicable collective agreements and in co-operation with the trade unions and employers' associations represented in the establishment (section 2(1) of the Works Constitution Act). In addition, trade union delegates may in some instances attend works council meetings in an advisory capacity (section 31 of the Works Constitution Act). Likewise, delegates from the trade unions represented in the establishment are entitled to attend works and department meetings in an advisory capacity (section 46 of the same Act). Moreover, the trade unions have various powers of initiative, supervision and support, particularly with respect to organising elections to works councils and other representative bodies.

As regards the public services there are similar provisions in the federal and state legislation on staff representation.

## IRAQ

Labour Code of 16 July 1970 ("Al-Wagayi'u al-Iraqiya", 10 August 1970, No. 1906) (IS 1970 - Iraq 1).

Act No. 50 of 22 April 1973 amending the Labour Code of 1970 (ibid., 7 May 1973, No. 2244) (IS 1973 - Iraq 1).

Article 1 of the Convention. The employer may not terminate any worker's contract of employment unless he applies to the competent service termination board 15 days before the date for which such termination of employment is required (section 26(d) of the Labour Code). This board might approve the application only if it finds that such an application is well-founded.

The manager or employer may not apply for the termination of employment or transfer of a worker who is undertaking a union responsibility unless the union or federation approves the application (article 1(a) and (3) of Act No. 50 of 1973).

Other workers' representatives who are not union representatives are protected like any other workers by the general rules on termination of the contract of employment laid down in Chapter III, division 2 of the Labour Code.

Article 2. The Government guarantees freedom of trade union organisation and undertakes to provide all the moral and material guarantees to enable the trade union movement to fulfil its mission (section 4 of the Labour Code). Trade union officials are provided with all necessary facilities for the performance of their trade union duties during working hours without loss of wages (section 21(f) of the Labour Code).

Articles 3 and 4. According to the Labour Code, workers are represented at the joint work organisation committee in the undertaking by "trade union representatives" selected from, and by the trade union committee for the undertaking concerned or, if there is no trade union committee, by "workers' representatives" elected by a direct vote of all workers of the undertaking (section 123 of the Labour Code). They are also represented in the labour inspection committee by a representative of the General Federation of Trade Unions and a representative of the trade union body concerned (section 138 of the Labour Code).

Article 5. According to the Labour Code, workers are represented in the undertaking exclusively by trade unions and they may be represented at the joint work organisation committee by elected representatives only where there are no trade unions.

Section 263 of the Labour Code provides that, in the absence of any specific provision in this Code or the rest of the body of labour legislation, the terms of the International Labour Conventions ratified by Iraq shall apply.

## IVORY COAST

Act No. 60-205 to establish a Constitution, dated 27 July 1960 (JORCI, 30 July 1960).

Act No. 64-290 to establish a Labour Code, dated 1 August 1964 (IS 1964 - IC 1).

Act No. 63-526 respecting penalties for infringements and fines, dated 26 December 1963 (JORCI, No. 3, 9 November 1964).

Decree No. 68-300 to consolidate the regulations made under Part VII (Arrangements for giving effect to the Act) of Act No. 64-290 of 1 August 1964, dated 20 June 1968 (JORCI, No. 43, 3 September 1968).

Decree No. 67-265 to consolidate the regulations made under Part V (Conditions of work) of Act No. 64-290 of 1 August 1964, dated 2 June 1967 (JORCI, No. 22, 30 April 1968).

The Labour Code provides for the compulsory election of staff delegates in all the establishments to which the Code applies and which employ more than ten workers. In practice, the trade unions put their works representatives on the list of candidates.

It was not considered necessary to amend the national legislation to enable ratification of the Convention.

Article 1 of the Convention. The new section 4 of Act No. No. 64-290 of 1 August 1964 to establish a Labour Code makes it unlawful for an employer to take into consideration membership of a trade union or exercise of trade union activities in taking any decision with respect, inter alia, to recruitment, the running of the undertaking and distribution of work, vocational training, promotion, remuneration and the granting of social benefits, disciplinary measures and dismissal; any contravention gives entitlement to damages.

The workers' representatives (staff delegates, labour tribunal assessors, trade union representatives, members of advisory boards, etc.) may only be dismissed, under the widely-applied section 139 of the aforementioned Act No. 64-290, with the prior authorisation of the inspector of labour and social legislation.

Article 2. Under the terms of sections 5.D-92 to 5.D-95 of Decree No. 68-300 of 20 June 1968, the head of an establishment must grant the staff delegates time off on full pay which, except in exceptional circumstances, may not exceed 15 hours a month, and make the necessary premises available to enable them to perform their duties, hold meetings, etc.

The workers' representatives may also post up notices for the staff at the entrances to the work premises and at places which must be provided in a conspicuous location, preferably in areas frequented by the workers when not actually engaged on their tasks.

The head of the undertaking or his representative must meet with all the staff delegates together at least once a month, or hold emergency meetings at their request. Meetings must also be



arranged at their request with individual delegates or the delegates of a shop, service or particular occupational branch or category.

Article 5. Since there is only one workers' trade union organisation in Ivory Coast, no special measures have been taken. The elected representatives of the workers are at the same time trade union representatives in the undertaking.

Article 6. The Ministry of Labour and Social Affairs is responsible for the application of the provisions of this Convention. To carry out this function it commands the services of the inspectorate of labour and social legislation.

UNITED KINGDOM

Police Act, 1964.

Police Regulations, 1971, Statutory Instrument 156.

Police Federation Regulations, 1969, SI 1787.

Police (Discipline) Regulations, 1965.

Health and Safety at Work, etc., Act. 1974.

Trade Union and Labour Relations Act, 1974.

Code of Industrial Relations Practice.

Employment Protection Act.

Article 1 of the Convention. The Trade Union and Labour Relations Act, 1974, protects all workers against dismissal based on membership of an independent union or participation in trade union activities. Such dismissal would be considered unfair and the victim would be able to claim reinstatement or damages.

An independent union is defined as one which is not under the domination or control of an employer or employers' association and is not liable to interference by an employer or employers' association tending towards such control.

The Employment Protection Bill now before Parliament would extend the protection afforded by the Trade Union and Labour Relations Act, 1974, by giving every employee the right not to have action short of dismissal taken against him by his employer for the purpose of preventing or deterring him from belonging to an independent union or taking part in its activities at any appropriate time, or penalising him for so doing. Workers' representatives are naturally covered by these general provisions.

In Northern Ireland, a law has just been published which provides for the protection of employees against unfair dismissal. An employee who thinks he has been unfairly dismissed will be able to seek a remedy by complaining to an industrial tribunal. It will be for the employer concerned to show that the reasons for dismissing the employee were fair and of such a kind as to justify the dismissal.

Article 2. The Employment Protection Bill would place a duty on employers to allow reasonable time off to officials of independent unions recognised by them for the performance of duties concerned with industrial relations between the employer and the employee, or to undergo industrial relations training relevant to the performance of such duties. Employers would also be under a duty to allow any members of independent recognised unions reasonable time off to take part in any activities of a recognised union of which they are a member or in which they represent such a union.

The Code of Industrial Relations Practice recommends that collective agreements should cover facilities for union activities in an establishment, and the appointment, status and functions of shop stewards. Employers are recommended, inter alia, to agree with unions on the facilities which should be accorded to shop stewards, such as time off from the job to the extent reasonably required for their industrial relations functions, and maintenance of earnings while carrying out their functions. These recommendations will be superseded by statutory provisions in the Employment Protection Bill.

Reasonable facilities are likewise granted to the elected representatives of the police representative organisations, to enable them to carry out their functions. Thus, authorisation is given to a programme of meetings to be held each year in respect of branch boards, central committees, central conferences and meetings for the election of representatives, accommodation being provided, where available, by the police authorities free of charge. The Secretary of the Joint Central Committee of the Police Federation is excused all police duty and is employed full time on representative work.

As regards health and safety, the Health and Safety at Work Act, 1974, provides enabling powers for the Secretary of State for Employment. Under this Act, the employer will be under an obligation to consult the appointed or elected safety representative with a view to the making and maintenance of arrangements to enable effective co-operation in the promotion and development of health and safety measures, and in checking their effectiveness. When the Employment Protection Bill has been adopted, however, independent recognised unions will alone be authorised to appoint safety representatives.

Article 3. The Trade Union and Labour Relations Act, 1974, which makes it unfair to dismiss an employee for belonging to or taking part in the activities of a union, defines the term "employee" as an individual who has entered into or worked under a contract of employment, otherwise than in police service. Thus all workers' representatives are implicitly protected.

A trade union official, who under the Employment Protection Bill would get time off to go about his trade union business, is defined in the Trade Union and Labour Relations Act, 1974, as broadly, any person who is an officer of the union or of a branch or section of the union or who is elected or appointed in accordance with the rules of the union, including shop stewards.

Article 4. The employee's protection under the Trade Union and Labour Relations Act, 1974, and the Employment Protection Bill, against unfair dismissal applies in respect of independent unions only, as defined in section 30 of the Trade Union and Labour Relations Act, 1974.

The right not to have action taken by the employer for taking part in union activities when these are on the employer's premises, will be restricted by the Bill to the activities of a closed-shop union, if any. The right to time off for union duties will be limited to the officials and members of independent recognised unions, and collective agreements may further define which workers' representatives are to be afforded particular facilities.

As regards the police, the facilities provided for in the Convention are granted to the elected representatives of the police representative organisations mentioned in Part III of the Police Act, 1964.

Article 5. The Code of Industrial Relations Practice advises that consultative arrangements set up by management in co-operation with employee representatives and the trade unions concerned should not be used to bypass or discourage unions. The Code likewise urges management and employee representatives to consider most carefully how consultation and negotiation processes should be linked.

This does not affect the police as there are no representatives other than the elected members of the police representative organisations.

#### Dominica

Collective Agreement Act No. 20/67.

Effect is given to the Articles of the Convention by means of legislation including the above-mentioned Collective Agreements Act.

Article 1 of the Convention. Section 2B of this Act gives protection to both employees and employers who are adversely affected on account of trade union activities.

Article 2. Provisions are made in collective agreements to enable union officials to enter the premises of the employer to discuss any matters affecting a worker. In some agreements provision is made for a notice board to be placed in a conspicuous position where notices can be posted for the benefit of the workers. Provisions are also made for leave of absence on trade union matters with full pay.

Articles 3, 4 and 5. Not applicable.

Article 6. See above.

#### Gibraltar

Regulation of Wages and Conditions of Employment (Amendment) Ordinance, 1974 (Gibraltar Gazette, 7 June 1974, No. 1506, First Suppl., p. 97).

The Convention is implemented by custom and practice and by the Unfair Dismissals provisions enacted by the above-mentioned Ordinance.

Article 1 of the Convention. Effective protection against any act prejudicial to workers' representatives is to a great extent secured by the strength of the trade unions and their ability to take steps to protect their members.

So far as dismissal is concerned there is legislative provision for their protection in the Ordinance cited above. While the Unfair Dismissals provision gives protection generally to workers, special protection is afforded in respect of trade union membership and activities (sections 28C (4) and (5) and 28F of the principal Ordinance as enacted by section 5 of the Regulation of Wages and Conditions of Employment (Amendment) Ordinance, 1974).

Article 2. Custom and practice in Gibraltar are such that facilities are afforded to workers' representatives to carry out their functions. In view of the extent to which this is a feature of employment generally, no special measures are considered necessary to enforce the provision of the facilities envisaged by the Convention.

Articles 3, 4 and 5. No special measures are considered necessary. In practice workers' representatives in Gibraltar are invariably union members and represent the workers within a trade union framework.

#### Guernsey

There is no legislation giving effect to the Convention but workers have a right to negotiate individually or collectively on wages and conditions of employment. Because of the close relationship between management and workforce there is no evidence of a need for legislation to protect the interests of workers' representatives.

Article 1 of the Convention. Workers' representatives have available the effective protection of the trade union movement against any prejudicial act resulting from their activities. A worker may appeal for protection to the States Labour and Welfare Committee and through that Committee to the Industrial Disputes Tribunal.

Articles 2 to 6. Systems of collective bargaining carried on by local branches of United Kingdom trade unions are in operation and workers' representatives enjoy safeguards equivalent to those in the United Kingdom.

#### Isle of Man

There is no legislation nor are there any administrative regulations which apply the provisions of the Convention nor does the Government at the present time propose to introduce any such legislation or regulations.

St. Kitts-Nevis-Anguilla

No legislation existed for the implementation of this Convention and no legislation was passed during the period considered.

Article 1 of the Convention. Effective protection is ensured to workers' representatives, namely by means of collective agreements (viz., agreement between the St. Kitts-Nevis Trades and Labour Union and the Sugar Producers' Association providing for "Union Security", "Grievance Procedure", etc.). In other cases protection is ensured by means of customary practice.

Article 2. Adequate provisions have been made in collective agreements to afford to workers' representatives appropriate facilities to enable them to carry out their functions promptly and efficiently (viz., agreements between the St. Kitts-Nevis Trades and Labour Union and the engineering and construction firm of Messrs. Higgs and Hill (St. Kitts) Ltd.; the Union and the Sugar Producers' Association and other agreements).

Article 3. The definition of "workers' representatives" is the accepted interpretation in the State of St. Kitts-Nevis-Anguilla.

Article 4. There has been no necessity for legal measures to be taken to determine the type or types of workers' representatives entitled to the protection and facilities indicated in the Convention.

Article 5. It has not been considered necessary for measures to be taken to give effect to this Article.

Article 6. Effect is given to the Convention mainly through collective agreements.

Seychelles

Employment of Servants Ordinance (Cap 170).

Trade Unions Ordinance (Cap 179).

These texts afford protection to employees against wrongful dismissal and prohibit anti-trade union discrimination.

Employers are not required by law to make any special arrangements to assist trade union officials or workers' representatives to enable them to carry out their functions, but in fact most employers endeavour to co-operate and are encouraged to do so by the Labour Department.

---

Convention No. 136: Benzene, 1971

---

## CUBA

General Basis for the Organisation of Occupational Safety and Health, September 1964.

Resolution 428 of 26 October 1966 implementing the Occupational Health Regulations.

Article 1 of the Convention. The national legislation in respect of occupational health and safety applies to all work-places and all activities in which toxic or harmful substances or materials, including those mentioned in this Article, are produced, used, handled or stored. Resolution 4615 of May 1963 includes benzene and its derivatives amongst agents of occupational diseases.

Article 2. Plant administrations have an obligation to do everything possible to improve working conditions, especially where operations may be harmful or dangerous.

Article 3. No derogations have been foreseen.

Article 4. There is no legal ban on the use of benzene and products containing benzene, but it is recommended that this substance and related products be replaced in practice wherever technically possible. Under the Occupational Health Regulations, operations involving dangerous substances have to be carried out in separate shops or buildings, using a minimum of workers and special precautions.

Article 5. Occupational safety and health measures are foreseen in the Occupational Health Regulations already referred to.

Articles 6 and 7. Sections 43 and 44 of the Regulations referred to stipulate that operations with dangerous substances shall be carried out in enclosed systems and that if such systems are not available appropriate extraction methods shall be used. Section 47 provides that periodic controls of the atmosphere shall be carried out in such premises to ensure that concentrations remain within harmless limits. Ministry of Public Health recommendations establish a maximum atmospheric concentration of 20 mg/m<sup>3</sup> at workplaces where benzene is being used.

Article 8. Sections 45, 54, 96, 104 and 108 of the Regulations relate to personal protection measures.

Article 9. Sections 103 and 105-108 of the Regulations provide for medical examinations and tests adapted to the nature of the work.

Article 10. The medical examinations are carried out free of charge by an official physician and certified in an appropriate manner.

Article 11. Section 108 of the Regulations prohibits the employment of women in unhealthy or dangerous occupations. It also prohibits the employment of young persons in conditions other than those authorised by section 11, Part V of the General Basis for the Organisation of Occupational Safety and Health.

Article 12. This measure is stipulated in sections 46 and 96 of the Regulations.

Article 13. Enterprises have an obligation to notify workers of the safety regulations and train them in safety and health measures. Plant administrations have to give systematic instruction in such safety measures to workers and especially to young persons and women. The Occupational Safety and Health Committees participate in this work.

Article 14. Under current legislation and practices, the obligation to ensure compliance with these provisions is vested in the state bodies controlling production and their subordinate enterprises and labour administrations. (In this connection, see sections IV, V and VI of Part VII of the General Basis already referred to, and section 108 of the Regulations.) In addition, the Ministries of Labour and Public Health supervise the application of occupational safety and health standards.

FRANCE

St. Pierre and Miquelon

The Convention is not applicable in this Territory.

GERMANY, FEDERAL REPUBLIC OF

Decree of 8 September 1975 concerning dangerous substances.

Decree of 20 March 1975 concerning workplaces.

Technical Regulations prohibiting the use of benzene (Federal Labour Code, Technical Section on Occupational Safety, Volume 12 of 1974).

Indicative technical benzene concentration<sup>1</sup> (Federal Labour Code, Technical Section on Occupational Safety, Volume 5 of 1974).

Article 1 of the Convention. Application of protective measures in all the activities indicated in this Article is ensured by the legislation indicated and especially by Annex II, paragraph 2, of the Decree of 8 September 1975.

Articles 2 and 4. The use of benzene and products containing more than 1 per cent by weight of benzene is prohibited except when the substitution of less harmful products is technically impossible. The regulations indicate the use for which benzene is completely prohibited.

---

<sup>1</sup> CIS translation.

Article 3. No derogations have been permitted.

Articles 5 to 7. The Decree of 20 March 1975 lays down the protective measures to be applied to prevent large amounts or harmful concentrations of benzene vapour. An indicative technical concentration has been established and is to be revised.

Article 8. The Decree of 8 September 1975 provides that the employer shall supply personal protective equipment.

Articles 9 and 10. The regulations stipulate a pre-employment medical fitness examination and subsequent periodical examinations. The cost of these examinations, which are carried out by approved physicians, is borne by the employer. A medical record is kept for each worker.

Article 11. Pregnant women or nursing mothers and young persons may not be employed on work involving exposure to benzene, except for training purposes, in which case they must undergo a technical and medical examination.

Article 12. The word "benzene" and danger symbols must be clearly visible on all containers holding products containing benzene.

Article 13. The employer has to inform workers in an appropriate form and place of the regulations applicable to the plant. Workers have to receive appropriate instructions at the time of recruitment and then at suitable intervals not exceeding one year.

#### IVORY COAST

Labour Code, Act 64-290 of 1 August 1964 (LS 1964 - IC 1).

Decree 64-453 of 20 November 1964 establishing the conditions under which penalties are imposed for violations of the Labour Code.

Decree 67-321 of 21 July 1967 codifying the regulations issued under section VI "Health and Safety - Medical Service" of the Labour Code.

Decree 67-321 of 21 July 1967 establishes the conditions under which it is prohibited to use solvents containing benzene. It is laid down that persons to be employed in jobs involving a risk of benzene poisoning have to undergo a medical fitness test and subsequent periodic examinations including a blood test. Pregnant women or nursing mothers and young persons under 18 years of age are considered as unfit for such work. A notice concerning benzene poisoning, its hazards and preventive measures has to be posted in workplaces. This stipulates in particular the evacuation of harmful vapours as they are produced when it is impossible to use completely enclosed systems during normal operations; ventilation has to be sufficient to ensure a concentration of not more than about 0.1 g/m<sup>3</sup> in the workplace atmosphere and in some cases personal protective equipment has to be worn. The containers of hydrocarbons containing benzene or other industrial products containing them have to be identified by a label or other indication.



SPAIN

Order by the Prime Minister's Office dated 14 September 1959, on the manufacture and use of solvents (Boletín Oficial del Estado dated 18 September 1959).

Joint rules issued by the Departments of Labour and Industry on 1 March 1960 (BOE dated 8 March 1960) concerning the above-mentioned Order.

General Occupational Health and Safety Ordinance dated 9 March 1971 (BOE dated 17 March 1971).

Low-Voltage Electrical Regulations, enacted by the Ministry of the Interior and approved by Decree No. 2413 dated 20 September 1973 (BOE dated 9 October 1973).

Order dated 31 October 1973 (BOE dated 27 December 1973).

Order dated 12 January 1963 concerning occupational diseases (BOE dated 13 March 1963).

Order dated 15 December 1965, supplementing the above (BOE dated 17 January 1966).

Regulations respecting jobs prohibited to women and young persons on account of their dangerous or unhealthy nature, dated 26 July 1957 (BOE dated 26 August 1957).

Act No. 39 dated 21 July 1962, adopted by the Head of State concerning the organisation of the Labour Inspectorate.

Decrees Nos. 2121 and 2122 dated 23 July 1971 (BOE dated 21 September 1971).

Article 1 of the Convention. The provisions which give effect to the Convention appear in the Order dated 14 September 1959 issued by the Prime Minister's Office concerning the manufacture and use of solvents and other substances containing benzene, and in the joint rules issued by the Departments of Labour and Industry on 1 March 1960.

Article 2. Section 133.2 of the General Health and Safety Ordinance lays down that whenever possible, substances less toxic than benzene must be employed. Section 6 of the Order dated 14 September 1959 specifically lays down that benzene, benzol, and substances containing benzol must be replaced by other, less toxic, products.

Article 3. Temporary exceptions have not been permitted.

Article 4. There are no prohibitions on specific types of work. Section 133.4 of the General Health and Safety Ordinance, mentioned above, states that toxic substances must, if possible, be used in closed containers which prevent them from escaping to the air outside.

Article 5. Clauses Nos. 4, 5 and 8 of the joint rules issued by the Departments of Labour and Industry on 1 March 1960 deal with these matters.

Article 6. Paragraph 1 is dealt with by clause No. 2 of the above-mentioned rules. Paragraph 2 - maximum benzene concentrations in the atmosphere - is the subject of a new joint rule to bring it into line with the Convention. Paragraph 3 is covered by clause No. 3 of the joint rules.

Article 7. This Article is given effect by clauses Nos. 2 and 4.

Article 8. Clause No. 4 of the joint rules specifies the use of masks, gloves and other safety equipment.

Article 9. As regards subparagraphs (a) and (b) of the first paragraph, mention should be made, apart from the Order of the Prime Minister's Office and the joint rules, of section 4 of the Order dated 14 September 1959, which prescribes prior medical examination and subsequent check-ups for workers making and using solvents containing benzene. Mention should likewise be made of section 6 of the rules issued on 1 March 1960 under the Order dated 12 January 1963, which lays down standards for medical examinations on recruitment and periodical check-ups, including blood-counts and other tests. Hitherto none of the exceptions provided for in paragraph 2 have occurred.

Article 10. Section 4 of the Order issued by the Prime Minister's Office on 14 September 1959 lays down that examinations must be conducted by the works doctor (who must be a qualified specialist). Should there be doubt, the doctor can, at his discretion, send a worker for examination to the National Occupational Medicine and Safety Institute. Every undertaking, under section 4, has to keep a record of medical examinations, the results of which are recorded in the employee's health booklet (Order dated 12 January 1963). According to section 4, medical examinations are free of charge, the cost being borne by the employer.

Article 11. Clause No. 6(I) of the joint rules forbids the employment of males under 20 and of females under 23, as well as of expectant and nursing mothers, on work involving exposure to benzene or to products containing it. Clause No. 7 prohibits the employment of expectant mothers on such work at any time during their pregnancy. In the draft new joint rules already alluded to, nursing mothers will be included. These prohibitions likewise appear in the Order dated 12 January 1963 and in the Regulations respecting jobs prohibited to women and young persons on account of their dangerous or unhealthy nature (26 July 1957). These Regulations forbid not only the employment but the presence of the persons concerned in such premises. The provincial labour inspection authorities are alone empowered to permit such work by young men under 18 and young women under 21, for the purpose of vocational training, if a contract of apprenticeship exists and there is an assurance of complete protection.

Article 12. Section 7 of the Order dated 14 September 1959, and section 133(9) of the General Health and Safety Regulations, make it obligatory to label vessels holding benzene or substances containing benzene.

Article 13. Section 133(8) of the General Regulations referred to above lays down that people employed on dangerous work must be given training beforehand and prove, by passing a theoretical and practical test, that they are competent. In addition, clause No. 9 of the rules dated 1 March 1960 requires the employer to give appropriate instructions to workers concerning the risks entailed by benzol and substances containing benzene, and concerning personal hygiene.

Article 14. The National Labour Inspectorate by virtue of Act No. 39 concerning labour inspection dated 21 July 1962, and of Decrees Nos. 2121 and 2122 (23 July 1971), is responsible for giving general advice and supervision and for supplying information to the competent authority as to the effect given to occupational health and safety rules, especially those relating to women and minors. It also makes proposals for corrective measures and punishments in appropriate cases. Furthermore, it can order a standstill or immediate suspension of work if the health and safety rules are not being applied. Under section 9 of the Order by the Prime Minister's Office quoted above, and the rules dated 1 March 1960, inspectors from the Ministry of Industry co-operate with the labour inspectors in these duties.

ZAMBIA

Factories Act, 1 May 1967, Chapter 514 of the Laws of Zambia.

Article 1 of the Convention. Reference is made to a number of sections of the Act, which meet the requirements in a general manner. Chronic benzene poisoning is a notifiable industrial disease.

Article 2. Substitution is advised. In Zambia, benzene is not widely used.

Article 3. Consultations with employers have not yet taken place.

Article 4. The use of benzene is not specifically prohibited.

Article 5. Substitution of benzene is recommended.

Articles 6 and 7. There is no specific requirement regarding the concentration of benzene vapour in the air. Section 69 of the Factories Act applies in a general way.

Article 8. Section 71(1) of the Factories Act applies in a general way.

Article 9. Pre-employment medical examinations are only carried out in one factory, an oil refinery. They are repeated every six months and include urine and blood tests.

Article 10. Medical examinations are carried out by qualified physicians at no expense to the worker.

Article 11. As far as it is known, no women or young persons are employed in processes involving exposure to products containing benzene.

Article 12. There are no regulations in force except that the oil refinery conforms with the IPC Regulations.

Article 13. The requirements of the Convention are generally met by several sections of the Factories Act.

Article 14. The Ministry of Labour and Social Services through the Department and the Factories Inspectorate is responsible for ensuring application 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.
Afghanistan	13, 41, 95	-	111
Algeria	6, 10, 77, 78, 89, 95, 119, 120, 127	29, 101	94
Argentina	1, 2, 4, 17, 29, 34, 77, 78, 81, 87, 88, 95, 105	6, 10, 16, 18, 19, 42, 52, 71	22, 23, 53, 73, 79, 90
Australia	105	2, 10, 88	12, 29
Norfolk Island	-	-	10, 12, 18, 29, 42, 105
Austria	2, 19, 29, 81, 105	10, 12, 17, 18, 24, 25, 42, 63, 89, 94, 101, 124	4, 6
Bangladesh	18, 22, 29, 105	81	4, 6, 16, 19, 89, 90, 107, 118
Barbados	29, 42, 63, 94, 95, 102, 115	81	12, 17, 19, 22, 65, 74, 101
Belgium	32, 91, 102	2, 5, 6, 10, 26, 33, 53, 69, 74, 88, 89, 98, 99	16, 22, 23, 73, 114, 115
Bolivia	1, 17	-	19
Brazil	12, 22, 29, 42, 88, 94, 105, 108, 113, 115, 118	16, 52, 53, 92, 95, 101, 104, 117, 125	6, 89, 124, 127

Country	A Conventions Nos.	B Conventions Nos.	C Conventions Nos.
Burundi	94	-	-
Byelorussian SSR	29, 124	-	10, 16, 32, 52, 77, 78, 79, 90, 95, 115
Canada	63, 88	105	16, 22, 69, 73, 74
Central African Republic	3, 18, 19, 26, 29, 33, 62, 87, 88, 94, 95, 105	2, 17, 52, 67, 81, 100, 101, 117	4, 6, 10, 13, 41, 104, 119
Chile	2, 19, 29, 34, 63, 127	6	4, 10, 12, 16, 22
Colombia	29, 81, 88	-	2, 4, 16, 19, 23, 52, 104, 105
Cuba	63	-	94
Cyprus	81, 88, 95, 121	44	2, 16, 19, 29, 89, 90, 94, 114, 124
Czechoslovakia	29, 63, 111	24, 52, 89, 130	10, 12, 17, 18, 19, 25, 34, 42, 90, 115
Democratic Yemen (Aden)	-	65	16, 19, 29, 94, 95, 105
Denmark			
Greenland	-	-	12, 18
Ecuador	86, 107	-	127
Egypt	17, 18, 29, 63, 74, 81, 87, 88, 94, 96, 105	-	52, 95
El Salvador	105	12	104
Ethiopia	2, 88	-	-
Finland	18, 29, 53, 63, 81, 96, 111, 118, 121	2, 105	12, 16, 17, 19, 22, 52, 73, 92, 94, 124
France	17, 18, 19, 22, 29, 42, 115, 125, 129	12, 26, 53, 63, 71, 73	10, 16, 23, 55, 56, 69, 77, 78, 92, 101, 113, 114, 126

Country	A Conventions Nos.	B Conventions Nos.	C Conventions Nos.
Overseas departments:			
French Guiana	12, 17, 18, 19, 22, 23, 42, 53, 113, 114, 125, 135	73	10, 55, 56, 69, 71, 89, 92, 101, 126
Guadeloupe	12, 17, 18, 19, 22, 23, 42, 53, 113, 114, 125, 135	73	10, 55, 56, 69, 71, 89, 92, 101, 126
Martinique	12, 17, 18, 19, 22, 23, 42, 53, 113, 114, 125, 135	73	10, 55, 56, 69, 71, 89, 92, 101, 126
Réunion	12, 17, 18, 19, 22, 23, 42, 53, 113, 114, 125, 135	73	10, 55, 56, 69, 71, 89, 92, 101, 126
Overseas territories:			
Comoro Islands	-	-	6
French territory of the Afars and Issas	10, 12, 17, 22, 23, 24, 52, 53, 69, 73, 89, 125, 126	44, 101	6, 18, 19, 29, 42, 63, 82, 94, 95, 105
New Caledonia	10, 17, 22, 44, 52, 53, 63, 73, 125, 126	18, 42, 95	6, 29, 82, 105
St. Pierre and Miquelon	15, 58, 91, 106, 108	26	3, 5, 11, 33, 36, 37, 38, 84, 87, 98
Gabon	-	-	11
Germany, Fed. Rep. of	29, 96, 105	2, 63, 88, 101	10, 16, 22, 23, 81, 114
Ghana	29, 65, 105, 115	19, 22, 74, 81, 88, 117	16, 23, 58, 69, 89, 90, 92, 94
Greece	55, 88, 105	2, 69	6, 16, 17, 19, 42, 90, 95

Country	A Convention Nos.	B Convention Nos.	C Convention Nos.
Guatemala	63, 78, 94, 96	81	19, 65, 77, 79, 89, 90, 101, 105, 118
Guinea	3, 119, 120	26	5, 11, 14, 62, 81, 87, 98, 99, 111
Guyana	19, 29, 42, 81, 95, 105, 115, 129	2, 65	10, 12, 82, 94
Honduras	-	-	45, 100
Hungary	12, 17, 18, 29, 42, 48, 135	-	2, 6, 10, 16, 19, 41, 52, 77, 78, 95, 101, 115, 124
Iceland	105	-	2, 29
India	29, 100, 107	18, 22, 42, 81, 89	4, 6, 16, 19, 90, 118
Iraq	8, 15, 17, 81, 88, 95, 111, 115	89	22
Iran	19	29	104
Ireland	-	87	26
Israel	91, 102	-	-
Italy	32, 105	2, 10, 19, 53, 69, 96	12, 16, 18, 22, 23, 29, 42, 73, 77, 114, 115
Ivory Coast	3	26, 85, 87, 98, 99, 100	4, 5, 6, 11, 13, 14, 18, 19, 33, 41, 45, 95, 96, 110, 111
Japan	81, 87, 88	2, 10, 18, 96	19, 29
Kenya	17, 29	81	16, 65, 88, 89, 94, 118
Kuwait	29, 81	52, 117	89
Libyan Arab Republic	26, 29, 88, 95, 122, 131	59, 81, 105	52
Luxembourg	18, 28, 77, 81, 96	12, 17, 19, 24, 25, 88	2, 5, 6, 10, 21, 22, 23, 45, 59, 60, 79, 90



Country	A Conventions Nos.	B Conventions Nos.	C Conventions Nos.
Madagascar	26, 29, 118, 119, 120, 122, 124	111, 117	-
Malaysia	11, 12, 17, 29, 95, 98	81	15, 16, 19, 45, 65, 105
States of Malaya	12, 17	-	-
Sabah	-	-	94
Sarawak	12	-	-
Mali	52	19, 81	4, 6, 17, 18, 29, 41, 95, 105
Malta	22, 81, 88, 105	10, 12, 95	2, 19, 29, 42, 89
Mauritania	118	-	111
Mauritius	17, 63, 105	65, 74, 81, 95	2, 12, 16, 19, 29, 42, 94
Mexico	17, 22, 34, 42, 55, 63, 102, 124	29, 90, 105	12, 16, 19, 52, 53, 95
Morocco	2, 29, 94, 111	52, 81	4, 12, 17
Netherlands	29, 69, 91, 100, 105, 121	10, 19, 24, 25, 44, 63, 71, 74, 81, 90, 96	11, 16, 22, 23, 45, 73, 87, 88, 92, 94, 95, 101, 115, 118, 124
Netherlands Antilles	17, 42	25	12, 101, 118
New Zealand	12, 17, 42, 53, 81, 88, 105	2, 44, 52, 74, 82, 89, 101	10, 16, 22, 29, 63, 65, 104
Cooks Islands	99	-	11, 14, 50, 64, 84, 105
Niue Islands	-	-	82
Tokelau Islands	-	12, 42	29, 82, 104, 105
Nicaragua	2, 9, 24, 25, 28	10, 29	16, 19, 23
Niger	-	-	11, 13, 14, 87, 98, 100

Country	A Conventions Nos.	B Conventions Nos.	C Conventions Nos.
Nigeria	-	-	5
Norway	25, 29, 42, 56, 92, 96, 105, 118, 128	19, 22, 24, 44, 53, 63, 69, 71, 88	2, 10, 12, 18, 73, 126
Pakistan	22, 29, 96, 105	111	4, 6, 16, 18, 81, 89, 90, 118
Panama	16, 17, 22, 23, 29, 42, 53, 55, 56, 63, 69, 73, 74, 77, 78, 88, 92, 94, 95, 96, 105, 113, 114, 125, 127	-	-
Paraguay	11, 52, 77, 78, 79, 89, 90, 95, 98, 107, 115, 119, 120	-	14, 26, 101, 105, 124
Peru	22, 25, 55, 56	-	4, 10, 12, 19, 23, 41, 105, 113
Philippines	17, 23, 53, 59, 88, 89, 94, 95	77	90, 105
Poland	12, 17, 18, 42, 77, 78, 95, 123, 124	2, 24, 25, 101, 115	6, 10, 16, 19, 22, 23, 29, 69, 73, 74, 79, 90, 96
Portugal	17, 18, 19, 105	12, 69, 81	4, 6, 29, 73, 74, 89, 92
Romania	29	24	2, 6, 10, 16, 89
Rwanda	11, 12, 17, 19, 42, 105	26	4, 18, 89, 123
Senegal	19, 29, 105, 121, 125	6, 10, 81, 89, 117	12, 52, 95, 122
Sierra Leone	17, 29, 81, 88, 95, 105, 125	101	16, 19, 22, 65, 94
Singapore	-	-	12
Somalia	-	-	45, 50, 64, 111

Country	A Conventions Nos.	B Conventions Nos.	C Conventions Nos.
Spain	22, 44, 53, 55, 56, 63, 73, 74, 77, 78, 88, 92, 94, 96, 101, 105, 124, 129	81, 132	2, 4, 6, 10, 12, 16, 17, 18, 19, 23, 24, 25, 29, 42, 48, 69, 79, 89, 90, 95, 113, 114, 115, 126, 127, 135
Sri Lanka	16, 63	96	18, 89, 90
Sudan	2, 19, 81, 95	-	-
Swaziland	-	-	2
Sweden	2, 88, 96, 118 121, 129, 130, 135	10, 12, 63, 81, 101, 115	19, 29, 105
Switzerland	29, 44, 81, 88	18, 63, 115	6, 16, 23, 105
Syrian Arab Republic	63, 115, 125, 129	-	2, 17, 18, 52, 53, 81, 89, 94, 101, 104
Tanzania	63, 81	12, 26, 65	15, 16, 29, 45, 50, 59
Thailand	123	-	14
Togo	11	14, 33	5, 13
Trinidad and Tobago	105, 111	-	16, 29, 65
Tunisia	22, 23, 55, 77, 118, 124	-	12, 16, 17, 19, 52, 65, 73, 89, 90, 95, 104, 114
Turkey	42, 88, 95, 105	-	111
Uganda	5, 17, 29, 64, 65, 81, 86, 95, 98, 105, 124	11, 123	12, 19, 26, 45, 50, 94
Ukrainian SSR	29, 126	69	10, 16, 23, 47, 52, 73, 77, 78, 79, 90, 92, 95, 113, 115, 120, 124
USSR	29, 87, 124, 126	-	10, 16, 23, 47, 52, 69, 73, 77, 78, 79, 90, 92, 95, 113, 115

Country	A Conventions Nos.	B Conventions Nos.	C Conventions Nos.
United Kingdom	17, 19, 22, 29, 42, 56, 81	2, 10, 24, 25, 44, 69, 74, 82, 92, 95, 101, 115	12, 16, 94, 124
Antigua	82, 105	-	10, 12, 19, 65, 94, 101
Belize	17	105	12, 19, 42, 65, 94, 95, 101
Bermuda	135	105	10, 12, 19, 22, 42, 65
British Virgin Islands	17, 94	84, 105	10, 12, 19, 29, 65, 82, 85
Dominica	15, 36, 38, 105	26, 37, 102	11, 29, 50, 64, 84, 86, 97, 98
Falkland Islands (Malvinas)	-	-	10, 12, 17, 19, 42, 82
Gibraltar	29, 42, 81, 88	63, 82, 95	2, 12, 17, 19, 44, 94, 105
Gilbert and Ellice Islands	29, 42, 63	-	10, 12, 17, 22, 82, 94, 105
Guernsey	17, 24, 25, 56, 81, 88, 105	2, 12, 19, 44, 63	10, 22, 29, 42, 65, 69, 74, 94
Hong Kong	12, 17, 81	19, 63	42, 65, 82, 92
Jersey	12, 17, 56	24, 25, 81	8, 10, 17, 42, 44, 65, 69, 74, 94, 95
Isle of Man	17, 81	2, 19, 24, 25, 44, 56, 63, 82, 88, 101	10, 12, 22, 42, 65, 69, 74, 92, 94, 95, 105
Montserrat	-	-	12, 17, 29, 42, 65, 85, 95, 105
St. Kitts- Nevis- Anguilla	17, 29, 85, 94	82, 101	12, 65, 85
St. Helena	63	-	10, 12, 26, 42, 65

Country	A Conventions Nos.	B Conventions Nos.	C Conventions Nos.
St. Lucia	95	-	85, 94
St. Vincent	7, 15, 95, 102	26, 84, 98	17, 86, 97
Seychelles	26, 99	2	10, 12, 22, 65, 82, 85
Solomon Islands	3, 14, 42, 81	17, 105	12, 14, 65, 82, 94, 95
United States	53	74	55
American Samoa	53, 55	-	-
Guam	53	74	-
Puerto Rico	53	74	-
Virgin Islands	53	55	-
Uruguay	2, 17, 23, 24, 25, 63, 77, 78, 112	52, 101, 103	10, 12, 16, 19, 22, 73, 79, 89, 90, 94, 95, 105
Venezuela	11, 81, 88	-	1, 2, 5, 7, 13, 14, 19, 27, 29, 41, 45, 105
Republic of South Viet-Nam	-	52	-
Yugoslavia	11, 98, 102, 119	100	13, 27
Zaire	18, 26, 29, 64, 84, 95, 98, 119, 121	11, 62	14, 27, 50, 118
Zambia	-	26	17, 18, 19, 65, 89, 124





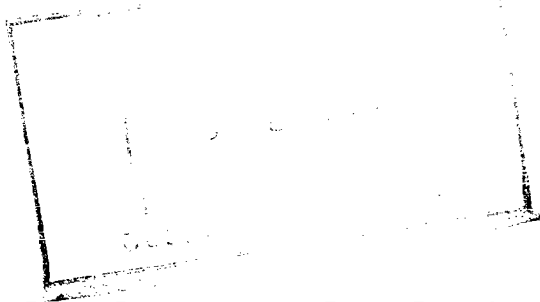
**Price : 17.50 Swiss francs**  
**ISBN 92-2-101357-X**



International Labour Conference  
61st Session 1976

---

Report III  
(Part 2)



# **Consultation at the Industrial and National Levels**

**Summary of Reports on Recommendations No 113**

(Article 19 of the Constitution)

---



International Labour Office Geneva



**Report III  
(Part 2)**

Third Item on the Agenda:

Information and Reports on the Application  
of Conventions and Recommendations

**Consultation at the Industrial  
and National Levels**

**Summary of Reports on Recommendations No 113**

(Article 19 of the Constitution)

---

ISBN 92-2-101358-8

---

*First published 1976*

---

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
Consultation (Industrial and National Levels) Recommendation, 1960 (No. 113) .....	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 Consultation (Industrial and National Levels) Recommendation, 1960 (No. 113).

The governments of member States were requested to send their reports to the International Labour Office before 1 July 1975. 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 1975.

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 61st (1976) Session, will include the general survey by the Committee on the reports on the above-mentioned Convention and Recommendation.

---

CONSULTATION (INDUSTRIAL AND NATIONAL  
LEVELS) RECOMMENDATION, 1960 (No. 113)

ALGERIA

There are a number of legislative provisions governing the implementation of the contents of the Recommendation.

They include, in particular, the text published in the Official Gazette of the Algerian Republic No. 39 of 16 May 1975, those relating to the organisation, terms of reference and operation of the National Economic and Social Council (CNES) on which all the parties concerned with economic and social development are represented, and Ordinances Nos. 71-74 and 71-75 concerning labour relations in the socialist and private sectors.

ARGENTINA

In the Argentine Republic there are legislative, administrative and practical provisions relating to the matters dealt with in the 1960 Recommendation on consultation.

Consultation and co-operation between public authorities and employers' and workers' organisations have been recognised to be fundamentally necessary and important since 25 May 1973.

This system for the concerting of efforts has involved the pledging by the Government, the General Confederation of Labour and the General Economic Confederation to adopt a series of socio-economic measures the basic objectives of which are -

- (a) to raise the standard of living of the lower income groups, restoring to the workers their share in the national income;
- (b) to place the powers of decision once again in national hands; and
- (c) to establish a pattern of growth harmonious in terms both of human needs and of the balance between sectors and between regions.

This pledge was the central theme of the "National Covenant" entered into in June 1973.

It should be emphasised that, within the context specified, the Government resolved to take such steps as were necessary to guarantee representation of the trade unions as well as the employers on the management boards of undertakings, agencies, banks and other leading institutions in a sector, a region or the country as a whole. A similar statement may be made with respect to membership of the management boards of state-run undertakings.

So far, in accordance with the principles upheld, the following provisions have been adopted.



## CONSULTATION AT THE INDUSTRIAL AND NATIONAL LEVELS

---

Decree No. 560/74, which established the National Prices, Incomes and Living Standards Board, in order to make effective the necessary participation of the various sectors of the community in the implementing of the policy for the progressive redistribution of income, peace and social equilibrium. The Board consists of five regular members and five substitute members representing the General Economic Confederation, the General Confederation of Labour and the Government, and is chaired by the Secretary of State for Commerce.

Act No. 20558, which established, under the aegis of the Ministry of the Economy, the National Enterprises Corporation, whose task is one of over-all supervision, in the service of the superior interests of the nation, over all enterprises of which the State is the sole owner and holds the majority of the share capital, and which are administered or controlled by the State in pursuance of legal provisions in force or subsequently enacted, as well as the promotion, in the public interest, of the development of new economic activities.

As prescribed by section 11 of the Act, the Corporation is composed as follows: the Chairman of the National Enterprises Corporation is to be the Minister for the Economy or the Secretary or Under-Secretary for the Economy. The Vice-Chairman is to be appointed by agreement with the Senate of the Nation. A Director is to be appointed on the recommendation of the General Economic Confederation, and another on the recommendation of the General Confederation of Labour.

Act No. 20615. Chapter XIII regulates the functioning of the National Industrial Relations Tribunal, whose task it is to determine the acts or circumstances which constitute "unfair practices", i.e. acts or circumstances contrary to the ethics of labour-management relations. This Tribunal consists of representatives of employers, workers and the State. Section 62 of the Act stipulates that the Tribunal shall consist of seven members, of whom two shall represent employers, two shall represent workers and three shall represent the State.

Decree No. 1141 of 29 April 1975, which established, under the aegis of the Ministry of the Economy, an Advisory Board on General Productivity within the Existing Economic and Social Context. The Board consists of three regular and three substitute representatives of the General Confederation of Labour and of the General Economic Confederation, and representatives of the Ministries of the Economy, Social Welfare and Labour. The ex officio representatives of these ministries will be their respective Ministers, who may delegate this function to officials of their departments of a rank not below that of Secretary or Under-Secretary of State.

It should be added in conclusion that for the past 25 years it has been the practice of the Government of the Argentine Republic to consult the employers' and workers' organisations with a view to drafting provisions which will facilitate compliance with international instruments, or bringing the national legislation into line with these instruments.

This system, which is being accentuated to keep pace with the current heightening of the importance of these associations, within the context of the prevailing socio-economic situation in

## UNRATIFIED CONVENTIONS AND RECOMMENDATIONS

---

the country, has also, as a result of repeated use on an ad hoc basis, acquired the force of a statutory instrument.

### AUSTRALIA

(1) Australia:

Tradesmen's Rights Regulation Act 1946-1973.

(2) States:

- New South Wales:

Factories, Shops and Industries Act 1962 (LS 1962 - Aust. 1).  
Apprentices Act 1969.  
Bread Act 1969.

- Victoria:

Industrial Safety Advisory Council Act 1960.  
Apprenticeship Act 1958.  
Workers' Compensation Act 1958.  
Public Service Act 1958.

- Queensland:

Factories and Shops Act 1960-1973 (LS 1960 - Aust. 1).

- South Australia:

Industrial Safety, Health and Welfare Act 1972.  
Apprentices Act 1950-1974.

- Western Australia:

Industrial Arbitration Act 1972-1973.  
Machinery Safety Act 1974 (not yet proclaimed).  
Construction Safety Act 1972.

- Tasmania:

Factories, Shops and Offices Act 1965.  
Apprentices Act 1942.

Under the Constitution, the powers of the Australian Parliament to legislate in respect of industrial relations are limited to legislation with respect to conciliation and arbitration in interstate industrial disputes, and with respect to Australian Government employees and federal territories.

In 1968 the National Labour Advisory Council was established to enable formal tripartite consultation to take place at the national level on employment, industrial relations and associated industrial and economic matters, and to advise the Government on these matters. This Council, which in its turn set up two standing tripartite committees to advise on the labour aspects of technological change and women's employment respectively, has not met

## CONSULTATION AT THE INDUSTRIAL AND NATIONAL LEVELS

---

since 1972, but the possibility of reconstituting the Council with revised composition and functions is under consideration. Meanwhile, reliance has been placed on less formal consultations, an example of which is the Industrial Peace Conference held in Canberra in December 1973 and January 1974, which was convened by the Minister for Labour to consider proposals for achieving greater stability in labour relations.

It is government policy that there be adequate representation of trade unions on boards, commissions, trusts or similar government-created bodies, and in the management of other enterprises of significance to the economy. Consistent with this policy, trade unionists are now represented on a large number of government-created bodies.

Tripartite committees have thus been established at both the national and state levels. Tripartite consultative bodies set up in pursuance of the legislation in force include the Australian Apprenticeship Advisory Committee, the Productivity Promotion Council of Australia, set up in 1969, the National Training Council, formed in 1973, and the industrial training committees established for particular industries.

In addition there is regular informal contact and discussion with union and employer representatives on a wide variety of labour and related matters, as well as in connection with the preparation of legislation affecting unions and employers.

For instance, on 10 September 1974 the Australian Government adopted a "Code of General Principles on Occupational Safety and Health in Australian Government Employment", drafted by a bipartite committee of government and union representatives, the purpose of which is to protect employees from accidental injury and to promote health and well-being.

In accordance with legislative provisions enacted in 1945, a Joint Council was set up in 1947 by the Australian Public Service Board to make reports and recommendations to the Board on matters of general interest in relation to the Australian Public Service.

Tripartite committees on discrimination in employment and occupation have been established pursuant to ILO Convention No. 111 at both the national and state levels.

Participation by all sectors of the community in the formation and development of policy initiatives in the area of social security and welfare has been encouraged in particular by the establishment of Regional Councils of Social Development under the Australian Assistance Plan.

The convening by the President of the Australian Conciliation and Arbitration Board of a tripartite conference - the "Moore Conference" - bringing together the principal parties involved in the 1974 National Wage Case (employer, worker and government representatives) to discuss the related issues of wage-fixing methods and wage indexation is an important example of consultation within the framework of the long-established industrial relations system in Australia.

## UNRATIFIED CONVENTIONS AND RECOMMENDATIONS

---

Other examples worthy of mention are the association of employers' and workers' organisations in the discussions preliminary to the determination of the annual national budget and their consultation in connection with Australia's changeover to decimal currency and the metric system of measurement.

Tripartite consultative bodies similar to those established at the national level have been set up in several States, particularly in the areas of workers' safety and welfare and of vocational training.

The consultative and co-operative machinery referred to above in no way derogates from the principle of freedom of association or from the rights of employers' and workers' organisations, including their right of collective bargaining, and its general overriding objective is the promotion of mutual understanding and good relations between the various parties with a view to developing the level of national economic and social life.

### Norfolk Island

Owing to the island's small size and extremely limited employment opportunities, no workers' or employers' organisations as such have been established and no legislation in relation to such organisations has been enacted.

However, the relationship between employers and employees in the territory is generally good and there is no bar to effective consultation between public authorities and employers and workers.

### AUSTRIA

Chambers of Labour Act (BGBl. 105/1954).

Chambers of Commerce Act (BGBl. 182/1946).

Interested employers' and workers' representative bodies are invited to give their views in writing on all bills and ordinances submitted to the legislative body. Furthermore, the custom is to negotiate with the employers' and workers' organisations during the consultations. The Chambers Acts (for instance, article 31(1) of the Chambers of Labour Act and article 63 of the Chambers of Commerce Act) make it a primary duty of the authorities in the Federation, the "Länder" and the Communities to provide the responsible organs of the Chambers - Chamber of Labour, Chamber of Commerce, etc. - with such information and support as they may require to go about their duties.

The Foreign Trade Advisory Council, which is made up mainly of representatives of employers' and workers' organisations and representatives of various interested federal ministries, has to consider all questions of principle to do with exchanges of goods. Under the Anti-Dumping Act, an Advisory Council has also been set up to give its views on the matters dealt with in that Act and

## CONSULTATION AT THE INDUSTRIAL AND NATIONAL LEVELS

---

includes, inter alia, one representative of the employers' organisations and one representative of the workers' organisations.

Under the Labour Market Promotion Act (AMFG), an Advisory Council for Employment Policy, composed of six members nominated by the employers' organisations, six members nominated by the workers' organisations, one representative from each ministry or authority concerned and three economists, is responsible for advising the Federal Ministry for Social Affairs on the formulation of a general employment policy and on the taking of any important measures in this field.

The same law also stipulates that, at the "Land" level, an administrative committee in which employers and workers are represented must be established in each "Land" labour office so that its views can be heard on the steps to be taken in the coming year in the corresponding field.

According to article 31 of the Vocational Training Act, the Federal Chamber for Industry has to set up an Advisory Council for Vocational Training whose views are heard when vocational training programmes are devised, particularly in the case of the promulgation or amendment of ordinances concerning the list of occupations in which apprenticeship training is required or concerning the training prescriptions themselves, etc. The Council has six members appointed by the Federal Ministry for Trade and Industry on the basis of proposals made by the Federal Chamber of Industry and the Austrian Chamber of Labour; one employers' and one workers' representative must be employed on the railways or in posts, telegraphs and telephones.

Since 1972, the Federal Chambers of Industry, the Austrian Confederation of Labour and the Federal Ministry for Education and Art have been members of a body known as the "Central Working Party for the Discussion of Action for the Further Improvement of the Training Given to Apprentices", within the Federal Ministry for Trade and Industry, and of the "Committee for the Discussion of Matters concerning Vocational Training Schools and Colleges", in the Federal Ministry for Education and Art.

The Labour Inspection Act, 1973, stipulates that the Labour Inspection Department must have talks in each "Land" at least twice a year with the employers' and workers' representatives in order to obtain their collaboration and support in the performance of their duties.

In the field of social insurance, article 2 of the Chambers of Labour Act and article 19 of the Chambers of Commerce Act lay down that Chambers of Labour and Assemblies of Chambers of Labour and the Chamber of Commerce are called upon to supply the legislative authorities with reports, proposals and expert views in connection with everything to do with social insurance, and particularly with draft legislation on the subject. The "Land" Chambers of Labour Acts also provide for consultation and co-operation, specifically in connection with social insurance in agriculture or forestry. Article 31 of the Workers' Social Insurance Act further lays down that the Central Association of Austrian Social Insurance Agencies, made up of employers' and workers' representatives, shall be asked for its comments on important matters affecting the principles of social insurance.

## UNRATIFIED CONVENTIONS AND RECOMMENDATIONS

---

Further to the promulgation of the Promotion of Research Act, an Industrial Research Fund was founded whose Board of Management includes representatives of the Federal Chamber of Industry, the Austrian Association of Chambers of Labour, the Conference of Presidents of Chambers of Agriculture, the Austrian Confederation of Labour and the Federal Ministries for Trade and Industry, Building and Technique, and Finance.

Other official bodies for consultation and co-operation include the Board of Management of the Post Office Savings Fund (1969 Act), the General Council of the National Bank (1955 Act), the Advisory Council on Export Promotion (1964 Act), the Advisory Council on Structural Improvements, etc.

In the public service, the Acts and ordinances embodying rules as to the rights of public servants are always drawn up in agreement with the trade unions concerned. For example, the present wage rates established by law are based on a wage agreement between the Bargaining Board set up by the four trade unions in the public service and the Negotiations Committee of the employers' organisation in the Federation, in the "Länder" and in the Communities.

The most significant development in the field of consultation and co-operation has been the creation by the Federal Government, by virtue of a Cabinet decision taken on 27 March 1957, of a Joint Pay and Prices Commission which, under the chairmanship of the Federal Chancellor, is currently made up of two representatives of the Federal Chamber for Industry, two representatives of the Conference of Presidents of the Chambers of Agriculture, two representatives of the Austrian Association of Chambers of Labour and two representatives of the Austrian Confederation of Labour. On 17 October 1963, this Joint Commission set up an Advisory Council for Economic and Social Questions.

### BELGIUM

Act of 20 September 1948 to make provision for the organisation of the economic life of the country (Division IV - Works Councils) (LS 1948 - Bel. 8).

Act of 29 May 1952 for the establishment of the National Labour Council.

Act of 10 June 1952 respecting the health and safety of the workers (LS 1952 - Bel. 3).

Act of 5 December 1968 respecting collective industrial agreements and joint committees (LS 1968 - Bel. 1).

The National Labour Council, a joint public institution, is the national inter-occupational body competent to deal with social questions. Its role is to give its views or make proposals to the Minister or the legislative chambers concerning general problems of a social nature of concern to employers and workers. Since the coming into force of the Act of 5 December 1968 respecting collective industrial agreements and joint committees, the National

## CONSULTATION AT THE INDUSTRIAL AND NATIONAL LEVELS

---

Labour Council is empowered to conclude collective industrial agreements, which are generally national and inter-occupational in scope. Furthermore, it must be consulted on all drafts of Royal Orders for the administration of the labour laws, and is usually consulted on new bills to be submitted to Parliament.

In addition to this permanent machinery for co-operation, there are unofficial tripartite bodies which operate on an ad hoc basis, such as the National Committee for Economic Expansion, and the National Employment Conference and the Economic and Social Conference, which adopt resolutions on major social projects and large-scale reforms contemplated in the economic or social field.

Permanent consultation between employers' and workers' organisations as provided for in the Act of 5 December 1968, mentioned above, takes place in joint committees which take valid decisions, particularly as concerns conditions of life and work (collective industrial agreements), which may be declared binding upon a whole sector or part of a given sector of activity. These joint committees, which may be set up for any branch of activity, consist of representatives of representative employers' and workers' organisations and are chaired by persons belonging to a public institution such as, in particular, social conciliators, who are officials designated specially for the purpose.

A Royal Order of 23 July 1969 established a collective industrial relations service with the task of making material arrangements for consultation and co-operation between employers' and workers' organisations. As well as the social conciliators, this service comprises a series of officials who specialise in secretariat work for the joint committees and in the depositing of the agreements concluded in these committees.

The task of supervision and surveillance in respect of collective industrial agreements which have been declared binding is entrusted to the Social Laws Inspectorate of the Ministry of Employment and Labour.

### BRAZIL

Mindful of the principle that there must be understanding between the parties, the Government always takes common interests into account before introducing any measure. Although in Brazil there is no machinery or body specifically designed for consultation of this kind, there are a number of tripartite bodies.

The principle of tripartite representation is the rule in the various branches of activity in Brazil. It is applied, for instance, to all the judicial bodies relating to labour, from the arbitration and conciliation boards to the Higher Labour Court. The social security services, both urban and rural, include arbitration boards composed of employers and workers; it is the same with the superior and regional councils for maritime labour, the Industrial Association Membership Board and many other services. Lastly, stress should be laid on the tripartite composition of the National Wage Policy Council, a body of particular

## UNRATIFIED CONVENTIONS AND RECOMMENDATIONS

---

importance from an economic standpoint since its functions include the fixing of indices for the adjustment of the wages of the various categories of workers.

Consultations between the parties concerned and the Government take place spontaneously, without its being necessary to devise a system or a body specially for the purpose. They are held normally as the need arises.

### BULGARIA

Constitution of 18 May 1971 (Official Gazette No. 39 of 18 May 1971).

Labour Code (LS 1951 - Bulg. 2), amended by Ukase No. 466 of 6 November 1957 (LS 1957 - Bulg. 2).

Ordinance on planning (Official Gazette No. 98 of 11 December 1970).

Regulations respecting state economic organisations (Official Gazette No. 4 of 12 January 1973).

According to article 3 of the Labour Code, the trade unions "shall have the right to lay before the Council of Ministers drafts of laws, ukases, resolutions, regulations and ordinances" for the governance of all matters relating to labour and social insurance.

The principle of an effective discussion of problems of common interest to state bodies, managers and workers has found its expression in the production plan, which stipulates that the Central Council of Trade Unions and the Committee on Youth shall participate actively in the formulation of long-term, five-year and annual plans and shall submit their own proposals.

Co-operation between state bodies, managers and workers at the sectoral level is based on the Constitution of the People's Republic of Bulgaria (articles 52, 24, 13, 18, 80.2) and the laws of the country. For example, the Economic Council, which is responsible for economic organisation, consists of the head of the state economic organisation, his substitutes, the heads and representatives of the Central Committee of the corresponding trade union and a legal adviser. Meetings of the Economic Council may be attended by representatives of administrative departments, banks, etc. The Economic Committee adopts the regulations governing the organisation and activities of the state economic organisation, appoints the members of the executive body, examines the state of the organisation and its subdivisions and draws up guidelines for its development, ratifies the annual budgets for the centralised funds of the organisation, takes initiatives in respect of the improvement of the working and living conditions of manual workers and salaried employees, etc.

The managers and workers participate directly at the sectoral level in the discussion of problems of common interest to the



## CONSULTATION AT THE INDUSTRIAL AND NATIONAL LEVELS

---

state bodies, managers and workers, as well as through the representatives of sectoral trade unions and the central trade union council.

The Economic Committee and the trade union also draws up regulations with regard to the organisation of wages, the distribution of the undertaking's social consumption funds, the initiatives taken to improve working and living conditions and industrial safety and protection arrangements, and so on.

As regards co-operation between state bodies, managers and workers at the level of the undertaking, the principles enshrined in the Constitution are reflected in appropriate regulations. For example, articles 124 and 125 of the Labour Code refer to the work rules, which are drafted by the management of the undertaking in consultation with the trade union committee.

As regards Paragraph 1 of Recommendation No. 113, article 35(2) of the Constitution stipulates that no privileges or limitations of rights based on nationality, origin, creed, sex, race, education, social and material status are allowed.

Implementation of Paragraph 2 of Recommendation No. 113 is governed by article 52 of the Constitution and article 9 of the Labour Code.

As to Paragraphs 3 to 5 of the Recommendation, the identity of objectives pursued by the managers, workers and the State in the process of economic and social development is such that mutual understanding and good relations exist between the public authorities and the employers' and workers' organisations.

### BURUNDI

Legislative Order No. 001/31 of 2 June 1966 to promulgate the Labour Code.

Co-operation between employers, workers and the Government is governed by the Labour Code, which provides for the establishment of a National Labour Council whose main purpose is to give its views on bills, draft ordinances or draft ministerial orders concerning labour. The views, advice and proposals of the Association of Undertakings of Burundi (AEB), as the country's employers' organisation, and those of the Burundi Workers' Union (UTB), the sole trade union organisation, are thus taken into consideration whenever legislation affecting their interests is being drawn up.

Provision also exists for the establishment within the National Labour Council of a National Employment and Manpower Committee, which must be composed of members of the Council representing the employers, the workers and the Government. The main task of this Committee is to express its views on draft

## UNRATIFIED CONVENTIONS AND RECOMMENDATIONS

---

programmes concerning industrial training, occupational guidance, the creation of new jobs and the placement of workers and, on its own initiative, to suggest ways of improving and developing occupational training.

Labour inspectors are responsible for supervising the application of the legislative provisions and regulations; the collaboration of the employers' and workers' organisations in this supervision consists of drawing all relevant cases to the attention of the inspectors.

### CAMEROON

Labour Code of 27 November 1974 (LS 1974 - Cam. 1).

Decree No. 68/DF/200 of 24 May 1968 concerning the National Labour Council.

Decree No. 69/DF/15 of 17 January 1969, as amended and supplemented by Decree No. 71/DF/153 of 2 April 1971.

The National Labour Council, which consists of two members of the National Assembly, two members of the Economic and Social Council, two members of the Supreme Court, eight employers' representatives and eight workers' representatives, together with experts and advisers appointed in a consultative capacity for each particular meeting, is responsible for examining problems relating to labour, employment and manpower and for giving its advice, making proposals and passing resolutions on corresponding legislation and regulations.

The Joint National Committee on Collective Agreements and Wages, which, under the chairmanship of the Minister for Labour and Social Welfare Affairs, consists of workers' and employers' representatives appointed by the most representative trade union organisations, is an advisory body that is consulted both by the public authorities in respect of the conclusion, extension and application of collective labour agreements, and by the employers' and workers' organisations in respect of the content of collective labour agreements and the determination of the general level and possible raising of wages in the private sector. It also acts as a decision-making body in respect of standard national occupational classification, establishment of minimum levels for wages, bonuses, indemnities and social benefits.

The National Health and Safety Committee, under the chairmanship of the Minister for Labour and Social Welfare Affairs, consists of an equal number of workers' and employers' representatives who are experts and specialists in occupational health, industrial hygiene and labour safety. The Committee studies problems arising in the field of occupational health, hygiene and labour safety, makes any suggestions and gives any advice that might be appropriate in connection with necessary legislation and regulations in these fields, and recommends the adoption of measures for protecting the health of the workers to the employers, workers, insurance bodies and various ministerial departments.

## CONSULTATION AT THE INDUSTRIAL AND NATIONAL LEVELS

---

### CANADA

Consultation and co-operation between public authorities and employers' and workers' organisations take place either in the formal framework of the legal institutions on which these organisations are represented or, under an informal consultation procedure, by correspondence or through personal contact between the public authorities and these organisations.

With respect to the process of setting up commissions, committees or councils on which the interests of workers and employers are required by law to be represented, it is the usual practice for the workers' and employers' organisations to be consulted by the public authorities regarding the appointment of the members of such bodies.

In the field of economic and social development, an Economic Council of Canada was created at the federal level in 1963 by an Act of Parliament as an instrument for creating an "economic consensus" between the Government and the private sector and for letting the Government know where the thinking of business, labour and other groups is pointing. The Council consists of three full-time members, of whom one is the Chairman and the other two Directors, and not more than 25 part-time members appointed after "consultation with appropriate representative organisations" in order to ensure that the various socio-economic groups in the country are represented. The terms of reference of the Council include giving advice and making recommendations on how Canada can achieve the highest possible levels of employment and efficient production so that all Canadians may share in rising standards of living, recommending government policies which, in the opinion of the Council, would best help to realise the potentialities of the Canadian economy, encouraging maximum consultation and co-operation between labour and management, and fostering and promoting "the maintenance of good human relations in industry".

It should be noted, however, that, owing to the absence of government representation, the Council is not strictly speaking a tripartite body.

Other advisory bodies in the field of economic and social development include the Canadian Council on Social Development, a national, non-government, non-profit organisation which formulates and promotes social policies, and the Atlantic Development Council. The latter largely consists of representatives of business or labour, although there have also from time to time been representatives of other fields, such as the academic community, and is responsible for advising the Government in particular on the elaboration and implementation of economic and social development plans in the Atlantic region.

At the level of the provinces, consultation and co-operation in the field of economic and social development take place, for example, in the province of New Brunswick, through regional and area industrial development commissions and, in Ontario, through a small tripartite advisory committee.

## UNRATIFIED CONVENTIONS AND RECOMMENDATIONS

---

As regards the organisation of employment, the Manpower and Immigration Council was set up under the "Act to establish a Canada Manpower and Immigration Council" at the federal level, along with a number of advisory boards, in order to advise the Government on the manpower and immigration policy and to make recommendations on the establishment of regional and local manpower committees to advise the Department of Manpower and Immigration on matters affecting Canada Manpower Centres.

The Canada Manpower Consultative Service was established to administer the provisions of the Canada Manpower Adjustment Programme which is designed as an incentive to manpower assessment and mobility. The purpose of this Service is to encourage advance consultation between labour and management so as to help to plan employment changes for workers affected by technological and other industrial changes. Joint committees have therefore been formed under the auspices of the Service on a voluntary basis to take advantage of the benefits available through the Manpower Adjustment Programme.

Under section 13 of the Adult Occupational Training Act, Manpower Needs Committees have been established at the request of the provincial governments in every province and territory to determine priorities for implementation of the Canada Manpower Training Programme. While not in themselves tripartite bodies, these committees may set up subcommittees comprising employers' and workers' representatives and serve as a tripartite forum on manpower needs.

At the provincial level, there are a number of tripartite advisory bodies in the field of employment, such as the Advisory Council on Labour and Manpower in Quebec, and the North-Eastern Alberta Manpower Development Committee. Another instance of tripartite consultation exists in the province of Alberta, where a conference was held to study the manpower shortage problem and to recommend various strategies for remedying the situation.

In the field of vocational training and retraining, the Canada Manpower Training Programme, established under the authority of the Adult Occupational Training Act (1967, 72), is planned and operated in close co-operation with provincial governments through the joint federal-provincial Manpower Needs Committees.

For the provinces there are tripartite committees or boards which advise the provincial governments on occupational training and apprenticeship.

As to labour protection, there are no established tripartite bodies at the federal level; there is, however, regular consultation with representatives of employers' and workers' organisations in the preparation of related federal policy leading to the formulation of laws and regulations on labour protection. Apart from such informal consultation, the Canada Labour Code empowers the Governor-in-Council to provide for the establishment of advisory committees to advise the Minister on any matter arising from the provisions of the Code dealing with labour standards. A Canada Labour Relations Council comprising key representatives of labour, management and the Government was therefore established in 1975 to tackle

## CONSULTATION AT THE INDUSTRIAL AND NATIONAL LEVELS

---

industrial relations problems and plan a strategy leading to the development of ways of reducing the frequency and length of work stoppages. The first meeting of the Council was held on 23 July 1975.

In the provinces, the preparation and implementation of labour legislation are carried out in consultation with various organisations, such as the Labour Relations Board (Prince Edward Island, Newfoundland, Nova Scotia), the Employment Standards Advisory Board (Prince Edward Island, New Brunswick), the Minimum Wage Commission (Newfoundland, Nova Scotia, Quebec, Saskatchewan) and other bodies at the level of the industry (particularly in Ontario).

Although there is no established machinery for consultation in the field of industrial health and safety, federal authorities do consult workers' and employers' organisations on the drafting of laws and regulations regarding health and safety of workers. The initiative may also be taken by federations of labour in making appropriate recommendations.

In the particular area of marine safety federal regulations, their highly technical nature has led to the establishment of a Marine Safety Advisory Council consisting of Ministry of Transport officials and representatives of shipowners and seafarers, provincial education authorities and private institutions, in order to resolve any conflict of interests in the development and implementation of regulations.

In the provinces, labour safety advisory councils and/or committees have been set up under various provincial Acts above all to help the corresponding Minister to carry out studies and draft regulations in respect of occupational health and safety.

In the field of social security and welfare, consultation occurs only on an ad hoc basis in the federal jurisdiction, and in the province of Nova Scotia. In New Brunswick, a tripartite advisory committee advises the Minister of Labour and the Chairman of the Workmen's Compensation Board on developments in the field of workmen's compensation for industrial accidents; in Quebec, a Family and Social Affairs Council undertakes the study of all matters relating to social affairs and the family as regards health, social services and assistance, social insurance and benefits.

### CENTRAL AFRICAN REPUBLIC

Labour Code (Act No. 61/221 of 2 June 1961).

Decree No. 62/091 of 4 April 1962 for the establishment of a National Labour Advisory Board to advise the Minister of Labour.

Decree No. 63/106 of 22 March 1963 for the establishment of a National Technical and Vocational Training Advisory Board.

## UNRATIFIED CONVENTIONS AND RECOMMENDATIONS

---

Decree No. 63/310 of 26 November 1963 to amend and supplement certain provisions of section 2 of Decree No. 63/106 of 22 March 1963 for the establishment of a National Technical and Vocational Training Advisory Board.

Decree No. 72/154 of 12 May 1972 for the establishment of a Joint Committee for the Centrafricanisation of the Staff of Private Enterprises in the Central African Republic.

Consultation between public authorities and employers' and workers' organisations takes place at the national level in the following three advisory bodies.

(a) The National Labour Advisory Board, set up by Decree No. 62/091 to advise the Minister of Labour, as provided for in the Labour Code, has the task of studying, commenting upon and making proposals with respect to problems relating to labour, employment, vocational training and guidance, placement, the movement of manpower, the improvement of the material and moral well-being of the workers and social security. It also studies factors which might be taken into account in fixing minimum wages.

(b) The National Technical and Vocational Training Advisory Board, established by Decree No. 63/106, studies all the problems connected with technical and vocational training.

(c) The Joint Committee for the Centrafricanisation of the Staff of Private Enterprises, established by Decree No. 72/154 of 12 May 1972, is responsible for ascertaining the staff needs of enterprises, considering the measures to be taken to satisfy these needs, both quantitatively and qualitatively, and deciding upon the methods for joint action by public authorities and private enterprise for the training, advanced training and training for promotion of the workers in question.

### CHILE

In Chile effect is given to the provisions of Recommendation No. 113 by legislation, although only partially. Legislative Decree No. 670 (Diario Oficial, 2 October 1974) provides for the setting up of Tripartite Advisory Boards for the fixing of remuneration in the different branches of economic activity.

The functions of the Tripartite Advisory Boards are to propose minimum and maximum rates of pay, fringe benefits and working conditions for a specified undertaking, area or branch of production after study of economic conditions and other existing determining factors.

Tripartite Advisory Boards have been set up for the following activities: (a) fuel and lubricants; (b) construction; (c) printing and allied trades; (d) textiles; (e) lift installation and maintenance; (f) private collective transport; (g) paper manufacture; (h) pasta manufacture; (i) laundries, dry cleaning and dyeing establishments; (j) garment manufacture; (k) banking; (l) installation of industrial plant.

## CONSULTATION AT THE INDUSTRIAL AND NATIONAL LEVELS

---

On the basis of the work done by each of these Boards, the competent ministries issue orders laying down minimum and maximum standards in respect of remuneration, task work rates, incentives and fringe benefits in the sector in question, to remain in force not less than 12 months nor more than 24 months.

The aforementioned Boards are composed of representatives of the trade unions, of employers' organisations or entrepreneurs and of the Government.

### COSTA RICA

What Costa Rica has is a series of practices relating to the matters dealt with in the Recommendation.

Attention is drawn to the existence of unofficial machinery for consultation by the authorities of the employers' and workers' organisations when legislation is proposed on matters of mutual interest.

Mention is also made of the existence of Advisory Labour Boards, set up to enable employers and workers to expound their respective viewpoints with a view to improving working conditions and raising the standard of living.

### CYPRUS

Consultation and co-operation between public authorities and employers' and workers' organisations are governed mainly by administrative and practical provisions.

Since the country became independent free collective bargaining has become practically the only way for determining wages and conditions of employment in undertakings of some size. Collective agreements are negotiated mainly between general management (often with the assistance of the Cyprus Employers' Federation) and paid trade union officials, to cover either a specific undertaking or an industry.

The Labour Advisory Board - an institution established by an administrative decision, on which the main union federations are represented - has the function of advising the Minister of Labour and Social Insurance on all questions affecting labour and the promotion of industrial peace, and on matters in which employers and workers have a common interest, and to submit to the Minister proposals and suggestions concerning labour legislation.

The Government's executive organ for implementing its policy on consultation and co-operation, particularly in regard to negotiation, mediation and arbitration, is the Ministry of Labour, which acts in co-operation with the employers' and workers' organisations concerned.

## UNRATIFIED CONVENTIONS AND RECOMMENDATIONS

---

### CZECHOSLOVAKIA

Labour Code (Act No. 65/1965, as amended and supplemented by Acts Nos. 153/1969 and 20/1975) (LS 1965 - Cz. 1 and 1969 - Cz. 1).

Act No. 37/1959, respecting the status of works committees of the basic units of the Revolutionary Trade Union Movement.

Social Security Act No. 101/1964 (LS 1964 - Cz. 2A).

Act respecting the sickness insurance of employees, No. 54/1956 (LS 1956 - Cz. 3B).

Act respecting the health care of the people, No. 20/1966.

Under the terms of article 8 of the Constitution of 1960 of the Czechoslovak Socialist Republic, all means of industrial production are national property, i.e. they are owned by the people as a whole. In a socialist country enterprises cannot function unless the trade unions have a say in their economic management.

Consultation and co-operation as envisaged in Recommendation No. 113, which was framed to suit the conditions in market economy countries, cannot be applied to socialist countries without modification.

Direct co-operation by trade unions in the administration of a socialist enterprise is characterised by the following fundamental principles:

- (1) co-operation in the acceptance and fulfilment of the economic tasks of the enterprise;
- (2) collective agreement for the enterprise as the main instrument for the participation of workers in the management of the enterprise;
- (3) co-operation in the sphere of wage policy;
- (4) co-operation in the programme of providing facilities for the workers' benefit (social policy, living environment, occupational safety and health, questions of labour law, etc.).

Consultation and co-operation between public authorities and trade unions are regulated by the Labour Code. Moreover, Act No. 20/1975 amending and supplementing the Labour Code, which came into operation on 1 July 1975, empowers trade unions to exercise social supervision of the application of the labour legislation.

Section 10(2) of Act No. 20/1966 provides that the Revolutionary Trade Union Movement shall participate in the control and supervision of health care for the people.

Act No. 54/1966 provides that sickness insurance shall be administered by the workers united in the Revolutionary Trade Union Movement, and that the funds allocated for the purpose shall



## CONSULTATION AT THE INDUSTRIAL AND NATIONAL LEVELS

---

be administered by the Central Council of Trade Unions in such a way as to keep them separate from the property of the Revolutionary Trade Union Movement.

### DEMOCRATIC YEMEN

Most of the provisions of the Recommendation are in practice embodied in agreements between employers' and workers' organisations.

The employers and the workers, recognising that consultation and co-operation based on mutual trust help to improve the efficacy and productivity of enterprises and are beneficial to the workers, are in agreement that the general principles for consultation and for the setting up of joint bodies in the various industries of the country should be respected; the voluntary conclusion of agreements between the parties should be encouraged; appropriate steps should be taken by management to facilitate the functioning of joint bodies, etc.

### DENMARK

Act No. 5 of 18 January 1934 (Cf. Notice No. 559 of 21 December 1971) respecting conciliation in labour disputes (conflicts of interests).

Act No. 317 of 13 June 1973 respecting the Labour Court (legal disputes) (LS 1973 - Den. 1).

Act No. 114 of 24 March 1970 (Cf. Notice No. 389 of 28 June 1973) respecting placement and unemployment insurance, as amended by Acts No. 207 of 28 May 1975 and No. 271 of 26 June 1975 (LS 1970 - Den. 1).

Act No. 226 of 11 June 1954 (Cf. Notice No. 297 of 4 July 1968) respecting occupational safety, health and welfare, as most recently amended by Act No. 330 of 19 June 1974.

Act No. 117 of 3 May 1961 respecting vocational guidance.

Act No. 194 of 18 May 1960 (Cf. Notice No. 271 of 2 June 1971) respecting the training of semi-skilled workers and retraining.

Act No. 261 of 2 October 1956 respecting apprenticeship, as most recently amended by Act No. 273 of 4 June 1970.

Traditionally, the Danish labour market is characterised by being governed in essential fields by agreements between the two sides of industry, especially as concerns the fixing of conditions of work and wages. Furthermore, the employers' and workers' organisations agree between them on the fields in which there may be a need for establishing close co-operation between them. As an

## UNRATIFIED CONVENTIONS AND RECOMMENDATIONS

---

example of such close co-operation mention may be made of the liaison committee established jointly by the Employers' Confederation and the Confederation of Trade Unions.

There are many other cases where consultation and co-operation machinery has been set up under various legal provisions, of which a non-exhaustive list is given above.

The labour market conditions that have not already been settled by collective agreement or legislation are settled by special agreement or through consultations between the public authorities and the two sides of industry or between the two sides of industry alone. These consultations take the form of debates in institutionalised committees in the case of certain current subjects relating to labour market conditions or, in particular cases, of ad hoc consultations during which special committees may be set up.

It is common practice when legislation of importance to the labour market is being prepared for the two sides of industry to be associated in the negotiations, either in standing committees and ad hoc committees or through general consultations.

As examples of standing committees on which both the Government and industry are represented, mention may be made of the Committee on Labour Market Policy, the Industrial Council, the Labour Market Supplementary Pension, the Employees' Guarantee Fund, the Daily Cash Benefit Committee, the Standing ILO Committee, the Capital Market Council, the Apprenticeship Council, the EEC Committee on Labour Market and Social Conditions, the Central Education Council, etc.

An example of committees on which only the two sides of industry are represented is the joint liaison committee already mentioned. A neutral person is appointed by the parties to the Labour Court and other authorities where the two sides of industry are represented.

In principle, the application of laws and regulations, etc., on industrial co-operation is supervised by the ministry to which the provisions in question pertain.

### EGYPT

Labour Code (Act No. 91 of 5 April 1959) (LS 1959 - UAR 1).

The Labour Code, in introducing a system of joint employer-worker committees in undertakings, and of joint assemblies at the level of the industry, instituted machinery for consultation and co-operation between the two sides at undertaking and industrial levels simultaneously, thus guaranteeing stability and the promotion of industry and production.

The authority responsible for supervising the application of these basic legislative provisions organising consultation and

## **CONSULTATION AT THE INDUSTRIAL AND NATIONAL LEVELS**

---

co-operation is the Ministry of Manpower and Training and its various offices and departments.

One of the most recent steps taken to ensure participation in this field has been the setting up of a Supreme Consultative Assembly for Labour, composed of ex officio members who are civil servants, employers' representatives and workers' representatives. This consultative body is called upon to comment on all draft bills and legal enactments relating to labour matters and on any matter concerned with labour questions that may be referred to it by the Ministry of Labour.

The draft new Labour Act embodies a chapter on consultation and co-operation which provides for the setting up of the Supreme Consultative Assembly for Labour at the national level, and of the joint employer-worker boards at industrial level.

### EL SALVADOR

Labour Code (Diario Oficial, No. 142, Vol. 236, 31 July 1972).

Decree No. 455, to reorganise the Ministry of Labour and Social Welfare (LS 1963 - Sal. 2).

Act for the establishment of the National Economic Planning and Co-ordination Council.

Act of 17 May 1973 respecting the Social Housing Fund.

There exist various bodies, established under the enactments mentioned above, which observe the principles of the Recommendation.

In addition, it is in accordance with national practice to consult the employers' and workers' sectors involved before proceeding with the adoption of measures in the economic or social field.

The National Economic Planning and Co-ordination Council (CONAPLAN) is an advisory and consultative body serving, and attached to, the Government, and two of its members represent the private sector of the country's economic activity.

The National Minimum Wage Board consists of seven members, two of whom represent the employers and two the workers; the other three represent the public interest.

The National Apprenticeship Board, set up as an independent agency of the Ministry of Labour, has nine members, three of whom represent the public interest, three the employers and three the workers.

The task of the Social Housing Fund is to help to find a solution to workers' housing problems by offering them the means of acquiring their own homes. It is financed by an initial

## UNRATIFIED CONVENTIONS AND RECOMMENDATIONS

---

contribution from the State and by contributions from employers and workers, calculated as a proportion of wages. The organs of the Fund are the Assembly of Governors, the Board of Directors, the Executive Directorate, the Management and the Supervisory Council. The Assembly of Governors consists of the Ministers of the Economy, Labour, Finance and Public Works, the Executive Secretary of the National Economic Planning and Co-ordination Council, two employers' representatives and two workers' representatives. The Board of Directors consists of one director nominated by the President of the Republic and four directors nominated by the Assembly of Governors, two of whom represent the public sector, one the employers and the other the workers. The Supervisory Council is also a tripartite body.

### FINLAND

Act respecting the Labour Council (608/46).

Act respecting the administration of labour protection (574/72).

Act respecting the Labour Court (646/74).

Decree respecting the issues referred to the Labour Council for consideration (757/46).

Decree respecting the Ministry of Labour (46/70).

Decree respecting the administration of labour protection (692/72).

Decree respecting the Labour Court (842/74).

Consultation and co-operation as called for in the Recommendation take place whenever an issue, reform or revision likely to influence economic or social development is under consideration.

In addition to the consultation and co-operation machinery set up by law, special advisory bodies on which the central labour market organisations are represented besides the competent public authorities have been set up by virtue of Resolutions of the Council of State; an example is the Permanent Advisory ILO Committee, operating in liaison with the Ministry of Social Affairs and Health (Resolution of the Council of State dated 24 January 1975).

Collective bargaining machinery has been set up mainly in the Civil Service and in municipal services. Various advisory bodies, such as the Labour Council, which deals with questions concerning working conditions, and the Manpower Council, whose task is to make proposals and statements on manpower questions, have been established attached to the Ministry of Labour.

## CONSULTATION AT THE INDUSTRIAL AND NATIONAL LEVELS

---

Co-operation between employers' and workers' organisations and the Ministry of Education takes place, not through an official permanent body, but through an unofficial organ which has acted since 1972 as a body for consultation between the Ministry and the central labour market organisations. This body, the so-called "labour market club", has met on average eight times a year and has dealt mainly with issues relating to manpower and vocational training.

Co-operation between employers' organisations and workers' organisations takes place during the negotiation of collective agreements, the field of which has extended considerably since the 1940s. Collective agreements have dealt, among other things, with rationalisation, shop stewards, information at the level of the undertaking, etc.

The application of the civil service collective agreement is supervised both by the State as employer (Ministry of Finance) and by local representatives of the staff. In the municipal sector, responsibility for supervising the application of collective agreements lies with the Office of the Salary, Wages and Conditions Board, municipal officials and employees being represented by their central trade union organisations.

Administratively, issues relating to labour protection are within the competence of the Ministry of Social Affairs and Health; in practice, however, supervision of labour protection is exercised by the National Labour Protection Board.

Consultation and co-operation as described above, established partly by legislation and partly on a voluntary basis, are being engaged in very actively, particularly at the unofficial level.

Parliament is at present considering a bill the purpose of which is to make it possible for the most representative labour market organisations to participate permanently in the plenary procedure through which the National Labour Protection Board exercises its superior decision power.

### FRANCE

Consultation takes place in France at the national level in bodies with general competence such as the Economic and Social Council and the planning commissions, and specialised bodies such as the National Vocational Training, Further Education and Employment Council, which reports to the Prime Minister, the Superior Employment Committee, the Superior Collective Agreements Board, the Industrial Health Board, the Occupational Safety Board and the Superior Industrial Medicine Council, which report to the Minister of Labour, and the National Price Committee, which reports to the Minister of the Economy and Finance. Representatives of the administration and of the employers' and workers' organisations participate in the work of these bodies.

Certain institutions of a social nature, such as the National Social Security Funds and the National Union for Employment in

## UNRATIFIED CONVENTIONS AND RECOMMENDATIONS

---

Industry and Commerce, which is responsible for paying unemployment benefit, are operated directly by the employers and workers.

The trade unions have seats on the boards of management of nationalised undertakings.

At the regional level, the general advisory bodies are the regional economic and social committees and the specialised bodies are the departmental and regional vocational training, further education and employment committees, the social security funds, etc.

### GERMANY (DEMOCRATIC REPUBLIC)

Constitution of the German Democratic Republic, dated 6 April 1968 (GBL. I, No. 8, page 199), as amended on 7 October 1974 (GBL. I, No. 47, page 425).

Labour Code of 12 April 1961, as amended on 23 November 1966 (GBL. I, No. 15, page 125).

Act of 16 October 1972 respecting the Council of Ministers (GBL. I, No. 16, page 253).

Act of 12 July 1973 respecting the local representation of the people and their respective organisations in the German Democratic Republic (G80) (GBL. I, No. 32, page 313).

Ordinance of 28 March 1973 respecting the functions, rights and responsibilities of nationalised undertakings, combines and associations of nationalised undertakings (GBL. I, No. 15, page 129), as amended by the Ordinance of 27 August 1973 (GBL. I, No. 39, page 405).

Consultation and co-operation between public and economic authorities, establishments and trade unions constitute a fundamental principle of the socialist social order of the German Democratic Republic. They cover not only the matters dealt with in the Recommendation but also all questions pertaining to the living and working conditions of the working class. Indeed, by virtue of article 44 of the Constitution, the trade unions participate, through their organisations and organs, in the functioning of the State, the economy and the community. They have their own parliamentary group in the "People's Chamber" (Volkskammer), which is the supreme authority of the State.

The consultation and co-operation taking place at all levels - at the national, industrial, regional and undertaking levels - assumes various forms.

Legislative measures have been enacted in pursuance of article 45(4) of the Constitution, which lays down that it shall be incumbent upon the economic and governmental authorities to co-operate closely with the trade unions. For instance, the Act

## CONSULTATION AT THE INDUSTRIAL AND NATIONAL LEVELS

---

respecting the Council of Ministers stipulates that measures shall be taken, in agreement with the Federal Executive Committee of the Free German Trade Union Confederation, with a view to improving working conditions, health and labour protection, labour standards and the cultural and sports activities of workers, as well as developing social policies for wages and incomes, the rational use of human resources, vocational training and advanced training, etc.

The Act of 12 July 1973 and the Ordinance of 28 March 1973 (mentioned above) likewise make it an obligation for the managements of establishments, combines and associations of nationalised undertakings to co-operate closely with the governmental authorities and the trade unions.

In pursuance of article 45(2) of the Constitution, it is specifically provided in the Labour Code that the Federal Executive Committee of the Free German Trade Union Confederation is empowered to submit to the Council of Ministers proposals for the development of the socialist labour legislation. No labour legislation may be adopted without the agreement of the Federal Executive Committee or the central executive committee of the trade union concerned, as appropriate. In addition, trade unions can conclude collective agreements concerning living and working conditions with the governmental and economic authorities and with the managements of undertakings (article 45(1) of the Constitution).

The trade unions have special rights in respect of the supervision, planning and application of health and labour protection. They take action in this respect through the intermediary of their inspectors, committees and labour protection supervisors. They are also responsible for operating the social security scheme for wage earners and salaried employees.

Co-operation between governmental and economic authorities, undertakings and trade unions takes place at all levels in the drawing up of plans. At the national level, the State Planning Commission, in its capacity as the central planning authority, must submit the draft national economic plan to the Federal Executive Committee of the Free German Trade Union Confederation for discussion and comment (article 44(3) of the Constitution, section 4 of the Act respecting the Council of Ministers, sections 5(3) and 15 of the Labour Code, sections 10-12 and 37 of the Ordinance of 28 March 1973).

Article 61 of the Constitution provides for the establishment of Committees of the People's Chamber (Volkskammer) to be responsible for the permanent supervision of the application of the law. The application of the socialist legislation, the ensuring of closer observance of the law and the protection of the rights and freedoms of citizens are the responsibility of the Council of Ministers (articles 79 and 80 of the Constitution and section 1(8) of the Act respecting the Council of Ministers). The chiefs of the governmental and economic authorities and the managements of undertakings are responsible for the application and observance of the legislation within their fields of competence (sections 1(3) and 3(4) of the Labour Code, section 7 of the Ordinance of 28 March 1973). In addition to the enforcement

## CONSULTATION AT THE INDUSTRIAL AND NATIONAL LEVELS

---

of the law, the public prosecutors ensure strict compliance with the standards laid down (article 97 of the Constitution). Furthermore, under the terms of article 4 of the Constitution, the trade unions themselves exercise surveillance to safeguard the rights accorded to the workers by law.

### GERMANY (FEDERAL REPUBLIC OF)

There exists in the Federal Republic of Germany a whole series of procedures, institutions, arrangements, regulations, etc., providing for consultation and co-operation between the organs of the State and employers' and workers' organisations, and between these organisations.

In the field of social insurance, co-operation between the authorities of the State and employers' and workers' organisations takes place within the very framework of the autonomous social security system, operated by the employers and workers without state intervention (though the State is entitled to examine the decisions taken to ensure that they are legal).

As concerns employment, the Government endeavours to define its policy and its attitude in a manner acceptable to all the parties concerned, and in particular to the employers' and workers' organisations.

Procedures and machinery for consultation and co-operation - unsullied by any discrimination or restrictions upon freedom of association and the free exercise of the right to organise - have been established both for tripartite consultation and co-operation between the public authorities and employers' and workers' organisations and for bilateral consultations and co-operation between these organisations.

In the case of tripartite consultation and co-operation, the employers' and workers' organisations are asked to comment on all bills or proposals for legislation relating to social policy matters. Furthermore, when the legislation to be adopted is of particular importance, it is customary for these organisations to state their views before the competent committees of the Federal Parliament. They are also able to submit their comments and suggestions to these parliamentary committees without waiting for an invitation.

Contacts between the Government and employers' and workers' organisations take place regularly at special sessions, such as the working meetings on "employment market policy" normally held twice a year at the Ministry of Labour and Social Affairs.

Both in the so-called "joint action group" on economic growth and full employment which meets under the aegis of the Federal Ministry of the Economy and in the working party on social policy which meets at the Ministry of Labour and Social Affairs, the major employers' and workers' organisations endeavour to reach an understanding with a view to the furtherance of their joint efforts in relation to economic growth, full employment, etc.



## UNRATIFIED CONVENTIONS AND RECOMMENDATIONS

---

The Committee on the Labour Code, set up in 1970 at the Ministry of Labour and Social Affairs, consists of representatives of the employers' and workers' organisations, academic circles and the public authorities, and has been set the task of preparing a consolidation of the labour legislation. Other similar bodies have been convened by the Government to prepare a Social Welfare Code, and to put social insurance plans into effect where necessary.

Section 414(g) of the Federal Social Insurance Code (Reichs-versicherungsgordnung) specifically provides that the sickness insurance associations must collaborate with the competent authorities in the fields of legislation and administration. It is incumbent upon the Social Affairs Council to express its views on questions pertaining to accident and pension insurance, and especially on the report concerning the adjustment of pensions submitted annually by the Federal Government and containing financial estimates in respect of the pension insurance plans for the next 15 years (sections 1273 and 1283(3) of the aforementioned Code).

Under the terms of section 192 of the Employment Promotion Act, the workers' and employers' organisations divide equally between them two-thirds of the seats on the Executive Board and the "legislative" Governing Body of the Federal Employment Institution, with the result that the employers and the workers can exert a powerful influence on the manner in which the law is complied with. At the lower echelons of labour administration, there are also autonomous management committees attached to the "Land" (provincial) and local employment offices, on which the employers and workers are represented in appropriate proportions.

The employers' and workers' organisations are represented on many bodies dealing with matters relevant to labour legislation and labour protection, such as the committees responsible for declaring collective agreements to be binding, the specialised committees and general committee set up under the Act respecting the prescribing of minimum conditions of employment, the committees established under the Home Work Act, the committees on collective dismissal at the "Land" (provincial) employment offices and at the head office (Hauptstelle) of the Federal Employment Institution, set up under the Protection against Dismissal Act, and the advisory committees on the disabled at the Central Agency for the Care of the Disabled and at the Federal Employment Institution, etc.

As concerns bilateral consultation and co-operation, the employers' and workers' organisations concert their efforts for the application of the collective labour law, especially as represented by the system of collective agreements. Their main tasks are to determine objectives and lay down general rules in respect of remuneration for work and other conditions of employment, to establish and organise machinery for conciliation, etc.

There exist bodies set up under collective agreements and operated jointly by the two sides of industry, such as the compensation funds, annual leave funds, etc., for different categories of workers.

## UNRATIFIED CONVENTIONS AND RECOMMENDATIONS

---

The Federal Government and the Land governments are responsible, each within its own area of competence, for the application of the legislation in this respect.

x

x

x

The German Confederation of Employers' Associations has pointed out that, as concerns the co-management of social welfare institutions, although the principle has been established that employers and workers should participate on an equal footing, this is not in fact the case with the Compensation Funds or the Federal Mining Union; the Workmen's Compensation Fund is operated exclusively by representatives of the insured persons, and the employers occupy only one-third of the seats in the Federal Mining Union.

### GHANA

Act No. 299, to revise and consolidate the law relating to trade unions, collective bargaining, conciliation and other matters affecting the relations between employers and employees (the Industrial Relations Act, 1965). Assented to 23 June 1965 (LS 1965 - Ghana 2).

The national industrial relations system guarantees both employers and workers sufficient initiative for joint consultation and negotiations with a view to improving the conditions of life of workers. Freedom of association and the right to bargain collectively are guaranteed to all workers.

At the industrial level, sections 5 and 6 of the Industrial Relations Act of 1965 empowers trade unions and managements to set up joint committees for the negotiation of the terms of collective agreements.

At the national level, a National Advisory Committee on Labour has been established under section 35 of the Industrial Relations Act to advise the Minister of Labour on all matters of policy relating to labour and labour relations, and on all proposals for legislation relating to labour and labour relations generally. This Committee consists of an equal number of representatives of employers and employees together with other persons. It meets at intervals determined by the Minister, and any member may propose a subject for inclusion in the agenda.

The Chief Labour Officer is entrusted with the supervision of the application of the legislation. Employers and workers are called upon to co-operate in this application in the manner prescribed in section 35 of the Industrial Relations Act.

## CONSULTATION AT THE INDUSTRIAL AND NATIONAL LEVELS

### GREECE

National General Collective Labour Convention of 26 February 1975  
(Government Gazette, 276, vol. B, of 4 March 1975).

Act No. 3239 of 18 May 1955 concerning, inter alia, labour disputes,  
etc. (LS 1955 - Gr. 2), amended by Legislative Decree No. 186  
of 9 May 1969.

Ministerial Order No. 2033 of 7 September 1974 concerning the  
reorganisation of the Prices and Incomes Commission  
(Government Gazette 864, vol. B).

By virtue of the National General Collective Labour Convention  
of 26 February 1975 whereby the parties recognise the need for a  
permanent dialogue with a view to finding solutions to all the  
problems of concern to employers and workers which have arisen or  
may arise, and at the request of the employers and workers, the  
Government is currently studying a bill to establish a joint tri-  
partite central body responsible for seeking solutions to all  
problems of common interest, and, specifically, for settling and  
attenuating disputes between the social partners.

According to Act No. 3239 of 1955, the Supreme Labour Council  
(a tripartite advisory body), set up within the Ministry for  
Employment is responsible for hearing and examining all matters  
concerned with the formulation and application of the social and  
labour policy.

Ministerial Order No. 2033 of 7 September 1974 concerning the  
reorganisation of the Prices and Incomes Commission of the Ministry  
for Co-ordination, stipulates that the Commission shall consist of  
representatives of the Government, employers and workers.

### GUATEMALA

Labour Code (LS 1961 - Gua. 1).

Government Order No. 270, dated 25 May 1960 to issue regulations for  
the Technical Advisory Board of the Ministry of Labour and  
Social Welfare.

Government Order, dated 23 December 1957, to institute the National  
Employment Service Department.

Government Order No. 24-70, dated 25 July 1970, to institute the  
National Social Policy Advisory Board.

Decree No. 295 of the Congress of the Republic, dated 28 October  
1946, comprising the Organic Law of the Guatemalan Social  
Security Institution.

Decree No. 17-71 of the Congress of the Republic, dated 26 April 1972,  
comprising the Organic Law of the Technical Institution for  
Training and Productivity.

## UNRATIFIED CONVENTIONS AND RECOMMENDATIONS

---

The provisions of the Recommendation were applied in the setting up of a number of public administration bodies on which the workers and employers are represented; these provide an appropriate means of maintaining constant consultation and co-operation between the workers' and employers' organisations and the public authorities. As regards mutual co-operation between workers' and employers' organisations, these organisations regularly harmonise their several activities within the framework of existing national legislation, thereby enabling effective systems of consultation and co-operation to be established.

The legal provisions govern the organisation and operation of public bodies of tripartite composition such as:

- (a) the advisory boards appointed for the Ministry of Labour and Social Welfare;
- (b) the independent bodies for the branch of activity; and
- (c) other public bodies.

The Technical Advisory Board of the Ministry of Labour and Social Welfare is composed of three government representatives and two representatives of the workers' and employers' organisations. The Technical Advisory Board is an advisory body for labour matters.

The National Employment Service Advisory Board, which advises on employment policy, includes representatives of workers and employers.

The National Social Policy Advisory Board is composed of three representatives of workers' trade union organisations with three substitutes and three representatives of employers' organisations with three substitutes. This Board is a workers' and employers' advisory board which co-operates with the Ministry of Labour and Social Welfare in the study and planning of the country's social and economic policy.

The Council of State is composed according to the provisions laid down by the national Constitution and its own organisational regulations. It comprises, among others, one councillor for urban workers and another for rural workers, appointed by the executive boards of the respective duly registered trade unions, and one councillor each for the following four sectors: agriculture, industry, commerce and private banking, appointed by the respective associations. The Council advises on specific aspects of the Government's policy. These functions include giving its views on international Conventions, agreements and other arrangements requiring the approval of Congress before Congress discusses the matter. International labour Conventions are included in this.

### GUINEA

Consultation and co-operation between public authorities and managements of state undertakings and workers at the national and industrial levels take place through practical arrangements. The aim is to develop relationships of mutual understanding between the

## CONSULTATION AT THE INDUSTRIAL AND NATIONAL LEVELS

---

Government, management, state-owned companies and the workers, and to create a climate of good industrial relations in the interests of efficient management.

No regulations have been issued to give effect to the Recommendation; this is done in practice through verbal instructions.

In the field of labour legislation and regulations, the Ministry of Labour collaborates closely with the National Committee of Workers of Guinea and with the central body for the co-ordination of state-owned undertakings and companies.

### GUYANA

In the absence of any legislation on the subject, consultation between public authorities and employers' and workers' organisations takes place under ad hoc administrative arrangements which are made to discuss problems as they arise.

In practice, the representatives of employers' and workers' organisations are always consulted by the Government on legislative and other issues.

### HONDURAS

Labour Code (LS 1959 - Hon. 1).

National Vocational Training Institute (INFOP) Act, 1972.

Legislative Decree 147 of 1 October 1974 concerning the creation of the Economic and Social Council.

Agreement No. 232 of 20 May 1975 on the creation of the Advisory Council on the banana policy to be pursued in Honduras.

In Honduras a number of measures of a legislative, administrative or practical nature refer to the matters dealt with in the Recommendation.

The Labour Code governs the relationships between capital and labour, establishing them on a basis of social justice so as to guarantee the worker such conditions as are necessary for a normal life and ensure that capital obtains a fair return on its investment (article 1). The chief functions of all trade unions are to encourage employers and workers to co-operate on the basis of justice, mutual respect and regard for the law and to assist in improving the methods peculiar to the occupation concerned and in developing the economy in general (article 491). The purpose of the National Vocational Training Institute (INFOP) is to help to increase national productivity and to promote the economic and social development of the country by establishing a national vocational training system for all sectors of the economy and for all levels of employment, in accordance with the national economic and social development plans and the real needs of the country. The INFOP is consequently responsible for directing, controlling, supervising, co-ordinating and evaluating vocational training activities at the national level. The senior management of the

## UNRATIFIED CONVENTIONS AND RECOMMENDATIONS

---

Institute is in the hands of a governing body consisting of four representatives of the State, two representatives of private enterprise and two workers' representatives.

The Economic and Social Council is an advisory body of the Office of the Head of State which was set up following the hurricane and floods which devastated the Atlantic coast of Honduras. Its functions are: (a) to study the reports on the evaluation of the damage caused by the hurricane and floods which devastated the Atlantic coast of Honduras and to make appropriate recommendations; (b) to study and analyse the investment plans for the reconstruction of the stricken areas and to submit its recommendations to the Executive; and (c) to make appropriate recommendations on economic and social measures at the request of the Government. The Council consists, inter alia, of six representatives of the economic sector and six representatives of the social sector. The latter are designated by the Executive through the Ministry of Government and Justice. The Economic and Social Council is convened by its Secretary and meets in the capital of the Republic.

The Advisory Council of the Head of State on the banana policy to be pursued in Honduras consists, inter alia, of one titular member and one substitute member representing the Workers' Trade Union of the Tela Railroad Company, one titular member and one substitute member representing the Unified Workers' Trade Union of the Standard Fruit Company, one titular member and one substitute member representing the Honduran Private Enterprise Council, one titular member and one substitute member representing the banana-producing co-operatives, and one titular member and one substitute member representing the National Association of Independent Banana Growers. The Council is required to submit to the Head of State its recommendation on the government policy to be followed in respect of the banana industry.

The Ministry of Economy is responsible for supervising the application of the legislative provisions and regulations. At present there are no plans to include the provisions of this Recommendation as a whole in domestic legislation.

### HUNGARY

Labour Code of 1967 (LS 1967 - Hun. 2A).

Governmental Decree No. 34/1967 of 8 October 1967, for the application of Act No. II of 1967, to promulgate a Labour Code (LS 1967 - Hun. 2B).

Paragraph 1 of the Recommendation. Under the Labour Code it is compulsory for state bodies and undertakings to collaborate with the trade unions. Moreover, the Council of Ministers may not issue regulations with regard to workers' living and working conditions until it has consulted the National Council of Trade Unions. The Council of Ministers and the leaders of the National Council of Trade Unions do in fact meet regularly to discuss such matters.

Paragraph 2. Freedom of association is guaranteed by the Constitution - Fundamental Law, and the right to bargain collectively by the Labour Code.

## CONSULTATION AT THE INDUSTRIAL AND NATIONAL LEVELS

---

Paragraph 3. The consultation and co-operation called for in the Recommendation are assured by legislation.

Paragraphs 4 and 5. The provisions of the Recommendation are fully applied. Consultation and co-operation between governmental authorities, enterprises and trade unions embraces also the supervision by the trade unions of the application of the legislation and regulations respecting workers' living and working conditions.

### ICELAND

There is no legislation covering consultation and co-operation between public authorities and employers' and workers' organisations at the industrial and national levels, but it is a custom of long standing that competent public authorities seek their views and assistance or appoint representatives of these organisations as members of committees, for the preparation and implementation of laws and regulations affecting their interests.

### INDIA

Tripartite consultation had its beginning in 1942 when the Indian Labour Conference and its adjunct, the Standing Labour Committee, were constituted. As advisory and deliberative bodies, these forums have, over the years, become instrumental in fashioning the labour laws and laying down guidelines for the maintenance of harmonious industrial relations at the plant, industrial and national levels. It is also in close association with both the employers' and the workers' organisations that labour policies and programmes are formulated for inclusion in the country's five-year plans. There is also a Consultative Committee of Parliament attached to the Labour Ministry which keeps a close watch on developments in the labour field and facilitates the formulation of labour policies and programmes for the betterment of the health, safety and welfare of workers.

At the industrial level, in addition to the industrial committee for the plantation industry, which was set up in 1947, 14 more industrial committees have been set up over the years for cotton textiles, jute, coalmining, mines other than coal mines, cement, tanneries and leather goods manufacture, iron and steel, building and construction, chemical industries, road transport engineering industries, metal trades, electricity, gas and power, and banking.

Tripartite consultation has been a great success in the determination and fixing of wages for major industries. From its inception in 1957 until the end of 1974, 22 wage boards were set up for 19 industries. The wage structure recommended by these wage boards, on which the workers and employers are represented, normally remains operative for a period of five years, and this has helped considerably to stabilise the wage pattern as well as to preserve harmonious industrial relations in these industries.

## UNRATIFIED CONVENTIONS AND RECOMMENDATIONS

---

The adoption in 1957 of a Code of Discipline, which seeks to promote co-operation between workers and employers at all levels, and of a model procedure for the redress of individual grievances, are evidence of the desire of labour and management to observe stricter discipline in industrial relations as well as to shift the emphasis from legislative to voluntary arrangements. The monitoring and evaluation of the implementation of the Code and of the guidelines of the model grievance procedure are handled by the central implementation and evaluation machinery at the national level and by the state evaluation and implementation machinery in the individual States.

Some of the labour enactments, such as the Minimum Wages Act of 1948, the Motor Transport Workers' Act of 1961, the Apprentices Act of 1961 and the Contract Labour (Regulation and Abolition) Act of 1970, provide for the setting up of committees consisting of representatives of the public authorities and of employers' and workers' organisations to advise the Government on the proper implementation of the provisions of the enactments in question.

In October 1966 the Government of India established machinery for joint consultation and arbitration with the object of promoting harmonious relations and co-operation between the Government, in its capacity as employer, and the organisations of central government employees. The scheme provides for regional and departmental councils and a national council whose scope includes all matters relating to conditions of service and work, the welfare of the employees and the improvement of efficiency and standards of work. As provided in the scheme, a Board of Arbitration was set up in July 1968. By December 1974, 83 cases had been referred to it. Machinery for consultation known as the permanent negotiating machinery was set up in January 1952 to deal with disputes between labour and administration on the railways.

Negotiating and consultation machinery has also been set up for various other industries such as the steel industry, tourism and civil aviation.

In many States tripartite advisory committees have been set up under the Minimum Wages Act, the Plantations Labour Act, etc. Bipartite committees such as works committees and joint management councils are also functioning in selected industries in the States. For instance, the Madhya Pradesh Industrial Relations Act, 1960 (sections 36 and 37), provides for the constitution of a joint committee at industrial level with the object of promoting measures to secure good relations and to that end consulting on matters of common interest. Similar joint or tripartite committees have been set up under legislative provisions in various other Indian States.

### INDONESIA

Up to the present no legislative provisions exist with regard to matters dealt with in the Recommendation. Nevertheless, a system of consultation on a tripartite basis functions in practice at the national and industrial levels.



## CONSULTATION AT THE INDUSTRIAL AND NATIONAL LEVELS

---

A national tripartite body operating under the supervision of the Directorate-General for Manpower Protection and Maintenance of the Department of Manpower, Transmigration and Co-operatives functions as a tripartite forum for discussing matters relating to labour.

It is intended to take measures to give effect to the provisions of the Recommendation not yet covered by national legislation or practice.

### IRAQ

Labour Code (Act No. 151 of 16 July 1970) (LS 1970 - Iraq 1).

Employers' and workers' organisations are consulted by the public authorities in connection with the choosing of employers' and workers' representatives to sit on employment termination boards (section 38 of the Labour Code), the setting up of a Wage Fixing Board (section 52 of the Labour Code), the nomination of representatives of the workers and of management and employers on the labour courts (section 156 of the Labour Code), the choosing of employers' and workers' representatives to be members of the board of management of the Employment, Vocational Training and Rehabilitation Institution (section 162 of the Labour Code), the setting up of advisory committees for the Central Employment Office and individual employment offices (section 174 of the Labour Code), the setting up of committees to supervise the implementation of the vocational training programme in public and quasi-public bodies and establishments in the public sector (section 190 of the Labour Code), and the setting up of an advisory committee to draft a national classification of occupations, and to undertake studies and give advice in this connection.

The Ministry of Labour and Social Affairs is responsible for supervising the application of the laws and regulations, in co-operation with the employers' and workers' organisations, as prescribed by section 138 of the Labour Code, concerning the inspection committees.

Consultation and co-operation are provided for by legislation and take place with the encouragement of the authorities or whenever such organisations freely decide to co-operate.

### ITALY

#### A. Consultation and co-operation between the public authorities and the employers' and workers' organisations

The most important body in which there is consultation and co-operation between the public authorities and employers' and workers' organisations is the National Council for the Economy and Labour, which was provided for in article 99 of the Constitution and is made up of experts and representatives of the productive forces of the nation. This Council, whose terms of reference were defined in

## UNRATIFIED CONVENTIONS AND RECOMMENDATIONS

---

Act No. 33 dated 5 January 1957, not only acts as an advisory body for the Government but it also has an independent power of initiative in launching economic and social legislation.

Co-operation between the public authorities and employers' and workers' organisations also occurs within the administrative organs of the social security and insurance institutions and within various committees such as the Central Vocational Guidance and Unemployment Assistance Committee and its provincial branches.

Act No. 1115 dated 5 November 1968, provides that the Council of Ministers for Economic Planning must consult the employers' and workers' organisations with a view to reviewing the employment situation and administrative action designed to ensure the achievement of the aims set forth in the National Five-Year Economic Development Plan.

### B. Consultation and co-operation between employers and workers

Article 46 of the Constitutional Charter lays down that, with a view to the economic and social evolution of the working class and in harmony with the requirements of production, the Republic recognises the workers' right to participate in the management of undertakings, in a manner and within the limits defined by law.

Act No. 533, dated 11 August 1973, respecting procedures for the settlement of individual and collective labour disputes, by eliminating recourse to the courts, favours conciliation proceedings in which the trade unions take part, with the employers and workers being represented in equal numbers.

The inter-federation agreement respecting the establishment and operation of internal committees, dated 18 April 1966, is designed to "maintain normal relationships between the workers and the management of the undertaking in a spirit of collaboration and mutual understanding".

Section 1 of the inter-federation agreement, dated 5 May 1965, on dismissal in the event of staff cutbacks obliges an employer to inform the workers' trade union organisations of any decision to cut his staff, with a view to joint discussion of the reasons for the reduction and means whereby the scale of such reduction might be lessened.

Similarly, the various national collective agreements now in force provide for the setting up of committees and boards to study occupational safety and health matters and take action thereon.

Some agreements also provide for information and consultation concerning the social and occupational consequences of technical and organisational innovation.

As regards placement of workers, the most representative workers' organisations can request the main labour offices to set up placement committees on which the trade unions are represented.

## CONSULTATION AT THE INDUSTRIAL AND NATIONAL LEVELS

---

### IVORY COAST

Labour Code (LS 1964 - I.C. 1).

Decrees Nos. 67-265 of 2 June 1967 (JO No. 22 of 30 April 1968), 67-321 of 21 July 1967 (JO No. 33 of 9 July 1968) and 68-300 of 20 June 1968 (JO No. 43 of 3 September 1968) to consolidate the regulations relating to the application of certain provisions of the Labour Code.

Decree No. 71-333 of 12 July 1971 (JO No. 35 of 12 August 1971) to modify the composition of the Governing Body of the National Social Welfare Fund.

Paragraph 1 of the Recommendation. The purpose of the consultation and co-operation referred to in the legislative provisions and regulations listed above is essentially to promote the study, at the national level, of (a) problems in respect of labour, employment of workers, placement, workers' movements, social welfare, etc., by an Advisory Labour Committee; and (b) matters of health and safety and medical service, by an expert workers' committee on health and safety.

In applying these provisions, no discrimination is made as to race, sex, religion, public opinion or national origin of any member of the trade union organisations concerned.

Paragraph 3. Apart from strictly legislative provisions and regulations, it is customary for the public authorities to organise meetings at ministerial level with the employers' and workers' occupational organisations to discuss problems of mutual interest.

Paragraphs 4 and 5. The main purpose of consultation and co-operation as laid down in the Ivory Coast is to permit the public authorities and employers' and workers' organisations to study problems of mutual interest together in order, as far as possible, to reach solutions that are acceptable to all.

At every industrial and national level, consultation and co-operation between public authorities and employers' and workers' organisations are designed to promote social peace and to establish a climate of mutual understanding among the country's active population.

The Minister of Labour and Social Affairs, with the assistance of appropriate experts (labour inspectors, attachés and supervisors), is responsible for applying the legislative provisions and regulations relating to consultation and co-operation between public authorities and employers' and workers' organisations.

### JAPAN

The deliberative councils established in the labour field have the functions of investigating and discussing, at the request of the Minister concerned, and of advising him on such matters as may be referred to them, and the opinions of these councils are fully

## UNRATIFIED CONVENTIONS AND RECOMMENDATIONS

---

reflected in the formulation by the Government of its concrete policies. These councils consist in most cases of members representing the public interest and members representing the employers and the workers, the latter being appointed on the recommendation of the employers' and workers' organisations.

Statutory bodies include the Central Labour Standards Council (section 13 of the Ministry of Labour Establishment Law and section 98 of the Labour Standards Law), the Workmen's Accident Compensation Insurance Council (section 13 of the Ministry of Labour Establishment Law and section 4 of the Workmen's Accident Compensation Insurance Law), the Pneumoconiosis Council (section 13 of the Ministry of Labour Establishment Law and section 24 of the Pneumoconiosis Law), the Central Minimum Wages Council (section 13 of the Ministry of Labour Establishment Law and section 26 of the Minimum Wages Law), the Home Work Council (section 13 of the Ministry of Labour Establishment Law and section 19 of the Home Work Law), the Workers' Property Accumulation Council (section 13 of the Ministry of Labour Establishment Law and section 14 of the Workers' Property Accumulation Promotion Law), the Smaller Enterprise Retirement Allowance Mutual Aid Council (section 13 of the Ministry of Labour Establishment Law and section 96 of the Smaller Enterprise Retirement Allowance Mutual Aid Law), the Central Employment Security Council (section 13 of the Ministry of Labour Establishment Law and section 12 of the Employment Security Law), the Physically Handicapped Persons' Employment Council (section 13 of the Ministry of Labour Establishment Law and section 18 of the Physically Handicapped Persons' Employment Promotion Law), the Employment Deliberation Council (Employment Deliberation Council Establishment Law), the Women's and Minors' Problems Council (section 13 of the Ministry of Labour Establishment Law, and the Women's and Minors' Problems Council Order (Cabinet Order No. 219)) and the Central Vocational Training Council (section 13 of the Ministry of Labour Establishment Law and section 95 of the Vocational Training Law).

Bodies established on a voluntary basis include the Industry and Labour Round Table Conference and the Tripartite Conference for the Promotion of ILO Technical Co-operation.

As well as these bodies for consultation and co-operation on labour matters, many other deliberative councils dealing with matters in the general economic, social security, tax or other administrative field also have employer and worker members.

### KUWAIT

Act No. 38 of 1964 respecting work in the private sector.

Ministerial Decree No. 6 of 1965 respecting the organising and functioning of the Superior Advisory Board on Labour Affairs.

Under the terms of section 90 of the Act of 1964 respecting work in the private sector, "joint committees" may be set up, either for a single undertaking or for a specific branch of economic activity, for the purpose of settling labour disputes, raising the social standard of the workers, organising welfare

## CONSULTATION AT THE INDUSTRIAL AND NATIONAL LEVELS

---

facilities for the workers, fixing wages, increasing output and reconciling the interests of employers and workers.

In pursuance of section 92 of the same Act, a Superior Advisory Board on Labour Affairs, consisting of representatives of the various ministries concerned and representatives of the employers and workers, has been set up by Ministerial Decree No. 6 of 1965. It is the task of this Board to give its views on the texts of legislation relating to labour and on amendments to these texts, as well as on any subject having a bearing on labour matters on which its opinion is sought by the Minister of Social Affairs and Labour. Provision is also made for the setting up of sub-committees specialising in vocational training, manpower and other fields, within the framework of the Superior Advisory Board. These subcommittees will likewise be tripartite.

### LEBANON

Decree No. 6304 of 5 December 1966, to establish and organise a National Labour Council (LS 1966 - Leb. 1).

Section 2 of Decree No. 6304 provides that the National Labour Council shall act as an advisory body to the Ministry of Labour and Social Affairs, with responsibility for studying social questions and the problems arising out of employer-employee relationships and for expressing opinions and submitting proposals and recommendations on the subject.

Under the terms of section 3 of the Decree, the National Labour Council may be consulted on draft labour and related laws, and on draft decrees and regulations made for the administration of such laws. The Minister of Labour and Social Affairs may request the Council to undertake such studies within its sphere of competence as he deems appropriate and useful.

Besides the representatives of the public authorities, 12 members of the Council represent the employers, and 12 represent the workers.

Section 12 of the Decree provides for the setting up by the Council during its first session of tripartite ad hoc committees to deal with matters relating to wages, manpower and occupational organisation, industrial relations and apprenticeship, agriculture, subsidies and workers' protection; other committees may be established as necessary by order of the Minister of Labour and Social Affairs.

In practice, even though the procedure has not yet been officially laid down, the essential provisions of Decree No. 6304 are put into effect in all the areas covered by the Recommendation.

Other tripartite bodies include the Central Vocational Training Agency, the health boards in the "moohāfizas", the management board of the social security scheme, the labour conciliation boards called upon to intervene in individual labour disputes, the Superior Collective Agreements Board, the Superior Conciliation Board, responsible for intervening in collective disputes, and the National Anti-Illiteracy Council.

## UNRATIFIED CONVENTIONS AND RECOMMENDATIONS

The new Labour Bill provides for the setting up of a tripartite Vocational Training Advisory Board, which will be called upon to co-operate with the Ministry in studying a plan for the harmonisation of the activities of vocational training centres. Another section of the Bill provides for the setting up of a Labour Affairs Committee, composed of the chiefs of departments of the Ministry interested in labour matters, to give its views on all other labour questions falling within the competence of the Ministry. Representatives of the employers' and workers' organisations will be entitled to attend, with consultative status, meetings of the committee at which anything to do with collective labour agreements or trade union organisations is to be discussed.

### LIBERIA

National Social Security Act.

There is no official machinery of a general nature for consultation and co-operation between public authorities and employers' and workers' organisations. However, the draft Labour Code does provide for the creation of a labour-relations service in the Ministry of Labour, which will take practical steps to promote consultation with employers' and workers' organisations and to develop suitable means of communication between these organisations, including the establishment of ad hoc tripartite bodies for conciliation and arbitration and multipartite committees of inquiry on which employers and workers will be represented on an equal footing.

For administrative reasons it has been impossible to set up the tripartite committee on minimum wages provided for under the Labour Practices Law; provision is made for its establishment in the draft Labour Code.

The tripartite committee of directors of the National Social Security Agency, whose seven members include one employers' representative and one workers' representative, has been set up to formulate social security policy and supervise its application.

The Multipartite Liberalisation Committee, established by Executive Letter No. DM/CAC/577/R.T. III of 15 April 1975 and comprising, among others, an equal number of representatives of employers' and workers' organisations, is required to study the various occupations exercised by expatriate workers and to recommend specific measures for implementing the liberalisation programme.

### LUXEMBOURG

The Act, dated 4 April 1924, establishing employers' and workers' representation through the establishment of trade chambers for the various social and occupational categories, namely, three employers' chambers (Chamber of Commerce, Chamber of Handicrafts and Chamber of Agriculture) and three workers' chambers (Chamber of Labour, Chamber of Private Employees and Chamber of Public

## CONSULTATION AT THE INDUSTRIAL AND NATIONAL LEVELS

---

Servants and Employees), stipulates that the opinion of the competent chamber must be procured on all Bills and proposed Orders and Grand-Ducal Decrees relating mainly and directly to a specific occupation. The members of the trade chambers are elected by secret ballot for a term of five years.

Each chamber is also entitled to make proposals to the Government, which must examine them and lay them before the Chamber of Deputies, where appropriate.

In addition to their advisory role in the legislative process the workers' trade chambers are responsible, *inter alia*, for supervising the observance of the Acts and Regulations relating to the workers and making proposals concerning the supervision of vocational training for salaried and wage-earning employees.

An Economic and Social Council was established by the Act, dated 21 March 1966, to study, either on its own initiative or at the request of the Government, economic, financial and social problems affecting the national economy and to make proposals to the Government based on the conclusions of these studies, whenever justified. The Government may seek the Council's advice on general legislative measures or regulations it intends to adopt, seek its united and co-ordinated opinion on matters of general interest, or on matters of principle on which the trade chambers have expressed fundamentally divergent opinions.

The Economic and Social Council is composed of 29 members, of whom 11 are employers' representatives, 11 are employees' representatives and 7 are independent members particularly conversant with economic and social matters.

The National Labour Office, established by a Grand-Ducal Order dated 30 June 1945, which is responsible for employment administration in Luxembourg, is assisted in its work by a joint administrative committee composed of delegates of the public authorities (Ministries of Labour and Economic Affairs, inspectors of labour) and employers' and workers' representatives under the chairmanship of the Director of the Office. Similarly, the Handicapped Workers' Placement and Vocational Rehabilitation Office, established by an Act dated 18 April 1959, is composed of equal numbers of government, employers' and workers' representatives.

In accordance with an Act dated 26 July 1975, an Economic Conditions Committee comprising the Ministers of Labour and Social Security, of the National Economy and of Finance, and five representatives each of the employers' occupational organisations and the most representative national trade union organisations has just been set up by Grand-Ducal Regulations, dated 18 August 1975, to discuss measures aimed at preventing layoffs due to the economic situation and maintaining a high level of employment and to keep a close watch on the development of the economic situation and report to the Government at least once a month.

## UNRATIFIED CONVENTIONS AND RECOMMENDATIONS

---

### MADAGASCAR

Consultation and co-operation between public authorities (Ministry of Labour) and employers' and workers' organisations take place mainly in the National Labour Council which was created by Ordinance No. 75-013/DM of 5 June 1975. This Council, which, under the presidency of the Minister of Labour or his representative, consists of two members of the National People's Development Council, the President of the Social Chamber of the Court of Appeals and an equal number of representatives of workers and employers, is, inter alia, called upon to study problems relating to labour, employment, guidance, vocational training, placement, movements of manpower, migration, improvement of physical, material and moral working conditions and social security and to give its views and adopt proposals and resolutions regarding appropriate regulations.

An Advisory Expert Committee has also been set up in the Ministry of Labour to study matters of health, occupational safety and industrial medicine.

### MALAWI

Consultation and co-operation between public authorities and employers' and workers' organisations at both industrial and national levels take place on a tripartite basis. There is established machinery to see that consultation takes place.

### MALI

Labour Code (Act No. 62-67 A.N.-R.M. of 19 August 1962) (LS 1962 - Mali 1).

Under section 338 of the Labour Code a Superior Labour Board has been set up at the national level, presided over by the Minister of Labour and comprising six workers' representatives and six employers' representatives, as well as representatives of the public authorities. It is compulsory for the advice of this Board to be sought in all cases where laws and regulations on labour matters are to be drafted. Section 339 specifies that the duties of the Board are to examine problems concerning labour, manpower, social security, and health and safety in undertakings, and to give advice and make recommendations and resolutions respecting the drafting of laws and regulations on these questions.

It is likewise responsible for studying the elements which can be used as a basis in fixing the minimum wage: the minimum living wage, economic conditions and their impact on workers' means of existence.

In the fields of employment, vocational training and social security, representatives of the employers' and workers' organisations sit alongside representatives of the public authorities on



## CONSULTATION AT THE INDUSTRIAL AND NATIONAL LEVELS

---

the boards of management of the National Manpower Office and the National Social Welfare Institution.

Consultation and co-operation with workers' organisations are also provided for in connection with the drawing up and implementation of economic development plans. Thus, an Economic and Social Commission was set up under Decree No. 143 of 28 August 1969 to enable the various economic and social forces of the nation to participate in the drafting and carrying out of the Plan. This Commission, composed of ten members representing the National Union of Workers of Mali, ten members representing the Chamber of Commerce, Agriculture and Industry and ten members representing the Management Committee for the Plan, gives its views on the broad lines of the Plan and on the draft programmes prepared by the National Planning Boards, and serves as a means of liaison with the occupational bodies represented on it so that they may be informed of the main possibilities for action and mobilised with a view to the achievement of the objectives of the Plan.

### MALTA

Conditions of Employment (Regulation) Act, 1952 (LS 1952 - Malta 1).

Industrial Training Act, 1952 (LS 1952 - Malta 2).

Consultation and co-operation at the industrial and national levels take place through several consultative bodies established by legislation. Wages Councils have been established under the Conditions of Employment (Regulation) Act, 1952, with the object of making proposals to the Government on wages, hours of work, vacations and sick leave and other conditions of work at the industrial level. The task of the Labour Board, established under the same Act, is to make proposals to the Minister on national minimum standards, such as the national minimum wage. The duties of the Youth Advisory Committee, established under the Industrial Training Act, 1952, include advising the Government on any matter relating to the employment of young persons.

In the industrial relations field, advisory committees and similar bodies exist on a voluntary basis with a view to facilitating negotiations between the parties and ironing out grievances - thus helping to promote mutual understanding and good relations between employers' and workers' organisations.

The official consultative bodies are composed of an equal number of employers' representatives, workers' representatives and independent persons, with the exception of the Youth Advisory Committee, which comprises an equal number of persons representing the employees' and the employers' interests.

The Department of Labour and Emigration is entrusted with the supervision of the application of the legislation and regulations relating to Wages Councils and similar bodies. The employers' and workers' organisations are of course called upon to co-operate in this application by nominating members to serve on these bodies.

## UNRATIFIED CONVENTIONS AND RECOMMENDATIONS

---

### MAURITIUS

The Employment and Labour Ordinance, 1939 (Cap. 214).

Industrial Training (National Advisory Council) Act, 1968.

Apprenticeship Act, 1968.

Industrial Relations Act, 1973.

Section 2 A of the Employment and Labour Ordinance, 1939, as amended, provides for the establishment of a Labour Advisory Board whose functions are to consider and to advise upon any matter affecting employment and labour. The Board is composed of an equal number of public officers, representatives of employers and representatives of employees.

Section 4 of the Industrial Training (National Advisory Council) Act, 1968, provides for the establishment of a National Advisory Council composed of public officers and 13 other members, including employers' and workers' representatives, to advise the Minister of Education and Cultural Affairs on national policy relating to matters connected with vocational and technical education and industrial training.

Section 4 of the Apprenticeship Act, 1968, provides for the establishment of the Central Apprenticeship Committee, which is composed of public officers, five representatives of employers and five representatives of workers and which deals with all matters concerning apprenticeship.

The Industrial Relations Act, 1973, provides for the establishment of Works Councils for the purpose of joint consultation and communication between management and trade unions.

The Ministry of Labour and Industrial Relations is responsible for the supervision of the application of the Employment and Labour Ordinance, 1939, and of the Industrial Relations Act, 1973. The application of the Industrial Training Act, 1968, is supervised by the Ministry of Education and Cultural Affairs and that of the Apprenticeship Act, 1968, by the Ministry for Employment.

### MEXICO

In practice both employers' and workers' organisations are consulted frequently in connection with the framing and implementation at the national level of specific policies relating to the various branches of economic activity.

Many tripartite bodies have been set up, including, inter alia, the labour courts, the National Minimum Wage Board, the National Commission for the Sharing by Workers in the Profits of the Undertakings, the Technical Council of the Mexican Social Insurance Institution and the National Human Resources Development Council.

## CONSULTATION AT THE INDUSTRIAL AND NATIONAL LEVELS

---

The National Tripartite Commission is an advisory body which met for the first time on 17 May 1971, with an agenda which included the ten basic features of the problems facing the country.

Its terms of reference include the following:

- To encourage a policy of dialogue, participation and joint responsibility of the Government and the representatives of labour and capital for tackling and solving the country's problems.
- To constitute an advisory body to the State for the determination of the economic and social trends to be followed in the national development process.

The Commission has included in its programme the study of the following subjects: investment to promote the employment of manpower, decentralisation of industry, unemployment, training of human resources, productivity, industries manufacturing individual spare parts (industrias maquiladoras), exports, high cost of living, people's housing and environmental pollution.

The National Tripartite Commission has 25 members, ten of whom represent the workers, ten the employers and five the Government. The latter are the Secretaries for Finance and Public Credit and for Industry and Commerce, the Attorney-General of the Republic, the Director-General of the National Institution for the Development of Rural Communities and People's Housing and the Secretary for Labour and Social Welfare, who is the Chairman.

To deal with the matters the Commission has to consider, six study committees have been set up to share the work of analysing the various points mentioned above. Each committee has set up in its turn tripartite working parties.

The National Tripartite Commission normally holds ordinary sessions at least once a month, but extraordinary sessions can be convened whenever necessary or whenever the subject to be discussed is of sufficient importance.

### MOROCCO

Dahir of 18 June 1936 to issue regulations respecting hours of work (LS 1936 - Mor. 1).

Dahir of 21 July 1947 respecting weekly rest and public holidays (LS 1947 - Mor. 2).

Decree No. 2-56-248 of 8 February 1958, made under Dahir No. 1-56-093 of 8 July 1957 respecting the organisation of industrial medical services (LS 1959 - Mor. 1B).

## UNRATIFIED CONVENTIONS AND RECOMMENDATIONS

---

- Dahir No. 1-59-352 of 31 October 1959 respecting the general raising of wages to keep pace with the rise in the cost of living (Bulletin officiel, No. 2457, 27 November 1959, p. 2001), as amended by Dahir No. 1-61-352 of 2 December 1961 (BO, No. 2563, 8 December 1961, p. 1751).
- Dahir No. 1-58-145 of 29 November 1960, to establish a Superior Collective Agreements Board (BO, No. 2511, 9 December 1950, p. 2048).
- Royal Decree No. 249-66 of 18 June 1966 to specify the composition and terms of reference of the Superior Mutual Insurance Board (BO, No. 2800, 29 June 1966, p. 715).
- Royal Decree No. 319-66 of 14 August 1967 to establish manpower committees and a Superior Manpower Board (BO, No. 2860, 23 August 1967, p. 991).
- Dahir to promulgate Act No. 1-72-184 of 27 July 1972 respecting the social security scheme (LS 1972 - Mor. 2).
- Dahir No. 1-73-206 of 10 April 1973 to promulgate an Act specifying the composition of the Superior National Advancement and Planning Board (BO, No. 3154, 11 April 1973, p. 536).
- Dahir to promulgate Act No. 1-72-183 of 21 May 1974, instituting the Vocational Training and Employment Promotion Office (BO, No. 3213, 20 May 1974, p. 893).
- Decree No. 2-74-633 of 28 September 1974 respecting the appointment of advisers on social matters and the issuance of regulations in respect of them (BO, No. 3230 bis, 30 September 1974, p. 1340).

The statutory provisions mentioned above are in conformity with the objectives of the Recommendation as stated therein.

The supervision of the application of the legislation and regulations on consultation and co-operation is entrusted to the labour inspectors and supervisors.

### NETHERLANDS

Consultation and co-operation between employers' and workers' organisations at the industrial and national levels, and between these organisations and the Government at the national level, play a major role in the Netherlands system of industrial and labour relations. The basis for such consultation and co-operation is either established practice or legal provisions.

In the "Labour Foundation", formed jointly by the most important employers' and workers' organisations, these organisations consult one another on general economic and social matters, as well as discussing directives concerning the fixing of wages and prices in collective agreements. Every year the Government consults this "Labour Foundation" about these general directives, which are sometimes laid down in central agreements.

## CONSULTATION AT THE INDUSTRIAL AND NATIONAL LEVELS

In view of the fact that the range of consultation has been tending to broaden in recent years, and that wage policy in respect of the different categories of workers is one of the subjects covered by this consultation, the Government has taken the initiative of associating other organisations, such as organisations of self-employed persons and professional workers, in the machinery for consultation on the recommendations concerning general socio-economic policy.

Under the law the Labour Foundation must be consulted particularly in respect of the declaring of collective agreements to be binding or not binding, the laying down of rules with regard to working conditions, the application of the Minimum Wages Act and any other matters of importance in the social field.

Consultation between employers' and workers' organisations takes place in advisory bodies set up for various branches of industry for the purpose of ensuring the application of collective agreements, and in some cases of discussing general questions relating to the branch of industry in question.

The Economic and Social Council - a tripartite advisory body set up by law to deal with socio-economic policy questions - has the task of furthering the general interests of industry and of industrial workers.

In the field of social security, employers' and workers' representatives sit on the following bodies: the Social Insurance Council, the industrial insurance boards, the Social Insurance Administration Office, the Social Insurance Bank, the Invalidity Insurance Fund, the General Unemployment Fund, the Board of the Health Insurance Funds, and the Regional Labour Councils.

Lastly, there is a central advisory body on matters relating to civil servants.

In all the areas mentioned above, the Government's role is one of stimulation, backed by national advisory bodies such as the Economic and Social Council, the Social Insurance Council and the Labour Foundation.

The present machinery for consultation and co-operation functions satisfactorily. Nevertheless, the Economic and Social Council is at present reviewing the problems of the representation of employers' and workers' organisations on various bodies.

### Netherlands Antilles

Ordinances P.B. 1970, No. 136, P.B. 1971, No. 24 and P.B. 1973, No. 204 concerning the Socio-Economic Council.

The Socio-Economic Council, composed of representatives of the public authorities, employers' organisations and federations of trade unions, gives advice in writing to the Minister responsible for matters of a socio-economic nature, either at the request of the Minister or on its own initiative.

When circumstances so require, the Government convenes a meeting of the representatives of the public service and of

## UNRATIFIED CONVENTIONS AND RECOMMENDATIONS

---

employers' and workers' organisations to discuss problems connected with the balance of payments and inflation. An advisory body known as the Unemployment Committee has been set up by the Minister of Employment in order to obtain information on measures that have to be taken to reduce unemployment as far as possible.

The Socio-Economic Council is currently dealing with a draft ordinance concerning industrial relations, while a draft ordinance concerning the declaration of provisions of collective agreements, as generally binding or as non-binding has been submitted to the Netherlands Antilles Parliament for approval.

The Lago Oil and Transport Co. Ltd. suggests that, before new statutory regulations are submitted to the "Raad van Advies" (Advisory Council), Parliament and the Socio-Economic Council, the Government should first consult the relevant employers' and workers' organisations whenever the latter's interests are affected by such regulations.

### NEW ZEALAND

Apprentices Act 1948.

Shipping and Seamen Act 1952.

Waterfront Industry Act 1953.

Labour Department Act 1954.

Agricultural Workers Act 1962 (LS 1962 - N.Z. 1).

Technicians' Training Act 1967.

Vocational Training Council Act (LS 1968 - N.Z. 1).

Industrial Relations Act 1973 (LS 1973 - N.Z. 1).

Joint consultation, usually on an ad hoc or informal basis, between public authorities and employers' and workers' organisations is customary in New Zealand at both the national and the industrial levels.

There are also various legal provisions which promote the type of consultation covered by this Recommendation.

The functions of the Industrial Relations Council - a tripartite body set up under the Industrial Relations Act of 1973 - are, inter alia, to consider matters of policy relating to industrial matters, to make recommendations to the Government on the formulation and implementation of manpower policies, to formulate codes of practice relating to industrial relations, and to recommend to the Government ways and means of improving industrial relations and industrial welfare, including the amendment of the law where necessary. The Council held its first meeting in August 1964 and since then has met at approximately 10-12 week intervals.

## CONSULTATION AT THE INDUSTRIAL AND NATIONAL LEVELS

---

Bodies now functioning in pursuance of the Labour Department Act of 1954 include the National Advisory Council on the Employment of Women, the Immigration Advisory Council and various district employment advisory committees. Other committees, such as the Equal Pay Review Committee, which is assessing the degree of implementation and effect of the Equal Pay Act of 1972 are often set up on an ad hoc basis. The Waterfront Industry Act provides for the establishment from time to time of a National Amenities Committee to deal with the provision and maintenance of amenities for waterside workers, and for the establishment of separate Port Amenities Committees to prepare schemes for the provision of amenities for waterside workers.

The Apprentices Act of 1948 provides for the setting up of committees, either at the national level or at the local level, to estimate the requirements of a particular industry or group of industries as to the number of apprentices needed, and to co-operate with the Department of Education for the purpose of ensuring that these apprentices obtain the maximum amount of educational training.

The Marine Council set up under the Shipping and Seamen Act of 1952 is required to inquire into and report to the Minister upon any matter relating to the shipping industry, including any proposed regulations referred to it.

Section 16 of the Agricultural Workers Act of 1962 provides that before any Order in Council is made prescribing wage rates or other conditions of employment in respect of any class of agricultural workers an opportunity shall be given to the organisations of workers of that class and to the organisations of their employers to confer with a view to reaching agreement on the provisions to be included in the order.

The functions of the Vocational Training Council, established under the Vocational Training Act of 1968, include the making of recommendations with respect to every aspect of vocational training, including research, planning, co-ordination, implementation and promotion. Industry Training Boards have also been established to cater for the training needs in particular sectors of the economy, such as journalism, engineering, hotels and catering, tanning, etc.

The Technicians' Training Act of 1967 provides for the establishment of tripartite technician training councils with powers to amend or consolidate any determinations fixing the conditions of employment of any class of trainees in the industry concerned, and to supervise and regulate the employment and training of trainees.

It is the general practice to consult organisations of employers and workers on matters affecting their interests and to accord them representation on the bodies mentioned above. It is also usual for such organisations to consider plans for economic and social development and then arrange to meet the Government for discussion of their views. In many areas the Government has taken the initiative and sought the views and assistance of the employers and workers, the most notable recent instance of this being the convening in 1969 of a National Development Conference at which all sectors of industry and society joined together in working

## UNRATIFIED CONVENTIONS AND RECOMMENDATIONS

---

out a development plan for New Zealand. The role of the National Development Council which resulted from the Conference has now been taken over by the Cabinet Committee on Policy and Priorities, but many of the sector councils are still operating as originally formed, and are making a significant impact on the country's economic and social development.

### NIGER

Consultation between public authorities and employers' and workers' organisations with respect to the drafting and application of legislation and certain programmes of a social nature takes place principally in the Advisory Labour Committee, established by virtue of article 108 of the Labour Code, in which the employers' and workers' organisations are represented.

The Advisory Labour Committee can be consulted on all matters relating to labour and manpower. In certain cases, its advice has to be sought.

### NORWAY

Act of 27 June 1947 respecting measures to promote employment.

Act of 7 December 1956 respecting the protection of workers, as amended on 15 December 1972 and 16 June 1972.

Act of 10 February 1967 relating to the procedure in administrative cases, as amended on 19 June 1969.

Companies Act of 6 July 1971, as amended on 12 May 1972.

Act of 14 June 1974 respecting a Board for the Inspectorate of Explosives.

Section 54(2) of the Act of 10 May 1968 respecting the protection of workers, which instituted a Labour Inspection Council, provides that this Council shall consist of seven members, including two representatives of the employers and two representatives of the employees, and that at least one of the employees' representatives and at least one of the employers' representatives shall be appointed on the recommendation of the Confederation of Trade Unions in Norway and the Norwegian Employers' Confederation, respectively.

Section 63 of the same Act was subsequently amended by an Act of 16 June 1972 to provide for the setting up in every commune of a workers' protection committee consisting of not less than three members, including at least one representative of the employees and one representative of the employers, nominated respectively by the Confederation of Trade Unions and the Employers' Confederation.



## CONSULTATION AT THE INDUSTRIAL AND NATIONAL LEVELS

---

The Act respecting measures to promote employment likewise provides that various institutions, such as the Board of the Labour Directorate, the county and district employment and initiative committees, the Seamen's Committee and the supervisory committees for the seamen's employment offices, must include employers' and employees' representatives among their members. Co-operation between public authorities and employers' and workers' organisations in the field of employment policy takes place in accordance with the provisions of the Recommendation.

The Act relating to the procedure in administrative cases stipulates that before any decision is taken for the issuance, amendment or repeal of regulations all the occupational associations affected by these regulations must be consulted.

The Companies Act, and the regulations issued pursuant to it, were prepared in close co-operation with the employers' and workers' organisations.

At present a working party on which the employers' and workers' organisations are represented is studying the question of representation of local and regional government on the decision-making bodies of undertakings. In addition a report from a committee inquiring into the right of employees to co-decision in public undertakings and services has been submitted for comment to the organisations and institutions affected by it.

An Act of 14 July 1974 provides for the appointment of a Board for the State Inspectorate of Explosives - the supreme authority of the Inspectorate of Explosives - to consist of seven members, including two representatives of the employers' organisations and two representatives of the workers' organisations.

Furthermore, section 37 of the Act of 10 February 1967 relating to the procedure in administration stipulates that it is incumbent upon the public authorities to submit drafts of all provisions concerning industrial relations and conditions of employment and work to the employers' and workers' organisations.

### PAKISTAN

Legislative, administrative and practical provisions exist in Pakistan in regard to the matters dealt with in the Recommendation.

At the national level the Tripartite Labour Conference has been established to examine all important labour problems, including matters relating to the ILO, and to suggest amendments to the existing labour legislation.

At the provincial level, labour advisory boards advise and make recommendations to the provincial governments with regard

## UNRATIFIED CONVENTIONS AND RECOMMENDATIONS

---

to labour policy, labour legislation and the promotion of good relations between employers and workers.

Employers and workers are also represented on the governing bodies of the social security institutions, the Provincial Wage Board and other bodies created for the implementation and approval of workers' welfare programmes.

At the industrial level, section 24 of the Industrial Relations Ordinance requires all establishments employing 50 or more workers to constitute a works council comprising an equal number of employers' and workers' representatives. The functions of the works council in each industrial unit are to endeavour to maintain sympathy and understanding between employers and workers, to promote security of employment and conditions of safety, health and job satisfaction for the workers, to encourage vocational training within the establishment, to take measures for the improvement of working conditions and to discuss any other matter of mutual interest with a view to promoting better labour-management relations.

Tripartite Labour Conferences are held under the supervision of the Federal Government. The provincial governments are responsible for the implementation of section 24 of the Industrial Relations Ordinance, and of the provisions relating to the social security institutions and the minimum wages boards.

### PANAMA

Cabinet Decree No. 249 of 16 July 1970 (Gaceta Oficial, 27 July 1970, No. 16655), Act for the institution of the Ministry of Labour.

The Act for the institution of the Ministry of Labour and Social Welfare of Panama provided for the setting up and functioning of the following bodies: National Labour and Social Welfare Council, National Minimum Wage Board, Technical and Vocational Training Board, Maritime Labour Board, Social Service Technical Council and Tripartite Council on Freedom of Association.

The terms of reference of each body are as follows:

- (a) The National Labour and Social Welfare Council has, inter alia, the following functions: to harmonise economic development with the social development of the country; to advise the Minister on matters relating to labour and social security which are referred to it for consideration; to submit proposals to the Minister for any amendment of provisions or alterations in services it considers to be necessary; to give its views especially on questions relating to workers' education and occupational safety and health.
- (b) The functions of the National Minimum Wage Board include the following: to recommend the fixing of minimum wages on the basis of special studies and inquiries; to give a ruling on any properly founded request for a review of minimum wages

## CONSULTATION AT THE INDUSTRIAL AND NATIONAL LEVELS

---

made during the period of operation of the decree whereby they were fixed; to refer to the competent organ of the Ministry of Labour and Social Welfare any denunciations or claims alleging non-compliance with the decrees fixing minimum wages.

- (c) The functions of the Technical and Vocational Training Board include the following: to co-ordinate the activities and programmes being carried out in the country in the field of vocational training and apprenticeship; to study, examine and propose plans and programmes for the institutions concerned with vocational training and apprenticeship.
- (d) The Maritime Labour Board has, among others, the following functions: to reaffirm to all seafarers the principles of sovereignty to ensure that they serve to the best of their ability the maritime economy of the country; to promote the cultural, vocational and economic advancement of all seafarers; to press for the application of social security to seafarers.

In addition to the bodies mentioned above, set up under laws or decrees and operating under the jurisdiction of the Ministry of Labour, it is common national practice for joint bodies of various kinds to be set up through collective bargaining at enterprise level. Mention should be made in particular of works committees set up to intercede in respect of the functioning of the undertaking and in respect of disciplinary sanctions imposed therein, and of productivity committees, which attempt to regulate all activities designed to achieve higher productivity and greater efficiency within the undertaking.

### PHILIPPINES

Presidential Decree No. 442 of 1 May 1974 (Labour Code).

Republic Act No. 875 (Industrial Peace Act).

The legislative, administrative and practical provisions in the Philippines are in conformity with the provisions of the Recommendation.

Republic Act No. 875, better known as the Industrial Peace Act, was first enacted on 17 June 1953. Its purposes are (1) to eliminate the causes of industrial unrest; (2) to promote sound industrial peace; (3) to extend appropriate facilities for the settlement of issues between employers and employees through collective bargaining; and (4) to avoid and minimise differences arising from collective bargaining by prescribing certain rules. Sections 13 and 14 of this Act provide for a system of collective bargaining for the purpose of reaching agreement on terms and conditions of employment. Section 20 of the same Act provides that the President of the Philippines may, from time to time, call a national conference of representatives of employers and of workers for the consideration and adoption of codes of principles in

## UNRATIFIED CONVENTIONS AND RECOMMENDATIONS

---

regard to labour-management relations designed to prevent or minimise industrial disputes, particularly those affecting the general welfare. The Secretary of Labour is also authorised to call from time to time, acting in consultation with representatives of the employers' and workers' organisations concerned, a similar conference in any industry or region for the same purpose.

The Labour Code practically embodies all the provisions of the Recommendation concerning consultation and co-operation. As a matter of fact, the Labour Code was the product of tripartite consultation and co-operation between the Government, labour and management, at the National Tripartite Congress held in 1973.

The Department of Labour, which is primarily entrusted with the supervision of the application of the laws and regulations on consultation and co-operation, is at present arranging for representatives of labour and management to sit on bodies such as the National Labour Relations Commission, the National Manpower and Youth Council, the Overseas Employment Development Board and the National Seamen's Board. Moreover, the Secretary of Labour makes a point of consulting both management and labour leaders on issues of vital and national importance.

### POLAND

Labour Code (Act of 26 June 1974, which came into force on 1 January 1975) (Official Gazette, No. 24, Text 141).

Act of 1 July 1949 respecting trade unions (Official Gazette, No. 41, Text 293) (LS 1949 - Pol. 2).

Act of 20 December 1958 respecting workers' self-management (Official Gazette, No. 77, Text 397) (LS 1958 - Pol. 4).

Act of 24 September 1974 respecting regional labour and social insurance courts (Official Gazette, No. 39, Text 231).

Decree of 6 February 1945 to institute works councils (Official Gazette, No. 8, Text 36) (LS 1945 - Pol. 2A).

Decree of 10 November 1954 respecting labour inspection (Official Gazette, No. 8, Text 47).

Ordinance of the Council of Ministers dated 5 December 1974 respecting collective labour agreements (Official Gazette, No. 47, Text 288).

Resolution No. 312a of the Council of Ministers dated 14 August 1958 respecting methods of fixing wages and employment-related benefits (Monitor Polski, No. 76, Text 448).

The Act of 1 July 1949 respecting trade unions, which guarantees the right of all workers to associate freely in trade unions, provides that trade unions shall co-operate with authorities and institutions in the fields of public administration, national economy and supervision. In the exercise of their

## CONSULTATION AT THE INDUSTRIAL AND NATIONAL LEVELS

---

functions, the trade unions represent all workers, both organised and unorganised, in all matters affecting the common interests of the workers.

The Labour Code stipulates that trade unions shall co-operate with the competent authorities of the State in the framing and enforcement of the labour legislation, and shall participate actively in efforts to ensure respect for the rights and obligations of the workers.

According to the Ordinance of the Council of Ministers published on 5 December 1974, collective labour agreements determining the conditions of remuneration and work for a specific branch of industry or occupation are to be concluded between the competent minister or the chief of the central office concerned, representing the work establishments, and the principal administrative organ of the trade union concerned. Furthermore, Resolution No. 312a of the Council of Ministers dated 14 August 1958 respecting methods of fixing wages and employment-related benefits states that detailed rules concerning remuneration for work and fringe benefits provided by work establishments are to be laid down by the competent ministers in agreement with the principal administrative organs of the trade unions concerned.

The Labour Code and the Act of 20 December 1958 respecting workers' self-management provide that the workers, through the workers' council for their undertaking, shall co-operate with the management of their establishment with a view to the improvement of output and working conditions, particularly in regard to remuneration, the enhancement of skills, etc.

The Decree of 6 February 1945 for the institution of works councils authorises these councils to co-operate with the public authorities in matters concerning the public supervision of the economic activities of the undertaking. Under the terms of a Decree dated 10 November 1954, the Labour Inspectorate, as an organ of the trade unions, exercises supervision in respect of occupational safety and health conditions and the observance of the labour legislation.

It is the responsibility of the labour and social insurance courts established, with the participation of the trade unions concerned, in pursuance of the Act of 24 October 1974 respecting regional labour and social insurance courts, to settle disputes in respect of industrial relations and social insurance.

### PORTUGAL

Legislative Decree No. 392/74 of 21 August 1974 regulating the right to strike and to impose a lockout.

Legislative Decree No. 215-B/75 of 30 April 1975 respecting trade union associations.

Legislative Decree No. 215-C/75 of 30 April 1975 respecting employers' associations.

## UNRATIFIED CONVENTIONS AND RECOMMENDATIONS

---

Legislative Decree No. 762/74 of 30 December 1974 for the organisation of the Secretariat of State for Employment.

Legislative Decree No. 48275 of 14 March 1968 respecting vocational training.

Regulations of 13 May 1959 respecting occupational medicine, health and safety.

Section 8 of Legislative Decree No. 392/74 provides that in the absence of machinery for the settlement of labour disputes, mediation, which must take place before a strike, shall be provided by ad hoc committees chaired by a representative of the Ministry of Labour and composed of two representatives of the management and two representatives of the employees.

Section 4 of Legislative Decree No. 215-B/75 provides that trade union associations shall exist for the purpose of ensuring and furthering the defence of the socio-occupational rights and interests they represent, and, in particular, of concluding collective labour agreements. In the same way, Legislative Decree No. 215-C/75 guarantees the employers' associations the right to further their interests and to conclude collective agreements.

Legislative Decree No. 782/74, for the organisation of the Secretariat of State for Employment, provides, with a view to ensuring close collaboration between the Secretariat of State and other public authorities and private organisations, for the establishment of regional delegations (with employment and training centres), assisted by regional advisory boards on which it is compulsory for representatives of the workers and the employers to sit. Moreover, the Director-General for Employment will be assisted by a committee consisting of the chiefs of service of his Directorate-General, on which the workers and employers may be represented.

In the field of vocational training, Legislative Decree No. 48275 of 1968 provided for co-operation, through the conclusion of protocols, between the training service and other interested bodies. The training service having recently been abolished by Act No. 762 of 30 December 1974, the functions of this service have now been taken over by the Directorate-General for Employment.

Safety committees have been set up in pursuance of the Occupational Medicine, Health and Safety Regulations of 13 May 1959, as the outcome of collective bargaining, primarily to carry out regular health and safety inspections. These committees, which have been established in many undertakings, consist of two members appointed by the undertaking and two members appointed by the trade unions concerned.

As concerns collective bargaining, pending the publication of rules to regulate collective labour relations - expected before the end of 1975 - it is the responsibility of the Ministry of Labour to settle disputes, but by mutual agreement the parties may appoint an arbitration board.

## CONSULTATION AT THE INDUSTRIAL AND NATIONAL LEVELS

---

### ROMANIA

Under the terms of article 5 of the Constitution of the Socialist Republic of Romania, the national economy is a socialist economy, based on socialist ownership of the means of production.

The socialist system of economic and social development in Romania is so oriented as to aim in particular at a constant broadening of socialist democracy and of the institutional framework so as to enable every citizen to participate in the handling of public affairs, and to unite the whole people around the Romanian Communist Party and the working class.

Act No. 8/1972, respecting the organisation and management of socialist state units, gives effect to the provisions of the Constitution relating to the exercise by the people of the right to administer socialist state-owned property, specifying the responsibilities of the organs of collective management in socialist state units and the functions and role of workers' general assemblies.

Every worker who becomes a member of the community of a socialist state enterprise becomes a participant in the administration of the property thus entrusted to him, with all the rights and obligations provided for by law.

The "Section of Managers of Economic Organisations of the Socialist Republic of Romania", founded in 1973, represents, as the equivalent of the employers' associations in the non-socialist countries, the economic organisations of Romania at conferences, assemblies, meetings, etc., and at the International Labour Conference. Its tasks are to promote exchanges of experience among its members, to formulate proposals with regard to industrial relations and to express its views on draft Conventions, Recommendations, decisions and proposals concerning labour problems, inter alia.

Regular consultation and fruitful co-operation between the central state economic organs, the Section of Managers of Economic Organisations and the General Trade Union Federation of Romania have been established in all major fields pertaining to labour and social welfare.

### RWANDA

Labour Code (LS 1967 - Rw. 1).

Article 159 of the Labour Code provides for the establishment by the Minister of Labour of a Labour Advisory Committee, presided by the Minister or his representative and composed of an equal number of employers and workers.

In certain cases, consultation of this body is compulsory, particularly in respect of regulations contained in the Labour Code. In addition to the matters on which it is compulsory under the Labour Code to seek its views, the Committee may also be consulted on any aspect of labour and manpower.

## UNRATIFIED CONVENTIONS AND RECOMMENDATIONS

---

### SINGAPORE

Economic Development Act, 1970.

National Productivity Board Act, 1972.

Industrial Training Board Act, 1972.

Central Provident Fund Board Act, 1970.

Adult Education Act, 1971.

Consultation and co-operation at industrial and national levels between public authorities and employers' and workers' organisations cover such areas as employment promotion, industrial relations and productivity, industrial training, industrial health and safety and social security and welfare.

Among the tripartite co-operation bodies responsible for economic and social affairs are the Economic Development Board, the National Productivity Board whose function is to improve productivity in industries, the National Wages Council which is mainly responsible for formulating general guidelines on wage policy, the National Industrial Relations Council for the promotion of industrial relations, the Industrial Training Board, the Advisory Committee on Safety and Health in Shipyards and the Central Provident Fund Board.

As regards co-operation between employers' and workers' organisations, a Charter for Industrial Progress and Productivity Code of Practice was signed in January 1965 by the National Trades Union Congress, the Singapore Manufacturers' Association, and the Singapore Employers' Federation, with a view, inter alia, to setting up joint productivity consultative councils in establishments employing more than 50 workers. These councils do not in fact interfere with the authority of management nor with that of the trade unions and are not authorised to discuss wages and conditions of service.

In addition, two representatives of the National Trades Union Congress sit on the Adult Education Board, as provided under the Adult Education Act, 1971.

### SPAIN

The provisions governing the conditions of work and participation of employers' and workers' organisations through their respective trade unions, include the following:

Wages (Fixing of Conditions of Employment) Act of 16 October 1942 (articles 6 and 9).

Decree No. 599/1973 of 29 March 1973, to approve the general regulations for trade unions and other co-ordinating bodies (articles 1 and 4).



## CONSULTATION AT THE INDUSTRIAL AND NATIONAL LEVELS

---

Organisation of employment: the following provisions refer to the placement of workers, which is organised free of charge on a national and public basis:

Decree No. 799/1971 of 3 April 1971 respecting the organisation and operation of the labour delegations, article 13 of which provides for the establishment of the Provincial Committees for Employment and Social Advancement.

Order of 22 November 1971 respecting the composition and functions of the aforementioned provincial committees, which comprise the Presidents of the Provincial Councils of Employers and Workers, as well as three economic members and three social members appointed by the corresponding trade union council.

Decree No. 1579/1972 of 15 June 1972, respecting the reorganisation of the Ministry of Labour, to establish the National Employment Committee as an advisory body of the General Directorate of Employment, whose members include representatives of the Trade Union Organisation.

Decree No. 535/1975 of 21 May 1975 respecting the reorganisation of the Ministry of Labour, to transform the National Employment Committee into the National Committee for Employment and Social Advancement.

Legislative Decree No. 1/1975 of 22 March 1975 to reorganise employment services within the framework of the Ministry of Labour, with the collaboration and participation of the Trade Union Organisation, and to create the Employment and Training Service which is to act as a public social security service.

The participation of representatives of employers' and workers' organisations in public administration and in the social security administrative bodies and services which are directly or indirectly involved in vocational training and retraining is reflected in the following provisions:

Act No. 40/1959 of 11 May 1959 respecting workers' universities (established in 1956).

Decree of 9 November 1962 to establish a General Directorate of Social Advancement to administer the workers' vocational training programme.

Decree No. 907/1966 of 21 April 1966 to approve the consolidated text I of the Social Security Act, which provides for assistance for intensive or accelerated training as an indirect benefit resulting from the basic unemployment benefits and establishes, inter alia, the Social Training and Education Service.

Act No. 14/1970 of 4 August 1970 respecting education and the financing of the educational reform, where it refers to vocational training and the participation therein of trade union and social security bodies.

The collaboration of workers' and employers' trade union representatives in respect of occupational safety and health is

## UNRATIFIED CONVENTIONS AND RECOMMENDATIONS

---

reflected in the following provisions which are given in chronological order:

Order of 9 March 1971 to approve the National Occupational Safety and Health Plan.

Order of 9 March 1971 to approve the general occupational safety and health ordinance.

Decree No. 2891/1971 of 21 September 1971 to constitute the Higher Council for Occupational Health and Safety as a social security institution.

The employers' and workers' organisations participated actively in the drafting and supervision of the implementation of the economic and social development plans through the representatives of the corresponding trade unions, appointed for the purpose by the Trade Union Organisation: Plan III approved by Act No. 22/1972 of 10 May, whose consolidated text was approved by a Decree of 15 June 1972 for the period 1972/1975. The trade union organisations of employers, experts and workers are also participating in the preparation of Plan IV.

The participation of representatives of employers' and workers' organisations, appointed by the Trade Union Organisation to which they belong, in the social security bodies is reflected in the following provisions:

Act to define basic principles of social security of 28 December 1963.

Participation in social security councils, committees, boards and other administrative bodies, under both the general and the special scheme, takes place mainly through the National Welfare Institute, workers' benefit societies, the National Agrarian Benefit Society, the Maritime Social Institute and other bodies responsible for administration and collaboration, as well as through special and common services of the social security scheme itself, which recently comprised over 600,000 trade union representatives.

### SRI LANKA

Although there is no specific legislation in this field the Government's policy is in keeping with this Recommendation.

The Boards set up under the Wages Boards Ordinance and the Remuneration Tribunals established under the Shop and Office Employees Act act as consultative bodies as contemplated in paragraph 5 of the Recommendation. Advisory committees in government departments and the collective bargaining system under the Industrial Disputes Act also give effect to the provisions of the Recommendation.

## CONSULTATION AT THE INDUSTRIAL AND NATIONAL LEVELS

---

### SUDAN

Manpower Act, 1974.

Social Insurance Act, 1974.

Apprenticeship and Vocational Training Act, 1974.

Workers' Education Public Corporation Act, 1970.

The Manpower Higher Committee created by the Manpower Act is responsible, inter alia, for co-ordinating the activities of the various executive bodies established by the competent Ministerial Council and supervising the application of the employment policy agreed upon by the Council, which must be fully integrated with the social and development programmes. In addition to representatives of the various ministries concerned, this committee is composed of representatives of employers' and workers' organisations.

The Governing Body of the Social Insurance Corporation is composed of three representatives of the Government, three representatives of the employers' organisations chosen by the Sudan Employers' Association and three representatives of the workers' organisations chosen by the Sudan Workers' Trade Unions Federation.

The Apprenticeship and Vocational Training Act provides for the establishment of a National Council for Apprenticeship and Vocational Training made up of representatives of the various government ministries, the employers' associations, the workers' organisations and the University of Khartoum. Its main functions are to amend the existing Act and the rules and regulations made thereunder, to administer and develop vocational training programmes and apprenticeship, to co-ordinate the vocational training programmes conducted by the various ministries, government departments, private institutions and other employers in the various economic fields, etc.

Under the Workers' Education Public Corporation Act, the supervision of this Corporation is carried out by a Governing Body which is responsible for the administration of the workers' education programmes and which, under the chairmanship of the Minister of Public Service and Administrative Reform, is composed of 24 members from the various ministries, educational institutions, employers' associations and workers' organisations. The Governing Body is responsible for appointing the Directors and other officials of the workers' education centres, determining the centres in which instruction relating to workers' education is to be given and approving the budget, financial regulations, accounts and programmes of workers' education.

### SWEDEN

Act respecting the National Social Insurance Court (1961:262).

Act respecting the National Industrial Injuries Insurance Court (1917:466).

## UNRATIFIED CONVENTIONS AND RECOMMENDATIONS

---

The Instrument of Government (1974:152), Chapter 7, section 2.

Instructions for the National Board of Health and Welfare (1967:606), as amended (1970:736), section 10.

Instructions for the National Board of Education (1965:737), section 5.

Instructions for the National Labour Market Board and the County Labour Boards (1965:667), as amended (1970:727), sections 4 and 11.

Instructions for the National Board of Occupational Safety and Health (1972:164), section 8.

Instructions for the Industrial Safety Inspectorate (1973:847), section 7.

Basic Agreement between the Swedish Employers' Confederation and the Confederation of Swedish Trade Unions (1938) (Labour-Management Relations Series, No. 38, pp. 168 et seq.).

For a long time the employers' and workers' organisations have played an important role in Swedish society. It has therefore been natural for public authorities to seek to co-operate with these organisations.

Under the terms of the Instrument of Government (1974:152), proposals for government action in the economic, social, technical and other fields are circulated for comment not only to official authorities but also to organisations and associations - particularly those of employers and workers - whenever matters coming within their various spheres of interest are involved.

Major questions are often investigated by specially appointed committees. They are composed in such a way that the various interested organisations are represented, and, as concerns employment and industrial relations, representatives of the employers' and workers' organisations are involved in the discussion and planning of major issues from an early stage. To date employers' and employees' associations have been represented on commissions which have drafted major educational reforms, the Commission on the Working Environment, the Labour Legislation Committee, the Commission on Long-Term Employment Policy, the Consultative Committee on Working Hours and the Commission on Universal Unemployment Insurance.

The decision-making bodies of most national administrative authorities now take the form of what are termed "lay boards", whose members also include representatives of both employers' and workers' organisations, appointed by the Government on the recommendation of their respective organisations. These boards are the Board of Directors of the National Social Insurance Board, the Board of Directors of the National Board of Education, the Board of Directors of the National Labour Market Board and the Board of Directors of the National Board of Occupational Safety and Health.

Other central and regional authorities whose policy-making and advisory bodies include representatives of employers' and

## CONSULTATION AT THE INDUSTRIAL AND NATIONAL LEVELS

---

employees' associations include the National Social Insurance Court, the Joint Committee on Labour Market Training and regional industrial safety inspection authorities.

It is common practice for public authorities to set up working groups or reference groups - which often include representatives of employers' and employees' organisations - to investigate a particular subject, comment on proposed policy measures or study planning questions.

The most significant event in the development of consultation and co-operation between employers' and workers' organisations was the Basic Agreement concluded between the Swedish Employers' Confederation (SAF) and the Confederation of Swedish Trade Unions (LO) in 1938. This agreement, the purpose of which was to preserve industrial peace, established a uniform negotiating procedure and instituted a special body - the Labour Market Council, whose members were appointed by the employers' and workers' organisations in equal numbers - to handle the interpretation and application of the agreement. The Council was also given authority to deal with questions of general interest or of major importance to the labour market.

Through the work of the Council, a number of co-operation agreements have been concluded between the SAF and the LO, both at the inter-organisational and at the local plant levels. Examples are the agreements concerning workers' protection (1942), vocational training (1944), time and motion studies (1948), promotion and co-operation in undertakings (1966), workers' protection and occupational health (1967), and rationalisation (1972).

In order to increase familiarity with different matters within the framework of the co-operation agreements, the SAF and the LO have jointly established certain permanent bodies for co-operation and information, such as the Committee for Workers' Protection, the Labour Market Vocational Council, the Labour Market Committee for Women's Questions and the Time and Motion Study Council.

In 1966 a Development Council for Collaboration Questions was set up through an agreement concluded between the SAF, the LO and the Swedish Central Organisation of Salaried Employees (TCO) on the promotion of collaboration between management and employees. Its object is to promote the further development of local collaboration and to work for improved training, information and research into collaboration questions.

Today the Basic Agreement and the co-operation agreements are applicable to virtually all the undertakings in the SAF area of influence and similar agreements have been concluded outside this area.

The Swedish Parliament's Standing Committee on the Constitution, whose task it is to examine the discharge by the Government of its duties, must ensure that associations and private individuals have been given sufficient opportunity of a hearing before any decisions have been taken.

The Swedish principle of making public official documents, in order to spread information about them and promote a free exchange

## UNRATIFIED CONVENTIONS AND RECOMMENDATIONS

---

of opinions, provides a further means of supervising the discharge by public authorities of their duties. This principle of publicity provides both organisations and private individuals with the opportunity to examine the conduct of different matters by the authorities.

### SWITZERLAND

Order of the Federal Council dated 6 May 1970 laying down Directives concerning the preliminary procedure to be followed in the framing of legislation.

Order of the Federal Council dated 3 July 1974 laying down Directives with respect to the setting up and method of work of extra-parliamentary committees and the surveillance to be exercised over them.

OFIAMT Directives of 7 February 1950 concerning the consultation of associations and the setting up of committees.

Consultation and co-operation between public authorities and employers' and workers' organisations at the industrial and national levels in Switzerland takes place through various committees set up by law in pursuance of the provisions of article 32(3) of the Federal Constitution, which states that "the economic groups shall be consulted in connection with the framing of laws of application, and may be called upon to co-operate in the enforcement of such provisions".

Consultation and co-operation of the type mentioned above is practised in the fields specified in the Recommendation, namely the preparation and implementation of laws and regulations, the establishment and functioning of national bodies in certain sectors, and the elaboration of plans of economic and social development (encouragement of regional economic development).

Co-operation between employers' and workers' organisations takes place mainly in the course of the collective bargaining process.

As regards legislation, employers' and workers' organisations are consulted through the intermediary of committees of experts as well as being consulted directly. Committees of experts established in accordance with the Directives issued by the OFIAMT (Federal Office for Industry, Arts and Crafts, and Labour) on 7 February 1950 are generally composed of representatives of the federal and cantonal administration, of "science" (experts in the strict sense of the term), of the employers and workers, of the consumers and of other interested circles. The employers and the workers must be represented on them in equal numbers when the matters to be considered are of equal concern to both. The procedure for consultation was spelt out in the Order of the Federal Council dated 6 May 1970 laying down Directives concerning the preliminary procedure to be followed in the framing of legislation. The consultation thus prescribed by the Federal Constitution applies not only to general economic policy questions but also to the following fields: workers' protection, employer-worker relations, extension of collective agreements, compensation for loss of

## CONSULTATION AT THE INDUSTRIAL AND NATIONAL LEVELS

---

earnings while on military service, placement service, unemployment insurance and assistance to the unemployed, and vocational training.

In addition to the committees of experts referred to above, other advisory bodies with competence in particular fields have been set up in Switzerland - some of them in pursuance of legislation. To mention just a few relevant examples, one may cite the Federal Homework Board set up under the Federal Act of 12 December 1940 respecting home work, whose task is to state its views and make proposals on matters relating to the working conditions and wages of homeworkers; the advisory board set up under the Federal Act of 22 June 1951 respecting the employment service, to examine "questions of principle relating to the general policy to be followed with respect to the employment market", and the Federal Labour Committee established under the Federal Act of 13 March 1964 respecting work in industry, handicrafts and commerce, whose task is to advise the federal authorities on questions of legislation and enforcement. Employers and workers are represented in equal numbers on all these bodies. Furthermore, still in fields directly relevant to the interests of employers and workers, committees of experts, most of them permanent, have been set up to deal, inter alia, with vocational training, the creation of employment opportunities, unemployment insurance, social statistics, control of prices, wages and profits, etc.

As concerns relations between employers' organisations and workers' organisations, the collective labour agreement - an institution first introduced in 1911 - constitutes the major means of stimulating co-operation between these organisations of employers and workers. It should be added that these relations offer plenty of scope for free initiative and action by the employers and workers themselves.

### SYRIAN ARAB REPUBLIC

Legislative Decree No. 91 concerning the Higher Planning Council.

Order No. 1306 of 20 October 1970 concerning the constitution of employment advisory committees.

Legislative Decree No. 91 provides for the participation of the President of the Executive Body of the Federation of Workers' Unions and the President of the Executive Body of the General Federation of Peasants as members of the Higher Planning Council.

Under Order No. 1306 of 20 October 1970, the employers' and workers' organisations take part in the activities of the employment services advisory committees referred to in Convention No. 88. A committee consisting of representatives of the Government, industrial federations and the General Federation of Workers' Unions has also been set up under Order No. 107 of the Minister of Social Affairs and Labour to examine the steps to be taken to implement Article 2 of the Guarding of Machinery Convention, 1963 (No. 119).

Furthermore, in Circular No. 1528/58 of 1 July 1973, the Minister of Transport instructed the Vehicle Control Committee and

## UNRATIFIED CONVENTIONS AND RECOMMENDATIONS

---

Technical Affairs Department to ensure the protection of workers whose activities put them in contact with means of transport, road repair machinery, agricultural machinery and similar machines.

### THAILAND

In a statement made by the Prime Minister's Office on 3 June 1975, the Thai Government confirmed that it was its policy to promote and support the unity of the workers' and employers' organisations so that they can share in the responsibility of strengthening discipline and contributing to the prosperity of the nation.

Consultation and co-operation is therefore undertaken between the authorities and the employers' and workers' organisations in respect of all matters referred to in the Recommendation.

### TOGO

Ordinance No. 16 of 8 May 1974 (the Labour Code).

Article 128 of the 1974 Labour Code provides for the creation of an Advisory Technical Committee within the Ministry of Labour to study matters relating to the health and safety of workers. Article 169 provides for the establishment of a National Council for Labour and Social Laws, consisting inter alia of five employers' representatives and five workers' representatives, whose advice must be sought on all draft laws and regulations dealing with labour, manpower and social security and in all the cases specified in the Labour Code.

A National Committee on Occupational Guidance and Training, instituted under article 174 of the Labour Code, must be consulted on all matters relating to the occupational guidance and training of workers.

At the regional level, the role of the National Labour Council and National Commission on Occupational Guidance and Training will be played by regional advisory labour committees to be set up within each regional labour inspection service.

### TUNISIA

In Tunisia, consultation and co-operation between public authorities and employers' and workers' organisations are intended essentially to improve conditions and standards of living, by enabling workers to play an active role in the solution of industrial problems. The fundamental purpose of such consultation and co-operation is to promote an increase in production and productivity, which is indispensable for social progress.



## CONSULTATION AT THE INDUSTRIAL AND NATIONAL LEVELS

---

The drafting of a basic Collective Convention and of sectoral collective conventions has contributed a great deal to the promotion of effective collaboration between employers and workers and has made it possible to protect the mutual interest of the social partners in accordance with the requirements of the National Development Plan.

### UGANDA

Part II of the Public Service (Negotiating Machinery) Act, 1964 provides for the establishment of a Joint Staff Council for the Public Service with a view to securing the greatest measure of co-operation between the Government, in its capacity as an employer, and junior public officers, to providing machinery for dealing with the grievances of junior public officers and to enabling consultation to take place in matters affecting the efficiency and well-being of the public service.

A Labour Consultative Council has been established by the General Notice No. 1194 of 1963 to advise the Minister of Labour on matters affecting labour policy and legislation and to keep under review the state of industrial relations and such matters relating to employment as may arise.

Section 85 of the Factories (Amendment) Act, 1963, provides for the establishment of a Factories Advisory Board for the purpose of giving advice and assistance in regard to matters affecting safety, health and welfare in factories and such other places as are subject to the provisions of the Factories Act.

Other national bodies with consultative status include an Industrial Training Council instituted under the Industrial Training Decree, 1972, and a Social Security Advisory Council established under the Social Security Act, 1967.

### UKRAINIAN SSR

Fundamental principles governing the labour legislation of the USSR and the Union Republics, approved by Act No. 2-VIII of the Supreme Soviet of 15 July 1970 (LS 1970 - USSR 1).

Labour Code of the Ukrainian SSR approved by Act of 10 December 1971.

Section 243 of the Labour Code provides that state organs, undertakings, institutions and organisations shall be under an obligation to do all in their power to assist the trade unions in their activities.

The unions collaborate on a broad front with organs of the State and the managers of undertakings, above all in economic matters, so as to make production economically more efficient. They play a most active part in planning the national economy at the national level and in planning carried out for individual undertakings. With the economic organs of the State, they lend

## UNRATIFIED CONVENTIONS AND RECOMMENDATIONS

---

every possible assistance in the implementation of state plans and the attainment of state-set objectives. They actively contribute to the process of scientific and technical development and its diffusion among the workers. They have a say in the organisation of work on scientific lines and contribute to the dissemination of the lessons learnt from use of the latest techniques.

Section 244 of the Labour Code provides that trade unions shall participate in drawing up and implementing the state economic development plans in the solution of questions bearing on the distribution and utilisation of material and financial resources, and in enlisting the workers in the management of production. It also provides that undertakings, establishments and organisations and their organs of direction, working jointly or in agreement with the trade unions, shall decide on wages and conditions of employment, the application of labour legislation, and the use to be made of public consumer funds.

The trade unions work hand in hand with organs of the state and economic bodies in the task of catering for people's material needs. Thus, the unions exercise supervision and control on the effect given to plans for the building of houses and flats, shops, stores, recreation grounds, clubs and so on.

Under section 244 of the Labour Code the Ukrainian trade unions, as represented by the Ukrainian Republican Trade Union Council, have a right to initiate legislation.

There is co-operation between the unions and economic organs and organs of the State from the undertaking right up to governmental level.

### UNITED KINGDOM

Dock Workers' (Regulation of Employment) Act, 1946 (LS 1946 - UK 1).

Dock Workers' Employment Scheme, 1967.

Fire Service Act, 1947.

Mines and Quarries Act, 1954.

Wages Councils Act, 1959 (LS 1959 - UK 2).

Police Act, 1964.

Police Act (Northern Ireland), 1964.

Race Relations Act, 1968 (LS 1970 - UK 1).

Merchant Shipping Act, 1970 (LS 1970 - UK 2).

Mineral Workings (Offshore Installations) Act, 1971.

Employment and Training Act, 1973 (LS 1973 - UK 3).

Health and Safety at Work, etc., Act, 1974.

Fair Employment (Northern Ireland) Bill, 1975.

## CONSULTATION AT THE INDUSTRIAL AND NATIONAL LEVELS

---

Under the Employment and Training Act, 1973 the Government has set up a Manpower Services Commission outside the Civil Service, under an independent chairman and with members representing employers, trade unions, local government and education interests. By bringing a new approach to the development of manpower policies, this Commission will bring flexibility into the operation and management of the manpower services and ensure that these services are more responsive to the needs of the employers and workpeople who use them.

On the training side, employees' and employers' organisations are equally represented on all the statutory industrial training boards and their committees.

The Advisory, Conciliation and Arbitration Service (ACAS) was set up as an independent organisation under the management of a council appointed following consultations with the Trades Union Congress (TUC) and the Confederation of British Industry (CBI), and consisting of a chairman and nine members of whom three are nominated after consultation with the CBI and three after consultation with the TUC, while three are independent experts in industrial relations. The main functions of the ACAS are conciliation and arbitration in industrial disputes, advisory and information services to industry, and longer term investigations for the improvement of collective bargaining. The objectives of the ACAS's advisory service are to encourage industry to adopt improved industrial relations and personnel policies and practices.

A close liaison is maintained with national and local trade unions and employers' organisations, as appropriate, by the Department of Employment in administering its responsibility for the employment control of overseas workers in the United Kingdom. Pursuant to the Race Relations Act, 1968 "industry machinery" to examine complaints relating to employment, in which both employers and trade unions are represented, has been approved by the Secretary of State for Employment in about 40 separate industries, providing employment for about 18 per cent of the total workforce.

Wages Councils are independent statutory bodies, members being appointed individually by the Secretary of State for Employment under powers granted to him by an Act of 1959, after consultation with organisations representing the employers and workers concerned. There are 46 wages councils in all, covering about 3 1/4 million workers in the hotel and catering industry, retail distribution, road haulage, clothing manufacture, laundries, hairdressing, and a number of minor industries.

The Health and Safety at Work, etc. Act, 1974 provides for the establishment of a Health and Safety Commission and Executive responsible to Ministers for administering the occupational health and safety legislation, preparing proposals for revising, updating and extending statutory provisions on health and safety at work and issuing approved codes of practice.

There is a long history of co-operation between the National Coal Board and the mining trade unions on safety and health matters, operating within the legal framework set out in section 46 of the Coal Industry Act, 1946.

## UNRATIFIED CONVENTIONS AND RECOMMENDATIONS

---

The Department of Trade, Marine Division, is required by the Merchant Shipping Act, 1970 to consult with both sides of the shipping industry before making regulations under the Act.

A National Dock Labour Board, whose members include representatives of dock employers and workers, has been set up to administer the Dock Workers' Employment Scheme, 1967 introduced under the Dock Workers' (Regulation of Employment) Act, 1946.

Under the Mineral Workings (Offshore Installations) Act, 1971 the Department of Energy is required, before making regulations, to consult with organisations in the United Kingdom appearing to be representative of those persons who will be affected by the regulations. So far over 100 organisations, government departments, learned societies, trade unions, companies, foreign governments and individuals concerned with safety in offshore operations have been consulted.

Central negotiations on pay and conditions of employment for all members of fire brigades are conducted in National Joint Councils, on which the staff associations and the local authority associations, but not the Home Departments, are represented. The Home Office, the staff and the local authority associations are represented on the Central Fire Brigades Advisory Council for England and Wales, constituted under the Fire Services Act, 1947, as amended by the 1959 Act, to advise the Secretary of State on any matters, except pay, conditions of service and discipline, arising under those Acts. There is a separate Council for Scotland appointed on the same basis, but not for Northern Ireland, to which the Acts do not apply. The Fire Authority for Northern Ireland is responsible to the Department of the Environment for Northern Ireland.

Consultation and co-operation between the organisations representing the police forces, the police authorities and the Home Departments take place in the Police Council for the United Kingdom, which is the negotiating body on pay and allowances, hours of duty, leave, pensions and the issue, use and return of police clothing and personal equipment (section 4 of the Police Act, 1969) and the Police Advisory Boards which advise the Secretaries of State on general questions affecting the police service (section 46 of the Police Act, 1964 for England and Wales and Scotland).

The machinery for negotiation and consultation in the gas industry includes joint negotiating bodies, joint consultative bodies and the Gas Advisory Council. The latter has not met since 1970. An informal Trades Union Advisory Council was formed in 1974 for the same purpose.

In August 1972 a Working Party composed of representatives of employers and trade unions was established to consider what steps should be taken to counter religious discrimination where it may exist in the private sector of employment in Northern Ireland. The publication of the Working Party's recommendations in June 1973 was followed by preparation of legislation culminating in the publication of the Fair Employment (Northern Ireland) Bill in May 1975.

## CONSULTATION AT THE INDUSTRIAL AND NATIONAL LEVELS

---

In accordance with common practice, the Government has been having consultations on its proposals for an Employment Protection Bill. These proposals were set out in a Consultative Document published by the Department of Employment in September 1974, copies of which were sent to the Confederation of British Industry, the Trades Union Congress, other government departments and public bodies and all the major employers' organisations and trade unions. Meetings were held between Department of Employment officials and the Confederation of British Industry, the Trades Union Congress and a number of employers' organisations and other bodies. The modified proposals resulting from these consultations were published in the form of an Employment Protection Bill on 25 March 1975. The Bill had its second reading in the House of Commons on 28 April 1975 and entered its committee stage in the House on 8 May 1975.

Consultations arrangements in the form of a Review Body consisting mainly of representatives of the CBI, the Northern Ireland Committee of the Irish Congress of Trade Unions and a small number of civil servants have played a major part in the formulation of government policy in industrial relations in Northern Ireland. The Review Body published its report on 23 May 1974 recommending that industrial relations in Northern Ireland should be built on voluntary principles rather than on a major statutory framework. These recommendations were accepted in principle by the Government, and measures to implement them are now being prepared.

### Antigua

Section A 3(i) of the Antigua Labour Code Bill states that the interests of employers, workers and the public should be taken into account and their representative organisations consulted in connection with the formulation and periodic revision of the law relating to labour and in connection with the resolution of issues arising in the enforcement of the said laws. The Labour Code Bill also makes provision for the establishment of a National Labour Board composed of an equal number of representatives of the Government, employers and workers.

Freedom of association and trade union rights will be guaranteed by section K 3 of the draft Code.

### Belize

Labour Ordinance, 1959.

The provisions of the Labour Ordinance, 1959 require that the Minister of Labour should set up a Labour Advisory Board to advise him on all matters affecting labour. The Board consists of three representatives of the public interest, three workers' representatives and three employers' representatives; the Labour Commissioner is "ex officio" member of the Board.

A National Vocational and Technical Training Advisory Committee was established several years ago to advise the Government on requirements in the vocational training field. The Committee

## UNRATIFIED CONVENTIONS AND RECOMMENDATIONS

---

is a voluntary body composed of representatives of the Government, employers, trade unions and interested voluntary agencies.

### Bermuda

There are no legislative provisions in Bermuda regarding the matters referred to in the Recommendation.

Consultation at national level is effected through the Labour Advisory Council, on which employers and workers are represented. The Minister of Labour and Immigration is the Chairman of the Council, whose function is to advise on all matters affecting labour.

### Falkland Islands (Malvinas)

Trade Unions and Trade Disputes Ordinance (Cap. 73).

Trade Disputes (Arbitration) Ordinance (Cap. 72).

Labour (Advisory Board) Ordinance (Cap. 34).

The Labour (Advisory Board) Ordinance provides that the Governor may appoint a Labour Advisory Board consisting of not less than three or more than seven persons whose duty it shall be to submit to him for his consideration any recommendations or suggestions which it may consider expedient to make in regard to any matters connected with labour conditions in the colony.

Moreover, regular consultations are held between the Sheep Owners Association and the General Employees Union to deal with matters affecting labour relations on sheep ranches, and between representatives of the Government and the principal employers and the trade union on labour matters in the capital Stanley.

The Trade Disputes (Arbitration) Ordinance (Cap. 72), which deals with arbitration procedure, stipulates that the Governor shall not refer trade disputes for settlement by arbitration unless no agreement exists between the parties for settling disputes, unless such arrangements have failed, or unless the parties involved give their consent.

### Gibraltar

No legislative provisions have been adopted in regard to the matters dealt with in the Recommendation. However, in practice, there is consultation with the employers' and workers' organisations on matters affecting the development of the economy as a whole or individual branches thereof, as well as on conditions of work and social security matters.

Moreover, there are a number of statutory bodies of an advisory nature, on which the law provides that employers' and workers' organisations should be represented, such as for example: (1) the Regulation of Conditions of Employment Board (established by the Regulation of Wages and Conditions of Employment Ordinance, Cap. 139); (2) the Manpower Planning Committee (established by

## CONSULTATION AT THE INDUSTRIAL AND NATIONAL LEVELS

---

the Control of Employment Ordinance, Cap. 33); (3) the Social Insurance and Employment Injuries Insurance Advisory Committees (Social Insurance Ordinance, Cap. 145, and Employment Injuries Insurance Ordinance, Cap. 49); (4) the Industrial Training Board (Industrial Training Ordinance, Cap. 155), and (5) the Trade Licensing Committee (Trade Licensing Ordinance, No. 22/72) which is responsible for issuing licences to trade or to carry on business in Gibraltar.

In addition, there are non-statutory bodies on which employers' and workers' organisations are also represented. The Labour Advisory Board advises the Government on matters relating to the application and operation of existing labour legislation including the application of international labour Conventions applicable to this territory, and on the application of the Government's employment policy. The Cost-of-Living Index Advisory Committee advises the Government on matters concerning the basis, structure and method of compilation of the index of retail prices.

The Official Employers' Joint Industrial Council deals with matters of remuneration and other conditions of employment of workers employed by the official employers (the Gibraltar Government, Ministry of Defence, and the Property Services Agency).

### Gilbert and Ellice Islands

There are no legislative or other provisions relating to the matters dealt with in the Recommendation, since trade unions are of comparatively recent origin in the colony.

### Hong Kong

There are at present no legislative measures in Hong Kong to give effect to the provisions of the Recommendation. However, there are bodies through which the Government holds consultations with employers' and workers' representatives.

The Labour Advisory Board - a non-statutory tripartite committee - consists of four employers' representatives and four employees' representatives under the chairmanship of the Commissioner for Labour; an officer of the Labour Department is secretary of the Board and the Command Secretary attends as an observer (the armed forces employ a very large number of civilians). The Board gives its advice on labour matters referred to it by the Commissioner for Labour, including proposals concerning the adoption or amendment of labour legislation and the biennial reports on ILO Conventions.

The Training Council, whose membership includes employers' and workers' representatives, educationalists, representatives of organisations with special interests in industrial training and representatives of relevant government departments, advises the Government on measures necessary to ensure a comprehensive system of training. The Council, which was established in 1973 and is required to take steps to become a statutory organisation, has decided to set up industry training boards and committees to deal with certain problems that are common to all or many industries, as well as an executive committee appointed from among its members to process, vet and accord priority to proposals made by the training boards and committees.

## UNRATIFIED CONVENTIONS AND RECOMMENDATIONS

---

The Hong Kong Productivity Council was established by statute in January 1967 to consider all matters affecting the productivity of industry and the establishment of a Productivity Centre. It comprises a chairman and 20 members, 14 of whom represent management, labour and academic and professional circles and six of whom represent government departments closely associated with productivity matters.

### Isle of Man

No legislation exists concerning consultation and co-operation as advocated in the Recommendation.

However, representatives of the Government, local authorities and employers' and workers' organisations meet to negotiate the pay and conditions of employment of various types of worker. Employers' and workers' organisations are represented on various government bodies dealing with all aspects of life in the community.

### Montserrat

There are as yet no legislative provisions in regard to the matters dealt with in the Recommendation.

Provisions have been made, however, in the draft Labour Code to establish a Labour Advisory Board comprising, among others, representatives of the employers, workers and Government. In any case these provisions will merely give legislative effect to current practice in this respect.

### Seychelles

Provision is made for consultation and co-operation between the public authorities and employers' and workers' organisations in the following bodies:

the Labour Advisory Board appointed for the purpose of advising the Government on all matters connected with employment, industrial relations and welfare of workers;

the Manpower Training Board, which advises, inter alia, on training policy and priorities and on training schemes and standards, and several branches, also tripartite, of the Board have been established to carry out training policy in individual sectors of industry;

the Factories Board, which is responsible for the supervision of all factories and machinery;

the National Provident Fund Advisory Council, which advises and assists the Minister of Labour and Social Security in the performance of his functions and to perform such other functions as may be assigned to it by the National Provident Fund Ordinance or by the Minister; and



## CONSULTATION AT THE INDUSTRIAL AND NATIONAL LEVELS

---

three advisory boards established under the Wages Regulation Ordinance to control the wages and conditions of employment of workers in agriculture, shops and hotel and catering respectively.

Moreover, there is informal contact between the Government and employers' and workers' organisations on most matters dealt with in the Recommendation.

### St. Helena

St. Helena (Constitution) Order, 1966.

The St. Helena (Constitution) Order, 1966 provides an opportunity for the people's representatives to express views and advice on the preparation and implementation of laws and regulations affecting their interests and on the elaboration and implementation of plans of economic and social development.

Important matters are therefore discussed, if necessary, with representatives of the St. Helena General Workers' Union and the St. Helena Teachers' Association, there being no employers' association.

### St. Kitts-Nevis-Anguilla

No legislative, administrative or practical provisions exist in regard to the matters dealt with in the Recommendation. Nevertheless, organisations of employers and workers are given an opportunity to comment on any legislation prior to its introduction into the House of Assembly.

### British Solomon Islands

There is no legislation applying the provisions of the Recommendation.

However, in the absence of organisations of workers and employers, the High Commissioner agreed on 27 December 1967 to set up a non-statutory Labour Advisory Committee, consisting of nine government, employers' and workers' representatives, "to advise the Commissioner of Labour on matters referred to it". In the light of political and constitutional changes in this territory, it would not now be practicable to hold further meetings without reconstituting the Committee.

The National Development Plan of 1975 envisages the setting up of a Manpower Advisory Committee on which representatives of workers' and employers' organisations will be represented; there are currently four active trade unions representing the interests of workers. A proposal has been made that the terms of reference of this Committee should be a suitably modified version of those of the original Labour Advisory Committee.

## UNRATIFIED CONVENTIONS AND RECOMMENDATIONS

---

### UNITED STATES

In the United States, consultation and co-operation as called for in Recommendation No. 113 are facilitated by voluntary action on the part of the employers' and workers' organisations, by promotional action on the part of public authorities, and by laws and regulations.

The Administrative Procedure Act, 5 U.S.C., sets out a general scheme for the participation of all interested persons in the rule making of executive agencies. The Federal Advisory Committee Act provides standards for the establishment, operation, termination and control of advisory committees.

Section 553 of the Administrative Procedure Act provides that general notice of proposed rule making must be published in the Federal Register, so as to give interested persons an opportunity to participate in the rule making through submission of data, views or arguments.

The provisions of the Federal Advisory Committee Act apply to any advisory body established by federal legislation in the interest of obtaining advice or recommendations for the President or one or more agencies or officers of the Federal Government.

Many advisory committees have been established by labour legislation or by the Secretary of Labor. In 1975 there were 35 such committees set up under various legislative provisions.

In addition to these advisory committees established through legislation, workers' and employers' organisations are entitled to submit their views to congressional committees whenever legislation is being considered by the Congress of the United States.

### UPPER VOLTA

Labour Code (Act No. 26-62 AN of 7 July 1962).

Order No. 123/TFP/DTMO - FPR of 23 March 1968 to determine the terms of reference, composition and functioning of the Technical Advisory Committee on Health and Safety.

Order No. 152/FP-T/DTLS of 6 March 1974 respecting the composition and functioning of the Labour Advisory Board.

Order No. 219/FP-T/TDLS of 27 March 1974 to establish a Joint Inter-Occupational Committee.

Inter-Occupational Collective Agreement of 9 July 1974.

In accordance with national law and practice, the employers' and workers' organisations are represented on the following bodies: the Approval Board (Commission d'Agrément), the National Price Commission, the National Investment Commission, the National Advisory Committee for Resurgence, the Employment Commission, the board of management of the National Employment Office and the board of management of the National Social Security Fund.

## CONSULTATION AT THE INDUSTRIAL AND NATIONAL LEVELS

---

### URUGUAY

Constitution.

Decree No. 622/73 of 1 August 1973 on trade union organisation (LS 1973 - Ur. 1).

Acts Nos. 13867 of 26 June 1970, 13960 of 13 May 1971, 14080 of 17 August 1972, 13931 of 31 November 1970, 13982 of 2 July 1971 and 14046 of 31 October 1971 concerning the setting up of Labour Exchanges in various branches of activity.

#### I. Legislative measures

Act No. 13867 provides for the setting up of a Labour Exchange for the laid-off members of the staff of the newspaper "De Frente". Article 2 of the Act stipulates that the Labour Exchange will operate within the framework of Programme 13.02 (Manpower and Employment Service) of the Ministry of Labour and Social Security and will be administered by a three-member committee consisting of one delegate of the Ministry of Labour and Social Security, acting as Chairman, one delegate of the Union of Graphic Arts and one representative of the Association of Newspapers of Uruguay. Act No. 13960 provides for the establishment of a Labour Exchange for the members of the staff of the newspaper "Ya". Under article 2 of Act No. 14080, the benefits and other provisions of Act 13867 are also applicable to former staff members engaged in the administration, editing, setting and printing of the newspaper "La Idea", which was closed down by Executive Resolution No. 1968 of 29 September 1971. Act No. 13931 provides for the establishment of a Labour Exchange for the personnel of the undertaking "Manuel Erosa S.A.". Article 2, as it appears in Act 14051 of 23 December 1971, stipulates that the Social Welfare Bank, through the Unemployment Insurance Department of the Retirement and Old-Age Pensions Fund for Industry and Commerce, will be responsible for providing the services instituted under the Act, with the assistance of the Manpower and Employment Service, the Ministry of Labour and Social Security and an honorary committee operating within the framework of the aforementioned Service. This committee will consist of one workers' delegate and two employers' delegates, appointed by the Chamber of Metallurgy.

Article 57 of the Constitution stipulates that "the law shall promote the organisation of trade unions, according them charters and issuing regulations for their recognition as juridical persons. It shall likewise promote the creation of tribunals of conciliation and arbitration".

Furthermore, although substantial changes have now occurred in the field covered by Recommendation No. 113, the assistance of tripartite integration bodies (comprising workers', employers' and government representatives) which are concerned with labour affairs in the economic sector has been sought on a number of occasions in connection with the drafting of legislation.

## UNRATIFIED CONVENTIONS AND RECOMMENDATIONS

---

### USSR

Fundamental Principles of Labour Legislation of the USSR and Union Republics (LS 1970 - USSR 1).

Labour Code of the Russian SFSR (LS 1971 - USSR 1).

Constitution of the Soviet Trade Unions.

The economic and class structure of Soviet, socialist society, its political system, legal rules and the entire machinery of control over laws, create the necessary prerequisites and conditions for close co-operation between the State, trade unions and managers of enterprises in decision making through the united efforts of the working masses, for the further progress of Soviet society towards communism.

The right of workers to associate in trade unions and in other public organisations is secured by article 126 of the Constitution of the USSR.

The fundamental principles of labour legislation deal with the activity of trade unions and their relations with government bodies and managers of enterprises in a special chapter on trade unions.

Under article 95 of the Fundamental Principles of Labour Legislation, government bodies are obliged to give "every assistance to trade unions in their activities".

In accordance with article 96 of the Fundamental Principles, trade unions participate, inter alia, in drawing up and implementing the state economic development plans, solving questions bearing on the distribution and utilisation of material and financial resources, enlisting the workers in the management of production, organising socialist emulation and mass technical development efforts and helping to promote production and labour discipline; in establishing working conditions, fixing of wages and salaries, applying labour legislation and utilising public consumer funds, and in exercising supervision and control over the observance of labour legislation and industrial safety regulations and over housing and welfare services provided to workers.

Under article 96 the trade unions, represented by the All-Union Central Trade Union Council, have the right to submit draft legislation.

All trade union bodies actively participate in national development, in elections to Soviet government bodies, in setting up economic management bodies and in the work of national supervisory bodies.

In recent years, the Supreme Soviet of the USSR has passed a series of enactments drawn up by the Central Trade Union Council, including the order concerning the rights of factory, workshop and local committees of trade unions, the draft of the Fundamental Principles of Labour Legislation of the USSR and the Union Republics, the order concerning the examination of labour disputes.

## CONSULTATION AT THE INDUSTRIAL AND NATIONAL LEVELS

---

The Central Council participates in other forms of legal activity by government bodies: through passing joint resolutions with the Central Committee of the Communist Party of the Soviet Union and the Council of Ministers of the USSR or with the State Committee of the Council of Ministers of the USSR. The Central Council issues some regulations jointly with other organs of state administration, such as the State Committee of the Council of Ministers of the USSR for Technical Vocational Training or the Ministry of Health of the USSR.

The Central Council works in close collaboration with organs of state power and state administration in drawing up new standard-setting rules. It considers the reports of ministries, departments and government committees, takes part in meetings of Commissions of the Supreme Soviet of the USSR and the Supreme Soviets of the Union republics. Deputies who are trade union representatives and directors of Soviet enterprises are actively involved in the work of the standing committees of the Chamber of the Supreme Soviet of the USSR.

The leaders of Soviet enterprises participate in the work of the standing committees of the Supreme Soviets of Union and autonomous republics and of district, provincial and regional Councils of Workers' Deputies; they take decisions on matters concerning the development of industry, agriculture, transport and other branches of the economy in the territory of the Soviet; they draw up proposals and conclusions for examination by the Soviet and supervise the work of enterprises, institutions and organisations in implementing the decisions reached by the Soviet; they examine the corresponding divisions of social development plans; they organise work to detect supplementary reserves and possibilities of developing industry and other branches of the economy in the territory of the Soviet, including consumer services and a communal economy.

All Soviets of Workers' Deputies, in both law and practice, work in close contact with all social organisations within their territory, in particular trade union councils of republic, district and province, and the corresponding specialised trade union bodies.

An analysis of this legislation and the work of our trade unions shows that the nature of this work goes far beyond the framework of "consultation and co-operation" mentioned in ILO Recommendation No. 113 and makes it possible to introduce new ways in which social organisations can participate in solving questions affecting the vital interests of workers. A similar conclusion may be made regarding the other associations mentioned in Recommendation No. 113, that is the employers' associations of socialist enterprises.

A new form of association at industry and republic levels of managers of enterprises and all-union and republic industrial unions is the managers' councils. The councils consist of a director of the association, his deputies, managers of enterprises which form part of the association, and a representative of the corresponding trade union body (article 25, General Order concerning all-union and republic industrial associations, approved by a resolution of the Council of Ministers of the USSR, 2 March 1973). The managers' councils examine the draft forward and current development plans of their associations and individual enterprises, and prepare plans to ensure better utilisation of production

## UNRATIFIED CONVENTIONS AND RECOMMENDATIONS

---

capacity and physical, labour and financial resources; they also consider questions pertaining to the scientific organisation of labour and production, the social development of collectives in enterprises and organisations which form part of the association, and other major aspects of the latter's work. Representatives of the corresponding trade union council and its specialised trade unions participate in the decision-making process.

Similar councils of managers exist in the associations of undertakings or combines, and examine all major aspects of the associations' activities, with the participation of trade union representatives (article 25, Order concerning associations of undertakings or combines, approved by a resolution of the Council of Ministers of the USSR, 27 March 1974).

### YUGOSLAVIA

The basis of constitutional, socio-economic and political order throughout Yugoslavia is self-management. As far as working conditions are concerned, each worker participates on an equal footing with his colleagues in every decision affecting his own material and moral interests and shares in the fruits of his own work and that of social progress in general.

The rights of the "workers in association" and those of the active population relating to their social security and solidarity are essentially governed by social and self-management agreements. Self-management agreements are made by the workers in the associative work organisations and by the workers of self-managed organisations and associations, whereas social agreements are drawn up by the associative work organisations, chambers and other general organisations, self-management organisations and communities, local authorities, trade unions and other socio-political and social organisations.

Since the promulgation of the 1974 Constitution, decisions taken by the assemblies of socio-political communities are based above all on the direct expression of their opinions by the workers through their basic associative work organisations. These assemblies consist of delegations elected by the workers and citizens in the basic associative work organisations, the communities and socio-political organisations. This system of assemblies operates at every level - commune, republic, autonomous province and federal.

The bodies which are mainly responsible for the mutual relationships of the workers with the associative work organisations based on the system of socialist self-management are the Trade Union Federation, as the most widespread working class organisation, and the economic chambers and other general associative work associations which can initiate steps leading to the conclusion of social and self-management agreements.



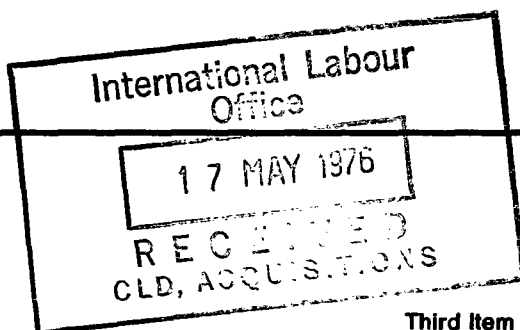
Price: 15 Swiss francs  
ISBN 92-2-101358-8



73661 1/2

R

International Labour Conference  
61st Session 1976



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

ISBN 92-2-101359-8

---

*First published 1976*

---

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 59th Session (Geneva, 1974) and additional information relating to the texts adopted at its 31st to 58th Sessions (1948 to 1973) .....	

---



---

## 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 59th Session, held in Geneva from 5 to 25 June 1974.

The period of one year provided for the submission to the competent authorities of the instruments in question expired on 25 June 1975, and the period of eighteen months on 25 December 1975.

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 58th Sessions (1948 to 1973). 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 59th 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 18 to 31 March 1977 the information received from the governments, as stated in its report.

### List of texts adopted by the Conference at its 31st to 59th 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).

59th Session (1974)

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

---

---

<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 59th Session (Geneva, 1974)  
and supplementary information on the texts adopted  
at its 31st to 58th Sessions (1948 to 1973)

ALGERIA

The instruments adopted at the 58th Session of the Conference were submitted to the Revolutionary Council on 1 February 1976.

AUSTRALIA

The instruments adopted at the 59th Session of the Conference were submitted to Parliament on 2 March 1976.

AUSTRIA

The instruments adopted at the 59th Session of the Conference have been submitted to the National Council.

BARBADOS

The instruments adopted at the 59th Session of the Conference were submitted to Parliament on 9 and 18 December 1975.

BULGARIA

The instruments adopted at the 59th Session of the Conference were submitted to the Council of State on 7 December 1974.

BURUNDI

The instruments adopted at the 47th and 56th Sessions of the Conference were submitted to the President of the Republic on 30 September 1974. The Ministry of Labour is considering the measures which should be taken regarding these instruments.

---

## BYELORUSSIAN SSR

The instruments adopted at the 59th Session of the Conference have been submitted to the Presidium of the Supreme Soviet of the Byelorussian SSR.

## CANADA

The instruments adopted at the 58th Session of the Conference were submitted to Parliament on 9 July 1975.

## CENTRAL AFRICAN REPUBLIC

The instruments adopted at the 59th Session of the Conference were submitted to the Council of Ministers on 14 August 1974.

## CONGO

The instruments adopted at the 59th Session of the Conference have been submitted to the People's National Assembly. The ratification of Convention No. 140 has been proposed.

## COSTA RICA

The Conventions adopted at the 54th, 55th and 56th Sessions of the Conference together with Recommendation No. 143, adopted at the 56th Session, were submitted to the Legislative Assembly in July and October 1974. The instruments adopted at the 59th Session of the Conference and Recommendation No. 144, adopted at the 56th Session, were submitted to the Legislative Assembly on 20 January 1976.

## CUBA

Conventions Nos. 139 and 140 and Recommendation No. 148, adopted at the 59th Session of the Conference, have been submitted to the Council of Ministers. Convention No. 140 has been ratified.

## CYPRUS

The instruments adopted at the 58th and 59th Sessions of the Conference have been submitted to the competent authorities.

---

## CZECHOSLOVAKIA

Convention No. 122 has been ratified. The instruments adopted at the 58th Session of the Conference have been submitted to the Federal Assembly on 30 September 1975.

## DENMARK

The instruments adopted at the 59th Session of the Conference were submitted to Parliament on 9 June 1975. The possibility of ratifying Conventions Nos. 139 and 140 is under study. Recommendations Nos. 147 and 148 have been communicated to the organisations and authorities concerned.

## ECUADOR

Conventions Nos. 139 and 140, adopted at the 59th Session of the Conference have been submitted to the President of the Republic. Convention No. 139 has been ratified.

## EGYPT

The instruments adopted at the 33rd, 36th, 37th, 41st, 43rd and 47th Sessions of the Conference have been submitted to the National Assembly.

## EL SALVADOR

The instruments adopted at the 59th Session of the Conference were submitted to the Legislative Assembly on 13 January 1975 and those adopted at the 52nd, 55th and 56th Sessions of the Conference were submitted to the Legislative Assembly on 1 March 1976.

## FINLAND

Conventions Nos. 128, 135, 136, 137 and 138 have been ratified. The instruments adopted at the 59th Session of the Conference were submitted to Parliament on 12 December 1975 and the ratification of Convention No. 139 has been proposed.

---

FRANCE

Convention No. 140 has been ratified. Recommendations Nos. 145 and 146, adopted at the 58th Session of the Conference, and the other instruments adopted at the 59th Session have been submitted to Parliament.

GABON

Convention No. 135 has been ratified. Ratification of Conventions Nos. 88, 89, 90, 97, 103, 117, 118, 119 and 122 has been proposed.

GERMAN DEMOCRATIC REPUBLIC

The instruments adopted at the 59th Session of the Conference have been submitted to the People's Chamber.

FEDERAL REPUBLIC OF GERMANY

The instruments adopted at the 59th Session of the Conference have been submitted to the competent authorities.

GHANA

The Commission noted that the instruments adopted at the 59th Session of the Conference have been submitted to the National Redemption Council.

GREECE

Convention No. 100 has been ratified. Conventions Nos. 115, 116, 138 and 139 together with Recommendations Nos. 114, 146 and 147 have been submitted to Parliament. The ratification of Convention No. 116 has been proposed.

GUINEA

Conventions Nos. 139 and 140, adopted at the 59th Session of the Conference, have been submitted to the Legislative Assembly and their ratification has been proposed.

---

#### GUYANA

Conventions Nos. 100 and 111 have been ratified.

#### HONDURAS

Conventions Nos. 117 and 114 and Recommendations Nos. 115 to 151 were submitted to the Head of State on 2 December 1975. Consideration is being given to the possibility of ratifying Conventions Nos. 120, 122, 127 and 131.

#### HUNGARY

Recommendations Nos. 143 and 144, adopted at the 56th Session of the Conference, have been submitted to the Council of the Presidency of the Republic.

#### INDIA

Conventions Nos. 115 and 123 have been ratified. The instruments adopted at the 58th and 59th Sessions of the Conference have been submitted to Parliament.

#### ITALY

The instruments adopted at the 56th and 58th Sessions of the Conference have been submitted to Parliament.

#### JAPAN

Conventions Nos. 69 and 102 have been ratified. The instruments adopted at the 59th Session of the Conference were submitted to the Diet on 23 May 1975.

#### KUWAIT

Recommendations Nos. 145 and 146, adopted at the 58th Session of the Conference, were submitted to the National Assembly on 24 March 1974.

---

## LIBYAN ARAB REPUBLIC

Conventions Nos. 102, 103, 118, 121, 128, 130 and 138 have been ratified. The instruments adopted at the 59th Session of the Conference have been submitted to the Revolutionary Council.

## LUXEMBOURG

The instruments adopted at the 58th and 59th Sessions of the Conference were submitted to the Chamber of Deputies on 22 January 1974 and 30 April 1975, respectively.

## MALI

The instruments adopted at the 59th Session of the Conference have been submitted to the Military Committee for National Liberation.

## MAURITIUS

The instruments adopted at the 55th Session of the Conference were submitted to the Cabinet on 11 April 1975.

## MEXICO

The instruments adopted at the 59th Session of the Conference have been submitted to the competent authorities. The Secretariat of Labour and Social Security has recommended the ratification of Convention No. 140.

## MOROCCO

The instruments adopted at the 59th Session of the Conference have been submitted to the competent authorities.

## NETHERLANDS

Convention No. 135 has been ratified. Conventions Nos. 136 and 139 and Recommendations Nos. 137, 139, 144 and 147 have been submitted to the competent authorities.



---

#### NEW ZEALAND

Recommendation No. 145, adopted at the 58th Session of the Conference, has been accepted with reservations. The instruments adopted at the 59th Session have been submitted to the House of Representatives.

#### NICARAGUA

Conventions Nos. 45, 77, 78, 95, 127 and 131 have been ratified.

#### NIGERIA

The instruments adopted at the 59th Session of the Conference have been submitted to the Federal Executive Council.

#### NORWAY

Convention No. 133 has been ratified. The instruments adopted at the 59th Session of the Conference have been submitted to Parliament. The ratification of Convention No. 139 and acceptance of Recommendations Nos. 146 and 147 have been proposed.

#### PHILIPPINES

The instruments adopted at the 59th Session of the Conference were submitted to the competent authorities on 31 March 1975.

#### POLAND

Convention No. 133 has been ratified. The Government has communicated information concerning the decisions taken on Recommendations Nos. 103, 130, 135, 143 and 144.

#### ROMANIA

Conventions Nos. 127, 129, 131, 134, 135, 136, 137 and 138 have been ratified. The instruments adopted at the 59th Session of the Conference have been submitted to the competent authorities.

---

SINGAPORE

The instruments adopted at the 58th Session of the Conference have been submitted to the competent authorities.

SRI LANKA

Convention No. 131 has been ratified.

SUDAN

The instruments adopted at the 59th Session of the Conference have been submitted to the competent authorities.

SWEDEN

The instruments adopted at the 59th Session of the Conference have been submitted to Parliament. Conventions Nos. 139 and 140 have been ratified.

SWITZERLAND

Conventions Nos. 87 and 136 have been ratified. The instruments adopted at the 59th Session of the Conference were submitted to the Federal Assembly on 16 June 1975. The approval of Convention No. 139 has been approved.

SYRIAN ARAB REPUBLIC

Convention No. 135 has been ratified. Convention No. 136 and Recommendation No. 146 have been submitted to the Council of Ministers and the ratification of the Convention has been proposed.

TRINIDAD AND TOBAGO

The instruments adopted at the 59th Session of the Conference have been submitted to Parliament.

---

## TUNISIA

The instruments adopted at the 59th Session of the Conference were submitted to the National Assembly on 23 October 1975.

## TURKEY

Conventions Nos. 26, 102 and 127 have been ratified. The instruments adopted at the 59th Session of the Conference have been submitted to the National Assembly.

## UKRAINIAN SSR

The instruments adopted at the 59th Session of the Conference have been submitted to the Presidium of the Supreme Soviet of the Ukrainian SSR.

## USSR

The instruments adopted at the 59th Session of the Conference were submitted to the Presidium of the Supreme Soviet of the USSR on 27 May 1975.

## UNITED KINGDOM

The instruments adopted at the 59th Session of the Conference have been submitted to Parliament. Convention No. 140 has been ratified.

## UNITED STATES

The instruments adopted at the 59th Session of the Conference have been submitted to the Congress.

## URUGUAY

Conventions Nos. 131, 135, 136 and 138, together with Recommendations Nos. 143 and 144, have been submitted to the Council of State. The approval of Conventions Nos. 131, 136 and 138 has been proposed.

---

YUGOSLOVIA

Conventions Nos. 32, 129, 132 and 136 have been ratified.

ZAMBIA

Convention No. 138 has been ratified.







**Price: 3.50 Swiss francs**  
**ISBN 92-2-101359-6**



P09681  
17

International Labour Conference  
61st Session 1976

---

Report III  
(Part 4A)

# **Report of the Committee of Experts on the Application of Conventions and Recommendations**

**General Report  
and Observations concerning Particular Countries**

---



International Labour Office Geneva



International Labour Conference  
61st Session 1976

---

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 92-2-101360-X

---

*First published 1976*

---

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 Comments Made by the Committee, by Country. . . . .	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
In-depth review of international labour standards . . . . .	6
Collaboration with other international organisations . . . . .	8
International Covenants on human rights . . . . .	9
Regional reviews of the application of standards . . . . .	10
Regional seminars on national and international labour standards. . . . .	10
Special procedures . . . . .	10
Action for the elimination of discrimination in employment and occupation . . . . .	11
Implementation of employment policy standards . . . . .	13
III. <i>Procedure of Direct Contacts</i> . . . . .	14
Other types of assistance to governments . . . . .	15
IV. <i>The Role of Employers' and Workers' Organisations</i> . . . . .	15
Observations by employers' and workers' organisations . . . . .	15
Measures to promote greater participation . . . . .	17
V. <i>Reports on Ratified Conventions</i> (Articles 22 and 35 of the Constitution) . . . . .	17
Supply of reports . . . . .	17
Reports requested and received . . . . .	18
Compliance with reporting obligations . . . . .	18
Supply of first reports . . . . .	19
Replies to Committee's comments . . . . .	19
Late reports. . . . .	20
Examination of reports . . . . .	20
Observations and direct requests . . . . .	20

	Page
Practical application . . . . .	20
Cases of progress . . . . .	21
 VI. <i>Submission of Conventions and Recommendations to the Competent Authorities</i> (Article 19 of the Constitution) . . . . .	 23
59th Session . . . . .	23
31st to 58th Sessions . . . . .	24
Comments by the Committee and replies from governments . . . . .	24
Nature of the competent authority . . . . .	24
Communication of information and documents . . . . .	24
Special problems . . . . .	25
 VII. <i>Reports on a Recommendation</i> (Article 19 of the Constitution) . . . . .	 25

## PART TWO

### OBSERVATIONS CONCERNING PARTICULAR COUNTRIES

I. <i>Observations concerning Annual Reports on Ratified Conventions</i> (Article 22 of the Constitution) . . . . .	29
A. General Observations . . . . .	29
B. Individual Observations . . . . .	35
Appendix I. Receipt of Detailed Reports on Ratified Conventions (States Members) as at 31 March 1976 . . . . .	188
Appendix II. Statistical Table of Reports on Ratified Conventions as at 31 March 1976 . . . . .	197
 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) . . . . .	 198
A. General Observations . . . . .	198
B. Individual Observations . . . . .	198
Appendix. Receipt of Detailed Reports on Ratified Conventions (Non-Metropolitan Territories) as at 31 March 1976 . . . . .	210
 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) . . . . .	 216
Appendix I. Information Supplied by Governments with Regard to the Obligation to Submit Conventions and Recommendations to the Competent Authorities . . . . .	229
Appendix II. Position of Member States with Regard to the Obligation to Submit Conventions and Recommendations to the Competent Authorities . . . . .	236

**PART THREE**

**GENERAL SURVEY OF THE REPORTS CONCERNING  
THE CONSULTATION (INDUSTRIAL AND NATIONAL LEVELS)  
RECOMMENDATION, 1960 (No. 113)**

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





## INDEX TO COMMENTS MADE BY THE COMMITTEE, BY COUNTRY

Country	Observations made by the Committee (published in the present Report) <sup>1</sup>	Direct requests addressed by the Committee to the Governments (not reproduced in the present Report) <sup>2</sup>
Afghanistan . . . . .	General Report, paras. 97, 101. I B, Nos. 13, 41, 95, 105. III.	Art. 22, Nos. 105, 106.
Albania . . . . .	I A.	
Algeria . . . . .	I B, Nos. 42, 44, 63, 77, 88, 119, 120.	Art. 22, Nos. 6, 24, 29, 56, 63, 69, 71, 73, 74, 78, 88, 89, 92, 96, 101, 111, 119, 120, 122, 127. Subm.
Argentina . . . . .	I B, Nos. 2, 17, 88.	Art. 22, Nos. 2, 29, 34, 81, 88, 105. Subm.
Australia . . . . .	I B, Nos. 42, 122.	Art. 22, Nos. 16, 42, 63, 105, 122. Art. 35, Nos. 87, 98.
Austria . . . . .	I B, Nos. 29, 95, 105.	Art. 22, Nos. 6, 29, 81, 111, 122.
Bangladesh . . . . .		Art. 22, general. Art. 22, Nos. 22, 29, 90, 96, 105, 107. Subm.
Barbados . . . . .	I B, Nos. 81, 94, 95. III.	Art. 22, Nos. 29, 42, 63, 81, 102, 115, 128.
Belgium . . . . .	I B, Nos. 29, 32, 96.	Art. 22, Nos. 6, 17, 81, 91, 113, 122. Subm.
Benin . . . . .	General Report, paras. 71, 75. I A and B, Nos. 18, 29. III.	Art. 22, Nos. 6, 29, 105.
Bolivia . . . . .	General Report, para. 101. I B, No. 42. III.	General Report, para. 57. Art. 22, Nos. 1, 17, 20, 30, 77, 100, 103, 106.
Botswana . . . . .	I A.	Art. 22, No. 63.
Brazil . . . . .	I B, Nos. 12, 22, 42, 88, 113. III.	Art. 22, general. Art. 22, Nos. 12, 19, 29, 42, 52, 53, 88, 89, 94, 101, 108, 117, 118, 125.

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

<sup>2</sup> The abbreviations used in respect of direct requests are the following:

"Art. 22 ": application of ratified Conventions in member States.

"Art. 35 ": application of ratified Conventions in non-metropolitan territories.

"Subm. ": submission of Conventions and Recommendations to the competent authorities.

The numbers refer to Conventions.

REPORT OF THE COMMITTEE OF EXPERTS

Country	Observations made by the Committee (published in the present Report)	Direct requests addressed by the Committee to the Governments (not reproduced in the present Report)
Bulgaria . . . . .	III.	Art. 22, Nos. 79, 81, 87.
Burma . . . . .	I B, Nos. 17, 52, 63, 87.	Art. 22, Nos. 6, 17, 29, 42, 63. Subm.
Burundi . . . . .	General Report, para. 75. I A and B, No. 94.	Art. 22, Nos. 1, 29, 64, 81, 90. Subm.
Byelorussian SSR . . .	General Report, para. 96. I B, Nos. 29, 52. III.	Art. 22, Nos. 29, 32, 124.
Cambodia . . . . .	I A.	Subm.
Cameroon, United Republic of .	III.	Art. 22, Nos. 77, 78, 94.
Canada . . . . .		Art. 22, Nos. 63, 105. Subm.
Central African Republic . . . . .	I B, Nos. 18, 29, 33, 41, 52, 81, 87, 105. III.	Art. 22, Nos. 19, 29, 62, 67, 81, 88, 94, 95, 105, 117, 118, 119.
Chad . . . . .	General Report, paras. 71, 75. I A and B, Nos. 13, 29, 81, 87, 111. III.	Art. 22, Nos. 41, 52, 81, 87, 98, 100, 105, 111.
Chile . . . . .	General Report, para. 97. I B, Nos. 18, 24, 25, 34, 37, 63, 111. III.	Art. 22, Nos. 17, 29, 34, 35, 37, 127.
Colombia . . . . .	I B, Nos. 3, 18, 22, 24, 25, 88, 107. III.	Art. 22, general. Art. 22, Nos. 3, 12, 17, 18, 29, 81, 88.
Congo . . . . .	General Report, para. 71. I A.	Art. 22, No. 29. Subm.
Costa Rica . . . . .	General Report, Nos. 71, 72, 75. I A and B, Nos. 94, 95.	Art. 22, Nos. 29, 81, 88, 92, 107, 113, 114, 117, 127. Subm.
Cuba . . . . .	I B, Nos. 17, 29, 42, 52, 63, 81, 87, 92, 101, 105.	Art. 22, general. Art. 22, Nos. 3, 9, 29, 88, 91, 103, 112, 113, 122, 135, 136. Subm.
Cyprus . . . . .	I B, No. 81.	Art. 22, Nos. 44, 87, 88, 95, 105, 114, 121, 122.
Czechoslovakia . . . .	I B, No. 111.	Art. 22, Nos. 52, 63, 88, 130. Subm.
Democratic Yemen . .	III.	Art. 22, Nos. 95, 105.
Denmark . . . . .	II B, No. 16.	Art. 22, Nos. 29, 32, 62, 63, 81, 129.

# INDEX

Country	Observations made by the Committee (published in the present Report)	Direct requests addressed by the Committee to the Governments (not reproduced in the present Report)
Dominican Republic . .	I A and B, No. 88. III.	
Ecuador . . . . .	I A and B, Nos. 2, 111.	Art. 22, Nos. 29, 87, 95, 98, 104, 105, 107, 110, 111, 115, 117, 122. Subm.
Egypt . . . . .	I B, Nos. 17, 18, 87, 88, 94, 95, 105.	Art. 22, Nos. 29, 63, 74, 81, 87, 88, 94, 96, 105. Subm.
El Salvador . . . . .		General Report, para. 57. Art. 22, No. 105. Subm.
Ethiopia . . . . .	I B, No. 87.	Art. 22, No. 88. Subm.
Fiji . . . . .	General Report, paras. 71, 75. I A.	Art. 22, Nos. 84, 98. Subm.
Finland. . . . .	I B, Nos. 53, 63, 81.	Art. 22, Nos. 18, 29, 63, 81, 96, 105, 111, 118, 121.
France . . . . .	I B, Nos. 19, 42, 81. II A and B, Nos. 19, 99.	Art. 22, Nos. 22, 29, 56, 78, 81, 96, 105, 125, 127, 129. Art. 35, Nos. 3, 17, 19, 22, 24, 29, 42, 44, 52, 56, 63, 71, 77, 78, 81, 82, 94, 99, 124.
Gabon . . . . .	General Report, para. 71. I A and B, Nos. 19, 29, 52, 101, 105. III.	Art. 22, general. Art. 22, Nos. 29, 41, 81, 87, 124.
Germany, Federal Republic of . . . . .	I B, Nos. 22, 105, 111, 135.	Art. 22, Nos. 29, 111, 115, 118, 121, 136.
Ghana . . . . .	I B, No. 81.	Art. 22, Nos. 22, 29, 65, 81, 89, 94, 105, 115, 117. Subm.
Greece . . . . .	I B, Nos. 81, 89, 90, 95, 102, 105. III.	Art. 22, Nos. 29, 55, 81, 105.
Guatemala . . . . .	I A and B, No. 105. III.	Art. 22, Nos. 63, 79, 88, 94, 105.
Guinea . . . . .	General Report, para. 75. I A and B, Nos. 3, 5, 18, 29, 45, 81, 94, 105, 122.	Art. 22, Nos. 3, 10, 13, 16, 17, 33, 52, 62, 90, 99, 105, 111, 112, 113, 114, 115, 117, 118, 119, 120, 121, 122. Subm.
Guyana . . . . .	I B, Nos. 108, 129. III.	Art. 22, Nos. 29, 42, 81, 95, 105, 115, 129.
Haiti . . . . .	General Report, paras. 71, 75, 97. I A and B, Nos. 1, 24, 25, 29, 30, 42, 81, 90, 98, 100, 105, 106. III.	Art. 22, Nos. 81, 105.

REPORT OF THE COMMITTEE OF EXPERTS

Country	Observations made by the Committee (published in the present Report)	Direct requests addressed by the Committee to the Governments (not reproduced in the present Report)
Honduras . . . . .	I A. III.	
Hungary . . . . .	I B, Nos. 6, 41, 48. III.	Art. 22, general. Art. 22, Nos. 29, 136.
Iceland . . . . .		Art. 22, Nos. 29, 105. Subm.
India . . . . .	I B, Nos. 29, 88, 100.	Art. 22, Nos. 29, 88, 100, 107.
Indonesia . . . . .	General Report, para. 71. I A and B, No. 29. III.	Art. 22, No. 29. Subm.
Iran . . . . .		Art. 22, Nos. 19, 29, 105, 122. Subm.
Iraq . . . . .	General Report, para. 72. I A and B, Nos. 22, 88. III.	Art. 22, Nos. 8, 17, 29, 78, 88, 105, 111, 115.
Ireland . . . . .	General Report, para. 75. I A and B, Nos. 23, 122.	Art. 22, Nos. 81, 87, 88, 89, 105, 121, 122. Subm.
Israel. . . . .	I B, No. 88.	Art. 22, Nos. 19, 29, 48, 78, 91, 102, 118, 122. Subm.
Italy . . . . .	I B, Nos. 32, 52, 81, 108, 118. III.	Art. 22, Nos. 29, 52, 79, 81, 95, 105, 118, 124, 127. Subm.
Ivory Coast . . . . .	General Report, para. 75. III.	Art. 22, Nos. 29, 52, 111, 136.
Jamaica . . . . .	General Report, para. 75. III.	Art. 22, Nos. 105, 117.
Japan . . . . .	I B, Nos. 87, 98.	Art. 22, No. 81.
Jordan . . . . .	I A and B, No. 105. III.	Art. 22, Nos. 100, 105, 111, 119, 120, 122, 124.
Kenya . . . . .	I B, Nos. 17, 29, 81, 105.	Art. 22, Nos. 63, 65, 81, 105. Subm.
Kuwait . . . . .	I A and B, No. 81.	Art. 22, Nos. 29, 52, 89. Subm.
Lao Republic . . . . .	General Report, paras. 71, 97, 101. I A. III.	
Lebanon . . . . .	I A. III.	
Lesotho . . . . .	I A.	

# INDEX

Country	Observations made by the Committee (published in the present Report)	Direct requests addressed by the Committee to the Governments (not reproduced in the present Report)
Liberia . . . . .	I B, Nos. 29, 53, 55, 87, 104, 105, 111, 113, 114. III.	
Libyan Arab Republic . . . . .	I B, No. 95.	Art. 22, Nos. 26, 29, 52, 59, 81, 88, 95, 104, 122, 131. Subm.
Luxembourg . . . . .	I B, Nos. 28, 81, 103.	Art. 22, Nos. 18, 29, 77, 78, 81, 96, 103, 121.
Madagascar . . . . .	General Report, para. 72. I A and B, Nos. 29, 81, 87, 129. III.	Art. 22, general. Art. 22, Nos. 19, 29, 81, 87, 111, 117, 118, 119, 120, 122, 124, 127, 129.
Malawi . . . . .	General Report, paras. 71, 75. I A and B, No. 81. III.	Art. 22, Nos. 86, 99, 129. Subm.
Malaysia . . . . .	I B, Nos. 17, 29, 81, 105. III.	Art. 22, Nos. 12, 81, 95, 105.
Mali . . . . .	I B, No. 52.	
Malta . . . . .	I B, No. 81. III.	Art. 22, Nos. 29, 105.
Mauritania . . . . .	I A and B, Nos. 19, 29, 53, 62, 81, 87, 111. III.	Art. 22, Nos. 19, 22, 29, 81, 94, 102, 114, 118, 122.
Mauritius . . . . .	III.	Art. 22, Nos. 17, 63, 65, 105.
Mexico . . . . .	I B, Nos. 22, 63, 90.	Art. 22, Nos. 17, 22, 23, 34, 42, 43, 55, 102, 105, 124. Subm.
Mongolia . . . . .	III.	
Morocco . . . . .	I B, Nos. 52, 111.	Art. 22, Nos. 29, 81, 94.
Nepal . . . . .	General Report, para. 101. III.	
Netherlands . . . . .	I B, No. 100. II B, Nos. 17, 58, 81, 89.	Art. 22, Nos. 17, 29, 81, 91, 100, 105, 111, 121, 129. Art. 35, Nos. 90, 94, 105, 122. Subm.
New Zealand . . . . .	I B, No. 42. II A.	Art. 22, Nos. 17, 88, 105.
Nicaragua . . . . .	I A and B, No. 28. III.	Art. 22, Nos. 2, 24, 25, 29, 105. Subm.
Niger . . . . .	General Report, paras. 71, 72, 75. I A and B, No. 119. III.	Art. 22, general. Art. 22, Nos. 33, 102, 111.

**REPORT OF THE COMMITTEE OF EXPERTS**

Country	Observations made by the Committee (published in the present Report)	Direct requests addressed by the Committee to the Governments (not reproduced in the present Report)
Nigeria . . . . .	I B, Nos. 29, 81, 105.	Art. 22, Nos. 29, 81, 88, 105. Subm.
Norway . . . . .	I B, No. 105.	Art. 22, Nos. 42, 96, 118, 128, 130.
Pakistan . . . . .	I B, Nos. 22, 29, 96. III.	Art. 22, general. Art. 22, Nos. 29, 81, 96, 105, 107, 111.
Panama . . . . .	I B, Nos. 22, 53, 81, 88, 92. III.	Art. 22, Nos. 16, 17, 22, 29, 42, 52, 55, 56, 63, 73, 74, 77, 78, 88, 94, 95, 96, 105, 113, 114, 117, 125, 126, 127.
Paraguay . . . . .	I B, Nos. 52, 59, 60, 77, 78, 79, 89, 90, 95, 98, 107. III.	General Report, para. 57. Art. 22, Nos. 29, 105, 107, 115, 117, 119, 120, 122.
Peru . . . . .	I B, Nos. 22, 24, 25, 44, 52, 56, 79, 87, 90, 107. III.	Art. 22, general. Art. 22, Nos. 22, 23, 53, 55, 69, 101, 105, 107, 114.
Philippines . . . . .	I B, Nos. 17, 23, 53, 59, 77, 88, 89, 90, 94, 105.	Art. 22, Nos. 59, 88, 89, 94, 105.
Poland . . . . .	I B, Nos. 17, 124. III.	Art. 22, Nos. 9, 42, 92, 95, 105, 123.
Portugal . . . . .	General Report, para. 96. I B, No. 81.	Art. 22, Nos. 6, 18, 19, 81, 88, 105. Subm.
Qatar . . . . .		Subm.
Romania . . . . .		Art. 22, general. Art. 22, Nos. 6, 59, 81, 88, 89, 95, 111, 117, 122. Subm.
Rwanda . . . . .	I B, Nos. 11, 26, 42, 94.	Art. 22, Nos. 12, 17, 123. Subm.
Senegal . . . . .	I B, No. 122.	Art. 22, Nos. 6, 19, 29, 81, 105, 121, 122, 125. Subm.
Sierra Leone . . . . .	I B, Nos. 17, 29, 81, 105, 126.	Art. 22, Nos. 81, 88, 95, 105, 125, 126. Subm.
Singapore . . . . .	I B, Nos. 98, 105.	Art. 22, Nos. 29, 65, 88. Subm.
Somalia . . . . .	General Report, paras. 71, 101. I A and B, Nos. 17, 22, 94. III.	Art. 22, Nos. 17, 19, 45, 84, 94, 95, 105, 111.
South Africa . . . . .	I A.	

# INDEX

Country	Observations made by the Committee (published in the present Report)	Direct requests addressed by the Committee to the Governments (not reproduced in the present Report)
Spain . . . . .	I B, Nos. 22, 105.	Art. 22, Nos. 29, 44, 53, 55, 56, 63, 73, 74, 77, 78, 79, 81, 88, 90, 92, 94, 129, 132, 136. Subm.
Sri Lanka . . . . .	I B, Nos. 63, 81. III.	Art. 22, Nos. 29, 81.
Sudan . . . . .	I B, No. 81.	Art. 22, Nos. 2, 19, 29, 81, 95, 105, 117.
Sweden . . . . .	I B, Nos. 130, 135.	Art. 22, Nos. 16, 73, 88, 96, 118, 121.
Switzerland . . . . .	I B, Nos. 18, 44.	Art. 22, Nos. 29, 44, 81.
Syrian Arab Republic . . . . .	I B, Nos. 87, 96, 105, 118.	Art. 22, general. Art. 22, Nos. 19, 29, 63, 87, 88, 95, 105, 107, 115, 117, 129. Subm.
Tanzania . . . . .	General Report, paras. 75, 101. I A and B, Nos. 17, 26, 29, 50, 81, 88, 97, 105, 108. III.	Art. 22, Nos. 29, 63, 65, 81, 98, 105.
Thailand . . . . .	General Report, para. 71. I A. III.	Art. 22, Nos. 29, 88, 105, 123, 127.
Togo . . . . .	General Report, para. 71. I A. III.	Art. 22, Nos. 26, 29, 87.
Trinidad and Tobago . . . . .		Art. 22, Nos. 29, 105, 111, 125.
Tunisia . . . . .	I B, Nos. 18, 22, 29, 105, 113.	Art. 22, Nos. 22, 23, 55, 73, 77, 88, 98, 100, 105, 117, 118, 122, 124, 127. Subm.
Turkey . . . . .	I A and B, Nos. 81, 94, 95, 105, 119.	Art. 22, Nos. 42, 81, 88, 96, 98, 111.
Uganda . . . . .	I B, Nos. 5, 17, 64, 65, 81, 95, 105, 122. III.	Art. 22, general. Art. 22, Nos. 5, 26, 29, 50, 64, 81, 86, 95, 98, 122, 123, 124.
Ukrainian SSR . . . . .	General Report, para. 96. I B, Nos. 29, 52. III.	Art. 22, Nos. 29, 124.
USSR . . . . .	General Report, para. 96. I B, Nos. 29, 52, 87. III.	Art. 22, Nos. 29, 124.
United Arab Emirates . . . . .		Subm.
United Kingdom . . . . .	I B, No. 42. II A and B, Nos. 7, 42, 81, 82, 85, 95, 105, 108.	Art. 22, Nos. 17, 81. Art. 35, Nos. 3, 8, 14, 17, 19, 22, 24, 25, 26, 29, 42, 56, 58, 63, 81, 82, 84, 87, 88, 94, 95, 105, 135.

# REPORT OF THE COMMITTEE OF EXPERTS

Country	Observations made by the Committee (published in the present Report)	Direct requests addressed by the Committee to the Governments (not reproduced in the present Report)
Upper Volta . . . . .	General Report, para. 75. I A and B, Nos. 3, 18.	Art. 22, Nos. 3, 6, 19, 97, 100. Subm.
Uruguay . . . . .	I B, Nos. 24, 25, 63, 94. III.	General Report, para. 57. Art. 22, Nos. 2, 17, 63, 103, 105, 108, 112, 113, 121, 128.
Venezuela . . . . .	I B, Nos. 22, 29, 81.	Art. 22, Nos. 3, 22, 81, 88, 111, 120. Subm.
Republic of South Viet-Nam . . .	I A.	Subm.
Yemen . . . . .	I A. III.	Art. 22, No. 111.
Yugoslavia . . . . .	I B, Nos. 3, 23, 48, 81, 102, 103.	Art. 22, Nos. 3, 29, 48, 81, 92, 97, 102, 103. Subm.
Zaire . . . . .	I B, Nos. 29, 88. III.	Art. 22, Nos. 18, 29, 81, 84, 88, 94, 95, 98, 100, 117, 118, 119, 120, 121.
Zambia . . . . .	General Report, para. 72. I A.	Art. 22, Nos. 29, 100, 105, 136. Subm.



## 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 46th Session in Geneva from 18 to 31 March 1976. The Committee has the honour to present its report to the Governing Body.

2. The Committee learned with regret that Professor Yokota had indicated that he could no longer continue as a member of the Committee for reasons of health. It expressed its appreciation of his contribution to the work of the Committee and noted that his career had been marked by a lifetime of service in the cause of the rule of law and the development of international law.

3. The Committee also learned that Mr. Sussekind had resigned from the Committee consequent upon his appointment to represent the Government of Brazil on the Governing Body. While regretting the loss of his services to the Committee, which had been invaluable thanks to his long and varied experience in the field of labour law, the Committee welcomed the fact that his counsels would still be available to the Organisation in a different capacity.

4. In order to fill these vacancies the Governing Body has appointed Mr. Antonio Ferreira CESARINO, Jr. (Brazil), and Mr. Senjin TSURUOKA (Japan), 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 Bencher of the Middle Temple, London; Honorary Member of the International Commission of Jurists; former member of the International Civil Service Advisory Board; former President of the Nigerian Red Cross Society; Chancellor of the University of Nigeria;

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; honorary Doctor of the Universities of Bordeaux and Reykjavik; Corresponding Member of the Austrian Academy;

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;

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

former Professor of Labour Law of the State University and Professor of Occupational Medicine of the Catholic University of São Paulo; Honorary Professor of the Central University of Venezuela; Honorary President of the International Society of Labour and Social Security Law; Honorary Member of the Society of Occupational Medicine; member of the Brazilian delegation to the sessions of the International Labour Conference of 1950, 1960 and 1964;

**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 (1963-74);

**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;

**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 Review Board, United Auto Workers; 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; former 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. Senjin TSURUOKA (Japan),

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

Mr. Grigory TUNKIN (USSR),

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

Mr. 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),

President of 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 and Social Security Law;

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.

6. The Committee regretted that for reasons of health Mr. Gajendragadkar, Mr. García Sayán and Mr. Ruegger were unable to attend its session this year.

7. The Committee elected Sir Adetokunbo ADEMOLA as Chairman and Mr. RAZAFINDRALAMBO as Reporter of the Committee.

8. 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."

9. 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 65 to 86

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 87 to 98 below, and Part Two (III)); and (c) review of reports supplied by governments under article 19 of the Constitution on the Consultation (Industrial and National Levels) Recommendation, 1960 (No. 113) (see paragraphs 99 to 102 below and Part Three, which is published in a separate volume as Report III (Part 4B)).

10. The United Nations was represented at the session by Mr. Marc Schreiber, Director of the Human Rights Division.

## II. General

### *New Member States*

11. The Committee learned that since its last session Saudi Arabia, Surinam and Swaziland had become Members of the International Labour Organisation, bringing the total membership to 128.

### *New Conventions and Recommendations*

12. The Committee noted that at its 60th (1975) Session the International Labour Conference adopted three Conventions (Nos. 141, 142 and 143) accompanied by three Recommendations (Nos. 149, 150 and 151) concerning respectively, organisations of rural workers and their role in economic and social development; vocational guidance and vocational training in the development of human resources; and migrations in abusive conditions and the promotion of equality of opportunity and treatment of migrant workers.

### *Obligations Binding Member States*

13. In the course of 1975, 73 ratifications by 29 member States were registered. Three Conventions received the number of ratifications necessary for their entry into force: the Minimum Age Convention, 1973 (No. 138), the Occupational Cancer Convention, 1974 (No. 139), and the Paid Educational Leave Convention, 1974 (No. 140), which will enter into force on 19 June 1976, 10 June 1976 and 23 September 1976 respectively. The total number of ratifications on 31 December 1975 was 4,126.

14. During 1975, five new declarations in respect of the application of Conventions to non-metropolitan territories were registered, of which four were without modification and one with modifications. The total number of declarations now includes 1,246 declarations of application without modification and 107 declarations of application with modifications. The Comoros, Surinam and Papua New Guinea have become independent. The Gilbert Islands and Tuvalu are now separate territories resulting from the division of the Gilbert and Ellice Islands. As a result of these changes, the number of non-metropolitan territories was 42 on 31 December 1975.

### *In-Depth Review of International Labour Standards*

15. The Committee learned that, following the consultation of governments of member States and employers' and workers' organisations on the in-depth review of

international labour standards, the Programme, Financial and Administrative Committee of the Governing Body undertook a detailed examination of the in-depth review at its 199th (February-March 1976) Session. In the course of this examination it was recommended that the Committee of Experts be consulted on the modalities of giving effect to any proposals which affect its work. The Committee accordingly examined the various documents relating to the in-depth review, from this point of view.

16. The principal proposal of direct concern to the work of the Committee was that there should be a further spacing out of detailed reports on ratified Conventions, with appropriate safeguards to ensure an effective system of supervision. The proposal made was that detailed reports might in general be requested at four-yearly intervals, but the existing periodicity of detailed reporting should be maintained for the more important Conventions, particularly those relating to freedom of association, forced labour and discrimination, and possibly also on Conventions setting out modern, up-to-date standards, while Conventions no longer relevant to current conditions or not giving rise to any major problems of implementation might be the subject of detailed reports even less frequently. The safeguards proposed were that first reports should continue to be requested immediately after the entry into force of a Convention for a country; reports should be due on an annual basis if serious problems of application were noted by the supervisory bodies or if there was no reply to comments made by them; immediate reports should also be called for whenever observations were made on the application of a Convention by national or international employers' or workers' organisations, and the Governing Body might decide that reports should be requested outside the general cycle of detailed reporting if it considered this necessary owing to current developments, relevance to objectives of the Long-Term Plan or otherwise.

17. The Committee recognised that the continuing increase in the number of reports to be prepared and examined under the current system of reporting was placing an ever-growing burden upon governments, the supervisory bodies and the Office, and that a further adaptation of this system was desirable. In view of the variety of the subjects covered by Conventions and of the problems faced by the member States, it appeared important to retain a substantial degree of flexibility in any new arrangements which might be adopted, so as to ensure effective supervision and to enable the supervisory bodies to keep abreast of rapidly changing conditions and emerging needs. A number of suggestions were made to this end.

18. In the first place, among the important Conventions for which the existing periodicity of reporting might be retained, it might be appropriate to include, in addition to the Conventions dealing with human rights matters—freedom of association, non-discrimination and the abolition of forced labour—a limited number of other key Conventions such as those covering employment policy, migrant workers and labour inspection. Some members of the Committee suggested that certain other subjects, such as social security and tripartite machinery to promote the implementation of international labour standards, might also be considered. Another member felt that any attempt to classify Conventions according to whether they were modern or up to date might give rise to problems. It would in any case be for the Governing Body and the Conference to consider this matter and to decide which Conventions should be regarded as the most important.

19. A further possibility would be that, even for Conventions in respect of which detailed reports at two-yearly intervals would not remain the rule, countries should

be requested to submit the first three reports after ratification at two-yearly intervals, after which, in the absence of serious problems of application, reports would be requested every four years. In order to facilitate the identification of individual cases in which more frequent reports were necessary, both the Committee of Experts and the Conference Committee might request, with greater flexibility than at present, that a detailed report be supplied earlier than it would normally be due.

20. The Committee assumed that, as under the existing system and in order to respect the terms of article 22 of the ILO Constitution, governments would still be required to submit each year a general report on ratified Conventions for which detailed reports were not requested. If these general reports revealed important changes in legislation and practice affecting the application of Conventions they should be examined without awaiting the next detailed report on the Conventions concerned.

21. As regards cases in which comments were received from national or international employers' or workers' organisations, the Committee understood that they would, as at present, be communicated to the government concerned to enable it to present its observations; the Committee would then decide, in the light of the information available, whether the issues raised were such as to call for the presentation of a detailed report on the Convention in advance of the normal year.

22. The Committee also hoped that, if reports were to be requested at less frequent intervals, it would be possible to secure more complete information on practical application, so that closer attention might be given to the realities of implementation.

23. The Committee recalled that it had examined the methods and procedures which it had evolved over the years at its session in 1969 and that it had included in its report that year, and restated in its report for 1971, a detailed outline of its methods and procedures of work, and had indicated its intention of including such an outline in its reports from time to time. In view of the time which has elapsed since then and of the changes which are likely to result from the in-depth review of international labour standards, the Committee decided to undertake a fresh review of its methods of work at its next session, which will coincide with the 50th anniversary of its first meeting in 1927.

#### *Collaboration with Other International Organisations*

24. The arrangements under which the ILO collaborates with other international organisations on questions concerning the supervision of international instruments on matters of interest to more than one organisation continued to function as in the past. Thus, in conformity with the usual practice, copies of reports supplied under article 22 of the ILO Constitution on the Indigenous and Tribal Populations Convention, 1957 (No. 107) were sent for comment to the United Nations, the Food and Agriculture Organisation of the United Nations (FAO), the United Nations Educational, Scientific and Cultural Organisation (UNESCO) and the World Health Organisation (WHO). Copies of reports on the Social Policy (Basic Aims and Standards) Convention, 1962 (No. 117), were sent to the United Nations, FAO and UNESCO.

25. In the field of discrimination, the Committee learned that its report for 1975, and in particular its comments on the application of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), had been brought to the



attention of the Committee on the Elimination of Racial Discrimination, which is responsible for supervising the International Convention on the Elimination of All Forms of Racial Discrimination, adopted in 1965 under United Nations auspices. It also noted with interest the documents relating to the work of this Committee which were communicated to it pursuant to the arrangements for co-operation between the two Committees.

26. Within the framework of ILO collaboration with the Council of Europe, the Committee examined this year seven reports from States which have ratified the European Code of Social Security and the Protocol thereto, three of which referred to new legislation adopted in the countries concerned and thus required a detailed analysis. 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 participated in a meeting of the Subcommittee on the European Code of Social Security and of the Committee on Social and Health Questions of the Consultative Assembly, to which the reports of governments on the application of the Code and Protocol are also communicated for examination. These bodies reached conclusions analogous to those of the Committee of Experts.

27. A representative of the ILO also participated in a consultative capacity in the meeting of the Committee of Independent Experts responsible for the supervision of the application of the European Social Charter. This participation, which is provided for in article 26 of the Charter, facilitates co-ordination in the supervision of international labour Conventions and of the many provisions of the Charter which deal with matters which are also the subject of ILO Conventions.

#### *International Covenants on Human Rights*

28. The Committee learned with interest of the entry into force of the International Covenant on Economic, Social and Cultural Rights on 3 January 1976, and of the International Covenant on Civil and Political Rights on 23 March 1976 three months after the 35th ratification in each case. This is a development of historic significance, giving a new dimension to the efforts of the world community to place the protection of human rights in the forefront of national and international concerns.

29. The Committee noted that the former Covenant, which now has 37 ratifications, contains a considerable number of provisions on matters covered by international labour standards, and that it provides for the collaboration of the specialised agencies of the United Nations in the procedures for monitoring and supervising its implementation in relation to the provisions falling within the scope of their activities. The Covenant on Civil and Political Rights also contains certain provisions on matters of direct concern to the ILO, in particular freedom from forced labour and trade union rights, and provides for the transmission to the specialised agencies of such parts of the government reports as may fall within their field of competence.

30. The Committee was informed that consultations had been taking place between the secretariats of the United Nations and the specialised agencies concerned, including in particular the ILO, with a view to the submission to their respective deliberative organs of appropriate proposals for bringing into effect the procedures for supervising the implementation of the Covenants.

31. Mr. Schreiber, Director of the Human Rights Division of the United Nations, recalled that the specialised agencies, including in particular the International Labour Organisation, had been closely concerned in the drafting of the Covenants, and indicated that it was expected that they would make an important contribution to supervising the implementation of those provisions which were of concern to them. He welcomed the fact that it was contemplated that the Committee should be closely associated in the ILO contribution to the monitoring and supervision of the Covenants, and expressed the appreciation of the United Nations of the Committee's work in the service of the international community.

### *Regional Reviews of the Application of Standards*

32. The Committee learned with interest that the Eighth Asian Regional Conference, held in Colombo (Sri Lanka) in 1975, continued the review of the application of Conventions in the region, which was begun in 1970, with an examination of the general situation relating to standards in the countries of the region and of developments affecting Conventions Nos. 12, 17, 102 (Part IV), 110, 121 and 135 and Recommendation No. 143. It noted the resolution adopted on the subject which, inter alia, called upon the Governing Body of the ILO to ensure that the problems encountered in the ratification and implementation of international labour Conventions in Asia continue to be the subject of comprehensive reviews, carried out in consultation with governments and employers' and workers' organisations, and be considered as a separate agenda item at the next session of the Asian Advisory Committee and at the next Asian Regional Conference.

33. The Committee also noted that the Sixth Session of the African Advisory Committee, held in Lomé (Togo) in 1975, examined the position of African countries in respect of the ratification and application of international labour standards and that the Governing Body had decided to include on the agenda of the Fifth Session of the Inter-American Advisory Committee, which will be held in Quito (Ecuador) in the autumn of 1976, an examination of ILO activities in the Americas, including the situation regarding the ratification and implementation of ILO Conventions.

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

34. The aim of these seminars 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. The Committee noted that such a seminar was held in Port of Spain (Trinidad and Tobago) in October 1975 for officials from English-speaking countries of the Caribbean, including both independent States and non-metropolitan territories. The Committee once again noted that these seminars lead to positive results in the preparation and supply of the information and reports due and in the examination of problems of application. It noted that a further seminar was planned for 1976 for English-speaking countries in Africa.

### *Special Procedures*

35. The Committee noted that the Fact-Finding and Conciliation Commission on Freedom of Association appointed to examine the trade union situation in Chile, and the Commission appointed under article 26 of the 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), had

presented their reports to the Governing Body in May 1975. It noted that the follow-up of the implementation of the recommendations of the former Commission (which were accepted by the Government of Chile) had been entrusted, in the absence of the ratification by Chile of the freedom of association Conventions, to the Governing Body Committee on Freedom of Association, and that the Government had been requested to supply a report under article 19 of the ILO Constitution for this purpose.

36. The Committee further noted that the report of the Commission of Inquiry made a number of recommendations concerning the implementation of Convention No. 111, which has been ratified by Chile, and also recommended that the Government should submit a report under article 22 of the ILO Constitution on the measures taken to give effect to the Convention and in particular on the action taken to give effect to the recommendations of the Commission of Inquiry. This report was received in October 1975 and examined by the Committee at its present session. The Committee's conclusions on this case will be found in its observation to Chile on the application of Convention No. 111 in Part Two I B of this report.

37. The Committee was also informed that the report of the Fact-Finding and Conciliation Commission on Freedom of Association on the case of Lesotho, which was presented to the Governing Body in June 1975, had been transmitted to the Economic and Social Council of the United Nations, Lesotho not being a Member of the ILO, and that it would be examined by the Council in April-May 1976.

38. The Committee noted that in two further cases the constitutional procedures of complaint and representation had been invoked concerning ratified Conventions. The first was a complaint presented under article 26 of the ILO Constitution by a number of Workers' members at the 60th (1975) Session of the International Labour Conference concerning the application by Bolivia of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87). The Committee noted that the Governing Body had decided to co-ordinate the procedure for the examination of this complaint with that relating to complaints made to the Governing Body Committee on Freedom of Association by several trade union organisations which contain allegations of violations of trade union rights in Bolivia, and that at the request of the Governing Body the Government of Bolivia had agreed that a representative of the Director-General should visit the country under the direct contacts procedure in order to study the facts relating to the complaints. The Committee noted that these direct contacts were currently taking place and that a report on the results of the mission would be made to the Governing Body Committee on Freedom of Association.

39. The second case concerns a representation under article 24 of the ILO Constitution made by the Swedish Dockers' Union alleging the non-application by three States of the Marking of Weight (Packages Transported by Vessels) Convention, 1929 (No. 27). The Committee noted that in November 1975 the Governing Body appointed a committee composed of three of its members belonging respectively to the Government group, the Employers' group and the Workers' group to examine this representation.

*Action for the Elimination of Discrimination  
in Employment and Occupation*

40. The Committee has had to examine this year a number of reports on the application of the Discrimination (Employment and Occupation) Convention, 1958

(No. 111), and of the Equal Remuneration Convention, 1951 (No. 100), but it is next year that, under the two-yearly cycle, it will have to examine reports from all the countries which have ratified these Conventions. The Committee hopes that on that occasion it will be able to note further progress in the application of these Conventions in response to the appeal it made on this subject last year, in connection more particularly with the celebration of 1975 as International Women's Year. It is to be noted that in June 1975 the International Labour Conference undertook a special examination of equality of opportunity and treatment for women workers, following which it adopted a Declaration as well as two resolutions on the subject, which deal with various questions directly or indirectly related to the ratification and application of the ILO standards in this field; the Committee hopes that this action of the Conference will be borne in mind by governments when examining what steps are to be taken and what information is to be supplied in their future reports on the above-mentioned Conventions.

41. In a general way, the elimination of all forms of discrimination in employment and occupation in the sense of Convention No. 111—whether on the grounds of race, colour, sex, religion, political opinion, national extraction or social origin—still requires constant attention, not only in areas for which the public authorities are responsible, but also in practical working relations. The Committee has been informed in this respect that the practical guide to *Special National Procedures concerning Non-Discrimination in Employment* recently published by the Office, to which it referred in its general observation on Convention No. 111 in 1975, could be sent at the same time as the general observation to all countries which have ratified the Convention, together with the request for the next reports due on this Convention. The Committee hopes that this will help the countries concerned to study any supplementary measures which might be appropriate, in accordance with Article 3 (b) of the Convention, with a view to securing the acceptance of the principles of non-discrimination, by the parties to employment relationships, through the application of suitable procedures permitting the examination and settlement of any cases in which discriminatory practices in respect of employment are alleged.

42. There has also been an important development since last year concerning the elimination of discrimination against migrant workers. The provisions of Convention No. 143 and of Recommendation No. 151 concerning equality of opportunity and treatment for migrant workers and members of their families, adopted by the International Labour Conference at its 60th (1975) Session as indicated in paragraph 12 above, have supplemented the existing ILO standards on this matter in the light of the specific nature of the problems which arise in connection with these workers. Furthermore, a regional symposium on equality of opportunity and treatment in employment organised for the European region within the framework of the discrimination programme (Geneva, 21-29 April 1975) analysed more particularly the problems and policies affecting migrant workers. Another regional symposium which is to be held in Africa in 1977 will also devote a substantial part of its work to these questions. Furthermore, a meeting of experts on migrant workers, convened to study the ILO programmes on this matter (Geneva, 15-24 October 1975), suggested that the Governing Body should as soon as possible request reports on the above-mentioned instruments under article 19 of the Constitution. The Committee will follow with special interest the results of these actions and the steps taken at the national level in connection with the submission of the new instruments to the competent national authorities, the ratification of Convention No. 143 and the implementation of the new standards for the benefit of migrant workers.

*Implementation of Employment Policy Standards*

43. As a further development arising out of the World Employment Programme, the ILO is organising in June of this year a Tripartite World Conference on Employment, Income Distribution and Social Progress, and the International Division of Labour. The major objectives of this Conference are the promotion of a better understanding of the nature and magnitude of employment problems throughout the world, the formulation of national strategies to deal effectively with these problems and the identification and adoption of proposals for action at the international level to facilitate such national strategies. The results of this Conference should therefore provide valuable guidelines as to the policies to be pursued by both developing and developed countries in seeking to achieve the goal of full, productive and freely chosen employment, as defined in the Employment Policy Convention, 1964 (No. 122).

44. While the main thrust of the World Employment Programme so far has been directed towards the problems and needs of the developing countries, one of the repercussions of the current world economic situation in many developed countries also has been a marked increase in unemployment, underlining the need to consider the employment problems of both developing and developed countries within a global context. In the light of these developments, the Committee hopes that in their next reports on the Employment Policy Convention governments will make a special effort to provide full information on the evolution of the employment situation in the period covered by the report, on any special policies or measures adopted to deal with unemployment and underemployment, including action in related fields such as income distribution and promotion of greater economic equality and on the results of such policies and measures.

45. The Committee is aware 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, agriculture, trade, public works, etc. It hopes that governments will find it possible to ensure the collection of the necessary information from the various agencies concerned.

46. In previous reports, the Committee has set out the principles which it sought to apply in examining reports on the Employment Policy Convention, 1964 (No. 122). In particular, the Committee has stressed the promotional character of the Convention and its close links with the ILO's World Employment Programme. The Committee has indicated that its comments to the governments of ratifying States were aimed essentially at pointing out the directions in which further action might be appropriate, with full regard to any advice or assistance being given to ratifying States under the World Employment Programme. In view of the further light thrown by the missions and studies undertaken under the World Employment Programme on the problems to be faced in pursuing a policy of full, productive and freely chosen employment, and the clearer focus likely to be given to national and international policies in this field by the discussions at the forthcoming World Employment Conference, the Committee considers that it might be desirable for the Governing Body to review the report form for the Employment Policy Convention, with a view to bringing into sharper relief the varied aspects of policy and practical action requiring attention and assisting governments in assembling information on the full range of questions needing to be evaluated by the Committee.

### III. Procedure of Direct Contacts

47. Since the last session, direct contacts have taken place with the Governments of Guatemala, Honduras, Nicaragua, Panama and Singapore.

48. The direct contacts with Guatemala took place in November 1975 and dealt with problems concerning the application of Conventions Nos. 30, 87, 95, 96, 98, 113 and 114 and the submission to the competent authorities of instruments adopted by the Conference from its 53rd to its 60th Sessions. The direct contacts with Honduras, in December 1975, concerned the application of Conventions Nos. 29, 32, 42, 62, 78, 87, 95, 105, 108 and 111 and the submission of instruments adopted from the 45th to the 60th Sessions of the Conference. In Nicaragua, the direct contacts took place in April 1975 and covered questions concerning the application of 22 Conventions (Nos. 1, 2, 3, 4, 6, 8, 9, 12, 13, 17, 18, 22, 24, 25, 28, 29, 30, 87, 98, 100, 105, 111) as well as the submission to the competent authorities of Conventions Nos. 127 to 140 and of Recommendations Nos. 135 to 146. The direct contacts with Panama, in April 1975, related to the application of Convention No. 81 and the submission of a number of instruments adopted by the Conference. The direct contacts with Singapore took place in September 1975 and concerned the application of Conventions Nos. 98 and 105. During each of these missions, the representative of the Director-General also had discussions with the employers' and workers' organisations.

49. Particulars of the results of these direct contacts, and also of further measures taken as a result of earlier direct contacts (Afghanistan, 1974: Convention No. 41; Colombia, 1972: Convention No. 18; Paraguay, 1973: Conventions Nos. 52, 59, 60, 77, 78, 79, 89, 90 and 95) will be found in the general observations concerning various countries and in the individual observations relating to the application of the Conventions in question and to the submission of Conventions and Recommendations to the competent authorities in the countries concerned, in Part Two, I A and B and III below.

50. A further outcome of the direct contacts with Nicaragua was the ratification by this country, in February 1976, of Conventions Nos. 45, 77, 78, 95, 127 and 131. Four ratifications, of Conventions Nos. 77, 78, 81 and 88, were also registered by Ecuador in 1975 following direct contacts in 1974.

51. The Committee learned with interest that in December 1975 a request was received from the Co-ordinating Executive Secretary of the Andean Group, on behalf of all the member countries (Bolivia, Colombia, Chile, Ecuador, Peru, Venezuela), requesting the establishment of direct contacts with a view to examining the possibility of a uniform application of ratified Conventions and of the ratification, by those member countries which had not yet done so, of 25 ILO Conventions, including all those relating to fundamental human rights. This request was the result of a resolution adopted by the Third Conference of Ministers of Labour of the Countries of the Andean Group, held in April 1975, which called for the ratification and implementation of the 25 Conventions in question as a means towards the harmonisation of the labour legislation of the countries concerned and suggested that, where necessary, the collaboration of the ILO be sought for this purpose.

52. The Government of the Dominican Republic has also requested the establishment of direct contacts for a number of ratified Conventions, and the Government of

Panama has mentioned the possibility of having recourse to direct contacts in several of its reports on ratified Conventions examined by the Committee at its present session.

53. The Committee also learned that the direct contacts procedure has again been used in relation to complaints being examined by the Governing Body Committee on Freedom of Association. Thus, in a case relating to Uruguay, a representative of the Director-General visited Montevideo in June 1975 and, as indicated in paragraph 38 above, direct contacts with the Government of Bolivia are currently taking place.

54. The Committee noted with interest that at the 1975 Session of the Conference Committee the Government representatives of Ecuador, Nicaragua and Panama, where direct contacts had taken place during the preceding months, stressed the advantages of this procedure as a means of resolving difficulties.

#### *Other Types of Assistance to Governments*

55. In 1975 the Committee also noted in its report cases of contacts of a less formal nature to help governments to discharge their obligations relative to international labour standards. At its present session, it learned with interest that during 1975 officials from the Office visited the United Republic of Cameroon, Costa Rica, the Dominican Republic, Nicaragua and Zaire to provide help of this kind. An official also visited Indonesia to examine with the authorities a number of draft laws from the point of view of ILO standards.

### **IV. The Role of Employers' and Workers' Organisations**

56. At each of its sessions, the Committee pays particular attention to the role which employers' and workers' organisations play in the supervisory procedures on the basis of article 23, paragraph 2, of the ILO Constitution, which requires governments to send copies of the reports and information communicated to the ILO to the representative organisations of employers and workers, and of the provisions in a large number of Conventions, covering a wide variety of subject areas, which call for the consultation or collaboration of these organisations.

57. The Committee found that this year again almost all governments have indicated in the reports and information sent to the ILO that they have complied with the obligation to communicate copies to the representative organisations and have, as requested, identified the organisations in question.<sup>1</sup>

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

58. The Committee had before it 51 observations from 16 employers' organisations and 28 workers' organisations, almost the same total as last year (50). They concern the application of ratified Conventions<sup>2</sup>, the effect given to the Consultation

<sup>1</sup> Direct requests have however been addressed by the Committee to the Governments of the following countries, who have not provided information on the steps taken to comply with article 23, paragraph 2, of the ILO Constitution: Bolivia, El Salvador, Paraguay, Uruguay.

<sup>2</sup> Austria: Congress of Chambers of Labour on Conventions Nos. 6, 89, 95 and 111; Austrian Federation of Trade Unions on Convention No. 111; Belgium: Belgian Confederation of Christian

(Industrial and National Levels) Recommendation, 1960 (No. 113)<sup>1</sup>, on which reports had been requested under article 19 of the ILO Constitution and, in one case<sup>2</sup>, the submission of a newly adopted instrument to the competent authorities.

59. Most of these observations were transmitted by the governments concerned in their reports, thus confirming the trend, already noted by the Committee last year, towards regular consultations between governments and the representative organisations in a considerable number of countries. In some cases, the governments stated only that they had consulted the representative organisations when preparing their reports, but did not give the names of the organisations consulted nor indicate whether they had presented any observations. The Committee recalls that at the Conference Committee last year the Workers' members urged that any observations made by employers' and workers' organisations should be transmitted unabridged for examination by the Committee, and hopes that governments will follow this suggestion, so that full information may be available to the Committee.

60. In those cases in which the observations were communicated directly to the ILO by the representative organisations, they were sent to the government for its comments in accordance with the usual practice.

61. In order to reduce the delay in examining observations from employers' and workers' organisations which might result from the biennial system of reporting, the Committee has followed its usual practice of examining these observations as soon as the government's comments have been received, irrespective of whether a report was due on the Convention. If the government does not send its comments within a reasonable period, the Committee nevertheless examines the substance of the observations.

---

Trade Unions on Convention No. 29; Brazil: National Confederation of Agriculture on Conventions Nos. 29 and 88; National Confederation of Agricultural Workers on Conventions Nos. 12, 29 and 42; National Confederation of Industry on Convention No. 89; National Confederation of Workers in Maritime, Fluvial and Air Transport on Convention No. 22; Finland: Confederation of Finnish Employers and Confederation of Commerce Employers on Conventions Nos. 63 and 88; Confederation of Finnish Trade Unions on Convention No. 63; Federal Republic of Germany: Confederation of German Employers' Associations on Convention No. 135; Greece: General Confederation of Labour on Conventions Nos. 89 and 102; India: Indian National Trade Union Congress on Convention No. 88; Japan: General Council of Trade Unions on Conventions Nos. 87 and 98; Luxembourg: Federation of Luxembourg Manufacturers, Federation of Luxembourg Workers, Confederation of Luxembourg Christian Trade Unions, Federation of Private Salaried Employees of the Grand Duchy of Luxembourg on Convention No. 89; Sweden: Swedish Employers' Confederation, Swedish Trade Union of Railroad Mechanics and Engineers, Swedish Association of Executive Personnel, Swedish Dockers' Union on Convention No. 135; Swedish Confederation of Trade Unions and Swedish Central Organisation of Salaried Employees on Conventions Nos. 88 and 135; Zaïre: National Association of Undertakings of Zaïre on Convention No. 88. Observations were received from the World Confederation of Labour on the application of Convention No. 44 in Switzerland and from the World Federation of Trade Unions and the World Federation of Teachers' Unions on the application of Convention No. 111 in the Federal Republic of Germany.

<sup>1</sup> Brazil: National Confederation of Industry; Denmark: Danish Employers' Confederation and National Confederation of Danish Trade Unions; Federal Republic of Germany: Confederation of German Employers' Associations; Japan: Japanese Confederation of Labour; Spain: Central Trade Union Organisation; Switzerland: Central Union of Swiss Employers' Associations; Swiss Union of Arts and Crafts; Swiss Union of Rural Workers; Swiss Federation of Trade Unions.

<sup>2</sup> In Japan, the Joint Struggle Committee for the Spring Offensive presented an observation concerning the government proposals to be made on the occasion of the submission of the Paid Educational Leave Convention, 1974 (No. 140), to the competent authorities.



*Measures to Promote Greater Participation*

62. In order to assist employers' and workers' organisations in considering the copies of the information and reports communicated to them under article 23, paragraph 2, of the ILO Constitution, the Office again sent to the organisations concerned a list of the Conventions on which reports were due from the government of their country and a copy of the report form for the reports requested under article 19 of the Constitution, and indicated that further copies of the report forms for ratified Conventions (which had been sent to them previously) as well as copies of the observations and direct requests made by the Committee to their government, were available on request. As a result, a number of organisations have requested and been supplied with copies of the comments addressed to their governments by the Committee.

63. The Committee was also informed that a further workers' study course on international labour standards had been organised for the Workers' participants in the Eighth Asian Regional Conference in Colombo in October 1975. Courses of this kind have thus now been held in the African, American and Asian regions.

64. The Committee noted with interest that in October 1975 the Congress of the International Confederation of Free Trade Unions, one of the organisations having consultative status with the ILO, adopted a resolution calling on all its affiliated organisations to take full advantage of their rights within the context of the ILO's supervisory machinery for the implementation of international labour standards, and in particular to insist that their governments communicate to them copies not only of reports but also of other information sent to the ILO in regard to Conventions and Recommendations, and regularly to send to their governments, to the ILO, or to both, their observations concerning the measures taken by their governments to meet their obligations, particularly as regards the practical application of ratified Conventions. The Committee hopes that this resolution, which reflects the concern which both it and the Conference Committee have expressed on this matter over the years, will contribute to a more active participation by the affiliated organisations, and by employers' and workers' organisations generally, in the supervision of the implementation of ILO standards. The Committee also hopes that the measures already taken by the ILO to encourage this participation will be pursued.

**V. Reports on Ratified Conventions**

(Articles 22 and 35 of the Constitution)

*Supply of Reports*

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

66. In accordance with the procedure for detailed reporting at two-yearly intervals approved by the Governing Body and the Conference, detailed reports from

<sup>1</sup> ILO: *Summary of Reports on Ratified Conventions*, Report III (Part 1), International Labour Conference, 61st Session, Geneva, 1976.

all ratifying States were due to be examined this year in respect of 59 Conventions<sup>1</sup> which covered the period from 1 July 1973 to 30 June 1975. In addition, detailed reports were also requested 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 because reports due for the previous period had not been received or did not contain the information requested.

### *Reports Requested and Received.*

67. A total of 2,034 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, 1,663 of these reports had been received by the Office. This figure corresponds to 81.7 per cent of the reports requested, as compared with 84.6 per cent last year. 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.

68. In addition, 849 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, 657 reports, or 77.3 per cent, had been received by the end of the Committee's session. A further 601 reports were requested on Conventions ratified by the member States but not declared applicable to the non-metropolitan territories; of these, 472 or 78.5 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 the Appendix to section II of Part Two of this report.

69. Apart from the above-mentioned reports, 18 Governments also supplied general reports on the Conventions for which detailed reports were not due for the period under review (Argentina, Australia, Belgium, Canada, Cyprus, Denmark, El Salvador, Federal Republic of Germany, Ghana, Honduras, India, Iraq, Malaysia, New Zealand, Sierra Leone, Singapore, Switzerland, United Kingdom).

70. 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 therefore again 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 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.*

71. Of the 118 governments from which reports were due on the application of ratified Conventions in States Members, the great majority have supplied all or most

<sup>1</sup> The Conventions concerned are: 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, 129, 130, 132, 135.

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: Benin, Chad, Congo, Costa Rica, Gabon, Indonesia, Malawi, Niger, Somalia, Thailand, Togo. No reports have been received for the last two years from Fiji or Haiti and for the last three years from the Lao Republic.

#### *Supply of First Reports.*

72. A total of 57 first reports on the application of ratified Conventions in member States 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 1974: Costa Rica (Conventions Nos. 102, 129, 130); Iraq (Convention No. 136); Madagascar (Convention No. 132); Niger (Convention No. 135); Zambia (Conventions Nos. 99, 131). The Committee urges the governments concerned to make every effort to ensure the supply of all first reports when they are requested.

73. In addition, the Committee had to examine this year over 200 first reports on the application of Conventions in non-metropolitan countries, as a result of the large number of declarations of application made by France in November 1974 (noted in the Committee's report last year) and of the entry into force on 15 June 1974 of the Labour Standards (Non-Metropolitan Territories) Convention, 1947 (No. 83), which had the effect of bringing into force a large number of declarations of application made in respect of the Conventions included in the schedule to that Convention.

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

74. The majority of governments replied in their reports to the observations and direct requests of the Committee of Experts. The Committee wishes to express its appreciation of the considerable effort thus made by governments in replying to its comments. 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 28 governments contacted in this way, nine have sent the information requested.

75. There remain a considerable number of cases in which replies to the Committee's comments were not available, in most cases because no report has been received on the Convention in question, and in a few cases, because the report did not contain a reply. A total of 14 governments have thus failed to reply to most or all the observations and direct requests relating to Conventions on which reports were requested this year, with a total of 89 cases<sup>1</sup> as against 139 last year and 161 the year before. The Committee welcomes this evidence that governments are making a greater effort to reply to its comments, and hopes that this trend towards a fuller response will be maintained.

<sup>1</sup> Benin (Conventions Nos. 6, 18, 29, 105), Burundi (Conventions Nos. 1, 29, 64, 81, 90), Chad (Conventions Nos. 13, 29, 41, 52, 81, 87, 98, 100, 105, 111), Costa Rica (Conventions Nos. 29, 81, 88, 92, 94, 95, 117), Fiji (Conventions Nos. 84, 98), Guinea (Conventions Nos. 10, 13, 16, 17, 18, 33, 45, 52, 81, 90, 94, 105, 112, 113, 114, 115, 117, 118, 121), Haiti (Conventions Nos. 1, 24, 25, 29, 30, 42, 81, 90, 98, 100, 105, 106), Ireland (Conventions Nos. 89, 105, 118, 121), Ivory Coast (Conventions Nos. 29, 52), Jamaica (Conventions Nos. 105, 117), Malawi (Conventions Nos. 26, 81, 86, 99, 129), Niger (Conventions Nos. 26, 95, 105, 111, 119), Tanzania (Conventions Nos. 17, 26, 50, 88, 97, 98, 105, 108), Upper Volta (Conventions Nos. 6, 18, 19, 100).

76. In cases of failure to reply, the Committee has to repeat the observations or requests that it had made previously on the Conventions in question. The failure of 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 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.*

77. 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 1975.

#### *Examination of Reports*

78. 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.*

79. 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 1976 or to report in detail for the period 1975-76, or both.

80. The Committee's observations are set out in Part Two (sections I and II) of the present report, together with a list, under each Convention, of any direct requests. An index of all observations and direct requests—classified by country—will be found at the beginning of this report.

#### *Practical Application.*

81. 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' organisations (as more fully discussed in section IV above) and technical co-operation reports of experts or missions working in fields covered by Conventions.

82. This year 37 per cent of the reports supplied on Conventions for which particulars of practical application are specifically requested contained such data. This proportion is somewhat lower than the average recorded in the last ten 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 half the reports concerned: Argentina, Austria, Belgium, Denmark, France, Federal Republic of Germany, Greece, India, Ireland, Japan, Kenya, Luxembourg, Malta, New Zealand, Norway, Sweden, Switzerland, Uganda, United Kingdom, Zaire.

83. 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. Sixteen 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.*

84. 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 94 instances in which measures of this kind have been taken, involving 52 States and 3 non-metropolitan territories. The full list is as follows:

Countries	Conventions Nos.
Afghanistan	41
Algeria	119, 120
Argentina	2, 17, 88
Australia	42, 122
Austria	29, 105
Barbados	81, 94, 95
Brazil	12, 22, 42, 113
Burma	63
Chile	37
Colombia	18, 88
Cyprus	81
Czechoslovakia	111
Ecuador	2

Countries	Conventions Nos.
Egypt	17, 18
Finland	81
Federal Republic of Germany	105
Guyana	129
Greece	105
India	29, 100
Iraq	88
Ireland	122
Israel	88
Italy	81
Kenya	17, 29
Luxembourg	81, 103
Madagascar	29, 81, 87, 129
Malaysia	17, 29, 81
Mali	52
Malta	81
Morocco	111
Netherlands	100
Nicaragua	28
Nigeria	81
Norway	105
Panama	81, 88
Paraguay	52, 59, 60, 77, 78, 79, 89, 90, 95
Peru	107
Philippines	88, 94
Poland	17, 124
Sierra Leone	81, 126
Somalia	17
Spain	22, 105
Sri Lanka	63
Sudan	81
Sweden	130
Switzerland	44
Tunisia	22, 113
Uganda	5, 64, 65, 81, 95
Upper Volta	3
Venezuela	81
Yugoslavia	102, 103
Zaire	29
<i>Non-Metropolitan Territories</i>	
<i>Netherlands:</i>	
Netherlands Antilles	17
<i>United Kingdom:</i>	
Gibraltar	82
St. Vincent	7

85. These cases bring the total recorded instances of progress, since the Committee began listing them in its reports 13 years ago, to over 1,000. They provide an impressive 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.

86. 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. 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. The Committee again noted a

number of cases this year in which it emerged from the report that new legislation was adopted shortly before or after ratification (Ecuador, Convention No. 127; German Democratic Republic, Convention No. 23; Federal Republic of Germany, Conventions Nos. 120, 121, 136; Spain, Convention No. 117; Syrian Arab Republic, Convention No. 124).

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

(Article 19 of the Constitution)

87. 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 59th Session (1974), namely: the Occupational Cancer Convention, 1974 (No. 139), the Paid Educational Leave Convention, 1974 (No. 140), the Occupational Cancer Recommendation, 1974 (No. 147), and the Paid Educational Leave Recommendation, 1974 (No. 148);
- (b) additional information on action taken to submit to the competent authorities the instruments adopted by the Conference from its 31st (1948) to its 58th (1973) Sessions (Conventions No. 87 to 138 and Recommendations Nos. 83 to 146);
- (c) replies to the observations and direct requests made by the Committee at its 1975 Session.

### 59th Session

88. 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 59th Session: Australia, Austria, Barbados, Byelorussian SSR, Bulgaria, Central African Republic, Congo, Costa Rica, Cyprus, Democratic Yemen, Denmark, El Salvador, Finland, France, German Democratic Republic, Federal Republic of Germany, Ghana, Honduras, Hungary, India, Japan, Libyan Arab Republic, Luxembourg, Mali, Morocco, Mexico, New Zealand, Nigeria, Norway, Panama, Philippines, Portugal, Romania, Sudan, Sweden, Switzerland, Trinidad and Tobago, Tunisia, Turkey, Ukrainian SSR, USSR, United Kingdom, United States, Yemen.

89. The governments of the following seven countries have indicated that they have submitted to the competent authorities certain of the instruments adopted by the Conference at its 59th Session: Cuba, Ecuador, Greece, Guinea, Kuwait, Netherlands, Nicaragua.

90. 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, 61st Session, Geneva, 1976.

*31st to 58th Sessions*

91. 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: Afghanistan (instruments adopted from the 46th to the 51st Sessions), Burundi (instruments adopted from the 47th to the 56th Sessions), United Republic of Cameroon (instruments adopted from the 55th to the 58th Sessions), Democratic Yemen (instruments adopted from the 53rd to the 58th Sessions), Egypt (numerous instruments adopted from the 33rd to the 47th Sessions), El Salvador (instruments adopted at the 52nd, 55th and 56th Sessions), Honduras (instruments adopted from the 46th to the 58th Sessions), Nicaragua (instruments adopted from the 52nd to the 58th Sessions), Panama (numerous instruments adopted from the 31st to the 58th Sessions).

92. 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*

93. 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 to a number of countries which are listed at the end of that section.

94. The Committee notes with regret that, notwithstanding its repeated requests, a number of governments have again not supplied 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*

95. The Committee notes with satisfaction that, following its previous comments, the governments of Barbados and Mauritius have decided to modify their submission procedure so that Conventions and Recommendations which are adopted by the Conference, which previously were submitted only to the Cabinet, will henceforth be submitted to the legislative body, namely Parliament. While pointing out these cases of progress, the Committee hopes that the difficulties which persist in other cases concerning the submission of Conventions and Recommendations to the legislative bodies can also be resolved in the near future.

*Communication of Information and Documents*

96. 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). The Committee notes with interest the decision of the Government of Hungary, which was communicated to the



Conference Committee in 1975, that in future it will communicate to the ILO the texts of the proposals made concerning instruments adopted by the Conference. 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 (49th to 59th): Byelorussian SSR, 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*

97. The position in several 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 (52nd to 59th) have in fact been submitted to the competent authorities: Afghanistan, Chile, Haiti, Lao Republic.

\* \* \*

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

## **VII. Reports on a Recommendation**

(Article 19 of the Constitution)

99. 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 Consultation (Industrial and National Levels) Recommendation, 1960 (No. 113).

100. Of a total of 124 reports requested, 87 have been received (i.e. 70.1 per cent), together with 18 reports concerning non-metropolitan territories.<sup>1</sup> The Committee regrets that the trend towards a larger response to the request for reports under article 19 of the Constitution, which it had noted at its last two sessions, has not been maintained this year, and hopes that governments will make every effort to supply the reports requested so that its general surveys can be based on the fullest possible data. A table of reports supplied is appended to Part Three of the present report (Volume B).

101. 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

<sup>1</sup> ILO: *Consultation at the Industrial and National Levels : Summary of Reports on Recommendation No. 113, Report III (Part 2)*, International Labour Conference, 61st Session, 1976, Geneva.

and Recommendations requested under article 19 of the Constitution of the ILO: Afghanistan, Bolivia, Lao Republic, Nepal, Somalia, Tanzania.

102. Part III of this report (Volume B) contains the Committee's general survey of the questions covered by the Recommendation. 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 three members of the Committee, chosen by it at its previous session.

\* \* \*

103. 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, 31 March 1976.

*(Signed)* Adetokunbo ADEMOLA,  
*Chairman.*

E. RAZAFINDRALAMBO,  
*Reporter.*

## **PART TWO**

### **OBSERVATIONS CONCERNING PARTICULAR COUNTRIES**



## **OBSERVATIONS CONCERNING PARTICULAR COUNTRIES**

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

#### **A. GENERAL OBSERVATIONS**

##### *Albania*

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

In the absence of any information from the Government, the Committee is 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.

##### *Benin*

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.

##### *Botswana*

In 1968 the Republic of Botswana had stated that it would continue to co-operate with the International Labour Organisation and, as far as circumstances permit, continue to apply international labour standards established by the Organisation. The Committee notes with interest that the Government was good enough to supply reports on the application of two Conventions for the years 1973-1975.

##### *Burundi*

The Committee notes with regret that only one of the 19 reports due has been received. It trusts that the Government will in future fulfil its obligation to provide reports on the application of ratified Conventions.

##### *Cambodia*

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

*Chad*

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

*Congo*

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.

*Costa Rica*

The Committee notes with regret that the reports due, including three first reports (Conventions 102, 129, 130 on which reports have been due for two years), have not been received. It trusts that the Government will not fail in future to discharge its obligation to report on the application of ratified Conventions.

*Dominican Republic*

The Committee notes with interest that the Government has requested direct contacts with the ILO in order to resolve jointly the problems arising out of the application of certain Conventions ratified by the Dominican Republic (Nos. 26, 29, 77, 81, 87, 89, 95, 98, 100, 105, 111 and 119). The Committee trusts that these direct contacts can take place as quickly as possible and that they will produce the desired results.

*Ecuador*

The Committee notes with interest that the new Social Security Code, intended to ensure full application of Conventions Nos. 24, 35, 37, 39, 103 and 118, came into force in January 1976. In these circumstances the Committee postpones its examination of the legislation in question until its next session. It hopes that future reports on the above-mentioned Conventions (as well as that which is to be provided in respect of Convention No. 102) will contain detailed information on the application of this Code and particularly on the implementation of the new social security system, which is to be progressively introduced pursuant to the provisions of section 24 of the Code.

*Fiji*

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.

*Gabon*

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

*Guatemala*

The Committee notes that direct contacts took place out in Guatemala during November 1975 between the competent national services and a representative of the

Director-General of the ILO, concerning certain Conventions whose application had been the subject of earlier comments.

The Committee notes with interest that, as a result of these direct contacts, draft decrees concerning Conventions Nos. 30, 95, 96, 113 and 114 have been drawn up, as well as a Bill respecting Conventions Nos. 87 and 98, whose purpose is the amendment of sections 211, 226 and 234 of the Labour Code.

The Committee was greatly distressed to learn of the catastrophe which the country has had to confront and hopes that it will be possible to restore normal conditions in the country at an early date. It trusts that in due course the Government will be able to approve the drafts prepared jointly by the Government of Guatemala and the ILO.

#### *Guinea*

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

#### *Haiti*

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.

#### *Honduras*

The Committee notes that direct contacts took place in Honduras during the month of December 1975 between the competent national services and a representative of the Director-General of the ILO, with respect to Conventions Nos. 29, 32, 42, 62, 78, 87, 95, 105 and 108, the application of which had given rise to various comments.

The Committee notes with interest that, as a result of these direct contacts, the following draft legislation has been prepared: with regard to Convention No. 29, two draft decrees; respecting Convention No. 32, draft regulations; concerning Convention No. 42, a draft decree amending section 455 of the Labour Code, as well as draft amendments to the Compulsory Social Security Implementation Rules; as regards Convention No. 62, a draft decree; respecting Convention No. 78, draft regulations; concerning Convention No. 87, a draft decree amending various sections of the Labour Code; for Convention No. 95, draft regulations; for Convention No. 105, a draft decree and, finally, as regards Convention No. 108, draft regulations and a draft ministerial circular.

The Committee trusts that all of these drafts will be enacted at an early date and that the Government will provide information on the measures taken for this purpose.

#### *Indonesia*

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.

#### *Iraq*

The Committee notes with regret that most of the reports due, including one first report (Convention No. 136 on which a report has been due for two years), have not

been received. It trusts that the Government will not fail in future to discharge its obligation to report on the application of ratified Conventions.

*Ireland*

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

*Jordan*

The Committee notes with interest, from the information supplied by the Government, that a comprehensive revision of the labour and social security legislation is being undertaken, with the assistance of ILO experts, and that it is proposed to take full account of international labour Conventions and Recommendations in this connection. The Committee expresses the hope that the new legislation will ensure the application of the Conventions ratified by Jordan, with due regard to its previous observations and direct requests in respect of Convention Nos. 81, 98, 111, 117, 118, 119, 120, 123 and 124, and that the Government will be able to indicate in its next reports the progress made towards the adoption of this legislation.

*Kuwait*

The Committee notes that the Government has for several years stated its intention to amend the national legislation in force in order to extend the Labour Act (Private Sector) to cover certain categories of workers which are at present excluded. The Committee hopes that these amendments will be adopted in the near future and that they will ensure to the workers concerned the protection provided for by Conventions Nos. 1, 30, 52, 89 and 117.

*Lao Republic*

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.

*Lebanon*

The Committee notes that most of the reports due have not been received and that accordingly no information is available in reply to previous observations and direct requests relating to the application of Conventions Nos. 14, 52, 89 and 90. The Committee hopes that circumstances will enable the Government in future to ensure the application of ratified Conventions and to report on the measures taken to that end.

*Lesotho*

The Committee notes with regret that the reports due have not been received. It recalls once again that in accordance with article I, paragraph 5, of the Constitution of the ILO, States have a continuing obligation, even after withdrawal from the organisation, to continue applying ratified Conventions for the period foreseen therein and to report on them.

The Committee notes that two first reports, concerning the application of Conventions Nos. 14 and 98, have not been received and that no information has



been supplied in response to the direct requests made previously concerning the application of Conventions Nos. 19 and 29.

*Madagascar*

The Committee notes with regret that most of the reports due, including one first report (Convention No. 132 on which a report has been due for two years), have not been received. It trusts that the Government will not fail in future to discharge its obligation to report on the application of ratified Conventions.

*Malawi*

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

*Mauritania*

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.

*Nicaragua*

The Committee notes that direct contacts took place in Nicaragua from 25 April to 6 May 1975, between the competent national services and a representative of the Director-General of the ILO, relating to Conventions Nos. 1, 2, 3, 4, 6, 8, 9, 12, 13, 17, 18, 22, 24, 25, 28, 29, 30, 87, 98, 100, 105 and 111, the application of which had given rise to various comments.

The Committee notes with interest that, as a result of these direct contacts, a Bill for the amendment of certain sections of the Labour Code, respecting the application of Conventions Nos. 1, 3, 4, 6, 8, 9, 18, 22 and 30, a draft decree concerning Convention No. 17 and another draft decree relating to Conventions Nos. 87 and 98, have been drafted, and that, with respect to the other Conventions involved, the representative of the Director-General obtained the necessary information concerning their application or assurances that the next reports submitted would contain the information requested.

The Committee trusts that the draft legislation mentioned above will be enacted in the near future and requests the Government to provide, with its next reports, information of the measures taken for this purpose, as well as on the points in respect of which information has not yet been provided.

*Niger*

The Committee notes with regret that the reports due, including one first report (Convention No. 132 on which a report has been due for two years), have not been received. It trusts that the Government will not fail in future to discharge its obligation to report on the application of ratified Conventions.

*Somalia*

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

*South Africa*

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

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

*Tanzania*

The Committee notes with regret that no information has been received since 1965 on the application of ratified Conventions in Zanzibar. It can only once more express the hope that the Government will fulfil its obligation to supply reports in this respect.

*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 supply all the reports due on the application of ratified Conventions.

*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 supply all the reports due on the application of ratified Conventions.

*Turkey*

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.

*Upper Volta*

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

*Republic of South Viet-Nam*

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

*Yemen*

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

*Zambia*

The Committee notes with regret that the first reports on Conventions Nos. 99 and 131, which have been due for two years, have not been received. It trusts that the Government will not fail in future to discharge its obligation to report on the application of ratified Conventions.

\* \* \*

Requests regarding certain points are being addressed directly to the following States: *Bangladesh, Brazil, Colombia, Cuba, Gabon, Hungary, Madagascar, Niger, Pakistan, Peru, Romania, Syrian Arab Republic, Uganda.*

**B. INDIVIDUAL OBSERVATIONS****Convention No. 1: Hours of Work (Industry), 1919***Haiti* (ratification: 1952)

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 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 the 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>

\* \* \*

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

**Convention No. 2: Unemployment, 1919***Argentina* (ratification: 1933)

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

---

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 61st Session.

*Ecuador* (ratification: 1962)

Further to its previous observations, the Committee notes with satisfaction that free public employment agencies have been established in Quito, Guayaquil and Cuenca, that it is planned to establish such agencies also in other parts of the country, and that the Directorate of Employment and Human Resources has instituted a permanent programme of information and analysis of the employment market.

The Committee notes further that the Placement Service of this Directorate is required to draw up and implement a programme for the regulation of fee-charging employment agencies and their gradual abolition. The Committee would be glad if the Government would provide information on the measures taken to co-ordinate the activities of the public placement offices and the free placement agencies run by the workers' organisations and to establish the advisory committees, including representatives of employers and workers, provided for in paragraph 1 of Article 2 of the Convention.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States: *Argentina, Nicaragua, Sudan, Uruguay*.

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

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

The Committee regrets that, in response to its previous observations, the Government supplies no information on progress in adopting the Bill drafted as a result of the direct contacts which took place in 1972 to amend section 236 of the Substantive Labour Code with a view to granting all women workers, as required by the Convention, 12 weeks' maternity leave instead of the 8 to which they are entitled at present, and to ensuring an extension of the prenatal leave and the payment of benefit when the confinement occurs later than the presumed date. The Government merely states that when the woman's health so indicates the prenatal leave and the payment of benefits are prolonged, the woman's condition being equated to sickness. The Committee recalls that the Convention requires prolongation of leave and payment of benefits in all cases of late confinement and hopes that legislation to give effect to the Convention on the above points will shortly be enacted.

*Guinea* (ratification: 1966)

The Committee notes with regret that the Government's latest report contains no information regarding the points raised in its previous observation. Presidential Decree No. 205 PRG of 31 July 1972 did not bring the national legislation into conformity with the Convention on certain points and the Committee must therefore repeat its observation concerning the following points: Article 3 (c) (Payment of maternity allowance in the case of extended pre-natal leave as a result of a mistake of the medical adviser or midwife in estimating the date of confinement), 3 (d) (Entitlement to at least half an hour twice a day for nursing her child), and 4 (Prohibition of dismissal during a woman's absence on maternity leave and any extension as a result

of illness). Further, the Decree in question provides that prenatal leave must be taken one month before confinement whereas under the Convention a woman is entitled to leave her work six weeks before her confinement (Article 3 (b)); in addition, it provides that in the event of the child's death during the leave, the woman is obliged to resume her work one month after the death, whereas the Convention contains no such restriction.

The Committee trusts that the Government will indicate the measures taken or contemplated to give full effect to the Convention on the aforementioned points.

*Upper Volta* (ratification: 1969)

*Article 3, subparagraph (c), of the Convention.* Further to its previous comments, the Committee notes with satisfaction that Act No. 13-72 AN of 28 December 1972, enacting the Employees' Social Security Code, no longer makes the granting of maternity benefits conditional upon seniority in employment and that section 69, paragraph 4, thereof provides that an error by a physician in estimating the probable date of the birth cannot deprive the female employee of the benefits to which she is entitled as of the date indicated on the medical certificate until such date as the birth takes place.

*Yugoslavia* (ratification: 1927)

*Article 1 of the Convention.* See under Convention No. 103.

\* \* \*

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

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

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

*Guinea* (ratification: 1959)

*Article 4 of the Convention.* With reference to its earlier observations, the Committee notes the Government's report according to which the text of the draft order concerning the employment of children, which is designed to ensure the application of Article 4 of the Convention, will be communicated as soon as it is adopted. Since the Government has been referring to the aforementioned draft since 1967, the Committee trusts that it will be adopted in the very near future so that every employer in an industrial undertaking is required to keep a register of all persons under the age of 16 years employed by him, and of their dates of birth.

*Uganda* (ratification: 1963)

Further to its previous comments, the Committee notes with satisfaction that section 66 of the Employment Decree (No. 4 of 2 January 1975) gives a definition of the term "industrial undertaking" which conforms to the provisions of Article 1 of the Convention. It requests the Government to indicate the date on which the Decree is brought into force.

\* \* \*

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

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

*Hungary* (ratification: 1928)

In its earlier comments, the Committee pointed out that the exceptions permitted by section 38, paragraph 4, of the Labour Code to the prohibition of night work for young persons between 16 and 18 years of age should be limited to those permitted by the Convention. The Committee notes the Government's reply that it is endeavouring gradually to remove the discrepancies which still exist between national legislation and practice and the provisions of the Convention and that in the meantime, in accordance with central directives, the collective agreements for enterprises can prohibit night work by young persons.

The Committee notes, however, that Decree No. 18 of 25 July 1974, adopted in application of section 38 (4) of the Labour Code, authorises night work by young persons under 18 years of age in certain cases not permitted by the Convention, i.e., in the textile industry by young persons aged 16 years and in the iron and steel industry or any other branch of industry indicated by the Minister, by young persons aged 17 or more. The Committee trusts that section 38 (4) of the Code and the provisions of the Decree referred to will be amended shortly so as to be in complete conformity with the Convention and that in the meantime all necessary steps will be taken to ensure that any exceptions to the prohibition of night work by young persons will be restricted to the cases permitted by the Convention. It requests the Government to provide information on all progress in this respect.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States: *Algeria, Austria, Belgium, Benin, Burma, Portugal, Romania, Senegal, Upper Volta*.

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

A request regarding certain points is being addressed directly to *Iraq*.

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

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

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

A request regarding certain points is being addressed directly to *Guinea*.

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

*Rwanda* (ratification: 1962)

Further to its previous comments, the Committee notes with interest the statement by the Government in its latest report that a draft Legislative Decree providing for the repeal of section 186 of the Labour Code and thus extending the provisions of that Code to workers employed in agriculture has been proposed for the signature of the President of the Republic.

The Committee hopes that this amendment will be adopted in the very near future and that the Government, as it states in its report, will communicate the text as soon as it comes into force.

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

*Brazil* (ratification: 1957)

With reference to its earlier comments, the Committee notes with satisfaction the adoption of Act No. 6,195, of 19 December 1974, and of Decree No. 76,022 of 24 July 1975, which have established a special compulsory employment accidents compensation scheme for agricultural workers (*Seguro de Accidentes do Trabalho Rural*).

With regard to this new legislation, the Committee notes with interest the comments made by CONTAG (*Confederação Nacional dos Trabalhadores na Agricultura*) communicated by the Government, according to which the application of these provisions is likely to improve the protection of the workers concerned, thus satisfying earlier concerns and claims.

The points on which there still exist certain divergencies between the national legislation and the provisions of the Convention, or on which additional information is necessary, are indicated in a new direct request addressed to the Government.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States: *Brazil, Colombia, Malaysia, Rwanda*.

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

*Afghanistan* (ratification: 1939)

The Committee recalls 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, as a result of which a draft decree has been drawn up with the aim of bringing national legislation into line with the Convention. It notes with interest, from the report, that the draft is under consideration by the Government. The Committee hopes that the decree will be adopted in the near future and that the Government will supply information in this regard.

*Chad* (ratification: 1960)

The Committee notes with regret that, in the absence of a report, no information is available on the measures announced by the Government in 1972 and designed to give full effect to Article 5 (a) and (b) of the Convention. It trusts that the Government will not fail to take the appropriate measures and to supply information on the subject.

\* \* \*

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

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

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

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

**Convention No. 17: Workmen's Compensation (Accidents), 1925***Argentina* (ratification: 1950)

*Article 5 of the Convention.* With regard to its previous observations, the Committee notes with satisfaction the note sent by the Ministry of Labour to the Employment Accidents Fund, requesting that whenever compensation is granted for partial incapacity lower than the 60 per cent prescribed in section 60 of the Decree made under Act No. 9688, the beneficiary is required to supply information so that the proper utilisation of the compensation received is formally guaranteed.

*Burma* (ratification: 1956)

With reference to its earlier observations, the Committee notes the information supplied by the Government in its reports for the periods 1973-74 and 1974-75.

*Compensation Scheme Based on Employers' Liability*

1. The Committee notes the Government's statement to the effect that the new Workmen's Compensation Draft Rule has been prepared and is ready for submission to the People's Congress. It hopes that the new Rule will shortly be adopted and that it will provide:

- (a) in accordance with Article 5 of the Convention, that compensation payable to the injured workman or his dependants, where permanent incapacity or death results from the injury, must be paid in the form of periodical payments and that only by way of exception may it be paid in the form of a lump sum, if the competent authority is satisfied that it will be properly utilised (paragraphs 6 and 7 of section 8 of the Act in force and section 10 of the Regulations made thereunder to which the Government refers are not sufficient to ensure application of the Convention);



(b) in accordance with Article 10, that no maximum amount will be fixed for the supply and normal renewal of artificial limbs and surgical appliances which are recognised to be necessary.

The Committee requests the Government to communicate the text of the new Act once it is promulgated.

2. The Government also states, in reply to the Committee's comments concerning Article 11 on the measures to be taken to ensure *in all circumstances*, in the event of the insolvency of the employer or insurer, the payment of compensation to workmen who suffer personal injury due to industrial accidents, or to their dependants, that the question has been placed before the Labour Legislation Committee and that there is no cause to amend section 14 of the Act currently in force because there are no private insurance companies in the country. The Committee notes this statement; it hopes that the new Act (see preceding paragraph) will contain appropriate measures to ensure in all circumstances the payment of compensation to victims of accidents and to their dependants and to protect them from the employers' insolvency.

#### *Cuba (ratification: 1928)*

*Article 7 of the Convention.* In its previous observations, the Committee expressed the hope that the necessary steps would be taken to ensure that the national legislation provided for the grant of additional compensation to victims of industrial accidents whose incapacity is such that they must have the constant help of another person.

In reply to these comments the Government states, *inter alia*, that in accordance with the national social security scheme, and subject to the conditions of the country's social and economic system, workers sustaining employment accidents and their families are afforded reasonable protection; that the national legislation has gone further than the Convention in the grant of increased cash benefit to all workers whose incapacity is caused by employment accidents and not only to persons requiring the constant help of another person; that the Committee should consider the national social security provisions and measures fairly without insisting on analysing them outside the social and economic context of the country; that it must be understood that the benefits and services received free of charge by all workers—public consumer funds, medical and hospital care, vocational training, etc.—taken together with benefits under the social security scheme, relieve the personal and family budget of necessary expenses that in other countries and systems are clearly a burden on the workers' incomes.

The Committee notes this statement with interest. First, and on a general basis, the Committee would like to point out that it has always examined fairly all national measures to improve the legal, social and economic situation of the workers; moreover, it feels that its essential function consists in promoting the social progress of workers by ensuring the correct application of ILO standards, account being taken of local conditions.

Second, and with regard to Article 7 of this Convention, the Committee wishes to recall that this Article prescribes additional compensation for workers who are in an exceptional and extremely difficult situation: incapacitated to the extent that they require the constant help of another person. The Convention prescribes for this exceptional and specific situation an equally exceptional and specific benefit which cannot be replaced by other benefits and services that, in general, are received by all the workers in a country, however advanced such benefits and services may be.

The Committee again expresses the hope that the Government will re-examine this question and take the steps it deems appropriate to bring the national legislation into conformity with this provision of the Convention. The Committee requests the Government to communicate with its next report any progress made in this direction.

*Egypt (ratification: 1960)*

*Article 5 of the Convention.* (a) Further to its previous comments, the Committee notes with satisfaction the statement by the Government to the effect that section 52 of Act No. 79 of 1975 (which came into force on 1 September 1975) provides that in the event of *partial permanent incapacity of more than 35 per cent* due to an industrial accident, the victim will be entitled to a corresponding percentage of the benefit for total incapacity, and that section 21 of the same Act authorises the simultaneous receipt of an incapacity pension and wages, without restriction. The Committee requests the Government to provide the text of the new Act with its next report.

(b) In its earlier comments, the Committee also requested the Government to state whether the competent authorities were provided with safeguards that the lump sum paid in the event of *permanent incapacity of less than 35 per cent* is used in a proper manner.

In its reply the Government states that section 53 of Act No. 79 of 1975 establishes that in such cases the victim shall receive a lump sum which he is free to use as he thinks fit and that this compensation does not prevent him taking up other work.

The Committee noted this declaration; it regrets that advantage was not taken of the new Act No. 79 of 1975 to extend the national legislation in such a manner as to satisfy the aforementioned provision of the Convention, which stipulates that if a lump sum is paid the competent authority shall be satisfied that it will be properly utilised. The Committee trusts that the Government will reconsider this question and take the necessary action to bring its national legislation fully into agreement with the Convention on this point and requests the Government to inform it of any steps taken to this end.

*Kenya (ratification: 1964)*

The Committee notes the reports for the periods ending in 1974 and 1975 and the statement made by the Government to the Conference Committee in 1975.

*Article 5 of the Convention.* The Committee notes with interest the Government's statement concerning this Article of the Convention according to which it has been decided to incorporate the Employment Accidents Compensation Scheme into the Social Security System, so that benefits will be granted in the form of pensions. The Committee hopes that this decision will soon be implemented and requests the Government to indicate all measures adopted in this direction.

*Articles 9 and 10.* The Committee regrets to note that the Government has still not replied to its earlier comments concerning these Articles of the Convention; it again requests the Government to indicate whether the maximum figures laid down in section 32 of the Workmen's Compensation Act of 1962 for medical expenses and supply of surgical appliances have been raised or eliminated, since the Convention does not specify any limit for medical benefits of this type.

*Article 11.* With reference to its earlier comments respecting this Article of the Convention, the Committee notes with satisfaction that the national legislation has been supplemented so as to make insurance against employment accidents compul-

sory in all undertakings engaged in construction and transport (Workmen's Compensation (Compulsory Insurance) Order of 16 July 1974, sections 2 and 3). Furthermore, the Committee notes with interest the Government's statement to the effect that the system will be extended to other employers in the light of the experience gained with regard to compulsory insurance in these sectors; it hopes that this extension will soon take place and requests the Government to communicate any progress made in this direction.

*Malaysia (Peninsular Malaysia) (ratification: 1957)*

*Article 2 of the Convention (scope).* With reference to its previous comments, the Committee notes with satisfaction that *nomadic native workers* are now covered by the social security scheme with regard to compensation for industrial accidents.

The Committee also notes with interest that the Social Security Act of 1969, which came into force in 1971, has been extended to 21 new pilot centres and now covers a larger number of workers.

The Committee also notes the Government's statement to the effect that the extension of the 1969 Act to undertakings employing *fewer than five persons* will be considered as soon as all workers at present eligible for coverage are insured. The Committee hopes that the progressive extension of the Act to cover all workers in the country will take place in the near future and requests the Government to communicate any progress made in this direction.

The Committee also notes with interest that the Government has extended the compensation scheme for employment accidents to two pilot centres in the States of Sabah and Sarawak; in this connection the Government might also consider formally extending the ratification of the Convention to those States.

*Philippines (ratification: 1960)*

The Committee has noted the Government's report for 1974-75 and in particular the new Labour Code (Presidential Decree No. 442 of 1 May 1974), Book IV, Title II, which has replaced the Industrial Accidents Compensation Act No. 3428.

*Article 5 of the Convention.* In its previous comments, which it has been making since as long ago as 1962, the Committee had pointed out that the national legislation then in force (Act No. 3428, as amended) was not in conformity with the Convention because the compensation in cases of permanent incapacity or death consisted of weekly payments which could not normally extend beyond 208 weeks nor in any case exceed an over-all maximum sum laid down in the Act, whereas this provision of the Convention requires that the benefit must be paid in the form of a pension without any time limit, and only authorises payment in a lump sum in exceptional cases and subject to specified conditions, including in particular the giving by the beneficiary of a satisfactory guarantee that it will be properly utilised.

In its report for 1972-73 the Government stated that a Decree which had been prepared and submitted to the President of the Republic provided for the payment, as from 1 January 1976, of the compensation due in case of permanent incapacity or death following upon an industrial accident in the form of a pension without any time limit as is required by the Convention. The Committee noted this statement with interest (see observation of 1974).

In its last report, the Government refers to the new Labour Code, which also lays down a limit of five years and an over-all maximum sum for compensation paid in case of death or permanent total incapacity (sections 192 and 190 respectively) and

which still does not require that a guarantee be given that the compensation will be properly utilised when it is paid wholly or partly in a lump sum. In addition, the Government indicates that an injured person who is permanently and totally incapacitated may receive a life pension within the framework of the social security system if he has contributed for at least 36 months and that, in case of death, his widow will receive a survivor's pension.

The Committee has noted this information. It notes with regret that the opportunity afforded by the drawing up of the new Labour Code was not taken to bring the national legislation into conformity with the Convention. As to the pensions for permanent total incapacity and for widows provided under the social security system, the Committee notes that they are subject to a period of contribution which is not permitted by the Convention. Further, no provision seems to be made under this system for a pension in case of *permanent partial incapacity*.

The Committee trusts that the Government will very shortly take the necessary measures for the application of this fundamental provision of the Convention, and requests it to provide information on any progress to this end.

*Article 7.* In its previous comments, the Committee had also indicated that the legislation then in force (Act No. 3428, as amended) did not provide for additional compensation for injured workmen whose incapacity necessitated the constant help of another person. In its reply, the Government states that the Labour Code does not provide for additional compensation in this case, but that it provides for a possible claim for the services of a nurse and for rehabilitation measures (section 189 of the Labour Code). The Committee recalls once again that these measures are not sufficient to ensure the full application of the provision of the Convention. It trusts that the Government will very shortly take the necessary measures for the application of this provision of the Convention, and requests it to provide information on any progress to this end.<sup>1</sup>

#### *Poland (ratification: 1937)*

With reference to its earlier comments, the Committee notes with satisfaction that the Act of 12 June 1975 respecting compensation for employment accidents and occupational diseases (*Dziennik Ustaw*, 18 June 1975, No. 20, Text No. 105), which repeals and replaces the Act of 23 January 1968 concerning cash benefits payable in the event of employment accidents (*ibid.*, 27 January 1968, No. 3, Text No. 8), contains no provision authorising the total or partial suspension of benefits due to dependants of victims of employment accidents if they are in receipt of income from employment or from other sources.

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

*Article 5 of the Convention.* In reply to the Committee's earlier comments, the Government states that the administration is actively studying the adoption of legislation compatible with this provision of the Convention; thus, under the new legislation, the compensation payable in the case of death and permanent incapacity will take the form of periodical payments and payment either wholly or partially in the form of a lump sum will be authorised only where the administration is satisfied that it will be properly utilised. The Committee notes this statement; it hopes that the legislation proposed will be soon adopted and requests the Government to communicate the progress made in this respect.

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 61st Session.

*Article 11.* In reply to the Committee's earlier comments, the Government states that the administration is at present considering this question and contemplates taking action to bring the national legislation into conformity with the Convention; in practice, however, no case has been brought either before the Ministry of Labour or before Courts of Law in which sections 27 and 28 of the Workmen's Compensation Act has proved inadequate to guarantee the payment of compensation in the event of the employer's or insurer's insolvency. The Committee notes this statement; it hopes that the Government will soon take the necessary measures to bring the national legislation into conformity with this provision of the Convention and requests the Government to communicate any progress made in this direction.

*Somalia (ratification: 1960)*

With reference to its previous comments, the Committee notes with satisfaction that under sections 83, 87 and 88 of the new Act respecting compulsory insurance against employment accidents and occupational diseases, No. 76 of 7 December 1972, the compensation payable to dependants in the event of the victim's death is to be paid in the form of a pension, without limit of time, thus giving full effect to the *first sentence of Article 5 of the Convention*.

*Tanzania (ratification: 1962)*

The Committee notes with regret that for the fourth 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 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)*

The Committee notes the information supplied by the Government in its report for the period 1972-74, which arrived too late to be examined at its last session, and the statements made to the Conference Committee in 1975 and those contained in its report for 1973-75.

*Article 5 of the Convention.* In its reply to the Committee's earlier comments, addressed to the Conference Committee in 1975, the Government states that the legislation provides for the payment of a lump sum by way of compensation in the event of death or permanent incapacity deriving from an accident, because of the particular situation of the majority of workers who came from rural areas. In its reports for the periods 1972-74 and 1973-75, the Government refers to the Circular of the Ministry of Labour, No. 1 of 10 May 1971, which, according to the

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 61st Session.

Government, is in conformity with Article 5 in that the competent authority has used its discretion permitted by the proviso to the Article.

The Committee notes these statements. Having examined the Circular No. 1 of 10 May 1971, the Committee points out that the situation remains in fact practically unchanged; in fact, under sections 3 (a) ("trustee account"), 4 ("until the whole amount... is exhausted") and 8 (which refers back to section 12 (3)), of the basic Act, that is to say the Act of 1949 as amended up to 1969), it appears that compensation is still paid in the form of a *lump sum* which is paid either by means of periodical payments until the full amount has been exhausted or, for workers whose income exceeds a prescribed amount, is paid, invested or used in accordance with the decision of the competent authority.

In the light of the above and in order to avoid misunderstandings, the Committee would like to point out that in its opinion the national legislation does not conform to Article 5 of the Convention on two points: firstly, because it provides for the grant of compensation only in the form of a lump sum (which, in certain cases, is to be paid in the form of periodical payments until the full amount has been exhausted), whereas the Convention lays down the *principle* that compensation must be paid in the form of a pension, since it is only in this form that compensation paid to the worker for the loss of his capacity achieves its purpose, and that it provides for the payment of compensation in the form of a lump sum only *by way of exception* and on condition that the competent authority is satisfied that it will be properly utilised. Further, the periodical payments provided for in the national legislation are of necessity restricted with regard to time (since they are paid only until the full amount has been exhausted), whereas the Convention provides for the payment of a pension for the entire duration of the contingency, that is to say without limit of time, in the event of permanent incapacity or death.

The Committee hopes that the Government will re-examine this question and adopt in the near future the necessary measures to bring the national legislation into full conformity with the aforementioned Article of the Convention.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States: *Belgium, Bolivia, Burma, Chile, Colombia, Guinea, Iraq, Mauritius, Mexico, Netherlands, New Zealand, Panama, Rwanda, Somalia, United Kingdom, Uruguay.*

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

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

*Benin* (ratification: 1960)

The Committee notes with regret that the Government's report has not been received, and that accordingly no information is available on the measures taken or contemplated to apply fully Article 2 of the Convention. The Committee hopes that those measures will be adopted shortly and will bring the schedule of occupational diseases appended to Ordinance No. 10/SLM of 22 March 1959 into full conformity with that in Article 2 of the Convention as regards *poisoning by lead, its alloys or compounds, poisoning by mercury, its amalgams and compounds and anthrax infection.*

*Central African Republic (ratification: 1960)*

*Article 2 of the Convention.* In its previous requests and observations 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 of these questions concerned the left-hand column of the aforementioned schedule and the entries under "Diseases Caused" for lead poisoning and mercury poisoning (items 1 and 2); the second question concerned the types of work liable to produce anthrax infection (item 18 on the schedule to the 1959 Ordinance).

In its report for the period 1974-75, the Government states that measures are being considered to bring the provisions of Ordinance No. 59-60 of 20 April 1959 into harmony with those of the Convention, and that the list of diseases in the left-hand column of the annex to the aforementioned Ordinance is not of an exclusive nature.

The Committee notes this statement with interest; it hopes that the measures contemplated to bring the national legislation into full conformity with this provision of the Convention will soon be taken and requests the Government to communicate any progress made in this field.

*Chile (ratification: 1933)*

In its reply to the Committee's earlier comments, the Government repeats its previous statement to the effect that Presidential Decree No. 109 of 1968 covers the contingencies listed in Article 2 of the Convention, and adds that, nevertheless and without prejudice to those provisions, it is prepared to take account of the Committee's observations in the new social security scheme at present being examined.

The Committee notes this statement with interest; it hopes that the new social security scheme may shortly be adopted and implemented and that on this occasion the national list of occupational diseases and corresponding types of work will be completed in such a way as: (a) to include expressly poisoning caused by *lead alloys* and *mercury amalgams*; (b) to include among the types of work involving the risk of *anthrax infection*, "loading, unloading or transporting of merchandise" generally, as provided in the Convention. The Committee requests the Government to communicate any progress made in this direction.

*Colombia (ratification: 1933)*

With regard 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, on 1 August 1974 Agreement No. 539 was adopted to amend the schedule of classification of occupational diseases (Agreement No. 191 of 1965), of which certain points have been supplemented in accordance with Article 2 of this Convention.

*Egypt (ratification: 1960)*

Further to its previous comments, the Committee notes with satisfaction the Government's statement that Act No. 79 of 1975, which entered into force on 1 September 1975, has amended item No. 21 in the schedule of occupational diseases appended to Act No. 63 of 1964 instituting the Social Insurance Code, by including among the operations liable to cause *anthrax* the loading, unloading or transport of

merchandise. The Committee requests the Government to supply a copy of the new Act with its next report.

*Guinea (ratification: 1959)*

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:

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>

*Switzerland (ratification: 1927)*

In its earlier observation, the Committee expressed the hope that the revision of the accident insurance system, announced by the Government, for the purpose of extending compulsory insurance to practically every branch of the economy, including agriculture, would soon take place. The Committee regrets to note that the report for the period 1973-1975 contains no information on the progress made in this respect.

Since it is a question of making legislative provision for a practice which, according to information previously supplied by the Government, already exists, the Committee hopes that the revision in question will take place in the very near future and that the national legislation will contain express and formal provision for protection against occupational diseases in agriculture, a point on which the Committee has been insisting since 1958; it requests the Government to communicate any progress made in this respect.

*Tunisia (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:

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.

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 61st Session.



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.

#### *Upper Volta (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:

For several years past the Committee has been drawing attention to the fact that the schedule of occupational diseases appended to Act No. 3-59/ACL of 3 January 1959 is not in conformity with the Convention on the following points: (a) it gives a restrictive list of certain pathological indications of lead poisoning, whereas the Convention covers in general terms *all* poisoning by lead, its alloys or compounds; (b) it does not mention poisoning by mercury, its amalgams and compounds; (c) it mentions, among the operations liable to cause anthrax infection, the loading, unloading and transport of certain merchandise connected with animal remains, whereas the Convention, being worded in general terms on this point, covers all such operations irrespective of the type of merchandise transported.

In its latest report the Government states that the Social Security Code—which it had mentioned earlier—has been adopted, but that the decree provided for by section 43 of the Code and intended to contain a schedule of occupational diseases and the corresponding operations has not yet been drafted. It adds, however, that the decree will take account of the Committee's observations.

The Committee notes these statements and hopes that the decree in question will contain a schedule of occupational diseases and the corresponding operations which will be in conformity with the Convention, and that it will be adopted in the very near future.<sup>1</sup>

\* \* \*

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

Information supplied by *Bangladesh* 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 61st Session.

**Convention No. 19: Equality of Treatment (Accident Compensation), 1925***France (ratification: 1928)*

*Article 1 of the Convention.* In its earlier comments, the Committee drew the Government's attention to the need to grant automatically to nationals of all member States having ratified the Convention, and not only to privileged foreigners fulfilling the conditions laid down in Decree No. 62-1049 of 4 September 1962, to which section 6 of Decree No. 65-748 of 2 September 1965 refers (or to nationals of States with which special reciprocal agreements have been signed), "the same treatment in respect of workmen's compensation as it grants to its own nationals" with regard to the application of the following provisions:

- (a) section 7 of Act No. 64-1330 of 26 December 1964 concerning the revaluation and, if necessary, the taking over of responsibilities for, various benefits due under the legislation in force in Algeria before 1 July 1962 as regards employment accidents occurring in Algeria before that date;
- (b) Act No. 66-419 of 18 June 1966 concerning compensation for certain persons who suffered employment accidents before the coming into force of new provisions concerning such accidents (with the exception of section 9 of this Act, respecting accidents occurring after 31 December 1946 in non-agricultural occupations, which is already being applied to nationals of all Members which have ratified the Convention).

With regard to the above, the Committee notes with interest the Decision of 25 July 1975 made by the Council of State concerning the conformity with the Convention of Decree No. 65-748 of 2 September 1975, in which that authority states that neither the preparatory work for nor the terms of Act No. 64-1330 of 26 December 1964 suggest that the legislator intended to exclude from the Act's scope foreign nationals who, with regard to a specific category of benefits, could claim the same rights as French nationals under an international Convention. The Decision concludes that the sole purpose of section 6 of Decree No. 65-748 of 2 September 1965, which refers to Decree No. 62-1049 of 4 September 1962, was to determine the categories of foreign nationals automatically covered by the Act of 1964 and could not be interpreted as having the effect of excluding nationals of other countries even where they were not covered by the Decree of 1962, since such foreign nationals could avail themselves of an international Convention, in particular Convention No. 19. The Committee also notes the Government's statement to the effect that it is examining the possible consequences of that Decision.

The Committee hopes, consequently, that the Government will soon be able to take the necessary measures so that, in accordance with the interpretation given by the Council of State, all nationals of countries having ratified the Convention, and not only those covered by Decree No. 62-1049 of 4 September 1962, may enjoy, in the same conditions as French nationals, the benefit provided for by section 7 of Act No. 64-1330 of 26 December 1964. This could be achieved by, in particular, bringing the text of the aforementioned Decision of Council of State to the notice of all interested parties (social security funds, workers' organisations, labour inspectorates, etc.). The Committee also hopes that the Government may at the same time review its position with regard to the applicability of Act No. 66-419 of 18 June 1966 in the light of the grounds set forth in the aforementioned decision. It requests the Government to indicate in its next report any progress made in this respect.

*Gabon* (ratification: 1961)

*Article 1, paragraph 2, of the Convention.* The Committee notes with regret that the Government's report has not been received. It has however noted the information communicated by a Government representative to the Conference Committee in 1975, according to which it was possible that the Social Security Code would be adopted before the 1976 Session of the Conference, and that this Code would repeal the provisions of the legislation which were contrary to the Convention. (Under section 29 of Decree No. 57-245 of 24 February 1957 which is at present in force, foreign workers who suffer an employment injury, or their dependants, who cease to reside in Gabon receive in principal a lump sum equivalent to three times their pension, and foreign dependants of a foreign worker who did not reside in Gabon at the time of the accident receive no compensation.) The Committee therefore trusts that the Government will shortly be able to indicate that the Social Security Code, to which the Government has been referring in its reports for nearly ten years, has been adopted, and that this Code will expressly provide, as has repeatedly been stated by the Government, for equality of treatment without any condition of residence between nationals and the nationals of every State which has ratified the Convention.

Moreover, since no new information has been supplied regarding the situation of foreign workers who suffer an employment injury before the entry into force of the Code (or their dependants), it can only repeat once again the hope that equality of treatment with nationals will be ensured to them also, even if their compensation is not governed by the Social Security Code but continues to be governed by Decree No. 57-245 of 24 February 1957.<sup>1</sup>

*Mauritania* (ratification: 1963)

The Committee notes with regret that the Government's report has not been received and that its earlier report contains no reply to its earlier comments concerning equality of treatment of nationals of States bound by the Convention, and their dependants, with Mauritanian nationals in the event of residence or transfer of residence abroad. The Committee trusts that the Government's next report will contain full information on this question, which it feels obliged to raise once more in a direct request.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States: *Brazil, Central African Republic, Iran, Israel, Madagascar, Mauritania, Portugal, Senegal, Somalia, Sudan, Syrian Arab Republic, Upper Volta.*

Information supplied by *Algeria* and *Chile* in answer to direct requests has been noted by the Committee.

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

A request regarding certain points is being addressed directly to *Bolivia*.

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 61st Session and to report in detail for the period ending 30 June 1976.

**Convention No. 22: Seamen's Articles of Agreement, 1926***Brazil* (ratification: 1965)

With regard to its earlier comments, the Committee notes with satisfaction that, by virtue of Instruction No. 5.605.1.-A, of 9 August 1974, the document given to the seaman shall contain no statement as to the quality of the seaman's work, in accordance with Article 5, paragraph 2, of the Convention.

*Colombia* (ratification: 1933)

Further to its previous observations, the Committee notes Bill No. 45 of 1973, transmitted by the Government with its report. It notes, however, that this text, as well as the draft mentioned in the Government's previous report, only gives effect to certain Articles of the Convention and does not appear to contain provisions complying with Article 3, paragraphs 2, 4 and 5, and Articles 4, 5, 7, 8, 13 and 14 of the Convention. The Committee trusts that legislation will soon be adopted giving effect to all of the provisions of the Convention.<sup>1</sup>

*Federal Republic of Germany* (ratification: 1930)

In its previous observations, the Committee had noted that section 63 (3) of the Seamen's Act of 1957 restricted the right of seamen to terminate a contract of indefinite duration in a foreign port, contrary to Article 9, paragraph 1, of the Convention, according to which such a contract should be capable of termination in any port where the vessel loads or unloads. The Committee notes, from the Government's last report, that the organisations of employers and workers concerned have expressed reservations on certain aspects of the amendments drawn up by the Government with a view to bringing the legislation into conformity with the Convention, but that the Government hopes shortly to conclude discussions on the matter and to present the bill to the legislature.

As the above-mentioned question has been under consideration for a number of years, the Committee hopes that the amendments to bring the Seamen's Act into conformity with the Convention will be adopted at an early date.<sup>2</sup>

*Iraq* (ratification: 1966)

Further to its previous direct requests, the Committee notes from the Government's report that legislative provisions designed to give force to the Convention are still being prepared.

As this question has been raised since 1970, the Committee expresses the hope that the provisions concerned will be adopted in the near future.

*Mexico* (ratification: 1934)

*Article 5, paragraph 2, of the Convention.* In previous observations, the Committee noted that the seaman's book issued by the Mexican authorities provides for

---

<sup>1</sup> The Government is requested to supply full particulars at the 61st Session of the Conference and to provide a detailed report for the period ending 30 June 1976.

<sup>2</sup> The Government is asked to report in detail for the period ending 30 June 1976.

annotations concerning "conduct" and "aptitude", whereas according to the Convention the document containing a record of employment should not contain any statement as to the quality of the seaman's work. The Committee notes the Government's statement that, following consultation of the various authorities concerned, it has been considered desirable to maintain the above-mentioned annotations in the seaman's book as more beneficial than harmful to seafarers. The Government had previously indicated that the reason for including the indications in question in the seaman's book was to enable the seaman to have an attestation showing his aptitude, experience, good conduct and other antecedents.

In this connection, the Committee wishes to draw attention to the fact that the Convention contemplates two distinct types of documents relating to a seaman's service. Article 5 provides for the issue to every seaman of a document containing a record of his employment, which must not contain any statement as to the quality of his work. On the other hand, Article 14, paragraph 2, provides for the seaman's right, in addition to the record mentioned in Article 5, to obtain a *separate certificate* as to the quality of his work.

Having regard to the distinction thus established, and to the fact that provision is already made in section 132 (VIII) of the Federal Labour Act for the issue of a certificate of service of the kind mentioned in Article 14, paragraph 2, of the Convention, the Committee hopes that the Government will take measures to eliminate from the seaman's book any reference to the quality of the seaman's work.

*Article 9, paragraph 1.* In its previous observations, the Committee had noted that section 209 (III) of the Federal Labour Act prohibits the termination of an agreement for an indefinite period when the vessel is abroad, whereas according to this paragraph of the Convention such a contract should be capable of termination, subject to the giving of the notice specified in the contract, in any port in which the vessel loads or unloads.

The Committee notes that, on this question, the Government maintains its earlier view that the above-mentioned restriction is compatible with the Convention on the ground that, under Article 9, paragraph 3, of the Convention, national law shall determine the exceptional circumstances in which notice even when duly given shall not terminate the contract. The Government states that the power thus granted to a ratifying State is not subject to any limitations, and that national law may freely determine such exceptions to the general principle as are deemed appropriate.

The Committee must, however, point out that paragraph 3 of Article 9 does not grant ratifying States an unlimited right to depart from the general rule stated in paragraph 1 of the same Article. It permits restrictions upon termination of the agreement only in "exceptional circumstances". While it leaves a certain measure of discretion to each State in determining the nature and scope of the exceptions to be permitted, such a power cannot be exercised in a manner which would contradict the general rule stated in Article 9, paragraph 1. The effect of section 209 (III) of the Federal Labour Act, however, is to replace the general rule laid down in the Convention—namely, that an agreement for an indefinite period shall be capable of termination in any port in which the vessel loads or unloads—by a general rule that such an agreement may be terminated only in a port within the country in which the vessel is registered. Section 209 (III) is therefore incompatible with the Convention.

The Government has also referred to the fact that the limitation upon termination of an agreement abroad is designed to protect the seaman, since otherwise he would encounter serious difficulties with regard to repatriation. The Committee notes however, from the indications given by the Government in its report on Convention No. 23, that, by virtue of section 204 (IX) of the Federal Labour Act, the shipowner

must repatriate a seaman in all cases except where the agreement is terminated on one of the grounds of misconduct of the worker enumerated in this Act.

The Government has also referred to the undesirability of freely permitting either party to the agreement to terminate the employment relationship, because—whether the ship is abroad or not—the termination of the agreement by the employer has serious consequences for the seaman. In this connection, the Committee wishes to point out that the Convention would not prohibit the imposition of limitations upon the right of an employer to terminate the employment relationship (on the lines advocated, for example, in the Termination of Employment Recommendation, 1963 (No. 119)), since, in accordance with the principle stated in article 19, paragraph 8, of the Constitution of the ILO, the ratification of a Convention does not prevent the adoption of conditions which are more favourable to the workers concerned. The Committee refers in this connection also to paragraph 26 of its general survey of reports on Recommendation No. 119—Report III (Part 4B), 59th (1974) Session of the Conference.

The Committee hopes that, in the light of the preceding considerations, the Government will once more re-examine the situation and take the necessary measures with a view to bringing the legislation into conformity with Article 9 of the Convention.<sup>1</sup>

*Pakistan (ratification: 1932)*

Further to its earlier comments pointing out the need, in accordance with Article 1 of the Convention, to apply the provisions of the Convention also to seamen engaged on Pakistani ships in ports outside Pakistan, the Committee notes from the Government's report that a Merchant Shipping Bill, which will take account of the provisions of the Convention, is to be submitted, in the near future, to the National Assembly. The Committee trusts that this Bill will soon be adopted.

*Panama (ratification: 1970)*

*Article 9, paragraph 1, of the Convention.* The Committee notes the Government's statement that, following further study of the provisions relating to termination of agreements for service on board ship, it considers the national legislation to be in conformity with the Convention. The Government refers more particularly to the provisions of section 212 of the Labour Code relating to the period of notice to be given for termination of agreements of seafarers.

The Committee wishes to point out that, under section 257 of the Labour Code, an agreement for service on board ship may not be terminated except in the port in which the seaman was signed on, whereas according to Article 9, paragraph 1, of the Convention, an agreement for an indefinite period should be capable of termination in any port in which the vessel loads or unloads, provided the notice specified in the agreement has been given. Since national legislation permits the conclusion of agreements for an indefinite period (section 254 of the Labour Code), the Committee hopes that section 257 of the Code will be amended to bring it into conformity with the Convention.

*Peru (ratification: 1962)*

*Article 9, paragraph 1, of the Convention.* Further to its earlier observations, the Committee notes from the Government's report that it has submitted to the Secretary-General of the Navy, by communication V-100/2107, a draft legislative

<sup>1</sup> The Government is asked to report in detail for the period ending 30 June 1976.

decree establishing a 40- or 15-day period of notice, depending on whether an officer or a rating is involved, for the termination of an agreement for an indefinite period.

The Government, however, states that the draft text provides that if the ship is under way, the period of notice shall be calculated from the date of return of the vessel to the port of origin or embarkation. The Committee wishes to point out that, according to this provision of the Convention, seamen have the right to leave a vessel in any port at which the vessel loads or unloads, at home or abroad, on condition that the agreed notice is given. The Committee therefore hopes that it will be possible to adopt provisions satisfying this requirement. The Committee also hopes that measures will be taken to repeal section 673 of the Harbour Masters and National Merchant Marine Regulations, which permits termination of an agreement for an indefinite period only in the port in which the seaman was engaged.

*Somalia* (ratification: 1960)

Further to its earlier observations, the Committee notes from the Government's latest report that the revision of the Maritime Code is in progress. It recalls that its previous comments referred to 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 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 hopes that the revision of the Maritime Code will soon be completed and that it will ensure the application of the aforementioned provisions of the Convention.

*Spain* (ratification: 1931)

Further to its earlier observations, the Committee notes with satisfaction that in order to give effect to Article 9, paragraph 1, of the Convention, the Order of the Ministry of Labour of 30 September 1975 to amend the Ordinance of 20 May 1969 respecting employment in the merchant marine, has abolished the restrictions under section 91 of the Ordinance on the seafarer's right to terminate an agreement for an indefinite period.

*Tunisia* (ratification: 1970)

Further to its earlier comments, the Committee notes with satisfaction the circular sent by the Government with its report which was addressed to the competent services to remind them that, in accordance with Article 5, paragraph 2, of the Convention, the seaman's book must contain no statement as to wages.

*Venezuela (ratification: 1944)*

The Committee notes the information communicated by the Government in answer to its previous comments.

*Article 9, paragraph 1, of the Convention.* The Committee recalls that, contrary to this paragraph of the Convention (according to which an agreement for an indefinite period should be capable of termination in any port where the vessel loads or unloads), section 289 of the existing labour regulations prohibits termination of an agreement in a foreign port, and a similar provision also appears in draft regulations for employment on board merchant ships communicated by the Government.

The Committee notes the Government's statement that, in case termination of an agreement in a foreign port were permitted by a collective agreement, that provision would be valid, in view of the ratification of Convention No. 22. However, the legal position in this respect would not appear to be free from doubt, particularly if new labour regulations subsequent to the ratification again specifically prohibited termination in a foreign port. The Committee observes, moreover, that none of the collective agreements communicated by the Government contains a clause permitting termination in a foreign port. It accordingly once more expresses the hope that the legislation will be amended so as to permit termination of an agreement for an indefinite period, by notice, in any port in which the vessel loads or unloads.

*Article 14, paragraph 2.* The Government's last report confirms that national legislation does not contain any provision entitling a seaman to obtain from the master a separate certificate as to the quality of his work, as provided for in this paragraph of the Convention. The Committee hopes that the necessary measures to give effect to this requirement will be adopted.

The Committee is addressing a direct request to the Government regarding Article 6, paragraph 3 (10) (c), Article 8 and Article 13, paragraph 1, of this Convention, and hopes that, in the current revision of the regulations relating to employment at sea, steps will be taken to give full effect to those provisions.<sup>1</sup>

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States: *Bangladesh, France, Ghana, Mauritania, Mexico, Panama, Peru, Tunisia, Venezuela.*

Information supplied by *Malta* and the *United Kingdom* in answer to direct requests has been noted by the Committee.

**Convention No. 23: Repatriation of Seamen, 1926***Ireland (ratification: 1930)*

For a number of years the Committee has been drawing the Government's attention to the provisions of section 32 of the Merchant Shipping Act, 1906. By virtue of this section, entitlement to repatriation is not provided for: (a) where a seaman is landed in a Commonwealth country; (b) where a foreign seaman is

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 61st Session and to report in detail for the period ending 30 June 1976.



engaged in a foreign port and landed in another foreign port. These provisions are incompatible with Article 3, paragraph 1, of the Convention. The Government, in reply to the Committee's comments on this point, announced in its report for the period 1963-65 and confirmed in its subsequent reports that a revision of the relevant legislation was taking place, which would ensure the application of Article 3, paragraph 1, of the Convention.

The Committee notes from the Government's latest report that the revision of the legislation on merchant shipping has not yet been completed. While noting the Government's statement to the effect that in practice the provisions of the Convention are observed, the Committee would urge the Government to bring the legislation in the near future into conformity with the Convention, either through new legislation on merchant shipping or by amendment of the existing legislation.

*Philippines (ratification: 1960)*

The Committee notes, from the information communicated by the Government to the Conference in 1975 and in its report in reply to previous comments, that the amendment of the Code of Commerce has not yet been completed and that the National Seamen's Board attached to the Department of Labor has in the meantime issued Rules and Regulations on the repatriation of seamen.

The Committee notes that the Rules and Regulations in question merely lay down that contracts of Filipino seamen recruited for overseas employment shall provide, whenever applicable, for free passages to the point of embarkation and return to the point of hire. This provision does not appear sufficient to meet the requirements of the Convention. The Committee accordingly once more expresses the hope that the projected amendments to the Code of Commerce to give effect to the Convention, to which the Government has referred since its report for 1969-71, will be adopted in the near future.

*Yugoslavia (ratification: 1929)*

*Article 3, paragraph 1, of the Convention.* Further to its earlier comments, the Committee notes from the Government's report that the revision of current legislation respecting maritime shipping is proceeding. Since this revision should ensure, inter alia, that the repatriation of foreign seamen is no longer subject to conditions of reciprocity, in accordance with this Article of the Convention, the Committee hopes that the Government will soon be able to announce that the revision has been completed and to supply the text of the new legislation.

\* \* \*

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

Information supplied by *Panama* and *Uruguay* in answer to direct requests has been noted by the Committee.

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

*Chile (ratification: 1931)*

*Article 4, paragraph 1, of the Convention.* The Committee notes with regret from the Government's report that no progress has been made in the provision of benefit

in the form of medicines and appliances under section 3 of Act No. 16781. It notes, however, that a new social security system is under consideration and trusts that under this system the provision of medicines and appliances will be ensured.

The Committee also notes that the majority of the insured persons to whom Act No. 16781 is applicable are entitled to medicines from the "Welfare Services" (*Servicios de Bienestar*) to which they belong. Pending the introduction of benefits in the form of medicines and appliances under the new social security system, the Committee requests the Government to supply further information on the manner in which the welfare services supply medicines and the categories of persons covered by these services, together with the text of any laws or regulations governing them.

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

The Committee notes with interest that the scope of social insurance has been extended to numerous municipalities of the Departments of Cundinamarca, Caldas, Tolima and Norte de Santander, and hopes that the Government will be able to take further steps to ensure that the sickness insurance scheme is made applicable to all the categories of workers covered by the Convention throughout the national territory, so as to give full effect to *Article 2 of the Convention*.

In connection with its previous comments the Committee also notes the adoption of Decree No. 770 of 30 April 1975 under which the qualifying period for obtaining medical care, while it is abolished for workers readmitted to the social insurance scheme, is reduced to four weeks for workers newly joining the scheme. Since *Article 4 of the Convention* makes no provision for a qualifying period in this field, the Committee once again expresses its hope that the Government will take measures to abolish the qualifying period for medical care for all insured persons.

#### *Haiti (ratification: 1955)*

The Committee notes with regret that the Government's report has for the second consecutive year 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)*

The Committee notes the information provided in the Government's report and has further taken note of Act No. 21.363 of 23 December 1975 providing for the restructuring and reorganisation of social insurance in Peru and creating a committee responsible for planning, developing and implementing this reorganisation within a period of one year.

*Article 2 of the Convention.* The Committee notes with interest that the social insurance scheme has been extended to 32 further provinces. It hopes that, in

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 61st Session.

conjunction with the reorganisation of social insurance referred to above, the scheme will be extended to all the areas of the country not yet covered.

*Article 4.* The Committee notes the Government's statement that a draft text has been prepared for the introduction of a single system of benefits in which account is taken of the Committee's previous comments. The Committee recalls that in these comments it requested the Government to abolish the qualifying period prescribed for entitlement to medical care, and trusts that the necessary action to this end will be taken within the framework of the reorganisation of the social insurance scheme referred to above.

*Uruguay* (ratification: 1933)

The Committee notes from the Government's report for the period 1973-75 that a new Act (No. 14.407 of 22 July 1975) has been adopted, which unifies the special sickness insurance schemes set up over the past 15 years under different enactments for the benefit of employed persons in particular industries. While noting that section 7 of the Act provides that the sickness insurance scheme can be extended to other sectors of activity in the future, the Committee regrets that no measures to this end have yet been taken, in spite of assurances given to the Conference Committee in 1975. The Committee therefore once again expresses the hope that steps can be taken to extend the scope of sickness insurance to all workers covered by the Convention.<sup>1</sup>

\* \* \*

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

Information supplied by *Norway* 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.

*Colombia* (ratification: 1933)

See under Convention No. 24.

*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.

See under Convention No. 24.<sup>2</sup>

*Peru* (ratification: 1960)

See under Convention No. 24.

---

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 61st Session and to report in detail for the period ending 30 June 1976.

<sup>2</sup> The Government is asked to supply full particulars to the Conference at its 61st Session.

*Uruguay* (ratification: 1933)

The Committee once again notes with regret that there is still no sickness insurance scheme for agricultural workers. The Committee nevertheless notes that Act. No. 14.407 of 22 July 1975 establishing a unified sickness insurance scheme provides for its extension to other sectors of activity in the future, and trusts that this scheme will shortly be extended to agricultural workers.<sup>1</sup>

\* \* \*

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

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

**Convention No. 26: Minimum Wage-Fixing Machinery, 1928***Rwanda* (ratification: 1962)

The Committee notes the information supplied by the Government in its latest report.

*Article 3, paragraph 2 (3), and Article 4, paragraph 1, of the Convention.* The Committee notes that the penalties fixed by sections 179 and 181 of the Labour Code, referred to in the report, are not specifically related to infringements of statutory minimum wage rates. It also notes that Ministerial Order No. 83/74 of 31 August 1974 does not provide for penalties in the case of failure to observe the statutory minimum daily wage. The Committee recalls the Government's statement to the effect that appropriate penalties would be provided for in the ministerial order fixing the minimum wages for the various occupational categories. According to the report, a draft order has already been proposed for the signature of the competent authority. The Committee hopes that the necessary provisions respecting penalties will be adopted in the near future, either in the aforementioned order or in some other text respecting minimum wages.

*Tanzania* (ratification: 1962)*Zanzibar*

The Committee notes with regret that since 1965, notwithstanding the Committee's repeated comments, no information has been received on the application of the Convention in Zanzibar. It is accordingly not in a position to ascertain to what extent effect is now given to the Convention.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States: *Libyan Arab Republic, Togo, Uganda*.

Information supplied by the *Central African Republic, Guinea, Madagascar* and *Zaire* in answer to direct requests has been noted by the Committee.

---

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 61st Session and to report in detail for the period ending 30 June 1976.

**Convention No. 28: Protection against Accidents (Dockers), 1929***Luxembourg* (ratification: 1931)

The Government refers in its report to its decision to denounce the Convention. While recalling the terms of its previous observation, the Committee takes note of this decision.

*Nicaragua* (ratification: 1937)

Further to its previous 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, the Ministry of Labour issued a circular, dated 3 May 1975, to provide for the posting of notices, in accordance with Article 17, paragraph 3, of the Convention.

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

Mr. Tunkin, member of the Committee, stated his opposition to the observation with regard to the Byelorussian SSR, the Ukrainian SSR and the USSR concerning "obligations in the planning of agricultural production". He said that this observation was the result of the erroneous approach to the implementation of ILO Conventions outlined in his statement on Convention No. 87. Another member of the Committee, Mr. Gubinski, associated himself with the statement by Mr. Tunkin.

The Committee refers in this connection to its comments with respect to Convention No. 87.

*Austria* (ratification: 1954)

*Article 2, paragraph 2 (c), of the Convention.* Further to its previous comments, the Committee notes with satisfaction that the Act of 11 July 1974 to amend penal legislation (*BGBI*, No. 422/1974) repeals the Act of 1885 respecting vagrancy, which permitted the imposition of forced labour on persons who had not been convicted in a court of law.

*Belgium* (ratification: 1944)

The Committee has noted the receipt of a communication from the Belgian Confederation of Christian Trade Unions, dated 24 September 1975, containing observations about the application of the Convention in respect of the status of career military officers and particularly their right to leave the service. Since the Government's reply to these observations was received only during its present session, the Committee is obliged to postpone consideration of the matter until its next session.

*Benin* (ratification: 1960)

The Committee notes with regret that the Government's report has not been received, and that accordingly no information is available concerning any measures taken or contemplated to repeal the following legislation which provides for forced labour, contrary to the Convention:

- (a) Act No. 62-21 of 14 May 1962 concerning the call-up of unemployed persons;
- (b) Decree No. 239 of 1 June 1962, concerning collective village fields;

- (c) Ordinance No. 62/PR/MDRC of 29 December 1966 requiring all able-bodied men to work in the priority zones.

The Committee hopes that this legislation will be repealed in the near future.<sup>1</sup>

*Byelorussian SSR (ratification: 1956)*

The Committee notes the information supplied by the Government in answer to its previous comments. It notes also the discussion which took place at the Conference Committee in 1975.

1. *Legislation concerning persons "leading a parasitic way of life"*. The Committee notes with interest that an Ukase of the Praesidium of the Supreme Soviet of the Byelorussian SSR of 15 August 1975 has repealed both the Ukase of 15 May 1961, as amended, which permitted the direction to employment, by decision of the Executive Committee of a Soviet of Working People's Deputies, of persons evading socially useful work and leading an anti-social, parasitic way of life, and section 204<sup>1</sup> of the Penal Code of the Byelorussian SSR which laid down penalties for refusal to comply with such a decision. A direct request for clarification of certain related matters is being addressed to the Government.

2. In previous observations, the Committee had also referred to the following matters:

- (a) 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;
- (b) 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 and 1975 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 the Byelorussian SSR in regard to the application of the Convention in the light of the additional explanations there provided.

3. 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.

---

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 61st Session and to report in detail for the period ending 30 June 1976.

*Central African Republic (ratification: 1960)*

In earlier observations the Committee has stressed that the authorities may impose forced or compulsory labour, in contravention of the provisions of the Convention, by virtue of the following texts:

- (a) Ordinance No. 660/4 of 8 January 1966 for the suppression of idleness, as amended by Ordinance No. 72/083 of 18 October 1972, provides that all persons of either sex, aged between 18 and 55 years and not physically incapacitated must prove that they are engaged in a normal occupation or pursue studies at a school or university. Any person who is unable to provide such proof is deemed an idle person and is punishable with imprisonment from one to three years.
- (b) Ordinance No. 66/38, of 1966, respecting the control of the active population, provides that any person aged from 18 to 55 years who cannot prove that he belongs to one of eight specified categories of the active population is to be directed to cultivate a parcel of land designated by the administrative authorities and, if found outside his home district, is liable to imprisonment.
- (c) Section 28 of Act No. 60/109 of 1960, respecting the development of the rural economy, provides that the minimum areas to be cultivated will be fixed by each rural community.

The Committee notes the statement by the Government in its report that Ordinance No. 66/04, of 8 January 1966, as amended in 1972, is of an educational nature and that nobody has been subjected to any coercion under this Ordinance. The Committee, however, considers that the Ordinance, as amended, may still be used as a means of compulsion to work and is incompatible with the Convention.

The Committee further notes the Government's intention, confirmed in its report, of bringing the aforementioned text into conformity with the Convention. It recalls that over several years the Government has made reference to various proposals submitted to the Council of Ministers to that effect. Also noting the Government's statement in its report on Convention No. 105 that, under the Constitutional Act No. 2 of 1966, ratified Conventions take priority over ordinances, the Committee hopes that, in order to eliminate any doubt as to the legislation in force, measures will be adopted in the near future to repeal Ordinance No. 66/04 (as amended in 1972), Ordinance No. 72/083 and section 28 of Act No. 60/109.<sup>1</sup>

*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.

<sup>1</sup> The Government is requested to send a detailed report for the period ending on 30 June 1976.

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 penal 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 to 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 education 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 falling again 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).

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 61st Session and to report in detail for the period ending 30 June 1976.



The Committee noted that pursuant to Acts Nos. 1250 and 1251, of 23 and 25 June 1973 respectively, concerning the organisation of the judicial system and criminal procedure, the power to impose the measures of security and the penalties provided in Act No. 1231 was vested in regional and provincial people's courts instead of the administrative bodies given this power by virtue of the last-mentioned Act.

The Committee considered that the provisions of Act No. 1231 were contrary to the Convention and hoped that in consequence they would be repealed. In this connection it drew 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 pointed out also 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". Further, the Committee considered 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.

In its report for 1974-75 the Government repeats its earlier replies to the effect that the provisions in question are neither aimed at bringing about, nor do they in fact bring about, any form of forced labour within the meaning and conditions under which this is prohibited by Conventions Nos. 29 and 105. It repeats in this connection that Act No. 1231 is aimed specifically at ensuring social defence and prevention of crime as well as rehabilitation from certain sorts of behaviour which are contrary to the established social order and public peace and that such provisions are in accordance with other previous ones contained in the Code of Social Defence which had not given rise to any comments and which consider the personal condition or habit of idleness to be a dangerous precriminal condition.

The Government states that although the Act is based on the general premise of the existence and necessity of the social obligation to work, its provisions and the effects which they may bring about must be examined in the light of the actual social situation in the country and taking account of their compatibility with the labour legislation in force. In agreement with the latter and with practice, labour contracts are drawn up by and with the consent of workers and employers and no worker can be compelled under threat of a penalty to enter into, or remain in, a work relationship against his will since the contract can be rescinded for the just causes provided in the legislation and he can also change from one work centre or office to another according to his physical and intellectual capacities and in accordance with social needs and the requirements of the national economy.

Further, the Government states that Act No. 1231 is not aimed at furthering labour discipline in contravention of Article 1 (c) of Convention No. 105. The Government points out in this connection that the measures laid down to penalise violations of labour discipline are only those which are set out in the Labour Justice

Act, No. 1166 of 1964, none of which impose the carrying out of forced labour by any worker who may be in breach of labour discipline. If Act No. 1231 sets out certain irregular conduct with regard to work duties and labour discipline, such as unjustified absence, repeated absence or irregular and improper breaking off of an employment relationship and abandonment of contractual obligations, as indications and elements of a precriminal state and of the crime referred to in sections 3 and 8 of the Act, all of this is aimed at taking into consideration the employment antecedents in determining whether anti-social behaviour exists.

As regards the Government's statements, the Committee had already observed previously that in the Social Defence Code referred to by the Government "habitual idleness" is defined more strictly than in Act No. 1231, since it applies to persons who, though fit for work, habitually remain unoccupied, living at the expense of the work of others or of public welfare and without known means of subsistence. In this connection, the Committee suggested to the Government that it might wish to consider dispensing with the additional provisions contained in Act No. 1231. It should be noted, in fact, that pursuant to the definitions contained in the latter it is sufficient that the individual concerned is not enrolled in an educational institution and not connected with a work centre without just cause, or has abandoned work and has been subject to penalties for unjustified absence, for him to be considered in a precriminal state of idleness and, in order to establish the crime of idleness, that he has failed to observe the security measures or that he falls again into a precriminal state. In this respect, the Act does not require the existence of any other element. It also appears obvious that penalties imposed on grounds such as the abandonment of work and unjustified absence should be considered as measures of labour discipline within the meaning of Article 1 (c) of Convention No. 105, even if they are included under penal legislation and not under labour legislation. Finally, with respect to the general standards concerning labour contracts or to any other standard contained in the legislation, it should be pointed out that pursuant to one of the final provisions of Act No. 1231 any provisions which are not in harmony with the provisions of this Act are not operative.

For these reasons the Committee again expresses the hope that the Government will re-examine the position and will take the necessary measures to bring national legislation into conformity with Conventions Nos. 29 and 105 in the near future.

#### *Gabon (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:

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>

---

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 61st Session and to report in detail for the period ending 30 June 1976.

*Guinea* (ratification: 1961)

See under Convention No. 105.

*Haiti* (ratification: 1958)

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, paragraph 2 (c), of the Convention.* In observations and direct requests addressed to the Government for a number of years the Committee has pointed out that 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. In its latest report the Government indicates that this is not an additional penalty but a means for the State to protect society by improving the moral character of its members.

The Committee feels bound to point out once more that the above provision, which empowers administrative authorities to exact labour for an unlimited period from persons who have completed a sentence imposed by judicial decision, is not in conformity with the Convention. It draws attention to the fact that, while it may be appropriate in some cases to place persons under the supervision of the authorities for a certain time after they have served their sentence, these measures can be applied without subjecting the persons concerned to forced or compulsory labour.

The Committee accordingly hopes that measures will be taken at an early date to bring section 230 of the Penal Code into conformity with the Convention.

*Article 25.* In its earlier comments the Committee noted that the legislation does not prescribe any penalties for the illegal exaction of forced or compulsory labour. In its latest report the Government refers in this connection to sections 4 and 13, paragraph 6, of the Labour Code, which provides that no citizen may be compelled to work except after being sentenced by a court before which he was legally brought, and that, in the absence of any texts precisely applicable to the matter in dispute, the texts to be applied are, inter alia, the Conventions and Recommendations adopted by the International Labour Conference, in so far as they do not conflict with national social legislation.

The Committee would point out, however, that even if section 13 of the Labour Code was intended to make the provisions of the Convention directly applicable under national law, Article 25 of the Convention requires national legislation to specify the penalties which may be imposed in the case of illegal exaction of forced labour. The Committee would therefore once again ask the Government to take the necessary steps to introduce into the national legislation the penalties prescribed by Article 25 of the Convention.<sup>1</sup>

*India* (ratification: 1954)

*Bonded labour practices.* In previous direct requests, the Committee had asked the Government to provide information on the action taken with a view to eliminating certain forms of forced or bonded labour for the benefit of private individuals, instances of which had been reported in certain states and territories despite the measures taken in some of them, through special legislation or by application of the Indian Penal Code, to abolish such practices. It had therefore requested the Government to ensure, as required by Articles 24 and 25 of the Convention, that adequate penalties were imposed by law, and strictly enforced, for all cases of illegal exaction of forced or compulsory labour. The Committee notes with satisfaction that by virtue of the Bonded Labour System (Abolition) Ordinance, No. 17 of 1975 (which came into force on 25 October 1975, and is applicable to the whole of India) the bonded labour system shall stand abolished and every bonded labourer shall stand free and discharged from any obligation to render any bonded labour. The Committee further notes that special enforcement measures are prescribed, as well as penal sanctions, for infringement of the Ordinance.

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 61st Session and to report in detail for the period ending 30 June 1976.

*Provisions concerning irrigation in Haryana and Punjab.* In previous direct requests, the Committee had referred to certain provisions of the Northern India Canal and Drainage Act, 1873 (applicable to Haryana), under which labour could be requisitioned for annual silt-clearance or similar operations related to irrigation maintenance work, and to the Punjab Compulsory Service Act, 1961, which authorised the call up of able-bodied men from 16 to 60 years of age for up to 5 days in any period of 3 months for work in connection with the development or maintenance of drainage, and had noted that these obligations were not confined to persons benefitting from such drainage works but applied to local residents generally. The Committee notes with satisfaction from the Government's latest report that the provisions in question, which authorised the exaction of forced or compulsory labour in circumstances not falling within Article 2(2) of the Convention, have been repealed by the Haryana Canal and Drainage Act, 1974, and the Punjab Compulsory Service (Repeal) Act, 1975, respectively.

*Indonesia (ratification: 1950)*

In its previous observation the Committee had noted the allegations made in the Conference Committee in 1974 that large numbers of persons had been held in detention for almost 10 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. It had asked the Government to supply full information on these matters.

The Committee notes the detailed information communicated by the Government to the Conference Committee in 1975 concerning the working and living conditions of detainees resettled on Buru Island in accordance with decisions taken by the Government since 1965. It has also noted the further discussions which took place in the Conference Committee on the basis of this information.

According to the indications given by the Government, the number of detainees and members of their families on Buru Island is 15,000. The resettlement programme is based on the directives of the Operational Command for the Restoration of Security and Order, which are implemented by the Buru Resettlement Executive Body under the chairmanship of the Attorney General. The Government regards the programme as a way of offering detainees a field of activity within an entirely new community, in order that they may support themselves and their families. The programme is aimed at making the detainees useful and productive within the framework of the Five-Year Development Plan, mainly through the development of agricultural activities. The Government indicates that detainees are provided with clothing, food, agricultural and technical implements for a period of eight months, by which time they have become self-sufficient and self-supporting.

The Government states that this policy for the rehabilitation of detainees is in accordance with existing laws. It refers to the provisions of section 60 of the Prison Regulations of 1917, according to which detainees and persons serving time should, wherever possible, be given the opportunity to work, the whole proceeds of which should go to them. The Government states that detainees are free to choose to work or not to work. However, it also states that, according to the basic principles of state policy (Pancasila) everybody, whether a free member of society or a detainee deprived of his freedom, is obliged to work within the institutions of society.

In the light of the indications given by the Government, it appears that the persons resettled on Buru Island have been in detention for up to ten or more years, but have not been tried by a court of law. They remain in a state of detention, and are therefore not free to leave the island. Although, according to the regulations

applicable to the treatment of detainees, they are not under the specific obligation to work imposed upon convicted prisoners, the Government has stated that they are under a general obligation, forming part of the basic principles of state policy, to work within the institutions of society. They have been settled on large tracts of hitherto undeveloped land in a very sparsely populated area and are provided with means of subsistence only for an initial period of eight months. In order to have means of subsistence after the expiration of this initial period, they appear to have no choice but to engage in the narrow range of mainly agricultural activities provided for in the resettlement programme. It appears to the Committee that, in these circumstances, the detainees cannot be considered to have offered themselves voluntarily for the work in question, but are performing forced or compulsory labour within the meaning of the Convention. The Committee trusts that measures will be taken at an early date to put an end to this situation.

The Committee recalls that, in the Conference Committee in 1974, allegations were also made that detainees in other parts of Indonesia had been forced to work on major construction projects. No information has yet been supplied in answer to these allegations. The Committee trusts that the necessary information will be furnished at an early date, including indications of the measures taken or proposed to be taken to ensure the observance of the Convention in regard to the persons in question.<sup>1</sup>

#### *Kenya (ratification: 1964)*

1. In previous comments the Committee had referred to sections 3 and 4 of the National Service Act, under which persons could be called up for work in an undertaking, whether public or private, which had been declared an essential undertaking, even in the absence of a state of emergency. The Committee notes with satisfaction that the National Service Act was repealed by the Statute Law (Repeal) Act, 1968 (Act No. 27 of 1968).

2. In previous comments the Committee had noted that, under sections 13 to 18 of the Chief's Authority Act (Cap. 128) (formerly the Native Authority Act), able-bodied male persons between 18 and 45 years of age might be required to perform any work or service in connection with the conservation of natural resources. The Government had stated that these provisions were in practice used for carrying out minor communal services in the area of the community concerned. The Committee had however observed that the powers granted by these provisions were not confined to minor communal services as defined by Article 2, paragraph 2 (e), of the Convention. It had noted in particular that section 14 of the Act authorised the exaction of labour for up to 60 days in any year, even for works involving the removal of workers from their place of residence. The Committee therefore requested the Government to take measures to amend the Act so as to limit the exaction of labour explicitly to minor communal services within the meaning of the Convention.

The Committee notes from the information supplied by the Government that the provisions of sections 13 and 14 have rarely been invoked in recent times, as there is now a permanent force of labourers under government employment on full pay, in mostly forest areas to conserve natural resources. The Committee accordingly trusts that the Government will be in a position to bring the Chief's Authority Act (Cap. 128) into conformity with the Convention and that it will supply information on the measures taken in this connection.

---

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 61st Session and to report in detail for the period ending 30 June 1976.

*Liberia (ratification: 1931)*

1. *Local public works.* In its previous observations the Committee noted that, according to information made available by the Government in the course of direct contacts in 1972:

- (a) the Revised Laws and Administrative Regulations for Governing the Hinterland, 1949, were still regarded by the Ministry of Local Government, Rural Development and Urban Reconstruction as the basis for local administration, and were used as such by the officials of the Ministry in the various areas of the country;
- (b) the above-mentioned Laws and Administrative Regulations contained 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 was 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 remained 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 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.

The Committee notes the information on these questions contained in the Annual Messages of the President of the Republic and in the annual reports of the Ministry of Local Government, Rural Development and Urban Reconstruction and of the Ministry of Labour, Youth and Sports, which were supplied by the Government with its latest report. It appears that the Government has actively promoted the expansion of the rural development programme through self-help projects involving the supply of unpaid labour by the local inhabitants for the construction of roads, bridges, markets, schools, clinics, town halls, an airfield, etc. In its report on the Convention, the Government states that self-help projects are performed on a voluntary basis when the inhabitants of a particular area feel the need for certain facilities and decide to undertake the work themselves, requesting the Government's assistance.

In this connection, the Government indicates that the Revised Laws and Administrative Regulations for Governing the Hinterland, 1949, are no longer being used as the basis for local administration, following the adoption, on 31 March 1971, of a new Local Government Law. The Government further states that, following the repeal of certain sections of the Aborigines Laws in 1962 and the adoption of the new Local Government Law in 1971, the maintenance of tribal roads and bridges is the obligation of the Government.

The Committee takes due note of these explanations. It notes, however, that the text of the new Local Government Law has not been communicated. It trusts that a copy will be supplied at an early date. The Committee hopes that the Government will also supply full information on the organisation, role and competence of the local, district and county development committees which, according to the 1973

report of the Ministry of Local Government, Rural Development and Urban Reconstruction, are to be instrumental in the implementation of the rural development programme.

2. *Prohibition of forced labour.* The Committee notes with interest from the Government's report that penal sanctions to punish the illegal exaction of forced labour are included in the draft new Labour Code, and that, pending adoption of such Code, draft legislation on the prohibition of forced labour has been prepared to bring the law into conformity with Article 25 of the Convention. As comments on this question have been made for the past ten years, the Committee trusts that the necessary legislation will be adopted in the near future.

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 Penal Code to be submitted to the Legislature at its current session. In its latest report, the Government again states that while reviewing the Penal Code, the Ministry of Justice decided to delete the provisions of section 346 relating to vagrancy. The Committee trusts that the necessary amendment—recommended in 1963 by the Commission of Inquiry appointed under article 26 of the Constitution of the ILO and repeatedly promised by the Government since then—will also 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.

In its latest report, the Government indicates that labour inspectors have been assigned to agricultural areas and that, although attempts to procure transportation have not been too successful, each inspector assigned to these areas is now given a transportation allowance to carry out regular inspections, as shown by copies of disbursement vouchers appended to the Government's report. In this connection, the Government also refers to the annual reports of the Ministry of Labour, Youth and Sports (1974) and of the Ministry of Local Government, Rural Development and Urban Reconstruction (1973). The Committee has taken due note of these documents. It observes, however, that the available documents do not contain any indications concerning inspections of non-concessionary agricultural undertakings. It hopes that the Government will in future reports supply full information on the measures adopted to this end, including copies of the annual reports of the Ministry of Labour, Youth and Sports and the Ministry of Local Government, Rural Development and Urban Reconstruction.

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.

In its latest report, the Government indicates that compulsory cultivation for tribal chiefs has been abolished by Presidential directives and that all tribal chiefs are now on the government payroll receiving monthly salary. The Government refers in this connection to the 1973 Report of the Ministry of Local Government, Rural Development and Urban Reconstruction and the Annual Messages of the President of Liberia which were appended to the Government's report. These documents confirm that paramount and clan chiefs and their clerks are now being paid from the public treasury, but do not contain any information regarding the above-mentioned Presidential directives. The Committee trusts that the Government will supply full information on the measures taken to ensure that compulsory cultivation is no longer imposed by tribal chiefs.

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 with interest from the Government's latest report that the Liberian Mining Company's agreement will not be reviewed because this Company's project was to be phased out at the end of 1975, due to exhaustion of ore in the area, and that a new agreement will not be signed with the Liberian Agricultural Corporation, this concession agreement being up for review. The Committee hopes that the Government will indicate the outcome of this review, as well as the action taken to abolish clauses in any other agreements providing for government assistance in securing and maintaining labour supply.

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 was required to perform hard labour and could 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 Committee notes with interest from the Government's report that the above-mentioned provisions have been superseded by Chapter 34, section 34.14 of the Liberian Code of Laws, Revised, Volume 1, 1973, under which the labour or time of a prisoner shall not be contracted for or hired out to any employer outside the correctional system except to political subdivisions or agencies of the Republic. It would appreciate it if the Government would indicate the enactment through which the repeal of sections 733 and 734 of the Criminal Procedure Law and the adoption of the revised provisions of the Liberian Code of Laws were effected.



8. *Incorporation of international labour Conventions in the Liberian Code of Laws.* Action remains outstanding to implement the recommendations made in 1963 by the Commission of Inquiry appointed under article 26 of the Constitution of the ILO that international labour 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 had indicated in 1972 that the texts of the Conventions in question were to be appended to the new Labour Law. The Committee notes from the Government's latest report that these texts will be incorporated in the Liberian Code of Laws which is currently being reviewed by the Liberian Codification Commission. The Committee understands from the Government's indications regarding prison labour that publication of a revised edition of the Liberian Code of Laws has already started in 1973. It accordingly hopes that the incorporation of international labour Conventions will be effected at an early date, and that copies of the revised Code of Laws will be made available by the Government.<sup>1</sup>

*Madagascar (ratification: 1960)*

1. Further to its previous observations concerning the provisions of the Labour Code and of Ordinance No. 62-065 concerning the imposition of labour both as a means of recovering minimum tax payments and as a sanction imposed by administrative decision in cases of non-payment of this tax, the Committee notes with satisfaction that section 62 of Ordinance No. 73-001 of 9 January 1973, amending certain tax and customs provisions, has repealed the minimum tax payment and that the new Labour Code of 17 May 1975 no longer provides for the imposition of labour instead of the payment of taxes.

2. *Prison labour.* In its previous comments the Committee noted:

- (a) that Decree No. 59-121 of 27 October 1959 concerning the organisation of prison services, as amended, provides for the possibility of making prison labour available to private contractors;
- (b) that section 68 of the same Decree, as amended by Decree No. 63-167 of 6 March 1963, requires prison labour not only of persons sentenced to a term of imprisonment but also those awaiting trial.

The Committee notes from the Government's report that Decree No. 59-121 of 27 October 1959 is at present being amended and that the making available of prison labour to private persons has been suppressed by Circular No. 10-MJ/DIR/CAB/C of 1 July 1970, and recalled in a number of subsequent circulars, particularly regarding abuses committed with respect to the use of prison labour by administrative authorities. The Government indicates, however, that prisoners are still made available to certain undertakings as free workers are lacking and on a provisional basis, for the purpose of saving harvests which are in peril. Further, the Committee notes with interest that section 2 of the new Labour Code prohibits forced labour and includes in subsection 4 an exception covering prison labour which is expressly limited to work required as a consequence of a judicial sentence.

The Committee trusts, therefore, that the provision of section 68 of Decree No. 59-121 of 27 October 1959, as amended, which requires persons awaiting trial to work will be repealed in the very near future and that the providing of prison labour to private contractors will be suppressed or restricted to cases of voluntary employ-

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 61st Session and to report in detail for the period ending 30 June 1976.

ment, and with the guarantees mentioned in paragraph 79 of the general survey on forced labour in the Committee's 1968 report. The Government is requested to provide the text of the circulars to which it refers as well as information on any new measures taken in this connection to ensure the observance of the provisions of Article 2, paragraph 2 (c), of the Convention.

*Malaysia (ratification: 1957)*

*State of Sarawak.*

Further to its previous comments, the Committee notes with satisfaction that the Local Authority (Provision of Transport) Regulations, 1949, which provided for compulsory portage and which the Government had stated had no longer been applied for a number of years, were revoked by Sarawak L.G. No. 40/73 of 22 November 1973.

*Mauritania (ratification: 1961)*

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.

*Nigeria (ratification: 1960)*

In previous direct requests the Committee had pointed out that section 117 of the Labour Code Act which permitted the exaction of forced labour by chiefs was not in conformity with the Convention. The Government had indicated that the provision in question had never been applied and would be repealed. The Committee notes with satisfaction that this has been effected by the Labour Decree, No. 21 of 1974, brought into force on 1 August 1974, which repealed the Labour Code Act, and also that section 72 of the Labour Decree makes it a punishable offence for any person to require any other person, or permit any other person to be required, to perform forced labour. The Committee notes, moreover, that section 73 of the Labour Decree specifies the purposes for which labour may be required as normal communal obligations and that no such labour shall be required unless a majority of the inhabitants or representatives of the town or village concerned has agreed to the requiring of the labour.

*Pakistan (ratification: 1957)*

1. *Restrictions on termination of employment.* In previous observations the Committee pointed out 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 Government has stated in its latest report that persons in employment under the Federal Government offer themselves voluntarily for government services with full knowledge of the fact that the application of the laws providing for maintenance of essential services has become the normal incidence of such service; following their implicit consent, it considers them to be exempted from the scope of the Convention by virtue of Article 2, paragraph 1.

In this connection, the Committee refers to the explanations provided in paragraph 70 of the general survey of forced labour in its report of 1968, where it pointed out that although in circumstances such as the present the employment initially results from freely concluded agreement, the effect of the statutory restrictions preventing termination by means of notice of reasonable length is to turn a contractual relationship based on the will of the parties into service by compulsion of law. The Committee also recalls that the operation of the Pakistan Essential Services (Maintenance) Act and the West Pakistan Essential Services (Maintenance) Act is not limited to cases of emergency within the meaning of Article 2, paragraph 2 (*d*), of the Convention. These Acts make it possible at all times to retain employees in the services concerned against their will, subject to penal sanctions, and are therefore incompatible with the Convention.

The Committee accordingly once more expresses the hope that measures will be taken either to repeal the Acts in question or to amend them so as to limit their application to cases where the imposition of compulsory service is essential to meet an emergency within the meaning of Article 2, paragraph 2 (*d*), of the Convention.

2. *Direction of labour.* The Committee had previously noted that, although the emergency which had occasioned the promulgation of the Control of Employment Ordinance, 1965, had been terminated in February 1969, the provisions of this Ordinance and the regulations issued thereunder which permitted the imposition of compulsory labour remained in force. It had expressed the hope that these provisions would be repealed.

Subsequently, following the declaration of a state of emergency in November 1971, further provision for the imposition of compulsory labour was made by the Defence of Pakistan Ordinance, 1971, and the Defence of Pakistan Rules, 1971.

The Committee notes from the Government's latest report that the powers conferred by the Control of Employment Ordinance and the rules framed thereunder have not been used during the current emergency declared in 1971 and that rules regarding forced labour made under the Defence of Pakistan Ordinance have been invoked in time of war only. The Committee accordingly once more expresses the hope that the Government will be in a position in the near future to bring the law in these respects into conformity with the Convention.

3. *Prison labour.* In previous direct requests, the Committee had asked the Government to furnish the full text of the Jail Code, as promised by the Government in its report for 1964-66 and on various subsequent occasions. In its latest report, the Government states that the subject matter relates to prisoners under trial and is irrelevant to Article 2, paragraph 2 (*c*), of the Convention. The Committee also notes from the Government's reply to its general observation of 1974 on the Convention that prisoners may be hired out to private firms, subject to previous sanction by the Government.

Referring to paragraphs 76 to 79 of its above-mentioned general survey of forced labour of 1968, where it pointed out that compulsory labour imposed on persons in detention falls outside the scope of the Convention only if certain conditions are met, the Committee once more requests the Government to supply the full text of all relevant statutory instruments, including the Jail Code, regarding the conditions of detention and work of both unconvicted and convicted prisoners. It further requests the Government to supply more detailed information on the present position of law and practice regarding the use of convict labour by private individuals, companies or associations, whether outside prisons or in workshops which may be operated by private undertakings inside penal establishments.

4. *Article 25 of the Convention.*<sup>1</sup> With reference to allegations of recourse to coercion by certain labour recruiters, the Government previously indicated that stringent legal action had been taken against the persons involved under the existing laws and that the provincial governments concerned had found the labour inspection services to be inadequate to implement the requirements of the labour laws and had recommended that the officers of the departments involved should maintain a strict vigil over the conditions prevailing in the labour camps.

The Committee had noted that the annual reports on the working of labour laws in Pakistan supplied by the Government in accordance with the requirements of the Labour Inspection Convention, 1947 (No. 81), did not give any information concerning inspection of labour camps or the investigation of any complaints about conditions in such camps. It had expressed the hope that the Government would provide further particulars of the nature and results of any inquiries on this matter which had been conducted and of any prosecutions initiated, having regard to its obligation under Article 25 of the Convention to ensure that the penalties imposed by law for the illegal exaction of forced labour are strictly enforced.

In its latest report, the Government states that at present there are no labour camps, and that the West Pakistan Labour Camp Rules, 1960, provide for inspection of labour camps, but that the inspection has naturally become scanty on account of the dearth of camps. The Committee notes with regret that no information has been provided regarding the outcome of the legal action against the labour recruiters involved which had been previously mentioned by the Government. It again expresses the hope that in future the Government will supply full information on the activities of the labour inspection services in supervising the conditions of engagement of workers by labour contractors.<sup>1</sup>

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

In comments made since 1964, the Committee has requested the Government to repeal or amend the provisions of the Chiefdom Councils Act relating to compulsory cultivation. The Committee notes from the Government's latest report that the matter was to be referred to the Joint Consultative Committee, it being hoped that this would effect a quicker settlement of the points in question. Having regard also to the Government's statement in its report that since the ratification of the Convention it is no more the practice for tribesmen to perform compulsory cultivation for their chiefs, the Committee hopes that the Government will be in a position in the near future to bring the Chiefdom Councils Act into conformity with the Convention.

---

<sup>1</sup> The Government is asked to report in detail for the period ending 30 June 1976.

*Tanzania (ratification: 1962)**Tanganyika.*

With reference to its previous comments, the Committee regrets to note from the Government's report for the period 1974-75 that the necessary measures to bring national legislation into conformity with the Convention have not yet been adopted. The Committee thus feels bound once more to note that, contrary to the Convention, forced labour may be exacted under the following provisions:

- (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 has noted that a considerable number of by-laws imposing such obligations have 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.

Taking into account the discussion on this matter at the Conference Committee in 1975 and the statement in the Government's report that the law is indeed to be amended, the Committee can only reiterate its hope that the Government will take steps to repeal the provisions in question at an early date.

*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)*

1. In its previous comments the Committee referred to Legislative Decree No. 62-17 of 15 August 1962 on rehabilitative work, under which certain persons may be directed to a government work site by administrative decision contrary to Articles 1 and 2 (2) (c) of the Convention. In its latest report the Government again states that decisions to order rehabilitative work are made by a judicial committee chaired by a magistrate and only apply to idle persons with previous convictions. The Committee

<sup>1</sup> The Government of Tanzania is asked to supply full particulars concerning Tanganyika and Zanzibar to the Conference at its 61st Session and to report in detail for the period ending 30 June 1976.

recalls that under Legislative Decree No. 62-17 decisions are taken by a committee appointed by order jointly of the Secretaries of State for Justice and for the Interior, that they are immediately applicable, and that there is no possibility either of appeal or of revision of the decisions; furthermore, the decisions are apparently not considered as convictions, since the Legislative Decree provides that they do not appear in the record of previous convictions. Accordingly the Committee again requests the Government to take the measures necessary to bring these provisions into conformity with the Convention.

2. The Committee also referred to the Decree of 17 December 1942, under which convicted prisoners may be placed at the disposal of private employers contrary to Article 2 (2) (c) of the Convention. The Government repeats that the administration never does place prisoners at the disposal of private employers in order to work, but states that it will be proposed to repeal the Decree. The Committee notes this statement with interest and expresses the hope that the necessary measures will soon be taken to bring the legislation into conformity with the Convention on this point.

3. With reference to the provisions of the Decrees of 7 August 1936 and 29 September 1938 and the Orders of 17 December 1942 and 25 February 1943 and the Decree of 28 January 1946, which permit the call-up of workers in circumstances not limited to an emergency as defined by Article 2 (2) (d) of the Convention, the Government points out in its report that these are enactments of a period before and during a war, and that they have fallen into disuse for 30 years. The Committee hopes that, in order to ensure the conformity of national legislation with the Convention, the provisions in question will be formally repealed or amended.

#### *Ukrainian SSR (ratification: 1956)*

The Committee notes the information supplied by the Government in answer to its previous comments.

1. *Legislation concerning persons "leading a parasitic way of life"*. The Committee notes with interest that an Ukase of the Praesidium of the Supreme Soviet of the Ukrainian SSR of 4 September 1975 has repealed both the Ukase of 12 June 1961, as amended, which permitted the direction to employment, by decision of the Executive Committee of a Soviet of Working People's Deputies, of persons evading socially useful work and leading an anti-social, parasitic way of life, and section 214<sup>1</sup> of the Penal Code of the Ukrainian SSR which laid down penalties for refusal to comply with such a decision.

The Committee observes that another Ukase adopted by the Praesidium of the Supreme Soviet of the Ukrainian SSR on 4 September 1975 has extended the scope of section 214 of the Penal Code of the Ukrainian SSR. This section, which previously applied to persons systematically engaging in vagrancy or begging, now also applies to "persons leading over a prolonged period of time any other parasitic way of life".

The Committee is addressing a direct request to the Government with a view to securing clarification of the precise effect of these provisions.

2. In previous observations the Committee had also referred to the following matters:

- (a) 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;

(b) 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 Ukrainian 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 the additional information supplied by the Government in its latest report, which concerns legislation adopted at the level of the USSR. The Committee accordingly refers to the observation made this year in respect of the USSR and expresses the hope that the Government of the Ukrainian SSR will re-examine the situation of the Ukrainian SSR in regard to the application of the Convention in the light of the additional explanations there provided.

3. *Supply of legislation.* 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.

#### USSR (ratification: 1956)

The Committee has noted the information supplied by the Government in answer to its previous comments. It has also noted the discussion which took place at the Conference Committee in 1975.

1. *Legislation concerning persons "leading a parasitic way of life".* The Committee notes with interest that an Ukase of the Praesidium of the Supreme Soviet of the RSFSR of 7 August 1975 has repealed both the Ukase of 4 May 1961, as amended, which permitted the direction to employment, by decision of the Executive Committee of a Soviet of Working People's Deputies, of persons evading socially useful work and leading an anti-social, parasitic way of life, and section 209<sup>1</sup> of the Penal Code of the RSFSR which laid down penalties for refusal to comply with such a decision. It notes from the Government's report that corresponding amendments have been made in the penal legislation of the other Republics of the Union.

The Committee observes that another Ukase adopted by the Praesidium of the Supreme Soviet of the RSFSR on 7 August 1975 has extended the scope of section 209 of the Penal Code of the RSFSR. This section, which previously applied to persons systematically engaging in vagrancy or begging, now also applies to "persons leading over a prolonged period of time any other parasitic way of life".

The Committee is addressing a direct request to the Government with a view to securing clarification of the precise effect of these provisions.

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 had requested additional information on the measures by which the observance of the duties laid down in this Order would be enforced.

In its report, the Government states that, under the Order of 20 March 1964, plans for agricultural production have to be drawn up in the collective farms and state farms themselves, taking into consideration the specific circumstances and possibilities of each unit; that the same Order vigorously condemns "planning mechanically imposed from above", together with any tendency to "ignore the plans and proposals which may emanate from collective farms and state farms"; that the state plan for the purchase of agricultural produce from collective farms and state farms (section 3 of the Order) is fully in accordance with the plans originally devised in the collective farms and state farms for sale to the State of their agricultural produce, and is given effect by means of contracts between buyer and seller (sections 267 and 268 of the RSFSR Civil Code). The Government states further that, if one of the parties fails to fulfil its contractual obligations, civil law sanctions may apply. Consequently, according to the Government, there can be no question of agricultural production plans being imposed on collective farms and state farms, or of penal sanctions being inflicted for non-fulfilment of contractual obligations.

While noting these statements, 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 further recalls that, under section 267 of the Civil Code of the RSFSR, procurement contracts are to be 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, so that when concluding these contracts collective farms would appear to remain bound by the obligations which the Order of 1964 places upon them.

Accordingly, while recognising that only civil sanctions apply in cases of failure to carry out procurement contracts, the Committee wishes to point out that the obligations laid upon collective farms by the Order of 20 March 1964 in relation to the planning of agricultural production both precede and underlie the conclusion of procurement contracts and do not derive from the latter. The Committee again requests the Government to provide information on the sanctions by which the observance of these obligations would be enforced.

Having regard to the indications as to actual practice given in the Government's reports, the Committee would be grateful if the Government would examine the possibility of adopting appropriate measures with respect to the Order of 20 March 1964 to make clear the position from the legal point of view as well as in practice.

3. *Termination of membership of collective farms.* In previous comments, the Committee had 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; and 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. 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 meeting of the collective farm, and 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). The Government had indicated in this respect that in practice the examination by the collective farm-administration and general meeting 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 meeting to persuade the member concerned not to leave, but that no restriction of the possibility to leave a collective farm existed.

In this connection, the Committee had also noted that, under section 2 of the Order of the Council of Ministers of the USSR of 28 August 1974 approving new regulations concerning the passport system, citizens living in rural areas to whom passports were not formerly issued would, on moving to another place for a prolonged period, be issued with a passport, which was a necessary prerequisite for taking employment elsewhere as a wage or salary earner.

In its latest report, the Government states that the procedure for leaving a collective farm is the same as that followed in respect of an application for entry; since joining a collective farm is voluntary under section 1 of the Model Rules, it follows that departure must be voluntary too. The Government indicates that, in view of this principle and the introduction of a uniform passport for all citizens, it is clear that a collective farmer is free to leave his farm and take up work of his choice somewhere else.

The Committee notes that new basic regulations on the issue and maintenance of collective farmers' workbooks were approved by the Union Council of Collective Farms and confirmed by Order No. 310 of 21 April 1975 of the Council of Ministers of the USSR. Under these regulations, collective farmers are to be issued workbooks, which shall be kept at the management office of the collective farm and handed to the owner if and when he ceases to be a member of the collective. Since, according to the Order of the Council of Ministers of the USSR and the All-Union Central Council of Trade Unions of 6 September 1973 respecting workbooks for wage and salary earners, the production of the workbook is required for taking up employment, it appears important that the legislation should clearly specify the manner in which a member of a collective farm may terminate such membership.

The Committee accordingly once more expresses the hope that, in order to make clear the legal rights of those concerned, consideration will be given to the amendment of clause 7 of the model collective farm rules to provide expressly that members of a collective farm may terminate their membership by a unilateral decision, subject only to giving notice of reasonable length.

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

In its earlier comments, the Committee pointed out that certain provisions of the Act of 16 August 1956 concerning vagrants and rogues, which empower the administrative authorities to order internment in a rehabilitation and labour institution, in an agricultural corrective camp or in a labour camp, are contrary to Article 2,

paragraph 2 (c), of the Convention, which permits the imposition of such labour only as a consequence of a conviction in a court of law. The Government referred in its replies to the draft Penal Code which was still pending before the National Congress and would transfer competence to try the offences in question to the judicial authorities.

The Government indicates in its latest report that the examination of the draft Penal Code is still taking place, it being hoped that approval will take place within a reasonable period. The Committee again expresses the hope that the necessary measures will shortly be adopted to bring the national legislation into conformity with the Convention.

*Zaire (ratification: 1960)*

1. With reference to its previous comments, the Committee notes with satisfaction that article 37 of Law No. 73/015 of 5 January 1973, concerning the territorial and administrative organisation of the Republic, has repealed Legislative Ordinance No. 69/012 of 12 March 1969 on the organisation of local communities, articles 58, 60 and 87 of which provided for the imposition of compulsory agricultural work and public works, subject to penal sanctions.

2. The Government stated in its report for 1967-69 that it would without fail introduce appropriate amendments to the provisions whereby persons not making the minimum personal contribution may be imprisoned and forced to perform prison labour on the basis of an administrative decision (article 160 of Annex 1 to the Law of 10 July 1963 on income tax, read together with articles 9 and 64 of Ordinance No. 344 of 1965 on the prison system). The Committee notes with regret that Legislative Ordinance No. 71/087 of 14 September 1971 on minimum personal contributions, which, according to the Government's report, replaces but does not expressly repeal the relevant provisions of the Law of 10 July 1963, still provides for imprisonment of tax defaulters by decision of the chief of the local community and the burgomaster for a period of up to two months, and for the imposition of labour on those imprisoned as a means of recovery of the minimum personal contribution (articles 18 to 21). The Committee again requests the Government to take the necessary measures to bring the legislation on the minimum personal contribution into conformity with Article 2 (2) (c) of the Convention, which excludes prison labour from the scope of the Convention only when it is imposed as a consequence of a conviction in a court of law.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States: *Algeria, Argentina, Austria, Bangladesh, Barbados, Benin, Brazil, Burma, Burundi, Byelorussian SSR, Central African Republic, Chile, Colombia, Congo, Costa Rica, Cuba, Denmark, Ecuador, Egypt, Finland, France, Gabon, Federal Republic of Germany, Ghana, Greece, Guyana, Hungary, Iceland, India, Indonesia, Iran, Iraq, Israel, Italy, Ivory Coast, Kuwait, Libyan Arab Republic, Luxembourg, Madagascar, Malta, Mauritania, Morocco, Netherlands, Nicaragua, Nigeria, Pakistan, Panama, Paraguay, Senegal, Singapore, Spain, Sri Lanka, Sudan, Switzerland, Syrian Arab Republic, Tanzania, Thailand, Togo, Trinidad and Tobago, Uganda, Ukrainian SSR, USSR, Yugoslavia, Zaire, Zambia.*

Information supplied by *Romania* 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)

*Articles 1, 7 (3) and 8 of the Convention.* See under Convention No. 1.

\* \* \*

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

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

*Belgium* (ratification: 1952)

*Article 6 of the Convention.* Further to its previous comments, the Committee notes with interest from the information supplied by the Government to the Conference Committee in 1975 and repeated in the Government's report that an amendment to section 541 of the General Work Safety Regulations is in preparation with a view to limiting the exception in respect of inland navigation to ships not exceeding 500 gross registered tons. The Committee hopes that the proposed amendment will be adopted soon, thus bringing national legislation into conformity with Article 15 of the Convention.

*Italy* (ratification: 1933)

The Committee has noted, from the information supplied to the Conference Committee in 1975 and in the Government's report, that a draft general law on health reform which would authorise the Government to issue regulations in respect, inter alia, of accidents at work was submitted to Parliament in 1974 and is now before the Health Committee of the House of Deputies. The Committee, recalling that a bill for the same purpose had been submitted to Parliament in 1972, is bound to note that actual progress has still not been made in the adoption of provisions to give full effect to the Convention at the national level. It can only reiterate the firm hope that the Government will make every effort to ensure the speedy adoption of the provisions concerned.<sup>1</sup>

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States: *Byelorussian SSR, Denmark*.

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

*Central African Republic* (ratification: 1962)

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

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 61st Session.

*Article 3, paragraphs 1 (c) and 4 (b), of the Convention.* While noting from the Government's report that school attendance is not strictly compulsory, the Committee notes that under the Convention, the duration of light work on which children attending school may be employed does not exceed two hours a day, the total number of hours spent at school and on light work must not exceed seven and, in the case of children who do not attend school, the duration of light work must not exceed four-and-a-half hours a day. The Committee hopes that measures will soon be taken to give effect to these provisions of the Convention.

*Article 3, paragraph 2 (b).* The Committee again expresses the hope that provisions will be adopted to extend to the non-industrial employment covered by the Convention the prohibition of the employment of children between 12 and 14 years during the night, that is to say during a period of at least 12 consecutive hours comprising the interval between 8 p.m. and 8 a.m., in accordance with this provision of the Convention.

\* \* \*

In addition, requests regarding certain points are being addressed directly to *Guinea* and *Niger*.

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

##### *Chile* (ratification: 1935)

Further to its previous comments, the Committee notes the terms of the preliminary draft amendments to the Labour Code, designed to bring Chilean legislation into conformity with the provisions of the Fee-Charging Employment Agencies Convention (Revised), 1949 (No. 96), which the Government again states that it intends to ratify, thus bringing about the immediate denunciation of Convention No. 34. The Committee again expresses the hope that appropriate legislation will be enacted in the near future giving effect either to the provisions of the present Convention or, in case of ratification of Convention No. 96, to the provisions of that Convention.

Certain comments regarding the draft amendments to the Labour Code are being made in a direct request.<sup>1</sup>

\* \* \*

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

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

A request regarding certain points is being addressed directly to *Chile*.

<sup>1</sup> The Government is asked to report in detail for the period ending 30 June 1976.

**Convention No. 37: Invalidity Insurance (Industry, etc.), 1933***Chile* (ratification: 1935)

*Article 5 of the Convention.* Further to its previous observations, the Committee has noted with satisfaction that Act No. 17-671 of 1972 has amended Act No. 10-475 of 1952 and has fixed at three years the qualifying period required of salaried employees in the private sector for entitlement to an invalidity pension. It requests the Government to indicate in its next report whether a similar amendment has been made in the legislation applicable respectively to salaried employees in the public sector, journalists, and railway personnel.

The Committee has further noted with interest that, within the framework of a study which is being made with a view to introducing a new social security system, the Government will examine the possibility of ratifying the Invalidity, Old-Age and Survivors' Benefits Convention, 1967 (No. 128).

\* \* \*

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

**Convention No. 41: Night Work (Women) (Revised), 1934***Afghanistan* (ratification: 1939)

With reference 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. 1242 prohibiting the employment of women during the night, in accordance with the provisions of the Convention, was adopted on 4 December 1975.

*Central African Republic* (ratification: 1960)

With reference to its earlier observations, the Committee notes from the Government's report that the latter confirms its intention of repealing Order No. 3759 of 25 November 1954, which permits the repeal of the prohibition of the employment of women during the night in industry where necessary for particularly important economic reasons, in contravention of the provisions of the Convention. The Committee hopes that the necessary measures will soon be adopted.

*Hungary* (ratification: 1936)

In its previous observations, the Committee had pointed out that the Labour Code was not in conformity with the Convention since: (a) the prohibition of night work by women laid down in section 38 (3) of the Code applies only to pregnant women (as from the fourth month of pregnancy) and to mothers with children under six months of age (night work by mothers with children between that age and the age of one year being subject to their consent), whereas the Convention applies to all women employed in industrial undertakings; and (b) the prohibition provided for in the Code covers a period of 8 hours (from 10 p.m. to 6 a.m. or, in the case of establishments operating in three shifts, the third shift), whereas under the Conven-

tion the prohibition should cover a period of at least 11 consecutive hours, including the interval between 10 p.m. and 5 a.m.

The Government has indicated various measures which have been taken for the further limitation of night work by women. Thus, according to the last report, in textile undertakings working in three shifts, night shifts on Saturdays were prohibited by a Ministerial Order of 1956; in undertakings subject to supervision of the Ministry of Food and Agriculture, night shifts on Saturdays and Sundays were abolished by Ministerial Order in 1972, work on the third shift by mothers with three or more children under the age of eight years has been discontinued as from January 1975, and night work by all women with young children is being abolished by 1 January 1977. The Government also states that, in accordance with guiding principles to be established centrally, collective agreements will, in the period from 1976 to 1980, continue to extend the scope of restrictions on night work by women.

Since the Convention is still limited in its application, the Committee hopes that appropriate further measures will be adopted to ensure its observance.

\* \* \*

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

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

*Algeria* (ratification: 1962)

Referring to the comments which it has been making since 1969, the Committee notes the information supplied by the Government according to which the reorganisation of the social security system has been the subject of discussion at the level of the Council of Ministers which has examined a series of ordinances, and the problems raised by the Committee have had the attention of the services concerned in the drawing up of the new texts; in particular, and concerning *Article 2 of the Convention*, the problems raised by the Committee will be solved in a draft order to modify and complete the list of occupational diseases. This order has been submitted for signature.

The Committee trusts that these reforms will soon take place and that the Order of 22 March 1968, concerning tables of occupational diseases, will thereby be made to conform fully with the Convention on the following points: (a) the restrictive character of the list of pathological manifestations appearing in the left-hand column of the tables in the above-mentioned order will be deleted; (b) the said tables will be completed in accordance with the Convention so as to include poisoning by compounds of arsenic (the present legislation only mentions oxygenated arsenic and arsenic sulphides and also arseniuretted hydrogen), poisoning by the halogen derivatives of hydrocarbons of the aliphatic series (the legislation only mentions tetrachlorethane, carbon tetrachloride, di- and trichlorethylane and tetrachlorethylane, methyl bromide and methyl chloride), poisoning caused by phosphorus or its compounds (the national legislation only expressly covers white phosphorus and sesquisulphur of phosphorus) as well as, in work involving exposure to anthrax, the loading, unloading or transport of merchandise in general (the national legislation only provides that merchandise which may be loaded, unloaded or transported must

be "liable to have been contaminated by animals or by the remains of infected animals").

The Committee requests the Government to indicate any progress in this connection.

*Australia* (ratification: 1959)

Following its earlier comments, the Committee notes with satisfaction the adoption in New South Wales of a regulation ("Division V: Diseases", published on 7 November 1975) which contains a list ensuring full application of Article 2 of the Convention.

*Bolivia* (ratification: 1954)

With regard to its earlier observations, the Committee notes the information supplied by the Government in its report for the period 1973-75. The Committee notes that the draft Legislative Decree, prepared by the competent national services on the occasion of the direct contacts which took place in 1973, has not yet been adopted; this draft contains a list of occupational diseases and the trades, industries or processes liable to provoke such diseases, which corresponds to the schedule to Article 2 of the Convention.

The Committee trusts that this draft will be adopted in the very near future, in order to bring the national legislation into full conformity with the Convention, and requests the Government to communicate any progress made in this respect.

*Brazil* (ratification: 1936)

With reference to its earlier comments, the Committee notes with satisfaction the adoption of Act No. 6,195 of 19 December 1974, which instituted a special compulsory scheme for occupational diseases of agricultural workers (*Seguro de Accidentes do Trabalho Rural*).

The Committee also notes with interest the comments made by CONTAG (*Confederação Nacional dos Trabalhadores na Agricultura*) communicated by the Government, according to which the earlier comments made by the Committee were well founded in the past but are no longer valid since the establishment, by Act No. 6,195 of 1974 of the new scheme for compensation for occupational diseases, which corresponds to claims that have been made over a long period by rural workers.

The point on which additional information is necessary is indicated in a new direct request addressed to the Government.

*Cuba* (ratification: 1936)

With regard to the Committee's earlier observations, the Government states that appropriate measures will be adopted to improve the national legislation with regard to the list of occupational diseases prescribed in the Convention; for this purpose, a draft text on the subject is being prepared which will supplement the provisions of Resolution No. 4615 of 1963 and that, once revised and approved, this will come into force.

The Committee notes this statement with interest; it hopes that the measures proposed will shortly be adopted and that the legislation being considered will cover, in accordance with 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 tar, mineral oil and paraffin, and by their compounds, products or

residues; (c) tuberculosis associated with silicosis; (d) a list of trades, industries and processes capable of causing the occupational diseases listed by the Convention.

The Committee requests the Government to communicate the text of the new legislation once it is promulgated.

*France (ratification: 1948)*

In its earlier comments, the Committee expressed the hope that the necessary measures would be taken to give an indicative character to the list of the various pathological manifestations corresponding to each of the diseases in the schedules of its national legislation; it also expressed the hope that the national legislation would be supplemented in accordance with the Convention, both with regard to poisoning by the halogen derivatives of hydrocarbons of the aliphatic series and by the compounds of phosphorous, and with regard to certain products liable to cause epitheliomatous cancer of the skin.

In its reply, the Government states that, while remaining convinced that by means of the French system of compensation for occupational diseases, this Convention is normally applied, it is appreciative of the suggestions made by the Committee with regard to solutions which the latter feels would permit the French schedules to be brought into conformity with the Convention; with regard to this, it points out that the preliminary results of the work of the Committee of Industrial Health has permitted the revision of a certain number of existing schedules, either by the extension of the list of diseases, or by new indications concerning the risks themselves; thus a Decree at present being prepared will revise schedules Nos. 30, 35, 42, 48 and 52.

With regard to the coverage of poisoning by the halogen derivatives of hydrocarbons of the aliphatic series and by the compounds of phosphorous and by substances liable to cause epitheliomatous cancer of the skin, the Government states that it has ordered preliminary studies to be made, the results of which have just been released and which will be submitted to the Committee on Industrial Health.

Finally, the Government states that with regard to the various points it is willing to adjust the legislation so that none of the basic guarantees given to workers, particularly the presumption of occupational origin of diseases, may be weakened.

The Committee notes these statements with interest; it hopes that the revision at present under way will bring the national legislation into full conformity with the Convention in the near future and requests the Government to indicate any progress made in this field.

*Haiti (ratification: 1955)*

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

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>

*New Zealand (ratification: 1938)*

The Committee notes the information supplied by the Government in its reports for the periods 1973-1974 (which arrived too late to be examined at the last session) and 1974-1975.

In reply to the Committee's earlier comments, the Government states that it has over the years given much thought to the question of including a schedule of diseases, as prescribed by the Convention, but that it is still convinced that the current practice of providing full coverage to all occupational diseases is superior (to the system prescribed by the Convention); it also believes that such a list might have an adverse effect on claims in respect of diseases not listed in the schedule.

The Committee notes this statement; it recalls however that the system of "full coverage" provided by the national legislation, which in most cases leaves the burden of proof of the occupational origins of a disease to the worker, while it may cover a greater number of diseases, is not in accordance with the Convention, since it does not establish that the diseases listed in the Schedule to Article 2 of the Convention are to be automatically presumed to be occupational, when they are contracted by workers engaged in the industries or belonging to the occupations listed in this Schedule. It further believes that the inclusion in the national legislation of a list of occupational diseases and corresponding occupations, as prescribed by the Convention, would in no way diminish the protection at present afforded to workers, who would benefit from the automatic presumption applying to diseases included in the list, and from the provisions actually in force with regard to occupational diseases not included in the list.

The Committee therefore requests the Government to re-examine this question and to take the necessary measures to bring the national legislation into full conformity with the Convention, unless it ratifies the Employment Injury Benefits Convention, 1964 (No. 121), which provides for, inter alia, the system of "full coverage" in Article 8, subparagraph (b), and the ratification of which would ipso jure involve the denunciation of Convention No. 42.

*Rwanda (ratification: 1962)*

In reply to the Committee's previous comments, the Government states that the draft Ministerial Order provided for in section 20 of the Legislative Decree on the organisation of the social security scheme, of 20 August 1974, includes in the list of occupational diseases silicosis in association with tuberculosis, poisoning by the halogen derivatives of hydrocarbons of the aliphatic series and the types of work corresponding to anthrax infection, the loading and unloading or transport of merchandise in general.

The Committee notes this statement with interest; it hopes that this draft will soon be adopted and requests the Government to transmit the text as soon as it is adopted.

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 61st Session.

*United Kingdom* (ratification: 1936)

In its earlier observation, the Committee expressed the hope that the Government would make every effort to ensure that the review of the list of "prescribed diseases" would be placed on the agenda of the Industrial Injuries Advisory Council, which is the competent body in this matter, so that the schedule of occupational diseases could be supplemented in accordance with the Convention with regard to anthrax infection, poisoning by the halogen derivatives of hydrocarbons of the aliphatic series and manifestations due to radiations.

In reply to these comments, the Government states that it fully accepts, as does the Industrial Injuries Advisory Council, that the observations made by the Committee of Experts must be considered in the context of a full review of the list of prescribed diseases. However, since a Royal Commission is at present examining the whole field of injury compensation and since it is possible that that Commission will recommend changes in the present scheme which will have consequences for the list of prescribed diseases, the Government considers that a full review of this list should await receipt of the recommendations of the Royal Commission.

The Committee notes this statement; it hopes that the general review of the list of "prescribed diseases" may be carried out in the near future and requests the Government to communicate any progress made in this matter.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States: *Australia, Barbados, Brazil, Burma, Guyana, Mexico, Norway, Panama, Poland, Turkey.*

**Convention No. 43: Sheet-Glass Works, 1934**

A request regarding certain points is being addressed directly to *Mexico*.

**Convention No. 44: Unemployment Provision, 1934***Algeria* (ratification: 1962)

The Committee notes from the Government's last reports that the procedure of denunciation is in progress since 1973.

*Peru* (ratification: 1962)

Further to its earlier comments the Committee notes from the Government's report that the Government maintains its intention to denounce the Convention declared already in its report in 1973.

*Switzerland* (ratification: 1939)

In previous direct requests, the Committee had noted that, while foreign workers were entitled to change their occupation or residence after three years' residence, they were not entitled to join an unemployment insurance scheme until they had completed five years' residence, and thus did not enjoy equality of treatment with nationals as required by Article 16 of the Convention.

The Committee notes with satisfaction that, following the adoption of an Ordinance of 9 July 1974 granting foreign workers the right to change their occupation and residence after two years' residence, circular No. 18 (a) of 18 December 1974 issued by the Federal Office of Industry, Arts, Trades and Labour provides that foreign workers must be granted the right to unemployment insurance after two years' regular and uninterrupted residence, i.e. as soon as their eligibility for employment is no longer limited by occupational or geographical restrictions, thus ensuring conformity with *Article 16 of the Convention*.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States: *Cyprus, Spain, Switzerland*.

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

*Guinea* (ratification: 1966)

The Committee regrets to note that no report has been received. It recalls that in its previous comments it has noted since 1968 that there is a draft Order to regulate the employment of women and children, sections 8 and 9 of which would give effect to the Convention. The Committee hopes that this text will be adopted in the near future and requests the Government to indicate any decision made in this respect.

\* \* \*

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

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

*Hungary* (ratification: 1937)

Further to its earlier observations and direct requests concerning the applicability of the Convention in the absence of bilateral agreements, irrespective of the nature of the migratory movements in question, the Committee noted the statement made by the Government in its report that it will continue to examine the possibility of implementing the Convention. The Committee would be grateful if the Government would indicate the progress made in this respect.

*Yugoslavia* (ratification: 1946)

In its previous comments concerning the application of the Convention in relation to States members which have not concluded a bilateral agreement with Yugoslavia the Committee had noted, as regards *Part III of the Convention (Maintenance of Acquired Rights)*, that invalidity, old-age and survivors' pensions are now payable in the event of residence abroad, both to foreigners and to Yugoslav nationals, under the provisions of section 60, paragraph 6 of the Federal Act of 21 June 1972 concerning basic rights under pensions insurance, when arrangements to that effect

were provided for, not only in reciprocal agreements, but also in an international Convention. The Committee had asked the Government to supply information as to how these benefits are paid in practice, in accordance with *Article 10* of this Convention, to persons residing in the territory of a State which has ratified it, irrespective of their nationality, and to persons who are nationals of such a State, irrespective of their country of residence, more especially in the case of States with which Yugoslavia has not concluded a bilateral agreement. The Committee notes, however, with regret that no report has been supplied. It trusts that the Government will not fail to provide full information on this point.

\* \* \*

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

#### **Convention No. 50: Recruiting of Indigenous Workers, 1936**

*Tanzania* (ratification: 1964)

*Zanzibar*.

In the absence of any reply to previous direct requests the Committee has no information on the application of the Convention in Zanzibar. The Committee hopes that a report will be supplied for examination at its next session.

\* \* \*

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

#### **Convention No. 52: Holidays with Pay, 1936**

*Burma* (ratification: 1954)

In its earlier observation the Committee noted the Government's statement to the effect that the National Committee on Labour Legislation was examining the possibility of incorporating the provisions of Articles 1, 2 and 4 of the Convention in the Bill concerning paid leave and public holidays.

While noting the improvement of workers' rights in respect of sick leave resulting from Regulation No. 2 of 1975, the Committee notes that the necessary measures to eliminate the divergencies existing between the national legislation and the Convention have not yet been adopted. The Committee must, therefore, once again express the hope that the Government will in the near future adopt new provisions, in the form of laws or regulations, to give effect to the Convention on various points that it has been raising since 1957: scope (Article 1 of the Convention), longer annual holiday with pay for persons under 16 years of age (Article 2, paragraph 2), exclusion from the calculation of the annual holiday of public holidays and interruptions of work due to sickness (Article 2, paragraph 3), and restriction of the right to postpone the annual holiday (Article 4).<sup>1</sup>

---

<sup>1</sup> The Government is requested to supply full particulars to the Conference at its 61st Session and to supply a detailed report for the period ending 30 June 1976.

*Byelorussian SSR (ratification: 1956)*

In its earlier comments the Committee noted that under section 74 of the Labour Code, the annual holiday may, in exceptional cases, be carried forward to the following year if the grant of a holiday to the worker during the current year could have unfortunate consequences for the work of the undertaking, whereas Article 2 of the Convention provides that every person covered is entitled to an *annual* holiday of at least six working days. The Government states in its report that the Convention continues to be fully applied but that no new legislation has been made in this respect. The Committee again expresses the hope that the Government will soon adopt the necessary measures to ensure that in every case persons covered by the Convention enjoy a minimum holiday of six working days each year, thus bringing the legislation into conformity with the Convention on this point.

*Central African Republic (ratification: 1964)*

The Committee notes that the Government, in its report, restates its intention to take account of the Committee's comments in the preparation of the draft Labour Code.

It recalls that section 129 (2) of the Labour Code of 1961 provides that the length of service required for entitlement to holiday may be extended to two years or two-and-a-half years under an individual contract or a collective agreement, whereas under Article 2 of the Convention every person to whom the Convention applies is to be entitled after one year of continuous service to an annual holiday with pay of at least six working days and that under Article 4 any agreement to relinquish the right to an annual holiday with pay or to forgo such a holiday is void. The Committee hopes that the Government will soon adopt the necessary measures to ensure that all persons covered by the Convention enjoy a minimum holiday of six working days each year, thus bringing the legislation into conformity with the Convention on this point.

*Cuba (ratification: 1953)*

In its earlier comments the Committee noted that according to section 1, paragraphs F and G, of Resolution No. 111 of 1965, postponement of the paid annual holiday might be permitted on a temporary basis, whereas according to Article 2 of the Convention, every person covered is entitled to a paid annual holiday of at least six working days. The Committee notes the explanations furnished by the Government in its report according to which paragraph C of section 1 of Resolution No. 111 of 1965 provides for the prevention of the postponement of the annual paid holiday by laying down that the competent authority may, by way of exception, divide the annual holiday in accordance with the needs of production or of the service into periods of seven or ten days. The Committee recalls that, whereas the provisions of paragraph C of section 1, which relate to the division into parts of the annual paid holiday are in accordance with the Convention, the provisions of paragraphs F and G of section 1 on the temporary postponement of paid annual holiday are not in accordance with the requirements of Article 2 and again expresses the hope that the Government will soon adopt the necessary measures to ensure that in all circumstances the worker is entitled to an annual holiday of at least six working days, thus bringing the legislation on this point into conformity with the Convention.

*Gabon (ratification: 1961)*

The Committee notes with regret that the Government has failed to supply a report and that it has no new information at its disposal in reply to its previous comments which were as follows:

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.

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

*Italy (ratification: 1952)*

In its previous comments the Committee had noted that the provisions on holidays with pay contained in collective agreements did not cover all workers to whom the Convention is applicable and did not seem in all cases entirely in conformity with the provisions of the Convention. It notes the information supplied by the Government in its report, according to which the trade union policy of standardising four weeks' holiday with pay is now effective in almost all productive sectors, and according to which workers receive holidays of between one month and more than 30 working days. It also notes that the Bill concerning hours of work has not been submitted to the Parliament. The Committee again expresses the hope that a legislative text with general scope will be adopted to ensure the full application of the Convention to all workers covered.

*Mali (ratification: 1969)*

With reference to its earlier comments the Committee notes with satisfaction that Ordinance No. 33CMLN of 30 April 1975, to repeal and replace certain sections of the Labour Code respecting annual holidays with pay, restricts the right to postpone the annual holiday period by prescribing that every worker must take each year a holiday of at least eight working days, thus bringing the national legislation into conformity with the Convention on this point.

*Morocco (ratification: 1956)*

With reference to its previous comments concerning section 16 of the Dahir of 9 January 1946, permitting the accumulation of holidays in certain circumstances, the Committee notes that the Government, since 1969, has repeatedly stated its intention to adopt provisions ensuring that the accumulation or division into parts of holidays would not have the effect of reducing the length of annual holidays to a period shorter than six working days.

As the Government indicates in its report that the new provisions have not yet been promulgated, the Committee trusts that measures will be taken in the near future to ensure that the accumulation or division into parts of the holidays of staff employed in industrial undertakings or establishments does not result in the reduction of their annual holidays to a period shorter than the minimum prescribed by Article 2, paragraph 1, of the Convention.

*Paraguay* (ratification: 1968)

With regard 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, pursuant to Act No. 506 of 27 December 1974, sections 219, 224 and 225 of the Labour Code have been amended and brought into line with the provisions of Article 2, paragraphs 3 (b) (interruptions of attendance at work due to sickness) and 4 (division into parts of annual holidays) of the Convention.

*Peru* (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 observations which were as follows:

*Article 2, paragraph 3 (b), of the Convention.* Although section 7 of Supreme Decree No. 17 of 24 October 1961 provides that absences due to sickness will be counted as days of attendance for the purpose of calculating the period of service carrying entitlement to a holiday, and section 32 of Act No. 13,724 of 1961 prohibits the dismissal of an employee while he is in receipt of social security benefits, the Committee hopes that, when the relevant legislation is next amended, it will expressly provide that interruptions of work due to sickness will not be counted as part of the annual holiday in accordance with this Article of the Convention.

*Article 3 (a).* The Committee recalls that, according to the provisions in force (Supreme Decree of 24 October 1961, sections 8 and 9), remuneration during holidays consists only in the cash equivalent of the food supplied. It would hope once again that steps will be taken to include expressly in holiday remuneration the cash equivalent of all remuneration in kind.

*Article 4.* The Committee would point out that the single section of Supreme Decree No. 4DT of 26 November 1957 and section 13 of Supreme Decree No. 17 of 24 October 1961 permit the holiday due to be carried forward over a period of two consecutive years, whereas, according to this provision of the Convention, persons covered are entitled to an annual holiday of at least six working days, which is binding on both parties. Please state what steps have been taken or are contemplated to guarantee that in all circumstances the worker is entitled to an annual holiday of at least six working days, as prescribed by the Convention.

*Ukrainian SSR* (ratification: 1956)

In its previous comments, the Committee noted that section 80 of the Labour Code provided that carrying the annual holiday forward to the following year might be authorised, in exceptional cases, when the granting of a holiday to the worker during the current year might 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. The Committee notes the explanations furnished by the Government in its report according to which the holiday which is carried forward may be taken together with the holiday of the following year, and its statement to the effect that the Code does not authorise the postponement of the holiday for more than one year. While noting this information, the Committee again expresses the hope 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.

*USSR* (ratification: 1956)

In its earlier comments, the Committee noted that under section 74 of the Labour Code of the RSFSR the annual holiday may be carried forward when the worker is

performing national or social duties. The Committee notes the explanations furnished by the Government in its report, according to which the holiday in question may be postponed from one holiday period to another, within the same year, which is in accordance with the Convention.

However, the Committee also noted that under section 74, subsection (2), of this Code, the annual holiday may 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. The Committee notes the explanations furnished by the Government in its report according to which such postponement, in exceptional cases, is authorised only with the worker's consent and the approval of the factory's trade union committee. While noting this information, the Committee again expresses the hope that the Government will soon adopt the necessary measures 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.

The Committee notes that the report contains no information on the measures taken as a result of its earlier comments respecting section 251, subsection (3), of the Labour Code of the RSFSR, which allows the accumulation of part or the whole of up to three annual holidays of workers employed in the Far North and equivalent localities. The Committee again expresses the hope that with regard to this point also the Government will adopt the necessary measures to ensure that in all circumstances the persons covered by the Convention receive a minimum paid holiday of at least six working days each year.

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.

The Committee would also be grateful if the Government would supply information on the situation in the other federated republics, with regard to the points mentioned above.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States: *Brazil, Chad, Czechoslovakia, Guinea, Italy, Ivory Coast, Kuwait, Libyan Arab Republic, Panama.*

### **Convention No. 53: Officers' Competency Certificates, 1936**

#### *Finland (ratification: 1947)*

In its previous observations, the Committee noted that the Finnish Union of Ships' Officers had made representations to the Government concerning the growing number of exemptions granted to masters and officers who did not possess the prescribed competence, which had almost doubled from 1963 to 1972 (from 215 to 422). It had expressed the hope that measures would be taken, in accordance with Article 3, paragraph 2, of the Convention, to limit the granting of such exemptions to cases of *force majeure*.



The Committee notes the statement in the Government's report that the granting of exemptions to masters, chief engineers, mates and engineer officers who do not possess the necessary competence has still proved necessary.

The Committee observes that, under section 39 of Decree No. 522 of 29 October 1964 respecting masters and officers on board merchant ships, exemptions from the requirements regarding certificates of competence may be granted only in so far as they are not contrary to international conventions relating to ships' crews. It would, however, appear, from the available information, that the granting of exemptions has become a regular and widespread practice and is not limited, as required by Convention No. 53, to cases of *force majeure*. The Committee once more expresses the hope that the Government will review its practice in the matter so as to comply with the Convention, and will provide detailed information on the measures taken to this end.<sup>1</sup>

#### *Liberia* (ratification: 1960)

The Committee notes with interest the information provided by the Government to the effect that a Safety Division under the Bureau of Maritime Affairs is responsible for the inspection of ships and has inspectors around the world to inspect ships and, if necessary, to detain any ship which does not comply with Liberian maritime law and regulations. It would be grateful if the Government would supply all available information on the activities of these inspection services and would provide, in particular, as was promised in the last report, indications of the number and nature of breaches of the provisions of the Convention which have been noted.

#### *Mauritania* (ratification: 1963)

The Committee notes with regret that for the third year in succession the Government has not furnished a report. It is bound therefore to repeat its comments contained in previous direct requests, which were as follows:

*Article 4 of the Convention.* The Committee recalls that a decree to be issued under the Merchant Shipping Code (Book III, Chapter XIII, sections 2 and 3) would prescribe the conditions for obtaining various kinds of officers' competency certificates. It trusts that the Government will take the necessary action to issue the decree in the near future.

*Article 5, paragraphs 2 and 3.* The Committee had noted from the Government's report for the period 1968-70 that the national authorities may detain vessels on account of a breach of the provisions of the Convention and that, in the case of a breach on a vessel registered in the territory of another member State which has ratified this Convention, the national authorities may communicate with the consul of that Member. It again requests the Government to indicate which provisions of the national legislation regulate these questions.

#### *Panama* (ratification: 1970)

The Committee notes, from the information supplied by the Government in answer to its previous comments, that the proposed training school for officers of the Merchant Navy has not yet been established and that at present the competent authorities of Panama do not issue certificates of competency, but limit themselves to confirming the certificates issued elsewhere in the world. The Government also states that captains and officers of vessels to which the Convention applies hardly ever disembark within the national territory, and that it is therefore practically impossible for the Marine Inspection Department to carry out inspections to ensure compliance with the Convention.

<sup>1</sup> The Government is asked to report in detail for the period ending 30 June 1976.

The Committee notes that the legislation to which the Government has referred in its reports does not contain any provision laying down, as required by Article 3 of the Convention, that a person may not be engaged to perform, and may not perform, the duties of master or skipper, navigating officer in charge of a watch, chief engineer or engineer in charge of a watch unless he holds a certificate of competency issued or approved by the competent authorities of Panama. The Committee trusts that legislation giving effect to this requirement, as well as laying down the conditions for the issue or approval of certificates of competency and the necessary measures for enforcement through inspection, penalties, etc., will be adopted at an early date.

Having regard to the difficulties mentioned by the Government with regard to the carrying out of inspections of vessels within the national territory, the Committee hopes that arrangements will be made for the necessary inspection services to be attached to Panamanian consular offices in appropriate ports in other countries.<sup>1</sup>

*Philippines (ratification: 1960)*

Further to its previous observations, relating to the implementation of Articles 5 and 6 of the Convention, the Committee notes the Government's statement that the proposed Philippine Merchant Marine Rules and Regulations have been submitted to the Department of Justice for final consideration and, subsequently, for approval by the President of the Philippines. In this connection, the Committee considers it appropriate to draw attention to the following points:

*Article 5, paragraphs 2 and 3, of the Convention.* The Committee observes that the extracts from the proposed Rules and Regulations furnished by the Government do not provide for the cases in which the authorities may detain vessels registered in the Philippines on account of a breach of the provisions relating to officers' competency certificates, nor do they require the Philippines authorities, upon finding a breach of the Convention on a vessel registered in the territory of another ratifying State, to communicate with the consul of the State concerned. The Committee hopes that measures will be taken to give effect to these requirements of the Convention.

*Article 6.* The Committee notes that the proposed Rules and Regulations contain provisions for disciplinary proceedings, which may be invoked in cases in which the requirements of the Convention are not respected. It hopes that these provisions will be adopted at an early date.

\* \* \*

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

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

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

*Liberia (ratification: 1960)*

The Committee notes the information supplied by the Government in its report and that supplied to the Conference Committee in 1975. It wishes, however, to draw the Government's attention to the following points:

---

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 61st Session and to report in detail for the period ending 30 June 1976.

*Article 1, paragraph 2, of the Convention.* The Government indicates that an amendment of section 290, paragraph 2 (a) of the Maritime Law of 1964 is being prepared for the purpose of extending the scope of the Act to cover vessels of 20 tons or more (under the present wording of section 290 of this Act only vessels of 75 tons and more are covered), and that it is hoped that this amendment will come into force before the end of 1976.

The Committee notes the statement with interest and hopes that the Government will be able in its next report to indicate the adoption and entry into force of this amendment.

*Article 2, paragraph 1.* The Committee notes the Government's view that section 336 of the Maritime Law provides for payment of the wages, maintenance and medical care of the seaman in case of sickness while he is off the vessel by the authority of the master. However, this section refers to only a seaman who is "off the vessel pursuant to an actual mission assigned to him by, or by the authority of, the Master" and it seems clear that this wording is intended to cover only seamen who are off the vessel pursuant to a mission assigned to them either by the master or by some other person acting with the authority of the master. The Committee therefore hopes that advantage will be taken of the steps currently being taken to amend the Maritime Law to amend also section 336, so as to provide that the shipowner will be liable in all cases of sickness and injury occurring between the dates specified in the articles of agreement for reporting for duty and the termination of engagement, in accordance with Article 2 of the Convention.

*Article 6, paragraph 2 (d).* In its previous observations and direct requests, the Committee called the Government's attention to the fact that section 342, subsection 1 (b) of the above-mentioned law does not provide for the necessity of obtaining the competent authority's approval when repatriation has to be made to a port other than where the sick or injured person was engaged or the voyage commenced. The Committee duly notes the Government's statement that although this matter had not been the subject of complaints, these comments were being considered at present. Since this point has been raised since 1969, the Committee hopes that section 342, subsection 1 (b) of the Maritime Law of 1964 will be amended in the near future, when the amendment to section 290 mentioned above is effected, for example, in order to give full effect to this provision of the Convention.<sup>1</sup>

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States: *Greece, Mexico, Panama, Peru, Spain, Tunisia.*

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

*Peru (ratification: 1962)*

*Article 3 of the Convention.* See under Convention No. 24, Article 4.

*Article 7.* In its previous comments, the Committee drew the Government's attention to the need to make provision, under the sickness insurance schemes both

---

<sup>1</sup> The Government is asked to report in detail for the period ending 30 June 1976.

for wage earners and for salaried employees, for the automatic maintenance of the rights arising under compulsory insurance after the end of the last engagement and for a period fixed by national laws or regulations in such a way as to cover the normal interval between successive engagements. In its report the Government states that no observations were made on this point in 1972 or in 1974. The Committee recalls, however, that this question has been the subject of its comments since 1966, and that since 1970 an observation has been made every year to the Government on the subject. It has none the less noted the Government's statement that the application of this Article seems to be assured by the fact that the social security scheme makes provision for voluntary insurance. The Committee would, however, emphasise that this Article requires that, if membership of the insurance scheme terminates with the end of an engagement, seafarers shall continue to have the right, independently of the possibility of voluntary insurance, to the benefits provided under the insurance scheme during a definite period fixed by national law or regulations in such a way as to cover the normal interval between successive engagements. The Committee therefore hopes that the necessary measures can be taken, in connection with the adoption of the new sickness insurance scheme which is at present under examination, to ensure, both for wage earners and for salaried employees, the full application of this provision of the Convention in accordance with the assurances given by the Government representative to the Conference Committee in 1975.<sup>1</sup>

\* \* \*

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

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

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

#### *Paraguay* (ratification: 1966)

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 representative of the Director-General of the ILO, sections 119 and 120 of the Labour Code have been amended by Act No. 506 of 27 December 1974 so as to raise the minimum age for admission to industrial employment to 15 years, as required by Article 2 of the Convention.

#### *Philippines* (ratification: 1960)

*Article 2 of the Convention.* Further to its earlier observation, the Committee notes with interest the information supplied by the Government to the effect that sections 138 and 139 of the Labour Code have recently been amended so as to fix at 15 years the minimum age for admission to employment and to prohibit the employment of persons aged between 15 and 18 years on dangerous work. The Committee requests the Government to supply the relevant text and hopes that measures will be taken to bring into conformity with the Convention Regulation VII,

---

<sup>1</sup> The Government is requested to supply full particulars to the Conference at its 61st Session and to report in detail for the period ending 30 June 1976.

Book III, of the Regulations made under the Labour Code and the Code for the protection of children and young persons of 10 December 1974, which permits the employment of children of under 16 years on light work.<sup>1</sup>

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States: *Libyan Arab Republic, Philippines, Romania*.

Information supplied by *Tanzania* 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 earlier comments, the Committee notes with satisfaction that, as a result of the direct contacts between the competent national services and a representative of the Director-General of the ILO, sections 119 and 154 of the Labour Code have been amended by Act No. 506 of 27 December 1974 so as to raise the minimum age for admission to non-industrial employment to 15 years, as required by Article 2 of the Convention.

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

*Mauritania* (ratification: 1963)

The Committee regrets that for the fourth consecutive year no report has been received. It must once more repeat the following point raised in its previous direct request.

*Article 13, paragraph 2, of the Convention.* The Committee has pointed out since 1966 the need for measures to ensure the application of this provision of the Convention (the minimum age of persons to be employed as crane operators and signallers). According to the Government's report for the period 1968-70, section 42 of Order No. 10281 of 2 June 1965 was to be amended to that effect. The Committee trusts that appropriate measures will be taken in the near future and that the Government will supply information in this connection.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States: *Central African Republic, Denmark, Guinea*.

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

*Algeria* (ratification: 1962)

*Article 1 of the Convention.* In response to earlier comments by the Committee, the Government states that the data from employment and wage surveys have been

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 61st Session and to report in detail for the period ending 30 June 1976.

published for 1972, 1973 and partly for 1974. The Committee trusts that the Government will send these publications to the ILO regularly in future. The Committee also noted the data on average earnings and hours actually worked in April 1974, communicated with the last report. It trusts that the Government will communicate the data required at the earliest possible date, in accordance with subparagraph (c) of this Article.

*Article 12.* The Committee notes from the Government's report that index numbers are available for various sectors and are being made consistent as part of the wages policy. It trusts that index numbers showing the general movement of earnings will be compiled and published soon in accordance with the requirements of this Article.

*Part III.* The Committee notes that the statistics required by this part of the Convention are available for various sectors and skill levels, although not yet compiled at the national level. It trusts that the Government will soon take the necessary measures to comply with Articles 13 to 21 of the Convention.

*Part IV.* The Committee notes that the results of the general agricultural census are still being processed. It hopes that they will permit the compilation of statistical data on wages and hours of work in agricultural undertakings in accordance with the requirements of Article 22 of the Convention and that they will be published and communicated to the Office in accordance with Article 1 (b) and (c).

#### *Burma (ratification: 1961)*

*Article 12 of the Convention.* Further to its previous comments, the Committee notes with satisfaction the publication, in the *People's Workers' Gazette* of October 1974, of index numbers showing the general movement of earnings of workers in mining and manufacturing industries. It hopes that these index numbers will be established regularly and will henceforth include building and construction.

#### *Chile (ratification: 1957)*

The Committee has noted the Government's statement that the programme of statistics currently being examined will make it possible to give full effect to the Convention. It recalls that the available statistics have to be developed, in particular in the following respects:

*Part II of the Convention.* Statistics of average earnings will have to be compiled for building and construction in accordance with Article 5, paragraph 1. Statistics will have to be compiled showing the average hours actually worked by each worker and relating to the same period as the statistics of average earnings, in accordance with Article 5 and Article 9, paragraph 2. The statistics of average earnings and of hours actually worked will have to be supplemented, at least once every three years, by separate figures for each sex and for adults and juveniles, in accordance with Article 10, paragraph 2.

The Committee further notes that index numbers are only published of earnings in mines and manufacturing industries. It trusts the necessary measures will be taken to develop the statistics in the sense indicated above, and to publish and communicate to the ILO all the statistics required, in conformity with Article 1 of the Convention.

*Cuba (ratification: 1954)*

The Committee observes that the only statistics published and communicated to the ILO concern average wages for 1972 and give only partial effect to the Convention. It takes note of the intention, reiterated by the Government, to pursue efforts in this connection and hopes that difficulties in the application of the Convention will be overcome so as to enable statistics to be compiled and published which will fully meet the requirements of Part II (average earnings and hours actually worked), Part III (time rates of wages and normal hours of work) and Part IV of the Convention (wages and hours of work in agriculture).

*Finland (ratification: 1947)*

In its previous observation, the Committee referred to certain comments on the application of the Convention made by the Confederation of Finnish Trade Unions (SAK) and mentioned in the Government's report. The Committee has noted the additional information supplied by the Government in this respect, including a joint memorandum by the Finnish Employers' Confederation and the Confederation of Commerce Employers on the compilation of wage statistics in which the employers' and workers' organisations co-operate under the terms of the Agreements concluded to this effect and last renewed in 1974.

*Mexico (ratification: 1942)*

The Committee notes the information supplied in response to its previous comments.

*Articles 1 and 5 of the Convention.* The Committee notes that, although the statistics required by Article 5 are compiled and communicated to the ILO, data for the mining industry are still not published and those relating to building and construction do not seem to have been included in the latest publication available in the Office, containing data for the period after 1971. It requests the Government to indicate the measures taken or planned to publish these statistics in accordance with Article 1 of the Convention.

*Article 10, paragraph 2.* The report indicates that no statistics are compiled at present by age group. The Committee trusts that the Government will take the necessary measures to compile and publish separate statistics for adults and juveniles, in accordance with the requirements of this paragraph. Moreover, it reiterates its request that the Government state whether the statistics compiled separately for males and females are published.

*Article 12.* The Committee notes the index numbers communicated with the report, for the manufacturing industries during the period 1966-72. It requests the Government to state whether index numbers covering the mining industry, building and construction are also established and whether the numbers in question are published.

*Article 21.* The Committee notes from the Government's report that index numbers showing the general movement of wage rates are not compiled. It trusts that the Government will take the necessary measures to compile and publish these index numbers in accordance with this Article of the Convention.

*Sri Lanka* (ratification: 1952)

Further to its previous comments regarding the prompt publication of statistics in accordance with Article 1 of the Convention, the Committee notes with satisfaction that it has been decided to expedite the publication of statistics by including them in the monthly *Sri Lanka Labour Gazette* and that, according to that arrangement, statistics for March and September 1974 have been published in the August 1975 issue of the *Gazette*.

*Uruguay* (ratification: 1954)

The Committee notes the information supplied in reply to its earlier comments.

*Part II of the Convention.* The Committee notes that the results of the latest manpower census are still being compiled. It trusts that these results will permit statistics of average hourly earnings to be developed and statistics of hours worked to be compiled, in accordance with the indications contained in a direct request. It hopes that the statistics will be published and transmitted to the ILO in accordance with the provisions of Article 1 (b) and (c) of the Convention.

*Part IV.* The Committee notes with interest the publication concerning statistics of wages in agriculture, entitled "Development of rural wages, 1974" and it hopes that these statistics will in future be compiled on a regular basis, in accordance with Article 22, paragraph 2 (a), of the Convention.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States: *Algeria, Australia, Barbados, Botswana, Burma, Canada, Czechoslovakia, Denmark, Egypt, Finland, Guatemala, Kenya, Mauritius, Panama, Spain, Syrian Arab Republic, Tanzania, Uruguay.*

**Convention No. 64: Contracts of Employment (Indigenous Workers), 1939***Uganda* (ratification: 1963)

Further to its previous direct requests concerning Article 13 (2) of the Convention, the Committee notes with satisfaction that section 26 (2) of the Employment Decree, 1975, provides for the repatriation of workers' families. The Committee hopes that this Decree will be brought into force at an early date.

\* \* \*

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

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

**Convention No. 65: Penal Sanctions (Indigenous Workers), 1939***Uganda* (ratification: 1963)

The Committee has previously pointed out that, contrary to Article 2 of the Convention, sections 61 (1) (b) and 64 of the Employment Act laid down penal



sanctions for breach of a contract of employment. The Committee notes with satisfaction that the Employment Decree, 1975, repeals these provisions and hopes that this Decree will be brought into force at an early date.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States: *Ghana, Kenya, Mauritius, Singapore, Tanzania.*

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

A request regarding certain points is being addressed directly to the *Central African Republic.*

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

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

**Convention No. 71: Seafarers' Pensions, 1946**

A request regarding certain points is being addressed directly to *Algeria.*

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

Requests regarding certain points are being addressed directly to the following States: *Algeria, Panama, Spain, Sweden, Tunisia.*

**Convention No. 74: Certification of Able Seamen, 1946**

Requests regarding certain points are being addressed directly to the following States: *Algeria, Egypt, Panama, Spain.*

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

*Algeria (ratification: 1962)*

Further to its earlier comments the Committee takes note of Ordinance No. 75-31 of 29 April 1975 respecting the general conditions of work in the private sector. It notes with interest that the provisions contained therein concerning the medical examination of workers apply to all work units and, consequently, in principle cover

the undertakings mentioned in Article 1, paragraph 2 (a) (mines, quarries and other work for the extraction of minerals) and paragraph 2 (d) (undertakings engaged in transport) of the Convention. The Committee observes, however, that, according to section 1, the new Ordinance applies only to the private sector. Since the Convention applies to all industrial undertakings, the Committee would be grateful if the Government would indicate the provisions taken or contemplated to ensure the application of the Convention to undertakings in the public sector and to socialist undertakings.

*Paraguay* (ratification: 1966)

Further to its previous comments the Committee notes with satisfaction that, as a result of direct contacts which took place between the national competent services and a representative of the Director-General of the ILO, section 121 of the Labour Code has been amended by Law No. 506 of 27 December 1974, in order to provide that medical examinations for fitness for employment shall not involve the child or young person or his parents in any expense, in accordance with Article 5 of the Convention.

*Philippines* (ratification: 1960)

The Committee notes that the Woman and Child Labour Law and its implementing regulations, which gave effect to the Convention, have been repealed following the adoption of the Labour Code of 1974 and its implementing regulations, but that the latter do not contain any provisions relating to medical examinations of young persons. It trusts that the necessary measures will be taken at the earliest date possible so as to give effect once again to the Convention.<sup>1</sup>

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States: *Bolivia, United Republic of Cameroon, Luxembourg, Panama, Spain, Tunisia.*

Information supplied by *Argentina* and *Uruguay* in answer to direct requests has been noted by the Committee.

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

*Paraguay* (ratification: 1966)

See under Convention No. 77.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States: *Algeria, United Republic of Cameroon, France, Iraq, Israel, Luxembourg, Panama, Spain.*

Information supplied by *Argentina, Guatemala* and *Uruguay* in answer to direct requests has been noted by the Committee.

---

<sup>1</sup> The Government is asked to provide full particulars to the Conference at its 61st Session and to report in detail for the period ending 30 June 1976.

**Convention No. 79: Night Work of Young Persons  
(Non-Industrial Occupations), 1946**

*Paraguay* (ratification: 1966)

Further to its previous comments the Committee notes with satisfaction that, as a result of direct contacts which took place between the national competent services and a representative of the Director-General of the ILO, section 122 of the Labour Code has been amended by Law No. 506 of 27 December 1974, so as to bring it into conformity with the provisions of Articles 2 and 3, paragraph 1, of the Convention (prohibition of night work and rest periods in non-industrial occupations).

*Peru* (ratification: 1946)

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 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.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States: *Bulgaria, Guatemala, Italy, Spain.*

**Convention No. 81: Labour Inspection, 1947**

*General Observation*

The Committee recalls that one of the three functions of the system of labour inspection, as set out in Article 3 of the Convention, is "to bring to the notice of the competent authority defects or abuses not specifically covered by existing legal provisions". In examining the situation in this respect in the various ratifying countries, the Committee has found that the need to entrust this function to the labour inspectorate is very widely recognised. It has also found, however, that information is rarely made available (either in the reports sent to the ILO on the Convention, or in the published reports on labour inspection) on the manner in which the labour inspectorate discharges the responsibility of reporting defects and abuses not covered by the legislation in force.

In view of the importance of this function as a basis for the introduction of new protective measures (for instance, in relation with new methods of work or the use of harmful substances), the Committee hopes that governments will find it possible to include in their next reports any available information showing the extent to which this function of the labour inspectorate is carried out in practice, and the manner in which such defects and abuses are brought to the attention of the competent authority.

*Barbados* (ratification: 1967)

*Article 20 of the Convention.* Further to its earlier observation, the Committee notes with satisfaction that the reports of the Department of Labour covering 1971, 1972 and 1973 have been published and transmitted to the ILO.

*Central African Republic* (ratification: 1964)

*Article 11, paragraph 2, of the Convention.* The Committee notes the statement in the Government's report to the effect that the abolition of the reimbursement of travelling expenses to public servants and officials (which also affects labour inspectors) comes within the framework of the general budgetary austerity measures. It also notes the statement made by a Government representative at the Conference in 1975 to the effect that the Government is contemplating re-establishing inspectors' entitlement to these expenses. Given this statement and that the abolition of the reimbursement of travelling expenses renders the labour inspection services incapable of maintaining supervision of establishments for the inspection of which travelling is necessary, the Committee hopes the Government will be able to re-establish the reimbursement of those expenses in the near future, in accordance with this provision of the Convention.

*Articles 20 and 21.* Further to its earlier observations, the Committee notes with interest the Government's statement to the effect that every effort will be made to ensure the publication of the labour inspection reports and their communication to the ILO. The Committee recalls that until now only one report, relating to 1969 and covering only certain aspects of the labour inspection services, has been communicated to the ILO and hopes that the Government will in the future be able to publish a report each year in accordance with Articles 20 and 21 of the Convention.<sup>1</sup>

*Chad* (ratification: 1964)

The Committee regrets to note that for the third year in succession no report has been provided by the Government and that consequently the Committee does not have available to it sufficient information to measure the application of *Articles 7, paragraph 3; 11, paragraph 2; 12, paragraph 2; 13, paragraph 2 (b); 20 and 21 of the Convention.*

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

*Cuba* (ratification: 1954)

The Committee notes from the Government's report that the comments it has been making for several years will be examined in the course of the studies currently being made on the revision of the national regulations governing the labour inspection services. It trusts that the new regulations (to which the Government referred in its report for 1972-1973) will be adopted in the near future and that they will give full effect to the following provisions of the Convention:

*Article 7*, which provides that labour inspectors shall be recruited with sole regard to their qualifications and adequately trained for the performance of their duties.

<sup>1</sup> The Government is requested to communicate a detailed report for the period ending 30 June 1976.

*Article 12*, which relates to inspectors' right of free entry and powers of inspection.

*Article 13, paragraph 2 (b)*, which provides that inspectors shall 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 workers.

*Article 15 (c)*, which provides that inspectors shall treat as absolutely confidential the source of any complaint.

The Committee further expresses the hope that the reorganisation of labour inspection will enable the Government to publish and communicate the annual report on the work of the inspection services provided for in *Articles 20 and 21* of the Convention. It recalls that no report of this kind has been published and transmitted to the ILO since the ratification of the Convention.

#### *Cyprus (ratification: 1960)*

*Articles 20 and 21 of the Convention.* In connection with its previous request, the Committee notes with satisfaction that the reports of the Ministry of Labour and Social Security for 1973 and 1974 have been published and sent to the ILO and that they contain the information required by Article 21 of the Convention.

#### *Finland (ratification: 1956)*

*Articles 20 and 21 of the Convention.* With reference to its previous direct requests, the Committee notes with satisfaction the publication of the inspection reports for the years 1968-72 and 1974.

#### *France (ratification: 1950)*

*Articles 20 and 21 of the Convention.* Further to its previous observations, the Committee has noted the information on the activities of the labour inspection service supplied in the report of the Government for 1971-73 and in the monthly bulletin *Statistiques du travail* in 1975, which correspond in part with that required by Article 21 of the Convention.

The Committee recalls, however, that Article 20 of the Convention provides for the publication of an annual report on the work of the inspection services containing all the information specified in Article 21. It recalls also that the last report to be published related to 1964. The Committee therefore trusts that, in accordance with the assurances given by the Government to the Conference Committee in 1972 and 1974, measures will be taken shortly to ensure the publication each year of a report on the activities of the inspection services within the time limits laid down in Article 20 of the Convention, and that these reports will contain all the information required under Article 21 of the Convention.<sup>1</sup>

#### *Ghana (ratification: 1959)*

*Article 20 of the Convention.* Further to its previous observation the Committee notes the publication and communication to the ILO of the Report of the Labour Department for the period of 1 January 1969 to 30 June 1970, and the Government's statement that steps have been taken to ensure that the inspection reports in arrears are published within the shortest possible time. It hopes that the reports in question

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 61st Session.

will reach the ILO shortly, and that in future the time limits laid down by this Article of the Convention will be respected.

*Greece (ratification: 1955)*

The Committee notes with interest, from the Government's reply to its previous comments, that the Government envisages the adoption of measures with a view to bringing national legislation into full conformity with the provisions of the Convention. It hopes that these measures will be adopted soon and that they will confer upon inspectors the right to take samples of materials and substances used, in accordance with *Article 12, paragraph 1 (c) (iv) of the Convention*, as well as the power to have orders made in accordance with *Article 13* of the Convention.

*Guinea (ratification: 1959)*

The Committee notes that the Government's report contains no new information in reply to its previous observations. The Committee is bound, therefore, to repeat its previous observations which were 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 can only 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.

*Haiti (ratification: 1952)*

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 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>

#### *Italy (ratification: 1952)*

*Article 11, paragraph 2, of the Convention.* Further to its previous observations, and to the comments which were presented by the National Association of Labour Inspectors, the Committee has noted with interest that the new Act No. 836 of 18 December 1973 on the payment of expenses to public officials has raised the rate of travel and other necessary expenses of labour inspectors. It notes, however, that section 3 of the Act provides for limits on the reimbursement of the expenses of certain journeys which, according to the Government's report, might particularly affect labour inspectors in view of the nature of the inspection visits they undertake. The Committee requests the Government to indicate in its next report the measures taken or envisaged to ensure that labour inspectors are reimbursed all travel expenses and other necessary expenses incidental to the exercise of their functions.

*Article 13, paragraph 2 (b).* The Committee has noted from the Government's reply to its previous observation that the text designed to give effect to this provision of the Convention has still not been adopted. The Committee recalls that inspectors are not empowered to make or have made orders requiring measures which are necessary to deal with an imminent danger. It hopes that the Government will soon take all necessary steps to ensure the application of this important provision of the Convention.

*Article 20.* Further to its previous request the Committee has noted with satisfaction that the labour inspection reports for 1970, 1971, 1972 and 1974 have been published and sent to the ILO.

#### *Kenya (ratification: 1964)*

*Article 15 (c) of the Convention.* The Committee notes with interest that the 1975 Employment Bill, which has already been submitted to Parliament, imposes upon labour inspectors the obligation to treat as absolutely confidential the source of any complaint, in accordance with this provision of the Convention, and it hopes that this Bill will very soon be adopted.

#### *Kuwait (ratification: 1964)*

The Committee takes due note of the Government's statement that it has taken into consideration the Committee's previous observations in the draft amendments to labour legislation. It hopes that the Government will thus be in a position to include in this text provisions to give effect to the following requirements of the Convention:

---

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 61st Session.

*Article 12, paragraph 1 (d), of the Convention*, under which inspectors shall be empowered to enter by day any premises which they may believe to be liable to inspection.

*Article 12, paragraph 1 (c) (i)*, under which they shall be empowered to interrogate the staff of the undertaking, alone or in the presence of witnesses.

*Article 13, paragraphs 2 (b) and 3*, under which they shall 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.

The Committee requests the Government to indicate in its next report what progress has been achieved in the drawing up of the above-mentioned draft.

The Committee notes with interest that Order No. 11 of 1972 contains provisions relating to *Article 12, paragraph 1 (a) and (c) (iv), of the Convention*. It appears, however, that these provisions apply only to the labour inspectors designated by name in the Order. The Government is requested to describe the measures taken or envisaged to grant the powers in question to all labour inspectors in both the public and private sectors as well as in the petroleum industry.

*Article 20, paragraph 2*. Further to its previous observation the Committee notes the reply of the Government to the effect that annual labour inspection reports are published in conformity with this provision of the Convention.

#### *Luxembourg (ratification: 1958)*

*Articles 20 and 21 of the Convention*. Further to its previous request the Committee notes with satisfaction that the reports of the inspectorate of labour and mines for 1972 and 1974 have been published and transmitted to the ILO and that they contain the information prescribed in Article 21 of the Convention.

#### *Madagascar (ratification: 1970)*

Further to its previous request the Committee notes with satisfaction that the new Labour Code issued in 1975 assures an improved application of the following Articles of the Convention: *Article 12, paragraph 1 (c) (ii)* (the right of labour inspectors to require the production of any books, registers or other documents relating to conditions of work), *Article 13, paragraph 2 (b)* (the right of labour inspectors to order measures with immediate executory force), and *Article 15 (c)* (the obligation of labour inspectors to treat as absolutely confidential the source of any complaint).

#### *Malawi (ratification: 1965)*

The Committee notes with regret that the Government's report has not been received. The Committee is bound, therefore, to recall again that the last report of the Ministry of Labour received in the ILO relates to the years 1963-67. According to Article 20 of the Convention, reports on the work of the inspection services must be published annually within 12 months after the end of the year to which they relate and must be transmitted to the ILO within 3 months after publication. The Committee therefore hopes that the reports of the Ministry of Labour not yet received will reach the Office very shortly and that, in future, the time limits set by the Convention will be respected.



*Malaysia* (ratification: 1963)

*Article 21 of the Convention.* Further to its earlier request the Committee notes with satisfaction that the reports of the Ministry of Labour and Manpower for 1972 and 1973 contain the information required by this provision of the Convention.

*Malta* (ratification: 1965)

*Articles 20 and 21 of the Convention.* With reference to its last request the Committee notes with satisfaction that the reports of the Department of Labour and Emigration and of the Social Services Department for 1971, 1972 and 1973 have been published and transmitted to the ILO and that they contain the information prescribed by Article 21 of the Convention.

*Mauritania* (ratification: 1963)

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

*Article 19 of the Convention.* 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.

*Nigeria* (ratification: 1960)

Further to its previous observations, the Committee notes with satisfaction that section 77 (1) (*h*) of the new Labour Decree, 1974, establishes the labour inspectors' right to take samples in conformity with *Article 12, paragraph 1 (c) (iv)* of the Convention and that section 76 (4) of this Decree requires labour inspectors to treat the source of any complaint as strictly confidential in conformity with *Article 15 (c)* of the Convention.

*Articles 20 and 21 of the Convention.* The Committee notes with interest the publication and communication to the ILO of the annual reports of the Labour Division of the Federal Ministry of Labour, covering the years 1966 to 1970, which contain certain information on inspection activity. It notes also the information communicated by the Government to the Conference Committee in 1974, according to which a task force for the updating of the Ministry's annual reports, whose work would soon be completed, had been established. Since, according to the provision of Article 20 of the Convention, reports on the activity of the inspection services must be published each year within 12 months after the year which they cover and communicated to the ILO within 3 months of their publication, the Committee hopes that the reports of the Labour Division of the Federal Ministry of Labour for the years 1971, 1972 and 1973 will be sent to the ILO in the near future and that henceforward the time limits established under the Convention will be respected. It hopes also that these reports will contain all of the information listed in Article 21 of the Convention concerning the various sectors of labour inspection.

*Panama* (ratification: 1958)

*Article 3 (2) and 10 of the Convention.* The Committee refers to its previous comments and notes with satisfaction the statement that the number of labour

inspectors has been considerably increased and that consequently labour inspectors have been freed from their duties as conciliators and are in a position to discharge their primary duties more effectively, and that inspection officers have now been appointed in all the provinces.

*Article 6.* The Committee also notes with satisfaction that, following direct contacts between the Government and a representative of the Director-General of the ILO, Decree No. 20 of 6 November 1975 has been issued to ensure stability of employment for labour inspectors (thus confirming existing practice).

*Articles 20 and 21.* The Committee notes the statistics supplied with the Government's report regarding various aspects of the labour inspectorate's activities. It notes that all the information enumerated in Article 21 was not available for the period 1970-75.

The Committee must point out that the Convention requires the information in question to be published in an annual general report within specified time limits. It hopes therefore that the Government will now find it possible to include the required information and statistics in the future annual reports of the Ministry of Labour or in another published report on the working of labour inspection.

*Portugal (ratification: 1962)*

*Articles 20 and 21 of the Convention.* With reference to its previous observation the Committee notes the Government's statement to the effect that the inspection report will be published and transmitted to the ILO as soon as the current reorganisation of the labour inspection service is completed. It hopes that the central inspection authority will soon be able to publish an annual general report on the work of the inspection services under its control, containing all the information prescribed in Article 21 of the Convention, and that in the future such reports will be made and transmitted to the ILO regularly and within the time limits prescribed by the Convention.

*Sierra Leone (ratification: 1961)*

*Article 12, paragraph 1 (c) (iv), and Article 13 of the Convention.* With reference to its earlier observations, the Committee notes with satisfaction that section 14, paragraph 2, of the Factories Act of 1974 provides for the right of inspectors to remove for purpose of analysis samples of materials used and that section 59 of that Act provides that measures with immediate executory force may be taken in the event of danger to the health and safety of workers.

*Article 15 (c).* Further to its previous observations the Committee notes the Government's statement to the effect that the labour inspectors treat as absolutely confidential the source of any complaint made to them. In the light of this, the Committee hopes that the adoption of a legal provision expressly prescribing this practice for labour inspectors responsible for enforcing the Regulation of Wages and Industrial Relations Act of 1971 (corresponding to section 15, paragraph 2 (c), of the Factories Act of 1974) would present no difficulties and trusts that such a provision will soon be adopted.

*Articles 20 and 21.* With reference to its previous observations, the Committee notes with interest that the inspection reports for the years 1971, 1972, 1973 and 1974 are being prepared. It trusts that they will soon be published and transmitted to the ILO, that they will contain all the information required by Article 21 of the

Convention and that in future the time limits fixed by Article 20 of the Convention will be observed.

*Sri Lanka* (ratification: 1956)

*Article 6 of the Convention.* With reference to its earlier observation and to the comments made by the Association of Labour Officers to the ILO, the Committee notes with interest that the Government has taken measures to improve the career prospects of labour inspectors.

*Article 13, paragraphs 2 (b) and 3.* The Committee notes with interest from the report that the amendment of the Factories Ordinance to confer on inspectors the right to make orders requiring measures with immediate executory force in the event of imminent danger has been submitted to the National State Assembly. It hopes that this amendment will shortly be adopted and that it will give effect to these provisions of the Convention.

*Sudan* (ratification: 1970)

Further to its earlier requests, the Committee notes with satisfaction the measures recently taken to ensure the training of labour inspectors (*Article 7, paragraph 3, of the Convention*), and the appointment of 25 new labour inspectors and 21 new factory inspectors (*Article 10*). It also notes with interest that the inspection report for the period 1973-74 has been published and transmitted to the International Labour Office (*Article 20*) and that it contains most of the information required by *Article 21*.

*Tanzania* (ratification: 1962)

*Tanganyika.*

*Article 20 of the Convention.* Further to its earlier observation, the Committee notes with interest from the Government's report that the reports on the activities of the labour inspection service are being prepared and that they will be communicated to the ILO as soon as possible. It therefore hopes that these reports will soon arrive and that in future they will be published and communicated to the ILO within the time limit laid down by Article 20 of the Convention.

*Turkey* (ratification: 1951)

*Articles 20 and 21 of the Convention.* The Committee notes from the Government's report for the period 1973-74 that the publication of the annual reports on the activities of the labour inspection services has been delayed because of difficulties encountered in compiling the necessary data in time, but that the report for 1973 is in the process of publication. Since the last inspection report, published in 1963, related to 1959, the Committee trusts that the reports for more recent years will be published in the very near future and transmitted to the ILO, that they will contain all the information required by Article 21 of the Convention and that in future the time limits fixed by Article 20 of the Convention will be observed.<sup>1</sup>

*Uganda* (ratification: 1963)

With reference to its earlier observations, the Committee notes with satisfaction that sections 3 (1) (f) and 4 (c) of the Employment Decree, No. 4 of 1975, ensure

---

<sup>1</sup> The Government is requested to supply detailed information to the Conference at its 61st Session.

the application of the Convention with regard to the power of inspectors to interrogate (Article 12, paragraph 1 (c) (1)) and their obligation to treat as confidential the source of any complaint (Article 15 (c)).

*Venezuela (ratification: 1967)*

*Article 12, paragraph 1 (c) (iv), of the Convention.* Further to its previous direct requests the Committee notes with satisfaction that section 419 of the Regulations made under the Labour Act of 1973 authorises the labour inspectors to take and remove for purposes of analysis samples of materials and substances used or handled by undertakings engaged in the production process.

*Yugoslavia (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 from the Government's reply to its previous observation and direct request that, following the amendments to the Constitution of the Socialist Federal Republic of Yugoslavia which were adopted in 1971, the work of labour inspection and supervision now falls within the exclusive competence of the federated republics and autonomous provinces. It also notes that the Basic Workers' Protection Act, which organises the running of inspection services, is repealed with effect from the coming into force of the respective Acts of the constituent republics and autonomous provinces, or not later than 31 December 1973.

In its previous comments, the Committee pointed out that the Basic Workers' Protection Act did not give full effect to the provisions of the Convention concerning the right of entry of inspectors (Article 12, paragraph 1 (a)), their right to interrogate the employer or the staff of the undertaking (Article 12, paragraph 1 (c) (i)), their right to take samples (Article 12, paragraph 1 (c) (iv)), the notification of industrial accidents and cases of occupational disease (Article 14) and their obligation not to reveal the source of any complaint (Article 15 (c)). In its report, the Government again states that those comments have been submitted to the competent bodies and will be examined in drafting the relevant new legislation. In these circumstances, the Committee trusts that the legislation of the federated republics and autonomous provinces on the supervision of workers' protection will give effect to the Convention and take account in particular of the provisions mentioned above.

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

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States: *Argentina, Austria, Barbados, Belgium, Bulgaria, Burundi, Central African Republic, Chad, Colombia, Costa Rica, Denmark, Egypt, Finland, France, Gabon, Ghana, Greece, Guyana, Haiti, Ireland, Italy, Japan, Kenya, Libyan Arab Republic, Luxembourg, Madagascar, Malaysia, Mauritania, Morocco, Netherlands, Nigeria, Pakistan, Portugal, Romania, Senegal, Sierra Leone, Spain, Sri Lanka, Sudan, Switzerland, Tanzania, Turkey, Uganda, United Kingdom, Venezuela, Yugoslavia, Zaire.*

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

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

Requests regarding certain points are being addressed directly to the following States: *Fiji, Somalia, Zaire.*

**Convention No. 86: Contracts of Employment (Indigenous Workers), 1947**

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

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

One member of the Committee, Mr. Gubinski, stated that he insisted on the fact that 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, stated that he could not agree with the observations of the Committee in relation to the USSR. 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 international labour 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 Convention No. 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. 87 in the USSR. Mr. Tunkin stated further that such an approach was incompatible with the very foundation of contemporary international law, which was peaceful coexistence of States with differing social and economic systems. He also stated that the observations of the Committee with regard to the USSR did not reflect the actual situation.

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.

***Burma (ratification: 1955)***

The Committee has taken note of the information contained in a written statement by the Government to the Conference Committee in 1975, subsequently

confirmed in the report of the Government for the period 1 July 1974 to 30 June 1975.

In its previous observations the Committee had noted that, according to the Government, the Trade Unions Act of 1926, although neither repealed nor amended, was not resorted to nor was there any need to apply it in practice, owing to the wide and strict application of the 1964 Law defining the Fundamental Rights and Responsibilities of the People's Workers and the Rules passed in accordance with that Law, both of which concerned the formation of people's workers' councils. The Committee observed 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 these councils are elected by the workers and the other third is nominated by the Revolutionary Council (sections 8, 11 and 17).

According to the latest information supplied by the Government, the new Constitution, which was approved by national referendum in December 1973, provides that every citizen has the right freely to join, to organise, to assemble and to demonstrate in a procession, in the political, social and mass organisation permitted under the law. Under the Constitution, the formation and dissolution of workers' councils do not need the previous authorisation of any authority other than the authority of their own organisation and are the sole responsibility of the workers themselves under the rules adopted by their own organisation. The Government adds that the Law defining the Fundamental Rights and Responsibilities of the People's Workers of 1964 is now in an advanced stage of redrafting and that section 9 thereof, under which the Rules for the formation of the People's Workers' Council were made, will have to be deleted when the new law is passed. It will then, according to the Government, be necessary to redraft the Trade Union Act, 1926, in conformity with this new law. The Government adds that a new Constitution for the People's Workers' Council is also being redrafted by the Council's Constitutional Drafting Committee.

The Committee notes that copies of the new enactments and the Constitution of the People's Workers' Council will be supplied by the Government when these come into effect.

The Committee has already pointed out that the guarantees provided for in the Convention are not enjoyed under the 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. The Committee had taken the view that, while the Trade Union Act had not been repealed, the effect of the Government's introduction of this system had 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 was consequently obliged to conclude that the Convention had ceased to be applied in practice.

The Committee, noting the Government's declared intention to take action which will be in line with the spirit of the Convention, would again draw the attention of the Government to the conclusions previously reached by it, and express the hope

that the amendments to the legislation referred to by the Government will ensure that workers and employers may exercise freely the right to organise. It requests the Government to keep it informed as to the progress of the new legislative amendments and to supply copies thereof when these come into force.

*Central African Republic (ratification: 1960)*

The Committee has noted the information contained in the Government's report, according to which account has been taken of its earlier observations in the draft revision of the Labour Code.

The comments made by the Committee over a number of years concern section 10 of the Code, providing that officers of the 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 expresses the hope that the aforementioned provisions will be amended in the near future in order to bring them into conformity with the Convention. It requests the Government to communicate all information on any progress made in this connection.

*Chad (ratification: 1960)*

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

For several years the Committee has made comments 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.

*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.

*Egypt (ratification: 1957)*

The Committee notes the information supplied by the Government in its reports. According to these, Title IV (respecting trade unions) of the Labour Code, as amended by Presidential Decree No. 62 of 1964, is in the process of being completely revised; new trade union legislation will appear in the very near future and will give effect to the principles embodied in the Convention.

The Committee hopes that this new Act will be adopted very soon and that it will take account of all the questions that the Committee has raised in its earlier comments, particularly with regard to the right of workers to establish organisations of their own choosing (Articles 2, 5 and 6 of the Convention).

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

*Ethiopia (ratification: 1963)*

The Committee has taken note with interest of the terms of Labour Proclamation No. 64 of 1975 which repeals the Labour Relations Proclamation of 1963 on which the Committee had made comments on a number of points in previous direct requests.

The Committee has the following points to raise in connection with the provisions of the new legislation:

1. Under section 114(2), all rights and obligations of the Confederation of Ethiopian Labour Unions shall be transferred to the All-Ethiopia Trade Union which shall be the representative of all the workers in Ethiopia (section 51 (2)), and which shall guide and supervise the labour movement and issue directives to unions to ensure their functioning in line with socialist principles (section 52 (3) (b)). In addition, lower trade unions shall be subordinate to higher ones and shall be obliged to accept and implement the decisions of higher ones (section 50 (4) and (7)). In terms of section 49 (2) of the Proclamation, only one trade union may be established in an undertaking.

The Committee considers that legislation of this nature is at variance with the right of workers to establish and join organisations of their own choosing, contained in Article 2 of the Convention. The Committee would point out that, while it may be to the advantage of workers to avoid a multiplicity of trade union organisations, and while appreciating the desire of any government to promote a strong trade union movement free from the defects resulting from an undue multiplicity of small and competing organisations, it must be noted that unification imposed by legislative means runs counter to the principles of the Convention. There is a fundamental difference 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 workers or their trade unions join together voluntarily in a single organisation without this being the result of legislative provisions adopted to this effect.



2. The Committee notes that the Labour Proclamation does not extend to public servants, management personnel or domestic servants. The Committee would express the hope, as it has done on previous occasions, that the right to organise will be granted to these categories of workers to whom the Convention also applies.

3. The Committee notes that, under section 106 of the Proclamation, it shall be unlawful to take part in a strike if a collective trade dispute has not been referred to the Labour Division of the High Court or, even if so referred, 50 days have not elapsed before any decision is given. Furthermore, a strike shall be unlawful if initiated in opposition to the decision of the Labour Division of the High Court, whose decisions in collective trade disputes are final (section 99 (3)). The Committee considers that the effect of these provisions would appear to render impossible, for all practical purposes, the right of workers to take strike action for the furtherance or defence of their interests. The Committee would point out, in this connection, that the effective prohibition of strikes constitutes a considerable restriction of the opportunities open to trade unions for furthering and defending the interests of their members (Article 10 of the Convention) and of the right of trade unions to organise their activities (Article 3). The Committee would recall that Article 8 of the Convention establishes that the law of the land shall not be such as to impair, nor shall it be so applied as to impair, the guarantees provided for in the Convention, including the right of trade unions to organise their activities.

4. The Committee also notes that, under section 51 (2) of the Proclamation, the All-Ethiopia Trade Union may be a member of international workers' organisations, and that it shall be within the power and functions of the Minister to verify that the foreign relations of the All-Ethiopia Trade Union are in line with socialist principles and the foreign policy of the Government. The Committee understands from these provisions that only the All-Ethiopia Trade Union may affiliate with an international organisation of workers and that any such affiliation would be subject to verification by the Minister. The Committee considers that these provisions are incompatible with Article 5 of the Convention by virtue of which any organisation, federation or confederation shall have the right to affiliate with international organisations of workers or employers.

The Committee requests the Government to indicate what measures it proposes to adopt with a view to bringing the legislation into conformity with the Convention.

#### *Japan (ratification: 1965)*

The Committee takes note of the statements made to the Conference Committee in 1975 by the Japanese Government and the Japanese Workers' representatives. It also notes the additional information communicated by the Government, the observations transmitted by the General Council of Trade Unions of Japan (SOHYO), the All-Japan Prefectural and Municipal Workers' Union (JICHIRO), the All-Japan Water Supply Workers' Union (ZENSUIDO) and the All-Japan Federation of Municipal Transport Workers' Unions (TOSHIKO), as well as the comments made by the Government on the observations of these organisations.

The Government representative had stated that the Government was continuing its efforts to give effect to the recommendations of the Tripartite Advisory Council on the Public Service Personnel System whose recommendations had been unanimous on the questions raised by the Committee in the past. On 6 June 1975, the Government had finalised two Bills, the first to give legal personality to non-registered employees' organisations, the second to amend the existing provisions so that the cancellation of registration did not take effect during the statutory period

within which an action in respect of such a decision might be brought in the courts or, if the action had actually been brought, during the period in which the matter was *sub judice*. The second Bill would also amend the existing provisions so that the scope and definition of "employees who hold a management or supervisory position, or who deal with confidential matters" would be brought into conformity with the similar provisions applicable to the private sector.

According to the additional information communicated by the Government, these two Bills were submitted to the sessions of the Diet in June and September/December 1975, but on each of these occasions, a decision was taken to continue deliberation thereof. The present session of the Diet had been convened at the end of 1975 and the two Bills had been referred to the Standing Committee of the Cabinet in the House of Representatives. Furthermore, the Government states, the Inter-Ministerial Conference on Public Employee's Problems is continuing to study some of the points contained in the report of the Advisory Council on the Public Service Personnel System which have not yet been implemented other than those on which the Bills were finalised.

According to the observations transmitted by the workers' organisations, no steps have been taken by the Government as regards the granting of the right to organise to fire defence personnel. Further, as regards the Bill which has been introduced concerning the cancellation of registration of a trade union and the scope of managerial employees, the workers' organisations state that the reason for the Bill not being passed is that since its provisions on managerial employees do not conform with the requests of ILO bodies and the recommendation of the Advisory Council, the Government did not have a majority in the Diet. In particular, the workers' organisations take the view that this Bill does not improve the present system because the scope of managerial staff will be decided unilaterally by Personnel or Equity Commissions. According to the workers' organisations, the Bill does not grant the right to employees to participate in any decision as regards the scope of managerial staff, and it is possible that the provisions thereof will be interpreted arbitrarily. These organisations consider that the draft provisions concerning the cancellation of registration are in conformity with the requests made by ILO bodies. In connection with the Bill introduced with a view to giving legal personality to non-registered organisations, the workers' organisations state that this Bill improves the present situation which is not in conformity with the Convention, but that the Bill has not yet been discussed or passed.

In response to the observations made by the workers' organisations, the Government states that as regards fire defence personnel, it considers it unnecessary to change its views on the matter at the present stage. As regards the two Bills mentioned above, the Government explains that these have not yet been deliberated in the Diet since a budget bill for the fiscal year 1976 is under deliberation in the House of Representatives and such Bills customarily receive priority for discussion. In any case, the deliberation of a Bill is a matter to be decided by the Diet itself through consultation between the political parties.

The Government contends that the Bill containing provisions on the question of the scope of employees belonging to managerial and similar categories has been prepared following the recommendations of the Advisory Council in the Public Service Personnel System so as to bring the National Public Service Law and the Local Public Service Law into line with the Trade Union Law. In addition, the members of the Personnel Commission and the Equity Commission are selected in accordance with legal provisions so that the neutral and equitable character of these Commissions is fully guaranteed.

The Committee has taken note of the information and comments submitted to it. It notes, in particular, that two Bills are presently before the Diet concerning certain of the points previously raised by the Committee. It requests the Government to keep it informed as to the progress made to give full effect to the various recommendations previously made by the Committee and to supply the text of the legislation which will be enacted in this respect.

*Liberia* (ratification: 1962)

Further to its previous observations in which the Committee has drawn the attention of the Government to the various points in the legislation which do not conform to the provisions of the Convention, the Committee regrets to note from the report supplied by the Government that it has not been possible to submit the draft new Labour Code to the Legislature at its January 1975 session. The Committee recalls the statements made by a Government representative to the Conference Committee in 1973 and 1974 according to which a draft Labour Code, removing all discrepancies between the legislation and the Convention, had been or was to be submitted to Parliament. According to the statement made by a Government representative to the Conference in 1975, certain aspects of the draft Labour Code still required critical examination and it was not considered that the draft should be presented to the legislature for enactment meantime. The Government, in its report, now states that a draft Code is expected to be ready for submission to the National Legislature at its next session in 1976.

The Committee trusts that the draft will be adopted as soon as possible and that it will take fully into account the comments made in its previous observations, in particular those concerning the rights of agricultural workers' organisations, the right to organise for workers and employers 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 its previous observation the Committee noted the information supplied by the Government that the revision of the Labour Code would eliminate from section 3 the sentence "trade unions are forbidden to engage in any political activity". The Committee notes with satisfaction that this sentence has been eliminated in the new Labour Code, which was promulgated on 17 May 1975, and has been replaced by the following provision: "The object of trade unions is to study and defend their occupational, social and economic interests".

The Committee is addressing a direct request to the Government on certain other points.

*Mauritania* (ratification: 1961)

The Committee notes the information supplied by the Government in its latest report, which arrived too late to be examined in 1975, in response to its earlier observations.

1. Under section 1 of Book III of the Labour Code, as amended by Act No. 70-030 of 23 January 1970, persons carrying on the same trade, similar crafts or allied trades associated with the preparation of specific products, or the same profession, are free only to form one trade union for each of the categories referred to. This

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 61st Session.

provision is contrary to Article 2 of the Convention, by virtue of which workers and employers have the right to establish and to join organisations of their own choosing.

On this subject, the Government representative stated to the Conference Committee in 1973 and in 1974 that the Government intended in this way to prevent the establishment of trade unions on an ethnic and linguistic basis, which had been judged to be contrary to national unity. He added, in 1973, that the difficulties had subsequently disappeared, since trade unionists had understood the necessity for trade union unity on an occupational basis and that the Government had consequently drawn up a new text which was designed to respect Convention No. 87, while at the same time protecting the country against acts liable to harm national unity.

The Committee has examined this text, which does not amend the aforementioned provision. It notes, however, from the Government's latest report that a draft law which is designed, *inter alia*, to amend this provision, is being examined.

2. Sections 1 and 7 of Book III of the Labour Code, taken together, which lay down that all trade union leaders must belong to the occupation they represent, are incompatible with Article 3 of the Convention, by virtue of which workers' organisations have the right to elect freely their representatives. It does not appear from the Government's report that this situation will be altered by the draft law aforementioned, which does not refer to section 7 of Book III.

3. Under sections 40 and 48 of Book IV of the Code the Minister of Labour may, at his discretion, prohibit a strike or lockout and submit the collective dispute to arbitration procedure. The arbitration award or judgment of the Supreme Court hearing the appeal is, under section 45, immediately enforceable. These provisions could amount to a general prohibition of strikes and could thus limit considerably trade unions' freedom of action, which would be incompatible with Articles 3 and 8, paragraph 2, of the Convention.

The Government has supplied as an annex to its report the text of Act No. 74-149 of 11 July 1974 which amends, *inter alia*, the aforementioned section 48, without, however, altering the situation described above.

The Committee notes, however, the Government's statement that this Act represents a preliminary stage which will be completed by the adoption of a draft law which is still being examined. It requests the Government to supply all information on current revisions of national legislation and to communicate the new provisions when they are adopted. It expresses the hope that the Government will take account in these provisions of the various points mentioned above.

#### *Peru (ratification: 1960)*

The Committee notes with regret that the Government has not sent a report on the application of the Convention. It is, therefore, obliged to repeat the various points which it raised in its previous observations:

1. Recognition of the right to organise of public servants, of workers in state enterprises and of workers in charitable institutions, hospitals and similar institutions; none of these categories of workers is excluded from the provisions of Article 2 of the Convention.

2. Under the law, a trade union can only be established 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.

3. Under 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.

4. 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.

5. 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 misinterpretations, 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.

6. 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.<sup>1</sup>

#### *Syrian Arab Republic (ratification: 1960)*

The Committee notes the statement made in 1975 by the Government representative to the Conference Committee and the information contained in the Government's latest report.

The Government indicates that trade union unity is a matter that depends on the trade union movement itself and that this question will be examined in consultation with the General Workers' Federation. The Ministry for Social Affairs and Labour has set up a committee on which the Government and the organisations concerned are represented in order to study the comments made by the Committee and to present proposals; this committee has not yet completed its work.

The Committee recalls that its earlier observations related to the following points:

1. Under sections 2 and 8 of Legislative Decree No. 84 of 1968 (to provide for the organisation of trade unions), trade union committees (for workers of a given category) can be established only if the number of members is 50 or more and, where a category comprises fewer than 50 persons, the workers must form a single union committee. These provisions do not fully comply with Articles 2 and 11 of the Convention.

2. Sections 2 and 7 of the aforementioned Legislative Decree, which imposed a single, uniform organisational pattern of trade union structure, are incompatible with Articles 2, 5 and 6 of the Convention. The same is true of similar provisions contained in sections 2 to 5 and 14 of the Legislative Decree No. 253 of 1969 (respecting agriculture workers) and of 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.

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 61st Session.

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 Legislative 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 hopes that the committee to which the Government refers will successfully complete its work in the near future and will take account, in its conclusions, of the comments made above.

The Committee requests the Government to supply all information on the progress made in these matters.<sup>1</sup>

#### *USSR (ratification: 1956)*

With regard to its previous observation, the Committee notes the statements made by the Government representative to the Conference Committee in 1975 and the information supplied by the Government in its latest report.

The Committee recalls that, in 1973, 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, it observed 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, did 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 that, by bestowing trade union functions solely upon the trade union committee of the undertaking concerned, these provisions seemed to preclude the possibility of another organisation representing 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.

With regard to this, the Government representative informed the Conference Committee of 1973 that neither the sections of the Labour Code referred to nor any other provision excluded the possibility of establishing organisations other than those which already existed. The sections cited, he added, 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; this question was not decided by legislation.

The Committee of Experts took note of these clarifications but observed 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

---

<sup>1</sup> The Government is requested to supply full particulars to the Conference at its 61st Session.

functions on the trade union committee exclusively. Consequently, the Committee could only repeat its earlier conclusions.

The Committee now notes the new statement by the Government in its report that the legislation in question only serves to reinforce the unity of the trade union movement in the Soviet Union, which in turn is the result of an historic process. The Government adds that the law confirms an existing situation and that there is no reason why it should not be changed if the practice changes or if the workers themselves wish to set up trade unions other than those which already exist.

As has already been pointed out on other occasions, the Committee believes that even where it may be to the advantage of the workers to avoid a multiplicity of trade union organisations, the terms of the Convention require that trade union diversity should be possible in all cases. The Committee therefore considers that the Government should first amend the legislation in force so that should any workers wish to exercise the right, in accordance with the provisions of Article 2 of the Convention, to establish other organisations to promote and defend their interests, apart from the trade union committee, they may do so lawfully and in accordance with established rules.

With regard to the question concerning the right of members of collective farms to form trade unions, the Committee has previously observed that section 225 of the Labour Code of the RSFSR, respecting the operation of trade unions, does not apply to members of collective farms, who are excluded from this Code. Consequently the Committee requested the Government to indicate whether the members of collective farms can not only establish organisations under section 126 of the Constitution of the USSR and section 27 of the Civil Code, if they so wish, but also whether such organisations are able to operate effectively for furthering and defending the interests of their members without the necessity of special legislation being adopted to this effect.

The Government representative informed the Conference Committee in 1973 that this question does not arise in the practical life of the country, that the workers in question are entitled to set up trade unions by virtue of the provisions of the Constitution and, if they wished to do so, practice would determine under what form it should be done and whether, for example, special legislation should be adopted.

The Committee of Experts considered that the uncertainty concerning the conditions under which a trade union of members of collective farms could effectively operate might 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 desired.

The Committee now notes that, in its latest report, the Government again refers to the question previously posed by the Committee and indicates in this respect that if such organisations of members of collective farms were established, the relevant legislation would be adopted in order to ensure that such bodies were able to operate effectively to represent and defend the interests of this category of workers. In these circumstances, adds the Government, law would follow practice and not the reverse.

The Committee can only repeat its previous conclusions and add, in referring to what it already stated concerning trade union committees, that the Government should, in the first place, adopt the necessary legislation to permit the members of collective farms, if they so wish, to establish lawfully and in accordance with established rules, trade unions that can effectively operate for furthering and defending the interests of their members.

With regard to the provision contained in section 126 of the Constitution of the USSR, which provides that the Communist Party is the leading core of all workers'

organisations, the Committee had pointed out that if that provision should result in it being legally impossible to set up any organisation, at whatever level, which was 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. The Committee had also considered that this was a question of trade union freedoms being restricted as a consequence of certain legislative provisions adopted by the State.

The Committee notes the statement by the Government in its latest report that the extremely important constitutional provision that confers a leading role upon the Communist Party in relation to all workers' organisations, in no way restricts the workers' right to establish the organisations of their choosing. The Committee notes in this respect that the Government representative pointed out to the Conference Committee in 1975 that, while the Communist Party was the leading core of all organisations, including trade unions, it did not interfere in their internal affairs. Naturally, according to the report, any new organisation established will operate under the general leadership of the Communist Party, of which the policy aims at achieving the general development of the socialist economy, the constant improvement of welfare and the level of education of the Soviet people, the emergence of a socialist democracy, the reinforcement of international friendship and peace based on the peaceful coexistence of States with different social systems.

The Committee of Experts considers that if, as a result of the provisions of section 126 of the Constitution, the operation of workers' organisations is subject to the over-all direction of the Communist Party, in particular in economic matters, the result is that, not only is it impossible to establish lawfully organisations which are independent of the Party but also that such organisations are not able, in accordance with the Convention, to exercise fully their right to organise their activities and formulate their programmes.

As regards other matters on which the Committee had previously made comments (including, particularly, the right of meeting without prior authorisation and matters arising out of section 126 of the Constitution of the USSR) the Committee remains prepared to consider the situation further in the light of any new factors which may be brought to its attention.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States: *Bulgaria, Chad, Cyprus, Ecuador, Egypt, Gabon, Ireland, Madagascar, Syrian Arab Republic, Togo.*

### **Convention No. 88: Employment Service, 1948**

*Algeria (ratification: 1962)*

*Articles 4 and 5 of the Convention.* Further to its previous observations, the Committee has noted with interest that the Guidance Council of the National Manpower Office (ONAMO) has been set up and has already met twice.

The Committee recalls that the provisions of the Ordinance establishing the ONAMO (No. 71-42 of 17 June 1971) do not ensure equal representation of the



organisations of employers and workers on this Council. In this regard, it has noted with interest the Government's statement that a draft restructuring the statute of the ONAMO, which contains provisions defining the role and composition of the Guidance Council in accordance with the terms of the Convention, has been submitted to the Government. The Committee hopes that this text will be adopted shortly and that the Government will communicate information on the composition, role and functioning of the Council as restructured.

*Argentina (ratification: 1956)*

With regard to its earlier observations, the Committee notes with satisfaction that, by virtue of Decree No. 825/73, of 21 December 1973, provision has been made for the organisation of the National Directorate of the Employment Service, and that at present there are 52 employment services within the country and four auxiliary employment services in the municipal authorities of the Province of Buenos Aires.

*Brazil (ratification: 1957)*

*Articles 4 and 5 of the Convention.* In its previous comments the Committee noted the Government's explanations concerning the co-operation between the employment exchanges and the trade unions and regarding the role of the Consultative Labour Council. As it was not apparent whether the Council was consulted on the organisation and operation of the employment service, the Committee pointed out that the above-mentioned Articles of the Convention called for appropriate measures to ensure the co-operation of representatives of employers and workers both in the organisation and operation of the employment service and in the development of employment service policy. The Committee notes that the latest report contains no new information in this regard. As the question of advisory committees has been raised continuously since 1960, the Committee trusts that the Government will in the very near future be able to provide information on the composition and functions of such committees within the framework of the new National Employment System (SINE) established by Decree No. 76.403 of 8 October 1975.

*Colombia (ratification: 1967)*

Further to its earlier observations, the Committee notes with satisfaction that under the provisions of Decree No. 658 of 10 April 1974 to provide for the administrative reorganisation of the Ministry of Labour and Social Security, the activities of the National Employment Service (SENALDE), which were restricted until now to a pilot office in the capital, have been extended to the cities of Cúcuta, Arauca, Ipiales and Maicao, that the service's offices in Cali were expected to open at the end of October 1975 and that plans are being made for the offices which are to operate in the cities of Medellín and Barranquilla, and for further offices in Bogotá.

*Dominican Republic (ratification: 1953)*

Further to its previous observations, the Committee notes with interest the Government's statement that it is considering the possibility of having recourse to ILO technical co-operation in respect of the implementation of this Convention. In its previous comments, the Committee had taken note of the recommendations concerning the employment service contained in the final report of the inter-organisation mission set up to study a programme to promote full employment in the

Dominican Republic. Certain of these recommendations would involve long-term action for which technical co-operation would be likely to be of assistance. However, the mission also made a number of recommendations for immediate action, particularly with a view to revitalising the existing employment service, and it specifically recommended the creation of a national advisory committee including representatives of workers and employers, as well as of local or regional committees if the need were felt, in conformity with Articles 4 and 5 of the Convention. In this connection, the Committee recalls that legislative provision for the establishment of a national advisory committee was made in Decree No. 5740 of 5 May 1960. The Committee trusts that the Government will take early steps to establish advisory committees in accordance with Articles 4 and 5 of the Convention, since such committees would have an important role to play in recommending the action required with a view to ensuring the operation of an effective public employment service. The Committee also expresses the hope that measures will be taken, with the help of technical co-operation if necessary, to improve the implementation of the other provisions of this Convention.

*Egypt (ratification: 1954)*

Further to its previous comments, the Committee notes with regret that the Supreme Central Advisory Committee, provided for by Ministerial Decree No. 110 of 1961, issued under section 15 of the Labour Code, has still not been established. As this matter has been the subject of comments by the Committee since 1961, it trusts that this body will be set up in the very near future so as to give effect to Articles 4 and 5 of the Convention and that information will be supplied on its establishment and its activities.<sup>1</sup>

*India (ratification: 1959)*

*Articles 4 and 5 of the Convention.* The Committee notes the information provided by the Government concerning the advisory committees functioning at various levels in connection with the employment service. The Committee notes also the comments of the All-India Trade Union Congress to the effect that the National Advisory Committee on Employment seldom meets and that regional and local committees have virtually ceased to exist. On the other hand, the Government states in its report that the National Labour Advisory Committee has met nine times since its establishment in its present form in 1958, that it held its last meeting in October 1975, and that the tripartite committees set up at state or district level normally meet once a year.

In these circumstances the Committee would appreciate further information on the arrangements made or proposed to be made to ensure the regular functioning of the various committees and on the activities of these committees.

*Iraq (ratification: 1951)*

The Committee notes with satisfaction that, following assistance under an ILO-UNDP technical co-operation project in employment service organisation, the National Employment Service now has 21 offices covering all regions of the country and its activities extend to all of the matters covered by the Convention.

---

<sup>1</sup> The Government is asked to report in detail for the period ending 30 June 1976.

*Israel (ratification: 1970)*

*Article 4, paragraph 3, of the Convention.* Further to its previous requests, the Committee notes with satisfaction that rule 2 (a) of the Employment Service Rules has been amended to provide that committees of labour exchanges shall comprise representatives of employers and workers in equal numbers, thus confirming existing practice and bringing the legislation into conformity with the Convention.

*Panama (ratification: 1970)*

*Article 6 of the Convention.* Further to its previous comments, the Committee notes with satisfaction that a Department of Vocational Guidance is now functioning within the Ministry of Labour and that the recently established Employment Directorate collects and analyses the statistical information called for in subparagraph (c) of this Article. The Committee hopes that in the light of these developments the Government will be able in future reports to provide the statistical information relating to the activities of the public employment service called for under Part IV of the report form.

*Philippines (ratification: 1953)*

Further to its previous comments, the Committee notes with satisfaction that a national network of 33 employment offices had been established and that it was expected that this number would increase to 39 by the end of 1975.

*Tanzania (ratification: 1962)**Tanganyika.*

The Committee regrets that for the third year in succession no report has been received. It hopes that a report will be supplied for examination by the Committee at its next session, containing full information on the following matters:

*Article 3 of the Convention.* The Government is requested to supply information on progress made in extending the network of employment service offices throughout the country.

*Articles 6 to 11.* The Committee noted previously that a National Employment Service Bill, giving effect to these provisions of the Convention, had been published and was to be laid before the National Assembly in 1972 or 1973. The Committee trusts that the Government will provide copies of the legislation now governing the matters covered by these Articles and will indicate in respect of each of them the manner in which they are applied in practice.

*Zaire (ratification: 1969)*

The Committee notes the comments made by the representatives of the National Association of Undertakings of Zaire (ANEZA) to the National Employment Council, to the effect that legislative provisions concerning the employment service would not be applied in a satisfactory manner and that the facilities should have been prepared and the staff of the service been trained before the service was opened. The Committee also notes from information supplied by the Government in its report that at present only two placement services of the National Employment Service (SENEM) are operating at Kinshasa and Lubumbashi, but that the progressive opening of similar offices in all regions of the country is planned. The Committee hopes that the Government will be able to indicate in its future reports the progress

made in the establishment of a network of placement offices in accordance with the provisions of Article 3 of the Convention, and the undertaking of the activities prescribed in Articles 6, 7 and 8.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States: *Algeria, Argentina, Brazil, Central African Republic, Colombia, Costa Rica, Cuba, Cyprus, Czechoslovakia, Egypt, Ethiopia, Guatemala, India, Iraq, Ireland, Libyan Arab Republic, New Zealand, Nigeria, Panama, Philippines, Portugal, Romania, Sierra Leone, Singapore, Spain, Sweden, Syrian Arab Republic, Thailand, Tunisia, Turkey, Venezuela, Zaire.*

Information supplied by *Greece, Japan and Malta* in answer to direct requests has been noted by the Committee.

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

*Greece* (ratification: 1959)

*Article 5 of the Convention.* In its previous comments the Committee had noted that, in pursuance of section 42 (4) of Act No. 3239 of 1955, which permits the suspension of the prohibition of night work by women in terms identical to those of Article 5, paragraph 1, of the Convention (namely, when in cases of serious emergency the national interest demands it), night work had been authorised for a number of years in various industries (such as the manufacture of textiles, paper, electric machines, the processing of cotton and wool, etc.). The Committee had pointed out that suspensions of this kind, granted for general production needs, were not compatible with the terms of Article 5 of the Convention.

The Committee notes, from the report, that the Greek Confederation of Labour had made representations to the Government not to permit night work by women in certain textile undertakings, and that, following the receipt of these representations, the Ministry of Employment addressed a circular to all prefectures and labour inspection offices on 21 March 1975, in which it recalled the provisions of the Convention and of section 42 (4) of Act No. 3239 of 1955 and ordered that requests for authorisations of night work by women should be granted only in strict accordance with those provisions. It also notes that, according to the last report, there had been a reduction in the number of authorisations granted (90 as compared with 127 in the preceding reporting period). However, the Government also states in its report that these exceptions were permitted to meet the needs of the constantly expanding national economy. In that connection, the Committee wishes to recall that the Convention permits the suspension of the night work prohibition only in cases of serious emergency, but not for general economic purposes.

The Committee accordingly hopes that the Government will once more review the position, and will take such further measures as may be appropriate to ensure that any suspensions of the prohibition of night work by women will be permitted only in the exceptional and serious circumstances contemplated in Article 5 of the Convention.

*Paraguay* (ratification: 1966)

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 representative of the Director-General of the ILO, clause (d) of section 127 of the Labour Code,

which provided for an exception to the prohibition of the employment of women on night work when the nature of the work itself required it to be executed at night and by women, has been deleted by Act No. 506 of 27 December 1974, thus bringing the legislation into conformity with the Convention.

*Philippines* (ratification: 1953)

The Committee has noted the provisions of the Labour Code of 1974 and also the rules and regulations implementing the Labour Code of 19 January 1975. It regrets, however, that this legislation is not in conformity with the Convention in the following respects:

1. Article 128 (a) of the Code prohibits the employment of women in industrial undertakings between 10 p.m. and 6 a.m., that is a period of only eight hours, whereas according to Article 2 of the Convention the prohibition of night work should cover a period of at least eleven consecutive hours.

2. Under article 129 (e) of the Code and section 5 (e) of Rule VII of the rules and regulations implementing the Code, the prohibition of night work by women does not apply where the nature of the work requires the manual skill and dexterity of women workers and the same cannot be performed with equal efficiency by male workers nor where the employment of women was the established practice in the enterprises concerned on the date on which the implementing rules and regulations became effective. These exceptions are not permitted by the Convention.

Recalling that the implementation of this Convention had been the subject of observations for many years, the Committee hopes that measures will be taken at an early date to bring the Labour Code and its implementing rules and regulations into conformity with the Convention.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States: *Algeria, Brazil, Ghana, Ireland, Kuwait, Philippines, Romania.*

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

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

*Greece* (ratification: 1962)

The Committee notes with interest that the Government is contemplating drawing up a new Bill to bring the national legislation into conformity with the provisions of the Convention, in the light of the comments made by the Committee in its previous observations which related to the following points:

*Article 1, paragraph 1, of the Convention.* Section 1 (a), (b) and (c), and section 6 of Act No. 4029 of 1912, taken together with section 2 of the Royal Decree of 14 August 1913, do not cover undertakings engaged in transport, as required by this Article of the Convention.

*Article 2, paragraphs 1 and 2.* Under the provisions of this Article, the prohibition of night work applies to a period of at least 12 consecutive hours comprising, in the case of young persons under 16 years of age, the interval between 10 o'clock in the

evening and 6 o'clock in the morning, whereas, under section 6 of Act No. 4029 of 1912, the period covered by the prohibition of night work is of only 11 consecutive hours including the interval between 9 o'clock in the evening and 5 o'clock in the morning.

*Article 4, paragraph 2.* Section 7 of the Act does not restrict the possibility of suspending the prohibition of night work in the event of "interruption of work which could not have been foreseen and which is not of a periodical character, consequent on accidents" to young persons between the ages of 16 and 18 years, as is provided for in this Article. Moreover, section 8 of the Act authorises the reduction of the period during which night work is prohibited in "undertakings or categories of work in which there is regularly a growth in the demand for labour at certain periods of the year (seasonal work) or in case of an exceptional accumulation of work", whereas such exceptions are not provided for by the Convention.

*Article 6, paragraph 1 (d) and (e).* Measures must be taken to give effect to these provisions of the Convention (establishment and maintenance of a system of inspection adequate to ensure effective enforcement of the provisions of the Convention and the keeping by every employer of a register showing the names and the dates of birth of all persons under 18 years of age employed by him).

The Committee hopes that the Bill will be adopted in the near future.

#### *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)*

With reference to its earlier observations the Committee notes with interest the Bill to supplement the Federal Labour Act of 1970 so as to give full effect to the provisions of the Convention by fixing at 12 hours the night period during which the work of persons under 18 years of age is prohibited.

The Committee hopes that this Bill will be adopted in the near future.

#### *Paraguay (ratification: 1966)*

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 representative of the Director-General of the ILO, section 122 of the Labour Code has been

---

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 61st Session and to report in detail for the period ending 30 June 1976.

amended by Act No. 506 of 27 December 1974 so as to bring it into line with the provisions of paragraphs 1 and 2 of Article 2 of the Convention, with respect to the periods of night rest for persons under 16 and under 18 years of age, respectively.

*Peru* (ratification: 1962)

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

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.

*Philippines* (ratification: 1953)

The Committee notes with regret that Decree No. 442 of 1 May 1974, establishing the Labour Code, has repealed the woman and child Labour Law, which prohibited night work by persons under 18 years of age, and that no other text contains equivalent provisions. It trusts that the Government will take the necessary measures in the near future to give effect to the provisions of the Convention.<sup>1</sup>

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States: *Bangladesh, Burundi, Guinea, Spain*.

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

Requests regarding certain points are being addressed directly to the following States: *Belgium, Cuba, Israel, Netherlands*.

**Convention No. 92: Accommodation of Crews (Revised), 1949**

*Cuba* (ratification: 1952)

The Committee notes with regret that the legislation designed to give effect to the Convention has still not been adopted. It recalls that the Government has been referring since 1963 to the preparation of appropriate texts, and hopes that these will be adopted in the near future.<sup>1</sup>

*Panama* (ratification: 1971)

The Committee notes, from the Government's answer to its previous comments, that the problem of this Convention is at present being studied. The Committee

---

<sup>1</sup> The Government is requested to supply full particulars to the Conference at its 61st Session and to report in detail for the period ending 30 June 1976.

recalls that no laws or regulations to ensure the application of the substantive provisions of the Convention exist. Having regard to the large number and tonnage of ships registered in Panama, the Committee trusts that such laws or regulations will be adopted at the earliest possible moment.

The Committee recalls that, according to Article 3, paragraph 2 (*d*), of the Convention, the relevant laws or regulations should also provide for the maintenance of a system of inspection adequate to ensure their effective enforcement; and Article 5 specifies various circumstances in which the competent authority should inspect a ship to satisfy itself that the new accommodation complies with the requirements of its laws and regulations. The Committee notes the statement in the Government's report that in practice such inspections would be almost impossible to carry out, since ships covered by the Convention (that is, of 500 tons or more) hardly ever call at ports in the Republic of Panama. It trusts that, with a view to ensuring the observance of this Convention (as well as of the various other maritime Conventions ratified by Panama), arrangements will be made for the establishment in appropriate ports abroad of the necessary inspection services attached to Panamanian consular offices.<sup>1</sup>

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States: *Algeria, Costa Rica, Poland, Spain, Yugoslavia*.

#### **Convention No. 94: Labour Clauses (Public Contracts), 1949**

*Barbados* (ratification: 1967)

*Article 4 (a) (iii) of the Convention.* The Committee notes with satisfaction from the Government's report that, following its previous comments, the Labour Clauses (Public Contracts) (Amendment) Act, 1975, provides for the posting of notices at workplaces to inform workers of their conditions of work.

*Burundi* (ratification: 1963)

The Committee notes that the Government again refers to draft provisions, to be incorporated in the new Labour Code, which would ensure the application of the Convention. It also notes that the National Council on Labour and Social Security was to be convened at an early date to examine the draft labour legislation in question.

The Committee recalls that there appear to be no provisions requiring that labour clauses be inserted in public contracts, in accordance with the terms of the Convention. It trusts therefore that all necessary steps will be taken at an early date, through the adoption of the above-mentioned legislative provisions or through appropriate administrative regulations, to meet the requirements of Articles 1, 2, 4 and 5 of the Convention.<sup>2</sup>

---

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 61st Session and to report in detail for the period ending 30 June 1976.

<sup>2</sup> The Government is asked to report in detail for the period ending 30 June 1976.



*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 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 with interest that a provision which would require the insertion of labour clauses in public contracts has been drafted for inclusion in amendments to the Labour Code (Act No. 91 of 1959). It hopes that appropriate provisions will be enacted in the near future, and that when drawing up and implementing regulations the Government will take into account the points raised in the direct request addressed to the Government.

*Guinea* (ratification: 1966)

The Committee notes with regret that no report has been received. It recalls that the Government had previously indicated that the conditions for applying the Convention were not met, but that measures would be taken to bring the texts into conformity with the Convention.

The Committee hopes that steps will be taken to provide for the insertion of appropriate labour clauses in public contracts and to ensure full compliance with the various provisions of the Convention.

*Philippines* (ratification: 1953)

The Committee refers to its previous comments on this Convention and takes note with satisfaction of the Memorandum Circular of the Bureau of Public Works dated 7 May 1975, which provides for the insertion of a standard labour clause in public works contracts (Article 1 (1) (c) (i) and Article 2 (1) and (2) of the Convention) and for certain enforcement measures (Articles 4 and 5).

The Committee hopes that further measures will be taken to ensure the application of the Convention as regards public contracts for the supply of materials and services (Article 1 (1) (c) (ii) and (iii)), and that information will be supplied on various points raised in the direct request addressed to the Government.

*Rwanda* (ratification: 1962)

The Committee regrets that no reply to its previous comments has been received. It recalls that the Minister for Public Works and Energy and the Minister of Finance have been requested since 1972 to consider the possibility of inserting labour clauses in public contracts, as required by the Convention. The Committee accordingly hopes that the necessary measures will be taken at an early date to insert in public contracts labour clauses which will ensure to the workers concerned wages and condi-

tions of work set in conformity with Article 2, paragraphs 1 and 2, of the Convention. 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 (Articles 1, 2 and 3), consultation with the organisations of employers and workers concerned, measures to ensure that persons tendering for contracts are aware of the terms of the clauses (Article 2, paragraphs 3 and 4) and measures to ensure the application of the labour clauses included in public contracts (Articles 4 and 5).

*Somalia* (ratification: 1960)

The Committee notes that no measures have as yet been taken to provide for the insertion of labour clauses in public contracts, as required by the Convention. It refers in this regard to the more detailed comments addressed to the Government in its direct request and hopes that action will be taken at an early date to ensure compliance with the Convention.<sup>1</sup>

*Turkey* (ratification: 1961)

The Committee regrets that for the fourth time in succession no report has been received. It recalls 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.<sup>2</sup>

*Uruguay* (ratification: 1954)

*Article 1, paragraph 1 (c) (ii) and (iii).* The Committee regrets to note that once again the Government has not replied to its comments relating to the need for measures to apply the Convention in respect of public contracts for the manufacture, assembly, handling or shipment of materials, supplies or equipment and the performance or supply of services. Since comments on this matter have been addressed to the Government for many years, the Committee hopes that measures will be taken at an early date to ensure the application of the Convention to the above-mentioned public contracts.<sup>1</sup>

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States: *Brazil, United Republic of Cameroon, Central African Republic, Egypt, Ghana, Guatemala, Mauritania, Morocco, Panama, Philippines, Somalia, Spain, Zaire.*

**Convention No. 95: Protection of Wages, 1949**

*Afghanistan* (ratification: 1957)

The Committee notes that the decree which was drafted as a result of direct contacts between the Government and a representative of the Director-General of the ILO in November 1974, and which is intended to apply this Convention, is still under consideration. It hopes that this decree will soon be adopted.

<sup>1</sup> The Government is asked to report in detail for the period ending 30 June 1976.

<sup>2</sup> The Government is asked to supply full particulars to the Conference at its 61st Session.

*Austria* (ratification: 1951)

The Committee notes the comments made by the Austrian Congress of Chambers of Labour (set out in the Government's report). These indicate that, although in Austrian law, workers are treated as privileged creditors in case of the bankruptcy of their employers, as required by Article 11 of the Convention, in practice their claims often cannot be satisfied or can be only partially satisfied; it has therefore been proposed that employers should be required by law to insure for the payment of remuneration due to workers in the event of bankruptcy.

While recalling its earlier conclusion that the requirements of Article 11 of the Convention were met by Austrian legislation, the Committee would appreciate further information on the nature of the difficulties which have been encountered in the application of the legislation and on any measures which may be contemplated to ensure the better protection of workers in the event of bankruptcy of the undertaking.

*Barbados* (ratification: 1967)

*Articles 4 and 10 of the Convention.* The Committee refers to its previous comments and notes with satisfaction from the Government's report that the Protection of Wages (Amendment) Act, 1975, has introduced more extensive protection as regards the partial payment of wages in kind and as regards the attachment and assignment of wages (Articles 4 and 10 of the Convention).

*Costa Rica* (ratification: 1960)

The Committee notes with regret that the Government's report has not been received. It recalls that in comments addressed to the Government since 1964, it has called for measures: (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 trusts that early steps will be taken to ensure the application of these provisions of the Convention.<sup>1</sup>

*Egypt* (ratification: 1960)

*Article 2 of the Convention.* The Committee notes the Government's statement that casual workers (certain categories of which are excluded from the application of parts of the Labour Code by sections 20 (a) and 88 (a) of the Code) are protected by the Civil Code. The Committee recalls that it considered this point following the Government's report of 1967, and had pointed out in its observation of 1968 that only a limited number of the provisions of the Convention were applied by the Civil Code. It also recalls the Government's statements in earlier reports indicating its decision to extend to the workers in question the provisions of the Labour Code relating to the protection of wages. The Committee therefore once again expresses the hope that the necessary amendments to the Labour Code will be made at an early date.

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 61st Session.

*Article 4.* The Committee notes the Government's statement, as regards payments in kind, that the draft Labour Code provides that the contract of employment shall contain rules governing the payment of wages. The Committee hopes that legislative provisions meeting the requirements of the Convention relating to the payment of remuneration in the form of allowances in kind will be enacted at an early date.

*Greece (ratification: 1955)*

The Committee takes note of the Government's statement that the adoption of measures in which account would be taken of the Committee's previous observations is being considered. It recalls that the observations in question relate to the following points:

*Article 4 of the Convention*—need to ensure that payments in kind are made only within the limits and subject to the safeguards prescribed in this Article of the Convention.

*Article 7*—need for measures to ensure that workers are free from any 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.

As these matters have been pending for a number of years and the Government has given repeated assurances that the necessary action would be taken, the Committee trusts that early measures will be introduced to ensure full compliance with Articles 4 and 7 of the Convention.<sup>1</sup>

*Libyan Arab Republic (ratification: 1962)*

*Article 2 of the Convention.* The Committee recalls that the legislation concerning the protection of wages does not apply to agricultural workers. It notes that, in reply to previous requests on the subject, the Government indicates once again that the draft law extending the application of the relevant provisions to agricultural workers is still under consideration. As this question has been pending for a number of years, the Committee hopes that the Government will take early steps to ensure that agricultural workers are adequately covered, as required by the Convention.

*Paraguay (ratification: 1966)*

Further to its previous comment the Committee notes with satisfaction that, as a result of direct contacts which took place between the national competent services and a representative of the Director-General of the ILO, section 232 of the Labour Code has been modified by Law No. 506 of 27 December 1974, so as to bring it into conformity with Article 4, paragraph 1, of the Convention (prohibition to pay wages in the form of alcoholic liquors or noxious drugs).

*Turkey (ratification: 1961)*

*Article 2 of the Convention.* The Committee notes from the Government's reply to its previous comments that the two Bills which would have extended wage protection to workers in agriculture (Agricultural Labour Bill) and in small trade and

---

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 61st Session and to report in detail for the period ending 30 June 1976.

handicraft occupations (Bill modifying the Labour Act) were submitted to Parliament in 1972 but were not adopted. It also notes that these drafts are undergoing revision with a view to being submitted once more to Parliament. The Committee trusts that the Government will take early measures to provide wage protection for these important categories of workers, whether through these Bills or otherwise, as required by the Convention.

*Article 13.* The Committee regrets that the Government's report contained no reply to the previous direct requests regarding the need for provisions regulating the time and place of payment of wages. It recalls that the Government had indicated in a previous report that the Labour Act would be modified with a view to giving effect to this Article of the Convention and hopes that the necessary measures will be taken at an early date.<sup>1</sup>

*Uganda (ratification: 1963)*

The Committee refers to its previous comments and notes with satisfaction that the Employment Decree, No. 4 of 1975, will ensure closer conformity with the following provisions of the Convention: *Article 2 (2)* (application to all workers regardless of the amount of their earnings); *Article 4* (regulation of payments in kind); *Article 5* (wages to be paid directly to the worker); *Article 6* (prohibition on limiting the freedom of workers to dispose of their wages); *Articles 8 (1) and 9* (restriction on authorised deductions from wages); and *Article 12* (regular payment of wages).

The Committee hopes that the Employment Decree will soon be brought into force.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States: *Central African Republic, Cyprus, Democratic Yemen, Ecuador, Guyana, Italy, Libyan Arab Republic, Malaysia, Panama, Poland, Romania, Sierra Leone, Somalia, Sudan, Syrian Arab Republic, Uganda, Zaire.*

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

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

*Belgium (ratification: 1958)*

Further to its previous observation the Committee notes from the Government's report that draft legislation to regulate temporary work agencies (which, according to the Government's report for 1971-73, was to take account of the Committee's comments) is now before a parliamentary committee. The Committee trusts that legislation ensuring the observance of this Convention in regard to such agencies will be adopted at an early date.<sup>2</sup>

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 61st Session and to report in detail for the period ending 30 June 1976.

<sup>2</sup> The Government is asked to report in detail for the period ending 30 June 1976.

*Pakistan* (ratification: 1952)

The Committee notes with interest, from the Government's answer to its previous observations, that the draft legislation regarding free-charging employment agencies takes account of those observations. The Committee recalls in particular its earlier indications 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 for such purpose. The Committee trusts that legislation giving effect to the Convention will be enacted in the near future.<sup>1</sup>

*Syrian Arab Republic* (ratification: 1957)

Further to its earlier comments the Committee notes from the Government's latest report that the Bill to bring national legislation into conformity with the Convention has been approved by a ministerial committee. Since this Bill was first mentioned by the Government in 1970, the Committee hopes that it will be adopted in the near future and that: (a) it will repeal sections 18 and 22 of the Labour Code (Act No. 91 of 1959), which authorised the establishment of private employment offices and the use of manpower recruiting agents, or that it will regulate these activities in accordance with Articles 5 or 6 and 8 of the Convention; (b) it will contain provisions regulating the placement of domestic staff in accordance with the Convention, either by extending the scope of Chapter III of the Labour Code to this category of workers, or by making the fee-charging employment agencies for those workers subject to regulations in accordance with Articles 5 or 6 and 8 of the Convention.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States: *Algeria, Bangladesh, Egypt, Finland, France, Luxembourg, Norway, Pakistan, Panama, Sweden, Turkey.*

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

**Convention No. 97: Migration for Employment (Revised), 1949***Tanzania* (ratification: 1964)*Zanzibar.*

The Committee notes with regret that the Government's report has not been received for a number of years. 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

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 61st Session and to report in detail for the period ending 30 June 1976.

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: *Upper Volta, Yugoslavia.*

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

#### *Haiti (ratification: 1957)*

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 had 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' organisation.

The Committee hopes that the Government will adopt legislative measures on this matter and requests it to furnish information on any progress in this connection.

#### *Japan (ratification: 1953)*

The Committee takes note of the statements made to the Conference Committee in 1975 by the Government and the Japanese Workers' representatives. It has also taken note of written observations made by the General Council of Trade Unions of Japan (SOHYO), the All-Japan Prefectural and Municipal Workers' Union (JICHIRO), the All-Japan Water Supply Workers' Union (ZENSUIDO) and the All-Japan Federation of Municipal Transport Workers' Union (TOSHIKO), and of the comments made by the Government on these observations.

The Japanese Workers' representative had stated to the Conference Committee that breaches of agreements and unfair labour practices by heads of municipalities and town councils caused serious problems for workers in the public sector. Nevertheless, changes in wages and working conditions were the subject of agreements between municipalities and the trade unions before their inclusion in municipal by-laws or ordinances. These agreements could, however, easily be broken without prior negotiation. Financial pressure was exercised by the central Government on municipalities to reduce salaries which had been freely negotiated.

In their written observations, the workers' organisations also refer to the non-implementation of negotiated agreements by local authorities citing examples of cases where negotiated wage scales have been reduced prior to implementation of the agreement. One case of failure to negotiate is also cited by the workers' organisations.

The Government representative had informed the Conference Committee in 1975 that the Government had improved the practice of negotiation to ensure that local authorities did not refuse to negotiate with non-registered trade unions without valid excuse and that the disputes referred to by the Japanese Workers' member were under judicial review and should thereby be resolved.

In its written comments on the observations of the workers' organisations, the Government points out that, given the current financial difficulties, local public bodies are endeavouring to adjust the level of salaries to a reasonable one, and naturally there are some cases where the rate of revision of a pay becomes lower than that of national public employees. Nevertheless, the level of pay of local public employees is still higher than that of national public employees. All these questions are domestic ones to be settled voluntarily by each local public body.

The Committee has already pointed out in this connection that agreements which are reached freely after proper negotiation should be promptly implemented, and that all necessary arrangements should be made to this effect in order to encourage and promote the full development and utilisation of machinery for voluntary negotiation.

The Committee would request the Government to continue to give consideration to the question of the implementation of agreements and awards in the public sector. It would also request the Government to supply information on the progress made as regards the question of the exclusion from collective bargaining of matters affecting the management and operation of public corporations and national enterprises, previously raised by the Committee, and to supply the text of any legislation enacted.

#### *Paraguay (ratification: 1966)*

In its previous comments, the Committee had noted the Government's statement that it would study closely the best method of applying the provisions of Article 6 of the Convention with regard to the officials and salaried and wage-earning employees of the public authorities. It had noted that these categories of workers were excluded from the Labour Code (section 2) and had expressed the hope that the Government would adopt the necessary measures to grant them the guarantees and rights laid down in the Convention with regard to acts of anti-union discrimination, interference by employers and collective bargaining.

The Committee notes with regret that the Government's latest report contains no new information on this subject. It trusts that the Government will re-examine the question in the near future and will adopt explicit provisions recognising workers' guarantees and rights as established in Articles 1, 2 and 4 of the Convention.

#### *Singapore (ratification: 1965)*

The Committee recalls that in 1975 the examination of this case was suspended in order that account might be taken of the results of the direct contacts which the Government had requested. The Committee notes that a representative of the Director-General of the ILO visited Singapore in September 1975 for the purpose of such direct contacts, in the course of which he had discussions with representatives of the Ministry of Labour, with the President of the Industrial Arbitration Court and with representatives of employers' and workers' organisations. It has noted with interest the detailed information and views which have thus become available.

In its previous observations, the Committee had considered that the following provisions were not compatible with the principle laid down in Article 4 of the Convention as regards the development of machinery for the voluntary negotiation of collective agreements: section 46 (1) of the Employment Act, 1968, which limits the amount of bonus payments for which provision may be made in a contract of service or a collective agreement; the former section 24 A of the Industrial Relations Ordinance (now section 25 of the Industrial Relations Act), according to which



collective agreements concluded in certain undertakings established after 1 January 1968 may not contain conditions more favourable than those laid down in Part IV of the Employment Act, 1968, unless approved by the Minister; and former section 5 of the Industrial Relations (Amendment) Act, 1968 (now section 17 (2) of the Industrial Relations Act), which excludes matters relating to promotion, transfer, appointment, retrenchment, dismissal or assignment of duties of employees from collective bargaining.

The Committee notes the explanations furnished by the Government during the direct contacts as regards the adoption of the legislation of 1968, which supplement the information submitted previously, to the effect that the fundamental reason for enacting the Employment Act and the Industrial Relations (Amendment) Act was to provide a stable situation which would promote investment as the only means to create jobs and reduce the heavy unemployment then affecting workers in Singapore. The Committee also notes the views advanced by the Government (a) that in the light of the special circumstances prevailing in Singapore in 1968, the measures adopted were "measures appropriate to national conditions" within the meaning of Article 4 of the Convention, and (b) that the existence in Singapore of a developed trade union movement, collective bargaining, arrangements for conciliation and arbitration, and various tripartite bodies such as the National Wages Board, the National Productivity Board and the Economic Development Board, showed that the Government had promoted the full development of machinery of the kind provided for in the Convention and was therefore implementing its obligations under Article 4.

The Committee has carefully examined these points. It considers that the term "measures appropriate to national conditions", as employed in the Convention, refers to the nature of the measures which need to be taken by a government, having regard to the existing conditions in the country concerned, to obtain the end defined in the Convention, namely "the full development and utilisation of machinery for voluntary negotiation between employers or employers' organisations and workers' organisations, with a view to the regulation of terms and conditions of employment by means of collective agreement". While the means of achieving this end may vary, having regard to national conditions, the Committee considers that the terms of the Convention do not permit ratifying States to take measures which, instead of promoting voluntary collective bargaining relating to conditions of employment, take away or substantially restrict this right. This view is supported by the preparatory work of the Convention (Report IV (2), International Labour Conference, 32nd Session, 1949, p. 30, and *Record of Proceedings* of the same session, pp. 470-471). The Committee observes, in this connection, that prior to 1968, collective bargaining was permitted in Singapore on the various matters excluded from such bargaining by the legislation then adopted, and that bargaining on such aspects of conditions of employment is common in many other countries.

*Section 46 of the Employment Act (Chapter 122 of the Laws of Singapore).*

The Committee had noted that this provision limited the amount of bonus for which provision might be made in a collective agreement to one month's wages. The provision was amended by the Employment (Amendment) Act, 1972, under which a collective agreement may provide for an annual wage supplement not exceeding three months' wages, an annual bonus not exceeding three months' wages, or an annual wage increase or a combination of such an annual wage supplement and annual bonus, or a combination of such an annual wage supplement and annual wage increase. From the information obtained in the course of the

direct contacts, it would appear that, in practice, only the latter combination is being negotiated. The annual wage increase, as defined in the Act (inserted in 1972) is such increase as may be recommended by the Minister and published in the *Gazette*, to serve as a basis for negotiation between employers and trade unions. It would seem that in practice the recommendation referred to in this definition is that made by the National Wages Council, a non-statutory, tripartite body established in 1972.

It also appears from the detailed provisions of section 46 (as amended in 1972) that the maximum annual bonus cannot exceed the amount in fact paid prior to the imposition of the statutory restrictions on bonuses or, in cases where no bonus or less than one month's bonus had been paid, one month's wages.

The Committee considers that wages and any related payments such as wage supplements or bonuses fall within the category of matters which should be open to voluntary collective bargaining. In this connection, the Committee considers it significant that, while wage supplements remain subject to statutory limitations, there are no direct restrictions on collective bargaining relating to wage rates, the recommendations made in this regard by the National Wages Council and published by the Minister having the force merely of guidelines.

The Committee hopes that the Government will keep the existing restrictions on wage supplements under review, with a view to further relaxation of these restrictions and, possibly, their replacement by a system of voluntarily agreed guidelines similar to that applicable to wage rates.

#### *Sections 24 and 25 of the Industrial Relations Act (Chapter 124).*

The Committee notes that, in terms of section 24 of this Act, all collective agreements must be presented to the Industrial Arbitration Court for certification which may be refused, *inter alia*, if the Court considers it is not in the public interest. It would appear, however, from the information supplied in the course of the direct contacts and from the annual reports of the President of the Industrial Arbitration Court that the normal practice of the Court is to certify agreements negotiated by the parties even if they establish new wage scales involving increases above the amounts recommended by the National Wages Council.

As regards section 25 of the Industrial Relations Act, under which collective agreements in respect of certain newly established undertakings require ministerial approval if they contain conditions more favourable than those laid down in Part IV of the Employment Act, it was indicated during the direct contacts that the Minister had never refused approval, nor had the parties ever been asked to alter the terms of an agreement. It was also stated that the Minister had never extended the duration of such restrictions beyond the initial five-year period of operation of an undertaking.

As a general rule, as regards restrictions imposed upon collective bargaining in pursuance of national economic policy, the Committee has considered that requirements of prior approval of a collective agreement before it can become effective, and provisions permitting the refusal of an agreement on the ground that it conflicts with the economic policy of the Government, are not consonant with Article 4 of the Convention. The Committee has suggested that if the authorities considered that the terms of a proposed agreement were manifestly in conflict with the economic policy objectives recognised as being desirable in the general interest, the case could be submitted for advice and recommendation to an appropriate consultative body, on which the workers' and employers' organisations were represented, and this body could indicate to the parties the considerations of general interest that might call for further examination by them of the agreement in question,

provided always, however, that the final decision on the matter rested with the parties to the agreement.

The Committee expresses the hope that, in view of the manner in which agreements are negotiated without the authorities having recourse to the provisions authorising the refusal to certify or approve such agreements, the Government will give careful consideration to the suggestion made above and examine the possibility of repealing or amending the provisions in question. In this connection also it may wish to give consideration to the replacement of statutory restrictions by voluntary guidelines established through appropriate tripartite machinery.

*Section 17 (2) of the Industrial Relations Act.*

With reference to the exclusion from the scope of collective bargaining of matters relating to promotion, transfer, appointment, retrenchment, dismissal or assignment of duties of employees, the Government's representatives had advanced the argument during the direct contacts that such matters should not be considered as part of the terms and conditions of employment, but as representing the exercise of management functions.

As regards dismissal, it emerged from the discussions which took place during the direct contacts that the Industrial Relations Act and the Employment Act provide a number of safeguards against dismissal without notice (summary dismissals on account of misconduct) and that the exclusion from collective bargaining on matters relating to dismissal under section 17 (2) of the Industrial Relations Act is similarly confined to summary dismissal. Accordingly, it appears to the Committee that bargaining concerning termination of employment by notice—otherwise than in cases of redundancy—remains authorised. It would also appear that, notwithstanding the exclusion from collective bargaining of matters relating to redundancy, a certain amount of negotiation does in fact take place on this subject, with regard to such questions as the procedure to be followed, notice and benefits. Examples of agreements on these matters were made available during the direct contacts.

The Committee considers that matters such as those contemplated in section 17 (2) of the Industrial Relations Act, which have important and direct effects on a worker's employment, should not be regarded as falling outside the scope of collective bargaining. Having regard to the fact that negotiation does, in practice, take place on certain aspects of these matters, the Committee hopes that the Government will find it possible to reconsider the position. In this connection, it may wish to distinguish between, on the one hand, collective bargaining on general principles and procedures and, on the other, the settlement, through a prescribed procedure designed in particular to avoid industrial disputes, of difficulties which may arise in their implementation or otherwise in individual cases. It may also wish to consider the development, through tripartite negotiation, of guidelines for collective bargaining on the matters in question, so as to facilitate the removal or attenuation of the existing statutory limitations.

The Committee would appreciate information in the Government's reports on any developments in regard to the above-mentioned points.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States: *Chad, Ecuador, Fiji, Tanzania, Tunisia, Turkey, Uganda, Zaire.*

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

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

**Convention No. 100: Equal Remuneration, 1951***Haiti* (ratification: 1958)

The Committee notes with regret that for the third 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:

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>

*India* (ratification: 1958)

With reference to its earlier comments, the Committee notes with satisfaction the promulgation of the Ordinance No. 12 of 1975 to provide for the payment of equal remuneration to men and women workers and for the prevention of discrimination, on the ground of sex, against women in the matter of employment. It notes that the date or dates of entry into force of this Ordinance (at the latest within the three years following its promulgation) are to be fixed by the Government, and that the measures to be taken for this purpose are being examined. The Committee hopes that the Government will be able to supply in its next report detailed information on the measures thus taken and on the effect given to the Convention by the application of this Ordinance (and, in particular, on certain points raised in a direct request).

*Netherlands* (ratification: 1971)

With reference to its earlier comments, the Committee notes with satisfaction the adoption on 20 March 1975 of the Act on equality of remuneration as between men and women workers. The Committee would be grateful if the Government

---

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 61st Session.

could supply in its next reports substantial information on the effect given to the Convention by the enforcement of the rights recognised by the new legislation. (A direct request concerning a number of specific points has also been addressed to the Government.)

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States: *Bolivia, Chad, India, Jordan, Netherlands, Tunisia, Upper Volta, Zaire, Zambia.*

Information supplied by the *Central African Republic* 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.

*Gabon* (ratification: 1961)

*Article 8 of the Convention :* see Convention No. 52.

\* \* \*

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

Information supplied by *Colombia* and *Spain* in answer to direct requests has been noted by the Committee.

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

*Greece* (ratification: 1955)

I. 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:

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 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. 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.

II. The Committee has further noted with interest, according to the Government's report on Convention No. 2, that following requests received from organisations of workers Law No. 74 of 1975 extended the scope of unemployment insurance to certain other occupations (carriers, loaders, unloaders, etc.).

*Yugoslavia (ratification: 1954)*

*Part IV (Unemployment benefit), Articles 21 and 22*. In its earlier comments, the Committee pointed out that the provisions of the Unemployment Insurance Act which authorised a reduction in unemployment benefit according to the resources of the beneficiary and his family during the contingency are not in conformity with the Convention; as a matter of fact, the Convention does not permit the rate of unemployment benefit to be subject to a means test except where coverage extends to all residents (and not only to specified categories of wage earners, as is the case in Yugoslavia). In its report for the period 1971-1973, the Government stated that employment matters would become the responsibility (under Constitutional Amendments XXI to XLII) of the federated Republics; that new legislation to regulate these matters completely was being prepared in the various Republics and that, pending the adoption of this legislation, the Unemployment Insurance Act in force would continue to be applied.

In its report for the period 1973-1974, the Government states that by virtue of the new Act adopted by the Socialist Republic of Slovenia respecting the employment and insurance of unemployed workers (*Uradni List* of the Socialist Republic of Slovenia, No. 18, 10 May 1974, pp. 1007-1015), entitlement to unemployment benefit is now independent of the worker's financial situation. The Committee notes this statement with satisfaction; it hopes that the legislation being prepared in the other Republics will be adopted shortly and that it also will give full effect to the Convention on the aforementioned point.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States: *Barbados, Israel, Mauritania, Mexico, Niger, Yugoslavia*.

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

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

*Luxembourg (ratification: 1969)*

With reference to its earlier comments the Committee notes with satisfaction that the Act of 2 May 1974, to amend Book No. 1 of the Social Insurance Code and the Act of 29 August 1951 respecting sickness insurance for public officials and salaried employees, as amended, lays down that the maternity allowance is to be equal to the sickness allowance (i.e. 100 per cent of the gross reference wage), and that, when confinement takes place after the date predicted by medical certificate,

entitlement to the maternity allowance is to be extended until the actual date of confinement, all of which is in conformity with *paragraphs 2 and 6 of Article 4* of the Convention.

*Yugoslavia* (ratification: 1955)

Further to its previous comments the Committee notes with satisfaction that, by virtue of section 16 of the new Federal Act of 13 April 1973 concerning Joint Work Relationships, women workers who are not employed on a full-time basis benefit from the same protection as other women workers, in conformity with Article 1, paragraphs 1 to 5, of the Convention.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States: *Bolivia, Cuba, Luxembourg, Uruguay, Yugoslavia*.

**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 remained operative within the tribal jurisdiction, laid down fines for any labourer supplied to persons engaged in farming who absconded in transit or who, after arrival at his destination, refused to perform the services for which he had been engaged. By virtue of Articles 1 to 4 of the Convention, these penal sanctions should have been abolished within a year of ratification of the Convention.

Having noted the statement made by a Government representative at the Conference Committee in 1975 that the provisions mentioned above had been repealed and that a copy of the new Local Government Law would be communicated, the Committee regrets that no information in this regard has been included in the Government's latest report, which merely states that the Revised Laws and Administrative Regulations for Governing the Hinterland, 1949, are no longer being used as a basis for local government administration. The Committee hopes that the Government will provide information concerning the legislation which has repealed the previously mentioned provisions, as well as a copy of the new Local Government Law.<sup>1</sup>

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States: *Ecuador, Libyan Arab Republic*.

**Convention No. 105: Abolition of Forced Labour, 1957**

*Afghanistan* (ratification: 1963)

The Committee regrets to note that the Government has again failed to supply a report and that accordingly no information is available regarding a number of

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 61st Session and to report in detail for the period ending 30 June 1976.

questions concerning the observance of Article 1 (a) and (b) of the Convention which have been raised by the Committee since 1968. The Committee once more addresses a direct request to the Government regarding these matters.<sup>1</sup>

*Austria* (ratification: 1954)

*Article 1 (a) of the Convention.* The Committee notes with satisfaction that the new Penal Code (BGBl No. 60/1974), which came into force on 1 January 1975, contains no provision corresponding to section 305 of the previous Code, concerning the public denigration of the institutions of marriage, the family, and property, which had been the subject of direct requests from the Committee.

*Central African Republic* (ratification: 1964)

*Article 1 (a) of the Convention.* In its earlier observations 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 another group or association of a political character or undertaking political activities in any form outside the said national movement is liable to imprisonment (involving, under section 62 of Order No. 2772 of 18 August 1955, compulsory prison labour).

The Committee pointed out that recourse to forced or compulsory labour in such circumstances is contrary to the provisions of Article 1 (a) of the Convention and it expressed the hope that appropriate measures would be adopted to ensure compliance with the Convention in this respect.

The Committee notes the Government's statement to the Conference Committee in 1975 that measures have been taken to amend Act No. 63/411 of 17 May 1963, of which the provisions respecting freedom of expression and association have fallen into disuse. In its latest report the Government recalls that amendments are planned to bring the Act into conformity with the Convention.

The Committee hopes that measures will be taken in the near future to ensure compliance with the Convention and that the Government will communicate more detailed information on the action undertaken or contemplated.

*Article 1 (b).* See under Convention No. 29.<sup>2</sup>

*Cuba* (ratification: 1958)

*Article 1 (c) of the Convention.* In reply to a direct request of the Committee, the Government has communicated the text of Act No. 1249 of 23 June 1973, by which certain amendments and additions were introduced into the Social Defence Code. The Committee notes the following amendments to this Code:

- (a) under clause A of section 556, a person who fails to carry out the obligations laid down in legal provisions, measures or technical standards issued by the competent bodies and binding on him by virtue of the duties, employment or office held in a state-run economic body involved in the production process or supply of services, the use, custody or maintenance of equipment, plant, etc., where such failure is harmful to the production activities or the services, may be punished by imprisonment of from three months to three years;

<sup>1</sup> The Government is asked to report in detail for the period ending 30 June 1976.

<sup>2</sup> The Government is requested to communicate a detailed report for the period ending 30 June 1976.



- (b) under section 557, a person who fails to take the measures which are mandatory by virtue of his duties, occupation or office in a state-run economic body to prevent the deterioration, spoiling or theft of materials, products or any other useful substance, is punished by imprisonment of from three months to one year;
- (c) under clause A of section 560, penalties of imprisonment of from two months to one year, *inter alia*, may be imposed on a person who, through manifest negligence or infringement of the provisions or technical standards binding by virtue of his duties, employment or office in a state-run economic body orders or approves the production or delivery of articles which are unfinished or of poor quality; or who sells or offers for sale articles which have deteriorated; or who provides inadequate services to the public; or who fails to take measures necessary to avoid the theft or deterioration of goods which the users of the service have delivered to him.

The above-mentioned provisions appear to be applicable generally to the failure to fulfil the obligations or meet the technical standards in question, and are not limited to cases of dishonesty, wilful damage or failure to observe basic safety requirements. Considering that under section 88 of the Social Defence Code the penalties of imprisonment involve an obligation to perform labour, the Committee hopes that the Government will indicate the measures taken or contemplated, in relation to the above-mentioned provisions, to ensure the application of Article 1 (c) of the Convention, according to which any form of forced or compulsory labour (including compulsory labour as a consequence of a conviction in a court of law) should be suppressed and not used as a means of labour discipline.

See also under Convention No. 29.

#### *Egypt (ratification: 1958)*

1. In comments 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 in circumstances falling within Article 1 (a) and (d) of the Convention. In its latest report, the Government indicates that the matter has been submitted to a committee set up to review the draft Penal Code. The Committee once more expresses the hope that appropriate measures will be taken in regard to the above-mentioned provisions (which it is again specifying in detail in a direct request) to ensure the observance of the Convention.

2. In direct requests made since 1964 the Committee has requested the Government to supply information on the practical application of a number of provisions of the Penal Code under which certain kinds of statement are punishable by imprisonment with compulsory labour. It regrets that the Government has failed to supply this information and that it cannot satisfy itself that the provisions in question are in conformity with the Convention. The Committee hopes that the Government will provide the necessary information.

#### *Gabon (ratification: 1961)*

The Committee has noted the discussion of this matter in the Conference Committee in 1975 but regrets 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 (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 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 prohibits 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.<sup>1</sup>

#### *Federal Republic of Germany (ratification: 1959)*

*Article 1 (c) of the Convention.* Further to its previous comments, the Committee notes with satisfaction that, with a view to bringing national legislation into conformity with the Convention, section 114 of the Seamen's Act—under which crew members deserting abroad were liable to imprisonment—has been repealed by an Act of 29 October 1974.

#### *Greece (ratification: 1962)*

The Committee notes with satisfaction the provisions that have been adopted to lift certain measures and to repeal certain legislative provisions to which the Committee referred in its previous comments concerning the observance of Article 1 (a), (c) and (d) of the Convention; namely:

- Presidential Decree No. 700 of 9 October 1974 has lifted the state of siege and re-established all constitutional guarantees, in particular those relevant to Article 1 (a) and (d) of the Convention, throughout the national territory, with the exception of certain border regions;
- Act No. 10 of 5 March 1975 has repealed Legislative Decree No. 346 of 1969 concerning the press (which prohibited, under the menace of penalties involving compulsory labour, inter alia, any publications likely to provoke the revival of political passions);
- Legislative Decree No. 59 of 23 September 1974 on the constitution and functioning of political parties has repealed Act No. 509 of 27 December 1947 concerning state security and the maintenance of the established order (section 2 of which provided for the imposition of penalties involving compulsory labour for certain forms of propaganda against the established political order);
- the same Legislative Decree No. 59 of 23 September 1974, and Legislative Decree No. 42 of 14 September 1974 on the re-establishment of trade union freedoms and the regulation of related questions have repealed, respectively, Legislative Decree No. 800 of 1970 on political parties and Legislative Decree No. 795 of 1970 on associations and unions, which provided for the imposition of penalties involving compulsory labour for the infringement of various restrictions on freedom of

<sup>1</sup> The Government is asked to report in detail for the period ending 30 June 1976.

association, in particular with regard to the establishment or management of political parties and associations whose objectives or activities were contrary to the established political or social order;

- Legislative Decree No. 890 of 27 May 1971 on occupational associations and unions (which has now been replaced by Legislative Decree No. 42 of 1974 mentioned above) has repealed Legislative Decree No. 185 of 1969 and, consequently, the legislation re-enacted by the latter, in particular Act No. 4879 of 1931 on organisations of public employees, sections 2, 3 and 6 of which provided for the imposition of penalties involving compulsory labour on any public employee (whether an official or a manual or non-manual worker) who joined a workers' organisation based on the class struggle or who participated in a strike.

#### *Guatemala (ratification: 1959)*

In its earlier comments, the Committee pointed out that, by virtue of certain special laws of 1963 and 1965, persons who disseminate propaganda in favour of a certain political ideology or take part in the activities of any associations supporting such ideology can be punished with imprisonment (involving the obligation to perform work). The Committee also pointed out that the situation had been in no way modified by the promulgation of a new Penal Code by Decree No. 17-73 of 5 July 1973, which specifically provides that "all provisions of a penal nature contained in special laws shall remain in force in so far as they are not covered by the Code". Moreover, section 396 of the Penal Code provides for imprisonment for the promotion of or participation in associations acting in agreement with international bodies which advocate the aforementioned ideology.

In its report for the period 1973-75, the Government states that the Committee's comments have been submitted to the competent authorities. The Committee hopes that the Government will supply in its next report the information on this matter and other points raised in a direct request.

#### *Guinea (ratification: 1961)*

The Committee notes with regret that no report has been received.

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 overcoming rapidly 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. At the Conference Committee in 1975 and in its latest report on Convention No. 29, the Government again stated that Decree No. 416 of 22 October is not longer applied. The Committee hopes that the Decree in question will be repealed at an early date.

2. *Supply of legislative texts.* The Committee notes with regret that the legislative texts repeatedly requested by the Committee since 1967 are still not available; these laws and regulations (other than the Penal Code, which is already available to the Committee) concern 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 as to 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 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.

In view of the 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;

---

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 61st Session and to report in detail for the period ending 30 June 1976.

- (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's report contains no reply to previous comments. 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.

*Kenya (ratification: 1964)*

In previous comments the Committee had referred, *inter alia*, to various provisions of the Penal Code, the Public Order Act, the Prohibited Publications Order, 1968, the Merchant Shipping Act, 1967, and the Trade Disputes Act (Cap. 234) under which imprisonment (involving an obligation to perform labour) may be imposed as a punishment for the display of emblems or the distribution of publications signifying association with a political object or political organisation, for various breaches of discipline in the merchant marine and for participation in certain forms of 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.

It appears from the Government's reply to these comments that it does not consider labour imposed on persons who have been convicted by a court of law to be forced or compulsory labour within the meaning of the Convention; the Government refers in this connection to Article 2, paragraph 2 (c), of the Forced Labour

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 61st Session.

Convention, 1930 (No. 29). In this respect, the Committee draws attention to the explanations provided in paragraphs 81 to 88 of the general survey on forced labour in Part Three of its report of 1968, where it indicated that the exceptions laid down in Article 2, paragraph 2, of Convention No. 29 for the purposes of that instrument do not automatically apply to Convention No. 105; while labour imposed on persons as a consequence of a conviction in a court of law would in the great majority of cases have no relevance to the application of Convention No. 105, this instrument relates to *any form* of compulsory labour (including labour exacted as a consequence of a conviction in a court of law) when imposed in circumstances falling within the cases specifically enumerated in Article 1 of the Convention.

In the light of these explanations, the Committee hopes that the Government will adopt the necessary measures to bring national legislation into conformity with the Convention and that it will supply information on the action taken.

#### *Liberia (ratification: 1962)*

In comments made for a number of years, the Committee had drawn attention to the fact that prison sentences (involving by virtue of section 733 of the Criminal Procedure Law, an obligation to work) might be imposed in circumstances falling within Article 1 (a) of the Convention under section 52 (1) (b) of the Penal Law (punishing certain forms of criticism of the Government) and section 216 of the Election Law (punishing participation in any activities to continue or revive certain political parties). In its latest report, the Government states that sections 733 and 734 of the Criminal Procedure Law which referred to prison labour have been repealed and that prisoners are no longer required to perform labour. The Government refers in this connection to the provisions of Chapter 34, section 34.14 of the Liberian Code of Laws revised, Volume 1, 1973. The Committee however notes from the text appended to the Government's report that under paragraph 1 of section 34.14 "all prisoners under sentence shall be required to work . . .". The Committee accordingly once more expresses the hope that measures will be taken at an early date in relation to section 52 (1) (b) of the Penal Law and section 216 of the Election Law to ensure that no form of forced or compulsory labour, including compulsory prison labour, is imposed in circumstances falling within Article 1 (a) of the Convention.

#### *Malaysia (ratification: 1958)*

The Committee regrets that the Government's report gives no reply to its comments. The Committee has noted the discussion of this matter in the Conference Committee in 1975 and hopes that the next report will contain full information on the matters raised in its previous observation, which read as follows:

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 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 44A 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.

#### *Nigeria (ratification: 1960)*

In previous direct requests, in connection with Conventions Nos. 65, 104 and 105, the Committee had noted that under section 236 (1) (*b*) of the Labour Code Act, the court could direct fulfilment of a contract and, in a case where damages might be awarded for breach of contract, could direct the party committing the breach to find security for the due performance of the contract. If the party failed to find security the court could commit him to prison for a period of up to three months (which, under regulations 33 and 35 of the Prison Regulations, involved an obligation to perform labour). The Committee had requested the Government to take the necessary measures to ensure that, in accordance with Article 1 (*c*) of the Convention, no form of forced or compulsory labour may be imposed as a means of labour discipline. The Committee notes with regret that, although the Labour Code Act has been repealed, the provisions of section 236 (1) (*b*) have been re-enacted in section 81 (1) (*b*) and (*c*) of the new Labour Decree, No. 21 of 1974. The Committee must, therefore, once more request the Government to bring the provision in question into conformity with the Convention and to indicate in its next report the steps taken to this end.

#### *Norway (ratification: 1958)*

In previous direct requests the Committee had referred to section 52 of the Seamen's Act, 1953 (under which if a seaman failed to report or return for duty at the proper time or left the ship without being entitled to do so, the master was empowered to have him brought aboard with the assistance of the police if the ship would otherwise have had insufficient crew) and had expressed the hope that measures would be taken to bring the legislation in this respect into conformity with Article 1 (*c*) of the Convention. The Committee notes with satisfaction from the Government's latest report that the Seamen's Act of 30 May 1975, which came into force on 1 December 1975, repeals the Act of 1953 and contains no provision corresponding to section 52 of the old Act.



*Philippines (ratification: 1960)*

The Committee notes that, following the declaration of a state of martial law by Proclamation No. 1081 of 21 September 1972, various presidential decrees and general orders have been issued under the above Proclamation which make provision for detention without trial, the restriction of public discussion, the banning of mass media, the prohibition of rallies, demonstrations and other forms of group action, including strikes, and the trial of offenders by special military tribunals. The Committee notes that martial law was extended by Proclamation No. 1014 of 17 January 1973 and has not been lifted during the period 1973-75. Moreover, under article XVII, section 3 (2), of the Constitution proclaimed on 17 January 1973, all proclamations, orders and decrees issued by the President shall be part of the law of the land and remain effective even after lifting of martial law, unless modified or repealed.

The Committee refers to the comments made in paragraphs 101 and 102 of the general survey on forced labour in its 1968 report, in which it indicated the importance for the effective observance of the Convention of legislative guarantees of a variety of individual rights and freedoms and the direct bearing which the suspension of such guarantees as a result of a declaration of martial law would generally have on the observance of the Convention. The Committee emphasised that measures of that kind, which affected the application of the Convention, could only be justified by the existence of circumstances of extreme gravity constituting an emergency and should in all cases be limited in scope and time to what was strictly necessary to meet the specific emergency situation.

In this connection, the Committee is addressing a detailed request to the Government, asking it to provide full information on measures taken under martial law and on the effect of such measures on the application of the Convention.<sup>1</sup>

*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 to be obeyed by natives for various purposes, 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 section 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,

<sup>1</sup> The Government is asked to report in detail for the period ending 30 June 1976.

no legislative action has been initiated on the matter, and the Government's last report merely indicates that the Committee's comments have again been referred to the appropriate authorities. The Committee hopes that measures will be taken at the earliest opportunity to bring the legislation into conformity with the Convention.<sup>1</sup>

*Singapore (ratification: 1965)*

In earlier comments the Committee had referred to a number of provisions of the legislation of Singapore permitting the imposition of restrictions on publications, political activities and associations, which, in so far as enforceable by penalties of imprisonment (involving compulsory prison labour), appeared to permit the imposition of forced or compulsory labour for purposes falling within Article 1 (a) of the Convention. It had also referred to certain provisions under which labour might similarly be imposed as a punishment for breaches of labour discipline and participation in strikes, within the meaning of Article 1 (c) and (d) of the Convention.

The Committee has noted the detailed information and views on these matters communicated by representatives of various ministries to a representative of the Director-General of the ILO during direct contacts in September 1975.

*Prison labour in relation to the Convention.* The Committee notes the view expressed by the Government's representatives that, having regard to the definition of "forced or compulsory labour" in Article 2 of the Forced Labour Convention, 1930 (No. 29), including the exceptions provided for in that Article, labour exacted as a consequence of a conviction in a court of law should not be considered as a form of "forced or compulsory labour" for the purposes of Convention No. 105. The Government's representatives indicated that, although convicted prisoners were required to work, the work performed was similar to work in the private sector (such as tailoring, carpentry and printing), which was not the type of work which one would use as a means of coercion. They also stressed that the work was aimed essentially at rehabilitation rather than punishment.

The Committee has carefully considered these views. However, for the reasons indicated in paragraphs 81 to 87 of the general survey of forced labour in its report of 1968 and recalled in the observation relating to Singapore made in 1974, the Committee maintains its conclusion that Convention No. 105 relates 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 circumstances enumerated in Article 1 of the Convention. At the same time, the Committee wishes to emphasise that situations in which persons in detention are given the opportunity to engage in work if they wish, but without any obligation to do so, remain outside the ambit of the Convention.

*Article 1 (a) of the Convention.*

*Restrictions on newspapers and other publications.* The Committee's earlier comments related to the following matters:

- (a) Under sections 3 and 4 of the Undesirable Publications Act (Chapter 107 of the 1970 edition of the Laws of the Republic of Singapore), the competent minister

---

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 61st Session and to report in detail for the period ending 30 June 1976.

may, in his absolute discretion, prohibit particular publications or series of publications or all publications by any person (whether published or printed within or outside Singapore), and it is an offence punishable by imprisonment (involving, as previously noted, liability to compulsory labour) to publish, sell, distribute or reproduce or to possess without reasonable excuse any such prohibited publication.

- (b) Similar provisions relating to the prohibition, inter alia, of publications considered prejudicial to the national interest, public order or security are contained in sections 20, 22 and 23 of the Internal Security Act (Chapter 115).
- (c) Legislation relating to the licensing of printing presses and newspapers to which the Committee had previously referred has been replaced by the Newspaper and Printing Presses Act, 1974; and rules issued thereunder. The Committee notes with interest that earlier provisions making it an offence, punishable with imprisonment, for a newspaper to publish any article likely to cause ill will or misunderstanding between the Government and the people of Singapore and those of Malaya have not been re-enacted. In other respects, however, the situation under the 1974 Act remains similar to that under the earlier legislation, particularly as regards the licensing of printing presses and approval of editors and other persons associated in the management of newspapers (sections 3, 9 and 13). Contravention of these requirements is punishable with imprisonment (section 26).

As regards publications other than newspapers, the Committee has noted the statements made by the representatives of the competent ministry (Ministry of Culture) that the relevant provisions of the Internal Security Act were not used, that in the preceding five years there had been no prosecution under the Undesirable Publications Act, and that during the same period the Minister had made no orders which prohibited all publications by a specified person, and only three orders prohibiting specified publications.

As regards printing presses and newspapers, the same Ministry's representatives stated that the Government was fairly free in issuing licences, that licences were granted to opposition parties, that no conditions were imposed as to what newspapers might print, that permits for newspaper editors were not refused for political reasons, and that so far there had been no prosecution by the Ministry under the Act of 1974. They also referred to a case in which several persons associated in the management of a newspaper had been detained, stressing that the newspaper's permit had not been withdrawn and that it had continued to be published.

The Committee notes these indications as to the practical application of the legislation relating to newspapers and other publications. It would be grateful if the Government would continue in future reports to provide information on the application of the various provisions concerned. Having regard to the fact that these provisions provide the basis for depriving individuals of the possibility of expressing views, by means of a discretionary administrative decision not dependent on the commission of any offence, and that any disregard of such a prohibition would be punishable with imprisonment (involving liability to compulsory labour), the Committee hopes that the Government will also consider appropriate further measures (either in relation to the substantive provisions themselves or in relation to the penalties applicable to them) to ensure, in accordance with Article 1 (a) of the Convention, that compulsory prison labour may not be imposed as a punishment for the expression of political views or views ideologically opposed to the established political, social or economic system.

*Restrictions relating to political activities and associations.* In its earlier comments, the Committee had referred to the following matters:

- (a) Under sections 8 and 10 of the Internal Security Act, the authorities may impose restrictions upon persons in regard, inter alia, to their activities and employment and may prohibit them from addressing public meetings or taking part in political activities, disregard of such restrictions being punishable with imprisonment (section 45), involving liability to compulsory labour.
- (b) Sections 4, 14 to 18 and 24 of the Societies Act (Chapter 262) require the registration of every association of ten or more persons, but exclude 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 make it an offence, punishable with imprisonment, to act as a member of an unregistered society, to publish, sell or process matter issued by or on behalf or in the interests of such a society, etc.

In the course of the direct contacts, indications were provided more particularly by the representatives of the Ministry of Home Affairs as to the purpose of internal security measures. These related to two quite distinct groups: criminal elements and elements believed to be intent upon political subversion and seizure of power by force.

The measures taken in relation to the first of these groups appear to have no bearing upon the application of the Convention, both because of the nature of the activities involved and because, according to the information given, these measures consist of detention not accompanied by an obligation to engage in labour. Any restrictions regarding movement, residence, etc., imposed upon persons in this group following release from detention also appear not to affect the observance of the Convention.

The position is different with respect to persons subject to restrictions concerning participation in political activities or the establishment and carrying on of associations for the purpose of advocating certain political or ideological views. The Committee has previously pointed out that these provisions make it possible, by means of a discretionary administrative decision which is not dependent on the commission of any offence, to deprive individuals of means of advocating particular political or ideological views, even by peaceful methods. The Government's view, repeated during the direct contacts, is that these measures are necessary because it believes that the persons concerned, although using peaceful methods for the time being, ultimately aim to take over the government of the country by force. The Government's representatives also referred to the danger that certain persons, unless subjected to restrictions of the above-mentioned kind, would seek to foment racial tensions and violence.

In this connection, the Committee considers that the Convention does not prevent the punishment by penalties involving compulsory labour of persons who engage in violence, incite to violence, or engage in preparatory acts aimed at violence, nor the imposition by judicial process of certain disabilities on persons who have been convicted of offences of this nature. However, the imposition of similar penalties as a means of preventing the participation of certain persons in the normal constitutional and political processes, including the advocacy of political and ideological views, on the basis merely of a belief as to the manner in which they may act in future appears to contravene the provisions of Article 1 (a) of the Convention, which prohibit any form of forced or compulsory labour as a means of political coercion or education or

as a punishment for holding or expressing political views or views ideologically opposed to the established political, social or economic system.

The Committee hopes that the Government will reconsider the position in the light of the preceding comments and will take appropriate measures to ensure the observance of the Convention. It would also appreciate any information which the Government could supply on the practical application of the legislative provisions in question.

*Article 1 (c) and (d).*

The Committee notes with interest the intention of the competent authorities to repeal certain provisions of the Post Office Act (Chapter 84) and the Merchant Shipping Act (Chapter 172) which permit the imposition of imprisonment as a punishment for certain breaches of discipline and the forcible conveyance on board ship of seafarers who have deserted or are absent without leave. It would appear, from the indications provided during the direct contacts, that these provisions are in practice no longer applied.

The Committee hopes that the Government will also review the provisions of sections 3 (1) (a) and (c) and 5 of the Trade Disputes Act (Chapter 128), under which participation in certain strikes is punishable with imprisonment (involving liability to compulsory labour) and will take appropriate measures to ensure the observance of the Convention in this regard.

*Spain (ratification: 1967)*

1. The Committee notes with satisfaction that, in order to bring the Ordinance of 20 May 1969 on employment in the merchant marine into conformity with the Convention, an Order of the Ministry of Labour of 30 September 1975 has abolished the restrictions imposed by section 91 of that Ordinance upon termination by seamen of engagements of indefinite duration.

2. In its earlier comments the Committee referred to a number of legislative provisions under which actions covered by Article 1 of the Convention were punishable with penal servitude or imprisonment (involving, under section 50 (d) of the Prisons Regulations of February 1976, as amended by Decree No. 162/68 of 25 January 1968, the obligation to perform work). The Committee notes with interest that an Order of the Ministry of Justice of 4 October 1975 provides that section 50 (d) of the Prisons Regulations must be applied in such a way as to ensure that it does not affect observance of Convention No. 105. The Committee recognises the importance of this Order, which affirms the principle that persons convicted for a violation of provisions corresponding to the various cases listed in Article 1 of the Convention must not be subjected to any form of compulsory labour, including compulsory prison labour. It hopes that in order to define clearly the practical effects of this principle, and with due regard to the earlier comments of the Committee, the Government will issue additional provisions to indicate the legal provisions whose violation, when punished with sentences involving deprivation of liberty, will give rise to the application of the special rule prescribed by the Order of 4 October 1975.

*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 can be punished 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 can be punished 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 again 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 has noted the discussion on this matter in the Conference Committee in 1975, but regrets 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 21A 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 noted 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 may be punished 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 noted 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 noted 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>

### *Tunisia (ratification: 1959)*

The Committee regrets that the Government's report gives no reply to its comments and hopes that the next report will contain full information on the matters raised in its previous observation which read as follows:

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

<sup>1</sup> The Government of Tanzania is asked to supply full particulars regarding Tanganyika and Zanzibar to the Conference at its 61st Session.

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)*

1. *Prison labour.* In its previous observations the Committee had noted that sentences of imprisonment (involving, by virtue of the Penal Code and section 17 of Act No. 647 of 13 July 1965 on the execution of sentences, an obligation to perform labour) might be imposed under various statutory provisions in circumstances falling within Article 1 (*a*), (*c*) and (*d*) of the Convention. In reply to these comments the Government indicates that the practice in this field has always been in conformity with the provisions of the Convention and that persons convicted or imprisoned in circumstances covered by the Convention are not compelled to work. It adds that, nevertheless, to eliminate any uncertainty, the Minister of Justice has issued a Circular No. 28/62 of 14 May 1975 with the force of an administrative regulation, addressed to all directors of penal institutions, reminding them that the "obligation to work" prescribed by section 17 of Act No. 647 of 13 July 1965 on the execution of sentences has to be applied within the limits of the provisions of the Convention. The Committee notes these statements with interest and would be grateful if the Government would supply a copy of the circular in question with its next report and provide information on the manner in which its provisions are made known to those concerned, especially prisoners.

2. *Compulsory patriotic service.* The Committee noted in its previous observations that article 60 of the national Constitution (which previously provided for compulsory service for the purpose of national defence) had been amended by Act No. 1488 of 20 September 1972 to provide for compulsory patriotic service to be performed either in the armed forces or in public services. In its report the Government indicates that the aim of this article is to prevent persons who cannot fulfil their military service for different reasons from having privileges over others, and that this service thus cannot be considered forced labour.

The Committee trusts that any legislation to implement the above-mentioned constitutional provision will fully meet the requirement under Article 1 (*b*) of the Convention that no form of forced or compulsory labour be used as a means of mobilising and using labour for purposes of economic development, and that the Government will supply information on any development in this matter.

3. *Forced or compulsory labour as a means of labour discipline.* In its previous comments the Committee had noted that under section 1467 of the Commercial Code (Act No. 6762 of 9 July 1965) seamen may be forcibly conveyed on board ship to perform their duties. In its report the Government once again indicates that section 1467 of the Commercial Maritime Code only aims at cases of *force majeure*, for instance when lives or property on board are in danger because of a clear and imminent threat and that it is thus an exceptional provision enacted primarily on



humanitarian considerations. The Committee has, however, to point out, as in its previous comments, that the power forcibly to return seamen on board ship to fulfil their duties, as provided for by section 1467, is not limited to cases of *force majeure* but can be employed generally, for example, to ensure the proper running of the ship and the maintenance of discipline. The Committee therefore once again expresses the hope that steps will be taken in the near future to bring the above-mentioned legislation into harmony with the Convention.

Regarding section 1469 of the Commercial Code concerning punishments for breaches of labour discipline (disobedience, absence without leave, abandonment of work) the Committee defers further comment pending receipt of the text of the above-mentioned Ministerial Circular No. 26/62 of 14 May 1975.

### *Uganda (ratification: 1963)*

Further to its previous observation, the Committee notes that the Government refers in its reply to its decision to denounce the Convention. The Committee, however, observes that, no denunciation having been communicated by the Government during the period in which the Convention was last open to denunciation, Uganda remains bound by the Convention in accordance with the terms of Article 5, paragraph 2, thereof. The Committee accordingly once more requests the Government to supply information on the measures taken to bring national legislation into conformity with the Convention on the following points:

*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 noted that, under section 16 (a) of the Trade Disputes (Arbitration and Settlement) Act, 1964, workers employed in "essential services" may 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 may be prohibited in various services which, while including services generally recognised as essential services, also extend to other services interruption of which would not necessarily endanger the existence or well-being of the population, and that contravention of these prohibitions may 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.<sup>1</sup>

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States: *Afghanistan, Argentina, Australia, Bangladesh, Benin, Canada, Central African Republic, Chad, Cyprus, Democratic Yemen, Ecuador, Egypt, El Salvador, Finland, France, Ghana, Greece, Guatemala, Guinea, Guyana, Haiti, Iceland, Iran, Iraq, Ireland, Italy, Jamaica, Jordan, Kenya, Malaysia, Malta, Mauritius, Mexico, Netherlands, New Zealand, Nicaragua, Nigeria, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Senegal, Sierra Leone, Somalia, Sudan, Syrian Arab Republic, Tanzania, Thailand, Trinidad and Tobago, Tunisia, Uruguay, Zambia.*

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

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

*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.

\* \* \*

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

### **Convention No. 107: Indigenous and Tribal Populations, 1957**

*Colombia* (ratification: 1969)

The Committee takes note of the receipt of the Government's report on the Convention, together with a supplementary report, containing information on

---

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 61st Session and to report in detail for the period ending 30 June 1976.

various programmes being carried out in respect of indigenous populations. These reports having been received in the course of the Committee's session, the Committee found it necessary to defer their examination until its next meeting.

*Paraguay (ratification: 1969)*

The Committee takes note of the Government's report, which contains replies on certain of the points raised in previous direct requests.

The Committee notes that, as indicated in the Conference Committee in 1975, complaints have been made concerning the treatment of certain groups of the indigenous population in Paraguay (complaints alleging serious abuses against the Ache-Guayaqui tribe, submitted to the Inter-American Human Rights Commission; and statements on this subject made before the Subcommission on Prevention of Discrimination and Protection of Minorities of the United Nations Human Rights Commission). It also understands that an important project, known as the Marandú Project, which was created in 1974 to assist Indians in Paraguay, was obliged to cease its activities in December 1975.

The Committee appreciates that certain difficulties may arise from the fact that these populations are scattered over large areas of the country in small and isolated groups, with different traditions and languages. It also appreciates the budgetary commitments which the positive programmes of aid called for in the Convention involve. The Committee draws the Government's attention to the possibilities offered under technical co-operation projects to assist in the development of the necessary programmes—for example, in the provision of vocational training and the setting up of handicraft centres for indigenous communities.

In addition, however, in view of the serious problems encountered in the implementation of the Convention, the Committee regrets the limited nature of the information supplied by the Government in its reports. It hopes that every effort will be made by the Government to give effect to the provisions of the Convention and that the next report will contain full information on the measures taken to this end.

*Peru (ratification: 1959)*

The Committee refers to its previous comments and notes with satisfaction the enactment of Legislative Decree No. 20.653 of 18 June 1974 concerning native communities and the rural development of the forest regions, which provides, inter alia, for the recognition of the juridical personality of native communities and guarantees their entitlement to the lands which they occupy. It hopes that information on the implementation of this Legislative Decree will be supplied, as called for in the request being forwarded directly to the Government.

The Committee also notes with interest the numerous measures taken in recent years to promote the interests of the rural populations of the mountain and coastal regions which are covered by the Convention. It hopes that detailed information on these measures will be supplied with the Government's next report.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States: *Bangladesh, Costa Rica, Ecuador, India, Pakistan, Paraguay, Peru, Syrian Arab Republic.*

**Convention No. 108: Seafarers' Identity Documents, 1958***Guyana* (ratification: 1966)

*Articles 2 to 4 of the Convention.* The Committee recalls that the Government stated in its report for 1973-74 that the new seafarers' identity document, designed to give effect to these Articles, was being printed and would soon be supplied. Since the latest report makes no further mention of this, the Committee hopes that this document will be delivered to seamen in the near future and that the Government will supply a copy of it with its next report.

*Italy* (ratification: 1963)

Further to its earlier observations, the Committee notes with regret from the information supplied by the Government that there seems to be no progress regarding the adoption of provisions intended to establish the seafarers' identity document as prescribed by the Convention.

Since this question has been under the consideration of the administrations concerned and of the professional organisations since 1969, the Committee trusts that the necessary steps will be taken in the near future so as to ensure the application of the Convention.<sup>1</sup>

*Tanzania* (ratification: 1962)

The Committee regrets that for three consecutive years the Government has supplied none of the documents asked for by the Committee in its previous comments, which it feels bound to repeat.

*Article 6 of the Convention.* The Government stated in its latest report that the Immigration Division would normally not refuse entry into the country, for the purposes described in this Article, of any seafarer having the appropriate supporting evidence, but that it reserves its discretion in the matter. The Committee requests the Government to supply a copy or relevant extracts of any instructions or circular which have been issued to the immigration authorities in this connection to allow the Committee to examine, in particular, to what extent this discretion is reserved.

While the Convention does not require the adoption of legislation or regulations to this effect, there should be specific instructions to the authorities concerned to grant to holders of a valid seafarer's identity document the right of entry into the country, in accordance with the provisions of the present Article of the Convention.

The Committee also requests the Government to supply, as requested earlier, a specimen copy of the seafarer's identity book currently in use.

\* \* \*

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

**Convention No. 110: Plantations, 1958**

A request regarding certain points is being addressed directly to *Ecuador*.

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 61st Session and to report in detail for the period ending 30 June 1976.

**Convention No. 111: Discrimination (Employment and Occupation), 1958***Chad* (ratification: 1966)

The Committee notes with regret that the Government's report has not been received and that therefore it still has 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 again repeated in detail in a direct request.

*Chile* (ratification: 1971)

With reference to its previous observation concerning the elimination of discrimination on the basis of political opinion, the Committee notes the report of the Commission of Inquiry appointed under Article 26 of the ILO Constitution to examine the application of the Convention by Chile in this respect, which was submitted to the Governing Body at its 196th (May 1975) Session. The Committee also notes the report supplied by the Government in accordance with decisions made by the Governing Body at its 196th (May 1975) and 197th (June 1975) Sessions with regard to the action to be taken as a result of the recommendations made by the Commission of Inquiry and to the resolution concerning human and trade union rights in Chile adopted by the Conference at its 60th (1975) Session.

The Committee points out that, according to the report of the Commission of Inquiry (paragraphs 174-176), special measures adopted after the change of régime of 11 September 1973 in order to permit dismissals which were not protected by the guarantees necessary to prevent the dismissal of workers on grounds of political opinion, were repealed during the examination of the matter by the Commission of Inquiry. The Committee notes with interest this repeal and the re-entry into force of earlier legislation concerning dismissals procedures and appeals (Act No. 16.455 of 1966 and Legislative Decree No. 333 of 1960), as the Government's report confirms.

However, the Committee notes with regret the juridical and practical difficulties pointed out in the Government's report with regard to the possibility of setting up a procedure for the investigation of cases which were examined without the guarantees of the normal legislation while the aforementioned special measures were in force, and with regard to the possibility of allowing persons who were unable to appeal, for reasons of *force majeure*, to do so within a reasonable period, as was recommended by the Commission of Inquiry (paragraph 178). The Committee notes, however, that according to the Government's report individual cases have been investigated in many services and persons have been reinstated. The Committee therefore trusts that the objectives recommended by the Commission of Inquiry may be achieved through the generalisation of the practice of investigating cases and reinstating persons who were deprived of their employment in conditions incompatible with the Convention. It urges the Government to supply detailed information with regard to the measures thus taken and their effects (in particular with regard to the number of persons reinstated in these conditions in the public, private and university sectors).

The Commission of Inquiry also recommended that the Government give precise instructions to ensure that all government services co-operate in a policy of non-discrimination on grounds of political opinion by suppressing all practices likely to be contrary to the provisions of the Convention and to obtain the co-operation of employers' and workers' organisations for the implementation of this policy (paragraph 179). In this respect the Committee notes that the Government considers that

the legislation at present in force makes inappropriate any specific action of this kind, but that it states, however, its intention of establishing on a permanent and general basis a system for public servants which will ensure that they are unaffected by the political vicissitudes (as for the officials of the judiciary) and of inserting in the new Labour Code and the Statute on Vocational Training, which are being prepared, provisions to supplement and strengthen the application of the Convention. The Committee trusts therefore that the appropriate measures will be taken to provide all the guarantees necessary for the application of the Convention both in the public and in the private sector, and that they will thus permit the achievement of the aims of the recommendations made by the Commission of Inquiry. The Committee stresses that such measures must be taken soon and requests the Government to supply detailed information on any provisions which would have been adopted in the sense indicated above.

Finally, the Committee hopes that, as it has previously requested, the Government will supply in its next report detailed information on the effect given to various provisions of the Convention, with regard to the elimination of discrimination on the basis of not only political opinion but also the other grounds listed in the Convention.<sup>1</sup>

*Czechoslovakia (ratification: 1964)*

With reference to its earlier observations, the Committee notes with satisfaction the amendments made to the Labour Code by the Act of 26 March 1975 (which came into force on 1 July 1975). The Committee notes that the aforementioned Act repeals sections 46 (1) (*e*) and 53 (1) (*c*) of the Code, concerning dismissal, references to cases where a worker has engaged in an activity “calculated to cause a breach of the Socialist social order” and was not “sufficiently worthy of confidence to occupy his function or post”, which were introduced in 1969 and which did not guarantee the application of the standards of the Convention concerning the protection of workers with regard to discrimination based on political opinion (for the reasons indicated in the observations made by the Committee since 1971).

In this respect, the Committee notes that the Workers' members suggested, when the case was discussed at the Conference Committee in 1975 that the Government should supply information on the measures taken to review the cases in which the former provisions adopted in 1969 have been applied, and that a Government representative stated in this respect that practice had not been contrary to the Convention. The Committee would be grateful if the Government would supply more detailed information on this practice, in particular with regard to the number of persons affected by the application of the earlier provisions and who have retained or have been reinstated in their employment as a result of an examination of their claims or by virtue of other measures.

With regard to the new legislation, the Committee notes that it now refers to cases where a worker has “endangered the safety of the State” (section 53 (1) (*c*) of the Labour Code). According to the statement made by the Government representative to the Conference Committee in 1975, the explanatory memorandum of the Act indicates that the safety of the State in the context of this provision concerns the fundamental principles relating to the structure of the State which are enshrined in the Constitution and protected by penal legislation; he also indicated that it was necessary for an offence to have actually been committed and its existence proved.

---

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 61st Session on the points dealt with in the third and fourth paragraphs of this observation concerning the action taken as a result of the recommendations made by the Commission of Inquiry.

Since another provision of the Labour Code already provides for the possibility of dismissing a worker on the grounds of certain final convictions for wilful crimes or offences (section 53 (1) (a)), the Committee would be grateful if the Government would give precise information on the respective conditions and scope of these two provisions with regard to the application of penal legislation. It would be grateful also if the Government would indicate what different provisions of penal legislation at present in force define the offences against the safety of the State to which section 53 (1) (c) refers, in the light of the explanatory memorandum of the new Act.

*Ecuador* (ratification: 1962)

Further to its previous observation, the Committee notes that the Government's report, which was received too late to be examined in 1975, refers to section 141, paragraph 2, of the Constitution according to which any discrimination that is prejudicial to human dignity and is based on class, sex, race or any other grounds shall be punishable. The Committee would be glad if the Government would indicate in its next report whether this provision is applicable in the field of employment in both the private and the public sectors (other than the questions of equality of remuneration, which are covered by section 148 (g) of the Constitution and section 78 of the Labour Code). Since the elimination of discriminatory behaviour by individuals should also be facilitated by the implementation of special appropriate procedures enabling the examination and settlement of any cases in which such behaviour is alleged, the Committee requests the Government to indicate the measures taken or contemplated in this regard (Article 3 (b) of the Convention).

Finally, the Committee had noted with interest that, according to earlier reports, the Government intended to develop occupational training without discrimination in order to promote in practice equal opportunity and treatment in matters of employment. It hopes that the next reports of the Government will provide detailed information on the measures taken and the results achieved in this respect, particularly as regards the Indian populations, the ethnic minorities in the coastal region and women.

*Federal Republic of Germany* (ratification: 1961)

The Committee notes the observations communicated by the World Federation of Trade Unions and the International Federation of Teachers' Trade Unions to the effect that a new Act voted by the Bundestag on 24 October 1975 would generalise the practice of depriving persons holding certain political opinions from the right to be employed in the public service on the grounds that they would be hostile to the Constitution.

In its comments on these observations, the Government states that the Bill in question was aimed at standardising and improving the procedural guarantees with respect to the verification of loyalty to the Constitution, required of candidates for the public service (a requirement which, according to the same comments, does not constitute discrimination within the meaning of the Convention), and that in the end this Bill has not been adopted (since it was rejected by the Bundesrat on 20 February 1976). In these circumstances, the Committee would be grateful if the Government would provide information in its next report concerning any new examination of the Bill in question or of any other Bill covering this field, as well as on certain points concerning present practice which are referred to in a direct request.

*Liberia* (ratification: 1959)

Having noted from the information supplied by the Government in reply to its previous observation that the Public Land Law (providing different conditions for aborigines and other citizens of the Republic in matters of rights to land) is being reviewed with a view to removing provisions which are inconsistent with national unification and integration policy, the Committee hopes to be kept informed of any future action taken in this connection.

Since, in reply to the previous observation, the Government declares that specific provisions to prevent discrimination in employment are included in the Draft Labour Code which, it is hoped, will be ready for submission to the National Legislature in early 1976 and that besides these statutory provisions there are no arrangements to ensure equality in employment for both sexes, the Committee trusts that the new Labour Code will contain provisions designed to promote equality of opportunity and treatment for all workers without distinction within the meaning of the Convention. The Committee hopes that the Government will be able to supply a copy of the new Labour Code with its next report.

*Mauritania* (ratification: 1963)

The Committee notes with regret that the Government's report, which arrived too late to be examined in 1975, contained no information on the points raised in its previous observations.

However, it notes that, according to the information given by the Government representative to the Conference, a Central Employment Service has been set up to avoid any discrimination by employers, within the multi-racial context of the country, and that employers have accepted, by an agreement concluded with the workers in 1974, that recruitment should be carried out exclusively by this official service; furthermore, the Government intends to set up an employment and vocational training office managed by the workers themselves, in the hope of thus eliminating any risk of discrimination. The Committee would be grateful if the Government would communicate with its next report, as it announced, the text of the legal provisions and administrative regulations in question, and would provide information on the results obtained owing to the legislative and administrative measures adopted or being adopted by virtue of sections 39 and 40 of Book V of the Labour Code, to "guarantee all persons equality of opportunity and treatment in respect of access to employment and to vocational training, as well as regards conditions of employment" (particularly with regard to effective participation at the various degrees of training and different levels of employment of persons of both sexes, and of different ethnic, social or religious groups).

*Morocco* (ratification: 1963)

The Committee notes with satisfaction from the information supplied by the Government that under Dahir No. 1-75-211 to amend the Dahir respecting the minimum wage for wage earners and salaried employees, the minimum wage in both agricultural and non-agricultural activities can henceforth not be lower, on the grounds of the worker's sex, than the normal rate.

The Committee further hopes that the new Labour Code will contain provisions designed for the promotion of equality of opportunity and treatment in all areas of employment for all workers without distinction within the meaning of the



Convention, and that it will provide for appropriate procedures for this purpose (Article 3 (b) of the Convention).

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States: *Algeria, Austria, Chad, Ecuador, Finland, Federal Republic of Germany, Guinea, Iraq, Ivory Coast, Jordan, Madagascar, Netherlands, Niger, Pakistan, Romania, Somalia, Trinidad and Tobago, Turkey, Venezuela, Yemen.*

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

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

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

##### *Brazil* (ratification: 1965)

With regard to its earlier direct requests, the Committee notes with satisfaction the promulgation, on 28 March 1972, of Decree No. 70334, of which the provisions give effect to the Convention.

##### *Liberia* (ratification: 1960)

Further to its earlier observations, the Committee notes with regret, from the Government's report, that the draft new Labour Code had not yet been adopted and had once more to be submitted to the legislature in January 1976.

Since according to the previous statements of the Government this text is intended to ensure the full application of the Convention, the Committee trusts that it will be adopted in the near future.<sup>1</sup>

##### *Tunisia* (ratification: 1963)

Further to its earlier comments with regard to Article 4, paragraph 1, of the Convention, the Committee notes with satisfaction the promulgation of the Fishermen's Code (Act No. 75-17 of 31 March 1975) of which section 8 provides that persons under the age of 21 years are obliged to undergo an annual medical examination.

The Committee hopes that the Decree to determine the nature of the medical examination and the period of validity of the medical certificate of persons over the age of 21 years will soon be adopted.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States: *Belgium, Costa Rica, Cuba, Guinea, Panama, Uruguay.*

<sup>1</sup> The Government is asked to report in detail for the period ending 30 June 1976.

**Convention No. 114: Fishermen's Articles of Agreement, 1959**

*Liberia* (ratification: 1960)

See under Convention No. 113.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States: *Costa Rica, Cyprus, Guinea, Mauritania, Panama, Peru.*

**Convention No. 115: Radiation Protection, 1960**

Requests regarding certain points are being addressed directly to the following States: *Barbados, Ecuador, Federal Republic of Germany, Ghana, Guinea, Guyana, Iraq, Paraguay, Syrian Arab Republic.*

Information supplied by *Brazil* and *France* in answer to direct requests has been noted by the Committee.

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

Requests regarding certain points are being addressed directly to the following States: *Brazil, Central African Republic, Costa Rica, Ecuador, Ghana, Guinea, Jamaica, Madagascar, Panama, Paraguay, Romania, Sudan, Syrian Arab Republic, Tunisia, Zaire.*

Information supplied by *Israel* and *Senegal* in answer to direct requests has been noted by the Committee.

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

*Italy* (ratification: 1967)

*Branch (e) (old-age benefit).*

*Articles 3, 5 and 10, paragraph 1, of the Convention.* In reply to the Committee's previous comments concerning equality of treatment in the granting of the "social pension" provided for by section 26 of Act No. 153 of 30 April 1969 and the payment of this benefit abroad, the Government merely states that the benefit does not form part of social security properly so called, since it is granted independently of any occupational activity or the payment of any contributions. The Committee would therefore draw the Government's attention to the fact that the "social pension" provided for in Act No. 153 of 30 April 1969 corresponds to the type of benefits covered by Article 2, paragraph 6 (a), of the Convention (benefits other than those the grant of which depends either on direct financial participation of the persons protected or their employer, or on a qualifying period of occupational activity). This benefit cannot therefore be excluded from the scope of the Convention

but could be made subject to the special provisions contained in Articles 4, paragraph 2 (c), and 5, paragraph 2, of the Convention.

In these circumstances, the Committee would be glad if the Government would take the necessary measures:

- (a) to grant the right to a "social pension", in accordance with Articles 3 and 10, paragraph 1, of the Convention, to the nationals of the other member States for which the Convention is in force and to refugees and stateless persons (without prejudice, as the case may be, to the option to have recourse to Article 4, paragraph 2 (c), of the Convention);
- (b) to ensure the payment of this benefit, in case of residence abroad, both to Italian nationals and to the nationals of any other member State which has accepted the obligations of the Convention for branch (e) as well as to refugees and stateless persons (without prejudice to the Government's option to have recourse to Article 5, paragraph 2, so as to subordinate the payment of this benefit to the participation by Italy and the Members concerned in schemes for the maintenance of rights).

The Committee requests the Government to indicate the measures taken or envisaged to give effect to the Convention on these points.

Moreover, the Committee notes with regret that the Government has supplied no information in reply to the points raised in its previous direct request, which it is consequently obliged to raise again in a further direct request.

#### *Syrian Arab Republic (ratification: 1963)*

*Article 5 of the Convention.* Further to its comments made for several years concerning this Article of the Convention, the Committee notes the Government's statement in its latest report to the effect that the committee responsible for examining this question has proposed the revision, in a manner in accordance with the Convention, of section 94 of Act No. 92 of 1959, as amended by Act No. 143 of 1961 (according to which disability, old-age and survivors' pensions and employment injury pensions cease to be paid when the beneficiary, regardless of his nationality, permanently leaves the country, and may be replaced by the capital value), as well as the drafting of a bill for this purpose.

The Committee consequently hopes that the aforementioned section 94 will soon be amended in such a way as to ensure the full application of this provision of the Convention, under which the continued provision of the benefits concerned, and not merely the conversion of pensions into a lump sum, must be guaranteed, even in the absence of bilateral agreements, where the beneficiary resides abroad, regardless of the country of residence, both to its own nationals and to the nationals of any other member which has accepted the obligations of the Convention for that branch.<sup>1</sup>

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States: *Brazil, Central African Republic, Finland, Federal Republic of Germany, Guinea, Israel, Italy, Madagascar, Mauritania, Norway, Sweden, Tunisia, Zaire.*

<sup>1</sup> The Government is requested to supply a detailed report for the period ending 30 June 1976.

**Convention No. 119: Guarding of Machinery, 1963***Algeria (ratification: 1969)*

The Committee notes with satisfaction that Ordinance No. 75-31 of 29 April 1975 respecting the general conditions of work in the private sector gives effect to various provisions of the Convention (in particular Articles 6 to 12) which had been the subject of earlier comments by the Committee.

*Niger (ratification: 1964)*

The Committee notes with regret that, for the second year in succession, no report has 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 Committee regrets that for the fourth consecutive year no report has been received. It trusts that the Government will not fail to supply full information on the following matters raised in its previous direct requests.

*Article 1, paragraph 3, of the Convention.* Since, according to section 5 of Act No. 1475 of 1 September 1971 (Labour Act), this Act does not apply to agriculture, the Committee would be grateful if the Government would indicate the manner in which application of the Convention is ensured with regard to mobile agricultural machinery in so far as the safety of workers employed in connection with such machinery is concerned.

*Articles 2, 3 and 4.* With reference to the Government's earlier statement that under the Regulations of 22 December 1969 all machinery shall be provided with appropriate guards, the Committee wishes to point out that Part II of the Convention requires specific measures to regulate the sale, hire, transfer and exhibition of machinery. The Committee further notes that according to the existing legislation, the responsibility for the guarding of machinery appears to rest exclusively with the employer, whereas this Part of the Convention prescribes obligations for the manufacturer, vendor, exhibitor, and the person letting out on hire or transferring the machinery, or—where appropriate under national laws or regulations—their respective agents. In these circumstances, the Committee hopes that the Government will take appropriate measures to ensure the application of Articles 2, 3 and 4 of the Convention and will supply detailed information in this regard.

*Article 8.* The Government is asked to indicate whether and to what extent use has been made of the provisions of this Article.

*Article 10, paragraph 1.* In its first report, the Government indicates that section 2 of the Regulations of 22 December 1969 lays down an obligation for the employer to

bring the national laws and regulations relating to the guarding of machinery to the notice of workers and to instruct them regarding the dangers arising out of, and the precautions to be observed in, the use of machinery. Please indicate in detail the steps which employers must take to comply with this provision of the Convention, and how the authorities ensure compliance by all employers concerned.

*Article 10, paragraph 2.* The Government is asked to indicate the principal requirements as to the environmental conditions which employers are required to establish and maintain.

*Article 15, paragraphs 1 and 2.* The Committee notes that the sanctions provided for in section 102 of the Labour Act of 1971 and the inspection provided for in Chapter VII of the Labour Act and in section 521 of the Regulations of 22 December 1969 concern only the employer. Please indicate what steps have been taken or are contemplated to ensure the application of these provisions of the Convention also to the manufacturer, vendor, exhibitor, and the person letting out on hire or transferring the machinery, or—where appropriate under national laws or regulations—to their respective agents.

*Article 17, paragraph 1.* The Committee notes that, according to section 5 of the Labour Act, sea and air transport as well as agriculture are excluded from the scope of the Act. Since the provisions of the Convention apply to all branches of economic activity, the Committee hopes that the Government will indicate the measures taken or contemplated to ensure the application of the Convention to sea and air transport, as well as to agriculture.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States: *Algeria, Central African Republic, Guinea, Jordan, Madagascar, Paraguay, Zaire.*

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

*Algeria* (ratification: 1969)

Further to its previous comments, the Committee notes with satisfaction that sections 242 and 300 of Ordinance No. 75-31 of 29 April 1975 respecting the general conditions of work in the private sector give effect to Article 18 (with regard to the reduction of noise) and Article 19 (first-aid facilities) of the Convention.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States: *Algeria, Guinea, Jordan, Madagascar, Paraguay, Venezuela, Zaire.*

#### **Convention No. 121: Employment Injury Benefits, 1964**

Requests regarding certain points are being addressed directly to the following States: *Cyprus, Finland, Federal Republic of Germany, Guinea, Ireland, Luxembourg, Netherlands, Senegal, Sweden, Uruguay, Zaire.*

**Convention No. 122: Employment Policy, 1964***Australia (ratification: 1969)*

Further to its previous comments, the Committee notes with satisfaction the repeal in April 1973 of section 37 of the Public Service Act of Victoria, thus removing the last legislative restriction on the continued employment of women in the public service after marriage, the amendment of the Queensland Public Service Regulations in December 1973 to permit married women access to employment in the clerical and administrative areas of the public service, and the adoption of a similar policy by the Public Service Board of Victoria in October 1972.

The Committee notes with interest that the National and State Committees on Discrimination, established in pursuance of a national policy designed to promote equality of opportunity and treatment in respect of employment and occupation, are examining the extent to which discriminatory practices against women exist and have approached both the Commonwealth and State Governments, as well as individual departments under them, recommending the repeal or amendment of legislative and regulative provisions involving restrictions on women's employment opportunities, as a result of which the measures noted above have already been taken. The Committee hopes that the Government will continue to provide information concerning the work of these Committees and the progress achieved in implementing their recommendations.

*Guinea (ratification: 1966)*

The Committee notes with regret that the Government's report for 1972-74 is limited to a reference to the Three-, Seven- and Five-Year Plans. The Committee has been unable to examine the Five-Year Plan, since it is unavailable in the International Labour Office. The Committee had already consulted the Three-Year Plan (1960-1963) and the Seven-Year Plan (1964-1970) but, as stated in its earlier observations, had found that they did not contain sufficient information to enable it to form any assessment of the extent to which the Government has declared and is pursuing an active employment policy in accordance with the Convention. In these circumstances, the Committee can only reiterate the hope that the Government will supply a full and detailed report giving information on the points raised in the previous direct requests and restated in a further request. The Committee also hopes that the Government will supply copies of the Five-Year Plan and of any further development plan which may currently be in operation.

*Ireland (ratification: 1967)*

Further to its previous comments, the Committee notes with satisfaction that the Civil Service (Employment of Married Women) Act, 1973, has repealed the provisions requiring women holding positions in the Civil Service to retire upon marriage and authorising competitions for positions in the Civil Service to be restricted, so far as female candidates are concerned, to unmarried women and widows (Article 1, paragraph 2, of the Convention). The Committee also notes with interest that a Women's Representative Committee was established in December 1974 on the recommendation of the Commission on the Status of Women, and that further legislation was to be introduced in 1975 to deal with discrimination against women in respect of recruitment, training and advancement in employment. It hopes that the Government will be able to indicate in its next report the further developments in regard to the employment of women.

The Committee notes from the statistical data supplied with the Government's report for 1974-75 that the unemployment rate continued to rise during that period and reached 12.1 per cent in June 1975. In this connection, the Committee has taken note of Motion No. 24 on Democratic Economic Planning, passed by the Irish Congress of Trade Unions at its Conference in 1973, a copy of which was communicated to the Office by that organisation for consideration in relation to the examination of the application of the Convention. In this Motion, the Congress noted that new jobs were not being created at a rate sufficient to keep up with redundancies with the result that industrial employment had contracted instead of expanding. The Congress further expressed the view that if industrial development was to proceed at a pace sufficient to meet the needs of Irish workers, the trade union movement must be involved in the formulation of policies for comprehensive economic planning.

In this context the Committee notes with interest the creation of the National Economic and Social Council, whose membership includes representatives of employers', workers' and agricultural organisations, the measures taken to create jobs through the Regional Industrial Plans (1973-1977) and the Industrial Development Authority, particularly in the less-developed regions of the country, and the adoption of the Employment Premium Act, 1975, which is aimed at encouraging employers in agriculture and in designated manufacturing industries to re-employ unemployed workers on a full-time basis. It hopes that the Government will provide information on the further policies evolved, in consultation with the National Economic and Social Council and other interested bodies, with a view to combating unemployment, and on the results achieved by the various measures adopted to this end.

*Senegal (ratification: 1966)*

Further to its previous observation the Committee notes with regret that once again the Government's report contains no information in reply to the points raised in the direct requests made in 1973 and 1975. The Committee has thus still been unable to assess the extent to which the Fourth Plan, 1974-1977, incorporates an active policy designed to promote full, productive and freely chosen employment. The Committee trusts that the Government will not fail to provide a detailed report on the points raised in a direct request.

*Uganda (ratification: 1967)*

Further to its previous observations the Committee notes the information supplied in the Government's report for 1972-74. It observes, however, that the Government has still not provided any information in respect of the policies and measures now being implemented to ensure that there is freedom of choice of employment and the fullest possible opportunity for each worker to qualify for, and to use his skills and endowments in, a job for which he is well suited, irrespective of race, colour, sex, religion, political opinion, national extraction or social origin. The Committee trusts that the Government will provide information on the legislative or other measures designed to achieve these ends.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States: *Algeria, Australia, Austria, Belgium, Cuba, Cyprus, Ecuador, Guinea, Iran, Ireland, Israel, Jordan, Libyan Arab Republic, Madagascar, Mauritania, Paraguay, Romania, Senegal, Tunisia, Uganda.*

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

Requests regarding certain points are being addressed directly to the following States: *Poland, Rwanda, Thailand, Uganda.*

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

*Poland* (ratification: 1968)

With reference to its previous comments, the Committee notes with satisfaction that Instruction No. 10-74 of the Minister of Health and Social Welfare, dated 10 December 1974, prescribed periodic medical examinations at intervals of not more than 12 months for persons under 21 years of age employed in work underground, thus giving effect to Article 2, paragraph 1, of the Convention.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States: *Byelorussian SSR, Gabon, Italy, Jordan, Madagascar, Mexico, Tunisia, Uganda, Ukrainian SSR, USSR.*

Information supplied by *Hungary* and *Spain* in answer to direct requests has been noted by the Committee.

**Convention No. 125: Fishermen's Competency Certificates, 1966**

Requests regarding certain points are being addressed directly to the following States: *Brazil, France, Panama, Senegal, Sierra Leone, Trinidad and Tobago.*

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

**Convention No. 126: Accommodation of Crews (Fishermen), 1966**

*Sierra Leone* (ratification: 1967)

The Committee notes with satisfaction, following its earlier comments, the adoption of the Fisheries (Accommodation on Board Fishing Vessels) Regulations, 1974, which give effect to most of the provisions of the Convention.

\* \* \*

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

Information supplied by *Belgium, Ukrainian SSR* and *USSR*, in answer to direct requests has been noted by the Committee.



**Convention No. 127: Maximum Weight, 1967**

Requests regarding certain points are being addressed directly to the following States: *Algeria, Chile, Costa Rica, France, Italy, Madagascar, Panama, Thailand, Tunisia.*

**Convention No. 128: Invalidity, Old-Age and Survivors' Benefits, 1967**

Requests regarding certain points are being addressed directly to the following States: *Barbados, Norway, Uruguay.*

**Convention No. 129: Labour Inspection (Agriculture), 1969**

See general observation under Convention No. 81.

*Guyana* (ratification: 1971)

Further to its last request, the Committee notes with satisfaction that the amendment made in 1974 to section 2 of the Labour Act confers on the agricultural assessors the powers invested in the labour officers.

The Committee, however, notes the Government's statement in its latest report that no organised inspection visits have been made to agricultural undertakings during the period in question. It hopes that all necessary measures will be taken to ensure that labour inspection is carried out in agricultural undertakings, and that the Government will indicate in its next report the progress made in this direction.

*Madagascar* (ratification: 1970)

*Articles 16, paragraph 1 (c) (ii), 18, paragraph 2 (b) and 20 (c) of the Convention.*  
See the observation under Convention No. 81.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States: *Denmark, France, Guyana, Madagascar, Malawi, Netherlands, Spain, Syrian Arab Republic.*

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

**Convention No. 130: Medical Care and Sickness Benefits, 1969**

*Sweden* (ratification: 1970)

Further to its previous direct request, the Committee notes with satisfaction that by an Act of 7 June 1974 binding tariffs have been laid down for private medical practitioners thus ensuring the application of *Article 17 of the Convention*; that by an

Act of 5 June 1973 the rate of sickness benefit has been raised to the levels required by *Articles 21 and 22*; and that as a result the conditions required under *Article 27, paragraph 2*, for a derogation from the grant of funeral benefit are now met.

The Committee notes the Government's reply to a point raised by the Committee in relation to *Article 28, paragraph 1 (d)*, (suspension of benefits).

\* \* \*

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

#### **Convention No. 131: Minimum Wage Fixing, 1970**

A request regarding certain points is being addressed directly to the *Libyan Arab Republic*.

#### **Convention No. 132: Holidays with Pay (Revised), 1970**

A request regarding certain points is being addressed directly to *Spain*.

#### **Convention No. 135: Workers' Representatives, 1971**

##### *General Observation*

In order that it might have a more precise understanding of the situation in the various countries which have ratified the Convention, the Committee would be grateful if the governments of these countries would, in their reports, supply precise information as to the manner in which practical effect is given to Article 1 of the Convention, in particular, as regards the difficulties encountered in its application and as regards the effectiveness of the means that are intended to protect workers' representatives against the acts envisaged in Article 1.

##### *Federal Republic of Germany (ratification: 1973)*

The Committee notes with interest the information supplied by the Government in its first report.

The Committee also notes the comments by the Confederation of German Employers' Associations concerning the rights of trade union representatives within the undertaking and the Government's reply on this subject. The questions raised in these comments do not affect the application of the Convention.

##### *Sweden (ratification: 1972)*

The Committee notes the information supplied by the Government in its report, the comments made by trade unions and the Swedish Employers' Confederation on certain problems arising from the application of relevant national legislation and, in particular, the comments made by the Swedish Association of Locomotive Engineers

and Firemen, the Swedish Association of Operating Personnel and the Swedish Dockers' Union concerning the application of the Convention.

According to the comments of these workers' organisations, the Act concerning the status of shop stewards at the workplace (1974:358) is not in conformity with the Convention since it 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 Committee considers that, while the Convention does not deal with the representational character of trade unions for collective bargaining purposes, the limitation of the guarantees provided for by the Convention to those representatives of organisations which are party to a collective agreement with an employer is not necessarily inconsistent with Article 4 of the Convention by virtue of which national laws or regulations, collective agreements, arbitration awards or court decisions may determine the type or types of workers' representatives which shall be entitled to the protection and facilities provided for in this Convention.

The Committee, however, recalls that, in a direct request under Convention No. 87 addressed to the Government in 1975, it requested the Government to supply the text of certain communications which the Government had stated it had received from some minority organisations which claimed that their right of association (in particular, their right to conclude collective agreements) had been violated by certain court decisions and by the working of the new legislation. These matters will be examined by the Committee at its next session following the receipt of the Government's report in respect of Convention No. 87.

\* \* \*

In addition, a request regarding certain points is being addressed directly to *Cuba*. Information supplied by *France* and *Hungary* in answer to direct requests has been noted by the Committee.

#### **Convention No. 136: Benzene, 1971**

Requests regarding certain points are being addressed directly to the following States: *Cuba, Federal Republic of Germany, Hungary, Ivory Coast, Spain, Zambia*.

**Appendix I. Receipt of Detailed Reports on Ratified Conventions  
(States Members) as at 31 March 1976**

*(Article 22 of the Constitution)*

**Reports received: 1,663      Reports not received: 371      Total: 2,034**

State Member	Reports received		Reports not received		Grand total
	Total	Conventions Nos.	Total	Conventions Nos.	
Afghanistan . . . . .	3	4, 41, 95	3	14, 105, 106	6
Algeria . . . . .	29	6, 10, 17, 18, 19, 24, 29, 42, 44, 56, 63, 69, 71, 73, 74, 77, 78, 81, 88, 89, 92, 94, 95, 96, 101, 105, 111, 122, 127	0	—	29
Argentina . . . . .	27	2, 4, 6, 10, 12, 16, 17, 18, 19, 22, 23, 29, 34, 41, 42, 52, 53, 71, 73, 77, 78, 79, 81, 88, 90, 95, 105	0	—	27
Australia . . . . .	16	2, 10, 12, 16, 18, 19, 22, 29, 42, 63, 85, 87, 88, 98, 105, 131	2	86, 111	18
Austria . . . . .	23	2, 4, 6, 10, 12, 17, 18, 19, 24, 25, 29, 42, 63, 81, 88, 89, 94, 95, 101, 105, 111, 124, 135	0	—	23
Bangladesh . . . . .	14	4, 6, 16, 18, 19, 22, 29, 81, 89, 90, 96, 105, 107, 118	0	—	14
Barbados . . . . .	17	12, 17, 19, 22, 29, 42, 63, 65, 74, 81, 94, 95, 101, 102, 105, 115, 128	0	—	17
Belgium . . . . .	32	2, 6, 10, 12, 16, 17, 18, 19, 22, 23, 29, 53, 55, 56, 69, 73, 74, 81, 88, 89, 92, 94, 95, 96, 101, 105, 113, 114, 115, 121, 125, 126	0	—	32
Benin . . . . .	0	—	8	4, 6, 18, 29, 41, 85, 95, 105	8
Bolivia . . . . .	14	17, 19, 30, 42, 45, 77, 81, 89, 90, 96, 98, 100, 103, 106	1	78	15
Brazil . . . . .	24	6, 12, 16, 19, 22, 29, 42, 52, 53, 88, 89, 92, 94, 95, 101, 104, 105, 113, 115, 117, 118, 124, 125, 127	0	—	24

## OBSERVATIONS CONCERNING RATIFIED CONVENTIONS

State Member	Reports received		Reports not received		Grand total
	Total	Conventions Nos.	Total	Conventions Nos.	
Bulgaria . . . . .	30	6, 10, 12, 16, 17, 18, 19, 22, 23, 24, 25, 29, 34, 42, 44, 52, 53, 55, 56, 69, 71, 73, 77, 78, 79, 81, 94, 95, 113, 124	0	—	30
Burma . . . . .	12	2, 6, 16, 17, 18, 19, 22, 29, 42, 52, 63, 87	0	—	12
Burundi . . . . .	1	94	18	1, 4, 11, 12, 17, 18, 19, 27, 29, 42, 52, 62, 64, 81, 89, 90, 101, 105	19
Byelorussian SSR . . . .	12	10, 16, 29, 32, 52, 77, 78, 79, 90, 95, 115, 124	0	—	12
Cameroon, United Republic of . .	18	4, 6, 9, 10, 15, 16, 19, 29, 77, 78, 81, 89, 90, 94, 95, 105, 131, 132	1	65	19
Canada . . . . .	8	16, 22, 63, 69, 73, 74, 88, 105	0	—	8
Central African Republic .	28	2, 3, 4, 6, 10, 13, 17, 18, 19, 26, 29, 33, 41, 52, 62, 67, 81, 87, 88, 94, 95, 100, 101, 104, 105, 117, 118, 119	0	—	28
Chad . . . . .	0	—	14	4, 6, 13, 29, 33, 41, 52, 81, 87, 95, 98, 100, 105, 111	14
Chile . . . . .	18	2, 4, 6, 10, 12, 16, 17, 18, 19, 22, 24, 25, 29, 34, 37, 63, 111, 127	0	—	18
Colombia . . . . .	21	2, 3, 4, 12, 16, 17, 18, 19, 22, 23, 24, 25, 29, 52, 81, 88, 95, 101, 104, 105, 107	0	—	21
Congo . . . . .	0	—	4	6, 29, 89, 95	4
Costa Rica . . . . .	0	—	17	29, 81, 88, 89, 90, 92, 94, 95, 96, 102, 105, 113, 114, 117, 127, 129, 130	17
Cuba . . . . .	32	4, 6, 10, 12, 16, 17, 18, 19, 22, 23, 29, 42, 52, 53, 63, 77, 78, 79, 81, 87, 88, 89, 90, 92, 94, 95, 96, 101, 104, 105, 113, 135	0	—	32

REPORT OF THE COMMITTEE OF EXPERTS

State Member	Reports received		Reports not received		Grand total
	Total	Conventions Nos.	Total	Conventions Nos.	
Cyprus . . . . .	15	2, 16, 19, 29, 44, 81, 88, 89, 90, 94, 95, 105, 114, 121, 124	0	—	15
Czechoslovakia . . . . .	19	10, 12, 17, 18, 19, 24, 25, 29, 34, 42, 44, 52, 63, 88, 89, 90, 111, 115, 130	0	—	19
Democratic Yemen . . . . .	7	16, 19, 29, 65, 94, 95, 105	0	—	7
Denmark . . . . .	18	2, 6, 12, 16, 18, 19, 29, 42, 52, 53, 63, 81, 88, 92, 94, 105, 118, 129	0	—	18
Dominican Republic . . . . .	23	1, 5, 7, 10, 19, 26, 29, 45, 52, 79, 81, 87, 88, 89, 90, 98, 100, 104, 105, 106, 107, 111, 119	2	77, 95	25
Ecuador . . . . .	15	2, 24, 26, 29, 95, 101, 104, 105, 107, 113, 115, 117, 118, 124, 127	0	—	15
Egypt . . . . .	13	17, 18, 29, 52, 63, 74, 81, 87, 88, 94, 95, 96, 105	7	2, 19, 53, 89, 101, 104, 115	20
El Salvador . . . . .	3	12, 104, 105	0	—	3
Ethiopia . . . . .	2	2, 88	0	—	2
Fiji . . . . .	0	—	19	5, 8, 11, 12, 19, 26, 29, 45, 50, 58, 59, 64, 65, 84, 85, 86, 98, 105, 108	19
Finland . . . . .	20	2, 12, 16, 17, 18, 19, 22, 29, 52, 53, 63, 73, 81, 92, 94, 96, 105, 118, 121, 124	0	—	20
France . . . . .	40	6, 10, 12, 16, 17, 18, 19, 22, 23, 24, 29, 42, 52, 53, 55, 56, 63, 69, 71, 73, 74, 77, 78, 82, 85, 89, 92, 94, 95, 101, 113, 114, 115, 123, 124, 125, 126, 127, 129, 135	6	2, 44, 81, 88, 96, 105	46
Gabon . . . . .	0	—	16	4, 6, 10, 12, 19, 29, 41, 52, 81, 87, 95, 96, 101, 105, 106, 124	16
German Democratic Republic . . . . .	2	16, 23	0	—	2
Germany, Federal Republic of . . . . .	27	2, 10, 12, 16, 17, 18, 19, 22, 23, 24, 25, 29, 56, 63, 81, 88, 96, 101, 105, 114, 115, 118, 120, 121, 129, 135, 136	0	—	27

## OBSERVATIONS CONCERNING RATIFIED CONVENTIONS

State Member	Reports received		Reports not received		Grand total
	Total	Conventions Nos.	Total	Conventions Nos.	
Ghana . . . . .	17	16, 19, 22, 23, 29, 65, 69, 74, 81, 88, 89, 90, 92, 94, 105, 115, 117	2	30, 96	19
Greece . . . . .	16	2, 6, 16, 17, 19, 29, 42, 52, 55, 69, 81, 88, 89, 90, 95, 105	1	102	17
Guatemala . . . . .	19	19, 62, 63, 65, 77, 78, 79, 81, 88, 89, 90, 94, 95, 96, 101, 105, 113, 114, 118	0	—	19
Guinea . . . . .	12	3, 5, 11, 14, 26, 62, 81, 87, 98, 99, 119, 120	21	10, 13, 16, 17, 18, 29, 33, 45, 52, 89, 90, 94, 95, 105, 112, 113, 114, 115, 117, 118, 121	33
Guyana . . . . .	15	2, 10, 12, 19, 29, 42, 65, 81, 82, 94, 95, 105, 108, 115, 129	0	—	15
Haiti . . . . .	0	—	21	1, 5, 12, 14, 17, 19, 24, 25, 29, 30, 42, 45, 77, 78, 81, 90, 98, 100, 105, 106, 107	21
Honduras . . . . .	6	29, 42, 78, 95, 100, 105	0	—	6
Hungary . . . . .	21	2, 6, 10, 12, 16, 17, 18, 19, 24, 29, 41, 42, 48, 52, 77, 78, 95, 101, 115, 124, 135	0	—	21
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 . . . . .	0	—	2	19, 29	2
Iran . . . . .	5	19, 29, 95, 104, 105	0	—	5
Iraq . . . . .	8	17, 22, 78, 81, 88, 89, 95, 115	9	16, 18, 19, 29, 42, 77, 105, 135, 136	17
Ireland . . . . .	9	2, 12, 19, 23, 29, 69, 74, 88, 96	12	6, 10, 16, 22, 44, 63, 81, 89, 92, 105, 118, 121	21
Israel . . . . .	18	10, 19, 29, 48, 52, 53, 77, 78, 79, 81, 88, 90, 94, 95, 96, 101, 105, 117	1	118	19

REPORT OF THE COMMITTEE OF EXPERTS

State Member	Reports received		Reports not received		Grand total
	Total	Conventions Nos.	Total	Conventions Nos.	
Italy . . . . .	39	2, 4, 6, 10, 12, 16, 18, 19, 22, 23, 29, 32, 42, 44, 48, 52, 53, 55, 69, 71, 73, 77, 78, 79, 81, 89, 90, 94, 95, 96, 101, 105, 108, 114, 115, 117, 118, 124, 127	0	—	39
Ivory Coast . . . . .	24	3, 4, 5, 6, 11, 13, 14, 18, 19, 26, 33, 41, 45, 85, 87, 95, 96, 98, 99, 100, 110, 111, 135, 136	3	29, 52, 105	27
Jamaica . . . . .	5	16, 29, 65, 81, 94	3	19, 105, 117	8
Japan . . . . .	14	2, 10, 16, 18, 19, 21, 22, 29, 73, 81, 88, 96, 115, 119	0	—	14
Jordan . . . . .	13	29, 81, 98, 100, 105, 111, 117, 118, 119, 120, 122, 123, 124	0	—	13
Kenya . . . . .	13	2, 12, 16, 17, 19, 29, 65, 81, 88, 89, 94, 105, 118	1	63	14
Kuwait . . . . .	5	29, 52, 81, 89, 117	1	105	6
Lao Republic . . . . .	0	—	4	4, 6, 13, 29	4
Lebanon . . . . .	1	81	5	14, 45, 52, 89, 90	6
Liberia . . . . .	10	29, 53, 55, 65, 87, 104, 105, 111, 113, 114	0	—	10
Libyan Arab Republic . .	10	26, 29, 52, 59, 81, 88, 95, 105, 122, 131	3	89, 96, 104	13
Luxembourg . . . . .	29	2, 4, 5, 6, 10, 12, 17, 18, 19, 21, 22, 23, 24, 25, 28, 29, 45, 59, 60, 77, 78, 79, 81, 88, 89, 90, 96, 105, 121	1	16	30
Madagascar . . . . .	8	29, 111, 117, 118, 119, 120, 122, 124	16	4, 5, 6, 11, 12, 13, 14, 19, 33, 41, 81, 95, 100, 127, 129, 132	24
Malawi . . . . .	0	—	10	12, 19, 26, 65, 81, 86, 89, 99, 104, 129	10
Malaysia . . . . .	5	29, 65, 81, 95, 105	0	—	5
Peninsular Malaysia . .	3	12, 17, 19	0	—	3
Sabah . . . . .	2	16, 94	0	—	2
Sarawak . . . . .	4	12, 16, 19, 94	0	—	4



## OBSERVATIONS CONCERNING RATIFIED CONVENTIONS

State Member	Reports received		Reports not received		Grand total
	Total	Conventions Nos.	Total	Conventions Nos.	
Mali . . . . .	11	4, 6, 17, 18, 19, 29, 41, 52, 81, 95, 105	0	—	11
Malta . . . . .	13	2, 10, 12, 16, 19, 22, 29, 42, 81, 88, 89, 95, 105	0	—	13
Mauritania . . . . .	1	118	19	6, 17, 18, 19, 22, 23, 29, 52, 53, 62, 81, 89, 90, 94, 95, 96, 101, 102, 114	20
Mauritius . . . . .	14	2, 12, 16, 17, 19, 29, 42, 63, 65, 74, 81, 94, 95, 105	0	—	14
Mexico . . . . .	17	12, 16, 17, 19, 22, 23, 29, 34, 42, 52, 53, 55, 63, 90, 95, 105, 124	1	131	18
Morocco . . . . .	18	2, 4, 12, 17, 18, 19, 22, 29, 41, 42, 52, 55, 65, 81, 94, 101, 104, 105	0	—	18
Netherlands . . . . .	33	2, 10, 12, 16, 17, 19, 22, 23, 24, 25, 29, 44, 63, 69, 71, 73, 74, 81, 88, 90, 92, 94, 95, 96, 101, 105, 111, 115, 118, 121, 124, 129, 131	1	48	34
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 . . . . .	14	2, 4, 6, 10, 12, 16, 17, 18, 19, 22, 23, 24, 25, 29	1	105	15
Niger . . . . .	0	—	17	4, 6, 18, 26, 29, 33, 41, 65, 85, 95, 102, 104, 105, 111, 117, 119, 135	17
Nigeria . . . . .	10	16, 19, 29, 65, 81, 88, 94, 95, 104, 105	1	134	11
Norway . . . . .	31	2, 10, 12, 18, 19, 22, 24, 25, 29, 42, 44, 53, 56, 63, 69, 71, 73, 81, 88, 90, 92, 95, 96, 105, 115, 118, 126, 128, 129, 130, 132	0	—	31
Pakistan . . . . .	13	4, 6, 16, 18, 19, 22, 29, 81, 89, 90, 96, 105, 118	0	—	13

REPORT OF THE COMMITTEE OF EXPERTS

State Member	Reports received		Reports not received		Grand total
	Total	Conventions Nos.	Total	Conventions Nos.	
Panama . . . . .	37	10, 12, 16, 17, 19, 22, 23, 29, 42, 52, 53, 55, 56, 63, 65, 69, 71, 73, 74, 77, 78, 81, 88, 89, 92, 94, 95, 96, 104, 105, 113, 114, 117, 124, 125, 126, 127	0	—	37
Paraguay . . . . .	20	11, 14, 26, 52, 77, 78, 79, 81, 89, 90, 95, 98, 101, 105, 107, 115, 119, 120, 122, 124	3	29, 106, 117	23
Peru . . . . .	20	4, 10, 12, 19, 22, 23, 24, 25, 29, 41, 44, 55, 56, 73, 77, 78, 81, 88, 105, 113	9	52, 53, 69, 71, 79, 87, 90, 101, 114	29
Philippines . . . . .	11	17, 23, 53, 59, 77, 88, 89, 90, 94, 95, 105	0	—	11
Poland . . . . .	28	2, 6, 10, 12, 16, 17, 18, 19, 22, 23, 24, 25, 29, 42, 69, 73, 74, 77, 78, 79, 90, 92, 95, 96, 101, 115, 124, 127	1	105	29
Portugal . . . . .	15	4, 6, 12, 17, 18, 19, 29, 69, 73, 74, 81, 88, 89, 92, 105	1	104	16
Romania . . . . .	14	2, 6, 10, 16, 24, 29, 59, 81, 88, 89, 95, 111, 117, 122	0	—	14
Rwanda . . . . .	8	4, 12, 17, 18, 19, 42, 89, 105	1	94	9
Senegal . . . . .	16	4, 6, 10, 12, 19, 29, 52, 81, 89, 95, 96, 105, 117, 121, 122, 125	1	101	17
Sierra Leone . . . . .	14	16, 17, 19, 22, 29, 65, 81, 88, 94, 95, 101, 105, 125, 126	0	—	14
Singapore . . . . .	10	12, 16, 19, 22, 29, 65, 81, 88, 94, 105	0	—	10
Somalia . . . . .	0	—	4	29, 65, 85, 105	4
Trust Territory of Somaliland . . . . .	0	—	5	16, 17, 19, 22, 23	5
British Somaliland . . . . .	0	—	2	94, 95	2
Spain . . . . .	48	2, 4, 6, 10, 12, 16, 17, 18, 19, 22, 23, 24, 25, 29, 42, 44, 48, 53, 55, 56, 63, 69, 73, 74, 77, 78, 79, 81, 88, 89, 90, 92, 94, 95, 96, 101, 105, 113, 114, 115, 117, 124, 126, 127, 129, 132, 135, 136	0	—	48

## OBSERVATIONS CONCERNING RATIFIED CONVENTIONS

State Member	Reports received		Reports not received		Grand total
	Total	Conventions Nos.	Total	Conventions Nos.	
Sri Lanka . . . . .	8	16, 18, 29, 63, 81, 89, 90, 96	0	—	8
Sudan . . . . .	7	2, 19, 29, 81, 95, 105, 117	0	—	7
Sweden . . . . .	20	2, 10, 12, 16, 19, 29, 63, 73, 81, 88, 92, 96, 101, 105, 115, 118, 121, 129, 130, 135	0	—	20
Switzerland . . . . .	14	2, 6, 16, 18, 19, 23, 29, 44, 63, 81, 88, 89, 105, 115	0	—	14
Syrian Arab Republic . .	23	2, 17, 18, 19, 52, 53, 63, 81, 87, 88, 89, 94, 95, 96, 101, 104, 105, 115, 117, 118, 124, 125, 129	1	29	24
Tanzania . . . . .	10	12, 15, 16, 19, 26, 29, 50, 59, 63, 65	8	11, 17, 64, 86, 94, 95, 98, 105	18
Tanganyika . . . . .	2	45, 81	4	32, 88, 101, 108	6
Zanzibar . . . . .	0	—	5	5, 7, 58, 85, 97	5
Thailand . . . . .	0	—	6	19, 29, 88, 104, 105, 127	6
Togo . . . . .	0	—	8	4, 6, 26, 29, 41, 84, 85, 95	8
Trinidad and Tobago . . .	8	16, 19, 29, 65, 85, 105, 111, 125	0	—	8
Tunisia . . . . .	21	12, 16, 17, 19, 22, 23, 29, 52, 55, 65, 73, 77, 89, 90, 95, 104, 105, 113, 114, 118, 124	8	18, 81, 88, 98, 100, 117, 122, 127	29
Turkey . . . . .	5	42, 88, 95, 105, 115	6	2, 81, 94, 96, 98, 119	11
Uganda . . . . .	14	5, 12, 17, 19, 29, 64, 65, 81, 86, 94, 95, 105, 123, 124	0	—	14
Ukrainian SSR . . . . .	19	10, 16, 23, 29, 47, 52, 69, 73, 77, 78, 79, 90, 92, 95, 113, 115, 120, 124, 126	0	—	19
USSR . . . . .	19	10, 16, 23, 29, 47, 52, 69, 73, 77, 78, 79, 87, 90, 92, 95, 113, 115, 124, 126	0	—	19
United Kingdom . . . . .	29	2, 10, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 56, 63, 65, 69, 74, 81, 82, 85, 88, 92, 94, 95, 101, 105, 115, 124, 135	0	—	29

**REPORT OF THE COMMITTEE OF EXPERTS**

State Member	Reports received		Reports not received		Grand total
	Total	Conventions Nos.	Total	Conventions Nos.	
United States . . . . .	3	53, 55, 74	0	—	3
Upper Volta . . . . .	0	—	12	4, 6, 17, 18, 19, 29, 41, 52, 85, 95, 100, 101	12
Uruguay . . . . .	33	2, 10, 12, 16, 17, 19, 22, 23, 24, 25, 52, 63, 73, 77, 78, 79, 81, 89, 90, 94, 95, 101, 103, 105, 106, 108, 112, 113, 114, 121, 128, 129, 130	0	—	33
Venezuela . . . . .	9	2, 6, 19, 22, 29, 41, 81, 88, 105	1	98	10
Yemen . . . . .	0	—	1	104	1
Yugoslavia . . . . .	22	2, 12, 16, 17, 18, 19, 23, 24, 25, 52, 53, 56, 69, 73, 74, 88, 89, 90, 101, 113, 121, 126	6	22, 29, 48, 81, 92, 114	28
Zaire . . . . .	18	4, 12, 17, 18, 19, 29, 62, 64, 81, 88, 89, 94, 95, 117, 118, 119, 120, 121	0	—	18
Zambia . . . . .	10	12, 17, 18, 19, 65, 89, 100, 117, 124, 136	5	29, 99, 105, 131, 135	15
<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
Botswana . . . . .	2	19, 29	0	—	2
Lesotho <sup>1</sup> . . . . .	0	—	11	5, 11, 14, 19, 26, 29, 45, 64, 65, 87, 98	11
Rep. of South Africa <sup>1</sup> . .	0	—	7	2, 19, 26, 42, 45, 63, 97	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).

## OBSERVATIONS CONCERNING RATIFIED CONVENTIONS

## Appendix II. Statistical Table of Reports on Ratified Conventions as at 31 March 1976

*(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	65.3	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	1 958	89.4
1973-1975	2 034	301	14.8	1 663	81.7	—	—

<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*

The Committee regrets that none of the reports due in respect of the application of Conventions in French Polynesia has been received. It hopes that the reports in question will be available for examination at its next session.

#### *New Zealand*

The Committee regrets that only one of the 21 reports due in respect of the application of Conventions in Niue Island 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 accordingly 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 329 (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 Brunei 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**

Requests regarding certain points are being addressed directly to the following States: *France* (St. Pierre and Miquelon), *United Kingdom* (Solomon Islands).

**Convention No. 7: Minimum Age (Sea), 1920***United Kingdom**St. Vincent.*

With reference to its earlier comments concerning the application of Article 4 of the Convention, the Committee notes with satisfaction that, as a result of the promulgation of Ordinance No. 12 of 1969 to amend the Employment of Women, Young Persons and Children Ordinance, 1935, the register of young persons employed on board a ship must now contain particulars of the dates of their births.

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

Requests regarding certain points are being addressed directly to the *United Kingdom* (Dominica, St. Kitts-Nevis-Anguilla, St. Vincent).

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

A request regarding certain points is being addressed directly to the *United Kingdom* (Antigua).

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

Further to its earlier comments the Committee notes with interest from the Government's report that the Danish Seamen's Act of 1973, which contains provisions concerning the medical examination of young seamen, can be made to apply to Greenland by Royal Decree and that the Governor is at present examining the possibility of adopting this measure.

The Committee hopes that the decision taken will shortly lead to the application of the Convention in this territory.

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

The Committee has noted the information supplied by the Government for the periods 1972-74 and 1973-75. In particular, bearing in mind its earlier comments, the Committee has noted with satisfaction that the Ordinance of 1966 respecting workmen's compensation has been amended by Ordinance No. 196 of 1975 so as to

provide for the *renewal* of artificial limbs and surgical appliances, as required by *Article 10 of the Convention*.

*Article 7.* In reply to the Committee's earlier observations concerning the application of this Article, the Government states that according to the Director of the Social Insurance Bank, if an employment accident victim who has not been admitted to a hospital or other medical institution requires regular medical treatment, this will be provided in kind and not by means of an increase in his allowance. The Government further states that, although it considers that the present legislation is in conformity with the Convention, the Minister of Labour will be requested to have the possibility investigated of amending subsection 2 of section 4 of the Ordinance of 1966 respecting workmen's compensation so as to incorporate an addition providing for the constant help of a third party as necessary for recovery.

The Committee has noted this statement with interest; it considers that, although this provision of the Convention refers to an "additional compensation", the benefit in kind proposed by the Government—the constant help of another person—might meet the requirements of this provision of the Convention provided that (i) it is granted to every employment accident victim so incapacitated as to need it (and not only to those who are ill in medical terms), and (ii) it is not limited to the recovery period only but granted for as long as the incapacity lasts.

The Committee hopes that the measures necessary to bring the national legislation into harmony with the Convention will be taken very shortly, and requests the Government to report any progress made in this direction.

*Articles 9 and 10.* Further to its earlier comments, the Committee notes the Government's statement that no contribution is required to the cost of purchase and renewal of artificial limbs and surgical appliances, nor to expenses for medical and pharmaceutical aid.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States: *France* (French Territory of the Afars and the Issas, New Caledonia), *United Kingdom* (Antigua, Belize, Bermuda, British Virgin Islands, Dominica, Falkland Islands (Malvinas), Gibraltar, Gilbert Islands, Guernsey, Hong Kong, Jersey, Isle of Man, Montserrat, St. Kitts-Nevis-Anguilla, St. Vincent, Solomon Islands, Tuvalu).

#### **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, requests regarding certain points are being addressed directly to the following States: *France* (French Territory of the Afars and the Issas, New Caledonia), *United Kingdom* (Antigua, Belize, Bermuda, British Virgin Islands, Falkland Islands (Malvinas), Gibraltar, Hong Kong, St. Kitts-Nevis-Anguilla).



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

Requests regarding certain points are being addressed directly to the following States: *France* (Overseas Departments: French Guiana, Guadeloupe, Martinique, Réunion), *United Kingdom* (Seychelles).

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

Requests regarding certain points are being addressed directly to the following States: *France* (French Territory of the Afars and the Issas), *United Kingdom* (Guernsey).

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

A request regarding certain points is being addressed directly to the *United Kingdom* (Guernsey).

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

A request regarding certain points is being addressed directly to the *United Kingdom* (Dominica).

Information supplied by the *United Kingdom* (Seychelles) in answer to a direct request has been noted by the Committee.

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

Requests regarding certain points are being addressed directly to the following States: *France* (Overseas Departments: French Guiana, Guadeloupe, Martinique, Réunion; French Polynesia), *United Kingdom* (British Virgin Islands, Dominica, Gilbert Islands, St. Kitts-Nevis-Anguilla, St. Helena, Tuvalu).

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

*United Kingdom*

*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:

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.

#### *Gibraltar.*

In reply to the Committee's earlier comments, the Government states that the question of amending the national legislation to include in the list of occupational diseases silicosis in association with tuberculosis, poisoning by the halogen derivatives of hydrocarbons of the aliphatic series and anthrax infection, is still under consideration.

The Committee notes this statement. However, since the Committee has been making comments on this matter since 1966, it trusts that the Government's examination of the question will shortly be completed and that the national legislation will be brought into full conformity with the Convention.

The Committee requests the Government to indicate any progress made in this respect.<sup>1</sup>

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States: *France* (French Territory of the Afars and the Issas, New Caledonia), *United Kingdom* (Gilbert Islands, Solomon Islands, Tuvalu).

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

#### **Convention No. 44: Unemployment Provision, 1934**

Requests regarding certain points are being addressed directly to *France* (French Territory of the Afars and the Issas, New Caledonia).

#### **Convention No. 52: Holidays with Pay, 1936**

A request regarding certain points is being addressed directly to *France* (New Caledonia).

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

Requests regarding certain points are being addressed directly to the following States: *France* (French Territory of the Afars and the Issas, New Caledonia), *United Kingdom* (Guernsey).

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

##### *Netherlands*

##### *Netherlands Antilles.*

Further to its previous observations, the Committee notes with regret that, according to the Government's reports, the Bill to amend the National Seamen

<sup>1</sup> The Government is requested to supply full particulars to the Conference at its 61st Session.

(Signing On) Decree (PB 1960, No. 201) which was to give effect to the Convention and to which the Government first referred in its report for 1969-71, has still not been adopted. The Committee hopes that it will be adopted in the near future.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the *United Kingdom* (Belize, Gilbert Islands, Tuvalu).

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

Requests regarding certain points are being addressed directly to the following States: *France* (French Territory of the Afars and the Issas, New Caledonia), *United Kingdom* (Brunei, Gilbert Islands, Guernsey, Tuvalu).

#### **Convention No. 71: Seafarers' Pensions, 1946**

Requests regarding certain points are being addressed directly to *France* (French Territory of the Afars and the Issas, New Caledonia).

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

A request regarding certain points is being addressed directly to *France* (French Territory of the Afars and the Issas, New Caledonia).

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

A request regarding certain points is being addressed directly to *France* (French Territory of the Afars and the Issas, New Caledonia).

#### **Convention No. 81: Labour Inspection, 1947**

##### *Netherlands*

##### *Netherlands Antilles.*

*Article 10 of the Convention.* Further to its previous observation the Committee notes the Government's statement that steps have been taken to increase the staff of the labour inspectorate. It hopes that more detailed information will be provided in this regard and that the Government will state whether the inspection staff is now in a position to carry out its functions effectively.

*Articles 20 and 21.* The Committee notes from the Government's reply that the report on the labour inspectorate's activities is being drawn up. It recalls that the last

annual report received by the ILO covered the year 1962, whereas according to Article 20 of the Convention an inspection report must be published annually within 12 months following the year covered by it and must be supplied within three months of its publication. The Committee hopes therefore that the preparatory work mentioned by the Government will make possible the publication of the report in question at an early date and that in future full effect will be given to Articles 20 and 21 of the Convention.

*United Kingdom*

*St. Vincent.*

*Articles 20 and 21 of the Convention.* The Committee notes that a Labour Department report has been prepared for the year 1971 and that a copy thereof will be forwarded to the ILO once it has been laid before the House of Assembly. It recalls that the last annual inspection report available in the Office dates back to 1961, and hopes therefore that the above-mentioned report will soon be received, that it will contain all the information provided for in Article 21 of the Convention, and that in future 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: *France* (French Guiana, Guadeloupe, Martinique, Réunion), *United Kingdom* (Brunei, St. Vincent).

Information supplied by *United Kingdom* (Gibraltar, Solomon Islands) in answer to direct requests has been noted by the Committee.

**Convention No. 82: Social Policy (Non-Metropolitan Territories), 1947**

*United Kingdom*

*Bermuda.*

With reference to its earlier comments concerning the absence of any provision contained in laws or regulations to ensure the protection of wages, the Committee notes that there has been no progress in this field but that the Government hopes that the matter will be considered by the Labour Advisory Council in the course of the coming year. The Committee trusts that measures will be taken in the near future to ensure that the legislation applies to all the provisions prescribed by Articles 15 and 16 of the Convention.

*Gibraltar.*

Further to its earlier comments the Committee notes with satisfaction that section 2 of Ordinance No. 15 of 1974, to amend Ordinance No. 15 of 1966 respecting the regulation of wages and working conditions, has amended the legislation in such a way as to make compulsory for all employers the issue of statements of wage payments, regardless of the number of workers they employ, thus bringing the legislation into full conformity with the Convention on this point.

*St. Vincent.*

The Committee regrets that for the fifth 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.

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

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States: *France* (French Territory of the Afars and the Issas), *United Kingdom* (Antigua).

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

A request regarding certain points is being addressed directly to the *United Kingdom* (British Virgin Islands).

**Convention No. 85: Labour Inspectorates (Non-Metropolitan Territories), 1947**

*United Kingdom*

*Montserrat.*

Further to its previous observation, the Committee notes that the outcome of a report drawn up by a technical co-operation adviser from the United Kingdom, containing proposals regarding labour inspection, is being awaited before further action on the draft legislation is undertaken. Since, according to the report for 1971-73, this draft had already been submitted to the Legislative Council, the Committee hopes that it will soon be adopted and that it will give effect to *Article 4, paragraph 2 (a) and (b) of the Convention* (inspectors' right of entry); to *Article 5 (d)* (obligation not to reveal any manufacturing or commercial secrets); and *Article 5 (c)* (obligation to treat as absolutely confidential the source of any complaints).

\* \* \*

Information supplied by *United Kingdom* (St. Kitts-Nevis-Anguilla) 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**

Requests regarding certain points are being addressed directly to the following States: *Australia* (Norfolk Island), *United Kingdom* (Dominica, St. Vincent).

**Convention No. 88: Employment Service, 1948**

Requests regarding certain points are being addressed directly to the *United Kingdom* (Belize, Gibraltar, Guernsey).

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

*Netherlands*

*Netherlands Antilles.*

In its previous comments, the Committee pointed out that the suspensions of the prohibitions of night work for women in the electronics industry, authorised pursuant to Decree No. 73 of 1971 (which referred to Legislative Decrees Nos. 65 of 29 April 1968 and 78 of 1969) were not in conformity with the Convention. The Committee notes the statements in the Government's report that no final decision has been made in this respect but that a system of rotation of shifts has been instituted.

The Committee can only repeat its hope that the Government will take the necessary measures in the near future to bring the national legislation and practice into conformity with the provisions of the Convention.

**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 the following States: *France* (French Territory of the Afars and the Issas), *Netherlands* (Netherlands Antilles), *United Kingdom* (British Virgin Islands, Dominica, Guernsey, Jersey, St. Kitts-Nevis-Anguilla).

**Convention No. 95: Protection of Wages, 1949**

*United Kingdom*

*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, 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.*

*Articles 2, 5, 6, 10, 12 and 15 of the Convention.* The Committee notes the Government's statement that it plans to revise the present labour legislation, with assistance from aid agencies, and that it will take into account the requirements of these Articles of the Convention, on which comments have been made since 1960. The Committee hopes that these measures will be taken in the near future and will ensure full legislative conformity with the Convention.

\* \* \*

In addition, requests regarding certain points are being addressed directly to the *United Kingdom* (Jersey, Montserrat).

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

A request regarding certain points is being addressed directly to *Australia* (Norfolk Island).

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

*France*

*Overseas Departments* (French Guiana, Guadeloupe, Martinique, Réunion).

*Article 3, paragraph 3, of the Convention.* Further to its previous observations, the Committee notes with interest the statement made by the government representative to the Conference Committee in 1975 to the effect that representatives of employers and workers take part in the procedures for setting minimum wages in Martinique, while in the other departments they are involved in the establishment of consultation machinery to deal with this matter. The Committee regrets to note, however, that, in the absence of a report, no further information on this question has been provided. It hopes that in the near future the Government will indicate what steps have been taken to ensure the application of this provision of the Convention in all of the overseas departments.

\* \* \*

In addition, requests regarding certain points are being addressed directly to *France* (Guadeloupe, Martinique).

Information supplied by the *United Kingdom* (Seychelles) in answer to a direct request has been noted by the Committee.

**Convention No. 105: Abolition of Forced Labour, 1957***United Kingdom*

*Southern Rhodesia (Zimbabwe).*

See under " General Observations ".

\* \* \*

In addition, requests regarding certain points are being addressed directly to the following States: *Netherlands* (Netherlands Antilles), *United Kingdom* (Bermuda, British Virgin Islands, Brunei, Dominica, Gilbert Islands, Montserrat, St. Kitts-Nevis-Anguilla, Seychelles, Solomon Islands, Tuvalu).

**Convention No. 108: Seafarers' Identity Documents, 1958***United Kingdom*

*Brunei.*

The Committee regrets to note that, for several years, 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 matters raised in its previous comments.

*Article 2, paragraph 1, of the Convention.* According to the Government's report for 1966-68, nationals are employed on ships registered abroad, and passports are issued to national seafarers if they proceed to other countries. In view of the fact that, according to this Article, passports can be issued in place of a seafarer's identity document to special classes of seafarers only when it is impracticable to issue that document, the Committee trusts that the Government will take steps to issue to the seafarers in question an identity document as defined in the Convention. In this connection, the Committee would point out that, according to Article 4, paragraph 2, of the Convention, the document must contain a statement that it is a seafarer's identity document for the purpose of this Convention (since it appears that no such statement is contained in the seafarer's identity document issued for internal purposes under the Immigration Regulations).

*Article 6.* The Committee hopes that the Government will indicate the measures taken or contemplated to ensure that all seamen holding a valid seafarer's identity document are authorised to enter the territory for the purposes mentioned in this Article.

*St. Kitts-Nevis-Anguilla.*

Further to its earlier comments, the Committee notes with regret from the Government's report that no new measures have been taken to apply the provisions of the Convention. It recalls that the existing documents (Seaman's Certificate of Nationality and Identity and Seaman's Identity Book) do not contain any statement that the document is a seafarer's identity document for the purpose of the Convention (Article 4, paragraph 2) and consequently cannot be recognised as such. Furthermore, the actual regulations ought to be revised so as to permit the entry into a territory for seafarers holding an identity document for the purposes enumerated in Article 6.

The Committee hopes that necessary steps will be taken in the near future.



**Convention No. 122: Employment Policy, 1964**

A request regarding certain points is being addressed directly to the *Netherlands* (Netherlands Antilles).

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

A request regarding certain points is being addressed directly to *France* (New Caledonia).

**Convention No. 135: Workers' Representatives, 1971**

A request regarding certain points is being addressed directly to the *United Kingdom* (Guernsey).

**Appendix. Receipt of Detailed Reports on Ratified Conventions  
(Non-Metropolitan Territories) as at 31 March 1976**

*(Articles 22 and 35 of the Constitution)*

Reports received: 1,130      Reports not received: 320      Total: 1,450

The numbers of Conventions in respect of which declarations of application without modifications or declarations of application with modification had been registered by 1 January 1975 are in italics.

Countries and territories	Reports received		Reports not received		Population <sup>1</sup> (thousands)
	Total	Conventions Nos.	Total	Conventions Nos.	
Australia . . . . .	54		2		
New Guinea <sup>a</sup> . . . . .	18	<i>2, 10, 12, 16, 18, 19, 22, 29, 42, 63, 85, 86, 87, 88, 98, 105, 111, 131</i>	1	58	1 752
Norfolk Island . . . . .	18	<i>2, 10, 12, 16, 18, 19, 22, 29, 42, 63, 85, 86, 87, 88, 98, 105, 111, 131</i>	0	—	2
Papua <sup>a</sup> . . . . .	18	<i>2, 10, 12, 16, 18, 19, 22, 29, 42, 63, 85, 86, 87, 88, 98, 105, 111, 131</i>	1	58	829
Denmark . . . . .	36		0		
Faeroe Islands . . . . .	18	<i>2, 6, 12, 16, 18, 19, 29, 42, 52, 53, 63, 81, 88, 92, 94, 105, 118, 129</i>	0	—	42
Greenland . . . . .	18	<i>2, 6, 12, 16, 18, 19, 29, 42, 52, 53, 63, 81, 88, 92, 94, 105, 118, 129</i>	0	—	51
France . . . . .	279		180		
<i>Overseas Departments :</i>					
French Guiana . . . . .	38	<i>6, 10, 12, 16, 17, 18, 19, 22, 23, 26, 32, 42, 52, 53, 55, 56, 63, 69, 71, 73, 74, 77, 78, 89, 92, 94, 95, 101, 113, 114, 115, 123, 124, 125, 126, 127, 129, 135</i>	11	<i>2, 24, 27, 29, 44, 81, 82, 88, 96, 99, 105</i>	52
Guadeloupe . . . . .	38	Idem	11	Idem	342
Martinique . . . . .	38	Idem	11	Idem	343

For footnotes, see end of table.

**NON-METROPOLITAN TERRITORIES**

Countries and territories	Reports received		Reports not received		Population <sup>1</sup> (thousands)
	Total	Conventions Nos.	Total	Conventions Nos.	
Réunion . . . . .	38	6, 10, 12, 16, 17, 18, 19, 22, 23, 26, 32, 42, 52, 53, 55, 56, 69, 71, 73, 74, 77, 78, 89, 92, 94, 95, 97, 101, 113, 114, 115, 123, 124, 125, 126, 127, 129, 135	13	2, 24, 27, 29, 44, 63, 81, 82, 84, 88, 96, 99, 105	474
<i>Overseas Territories :</i>					
Comoro <sup>3</sup> Islands . . .	0	—	44	2, 6, 10, 12, 16, 17, 18, 19, 22, 23, 24, 29, 42, 44, 52, 53, 55, 56, 63, 69, 71, 73, 74, 77, 78, 81, 82, 88, 89, 92, 94, 95, 96, 101, 105, 113, 114, 115, 124, 125, 126, 127, 129, 135	270
French Polynesia . . .	0	—	48	2, 6, 10, 12, 16, 17, 18, 19, 22, 23, 24, 27, 29, 42, 44, 52, 53, 55, 56, 63, 69, 71, 73, 74, 77, 78, 81, 82, 88, 89, 92, 94, 95, 96, 101, 105, 113, 114, 115, 120, 124, 125, 126, 127, 129, 131, 135, 136	120
French Territory of the Afars and Issas . . .	44	2, 6, 10, 12, 16, 17, 18, 19, 22, 23, 24, 29, 42, 44, 52, 53, 55, 56, 63, 69, 71, 73, 74, 77, 78, 81, 82, 88, 89, 92, 94, 95, 96, 101, 105, 113, 114, 115, 124, 125, 126, 127, 129, 135	0	—	101
New Caledonia . . . .	44	2, 6, 10, 12, 16, 17, 18, 19, 22, 23, 24, 29, 42, 44, 52, 53, 55, 56, 63, 69, 71, 73, 74, 77, 78, 81, 82, 88, 89, 92, 94, 95, 96, 101, 105, 113, 114, 115, 124, 125, 126, 127, 129, 135	0	—	119
St. Pierre et Miquelon .	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	42	2, 6, 10, 12, 16, 17, 18, 19, 22, 23, 24, 29, 42, 44, 52, 53, 55, 56, 63, 69, 71, 73, 74, 77, 78, 81, 82, 88, 89, 92, 94, 95, 96, 101, 105, 113, 114, 115, 124, 125, 126, 127	6

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 . . . . .	94		5		
Netherlands Antilles . .	37	2, 10, 12, 16, 17, 19, 22, 23, 24, 25, 29, 44, 48, 58, 63, 69, 71, 73, 74, 81, 88, 89, 90, 92, 94, 95, 96, 101, 105, 106, 111, 115, 118, 121, 124, 129, 131	0	—	234
Surinam . . . . .	57	2, 5, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 21, 22, 23, 24, 25, 26, 27, 29, 33, 42, 44, 45, 48, 58, 62, 63, 68, 69, 71, 73, 74, 81, 87, 88, 90, 92, 94, 95, 96, 97, 99, 101, 102, 105, 106, 111, 112, 115, 118, 121, 122, 123, 124, 128	5	32, 91, 100, 129, 131	432
New Zealand . . . . .	43		20		
Cook Islands . . . . .	21	2, 10, 12, 16, 17, 22, 29, 42, 44, 52, 53, 63, 65, 74, 81, 82, 88, 89, 101, 104, 105	0		20
Niue Island . . . . .	1	82	20	2, 10, 12, 16, 17, 22, 29, 42, 44, 52, 53, 63, 65, 74, 81, 88, 89, 101, 104, 105	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 . . . . .	609		113		
Antigua . . . . .	31	2, 10, 12, 14, 16, 17, 19, 22, 24, 25, 29, 42, 44, 56, 58, 59, 63, 65, 69, 74, 81, 82, 88, 92, 94, 95, 101, 105, 115, 124, 135	0	—	74
Belize . . . . .	29	2, 10, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 56, 58, 63, 65, 69, 74, 81, 82, 88, 92, 94, 95, 101, 105, 115, 124, 135	1	59	132
Bermuda . . . . .	31	2, 10, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 56, 58, 59, 63, 65, 69, 74, 81, 82, 85, 88, 92, 94, 95, 101, 105, 115, 124, 135	0		55

**NON-METROPOLITAN TERRITORIES**

Countries and territories	Reports received		Reports not received		Population <sup>1</sup> (thousands)
	Total	Conventions Nos.	Total	Conventions Nos.	
British Virgin Islands . . .	33	2, 10, 12, 14, 16, 17, 19, 22, 24, 25, 29, 42, 44, 56, 58, 59, 63, 65, 69, 74, 81, 82, 84, 85, 88, 92, 94, 95, 101, 105, 115, 124, 135	0	—	12
Brunei . . . . .	0	—	30	2, 10, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 56, 58, 63, 65, 69, 74, 81, 82, 88, 92, 94, 95, 101, 105, 108, 115, 124, 135	145
Dominica . . . . .	55	2, 5, 7, 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, 85, 86, 87, 88, 92, 94, 95, 97, 98, 99, 101, 102, 105, 108, 115, 120, 122, 124, 135	5	8, 14, 58, 59, 100	73
Falkland Islands (Malvinas) . . . . .	31	2, 10, 12, 14, 16, 17, 19, 22, 24, 25, 29, 42, 44, 56, 58, 59, 63, 65, 69, 74, 81, 82, 85, 88, 92, 94, 95, 101, 105, 115, 124	1	135	2
Gibraltar . . . . .	30	2, 10, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 56, 58, 59, 63, 65, 69, 74, 81, 82, 88, 92, 94, 95, 101, 105, 115, 124, 135	0	—	27
Gilbert Islands . . . . .	30	2, 10, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 56, 58, 59, 63, 69, 74, 81, 82, 85, 88, 92, 94, 95, 101, 105, 115, 124, 135	1	65	63
Guernsey . . . . .	27	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, 135	1	82	51
Hong Kong . . . . .	30	2, 10, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 56, 58, 59, 63, 65, 69, 74, 81, 82, 88, 92, 94, 95, 101, 105, 115, 124, 135	0		4 160

## 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.	
Jersey . . . . .	26	2, 8, 10, 12, 16, 17, 19, 22, 24, 25, 42, 44, 56, 63, 65, 69, 74, 81, 88, 92, 94, 95, 101, 105, 115, 124	3	29, 82, 135	73
Isle of Man . . . . .	28	2, 10, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 56, 63, 65, 69, 74, 81, 82, 88, 92, 94, 95, 101, 105, 115, 124, 135	0	—	56
Montserrat . . . . .	32	2, 10, 12, 14, 16, 17, 19, 22, 24, 25, 29, 42, 44, 56, 58, 59, 63, 65, 69, 74, 81, 82, 85, 88, 92, 94, 95, 101, 105, 115, 124, 135	0	—	12
St. Kitts-Nevis-Anguilla .	34	2, 8, 10, 12, 14, 16, 17, 19, 22, 24, 25, 29, 42, 44, 56, 58, 59, 63, 65, 69, 74, 81, 82, 85, 88, 92, 94, 95, 101, 105, 108, 115, 124, 135	0	—	65
St. Helena . . . . .	28	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, 135	4	14, 58, 59, 82	5
St. Lucia . . . . .	31	2, 10, 11, 12, 14, 16, 17, 19, 22, 24, 25, 29, 42, 44, 56, 58, 59, 63, 65, 69, 74, 81, 82, 85, 88, 92, 94, 105, 115, 124, 135	2	95, 101	107
St. Vincent . . . . .	40	2, 7, 8, 10, 12, 15, 16, 17, 19, 22, 24, 29, 32, 35, 36, 42, 44, 45, 56, 63, 68, 69, 74, 81, 86, 88, 92, 94, 95, 97, 99, 101, 102, 105, 108, 115, 120, 122, 124, 135	7	14, 25, 58, 59, 65, 82, 87	91
Seychelles . . . . .	31	2, 10, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 56, 58, 59, 63, 65, 69, 74, 81, 82, 85, 88, 92, 94, 95, 101, 105, 115, 124, 135	0	—	56
Solomon Islands . . . .	32	2, 3, 10, 12, 14, 16, 17, 19, 22, 24, 25, 29, 42, 44, 56, 58, 59, 63, 65, 69, 74, 81, 82, 88, 92, 94, 95, 101, 105, 115, 124, 135	0	—	179

NON-METROPOLITAN TERRITORIES

Countries and territories	Reports received		Reports not received		Population <sup>1</sup> (thousands)
	Total	Conventions Nos.	Total	Conventions Nos.	
Southern Rhodesia . . . .	0	—	59	2, 3, 5, 7, 8, 10, 11, 12, 14, 15, 16, 17, 19, 22, 24, 25, 26, 29, 32, 35, 36, 37, 38, 39, 40, 42, 44, 45, 50, 56, 59, 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, 135	5 900
United States . . . . .	15		0		
American Samoa . . . .	3	53, 55, 74	0	—	152
Guam . . . . .	3	53, 55, 74	0	—	94
Puerto Rico . . . . .	3	53, 55, 74	0	—	2 919
Trust Territory of Pacific Islands . . . . .	3	53, 55, 74	0	—	110
Virgin Islands . . . . .	3	53, 55, 74	0	—	65

<sup>1</sup> Source: United Nations; *Demographic Year Book*, 1973.

<sup>2</sup> Reports for the period ending 30 June 1975, communicated by Australia.

<sup>3</sup> Reports due for the period ending 30 June 1975.

### **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 from the information supplied by the Government that the instruments adopted from the 46th to the 51st Sessions of the Conference have been submitted to the competent authorities and that the instruments adopted from the 53rd to the 58th Sessions are being translated.

The Committee hopes that the instruments adopted from the 52nd to the 59th Sessions of the Conference may be submitted in the near future and that the Government will supply, with regard to these instruments and those adopted from the 46th to the 51st Sessions, all information and documents called for in the questionnaire at the end of the Memorandum adopted by the Governing Body.

#### *Barbados*

Further to its earlier comments, the Committee notes with satisfaction the Government's decision that henceforth instruments adopted by the Conference will be submitted to Parliament. In this respect, it notes the information and documents respecting the submission to Parliament of the Conventions and Recommendations adopted at the 59th Session of the Conference.

#### *Benin*

The Committee regrets to note that the Government has supplied no new information on the measures taken to submit to the competent authority the Conventions and Recommendations adopted at various sessions of the Conference since 1961 (i.e. 45th to 48th, 50th, 51st and 53rd to 59th Sessions). It hopes that the necessary measures will be taken in the very near future and that the Government will supply in this respect the information and documents called for in the Memorandum adopted by the Governing Body.

#### *Bolivia*

The Committee regrets to note that the Government has supplied no information in reply to its earlier comments. It again expresses the hope that the Government will shortly indicate that the many Conventions and Recommendations still listed in the last column of the table in Appendix I to the present section 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.



*Brazil*

The Committee notes the information supplied by the Government to the Conference Committee in 1975, according to which Conventions Nos. 133 and 134 and Recommendations Nos. 116 and 144 have been submitted to Congress, and that the Ministry of Labour has issued a technical advice for the submission to Congress of the other instruments awaiting submission. The Committee trusts that the Government will shortly be able to indicate that the many Conventions and Recommendations still included in the last column of the table in Appendix I to this section have 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 II and III of the questionnaire). It also hopes that the Government will supply the documents by means of which Conventions Nos. 133 and 134 and Recommendations Nos. 116 and 144 were submitted to Congress.

*Bulgaria*

The Committee notes that the instruments adopted at the 59th Session of the Conference have been submitted to the Council of State and that the latter has transmitted them for examination to the ministries and authorities concerned, with a view to possible ratification and future amendments to the national legislation. The Committee again expresses the hope that the Government will be able to submit the Conventions and Recommendations adopted by the Conference not only to the Council of State but also to the National Assembly as the legislative body.

*Byelorussian SSR*

The Committee notes the information supplied by the Government according to which the instruments adopted at the 59th Session of the Conference have been submitted to the Praesidium of the Supreme Soviet of the Byelorussian SSR.

With regard to the comments it has been making for a certain number of years concerning the submission of Conventions and Recommendations to the Supreme Soviet itself, as the legislative body, and the communication to the ILO of the information and documents called for in the memorandum adopted by the Governing Body, the Committee notes that the discussion which took place at the Conference Committee in 1975 concerning the USSR also applied to the Byelorussian SSR. Consequently, the Committee requests the Government to refer to the comment made concerning the USSR.

*United Republic of Cameroon*

The Committee notes with interest the information and documents supplied by the Government with regard to the submission to the competent authorities of the instruments adopted at the 55th, 56th and 58th Sessions of the Conference. It would be grateful if the Government would indicate whether the instruments adopted at the 59th Session of the Conference have been submitted to the competent authorities.

*Central African Republic*

The Committee notes that the instruments adopted at the 59th Session of the Conference have been submitted to the competent authorities. It would be grateful if the Government would provide a copy of the documents by means of which this submission was made.

The Committee notes also that steps have been taken to submit the instruments adopted at the 49th, 50th and 52nd Sessions of the Conference to the competent authorities. It hopes that the Government will provide the information and documents requested in the Memorandum adopted by the Governing Body in respect of these instruments, once their submission has taken place, as well as for the instruments adopted at the 53rd Session.

#### *Chad*

The Committee regrets to note again that no information has been received in reply to its previous comments. It trusts that the Government will communicate in the near future copies of the documents of submission to Parliament of the instruments adopted at the 50th to the 54th Sessions of the Conference and that it will indicate whether the instruments adopted at the 55th, 56th, 58th and 59th Sessions have been submitted to the competent authorities, and will communicate, in this respect, the information and documents requested in the Memorandum adopted by the Governing Body (points II and III of the questionnaire).

#### *Chile*

The Committee notes that the Government is considering the possible ratification of various Conventions adopted from the 50th to the 58th Sessions of the Conference. The Committee would point out that, pursuant to article 19 of the Constitution of the ILO, governments are under an obligation to submit to the competent authorities all Conventions (independently of whether or not they intend to ratify them) as well as Recommendations. The Committee trusts that the Government will indicate at a very early date that all the instruments adopted from the 50th to the 59th Sessions of the Conference have been submitted to the competent authorities and that it will provide in this connection the information and documents called for in the Memorandum adopted by the Governing Body (points II and III of the questionnaire).

#### *Colombia*

The Committee regrets to note that once again the Government has supplied no information on the submission to the competent authorities of the many instruments adopted by the Conference from its 40th to its 59th Sessions, listed in the last column of the table in Appendix I of this section. The Committee can only recall once more the fundamental importance of the obligation incumbent on Members, by virtue of article 19 of the Constitution of the ILO, to submit to the competent authorities all Conventions and Recommendations adopted by the Conference, even where it does not intend to ratify a Convention or to accept a Recommendation. The Committee trusts that the Government will indicate very shortly that all the instruments concerned 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 (points II and III of the questionnaire).

#### *Democratic Yemen*

Further to its previous comments, the Committee notes with satisfaction that, according to the information and documents supplied by the Government, all the instruments adopted at the 53rd to the 59th Sessions of the Conference have been submitted to the competent authorities.

*Dominican Republic*

The Committee regrets to note that no information has been received in reply to its earlier observations. The Committee trusts that the Government will very shortly indicate that the instruments adopted from the 52nd to the 59th Sessions of the Conference have been submitted to Congress and that, in respect of these instruments and of those adopted from the 44th to the 51st Sessions which have already been submitted to Congress, it will supply the information and documents called for in the Memorandum adopted by the Governing Body (points II and III of the questionnaire).

*Gabon*

The Committee notes the information supplied by the Government to the Conference Committee in 1975 according to which the instruments adopted from the 51st to the 58th Sessions of the Conference (with the exception of Convention No. 135 and Recommendation No. 143) have not yet been submitted to the competent authorities. The Committee trusts that the Government will in the near future be in a position to indicate that all these instruments, and those adopted at the 59th Session, have been submitted to the competent authorities and that 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 also hopes that the Government will supply in this respect the information and documents called for in the Memorandum adopted by the Governing Body (points II and III of the questionnaire).

*Greece*

The Committee notes with interest, from the information and documents supplied by the Government, the submission to the competent authorities of a number of instruments adopted from the 44th to the 59th Sessions of the Conference. It hopes that the remaining instruments (i.e. Conventions Nos. 117, 118, 137 and 140 and Recommendations Nos. 113, 115, 116, 117, 145 and 148) will shortly be submitted.

*Guatemala*

See General Observations.

The Committee notes that during the direct contacts which took place in November 1975 in Guatemala, the representative of the Director-General of the ILO was informed that all the instruments that had not yet been submitted to the competent authorities would be submitted very shortly. The Committee trusts that the Government will in the very near future be in a position to indicate that all the instruments listed in the last column of the table in Appendix I of this section have been submitted to Congress. The Committee also trusts that the Government will be able to supply, in respect of various instruments already submitted to Congress (Conventions Nos. 91, 92, 93, 103, 104, 107, 115, 117, 121, 123 to 126, 128 and 129; Recommendations Nos. 87 to 100, 103, 104, 112 to 119, 121, 123 to 127, 131 and 132), the information and documents called for in the Memorandum adopted by the Governing Body (points II (b) and (c), and III of the questionnaire).

*Guyana*

With reference to its earlier observations, the Committee notes the information supplied by the Government, according to which the instruments adopted at the 54th, 55th, 56th and 58th Sessions of the Conference will in the near future be

submitted to the competent authorities. The Committee hopes that the instruments adopted at the 59th Session will also be submitted and that the Government will supply in respect of all these instruments the information and documents called for in the Memorandum adopted by the Governing Body.

### *Haiti*

This year again the Committee is bound to note with regret that the Government has supplied no information concerning the submission to the competent authorities of the many instruments adopted by the Conference at various sessions, ranging from the 31st to the 59th, and listed in the last column of the table in Appendix I to this section. It must therefore stress once again the fundamental importance of the obligation, laid on States Members by article 19 of the Constitution of the ILO, to submit to the competent legislative authorities all Conventions and Recommendations adopted by the Conference, irrespective of what action governments may think it desirable to take on them.

The Committee trusts that the Government will in the near future take the necessary steps to submit all the above-mentioned instruments to the Legislative Chambers and will provide the information and documents called for in the Memorandum adopted by the Governing Body.

### *Honduras*

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 Government has submitted to the competent authorities all the instruments adopted from the 46th to the 59th Sessions of the Conference as well as Recommendation No. 115, adopted at the 45th Session, and that it has supplied in this respect the information and documents called for in the Memorandum adopted by the Governing Body.

### *Hungary*

The Committee notes with satisfaction the information communicated by the Government to the Conference Committee in 1975, indicating that it had decided to communicate to the ILO in future a certified copy and translation of the texts of proposals made to the Presidential Council concerning instruments adopted by the Conference. It also notes that such documents have already been transmitted in respect of the instruments adopted at the 59th Session of the Conference.

In its previous observations the Committee had expressed the hope that the Government would be able to submit the instruments adopted by the Conference not only to the Presidential Council but also to Parliament, in which the right to legislate is vested under Articles 10 and 14 of the Hungarian Constitution. The Committee notes the statements on this question made by a Government representative to the Conference Committee in 1975, in which he reaffirmed the Government's view that the procedure followed by it in submitting Conventions and Recommendations to the Presidential Council was in conformity with the Constitution of the ILO, since the Presidential Council had power, under the Hungarian Constitution, not only to ratify Conventions but also to legislate by legislative decree, and since under section 8 of the Labour Code fundamental questions relating to employment were to be governed by laws or legislative decrees.

While noting these indications, the Committee observes that, according to Article 10 of the Hungarian Constitution, Parliament is the highest organ of state authority in the Hungarian People's Republic; that under Article 20 of the Constitution any legislative decree enacted by the Presidential Council when Parliament is not in session must be submitted to Parliament at its next session; and that certain basic texts in the field of employment, such as the Labour Code and legislation relating to vocational training and social insurance, have been enacted by Act of Parliament. Having regard to these considerations, the Committee feels it appropriate to recall its earlier indications that, for the submission procedure fully to attain its objective, it would be desirable to submit Conventions and Recommendations adopted by the Conference also to Parliament, as a legislative body and the authority invested with full legislative powers.

*Indonesia*

Further to its previous observation the Committee notes with regret that the Government has not provided information concerning its proposals, as well as the decisions of the competent authorities with regard to the instruments adopted from the 52nd to the 56th Sessions of the Conference, already laid before Parliament. It trusts that the Government will supply this information in the near future.

*Iraq*

The Committee notes with regret that no information has been supplied in reply to its previous observation. It trusts that the Government will be in a position to indicate in the near future that the submission of the numerous instruments appearing in the last column of the table to Appendix I of the present section has taken place 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).

*Italy*

The Committee notes that the instruments adopted at the 56th and 58th Sessions of the Conference have been submitted to Parliament. It regrets to note, however, that the Government has not provided, either with respect to these instruments or with regard to those adopted at the 53rd, 54th and 55th Sessions of the Conference (concerning which the Committee has previously made an observation), the information and documents called for in the Memorandum adopted by the Governing Body. The Committee hopes that the Government will be in a position to provide this information and these documents at an early date.

*Ivory Coast*

The Committee regrets to note that for the third year in succession the Government has not replied to its comments. It trusts that the Government will shortly be able to indicate that all the instruments adopted from the 50th to the 54th Sessions and at the 58th and 59th Sessions 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 called for in the Memorandum adopted by the Governing Body.

*Jamaica*

The Committee notes with regret that the Government has not replied to its observations made in 1974 and 1975. It trusts that the Government will be in a

position to indicate in the near future that the instruments listed in the last column of the table in Appendix I to the present section have been submitted to the competent authorities and that it will provide with respect to them the information and documents called for in the Memorandum adopted by the Governing Body. The Committee trusts also that the Government will supply at an early date the documents by means of which the instruments adopted at the 51st to the 54th Sessions (excepting Convention No. 132 and Recommendation No. 136) have been submitted to the House of Representatives.

*Jordan*

The Committee notes with regret that no information in reply to its previous observation has been received. It trusts that the Government will in the near future be in a position to state whether 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 to provide with respect to them the information and documents called for in the Memorandum adopted by the Governing Body.

The Committee hopes that the Government will also state whether the instruments adopted at the 51st, 53rd and 56th Sessions of the Conference have been submitted not only to the Council of Ministers but also to Parliament.

*Lao Republic*

The Committee hopes that the instruments adopted from the 48th to the 59th Sessions of the Conference can shortly be submitted to the competent authorities and that the Government will supply in this connection the information and documents called for in the Memorandum adopted by the Governing Body.

*Lebanon*

Further to its previous observation, the Committee hopes that the instruments listed in the last column of the table in Appendix I to this section can shortly be submitted to the competent authorities and that the Government 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 comments since 1972. It trusts that the Government will soon indicate that all the instruments listed in the last column of the table in Appendix I to this section have been brought before Parliament and that it will supply, in this connection, the information and documents called for in the Memorandum adopted by the Governing Body. It also hopes that the Government will state whether the instruments adopted at the 56th Session of the Conference (of which it earlier announced the submission to the competent authorities) have been brought before the legislative body and that it will supply in this respect the above-mentioned information and documents.

*Madagascar*

In relation to its earlier observations, the Committee notes from information supplied by the Government that the obligation regarding submission will be complied with as soon as the new institutional structure has been set up.

The Committee wishes to refer in this respect to its observation of 1974 in which it stated that, in the absence of Parliament, the instruments adopted by the ILO must be submitted to any other authorities vested with the power to legislate.

The Committee hopes, therefore, that the Government will soon be able to announce that the instruments adopted at the 55th, 56th, 58th and 59th Sessions of the Conference have been submitted to the competent authorities and to provide in this connection the information and documents called for in the Memorandum adopted by the Governing Body.

#### *Malawi*

With reference to its earlier comments, the Committee notes from the statement made by a Government representative to the Conference Committee in 1975 that the Government is still of the opinion that Malawi's obligations deriving from article 19 of the Constitution of the ILO have been discharged by the submission of the ILO instruments to the President.

The Committee must again recall in this respect that article 19, paragraphs 5 and 6, of the Constitution of the ILO provides that the Conventions and Recommendations adopted by the Conference must be submitted to the authority or authorities competent for the matter, for the enactment of legislation or other action. Since, under section 35 (2) of the Constitution of Malawi, "the legislative power of Parliament shall be exercised by Bills passed by the National Assembly and assented to by the President", the National Assembly appears to be the authority competent to legislate, in accordance with article 19 of the Constitution of the ILO. The Committee again expresses the hope that the Government will reexamine the question and submit to the National Assembly the Conventions and Recommendations likely to require legislative action.

#### *Malaysia*

The Committee notes once more with regret that no information has been received in reply to its earlier comments. 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 shortly 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 and 59th Sessions will shortly be submitted to Parliament and that the Government will also supply in this connection the information and documents mentioned above.

#### *Malta*

The Committee notes with regret that no information has been received in response to its previous comments. It hopes that the Government will shortly be able to indicate that the instruments adopted at the 55th, 56th and 58th Sessions of the Conference and those adopted at the 59th Session 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.

#### *Mauritania*

The Committee regrets to note once more that no information has been received since 1973 in response to its observations. It trusts that the Government will shortly be able to indicate that Recommendations Nos. 118, 119, 126, 127, 128, 129, 130

and 131 and the instruments adopted at the 54th, 56th, 58th and 59th 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 59th Sessions, it will supply the information and documents called for in the Memorandum adopted by the Governing Body.

#### *Mauritius*

Following its previous observations, the Committee notes with satisfaction from the information supplied by the Government that the submission procedure has been amended to take into account the Committee's comments on the nature of the competent authority and that the instruments adopted from the 53rd to the 58th Sessions of the Conference which have already been submitted to the Cabinet and those adopted at the 59th Session will shortly be submitted to Parliament. The Committee hopes that the Government will supply in this connection the information and documents called for in the Memorandum adopted by the Governing Body.

#### *Mongolia*

In the absence of a reply to its earlier observation, the Committee hopes that the Government will shortly be able to indicate that the submission of the instruments adopted at the 55th and 58th Sessions of the Conference and those adopted at the 59th Session has taken place. The Committee also hopes that the instruments adopted by the Conference will be submitted not only to the Presidium of the People's Great Khural but also to the People's Great Khural itself as the legislative body.

#### *Nepal*

The Committee notes with regret that the Government once again has not replied to its earlier observations. The Committee recalls the comments which it has made since 1969 and trusts that the Government will soon state whether the instruments adopted at the 51st to the 58th Sessions of the Conference (with the exception of Convention No. 131, which has been ratified) as well as those adopted at the 59th Session, have been submitted to the competent authorities pursuant to article 19, paragraphs 5 (b) and 6 (b), of the Constitution of the ILO.

The Committee wishes also to point out that the authorities to whom the instruments are to be submitted are those empowered to legislate in the fields covered by the instruments concerned, i.e. in the majority of cases, the national Parliament. It hopes that the Government will also supply the information and documents respecting submission called for in the Memorandum adopted by the Governing Body.

#### *Nicaragua*

Further to its previous comments, the Committee notes with satisfaction the information and documents provided by the Government to the Conference Committee in 1975, indicating that, following direct contacts with a representative of the Director-General of the ILO, 14 Conventions and 15 Recommendations adopted at the 51st to 59th Sessions of the Conference had been submitted to the competent authorities.

#### *Niger*

The Committee notes with regret that the Government has not replied to its direct requests made in 1974 and 1975. It hopes that the Government will soon indicate that



Convention No. 128 and Recommendation No. 131, adopted at the 51st Session of the Conference as well as the instruments adopted at the 56th Session (excepting Convention No. 135 which has been ratified) and at the 58th and 59th Sessions, have been submitted to the competent authorities and that it will supply with respect to them the information and documents requested in the Memorandum adopted by the Governing Body.

*Pakistan*

The Committee notes the information supplied by the Government that the competent authority in Pakistan for ratifying international labour Conventions is the Federal Cabinet and that the documents by means of which Conventions and Recommendations adopted by the Conference are submitted to it cannot be communicated as they are of a confidential nature.

The Committee recalls in this connection that according to article 19, paragraphs 5 and 6, of the Constitution of the ILO, every Convention and Recommendation must be brought before the authority or authorities within whose competence the matter lies, for the enactment of legislation or other action. Since under the terms of the Constitution of Pakistan it is Parliament which has power to legislate, the Committee hopes that the instruments adopted from the 51st to the 59th Sessions of the Conference will shortly be submitted to Parliament and that the Government will supply in this connection the information and documents called for in the Memorandum adopted by the Governing Body.

*Panama*

The Committee notes with satisfaction that, as a result of the direct contacts which have taken place between the national services concerned and a representative of the Director-General of the ILO, the Government has submitted to the competent authorities all Conventions and Recommendations adopted at the 31st to the 59th Sessions of the Conference which had not yet been submitted, and has communicated in respect of them the information and documents requested in the Memorandum adopted by the Governing Body.

*Paraguay*

Further to its previous observations, the Committee notes that, according to the information provided by the Government, the instruments which have not yet been submitted to the competent authorities will be placed before them in the course of the present session of Parliament. The Committee hopes that these instruments, which are listed in the last column of the table in Appendix I to the present section, will be submitted in the near future and that the Government will provide in this connection the information and documents called for in the Memorandum adopted by the Governing Body (points II and III of the questionnaire).

*Peru*

The Committee notes with regret that no information has been received in reply to its earlier observation. It hopes that the Government will indicate in the very near future that all the instruments listed in the last column of the table in Appendix I of the present 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 (points II and III of the questionnaire).

*Poland*

The Committee notes with interest the information on the decisions of the Government regarding the action to be taken on some of the Conventions and Recommendations adopted at the 31st, 32nd, 40th, 51st and 53rd Sessions and from the 54th to the 56th Sessions of the Conference, and that these decisions have been communicated to Parliament (Seym). It hopes that the Government will shortly be able to indicate whether Convention No. 138 and Recommendation No. 146 adopted at the 58th Session of the Conference, as well as the instruments adopted at the 59th Session, have been submitted to the competent authorities. The Committee also hopes that the Government will supply in connection with the various instruments submitted to Parliament 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.

*Somalia*

In the absence of a reply to its earlier observation, the Committee reiterates the hope that the Government will soon provide information on its proposals and the decisions taken by the competent authority with regard to the instruments adopted from the 45th to the 56th Sessions of the Conference. It also hopes that the Government will indicate whether the instruments adopted at the 58th and 59th Sessions have been submitted to the competent authorities and that it will provide in this connection the information and documents called for in the Memorandum adopted by the Governing Body.

*Sri Lanka*

The Committee notes with interest from the information supplied by the Government in 1975 to the Conference Committee that the instruments adopted at the 55th Session have been submitted to Parliament. It would be grateful if the Government would supply information on the proposals made and on any decisions taken concerning these instruments, in accordance with the Memorandum adopted by the Governing Body.

The Committee also notes that the instruments adopted at the 56th and 58th Sessions are about to be submitted. It hopes that the Government will shortly be able to indicate that these instruments and those adopted at the 59th Session have in fact been submitted, and that it will also supply in this respect the information and documents called for in the aforementioned Memorandum.

*Tanzania*

The Committee regrets to note once more that no information has been given in response to the observations it has been making since 1971. It trusts that the Government will shortly submit the instruments adopted at the 54th, 55th, 56th, 58th and 59th Sessions of the Conference to the competent authorities and that it will supply the information and documents called for in the Memorandum adopted by the Governing Body in respect of these instruments, as well as of those adopted from the 47th to the 53rd Sessions.

*Thailand*

The Committee notes with regret that the Government has not replied to its previous observation. It hopes that the Government will be able to indicate that the instruments adopted at the 58th and 59th Sessions of the Conference have been submitted to the competent authorities and to supply, in respect of the instruments in

question and those adopted from the 52nd to the 56th Sessions, already submitted, the information and documents called for in the Memorandum adopted by the Governing Body (points II (c) and III of the questionnaire).

*Togo*

The Committee regrets that no reply has been made to its previous observation. It hopes that the Government will indicate in the near future that the Conventions and Recommendations adopted at the 52nd and 58th Sessions of the Conference, as well as the instruments adopted at the 59th Session, have been submitted to the competent authorities.

*Uganda*

In the absence, once again this year, of any information in reply to its previous comments, the Committee can only reiterate the hope that the Government will indicate soon whether the instruments adopted from the 53rd to the 58th Sessions of the Conference, as well as those adopted at the 59th Session, have been submitted to the competent authorities and that it will communicate in this connection the information and documents called for in the Memorandum adopted by the Governing Body.

*Ukrainian SSR*

The Committee notes the information supplied by the Government according to which the instruments adopted at the 59th Session of the Conference have been submitted to the Praesidium of the Supreme Soviet of the Ukrainian SSR.

With regard to the comments it has been making for a certain number of years concerning the submission of Conventions and Recommendations to the Supreme Soviet itself, as the legislative body, and the communication to the ILO of the information and documents called for in the memorandum adopted by the Governing Body, the Committee notes that the discussion which took place at the Conference Committee in 1975 concerning the USSR also applied to the Ukrainian SSR. Consequently, the Committee requests the Government to refer to the comment made concerning the USSR.

*Uruguay*

The Committee notes with interest the information and documents supplied by the Government concerning the submission to the competent authority of various instruments adopted at the 54th, 55th, 56th and 58th Sessions of the Conference. It hopes that the Government will be able to indicate in the near future that the instruments still listed in the last column of the table in Appendix I of this section have also been submitted, and that it will supply in this respect the information and documents called for in the Memorandum adopted by the Governing Body.

*USSR*

The Committee notes the information supplied by the Government in June 1975 according to which the instruments adopted at the 59th Session of the Conference have been submitted to the Praesidium of the Supreme Soviet of the USSR. It recalls that for a number of years it has been expressing the hope that the Conventions and Recommendations adopted by the Conference might be submitted also to the Supreme Soviet itself, as the legislative body, and that the information and documents concerning submission might be transmitted to the ILO in accordance with the memorandum adopted by the Governing Body.

The Committee notes the discussion that took place on this subject at the Conference Committee in 1975, in the course of which the Government representative, while maintaining that the USSR is fulfilling its obligations under article 19 (5) (c) and (d) of the Constitution of the ILO, stated that the request made by the Conference Committee concerning the submission of instruments to the Supreme Soviet and the communication of information and documents called for in the memorandum would be brought to the attention of the authorities concerned who might take appropriate measures.

The Committee hopes that the Government will soon be in a position to communicate the results of the re-examination of these questions by the authorities concerned.

*Yemen*

Following its previous comments, the Committee notes with interest the information supplied by the Government that the instruments adopted at the 49th, 58th and 59th Sessions of the Conference have been brought before the competent legislative authority. The Committee hopes that the Conventions and Recommendations adopted from the 50th to the 56th Sessions can be submitted shortly to the legislature and that the Government will supply in relation to all the instruments concerned the information and documents called for in the Memorandum adopted by the Governing Body.

*Zaire*

The Committee notes with regret that, this year again, the Government has not supplied any information in reply to its previous comments. It hopes that the Government will soon indicate whether the instruments adopted from the 54th to the 59th Sessions of the Conference have been submitted to the competent authorities and will communicate, in respect of these instruments as well as those adopted from the 50th to the 53rd Sessions, 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: *Algeria, Argentina, Bangladesh, Belgium, Burma, Burundi, Cambodia, Canada, Congo, Costa Rica, Cuba, Czechoslovakia, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Ghana, Guinea, Iceland, Indonesia, Iran, Ireland, Israel, Italy, Kenya, Kuwait, Libyan Arab Republic, Malawi, Mexico, Netherlands, Nicaragua, Nigeria, Portugal, Qatar, Romania, Rwanda, Senegal, Sierra Leone, Singapore, Spain, Syrian Arab Republic, Tunisia, United Arab Emirates, Upper Volta, Venezuela, Republic of South Viet-Nam, Yugoslavia, Zambia.*

**Appendix I. Information Supplied by Governments with Regard to the Obligation to Submit  
Conventions and Recommendations to the Competent Authorities**

*(31st to 59th Sessions of the International Labour Conference, 1948-74) <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 51st	52nd, 53rd, 54th, 55th, 56th, 58th and 59th
Algeria . . . . .	47th to 58th	59th
Argentina . . . . .	31st to 56th	58th and 59th
Australia . . . . .	31st to 59th	—
Austria . . . . .	31st to 59th	—
Bangladesh . . . . .	—	58th and 59th
Barbados . . . . .	51st to 59th	—
Belgium . . . . .	31st to 58th	59th
Benin . . . . .	49th (C 123, 124; R 124, 125) and 52nd	45th, 46th, 47th, 48th, 49th (R 123), 50th, 51st, 53rd, 54th, 55th, 56th, 58th and 59th
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, 58th and 59th
Brazil . . . . .	31st to 45th, 46th (C 117, 118; R 116), 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 (C 133, 134; R 139) and 56th (C 135; R 144)	46th (R 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 (R 137, 138, 140, 141, 142), 56th (C 136; R 143), 58th and 59th

<sup>1</sup> The Conference did not adopt any Conventions or Recommendations at its 57th (1972) Session.

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)
Bulgaria . . . . .	31st to 59th	—
Burma . . . . .	31st to 58th	59th
Burundi . . . . .	47th to 56th	58th and 59th
Byelorussian SSR . . .	37th to 59th	—
Cambodia . . . . .	53rd, 54th and 56th	55th, 58th and 59th
Cameroon, United Republic of . . . .	44th to 58th	59th
Canada . . . . .	31st to 58th	59th
Central African Republic . . . . .	45th to 48th, 51st, 53rd to 59th	49th, 50th and 52nd
Chad . . . . .	45th to 54th	55th, 56th, 58th and 59th
Chile . . . . .	31st to 49th and 51st (C 127, 128)	50th, 51st (R 128, 129, 130, 131), 52nd, 53rd, 54th, 55th, 56th, 58th and 59th
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), 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), 58th and 59th
Congo . . . . .	45th to 53rd, 54th (C 131, 132; R 135), 55th (C 133, 134), 56th and 59th	54th (R 136), 55th (R 137, 138, 139, 140, 141, 142) and 58th
Costa Rica . . . . .	31st to 53rd, 54th (C 131, 132), 55th (C 133, 134), 56th to 59th	54th (R 135, 136), 55th (R 137, 138, 139, 140, 141, 142)
Cuba . . . . .	31st to 58th, 59th (C 139, 140; R 148)	59th (R 147)
Cyprus . . . . .	45th to 59th	—
Czechoslovakia . . . .	31st to 58th	59th
Democratic Yemen . .	53rd to 59th	—
Denmark . . . . .	31st to 59th	—
Dominican Republic .	31st to 51st, 54th and 55th	52nd, 53rd, 56th, 58th and 59th
Ecuador . . . . .	31st to 58th and 59th (C 139, 140)	59th (R 147, 148)
Egypt . . . . .	31st to 58th	59th

**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)
El Salvador . . . . .	31st to 59th	—
Ethiopia . . . . .	31st to 53rd, 54th (C 131, 132; R 135), 55th and 56th	54th (R 136), 58th and 59th
Fiji . . . . .	—	59th
Finland . . . . .	31st to 59th	—
France . . . . .	31st to 59th	—
Gabon . . . . .	45th to 50th and 56th (C 135; R 143)	51st, 52nd, 53rd, 54th, 55th, 56th (C 136; R 144), 58th and 59th
German Democratic Republic . . . . .	59th	—
Germany, Federal Republic of . . . . .	34th to 59th	—
Ghana . . . . .	40th to 59th	—
Greece . . . . .	31st to 43rd, 44th (C 115; R 114), 45th (C 116), 47th to 56th, 58th (C 138; R 146) and 59th (C 139; R 147)	44th (R 113), 45th (R 115), 46th, 58th (C 137; R 145) and 59th (C 140; R 148)
Guatemala . . . . .	31st to 52nd and 53rd (C 129)	53rd (C 130; R 133, 134), 54th, 55th, 56th, 58th and 59th
Guinea . . . . .	43rd to 56th and 59th (C 139, 140)	58th and 59th (R 147, 148)
Guyana . . . . .	50th to 53rd	54th, 55th, 56th, 58th and 59th
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, 58th and 59th
Honduras . . . . .	39th to 59th	—
Hungary . . . . .	31st to 59th	—
Iceland . . . . .	31st to 58th	59th
India . . . . .	31st to 59th	—
Indonesia . . . . .	33rd to 58th	59th
Iran . . . . .	31st to 58th	59th
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), 58th and 59th

**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)
Ireland . . . . .	31st to 56th	58th and 59th
Israel . . . . .	32nd to 55th (C 133, 134; R 141, 142), 56th and 58th	55th (R 137, 138, 139, 140) and 59th
Italy . . . . .	31st to 58th	59th
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), 58th and 59th
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, 58th and 59th
Japan . . . . .	35th to 59th	—
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, 58th and 59th
Kenya . . . . .	48th to 54th, 56th, 58th (C 138; R 146)	55th, 58th (C 137; R 145) and 59th
Kuwait . . . . .	45th to 56th, 58th and 59th (C 139, 140)	59th (R 147, 148)
Lao Republic . . . . .	—	48th, 49th, 50th, 51st, 52nd, 53rd, 54th, 55th, 56th, 58th and 59th
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, 58th and 59th
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, 58th and 59th



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)
Libyan Arab Republic .	35th to 59th	—
Luxembourg . . . . .	31st to 59th	—
Madagascar . . . . .	45th to 54th	55th, 56th, 58th and 59th
Malawi . . . . .	49th to 54th and 56th	55th, 58th and 59th
Malaysia . . . . .	41st to 56th	58th and 59th
Mali . . . . .	44th to 59th	—
Malta . . . . .	49th to 54th	55th, 56th, 58th and 59th
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 and 59th
Mauritius . . . . .	53rd to 58th	59th
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), 58th and 59th	54th (C 132), 55th (C 133) and 56th (C 136)
Mongolia . . . . .	53rd, 54th and 56th	55th, 58th and 59th
Morocco . . . . .	39th to 59th	—
Netherlands . . . . .	31st to 40th, 41st (C 108; R 105, 106, 107, 108), 42nd to 53rd, 54th (C 131; R 135, 136), 55th, 56th and 59th (C 139, R 147)	41st (C 109; R 109), 54th (C 132), 58th and 59th (C 140, R 148)
New Zealand . . . . .	31st to 59th	—
Nepal . . . . .	54th (C 131)	51st, 52nd, 53rd, 54th (C 132; R 135, 136), 55th, 56th, 58th and 59th
Nicaragua . . . . .	40th to 59th (C 139, 140)	59th (R 147, 148)
Niger . . . . .	45th to 51st (C 127; R 128, 129, 130) and 52nd to 56th (C 135)	51st (C 128; R 131), 56th (C 136; R 143, 144), 58th and 59th
Nigeria . . . . .	45th to 59th	—
Norway . . . . .	31st to 59th	—
Pakistan . . . . .	31st to 56th	58th and 59th
Panama . . . . .	31st to 59th	—
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, 58th and 59th

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)
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, 58th and 59th
Philippines . . . . .	31st to 59th	—
Poland . . . . .	31st to 56th and 58th (C 137; R 145)	58th (C 138; R 146) and 59th
Portugal . . . . .	31st to 59th	—
Qatar . . . . .	—	58th and 59th
Romania . . . . .	39th to 59th	—
Rwanda . . . . .	47th to 58th	59th
Senegal . . . . .	44th to 58th	59th
Sierra Leone . . . . .	45th to 58th	59th
Singapore . . . . .	50th to 58th	59th
Somalia . . . . .	45th to 56th	58th and 59th
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), 58th (C 138; R 145, 146) and 59th
Sri Lanka . . . . .	31st to 55th	56th, 58th and 59th
Sudan . . . . .	39th to 59th	—
Sweden . . . . .	31st to 59th	—
Switzerland . . . . .	31st to 59th	—
Syrian Arab Republic . . . . .	31st to 54th, 55th (C 133, 134; R 137, 138, 139, 140, 141), 56th (C 135, 136; R 143) and 58th (C 138; R 146)	55th (R 142), 56th (R 144), 58th (C 139; R 145) and 59th
Tanzania . . . . .	46th to 53rd	54th, 55th, 56th, 58th and 59th
Thailand . . . . .	31st to 56th	58th and 59th
Togo . . . . .	44th to 51st and 53rd to 56th	52nd, 58th and 59th
Trinidad and Tobago . . . . .	47th to 59th	—
Tunisia . . . . .	39th to 59th	—
Turkey . . . . .	31st to 59th	—

**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)
Uganda . . . . .	47th to 52nd	53rd, 54th, 55th, 56th, 58th and 59th
Ukrainian SSR . . . . .	37th to 59th	—
USSR . . . . .	37th to 59th	—
United Arab Emirates .	—	58th and 59th
United Kingdom . . . .	31st to 59th	—
United States . . . . .	31st to 59th	—
Upper Volta . . . . .	45th to 58th	59th
Uruguay . . . . .	31st to 53rd, 54th (C 131), 55th (C 134), 56th and 58th (C 138)	54th (C 132; R 135, 136), 55th (C 133; R 137, 138, 139, 140, 141, 142), 58th (C 137; R 145, 146) and 59th
Venezuela . . . . .	31st to 50th, 51st (C 127, 128; R 128, 129, 130), 52nd and 54th to 58th	51st (R 131), 53rd and 59th
South Viet-Nam, Republic of . . . . .	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), 58th (C 137, 138) and 59th
Yemen . . . . .	49th, 58th and 59th	50th, 51st, 52nd, 53rd, 54th, 55th and 56th
Yugoslavia . . . . .	31st to 54th and 56th	55th, 58th and 59th
Zaire . . . . .	45th to 53rd	54th, 55th, 56th, 58th and 59th
Zambia . . . . .	49th to 58th	59th

## 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)	59th (June 1974)
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	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	7
None of these texts has been submitted (including cases in which no information has been supplied by the Government)	37	42	42	35	38	37	40	41	37	26	42	36	38	44	58	58	67	67	59	60	61	68	66	75	73	76	71	74
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	123	125

<sup>1</sup> At this session the Conference adopted one Recommendation only.

TABLE II. OVER-ALL POSITION OF MEMBER STATES AT 31 MARCH 1976

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 .	57	55	57	59	60	61	64	63	69	69	68	72	71	71	89	87	93	99	95	89	77	97	98	85	79	87	65	
Some of these texts have been submitted . . . . .	3	6	— <sup>1</sup>	3	2	—	— <sup>1</sup>	—	—	7	4	5	4	3	5	7	7	6	11	6	9	— <sup>1</sup>	4	11	11	10	7	
None of these texts has been submitted (including cases in which no information has been supplied by the Government)	—	—	6	2	4	5	5	6	7	1	7	2	5	9	7	8	8	5	8	20	31	21	19	25	31	24	51	
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	123	

<sup>1</sup> At this session the Conference adopted one Recommendation only.