

International Labour Conference  
65th Session 1979



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)

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International Labour Office Geneva

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## 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 the 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.

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The present summary refers to reports for the period ending 30 June 1978.

Attention is drawn to the decisions of the Governing Body at its 201st Session (November 1976) regarding the submission of reports on the application of ratified Conventions, the text of which may be found in ILO Official Bulletin, Vol. LX, 1977, Series A, No. 2, pp. 45-46. According to the criteria there indicated, detailed reports may be requested at yearly, two-yearly or four-yearly intervals.

The report of the Committee of Experts on the Application of Conventions and Recommendations, which examines the reports submitted under Article 22 of the Constitution, is communicated separately to the Conference as Report III (Part 4).



SUMMARY OF REPORTS ON THE APPLICATION OF RATIFIED CONVENTIONS RECEIVED

- A. First reports after ratification of the Convention concerned.
- B. 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.
- C. Reports containing information on the practical effect given to Conventions, or on minor changes in their implementation.
- D. Reports merely repeating or referring to the information previously supplied.

Country	A Conventions Nos.	B Conventions Nos.	C Conventions Nos.	D Conventions Nos.
Algeria	-	42, 44, 87, 97, 98	14, 101	11
Argentina	-	32, 87, 95, 98, 107, 111	8, 22	11, 14, 21, 23, 52, 77, 78, 98
Australia	81	8, 87, 122, 131	21	11, 22
Norfolk Island	-	-	-	11, 47, 122
Austria	-	95, 98, 111, 122	24, 25, 26, 101	11, 21, 87, 94, 124
Bangladesh	-	11, 22, 27, 96, 106, 107, 111	87, 98	1, 14, 15, 21, 32, 45, 59
Barbados	90	111, 115, 118, 128	101	11, 22, 50, 86, 87, 94, 95, 97, 98
Belgium	-	17, 18, 53, 56, 74, 87, 97	1, 2, 8, 12, 14, 19, 22, 23, 26, 29, 55, 88, 94, 95, 99, 101, 114, 115, 125	11, 13, 21, 43, 62, 98

Country	A Conventions Nos.	B Conventions Nos.	C Conventions Nos.	D Conventions Nos.
Benin	-	6, 29, 81, 105, 111	14, 18	4, 5, 11, 13, 41, 87, 95, 98
Bolivia	-	1, 14, 20, 26, 30, 103, 106	17, 77	45, 87, 88, 98
Brazil	-	19, 52, 91, 94, 101, 103, 111, 122	14, 95, 106	11, 21, 22, 26, 97, 98, 115, 117
Bulgaria	-	111	8, 52, 55, 56, 87	11, 14, 21, 22, 23, 24, 25, 44, 77, 78, 94, 95, 98, 124
Burma	-	-	11	87
Burundi	-	14, 29, 94	-	50, 64, 89
Byelorussian SSR	-	11, 52, 87, 98, 115, 124	-	14, 77, 78, 106, 111
Canada	-	111, 122	14, 22, 87	8
Central African Empire	-	-	-	17, 104
Chile	-	1, 8, 17, 18, 24, 25, 32, 127	13, 14, 27	11, 22
Colombia	129	2, 3, 17, 20, 62, 81, 88, 95, 106	12, 18	4, 8, 11, 14, 21, 52, 101, 111
Congo	-	26, 119	14, 95	11, 13, 87
Costa Rica	-	26, 87, 99, 107, 122	-	95, 98, 106, 111, 117

Country	A Conventions Nos.	B Conventions Nos.	C Conventions Nos.	D Conventions Nos.
Cuba	138	11, 52, 67, 87, 98, 101, 106, 140	8, 77, 78, 95, 111, 122, 131	14, 21, 22, 23, 94, 107, 136
Cyprus	-	95, 106, 121, 122, 128	9, 97, 98	11, 87, 124
Czechoslovakia	122, 140	17, 18, 42, 52, 87, 130	12, 14, 24, 25, 29, 44, 94, 111, 122	11, 21, 98, 115
Democratic Yemen	-	-	-	94
Denmark	-	62, 81, 106, 111, 115, 122, 129	14, 52	8, 11, 21, 87, 94, 98
Faeroe Islands	-	8	105	11, 14, 52, 87, 98, 106
Greenland	-	122	-	11, 14, 87, 106
Dominican Republic	-	77, 95, 98	88	52, 89, 104, 106, 107
Ecuador	-	24, 77, 78, 95, 101, 103, 106, 107, 115, 117, 122, 124	11, 87, 98	111
Egypt	131	95, 111	14	11, 52, 87, 98, 101, 104, 106, 115
Ethiopia	-	98, 111	-	11, 87
Fiji	-	-	-	8, 11, 84, 98
Finland	128, 136, 138	8, 21, 111, 122, 130, 134	22, 52	11, 14, 87, 94, 98, 124

Country	A Conventions Nos.	B Conventions Nos.	C Conventions Nos.	D Conventions Nos.
France	102, 118	18, 22, 35, 42, 56, 71, 78, 81, 97, 106, 115, 120, 122, 136, 140	8, 24, 26, 44, 55, 95, 108, 114, 127, 131	9, 11, 14, 15, 16, 23, 43, 45, 49, 52, 77, 82, 87, 94, 98, 101, 112, 113, 124, 125
Overseas departments:				
French Guiana	24	9, 18, 22, 42, 56, 71, 81, 115, 120, 136	8, 55, 95, 108, 114	14, 15, 16, 23, 43, 45, 49, 52, 87, 94, 98, 101, 106, 112, 113, 125
Guadeloupe	24	9, 18, 22, 42, 56, 71, 81, 115, 120, 136	8, 55, 95, 108, 114	11, 14, 15, 16, 23, 43, 45, 49, 52, 84, 87, 94, 98, 101, 106, 112, 113, 125
Martinique	24	9, 18, 22, 42, 56, 71, 81, 115, 120, 136	8, 55, 95, 108, 114	11, 14, 15, 16, 23, 43, 45, 49, 52, 84, 87, 94, 98, 101, 106, 112, 113, 125
Reunion	-	9, 18, 22, 42, 56, 71, 81, 115, 120, 136	8, 24, 55, 95, 108, 114	11, 14, 15, 16, 23, 43, 45, 49, 52, 87, 94, 98, 101, 106, 112, 113, 125
St. Pierre and Miquelon	-	9, 37, 38, 71	-	11, 14, 87
Overseas territories:				
French Polynesia	9, 15, 35, 36, 37, 38, 43, 45, 49, 58, 91, 99, 106, 122, 123	3, 22, 71, 81	2, 12, 17, 18, 19, 24, 26, 42, 44, 55, 56, 84, 101, 125	5, 6, 10, 11, 13, 14, 23, 33, 52, 69, 78, 82, 87, 88, 89, 94, 95, 105, 115, 120, 124, 126



Country	A Conventions Nos.	B Conventions Nos.	C Conventions Nos.	D Conventions Nos.
New Caledonia	-	9, 18, 19, 22, 24, 44	2, 12, 17, 53, 55, 56, 71	6, 23
Gabon	-	11, 12, 19, 52, 87, 98, 106, 124	101, 135	5, 6, 10, 14, 33, 41, 45, 123
German Democratic Republic	-	11, 87, 95, 111, 122	23, 98, 115	-
Germany, Fed. Rep. of	73, 113, 138, 139	97, 111, 122, 130, 136	24, 25, 56, 92, 120, 126, 134, 135	8, 11, 23, 87, 98, 114, 115
Ghana	-	-	-	87, 98
Greece	-	55, 102	14, 52, 88	8, 11
Guatemala	-	30, 62, 79, 94, 95, 97, 119	-	78, 87, 98, 101, 106, 111
Guinea	-	-	-	62
Guinea-Bissau	12, 17, 18, 88, 89	-	-	-
Guyana	-	64, 95, 111	115	11, 87, 94, 97, 98
Haiti	-	24, 25, 42, 81	12, 17, 19, 105	98, 105
Honduras	-	32, 62, 111	-	14, 78, 87, 95, 98, 106
Hungary	142	17, 21, 87, 111, 122, 136, 140	18, 42	12, 14, 24, 52, 77, 78, 95, 98, 101, 115, 124
Iceland	-	102	2, 105	-

Country	A Conventions Nos.	B Conventions Nos.	C Conventions Nos.	D Conventions Nos.
India	-	5, 107, 111, 115	11, 21	14, 22
Indonesia	-	106, 120	-	98
Iran	-	95	-	14
Iraq	23	1, 17, 81, 111	88	-
Ireland	-	63, 81, 88, 122, 132	2, 8, 12, 19, 21, 22, 26, 27, 44, 87, 108	11, 14, 16, 20, 23, 29, 43, 49, 62, 68, 69, 74, 92, 96, 98
Israel	-	78, 122	111	14, 52, 77, 87, 94, 95, 97, 98, 101, 106, 117
Italy	-	8, 52, 95, 111, 115, 122	14, 22, 23, 32, 44, 55, 77, 78, 101, 117	11, 71, 87, 94, 98, 106, 114, 124
Ivory Coast	-	3	26, 85, 111	4, 5, 11, 14, 33, 41, 52, 87, 98, 105, 110, 135, 136
Jamaica	-	8	-	11, 87, 94
Japan	-	87, 119	8, 21, 22, 115	98
Kenya	-	12	17, 27, 94, 98	2, 5, 11, 14, 15, 16, 19, 26, 32, 58, 59, 64, 65, 86, 97, 99, 112
Kuwait	-	1, 30, 52, 106, 111, 119, 136	-	87
Libyan Arab Jamahiriya	53, 138	89	-	26

Country	A Conventions Nos.	B Conventions Nos.	C Conventions Nos.	D Conventions Nos.
Luxembourg	-	-	24, 25	11, 14, 87, 98
Madagascar	-	111	-	11, 14, 87
Malaysia	-	95, 123	11, 119	94, 98
Sabah	-	-	-	97
Sarawak	-	-	-	14
Mali	-	111	11, 87, 95, 98	11, 14, 52
Malta	-	2, 12, 29, 108, 111	22, 35, 36, 42, 87, 88	8, 81, 89, 95, 98
Mauritania	-	19, 53, 81, 102, 122	87, 111	62, 84, 94
Mauritius	-	8, 17, 64, 65, 94, 95, 98	14	11, 84, 86, 97
Mexico	-	8, 13, 22, 23, 49, 55, 102, 107, 124, 134	14, 52, 95, 106, 131	11, 87, 111
Mongolia	122	-	111	87, 98
Morocco	-	30, 52, 106, 111, 119, 136	55	11, 14, 22, 98, 101
Nepal	111, 131	-	-	-
Netherlands	137, 138, 140	21, 111	8, 14, 24, 25, 44, 95, 101, 124, 131	11, 22, 23, 87, 94, 97, 106, 115
New Zealand	-	9, 50, 64, 122	14, 21, 44	11, 52, 101
Cook Islands	-	-	-	50, 64, 65, 99, 104

Country	A Conventions Nos.	B Conventions Nos.	C Conventions Nos.	D Conventions Nos.
Niger	-	95, 111	117	11, 14, 85, 87, 98, 119
Nigeria	-	-	-	11
Norway	134	56, 95, 111, 115, 122, 130, 137	8, 14, 22, 24, 25, 44	11, 98, 132
Pakistan	-	11, 96, 106, 107, 111	-	14, 21, 22, 87, 98
Panama	-	8, 53, 55, 68, 92, 94, 95, 107, 114, 117, 122	87, 98	11, 21, 23, 71, 111, 124
Paraguay	-	29, 81, 107, 117, 120	98, 105, 111	11, 14, 52, 77, 78, 79, 89, 90, 95, 101, 106, 124
Peru	-	8, 24, 25, 62, 107, 122	55, 56, 71	11, 58, 114
Philippines	122	17, 23, 77, 89, 90, 94, 95, 111	-	87, 98
Poland	-	11, 17, 19, 42, 95, 111, 122	2, 24, 25, 87, 96	8, 14, 22, 23, 78, 98, 101, 115
Portugal	-	81, 111	14, 106	98
Romania	108, 134, 137	95, 122	24, 111	8, 11, 14, 87, 98, 117
Rwanda	-	94	-	11, 14, 123
Senegal	-	-	52	11, 14, 87, 95, 98, 101, 111, 117
Sierra Leone	-	8, 95, 111, 119	22	94, 98, 101

Country	A Conventions Nos.	B Conventions Nos.	C Conventions Nos.	D Conventions Nos.
Singapore	-	5, 8, 32	-	11, 22, 87, 94, 98
Somalia	-	-	17, 85	45, 65
Former British Somaliland	-	64	-	-
Spain	-	42, 44, 53, 56, 68, 78, 91, 111, 122, 132, 134, 136	2, 8, 14, 77, 88, 119	11, 22, 95, 101, 106, 114, 115, 117, 124
Sri Lanka	131	8, 29, 81	18	11, 45, 89, 90, 98
Sudan	-	29, 81, 95, 105, 117	-	98, 111
Suriname	-	88, 94, 95, 106, 118	-	11, 14, 87, 101
Sweden	-	14, 101, 111, 122, 137, 140	87, 115, 130, 134	8, 11, 21
Switzerland	139	44, 111, 115	8, 14, 87, 120	11, 23
Syrian Arab Republic	-	81, 95, 105, 106, 117	111	11, 14, 52, 87, 98, 101, 124, 131
Togo	-	-	-	6, 11, 14, 84
Trinidad and Tobago	-	125	29, 87	-
Tunisia	-	8, 22, 23, 55, 77, 87, 88, 117, 122, 124	-	11, 14, 52, 95, 98, 99, 106, 107, 111, 114
Turkey	102, 118	95, 96, 119	-	11, 14, 98, 111, 115

Country	A Conventions Nos.	B Conventions Nos.	C Conventions Nos.	D Conventions Nos.
Uganda	-	94, 95, 122, 124	98	11
Ukrainian SSR	-	11, 52, 87, 115, 122, 124	98	14, 23, 77, 78, 95, 106, 111
USSR	-	11, 87, 115, 124	14, 98, 106	11, 77, 78, 111
United Kingdom	-	8, 87, 98, 122, 140	24, 25, 44, 82, 95, 101, 115, 124	22, 94, 114
Antigua	-	11, 19, 82, 97	17, 87, 98	14, 58, 59, 84, 94, 101
Belize	-	8, 15	82	11, 22, 58, 59, 84, 87, 94, 95, 97, 98, 101, 115
Bermuda	-	17, 19, 82, 87	22	11, 15, 58, 59, 84, 94, 98, 115
British Virgin Islands	-	8, 94	82	11, 14, 58, 59, 84, 87, 97, 98
Brunei	-	-	8	11, 15, 58, 82, 94, 95, 98
Dominica	-	14, 87	-	11, 82, 84, 94, 98
Falkland Islands (Malvinas)	-	-	-	84, 98
Gibraltar	-	8, 59	44, 82, 95	11, 15, 22, 58, 84, 87, 94, 98
Gilbert Islands	-	42, 58	82, 94	69, 84, 87, 98

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Guernsey	-	24, 25, 56, 94, 97, 122	8, 44	11, 22, 87, 98, 115
Hong Kong	94, 101	8, 14, 59, 95	82, 98, 124	11, 15, 58, 84, 87, 115
Isle of Man	-	56	8, 24, 25, 44, 95, 122	11, 22, 87, 94, 97, 98, 101
Montserrat	-	8, 58, 95	97	11, 14, 15, 59, 82, 84, 87, 98
St. Kitts- Nevis-Anguilla	140	8, 17, 19, 59, 94	-	11, 14, 22, 58, 84, 87, 97, 98, 101
St. Lucia	-	17, 19	-	-
United States	-	-	55	-
Guam	-	-	55	-
Porto Rico	-	-	55	-
Virgin Islands	-	-	55	-
Upper Volta	81, 129, 131, 132	3, 13, 18, 19, 26, 87, 97, 98	14, 17	4, 6, 11, 29, 33, 41, 95, 111
Uruguay	96	2, 24, 25, 87, 97, 128, 130	98	11, 14, 22, 23, 77, 78, 94, 95
Venezuela	-	22	21, 111	11, 14, 98, 120
Yugoslavia	-	56, 81, 121, 122	88	8, 45, 89, 119
Zaire	-	18, 81, 88, 121	-	-
Zambia	138	97, 99, 136	117, 124	11, 123, 131

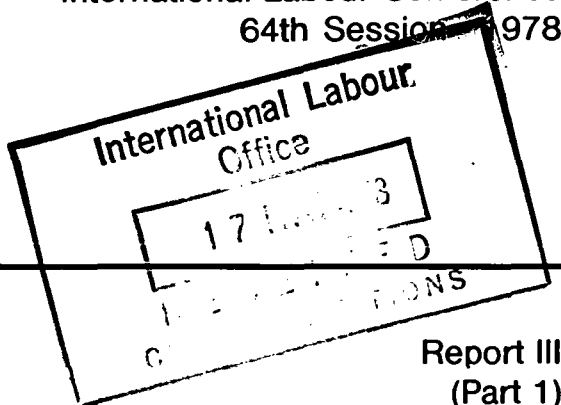
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- D. Reports merely repeating or referring to the information previously supplied.

Country	A Conventions Nos.	B Conventions Nos.	C Conventions Nos.	D Conventions Nos.
Afghanistan	-	13, 100, 105	111	-
Algeria	-	13, 29, 32, 62, 68, 81, 88, 91, 105	58	6, 17, 89, 127
Argentina	-	2, 3, 9, 29, 32, 87, 88, 105	17, 35, 36, 81, 111	12, 18, 42, 50
Australia	100, 137	18, 29, 42, 111, 122	2, 9, 45, 88	12, 29
Norfolk Island	-	-	-	29, 105, 122
Austria	-	18, 81	2, 6, 12, 17, 42, 63, 88, 135	4, 45, 89, 105, 124
Bahamas	1	7, 11, 98	64	5, 26, 50, 86
Bangladesh	-	11, 29, 96, 105, 107	81	4, 6, 18, 45, 89, 90

Country	A Conventions Nos.	B Conventions Nos.	C Conventions Nos.	D Conventions Nos.
Barbados	100, 111, 118	5, 29, 42, 63, 81, 102, 111, 128	-	12, 17, 26, 50, 65, 86, 97, 105
Belgium	-	17, 81, 121, 122	2, 9, 88, 89, 96	6, 12
Benin	-	18	-	111
Bolivia	78	77, 100, 106, 107	81	103
Botswana	-	29, 64, 105	50, 65, 86	45
Brazil	-	12, 29, 42, 88, 91, 105, 107, 108, 125	104	6, 45, 89, 127
Bulgaria	-	29	12, 17, 81	6, 18, 42, 45, 79
Burma	-	18, 29, 42	2	6
Burundi	-	12, 17, 18	29	4, 42
Byelorussian SSR	-	32	45, 79, 90	-
Cameroon, United Rep. of	-	19, 29, 105, 122	77, 81	45, 50, 64, 65, 78, 89, 90, 132
Canada	-	105	26, 45, 88	108
Chile	-	29, 32, 111, 127	2, 26	6, 45
Congo	-	29	-	6, 89
Costa Rica	129, 137	88	81	29, 45, 89, 90, 105



Country	A Conventions Nos.	B Conventions Nos.	C Conventions Nos.	D Conventions Nos.
Cuba	108, 137, 140	17, 18, 29, 42, 88, 105, 113, 135	4, 6, 45, 79, 81, 89, 90	12, 53, 104
Cyprus	-	2, 88, 105, 121	44, 81	29, 89, 90
Czechoslovakia	-	88	111	45, 89, 90
Democratic Yemen	-	29, 105	-	64, 65, 86
Denmark	115	-	29	105
Greenland	-	122	-	-
Faeroe Islands	-	8	-	5, 9, 14, 106
Dominican Republic	77	88, 95, 105	81, 87	29, 45, 79, 89, 90
Ecuador	77, 78, 81, 88, 136, 139	2, 105, 107, 122	104, 111	29, 45, 119, 127
Egypt	-	11, 29, 87, 88, 105, 107, 111	2, 19, 81, 89	14, 45, 53, 100, 101, 115
El Salvador	-	-	12	104
Ethiopia	-	-	2, 88	-
Fiji	-	50, 105	85	12, 29, 45, 108
Finland	129, 130, 134	18, 29, 105, 121, 130	2, 81	12, 17, 45, 108
France	140	12, 29, 88, 105, 135	2, 129	6, 89, 124, 126

Country	A Conventions Nos.	B Conventions Nos.	C Conventions Nos.	D Conventions Nos.
Overseas departments:				
French Guiana	-	29, 99, 105	12	6, 52, 89, 124, 126
Guadeloupe	-	29, 99, 105	12	6, 52, 89, 124, 126
Martinique	-	29, 99, 105	12	6, 52, 89, 124, 126
Réunion 24		24, 29, 99, 105	12	6, 52, 89, 124, 126
Overseas territories:				
French Polynesia	-	77, 78	-	-
New Caledonia 120		-	44	-
St. Pierre and Miquelon 81		-	-	-
Gabon	106, 135	3	26, 29, 81, 99, 105	4, 5, 6, 13, 14, 33, 100, 111, 123
German Dem. Republic	45, 87, 98, 100, 108, 111, 115, 120, 122, 127, 135	111	-	-
Germany, Fed. Rep. of	92, 126, 132, 134	3, 29, 115, 121, 135	2, 17, 18, 81, 88, 129	12, 45, 105, 118
Ghana	30	26, 29, 50, 65, 87, 100, 105, 115	81, 88, 119	45, 64, 89, 90, 108, 111

Country	A Conventions Nos.	B Conventions Nos.	C Conventions Nos.	D Conventions Nos.
Greece	-	81, 102	2, 29, 42, 88, 89	6, 17, 45, 90, 108
Guatemala	-	88, 105, 108, 120	-	45, 65, 79, 81, 86, 87, 89, 90
Guinea	-	3, 115	-	111, 119, 120
Guyana	100, 111	29, 42, 81, 95, 105, 111, 129	2, 50, 64	12, 45, 65, 86, 108, 115
Haiti	-	-	-	5, 45, 77, 78, 90, 107
Honduras	-	29, 32, 42, 62, 78, 98 105, 108		14, 45, 87, 100, 106
Hungary	139, 140	29	-	2, 6, 12, 17, 18, 42, 45, 135
India	115, 123	1, 29, 88, 107	18, 42, 81, 90	4, 6, 45
Indonesia	-	106	-	45
Iran	-	19, 29, 105	-	104, 108
Iraq	131, 132, 136	105	89	18, 42, 59, 135
Ireland	100, 132	88, 105, 121	2, 12, 26, 44, 63, 87, 96, 108	5, 6, 29, 32, 45, 89
Israel	-	88	81, 90	79, 105
Italy	-	18, 29, 42, 81, 89, 105, 124	2, 12, 115	45, 79, 90, 108, 127
Ivory Coast	-	135	85	5, 6, 18, 33, 45, 111

Country	A Conventions Nos.	B Conventions Nos.	C Conventions Nos.	D Conventions Nos.
Jamaica	100, 111	8, 105, 111, 117	81	7, 15, 29, 50, 58, 64, 65, 86
Japan	69	121	2, 18, 29, 45, 81, 88	50
Democratic Kampuchea	-	-	-	6
Kenya	-	17, 29, 105	2, 81, 88	12, 45, 50, 64, 65, 86, 89, 123
Kuwait	-	81, 89, 119	29, 105	-
Lebanon	-	-	81	14, 45, 52, 89, 90
Liberia	-	29, 65, 87, 98, 104, 105	-	-
Libyan Arab Jamahiriya	118	29, 88, 105, 122, 131	59, 81, 104	111
Luxembourg	-	18, 29, 121	2, 3, 12, 17, 81, 88	4, 6, 15, 16, 79, 89, 90, 105
Madagascar	-	29, 100, 119, 124, 132	81, 120, 129	4, 5, 6, 11, 12, 13, 14, 33, 41, 111, 123, 127
Malaysia	-	105	81, 88	29, 50, 64, 65, 86
Peninsular Malaysia	-	12, 17	-	45
Sabah	-	-	86	

Country	A Conventions Nos.	B Conventions Nos.	C Conventions Nos.	D Conventions Nos.
Mali	-	-	17, 81	4, 6, 18, 29, 41, 105
Malta	-	111	26, 99	5, 8, 32
Mauritania	-	-	-	3, 5, 6, 11, 14, 15, 17, 18, 23, 26, 33, 52, 58, 89, 90, 91, 95, 96, 101, 112
Mauritius	-	81	2, 108	29, 42, 50
Mexico	-	9, 17, 22, 32, 42, 43, 49, 62, 105, 135	-	12, 29, 45, 90, 108
Mongolia	-	87, 103	-	59, 98, 100, 111
Morocco	30, 106	-	29, 81	2, 4, 12, 17, 18, 41, 42, 45, 65, 104
Netherlands	135	17, 29, 81, 105, 121, 128, 129	2, 88, 90	45
Netherlands Antilles	-	17, 122	81, 88	2, 45, 89, 90
New Zealand	-	17, 42, 81, 88, 105	2, 12, 45, 89, 99	29, 65, 104
Tokelau Islands	-	-	-	29, 65, 104, 105
Nicaragua	-	1, 2, 3, 6, 8, 9, 12, 17, 18, 22, 30, 105	-	4, 111

Country	A Conventions Nos.	B Conventions Nos.	C Conventions Nos.	D Conventions Nos.
Niger	-	135	4, 29, 85, 105	6, 18, 41, 65, 104
Nigeria	100, 123	29	50, 81, 88	45, 64, 65, 104
Norway	137	18, 42, 81, 129, 130, 132	2, 88, 105	12, 29, 90, 108
Pakistan	-	11, 29, 87, 98, 105, 107	81, 111	4, 6, 18, 45, 89, 90
Panama	-	17, 29, 55, 56, 63, 64, 74, 88, 94, 96, 105, 108, 117, 126	81	12, 45, 65, 86, 89, 104
Papua New Guinea	45	18, 42	2	12, 29, 85, 105
Paraguay	-	29, 105, 117	-	-
Peru	-	1, 9, 20, 35, 36, 37, 38, 52, 53, 68, 69, 87, 88, 98, 101, 107, 122	26, 81, 99, 111	4, 8, 11, 12, 14, 27, 41, 45, 59, 79, 90, 100, 105
Philippines	-	17, 88	-	-
Poland	-	12, 17, 18, 42	2, 123	6, 29, 45, 79, 90, 127
Portugal	-	12, 17, 18, 26, 88, 105, 108	-	4, 6, 29, 45, 89, 104
Romania	127, 129, 131, 136, 138	81, 88, 95, 117, 127	2	6, 29, 89

Country	A Conventions Nos.	B Conventions Nos.	C Conventions Nos.	D Conventions Nos.
Rwanda	-	17, 26	12	4, 50, 64, 89, 105, 123
Samoa	-	50, 64	-	-
Senegal	-	29, 102, 105, 121, 122	6, 81, 89	4, 12, 33, 111, 120
Sierra Leone	-	17, 29, 81, 105	88	45, 50, 59, 64, 65
Singapore	-	29, 65, 88, 105	12, 81	45, 50, 64
Somalia	-	17	-	-
Spain	63, 137	44, 53, 55, 56, 73, 74, 77, 78, 79, 81, 88, 90, 92, 94, 105, 132	29, 101, 129	2, 4, 6, 12, 17, 18, 42, 45, 89, 96, 117, 124, 127, 135
Sudan	-	2, 29, 105	81	-
Surinam	106, 135	17, 29, 42, 88, 105, 122	81	-
Sweden	137, 139, 140	12, 87, 88, 121, 135	2, 29, 81, 129	105, 108
Switzerland	87, 136	18, 29, 44	2, 81, 88	6, 45, 89, 105
Syrian Arab Rep.	-	88, 105, 106, 118	17, 129	2, 18, 45, 87, 104, 124
Tanzania	-	17	-	-
Thailand	-	88, 127	-	14, 19, 104, 123

Country	A Conventions Nos.	B Conventions Nos.	C Conventions Nos.	D Conventions Nos.
Togo	-	26	-	5, 13, 14, 33
Tunisia	-	8, 58, 88, 91, 112, 117, 122, 127	81	59, 62, 119
Turkey	26, 127	42, 81, 88, 94, 95, 96, 98, 99, 105, 119	2, 111	11, 14, 15, 45, 58, 100
Uganda	-	17, 29, 50, 64, 65, 105	86	45
Ukrainian SSR	-	29, 32, 122	-	45, 79, 90, 108, 124
USSR	-	29, 32	-	45, 79, 90, 108
United Kingdom	140	17, 42, 81	2	12, 29, 50, 64, 105, 108
Antigua	-	14, 17, 18, 108	81	29, 65, 86, 105
Belize	59	17, 18, 88	81	12, 16, 29, 42, 50, 64, 65, 86, 105, 108
Bermuda	15	-	-	12, 16, 29, 42, 65, 108
British Virgin Islands	-	17, 19, 105	-	12, 50, 64, 65, 85, 86, 108
Brunei	-	18, 42	81	12, 16, 50, 64, 65, 86, 108



Country	A Conventions Nos.	B Conventions Nos.	C Conventions Nos.	D Conventions Nos.
Dominica	1, 58, 59	97	85	94
Falkland Islands (Malvinas)	-	17, 19, 108	-	12, 42, 45, 105
Gibraltar	-	17, 19, 42, 88	81	2, 16, 29, 45, 86, 105, 108
Gilbert Islands	-	17, 65, 105	12	50, 64, 86
Guernsey	-	17, 88	2, 12, 42	29, 45, 50, 64, 65, 81, 86, 105, 108
Hong Kong	-	17, 19, 50, 64, 81	2, 12, 29, 42, 105, 108, 124	16, 45, 65
Jersey	-	17	2, 81	12, 29, 42, 45, 50, 64, 65, 86, 105, 108
Isle of Man	-	17	2, 81, 88	12, 29, 42, 45, 50, 64, 65, 86, 105, 108
Montserrat	-	17, 19, 105	-	12, 29, 42, 50, 64, 65, 86, 108
St. Kitts- Nevis- Anguilla	-	105	-	50, 64, 65, 85, 86
St. Helena	-	17, 19, 29	-	12, 16, 64, 65, 85, 86, 105, 108

Country	A Conventions Nos.	B Conventions Nos.	C Conventions Nos.	D Conventions Nos.
St. Lucia	15	-	-	12, 16, 42, 50, 64, 65, 85, 86, 105, 108
St. Vincent	1, 58, 59	-	81	12, 16, 29, 50, 64, 65, 86, 105, 108
Tuvalu	-	65, 105	-	12, 50, 64, 86
Uruguay	-	2, 9, 17, 67, 87, 94, 97, 103, 105, 108, 113, 121, 128, 130	81, 89, 129	45, 79, 90
Venezuela	-	26, 29, 81, 88, 111	-	2, 6, 22, 41, 45, 105, 120
Yemen	-	-	-	104
Yugoslavia	-	3, 9, 48, 97, 102, 103, 119	2	-
Zambia	135	-	12	17, 18, 45, 50, 64, 65, 86, 89





International Labour Conference  
64th Session 1978

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Report III  
(Part 2)



# **Employment of Women with Family Responsibilities**

**Summary of Reports on Recommendation No. 123**

(Article 19 of the Constitution)

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International Labour Office Geneva



Report III  
(Part 2)

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

# **Employment of Women with Family Responsibilities**

**Summary of Reports on Recommendation No. 123**

(Article 19 of the Constitution)

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## INTRODUCTION

Article 19 of the Constitution of the International Labour Organisation provides that Members shall "report to the Director-General of the International Labour Office, at appropriate intervals as requested by the Governing Body" on the position of their law and practice in regard to the matters dealt with in unratified Conventions and in Recommendations. The obligations of Members as regards Conventions are laid down in paragraph 5(e) of the above-mentioned article. Paragraph 6(d) deals with Recommendations, and paragraph 7(a) and (b) deals with the particular obligations of federal States.

Pursuant to the above-mentioned provisions, the Governing Body selects each year the instruments on which Members are requested to supply reports. Since 1950 the summaries of these reports have been submitted each year to the Conference.

The reports which are summarised in the present volume concern the Employment (Women with Family Responsibilities) Recommendation, 1965 (No. 123).

The governments of member States were requested to send their reports to the International Labour Office by 1 July 1977. 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 1977.

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 63rd (1977) Session, will include a general survey on the reports on the above-mentioned Recommendation.

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EMPLOYMENT (WOMEN WITH FAMILY RESPONSIBILITIES)  
RECOMMENDATION, 1965 (NO. 123)

AUSTRIA

Constitution Act (Staatsgrundgesetz), 21 December 1867 (Reichsgesetzblatt, Text No. 142/1867).

Federal Constitution Act, 1929 (Bundesgesetzblatt (BGBI), Text No. 1/1930), as amended.

Maternity Protection Act (BGBI, Text No. 76/1957) (LS 1957 - Aus. 1(A)).

Salaried Employees Act, as amended by Federal Act of 3 July 1975 (BGBI, Text No. 418/1975).

Federal Act of 7 July 1976 (BGBI, Text No. 390/1976).

Employment Market Promotion Act (BGBI, Text No. 31/1969) (LS 1968 - Aus. 2), as amended by Federal Act of 6 March 1974 (BGBI, Text No. 179/1974).

General Social Insurance Act, as amended by Federal Act of 13 December 1976 (BGBI, Text No. 704/1976).

Labour Inspection Act (BGBI, Text No. 143/1974) (LS 1974 - Aus. 1).

A woman worker cannot be dismissed while she is pregnant or during the four months immediately after the birth of her child. After birth of a child the mother may claim special (unpaid) leave for not more than one year, during which she is entitled to an allowance.

All employed persons are entitled to remuneration during an absence amounting in any one year of employment to the employee's hours of work for one week, if he or she is prevented from working by the necessity of nursing a near relative who lives in the same household.

A number of undertakings provide nurseries for the infant children of employees so as to enable the mothers to accept employment. In some cases also flexible working hours are applied so as to make it easier for working women to meet their family responsibilities. Disabled persons, and also those who are pregnant or have dependants on their hands, have priority as regards the attention of the employment services.

Contributions to the cost of child care may be made if a woman, because of her family responsibilities, would not otherwise be able to take or to retain employment. Financial assistance may be granted for the establishment or equipment of nurseries. A special division in the Ministry of Social Administration watches over the interests of women workers and the head of the division is also chairman of a committee for women's questions of the Employment Policy Council. The Employment Department too has recently been studying questions relating to women.

Unpaid maternity leave is treated as not interrupting the period of pension insurance. Maternity leave itself is counted as a period of contribution. An "inspector of women's work and maternity protection" has to be appointed to every labour inspection office and is responsible for supervision of conformity with the provisions protecting women.

## EMPLOYMENT OF WOMEN WITH FAMILY RESPONSIBILITIES

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### BANGLADESH

Constitution of the People's Republic of Bangladesh, 1972.

East Bengal Maternity Act, 1939.

East Bengal Maternity Benefit (Tea Estates) Act, No. 12 of 1950  
(Calcutta Gazette, Part III, 30 March 1950).

Work is available to all citizens including women. There are sufficient measures for employment of women with family responsibility in the constitution of the country.

The Government has created a Women's Affairs Division headed by a woman (Special Assistant to President) with the rank and status of a State Minister to aid and advise the President to promote various welfare measures including employment for women. The Government has also created a National Women's Organisation with branches in various areas including rural areas to create awareness, promote employment and welfare for women.

Though no separate provisions have been made regarding employment of women with family responsibility, the Government has reserved 10 per cent of the vacancies in all government, semi-government and autonomous organisations for women. This is in addition to 40 per cent merit quota into which women may also come and 10 per cent affected women quota. Since equally qualified women candidates within the prescribed age limit are not always available for all types of jobs reserved for women, the Government is considering some relaxation in educational qualifications, experience standard and also age limit so that women candidates can be employed in larger numbers.

In order to ensure that the cases of women candidates receive due consideration, the Government has appointed women members in the two Public Service Commissions.

Maternity leave is six weeks before delivery and six weeks after delivery.

The Government has issued directives that serving husbands and wives should be posted as far as possible in the same station. For babies of the tea garden women employees, legal provision for creches has been made. The Population Control and Family Planning Division is responsible for providing maternal and child care and medical facilities for serving women with family responsibilities.

Various welfare programmes of the Government and also private organisations are being devised for women's employment in areas where women live in larger numbers.

## RECOMMENDATION NO. 123

### BELGIUM

Laws and regulations.

#### A. Work schedule

- Royal Order of 28 August 1963 respecting the continuation of normal pay on days of absence owing to family events (Moniteur belge, 11 September 1963, No. 182).
- Interoccupational agreement of 10 February 1975 recognising the right of workers to be absent from work for imperative family reasons.
- Royal Order of 12 July 1976 to allow the assimilation of leave taken for imperative family reasons to days of work, for social security purposes.

#### B. Entry and re-entry into employment

- Act of 11 July 1973 and Royal Orders of 7 March 1975 and 14 March 1975 to permit women who interrupt their career in order to bring up a young child (less than 3 years old) to retain certain social security rights for a specified period (MB, 23 November 1973, No. 225; 27 March 1975, No. 61).
- Royal Orders of 26 May 1975 and 25 November 1976 to authorise women in the public service and women with permanent contracts in state teaching establishments to interrupt their work for a period of two years in order to devote themselves to the education of their children (age limit 3 years) (MB, 21 January 1977, No. 15).

#### C. Child-care services and facilities

The Department of Public Health and National Fund for Children (ONE) are actively collaborating in the creation of child-care services and facilities.

#### D. Home-aid services

- Royal Decrees of 1 August 1975, 16 October 1975 and 2 February 1977 to provide for the development of home-aid services for families and elderly people and for subsidies to such services.

#### E. Royal Decree of 2 December 1974 to create the Committee on Women's Employment.

The purpose of the Committee on Women's Employment is to advise the Minister of Employment and Labour, carry out studies and propose laws and regulations on all matters directly or indirectly relating to the employment of women. It has given its opinion on a number of occasions on some of the points raised in the Recommendation, and specifically on adjustment leave in the case of adoption of a child, suspension of the contract of employment in order to bring up a child,

## EMPLOYMENT OF WOMEN WITH FAMILY RESPONSIBILITIES

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short periods of leave owing to the sickness of a child or other family events, part-time work for women, equal training facilities for men and women.

On 25 and 26 September 1975, the Committee on Women's Employment organised a series of talks of "women in working life" that were intended to provide systematic information on the situation of working women and to encourage the participants to voice their spontaneous reactions.

In January 1975, the Minister of Employment and Labour asked the Department to carry out a systems analysis of employment and unemployment among women. A working group from the Management Methods Department compiled a volume of data and made a series of proposals. Some of these proposals were retained for more detailed analysis.

For its part, the Committee on Women's Employment decided to compile scientific material to be used as the background to a set of proposals and ideas that it felt should be taken into consideration, especially in view of the seriousness of unemployment among women.

The public authorities devote constant attention to the protection of the health, welfare and upbringing of children.

The building, adaptation and fitting-out of day-care centres and nurseries conform to a set of standards laid down by the National Employment Office in close collaboration with the Ministry of Public Health.

There are 176 home-aid services in Belgium for families and elderly people, subsidised by the Department of Public Health and Family. The Government has for some years been making a major effort to improve the financing of such services.

The services include the provision of assistance in the event of the sickness or confinement of the mother, in the event of the sickness, death or prolonged absence of a father with one or more dependent children whose wife is employed, and in the event of the sickness of a child of a working woman.

The Committee on Women's Employment has taken steps to arrange for the training of women for working life and, in some cases, for their retraining.

In its Opinion No. 7 on equal training facilities for men and women, the Committee emphasises the need for genuine equality for young people of both sexes at every level of training and for an increased awareness of the relationship between employment and training.

On the basis of an opinion expressed by the Committee on Women's Employment, the Minister of Employment and Labour appealed to the employers' organisations to give preference in their recruitment programme to women who have interrupted their career to bring up their children. The Federation of Enterprises of Belgium made a similar appeal to employers through the federations.

The training centres for home helps for families and elderly people, which are separate from the general education system, are frequently used by the National Employment Office as retraining centres for unemployed women who are thus able to find satisfactory employment in the regular home-aid services for families and old people.

## RECOMMENDATION NO. 123

### BRAZIL

There is no discrimination based on sex in Brazil, except for measures which afford special protection for working women. The consolidated Labour Code contains, for example, the following provisions:

- the fact that a woman marries or becomes pregnant shall not be deemed to be a legitimate reason for the termination of her contract of employment (section 391);
- a pregnant woman shall be entitled to terminate the engagement arising out of a contract of employment if it proved by a medical certificate that the work to be performed by her is prejudicial to her condition (section 394);
- a woman who nurses her child shall be entitled to two special rest periods a day of half an hour each (section 396);
- the nursing room reserved by the enterprise for the children of women workers shall be equipped with appropriate facilities (section 400).

As part of the general protection of working women, the social welfare legislation provides for genuine advantages for women with family responsibilities, such as compensatory pay during maternity leave and birth allowances.

Several legislative provisions also provide for the assistance to children through various agencies.

The Federal Government is planning to arrange for training and further training in various sectors, which will be available to both sexes without discrimination.

### BULGARIA

Constitution, 1971.

Labour Code, 1951 (LS 1951 - Bul. 2), with amendments and additions.

Decree No. 134 of 22 February 1968 respecting the encouragement of childbearing (D'rzhaven vestnik, 23 February 1968) (LS 1968 - Bul. 2).

Ordinance to protect the work of women wage and salary earners (Izvestiya, 3 July 1959) (LS 1959 - Bul. 2), with amendments and additions.

Ordinance No. R-17 of 30 September 1976 of the Labour and Wages Committee to make specific arrangements and provide favourable conditions for the acquisition of skills by working mothers.

Order No. 24 of 7 March 1975 of the Council of Ministers respecting additional measures to enhance the role of women in the construction of a developed socialist society (D.V., No. 21, 14 March 1975).



## EMPLOYMENT OF WOMEN WITH FAMILY RESPONSIBILITIES

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In accordance with the principle of equal rights for men and women, national legislation provides that the State and the economic and social organisations should provide special protection for and devote particular attention to women with family responsibilities.

Section 35 of the Labour Code prohibits the dismissal, with or without notice, of any pregnant woman or mother whose child has not reached the age of eight months or any working woman whose husband is performing his regular military service, save for gross misconduct or in the event of the closing down of the undertaking, and then only with the permission of the competent labour inspectorate. Irrespective of the gravity of the misconduct, it is not permissible to dismiss any woman wage or salary earner or change the terms of her contract of employment if she is taking pregnancy and confinement leave. However, should the working woman be dismissed during her pregnancy owing to the closing down of the enterprise or the completion of the work in the case of a seasonal undertaking, she must on request be appointed by the immediately superior administrative body or organisation to a suitable job in another enterprise. In such cases, the woman, whether appointed to a new job or not, is entitled to the same cash pregnancy and confinement benefits as if she had continued working. According to the number of her children, a woman is entitled to pregnancy or confinement leave of between 120 and 180 days and, if the child is not placed in a day-care centre, to further leave of between 6 and 8 months to look after it. Furthermore, the employer is required to grant the mother unpaid leave, on request, until such time as the child has reached 3 years of age. A series of provisions also exists to protect the health of women in the light of their specific physiological characteristics.

Working mothers are given priority in vocational training and retraining courses and are entitled to paid study leave. When a woman switches from regular education to a correspondence course on account of her pregnancy or motherhood, she receives a special grant.

So that working women can combine their work with their family responsibilities, they may choose to work part time on a half-day, half-week or half-month basis.

There is an extensive network of day-care centres, kindergartens and boarding schools equipped with all the necessary modern educational and sanitary facilities. The upkeep of the establishments is the responsibility of the enterprises which build them. In the case of establishments created by municipal councils for children, the upkeep is paid for out of budgetary resources specially allocated for the purpose. Only parents whose income is above a specified ceiling are taxed; these taxes do not by any means cover the cost of such establishments.

Under the seventh Five-Year Plan (1976-1980) and in accordance with the guidelines for the socio-economic development of the country for the period 1976-1990, it is planned to provide even more favourable conditions to enable working women to combine their family responsibilities with their duties as wage or salary earners.

## RECOMMENDATION NO. 123

### BYELORUSSIAN SSR

The Constitution.

Fundamental Principles governing the labour legislation of the USSR and Union Republics (Vedomosti Verkhovnogo Soveta SSSR, 22 July 1970, No. 29, Text 265) (LS 1970 - URSS 1).

The Labour Code of the Byelorussian Soviet Socialist Republic, 1972.

The Byelorussian National Education Act, 1974.

The Byelorussian Marriage and Family Code, 1969.

Byelorussian Public Health Act, 1970.

Special action is taken to protect working women and the health of women - legal protection, material and moral support for mothers and children, including paid leave and other privileges for pregnant females and mothers.

Women with family responsibilities train for trades and callings in vocational training colleges, take further training on the shop floor, and while continuing in employment take correspondence or evening courses organised by the appropriate institutions.

Women are active throughout the economy, in science, culture, and management.

Moreover, there is a system whereby the State looks after mothers and children by offering the female worker various advantages and privileges on the shop floor, besides various privileges as regards state welfare and pensions insurance schemes. Mothers of big families and single mothers receive assistance with this in view.

Working mothers are to be offered greater possibilities for working a shortened working week and to do work at home, mothers of big families are to enjoy new pension-insurance privileges, partially-paid leave is to be introduced so that a woman can absent herself to look after her infant.

There exists a committee on the life and work of women, and the protection of mothers and children, answerable to the Supreme Soviet of the Byelorussian SSR.

Legislation provides that organs of the State shall jointly organise the pre-school bringing up of children, with the support and backing of trade union, co-operative and public bodies, and with that of undertakings and organisations themselves.

Something like half the existing children's pre-school institutions belong to local Soviets of workers' deputies, directly answerable to their Education Sections or Health Departments. The rest are answerable to government departments, but in these institutions too the health and education organs methodically direct the educational work done, offering assistance in everything, from the recruitment of qualified teachers, doctors and nurses down to technical equipment and supplies.

## EMPLOYMENT OF WOMEN WITH FAMILY RESPONSIBILITIES

Women and girls can take vocational training courses in all trades, callings and occupations except only those in which the employment of females is by law forbidden, in accordance with the list of arduous or harmful occupations.

Women are by law offered pregnancy and confinement leave equivalent to 112 calendar days.

Apart from this, a woman is eligible, if she so wishes, for further unpaid leave until her infant is one year old. This leave, like pregnancy and childbirth leave, counts as uninterrupted employment in the undertaking for the purposes of seniority.

Legislation makes it illegal to refuse a woman a job or reduce her pay on the grounds that she is pregnant or a nursing mother. The management of an undertaking may not normally dismiss a pregnant woman, nursing mother, or woman with infants under the age of one.

Women retire on pension at 55, after 20 years of employment, and those who have borne and reared five or more young can retire at 50, after 15 years' employment. Certain classes of working women can retire at 45.

### UNITED REPUBLIC OF CAMEROON

Labour Code Act No. 74-17 of 27 November 1974 (LS 1974 - Cam. 1).

The provisions of the Recommendation are covered by the Labour Code and measures taken to apply the Code and by the Family Benefits Code.

In these texts, no distinction is made between the sexes. However, women are entitled to maternity leave of 14 weeks which can be extended by a further 6 weeks in the case of an illness resulting from the pregnancy or confinement. During this leave, the employer may not terminate the contract of employment. Moreover, women with family responsibilities are entitled to additional leave of 2 working days per child over 15 years of age.

In addition to the Government's activities in this field, the National Social Security Fund provides socio-medical services in the major urban centres responsible for mother and child protection.

### CANADA

#### Federal legislation

Canada Assistance Plan Act and Regulations.

#### Provincial legislation

British Columbia - Community Care Facilities Licensing Act, 1969  
Guaranteed Available Income for Need Regulations

## RECOMMENDATION NO. 123

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Alberta	-	Legislation governing day care
Saskatchewan	-	Day Care Regulations
Manitoba	-	Regulations under the Social Services Act respecting Day Care Services
Ontario	-	The Day Nurseries Act and Regulations The Homemakers and Nurses Services Act
New Brunswick	-	Day Care Act and Regulations
Nova Scotia	-	Act respecting Day Care Services and Regulations
Newfoundland	-	Act respecting Day Care and Homemakers Services and Regulations

The participation of women in paid employment is a well established fact of Canadian life. In 1976 women comprised 37.4 per cent of the total labour force. An increasing number of married women return to employment after raising a family and some remain in the labour force except for short periods of absence for the birth of their children. In addition, there are single, widowed, divorced or separated women with family responsibilities who will generally work until they reach retirement age.

Women are encouraged to work and to look forward to a career. Generally, women with or without family responsibilities are provided with services by the same agencies. The majority of working women are subject to provincial labour legislation.

Unions have been active in promoting the provision of adequate day-care services and changes to the Canada and Quebec Pension Plans. The latter, effected in 1975, resulted in equal protection for male and female contributors. Unions have also spoken out in favour of equal pay for work of equal value and for equal opportunity or affirmative action programmes for women.

In May 1977, the federal Departments of Labour and Manpower and Immigration announced the first phase of an Affirmative Action Programme for employers who have contracts with the federal Government. Measures such as affirmative action benefit all working women.

In 1973, Canada undertook a detailed statistical survey of working mothers and their child-care arrangements.

In October 1973, Canadian working mothers represented a labour force participation rate of 35.1 per cent of all mothers.

Key problems in education at all levels are sexstereotyping in courses and texts offered students, and in vocational guidance services. However, a variety of means are being used to encourage female students to take courses other than those traditionally considered suitable for women. Some provincial departments of education have been making special efforts to have teachers and counselors focus on the special needs of female students.

## EMPLOYMENT OF WOMEN WITH FAMILY RESPONSIBILITIES

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Despite efforts to the contrary and general knowledge that most women will spend 25 or 30 years at work, women still tend to take courses that will prepare them for careers in low-paying jobs, and enrol heavily in courses leading to traditional careers. To achieve rewarding employment women must pursue higher education.

Women entering the labour force may utilise the counselling and placement services provided by Canada Manpower Centres operated by the Department of Manpower and Immigration. In addition, the Department sponsors several programmes that are of particular interest to women. Projects have included special programmes designed to assist women returning to the labour force after long periods of absence, the exploration of flexible working arrangements, and the placing of women in traditionally male jobs. Training courses are available equally to the unemployed and the underemployed. Some of these courses are designed especially for women who have never worked or who have not worked for a long period of time. New courses designed for women include sessions in assertive training. Various provincial and national organisations concerned produce useful material for women in employment or seeking employment.

By 1976 the number of women who worked part time amounted to a total of 743,000. Part-time employment is concentrated among women 25 to 54 years of age. This in effect means that part-time work is more popular among married women and students. Statistics on data from Canada show that about one-fourth of all women working part-time had been with the same employer for more than five years. Women have expressed concern about certain aspects of part-time work: lack of fringe benefits and opportunities for advancement, lower rates of pay and perhaps a lack of status as compared to full-time workers.

Most provinces have legislation which - in addition to providing for normal maternity leave and protection against dismissal because of pregnancy - provides for an employee to return to the position held when she proceeded on maternity leave.

There are numerous kinds of child-care services available to supplement those provided by the home and which can be of great assistance to working mothers. These include, for example, day-care centres, family day care, kindergarten, after-school and lunch programmes, homemaker services and day camps during holiday periods.

Recently, day care is increasingly being funded through public subsidy; the extent to which federal funds are utilised depends on the decision of the provincial government since welfare comes under provincial jurisdiction. Fees for day care may be set on the basis of a sliding scale taking into consideration family income and number of children in the family. Costs of child care may also be exempted from federal income tax up to a maximum of \$1,000 per annum.

All provinces have legislation which regulates the operation of day-care facilities. The main areas regulated by licensing include building and fire safety; adequate indoor and outdoor space; quality of staff, including training and experience; teacher-child ratio; health measures and equipment.

The Canadian Labour Congress in its 1974 Report on Women's Rights recommended that government-financed day care be made universally available. Some unions operate day-care centres for their members.

The provinces of British Columbia, Newfoundland and Ontario have legislation governing the provision of homemaker services.

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### CHILE

Labour Code (Legislative Decree No. 178 of 13 May 1931) (LS 1931 - Chil. 1), as amended by Act No. 11462 of 24 November 1953 respecting maternity protection (LS 1953 - Chil. 4).

Decree No. 3 of 31 January 1957 to issue regulations in application of the provisions of the Labour Code respecting maternity protection (Diario oficial, 31 January 1957).

Act No. 17301 of 22 April 1970 instituting the National Kindergarten Board, and the regulations for its application.

Paragraph 4 of the Recommendation. The provisions of this Paragraph may be considered as partly met by Act No. 17301 instituting the National Kindergarten Board. This is an autonomous corporation whose purpose is "to institute and plan, co-ordinate, promote, stimulate and supervise the organisation and operation of kindergartens". These kindergartens give children complete daytime care, including adequate food, education suitable to their age, and medical and dental attention.

Similar purposes may be considered as fulfilled by the crèches established by section 315 of the Labour Code for workers in the private sector and section 33 of Act No. 17301 for other workers. Provision of a crèche is compulsory in any undertaking, service or institution employing 20 or more women. The room must be adjacent to but independent of the workroom, and women may use it for feeding their children under the age of 2 years and may leave them there while they are working.

Paragraph 5. Kindergartens and crèches are subject to supervision and control by the authorities, i.e. the National Kindergarten Board or the Labour Directorate.

Under section 28 of Act No. 17301, the construction of nurseries and installation of crèches must be in accordance with the regulations issued under the Act. In addition, the Board's internal regulations must specify the manner of providing children with food and medical and health care and the conditions under which the latter are to be supplied. Similarly, crèches must comply as regards their construction, equipment and operation with the standards of Decree No. 3 of 1957. The standards proposed in clause (c) of Paragraph 5 are partly covered by section 15 of Act No. 17301.

Paragraph 10. The recommendations of subparagraph (1) of Paragraph 10 are reflected in sections 310, clause 3, and 312bis of the Labour Code.

Application of the standards referred to is the responsibility of the National Kindergarten Board, without prejudice to the powers of the Labour Directorate as regards the standards respecting maternity protection.

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### CONGO

Labour Code Act No. 45-75 of 15 March 1975 (Journal officiel, 17 March 1975, special issue).

General Order of 25 November 1954 respecting work by women and pregnant women.

No legislation has been introduced that deals exclusively with women with family responsibilities. Broadly speaking, working women and maternity are protected under the Labour Code (sections 112 to 117) and by the General Order of 25 November 1954 respecting work by women and pregnant women.

### CUBA

Constitution of the Republic of Cuba, in force since 24 February 1976.

Legislative Decree No. 598 of 16 October 1934 respecting the employment of women in industry (LS 1934 - Cuba 10).

Presidential Decree No. 1024 of 27 March 1937 (Gaceta oficial, No. 74 of 1937, p. 5405).

Act No. 1263 of 14 January 1974 respecting maternity protection for working women.

Resolution No. 2 of 15 January 1974 to issue regulations for the application of Act No. 1263.

Section 41 of the Constitution prohibits discrimination on the grounds of race, colour, sex or national origin, including discrimination with regard to employment referred to in Part I of the Recommendation. Section 43 stipulates that women shall enjoy equal rights with men in economic, political, social and family matters, and lays down necessary measures to guarantee the right of women to take part in the work of the community.

Act No. 1263 pays special attention to working mothers in order to reconcile their natural share in the procreation and care of children with the exercise and performance of their right and duty of taking part in the work of the community. For this purpose it regulates the rest periods of working women during pregnancy, increases paid prenatal and postnatal leave up to a total of 18 weeks, makes provisions to ensure the proper feeding of the child in its first months of life and its proper care and regular examination by medical paediatric services during its first year of life. It also grants a working woman the right to take additional periods of unpaid leave of up to 9 months to care for her child until it is 1 year old, and of up to 6 months to look after children aged under 16, without prejudice to the mother's right to resume her job provided she takes up her employment again within the period prescribed by regulations.

The social and economic system and the employment policy officially supported and applied encourage integration of women into productive paid work for the benefit of the community, with equality of opportunity in social and occupational matters and under the same

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conditions of remuneration as men. To make such integration feasible various social services have been established to free women from family duties or to make them less burdensome. They include child-care centres (nurseries), boarding and semi-boarding schools, and medical centres for minors and physically or mentally handicapped adults; these services are given free of charge.

More detailed information is available in the report submitted by a delegation of the competent government authorities with regard to the CINTERFOR Project 102 of July 1976 for the vocational training of women in Cuba.

Among the authorities responsible for the application of the Recommendation is the State Committee for Labour and Social Insurance, whose powers include guiding and directing employment policy, organising and directing scientific research into labour matters, and verifying that current labour and social insurance regulations are applied. The Ministry of Public Health, the Ministry of Education and the Child Welfare Institute are also responsible for the application of current laws and regulations on some of the questions raised in the Recommendation. The co-operation mentioned in the Recommendation takes place by means of consultation and participation in certain activities of employers' organisations and administrative services, trade union organisations at various levels and the Federation of Cuban Women. For example, there is constant co-operation and consultation with these organisations in preparing regulations forbidding the employment of women on certain dangerous work or work unsuitable for them.

It may be considered that the essential objectives of the Recommendation are adequately put into practice in Cuba.

### CYPRUS

Constitution of the Republic.

The Employment Service Manual of Operations, August 1968.

The Children's Law, Cap. 352.

The level of day-care service offered to children has improved considerably during the last years; the Government encourages and subsidises communities and voluntary organisations to set up such centres. Further, day-care services will be offered within the framework of the 12 Community Welfare Centres which are being set up to serve as refugee settlements.

The Government has during the last year encouraged the institution of a family day-care service with a view to enabling a greater number of women with children below school age to meet their employment and family responsibilities: the care of children is entrusted to child minders selected, trained and subsidised by the Government. Working mothers who are unable to pay the remuneration required for such day-care service are assisted financially by the Department.

Counselling, labour market information and placement services are offered to all workers by the Public Employment Service. The same applies to training and retraining facilities. Employers' and



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Legislation in Czechoslovakia is designed to afford the maximum support and protection for women, especially mothers. Women are not allowed to perform physical work for which they are not suited. Pregnant women are not allowed to perform work which, in the opinion of their doctor, could be prejudicial to their pregnancy. The same applies to mothers up to nine months after their confinement. Night work by women is normally prohibited. If the work performed by a woman endangers her pregnancy, her employer is required to transfer her to another, more suitable job. The same applies to mothers up to nine months after their confinement.

If a woman transferred in this way to another post receives a lower wage than before, she is entitled to compensation under the sickness insurance scheme.

An enterprise may not dismiss a pregnant worker or person responsible for looking after children less than 3 years old, save in the absolutely exceptional cases referred to in section 46, paragraph 1(a) and (b) and section 53 of the Labour Code.

When fixing the hours of work, enterprises are required to make allowance for the needs of women looking after children and pregnant women. They are also required to grant working women special breaks for nursing their child, in addition to the normal breaks.

With regard to confinement and the nursing of new-born children, women are entitled to a maternity leave of 26 weeks, during which they receive 90 per cent of their wages. At the end of this paid leave, the enterprise is required, on request, to grant women additional unpaid maternity leave until such time as the child has reached the age of 2 years.

If a working woman resumes her job immediately after her paid maternity leave, the enterprise is required to reinstate her in her previous occupation.

### ECUADOR

Political Constitution of the State.

Labour Code (LS 1971 - Ec. 1A).

Presidential Decree No. 491 of 28 June 1976, published in Registro Oficial, No. 125, 8 July 1976.

#### I. General principles

Article 148(5) of the Political Constitution of the State provides as follows: "Work in its different forms is a social duty and is to be afforded special protection by law. This protection must assure workers of the minimum standards consistent with a decent existence. The State shall use all the means at its disposal to secure employment for those without it."

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There are certain basic provisions of the Constitution which give effect to the standards laid down in the Recommendation, including in particular the following:

- there shall be equal remuneration for equal work, without distinction on the ground of sex, race, nationality or religion;
- working mothers are to be especially protected. A pregnant woman may not be dismissed from her job, nor, during the period specified by law, may she be required to perform duties which call for considerable physical effort. The law shall specify the days on which she shall be entitled to compulsory paid leave, without loss of any of the rights deriving from her contract of employment. While nursing her child, she shall be granted the time off necessary to feed her child normally.

### II. Public information and education

Clause (a) of [Paragraph 2 of] the Recommendation is guaranteed by article 142 of the Constitution of the State, which provides as follows: "The State shall protect the family, and the institutions of marriage and motherhood. Marriage shall be based on the principle of equal rights for both partners."

Clause (b): The national labour legislation protects women workers with family responsibilities by establishing placement services in different industries, both public and private.

Clause (c): Article 142 of the Constitution proclaims guarantees designed to reinforce the measures for the protection of women who have to cope with family and employment responsibilities. Attention is also drawn to clause (ñ) of article 148 of the Constitution.

### III. Child-care services and facilities

The Ministry of Labour and Social Welfare is preparing an occupational dictionary classified by branch of activity in order to be able to meet the statistical requirements as concerns both employment and child care.

Section 136 of the Labour Code, as revised by Decree No. 49 of 28 June 1976, provides that "in the case of permanent workplaces where not less than 50 persons are employed, the employer shall establish, as an annex or adjacent to each such workplace, a nursery where the employees' children may be left; he shall provide the said premises with equipment, care and food for the children, free of charge. In such workplaces mothers shall be granted, during the nine months following confinement, 15 minutes every three hours to nurse their children.

In the case of workplaces without a nursery, during the nine months following confinement the working hours of nursing mothers shall be six per day, as specified or assigned in the collective agreement or works rules or by agreement between the parties."

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### IV. Entry and re-entry into employment

Section 135 (as revised) of the Labour Code provides that if a woman's absence from her employment continues for a period not exceeding one year owing to illness which according to a medical certificate is due to pregnancy or confinement and renders her incapable of work, she shall not be dismissed for this reason.

Except in the cases specified in section 151, a pregnant woman may not be dismissed, other than on expiry of her contract, nor given notice of dismissal, as from the date of the beginning of the pregnancy, as attested to by the production of a medical certificate delivered by a medical practitioner attached to the Ecuadorian Social Security Institute or, if this is not possible, by another qualified physician.

If a woman worker is dismissed or given notice in the circumstances referred to in the preceding paragraph, the labour inspector will order the employer to pay her compensation equivalent to one year's remuneration, without prejudice to any of her other rights.

The Ministry of Labour and Social Welfare, through its attached institution, the Ecuadorian Vocational Training Service (SECAP), is extremely active in the field of vocational and technical training for workers, thus helping to develop the capacities of women workers to the full, avoiding any discrimination based on sex, as required by section 78 of the Labour Code.

In addition this institution encourages women workers by sponsoring training courses with a view to equipping women to perform more successfully their future tasks in the different social and labour fields.

### V. Miscellaneous provisions

There has been no consultation either of public and private organisations or of employers' and workers' organisations as concerns the application of this Recommendation.

The Ecuadorian Social Security Institute assists women workers with family responsibilities by making available qualified help for which they do not have to pay even a reasonable fee; this is done under the social insurance scheme.

Under the rules applicable to insured persons and employers with respect to maternity insurance, insured persons are entitled during pregnancy, confinement and the post-confinement period to: the necessary obstetrical care; a cash allowance during the three weeks preceding and the four weeks following confinement equivalent to 75 per cent of the average remuneration for the last two pay periods; the supply of a layette; and medical care for the child during the first year of its life, pharmaceutical products excepted.

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### EL SALVADOR

Political Constitution of 1962.

Labour Code (Decree No. 15 of 23 June 1972) (Diario oficial, No. 142, 31 July 1972.

Section 179 of the Constitution provides that the family, as the fundamental unit of society, must be specially protected by the State, which will make the laws and regulations necessary for its promotion and for the protection and assistance of mothers and children.

Section 183 provides that working women shall be entitled to paid leave before and after confinement and to retain their employment, and that the employer's obligation to install and maintain crèches and premises for the custody of workers' children shall be regulated by law.

Section 110 of the Labour Code forbids employers to put pregnant women on work requiring physical effort incompatible with their condition.

Pregnancy is sufficient reason for transferring a working woman to another job in the same undertaking, when her work consists of dealing directly with the public. Such transfer may be made by order of the employer or at the request of the worker concerned (section 111).

On expiry of postnatal leave, women workers are entitled to re-enter the job they were doing before pregnancy (section 112).

Employers must give pregnant workers 12 weeks' maternity leave, six of which must compulsorily be taken after confinement, and to pay them in advance benefit amounting to 75 per cent of the basic wage during such leave (section 309).

If on expiry of her maternity leave the worker proves by producing a medical certificate that she is not well enough to return to work, her contract of employment shall continue to be suspended in accordance with section 36, clause (4), for the time necessary for her recovery, and her employer shall pay her sickness benefit and keep her employment open for her (section 312).

The Ministry of Labour and Social Welfare is responsible for making proper arrangements for the protection of working women and minors.

The responsibilities of the Women's and Minors' Service include giving technical co-operation required for drafting standards for the social protection of working women and minors, advising on general policy regarding women and minors, and seeing that crèches and premises for the custody of workers' children are installed and maintained in workplaces; and it must work for full integrated participation by women in national development by giving them access to vocational training courses.

The General Labour Inspectorate is responsible for seeing that the Labour Code and other labour standards are faithfully observed.

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Concerted efforts are being made to promote the education, training and employment of women, to improve their social standing and to give them a greater share in national economic life.

Specific objectives of present population policy include increasing women's participation in the development process, improving their social and cultural opportunities and consolidating the family unit.

Creating greater employment opportunities for women, and eliminating discrimination in socio-cultural matters and remuneration, are important issues which must be dealt with in the shortest possible time.

### FINLAND

Maternal Benefit Act (424/41).

Child Allowance Act (541/48) (IS 1948 - Fin. 3).

Sickness Insurance Act (364/63) (Suomen Asetusho-Koelma-Finlands Författningssamling 1963, No. 364).

Act respecting Communal Home Help (270/66).

Survivors' Pensions Act (38/69) (S.A. - F.F. 1969, No. 38) (IS 1969 - Fin. 1).

Decree respecting training allowances for widows (209/70) (S.A. - F.F. 1970, No. 209).

Act respecting contracts of employment (320/70) (S.A. - F.F. 1970, No. 320) (IS 1970 - Fin. 2).

Annual Leave Act (272/73) (S.A. - F.F. 1973, Text 272).

Child Day Care Act (36/73), as amended.

The Child Day Care Act requires that a commune shall provide day-care facilities in whatever forms and quantity they are necessary. Such facilities cover care in a children's day home, supervised family day care, and guided and supervised play on premises designed for that purpose. The State pays 35-80 per cent of the running costs of day care depending on the financial state of the commune. The amount of the fee charged to parents for day care is adjusted to their incomes; parents with small means do not pay any fees.

Social authorities and authorities responsible for vocational training ensure jointly the availability of qualified staff. Thus women with family responsibilities can obtain services at a reasonable charge. In addition, they can use communal home makers' services at a reasonable charge when the family needs assistance.

The Government considers that the principles in the Recommendation are valuable and that their implementation should be promoted to the greatest possible extent. This requires informative and educational activities. In Finland these activities are carried on, except by the authorities concerned, by many organisations from pure citizens' organisations to political parties' women's organisations and

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the Council of Equality. The issue has also been the object of study in several committees, commissions, working parties and research institutes:

The principle according to which household tasks and child care are both parents' responsibilities to the same extent must be adopted. The goal of the equality policy has been to facilitate the participation of women in work life despite their family responsibilities. As regards vocational guidance, the relevant information material emphasises equal opportunities between boys and girls in access to occupation and vocational training. In its own directives the Ministry of Labour has transmitted these aspects for observance to its staff responsible for vocational guidance.

Since the adoption of the Recommendation in 1965, an agreement has been reached between the organisations of employers and workers, among other things, on the reduction of working hours to 40 a week in 1970, the care of pre-school children during the hours their parents are employed outside the home; in 1974, the parties concerned proposed the prolongation of statutory maternity leave from 72 workdays to 174 workdays in the comprehensive incomes policy settlement; it was recommended to include in collective agreements a provision according to which the employment relationship of a woman worker should not be considered terminated in a case where she had been absent from her employment at the most 12 months because of confinement, provided that she had agreed upon this arrangement with her employer or that her absence had been caused by an illness resulting from the confinement; and in 1976, the organisations agreed that in a case where a woman worker's child under 10 years of age falls ill the mother receives remuneration for a short absence.

The direction and supervision of the application of the legislation dealing with matters mentioned in the Recommendation are entrusted to the National Board of Social Welfare. The Ministry of Labour and the labour market organisations co-operate in questions relating to the application. The preparatory legislative work is carried out at the Ministry of Social Affairs and Health in respect of social welfare questions and at the Ministry of Labour in matters relating to vocational guidance. The Ministry of Education co-operates in questions of vocational training. The Provincial Governments direct and supervise the day-care activities under the control of the National Board of Social Welfare.

Efforts have been made to give effect to the provisions of the Recommendation to the extent possible. Its provisions have been and will be taken into account in future legislation. The present legislation and practice already comply fairly well with the Recommendation.

### GABON

Labour Code, 1962 (LS 1962 - Gab. 1).

Social Security Code, 1975 (Journal officiel, 12 December 1975, No. 33, special issue).

Public information and education is provided jointly by the People's Education Department of the Office of the Secretary of State for the Advancement of Women and the social welfare department of the National Social Security Fund.

## EMPLOYMENT OF WOMEN WITH FAMILY RESPONSIBILITIES

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Under the law, men and women are guaranteed equal access to employment, education, training and reintegration in working life without discrimination of any kind.

### GERMAN DEMOCRATIC REPUBLIC

Constitution, 1968, as amended (Gesetzblatt I, No. 8, p. 199).

Labour Code, 1961, as amended (ibid. I, No. 15, p. 125)  
(LS 1961 - Ger.D.R. 1).

Family Code, 1965, as amended (ibid. I, No. 27, p. 517).

Act on the Protection of Mother and Child and the Rights of Women, 1950 (ibid. I, No. 111, p. 1037) (LS 1950 - Ger.D.R. 4).

Act on the Integrated Socialist Educational System of 1965 (ibid. I, No. 6, p. 83).

Decision of the Council of Ministers on the Tasks of State Organs connected with the Promotion of Women and Girls, 1962 (ibid. II, No. 32, p. 295).

Decision on Further Research Work on Problems of the Development and Promotion of Women and Girls, 1966 (ibid. II, No. 121, p. 777).

Decision of the People's Chamber on Basic Principles of Vocational Training under the Integrated Socialist Educational System, 1968 (ibid. I, No. 12, p. 262).

Decision on the Principles and Tasks for the Development of Further Education, 1968 (ibid. II, No. 76, p. 557, Report No. 86, p. 680).

Directive on the Training and Further Education of Women for Technical Occupations and Preparing Them for Service in Managerial Functions, 1966 (ibid., Special Edition No. 545).

Directive (No. 1) on the Training of Women in Special Study Courses at Colleges and Technical Schools, as amended, 1970 (ibid. II, No. 92, p. 644).

Decree on the Introduction of the 40-Hour Working Week and the Increase in Minimum Holidays for Full-Time Working Mothers with Several Children, 1972 (ibid. II, No. 27, p. 313).

Directive on the Promotion of Full-Time Working Women for Training as Skilled Workers, 1972 (ibid. II, No. 74, p. 860).

Directive on the Protection of Labour No. 5 - Safety Provisions for Women and Young People, 1973 (ibid. I, No. 44, p. 465).

Joint Decision of the Central Committee of the SED, of the National Executive of the Confederation of Free German Trade Unions and of the Council of Ministers on the Further Systematic Improvement in the Working and Living Conditions of the Working People in the Period from 1976 to 1980, 1976.

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Decree on the Further Step-by-Step Introduction of the 40-Hour Working Week, 1976 (ibid. I, No. 29, p. 385).

Decree on Extended Maternity Leave and on Improved Maternity Benefits, 1976 (ibid. I, No. 19, p. 269).

Decree on Children's Facilities of Pre-School Education of 22 April 1976 (ibid. I, No. 14, p. 201).

The State ensures that the problems of working women with family duties will be included in the research plans of the relevant scientific institutions. For the co-ordination and implementation of these tasks an advisory council was set up in 1966 which is attached to the GDR Academy of Sciences.

For the special promotion of full-time working mothers, whose own household includes several children, the legal weekly working hours were reduced without any reduction in wages, and the minimum holidays increased.

Children of working mothers are cared for in crèches, kindergartens and after-school centres. In all these state-run facilities children are educated and cared for free of charge. State-run institutions co-operate with the parents of the children; at all these institutions there are teacher-parent councils.

With a view to reducing the amount of time needed for household chores and for shopping, the network of state-run and enterprise-owned services and shopping facilities is continuously being expanded. Women have the same right to education as men. They enjoy a special promotion and support in their vocational qualification. Such measures are covered by special legal provisions as well as by regulations contained in the collective agreements of the enterprises.

Annually, enterprise collective agreements are concluded between the particular management and the trade union committee. They include all measures intended for the qualification of women. The enterprise management has to report to the women on the fulfilment of these measures.

General ten-year secondary schooling is compulsory.

The territorial state organs see that women who for family reasons did not work over a prolonged period will be given appropriate jobs so that they can enjoy their right to work. Women covered by the social insurance scheme are entitled to pregnancy and maternity leave.

At their request, mothers must be granted unpaid leave on completion of their maternity leave up to the child's first birthday. After the birth of the second child the mother is granted financial help which equals sick pay. Such an unpaid leave is without prejudice to the mother's contract of employment, which means that she remains an employee of the particular enterprise and that her rights are preserved. Full-time working women with children up to 18 years or with family members who need special care are entitled to one paid household day per month.

Managers are responsible for the enforcement of the principles of socialist labour legislation and for the observance of the rules of labour legislation, and accountable to their superior organs.



## EMPLOYMENT OF WOMEN WITH FAMILY RESPONSIBILITIES

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The trade unions are entitled to control the observance of labour legislation in all enterprises, organs and institutions.

### FEDERAL REPUBLIC OF GERMANY

Maternity Protection Act, 1968, as amended (Bundesgesetzblatt (BGBl.), I, 27 April 1968).

Order respecting Maternity Protection for Women Officials, 1968 (BGBl. I, p. 106).

Employment Promotion Act, 1969 (BGBl. I, 28 June) (LS 1969 - Ger.F.R. 1).

Works Constitution Act, 1972 (BGBl. I, 18 Jan.) (LS 1972 - Ger.F.R. 1).

Act respecting the Reform of Marriage and Family Law, dated 8 April 1976.

Pension Insurance Consolidation, as at 8 June 1973 (LS 1973 - Ger.F.R. 1).

The Government pursues a policy designed in principle to enable women with family responsibilities to decide whether to engage in gainful activity or to remain at home.

The Act respecting the Reform of Marriage and Family Law creates the legal basis for married women to carry on a gainful activity in the same way as men.

The Pension Insurance Order entitles an insured woman, in the event of sickness of her child, under certain conditions, to unpaid leave from her employment, at the same time rendering her eligible for benefits from her sickness fund. The maximum for each child is five days per calendar year. A woman industrial worker or commercial employee is statutorily entitled to time off with pay (the administrative provisions for the application of section 63 of the Commercial Code or section 113(c) of the Industrial Code) when she has to look after a close relative who falls ill. Entitlements to time off with pay may also be granted under the terms of individual employment contracts or collective agreements.

Under section 75 of the Works Constitution Act the employer and the works council must ensure that there is no discrimination against persons on account of their sex.

Section 2 of the Employment Promotion Act stipulates that the measures provided for in this Act shall contribute, inter alia, towards providing employment opportunities for women who are difficult to place in the normal conditions of the employment market because they are married or for other reasons are or have been bound by domestic obligations. Section 43 provides that incentives shall be granted to participants in further training programmes designed, inter alia, to enable women jobseekers to enter or re-enter the employment market. All measures envisaged under the Employment Promotion Act, as well as the labour market policy of the Federal Government, are available to unemployed women with family responsibilities on the same terms as to unemployed men and other unemployed women.

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In 1966 the Federal Employment Institution - which is under the responsibility of the Federal Ministry for Labour and Social Affairs - provided loans to promote the construction of housing in the form of small flats for women without husbands and for their children.

Two reports of the Federal Government on the situation of women in occupational, family and social life, in 1966 and 1972, had a widespread and lasting effect on the press and the public. Numerous other studies have been and are being made, texts have been published, and statistical surveys of gainfully employed mothers with children have been carried out on a number of occasions.

The rise in the rate of gainful employment of married women in the Federal Republic of Germany has brought about an extension of child-care facilities. Their creation and maintenance are the responsibility of the communes and Länder, which are taking vigorous action in this connection. In addition, the Federal Employment Institution has provided loans for the extension of day nurseries. With the assistance of the Institution it was possible to provide about 11,500 places in child-care facilities, which the labour offices have the right to allocate to children of mothers in employment or undergoing vocational training. In 1975 a total of 1.5 million places in kindergartens were available for 65 per cent of children between 3 and 6 years old. Nevertheless, the offer is still insufficient for children under 3 years. To remedy this deficiency the "day-mother" system is being experimented with.

The vocational guidance services of the labour offices are endeavouring to convince girls leaving school and those responsible for their upbringing of the importance of good vocational training for girls. In principle, female entrants to the labour market have access to the same training facilities as male entrants.

Assistance of all kinds may be provided to women who wish to enter or re-enter the labour market or to change their occupation. Training assistance is given by trade unions, employers' associations, chambers of commerce and industry, benevolent associations, schools and private individuals.

According to the Maternity Protection Act, as amended, the employment of a woman who returns to her former employer on the basis of a new contract of employment within a year of her confinement, is considered as not having been interrupted as regards the rights relating to seniority in the undertaking or the occupation arising out of the employment contract.

According to the General Act respecting the Rights of Civil Servants, the Federal Civil Servants' Act and the relevant legislation of the Länder, an official of either sex may, within certain specified time limits, work half-time on full pay or take unpaid leave for a duration of up to three years with possibility of extension, if he or she lives in the same household as and actually looks after at least one child under 16 years of age, or another relative requiring care according to the assessment of a physician.

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Under the Order respecting the Working Hours of Federal Officials, flexible working hours may be introduced in areas for which they are suitable. These regulations, which apply to officials, are also applicable to women manual workers and employees.

The Federal Government has for years been making efforts to increase the offer of part-time jobs - half-day or half-week - in industry and the public service, on both a regional and an occupational basis, and to raise part-time work to the level of a continuous form of employment. The measures of assistance available under the Employment Promotion Act also cover this form of work.

Agreements have been reached between the federal, Länder and communal authorities on "recommendations on part-time work in the public service", indicating the legal and organisational possibilities for increasing part-time work in this sector.

In November 1973, the German Federal Parliament decided to set up a Commission of Inquiry into Women and Society. This Commission was entrusted with the task of working out recommendations to achieve legal and social equality of opportunity for women.

The German General Confederation of Labour takes the view that a general reduction in daily working hours is not only desirable, but essential, if women with family responsibilities are to be able to combine employment with their domestic duties. An extension of annual leave will not in itself suffice to overcome the problems with which workers, and especially female workers with family responsibilities, are day by day confronted. Besides demanding that collective agreements and agreements reached within the undertaking provide for shorter working hours, the Confederation likewise calls for an overhaul of the legislation governing hours of work which dates back to 1938.

### GREECE

Although no special employment facilities are provided for women with family responsibilities under the law, the regular employment services offer women advice and information on vacant posts, working conditions and the kind of jobs available.

In accordance with Act No. 2 of 5 November 1935 (amended and supplemented), 569 day-care centres, 310 of which are in rural areas, operate throughout the country. In addition to these centres which are financed out of the national budget, it is particularly noteworthy that many child-care services are rendered by other national and non-national institutions, totally or partly subsidised by the State.

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### GUINEA

Labour Code, 1960 (LS 1960 - Gui. 1).

Decree No. 205/PRG of 31 July 1972 to determine the length of maternity leave.

Future mothers and infants are able to receive constant attention in the steadily growing number of mother and child protection centres.

### GUYANA

Legislation on maternity leave.

Employment of Women, Young Persons and Children Act.

There is specific legislation to cover maternity leave, supplemented by provisions in collective labour agreements. Other aspects of the Recommendation are satisfied by administrative or practical arrangements f.i. women are given extended lunch periods to enable them to take care of family responsibilities.

Mothers, like other employees in the public service are eligible for seven days' special leave per year for urgent and unforeseeable private affairs. They are also eligible for two months' maternity leave on part salary and an extension of two months' leave without salary, if desired, in relation to each birth. In general, consideration is given to the extension of leave when necessary.

The National Insurance Scheme is responsible for the supervision and application of the maternity benefit legislation. Employers are required to register their employees to the scheme and to remit employees' as well as employers' contributions.

The whole question of women in the society is being examined with a view to eliminating any vestige of discrimination and to alleviate the domestic burdens placed upon women, so that they could properly function in society. To this end nursery schools have been established to care for young children and more child-care houses are being set up to take custody of children while mothers are at work.

### HAITI

Labour Code, 1961 (LS 1961 - Hai. 1).

All the points covered by the Recommendation are governed by the Labour Code; however, the country's limited industrial development and high unemployment rate has so far prevented the implementation of all the measures referred to.

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### HUNGARY

Constitution (section 52 of Act No. I of 1972).

Labour Code 1967 (MK, 8 October 1967, No. 67, p. 503) (LS 1967 - Hun. 2A).

Government Decree No. 34, 1967 (MK, 8 October 1967, No. 67, p. 512) (LS 1967 - Hun. 2B).

Government Decree No. 1013, 1970 (MK, 10 May 1970).

In Hungary women enjoy the same rights as men and, as regards employment, occupation, pay, training and extension training, promotion, come under the same rules as men. At the same time a number of special regulations and measures guarantee several benefits to working mothers with family responsibilities.

The Constitution decrees that the equality of rights of women should be guaranteed by equal status and equal opportunity in employment, by granting paid maternity leave, by the increased statutory protection of mothers and children, and by a system of institutions of mother and child welfare.

The Labour Code provides that when filling vacancies priority has to be given to pregnant women or mothers if conditions are equal.

The termination of employment of women absent from employment because of childbirth, child care and education, is prohibited.

The Labour Code and its introductory regulation provide for additional holidays for mothers of several children, paid and unpaid leave, and for institutions for children's welfare (nurseries, kindergartens, day homes) organised and maintained partly by the State and partly by the enterprises, institutions, co-operatives.

Government Decree No. 1013, in addition to reforms of the working conditions and the training of women, provides for the vocational training of mothers intending to continue their studies and for their retraining, the facilitation of domestic work and the development of institutions for child welfare.

The Guidance of the Ministry of Labour promulgated in 1976 imposes further duties on the enterprises, economic units and the local government councils regarding the increased support of mothers on child-care leave. It specifies the measures to which recourse may be had for facilitating the return of the mothers concerned to employment.

Collective agreements also guarantee numerous benefits to mothers in employment.

The Government, the government departments, the National Council of Trade Unions, the trade unions of the respective branches of industry, the trade union agencies of enterprises and institutions supervise the observance of the relevant statutes and government decrees.

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### INDIA

Constitution, as modified up to 1 January 1973.

Employees' State Insurance Act, 1948 (Gazette of India (GI), 19 April, Part IV, Extraordinary, p. 161) (LS 1948 - Ind. 3).

Maternity Benefit Act, 1961, No. 53 (GI, 13 December 1961, Extra., Part II, sec. 1) (LS 1961 - Ind. 2), as amended.

Equal Remuneration Act, 1976 (GI, Extra., Part II, sec. 1, 22 Feb. 1976, No. 29).

Factories Act, 1948 (LS 1948 - Ind. 4).

Plantations Labour Act, 1951 (LS 1951 - Ind. 5).

Mines Act, 1952 (LS 1952 - Ind. 3).

Mines Crèche Rules, 1966 (GI, Part II, sec. 3(i), 9 April 1966).

Central Civil Services Leave Rules, 1972.

The Constitution of India prohibits discrimination on grounds of sex and guarantees equality of opportunity in matters of public employment. It also guarantees to all citizens the right to practice any profession or to carry on any occupation, trade or business. The Directive Principles of the State Policy, embodied in the Constitution, stipulate that the State shall strive to secure for men and women the right to an adequate means of livelihood, equal pay for equal work for both men and women and just and humane conditions of work and for maternity relief. Labour laws are applicable to all women employees alike irrespective of whether they have family responsibilities or not.

The Maternity Benefit Act extends to the whole of the Indian Union and applies to every establishment in factory, mine or plantation sectors except those factories or establishments to which the provisions of the Employees' State Insurance Act, are applicable.

The Equal Remuneration Act requires an employer to pay equal remuneration to men and women workers for the same work or work of a similar nature. A specific provision has been made in the Act to ensure that the payment of equal remuneration to men and women workers does not lead to discrimination against recruitment of women. For the promotion of employment opportunities of women, the Act provides for the setting up of one or more advisory committees by the appropriate government for such establishments or employments as may be notified by the central government.

The interests of women workers in matters relating to employment are also looked after by the Central Committee on Employment (set up by the Directorate General of Employment and Training) which consists of representatives of government, central employers' and workers' organisations, Members of Parliament, economists and the All-India Women's Organisations.

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The Department of Social Welfare has drawn up a National Plan of Action for women which contains among other things, guidelines for the promotion of employment of women. The constituent state governments have already been requested to take action on the basis of these guidelines.

It is a statutory requirement to provide for maintenance of creches at the workplace under the Factories Act, the Plantations Labour Act and the Mines Act. The Acts and the Rules thereunder lay down standards, which the creches have to comply with. The Mines Crèche Rules, framed under the Mines Act, also makes it obligatory for the owner, agent or manager of every mine, wherein even if a single woman is employed or was employed on any day of the preceding 12 months, to provide a crèche of prescribed standards at the mine to look after the children of such workers. .

Under the Central Civil Services Leave Rules, a permanent employee of the Central Government can take a maximum of 60 months' leave of any kind including extraordinary leave in one continued spell.

Placement services are available for both men and women. There are special sections in the employment exchanges providing services to women jobseekers.

Training facilities are exclusively available at the Central Training Institute for Women Instructors at New Delhi where women up to 40 years of age are eligible for admission. The training facilities in the other six central training institutes in India are also open to women. Advanced skill training courses for women have also been started with the setting up of the National Vocational Training Institute for Women in Delhi in May 1977. The welfare funds set up by the Central Government to provide welfare facilities for workers in specified sectors run welfare-cum-children education centres meant exclusively for women and children.

The implementation of the welfare provisions applicable to women under the Factories Act and the Plantations Labour Act rests with the constituent state governments while in the case of mines, the Director General of Mines Safety is the competent authority for enforcing the welfare and safety provisions under the Mines Act.

The enforcement of the provisions of the Maternity Benefit Act is the responsibility of the state factory inspectorates in sectors other than mines. The Act is enforced by the Coal Mines Welfare Commissioner in coal mines and by the Director General of Mines Safety in non-coal mines.

Steps will continue to be taken for safeguarding the interests of women workers including those with family responsibilities. However, it would not be practicable for India to comply with all the requirements of the Recommendation in the immediate future particularly on matters relating to adjustment of school and shopping hours to the needs of working women, the creation of nation-wide child-care services and the provision, at low cost, of the facilities required to simplify and lighten household tasks. Similarly, it would not be easy to undertake systematic surveys for collecting detailed data to assess the needs and preferences for child-care facilities. The suggestions contained in the ILO instrument as well as the recommendations made by the Committees on Status of Women in India and the National Commission on Labour will, however, be kept constantly under review in developing the future policy.

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### INDONESIA

Act No. 14 concerning the Basic Provisions respecting Manpower, 1969.

One of the reasons there are not more legislative or administrative regulations governing the employment of women with family responsibilities is the stage of development of the country. Another reason is that the traditional pattern of the Indonesian community with family extension system still permits women with family responsibilities to go to work without much disturbance. However, in some modern sectors' undertakings women's organisations play an active role to support the women workers with family responsibilities by providing for facilities on a voluntary basis. In other cases agreements have been reached between employers and workers on the estates to provide for crèches and other needs of women having family responsibilities.

The authority responsible for maintaining the constitution of employment for all workers, including women with family responsibilities, is the Department of Manpower, Transmigration and Cooperatives, which consults the workers' and employers' organisations. The Government has given more attention to the problems of working women with family responsibilities in the Second Five-Year Development Plan.

It is the intention of the Government to take measures to give effect to the provisions of the Recommendation in conformity with the level of the social and economic development of the country.

The Government is taking measures for the provision of crèches and other facilities at the plant sites for women with family responsibilities.

### IRAQ

Labour Code, Law No. 151 (Al-Waqayi-u al'Iraqiya, 6 April 1970) (LS 1970 - Iraq 1), as amended by Law No. 81 of 1975 (Weekly Gazette of the Rep. of Iraq, 30 July 1975, No. 31).

Employment and Organisation of the Work of Women Regulations, No. 36 of 1972 (Weekly Gazette, 12 Dec. 1973, No. 50).

Workers' Pension and Social Security Law, No. 39 of 1971, as amended by Law No. 155 of 1971, Law No. 32 of 1973 and Law No. 66 of 1973 (Weekly Gazette, No. 1, 2 Jan. 1974).

Instructions No. 2 of 1974 enacted by the Minister of Labour and Social Affairs.

The current Labour Code puts men and women on an equal footing as regards wages and bonuses and conditions of work, contracts of employment and denunciation thereof, hours of work and rest and holidays (normal leave and sick leave), public holidays, safety at work and trade union rights and collective bargaining; it offers women equal opportunities for employment and detachment for trade union work or missions.



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The Social Security Act provides that the Workers' Employment and Training Institute - the central employment agency - shall undertake the planning and implementation of general social services which will be in the interests of the working class, including the building of nurseries and kindergartens, and that the Institute is called upon to equip nurseries and kindergartens with suitable specialised staff and modern technical equipment.

The Institute offers vocational guidance through the employment exchanges including individual and collective guidance for young people and occupational information for adults. Such services are provided irrespective of sex.

The Social Security Act lays down that before and after confinement, especially if the birth was difficult or multiple, or if there was disease or complications before or after birth, a woman shall enjoy the full medical care and attention provided for in the Act, and she gets the necessary leave before and after confinement and is entitled to extension of that leave should the conditions mentioned above be fulfilled. After the confinement the woman returns to her job having kept all her legal rights.

### IRELAND

Civil Service (Employment of Married Women) Act, No. 17 of 1973.

Unfair Dismissals Act, 1977.

Employment Equality Act, 1977.

The obligation on female staff to resign on marriage from the civil service was abolished as from 31 July 1973 and at the same time by the local government authorities including regional health boards.

The dismissal of an employee on the grounds of pregnancy or matters concerned therewith shall be unfair under the Unfair Dismissals Act.

It is unlawful to discriminate on grounds of sex or marital status in regard to access to employment, training for or during employment, promotion or working conditions. An Employment Equality Agency, which became operative on 1 October 1977, will have the responsibility of enforcing the legislation. The maternity allowance scheme provides for a pay-related maternity allowance of 12 weeks.

In January 1975 a scheme of maternity leave for married women employed on a permanent basis in the civil service was introduced in Ireland.

The National Manpower Service which is under the aegis of the Minister for Labour provides guidance and advice in obtaining and keeping suitable employment. Its services are freely available to women with family responsibilities. Such women who wish to enter, or re-enter into employment, can obtain advice and guidance and information on job opportunities and training from the National

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Manpower Service. The NMS encourages employers to provide child-caring services and other facilities such as flexible working hours to assist women with family responsibilities. Two women placement officers who deal specifically with the placement of women are employed by the NMS.

The regional health boards with the approval of the Minister for Health subsidise crèches and day nurseries run by voluntary agencies, mostly in the larger urban areas. Health boards themselves provide nurseries in areas where it is clear that voluntary organisations have not the capacity to do so.

The Industrial Training Authority (AnCO) which is a semi-government body organises courses in survey techniques and office procedures to train mature women who wish to re-enter the workforce. Reorientation courses to help mature women overcome the difficulties involved in taking up work for the first time or after a long absence are also organised by AnCO.

A home help service is administered throughout the country by health boards or voluntary agencies subsidised by health boards under the general direction of the Minister for Health and women with family responsibilities may receive assistance.

A labour force survey recently undertaken will provide information on the numbers of married women seeking employment, possibly according to age group.

### ITALY

Act No. 1204 of 30 December 1971 respecting the protection of working mothers (Gazzetta Ufficiale, 18 January 1972, No. 14).

Presidential Decree No. 1026 of 25 November 1976: rules for the application of the Act of 30 December 1971 (GU, 16 March 1977, No. 72).

Act No. 1044 of 6 December 1971 to establish a five-year plan for financing the creation of day-care centres.

The Constitution contains many articles that are intended to protect women. Some seek to resolve the problem of equal rights and the elimination of discrimination based on sex; others have to do with maternity protection and the creation of the necessary social services to enable women to take advantage of their right to work.

A number of laws have been passed in recent years to ensure the application of some of these constitutional provisions. Act No. 1204 of 30 December 1971 and the corresponding rules for its application have widened the scope of existing legislation. Among other things, the Act prohibits the dismissal of working women from the start of their pregnancy until their child's first birthday.

In order to enable women to take full advantage of their right to work and to reconcile their role as mothers with their role as workers, Act No. 1044 of 6 December 1971 establishes a five-year

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plan for financing the creation of 3,800 day-care centres; however, this plan has been only very partially implemented, either for lack of funds or because of the country's current economic difficulties.

For International Women's Year, the Ministry of Labour and Social Welfare has set up a committee composed of representatives from the public administration and of experts on various aspects of social life to deal specifically with problems affecting women.

The Parliament is currently considering a whole series of bills on equality between men and women in working life.

### IVORY COAST

Act No. 64-290 of 1 August 1964 to establish a Labour Code (LS 1964 - I.C. 1).

The Labour Code is essentially egalitarian. However, non-discrimination in practice is sometimes difficult to ensure for reasons which, in some cases, have to do with the family responsibilities that women are called upon to fulfil.

Some of the provisions of the Labour Code ensure good protection for women: hours of work, leave, protection of pregnant women, exclusion from certain jobs.

Under the family benefits scheme, women employed in the private sector receive various allowances and benefits in kind. In the public sector, women only receive family allowances.

In most cases, general education and vocational training still suffers from some discrimination based on sex.

As regards child care, it is customary to employ a young person to look after children at home. In the case of children between the ages of 3 and 6, working women can choose between public kindergartens and nursery schools, which take children from the age of 4.

In 1976, the Ministry for Women's Affairs set up a National Committee on the Advancement of Women, whose subcommittee has undertaken the examination of the points embodied in Recommendation No. 123.

### JAMAICA

Constitution, 1962.

Employment of Women Act, 1942.

Employment (Equal Pay for Men and Women) Act, 1975 (LS 1975 - Jam. 2).

Minimum Wage Act, No. 31 of 1938.

National Minimum Wage Order, 1975 (Jamaica Gazette, Supplement, 30 October 1975, Vol. XCVIII, No. 105).

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Chapter III, section 13, of the Constitution provides that every person in Jamaica is entitled to exercise the fundamental rights regardless of race, place of origin, political opinions, colour, creed or sex.

Jamaica has sought to eliminate the discrimination against women through the encouragement of non-discriminatory practices in employment, exemplary administration in the public service, the ratification and implementation of the ILO Conventions dealing with discrimination in employment and where necessary through the enactment of national legislation.

The Employment (Equal Pay for Men and Women) Act, instituted as a result of the ratification of the ILO Convention No. 100, stipulates that after 1 January 1976 all employers must remunerate equal work with equal pay regardless of the sex of the employee.

The Women's Bureau was established in 1975; its main objectives are to ensure equality between the sexes and the full integration of women in the national development. Among its major functions are research, education, employment and training.

A day-care unit established in the Ministry of Youth and Sports is concerned with the matters set out in section III of the Recommendation. The Department of Social and Preventive Medicine at the University of the West Indies has carried out surveys in this area. In addition, many voluntary organisations and private individuals are engaged in providing child-care services. The Government is in the process of establishing day-care centres throughout the island. In collaboration with the Ministry of Health, the day-care unit is developing standards for these centres. Inspection is carried out by public health inspectors. Legislation is being considered to set basic standards for all child-care facilities.

The day-care unit in collaboration with other agencies has been organising training courses for persons working in child-care services. UNICEF has assisted in the establishment of a Regional Child Development Centre at the University of the West Indies which is also involved in training and research.

The Women's Bureau has been actively concerned with increasing the level of participation of girls in all areas of vocational training.

The Government is aware of the need for programmes to facilitate the entry or re-entry into employment of women who have never worked or have been out of employment for a long time. However, the resources are not presently available.

Women with family responsibilities form a large proportion of the female workforce. Therefore, there is a certain public consciousness about such factors as transportation and the harmonisation of working hours with school hours.

There is a reasonable availability of domestic help, so that the operation of "home-aid services" under public supervision is not a necessity.

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The Ministry of Labour is the supervisory authority for the relevant legislation. The Ministry of Youth and Sports is responsible for any regulations dealing with child-care services.

Legislation relating to child-care services is being drafted for submission to Cabinet.

### JAPAN

Constitution of Japan.

Working Women Welfare Law (Law No. 113 of 1972) (LS 1972 - Jap. 1).

Labour Standards Law (Law No. 49 of 1947) (LS 1947 - Jap. 3).

Employment Measures Law (Law No. 132 of 1966) (LS 1966 - Jap. 1).

Employment Security Law (Law No. 141 of 1947) (LS 1947 - Jap. 4).

Vocational Training Law (Law No. 64 of 1969) (LS 1969 - Jap. 1).

Child Welfare Law (Law No. 164 of 1947).

Enforcement Ordinance of the Employment Insurance Law (Ministry of Labour Ordinance, No. 3 of 1975).

Law concerning Child Care Leave granted to Women Teachers in Compulsory Education Schools, etc., and Nurses, Dry Nurses, etc., in Medical and Social Welfare Facilities, etc. (Law No. 62 of 1975).

It is provided that the local public bodies shall endeavour to set up any necessary welfare centres for working women whose purpose is to make comprehensive arrangements for the welfare of working women, including counselling and the provision of recreation facilities.

A survey of the actual state of the needs of working mothers in respect of child-care services was made in 1976, covering about 10,000 households and such items as whether mothers are engaged in employment, the occupation of those mothers who are engaged in employment, whether those mothers who are not engaged in employment intend to be employed, and the number and age of their children. The results of the survey are now being tabulated.

Guidance is given to prefectural governors and heads of cities, towns and villages to formulate, and modify as necessary, a long-term programme, arranged with respect to fiscal year, for the establishment of child-care facilities within their own jurisdiction.

It is provided in Articles 52 and 56-2 of the Child Welfare Law that a half of the expenses for the construction of child-care facilities and equipment shall be borne by the National Treasury, 20 per cent of the operation expenses of child-care facilities shall be borne by the prefecture, city, or village concerned and 80 per cent thereof by the National Treasury.

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Provisions concern the area, structure and installations of child-care facilities, the number and qualification of the personnel, the hours and content of child care, health administration.

The State grants a subsidy to dry nurse training facilities. There exist training courses for the heads of child-care facilities and dry nurses at an administrative position, and various materials on child care are also provided.

The improvement of conditions of work will be further promoted so that those women who have to work under low conditions may not increase, and the improvement of the conditions of employment of women will be promoted, giving due consideration to the mode of the life cycle of women, the diversification of the opinion among working women about their status, etc.

In order to promote the employment and re-employment of women, training courses suitable for women, such as dressmaking, clerical work and beauty culture, have been established, in addition to courses in technical skill, in public vocational training centres established under the Vocational Training Law and training is already conducted, and on the other hand eight vocational training centres specially for job-seeking women have been established and home economy and cooking courses are offered.

It is provided that an employer shall endeavour to provide any necessary child-care facilities for the working women he employs, including the approval of child-care leave.

### KUWAIT

The Civil Service Act, Government Decree No. 7 of 1960.

The Employment (Public Sector) Act, No. 38 of 1964.

The General Assistance and Relief Act, No. 5 of 1968.

A female official is entitled to special unpaid indefinite leave to accompany her husband should he be sent abroad or entrusted with a scientific mission or awarded study leave.

Girls are entitled to education at all levels - elementary, intermediate, secondary, university and post-graduate, and similarly to free vocational and technical training. The Kuwaiti female is a partner in development, entitled to take part in all activities - social, economic and governmental. There are females in the highest administrative posts (such as director of studies at the University).

The Ministry of Social Affairs and Labour, the Ministry of Planning, and the University of Kuwait concern themselves with the problems of the working female and to this end undertake studies and research and publish statistics relative to the part played by women in the various fields of employment.

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Every Kuwaiti is guaranteed employment. Should a woman leave employment and later wish to work again, she will find suitable opportunities in the ministries which deal with women having family responsibilities; these women receive subsistence allowances from the State, even if they are incapable of work.

### LIBERIA

There are no statutory provisions giving effect to the matters dealt with in the Recommendation. In practice, however, the Government vigorously encourages women workers with family responsibilities to become effectively and fully integrated in the economic and social development of the country on the basis of equal rights. Government provides occupational and vocational training facilities, and access to employment and promotion for women with family responsibilities who are newly entering the labour market (or into new employment) in order to enable them to remain integrated in the labour force. This also enables them to re-enter the labour force after a period of absence after pregnancies. The Ministry of Labour, Youth and Sports is entrusted with the supervision of the application of this practice.

The provisions of the Recommendation are the genuine concern of the Government. There is a built-in system of co-operation and understanding between Government, employers and workers in respect of the application of the Recommendation. Women with family responsibilities who are gainfully employed in the private sectors in the country and by the Government are given maternity leave with pay including other fringe benefits.

All job applicants are registered with the "Public Employment Service Division" within the Ministry of Labour, Youth and Sports. Interview and counselling services are provided for the jobseekers and placements are made on the basis of skills and experiences. An on-the-job training programme is also encouraged without any discrimination.

In order to assist women workers to meet their employment and family responsibilities, a privately owned Child-Care Agency is organised. The Government provides subsidy and other facilities for this Agency.

### LUXEMBOURG

Act of 3 July 1975 respecting maternity protection for working women.

Objective research into the situation of working women with family responsibilities is one of the aspects of an inquiry currently being carried out by the Ministry for the Family into the general situation of families in Luxembourg. The publication of the findings of this inquiry will render the public more aware of the problems of working women alluded to in the Recommendation.

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As regards child-care facilities, the Ministry for the Family has for some years now been pursuing a new policy. Instead of large impersonal orphanages it is encouraging the creation of family-style houses with qualified personnel to look after no more than about ten children. It is also promoting the setting up of child institutions, nurseries, day-care centres and similar institutions catering to the needs of children of different age groups.

To a very large extent, children's homes are financed by the State and communes. Parents are only expected to contribute to the cost in so far as their financial situation permits them to do so.

With regard to vocational guidance and training, no legislative provisions discriminate against women in Luxembourg. Public education is mixed and the conditions for admission to schools and training centres are the same for both sexes.

Specific arrangements to help women who have not yet worked, mainly because of their family responsibilities, to find their first job and to help those who have stopped working for a fairly long period, for the same reasons, to re-enter working life are by and large already provided for by the various services attached to the Employment Administration Department.

Section 5, paragraph 4, of the Act of 3 July 1975 stipulates that, at the end of a period of maternity leave taken to nurse her child, a woman may, without notice and without thereby having to pay any compensation for breaking her contract, choose not to return to her job.

In this case, she may request to be re-employed at any time during the following year; during this period, the employer is obliged to give her priority in respect of any jobs which she is qualified to perform and, should he re-employ her, to grant her all the advantages that she had accrued at the moment of her departure.

Home-aid services are organised exclusively by private associations. The State provides such associations with a financial incentive by assuming a large part of the cost of training and by contributing to their operating costs in so far as these are not covered by the families and communes concerned.

The Government is currently considering the advisability of introducing a set of regulations on part-time work and flexible working hours. Such flexible working arrangements could do a great deal to facilitate and encourage the employment of women with family responsibilities.

### MALAYSIA

Employment Ordinance, 1955 (LS 1955 - Mal. 2).

Workers (Minimum Standards of Housing) Act, 1966 (Government Gazette, 26 July, Supplement).

Workers (Minimum Standards of Housing) (Nurseries) Regulations, 1969.



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Section 9 of the Workers (Minimum Standards of Housing) Act, requires an employer in a place of employment where there are no less than ten dependants under the age of 3 years living with the resident workers, to construct a nursery in accordance with the requirements of the Workers (Minimum Standards of Housing) (Nurseries) Regulations, which lay down the requirements of the facilities provided. For every 15 dependants housed in a nursery a female attendant must be employed. At least once a month a registered medical practitioner has to inspect the nursery, the female attendant/attendants employed and the dependants housed therein.

Under section 37 of the Employment Ordinance, a female employee, on confinement is entitled to 60 consecutive days' paid maternity leave. If a female employee is absent from work after the maternity leave due to illness certified by a registered medical practitioner arising from pregnancy and confinement, it shall be an offence until her absence exceeds a period of 90 days after the expiration of her eligible maternity leave, to dismiss her or give her notice of dismissal whereby the notice would expire during her absence from work.

The Ministry of Labour and Manpower is entrusted with the supervision of the application of the legislation and regulation.

Since it is felt that the present legislative, administrative and practical provisions are adequate to meet the provisions of the Recommendation, it is not intended to introduce any changes at this juncture.

In Malaysia, labour matters come under the jurisdiction of the Federal Government.

### MALI

Labour Code, 1962 (LS 1962 - Mali 1).

Order No. 5254 IGTL/AOF of 19 July 1954 respecting the employment of women and pregnant women (Journal Officiel de l'A.O.F., 31 July 1954) (LS 1954 - F.W.A. 2).

A number of provisions exist that are intended to enable women who are employed to combine satisfactorily their family and occupational responsibilities (maternity leave, medical care facilities, rest periods at the workplace for nursing mothers, provision of special nursing rooms).

The competent authorities have encouraged the development of child-care facilities specially designed for children of various ages and working parents.

No distinction whatsoever is made on the basis of sex in respect of job-seeking or access to or exercise of any occupation. Young people have exactly the same chance of attending teaching and vocational training establishments, whatever their sex.

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Women who are employed enjoy special protection in the case of pregnancy. They continue to receive full pay throughout their maternity leave. Their contract is suspended during this period and cannot be terminated by the employer for any reason whatsoever.

### MAURITIUS

Labour Act, No. 50 of 1975 (LS 1975 - Maur. 1).

There is nothing in our law and practice which would be fundamentally contrary to the basic principle that women with family responsibilities who need or choose to work outside their homes should be enabled to do so without discrimination.

Although there is no concerted national programme for research into the problems of the integration of women with family responsibilities in the labour force, consideration is given to it whenever conditions of employment of workers in general are reviewed and when the need arises.

There exist many nursery schools, kindergartens, and crèches run by district and town councils, voluntary organisations or private individuals, which provide a certain amount of child-care facilities, which vary both in quality and extent. The Ministry of Education, the Institute of Education OMEP and the Joint Child Health and Education Project are currently engaged in the reorganisation of a pre-primary education service. Standards for the training of personnel for this service, the level of health care of the young children are being laid down in accordance with acceptable standards. Health control is exercised over the existing child-care facilities.

In this connection, section 25 of the Labour Act provides that where, in their opinion, no adequate arrangements exist to provide for the nursing of children of workers, the Permanent Secretary of the Ministry of Labour and industrial relations or government medical officers may give to the employer any directions which they think fit.

Free education at the primary, secondary and post-secondary level is provided to boys and girls alike. The Ministry for Employment through the Youth Guidance Service and the Employment Service provides a counselling, information and placement service for the general public, which are likewise available to assist women who have been out of the employment market to reintegrate the labour force.

The Labour Act provides for the grant of maternity leave with pay and in certain cases without pay.

The broad principles embodied in the Recommendation are generally covered by existing legislation and practice. The advisability of taking any supplementary measures designed to give effect to provisions not covered so far will be considered in the light of future developments.

## EMPLOYMENT OF WOMEN WITH FAMILY RESPONSIBILITIES

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### MEXICO

National Constitution.

Federal Labour Act of 2 December 1969 (LS 1969 - Mex. 1).

State Employees Act.

Social Security Act of 22 February 1973 (LS 1973, Mex. 1).

General Population Act (Diario oficial, December 1974).

### I. General principle

According to the second paragraph of section 3 of the Federal Labour Act, no discrimination shall be made between workers "... on grounds of race, sex, age, etc."; from the legal point of view, the possibilities of access to employment and working conditions generally are the same for men and women. In practice, however, this is not the case.

From 1975 and as a result of International Women's Year, there has been full equality for both sexes as regards all aspects of employment, and practical measures and instruments have been introduced to permit and ensure equal treatment.

The new part II of clause (a) of section 123 of the Constitution, which has been in force since 1 January 1975, removes the ban on night work in industry. It also removes the ban established by part XI of that same clause, which banned overtime work by women.

Furthermore, amendments made to the Federal Labour Act in the course of December 1974 extended the protection already given to pregnant women.

Important provisions were made in sections 43, part I and 51 of the State Employees Act, regulating subsection B of section 123 of the Constitution, according to which "other things being equal", women workers who can produce evidence of being the sole support of their family will receive priority over trade unionists and veterans of the Revolution for promotion on service grounds.

### II. Public information and education

Women are being given ever-increasing opportunities to participate in the economic and social life of the country. It is stated in part V of section 3 of the General Population Act promulgated through a decree published in the Diario oficial in December 1974 that its objectives include "the promotion of full participation by women in the educational, social and cultural process", and this has to be implemented by the Department of the Interior. Action is already being taken for application of the Act, including planning of an economic and social nature which would permit greater participation by women taking into account the family responsibilities which are theirs by tradition.

## RECOMMENDATION NO. 123

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Another means of promoting greater participation by women with family responsibilities is provided by the committees for the promotion of social and economic development, which are public bodies responsible for developing programmes of assistance to women struggling with family difficulties, including those deriving from the need to secure an income.

### III. Services and measures for child assistance

The Government has realised for a long time that if women obliged to work are to make full use of their abilities, they must have the assurance that their children will receive proper attention and education.

Mexican legislators therefore embodied in the Federal Labour Act of 1931 a section 110 placing an obligation on employers to provide day nurseries and kindergartens for workers' children. For many years, the necessary regulations did not exist and it was not until 1961 that the provisions of section 110 placed this obligation on employers having a workforce of over 50 persons.

The Federal Labour Act was amended in 1962 when it was stipulated that the Mexican Social Security Institute would take over responsibility for providing day nurseries and kindergartens. The new Social Security Act in force since 1 April 1973 added this service for beneficiary's children to the traditional branches of compulsory security.

In view of the importance of ensuring working mothers the peace of mind necessary to enable them to make full use of their abilities, the same Social Security Act stipulated that the Institute had to organise and set up nursery and kindergarten services throughout the Republic and granted a period of four years for completion of the necessary centres.

At the same time, the Government has taken measures to provide state employees with this same service: by 1973 it had organised 402 nurseries or kindergartens which now take care of over 60,000 children. A School for Nursery and Kindergarten Aids was created on 7 February 1962 for female students. The course lasts one year, is full-time, and provides both theoretical and practical training. Approximately 2,000 students have already passed through the school and all have jobs before the course ends.

The Government is concerned about the problems faced by women workers as a result of their family and occupational responsibilities. It is endeavouring to find solutions to these problems and to promote public support for relief measures.

The National Institute for Labour Studies has held various meetings to study the labour problems of women within the country. The first Meeting on the Participation of Women in National Economic Life took place on 7 September 1974 and was attended by women leaders of trade unions, federations and confederations. The discussions led to important conclusions resulting in recommendations designed to improve work conditions for women. The Institute published the relevant documents in a volume which has been widely distributed. Further meetings of the same kind have been organised since then.

## EMPLOYMENT OF WOMEN WITH FAMILY RESPONSIBILITIES

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Four inquiries were carried out in the course of International Women's Year to determine the nature of the problems associated with the incorporation of women in economic life.

The Occupational Training Department of the Secretariat of Labour carried out an inquiry at national level in 1976 on the facilities available in the country for the training of workers, which included a survey on the attitude to women amongst employers, trade unionists and workers.

### IV. Admission and readmission to employment

Constant efforts are made to provide vocational training for women so as to facilitate their admission to employment. Women at present play a significantly smaller role than men in the country's economic life: in 1970 they represented only 16.4 per cent of the workforce. Many efforts have been made in the country to improve this situation. Some governmental services have conducted campaigns to encourage women to undergo training.

An inquiry carried out in various vocational training institutes showed that the obstacles to the training of women in occupations which are not traditional ones may include amongst other factors the timetables for the courses and the family and social drawbacks associated with the employment of women in certain jobs.

In addition, inadequate knowledge of the qualitative structure of the labour market demand limits the possibility of giving satisfactory guidance to women needing training. This situation is aggravated by the fact that women's choice of jobs is guided by traditional patterns.

The National Labour Studies Institute is at present carrying out wide-scale investigations on this subject, the results of which will be used to draw up a plan for the future.

### MOROCCO

Decree of 2 July 1947 to regulate employment (LS 1947 - Mor. 1).

Dahir of 24 April 1973 to determine the conditions of employment and remuneration of agricultural workers (LS 1973 - Mor. 1).

Women with family responsibilities are entitled to choose their occupation without any discrimination.

In order to help women and protect children, the State has set up nurseries and day-care centres in both the public and the private sector through the Ministry of Public Health and National Mutual Assistance, the Ministry of Labour and certain public bodies and associations.

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No information or educational activities exist specifically to help women with family responsibilities to become effectively integrated in the labour force on the basis of equal rights. The steps taken by the State in this connection are directed at women in general, whether they have family responsibilities or not.

Vocational training is one of the priorities of the latest economic plans drawn up by the State and permits no discrimination based on sex. However, certain ministries undertake to train the kind of staff they have a specific need for. (For example, the Ministry of Public Health trains nurses, female laboratory technicians, midwives, etc.) In addition, the Ministry of Labour and Social Affairs provides free training courses for young women who, for financial reasons, are unable to pursue their studies beyond primary education and thus offers them a chance to acquire skills in dressmaking and tailoring.

### NETHERLANDS

The problems of working women with family responsibilities can be solved only in connection with the changes in the distribution of roles between man and woman in every sector of society.

In 1974 the Government instituted a new body to advise it on this broader field of policy. The members of this National Advisory Committee on Emancipation (EK) are appointed in their own right; their personal background lies in a variety of social sectors.

The Ministry of Culture, Recreation and Social Work has, as part of the emancipation policy, assigned priority to measures that make a contribution to growing awareness and change of mentality. Since 1973 this Ministry has given financial support to many information projects such as films, cabaret, brochures.

In the near future an official working party will be instituted with the task of developing an information strategy aimed at accompanying and encouraging the changes in the role distribution of man and woman that are becoming apparent in society.

Underdevelopment is a more systematic structure for the coordination, programming and performance of research in the field of emancipation.

The child-care facilities contribute towards offering parents better possibilities of participating in social life. For this reason single-parent families in particular use the day nurseries, at which the children are looked after for whole days throughout the week.

In addition, some parents find other families prepared to look after their children for the whole day or between school hours.

The principle of equal opportunity must be realised not only formally but also materially, and consequently role-confirming tendencies in information and counselling, in the attitudes of teachers and in teaching material, must be countered as much as possible.

## EMPLOYMENT OF WOMEN WITH FAMILY RESPONSIBILITIES

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The Government tries to make its contribution to this, notably via information activities and certain forms of positive discrimination, including a policy aimed at creating learning and educational facilities for men and women who formerly missed their chance.

Employers' and workers' organisations are involved through several advisory bodies at national as well as local levels in the activities of the Labour Exchanges.

The Government encourages part-time employment, for instance by a scheme for experimental employment projects, whose purpose is to give unemployed women who wish to enter (or re-enter) employment permanently a better start.

The training provisions that the employment office offers meet to some extent the need for "a second chance" because, in contrast with the former situation (when the last occupation practised formed the basis of whether one qualified for training), personal aptitude and ambitions also play a part.

There is an entitlement to maternity leave of six weeks before the presumed date of confinement and six weeks after. The law prohibits dismissal on account of marriage, during pregnancy and on account of confinement up to the end of the twelfth week after confinement.

Home-aid is subsidised by the Government according to urgency. A contribution scheme exists in which the earning capacity is taken into consideration.

The Socio-Economic Council has published its advice on the participation of the married woman in the labour process. This Council includes equal representation of employers' and workers' organisations.

### NEW ZEALAND

Government Service Equal Pay Act, 1960.

Equal Pay Act, 1972.

Children and Young Persons Act, 1974.

Childcare Regulations, 1960.

Human Rights Commission Bill (currently under consideration by Parliament).

The Equal Pay Act provides for the progressive introduction of equal pay for women in the private sector by April 1977. The Government Service Equal Pay Act provides for equal pay for women in the State Services. The Human Rights Commission Bill was introduced into Parliament in July 1977 and prohibits discrimination in employment, education and training, and in the provision of goods and services, on a number of grounds including sex and marital status.

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In late 1976 the Department of Justice was charged with reviewing legislation and administrative practices with the aim of isolating those provisions and practices that discriminated against women by reason of sex or marriage or treated women in a paternalistic manner, with a view to removing them. Administrative and practical provisions include a day-care subsidy scheme, a home-aid scheme, tax deductions on industrial day-care centres and use of school buildings for after-school care.

The National Advisory Council on the Employment of Women has made recommendations to Ministers of Labour on a number of matters, such as part-time and shared jobs, flexible hours, child-care facilities and the problems facing women re-entering the workforce. A series of other bodies and conferences have been organised to consider different aspects of the employment of women, and provision for the family.

The Social Development Council's Working Party on Family Policy has published papers on parent education and financial assistance to families, and will shortly publish a paper on housework and child-rearing. The Cabinet Committee on Family Affairs has commenced compiling a family profile document which aims to bring together all available statistics relevant to New Zealand family life as an aid to policy making.

The Department of Labour Research and Planning Division periodically undertakes research on women's employment. The Minister of State Services has directed the State Services Commission to undertake a review of early-childhood care and education with a view to devising effective policies and administration. The principle is that normal family life should be the basis for child care in the community. The Government recognises however that some families may require day-care support. Government assistance is available for those in financial need of help to meet the costs of day-care.

The Children and Young Persons Act, 1974 makes provision for child-care regulations covering the matters raised. Training courses are available for staff of child-care centres. The Government has adopted a report on employment policy for working women, child care, and special adaptation problems and skill training and vocational guidance needs of women seeking to return to work after a long absence from the labour force. Women who are breadwinners and who are unemployed are eligible on the same basis as male breadwinners for access to special work.

Basic education in New Zealand is the same for boys and girls, although some schools still provide sex-specific practical education. The choice of subjects still leads to fewer girls studying mathematics and science at the secondary level. Encouragement to girls to prepare for a broader range of occupations has come from the Vocational Training Council.

In recent years provision has been made for adults to attend day-time academic classes at state secondary schools. Most of the adults attending secondary school are women with family responsibilities. Many secondary schools have had evening classes for adults for many years. Many adults have enrolled in the correspondence school, as well as girls who leave school prematurely because of pregnancy.



## EMPLOYMENT OF WOMEN WITH FAMILY RESPONSIBILITIES

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The development of community colleges has extended tertiary vocational and general education to women in rural areas. Several polytechnic and technical institutes run courses for women intending to re-enter the workforce, to give confidence, to teach old and new skills and provide information on job and career opportunities. Some secondary schools which provide full- or part-time education for adults in day-time hours also provide crèches. Many training colleges and universities provide day-care facilities for the children of students.

Maternity leave is established for the public service for a period of six months. Women returning from leave are guaranteed full job protection. Extension of the period of leave to 12 months is being considered. No awards registered by 1976 include an absolute obligation on the employer to rehire a woman taking maternity leave. Maternity leave legislation is being considered.

Some awards contain provision for domestic leave to care for a sick child or spouse.

The Public Service Association and the State Services Commission are negotiating a package of anti-discrimination measures, including transfer expenses, housing finance, maternity leave, re-entry, and other issues of relevance to women with family responsibilities.

### NIGERIA

Labour Decree, No. 21 of 1974 (LS 1974 - Nig. 1).

Women with family responsibilities are given equal opportunity with men in employment. They exercise their individual right to association. They have training, educational, employment exchange and clinical facilities.

In any industrial, commercial or agricultural undertaking, a woman has the right to leave her work for six weeks before her confinement and shall not be permitted to work for six weeks after. If she is nursing her child, she is allowed half an hour twice a day to feed the child. In practice, nursing mothers leave work one hour early for six months.

Employers' and workers' organisations enter into voluntary collective agreements which ensure the implementation of these welfare provisions.

In response to social problems facing working women with family responsibilities, the community establishes child-welfare centres for children not yet of school age while their mothers are at work.

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### NORWAY

Act on National Insurance, 1966, as amended (LS 1970 - Nor. 1).

Act on Workers' Protection and Working Environment, 1977 (Norsk Lovtidend, Pt. I, 14 Feb. 1977, No. 4, p. 77), as amended.

Act on Further Education, 1974.

Act on Education and Training for Adults, 1976.

Act on Kindergartens, 1975 and Regulations, 1976.

Establishment Act.

A series of measures have been taken by the Government with a view to improving women's opportunities on the labour market. Recently, a new Bill on equality of status between the sexes was submitted to the Storting.

The Norwegian policy to encourage persons with family responsibilities to work outside the home aims at women as well as men, because both women and men should have equal responsibility towards their children. Accordingly, the Storting has adopted legal provisions on entitlement to full pay during absence in the case of a child's illness for all employees caring for children under 10 years. Some government institutions will experiment with a six-hour working day for parents with children under 3 years.

In 1967 a Women's Counsellor was appointed at the Directorate of Labour to deal with questions connected with women's participation in occupational life. Special counsellors have been appointed in five counties. Emphasis has been put on information and education both inside and outside the employment services. The authorities try to obtain public understanding for the necessity of having occupational life adjusted to the needs of families. The Equal Status Council is engaged in an extensive information activity on these questions. The Ministry of Consumer Affairs and Government Administration has prepared a series of publications to increase the understanding of the need for a better development of kindergartens.

The labour authorities support and encourage research on women in working life on such subjects as use of time and hidden (under-) employment among women. In 1976 the Norwegian Research Council for General Science established a secretariat for research on questions regarding women.

Statistics will soon be made available on the occupational activity among women in relation to their age and family situation. According to the Kindergarten Act the communes are required to prepare a programme for the development of kindergartens. A small manual on the planning of kindergartens, and a model questionnaire have been prepared.

The Government covers approximately 85 per cent of the building expenses for kindergartens through inexpensive loans and 30 per cent of the running costs by subsidy. Somewhat over half of the country's communes have no kindergartens; the Government has decided to expand these facilities.

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The Act provides for a Kindergarten Committee to be established in each commune. Every individual kindergarten shall have its own Management Committee. At the provincial level supervision and administration come under the Provincial Governor. All kindergartens must obtain approval by the Ministry before opening. The Regulations on Kindergartens include provisions concerning health and hygienic conditions, site, playgrounds and premises, number and qualifications of the staff.

The question of the registration of female unemployment is among the matters for which a solution will be sought. Minor studies which shed light on this question are being financed from public funds. A study and evaluation of the vocational guidance activity has been commenced.

The Model Plan for teaching in the basic school, as well as the Act on Further Education, deal with the question of equal status between the sexes. A Bill on adult education and training is to come into force on 1 August 1977. It states that the Ministry may subsidise special adult training measures, with particular emphasis on work for equal status and democratisation; persons with special family responsibilities shall be given priority.

The labour authorities consider it important to abolish sex barriers on the labour market. Vocational training courses for adults improve adult women's qualifications. Financial support is granted during the course period, also covering expenses for care of children.

The Ministry of Local Government and Labour aims at contributing to an increase of the supply of part-time jobs both in private activities and in the Central Government services, and has taken up with workers' and employers' organisations the question of having various working hours' arrangements included in collective agreements. Reform work has been commenced in order to secure that part-time employees get the same conditions in working life as persons who are in full-time jobs.

As from 1 July 1977 the entitlement to leave in connection with pregnancy and childbirth was extended; the parents will together be entitled to leave of up to one year, six weeks of this being reserved for the mother.

New regulations for home-aid arrangements with governmental support, established in 1974, cover a wide framework of home-aid arrangements. All communes have organised home-aid services to be made available in certain situations, priority being given to homes in difficult financial conditions.

The supervision of the application of the relevant regulations has been entrusted to the Ministries of Consumer Affairs and Government Administration, of Local Government and Labour, of Social Affairs, and of Church and Education.

The principles of the Recommendation are fully supported by the Government, with the reservation that both men and women should have equal responsibility towards their family.

The Norwegian Employers' Confederation mentions that entitlement to leave of absence with full pay in cases of sickness of children comes into force on 1 January 1978, but the full remuneration will not be paid until 1 July 1978.

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### PAKISTAN

The Constitution of 1973 (Gazette, Extraordinary, Pt. I, 12 April 1973).

The occupier of every factory wherein more than 50 women workers are ordinarily employed shall provide a suitable room or rooms for the use of children under the age of 6 years belonging to such women. Federal Social Welfare Division and Provincial Social Welfare Departments have set up child day-care centres throughout the country, for the children of working women.

There is provision for leave adjustment in the interest of family life.

Vocational training centres/industrial homes have been set up in the country which impart training in cutting, sewing, embroidery, knitting and handicrafts. After getting training desirous housewives work in their homes on piece-rate basis, thus perfecting their skills while supplementing incomes.

In view of increasing demand for lady secretaries, stenotypists and stenographers, a special scheme has been prepared to set up secretarial training centres in all the big cities. Some before-service and in-service training programmes in various trades are run by industry, businesses and banks who try to attract young women. Many of the voluntary social welfare agencies interested in helping lower income groups of women have also organised vocational training centres in handicrafts and typing, shorthand, etc.

### PANAMA

National Constitution of 11 October 1972 (sections 60, 62 and 65).

Labour Code (Decree No. 252 of 30 December 1971) (LS 1971 - Pan. 1).

The Recommendation is to some extent also reflected in the Social Security Fund's standards for the coverage of women and children.

Measures which are not yet current national practice are under consideration with a view to adoption.

The competent authorities are principally the Ministry of Labour and Social Welfare, and for some matters the Social Security Fund.

### PAPUA NEW GUINEA

Native Employment Act 1958.

Industrial Relations Act 1962.

Industrial Organisations Act 1962.

Bureau of Industrial Organisations Act 1971.

The Labour Advisory Council is an advisory body which is consulted on employment policies and proposals to ensure that

## EMPLOYMENT OF WOMEN WITH FAMILY RESPONSIBILITIES

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representatives of persons and sectors affected are aware and may comment on the same. Women have been equally represented through their various organisations as well as membership in the Council. The National Women's Council is a body which has been established through the Division of Women's Affairs of the Prime Minister's Department. The Council deals with matters directly involving women in both urban and rural areas whereby women are encouraged and assisted in establishing activities socially and economically.

The Government draws up certain policies regarding national development, one of which aims at "a rapid increase in the equal and active participation of women in all forms of economic and social activity".

The Native Employment Act (sections 80-85) covers special legislation on pregnancy/maternity benefits and protection for indigenous women. The Act provides amongst other things that employment shall not be terminated because the employee is nursing her child.

The proposed Employment Bill, 1976 (sections 97-102) covers special legislation on discrimination, certain employment of females and pregnancy and maternity benefits. The Bill provides for instance that an employer who discriminates against a female employee commits an offence; and that the employee shall be granted additional maternity leave for about four weeks if she is still sick after confinement, and that the employee may resume duty during her maternity leave.

The Department of Labour, Commerce and Industry is entrusted with the administration of the legislation mentioned except for the Public Service Act. The manner in which organisations of employers and workers may be called upon to co-operate in this application is as stated in the regulations mentioned.

### PARAGUAY

Labour Code, Act No. 729 of 31 August 1961 (LS 1961 - Par. 1).

Decree No. 17161 of 22 January 1971 to organise and define the functions of the Department of Social Promotion of Working Women.

In addition to the provisions referred to above, mention should also be made of the provisions on home work, the project relating to the strengthening and development of the activities of the Department of Social Promotion of Working Women (in co-operation with UNICEF), the documents and conclusions of the First National Congress on Women (19-26 July 1975), which include a study on women's participation in economic development and in the labour force, and the National Human Resources and Employment Plan, 1977-1981. The Plan's objectives include research into the obstacles to women's incorporation into the working force.

The competent authorities are the Ministries of Justice and Labour, Education and Worship, and Public Health and Social Welfare.

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### PERU

Act No. 2851 of 25 November 1918 to regulate the work of women and children (LS 1919 - Per. 1).

Presidential Decree of 25 June 1921 to issue regulations for the application of Act No. 2851.

Act No. 4239 respecting weekly rest.

Presidential Resolution of 2 October 1923 respecting nurseries for children of working mothers.

Presidential Resolution No. 13.D.T. of 3 December 1956 respecting maternity insurance for working women.

Legislative Decree No. 21208 abolishing discrimination on the ground of sex in matters of remuneration.

The Labour Administration Authority is responsible for applying the above-mentioned legal provisions.

It has recently been envisaged as part of the Government Plan that women shall be eligible for appointment to all decision-making levels of the public service and, taking into consideration the woman's twofold function of housewife and worker, arrangements have been made to carry out investigations to draw up rules to make these two functions compatible with each other.

The Centre for Population and Development Studies has made an investigation into the social and economic position of women in Peru; an investigation into the situation of working-class mothers in gainful occupations; and an investigation into the circumstances of rural women in four regions of Peru: two mountainous regions, one coastal region and one forest region.

Final reports are being prepared and will be published later.

### PHILIPPINES

Constitution, 1973.

Labor Code: P.D.442 (LS 1974 - Phi. 1A), as amended.

Rules and Regulations Implementing the Labor Code dated 19 January 1975.

Child and Youth Welfare Code (P.D.603) (Official Gazette, 30 Dec. 1974, No. 52, p. 10774).

The Constitution of the Philippines provides in Article II that the State shall afford protection to labour, promote full employment and equality in employment, ensure equal work opportunities regardless of sex.

The Labor Code of the Philippines provides that the Secretary of Labor may require an employer to establish a nursery in a workplace for the benefit of the women employees therein. According to the Code, no employer shall discriminate against women on the grounds of sex or marriage. Equal remuneration must be paid to both men and women for work of equal value.

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The Child and Youth Welfare Code stipulates that day-care service shall be provided to a child whose parents and relatives are not able to care for him during the day, and that public nursery and kindergarten schools shall be maintained whenever possible. The operation and maintenance of such schools are the responsibility of local governments.

There are 2,993 day-care centres established and operated by the Department of Social Services and Development in the Philippines, and 1,186 centres are expected to be put up in 1977. The National Federation of Women's Clubs, a private organisation, has established around 100 day-care centres.

Government agencies and private organisations co-operate to assist women workers to meet their employment and family responsibilities. Leadership training seminars are now being conducted, especially in the rural areas, to encourage the consideration of problems of women workers with family responsibilities and to solve these with the co-operation of government and private agencies.

Provisions in the Labor Code and the Rules and Regulations Implementing it affecting the protection and welfare of working women and minors are entrusted to the Bureau of Women and Minors for implementation. Those in the Child and Youth Welfare Code are entrusted to the Department of Social Services and Development, the Council on the Welfare of Children, the Bureau of Women and Minors, the Samahan and the Barangay. Surveys and statistics on the employment of women are handled by the Bureau of Employment Services.

The Department of Health through the local health centres as well as the Department of Social Services and Development provides child-care services.

The National Manpower and Youth Council takes charge of vocational guidance and training free from any discrimination on the ground of sex.

The National Commission on the Role of Filipino Women works towards the integration of women for economic, social and cultural development at the national and international levels, to make women full and equal partners with men in the total development effort, and to ensure further equality between men and women.

Adoption of the recommendations takes place on a tripartite basis.

The Bureau of Women and Minors, with the co-operation of several private agencies, has initiated the establishment of neighbourhood nurseries in barangays and the formation of Foster Mother Pools for the benefit of working mothers. Further vocational training for working women, a part of the mass life-long education programme, is to be undertaken in the Working Youth and Working Women's Centres. A survey to collect and publish adequate statistics on the number of mothers engaged in or seeking employment and on the number and age of their children is to be undertaken in the later part of 1977. The Personnel Management Association of the Philippines (PMAAP) proposed to establish a small experimental project encompassing the objectives of the ILO, the focus of which shall be the delivery of child-care and adult functional education services, and programmes with initial inputs in motivation and training to serve as entry points in this development project.

The Trade Union Congress of the Philippines (TUCP) has indicated that the provisions of Recommendation No. 123 should be endorsed for approval and implementation. The Fortune Tobacco Corporation has indicated, inter alia, that the establishment of child-care services and facilities is not necessary at this juncture in the country.

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### POLAND

- Constitution (Dziennik Ustaw (DU), No. 7 of 1976, Text 36).
- Labour Code, 1974 (DU, No. 24, Text 141) (LS 1974 - Pol. 1A).
- Act of 1961 on development of the system of education (DU, No. 32, Text 160).
- Regulation No. 23 of the Chairman of the Committee for Labour and Wages of 1962 on the vocational guidance, as amended (Dziennik Urzędowy of the Committee for Labour and Wages No. 4, Text 13).
- Decision No. 239 of the Council of Ministers of 1964 concerning some of the principles of carrying and financing the training in the form of courses or vocational development (Monitor Polski (MP), No. 58, Text 274).
- Decision No. 68 of the Council of Ministers of 1971 on increasing employment of women on a part-time basis (MP, No. 23, Text 151).
- Decision No. 64 of the Council of Ministers of 1973 on principles of directing of socialised enterprise workers to workers' secondary and higher schools and on facilities and benefits rendered by enterprises to these workers (MP, No. 18, Text 111).
- Regulation No. 29 of the Minister of Labour, Wages and Social Affairs of 1973 on principles of co-operation of employment offices of people's councils' presidiums with socialised enterprises as regards admitting to employment ("Dziennik Urzędowy" of the Ministry of Labour, Wages and Social Affairs No. 3, Text 3).
- Directions No. 69 of the Minister of Labour, Wages and Social Affairs of 1973 on vocational and social adaptation of persons admitted to employment in socialised enterprises ("Dziennik Urzędowy" of the Ministry of Labour, Wages and Social Affairs of 1974, No. 3, Text 6).
- Decision No. 110 of the Council of Ministers of 1974 on development of the vocational guidance and orientation system (MP, No. 19, Text 112).
- Regulation No. 33 of the Minister of Labour, Wages and Social Affairs of 1974 on management of the professional activation fund ("Dziennik Urzędowy" of the Ministry of Labour, Wages and Social Affairs No. 9, Text 17).
- Act of 1974 on pecuniary benefits from the social insurance in case of sickness and maternity (DU, No. 34 of 1975, Text 188) (LS 1975 - Pol. 2).
- Order of the Council of Ministers of 1974 on working regulations and rules for justification of absence from office and granting days off (DU, No. 49, Text 299).
- Order of the Council of Ministers of 1975 on unpaid leaves for working mothers taking care of small children (DU, No. 43, Text 219).



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Order of the Council of Ministers of 1975 on the earlier retiring (DU, No. 9, Text 53).

Order of the Council of Ministers of 1975 on workers' rights for persons employed in outwork system (DU, No. 3 of 1976, Text 19).

The equality of women's rights is guaranteed by the equal right to work and remuneration in accordance with the principle of "equal pay for equal work", right to rest, social security, education, dignity and awards, and right of access to public service; woman and child protection, pregnant woman protection, paid maternity leave before and after confinement, development of maternity hospitals, nurseries and kindergartens, development of services and group feeding activities.

Women workers retain their entitlement to remuneration in respect of any period of absence from work on account of periodic medical examinations. In many enterprises there exist shops of protected work for pregnant women.

Provisions on unpaid leaves which are granted to women to look after young children guarantee employment on the former conditions on the return from the leave and all rights are retained. The period of unpaid leave is reckoned towards the period of employment deciding on woman's right to old-age and invalidity pensions. A woman worker who has accepted to bring up a child and adopt it is also entitled to maternity and unpaid leaves.

Other rights of women bringing up children include breaks in work for breastfeeding a child, two days off with pay during the year for purposes connected with bringing up a child that is under 14 years of age. There are early retirement provisions to women who in spite of reaching the retirement age do not fulfil the condition of the employment period necessary for acquiring the right to an old-age pension, connected with the bringing up of children.

Free medical care for children is rendered by the health centres situated in the place of residence as well as nurseries, kindergartens and schools.

Children and young persons living far from schools who due to every-day travels are not able to fulfil school obligations can live in boarding schools.

For enabling women with family responsibilities to enter into employment measures have been taken enabling women to take up part-time employment.

Priority in directing to work is given to women who are sole breadwinners, women with many children as well as wives of men called-up for basic military service.

The outwork system plays an important role in activating professionally working mothers and those women who are not able to take part in a regular employment due to other justified family or health reasons.

There are additional posts for women from the professional activation fund in these localities where there are temporary difficulties. These additional posts are organised mainly for

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women who are the sole breadwinner and women of families with many children. Adult non-working women can be covered by the vocational training system when they have difficulties in getting a job due to lack of professional skills; when they are forced to change profession due to lowered ability to work; when they are graduates of schools and wish to acquire a definite profession.

Women who entered into employment with no profession acquired at school or re-entered into employment after being out of the labour market for a comparatively long time owing to maternity responsibilities and who had no vocational preparation, can continue learning in the workers' schools.

For assisting people in the choice of occupation and place of work there is being developed a system of vocational guidance to deal with the individual vocational guidance for girls and women but they also collect and propagate information on occupations, possibilities of acquiring skills, working conditions, etc., taking into account the necessity of influencing parents and teachers participating in the choice of occupation and place of work.

### PORTUGAL

#### Constitutional principles and legislative provisions

The Constitution recognises the need to institute a national network of mother- and child-care services, the eminent social value of motherhood and the corresponding need to protect mothers in view of their essential role in the education of children and to guarantee their right to engage in a professional activity and to participate in the civic life of the country.

Legislative Decree No. 112 of 7 February 1976 increased maternity leave to 30 days in both the public and the private sector, without this entailing the loss of any right or guarantee with respect to employment, leave, seniority or pension. Legislative Decree No. 49408 of 24 November 1969 to approve a new set of rules governing individual contracts of employment provides for special rights for women in that they are exempt from dismissal except for just cause during pregnancy and until one year after confinement. With regard to women workers with family responsibilities, the Decree establishes the principle of part-time employment and of the participation of the State and the undertakings in the development of collective social welfare institutions designed to help women fulfil their dual role. It further authorises workers to absent themselves from work in order to give immediate assistance to members of their family household in cases of accident or illness. When a worker is prevented from performing his work for more than a month, his contract may be temporarily suspended without loss of seniority or of his right to work.

The country's social welfare legislation provides for the payment of an allowance to working women who are the head of the family and have absented themselves from work in order to look after their children; the allowance is payable for up to 15 days per year and per child under the age of 3 (Decree No. 484 of 27 September 1973).

## EMPLOYMENT OF WOMEN WITH FAMILY RESPONSIBILITIES

### The situation of working women in practice

A Committee on Women's Affairs has been set up to co-ordinate the measures adopted, in collaboration with the non-governmental organisations, in order to detect cases of discrimination against women, to denounce flagrant examples of discrimination and to propose positive steps to remedy the situation. The Committee has published a study showing that discrimination in respect of participation in trade union, civil and political life has by no means disappeared. It has analysed the forms of discrimination against women in employment, particularly as regards the principle of equal treatment in employment and equal remuneration for the same job or a job of equal value.

In order to find out how women combine their family responsibilities with their occupational responsibilities, the Committee has carried out an inquiry into the "time budget" of women; however, no definitive conclusions have been reached inasmuch as the sample chosen has been deemed insufficiently representative.

Facilities for infants are inadequate. The principal reason for this is the persistence of certain traditional views regarding the respective role of men and women in society. The Committee has devised a model for an inquiry into the participation of women in economic and social life. In an initial stage a statistical evaluation has been made of the situation of women from the standpoint of their demographic importance, employment and unemployment.

### Proposed measures to implement the provisions of the Recommendation

The Committee on Women's Affairs is planning to submit a Bill on equal employment opportunities for men and women which would provide for the setting up of the appropriate legal machinery and infrastructure to guarantee the application of the principles of equal access to employment, equal treatment in employment and equal pay. Convinced that the possibility of combining occupational responsibilities and family responsibilities depends above all on the organisation of the hours of work and, specifically, on the introduction of flexible working hours, the Committee has taken this stand on Bills respecting hours of work.

In the opinion of the Committee, the fact that collective facilities for infants are inadequate and unevenly distributed around the country calls for the implementation of a specific policy respecting children.

### ROMANIA

In accordance with the order of the Central Committee of the Romanian Communist Party of 18-19 June 1973 respecting the increased participation of women in the economic, political and social life of the country, the policy of allowing women to participate in working life has been maintained; accordingly, the national economic and social development plan provides for an annual increase in the percentage of working women in the total labour force of the country.

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To enable women to fulfil their family responsibilities, the Labour Code requires undertakings to grant women a break every three hours for feeding and attending to their children until they are 9 months old or, on medical advice, until they are 12 months old. These breaks may be replaced by a reduction in the hours of work without the person's remuneration and other material rights being affected. Women with children under the age of 6 may work half the normal hours; such half-time work shall be counted as full-time work in calculating seniority.

Under Act No. 1/1970 on the organisation of work and of discipline in state socialist units, women with children under the age of 7 can interrupt their activity without ceasing, under certain conditions, to benefit from uninterrupted seniority; accordingly, they enjoy the same rights in respect of salary increases, paid leave, social security benefits and so on as if they had not interrupted their work.

In order to help working women fulfil their family responsibilities, legislation has been passed to organise canteen facilities inside undertakings (Act No. 9/71) and to set up and operate day-care centres, homes, nursery schools and holiday camps through the undertakings themselves or by district.

Women employed at home, and who are thus able to fulfil their family commitments directly and permanently, enjoy the same rights as people with a contract of employment (Order No. 1956/1970 of the Council of Ministers).

In order to increase the facilities available to working women who have family responsibilities, the possibility is currently being considered of organising special working hours so that they can carry out their family responsibilities and meet the requirements of their undertaking as efficiently as possible.

### RWANDA

Labour Code of 28 February 1967 (LS 1967 - Rwa. 1).

The Constitution (article 41) recognises the right of everyone to work, without any discrimination. The Labour Code (section 128) entitles women to take leave from work for a certain period in the case of confinement.

The central services of the labour administration and prefectural labour inspectorates are responsible for ensuring the application of the relevant legislative provisions.

### SENEGAL

Labour Code, 1961 (LS 1962 - Sen. 2B).

Social Security Code, 1973 (LS 1973 - Sen. 1).

## EMPLOYMENT OF WOMEN WITH FAMILY RESPONSIBILITIES

The labour departments are responsible for ensuring the application of the provisions contained in the codes and regulations.

The Mother and Child Protection Bureau supervises all measures respecting the protection of pregnant women and of children up to the age of 6.

### SIERRA LEONE

There is as yet no legislation which covers the matters raised in the Recommendation. For women in the civil service, the Civil Service General Orders provide for some aspects of the requirements of the Recommendation. Collective agreements reached by the various trade group negotiating councils contain provisions on some of these matters.

Women workers who fulfil the necessary requirements for a job or post are employed without discrimination.

The Ministry of Labour provides at the Central Employment Exchange a section where a full-time woman Vocational Guidance Counsellor counsels girls on vocations suitable to their qualifications. Maternity and child-care services are provided by the Ministry of Health. Provincial hospitals, dispensaries and clinics cater for the care of children of both working and non-working women. The Nursery Schools Association, a voluntary organisation, provides nursery school facilities for children aged 1 to 5.

Government-owned and controlled technical institutes exist throughout the country for the training of both boys and girls in vocations of their choice. There is a Civil Service Training College, which trains new entrants to the civil service as well as officers in the executive and administrative grades. The YWCA Vocational School and other schools for girls provide vocational, academical and commercial training at secondary school level.

In view of its present level of development, this country is unable to take measures giving effect to the provisions of the Recommendation not yet covered by national legislation or practice.

### SINGAPORE

Employment Act, No. 17 of 6 August 1968 (LS 1968 - Sin. 1).

The Singapore Family Planning Board actively promotes the concept of a two-child family. Maternity leave is provided for in the Employment Act.

Crèche facilities for working mothers are provided by both the Government and private bodies, supervision being carried out to ensure minimal standards of care. The training of personnel to staff child-care services and facilities is made available through courses conducted by the Ministry of Education, the Institute of Education and the Adult Education Board. Surveys are conducted on crèche users and studies are carried out in the community to assess the need for crèche services in certain areas.

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Heavily subsidised education is offered to a child from primary one until he reaches pre-university. There is no discrimination against girls in education.

Much emphasis is placed on vocational education and training to upgrade the skills of women in the technical fields. Vocational and technical institutes are opened to females.

The Employment Service Unit of the Ministry of Labour provides job placement and counselling services for all citizens without discrimination of sex.

Since 1962 female employees in the civil service and statutory boards have been accorded parity of treatment with male officers in respect of salaries, retirement age and retirement benefits. In the private sector, collective agreements drawn up between employers and unions of workers accept the principle of equal pay for equal work.

Industries are dispersed to various parts of Singapore and employers in the labour-intensive light industries are encouraged to site their factories in or near housing estates to facilitate convenience and easy movement especially for working mothers.

Professional women are granted higher tax-deductible allowances for dependent children if they are working. In addition, married women may opt for separate income tax assessments.

The working woman's position in employment is further enhanced by the fact that she can participate in trade union activities.

The responsibilities for administering regulations and practices concerning child-care facilities lies with the Social Welfare Department of the Ministry of Social Affairs.

Trade unions are also taking over the running of crèches and other child-care facilities with financial assistance from the Government for benefits of women workers. The prevailing view among employers is that child-care services should form part of the social services of the Government and not of the employers. They are also opposed to the extension of the normal period of maternity leave.

Assessment will continue to be made on the needs for child-care services for working mothers in densely populated housing estates. The authority concerned will also consider the setting up of a system for collection of statistics on the number and age of children whose mothers are working. There is also a plan to initiate a programme of family life education whereby, among other matters, public understanding and support for the special needs of working parents can be effected.

The National Trades Union Congress is of the view that child-care services and facilities should be provided at a reasonable charge or free, preferably through the employer. It also feels that the provisions in the Recommendation relating to child-care services and facilities, while centred upon the needs of women workers, are equally applicable to widowed or divorced men workers.

The Singapore Employers' Federation is of the view that the attention that the Recommendation devotes to women workers should not place them in a privileged position as against other workers.

## EMPLOYMENT OF WOMEN WITH FAMILY RESPONSIBILITIES

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### SPAIN

- Act No. 56 of 22 July 1961 respecting the political, occupational and employment rights of women (Boletín oficial (BO), 24 July 1961).
- Act No. 39 of 21 July 1962 respecting the organisation of the Inspectorate of Labour (LS 1962 - Sp. 4).
- Act No. 14 of 2 May 1975 to amend certain sections of the Civil Code.
- Act No. 16 of 8 April 1976 respecting employment relationships (BO, 21 April 1976, No. 96).
- Decree No. 258 of 1 February 1962 to provide for the application in matters of employment of the Act of 22 July 1961, which placed men and women workers on an equal footing as regards their rights in labour matters (LS 1962 - Sp. 1A).
- Decree No. 2310 of 20 August 1970 to issue regulations concerning the labour rights of working women under the Act of 22 July 1961 (LS 1970 - Sp. 2).
- Decree No. 799 of 3 April 1971 on the organisation and functions of labour offices (BO, 24 April 1971, No. 98).
- Order of 6 December 1971 creating the National Commission on the Employment of Women (BO, 1 January 1972, No. 1).
- Order of 12 February 1974 respecting nurseries for the children of working women (BO, 15 February 1974, No. 40).
- Order of 20 September 1974 respecting the National Plan for Nurseries.

#### 1. General principle

The Act of 22 July 1961 grants women the same rights as men for the performance of any kind of occupational activity or work, subject only to the limitations expressed in the Act.

It also lays down that women may enter into any kind of labour contract. No discrimination of any kind is allowed in labour regulations, collective agreements and company regulations on the grounds of sex or marital status, even if there is a change in marital status during employment.

Act No. 16 of 8 April 1976 respecting employment relationships states that employment rights and obligations laid down in labour legislation shall affect men and women equally; that a woman may enter into any kind of labour contract, whatever her marital status, and enjoy the rights conferred thereby on equal terms with men; and that she shall receive equal remuneration for work of equal value.

2. Public information and education

The National Commission on the Employment of Women was instituted by Order of the Ministry of Labour dated 6 December 1971.

Its duties include the study of labour and social problems affecting the integration of female labour into the active population and female labour in the workplace and outside it, with particular reference to married women, the care of children, and unmarried mothers; the study of matters relating to the vocational training and social advancement of women; advice to the Ministry of Labour at the latter's request on labour policy for women; and promotion of co-ordination of the work of all public institutions, trade union bodies and private associations dealing with the employment of women.

3. Child-care services and facilities

Decree No. 2310 of 1970 provides that day nurseries, kindergartens and nursery schools shall be established and maintained either by the State or by other institutions, and shall be open during the working hours of mothers or other persons with dependent children aged under 6.

Nurseries for the children of working mothers have been opened in order to protect working mothers and absorb them into the world of work.

Under the Order of 12 February 1974, nurseries for the children of working mothers are defined as non-profit-making nurseries whose primary purpose is the custody and care of children of working mothers during the mother's working day and in certain circumstances the provision of pre-school education for the children.

Independently of the above, the Order of 20 September 1974 instituted a National Plan for Nurseries, to promote the advancement of women and their absorption into the world of work.

The Ministry of the Interior will open and run nurseries through the intermediary of the Social Welfare Institute.

4. Entry and re-entry into employment

In accordance with Décret No. 2310 of 1970, the administration will take the necessary steps to promote the principle of equality of opportunity in the vocational training and social advancement of female labour. The Decree also proscribes all discrimination on the ground of sex in admission to vocational training courses.

The same text provides that a woman worker taking voluntary additional leave of absence on the birth of a child shall be given preference in admission to adult vocational rehabilitation courses.

Under the provisions of the Decree, the National Staffing and Placing Service is to pay particular attention to the employment of women with family responsibilities, according to the latter at their request, preferential recruitment in half-time or part-time employment.



## EMPLOYMENT OF WOMEN WITH FAMILY RESPONSIBILITIES

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When a married woman moves with her husband to another district on account of the latter's transfer she shall have a right to employment in an equal or similar occupational category to that which she previously held, if the undertaking has a work centre in the locality where the husband and wife set up their new home.

An employed woman who already has several children and is entitled to maternity pay and allowances may apply for such pay and allowances to be increased to 100 per cent of the basic contribution wage (the cost of the difference to be defrayed by the National Labour Protection Fund) in accordance with the rules laid down for these purposes.

Act No. 16 of 1976 prescribes that working women shall be entitled to a period of rest from work of six weeks before childbirth and eight weeks after childbirth. The postnatal period will in any case be compulsory, and the worker may if she so requests add to it time not taken before childbirth.

She will also be entitled to unpaid leave not exceeding three years for each surviving child born to her, counting from the date of birth. Subsequent confinements will confer a right to unpaid leave which, if taken, will terminate that which she was previously enjoying.

Women in the position referred to in the previous paragraph may apply for reinstatement in their undertaking, which must appoint them to the first vacancy which occurs in the same or a similar category.

Women workers will be entitled to a break of one hour in their work. They may divide this into two parts when they use it to nurse a child aged under 9 months; alternatively, if they prefer, they may forgo this right in favour of a reduction of half an hour in their normal working day for the same purpose.

The authorities responsible for applying legal rules on the employment of women with family responsibilities are the heads of provincial labour offices and the Labour Inspectorate.

### SRI LANKA

Shop and Office Employees (Regulation of Employment and Remuneration) Act, Part 1A (LS 1954 - Cey. 1).

Maternity Benefits Ordinance (Legislative Enactments, rev. ed., 1956, Chapter 140).

Wages Boards Ordinance (*ibid.*, Chapter 136).

Provisions exist relating to leave and remuneration in consequence of pregnancy and confinement, work prohibited on account of pregnancy, employment re-entry, and employment of women up to 10 p.m. only.

Wages boards make decisions regarding these and other service conditions.

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### SURINAM

Constitution, 1975.

Public employment services are equally available for women with family responsibilities.

There is a government-directed training centre, where women are trained or retrained for a number of different occupations.

The Ministry of Labour and Housing has been charged with the supervision of employment and vocational training, whereas social provisions, including child-care facilities are under the responsibility of the Ministry of Social Affairs.

At the moment research is being done in a number of public housing projects within the framework of measuring the need for child-care services to be set up by the Government.

By the interdepartmental working group "Pre-School Child" a policy note has been drawn up containing suggestions as to provisions to be made in the sphere of pre-school child care (age 3-6 years).

The Government is of the opinion that the Recommendation is a useful document for guidance although at the moment it is not yet possible to implement it fully.

The Committee of Co-operating Organisations of Women suggested the Government set up an insurance system in order to eliminate the financial hazards in cases in which it is temporarily impossible for women with family responsibilities to pursue their jobs.

### SWEDEN

Act amending the instrument of Government (SFS 1976: 871) to include a prohibition of sexual discrimination.

Proclamation concerning the prohibition of discrimination on grounds of sex or age in connection with the filling of appointments, etc. (SFS 1973: 279) as amended (SFS 1976: 688).

Ordinance on equality between women and men in government service (SFS 1976: 686).

Circular on equality between women and men in government service (SFS 1976: 687).

Circular on part-time employment (SFS 1970: 384), as amended (SFS 1971: 1030).

Act amending the Act (1962: 381) on public insurance (SFS 1973: 465) with provisions concerning parental benefit as amended (SFS 1976: 279).

Parental Leave Act (SFS 1976: 280).

Child Care Act (SFS 1976: 381).

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Ordinance concerning state grants for day nurseries and leisure centres (SFS 1976: 396).

Agreement between the Swedish Employers' Confederation and the Federation of Salaried Employees in Industry and Services concerning actions intended to further equality between women and men at work.

Agreement between the Swedish Employers' Confederation (SAF) and the Swedish Confederation of Trade Unions (LO) concerning actions intended to further equality between women and men at work.

The universal right to employment, irrespective of sex, and the possibility of gaining one's own livelihood are axiomatic to the Government. If men and women are to exercise this right to an equal extent and on equal terms, they must share responsibility for their homes and children. Thus parents should combine gainful employment and family life in a harmonious manner.

During the past decade there has been a lively debate in the mass media concerning the roles of men and women in family life and the community and also concerning the equality of the sexes. Due partly to a wide-ranging discussion concerning the ways in which professional and family life can be harmoniously combined, the major trade union organisations and most of the political parties have incorporated in their long-term programmes the successive introduction of a six-hour working day.

A number of government commissions have been appointed in recent years to study questions concerning child care and the psychological effects on children of various forms of child care and supervision. In addition, a number of sociological studies concerning attitudes to the sex roles and other questions have been carried out at the instance of the Government and other sponsors.

The question of further measures in response to the World Plan of Action adopted by the UN Women's Conference in 1975 and the ILO Declaration (1975) on Equality of Opportunity and Treatment for Women Workers is currently being considered within the government offices. In order to bring about a wide-ranging discussion, the Advisory Council on the Equality of Men and Women compiled a guide to the two documents which has been distributed to individuals, associations, businesses, etc.

Responsibility for organised child care rests with the municipalities. Although there has been a heavy expansion in the past few years, there still is a serious shortage of places. An agreement was concluded recently between the Government and the municipalities for an expansion of child-care facilities. The municipalities are responsible for the financing as well as the construction of child-care facilities, but the State contributes grants and loans. Charges are proportional to parental earnings.

The number of trained pre-school teachers has greatly increased in recent years. In a Bill put before the Riksdag in the spring of 1977, the Government has proposed a substantial further increase of pre-school teacher training capacity. Training opportunities for child supervisors and recreational pedagogues have also been heavily expanded in the past few years, for instance, by the National Board of Health and Welfare, which is the supervisory authority for child-care facilities.

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One of the tasks of educational and vocational guidance in schools is to counteract traditional choices governed by sexual prejudice, and great efforts have been made in this respect in recent years. The introduction of a system of recurrent education is an important measure. During the past decade a long succession of reforms have been enacted in the fields of schooling and higher education, with the result that recurrent education has gradually come to figure as a genuine pattern of studies. Admission requirements for higher education were already revised in 1969 when persons aged 25 or over who had been vocationally active or employed in the home for at least five years became entitled to study certain subject fields without having received the education formally qualifying them for admission.

The female employment participation rate has risen uninterruptedly during the past decade, particularly among mothers of children under 7. The associations of employers and workers have made active efforts to enable larger numbers of women to enter the labour market.

Continuous efforts are being made by the labour market authorities to strengthen the status of women in working life and to reduce the actual discrimination which exists between the sexes, particularly through labour market training. During the past few years a number of measures of labour market policy have been taken which have been particularly favourable to women, on the grounds that positive discrimination is needed for a transitional period in order to achieve genuine equality between the sexes. In cases where men constitute the underprivileged sex, the same measures can be deployed for their benefit. A number of pilot projects are in progress, based on co-operation between the Employment Service, enterprise, trade unions and municipal authorities.

In the state sector there are regulations entitling salaried staff to leave of absence without pay in order to care for children until the children are 18 months old. Part-time employment is possible until the children are 12 months old.

The workers' and employers' organisations have increased their involvement in the sphere of family policy and equality and have drawn up special programmes of family policy. As from 1 January 1977 it has become possible for associations of employers and workers, under the auspices of the new Joint Regulation Act, to conclude collective agreements on matters of equality, and either party may resort to residual rights of industrial action in order to secure such an agreement.

To make it easier for government employees to attend training courses, a two-year experimental scheme has been in operation since 1 July 1976 providing for special child-care expenses in connection with residential courses. In addition, a two-year experimental child-care scheme has been started at a state training centre whereby participants are allowed to take their children with them.

Because of the current insufficiency of public child-care amenities, part-time employment is the only solution for many mothers who wish to be economically active. There are many forms of part-time employment, and flexi-hours have also begun to be applied. According to a survey conducted by the Advisory Council on Equality in 1974, 37 per cent of all female employees worked part-time as against 2 per cent of all male employees. The Government is currently considering the measures which should be taken in response to this survey.

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The first law acknowledging the importance of the father to small children came into force in 1974, when the former scheme of maternity insurance was superseded by a scheme of parental insurance which has since been gradually expanded and improved. Each pair of parents is now entitled to seven months' leave of absence with pay in connection with the birth of a child. Parental benefit is paid at the same rates as sickness benefit, and it is for the parents themselves to decide how they will divide the leave of absence between them. An extension of the total benefit period to nine months is being envisaged. This special parental benefit will be drawn during the period or periods which the parents find most suitable and will be available either as a reduction of working hours or as leave of absence. The parental insurance scheme also covers cases in which parents - father or mother - have to stay away from work temporarily because the child or its normal supervisor is ill (up to 12 days per annum in families with one child and up to 18 days in families with three or more children).

As a supplementary form of assistance there is a system of municipal childminders, subsidised by the Government, who when necessary can visit people's homes and look after sick children.

As the result of a taxation reform passed in 1971, income earners now pay tax according to the same principles, irrespective of marital status.

The Government underlines the desirability of the Recommendation being revised into an instrument applying to the parents of small children and not exclusively to women.

### SWITZERLAND

The Federal Vocational Training Act guarantees equal treatment for young people of both sexes. Vocational guidance, however, is of course available to adults as well as young people. Its purpose is to provide general information and permit individual consultation so as to assist young people to choose an occupation or study course and to carry on their chosen occupation. In fact, it is mainly women who benefit from the latter service.

Under the federal Act respecting the employment service, the Confederation may, inter alia, provide grants to place persons seeking work or to promote the reinstatement of persons in their previous occupation or in a new occupation, their temporary or permanent transfer to occupations or regions offering employment opportunities, their temporary employment under programmes designed to provide employment opportunities, and their training, further training or retraining. Women have the same access to such services as men.

For constitutional reasons the Confederation is not empowered to intervene in the assistance or education sector which is responsible for adopting measures on behalf of working mothers. Consequently, the creation and maintenance of such institutions is left to the initiative of local organisations and authorities which, by their very nature, are better acquainted with actual requirements than a central authority could be. In recent years, there has been a considerable extension of the network of day-care centres, nurseries and kindergartens. Institutions for children of school age are also constantly increasing in number.

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Some cantons have introduced legislation for the protection of children who do not live with their family during the day, during the working week, or permanently. In most cantons social services, and particularly those in favour of children living away from home, are left to the discretion of the communes which are to a large extent financially autonomous and subsidise such measures out of their own budget.

The setting up of institutions for the children of women working away from home depends largely on the region's level of industrial development. In towns, therefore, the network of these institutions is extensive, whereas in rural areas they are practically non-existent as there is no need for them. Considering the number of private social institutions that exist (welfare associations, women's organisations, religious and church organisations), it can be said that the services available to women with family responsibilities are on the whole satisfactory.

### SYRIAN ARAB REPUBLIC

Labour Act, 1959' (LS 1959 - UAR 1).

Basic Civil Servants Act, No. 135 of 1945.

Legislative Decree No. 4 of 1972.

Section 133 of the Labour Act provides for the working woman to be offered maternity leave of 60 days, to be taken before and after childbirth. Section 58 of the Basic Civil Servants Act, lays down that pregnant officials shall be offered maternity leave, amounting to two months on full pay, and additional leave on half pay, lasting not more than a month, should that be requested.

Section 139 of the Labour Act obliges the employer to provide a nursery and rules governing its construction and organisation, and the charge which may be levied for using it, are defined, in a decree, by the Minister of Social Affairs and Labour.

In practice, the Women's Union is active in promoting the construction of nurseries for the infants of women workers, and such nurseries have been constructed in suitable numbers throughout the country.

There are also public nurseries where working women can leave their infants for a charge, the maximum charges being defined by the Ministry of Education.

The authority responsible for ensuring that effect is given to these matters is the Ministry of Social Affairs and Labour. Both employers' and workers' organisations have a hand in ensuring application, being consulted by the Ministry about the problems arising and co-operating in the application of the law.

It is not at present envisaged to take any other legislative action to give effect to the Recommendation.

## EMPLOYMENT OF WOMEN WITH FAMILY RESPONSIBILITIES

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### THAILAND

Notification of the Ministry of Interior respecting labour protection, B.E. 2515 (Government Gazette, 16 April 1972, Special Issue) (LS 1972 - Thai. 2A).

Under this Notification, a pregnant woman is entitled to maternity leave of 60 days including holidays without pay in addition to sick leave with pay (not more than 30 working days in a year). If such woman is unable to work as the result of giving birth, she shall be entitled to further leave without pay for another 30 days.

The Department of Labour is entrusted with the supervision of the application of the legislation and regulations concerned.

The Government is aware of the provisions of the Recommendation not yet covered by national legislation or practice and intends to encourage women with family responsibilities in obtaining additional income to support their families.

### TRINIDAD AND TOBAGO

Industrial Relations Act, No. 23 of 16 June 1972 (LS 1972 - Trin. 1).

Women with family responsibilities enjoy the protection given to workers with respect to trade union representation for the purposes of collective bargaining and trade dispute settlement.

Collective agreements registered under the provisions of the Industrial Relations Act are legally enforceable and such agreements usually provide for maternity leave with pay, medical examinations without cost to the worker and other terms and conditions of employment favourable to women with family responsibilities. Special legislation, rules and regulations which govern employment in the public sector contain similar provisions.

Government's employment policy is aimed at achieving full development and maximum utilisation of the country's human resources to cope with the necessity for rapid industrialisation as a means of solving the country's urgent social and economic problems.

Employment and training programmes do not admit of any discriminatory practice based on sex which will be contrary to declared public policy. Women with family responsibilities gain selection for employment and training on an equal footing.

Advice and assistance are given to persons with family responsibilities as a free public service by family planning in different parts of the country.

Special clinics are held for young children where they receive immunisation treatment.

One of the measures under consideration is the passing of legislation to provide that certain specified industrial establishments shall furnish rooms with suitable facilities for the exclusive use of the women employed and the care of the children under 6 years of age of such women.

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### TUNISIA

The Ministry of Social Affairs and public organisations such as the UNFT and the UGTT are of great assistance to workers with family responsibilities.

Through the Ministry of Social Affairs, welfare officers throughout the country visit families in order to help them to take a more active part in working life and inform them of the various possibilities of having their children looked after in the area. There are also a large number of kindergartens.

The UNFT and the UGTT also help working women to solve problems arising from the need to combine their work and their family responsibilities.

According to the Labour Code, a pregnant woman worker may leave her employment without giving prior notice or having to pay compensation for breach of contract on that account. The fact that a woman suspends her work during the period before and after her confinement cannot justify the employer's breaking her contract of employment. Women are entitled to maternity leave of 30 days, which may be extended by a period of 15 days on production of an appropriate medical certificate, and to two half-hour nursing breaks during hours of work if nursing a child up to its first birthday. A special nursing room must be installed in every establishment employing 50 women or more.

The personal status of Tunisian women in general and of working women in particular is one of the most advanced in Arab countries.

Considerable efforts have been made by the Government to help women fulfil both their occupational and their family commitments without prejudice to their chances of employment and promotion.

### UKRAINIAN SSR

Constitution of the Ukrainian SSR.

Decree of the USSR Council of Ministers of 1970 and 1973.

Labour Code of the Ukrainian SSR, dated 10 December 1971 (Vedomosti Verkhovnogo Soveta Ukraïnskaï SSR, 1971, No. 50, Text 375).

Marriage and the Family Code of the Ukrainian SSR.

Regulations governing the procedure for allocating dwelling space (Decree No. 562 of the Council of Ministers of the Ukrainian SSR, 1974).

Ukase of the Presidium of the Supreme Soviet of the USSR respecting the introduction of allowances for children in families of moderate means, 1974 (Vedomosti Verkhovnogo Soveta SSSR, 2 October 1974, No. 40, Text 663).

Ukase of the Presidium of the Supreme Soviet of the USSR respecting income tax, 1930.



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Decree No. 944 of the USSR Council of Ministers respecting allowances for temporary disability, 1974.

USSR Act respecting state pensions (LS 1956 - USSR 4).

Ukase of the Presidium of the Supreme Soviet of the USSR, 1944, respecting motherhood awards.

Women have the same rights as men to work, payment for work, rest and leisure, social insurance and education; the right to state protection of the interests of mother and child, state aid to mothers of large families and to unmarried mothers and the right to maternity leave with full pay.

From year to year the health protection of mothers and children is improved, the material and spiritual needs of women are more and more fully satisfied and their conditions of work and life improved, as are the living conditions of every family. The Ukraine has a wide network of crèches and kindergartens, extended day schools and boarding schools, young pioneer and sports clubs, technical facilities and children's sanatoria which help working mothers to bring up their children and give them time to engage in public activities and improve their level of culture and general education.

In accordance with the decisions of the XXVth Session of the CPSU and the XXVth Session of the Communist Party of the Ukraine, new measures have been adopted further to improve the status of women: these include increasing material assistance for families with children and the privileges for working mothers, viz. child allowances, increasing the number of days off to care for a sick child and so on. There is to be a considerable expansion in the network of children's institutions and extended day groups in schools. Great attention will be paid to the development of the household appliance industries.

Among the measures aimed at improving the position of women, besides increasing the number of days off with pay to care for sick children, is the payment to women of maternity allowances amounting to their full previous earnings irrespective of the place of work or membership of a trade union.

It is unlawful to employ pregnant women, mothers with infants in arms and children under 1 year of age on night work, overtime, work on rest days or for travelling on missions.

Nursing mothers and mothers with children under 1 year shall, if they are unable to continue to perform their duties, be transferred to lighter work, in which case they shall continue to draw their former average remuneration until their infants are weaned or until they reach their first birthday.

In addition to maternity leave for pregnancy and confinement a woman may, at her request, be granted additional leave without pay until her child reaches its first birthday.

Women adopting newborn babies may take leave of absence with payment of the duly established allowances for postnatal leave from the date of the adoption until the adopted child is 56 days old; they may also take additional unpaid leave until the child reaches its first birthday.

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In addition to the normal mealtime and rest intervals, nursing mothers and mothers with infants under 1 year of age shall be entitled to an additional nursing break to feed the infant.

The legislation covers such important matters as the provision of accommodation in nursing and rest homes, the grant of pecuniary assistance to pregnant women and amenities for mothers in undertakings or organisations.

Crèches, day nurseries and kindergartens, rest and feeding rooms for mothers with babies and other welfare facilities reserved for women shall be provided in all undertakings, institutions and organisations having a large female staff.

The Marriage and Family Code lays down that women shall be granted the necessary social and day-to-day services to enable them to combine a happy motherhood with more and more active and creative participation in productive, social and political activity.

The Regulations concerning the fixing and payment of allowances to pregnant women, mothers of large families and single mothers provide that state allowances will be fixed and paid to mothers with two children on the birth of a third and each subsequent child.

The USSR Act respecting state pensions provides that women who have borne five or more children and have brought them up till they were 8 shall be entitled to pension on reaching 50 after at least 15 years' service.

### USSR

The Constitution of the USSR and of the Union and Autonomous Republics.

Fundamental Principles governing the Labour Legislation of the USSR and Union Republics (LS 1970 - USSR 1).

The Labour Code of the RSFSR (LS 1971 - USSR 1) and the Labour Codes of the other Republics of the Union.

The Fundamental Principles governing the legislation concerning national education in the USSR and Republics of the Union, 1973 (Vedomosti Verkhovnogo Soveta SSSR, 25 July 1973, No. 30, Text 392).

Fundamental Principles governing public health in the USSR and Republics of the Union, 1969.

Women have equality with men as regards employment, pay, leisure, social welfare insurance and education, state care for mothers with infants, state help for single mothers and mothers with big families, paid leave for pregnant females, and maternity homes, nurseries and kindergartens.

In the Tenth Five-Year Plan (1976-1980), provision is made, amongst other things, for action to improve women's qualifications and skills, wider possibilities for mothers to combine a partial working week and housework, fresh privileges and advantages for

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mothers with big families as regards pension rights, the introduction of partial paid leave for women looking after an infant under the age of 1 year. The number of days off allowed to look after a sick infant was doubled. Benefits on the loss of a breadwinner were increased; leave on full pay on the occasion of pregnancy and childbirth was granted to all women; female wage and salary earners were offered leave with full pay in the event of temporary incapacity, when they had three or more children; and children's allowances were introduced for the poorer families.

In the collective agreements concluded on behalf of the staff by local trade union committees and the management of undertakings, there are special sections dealing with women's life and work.

There are extra privileges for single mothers and mothers burdened with big families, while parents with five children or more are exempted from all expenditure, irrespective of the family earnings.

State organs, jointly and with the support of public bodies, trade unions and co-operatives, undertakings and organisations, assume responsibility for the organisation of children's pre-school education.

About half the existing pre-school facilities belong to local Soviets of workers' deputies, being directly answerable to departments of health or public education, while others are subject to various ministerial bodies. However, in nurseries and kindergartens the health and educational authorities methodically direct the educational work done therein, giving assistance and help in everything, providing qualified medical and teaching staff and the technical equipment and material required. Children's institutions belonging to various organisations and undertakings, and those belonging to collective farms, get extra funds to feed the children and for equipment, in connection with the social development plans in which all workers in the organisation or undertaking concerned have had a say.

Women and girls are given occupational training in all occupations, trades and callings, except those in which female labour is forbidden by law as harmful.

Soviet women are eligible for pregnancy and confinement relief amounting to full pay. A mother is eligible for supplementary unpaid leave until her infant is 1 year old.

A pregnant woman who can present a medical certificate can during her pregnancy be shifted to other, lighter work, while keeping her full average wage.

It is for the management to provide suitably furnished premises in which mothers may feed their children.

The management may not take the initiative in dismissing a pregnant woman, nursing mother, or woman with an infant under the age of 1.

The problems connected with devising working hours for pre-school institutions, shops, medical centres, which shall be convenient for the working mother, are dealt with by local government organs (the executive committees of local Soviets) and the

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representatives of trade union and public organisations, in the interests of all those living in the area for which the Soviet is responsible, and in the first place, in the interests of women and children. The Tenth Five-Year Plan calls for efforts to shorten the time women have to devote to housework by developing communal services and restaurants, and by stepping up the production and sales of semi-finished products and culinary products. Special factory services are provided such as dry-cleaning centres, ironing rooms, hairdressers' shops, stores, consulting rooms for doctors and teachers.

### UNITED KINGDOM

Education Act, 1976.

The Divorce Reform Act, 1969.

The Sex Discrimination Act, 1975, Ch. 65 (LS 1975 - UK 1).

The Equal Pay Act, 1970 (came into force on 29 December 1975), Ch. 41 (LS 1970 - UK 1).

The Employment Protection Act, 1975, Ch. 71 (LS 1975 - UK 2).

Matrimonial Clauses Act, 1973.

Social Security Pensions Act, 1975, Ch. 60.

National Health Service Act, 1946 (amended) 9 and 10 Geo. 6, Ch. 81 (LS 1946 - UK 5).

Nurseries and Childminders Regulation Act, 1948, as amended.

EEC directives:

The Council Directive of 10 February 1975 relating to the application of the principle of equal pay for men and women (Journal officiel des Communautés européennes, 19 February 1975, No. L 45).

The Council Directive of 9 February 1976 on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training, promotion and working conditions (*ibid.*, 14 February 1976, No. L 39).

Working women have been given new rights under the maternity provisions of the Employment Protection Act.

The Sex Discrimination Act makes discrimination on the grounds of sex and marriage unlawful in employment, training and related matters, in education and in the provision of housing, goods, facilities and services. It applies to men and women of all ages in both full-time and part-time employment. While it is unlawful to discriminate in favour of either women or men, the Act does permit employers and vocational training bodies to provide training on a single-sex basis for work in which comparatively few members of the sex have been engaged and to encourage persons of that sex to

## EMPLOYMENT OF WOMEN WITH FAMILY RESPONSIBILITIES

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take advantage of opportunities for such work. Training can also be provided for people who are in special need because they have been unable to undertake employment because of domestic or family responsibilities.

The Equal Pay Act gives a woman the right to equal treatment with a man as regards other terms of her contract of employment, when she is employed on like work to that of a man, or employed in a job which even if different from that of a man, has been given an equal value to the man's job under job evaluation. It also provides for the removal of discriminatory provisions which apply specifically to men only or women only in collective agreements, employers' pay structures and statutory wages orders.

The present economic situation in the UK has a profound effect on employment opportunities for men and women, and in particular in those of women with family responsibilities. Wide legislation provokes discussion and increases awareness of the range of issues involved; nevertheless implementation requires resources, and above all, a change in long-held, traditional attitudes and prejudices.

Nursery education is provided by local education authorities for children of 3 and 4 years of age for a specifically educational purpose, and preferably on a half-day basis, whereas other forms of day care are designed as a substitute for maternal care where this is necessary.

Responsibility for making arrangements for the care of children who are under 5 and not attending school is vested in local authorities by the National Health Service Act, 1946, as amended. They determine the level and type of services to be provided in their areas in the light of local needs and circumstances. The Department of Health and Social Security commissioned the Office of Population Censuses and Surveys in 1973 to undertake a survey to discover the extent of need for day care amongst pre-school children as an aid in formulating policy guidance for local authorities on the development of day care. The report of this survey is expected to be published in late 1977.

Local authority day-care facilities are provided primarily for children with special social or health needs for day care. The demand for day care from these priority groups alone exceeds the provision available and any increase in statutory provision is first directed towards meeting their needs. Encouragement is being given to the wider use of day nurseries for children under 5 as family day centres and to the development of less formal, more flexible community-based types of care such as day fostering and childminding which can more readily be suited to individual needs.

With respect to the day-care needs of older children, there has been an increase recently in the number of schemes local authorities and voluntary organisations are providing for play and care during out-of-school hours and school holidays. The Government has given assistance through the Urban Programme for this purpose.

Under the Nurseries and Childminders Regulation Act, 1948, as amended, local authorities are required to be satisfied as to the suitability of both persons and premises of all private day-care facilities and may take certain requirements with regard, for example, to number and qualifications of staff, space and equipment. Local authorities also have continuing powers of supervision and inspection.

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Provision for adequate training is available under the auspices of the National Nursery Examination Board and the Central Council for Education and Training in Social Work.

Most further education/higher education institutions need to improve the quality and quantity of careers guidance and counselling, particularly for potential students deciding which course to follow. This would be especially valuable for women who have been out of the labour force for some time. Nevertheless further education colleges are making a useful contribution through the provision of a variety of courses at differing levels and duration - part-time day, short full-time, etc. The Training Services Agency also recognises that those women returning to work after a period of absence have special training and vocational guidance needs. The Agency's Training Opportunities Scheme (TOPS) provides for the refresher training of women by running a variety of courses in conjunction with local colleges. The TSA is also planning to introduce shortly a number of experimental reorientation courses at colleges for women wishing to return to work but not sure of what occupation to take up. In addition, TSA is considering the role it might play in encouraging the professional organisations to introduce retainer schemes for women so as to keep them in touch with developments within their profession.

New forms of part-time study for academic qualifications have been introduced by higher and further education institutions, e.g. the Open University. For teachers in primary and secondary schools the Burnham Salaries Agreement now provides for incremental credit to be given for "unremunerated activities". One of the main groups at whom this provision is aimed is married women who return to teaching after bringing up their own children.

Since 1974 the running and development of the public employment and training services has been the responsibility of the Manpower Services Commission, a body representing employers, employees, local government and educational interests. The services for which the Commission is responsible are provided by two operating agencies - the Training Services Agency and The Employment Service Agency. The ESA through its network of employment offices and new style job centres provides an information, advisory and placing service for all jobseekers, irrespective of age or sex, the special needs of jobseekers with family responsibilities being fully recognised. The TSA in conjunction with the education departments is establishing a programme of experimental schemes of unified vocational preparation for young people who enter jobs where they receive little or no systematic training and further education.

### Bermuda

Whilst the Government subscribes to the general principles behind the Recommendation, it is unable at the present stage of economic, social and political development to implement any of its provisions. There are, therefore, no legislative, administrative or practical provisions that exist to give effect to matters dealt with in the Recommendation.

## EMPLOYMENT OF WOMEN WITH FAMILY RESPONSIBILITIES

### British Virgin Islands

There is one private child centre in operation, and in practice all women with family responsibilities who are qualified and wish to work, make private arrangements to take care of their children during the time that they are working.

To date, no thought has been given to enacting legislation as the Government feels that this is not necessary at this time.

### Brunei

Labour Enactment, 1954.

There is little or no problem in Brunei with regard to women workers who have family responsibilities. In the Malay family system of large groups, relatives live together on a mutual assistance basis. This family social security system has been in existence for centuries. Further it is the indigenous custom, particularly in a Muslim State with Muslim traditions, that as soon as a young girl marries she usually devotes herself entirely to family responsibilities and it is rare that she subsequently undertakes paid employment. However, should she resume or take up employment then her family looks after her children or her other family responsibilities. In the unlikely event of the family group not being able to look after the children, there are kindergartens available for them in the schools. This system works well, not only with child responsibilities, but also in the cases such as old age, periods of unemployment, sickness and other debilitating circumstances.

The State supplements this established family system, for instance with heavily subsidised medical care on a nearly no-cost basis, with free maternity confinement.

Brunei provides free education without discrimination on the basis of sex.

All this education is being done by the State with the assistance of expatriate staff, who concentrate not only on education itself, but also on the training of local teachers. They in turn will carry on the work of vocational guidance and training of both boys and girls and adults to meet the demand and needs for trained personnel as dictated by the employment opportunities over the long term. Under the Labour Enactment (section 83) maternity leave and benefit is paid to women workers provided they have worked for six months preceding their period of confinement.

An employment service has been in existence for 20 years and all women are assisted without discrimination to secure employment for the first time, or to re-enter employment after confinement or where a longer period of looking after their families has been required. Such services are kept under constant surveillance with a view to adjustment to changing circumstances and do include advice, information and placement services.

While Brunei admits that the measures taken are inadequate to comply strictly with the Recommendation, it contemplates no further measures at the moment.

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### Gibraltar

The Equal Pay Ordinance, No. 26 of 1975.

The Industrial Tribunal Rules, 1974.

The Equal Pay Ordinance removed all discrimination on grounds of sex in remuneration and other terms and conditions of employment.

Free general education is provided by the Government equally to children of both sexes. Vocational training is likewise available equally to women and men in spheres in which there is scope for employment in Gibraltar. Employers in the private sector, whether or not they give full-pay maternity leave, usually keep the jobs open to women for a reasonable period after childbirth.

Women with family responsibilities who wish to take up or re-enter employment generally prefer to make arrangements for relatives to look after their small children while they are at work. Alternatively, they may arrange for their children to attend one of several privately run child-care nurseries upon payment of a moderate fee, or that maintained, free of charge, by the Government of Gibraltar under the auspices of the Department of Education.

The Director of Labour and Social Security is generally charged with the administration of the legislation.

The present position is considered adequate to meet the needs of the community, and it is not intended, at least for the time being, to adopt measures to give effect to such provisions of the Recommendation not already covered in legislation or practice, although the position will be kept under review.

### Gilbert Islands

Sections 80-82 of the Employment Ordinance, 1965, contain provisions concerning maternity leave. The Commissioner of Labour closely supervises the operation of the Ordinance.

### Guernsey

Child Protection Law, 1972.

There are no legislative provisions in Guernsey to give effect to the general principle of this Recommendation.

In practice, the situation in Guernsey is conducive towards the engagement in employment of women with family responsibilities. The major industries of horticulture and tourism find this section of the labour force to be of great value and stability and direct measures are often taken to encourage women with families to take employment. These measures include the arrangement of flexible working hours; the supply of transport; the provision of day nurseries and the organisation, in the hotel industry, of special training courses. The education authorities also give sympathetic consideration towards allowing children to attend schools conveniently situated near a mother's place of work on the few occasions that distances become a problem.



## EMPLOYMENT OF WOMEN WITH FAMILY RESPONSIBILITIES

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The Children's Board of the State of Guernsey administers the Child Protection Law, which requires all regular childminders or day nurseries to register with the Board as being persons or establishments approved for the purposes of child care.

The State's Labour and Welfare Committee is responsible for all matters pertaining to labour.

There is no specific intention at this time to introduce legislative provisions in support of the practical measures already being taken.

### Hong Kong

Employment Ordinance No. 38 of 1968 (LS 1968 - HK 1) and No. 5 of 1970 (LS 1970 - HK 1).

Factories and Industrial Undertakings Ordinance and its Regulations.

Child Care Centres Ordinance, 1975.

In Hong Kong there is no discrimination of workers on the ground of sex or marital status. Female employees, including those with family responsibilities, have played an important part in the economy. Under the Employment Ordinance, a female employee after 26 weeks' continuous service, is entitled to take not less than 10 weeks' maternity leave during which period the employer is prohibited from terminating her services.

The Government encourages, through subventions and the provision of accommodation in community centres, public housing estates and other community facilities, the development of non-profit-making child-care centres by voluntary welfare agencies.

The Social Welfare Department has published a detailed Code of Practice on the operation of child-care centres and a Comprehensive Guide on the Child Care Centres Ordinance, both of which are available to the public free of charge.

In the past the two universities have conducted surveys into family life in Hong Kong, including problems of working wives.

As of December 1976 a total of 9,036 places were provided by government-subsidized child-care centres run by welfare agencies which cater mainly for lower-income families. The places provided by private centres are estimated to be around 4,000.

The Child Care Centres Regulations made under the Ordinance prescribe minimum standards which all child care centres covered by the Ordinance have to comply with, in respect of equipment, hygiene, number and qualifications of the staff.

The Child Care Centres Advisory Inspectorate of the Social Welfare Department gives advice on the planning and running of child-care centres and officers of this section make regular visits to these centres to ensure that the children under their care receive a good standard of service.

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A working party comprising representatives of the Social Welfare Department and the Hong Kong Council of Social Service was set up in 1975 to study the need for child-care services and facilities in each local community.

The Training Section of the Social Welfare Department runs five-week in-service training courses on "nursery work". Courses of a shorter duration will be organised by the Social Welfare Department to meet the need for basic training of serving child-care workers who cannot be released to attend full-time courses and who require special induction to work in English-speaking playgroups or disabled centres.

Vocational training for men and women is provided by government-subsvented vocational training centres, government technical institutes, the polytechnic and over 200 private day and evening schools which provide courses of a technical or vocational nature; courses are open to both sexes.

The Local Employment Service of the Labour Department provides a free placement service to all jobseekers irrespective of sex, age or qualifications.

The Youth Employment Advisory Service of the Labour Department provides careers guidance by collecting and disseminating information on various occupations to young people who are about to leave school and who need guidance in seeking employment or planning a career.

The Employment Ordinance (Chapter 57) provides that the ten-week maternity leave may be extended for a further period of four weeks on grounds of illness during which period an employer also is prohibited from terminating the employment of the female employee.

The Director of Social Welfare is entrusted with the enforcement of the Child Care Centres Ordinance and Regulations. The Director of Public Works (or the Director of Housing if the child-care centre is situated in a public housing estate), the Director of Fire Services and the Director of Medical and Health Services are responsible for the enforcement of the structural, safety and health requirements of child-care centres.

The Commissioner for Labour is responsible for the enforcement of the Employment Ordinance and the Factories and Industrial Undertakings Ordinance and its Regulations. The Labour Advisory Board, which consists of an equal number of employers' and workers' representatives, is consulted on a wide range of labour matters.

### Isle of Man

Nurseries and Childminders Regulation Act, 1974.

This Act, which is enforced by the Local Government Board, provides for the regulation of certain nurseries and of persons who, for reward, receive children into their houses to look after them and for related matters. The day-to-day administration of the legislation is carried out under delegated powers by the Medical Officer of Health.

## EMPLOYMENT OF WOMEN WITH FAMILY RESPONSIBILITIES

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There is no discrimination against the employment or training of women with family responsibilities. There is no demand for government or local authority facilities to enable such women to enter employment. In the Island children are accepted into schools at an earlier age than in most countries and the provision of child-care services by private enterprise appears to cater adequately for such need as exists. The Government has no plans to introduce legislation which, at present, would appear to be unwarranted.

### Montserrat

In the Plymouth area there is one day-care centre sponsored and operated by the Save the Children Fund. Plans are afoot for expansion in the existing area and for an increase in the number of centres throughout the Island.

The Labour Commissioner has an over-all responsibility under Cap. 314 of the Revised Laws of Montserrat in seeing to the general welfare of the workers in the colony.

No further measures are intended at present since existing arrangements are considered satisfactory.

### St. Helena

There are no legislative provisions. The Government is the main employer, and in so far as women employees and Government are concerned, adequate administrative arrangements exist.

There are pre-school play centres where children below school age can attend for limited hours. Because of the social structure of the Island, wherever a married woman can obtain work there is seldom any handicap by having small children, as there are close relatives who will care for small children during working hours.

Without the availability of work, the Government does not consider that legislative provision can be made to implement further any of the provisions of the Recommendation which do not already apply in practice.

### St. Lucia

There are no legislative provisions in regard to the matters dealt with in the Recommendation. Administrative recognition is, however, given by the Ministry of Community Development and Social Affairs to the CANSAVE programme and certain staff members have been allocated to the co-ordinating of the activities. This administrative support is expected to provide financial assistance to the day-care centres in 1977.

It is also proposed to introduce legislation concerning maternity leave.

Although there is provision in national law relating to the preparation of manpower and employment statistics, since the number of women joining the workforce has only recently begun to increase and claims for equal opportunity for women are only now being made, this matter was not originally considered. However, new administrative arrangements may be made in this aspect.

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### Solomon Islands

Labour Ordinance (Cap. 75).

Sections 80 and 81 of the Labour Ordinance contain provisions on maternity leave.

The Ordinance is administered by the Commissioner of Labour and an inspectorate of nine officers including one woman.

The provisions of the Recommendation, together with other international labour Conventions and Recommendations, are always taken into account when modifications are proposed for labour legislation or practice. There are however many difficulties related to the society and economy of the Solomon Islands which often prevent or delay adoption of appropriate measures.

### Tuvalu

Gilbert and Ellice Islands Employment Ordinance, 1965.

Sections 80 and 81 of this Ordinance deal with maternity leave.

The Commissioner of Labour is responsible for the implementation of all labour legislation.

## UNITED STATES

Civil Rights Act, 1964, Title VII (42 U.S.C. §2000 e) (Extracts: (Extracts: LS 1964 - USA 1).

Equal Pay Act, 1963 (29 U.S.C. §206).

Age Discrimination in Employment Act, 1967 (29 U.S.C. §621) (LS 1967 - USA 1).

Rehabilitation Act, 1973, Title V (29 U.S.C. §701).

Women's Educational Equity Act (20 U.S.C. §1866).

Comprehensive Employment and Training Act, 1973 (10 U.S.C. §665) (LS 1973 - USA 1).

Education Amendments, 1972 (20 U.S.C. §1681).

Educational Amendments, 1976 (U.S.C., 15 November 1976, No. 12, p. 2081).

Executive Order 11246, as amended.

The provisions of the Recommendation are regarded as appropriate for action by the constituent states. The relevant legislation is administered by the Department of Labour, the Equal Employment Opportunity Commission, and by the relevant state agencies.

## EMPLOYMENT OF WOMEN WITH FAMILY RESPONSIBILITIES

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Recent federal legislation related to child care includes a measure which authorises social services funds to the states expressly for child care for low-income families from July 1976 through September 1977; and the Tax Reform Act of 1976 which converts the present federal income tax deduction for child care to a direct tax credit which can be deducted from taxes owed.

Since 1968, recipients of federal funds have been required to meet the Federal Interagency Day Care Requirements established by the Departments of Labour and Health, Education and Welfare, and the Office of Economic Opportunity. These standards establish minimum requirements for facilities; educational, social, health and nutritional services; staff training; parent involvement; administration; co-ordination and evaluation.

Title IX of the Education Amendments provides that no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education programme or activity receiving federal financial assistance. The Women's Educational Equity Act was designed, inter alia, to increase educational activities for adult women; and to expand and improve programmes and activities for women in vocational education. The Comprehensive Employment and Training Act presents new opportunities for women and prohibits discrimination in federally funded employment and training activities.

There are several child- or day-care programmes supported by federal agencies. Fees from parents are subscribed on sliding-scale bases. The Women's Bureau, US Department of Labour, has been the principal advocate and supporter at the national government level of child-care facilities for working women. Publications have provided education and information to public and private agencies, the mass communications media, non-governmental and voluntary organisations, and community leaders. In efforts to promote employer or union-sponsored child-care facilities, a survey of hospitals was conducted to determine how many and what kinds of services were provided for children of working parents. During seminars, conferences and other meetings, government agencies have emphasised the need for child care, part-time employment and flexible working schedules for working parents.

In 1976 the National Commission for the Observance of International Women's Year recommended to the President of the United States that a nation-wide survey of present and future child care and child development needs ... be conducted, for use in 1977 for implementation of federal child development legislation and as a resource to state and private organisations concerned with family- and child-development services. The Commission also recommended that federal and state governments encourage wide development of non-profit child-care programmes for children of employees, sponsored by employers and labour unions, through appropriate tax and other incentives.

The Women's Bureau publishes monthly statistics on the number of mothers engaged in or seeking employment and on the number and age of their children.

There are more than 45 state, local and municipal commissions on the status of women, some of which have undertaken projects which emphasise the needs and preferences for child-care arrangements.

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Education in the United States is compulsory through age 16. Responsibility for education is decentralised and authority rests with the 50 states. The educational attainment of women workers has been rising steadily. Career counselling is provided primarily by the school system at the secondary level either by guidance counsellors or by subject teachers. A substantial share of the job counselling services provided subsequent to the school years is by local employment service counsellors.

The US Government permits extended maternity leave for employees and return to the same employment and conditions of employment at the expiration of such leave. Federal agencies are directed to apply the same leave policies in granting leave for maternity reasons as are applicable to requests for leave generally.

Even though the most common arrangement for child care is care in the child's own home, there has been a rapid shift in the past decade away from this kind of arrangement toward licensed day-care centres or licensed family homes. There is continued pressure for more governmental funds to finance day care and for employers to provide funds for care of their employees' children.

Current research and experimentation with flexible work schedules and more opportunities for part-time employment may contribute a great deal to relieving the pressure on working women with family responsibilities.

National governmental and non-governmental machinery, such as the Women's Bureau, women's organisations and coalitions of women's groups, coalitions of labour union women, advisory councils and commissions on the status of women at state and municipal government levels have given sustained attention to the economic and social needs of women in the United States.

The Women's Bureau (established in 1920) is mandated to formulate standards and policies which shall promote the welfare of wage-earning women, improve their working conditions, increase their efficiency, and advance their opportunities for profitable employment. Staff located at the ten regional offices of the bureau work closely with employers, unions, women's organisations, public and private agencies, and extend the work of the bureau throughout the US. The national office conducts economic and legal research and analysis in areas of concern to women workers and is able to point the way to needed research to improve the employment and employability of women, and to assist women in their dual role of worker and homemaker.

Title II of the Educational Amendments of 1976, which goes into effect on 1 October 1977, has provisions which give more flexibility to federally funded aid, to higher and vocational education programmes and prohibits traditional sex biases and stereotypes. It authorises states to use funds to set up an office for women to assist state boards of vocational education to reduce sex stereotyping and provides that the Federal Commissioner of Education may not approve state plans for vocational education unless reviewed by the office of women to ensure due consideration of the needs of women.

## EMPLOYMENT OF WOMEN WITH FAMILY RESPONSIBILITIES

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Laws prohibiting age and sex discrimination are helpful to the woman who is entering employment or re-entering after a period of absence due to family responsibilities, and information and resources centres have been established to provide guidance and counselling services in this regard.

Further information on the measures taken in respect of working women with family responsibilities will be found in the following publications: Women and Work; 1975 Handbook on Women Workers; A Working Woman's Guide to her Job Rights.

### UPPER VOLTA

Labour Code, 1962, as amended up to 1973.

Ordinance No. 69-064/PRES/EN of 20 November 1969, to create a training centre for female artisans (Journal officiel, 27 November 1969, No. 50).

Social Security Code (LS 1972 - Vol. 1).

Order No. 5254/IGTLS/AOF of 19 July 1954 respecting the employment of women and pregnant women (Journal officiel de l'A.O.F., 31 July 1954) (LS 1954 - F.W.A. 2).

All existing and proposed collective agreements, and specifically the Interoccupational Collective Agreement of 9 July 1974, already contain or will contain most of the provisions of the Recommendation.

National laws and regulations and current practice already take all the provisions of the Recommendation very largely into account.

The Federation of Women of Upper Volta and the Social Services Department attached to the Office of the Secretary of State for Social Affairs take part in the training, education and information of the public so that working women with family responsibilities can be more easily accepted and incorporated in the country's occupational and economic structure, and have launched a campaign in favour of the necessary services and facilities for women and children.

### URUGUAY

Act No. 13559 of 13 October 1966 extending the benefits of maternity pay to rural workers (Diario oficial, 14 November 1966, No. 17470).

Decree No. 492 of 10 July 1967 prohibiting night work by women in industry.

Act No. 14101 of 3 January 1973 guaranteeing improved cultural and technical standards for workers throughout the country.

Act No. 14312 of 10 December 1974 creating the National Employment Service responsible for devising and, where appropriate, carrying out special placement plans for young persons, aged workers, etc. (LS 1974 - Ur. 1).

## RECOMMENDATION NO. 123

Act No. 14407 of 22 July 1975 establishing the Social Security (Sickness) Department.

Act No. 14489 of 23 December 1975 establishing the Women's and Children's Department in the Ministry of Labour and Social Security, with responsibility for investigating the systems for protection of women and young workers, with a view to ensuring enforcement of the social legislation.

Decree of 19 August 1976 establishing the Honorary Advisory Committee in the Women's and Young Workers' Department.

Prior to adoption of this Recommendation, there already existed in Uruguay extensive legislation, which is still in force, concerning protection of the rights of women, which can be said to be closely bound up in many respects with the subject of this Recommendation since it was inspired not only by a desire to protect women as workers, but also to protect them in the fulfilment of other tasks imposed on them by society, especially those associated with family responsibilities.

The Labour University of Uruguay (UTU) at present has a roll of some 40,000 students, 50 per cent of whom are women. The UTU provides 222 courses, of which 70 are "essentially feminine" as traditionally understood (textiles, handiwork, etc.). Some of these courses are designed for unemployed women, women who have transferred to a new occupation and basically for those having family responsibilities.

Reference must also be made to the efforts of certain official bodies to provide day nurseries and kindergartens in order to satisfy the needs of working mothers.

Similar projects are being planned by other official bodies, and these services have already been provided by many private parties.

As can be seen from the information given above, the Uruguayan Government has taken specific measures to comply with the Recommendation, and is continuing to do so.

### VENEZUELA

Labour Act of 16 July 1936 (LS 1936 - Ven. 2), as amended on 4 May 1945 and 21 October 1947 (LS 1947 - Ven. 2).

Decree No. 1563 of 31 December 1973 to make regulations under the Labour Law (LS 1973 - Ven. 1).

Venezuelan law makes no express provision for employment opportunities for women with family responsibilities; the only relevant legal provision, that of section 18, paragraph C, of the Labour Act, concerns fathers of families. But in practice the phrase "fathers of families" tends to be given the general meaning of "heads of families", being applied to men and women alike.

Evidence of this is the increase in female labour in both the public and private sectors, which has been very marked in the last ten years. This increase is due not so much to technical progress



## EMPLOYMENT OF WOMEN WITH FAMILY RESPONSIBILITIES

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as to women finding it necessary to seek work either because they have learned an occupation or because the wage earned by the head of the family is insufficient for family needs, or again because the woman is the sole support of her children, parents or brothers and sisters.

The authority which would be competent to apply the standards of the Recommendation would be the Directorate of Employment, as the body responsible for centralising labour supply and demand. The Labour Directorate (Women's and Minors' Division) would undertake responsibility for drawing up necessary guidelines for assigning job vacancies to working mothers.

To give effect to the Recommendation a socio-economic investigation would have to be carried out to determine priority areas of employment opportunity in those towns in which there is the greatest concentration of employers, and also in each state.

### YEMEN

Labour Law No. 5, of 1970, stipulates that provisions regarding workers' employment shall be applied to women without discrimination in any occupation, and provides for maternity leave. A crèche has been set up in one factory.

The Ministry of Social Affairs, Labour and Youth is the competent authority.

Due to the lack of financial resources, qualified cadres and other technical facilities, it is not easy for the Government to give effect in a short time to the provisions of the Recommendation not yet covered by national legislation or practice.

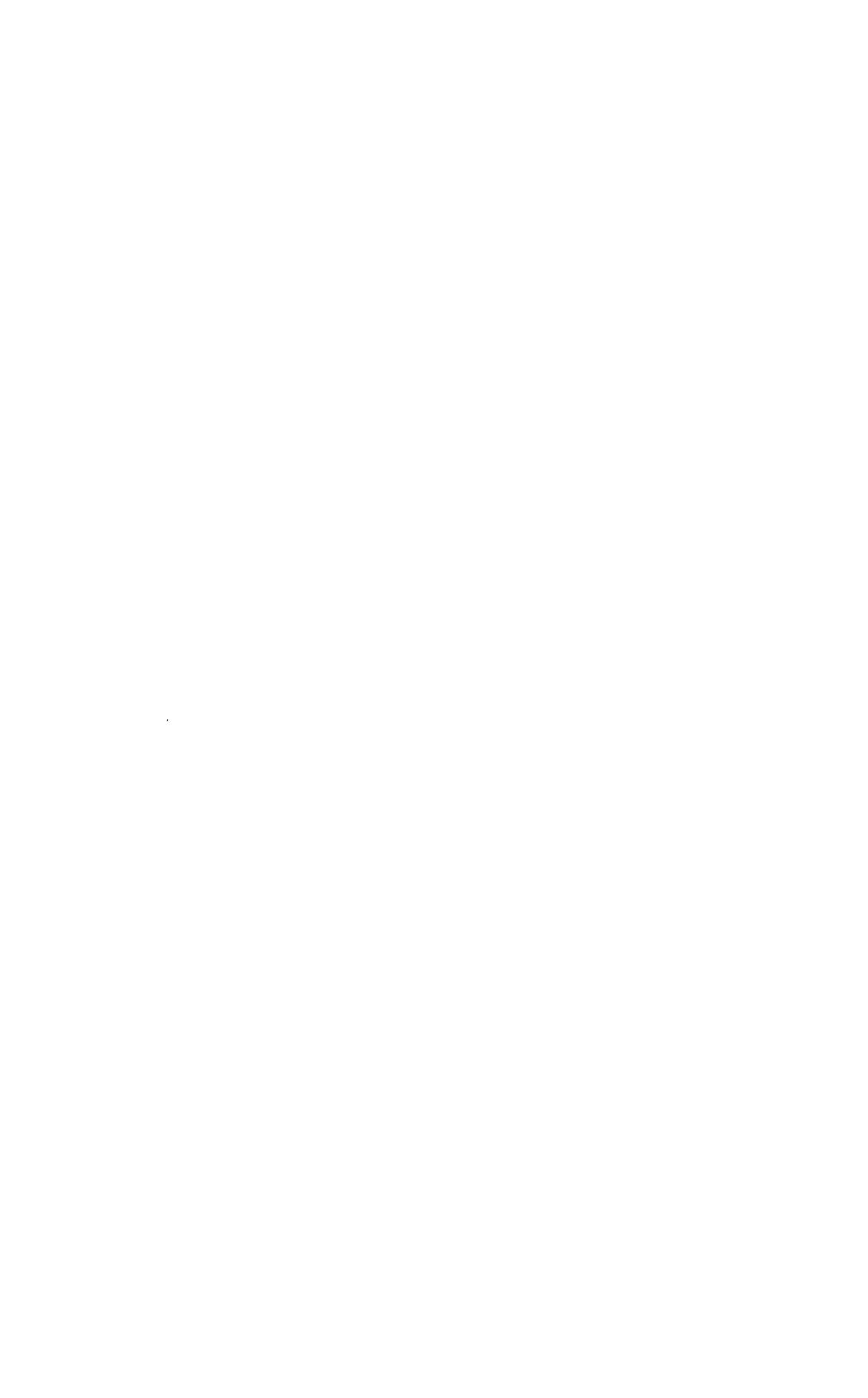
However, the Government started implementing programmes for education for both sexes, and has planned to establish some nurseries and social centres in the main cities, aiming at women's education and guidance. Also vocational training and workers' education centres will be built.

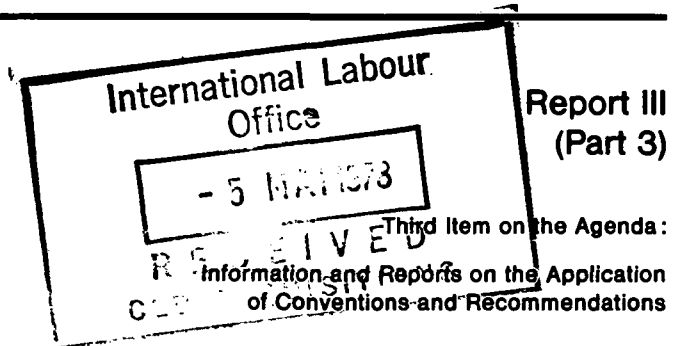
### ZAMBIA

Legislative, administrative or practical provisions do not exist in this country in regard to the matters dealt with in the Recommendation. In most cases there are mutual agreements between the employers and the employees concerned regarding the conditions of employment women with family responsibilities are normally required to conform with.

Trade unions in certain industries have negotiated for better conditions of employment which result in the formulation or signing of collective agreements on behalf of female employees, especially in relation to maternity leave. If the employee has not accrued a sufficient number of months to qualify for paid leave, the employer in most cases grants unpaid maternity leave for roughly three months.

It is not feasible at the present level of development of the country to adopt measures to give effect to the provisions of the Recommendation not yet covered by national practice.





**Summary of Information  
Relating to the Submission to the  
Competent Authorities of Conventions  
and Recommendations Adopted by  
the International Labour Conference**

(Article 19 of the Constitution)

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

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## INTRODUCTION

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

In accordance with article 23 of the Constitution a summary of the information communicated in pursuance of article 19 is submitted to the Conference. The present summary contains information relating to the submission to the competent authorities of the Conventions and Recommendations adopted by the Conference at its 61st and 62nd Sessions held in Geneva from 2 to 22 June 1976 and from 13 to 29 October 1976 respectively.

The period of one year provided for the submission to the competent authorities of the instruments in question expired on 22 June and 29 October 1977 respectively, and the period of 18 months on 22 December 1977 and on 29 April 1978 respectively.

The present report also contains a summary of additional information relating to the submission to the competent authorities of the Conventions and Recommendations adopted by the Conference at its 31st to 60th Sessions (1948 to 1975). 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 63rd 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 9 to 22 March 1978, the information received from the governments, as stated in its report.

### List of instruments adopted by the Conference at its 54th to 62nd Sessions<sup>1</sup>

#### 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).

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

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#### 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).

#### 60th Session (1975)

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

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<sup>1</sup> At this session, the Conference did not adopt any Conventions or Recommendations.

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## 61st Session (1976)

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

## 62nd Session (1976)

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

Summary of information relating to the submission to the competent authorities of the Conventions and Recommendations adopted by the International Labour Conference at its 61st and 62nd Sessions (Geneva, 1976) and supplementary information on the texts adopted at its 31st to 60th Sessions (1948 to 1975)

Afghanistan. The instruments adopted at the 53rd, 54th, 55th, 56th, 57th and 58th Sessions of the Conference have been submitted to the competent legislative authorities.

Algeria. The instruments adopted at the 60th, 61st and 62nd Sessions of the Conference have been submitted to the Revolutionary Council.

Argentina. The instruments adopted at the 61st and 62nd Sessions of the Conference have been submitted to the President of the Republic.

Austria. The instruments adopted at the 60th, 61st and 62nd Sessions of the Conference have been submitted to the National Council. The ratification of Convention No. 141 has been proposed.

Barbados. The instruments adopted at the 61st Session of the Conference were submitted to the two Houses of Parliament on 11 and 19 January 1977, and the instruments adopted at the 62nd Session were submitted on 24 January and 1 February 1978.

Belgium. The instruments adopted at the 60th Session of the Conference were submitted to Parliament on 17 January 1977. The ratification of Conventions Nos. 141 and 142 and acceptance of Recommendations Nos. 149 and 150 are being considered.

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Bulgaria. The instruments adopted at the 61st Session of the Conference were submitted to the Council of State on 20 December 1976.

Burma. The instruments adopted at the 59th and 60th Sessions of the Conference were submitted to the Pyithu Hluttaw on 29 August 1977.

Burundi. Conventions Nos. 137, 138, 139 and 140 and Recommendation No. 145, adopted at the 58th and 59th Sessions of the Conference, have been submitted to the President of the Republic. The ratification of Convention No. 138 has been proposed.

Byelorussian SSR. The instruments adopted at the 61st and 62nd Sessions of the Conference have been submitted to the Presidium of the Supreme Soviet of the Byelorussian SSR.

United Republic of Cameroon. The instruments adopted at the 61st and 62nd Sessions of the Conference have been submitted to the competent authorities.

Chile. The instruments adopted at the 61st and 62nd Sessions of the Conference were submitted to the competent authorities on 19 July 1977.

Cuba. Convention No. 142 and Recommendation No. 150, adopted at the 60th Session of the Conference, have been submitted to the Council of Ministers. The Convention has been ratified.

Cyprus. The instruments adopted at the 60th and 61st Sessions of the Conference have been submitted to the House of Representatives. Conventions Nos. 141, 142, 143 and 144 have been ratified.

Democratic Yemen. The instruments adopted at the 61st and 62nd Sessions of the Conference were submitted to the Council of Ministers on 16 April and 25 December 1977.

Denmark. The instruments adopted at the 61st Session of the Conference were submitted to Parliament on 21 June 1977.

Dominican Republic. The instruments adopted at the 61st Session of the Conference have been submitted to Congress.

Ecuador. Recommendations Nos. 147 and 148, adopted at the 58th Session of the Conference, and the instruments adopted at the 60th Session, have been submitted to the competent authorities. Conventions Nos. 141 and 142 have been ratified.

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Egypt. The instruments adopted at the 61st and 62nd Sessions of the Conference have been submitted to the National Assembly.

German Democratic Republic. The instruments adopted at the 61st and 62nd Sessions of the Conference have been submitted to the People's Chamber.

Honduras. The instruments adopted at the 61st Session of the Conference were submitted to the Head of State on 21 November 1977.

Hungary. The instruments adopted at the 61st Session of the Conference were submitted to the Council of the Presidency of the Republic on 27 April 1977.

India. The instruments adopted at the 60th and 61st Sessions of the Conference were submitted to Parliament in June and December 1977, respectively. Convention No. 141 has been ratified. The ratification of Convention No. 144 has been proposed.

Iraq. Convention No. 92, adopted at the 32nd Session of the Conference, has been ratified.

Israel. The instruments adopted at the 61st Session of the Conference have been submitted to Parliament.

Ivory Coast. The instruments adopted at the 61st Session of the Conference were submitted to the National Assembly on 12 November 1976.

Japan. The instruments adopted at the 61st and 62nd Sessions of the Conference were submitted to the Diet on 24 May 1977.

Kenya. Conventions Nos. 140, 141, 142 and 143 and Recommendations Nos. 148, 149, 150 and 151 have been submitted to the National Assembly. The ratification of Conventions Nos. 140, 141 and 142 has been proposed.

Kuwait. The instruments adopted at the 61st and 62nd Sessions of the Conference were submitted to the Council of Ministers on 24 April and 28 September 1977, respectively.

Lebanon. Conventions Nos. 98, 105, 106, 111 and 131, adopted at the 32nd, 40th, 42nd and 54th Sessions of the Conference, have been ratified.

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Liberia. Convention No. 92, adopted at the 32nd Session of the Conference, has been ratified.

Luxembourg. The instruments adopted at the 61st and 62nd Sessions of the Conference were submitted to the Chamber of Deputies on 4 October 1977.

Mali. The instruments adopted at the 61st and 62nd Sessions of the Conference have been submitted to the Head of State.

Mauritius. Convention No. 139 and Recommendation No. 147, adopted at the 59th Session of the Conference, and the instruments adopted at the 61st Session, have been submitted to the Legislative Assembly. The ratification of Convention No. 144 has been proposed.

Mexico. Conventions Nos. 141, 142 and 143, adopted at the 60th Session of the Conference, have been submitted to the Senate. The ratification of Conventions Nos. 141 and 142 has been proposed.

Mongolia. The instruments adopted at the 58th, 59th, 60th and 61st Sessions of the Conference have been submitted to the Presidium of the People's Great Khural.

Morocco. The instruments adopted at the 61st and 62nd Sessions of the Conference were submitted to the Prime Minister on 20 October 1976 and 30 August 1977, respectively.

Netherlands. Convention No. 142 and Recommendations Nos. 149 and 150 have been submitted to the Council of State.

New Zealand. The instruments adopted at the 61st and 62nd Sessions of the Conference were submitted to the House of Representatives on 30 June and 16 December 1977, respectively. The ratification of Convention No. 145 has been proposed.

Nicaragua. Recommendations Nos. 147 and 148, adopted at the 59th Session of the Conference, and the instruments, adopted at the 60th, 61st and 62nd Sessions of the Conference, were submitted to the Congress on 14 May 1977. Convention No. 142 has been ratified.

Nigeria. The instruments adopted at the 61st and 62nd Sessions of the Conference were submitted to the Federal Executive Council on 20 October 1976.

Norway. The instruments adopted at the 61st Session of the Conference have been submitted to Parliament. Convention No. 144 has been ratified.

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Panama. The instruments adopted at the 61st and 62nd Sessions of the Conference were submitted to the National Assembly on 29 March and 26 April 1977, respectively.

Papua New Guinea. The instruments adopted at the 61st Session of the Conference were submitted to Parliament on 1 March 1977.

Paraguay. The instruments adopted at the 61st Session of the Conference were submitted to the Congress on 24 September 1976.

Philippines. The instruments adopted at the 60th Session of the Conference were submitted to the President of the Republic on 21 October 1976.

Poland. The remaining instruments adopted at the 58th and 59th Sessions of the Conference, and those adopted at the 60th Session, have been submitted to the Sejm. The Government has communicated information concerning the decisions taken on Conventions Nos. 125 and 131 and on Recommendations Nos. 147 and 148.

Romania. The instruments adopted at the 61st and 62nd Sessions of the Conference were submitted to the Council of State on 15 July and 29 November 1977, respectively.

Rwanda. The instruments adopted at the 60th, 61st and 62nd Sessions of the Conference have been submitted to the President of the Republic.

Saudi Arabia. The instruments adopted at the 61st and 62nd Sessions of the Conference have been submitted to the Council of Ministers.

Senegal. The instruments adopted at the 60th and 62nd Sessions of the Conference were submitted to the National Assembly on 1 August 1977.

Sierra Leone. The instruments adopted at the 61st Session of the Conference, and Conventions Nos. 145 and 147 and Recommendations Nos. 153 and 155, adopted at the 62nd Session, were submitted to Parliament on 22 February and 14 July 1977, respectively.

Spain. Conventions Nos. 145 and 147, adopted at the 62nd Session of the Conference, were submitted to the Cortes on 5 May and 29 July 1977, respectively. Their ratification has been proposed.

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Sudan. The instruments adopted at the 61st Session of the Conference were submitted to the Council of Ministers on 19 April 1977.

Sweden. The instruments adopted at the 61st Session of the Conference were submitted to Parliament on 20 January 1977. Convention No. 144 has been ratified. Conventions Nos. 145 and 146 and Recommendations Nos. 153 and 154, adopted at the 62nd Session of the Conference, were submitted to Parliament on 27 October 1977. The ratification of Conventions Nos. 145 and 146 has been proposed.

Switzerland. The instruments adopted at the 61st and 62nd Sessions of the Conference were submitted to the Federal Chambers on 19 October 1977.

Trinidad and Tobago. The instruments adopted at the 61st Session of the Conference were submitted to Parliament on 14 October 1977.

Uganda. The instruments adopted at the 61st and 62nd Sessions of the Conference have been submitted to the Cabinet.

Ukrainian SSR. The instruments adopted at the 61st and 62nd Sessions of the Conference have been submitted to the Presidium of the Supreme Soviet of the Ukrainian SSR.

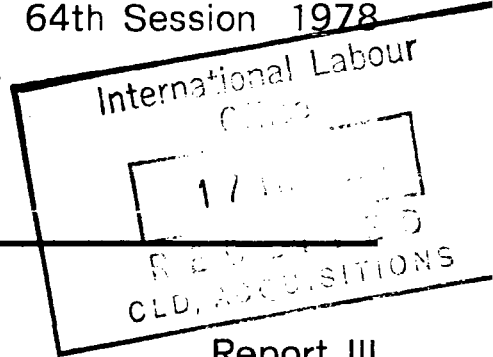
United Kingdom. The instruments adopted at the 61st Session of the Conference were submitted to Parliament in December 1976. Convention No. 144 has been ratified.

USSR. The instruments adopted at the 61st and 62nd Sessions of the Conference have been submitted to the Presidium of the Supreme Soviet of the USSR.

Zambia. The instruments adopted at the 60th and 61st Sessions of the Conference have been submitted to the National Assembly. The ratification of Convention No. 141 has been proposed.



International Labour Conference  
64th Session 1978



Report III  
(Part 4A)

# **Report of the Committee of Experts on the Application of Conventions and Recommendations**

**General Report  
and Observations concerning Particular Countries**

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International Labour Office Geneva

C966.1/2



International Labour Conference  
64th Session 1978

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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

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GENERAL SURVEY ON THE REPORTS CONCERNING THE  
EMPLOYMENT (WOMEN WITH FAMILY RESPONSIBILITIES)  
RECOMMENDATION, 1965 (No. 123)

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

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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, para. 152. I B, Nos. 13, 105. III.	Art. 22, Nos. 100, 111.
Albania . . . . .	I A.	
Àlgeria . . . . .	I B, Nos. 13, 32, 58, 62, 81, 88, 127.	Art. 22, general. Art. 22, Nos. 6, 29, 32, 68, 81, 88, 89, 91, 105.
Angola . . . . .	General Report, para. 97. I A.	Subm.
Argentina . . . . .	I B, Nos. 3, 32, 87, 88, 105, 111.	General Report, para. 85. Art. 22, Nos. 9, 29, 35, 36, 81, 88, 105, 111.
Australia . . . . .	I B, No. 42.	Art. 22, Nos. 29, 42, 88, 100, 105, 111, 112, 137. Art. 35, No. 87, 98. Subm.
Austria . . . . .	I B, No. 81.	Art. 22, Nos. 6, 29.
Bahamas . . . . .	I B, No. 7.	Art. 22, No. 98. Subm.
Bangladesh . . . . .	I B, No. 11.	Art. 22, general. Art. 22, Nos. 29, 81, 90, 96, 105, 107. Subm.
Barbados . . . . .		Art. 22, Nos. 42, 81, 100, 102, 108, 111, 118, 128. Subm.
Belgium . . . . .	I B, Nos. 17, 81.	Art. 22, Nos. 6, 81, 105, 121. Subm.
Benin . . . . .	General Report, paras. 97, 101, 147. I A and B, No. 18. III.	Art. 22, Nos. 6, 29, 105, 111.

<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.

Country	Observations made by the Committee (published in the present Report)	Direct requests addressed by the Committee to the Governments (not reproduced in the present Report)
Bolivia . . . . .	I A and B, Nos. 81, 87, 103.	Art. 22, Nos. 77, 78, 81, 87, 98, 100, 103, 106, 107. Subm.
Botswana . . . . .		Art. 22, Nos. 50, 64, 65.
Brazil . . . . .	I B, Nos. 12, 88, 91, 105, 108, 125. III.	Art. 22, Nos. 12, 29, 42, 88, 89, 105, 107, 125.
Bulgaria . . . . .	I B, No. 29. III.	Art. 22, Nos. 29, 79, 81.
Burma . . . . .	I B, No. 17.	Art. 22, Nos. 6, 17, 29. Subm.
Burundi . . . . .	General Report, para. 101. I A and B, Nos. 29, 94.	Art. 22, Nos. 29, 81, 90, 105. Subm.
Byelorussian SSR . . . . .	General Report, para. 148. I B, No. 29. III.	Art. 22, No. 32.
Cameroon, United Republic of . . . . .	I B, Nos. 19, 81.	Art. 22, Nos. 29, 77, 78, 81, 105, 122, 132. Subm.
Canada . . . . .	I B, Nos. 45, 105.	Art. 22, Nos. 1, 105. Subm.
Central African Empire	General Report, paras. 97, 101. I A and B, Nos. 18, 29, 33, 41, 62, 81, 87, 105, 119. III.	Art. 22, Nos. 29, 67, 87, 88, 105.
Chad . . . . .	General Report, paras. 97, 101. I A and B, No. 13, 29, 81, 87, 98, 111. III.	Art. 22, Nos. 52, 81, 100, 105, 111.
Chile . . . . .	I B, Nos. 32, 111, 127.	Art. 22, Nos. 2, 29.
Colombia . . . . .	General Report, para. 101. I A and B, No. 22. III.	General Report, para. 85. Art. 22, Nos. 12, 17, 18, 20, 29, 81, 88.
Congo . . . . .		Art. 22, No. 29. Subm.
Costa Rica . . . . .	General Report, para. 99. I A and B, Nos. 81, 88.	Art. 22, Nos. 88, 99, 122, 129, 137. Subm.
Cuba . . . . .	I B, Nos. 17, 29, 42, 81, 105.	Art. 22, Nos. 29, 42, 88, 108, 137, 140. Subm.
Cyprus . . . . .	I B, Nos. 44, 105, 121.	Art. 22, No. 121.

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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)
Czechoslovakia . . . . .	I B, No. 111.	Subm.
Democratic Yemen . . .		Art. 22, No. 105. Subm.
Denmark . . . . .		Art. 35, Nos. 8, 9, 105, 122.
Dominican Republic . .	I A and B, Nos. 81, 87, 88, 105.	Art. 22, Nos. 29, 77, 81, 87, 89, 95, 105. Subm.
Ecuador . . . . .	I B, No. 119.	Art. 22, general. Art. 22, Nos. 29, 77, 78, 81, 88, 104, 105, 107, 111, 119, 122, 136, 139. Subm.
Egypt . . . . .	I B, Nos. 87, 111.	Art. 22, Nos. 17, 18, 29, 81, 87, 88, 107.
El Salvador . . . . .	General Report, para. 101. III.	Art. 22, No. 105.
Ethiopia . . . . .	I B, No. 87.	Art. 22, No. 88. Subm.
Fiji . . . . .		Art. 22, Nos. 64, 105. Subm.
Finland . . . . .	I B, No. 29.	Art. 22, Nos. 81, 105, 121, 129, 130, 134. Subm.
France . . . . .	I B, No. 97. II A and B, No. 99.	Art. 22, Nos. 29, 105, 140. Art. 35, Nos. 2, 3, 9, 17, 19, 22, 24, 29, 35, 36, 37, 38, 42, 44, 52, 53, 56, 63, 69, 71, 77, 78, 81, 88, 94, 96, 105, 115, 120, 123, 124. Subm.
Gabon . . . . .	I A and B, Nos. 29, 105. III.	Art. 22, Nos. 19, 81, 105, 106, 111, 123, 135.
German Democratic Republic . . . . .		Art. 22, general. Art. 22, Nos. 87, 98, 100, 108, 111, 122, 127. Subm.
Germany, Federal Republic of . . . . .	I B, Nos. 3, 111, 115, 135.	Art. 22, Nos. 29, 118, 121, 129.
Ghana . . . . .	I B, Nos. 87, 100, 119.	Art. 22, Nos. 29, 30, 50, 64, 81, 89, 105, 111. Subm.
Greece . . . . .	I B, Nos. 81, 89, 90, 102. III.	Art. 22, No. 81.

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)
Guatemala . . . . .	General Report, para. 147. I A and B, Nos. 87, 88, 105. III.	Art. 22, general. Art. 22, Nos. 79, 81, 105, 108, 120.
Guinea . . . . .	General Report, paras. 97, 101. I A and B, Nos. 3, 5, 13, 16, 17, 18, 29, 45, 62, 81, 90, 94, 105, 111, 112, 113, 114, 119, 120, 122.	Art. 22, general. Art. 22, Nos. 10, 33, 52, 99, 105, 115, 117, 118, 121, 122. Subm.
Guinea-Bissau . . . . .	General Report, para. 97. I A.	
Guyana . . . . .	I B, Nos. 64, 81, 129. III.	Art. 22, Nos. 29, 42, 50, 95, 100, 105, 111.
Haiti . . . . .	General Report, para. 101. I A and B, Nos. 29, 42, 81, 105. III.	
Honduras . . . . .	I A and B, Nos. 29, 32, 42, 62, 78, 87, 95, 105, 108.	Art. 22, general. Art. 22, Nos. 29, 42, 78, 87, 108.
Hungary . . . . .	I B, Nos. 6, 29. III.	Art. 22, general. Art. 22, Nos. 29, 139, 140.
Iceland . . . . .	General Report, paras. 97, 101. I A and B, No. 102.	Art. 22, Nos. 29, 102, 105. Subm.
India . . . . .	I B, Nos. 1, 88, 107.	Art. 22, Nos. 29, 81, 88, 107, 115.
Indonesia . . . . .	I B, No. 29. III.	Art. 22, No. 106.
Iran . . . . .		Art. 22, Nos. 19, 29, 105. Subm.
Iraq . . . . .	General Report, para. 101. III.	Art. 22, general. Art. 22, Nos. 29, 81, 88, 105, 131, 132, 136.
Ireland . . . . .	I B, Nos. 87, 88, 89, 105. III.	Art. 22, Nos. 87, 100, 121, 132.
Israel . . . . .		Art. 22, No. 81. Subm.
Italy . . . . .	I B, Nos. 81, 89, 108, 127.	Art. 22, Nos. 29, 79, 81, 105, 115. Subm.
Ivory Coast . . . . .	General Report, para. 101.	Art. 22, Nos. 29, 111, 136.
Jamaica . . . . .	I B, No. 81.	Art. 22, Nos. 8, 81, 100, 105, 111, 117. Subm.
Japan . . . . .	I B, Nos. 87, 98, 121.	Art. 22, Nos. 81, 121.

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)
Jordan . . . . .	General Report, paras. 97, 101. I A. III.	Art. 22, Nos. 100, 105, 111.
Kampuchea, Democratic . . . . .	General Report, para. 97. I A. III.	
Kenya . . . . .	I B, Nos. 17, 29, 105.	Art. 22, Nos. 81, 88, 105, 123. Subm.
Kuwait . . . . .	I B, Nos. 1, 30, 81, 89, 119.	General Report, para. 85. Art. 22, Nos. 29, 81, 89.
Lao Republic . . . . .	General Report, paras. 97, 147, 152. I A. III.	
Lebanon . . . . .	I A. III.	Art. 22, Nos. 14, 26, 52, 81, 89, 90.
Lesotho . . . . .		Art. 22, Nos. 29, 64.
Liberia . . . . .	I B, Nos. 29, 55, 58, 87, 98, 104, 105, 112, 113. III.	
Libyan Arab Jamahiriya . . . . .	General Report, para. 99. I A. III.	General Report, para. 85. Art. 22, general. Art. 22, Nos. 29, 81, 88, 104, 105, 111, 118, 122, 131.
Luxembourg . . . . .	I B, No. 89.	Art. 22, Nos. 29, 81, 121.
Madagascar . . . . .	I B, Nos. 29, 119, 127. III.	Art. 22, general. Art. 22, Nos. 29, 81, 111, 120, 122, 123, 124, 129, 132.
Malawi . . . . .	General Report, paras. 97, 101. I A. III.	Art. 22, Nos. 81, 86, 99, 129.
Malaysia . . . . .	I B, Nos. 17, 105. III.	Art. 22, Nos. 12, 81, 88, 105. Subm.
Malta . . . . .	General Report, paras. 97, 101. I A and B, No. 111. III.	Art. 22, Nos. 29, 87, 98, 105, 108.
Mauritania . . . . .	General Report, para. 101. I B, Nos. 19, 22, 29, 53, 62, 81, 87, 102, 111. III.	Art. 22, general. Art. 22, Nos. 19, 26, 84, 94, 102, 114, 122.
Mauritius . . . . .	General Report, para. 101. III.	Art. 22, Nos. 17, 64, 65, 81, 105.

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)
Mexico . . . . .	I B, Nos. 9, 13, 22, 32, 42, 43, 49, 90.	Art. 22, general. Art. 22, Nos. 17, 105, 135. Subm.
Mongolia . . . . .	I B, No. 103. III.	Art. 22, Nos. 59, 87, 100, 103, 111.
Morocco . . . . .		General Report, para. 85. Art. 22, Nos. 29, 30, 81, 106. Subm.
Mozambique . . . . .		Subm.
Nepal . . . . .	General Report, paras. 97, 99, 152. I A. III.	
Netherlands . . . . .	I B, Nos. 29, 105, 121. II B, Nos. 17, 58, 81, 89, 90.	Art. 22, Nos. 81, 121, 129, 135. Art. 35, No. 122. Subm.
New Zealand . . . . .	I B, No. 42. II A.	Art. 22, Nos. 17, 50, 64, 105.
Nicaragua . . . . .	I A and B, Nos. 1, 2, 3, 4, 6, 9, 12, 18, 22, 105.	General Report, para. 85. Art. 22, general. Art. 22, Nos. 2, 3, 8, 9, 17, 29, 30, 105, 111.
Niger . . . . .	III.	
Nigeria . . . . .	I B, Nos. 81, 105.	Art. 22, Nos. 29, 81, 88, 100, 105, 123. Subm.
Norway . . . . .	I B, Nos. 42, 81, 129.	Art. 22, Nos. 42, 129, 130, 137.
Pakistan . . . . .	I B, Nos. 11, 29, 87, 98, 105, 107. III.	Art. 22, Nos. 29, 81, 87, 105, 107, 111. Subm.
Panama . . . . .	I A and B, No. 126.	Art. 22, general. Art. 22, Nos. 17, 29, 55, 56, 63, 64, 74, 81, 88, 89, 94, 96, 105, 108, 117.
Papua New Guinea . . .		Art. 22, general. Art. 22, Nos. 29, 42, 105.
Paraguay . . . . .	General Report, para. 101. I A and B, Nos. 29, 81, 105, 117, 119.	Art. 22, Nos. 81, 117.
Peru . . . . .	I B, Nos. 1, 32, 52, 53, 62, 68, 69, 79, 81, 87, 90, 101, 105. III.	Art. 22, Nos. 9, 11, 20, 29, 59, 67, 87, 88, 98, 107, 111, 114.
Philippines . . . . .	I A and B, Nos. 17, 77, 89, 90, 105.	Art. 22, Nos. 77, 88, 105. Subm.

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Poland . . . . .	I B, Nos. 42, 105. III.	Art. 22, No. 42.
Portugal . . . . .		Art. 22, Nos. 6, 18, 26, 29, 88, 105, 108. Subm.
Qatar . . . . .		Subm.
Romania . . . . .		Art. 22, Nos. 29, 81, 88, 89, 95, 129, 136, 138. Subm.
Rwanda . . . . .	I B, Nos. 26, 42, 123.	General Report, para. 85. Art. 22, Nos. 12, 17. Subm.
Senegal . . . . .	I B, No. 81.	Art. 22, Nos. 6, 29, 33, 87, 105, 111, 120, 121, 122. Subm.
Sierra Leone . . . . .	I B, Nos. 17, 29, 59, 81, 105.	Art. 22, Nos. 17, 88, 105. Subm.
Singapore . . . . .	I B, No. 105.	Art. 22, Nos. 29, 65, 88. Subm.
Somalia . . . . .	General Report, para. 101. I A. III.	Art. 22, No. 105.
South Africa . . . . .	I A.	
Spain . . . . .	I B, Nos. 44, 53, 79, 90, 105, 132.	Art. 22, Nos. 29, 44, 55, 56, 63, 73, 74, 77, 78, 79, 81, 92, 94, 108, 129, 132. Subm.
Sri Lanka . . . . .	General Report, paras. 97, 101. I A and B, No. 81. III.	Art. 22, No. 29.
Sudan . . . . .		Art. 22, Nos. 2, 81.
Surinam . . . . .	I B, No. 81.	Art. 22, Nos. 17, 42, 81, 88, 105, 106, 122, 135. Subm.
Swaziland . . . . .		Subm.
Sweden . . . . .	I B, Nos. 87, 121.	Art. 22, Nos. 88, 121, 137, 139, 140.
Switzerland . . . . .	I B, Nos. 18, 44, 81.	Art. 22, Nos. 29, 81, 87, 136.
Syrian Arab Republic . . . . .	I B, Nos. 87, 105, 106, 118.	Art. 22, general. Art. 22, Nos. 29, 88, 105, 129. Subm.
Tanzania . . . . .	General Report, paras. 97, 101, 147. I A and B, Nos. 17, 29, 50, 81, 88, 105. III.	Art. 22, Nos. 29, 65, 81, 105, 108.

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)
Thailand . . . . .	General Report, para. 101.	Art. 22, general. Art. 22, Nos. 29, 88, 105, 122, 123, 127. Subm.
Togo . . . . .	General Report, para. 97. I A and B, No. 29.	Subm.
Trinidad and Tobago . .	I B, Nos. 87, 125.	Art. 22, No. 87.
Tunisia . . . . .	I B, Nos. 29, 98, 105, 112, 119, 127.	Art. 22, Nos. 8, 58, 59, 81, 88, 91, 105, 117, 122. Subm.
Turkey . . . . .	I B, Nos. 81, 94, 95, 96, 98, 105, 119.	Art. 22, Nos. 42, 88, 99, 111, 127. Subm.
Uganda . . . . .	I B, Nos. 17, 50, 65, 105.	Art. 22, Nos. 29, 64, 81.
Ukrainian SSR . . . .	General Report, para. 148. I B, No. 29. III.	Art. 22, Nos. 32, 124.
USSR . . . . .	General Report, para. 148. I B, No. 29. III.	Art. 22, No. 32.
United Arab Emirates .	General Report, para. 152. III.	
United Kingdom . . .	I B, Nos. 42, 81. II A and B, Nos. 42, 81, 85, 105, 108.	Art. 22, Nos. 17, 81, 140. Art. 35, Nos. 15, 17, 19, 29, 42, 58, 59, 65, 81, 87, 105, 108, 135.
Upper Volta . . . . .	General Report, paras. 97, 99, 101. I A and B, No. 18.	Art. 22, Nos. 3, 6, 19, 97, 100. Subm.
Uruguay . . . . .	I B, Nos. 2, 9, 87, 89, 94, 103, 105, 108, 128. III.	Art. 22, Nos. 2, 81, 97, 105, 108, 114, 121, 128, 129, 130.
Venezuela . . . . .	I B, Nos. 22, 26, 29.	Art. 22, Nos. 22, 81, 88, 111, 120.
Viet Nam . . . . .	General Report, para. 97. I A. III.	
Yemen . . . . .	III.	
Yugoslavia . . . . .	I A and B, Nos. 48, 102. III.	Art. 22, Nos. 3, 9, 29, 48, 97, 103, 111, 126.
Zaire . . . . .	I B, No. 29. III.	Art. 22, No. 29.
Zambia . . . . .	General Report, para. 101. I B, No. 105.	Art. 22, Nos. 29, 100, 105.



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 48th Session in Geneva from 9 to 22 March 1978. The Committee has the honour to present its report to the Governing Body.

2. The Committee learned with regret that the Begum Liaquat Ali Khan, Mr. Gajendragadkar and Mr. Garcia Sayán had indicated that they were no longer able to continue as members of the Committee. It expressed its appreciation of their contribution to the work of the Committee. Both the Begum Liaquat Ali Khan and Mr. Garcia Sayán had served on the Committee since 1955. The Begum Liaquat Ali Khan brought to bear on the work of the Committee qualities of human understanding and practical judgement which won the esteem of all her colleagues. Mr. Garcia Sayan, who served the Committee as reporter from 1965 to 1969 and as chairman from 1970 to 1975, fulfilled these functions with distinction and, through his expertise and wisdom, made an inestimable contribution to the work of the Committee, particularly in relation to the standards for the protection of human rights. Mr. Gajendragadkar became a member of the Committee in 1972 and brought to its work a profound knowledge rooted in the experience of a lifetime of public service.

3. In order to fill two of these vacancies, the Governing Body has appointed Mr. Prafullachandra Natvarlal BHAGWATI (India) and Mr. Jose Maria RUDA (Argentina), whom the Committee was pleased to welcome at its present session, together with Mr. WOOD who had been unable to attend the previous session following his appointment to the Committee in March 1977.

4. 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; Honorary Bencher of the Middle Temple, London; Honorary Member of the International Commission of Jurists; former member of the International Civil Service Advisory Board; former President of the Nigerian Red Cross Society; Chancellor of the University of Nigeria; Chairman, The Commonwealth Federation;

Mr. Günther BEITZKE (Federal Republic of Germany),

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

Mr. Prafullachandra Natvarlal BHAGWATI (India),

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

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; President of the Political Studies Centre of Al-Ahram; 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; Member of the Council of the International Institute of Human Rights;

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

Professor Emeritus of Labour Law of the State University and Professor of Occupational Medicine of the Catholic University of Sao 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 of Strasbourg; member of the Brazilian delegation to the sessions of the International Labour Conference of 1950, 1960 and 1964;

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

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

Mr. Arnold GUBINSKI (Poland),

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

Mr. Frank W. McCULLOCH (United States),

Scholar in residence, former Professor of Law at the University of Virginia; Consultant, President's Personnel Management Project; former Chairman of the National Labor Relations Board (1961-70); member, Public Review Board, United Auto Workers; member, Board of Directors, Migrant Legal Action Programme;

Mr. E. RAZAFINDRALAMBO (Madagascar),

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

Mr. Jose Maria RUDA (Argentina),

Judge at the International Court of Justice; member of the Institute of International Law; Professor of Public International Law at the University of Buenos Aires; former

representative to the United Nations; former Under-Secretary of Foreign Affairs; former member of the United Nations International Law Commission;

Mr. Paul RUEGGER (Switzerland),

former Ambassador; former Minister in Rome and London; former President of the International Committee of the Red Cross (1948-1955); honorary Member 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 at The Hague;

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); formerly Permanent Representative to the United Nations (1967-71); Member of the Curatorium of the Academy of International Law at The Hague;

Mr. Grigory TUNKIN (USSR),

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

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

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

Mr. Jean-Maurice VERDIER (France),

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;

Mr. John C. WOOD (United Kingdom), CBE, LL.M.,

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

5. The Committee regretted that Mr. Boutros-Ghali was unable to attend its session this year.

6. The Committee elected Sir Adetokunbo ADEMOLA as Chairman and Mr. RAZAFINDRALAMEO as Reporter of the Committee.

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

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

8. The Committee, after an examination and evaluation of the above-mentioned reports and information, drew up its present report, which consists essentially of the following three parts: (a) review of reports from governments on ratified Conventions, supplied under articles 22 and 35 of the Constitution (see paragraphs 91 to 111 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 112 to 148 below), and Part Two (III); and (c) review of reports supplied by governments under article 19 of the Constitution on the Employment (Women with Family Responsibilities) Recommendation, 1965 (No. 123) (see paragraphs 149 to 154 below and Part Three, which is published in a separate volume as Report III (Part 4B)).

9. The United Nations was represented at the session by Mr. T. van Boven, Director of the Division of Human Rights. In his address to the Committee, Mr. van Boven referred in particular to the arrangements for co-operation between the United Nations and the International Labour Organisation in international supervision (see paragraphs 21 and 27 below).

## II. GENERAL

### Basic approach to supervision

10. In carrying out its functions, the Committee was constantly mindful of the fact that its work can have value only to the extent that it remains true to its tradition of independence, objectivity and impartiality. In its report of 1977, the Committee reviewed its fundamental principles, mandate and methods of work, and reaffirmed the basic principles by which it was guided in its evaluation of national law and practice against the requirements of international labour Conventions. The Committee wishes to restate its adherence to those basic principles, particularly those set out in paragraph 31 of its above-mentioned report:

The Committee discussed the approach to be adopted in evaluating national law and practice against the requirements of international labour Conventions. It reaffirms that its function is to determine whether the requirements of a given Convention are being met, whatever the economic and social conditions existing in a given country. Subject only to any derogations

which are expressly permitted by the Convention itself, these requirements remain constant and uniform for all countries. In carrying out this work the Committee is guided by the standards laid down in the Convention alone, mindful, however, of the fact that the modes of their implementation may be different in different States. These are international standards, and the manner in which their implementation is evaluated must be uniform and must not be affected by concepts derived from any particular social or economic system.

11. The importance attached by the Conference to the Organisation's standard-setting activities and to the arrangements established by it for supervising compliance with obligations under its Constitution and Conventions was emphasised by two resolutions adopted in 1977, which concerned respectively the strengthening of tripartism in ILO supervisory procedures of international standards and technical co-operation programmes and the promotion, protection and strengthening of freedom of association, trade union and human rights. In these resolutions, the Conference noted, more particularly, that the adoption of ILO standards and their universal application in the field of those human rights which are within the competence of the ILO continue to be of the utmost importance and should exert a lasting influence on the legislation of all countries so that those rights are fully respected. The Conference also declared that "absolute impartiality in the ILO supervision of international standards is the key to their credibility in order to ensure that obligations freely contracted are complied with and remain the same for all countries irrespective of their size, economic and social system and level of economic development". The Conference has thus added the force of its authority to the conception of impartial and objective supervision as enunciated by the Committee.

#### Membership of the Organisation

12. Since the Committee's last session the United States has withdrawn from membership of the International Labour Organisation. Three new Members have joined the Organisation: Bahrain, Botswana and the Seychelles, so that there are now 135 member States. Following its admission to membership, the Seychelles confirmed the obligations under 18 Conventions previously accepted on its behalf.

#### New Conventions and Recommendations

13. The Committee noted that at its 63rd Session (June 1977), the International Labour Conference adopted the Working Environment (Air Pollution, Noise and Vibration) Convention (No. 148) and Recommendation (No. 156), and the Nursing Personnel Convention (No. 149) and Recommendation (No. 157).

#### Obligations binding member States

14. In the course of 1977, 148 ratifications by 37 member States were registered. Of these, 118 represented new ratifications - one of the highest figures so far attained - and 30 represented the confirmation by Guinea-Bissau (which became a Member on 21 February 1977) of obligations previously undertaken in its name. Over 70 per cent of these ratifications came from developing countries, and the Committee welcomed this evidence of the continuing interest of these countries in the standard-setting work of the ILO. The new ratifications will permit the entry into force on 16 May 1978 of the Tripartite Consultation (International Labour Standards) Convention,

1976 (No. 144) and on 9 December 1978 of the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143). The total number of ratifications on 31 December 1977 was 4,436.

15. During 1977, 53 declarations were communicated by the United Kingdom and New Zealand in respect of the application of Conventions to non-metropolitan territories. Of these, 6 were of application without modifications and 6 with modifications. In 41 cases, the Government reserved its decision or declared that the Conventions were not applicable. The total number of declarations on 31 December 1977 included 1,164 declarations of application without modification and 105 with modifications. The French territory of the Afars and the Issas having become independent during 1977, the number of non-metropolitan territories was 40 on 31 December 1977.

16. One denunciation not accompanied by the ratification of a revising Convention was registered during 1977. This came from Hungary and related to the Night Work (Women) Convention (Revised), 1934 (No. 41) which was itself revised by Convention No. 89 of 1948 (see in this connection paragraph 39 below).

#### In-depth review of international labour standards

17. The Committee noted that the working party of the Programme, Financial and Administrative Committee of the Governing Body, which had been entrusted with the systematic review of the existing body of standards and of proposals for new standards, hoped to complete its initial examination of the subject at the May 1978 Session of the Governing Body and, at the November Session, to review its preliminary conclusions and consider a number of other issues arising out of the in-depth review, with a view to formulating its recommendations to the Programme, Financial and Administrative Committee.

#### Functions in regard to other international and regional instruments

##### International Covenant on Economic, Social and Cultural Rights

18. 1978 will mark the thirtieth anniversary of the adoption of the Universal Declaration of Human Rights on 10 December 1948. It is fitting that it is also in 1978 that, following the entry into force of the International Covenant on Economic, Social and Cultural Rights on 3 January 1976, the procedure for supervising the implementation of the Covenant came into operation for the first time.

19. In accordance with this procedure, as established by the Economic and Social Council of the United Nations and described in the Committee's last report, States Parties to the Covenant were called upon to submit reports to the Secretary-General of the United Nations by 1 September 1977 on the measures which they have adopted and progress made in achieving the observance of the rights recognised in Articles 6-9 of the Covenant, namely the right to work, the right to just and favourable conditions of work, the right to form and join trade unions and the right to social security. In accordance with the above-mentioned procedure, the International Labour Organisation was requested to report to the Economic and Social Council, as provided in Article 18 of the Covenant, on the progress made in achieving the observance of the provisions of the Covenant on which States had been requested to report in 1977.



20. At its 201st Session (November 1976), the Governing Body had decided to entrust the Committee with the task of examining the reports and other available information on the implementation of the provisions of the Covenant falling within the scope of the ILO's activities.

21. The Director of the United Nations Division of Human Rights, addressing the Committee, stressed the value and significance of close co-operation and co-ordination of activities between the United Nations and the specialised agencies. He referred to the special contribution which the International Labour Organisation had to make to the establishment and functioning of machinery for supervising the implementation of international standards, as a result of its long experience in this field, and welcomed the decision of the Governing Body to entrust the Committee of Experts with the ILO's contribution to this task.

22. At its present session, the Committee examined reports from nine States Parties to the Covenant (Ecuador, German Democratic Republic, Hungary, Iran, Mongolia, Philippines, Sweden, Tunisia, United Kingdom), copies of which had been communicated to the International Labour Office by the Secretariat of the United Nations. It had to defer until its next session the examination of five further reports (Chile, Denmark, Federal Republic of Germany, Finland and Norway) received and transmitted by the United Nations too late to permit their examination at this session.

23. The preliminary examination of these reports was entrusted to a working party, appointed by the Committee, of four of its members, whose conclusions were presented to the Committee for consideration and approval. A separate report on the observance of Articles 6-9 of the Covenant by the nine reporting countries is being transmitted to the Economic and Social Council of the United Nations, which is to examine the reports on the Covenant at its session in April-May 1978.

#### European Code of Social Security

24. Under the procedure for the supervision of the European Code of Social Security, copies of 11 reports on the Code and the Protocol thereto from 9 ratifying countries were communicated to the ILO by the Secretary-General of the Council of Europe. These reports were examined by the Committee, and its conclusions are being communicated to the Secretary-General of the Council of Europe for transmission to that Organisation's Steering Committee for Social Security (formerly the Committee of Experts on Social Security). In accordance with the usual practice, the ILO was represented at the meeting of that Committee when it examined the application of the Code and Protocol on the basis of the conclusions reached by the Committee of Experts at its last session. In examining these reports, the Committee noted with great interest the measures taken by certain of the States concerned with a view to ensuring the full application of the instruments in question.

#### Collaboration with other international organisations

25. 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 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 Agricultural 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.

26. In the field of discrimination, the arrangements for co-operation with the United Nations Committee on the Elimination of Racial Discrimination, which is responsible for supervising the application of the Convention on the Elimination of All Forms of Racial Discrimination, adopted in 1965 under United Nations auspices, continued to function as in the past. Thus, the report of the Committee of Experts for 1977, and in particular its comments on the application of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) were brought to the attention of the UN Committee, and the ILO was represented at the meetings of that Committee in 1977. Similarly, the documents relating to the work of the United Nations Committee were communicated to the Committee of Experts which took note of them with interest.

27. The Director of the United Nations Division of Human Rights emphasised to the Committee that the co-operation between the two bodies had proved very useful and fruitful to the UN Committee's understanding of the Committee of Experts' methods of work and activities, and expressed his confidence that continued and closer co-operation and co-ordination of the activities of the two committees would lead to the fuller and more effective implementation of the Convention on the Elimination of All Forms of Racial Discrimination and of Convention No. 111. He also referred to the arrangements for the supervision of the observance of the International Covenant on Civil and Political Rights, which is entrusted to the Human Rights Committee established under the terms of that Covenant, and indicated that that Committee was expected to decide in the course of 1978 on the modalities of its co-operation with the specialised agencies of the United Nations.

28. Two provisions of the Covenant on Civil and Political Rights (protection against forced or compulsory labour and the right to form and join trade unions) deal with matters within the competence of the ILO, and the Committee noted that the ILO Governing Body, when it considered the question of co-operation with the Human Rights Committees at its 205th Session (February-March 1978), emphasised the desirability of ensuring consistency of approach and evaluation in regard to related standards contained in the Covenant and in ILO Conventions. It welcomed the indication that it was the Director-General's intention to bring to the Committee's attention the reports and other official documents of the Human Rights Committee in so far as they refer to matters of concern to its work.

29. Within the framework of ILO collaboration with the Council of Europe, on matters other than the European Code of Social Security dealt with above, a representative of the ILO participated in a consultative capacity in meetings 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.

Regional reviews of the application of standards

30. The Committee learned with interest that the Fifth African Regional Conference, held in Abidjan from 26 September to 8 October 1977, examined the application of international labour standards in Africa and adopted conclusions which stressed the importance of standards as an essential element of social progress, and the role of the supervisory procedures in contributing to the effective application of ratified Conventions. A conference resolution called on the States of the region to ratify and apply the Conventions concerning the protection of basic human rights and the Equality of Treatment (Social Security) Convention, 1962 (No. 118), the Rural Workers' Organisations Convention, 1975 (No. 141), the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143) and the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144).

31. The 17th Session of the Asian Advisory Committee, held in Manila from 29 November to 8 December 1977, examined the question of the ratification and application of international labour standards in the Asian region. In its conclusions, the Committee stated that the standard-setting activities of the ILO and the maintenance of supervisory procedures designed to ensure the effective implementation of the standards adopted constituted corner-stones of ILO action for the promotion of human rights and social justice. The conclusions emphasised the importance of the ratification and application of standards and referred particularly to the human rights instruments such as Conventions Nos. 87 and 98, to those concerning rural workers such as Conventions Nos. 129 and 141 and to Convention No. 144 concerning tripartite consultations. The Asian Advisory Committee also called on Asian countries to have more frequent recourse to direct contacts as well as other less formal advisory facilities offered by the Office.

32. In the course of the discussions at the Asian Advisory Committee, a number of Government representatives expressed the view that there was a tendency in ILO supervision to attach too much importance to points of detail instead of placing emphasis on fundamentals, that the Committee of Experts at times adopted an unduly rigid and legalistic approach and that it should exercise greater caution in reaching judgements on the application of Conventions in countries involved in economic and social development. The Committee has carefully considered the views thus expressed. While it takes full account of the factors mentioned in so far as the terms of Conventions permit, it must carry out its functions with due regard to the responsibilities falling upon it under its terms of reference and to the general principles underlying its work, as recalled in paragraph 10 above.

Regional seminars on national and international labour standards

33. 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 two such seminars were organised in 1977. The first was held in Yaoundé from 24 October to 4 November 1977. It brought together officials from French-speaking and assimilated African countries having direct administrative responsibility for the observance by their countries of the obligations under the ILO Constitution relating to international labour Conventions and Recommendations. The other seminar was held in Suva (Fiji) from 17 to 23 November 1977 for labour administration officials from the countries of the South Pacific.

Constitutional procedures of complaint and representation

34. The Committee was informed that a number of complaints under article 26 of the Constitution concerning infringements of the freedom of association Conventions were being examined by the Governing Body Committee on Freedom of Association within the framework of the procedure for examining complaints relating to freedom of association, and that a direct contacts mission had taken place in April 1977 in relation to one of these complaints (case of Uruguay). It also noted that certain representations under article 24 of the Constitution, relating to the observance of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), were being considered by a committee of the Governing Body set up in accordance with the standing orders governing the examination of representations.

Action for the elimination of discrimination  
in employment and occupation

35. As recalled by the Conference at its 63rd Session (June 1977), non-discrimination, like freedom of association, is a basic principle of the ILO's Constitution and its furtherance constitutes a constitutional obligation for all member States (Resolution concerning the Promotion, Protection and Strengthening of Freedom of Association, Trade Union and Other Human Rights, paragraph 2(a)). This same Resolution requests the Governing Body to study ways of establishing or strengthening procedures for the supervision of this constitutional obligation. As regards action based on the Conventions in this area, the Committee notes with interest that the number of ratifications has continued to increase, reaching 95 for the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) and 93 for the Equal Remuneration Convention, 1951 (No. 100). It hopes that this number will continue to rise. The cases in which the Committee has been led to make observations or direct requests this year (which was not the year for the examination of reports from all ratifying States on these Conventions) are indicated in Part II of the present report.

36. As regards the development of standard-setting activity in this area, the Committee has noted with interest that the Governing Body decided in November 1977 to place on the agenda of the 65th Session of the Conference (1979) the subject of older workers, including equality of opportunity and treatment in their regard and protection against discrimination. It also notes with interest that the inclusion on the agenda of a future session of the Conference of the question of equal opportunities and treatment for women in employment is contemplated, with a view to the adoption of new standards.

37. The Committee has also been informed of developments in the Office's practical activities to promote the application of principles and standards concerning the elimination of discrimination through the dissemination of studies and information and the holding of meetings. In particular, a symposium on equality of opportunity and treatment in employment in Africa was held in Dakar in September 1977, following similar regional meetings which had been held successively in Asia (1969), the Americas (1973), and Europe (1975). This symposium drew attention in particular to the use that governments and employers' and workers' organisations should make of consultative and other services that the ILO can provide for the examination of questions relating to the ratification of standards and the application of measures designed to promote equality of opportunity and treatment. As the Committee has often emphasised, the direct contacts procedure can be particularly useful in this area, in view of the diversity of the circumstances to be taken into account.

38. The International Year against Apartheid proclaimed by the United Nations as from 21 March 1978 will also supply a framework within which ILO action to eliminate policies of racial discrimination in southern Africa will be particularly featured. The guidelines provided by the standards and principles of the ILO are a determining element for measures to eliminate these policies and their effects on the social and economic life of the countries concerned, which call for action on the part of governments, employers and workers. The attention that the Conference will devote to this question during its June 1978 Session will certainly contribute to the practical development of this tripartite action based on the constitutional principles of the ILO. The Committee also notes with interest that a seminar will take place during the course of this year with a view in particular to familiarising representatives of the liberation movements of the countries in southern Africa with the contribution that ILO standards can make to the realisation of equality of rights, in the light of the present and future circumstances of their countries.

#### Application of the Conventions on night work of women

39. The Committee has noted that a number of countries have denounced the Conventions prohibiting the night work of women in industrial undertakings (Nos. 4, 41 and 89) in recent years. In several other cases, the requirements of the Conventions are not being observed or Governments have indicated that they are envisaging departure from their terms. Some of these Governments have stated that the prohibition on night work by women is considered discriminatory and incompatible with equality of opportunity and treatment. The Committee notes that the question of standards on night work, including the possible revision of the Conventions on the night work of women or their replacement by standards relating to night work in general, has been under consideration by the Governing Body for some time, and that a tripartite meeting of experts is to be held in September 1978 to examine the whole question and formulate recommendations. In the meantime, the Committee's functions require it to examine and to indicate to what extent Governments which have ratified the Conventions in question give effect to their provisions.

### III. PRACTICAL APPLICATION OF RATIFIED CONVENTIONS

#### Introduction

40. Since their inception both the Committee of Experts and the Conference Committee have been concerned with the means by which they can ensure that member States which ratify a Convention apply it in practice.

41. Already during its first session (May 1927), the Committee of Experts considered that it would be expedient to request each country to include in its report "such relevant details as would make it possible to appreciate the extent to which the legislative measures corresponding to the provisions of a given Convention are effectively applied".<sup>1</sup> Since then, it has always stressed the importance of the practical application of ratified Conventions. It has made suggestions

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<sup>1</sup> Record of Proceedings, International Labour Conference (ILC), 10th Session, 1927, Vol. 2, p. 415.

to the Governing Body to supplement the annual report forms on this point, and has constantly insisted that governments furnish the information requested in order to bring out the degree of effective application of instruments to which they have freely become a party. The Committee gave special attention to this question in 1930 and in 1963;<sup>1</sup> and in 1972 it examined in detail the role of employers and workers and their organisations in the application of ILO standards. In addition, since 1955 it has included in its general report special paragraphs or sections concerning practical application.

42. The Conference Committee also has consistently examined the effective implementation of ratified Conventions. Either in following up comments by the Committee of Experts on this subject or on its own initiative and taking advantage of its tripartite structure, it has often insisted on the need to assure the real application of Conventions to which member States have freely subscribed. At the 60th Session of the International Labour Conference (June 1975), the Employers' members of this Committee asked that the problem of practical application of ratified Conventions be "more fully considered" both by the Committee of Experts and by the Conference Committee.

43. The problem of practical application of ratified Conventions cannot be resolved once and for all by automatic formulae. On the contrary, it must be constantly kept in mind by governments and regularly followed up by the ILO.

#### Basis and content of practical application of ratified Conventions

44. The practical application of ratified Conventions constitutes an obligation on member States having ratified the respective Conventions. The basis of this obligation is found in article 19, paragraph 5(d) of the ILO Constitution, which provides that when a Convention has been ratified, the member State "will take such action as may be necessary to make effective the provisions of such Convention". Two aspects of this obligation should be briefly examined: the nature of the measures to be taken, and the end toward which these measures should be directed.

45. The measures which should be taken are "such action as may be necessary" in the sense of article 19, paragraph 5(d) of the ILO Constitution. The nature of this action is not specified in the Constitution. This is a deliberate omission from the Organisation's statute. To cite the terms of an interpretation given by the Office in 1950, "the nature of the action required in the particular country to make effective the provisions of the Convention is left to be determined in the first instance by that country ... From an international point of view, what is essential is that the provisions of a Convention should be fully applied; in regard to the manner of application, both the Constitution of the Organisation and the terms of the individual Conventions deliberately leave a wide measure of discretion to each country".<sup>2</sup> However, the discretion left to each country cannot be considered to be absolute. Account must be taken of the need for member States, in most cases, to introduce the provisions of ratified Conventions into their domestic law.

<sup>1</sup> Report of the Committee of Experts (RCE), 1963, pp. 8-16.

<sup>2</sup> Official Bulletin of the ILO (OB), Vol. XXXIII, No. 5, pp. 305-306.

46. The way in which the provisions of a ratified Convention are introduced into domestic law varies according to the constitutional system in each State. Certain constitutional systems provide that a Convention which has been ratified and published (or promulgated) becomes, ipso facto, binding in domestic law. The Committee's conclusions in this connection, as set out in its 1963 report, should be recalled:

- (a) the incorporation of the provisions of ratified Conventions in national law merely by virtue of their ratification is not sufficient to give legal effect to them internally in all cases involving provisions which are not self-executing, i.e. provisions which require special measures to make them effective;
- (b) such measures are moreover particularly called for in most of the cases where a law adopted after ratification introduces standards incompatible with those laid down in a ratified Convention;
- (c) special measures are also necessary in order to provide for penalties in cases of non-observance of the standards laid down in ratified Conventions;
- (d) even when the automatic incorporation of a ratified Convention in internal law involves the repeal or implicit amendment of earlier legislation, it is generally desirable, in order to make all persons concerned aware of amendments thus introduced and to avoid any uncertainty as regards the position in law, that appropriate publicity be given; the surest solution still consists in bringing the legislation formally into harmony with the Conventions.<sup>1</sup>

47. In countries where a Convention does not, by reason of having been ratified, become directly applicable in internal law, its provisions should, where necessary, be introduced into the legislation in the widest sense of the term (laws, regulations, ordinances, decrees, etc.) according to the nature of the country's legal system and the matters covered by the Convention.

48. However, "such action as may be necessary" is not limited to measures of a legislative nature in the broad sense of the term. According to the provisions of each Convention, the action necessary includes - and sometimes essentially comprises - other types of measures: administrative, economic and financial, the establishment of action programmes, the creation of appropriate bodies, including labour inspection services, the establishment of judicial, administrative or other procedures, joint or tripartite bodies, etc. These measures, which are generally called for to supplement legislative provisions, and sometimes even constitute the fundamental obligation of governments, are intended to guarantee the effective implementation and the application in practice of ratified Conventions.

49. What, then, is the objective of the constitutional obligation provided for at article 19, paragraph 5(d)? The ILO Constitution conceives of it as the final result which the State must achieve in the field covered by the ratified Convention. It requires a member State having ratified a Convention to "make effective" the Convention's provisions, that is to ensure that these provisions are reflected not only in the texts, but also in day-to-day practice in the country.

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<sup>1</sup> RCE, 1963, p. 12.

Methods used to ensure the practical application  
of ratified Conventions

50. The need to ensure the effective application of Conventions is a question of constant concern to the Conference itself at the drafting stage. This concern is also reflected in the work of the various supervisory bodies, and finally in the activities undertaken by the International Labour Office.

51. Certain Conventions by their very nature contain essentially provisions intended to guide the policy and action of governments in a given field. These are above all the so-called "promotional" Conventions, the main purpose of which is to encourage implementation of a programme of action with a view to realising the objectives which they proclaim. For example, reference may be made to the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), the Employment Policy Convention, 1964 (No. 122), and the Human Resources Development Convention, 1975 (No. 142). As appears from the report forms adopted by the Governing Body and the comments of the Committee of Experts on Conventions of this kind, reports on the application of these Conventions must necessarily contain complete information on policies and practical measures and the results obtained year by year.

52. Other Conventions lay down a series of measures designed to ensure the application of their substantive provisions, such as the establishment of appropriate sanctions, the functioning of labour inspection services, or the consultation and participation of employers' and workers' organisations.

Sanctions

53. Of the 126 Conventions which have entered into force, some 40<sup>1</sup> provide for the establishment and application of appropriate sanctions at the national level for non-observance of the legal provisions giving effect to them. These sanctions may be of different legal kinds: penal, civil, administrative; in some cases there may also be a right of appeal. The Committee of Experts has also examined measures which should be taken to ensure the effective application of a number of Conventions which do not expressly provide for such sanctions, but the nature of which would demand sanctions to ensure the observance of the relevant national legislation. In some cases it has requested information on the existence of such sanctions or other appropriate measures in domestic law.

Labour inspection

54. Among the Conventions which have entered into force, some 30<sup>2</sup> make provision for national inspection services to supervise and in this way contribute to the effective application of the provisions giving effect to them.

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<sup>1</sup> These are Conventions Nos. 1, 9, 26, 28, 29, 30, 32, 33, 34, 50, 52, 53, 54, 57, 60, 62, 66, 68, 76, 79, 81, 85, 90, 92, 93, 94, 95, 96, 97, 99, 106, 109, 110, 119, 120, 123, 124, 125, 126, 133, 138.

<sup>2</sup> These are Conventions Nos. 9, 20, 21, 29, 30, 32, 33, 53, 60, 77, 78, 79, 90, 92, 101, 106, 110, 115, 120, 123, 124, 125, 126, 127, 131, 132, 133, 134, 136, 138, 139.



55. In addition, several Conventions are specifically concerned with labour inspection. These are in particular the Labour Inspection Convention, 1947 (No. 81), covering industry and commerce, and the Labour Inspection (Agriculture) Convention, 1969 (No. 129). Properly equipped and structured, endowed with appropriate competence, powers and rights, labour inspection services have a leading role to play in ensuring the effective application of the whole of domestic labour law and consequently of ratified international labour Conventions. It should be noted that Convention No. 81 has so far been ratified by 91 member States, whilst Convention No. 129, which is more recent, has so far had 19 ratifications. This permits the supervisory bodies to evaluate not only the manner in which these Conventions are applied in the countries in question, but makes available to them important information on the conditions in which the implementation of ratified Conventions in general is effected.

#### Consultation and participation of employers and workers

56. The association of employers and workers in the implementation of Conventions is an application of the fundamental principle of tripartism in the ILO's standard-setting activities. It is significant that half of the Conventions in force make provision in some form for consultation or collaboration of employers and workers or their organisations in the application of these Conventions. The tendency to include clauses of this kind has become even more marked since the adoption at the 56th Session of the International Labour Conference (1971) of the Resolution concerning the strengthening of tripartism in the over-all activities of the ILO. Eleven of the thirteen Conventions adopted by the Conference since 1973 contain such provisions,<sup>1</sup> whilst another, Convention No. 144 of 1976, has as its purpose tripartite consultation on the implementation of international labour standards. Following the above-mentioned Resolution of the 1971 Conference, the Committee of Experts and the Conference Committee on the Application of Conventions and Recommendations examined in detail in 1972 the situation in this respect, and, in 1976 the Committee of Experts devoted its general survey of governments' reports under article 19 of the ILO Constitution to the Consultation (Industrial and National Levels) Recommendation, 1960 (No. 113). Finally, in 1977 the Conference adopted two important Resolutions, one concerning the strengthening of tripartism in ILO supervisory procedures of international standards and technical co-operation programmes, the other for the promotion, protection, and strengthening of freedom of association, trade union and other human rights. In these Resolutions, the Conference among other things stressed again that institutionalised participation by representative organisations of employers and workers is indispensable to assure the objectivity and efficiency necessary to the procedures for supervision of ILO standards; it asked member States to ratify as quickly as possible Convention No. 144 and also to give effect to its supplementary Recommendation, No. 152; and it invited the Governing Body to strengthen the participation of employers' and workers' organisations in the supervision of the application of Conventions and Recommendations.

57. Conventions laying down the obligation to associate workers and employers in their implementation may be grouped in three over-all categories:

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<sup>1</sup> Conventions Nos. 137, 138, 139, 140, 142, 143, 145, 146, 147, 148 and 149.

- (a) A number of Conventions lay down the obligation to consult employers and workers or their organisations, before the enactment of legislation or regulations, or in regard to the application of certain of their provisions, or as to certain derogations or optional exceptions. This is the most frequently used form and is found in some 60 Conventions.<sup>1</sup>
- (b) A second group of 12 Conventions provides for the creation of special bodies or machinery with the participation of employers' and workers' representatives, such as joint or tripartite bodies, advisory committees, etc.<sup>2</sup> Most of these Conventions provide for participation on a basis of equality between employers and workers.<sup>3</sup>
- (c) Finally, 12 Conventions provide for the collaboration of employers' and workers' organisations in the application of legislation giving effect to the Convention or the implementation of national policies already decided.<sup>4</sup>

58. Another means of involving employers' and workers' organisations in the application of ratified Conventions is the communication to employers' and workers' organisations of copies of governments' reports under the ILO Constitution, in conformity with article 23, paragraph 2, of the Constitution. Following the 1971 resolution concerning the strengthening of tripartism in the over-all activities of the ILO mentioned above, which among other things invited the Committee of Experts to propose measures which could be taken by the ILO to ensure the effective application of article 23, paragraph 2, of the Constitution, the Committee proceeded to a detailed study of the situation in this respect in 1972. The Committee, which has continued to give particular attention to the fulfilment of the obligation placed on governments by article 23, paragraph 2, of the Constitution,<sup>5</sup> has been able during the last five years to note that almost all governments have fulfilled this obligation. When the Committee notes that a government has not provided information in this regard, it points this out in an observation or direct request addressed to the country concerned.

59. The communication of governments' reports to employers' and workers' organisations, in conformity with article 23, paragraph 2, of the Constitution, allows these organisations to formulate comments on the manner in which the different Conventions are applied. Such comments form a particularly useful means of evaluating the practical application of ratified Conventions. The Committee has noted with interest that the number of such comments has increased somewhat during the last five years. Whilst in 1972 only 7 observations were received

<sup>1</sup> Conventions Nos. 1, 13, 14, 15, 20, 26, 30, 33, 34, 41, 52, 62, 67, 73, 79, 82, 86, 89, 90, 91, 92, 94, 95, 96, 99, 101, 103, 106, 108, 109, 110, 111, 113, 114, 115, 117, 119, 120, 123, 124, 125, 126, 127, 129, 130, 131, 132, 133, 134, 136, 137, 138, 139, 140, 142, 143, 145, 146, 147, 148, 149.

<sup>2</sup> Conventions Nos. 2, 9, 26, 82, 84, 88, 99, 101, 109, 110, 117, 131.

<sup>3</sup> Conventions Nos. 9, 26, 84, 88, 99, 101, 110, 131.

<sup>4</sup> Conventions Nos. 13, 20, 68, 81, 92, 100, 110, 111, 122, 126, 129, 133.

<sup>5</sup> See paras. 84-87 of the present report.

on the application of ratified Conventions from employers' and workers' organisations, their number during the last 3 years has been 40, 65 and 32, in that order.<sup>1</sup>

60. An important step in the involvement of employers' and workers' organisations in the application of ratified Conventions has been taken with the adoption of the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144) and Recommendation No. 152, which supplements it. The Convention provides in particular for procedures which ensure effective consultations at appropriate intervals between representatives of the government, employers and workers concerning ILO activities and covering among other things "questions arising out of reports to be made to the International Labour Office under article 22 of the Constitution of the International Labour Organisation". The Convention thus affords to employers' and workers' organisations the opportunity of contributing to the effective application of all the Conventions ratified by a member State. This Convention, recently adopted, has only been ratified by five countries<sup>2</sup> so far. In application of the Resolution concerning the strengthening of tripartism in ILO procedures adopted by the Conference in 1977, the Governing Body invited the Director-General to take measures, through the ILO external offices, to encourage the application and ratification of this Convention and the application of Recommendation No. 152. Measures to this end are under way. Further ratifications of Convention No. 144 are already foreseen, so it may be expected that these standards will contribute in an ever-increasing number of cases to the practical application of international labour Conventions. The supervisory bodies will therefore give special attention to the implementation of this Convention.

61. In recent years, the ILO has taken a number of measures to facilitate the participation of employers' and workers' organisations in the application of international labour standards. Thus each year the Office communicates to the most representative organisations in the member States a document drawing attention to the opportunities open to them in this regard, indicating in particular the Conventions on which reports are requested from their governments and the comments of the Committee of Experts on these Conventions. Moreover, the ILO has organised study meetings for workers' representatives at General and regional Conferences, to familiarise them with the standard-setting activities of the ILO and acquaint them better with the role their organisations can play in the application of Conventions. Meetings of this kind have been held at General Conferences in Geneva in 1968 and 1970 and at regional conferences in 1973 (Africa), 1974 (America) and 1975 (Asia). Another meeting is planned for the next session of the International Labour Conference in June 1978 at Geneva.

### Statistics

62. A number of Conventions provide for the obligation to supply statistical data indicating the degree of their application in

<sup>1</sup> In addition, a number of comments have been received on reports on unratified Conventions and Recommendations, as well as on the submission to the competent authorities of instruments recently adopted by the Conference. See para. 88 of the present report.

<sup>2</sup> Cyprus, India, Norway, Sweden, United Kingdom.

practice, in particular Conventions on minimum wages,<sup>1</sup> social security,<sup>2</sup> labour inspection,<sup>3</sup> and employment.<sup>4</sup> More generally, information on the practical application of Conventions is requested in the report forms approved by the Governing Body. The Committee of Experts itself has suggested on several occasions that the Governing Body expand the questions on this subject contained in the report forms. These questions concern the communication of information in particular on judicial or administrative decisions of principle relating to the application of a Convention; the number of workers protected; the activities of the national authorities responsible for the application of the national legislation implementing the provisions of the Convention; the number and nature of violations detected and, finally, the observations made by employers' and workers' organisations.

### Direct contacts

63. The direct contacts procedure, which has been resorted to regularly since 1969,<sup>5</sup> although it has so far been used principally to facilitate the adoption of legislative provisions to ensure the conformity of national legislation with ratified Conventions, can also prove to be useful in certain cases as a means of making known the de facto situation and of overcoming difficulties encountered in the practical application of Conventions. It should also be recalled that, during direct contacts, the representative of the Director-General has discussions not only with the competent services of the government but also with representative organisations of employers and workers in order to give them the opportunity to express their points of view.

### Sources of information on practical application

64. International supervision of the practical application of ratified Conventions is a complex task. This is due in part to the nature of the international supervision of ratified Conventions and to the way in which it is organised. It is based principally on documents and does not normally permit the supervisory bodies to collect information directly. Nevertheless, aware of the mandate with which it is entrusted, the Committee has always sought to use, as far as possible, the various sources of information which permit it to assess the degree of implementation of ratified Conventions.

65. The most important source of information on practical application is still the reports submitted by governments under article 22 of the Constitution. Even though all the reports supplied by governments on ratified Conventions for which indications concerning practical application are requested either by the Conventions themselves or by the report forms do not contain such data, and while the situation in this regard varies considerably from one country to

<sup>1</sup> Conventions Nos. 26, 99.

<sup>2</sup> Conventions Nos. 102, 121, 128, 130.

<sup>3</sup> Conventions Nos. 81, 129.

<sup>4</sup> Conventions Nos. 2, 88.

<sup>5</sup> For further particulars of the procedure of direct contacts, see paras. 71-82 of the present report.

another, it can nevertheless be noted that during the last five years a significant number of reports have contained such information. The situation is as follows: 1974 - 40 per cent; 1975 - 44 per cent; 1976 - 37 per cent; 1977 - 42 per cent; and 1978 - 51 per cent. The information thus communicated deals essentially with the various aspects of the activities of national labour inspection services such as the number of personnel in the labour inspectorate, statistics on the number of establishments coming under the supervision of the inspection service and the number of workers employed in these establishments, the number of inspection visits, the number of breaches of national legislation and the sanctions imposed, etc. The information furnished also deals, according to the Conventions concerned, with such things as the number of persons protected, the amount of benefits paid under the national social security scheme, the rates of minimum wages, statistics of occupational accidents and diseases, etc. The number of judicial and administrative decisions communicated by governments, as well as comments by organisations of employers and workers on the application of ratified Conventions are also included.

66. As was indicated in the preceding paragraph, this year 51 per cent of the reports supplied on Conventions for which information concerning practical application was specifically requested contained such information. It should be stressed in this regard that this percentage is higher than has ever before been attained. The following countries furnished information on practical application in more than half the reports concerned: Australia, Austria, Belgium, Costa Rica, Cyprus, Finland, France, Gabon, Federal Republic of Germany, Ghana, Greece, Guyana, Ireland, India, Italy, Japan, Kenya, Morocco, Netherlands, New Zealand, Norway, Singapore, Spain, Surinam, Sweden, Switzerland, Turkey, United Kingdom, Uruguay. However, the Committee has also noted that a certain number of countries have not replied to the questions in the report form concerning practical application. It has addressed direct requests to them on this point, in accordance with its usual practice. The Committee will continue to follow this question in coming years and will include in its reports such indications as may assist governments in regard to these matters.

67. Other sources of information are also consulted by the Committee and the indications that these contain on practical application are compiled and analysed in order to determine the degree of practical application. These include annual labour inspection reports; statistical yearbooks - published in the countries or by the ILO; observations of employers' and workers' organisations; collections of judicial or administrative decisions; direct contacts reports; reports of technical co-operation missions; and other official publications such as manuals, social and economic development plans, and studies.

#### Evaluation of the information available

68. Information which becomes available to the Committee on the various matters mentioned in the preceding paragraphs is a vital element in evaluating the degree of implementation of the Conventions concerned, and has frequently provided the basis for comments. Thus, in the field of social security, it is necessary to ascertain, on the basis of statistical data, whether requirements relating to personal coverage and to level of benefits have been satisfied. In relation to employment policy, statistics on employment and unemployment are indispensable in order to gauge the appropriateness and results of national policies and programmes, not only in regard to the economically active population as a whole but also in relation to

particular categories of workers, such as women, young persons, and members of ethnic minorities. Many of the comments made by the Committee in regard to the Employment Policy Convention have sought fuller data on these matters or have arisen out of the analysis of such data. Information on the activities of labour inspection services is analysed by the Committee not only in relation to the Conventions dealing specifically with labour inspection, but also to ascertain whether problems of enforcement exist in particular areas of labour protection. On the basis of such information, the Committee has, for example, addressed comments to governments in respect of Conventions dealing with minimum wage fixing, the employment of children and occupational safety and health, drawing attention to the need for measures to bring about improved observance of the relevant national legislation. Information on the application of minimum wage fixing machinery has also been reviewed to ascertain that such machinery is used as an effective means of protection of workers' living standards, particularly in situations of rapid changes in the cost of living. In the case of Conventions relating to night work, information on the number and nature of exemptions authorised has been examined to ascertain whether national legislation is applied in a manner compatible with these Conventions. Information on judicial decisions has become available more particularly in relation to standards on basic human rights, such as trade union rights and equality of opportunity and treatment in employment (especially equal remuneration irrespective of sex), in the field of social security (where, for example, the effect of ILO standards relating to equality of treatment of nationals and foreigners has been considered by the courts of several countries), and in various other technical areas (such as standards relating to fee-charging employment agencies). In a number of cases, judicial decisions have examined the general issue of the effect of ratified ILO Conventions in domestic law. Where judicial decisions have shown national law to fall short of the standards contained in ratified Conventions, the Committee has asked that appropriate remedial measures be taken.

69. The observations of employers' and workers' organisations have also frequently drawn attention to problems of practical application, such as difficulties in the enforcement of national legislation or in the operation of consultative arrangements. In several instances, questions relating to the implementation of the forced labour Conventions have been raised by comments on the factual situation emanating from workers' organisations. The Committee has always been concerned to examine carefully all comments from employers' and workers' organisations and to indicate its conclusions on the issues raised, generally in observations in its report. Comments on the situation at the national level from representative organisations, even where they do not point to shortcomings in complying with Conventions, may at times usefully supplement particulars contained in governments' reports.

### Conclusions

70. It follows from the preceding analysis that sustained efforts have been exerted regularly to evaluate and improve the effective application of Conventions. Since the last general examination of this question made by the Committee in 1963, important developments and progress have come about in this area, based on the concern to grasp more directly the realities into which the implementation of ILO standards fits. The most striking development has been the greatly enhanced tripartite involvement in the supervisory process, resulting from the closer attention given by the supervisory bodies to the role of employers' and workers' organisations, the action

taken by the International Labour Office to promote a more active participation by these organisations, and measures adopted by the Conference (particularly the 1976 instruments on tripartite consultation in regard to ILO standards). Standards on labour inspection have been amplified and have received much wider ratification. Closer links with member States, especially through the direct contacts procedure, have also made possible a better appreciation of the setting in which the application of Conventions has to be secured. Clearly, there still remain numerous aspects about which it would be desirable to know more and in regard to which more complete information should be sought. Maximum use should therefore be made of the means already available to the supervisory bodies to assess the degree of practical application of Conventions and the efforts aimed at improving these means and making them more complete should be continued. This action depends not only on the different bodies of the ILO but also will require the co-operation of governments and of employers' and workers' organisations in member States. While the nature and amount of information on practical application is likely to vary according to the subject-matter of each Convention, the Committee hopes that governments will make every effort to include in their reports as detailed information as possible on this aspect, and that employers' and workers' organisations, both in their contacts with their government and in their contribution to international supervision, will bear in mind their specially favoured position to know and make known the actual conditions in which ILO standards are implemented. A greater flow of information on these questions will ensure that the supervisory process will constitute a more informed, and consequently more fruitful, dialogue among all parties.

#### IV. PROCEDURE OF DIRECT CONTACTS

71. Since the last session, direct contacts have taken place with Costa Rica, Malaysia, Panama, Paraguay and Philippines.

72. In Costa Rica the direct contacts took place in November 1977 and concerned Conventions Nos. 92, 94, 95, 113, 114, 120 and 127. A draft decree was prepared relating to each of these Conventions.

73. The subject of the direct contacts with Malaysia, held in December 1977, was the application of Convention No. 105. During these contacts, detailed discussions took place on the various questions which had been the subject of comments by the Committee and the Government supplied additional information with a view to clarifying the points at issue.

74. In the course of the direct contacts with Panama, held in November 1977, consideration was given to the application of Conventions Nos. 13, 27, 30, 42, 52, 77, 78, 105, 112, 113, 119, 123 and 127, and as a first result draft decrees were prepared on all of these Conventions.

75. The direct contacts with the Government of Paraguay, which took place in July 1977, dealt with Conventions Nos. 1, 29, 30, 100, 105, 111, 115 and 117. In relation to Convention No. 117, a resolution has already been adopted; as regards Convention No. 1, draft regulations on conditions of work in transport have been prepared, and draft legislation has been prepared in relation with this Convention and with Conventions Nos. 29, 105 and 115.

76. As regards the Philippines, the direct contacts concerned Conventions Nos. 17, 89 and 90. The Office prepared a technical

memorandum concerning the measures necessary to give effect to these Conventions and to Convention No. 77, and in December 1977 these matters were discussed in Manila by representatives of the government services concerned and an official of the Office.

77. Particulars of the results of these direct contacts, and of earlier direct contacts, will be found in the general observations relating to Costa Rica, Dominican Republic, Guatemala, Honduras, Nicaragua, Panama, Paraguay and the Philippines, and in the individual observations to Honduras (Conventions Nos. 29, 42, 78, 95, 105 and 108); Malaysia (Convention No. 105); Nicaragua (Conventions Nos. 1, 3, 6, 9, 12, 18 and 22); Paraguay (Conventions Nos. 29, 105 and 117); and the Philippines (Conventions Nos. 17 and 77).

78. Once again, the results of direct contacts which the Committee has been able to note this year have testified to the value of the procedure, which affords an opportunity for providing explanations and clarifying issues on which there may be misunderstanding or disagreement, as well as for assisting governments in overcoming difficulties.

79. The Committee noted that, following the adoption by the International Labour Conference at its 63rd Session (1977) of a resolution concerning the promotion, protection and strengthening of freedom of association, trade union and other rights, the Governing Body examined the operation of existing machinery and procedures for establishing facts relating to the application of international labour standards. The discussion of this matter showed that there was general agreement on the usefulness of the direct contacts procedure, and the Governing Body invited the Director-General, the supervisory bodies and the governments concerned to have recourse to direct contacts whenever they might contribute to a better understanding of situations and a useful examination of solutions to problems.

80. The Governing Body also examined a suggestion that the direct contacts procedure might be supplemented by providing that, in appropriate cases and at the request or with the consent of the government concerned, one or more members of the Committee of Experts itself might visit a country to examine difficulties encountered in the application of Conventions, it being understood that the principles laid down for direct contacts would also be applicable in such cases and that it would be for the Committee as a whole to resume its study of the question in the light of the examination thus undertaken by one or more of its members. Certain reservations were expressed when this suggestion was considered by the Governing Body, and no decision was taken on the matter.

81. The Committee recalls that, when it considered the principles and procedures which should govern direct contacts, at the time they were introduced, it indicated that normally it would not appear appropriate that they should be undertaken by a member of the Committee itself, but that this possibility might be left open in certain special cases (see the Committee's report for 1968, page 7).

82. Next year, it will be ten years since the first direct contacts took place, and the Committee proposes, on that occasion, to review the experience gained and the results achieved through this procedure. This will afford it an opportunity to consider the proposal that members of the Committee might undertake direct contacts in certain cases.



Other types of assistance to governments

83. The Committee learned with interest that missions of a less formal nature took place during 1977 to the Dominican Republic, Guatemala, Honduras and Nicaragua with a view to examining the follow-up to previous direct contacts missions; and that an advisory mission to Fiji also took place in 1977, with a view to examining with the Government the situation in that country in relation to international labour standards.

V. THE ROLE OF EMPLOYERS' AND WORKERS' ORGANISATIONS

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

85. The Committee has noted with satisfaction this year that all governments have indicated in the reports supplied under article 22 of the Constitution the representative organisations of employers and workers to which, in accordance with article 23, paragraph 2 of the Constitution, they have communicated copies of the reports supplied to the ILO. Almost all governments have also indicated the organisations to which they have communicated copies of the information supplied to the ILO on the submission to the competent authorities of the instruments adopted by the Conference and of the reports sent under article 19 of the Constitution.<sup>1</sup>

86. In accordance with the practice followed in recent years, the ILO last year again sent to the representative organisations of employers and workers a letter concerning the various opportunities open to them to contribute to the implementation of Conventions and Recommendations and relevant documentary material, including a list of the reports due by their respective governments together with copies of the Committee's comments to which the government was required to reply in its reports.

87. The Committee has taken note of the decision to convene a study meeting on international labour standards on 5 and 6 June 1978, in accordance with a suggestion made by the Worker members of the Conference Committee, for Worker delegates and advisers to the 64th Session of the Conference.

Observations by employers' and workers' organisations

88. Sixty-one observations were examined by the Committee this year, of which 20 were communicated by employers' organisations and 41 by workers' organisations. The number of comments relating to the

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<sup>1</sup> Direct requests have however been addressed by the Committee to the governments of the following States which have not supplied information on the measures taken to comply with this obligation: Argentina, Colombia, Libyan Arab Jamahiriya, Morocco, Nicaragua, Rwanda; or because the information supplied was incomplete: Kuwait.

application of ratified Conventions<sup>1</sup> is somewhat lower than last year, but it should be borne in mind that, following the entry into force of the new arrangements for spacing out of reports, the number of reports examined was significantly less. On the other hand, a substantial number of comments were made in relation to the reports furnished under article 19 of the Constitution on the Employment (Women with Family Responsibilities) Recommendation, 1965 (No. 123),<sup>2</sup> and comments have also been made in connection with the submission of Conventions and Recommendations to the competent authorities.<sup>3</sup>

89. Numerous governments have indicated in their reports that they consulted the representative organisations of employers and workers when preparing their reports and that they took account of the comments made when drafting the reports.

90. The Committee has also noted that the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), which

<sup>1</sup> Austria: Austrian Congress of Labour Chambers on Conventions Nos. 2, 6 and 88; Brazil: National Confederation of Agriculture and National Confederation of Agricultural Workers (CONTAG) on Convention No. 12; National Confederation of Workers in Maritime, River and Air Transport on Conventions Nos. 91 and 125; Federal Republic of Germany: Confederation of German Employers' Associations on Convention No. 135; German Confederation of Trade Unions (DGB) on Conventions Nos. 111 and 135; Ghana: Industrial and Commercial Workers' Union on Convention No. 100; India: All India Loco Running Staff Association on Convention No. 1; Ireland: Irish Congress of Trade Unions on Conventions Nos. 81, 87, 88, 89 and 122; Japan: General Council of Trade Unions (SOHYO) on Conventions Nos. 87, 98 and 121; Norway: Confederation of Trade Unions on Convention No. 111; Sweden: Swedish Employers' Confederation (SAF) on Conventions Nos. 87, 88, 135 and 140; Swedish Confederation of Trade Unions (LO) and Swedish Central Organisation of Salaried Employees (TCO) on Convention No. 140; Swedish Dockers' Union on Conventions Nos. 87 and 137; Trinidad and Tobago: Employers' Consultative Association on Conventions Nos. 29, 87, 105 and 125.

Observations have also been received from the World Federation of Trade Unions on the application of Convention No. 111 in the Federal Republic of Germany.

<sup>2</sup> Australia: Australian Council of Trade Unions; Austria: Austrian Congress of Labour Chambers, Federal Chamber of Industry; Brazil: National Confederation of Industry, National Confederation of Workers in Communications and Publicity; Federal Republic of Germany: German Confederation of Trade Unions (DGB); Italy: Confederation of Industry (CONFINDUSTRIA) Federation CGIL-CISL-UIL; Japan: General Council of Trade Unions (SOHYO), Japanese Confederation of Trade Unions (DOMEI), Federation of Independent Trade Unions (CHURISTSURUREN); Netherlands: Confederation of the Netherlands Trade Union Movement; Council of Labour Affairs; Norway: Norwegian Employers' Confederation, Confederation of Trade Unions; Philippines: Trade Union Congress of the Philippines, Fortune-Tobacco Corporation; Singapore: National Trade Union Congress; Singapore Employers' Confederation; Sweden: Swedish Employers' Confederation (SAF), Swedish Confederation of Trade Unions (LO), Swedish Confederation of Professional Associations, National Swedish Federation of Government Officers (SACO-SR), Swedish Central Organisation of Salaried Employees (TCO), Swedish Association of Local Authorities, Federation of the Swedish County Council.

<sup>3</sup> The Irish Congress of Trade Unions has requested the Government to examine the possibility of ratifying Conventions Nos. 148 and 149.

has been ratified by five States, will enter into force on 16 May 1978. This represents a new stage in the process of increasingly closer association of the organisations of employers and workers in the supervision of the application of standards.<sup>1</sup>

## VI. REPORTS ON RATIFIED CONVENTIONS

(Articles 22 and 35 of the Constitution)

### Supply of reports

91. 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>2</sup>

92. In accordance with the new procedure for detailed reporting approved by the Governing Body in November 1976 and brought into effect in 1977, detailed reports from all ratifying States were due to be examined this year in respect of 27 Conventions,<sup>3</sup> which covered the period ending 30 June 1977. In addition, detailed reports were also requested from certain governments on other Conventions, in accordance with the criteria for more frequent reporting approved by the Governing Body and set out in paragraph 38 (pages 16-17) of the Committee's last report.

### Reports requested and received

93. A total of 1,529 detailed reports were requested from governments on the application of ratified Conventions in States Members (article 22 of the Constitution). This total, when compared with last year's figure of 2,200 reports, reflects the effect of the new procedure for detailed reporting on the volume of work required of governments and the supervisory bodies. At the end of the present session of the Committee, 1,168 of these reports had been received by the Office. This figure corresponds to 76.4 per cent of the reports requested, as compared with 83 per cent last year. The Committee regrets this decline in the proportion of reports received, particularly in a year when governments were requested to supply fewer reports than in previous years. 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.

94. In addition, 541 reports were requested on Conventions which have been declared applicable with or without modification to

<sup>1</sup> See also paras. 56 to 61 of the present report.

<sup>2</sup> ILO: Summary of Reports on Ratified Conventions, Report III (Part 1), ILC, 64th Session, Geneva, 1978.

<sup>3</sup> The Conventions concerned are Nos. 2, 4, 6, 12, 17, 18, 29, 41, 42, 45, 50, 64, 65, 79, 81, 85, 86, 88, 89, 90, 104, 105, 108, 121, 127, 129, 135.

non-metropolitan territories (articles 22 and 35 of the Constitution). Of these, 302 reports, or 56 per cent had been received by the end of the Committee's session. The Committee regrets that the governments concerned did not supply a greater number of the reports due. 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.

95. Apart from the above-mentioned reports, 14 governments also supplied general reports of the Conventions for which detailed reports were not due for the period under review (Australia, Belgium, Canada, Chile, Cyprus, India, Ireland, New Zealand, Nigeria, Norway, Poland, Singapore, Surinam, Switzerland).

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

#### Compliance with reporting obligations

97. Of the 125 governments from which reports were due on the application of ratified Conventions in States Members, the great majority have supplied all or most of the reports requested. However, 18 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: Angola, Benin, Central African Empire, Guinea, Guinea-Bissau, Iceland, Jordan, Democratic Kampuchea, Malawi, Malta, Sri Lanka, Tanzania, Togo, Viet Nam. No reports have been received for the last two years from Nepal, for the last three years from Chad and Upper Volta and for the last four years from the Lao Republic.

98. The Committee urges the Governments of these countries, as well as those which have sent only some of the reports due, to make every effort to supply the reports requested on ratified Conventions. The supervisory process can only function properly if States comply with their reporting obligations.

#### Supply of first reports

99. A total of 64 first reports on the application of ratified Conventions were received by the time the meeting opened. However, a number of countries have failed to supply the reports in question, some of which are more than a year overdue. Thus, certain first reports on ratified Conventions have not been received from the following States since 1974: Costa Rica (Conventions Nos. 102, 130); since 1976: Libyan Arab Jamahiriya (Convention No. 53); Nepal (Conventions Nos. 111, 131); Upper Volta (Conventions Nos. 81, 129, 131, 132, 135). Particular importance attaches to the first reports, on the basis of which the Committee makes its initial assessment of the observance of ratified Conventions. The Committee therefore requests governments to make a special effort to supply these reports.

#### Replies to comments of the supervisory bodies

100. Governments are requested to reply in their reports to the observations and requests of the Committee, and the majority of

governments provided the replies requested. In accordance with the established practice, the International Labour Office wrote to all governments which failed to do so requesting them to supply the necessary information. Of the 14 governments contacted in this way, 5 have sent the information requested.

101. 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 23 governments - as against 15 last year - 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 138 cases<sup>1</sup> as against 107 last year and 89 the year before. 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.

102. The failure of governments to supply the reports requested or to reply to the Committee's comments delays the work of both the Committee of Experts and the Conference Committee, and the Committee regrets that the number of such cases this year is substantially higher than in the last two years. 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.

103. The Committee notes that in 1977 the Conference Committee discussed a large number of individual cases and received information from a total of 55 governments concerning problems in the application of ratified Conventions or in discharging reporting or other constitutional obligations. It expresses the hope that the governments concerned will take into full account these discussions, and will take all measures called for in order to overcome the problems encountered.

#### Late reports

104. 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

<sup>1</sup> Benin (Conventions Nos. 6, 29, 105, 111); Burundi (Conventions Nos. 81, 90, 94, 105); Central African Empire (Conventions Nos. 18, 29, 33, 41, 62, 67, 81, 87, 88, 105, 119); Chad (Conventions Nos. 13, 29, 52, 81, 87, 98, 100, 105, 111); Colombia (Conventions Nos. 12, 17, 18, 20, 22, 29, 81, 88); El Salvador (Convention No. 105); Guinea (Conventions Nos. 5, 10, 13, 16, 17, 18, 29, 33, 45, 62, 81, 90, 94, 99, 105, 111, 113, 114, 117, 118, 121, 122); Haiti (Conventions Nos. 29, 42, 81, 105); Iceland (Conventions Nos. 29, 102, 105); Iraq (Conventions Nos. 29, 81, 88); Ivory Coast (Conventions Nos. 29, 111, 136); Jordan (Conventions Nos. 100, 105, 111); Malawi (Conventions Nos. 81, 86, 99, 129); Malta (Conventions Nos. 29, 105, 108, 111); Mauritania (Conventions Nos. 19, 22, 29, 53, 62, 81, 84, 87, 94, 102, 111, 114, 122); Mauritius (Conventions Nos. 17, 64, 65, 105); Paraguay (Conventions Nos. 81, 119); Somalia (Conventions Nos. 29, 105); Sri Lanka (Conventions Nos. 29, 81); Tanzania (Conventions Nos. 29, 50, 65, 81, 105); Thailand (Conventions No. 29, 105, 122); Upper Volta (Conventions Nos. 3, 6, 18, 19, 97, 100); Zambia (Conventions Nos. 29, 100, 105).

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 1977.

#### Examination of reports

105. 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

106. 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.

107. As previously, the Committee has indicated by footnotes those cases in which, because of the nature of outstanding problems in the application of the Conventions concerned, it seemed appropriate to ask governments to supply a detailed report earlier than would otherwise be the case. Within the new system of spacing out of reports over a four-year period applicable to most Conventions, such earlier detailed reports have been requested after an interval of either one or two years, according to the circumstances. In some instances, the Committee has also requested the government to supply full particulars to the Conference at its next session in June 1978.

108. 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.

#### Cases of progress

109. 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 80 instances in which measures of this kind have been taken, involving 42 States and 5 non-metropolitan territories. The full list is as follows:

# GENERAL REPORT

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<u>Country</u>	<u>Conventions Nos.</u>
Algeria	81
Australia	42
Austria	81
Bahamas	7
Belgium	17, 81
Bolivia	103
Brazil	88, 125
Bulgaria	29
Burundi	29
Canada	105
Cuba	42
Cyprus	44, 105, 121
Ecuador	119
Egypt	87, 111
Federal Republic of Germany	115
Ghana	100
Greece	102
Guyana	81, 129
Honduras	29, 42, 78, 95, 105, 108
Hungary	29
India	107
Kuwait	81, 89
Liberia	29
Mexico	42
Mongolia	103
Netherlands	29, 121
Nicaragua	1, 3, 6, 9, 12, 18, 22
Nigeria	105
Norway	42, 81, 129
Pakistan	105, 107
Paraguay	117
Poland	42, 105
Sierra Leone	105
Spain	44, 53, 79, 90, 105, 132
Sweden	121
Switzerland	81
Tunisia	98, 112
Turkey	81, 105
Uganda	50, 65
United Kingdom	81
Uruguay	9, 108
Yugoslavia	102

## Non-metropolitan territories

United Kingdom	
Brunei	42
Gilbert Islands	105
Isle of Man	81
St. Kitts-Nevis-Anguilla	105, 108
St. Vincent	81

110. These cases bring the total recorded instances of progress, since the Committee began listing them in its reports 15 years ago, close to 1,200. 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. This year's figure is all the more satisfactory as it is approximately at the same level as in previous years although it results from the examination of a substantially smaller number of reports.

111. 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. For instance, 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: Federal Republic of Germany (Conventions Nos. 92, 126, 133), India (Conventions Nos. 115, 123), Japan (Convention No. 69), Sweden (Convention No. 140), Syrian Arab Republic (Convention No. 132).

## VII. SUBMISSION OF CONVENTIONS AND RECOMMENDATIONS TO THE COMPETENT AUTHORITIES

(Article 19 of the Constitution)

### A. General survey of the discharge of the obligation of submission to the competent authorities

112. The Committee decided at its last session to undertake once again in 1978 an over-all review of questions which arise in connection with the discharge by member States of their obligation to submit the text of instruments to the competent authorities.<sup>1</sup> The main aspects of the obligation and the Committee's conclusions in the matter are summarised below.

#### I. Origin and purpose of submission

##### Historical background

113. The statutes of the International Labour Organisation, adopted in 1919 and included in Part XIII of the Treaty of Versailles, lay down for member States the obligation,<sup>2</sup> within a period of one year, or in exceptional circumstances 18 months, to bring the Convention or Recommendation adopted by the Conference "before the authority or authorities within whose competence the matter lies for the enactment of legislation or other action". The Member will, "if it obtains the consent of the authority or authorities within whose competence the matter lies", communicate the formal ratification of the Convention and take such action as may be necessary to make its provisions effective. In the case of Recommendations, the Member will inform the ILO of measures taken. A Federal State, the power of which to adhere to a particular Convention is subject to limitations, would have the right to treat a Convention as a Recommendation only. Provision was made for referral to the Permanent Court of International

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<sup>1</sup> General surveys of these questions were made by the Committee and included in its report in 1960 and 1970.

<sup>2</sup> Article 405 of the Treaty of Versailles, subsequently article 19 of the ILO Constitution.



Justice of complaints of failure to observe the submission obligation.<sup>1</sup> Starting from initial proposals which contemplated Conventions that would be directly binding or that each member State would have to ratify, except where a Convention was "disapproved by its legislature", a compromise scheme was arrived at in 1919, the fundamental idea of which, according to its reporter, was "the creation and mobilisation of healthy public opinion".<sup>2</sup>

114. In 1946, the relevant provisions of the ILO Constitution were amended "to improve the effectiveness of the system of Conventions and Recommendations". A first amendment introduced a procedure for the regular supervision of compliance with the obligation: member States must inform the Director-General of the International Labour Office of the measures taken in accordance with article 19 of the Constitution to bring Conventions and Recommendations before the competent authority or authorities, with particulars of such authorities and of the action taken by them. Further amendments strengthened the obligations of Federal States: in respect of instruments which lie within federal competence the obligation of Federal States is the same as that of the unitary States. As regards instruments lying in whole or in part within the competence of the constituent units, the Federal Government must: (i) make effective arrangements for the reference of such instruments to the appropriate federal authority or authorities of the constituent units for the enactment of legislation or other action; (ii) arrange, subject to the concurrence of the authorities of the constituent units, for periodical consultation with a view to promoting co-ordinated action to give effect to the Conventions and Recommendations; (iii) supply the Director-General of the ILO with information similar to that requested of other member States regarding submission. Finally, in cases of failure to comply with the obligation, the complaint to the Permanent Court of International Justice is replaced by referral to the Governing Body of the ILO, which may report the matter to the International Labour Conference. The relevant provisions are contained in article 19, paragraphs 5(a), (b) and (c), paragraphs 6(a), (b) and (c) and paragraphs 7(a) and (b) and article 30 of the ILO Constitution.

#### Aim and purposes of submission

115. Under the provisions of article 19 the Convention or Recommendation must be brought before the competent authority or authorities "for the enactment of legislation or other action". The essential aim of submission is thus to promote action at the national level for the implementation of Conventions and Recommendations. Furthermore, in the case of Conventions the procedure also aims at promoting their ratification.

116. In practice, the submission procedure has a dual purpose.<sup>3</sup> The first purpose is to bring Conventions and Recommendations before the body empowered to give effect to them; this stems from the very terms of article 19 and from the aim pursued. The second purpose is to

<sup>1</sup> Article 416 of the Treaty of Versailles, subsequently article 30 of the ILO Constitution.

<sup>2</sup> OB, Vol. I, 1919-20, p. 289. Statement of the reporter of the Commission of International Labour Legislation to the plenary Peace Conference.

<sup>3</sup> See Report of the Conference Committee (RCC), 1955, para. 42, and *ibid*, 1959, para. 41; RCE, 1957, para. 57, and 1960, para. 55.

bring these instruments before public opinion.<sup>1</sup> At the time of the revision of the ILO Constitution in 1946, the Conference delegation on constitutional questions stated that "the intention of the authors of the Constitution was that ... regular, automatic and public discussion of the proposal of the Conference by the authorities competent to take the national implementary action would ... contribute powerfully to the general ratification of Conventions and the effective implementation of both Conventions and Recommendations".<sup>2</sup>

## II. Discharge of the obligation

117. Various aspects of the obligation of submission to the competent authorities were clarified during the examination of constitutional questions in 1944 and 1946 and also by the ILO supervisory bodies over the years. At the request of the Conference, the Governing Body also drew up in 1954 a memorandum, which was amplified in 1958, designed to facilitate both compliance with their obligations on the part of member States and the work of the supervisory bodies. This memorandum sets out the essential points of the explanations given by the supervisory bodies regarding the obligation and the manner of complying with it.

### Over-all situation

118. In its 1970 survey, the Committee noted that about 40 per cent of member States complied with their obligation within the specified period and that some further 40 per cent did so with an average delay of three or four years. These statistical trends are confirmed by the figures for recent years (see attached tables). A percentage of 90 per cent is reached after a period of about ten years; higher percentages are attained for the remaining instruments spread over earlier sessions. Table I gives figures and percentages relating to the submission of instruments undertaken within the periods laid down by the Constitution, and table II gives the over-all situation of member States.

119. Thus, the actual obligation of submission is complied with by the great majority of member States, albeit with a certain delay in the case of many countries. The reasons for this delay may be of a general nature, resulting from political or institutional difficulties, often linked with technical and administrative problems such as lack of personnel and competent services. Moreover, the new standards are often more general in scope as regards both their subject matter and the categories covered; on the other hand they contain numerous flexibility clauses to take fuller account of the widely varying capacities for implementation of the ever-increasing number of member States. The preliminary examination of these standards with a view to their submission to the competent authorities thus requires qualified personnel and more time, especially if interdepartmental and tripartite consultations are to take place.<sup>3</sup> This explains why the delays of three

<sup>1</sup> See para. 113 above.

<sup>2</sup> Constitutional questions: Part I: Reports of the Conference delegation on Constitutional questions, Report II (1), ILC, 29th Session, Montreal, 1946, para. 43.

<sup>3</sup> Tripartite consultations on the proposals to be submitted to the competent authorities at the time of submission of instruments are provided for under the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144).

TABLE I: NUMBER OF STATES WHOSE GOVERNMENTS REPORT THAT CONVENTIONS AND RECOMMENDATIONS HAVE BEEN SUBMITTED TO THE COMPETENT AUTHORITIES WITHIN THE PRESCRIBED TIME LIMITS

Session	Number of States whose governments report that:						Number of States which were Members of the ILO at each session
	All texts have been submitted		Some texts have been submitted		No texts have been submitted (incl. cases where govt. has supplied no information)		
	Number of States	%	Number of States	%	Number of States	%	
31-1948	16	26.6	7	11.6	37	61.8	60
32-1949	17	27.8	2	3.2	42	69.0	61
33-1950	21	33.3	-	-1	42	66.7	63
34-1951	25	35.9	4	6.2	35	57.9	64
35-1952	25	37.8	3	4.5	38	57.7	66
36-1953	28	42.4	1	1.5	37	56.1	66
37-1954	29	42.0	-	-1	40	58.0	69
38-1955	24	34.7	4	5.8	41	59.5	69
39-1956	38	50.0	1	1.3	37	48.7	76
40-1957	38	49.3	13	16.8	26	33.9	77
41-1958	34	43.0	3	3.8	42	53.2	79
42-1958	36	45.5	7	8.8	36	47.7	79
43-1959	34	42.5	8	10.0	38	47.5	80
44-1960	38	45.0	1	1.0	44	54.0	83
45-1961	34	34.0	9	8.0	58	58.0	101
46-1962	38	38.0	6	6.0	58	56.0	102
47-1963	32	30.0	9	8.0	67	62.0	108
48-1964	37	33.0	6	5.0	67	62.0	110
49-1965	49	42.0	6	5.0	59	53.0	114
50-1966	53	46.0	2	1.0	60	53.0	115
51-1967	43	37.0	13	11.0	61	52.0	117
52-1968	50	42.3	-	-1	68	57.7	118
53-1969	47	38.9	8	6.6	66	54.5	121
54-1970	42	34.7	4	3.4	75	61.9	121
55-Oct. 70	43	35.5	5	4.1	73	60.4	121
56-1971	38	31.5	7	5.7	76	62.8	121
58-1973	44	36.6	8	6.1	70	57.3	122
59-1974	44	35.2	7	5.6	74	59.2	125
60-1975	50	39.6	3	2.5	73	57.9	126
61-1976	49	37.4	1	0.8	81	61.6	131

<sup>1</sup>At this session the Conference adopted only a Recommendation.

TABLE II: OVER-ALL SITUATION OF MEMBER STATES AT  
23 MARCH 1978  
(Sessions in June)

Session	Number of States whose governments report that:						Number of States which were Members of the ILO at each session
	All texts have been submitted		Some texts have been submitted		No texts have been submitted (incl. cases where govt. has supplied no information)		
	Number of States	%	Number of States	%	Number of States	%	
31-1948	58	96.6	2	3.4			60
32-1949	57	93.5	4	6.5			61
33-1950	59	93.6	-1		4	6.4	63
34-1951	61	95.3	2	3.1	1	1.5	64
35-1952	62	94.1	3	2.9	1	3.0	66
36-1953	63	95.4	-1		3	4.6	66
37-1954	65	94.3	-1		4	5.7	69
38-1955	65	94.2	2	1.4	2	4.4	69
39-1956	71	93.5	-1		5	6.5	76
40-1957	72	93.5	5	6.5			77
41-1958	74	93.6	1	1.4	4	5.0	79
42-1958	76	96.2	3	3.8			79
43-1959	76	95.0	2	2.5	2	2.5	80
44-1960	79	94.0	2	3.6	2	2.4	83
45-1961	93	91.3	7	5.9	1	2.8	101
46-1962	93	91.2	6	5.8	3	2.9	102
47-1963	98	90.9	7	6.4	3	2.7	108
48-1964	102	92.8	6	5.4	2	1.8	110
49-1965	107	93.8	5	4.5	2	1.7	114
50-1966	103	89.5	7	6.2	5	4.3	115
51-1967	105	89.7	6	5.2	6	5.1	117
52-1968	104	88.2	-1		14	11.8	118
53-1969	106	87.6	6	4.9	9	8.1	121
54-1970	100	82.7	10	8.2	11	9.1	121
55-Oct. 70	91	75.2	8	6.3	22	18.5	121
56-1971	100	82.6	7	5.0	14	12.8	121
58-1973	80	66.8	7	4.0	36	29.2	123
59-1974	83	66.4	6	4.8	36	28.8	125
60-1975	70	56.3	3	2.5	52	41.2	126
61-1976	49	37.4	1	0.8	81	61.6	131

<sup>1</sup>At this session the Conference adopted only a Recommendation.

to four years mentioned above have not varied over the past ten years or so. The ILO is endeavouring through well tried forms of assistance to provide appropriate help in this connection (seminars and fellowships for officials of national administrations, advisory missions or direct contacts). Other measures may also be considered; for example, indications might be given, when communicating new instruments to governments, of the objectives and background of the standards concerned, or summaries of new instruments might be supplied to governments at their request. Governments should, for their part, assign the officials who have had such training to work relating to international labour standards.

120. One problem encountered in a number of countries concerns the translation into national languages of instruments adopted by the ILO. Translation arrangements such as those operating for German-speaking countries might be envisaged for other group of countries, e.g. those using Arabic, particularly by regional organisations.

#### Nature of the competent authority

121. Under the terms of article 19, paragraphs 5(b) and 6(b), the authority or authorities to which the Convention or Recommendation must be submitted are those competent to enact legislation or take other action.

122. The nature of the "competent authority" was made clear when the ILO Constitution was revised in 1946. It was shown, from the terms of the provisions of article 19 and from the preparatory work<sup>1</sup> of 1919, that the competent authority was the authority empowered to give effect to the instruments under consideration - i.e. normally the legislative power - and not the authority empowered to ratify Conventions or to authorise their ratification; according to national constitutions the latter may be either the legislative body, or a certain chamber of the legislative body, or the executive.<sup>2</sup> The Conference Delegation on Constitutional Questions, in this connection, indicated that the intention of the authors of the Constitution was that the competent national authority should normally be the legislature; the delegation did not consider it necessary to clarify the obligation imposed by article 19, since it was convinced that there could be no doubt that the authority or authorities to which Conventions and Recommendations must be submitted should be the national parliament or other competent legislative authority in each country.<sup>3</sup>

123. Naturally, in certain cases, the body empowered to legislate may be not the parliament, but the government or another body. This is the case when the institutions of a country do not

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<sup>1</sup> The terms "legislature" or "parliament" were used in early drafts to designate the body to which the texts adopted by the Conference were to be submitted. The term "competent authority" was later adopted to meet the problems of Federal States. (OE, vol. I, pp. 81, 86-87 and 91.)

<sup>2</sup> ILO: Future policy, programme and status of the International Labour Organisation, Report I, ILC, 26th Session, Philadelphia, 1944, Appendix, pp. 169-183: "The nature of the competent authority contemplated by article 19 of the Constitution of the International Labour Organisation" (memorandum by the Legal Adviser of the ILO).

<sup>3</sup> Report II (1), ILC, 29th Session, Montreal, 1946, op. cit., paras. 43 and 49.

comprise a legislative body or when this body has been dissolved or become inactive for some time. In all these cases the rule nevertheless remains unchanged: the competent authority is the body, whatever its nature, which is empowered to legislate at any given time.

124. Even when a legislative assembly exists, the executive or another body may be invested with power to legislate on certain subjects under constitutional provisions, or may exercise such powers by virtue of a general or special delegation granted by parliament. Sometimes the body concerned is itself a subordinate body of parliament. In such cases it would be desirable that Conventions and Recommendations should also be submitted to the legislative assembly itself in order to achieve the second objective of the submission, that of informing and mobilising public opinion.<sup>1</sup> Discussion in a deliberative assembly - or at least information of the assembly - can constitute an important factor in the complete examination of a question and in a possible improvement of measures taken at the national level; in the case of Conventions it might result in a decision to ratify.

125. Finally, there are cases in which a Convention or a Recommendation does not require the adoption of legislative provisions properly speaking for its implementation, but merely measures lying within the competence of the executive or other bodies, or permits implementation through collective agreements. A strict interpretation of the provisions of article 19 would admit, in these cases, that submission may be made to a public authority other than the legislative authority. Nevertheless, in order to achieve the objective of informing and mobilising public opinion through submission to a deliberative assembly, it is desirable that in all these cases the instruments in question should also be submitted to the legislative body.

126. Another problem arises from confusion between the authorities competent for the implementation of instruments and the authorities empowered to ratify, which are sometimes considered by governments as competent authorities in the sense of article 19 of the Constitution of the ILO.<sup>2</sup> As a result of this confusion between "submission" and "ratification", certain governments: (i) only submit to parliament those Conventions whose ratification is envisaged and requires the approval of the legislative body;<sup>3</sup> (ii) submit instruments to the executive or other body competent in the matter of treaties and hence empowered to ratify Conventions, submission being made to parliament only when legislative action is required;<sup>4</sup> (iii) submit the Convention to the assembly competent to "ratify" in the sense of approving ratification on the internal level.<sup>5</sup>

127. It is necessary to stress once again the distinction to be made between "submission" and "ratification". Submission to the competent authority is not merely concerned with Conventions and their

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<sup>1</sup> See above, para. 116.

<sup>2</sup> See in this connection the memorandum by the Legal Adviser of the ILO mentioned in a footnote to paragraph 122 above.

<sup>3</sup> For example, Gabon, RCE, 1977 and 1978.

<sup>4</sup> For example, Pakistan, RCE, 1978, and RCC, 1977.

<sup>5</sup> In Mexico, for example, Conventions are placed before the Senate, while Recommendations are submitted to the two chambers of Congress.

ratification, but aimed at the implementation of Conventions as well as Recommendations which are not open to ratification. These instruments must thus be submitted to the authority which, under the Constitution of the State concerned, is competent to legislate with a view to their application at the internal level - parliament or any other legislative body - and not to the authority empowered to ratify Conventions at the international level.

128. The Committee of Experts and the Conference Committee have stressed from the outset<sup>1</sup> these various aspects of the question and have since repeatedly confirmed them. The conclusion is that although article 19 of the ILO Constitution does not specify that the authority to which the instruments must be presented is a national legislature, leaving to each State by its Constitution to decide what authority is competent to legislate or take other action to implement a Convention or a Recommendation, an interpretation of this provision largely accepted by member States is that the instruments must be submitted to the authority competent to legislate in respect of the questions to which the Convention or Recommendation relates, i.e. as a rule, the parliament. Continued progress can be noted in the application by member States of this interpretation. Thus, between 1960 and 1977, 11 countries have extended or modified their procedure in order to submit instruments to the legislative assembly.<sup>2</sup> In 1978, the Committee's comments refer only in a few cases to the nature of the competent authority. In only two of these cases the Government considers the executive (president or Cabinet) to be the competent authority, and not the national parliament.<sup>3</sup> In six other countries, submission is made to a subordinate body of parliament.<sup>4</sup>

#### Scope of the obligation

129. Article 19 lays down the obligation to place before the competent authorities all instruments adopted by the Conference without exception and without distinction between Conventions and Recommendations. Nevertheless, certain governments do not consider it necessary to submit to the legislative body instruments which they do not propose to ratify or apply, since consent or legislative action on the part of parliament is not required.<sup>5</sup> In the cases in question the obligation laid down by article 19 cannot be considered as having been fulfilled: the competent authority which is responsible for taking a

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<sup>1</sup> RCE, 1950, section V and 1952, para. 61; RCC, 1951, para. 28.

<sup>2</sup> 1960: Poland; 1961: Spain; 1964: Czechoslovakia, Yugoslavia; 1967: Congo, Romania, Thailand; 1971: Singapore; 1973: Rwanda; 1976: Barbados, Mauritius.

<sup>3</sup> Malawi, Pakistan.

<sup>4</sup> Bulgaria, Byelorussian SSR, Hungary, Mongolia, Ukrainian SSR and the USSR; for four of these countries (Byelorussian SSR, Hungary, Ukrainian SSR, USSR) the Government indicated in 1975 that the question was under re-examination.

<sup>5</sup> See para. 126 above. A difficulty formerly encountered by some countries (for example, France, Greece, Tunisia), but which has now been solved, was that parliamentary practice allowed the government to place before parliament only Bills and not texts to which no effect was proposed to be given. Submission in such cases may take the form of messages or communications addressed to parliament.

decision on these instruments will not have had the opportunity to do so,<sup>1</sup> and public opinion will not have been informed.

130. On the other hand, the obligation of governments to submit the instruments to the competent authorities does not imply any obligation to propose the ratification or application of the instrument in question. Governments have complete freedom as to the nature of the proposals to be made when submitting Conventions and Recommendations to the competent authorities. A government may thus propose, as appropriate, that measures should be taken to give effect to the instruments concerned, or that no action should be taken or that a decision should be postponed.<sup>2</sup>

#### Form of submission

131. The Committee of Experts and the Conference Committee have stressed the importance of the proposals put forward by governments regarding the decisions to be taken in respect of instruments submitted to the competent authorities<sup>3</sup> and the comments of the supervisory bodies on the subject have been incorporated in the Governing Body memorandum.<sup>4</sup>

132. In many countries, in accordance with the memorandum, the submission of instruments to the competent authority is accompanied or followed by proposals, sometimes based on a detailed analysis, regarding the effect to be given to them. In a number of countries, however, such proposals are either not formulated or are not communicated to the ILO. The absence of such proposals may, as has been mentioned earlier, be due to lack of adequate personnel and administrative structures, in addition to the greater complexity of recent instruments. Nevertheless, the formulation of precise and reasoned proposals is a basic condition for the achievement of the purpose of the submission, by enabling the competent authorities to examine the possibilities of implementing Conventions and Recommendations in full knowledge of the facts.

#### Information and documents to be supplied to the ILO

133. According to the provisions of article 19 (clause (c) of paragraphs 5 and 6), Members must inform the Director-General of the ILO "of the measures taken" to bring Conventions and Recommendations before the competent authorities, with "particulars" of these authorities and of "action taken by them". The memorandum adopted by the Governing Body in 1954 aimed inter alia at obtaining uniform presentation of the information requested by stating the particulars to be supplied. In 1957, at the suggestion of the Conference Committee, various indications were added to the memorandum regarding the information to be supplied to the ILO; in particular, point II(c) of

<sup>1</sup> In certain cases the parliamentary discussion at the time of submission has induced the government to undertake ratifications of Conventions which it did not envisage at the outset.

<sup>2</sup> Memorandum, p. 5, point II: Extent of the obligation to submit; and point III: Form of submission, sub-para. (c).

<sup>3</sup> RCC, 1951, para. 30. RCE, 1952, para. 66.

<sup>4</sup> Memorandum, p. 5, point III.



the questionnaire requests governments to supply copies of the documents by which the instruments were submitted and of any proposals which may have been made; point III requests governments to indicate the contents of any decisions taken by the competent authority.

134. The Committee noted in its 1960 review, regarding the request in point II(c), that considerable progress had been made, since about half of the 80 member States were at that time supplying such documents, compared with about ten in the first years of discharge of the obligation.<sup>1</sup> At the second ten-yearly review in 1970 the Committee, while noting that an appreciable number of countries transmitted these documents regularly, urged the governments which failed to do so to supply copies of the documents by which submission was carried out.<sup>2</sup> In 1978 the Committee has addressed comments to 32 countries which have omitted to supply the documents and information requested in points II(c) and III of the questionnaire of the memorandum adopted by the Governing Body regarding instruments already submitted to the competent authorities. Certain of these countries had nevertheless supplied such documents and information previously. The Committee also noted recent progress in this connection.<sup>3</sup> The number of countries which habitually fail to supply such documents and information is very limited.

135. The Committee stressed in its 1960 review<sup>4</sup> that the documents requested in point II(c) of the questionnaire should be considered an integral part of the information which governments were under the obligation to supply - according to the terms of the Constitution - on "the measures taken" with regard to submission. At the same time, article 19 expressly requests governments to communicate "particulars ... of the action taken" by the competent authorities. Such particulars (requested in point III of the questionnaire) should therefore be supplied, particularly in cases where the documents submitted by governments do not contain specific proposals. Where specific and reasoned proposals have been formulated in the documents communicated by governments, the absence of a formal decision may be considered as tacit approval of these proposals by the competent authority. In certain cases, the communication of the relevant extracts from the submission documents may be considered sufficient, where such extracts contain all the particulars requested.

#### Situation of Federal States

136. Because of their special institutional nature, the obligations of Federal States as regards submission are governed by the special provisions<sup>5</sup> of paragraph 7 of article 19, which make appropriate arrangements for such States depending on whether the Conventions and Recommendations lie solely within the competence of the federal government or also within that of its constituent units.

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<sup>1</sup> RCE, 1960, para. 57.

<sup>2</sup> RCE, 1970, part III, para. 27. About 60 countries out of a total of 121 member States in 1970 regularly supplied copies of submission documents, and about 20 others did so irregularly.

<sup>3</sup> Algeria, Bulgaria, El Salvador in 1975; Hungary and Portugal in 1976.

<sup>4</sup> RCE, 1960, paras. 56-58.

<sup>5</sup> See para. 114 above.

137. In 1966 the Commission made a study<sup>1</sup> of submission to the competent authorities in Federal States which showed that the procedures in force in the Federal States on the whole complied with the requirements of article 19, paragraph 7(b)(i). Generally speaking, it would appear also that the federal structure does not at present pose major problems for submission to the competent authorities, either because competence in labour matters lies solely with the federal authorities or because effective arrangements have been made with the constituent units in the case of shared competence. As it had indicated in 1966, the Committee considers it desirable, however, that the legislative authorities of the constituent units should also be able to examine the instruments in question and that the governments concerned should supply information on this subject.

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138. On concluding this review of questions relating to the submission to the competent authorities, the Committee wishes to stress once again the importance of this obligation which has been regarded, since the founding of the ILO in 1919, as the essential means by which the standards adopted by the Conference are transmitted to the bodies capable of giving effect to them at the national level.

139. The Committee hopes that the governments concerned will take into account the preceding comments so as to comply fully with their obligation to submit Conventions and Recommendations to the competent authorities.

B. Submission to the competent authorities of the  
instruments adopted by the Conference from the 31st  
to the 61st Sessions

140. In accordance with its terms of reference, the Committee this year examined the following information<sup>2</sup> supplied by the governments of member States, pursuant to article 19 of the Constitution of the International Labour Organisation:

- (a) information on the steps taken to submit the following instruments, adopted at the 61st Session of the Conference (1976), to the competent authorities within the time limits of between 12 and 18 months, as provided in the Constitution: the Tripartite Consultation (International Labour Standards) Convention (No. 144) and the Tripartite Consultation (Activities of the International Labour Organisation) Recommendation (No. 152);
- (b) additional information on the steps taken to submit the Conventions and Recommendations adopted by the Conference from its 31st (1948) to its 60th (1975) Session to the competent authorities (i.e. Conventions Nos. 87 to 143 and Recommendations Nos. 83 to 151);
- (c) replies to observations and direct requests made by the Committee in 1977.

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<sup>1</sup> RCE, 1966, part III, pp. 179-192.

<sup>2</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), ILC, 64th Session, Geneva, 1978.

### 61st Session

141. The Committee has noted with interest that the governments of the following 49 member States have indicated that they have submitted to the authorities considered as competent by them the instruments adopted by the Conference at its 61st Session: Algeria, Argentina, Austria, Barbados, Bulgaria, Byelorussian SSR, United Republic of Cameroon, Chile, Congo, Cyprus, Democratic Yemen, Denmark, Dominican Republic, Egypt, German Democratic Republic, Honduras, Hungary, India, Israel, Ivory Coast, Japan, Kuwait, Luxembourg, Mali, Mauritius, Mongolia, Morocco, New Zealand, Nicaragua, Nigeria, Norway, Panama, Papua New Guinea, Paraguay, Romania, Rwanda, Saudi Arabia, Sierra Leone, Somalia, Sudan, Sweden, Switzerland, Trinidad and Tobago, Uganda, Ukrainian SSR, USSR, United Kingdom, Venezuela, Zambia.

142. The Government of Spain has indicated that it has submitted Convention No. 144 to the competent authorities.

### 31st to 60th Sessions

143. The Committee has noted with interest that appreciable progress has been made by several countries in submitting instruments adopted by the Conference since its 31st Session to the competent authorities, particularly in the following cases: Haiti (various instruments adopted at the 31st, 32nd, 35th, 38th and 45th Sessions); Poland (various instruments adopted from the 58th to the 60th Sessions); Somalia (instruments adopted from the 58th to the 60th Sessions); Uganda (instruments adopted from the 53rd to the 60th Sessions).

144. The table in the Appendix to section III of Part Two of the Committee's report shows the position of each State Member, as it emerges from the information supplied by the governments, with regard to the discharge of the obligation to submit to the competent authorities the Conventions and Recommendations adopted by the Conference. The over-all position in this respect for the instruments adopted from the 31st to 61st Sessions of the Conference is indicated in paragraph 118 of the present report, and table II there mentioned.

### Comments by the Committee and replies from governments

145. 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.

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

147. The position in several countries is still a matter of concern to the Committee. It thus notes with regret that, in the following cases in particular, no information showing that the Conventions and Recommendations adopted by the Conference during at

least the last seven sessions under consideration (54th to 61st) have in fact been submitted to the competent authorities: Benin, Guatemala, Lao Republic, Tanzania.

148. As the Committee has pointed out in its general survey above of the question of submission to the competent authorities (paragraph 134), several countries still do not communicate any or most of the information and documents called for by points II and III of the Memorandum adopted by the Governing Body. The following countries have not supplied the documents relating to the submission of instruments adopted during at least the last ten sessions of the Conference under consideration (51st to 61st): Byelorussian SSR, Ukrainian SSR, USSR. The Committee trusts that all the governments concerned will take appropriate measures, as indicated in the Memorandum on Submission.

#### VIII. REPORTS ON RECOMMENDATION NO. 123

(Article 19 of the Constitution)

149. 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 Employment (Women with Family Responsibilities) Recommendation, 1965 (No. 123).

150. Of a total of 131 reports requested, 103 have been received (that is 78.6 per cent of those requested) as well as 14 reports concerning non-metropolitan territories.<sup>1</sup>

151. This total confirms the trend to fuller response to the request for reports under article 19 of the Constitution which has been noted in recent years. The Committee hopes that governments will continue to make every effort to supply the reports requested, so that its general surveys can be as comprehensive as possible.

152. The Committee once again notes with regret that a number of countries have not supplied any of the reports on unratified Conventions and on Recommendations requested under article 19 of the Constitution of the ILO for the past five years. They are as follows: Afghanistan, Lao Republic, Nepal, United Arab Emirates.

153. Part Three 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 two members of the Committee, appointed by it.

154. The Committee notes that, in accordance with article 19 of the ILO Constitution, the Governing Body has requested those governments which have not ratified the Forced Labour Convention, 1930 (No. 29) or the Abolition of Forced Labour Convention, 1957 (No. 105) to supply reports in 1978 indicating the position of their law and practice in regard to the standards contained in these Conventions. In accordance with its usual practice, the Committee will, at its next session, make a general survey of the situation in the fields covered

<sup>1</sup> ILO: Employment of Women with Family Responsibilities: Summary of Reports on Recommendation No. 123, Report III (Part 2), ILC, 64th Session, 1978, Geneva.

## GENERAL REPORT

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by these Conventions, covering both ratifying and non-ratifying States. Since the last general survey on this subject dates back to 1968, this will provide the Committee with a useful opportunity to review in detail the various problems encountered in the application of these fundamentally important instruments.

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155. 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 its increasingly complex tasks in a limited period of time.

Geneva, 22 March 1978.

(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 unable to ascertain to what extent effect is now given to the Conventions by which Albania remains bound (Nos. 4, 5, 6, 10, 11, 16, 21, 29, 52, 58, 59, 77, 78, 87, 98, 100 and 112).

##### **Angola**

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.

##### **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.

##### **Bolivia**

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.

##### **Burundi**

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

Central African Empire

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.

Colombia

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.

Chad

The Committee notes with regret that for the third consecutive year 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 the direct contacts which took place in November 1977 between the competent national services and a representative of the Director General of the International Labour Office in connection with Conventions Nos. 92, 94, 95, 113, 114, 120 and 127 on the application of which comments had been made.

The Committee notes with interest that as a result of these direct contacts, various draft decrees have been prepared in connection with the application of these Conventions, which take into account its comments.

The Committee trusts that these drafts will be approved in the near future and requests the Government to inform it on any measures taken to this end and to submit reports on these Conventions for the period ending 30 June 1978.

The Committee regrets that it has not yet received two first reports which have been due for four years (Conventions Nos. 102 and 130). It trusts that the Government will communicate these reports in the near future.

Dominican Republic

In its previous observation the Committee took note of the direct contacts that had taken place in November 1976, and of the drafting, on the occasion of these contacts, of the following texts: (a) a draft Bill to amend various sections of the Labour Code which relate to the application of Conventions Nos. 81, 89 and 111; (b) a draft decree to amend the Industrial Health and Safety Regulations, with a view to the better implementation of Convention No. 119; (c) a Bill to repeal various sections of the Penal Code, with a view to the better implementation of Convention No. 105.

The Committee observes that in the reports on Conventions Nos. 81, 89 and 105 there is no mention of the draft legislation referred to above. The Committee trusts that, notwithstanding this omission, the provisions in question will be adopted shortly, and requests the Government to inform it of any measures taken to that end.

Gabon

The Committee has noted the information supplied by the Government to the Conference Committee in 1977 to the effect that the National Assembly would be meeting in the autumn of 1977 and would examine the draft Labour Code as a priority item.

In the absence of any further information on the subject, the Committee finds itself obliged once again to formulate its comments on the basis of the provisions of the Labour Code of 1962.

Guatemala

In 1976 the Committee took note of the direct contacts which had taken place in November 1975, and of the preparation, on the occasion of these contacts, of draft decrees with a view to the better application of Conventions Nos. 30, 95, 96, 113 and 114 and a Bill relating to Conventions Nos. 87 and 98. The Committee also took note of the serious emergency confronting the country at that time.

The Committee now notes the information supplied by the Government to a representative of the Director-General in October 1977 to the effect that, notwithstanding the difficulties the country was going through, the draft legislation prepared during the direct contacts would be submitted shortly to the Council of State and subsequently to the President of the Republic for consideration. The Committee trusts that this legislation will soon be adopted, and requests the Government to inform it of any measures taken to this end.

Guinea

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.

Guinea-Bissau

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.

Haiti

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.

Honduras

The Committee notes with satisfaction that, as a result of the direct contacts which took place in 1975, five decrees were adopted in May 1977 with a view to the better implementation of Conventions Nos. 29, 42, 95, 105 and 108, and in October 1977 regulations were adopted with respect to medical examination for fitness for employment, in conformity with Convention No. 78.

The Committee hopes that it will soon be possible to adopt also the draft legislation prepared on the occasion of the above-mentioned direct contacts in relation to the application of Conventions Nos. 32, 62 and 87, and requests the Government to inform it of any measures taken to this end.

#### Iceland

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.

#### Jordan

The Committee notes the information provided by the Government to the effect that new labour and social security legislation is being prepared with ILO technical assistance, that this legislation will be in conformity with the Conventions ratified by Jordan, and that the Government will supply a full report once the new legislation has been adopted.

The Committee regrets however that the reports due for the period ending 30 June 1977 have not been received, and that consequently no information is available on the matters raised in its previous comments concerning the application of Conventions Nos. 100, 105 and 111, which dealt mainly with matters other than the terms of the labour and social security legislation.

The Committee trusts that the Government will not fail in future to discharge its obligation to supply reports on the application of ratified Conventions and that it will provide full information in answer to the comments made by the Committee.

#### Democratic Kampuchea

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

#### Lao Republic

The Committee notes with regret that 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 has noted the Government's communication to the effect that the fairly slow recommencement of administrative, industrial and commercial activities following the crisis which has perturbed the country for two years is still preventing the Government from providing detailed information on the application of ratified Conventions.

The Committee recalls its earlier comments in its direct requests regarding the application of Conventions No. 14, 26, 52, 81, 89 and 90.

It hopes that the Government will be able in the near future to ensure the full application of the Conventions ratified by Lebanon and to supply reports on the matter.

Libyan Arab Jamahiriya

The Committee notes with regret that most of the reports due, including a first report which has been due for two years (Convention No. 53), 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.

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.

Malta

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.

Nepal

The Committee notes with regret that for the second consecutive year the reports due (namely, first reports on Conventions Nos. 111 and 131) 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.

Nicaragua

The Committee notes with satisfaction that, as a result of the direct contacts which took place in 1975, Decree No. 663 was adopted on 6 August 1977 to amend various sections of the Labour Code with a view to the better implementation of Conventions Nos. 1, 3, 6, 9, 12, 18 and 22.

The Committee hopes that the necessary measures will soon be adopted in relation to Conventions Nos. 8, 17, 30, 87 and 98, the application of which was also discussed during the above-mentioned direct contacts, and requests the Government to inform it of any measures taken to this end.

Panama

The Committee notes the direct contacts which took place in November 1977 between the competent national services and a representative of the Director-General of the International Labour Office in connection with Conventions Nos. 13, 27, 30, 42, 52, 77, 78, 112, 113, 119, 123 and 127, on the application of which comments had been made.

The Committee notes with interest that as a result of these direct contacts various draft decrees have been prepared in connection with the application of the aforementioned Conventions, which take into account its comments. The Committee also notes that information was obtained, during the direct contacts, concerning the application of Conventions No. 64 and 29 and that a draft decree was prepared to ensure better application of Convention No. 105.

The Committee trusts that these drafts will be approved in the near future and requests the Government to inform it on any measures taken to this end and to transmit reports on these Conventions for the period ending 30 June 1978.

The Committee also notes the statements made by a Government representative at the 61st Session of the Conference to the effect that consideration is being given to the submission of a request for technical co-operation for the preparation of laws on the appointment of seamen which would take into account the provisions of the ratified Conventions and for the adoption of administrative measures to ensure the application of these laws. The Committee hopes that, in connection with this category of agreement also, the Government will take measures in the near future to ensure their application in law and practice and requests it to provide information on any measures taken to this end.

#### Paraguay

The Committee has noted the direct contacts which took place in Paraguay from 25 to 29 July 1977 between the competent national services and a representative of the Director-General of the ILO, regarding Conventions Nos. 1, 29, 30, 100, 105, 111, 115 and 117, on the application of which various comments had been made.

The Committee notes with satisfaction that as a result of these direct contacts a resolution has been adopted concerning the application of certain provisions of Convention No. 117.

The Committee notes with interest that the Government is considering the adoption of draft regulations on conditions of work in the field of transport, a matter which has been referred to in the Committee's comments on Convention No. 1, and that, as a result of the direct contacts, other drafts have been prepared with a view to bringing Paraguayan legislation into closer conformity with the provisions of Conventions Nos. 1, 29, 105 and 115. Consequently, the Committee hopes that the Government will provide detailed information on all measures taken for the approval of these drafts.

The Committee regrets, however, 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.

#### Philippines

The Committee refers to its previous observation concerning the Government's request for the establishment of direct contacts with the ILO regarding the application of ratified Conventions. It notes that, pursuant to arrangements agreed upon with the Government at the Conference in 1977, the Office transmitted to the Government in October 1977 a technical memorandum concerning the measures required to give effect to Conventions Nos. 17, 77, 89 and 90. The questions dealt with in the memorandum were subsequently discussed in Manila by an ILO official with representatives of the national services concerned.

The Committee notes with interest from the Government's report on Convention No. 17 that measures on the lines suggested in the above memorandum are being contemplated in respect of that Convention. In the case of Convention No. 77 further measures are also required, as indicated in the observation concerning that Convention. The reports on Conventions Nos. 89 and 90 were received only during the Committee's session, and it has had to defer further comments in respect of the application of these Conventions until its next session.

#### Somalia

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.

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

#### Sri Lanka

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.

#### Tanzania

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.

The Committee has also noted from the statement made by a Government representative to the Conference Committee in 1977 that negotiations were under way between the ministries in Zanzibar and Tanzania (Mainland) with a view to co-operation and co-ordination. The Committee hopes that as a result of these negotiations the Government will be able to supply information on the application of ratified Conventions in Zanzibar.

#### Togo

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

Upper Volta

The Committee notes with regret that for the third consecutive year the reports due have not been received. Five first reports (Conventions Nos. 81, 129, 131, 132, 135) have been due for two years. It trusts that the Government will not fail in future to discharge its obligation to report on the application of ratified Conventions.

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.

Yugoslavia

The Committee notes that, following the entry into force of the Associated Labour Act of 25 November 1976, the Act of 13 April 1973 on workers' mutual relations in associated labour has been repealed. Since the Act of 1976 no longer contains detailed provisions relating to conditions of employment corresponding to the provisions of the 1973 Act which gave effect to a number of ratified Conventions, the Committee requests the Government, in its reports on ratified Conventions, to supply full information on the legislation and other measures adopted at the republican, provincial and local levels to ensure the application of the Conventions.

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In addition, requests regarding certain points are being addressed directly to the following States: Algeria, Bangladesh, Ecuador, German Democratic Republic, Guatemala, Guinea, Honduras, Hungary, Iraq, Libyan Arab Jamahiriya, Madagascar, Mauritania, Mexico, Nicaragua, Panama, Papua New Guinea, Syrian Arab Republic, Thailand.

## B. INDIVIDUAL OBSERVATIONS

**Convention No. 1: Hours of Work (Industry), 1919**India (ratification: 1921)

In its previous observation, the Committee had noted that the All-India Loco Running Staff Association and the Centre of Indian Trade Unions had communicated comments concerning the application of the Convention to railway workers. These comments, which referred more particularly to the situation of loco running staff, related to the limitation of normal hours of work, the effect on entitlement to overtime rates of pay of provisions for averaging normal hours of work, the maximum hours of duty which may be worked at one stretch, and the implementation of agreements on these matters reached in 1973. The Committee also noted the explanations provided by the Government on the matters raised by these organisations. In order to be able to consider the issues involved, it requested the Government to supply additional documentation.



The documentation in question has now been furnished, including the report presented in 1972 by the Railway Labour Tribunal 1969, the report of the Third Central Pay Commission 1973, documentation concerning the conclusions of the Loco Running Staff Grievances Committee, and the reports for 1975-76 and 1976-77 on the working of the Hours of Employment Regulations (Railways). The Committee has also taken note of further communications from the All-India Loco Running Staff Association and additional comments by the Government.

The Committee recalls that the application of the Convention to India is governed by the special provisions contained in Article 10, according to which:

the principle of a sixty-hour week shall be adopted for all workers in the industries at present covered by the factory acts administered by the Government of India, in mines, and in such branches of railway work as shall be specified for this purpose by the competent authority. Any modification of this limitation made by the competent authority shall be subject to the provisions of Articles 6 and 7 of this Convention. In other respects the provisions of this Convention shall not apply to India, but further provisions limiting the hours of work in India shall be considered at a future meeting of the General Conference.

The Committee however notes with interest that the Railway Labour Tribunal 1969, in its report of 1972, examined in detail the provisions of general application of the Convention, even though they were not binding on India, and formulated its recommendations with due regard to those provisions.

Having examined the comments of the above-mentioned organisations and the information and documents provided by the Government, the Committee is in a position to make the following comments.

Classification of loco running staff. The All-India Loco Running Staff Association has submitted that loco running staff should be classified as workers engaged in "intensive employment" and thus enjoy the lower hours of work established for this category by national legislation. The Committee considers that this is a matter outside the scope of the Convention, and that it is called upon to examine whether the hours of work in fact applicable to the workers concerned are in conformity with the requirements of the Convention.

Normal weekly hours. According to the Indian Railways Act, as amended by Act No. 59 of 1956, the normal hours of loco running staff, who are classified as engaged in "continuous employment", is 54 hours a week on an average in any month, and the subsidiary instructions issued by the Railways Board for the implementation of these provisions require the payment of overtime rates for hours in excess of 231 per month.

The Committee however notes the Government's statement that, following its acceptance of recommendations by the Railway Labour Tribunal 1969, the employment of loco running staff is now limited to 104 hours per two-weekly period, overtime being payable at one-and-a-half times ordinary pay for the first four hours beyond this limit and thereafter at twice the ordinary rate of pay.

The Committee considers that the establishment for railway running staff of a normal working week of 52 hours averaged over a period of two weeks is compatible with "the principle of a sixty-hour week" laid down for India by Article 10 of the Convention. It recalls,

in this connection, that, for countries bound by the general standard of a 48 hour week, the Convention (in Articles 2(c) and 5) also permits averaging of weekly hours over a longer period for workers such as railway operating personnel.

It would appear however that the changes in hours of work resulting from the recommendations of the Railway Labour Tribunal have not yet been incorporated in the text of the Indian Railways Act and the regulations issued under it, and the annual report for 1976-77 on the working of the Hours of Employment Regulations on Railways still states the permissible hours of work in "continuous" employment as 54 per week on the average in a month. In order to avoid any uncertainty as to the legal position and to ensure the observance of the revised rules resulting from the recommendations of the Railway Labour Tribunal, it would seem desirable formally to incorporate these rules in the relevant legislative provisions and implementing regulations.

Maximum daily hours. According to the information provided by the Government, it issued instructions in July 1968 that the running staff's duty at a single stretch from signing on to signing off should not exceed 14 hours. Following the recommendations of the Railway Labour Tribunal, the Government decided in December 1973 to ensure, by phased measures over a period of three years, that duty at a single stretch of running staff should not exceed 10 hours. The All-India Loco Running Staff Association and the Centre of Indian Trade Unions have claimed that this decision has not been fully implemented. The Government however stated in March 1977 that steps had been taken to apply the new limitations to running staff of all mail, express and passenger trains and also of a large number of goods trains. In its latest report the Government states that directives have been issued in the light of the recommendations of the Railway Labour Tribunal 1969 and that most of them have already been implemented.

The Committee wishes to point out that the special provisions of the Convention relating to India establish a weekly limit on hours of work, but - unlike the provisions of general application - do not fix a daily limit.

The Government may wish to consider the desirability of incorporating formally the recent changes relating to maximum duty at a stretch of running staff in the relevant legislation and its implementing regulations, in order to avoid any uncertainty as to the legal position and to ensure the general application of the rules agreed upon.

Overtime. Having regard to its conclusions concerning normal weekly hours and maximum daily hours, the Committee considers that the previously mentioned manner of calculating overtime is consistent with the obligations of India under the Convention. It notes that the rates of overtime pay (one-and-a-half or two times normal pay) are higher than the rate required by the Convention.

The Committee has however in previous comments drawn attention to the fact that the legislation on hours of work on the railways does not fix the maximum permitted hours of overtime, as required by Article 6, paragraph 2 of the Convention. The Committee hopes that measures will be taken to give effect to this requirement.

#### Kuwait (ratification: 1961)

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

The Committee notes that in its last report (1976) the Government reiterates its intention to adopt measures putting the national legislation in conformity with the Convention on the following points:

Article 1 of the Convention. Section 2 of the Labour Act (Private Sector) (No. 38 of 1964) exempts from its application temporary workers employed for periods not exceeding six months at a time and workers in undertakings with fewer than five employees, whereas this Article of the Convention does not allow of such exemptions.

Article 3 and Article 6(1)(b) and (2). Sections 34 and 35 of the Labour Act (Private Sector) and sections 14 and 15 of the Labour Act (Public Sector) provide that the employer may order work for two additional hours per day and on the weekly rest day but prescribe no limit to the total hours of overtime, whereas under these Articles of the Convention additional hours are permitted only as temporary exceptions to avoid serious interference with the ordinary working of the undertaking, the maximum number being fixed in each instance after consultation with the organisations of employers and workers concerned.

Since the Government has been referring to its intention of adopting the measures necessary to bring the legislation into conformity with these provisions of the Convention for many years, the Committee hopes this will be done in the near future.<sup>1</sup>

#### Nicaragua (ratification: 1934)

Referring to its previous comments, the Committee notes with satisfaction that following the direct contacts which took place in 1975 between the competent national services and a representative of the Director-General of the ILO, sections 169 and 170 of the Labour Code were repealed by section 13 of Decree No. 663 of 6 August 1977, so that workers in land transport undertakings have the benefit of the 48-hour week.

The Committee also notes the Government's statement that the serious upheaval caused by the earthquake in 1972 and the pressing need to rebuild has made it impossible to restrict overtime. It expresses the hope that the subsisting difficulties will soon be overcome so that the Government will be able to determine the circumstances under which overtime may be worked, and the maximum number of hours of overtime which may be authorised in conformity with Article 6, paragraphs 1(b) and 2 of Convention No. 1 and Article 7, paragraphs 2(c) and (d) of Convention No. 30. The Committee recalls that for this purpose a draft amendment to section 56 of the Labour Code was prepared during the aforementioned direct contacts and it hopes that this draft will be adopted as soon as possible.

#### Peru (ratification: 1945)

The Committee notes from the Government's latest report that a multi-sectoral tripartite committee was set up in February 1976 to examine the final draft of the Labour, Employment and Social Security Bill and that this committee is to take into account the texts of international labour Conventions, and the comments made by the ILO Committee on the Application of Conventions and Recommendations regarding Peruvian labour legislation.

<sup>1</sup> The Government is asked to report in detail for the period ending 30 June 1978.

Recalling the observations which it has made since 1951 and the repeated statements of the Government to the effect that it intends adopting either a labour code or other texts to give effect to the provisions of the Convention (including a draft supreme decree prepared following the direct contacts which took place in 1972), the Committee expresses the hope that the necessary measures will be taken soon to ensure application of the Convention, particularly as regards Articles 3 to 6 (conditions for exceeding the prescribed hours of work).<sup>1</sup>

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

## Convention No. 2: Unemployment, 1919

### Nicaragua (ratification: 1934)

The Committee notes with interest from the Government's reply to its previous direct requests that the General Directorate of Human Resources and Employment Promotion has been functioning since January 1977 and that placement activities have increased considerably. The Committee hopes that in its next reports the Government will provide information, in accordance with the report form approved by the Governing Body, on the organisation and activities of the public employment offices.

The Committee regrets to note that committees including representatives of employers and workers have not yet been appointed to advise on matters concerning the carrying on of the employment offices, as required by Article 2, paragraph 1, of the Convention. It hopes that the Government will take the steps at an early date to comply with this requirement of the Convention.<sup>2</sup>

### Uruguay (ratification: 1933)

In previous comments the Committee had noted that the National Employment Service had been established by an Act of 1974 and that its activity and structure were being developed with the co-operation of the Interamerican Centre for Labour Administration, and had requested information on the progress made.

The Committee notes from the Government's report that, while decrees have been issued transferring to the National Employment Service the functions of certain occupational unemployment insurance funds, including the labour exchanges run by them, the only information provided on measures to develop the National Employment Service is an indication that one of the aims adopted by the Ministry of Labour and Social Security in December 1976 was the drawing up of regulations under the Act establishing the National Employment Service to lay the foundations for the assignment of operational functions to the Service.

<sup>1</sup> The Government is asked to report in detail for the period ending 30 June 1978.

<sup>2</sup> The Government is asked to report in detail for the period ending 30 June 1979.

The Committee trusts that measures will be taken shortly to establish a system of free public employment offices as provided for in Article 2, paragraph 1 of the Convention, and that the Government will supply full particulars of the progress made and of the number and location of the offices established, together with a copy of any employment service regulations which may be adopted.<sup>1</sup>

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In addition, requests regarding certain points are being addressed directly to the following States: Chile, Nicaragua, Sudan, Uruguay.

### Convention No. 3: Maternity Protection, 1919

#### Argentina (ratification: 1933)

The Committee has noted the information provided by the Government at the 63rd Session of the Conference (1977) in reply to earlier comments on the following points.

Article 3(c) of the Convention. 1. Cash benefits. The Government refers in the aforementioned information to the prenatal, maternity and birth allowances established by Act No. 18017 of 1974, each of which allowances is subject to a qualifying period and consequently is not payable in the case of workers who do not fulfil the qualifying conditions laid down by national legislation.

The Committee must therefore reiterate the hope that the necessary steps will be taken either to remove the qualifying period of employment laid down in particular in sections 3 and 4 of Act No. 18017 for the granting of the prenatal and maternity allowances, or to give women who do not fulfil these conditions financial aid from public funds (for example, through public assistance).

2. Mistake in estimating the date of confinement. The Government states in its aforementioned information that although the legislation on maternity protection does not refer to this matter, the sick leave provisions of the law regulating the labour contract (providing for the continuation of the pay received by the worker at the time of stopping work) in fact make it possible to cover the possibility of a mistake in estimating the date of confinement. The Committee notes this statement, but also observes that according to the provisions of CASFPI Resolution No. 277 of 29 October 1971, if confinement takes place later than the expected date, a beneficiary may claim neither prenatal nor maternity allowances for those days exceeding the period of prenatal leave. Under these conditions, the Committee requests the Government once again to take the necessary measures to ensure full application of this provision of the Convention under which "no mistake of the medical adviser or midwife in estimating the date of confinement shall preclude a woman from receiving these benefits from the date of the medical certificate up to the date on which the confinement actually takes place". (These measures might also be taken through administrative channels; for example, by means of a circular to all relevant insurance bodies.)

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<sup>1</sup> The Government is asked to report in detail for the period ending 30 June 1978.

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Federal Republic of Germany (ratification: 1927)

Article 4 of the Convention (prohibition of dismissal). The Committee notes with regret from the Government's reply to its previous observations that section 9 of the Maternity Protection Act, which permits dismissal during maternity leave in certain exceptional cases, has not yet been modified. It nevertheless notes the Government's statement to the effect that the Land authorities are continuing to comply with the procedure provided for in the circular of 26 July 1968, so that Article 4 of the Convention is complied with in practice.

The Committee hopes, as it has done in the past, that this practice will be given a legal basis and that the modification to the aforementioned law, bringing it into conformity with the Convention, will be introduced in the very near future, in accordance with the intention already expressed by the Government in its previous reports.

Guinea (ratification: 1966)

In reply to previous comments by the Committee, the Government refers in its report (received too late for consideration in 1977) to the provisions of sections 147, 148 and 149 of the Labour Code of 1960, which do not seem to correspond to those of Decree No. 205 PRG of 1972, repealing all previous and conflicting provisions.

Consequently and having noted the information given in the report regarding the application of Articles 3(d) and 4 of the Convention, the Committee requests the Government to provide further information on the following points:

I. Article 3(c). (a) To indicate under what provisions of a law or regulation a worker receives maternity allowance in the case of extended prenatal leave - without any reduction in postnatal leave or the related allowance, in accordance with the Convention - as a result of a mistake by the medical adviser or midwife in estimating the date of confinement.

(b) To indicate how the free medical care required by the Convention is ensured in practice.

(c) The Government's report seems to confirm that part of the maternity allowance is paid directly by the employer. Since, although it does not fix the amount of this allowance, the Convention stipulates that it shall be paid entirely by the insurance or out of public funds, the Committee hopes that the National Social Security Fund will gradually be able to accept full responsibility for this allowance, unless measures can be taken to set up for this purpose a joint guarantee fund, built up by means of contributions from all employers; in this way, that part of the maternity allowance not covered by the insurance would no longer have to be borne individually by the employer concerned.

II. The Committee had also pointed out that Decree No. 205 PRG of 31 July 1972 provides that prenatal leave shall be taken one month before confinement, whereas under the terms of the Convention, a woman is entitled to stop work six weeks before confinement (Article 3(b)). Moreover, the Decree provides that in the event of the infant dying during the maternity leave, the woman shall recommence employment one month after the death, whereas the Convention contains no such restriction. The Committee requests the Government to indicate what measures are being considered to bring the Decree fully into conformity with the Convention.

Nicaragua (ratification: 1934)

Referring to its earlier comments, the Committee notes with satisfaction that Legislative Decree No. 633 of 29 July 1977 to revise the Labour Code (adopted following the direct contacts that had taken place between the national services concerned and a representative of the Director-General of the ILO) has instituted the right of a woman worker to a break of half an hour twice a day for nursing her child and also a prohibition against dismissal during her absence on maternity leave in conformity with Articles 3(d) and 4 of the Convention.

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

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

**Convention No. 4: Night Work (Women), 1919**Nicaragua (ratification: 1934)

In its previous comments, the Committee pointed out that the national legislation contained no provision forbidding night work by women. It notes the Government's statement in its latest report that it has not been possible to prohibit night work by women, since such a provision would be considered as discriminatory and would evoke negative reactions from both workers and undertakings.

The Committee can but note that the Convention is not being applied.

**Convention No. 5: Minimum Age (Industry), 1919**Guinea (ratification: 1959)

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

Article 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.

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

**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, subsection 4 of the Labour Code to the prohibition of night work by young persons between 16 and 18 years of age should be limited to those permitted by the Convention. It also pointed out, however, that Decree No. 18 of 25 July 1974, adopted in application of section 38(4) of the Labour Code, authorises night work in 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 at least 17.

The Committee notes the information given in the Government's latest report concerning the efforts made, especially under collective agreements, to extend the prohibition of night work by persons under 18 years of age. It expresses the hope that the regulations enacted in application of section 38, subsection 4 of the Code, will soon be amended so as to limit exceptions to the prohibition of night work by persons under 18 years of age to those cases permitted by the Convention.<sup>1</sup>

Nicaragua (ratification: 1934)

Article 2, paragraph 2, of the Convention. Referring to its previous comments, the Committee notes with satisfaction that following the direct contacts which took place between the competent national services and a representative of the Director-General of the ILO in 1975, section 123 of the Labour Code has been amended by section 6 of Decree No. 633 of 6 August 1977 in order to restrict derogations to the prohibition of night work by young persons aged over 16 years of age to those categories of industrial undertaking listed in this Article of the Convention.

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In addition, requests regarding certain points are being addressed directly to the following States: Algeria, Austria, Belgium, Benin, Burma, Portugal, Senegal, Upper Volta.

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

**Convention No. 7: Minimum Age (Sea), 1920**Bahamas (ratification: 1976)

Further to its previous comments, the Committee notes with satisfaction that section 80(2)(j) of the Merchant Shipping Act, 1976, requires crew agreements to include a list of persons under the age of 18 years and the dates of their birth, in accordance with Article 4 of the Convention.

<sup>1</sup> The Government is asked to report in detail for the period ending 30 June 1979.



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

Requests regarding certain points are being addressed directly to the following States: Jamaica, Nicaragua, Tunisia.

**Convention No. 9: Placing of Seamen, 1920**Mexico (ratification: 1939)

The Committee notes with interest from the Government's report that the Department of Labour and Social Affairs is at present engaged in drafting regulations for the Public Employment Service, which will take into account the requirements of Articles 4 and 5 of the Convention regarding the establishment of a system of employment offices for seamen and advisory committees consisting of an equal number of shipowners' and seamen's representatives. Since this question has been the subject of observations for many years, the Committee trusts that the Government will be able to indicate in its next report that public employment offices have been established in the ports of the country, that they are equipped to deal with the placing of seamen, and that they are assisted by advisory committees whose membership includes representatives of shipowners and seamen in equal numbers.<sup>1</sup>

Nicaragua (ratification: 1934)

Article 2, paragraph 1, of the Convention. Further to its previous observations, the Committee notes with satisfaction that, following direct contacts between the Government and a representative of the Director-General of the ILO, the charging of fees for the placing of seamen has been prohibited by section 3 of Decree No. 633 of 6 August 1977.

Article 5. The Committee has not received any new information concerning the establishment of committees consisting of an equal number of shipowners' and seamen's representatives to advise on the carrying on of the system of finding employment for seamen. It hopes that the Government will take steps at an early date to comply with this requirement of the Convention.

Uruguay (ratification: 1933)

Article 5 of the Convention. Further to its previous observations, the Committee notes with satisfaction that a decree of 26 October 1977 has provided for the establishment of an advisory committee for the Merchant Marine Personnel Registers, consisting of an equal number of shipowners' and seamen's representatives.

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

<sup>1</sup> The Government is asked to report in detail for the period ending 30 June 1979.

**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**

Bangladesh (ratification: 1972)

The Committee notes the information supplied by the Government in its report and, in particular, the statement that, under the Industrial Relations Ordinance, agricultural workers have the same rights of association as industrial workers.

The Committee requests the Government to state how the right of association is guaranteed for persons working in agriculture other than wage earners, such as self-employed farmers, sharecroppers, tenants, smallholders, etc.

Pakistan (ratification: 1923)

The Committee notes the information supplied by the Government to the Conference Committee in 1977 and particularly the statement that the Industrial Relations Ordinance of 1969 applies to agricultural workers as well as to those in industry and commerce. The Committee also notes the judicial decisions communicated by the Government, regarding the scope of this Ordinance.

The Committee requests the Government to indicate how the right of association is secured for persons working in agriculture other than wage earners, such as self-employed farmers, sharecroppers, tenants, smallholders, etc.

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

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

Brazil (ratification: 1957)

The Committee notes the information communicated by the Government in its last report and the comments by the National Confederation of Agricultural Workers and the National Confederation of Agriculture, communicated by the Government, to the effect that the recently adopted industrial accident legislation has considerably improved the protection of insured persons.

The Committee is pointing out, in a direct request sent to the Government, the points in respect of which there are still divergencies between the national legislation and the provisions of the Convention.

Nicaragua (ratification: 1934)

1. The Committee notes with satisfaction, following the direct contacts held between the national services concerned and a representative of the Director-General of the ILO, that Decree No. 633 was adopted on 6 August 1977 to revise the Labour Code. Under the provisions of section 103 of the Labour Code, as amended by the Decree in question, the judge will now be unable to reduce the indemnity due to victims of employment accident occurring, in particular, in small agricultural or stockraising undertakings, below one-quarter of the wages (compared with one-eighth previously); furthermore, the definition of small agricultural undertakings has been amended so as to enable the Convention to be applied to a greater number of workers.

2. The Committee notes with interest the statement of the Government that a draft intended to bring workers of the agricultural and stockraising sector under the social security scheme is being drawn up with the technical assistance of the ILO. Since certain divergencies remain between the present provisions of the Labour Code (and in particular section 103) and the Convention, the Committee hopes that the extension to agricultural workers of the social security scheme - which does not provide for a reduction of compensation in the case of small undertakings - may soon take place so as to ensure the full application of the Convention. It requests the Government in its next report to indicate progress made in this connection.

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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, following direct contacts in 1974 between the competent national services and a representative of the Director-General of the ILO, a draft decree was drawn up with a view to bringing national legislation into conformity with the Convention. After indicating in its report for 1975 that this draft decree was being considered, the Government stated in its report for 1976 that a text based on the Convention had been included in the new draft Labour Code which was under consideration by the Government.

The Committee notes from the Government's report for 1977 that the draft Labour Code, to which reference has been made for many years, is still being studied by the Council of Ministers and recalls that the above-mentioned draft decree was designed to ensure implementation of the Convention pending adoption of such a Code. It trusts that provisions to give effect to the Convention will be adopted in the near future.<sup>1</sup>

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<sup>1</sup> The Government is asked to report in detail for the period ending 30 June 1978.

Algeria (ratification: 1962)

In its previous observation, the Committee noted that the legislation applying the Convention was dated prior to 3 July 1962 and was accordingly repealed by Ordinance No. 73-29 of 5 July 1973, which came into force on 5 July 1975.

The Committee notes from the Government's latest report that the draft decree concerning the prohibition of the use of white lead, sulphate of lead and products containing these pigments in the painting of buildings has not yet been adopted. The Committee hopes that this decree will be adopted in the near future and that it will give effect to the Convention.

Chad (ratification: 1960)

The Committee once again 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 I(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.

Guinea (ratification: 1959)

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

The Committee regrets that the Government's report contains no reply to its previous comments. It recalls that since 1960 it has pointed to the necessity to prohibit the employment of young persons and women in any painting work of an industrial character involving the use of white lead or sulphate of lead or other products containing these pigments, as required by Article 3 of the Convention. In 1972, the Government communicated the text of a draft Order which would have given partial effect to this provision, but since then it has given no information on the measures taken or envisaged to give effect to Article 3. The Committee trusts that steps will now be taken to lay down the requisite prohibition.

The Committee also recalls that steps remain to be taken to compile and supply statistics of morbidity and mortality through lead poisoning among working painters, in accordance with Article 7 of the Convention.

Mexico (ratification: 1938)

The Committee notes from the Government's reply to its previous observation that the draft regulations concerning safety and health at work have reached the final stages of the procedure for their approval and entry into force.

The Committee notes that the draft regulations contain only a general provision requiring ILO Convention No. 13 to be respected in the use of the inorganic compounds of lead, including white lead. Articles 2 and 5 of the Convention, however, require more specific measures to be adopted to define the limits of the exemption contained in Article 2, paragraph 1 and to regulate the practical measures which have to be taken pursuant to Articles 5, 6 and 7. It is moreover

important that the relevant provisions should be clearly known and readily available to those concerned - employers, workers and their organisations, and the enforcement authorities (labour inspection services and law courts) - and the most satisfactory method of doing so would be to include specific provisions to give effect to the Convention in the regulations themselves.

The Committee therefore hopes that regulations will be adopted in the near future which give effect to the detailed provisions of the Convention.<sup>1</sup>

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

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

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

Guinea (ratification: 1966)

The Committee notes with regret that the Government's report has not been received. It recalls that, since its first report, received in 1967, the Government has referred to a draft order on women's and children's employment designed to give effect to the provisions of the Convention and stated in its report for 1971-73 that this draft was to be adopted in the near future. The Committee trusts that the Government will be in a position to provide the text of the order adopted with its next report.

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

Belgium (ratification: 1927)

Article 9 of the Convention. Referring to its earlier comments, the Committee notes with satisfaction the adoption of the Act of 24 December 1976, section 37 of which amends section 28, paragraph 1, of the Act of 10 April 1971 respecting occupational accidents so as to ensure free medical, surgical and pharmaceutical aid for victims of occupational accidents throughout the contingency in accordance with the Convention.

Burma (ratification: 1956)

Compensation scheme based on employers' liability

In its previous comments, the Committee called the Government's attention to certain divergencies between occupational accident

<sup>1</sup> The Government is asked to report in detail for the period ending 30 June 1978.

compensation legislation and the following Articles of the Convention: Article 5 (the national legislation does not permit compliance with this provision of the Convention, providing that compensation payable in the event of permanent incapacity or death shall be paid to the injured workman or his dependants in the form of periodical payments and that only in exceptional cases may it be paid as a lump sum, if the competent authority is satisfied that it will be properly used) and Article 10 (the national legislation fixes a maximum amount for the supply and normal renewal of artificial limbs and surgical appliances, contrary to this provision of the Convention). In its report, the Government states, after pointing out that the text of the Workmen's Compensation Draft Rule is ready for submission to the competent authority, that the Committee's comments have been fully taken into account. The Committee duly notes this information; it therefore hopes that it will soon be possible to adopt the new Workmen's Compensation Act, so as to give full effect to the Convention on the aforementioned points. Please communicate the text of the new Act once it has been promulgated.<sup>1</sup>

Cuba (ratification: 1928)

Article 7 of the Convention. In reply to the earlier comments of the Committee concerning additional compensation for victims of occupational accidents whose condition calls for the constant help of another person, the Government, after referring to the information and explanations developed in its previous reports, states that the questions raised by the Committee of Experts remain under examination by the bodies and services competent in the matter. The Committee notes this statement with interest. It hopes that the Government will be able to adopt the measures it considers appropriate to bring the national legislation into conformity with Article 7 of the Convention. The Committee would be grateful if the Government in its next report would indicate the progress made in this connection.

Guinea (ratification: 1966)

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

Articles 1 and 3. Further to its earlier requests, the Committee notes with interest the Government's reply to the effect that the new Social Security Code, the draft of which has already been placed before the National Assembly for adoption, will be the legislation which will apply the provisions of the Convention. It trusts that this Code will also cover officials, the permanent civil service, auxiliary officials and assimilated staff, since those groups have so far not been subject to any special scheme of workmen's compensation for accidents.

Article 5. The Committee also hopes that the new Code will comply fully with the terms of the Convention, according to which compensation in the case of accidents causing permanent incapacity or death is paid to the victim or to his dependants in the form of periodical payments, and only in certain cases in the form of a lump sum, if the competent authority is satisfied that it will be properly utilised.

<sup>1</sup> The Government is asked to report in detail for the period ending 30 June 1979.

The Committee hopes that the new Code will be adopted in the very near future, as indicated by the Government.

Kenya (ratification: 1964)

In its earlier comments, the Committee drew the attention of the Government to certain points respecting the following Articles of the Convention: (a) Article 5 (the Workmen's Compensation Act of 1962 provides that compensation in the event of permanent incapacity or death can be granted in the form of periodical payments but cannot exceed a sum equivalent to a certain number of months' wages, whereas Article 5 of the Convention provides in these cases for the payment of compensation in the form of periodical payments made throughout the duration of the contingency and authorises the conversion of these periodical payments into a lump sum only exceptionally and where the competent authority is satisfied that this will be properly used); (b) Articles 9 and 10 (section 32 of the above-mentioned Act lays down maxima for medical expenses and for the supply and renewal of artificial limbs and surgical appliances, which is contrary to the Convention); and (c) Article 11 (guarantee in all circumstances, in the event of the insolvency of the employer or insurer, of the payment of benefits due to workmen or to their dependants).

In its report, the Government states that a committee has been set up to carry out a complete review of the Workmen's Compensation Act and that it will bear in mind the comments of the Committee. The Committee notes this statement with interest. It hopes that the review of the legislation will take place shortly so as to give full effect to the Convention, and requests the Government to indicate in its next report any progress made.

Malaysia (Peninsular Malaysia) (ratification: 1957)

1. Article 2 of the Convention. In reply to the Committee's earlier comments, the Government, after pointing out that the scope of the 1969 Social Security Act could not be extended to undertakings employing fewer than five persons until all the workers at present eligible for coverage are insured, indicates that a study is being carried out on the feasibility of such extension which it is hoped could be made by the end of 1980. It adds that the possibility of extending by the same date the scope of the Act to workers whose wages exceed \$500 is also being examined. The Committee notes this information with interest. It requests the Government to indicate in its next report any progress made in the progressive extension of the Act to all workers in the country which are covered by the scope of this Convention.

2. The Committee notes the information provided by the Government on the prospects of extending the ratification of the Convention to the States of Sabah and Sarawak.

Philippines (ratification: 1960)

I. Referring to its previous comments, the Committee notes with interest the detailed information supplied by the Government in its latest report. In particular, it notes that as a result of the direct contacts which took place in 1977 between the national services concerned and a representative of the Director-General of the ILO, the "Employees' Compensation Commission" is at present examining a draft decree to modify certain provisions of Title II of Book IV of the Labour Code, so as to give effect to the Convention.

1. Article 5 of the Convention. (a) Total permanent incapacity and survivors' benefits. The Government states that, in accordance with the suggestions made in the technical memorandum prepared by the ILO, the "Employees' Compensation Commission" has proposed removing the five-year limit and the maximum amount of 12,000 pesos indicated in sections 192 and 194 of the Labour Code, so that both victims of industrial accidents and primary beneficiaries (widows and dependent children) will receive a benefit in the form of a pension throughout the contingency. Furthermore, with regard to secondary beneficiaries, it is proposed that they have the option of receiving a pension or a lump sum; in the latter case, the guarantee of proper use would be provided for in implementing regulations. The Committee notes with interest this information and the text of the proposed amendments to sections 192 and 194 of the Labour Code, reproduced in the report. Moreover, the Committee also notes with interest that the qualifying period for permanent incapacity and widows' pensions under the social security scheme will be eliminated. The Committee hopes that the amendments to the legislation announced by the Government will take place soon so as to give full effect to the Convention. It requests the Government to indicate in its next report the progress achieved in this connection.

(b) Partial permanent incapacity benefits. The Government states that it proposes increasing by 50 per cent the number of months during which benefits are payable for partial permanent invalidity described in section 193(b) of the Labour Code. It adds that it is also proposed to include a provision to the effect that workers who suffer partial permanent incapacity would be able to receive a full or partial lump-sum benefit if the competent authority is satisfied that the lump sum will be properly utilised. The Committee notes this information with interest. It also notes the text of the proposed amendment to section 193 of the Labour Code. It notes, however, that in the cases of partial incapacity appearing in the table to section 193(b), payment of a benefit is still limited to a certain number of months. Since Article 5 of the Convention establishes the principle that a pension shall be paid throughout the contingency and does not authorise conversion of the pension into a lump sum except as an exceptional measure and provided that the competent authority is satisfied that it will be properly used, the Committee would be grateful if the Government would re-examine the situation and it hopes that it will be able to take the necessary measures to amend section 193 so as to give full effect to the Convention. In this connection the Committee wishes to call the Government's attention to that part of the ILO technical memorandum relating to section 193 of the Labour Code.

2. Article 7. The Committee notes with interest that it is proposed in the draft decree to amend the Labour Code, to extend section 192 of said Code by the inclusion of a provision to the effect that a supplementary pension of 25 per cent shall be payable to the victims of industrial accidents whose condition necessitates the constant help of another person. It expresses the hope that it will be possible to introduce the aforementioned amendment soon so as to give full effect to the Convention.

II. The Government is asked to supply the text of Presidential Decree No. 1146 relating to social security and insurance benefits for governmental employees.

Sierra Leone (ratification: 1961)

Article 5 of the Convention. In its earlier comments, the Committee drew the attention of the Government to the fact that the



Workmen's Compensation Ordinance, 1954, as amended, which provides that compensation for permanent incapacity or death can be granted in the form of periodical payments but cannot be greater than a sum equivalent to a certain number of months of wages (56 and 42 respectively under the 1969 amendment), is not in conformity with Article 5 of the Convention, which prescribes in these cases the payment of compensation in the form of periodical payments for life and authorises the conversion of these periodical payments into capital - in whole or in part - only exceptionally and when the competent authority is satisfied that it will be properly utilised. In its report the Government states that this question has not been lost sight of, but that, in view of the heavy legislative programme, it has not yet been possible to take the necessary measures, and that when they have been taken the Committee will be informed. The Committee takes note of this information. In view, however, of the importance of this question, which has been the subject of comments since 1962, the Committee, although it is aware of the extent of the legislative programme facing the Government, hopes that the Workmen's Compensation Ordinance, 1954, can shortly be amended so as to give full effect to Article 5 of the Convention.<sup>1</sup>

Tanzania (ratification: 1962)

The Committee notes the information given by the Government to the Conference Committee in 1977. It wishes, however, to draw the attention of the Government to the following points:

Article 5 of the Convention. In reply to the earlier comments of the Committee, the Government states that contacts have been renewed with the National Provident Fund and that the intention of the Government is to give vigorous encouragement to all measures that may be carried out in relation to Article 5 of the Convention. The Committee takes due note of this information. It trusts that the necessary measures may be taken shortly so as to ensure for victims of occupational accidents, in the event of permanent incapacity, or for their dependants in the event of death of the injured worker, the payment of compensation in the form of periodical payments in accordance with the provisions of this Article of the Convention, which authorises conversion of the periodical payments into a lump sum only exceptionally and provided that the competent authority is satisfied that this will be properly utilised.

Articles 9 and 10. In reply to the earlier comments of the Committee, the Government states that it has always kept pace with the rising standard of living and that the maximum amounts set by the national legislation have therefore always been revised at regular intervals. The Committee notes this information with interest. It would be grateful if the Government in future reports would provide information on the new amounts fixed in this way and on any measures taken or contemplated to abolish these maximum amounts set by the national legislation in respect of medical assistance and the supply of artificial limbs and surgical appliances, since the Convention does not provide for any limiting of these amounts.

Uganda (ratification: 1963)

The Committee notes the information provided by the Government in its report for 1975-77 and also the information given to the Conference Committee in 1977.

<sup>1</sup> The Government is asked to report in detail for the period ending 30 June 1979.

Article 5 of the Convention. The Government states that it has taken note of the comments of the Committee but that, for the reasons given in the ILO technical co-operation report, the workmen's compensation scheme for accidents cannot yet be converted into a social insurance system. The Committee notes this information. It wishes, however, to call attention to the fact that the national legislation on workmen's compensation for accidents, as the ILO expert has pointed out, conflicts in certain respects with Article 5 of the Convention (see paragraph 23.4 of the technical co-operation report). The Workmen's Compensation Act (sections 6 and 7), read with Circular No. 1 of the Ministry of Labour dated 10 May 1971, provides, in the event of the permanent incapacity or death of the victim of an occupational accident, for the payment of compensation in the form of a lump sum that is either paid as periodical payments until it is exhausted or, for workers whose income exceeds a specified amount, paid, invested or employed in accordance with the decision of the competent authority. The national legislation, then, as the Committee has pointed out in its earlier comments, conflicts with Article 5 of the Convention on two points: firstly, it grants compensation only in the form of a lump sum (which in certain cases is paid as periodical payments until it is exhausted), whereas the Convention lays down the principle that compensation must be paid in the form of periodical payments and allows conversion into a lump sum only exceptionally and provided that the competent authority is satisfied that it will be properly utilised; and secondly, the periodical payments provided for by the national legislation are necessarily limited in time (since they are paid until the lump sum is exhausted), whereas the Convention provides for the payment of periodical payments throughout the whole contingency, that is to say without limitation in time in the event of permanent incapacity or death. In these circumstances, and until a new social insurance scheme is established, the Committee hopes that the Government will be able to review the matter and that it will take the necessary measures to bring the workmen's compensation legislation into full conformity with Article 5 of the Convention.<sup>1</sup>

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In addition, requests regarding certain points are being addressed directly to the following States: Burma, Colombia, Egypt, Mauritius, Mexico, New Zealand, Nicaragua, Panama, Rwanda, Sierra Leone, Surinam, United Kingdom.

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

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

Benin (ratification: 1960)

Article 2 of the Convention. In its previous comments, the Committee called the Government's attention to the fact that the list of occupational diseases appended to Ordinance No. 10/SLM of 21 March 1959 included certain divergencies from that established by the Convention with regard to poisoning by lead, its alloys and compounds

<sup>1</sup> The Government is asked to report in detail for the period ending 30 June 1979.

(the Ordinance contains only a restrictive list of the pathological disorders due to such poisoning), poisoning by mercury, its amalgams and compounds (the Ordinance contains no reference to these poisonings nor to jobs likely to cause them) and anthrax infection (the Ordinance does not refer to the loading, unloading and transport of merchandise in general). In its report for 1974-76, which was received too late for examination by the Committee at its last session, the Government states that in order to give full effect to Article 2 of the Convention, a commission chaired by the Minister of Public Service and Labour has been set up to undertake the review of the Ordinance in question. Under these conditions, the Committee can but express the hope that the revision of the list of occupational diseases established by Ordinance No. 10/SLM of 21 March 1959 will take place soon so as to ensure full application of the Convention on the aforementioned points.<sup>1</sup>

Central African Empire (ratification: 1960)

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

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.

Guinea (ratification: 1959)

In information provided in the Conference Committee in 1977, the Government representative indicated that a report had already been communicated. The Committee must, however, note that no report has been supplied since its last session. It is therefore obliged to repeat its previous observation in which it had noted that the position taken by the Government, in its report covering the period 1974-76, was not in conformity with the Convention and had repeated its previous comments which were in the following terms:

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

<sup>1</sup> The Government is asked to report in detail for the period ending 30 June 1979.

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.

The Committee ventures to call again the Government's attention to all of these points and requests it to reconsider its most recent position which would seem to preclude any possibility of taking steps to bring national legislation into conformity with the provisions of the Convention.

#### Nicaragua (ratification: 1934)

With reference to its earlier comments, the Committee has noted with satisfaction the adoption, following direct contacts which took place in 1975, between the national services concerned and a representative of the Director-General of the ILO, of Decree No. 633 of 6 August 1977 to amend the Labour Code, which modifies, in particular, paragraph 15 of section 84 of the said Code so as to include among the jobs liable to produce anthrax infection the "loading and unloading or transport of merchandise" in general, in accordance with the Convention.

#### Switzerland (ratification: 1927)

In reply to the Committee's earlier comments, the Government indicates that the draft Federal Law on accident insurance, which provides, in particular, for the inclusion of the agricultural sector in general insurance coverage, is at present before Parliament. The Committee notes with interest this statement. It hopes that it will be possible to adopt the new accident insurance Act soon and that the Act will ensure that protection against occupational diseases in agriculture is also covered by the law, in accordance with the Convention.

#### Upper Volta (ratification: 1960)

The Committee notes with regret that, for the third year in succession, the Government's report has not been received. It must therefore repeat its previous observation which read 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.

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

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

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

United Republic of Cameroon (ratification: 1962)

Article 1, paragraph 2, of the Convention. Referring to its previous comments, the Committee notes the adoption of Act No. 77/11 of 13 July 1977 with respect to compensation for and prevention of industrial accidents and occupational diseases, section 38 of which formally brings the legislation into conformity with the Convention. The Committee notes, however, that the aforementioned section 38 henceforth provides that benefit will be suspended for nationals (as well as foreigners) who are victims of an industrial accident, when they transfer their place of residence outside Cameroon, whereas the previous legislation did not contain a residence condition for nationals.

Mauritania (ratification: 1963)

The Committee notes with regret that for the third year in succession the Government's report has not been received and that its previous 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.

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

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

Requests regarding certain points are being addressed directly to the following States: Colombia, Peru.

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

Colombia (ratification: 1933)

The Committee notes with regret that the Government's report has not been received. It recalls the information supplied by the Government to the Conference Committee in 1977, that a bill taking into account all the provisions of the Convention was to be submitted to Parliament in July 1977. The Committee trusts that legislation to give effect to this Convention will be adopted at a very early date.

Mauritania (ratification: 1963)

The Committee regrets to note that the report of the Government has not been received. It is bound to repeat the following points, which were raised in earlier direct requests.

Article 3, paragraph 1, of the Convention. The Committee requests the Government to indicate what, in practice, are the facilities given to seamen to examine the articles of agreement before they are signed.

Article 9, paragraph 1. Section 4 of Chapter X (Book III) of the Merchant Marine and Sea Fisheries Code lays down that a seaman shall not disembark of his own accord outside a Mauritanian port without the authorisation of the maritime authority. This provision is contrary to the Convention, under which an agreement for an indefinite period may be terminated by either party in any port where the vessel loads or unloads, provided that the notice specified in the agreement is observed.

Article 13. The legislation does not appear to provide for the possibility for the seaman of taking his discharge in the circumstances indicated in this Article.

The Committee hopes that the Government will in its next report indicate the measures taken with a view to ensuring the application of these provisions of the Convention.

Mexico (ratification: 1954)

The Committee has noted the information supplied by the Government in reply to its earlier comments.

Article 5, paragraph 2, of the Convention. The Committee has noted from the Government's report that as a result of a recent administrative reorganisation it is now the responsibility of the Secretariat for Communications and Transport to issue the seaman's book, and that the latter has been informed of the comments made by the Committee to the effect that any evaluation of the quality of the seaman's work should be omitted from the book. The Committee hopes that the necessary measures will be taken in the near future.

Article 9, paragraph 1. In previous comments the Committee has drawn attention to the discrepancy between section 209(III) of the Federal Labour Act, which prohibits the termination of the employment relationship when the vessel is in foreign waters, and this provision 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, subject to the giving of the notice specified in the agreement.

In its replies the Government has particularly emphasised the difficulties facing a seaman if his employment is terminated in a foreign port and, even if his repatriation is assured, the forced unemployment without remuneration to which he may be subjected during the voyage to the port of disembarkation. The Committee has recalled in this connection that the Convention does not prohibit the imposition of limitations on the right of an employer to terminate the employment relationship (on the lines indicated in the Termination of Employment Recommendation, 1963 (No. 119)), since, in accordance with the principle stated in article 19, paragraph 8, of the ILO Constitution, the ratification of a Convention does not prevent in any case the adoption of conditions which are more favourable to the workers concerned.

In its latest report, the Government indicates that the situation in Mexico is consistent with the principle mentioned above. It states that clause III of section 209, mentioned above, deals with the termination of agreements for a definite period, since clause IV of section 209 refers specifically to agreements for an indefinite period and lays down only one obligation for a seaman wishing to terminate his agreement, namely that he must give 72 hours' notice.

The Committee takes note of the new interpretation of these provisions of the Labour Act proposed by the Government. It observes nevertheless that clauses II and III of section 209 of the Federal Labour Act are couched in general terms and are not specifically limited to agreements for a definite period. Furthermore, there seems to be no reason why a seaman should be prevented from leaving his employment on the expiry of his agreement for a definite period merely because his vessel happens to be at that moment in a foreign port. The Committee accordingly hopes that, in order to avoid any uncertainty on this important issue, the Government will take steps to amend clause III of section 209 of the Federal Labour Act so as to permit the termination of an agreement (whether for a definite or indefinite period) in a foreign port, or so as to limit any restrictions in this respect to termination of the employment relationship by the employer.

Articles 12 and 13. The Committee would be grateful if the Government would supply a copy of the provisions of the national legislation which, according to the report, give effect to these Articles.

Nicaragua (ratification: 1934)

Further to its earlier comments, the Committee notes with satisfaction that, as a result of the direct contacts held in 1975 between the competent national services and a representative of the Director-General of the ILO, Decree No. 633 was adopted on 6 August 1977 to amend section 153 of the Labour Code and give effect to Article 9, paragraphs 1 and 3, of the Convention.

Venezuela (ratification: 1944)

The Committee notes from the information supplied by the Government to the Conference Committee in 1977 and from its last report that a committee has been set up to prepare new draft regulations for seafarers taking into account the earlier comments of the Committee and that the technical assistance of the ILO has been requested for the preparation of the draft.

The Committee hopes that measures will shortly be taken to bring the legislation into conformity with the Convention on the following points:

Article 9, paragraph 1, of the Convention. Section 289 of the present regulations issued under the Labour Act prohibits the termination of the agreement when the vessel is in a foreign port, whereas, under the present paragraph of the Convention, an agreement for an indefinite period may be terminated in any port where the vessel loads or unloads.

Article 14, paragraph 2. Nothing in the legislation provides that a seaman shall have the right to obtain from the master a separate certificate indicating the quality of his work, as is prescribed by the present paragraph of the Convention.

The Committee is again addressing a direct request to the Government on Article 6, paragraph 3(10)(c), Article 8 and Article 13, paragraph 1, of the Convention and hopes that these provisions will also be taken into consideration in the draft regulations.

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

**Convention No. 26: Minimum Wage-Fixing Machinery, 1928**Rwanda (ratification: 1962)

Article 4 of the Convention. In its earlier comments the Committee noted that the national legislation does not lay down sanctions for failure to observe the minimum rates of wages in force. It takes note of the texts on this subject supplied by the Government.

The Committee observes that Ministerial Order No. 221/OS of 3 May 1976 fixes the minimum wages applicable to the various occupational groups but contains no provision laying down sanctions. The circular of 26 May 1976 respecting the application of this Ministerial Order states that if the labour inspectors find that an employer is paying,



even with the agreement of the worker, a wage lower than that prescribed for the grade or the group the worker belongs to, he will be ordered to carry out his obligations in this respect without prejudice to the sanctions laid down by the labour legislation. As the Committee has pointed out, however, the legislation lays down no sanctions for failure to observe the minimum wages fixed under section 85 of the Labour Code.

The Committee again expresses the hope that the Government will take measures to prescribe the necessary sanctions.<sup>1</sup>

Venezuela (ratification: 1944)

In previous observations the Committee had noted that, although the minimum wage-fixing procedures provided for in the Labour Act had not been applied, minimum wage rates for all workers had been established by Decree No. 121 of 31 May 1974, issued under the organic Law of 30 May 1974 authorising the President to take extraordinary measures in economic and financial matters. The Committee requested information on any new developments in the introduction of minimum wage-fixing machinery complying with Articles 1, 2 and 3 of the Convention.

The Committee notes with interest the statement made by the Government in its latest report that in the future it will seek to fix minimum wages as far as possible in accordance with the procedure laid down in the Convention, for which provision is already made in the regulations issued under the Labour Act.

The Committee recalls that the Labour Act and the regulations issued under this Act provide for the establishment, following consultation of the organisations of employers and workers concerned, of minimum wage boards for industries or branches of industry in which wages are low, on which the employers and workers concerned are to be represented in equal numbers.

The Committee hopes that in the future minimum wage rates will be fixed in conformity with the provisions of the Convention, either through the application of the provisions of the Labour Act and the regulations issued under this Act or, if it is again considered appropriate to fix minimum wage rates by special legislative measures, by ensuring prior consultations with the organisations of employers and workers concerned, as provided for in Articles 2 and 3, paragraph 2(1) of the Convention.

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

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

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<sup>1</sup> The Government is asked to report in detail for the period ending 30 June 1979.

**Convention No. 29: Forced Labour, 1930**Bulgaria (ratification: 1932)

Further to its previous comments, the Committee notes with satisfaction that, by section 1 of Order No. 79 of 20 December 1977, the Council of Ministers has repealed subsection 2 of section 14 of Order No. 31 of 20 June 1967 on the strengthening of labour discipline and the reduction of labour turnover, which provided that persons dismissed as a disciplinary measure and workers and employees having left their jobs on their own initiative may be admitted to other work only through the Labour and Wages Section of the Departmental People's Council and the Manpower Office of the Municipal People's Council.

Burundi (ratification: 1963)

Referring to its previous comments, the Committee notes with satisfaction that the Act of 17 February 1964 on the minimum personal tax and Ministerial Order No. 110/395 of 2 March 1964 establishing the conditions for the seizure of persons for non-payment of that tax and the obligation on defaulting taxpayers to undertake labour by administrative decision, have been repealed by Legislative Decree No. 1/12 of 4 May 1977.

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 1976.

1. Legislation concerning persons "leading a parasitic way of life". In its previous comments, the Committee noted that a Ukase of the Presidium of the Supreme Soviet of the Byelorussian SSR of 15 August 1975 had 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 of the Penal Code of the Byelorussian SSR which laid down penalties for refusal to comply with such a decision. In this connection, the Committee noted that, in other Republics of the USSR, corresponding amendments were accompanied by amendments extending the scope of provisions relating to vagrancy and begging, and asked the Government to indicate whether similar amendments have been made in section 204 or other sections of the Penal Code of the Byelorussian SSR.

In its latest report, the Government refers to the new Constitution of the USSR adopted in 1977, which guarantees citizens the right to work and offers reliable guarantees for the exercise of that right, and also specifies that work shall be a duty and a matter of honour for every able-bodied person and that refusal to undertake socially useful work is quite incompatible with the principles on which a socialist society reposes. The Committee takes due note of this information. It again requests the Government to indicate whether amendments extending the scope of provisions relating to vagrancy and begging have been made in section 204 or other sections of the Penal Code of the Byelorussian SSR.

2. In previous observations, the Committee had also referred to obligations in regard to the planning of agricultural production

imposed on collective farms and to restrictions on the possibility of terminating membership in a collective farm under legislation and rules adopted at the level of the USSR. The Committee notes that the Conference Committee in 1974, 1975 and 1976 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 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 comments on these matters in its observation made this year in respect of the USSR.

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 that these texts have still not been supplied and urges the Government once more to make them available.

Central African Empire (ratification: 1960)

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

For several years the Committee has pointed out that the authorities may impose forced or compulsory labour contrary to the provisions of the Convention by virtue of the following legislation:

- (a) By Ordinance No. 66/04 of 8 January 1966 for the suppression of idleness, as amended by Ordinance No. 72/083 of 18 October 1972, anyone, of either sex, between 18 and 55 years old and not physically incapacitated, must show proof of a normal occupation or the pursuance of studies at a school or university. Any person who is unable to show such proof is regarded as an idle person and is subject to a penalty of one to three years' imprisonment.
- (b) Ordinance No. 66/38 of 1966, respecting the control of the active population, provides that any person between 18 and 55 years old who cannot prove that he belongs to one of eight specified categories of the active population is to be directed to cultivate a plot of land designated by the administrative authorities, and if he is found outside his home district he 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 shall be fixed by each rural community.

In previous reports and in a communication to the Conference Committee in 1976, the Government indicated that it intended to bring this legislation into conformity with the Convention. The Committee therefore notes with regret that the Government's report for the period 1974-76 contains no information on the developments in this respect. It hopes steps will be taken in the near future to repeal the provisions in question.<sup>1</sup>

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 64th Session.

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Chad (ratification: 1960)

The Committee notes with regret that once again the Government has failed to supply a report and that no new information is available in reply to its previous comments.

1. Forced labour for recovery of taxes. In its previous observations, the Committee had referred to section 260 bis of the General Code of Direct Taxes, inserted by Act No. 28-62 of 28 December 1962, by virtue of which labour may be exacted for the recovery of taxes, contrary to Article 10 of the Convention. Having regard to the Government's statement to the Conference Committee in 1972 that it was envisaged to insert in the General Code of Direct Taxes a new section 260 bis, the Committee hopes that the Government will be able to indicate in the near future the measures which have been taken to bring this provision into conformity with the Convention.

2. Exaction of labour from persons subject to restriction on residence. In its previous observations, the Committee had noted that under section 2 of Act No. 14 of 13 November 1959, the administrative authorities were empowered to exact forced labour for works of public utility from persons subject to restrictions on residence following completion of a sentence. In this regard, the Government stated to the Conference Committee in 1972 that in practice no form of forced labour had been exacted from such persons. The Committee once again expresses the hope that, to ensure the observance of the Convention, section 2 of the Act of 1959 will be repealed.

3. Since 1965 the Committee has requested the Government to supply a copy of the instructions which, according to its statements, had been adopted to ensure that, in accordance with Article 2, paragraph 2(c), of the Convention, no form of 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>

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<sup>1</sup> The Government is asked to report in detail for the period ending 30 June 1978.

Cuba (ratification: 1953)

In its previous observations, the Committee noted the provisions of Act No. 1231 of 16 March 1971 in which it is stated that work is a social duty and provides penalties of up to two years internment in a work centre, with an obligation to work, for all persons who do not work, are absent for more than 15 working days without justification, or have been punished at least three times for unjustified absence. It noted that these provisions were contrary to Conventions Nos. 29 and 105 and therefore expressed the hope that they would be repealed.

The Committee notes the statement by the Government representative to the Conference Committee of June 1977, to the effect that section 8 of the Cuban Constitution of 24 February 1976 establishes the right to work and freedom of choice of employment, that the draft Penal Code which is still to be examined by the National Assembly contains amended provisions on idleness and that Act No. 1231 will be repealed as soon as the new legislation comes into force. In its latest report, the Government states in this connection that repeal of Act No. 1231 of 1971 has been delayed by the promulgation of other laws and that the newly introduced amendments to the judicial system constitute a prerequisite for submission to the next National Assembly of the draft Penal Code which will repeal Act No. 1231.

The Committee notes these indications. It trusts that the Government will not delay in taking the necessary measures to ensure conformity with the Convention on this essential matter.<sup>1</sup>

Finland (ratification: 1936)

Article 2, paragraph 2(c), of the Convention. In direct requests made for a number of years, the Committee referred to section 25 of the Public Assistance Act, which empowers administrative authorities to place persons in need of social protection in work institutions, without their consent. The Committee notes from the Government's latest report that it is now proposed to reform the Public Assistance Act as a whole and that the magnitude and complexity of this task are such that it cannot be indicated when this will be completed. The Committee recalls that in its earlier reports, the Government had stated that the partial revision of this Act was under preparation and that section 25 would be amended so as to leave to the courts the decision to commit a person without his consent to a work institution. The Committee hopes that the necessary measures to bring the Public Assistance Act into conformity with the Convention will be taken in the near future.

Gabon (ratification: 1960)

1. In its 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. These provisions are incompatible with the Convention.

The Committee recalls the statement made by a government representative to the Conference Committee in 1976, indicating that

<sup>1</sup> The Government is asked to report in detail for the period ending 30 June 1978.

this Ordinance would be repealed by the new Labour Code. In its last report, the Government indicated that Ordinance No. 50/62 had never been effectively applied and had consequently been out of use, but had never been formally repealed. Under these conditions, the Committee trusts that in order to clarify the legal situation the Government will take appropriate measures formally to repeal Ordinance No. 50/62 of 21 September 1962.

2. In its previous observation, the Committee also noted that section 4(a) of the draft Labour Code, to which the Government had referred, prohibits forced labour, but authorises labour or service called for under the military or civic service laws and involving tasks of a purely military nature or of general interest. It pointed out that the imposition of labour or service for carrying out tasks of general interest is not compatible with the Convention unless expressly limited to the exceptions mentioned therein.

The Government indicated in its report that the draft Labour Code would no doubt be adopted in October 1977.

The Committee hopes that the Government will be able to indicate the measures taken with regard to section 4(a) of the draft Labour Code so as to exclude any imposition of labour or service other than in the cases specified in Article 2, paragraph 2 of the Convention.

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. It must therefore repeat its previous observation which read as follows:

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 which is not permitted by Article 2, paragraph 2(c) of the Convention. The Committee also noted that the legislation does not prescribe any penalties for the illegal exaction of forced or compulsory labour, as provided for under Article 25 of the Convention.

The Committee notes the information which the Government provided to the representative of the Director-General of the ILO during the direct contacts held in 1976 to the effect that there has been no case of imposition of forced labour in the circumstances provided for under section 230 of the Penal Code and that the Government will shortly be bringing its legislation into line with the Convention on the points mentioned by the Committee. It hopes that the necessary measures will be taken in the near future and that the Government will provide information on the matter.

Honduras (ratification: 1957)

With reference to its previous observations, the Committee notes with satisfaction that following the direct contacts which took place between the competent national authorities and a representative of the Director-General of the ILO, Decrees Nos. 458 and 459 of 11 May 1977 were adopted to bring certain provisions of the legislation into conformity with Article 2, paragraphs 1 and 2(c) of the Convention.

Decree No. 458 has amended the Police Act of 8 February 1906 cancelling the power of the police to compel certain categories of persons to perform labour, defining vagrancy more closely and modifying the trial procedure for this offence so that henceforth vagrants can be sent to prison only as the result of conviction in a court of law.

Decree No. 459 eliminates the possibility of requiring convicts to work for private employers.

Hungary (ratification: 1956)

In its previous comments, the Committee referred to the provisions to the effect that members of agricultural co-operatives could not leave the co-operative without the agreement of the General Assembly. It notes with satisfaction that, under section 12 of Act No. III of 1967 on agricultural production co-operatives, as amended in 1977, the departure of a member depends solely on his own desire, subject to a period of notice which cannot be established at more than six months.

Indonesia (ratification: 1950)

In earlier observations the Committee noted that large numbers of persons had been detained for periods of up to ten years or more without having been tried by a court of law. Some 10,000 of these detainees had been installed on the island of Buru, which they were not free to leave and where they had no other choice than to work in the narrow range of activities provided for in the resettlement programme. The Implementing Agency for Buru Resettlement also referred to compulsory agricultural projects in its 1975 report on the development and growth of the rehabilitation installation on Buru Island. The Committee had concluded that the detainees were performing forced or compulsory labour within the meaning of the Convention. Furthermore, according to allegations made in the Conference Committee in 1974, detainees in other parts of Indonesia had been forced to work on major construction projects. The Committee had asked the Government to supply information in answer to these allegations, and to indicate the measures taken or proposed to be taken to ensure the observance of the Convention in regard to all the persons concerned.

In reports received in 1976 and 1977 and in a statement made at the Conference Committee in 1976, the Government undertook to settle the entire matter by the end of 1978 by the trial or release of all remaining detainees. As regards detainees against whom there was insufficient evidence to go to trial, the Government stated that resettlement areas were to be established for the released detainees, that those who came from Java would be transmigrated to other islands, and that their adjustment process might take time and required supervision.

In its observation in 1977 the Committee pointed out that, in order to ensure the observance of the Convention, detainees who were

not brought to trial should be permitted once again to enjoy full and effective freedom of choice of employment. It asked the Government to supply information on the measures taken to this end, as well as on the action taken regarding detainees whom it was proposed to bring to trial.

In its report dated 8 March 1978, the Government states that on 20 December 1977, 10,000 detainees were simultaneously released from various rehabilitation centres all over Indonesia, including 1,500 detainees on Buru Island, and that the number of remaining detainees was 19,791; these are to be released in 1978 and 1979. According to the Government, these releases are absolute and unconditional. If, however, living as ordinary free citizens in the community, these ex-detainees should later encounter difficulties to obtain jobs, or family troubles, then the Government is ready to assist them by offering them accommodation and the opportunity towards a decent living in one of several resettlement projects being established by the Government for this purpose, within the framework of the national transmigration programme. The Government states that these resettlement projects can be taken advantage of by the ex-detainees on a voluntary basis.

With regard to detainees whom it was proposed to bring to trial, the Government indicates in its report that by the end of 1978 all cases will be settled either through adjudication or through reclassification.

The Committee has noted this information with interest. As regards detainees whom it is proposed to bring to trial, the Committee expresses the hope that the Government will supply detailed information on the action taken, including the number of persons tried, reclassified or still awaiting trial, and the measures taken to ensure that persons who are acquitted or whose sentences do not involve further detention are permitted to recover their free choice of employment.

As regards detainees who are not to be brought to trial, the Committee hopes that the Government will continue to provide full information on the action taken with a view to their release in conditions which permit them once again to enjoy full and effective freedom of choice of employment. It would also appreciate copies of the rules governing participation in resettlement schemes, including more particularly the conditions under which persons taking part in the resettlement projects may terminate such participation.<sup>1</sup>

#### Kenya (ratification: 1964)

In previous comments, the Committee had noted that, under sections 13 to 18 of the Chief's Authority Act (Cap. 128), able-bodied male persons between 18 and 45 years of age may be required to perform any work or service in connection with the conservation of natural resources. In its latest report, the Government expresses the view that the national legislation does not offend the Convention, since the proviso to section 13 of the Act lays down verbatim the provisions of Article 9(a) to (d) and Article 10(2)(a) to (d) of the Convention; the Government also states that the Chiefs can only call up people to perform minor communal services in the area of the community concerned.

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<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 64th Session and to report in detail for the period ending 30 June 1978.



In this connection, the Committee wishes to point out that the conditions and guarantees provided for in Articles 9 and 10 of the Convention concern the recourse to forced or compulsory labour as an exceptional measure during a transitional period preceding its complete suppression required by Article 1 of the Convention within the shortest possible period. Moreover, one condition laid down in Article 10(d) of the Convention for the transitory period, namely that the work or service will not entail the removal of the workers from their place of habitual residence, is not provided for in the Chief's Authority Act.

With regard to the performance of minor communal services, which is altogether exempted from the scope of the Convention under the conditions laid down in Article 2, paragraph 2(e), the Committee has observed in previous comments that section 14 of the Act authorises the exaction of labour for up to 60 days in any year and accordingly does not meet the criteria for "minor services".

In view of the Government's statement that the Chiefs can only call up people to perform minor communal services, and recalling from information previously supplied by the Government that sections 13 and 14 of the Act have rarely been invoked in recent times, as there is now a permanent force of labourers under government employment on full pay, working mostly in forest areas for the conservation of natural resources, the Committee once again expresses the hope that the Government will take the necessary steps to bring the legislation into conformity with the Convention (for example, by providing expressly that work may only be exacted for minor communal services, or by repealing sections 13 to 18 of the Chief's Authority Act).

#### Liberia (ratification: 1931)

1. Legislation relating to vagrancy. Further to its previous observations, the Committee notes with satisfaction that section 346 of the Penal Code, under which idle persons who refused employment offered to them could be punished as vagrants, has been amended so as to limit its scope to able-bodied persons living idly without any visible business, employment, means of living or support who wander about the country without any settled home or who go about begging.

2. Local public works. In its previous observations, the Committee noted the Government's statement that, following the adoption, on 31 March 1971, of a new Local Government Law, the Revised Laws and Administrative Regulations for Governing the Hinterland, 1949 (which contained provisions permitting the exaction of forced labour for a variety of purposes) were no longer being used as the basis for local administration, and that the maintenance of tribal roads and bridges (which had remained an obligation upon tribesmen) had become the obligation of the Government. The Government further indicated that, in order to remove all doubts in the matter and discrepancies between the legislation and the application of the Convention, the competent government agency was engaged in modifying and updating the Revised Laws and Administrative Regulations for Governing the Hinterland, 1949.

The Committee asked the Government to supply a copy of the Local Government Law of 1971, as well as information on the progress made in modifying the Revised Laws and Administrative Regulations for Governing the Hinterland, 1949. Referring to the organisation, role and competence of the local, district and country development committees (which are instrumental in the implementation of the rural development programme on a "self-help" basis, involving the supply of unpaid labour by the local inhabitants), the Committee also requested a copy of the guidelines governing the implementation of rural self-help development projects.

The Committee notes that despite its repeated requests, the text of the Local Government Law of 1971 has not been supplied, and that according to the Government's report on Conventions Nos. 104 and 105, the Government has not seen the need to give further consideration to the draft version of the New Local Government Law (31 March 1971). Moreover, in its report on Convention No. 29 the Government states that the modification and updating of the Revised Laws and Administrative Regulations for Governing the Hinterland, 1949 needs no further consideration, since those statutory provisions or sections which were not in conformity with the Convention had been repealed in 1962. The Government also states in its report that in the absence of the Revised Laws and Administrative Regulations for Governing the Hinterland, the Ministry of Local Government, Rural Development and Urban Reconstruction currently uses administrative guidelines to govern the implementation of rural development.

The Committee has taken note of these guidelines, as well as of the 1977 report of the Ministry of Labour, Youth and Sports, communicated by the Government, which stresses the decentralisation of decision making in the selection of development projects. The administrative guidelines define the responsibilities of district development committees and establish procedures under which government assistance may be obtained for local development projects. While these guidelines state that the project co-ordinator "will provide or arrange for the provision of ... all necessary labour, either voluntary or paid, to ensure completion of the project", they do not specify how these arrangements are to be made and do not seem to replace the provisions of the Revised Laws and Administrative Regulations for Governing the Hinterland, 1949 concerning local administration and the supply of labour.

The Committee recalls that the Revised Laws and Administrative Regulations for Governing the Hinterland, 1949 contain provisions permitting the exaction of forced labour inter alia for public works; although stated to have been repealed in 1962, these continued to be used as the basis for local administration according to information made available by the Government in 1972. While the Local Government Law of 1971 was to have superseded these provisions, it now appears from the Government's report on Conventions Nos. 104 and 105 that this Act has in fact not been adopted.

The Committee notes the statement of the Government's representative to the Conference Committee in 1977 with regard to the old Laws and Administrative Regulations for Governing the Hinterland that a draft law aimed at repealing provisions contrary to the Convention had been referred to a committee which had submitted a report to the President on the matter. It also notes the reference made in the 1977 report of the Ministry of Local Government, Rural Development and Urban Reconstruction to the necessity of revising and updating the provisions in question. It again urges the Government to take the necessary action to clarify the legal situation regarding local government and to ensure the observance of the Convention in local public works. It hopes that full information on the legislative and other measures adopted to this end will be supplied at an early date.

3. Prohibition of forced labour. In its report for 1974-75, the Government indicated that penal sanctions to punish the illegal exaction of forced labour were included in the new draft Labour Code and that, pending adoption of such Code, draft legislation on the matter had been prepared to bring the law into conformity with Article 25 of the Convention. In the absence of further information in the Government's subsequent reports the Committee again expresses the hope that the necessary legislation will be adopted 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, of ensuring the strict observance of such legislation, in accordance with Articles 24 and 25 of the Convention. In this connection, the Committee asked the Government to supply full information on the measures adopted to ensure adequate labour inspection particularly in the agricultural sector, including non-concessionary agricultural undertakings. The Committee had also asked for information on the measures taken to ensure that compulsory cultivation is no longer imposed by tribal chiefs.

The Committee notes from the 1977 report of the Ministry of Labour, Youth and Sports that, as in previous years, lack of adequate transportation prevented the carrying out of frequent inspection visits, and non-concessionary agricultural undertakings do not appear to have been inspected. The Committee again expresses the hope that the necessary measures will be taken in this respect and that the Government will supply full information on the progress made. It requests the Government to continue to communicate copies of the annual reports of the Ministry of Labour, Youth and Sports and the Ministry of Local Government, Rural Development and Urban Reconstruction.

Madagascar (ratification: 1960)

Article 2, paragraph 2(c), of the Convention. 1. Hiring out prison labour to private contractors. In its previous comments, the Committee noted that Decree No. 59-121 of 27 October 1959 concerning the organisation of prison services, as amended, provides for the possibility of hiring out prison labour to private contractors.

In 1976, the Committee noted the Government's statement that Decree No. 59-121 of 27 October 1959 was being amended and that the hiring out of prison labour to private persons had been stopped by Circular No. 10-MJ/DIR/CAB/C of 1 July 1970. The Government had also indicated that, as there was a shortage of available workers, prisoners were still being hired out to certain undertakings on a provisional basis, for the purpose of saving harvests which were in peril. The Committee therefore requested the Government to ensure that the hiring out of prison labour to private contractors would be suppressed or restricted to cases of voluntary employment and with the guarantees mentioned in paragraph 79 of the general survey of forced labour in the Committee's 1968 report.

The Committee has noted the provisions of Circular No. 10-MJ/DIR/CAB/C of 1 July 1970 and several later circulars communicated by the Government. It notes that whilst these circulars seek to eliminate certain abuses in the use of prison labour, they maintain the practice of hiring out prison labour for harvest work.

The Committee notes however that Circular No. 10-MJ/DIR/CAB/C of 1 July 1970 stipulates that the rate of payment for prison labour made available shall be equal to the remuneration which would be payable by the employers if they employed other workers in accordance with local practice. It also notes with interest the Government's statement that the prisoners made available to these undertakings are prisoners on semi-liberty, under section 71 of Decree No. 59-121, with a view to their readaptation to life in society and that having regard to the small number of prisoners made available to outside contractors, their choice depends primarily on their agreement. With reference to its general observation of 1974 concerning the Convention, the Committee hopes that the Government will adopt a provision formally embodying the

principle that prisoners shall be hired out to private contractors or individuals only with their consent and provided that they receive normal wages and social security coverage.

2. Imposition of penal labour on persons held in custody. In its earlier comments, the Committee noted that under section 68 of Decree No. 59-121 of 27 October 1959 as modified by Decree No. 63-167 of 6 March 1963 persons held in custody pending trial may be obliged to perform penal labour. It also noted that section 2 of the Labour Code, which prohibits forced labour, expressly limits the exception with regard to penal labour, to work required as a result of a court sentence. In these circumstances, it expressed the hope that the provision of section 68 of the Decree authorising forced labour for persons held in custody would be repealed in the near future. The Committee notes with regret that the Government's latest report merely indicates that Decree No. 59-121 has not yet been modified. It trusts that the necessary provisions will be adopted soon to bring section 68 of Decree No. 59-121 of 27 October 1959 into conformity with the Convention.<sup>1</sup>

#### Mauritania (ratification: 1961)

The Committee notes with regret that the Government has again failed to supply a report and that no new information is available in reply to its previous observation, which read as follows:

1. The Committee has noted previously that Act No. 71-059 of 25 February 1971, concerning the general organisation of civil protection, limits the power to call up labour to specified exceptional circumstances falling within the definition of emergencies contained in Article 2, paragraph 2(d), of the Convention. The Committee has however noted that this Act has not repealed any earlier legislation. It hopes that measures will be taken to repeal Ordinance No. 62-101 of 26 April 1962 granting district officers very general powers to requisition persons.

2. The Committee also once more expresses the hope that Act No. 70-029 of 23 January 1970, which makes it possible to requisition employees in the public administration, in public undertakings and in private undertakings "when circumstances so require", will be amended so as to permit such requisitioning only in circumstances of emergency within the meaning of Article 2, paragraph 2(d), of the Convention.

3. The Committee would ask the Government also to provide information on the regulations now in force in regard to the conditions of employment of prison labour, and indicate in particular the measures taken to ensure, in accordance with Article 2, paragraph 2(c), of the Convention, that prisoners are not hired to or placed at the disposal of private persons, companies or associations.

#### Netherlands (ratification: 1933)

1. The Committee notes with satisfaction from the Government's reply to its earlier comments that sections 226 and 227 of the Local Government Act - under which the inhabitants of a municipality might be required to render personal services to maintain public order or in the general interest - have been repealed by an Act of 5 March 1977.

<sup>1</sup> The Government is asked to report in detail for the period ending 30 June 1978.

2. The Committee further notes with interest that the Public Prosecutors have decided not to prosecute in future under section 6 of the Extraordinary (Employment Relations) Decree, 1945, which forbids employers and employees, with a few exceptions, to terminate employment without the consent of the district employment office, and that a bill (No. 13656) providing for the repeal of this section has been submitted to the Second Chamber of the States General, while Bill No. 11.001, which provides for the abolition of the penal sanction enforcing this provision, is still pending in the First Chamber. The Committee would ask the Government to indicate when these legislative changes have been adopted.

Pakistan (ratification: 1957)

The Committee has noted the information communicated by the Government in reply to the previous observation.

1. Legal 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. Similar provisions are contained in the West Pakistan Essential Services (Maintenance) Act, 1958.

The Committee notes with interest the Government's statement to the Conference Committee in 1977 to the effect that section 3 of the Pakistan Essential Services Act has never been applied in practice, that it will never be applied in circumstances other than those permitted under Article 2 of the Convention, and that, notwithstanding the provisions in question, federal and provincial government employees can in practice resign or leave their job with three months' notice or less.

Having regard to the declared policy and practice of the Government and in order to ensure compliance with the Convention in law as well as in practice, the Committee once again requests the Government to take the necessary measures either to repeal the enactments referred to above or to amend them so as to formally limit their scope 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 notes with interest from the Government's latest report that the emergency in the country has been revoked with effect from 15 September 1977 and that the Defence of Pakistan Ordinance and the rules under it, which permitted the imposition of compulsory labour, have been repealed. It would ask the Government to indicate the legislation by which these texts have been repealed.

In its report, the Government again states that the Control of Employment Ordinance has never been applied except in time of war. It further states that, according to its section 3, the Ordinance is applicable only during an emergency. The Committee observes that no such limitation was included in section 3 of the Control of Employment Ordinance at the time of its adoption. It hopes that the Government will indicate the measures subsequently taken to formally restrict its scope.

3. The Committee has taken note of the information on prison labour including the Jail Manual, supplied by the Government.

4. Article 25 of the Convention. With regard to allegations of recourse to coercion by certain labour recruiters, the Committee noted in its previous observation the Government's statement that the accused in those cases of forced labour which had taken place had been sentenced to various terms of imprisonment. It had asked the Government to supply any available further information about the legal action against the labour recruiters involved. In the absence of reference to this in the Government's statement to the Conference Committee in 1977 and in its latest report the Committee again expresses the hope that further details regarding the convictions mentioned and the sentences imposed will be supplied.

The Committee also asked the Government to report in detail on the activities of the labour inspection services in supervising the conditions of engagement of workers by labour contractors. It notes the Government's statement in its report that information on this issue is being collected from the provincial governments and will be submitted in the near future.

#### Paraguay (ratification: 1967)

See general observation.

Referring to its earlier comments, the Committee notes with interest that following the direct contacts which took place in July 1977 between the competent national services and a representative of the Director-General of the ILO, two bills were prepared, amending section 3 of Legislative Decree No. 1429 of 24 May 1940 and section 39 of Act No. 210 of 22 September 1970 on prison systems, so as to bring the provisions of the national legislation into conformity with Article 2, paragraphs 1 and 2(c) of Convention No. 29 and Article 1(a) of Convention No. 105. The Committee hopes that the texts in question will be adopted in the near future.

#### Sierra Leone (ratification: 1961)

In comments made since 1964, the Committee has requested the Government to repeal or amend section 8(h) of the Chiefdom Councils Act (Cap. 61) under which compulsory cultivation may be imposed on natives. The Committee notes from the Government's latest report that the matter was discussed at a meeting of various government authorities concerned which felt that in view of the far-reaching implications which the amendment to or replacement of the word "native" in the Interpretation Act could have, the matter should be further considered. The Committee wishes to point out that provisions for compulsory cultivation - whether applicable to certain categories of persons or to the whole population - are compatible with the Convention only where their scope is limited to the event of actual or threatened famine. Having regard also to the Government's earlier statement that it is no longer the practice for tribesmen to perform compulsory cultivation for their chiefs, the Committee trusts that measures will be taken to bring section 8(h) of the Chiefdom Councils Act into conformity with the Convention.

Tanzania (ratification: 1962)Tanganyika

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

- section 52(1), paragraph 45, of the Local Government Ordinance (as amended by Act No. 64 of 1962) and section 121(e) of the Employment Ordinance (as amended by Act No. 82 of 1962) permit the imposition of compulsory cultivation by local authorities. The Committee has noted that a number of by-laws imposing such obligations have been made by local authorities and approved by the competent minister as recently as 1976;
- Part X of the Employment Ordinance also permits the exaction of forced labour for public purposes;
- 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.

The Committee notes from the information supplied to the Conference in 1977 that the Government takes these comments very seriously and is considering legislative measures to change these provisions; in view of the discussions held during direct contacts in 1976, the Labour Advisory Board has highly recommended that the relevant provisions of the Employment Ordinance should be repealed.

The Committee recalls that these matters have been the subject of comments for a number of years. It hopes that measures will now be taken to bring the legislation into conformity with the Convention.

Zanzibar

See General Observation.

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. In the absence of any information on the regulations which may have been made in this regard, the Committee is 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. It accordingly hopes that the difficulties which have been facing the Government as regards access to information on the application of the present Convention in Zanzibar will soon be overcome.

Togo (ratification: 1960)

The Committee notes with regret that the Government's report has not been received. It recalls that in its earlier direct requests, the

Committee had referred to the provisions of section 21 of Order No. 488 of 1 September 1933 respecting the penitentiary system, under which persons detained pending trial are obliged to work and prisoners may be placed at the disposal of private persons contrary to Article 2, paragraph 2(c) of the Convention. The Committee had noted the Government's statement to the Conference Committee in 1975 to the effect that these provisions had fallen into disuse and would be repealed by the new Penal Code which was to be adopted in the near future. Since similar statements have been made over a certain number of years in the Government's reports with regard to the adoption of a new Code of Penal Procedure, the Committee trusts that appropriate measures will be adopted in the near future to bring legislation on penal labour into conformity with the Convention and that the Government's next report will indicate the action that has been taken.

Tunisia (ratification: 1962)

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

1. In previous comments, the Committee referred to section 2(1) of the Legislative Decree on rehabilitation through labour (No. 62-17 of 15 August 1962) under which any male person who dishonestly refuses to work after receiving prior warning may, by order of a committee appointed by the Secretaries of State, for Justice and for the Interior - which is effective immediately and subject to no appeal on error of fact or law - be directed to rehabilitative labour on a government worksite for a period of up to one year (for a first offender) or up to two years (for a recidivist).

In its report the Government repeats that the committee referred to is judicial in character. However, the Committee of Experts observes that, while the Convention excepts from its scope - in the circumstances specified in Article 2, paragraph 2(c) - work exacted as a consequence of a conviction in a court of law, it nevertheless prohibits in Article 2, paragraph 1, recourse to the menace of any penalty (including penal sanctions) as a means of compulsion to work. The Committee has emphasised, in paragraph 56 of its General Survey of Forced Labour of 1968, that laws or regulations defining vagrancy and similar offences in too broad a manner might be used as a means of compulsion to work. The Committee accordingly asks the Government to reconsider the matter with a view to limiting the scope of Legislative Decree No. 62-17 to cases of unlawful behaviour such as those mentioned in section 2(2) and (3) of the Decree.

2. The Committee has noted the Government's repeated statement that the Decree of 17 December 1942 under which convicted persons in prison may be placed at the disposal of private employers, and likewise the Decrees dated 7 August 1936, 29 September 1938 and 28 January 1946 and the Orders dated 17 December 1942 and 25 February 1943, which allow workers to be requisitioned, have been tacitly repealed either because they have never been put into operation since Independence or because they were war-time measures which fell into disuse 30 years ago. The Committee takes due note of this statement. It considers however that it would be useful, in order to avoid any misunderstanding by the authorities or other persons applying the national legislation, if the Government would also repeal formally any texts that are incompatible with the ratified Conventions even if they have fallen into disuse. Consequently, it hopes that the Government will have no difficulty in bringing the national law into line with the practice indicated and with the Convention.



Ukrainian SSR (ratification: 1956)

1. Legislation concerning persons "leading a parasitic way of life". In previous comments, the Committee referred to the provisions for punishing "persons leading, over a prolonged period of time, any other parasitic way of life", inserted in 1975 in section 214 of the Penal Code of the Ukrainian SSR which had previously applied only to persons systematically engaging in vagrancy or begging. It asked the Government to supply information concerning the precise meaning and scope of the term "leading over a prolonged period of time any other parasitic way of life", and in particular information on any judicial decisions relevant to this question.

In its latest report, the Government refers to article 40 of the new Constitution adopted in 1977, which guarantees citizens the right to work and to article 60, which sets out the duty to work and states that this is a matter of honour for every able-bodied citizen, while evasion of socially useful work is incompatible with the principles of socialist society.

The Government also refers to the Ukrainian Labour Code, which states that work is a duty and a moral obligation for every able-bodied citizen based on the principle that he who works not, neither shall he eat. It further indicates that cases of social parasitism are investigated by judicial bodies which abide by all the principles governing Soviet justice.

The Committee takes due note of these indications. It also has noted that by Ordinance No. 10 of 28 June 1973 as amended by Ordinance No. 13 of 3 September 1976, the Plenum of the Supreme Court of the USSR laid down guidelines for courts dealing with cases of violation of the passport rules, systematic vagrancy or begging and the leading of any other parasitic way of life. While this Ordinance contains definitions of "systematic vagrancy" and "begging", it does not specifically define the concept of "leading any other parasitic way of life". However, according to section 6, criminal proceedings for leading a parasitic way of life for a protracted period may not be brought against minors, persons recognised under established legal procedure as invalids or who have reached the age of retirement, or pregnant women or women with children under the age of 8 years or housewives. Section 7 provides that in the absence among the case materials of sufficient data concerning the capacity for work of a person charged with leading a parasitic way of life for a protracted period, his capacity for work can be ascertained on the basis of medical findings.

The Committee recalls the comments made in paragraphs 55 and 56 of the general survey of forced labour in its 1968 report, where it pointed out that laws creating an obligation for all able-bodied citizens to engage in a gainful occupation, subject to penal sanctions, are incompatible with the Convention and that laws on vagrancy and assimilated offences worded in such general terms as to lend themselves to application as means of direct or indirect compulsion to work should be amended. The Committee would request the Government to provide information on any measures taken or contemplated regarding section 214 of the Penal Code of the Ukrainian SSR with a view to ensuring observance of the Convention.

2. In previous observations the Committee had also referred to obligations in regard to the planning of agricultural production imposed on collective farms and to restrictions on the possibility of terminating membership in a collective farm under legislation and rules adopted at the level of the USSR. The Committee notes that the Conference Committee in 1974 and 1976 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 comments on these matters in its observation made this year in respect of the USSR.

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.

The Committee notes from the Government's latest report that the Code, originally adopted in 1928, was published in 1956 in the form of extracts comprising relevant legislation in force on 1 January 1956, arranged systematically, and that at present there are a whole series of enactments defining administrative liability and procedures. It would ask the Government to supply a copy of the 1956 Code, as well as copies of any later enactments relating to compulsory service and sanctions for non-compliance.

#### USSR (ratification: 1956)

1. Legislation concerning persons "leading a parasitic way of life". In previous observations, the Committee referred to the provisions concerning persons "leading, over a prolonged period of time, any parasitic way of life", inserted in 1975 in section 209 of the Penal Code of the RSFSR which had previously applied only to persons systematically engaging in vagrancy or begging. It noted that by Ordinance No. 10 of 28 June 1973 as amended by Ordinance No. 13 of 3 September 1976, the Plenum of the Supreme Court of the USSR had laid down guidelines for courts dealing with cases of violation of the passport rules, systematic vagrancy or begging and the leading of any other parasitic way of life. While this Ordinance contains definitions of "systematic vagrancy" and "begging", it does not specifically define the concept of "leading any other parasitic way of life". However, according to section 6, criminal proceedings for leading a parasitic way of life for a protracted period may not be brought against minors, persons recognised under established legal procedure as invalids or who have reached the age of retirement, or pregnant women or women with children under the age of 8 years or housewives. Section 7 provides that in the absence among the case materials of sufficient data concerning the capacity for work of a person charged with leading a parasitic way of life for a protracted period, his capacity for work can be ascertained on the basis of medical findings.

In this connection, the Committee recalled the comments made in paragraphs 55 and 56 of the general survey on forced labour in its 1968 report, where it pointed out that laws creating an obligation for all able-bodied citizens to engage in a gainful occupation, subject to penal sanctions, are incompatible with the Convention and that laws on vagrancy and assimilated offences worded in such general terms as to lend themselves to application as means of direct or indirect compulsion to work should be amended to bring them within the narrower concept of vagrancy. The Committee accordingly asked the Government to provide information on any measures taken or contemplated regarding section 209 of the Penal Code of the RSFSR and corresponding provisions in other Union Republics with a view to ensuring observance of the Convention.

In its latest report, the Government supplies detailed information on the new Constitution adopted in 1977, and emphasises that a harmonious balance has been achieved therein between the rights and obligations of the individual. In particular, the Government refers to article 40, which guarantees citizens the right to work reinforced by effective social and economic safeguards for the exercise of this right, and to article 60, which sets out the duty to work and states that this is a matter of honour for every able-bodied citizen, while laying down that to evade socially useful work is incompatible with the principles of socialist society.

The Government also refers to the explanations given by its representative to the Conference Committee in 1977, that free and voluntary work was a basic principle of Soviet society and a moral obligation which was reflected in the legislation; this did not permit anybody to receive unearned income. According to the Government representative, section 209 of the Penal Code of the RSFSR had to be examined in the light of this principle, and neither under this section nor under other provisions of the legislation could refusal to work be prosecuted; the reference to "persons leading any other parasitic way of life" in section 209 of the Penal Code applied only to the specific offences of gambling and fortune-telling.

The Committee takes due note of these explanations. It observes, however, that the scope of "persons leading any other parasitic way of life" in section 209 of the Penal Code of the RSFSR is not defined by reference to the specific offences of gambling and fortune-telling in the above-mentioned Ordinance of the Supreme Court of the USSR, which turns upon the capacity for work of the persons considered. The Committee accordingly hopes that in order to clarify the legal situation the Government will consider taking appropriate measures with a view to amending section 209 of the Penal Code of the RSFSR and the corresponding provisions in force in other Union Republics so as to limit their scope to specific offences as mentioned by the Government representative.

2. Obligations in the planning of agricultural production. In its previous comments, the Committee referred to the obligations imposed 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 to the effect that collective farms, in planning their production, were under an obligation to ensure the attainment of assignments set in accordance with the state plan. It asked the Government to indicate any sanctions by which the observance of the obligations in relation to planning would be enforced. In particular, the Committee asked whether section 172 of the Penal Code of the RSFSR - which punishes the non-performance or improper performance of duties by an official which causes substantial harm to state or social interests - had been the subject of Court decisions defining or illustrating the precise scope of this provision, thus clarifying whether it might be applicable in cases of non-compliance with the obligations defined in the above-mentioned Order of 20 March 1964.

The Committee notes that according to the indications provided by the Government to the Conference Committee in 1977 and in its latest report, neither the sanctions laid down in section 172 of the Penal Code of the RSFSR nor sanctions under any other legislative texts are applicable to cases of non-compliance with obligations relating to the planning of agricultural production. It would ask the Government to supply in future reports information on any developments in rational legislation and practice in this field which may clarify or affect the application of the Convention.

3. Termination of membership of collective farms. In previous comments, the Committee noted that, according to article 3 of the Fundamental Principles of Labour Legislation of the USSR and the Union Republics adopted on 15 July 1970, the labour of collective farm members was regulated by the collective farm rules adopted on the basis of and in conformity with the model collective farm rules and the legislation of the USSR and the Union Republics relating to collective farms; and that, under clause 7 of the model collective farm rules adopted on 28 November 1969, a member's application to leave a 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 were refused, he would remain bound by all the obligations resulting from his membership of the collective farm (including obligations regarding work).

The Committee also noted that, under basic regulations on the issue and maintenance of collective farmers' work books 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, collective farmers were to be issued work books, which were to be kept at the management office of the collective farm and handed to the owner if and when he ceased 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 work books for wage and salary earners, the production of the work book was required for taking up employment, it appeared important that the legislation should clearly specify the manner in which a member of a collective farm could terminate such membership.

In this connection, the Government had indicated that the management and the general meeting are under an obligation to meet the request of a member to leave the farm and that a refusal of the request would be illegal and would be countermanded by the District Soviet of Working People's Deputies. Having regard to the importance of this question, the Committee asked the Government to re-examine the matter with a view to providing expressly in the legislation that members of a collective farm may terminate their membership by a unilateral decision, subject only to giving notice of reasonable length.

The Committee notes with interest the Government's statement in its latest report that it understands the Committee's views and is continuing consultations on the subject with the organisations concerned with a view to a positive solution. The Committee looks forward to learning of the solution which might be adopted.

#### Venezuela (ratification: 1944)

In its earlier comments, the Committee pointed out that certain provisions of the Act of 16 August 1956, empowering the administrative authorities to order the internment of vagrants 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 conviction in a court of law.

The Committee notes that, according to the latest report, the draft partial reform of the Penal Code, section 113 of which has been worded in such a manner as to take account of its comments, will be submitted to the Chambers for discussion and approval in the near future. Under this new section, detention could be imposed only by the judicial authorities.

The Committee trusts that the national legislation will be brought into conformity with the Convention in the near future.<sup>1</sup>

Zaire (ratification: 1960)

The Committee notes with regret that the Government's report has not been received. In its previous observation the Committee recalled that in its report for 1967-69, the Government stated 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 noted that Legislative Ordinance No. 71/087 of 14 September 1971 on minimum personal contributions, which, according to the Government, replaced but did not expressly repeal the relevant provisions of the Law of 10 July 1963, still provided 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.

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In addition, requests regarding certain points are being addressed directly to the following States: Algeria, Argentina, Australia, Austria, Bangladesh, Benin, Brazil, Bulgaria, Burma, Burundi, United Republic of Cameroon, Central African Empire, Chile, Colombia, Congo, Cuba, Dominican Republic, Ecuador, Egypt, France, Federal Republic of Germany, Ghana, Guyana, Honduras, Hungary, Iceland, India, Iran, Iraq, Italy, Ivory Coast, Kuwait, Lesotho, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Malta, Morocco, Nicaragua, Nigeria, Pakistan, Panama, Papua New Guinea, Peru, Portugal, Romania, Senegal, Singapore, Spain, Sri Lanka, Switzerland, Syrian Arab Republic, Tanzania, Thailand, Uganda, Yugoslavia, Zaire, Zambia.

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

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

Kuwait (ratification: 1961)

Articles 1, 4, 7 and 8 of the Convention. See observation under Convention No. 1.<sup>1</sup>

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<sup>1</sup> The Government is asked to report in detail for the period ending 30 June 1978.

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

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

#### Algeria

In its previous observation the Committee noted that the legislation applying the Convention was dated prior to 3 July 1962 and was accordingly repealed by Ordinance No. 73-29 of 5 July 1973, which came into force on 5 July 1975. The Committee notes from the Government's latest report that there are still no provisions to give effect to the detailed requirements of the Convention and hopes that the Government will take appropriate measures in the near future to ensure the application of the Convention.

#### Argentina (ratification: 1950)

The Committee notes from the Government's reply to its previous observation that a review has been started with a view to the reorganisation of port operations which is expected to be completed within one year, and in which the requirements of the Convention will be taken into account.

The Committee recalls that it has been drawing attention since 1952 to the fact that there are no national legal provisions to ensure the application of the Convention. It also recalls that on three occasions committees have been set up with the aim of preparing legislation in conformity with the Convention; the last such committee was established in 1973 following direct contacts between the competent national services and a representative of the Director-General of the ILO. The Committee once again urges the Government to take appropriate measures at the earliest possible date to give effect to the Convention.<sup>1</sup>

#### Chile (ratification: 1935)

The Committee notes from the Government's reply to its previous observation that Decree No. 655 of 7 March 1941 gives effect to Article 3, paragraph 3, Article 9, paragraph 2(1) and Article 12 of the Convention.

It further notes the statements in the report that no effect has been given to the following provisions: Article 2, paragraph 2(3), Article 5, paragraphs 2, 3, 4 and 6; Article 9, paragraph 2(3), Article 14 of the Convention. The Committee observes that, in addition, the requirements of Article 9, paragraph 2(4), (7), (8) and (9) and Article 11, paragraphs 3-7 are also not met by the Decree in question.

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<sup>1</sup> The Government is asked to report in detail for the period ending 30 June 1978.

As comments on this matter have been made repeatedly since 1963, the Committee hopes that the necessary measures to ensure the application of the Convention will be adopted at the earliest possible date.<sup>1</sup>

Honduras (ratification: 1964)

The Committee notes with interest from the Government's report that, following the direct contacts which took place in 1975 circular No. 349 was issued on 16 May 1977 requesting the Inspector-General of Labour to instruct the labour inspectors to ensure that employers comply with the provisions of this Convention.

The Committee recalls that, as noted in its earlier observations, a draft Decree containing regulations concerning safety provisions in loading and unloading of ships was prepared as a result of the above-mentioned direct contacts with a view to giving effect to various Articles of the Convention not yet covered by national laws or regulations and notes that the draft Decree was re-examined on the occasion of a further mission by a representative of the Director-General in October 1977. The Committee hopes that the Decree in question will be issued shortly.

Mexico (ratification: 1934)

In previous observations the Committee had noted the Government's statement that, although there were no national laws or regulations to give effect to the Convention, its terms were incorporated into national law as a result of ratification, and that a ministerial circular had been issued to give effect to those provisions of Articles 4, 6, 11 and 13 of the Convention which required national implementing laws or regulations. The Committee had pointed out that the effective observance of the Convention could not be ensured in the absence of specific national provisions laying down penalties for breaches of the detailed requirements of the Convention and of the ministerial circular referred to above, as required by Article 17, paragraph 2, of the Convention. The Committee also recalled statements made by the Government since 1970 that regulations would be made under the Federal Labour Act, 1969, to give effect to the Convention.

In its latest report the Government cites various provisions of the draft Occupational Safety and Health Regulations which envisage the supervision by administrative bodies of the application of the Regulations, and of instructions, circulars, etc., issued under it and provide for penalties in case of breaches of the Regulations.

The Committee would point out however that these provisions apply only to the supervision and enforcement of the draft regulations themselves and hence do not introduce a system of supervision and penalties for non-observance of the detailed provisions of the Convention or of the ministerial circular to give effect to Articles 4, 6, 11 and 13 thereof.

The Committee further notes that, following a reorganisation of the federal administration in 1977, the Secretariat for Communications and Transport is now responsible for the drawing up and enforcement of regulations relating to maritime and port operations and services. The

<sup>1</sup> The Government is asked to report in detail for the period ending 30 June 1978.

Committee therefore trusts that this Secretariat will take the necessary steps to ensure the observance of the provisions of the Convention and the ministerial circular referred to above by regulations laying down penalties for breaches of the Convention and of the circular and preferably incorporating in detail the requirements of the Convention.

In view of the recent administrative reorganisation, the Committee hopes that the Government will also provide full information on the inspection system through which the Secretariat for Communications and Transport supervises the observance of the Convention in the ports of the country.<sup>1</sup>

Peru (ratification: 1962)

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

In its previous direct requests the Committee noted that there appeared to be no legislative provisions or regulations concerning the protection of dockers against accidents, corresponding to the detailed provisions of the Convention, and it expressed the hope that appropriate measures would be adopted for this purpose. As the Government indicates in its report that no legislation has been adopted in this connection, the Committee trusts that the Government will soon take the necessary measures to ensure full application of the Convention.

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In addition, requests regarding certain points are being addressed directly to the following States: Algeria, Byelorussian SSR, Ukrainian SSR, USSR.

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

Central African Empire (ratification: 1962)

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

With reference to its earlier observations, the Committee notes that no measures have been taken to give effect to the following provisions of the Convention.

Article 3, paragraph 1(c) and 4(b) of the Convention. Provision should be made to ensure that 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 does not exceed seven and, in the case of children who do not attend school, the duration of light work does not exceed four-and-a-half hours a day.

<sup>1</sup> The Government is asked to report in detail for the period ending 30 June 1978.



Article 3, paragraph 2(b). Provision should be made 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.

The Committee hopes that the necessary measures will be taken in the near future to give effect to these provisions.

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

### **Convention No. 35: Old-Age Insurance (Industry, etc.), 1933**

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

### **Convention No. 36: Old-Age Insurance (Agriculture), 1933**

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

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

Central African Empire (ratification: 1960)

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

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 exemptions from 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.

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

Australia (ratification: 1959)

Referring to its earlier comments concerning the Northern Territory, the Committee notes with satisfaction the adoption of

Ordinance No. 2 of 1977 respecting workmen's compensation, which contains a table of occupational diseases ensuring the full application of Article 2 of the Convention.

Cuba (ratification: 1936)

Further to its previous comments, the Committee notes with satisfaction the adoption of Resolution No. 34 of 1 August 1977 of the State Labour and Social Security Committee, establishing a list of occupational diseases and corresponding jobs, giving a very large measure of effect to the Convention.

The Committee would be grateful if the Government would supply in its next report information on the point raised in a direct request.

Haiti (ratification: 1955)

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

With reference to its earlier comments, the Committee notes with interest that, following the direct contacts which took place between the competent national services and a representative of the Director-General of the ILO, the Secretary of State for Social Affairs gave specific instructions, on 17 November 1976, to the Director of the Occupational Accident, Sickness and Maternity Insurance Office (OFATMA) that statistical data by which it would be possible to judge the degree to which the Convention is applied in practice should be provided in accordance with point V of the report form adopted by the Governing Body.

The Committee hopes that the Government's next reports will contain the necessary statistical data.

Honduras (ratification: 1964)

The Committee notes with satisfaction the adoption, following the direct contacts which took place in December 1975 between the national services concerned and a representative of the Director-General of the ILO, of Decree No. 463 of 11 May 1977, amending section 455 of the Labour Code, which establishes a list of occupational diseases and corresponding jobs, in conformity with the Convention.

Mexico (ratification: 1937)

The Committee notes with satisfaction, from the reply of the Government to its earlier comments, that a circular addressed to the competent authorities has been adopted requesting them, in conformity with the Convention, to regard as anthrax infection, for the purposes of the compensation provided for by the Federal Labour Act and the Social Security Act, any infection contracted by workers who, by reason of their employment, are in contact with animals infected with anthrax or animal carcasses or parts of such carcasses and, in particular, by those who are engaged in the loading and unloading or transport of merchandise.

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New Zealand (ratification: 1938)

In reply to the earlier comments of the Committee concerning the absence from national legislation of a list of occupational diseases with the corresponding activities, the Government states that the Workmen's Compensation Committee, after studying various national lists of occupational diseases, reached the conclusion that if a list of occupational diseases were to be adopted under the national legislation, it should be a non-exhaustive list, supplementing and not replacing the general definition appearing in section 67 of the Workmen's Compensation Act so as to avoid a retrograde step. The above-mentioned Committee, indeed, holds that the list system, although at first sight it may be superficially attractive, in fact has no advantage over the full coverage system. Firstly, only diseases that are widely recognised as having a connection with certain work or activities appear on the lists of diseases examined. Secondly, the list system establishes only a presumption of the occupational origin of the disease for the worker, which can be set aside by proof of the contrary: the worker thus has no absolute right to legal protection. Lastly, the adoption of a list of occupational diseases seems to introduce a rigidity that is absent from the present system and so to jeopardise the chances of success of a worker who tries to avail himself of the general definition of occupational diseases, particularly where the inclusion in the list of the disease in question has been examined and rejected. In conclusion, the Government considers that the general clause appearing in section 67 of the Act is applied in conformity with the policy set out by the Workmen's Compensation Committee and cannot therefore be improved or replaced by a list of occupational diseases.

The Committee notes the information provided by the Government. It considers, however, that although the system of the general definition of occupational diseases provided for by section 67 of the Act may in certain cases lead to compensation for a greater number of diseases than the list system recommended by the Convention, it remains true that the worker, under such a system, must prove the occupational origin of his disease. Yet, it is precisely so that the worker shall not have to provide such a proof, which might in certain circumstances be particularly difficult, that the Convention has established a double-list system setting forth the occupational diseases and the activities that may cause them. In this connection the fact that, under the legislation of some countries, the presumption can be set aside by proof of the contrary does not reduce the value of the system. Moreover, the Committee considers that the adoption of legislative or administrative provisions establishing a presumption of occupational origin for all the diseases mentioned in the schedule to the Convention is in no way incompatible with the present system and cannot therefore deprive workers of their acquired rights to avail themselves of the provisions now in force for diseases that do not appear on the list. As is suggested in the report, the present system of full coverage could be supplemented by a non-exhaustive list of occupational diseases, which would provide workers with a protection at least equal to that provided by the Convention. In these circumstances, the Committee hopes that the Government will review its position in the light of the above comments and that it may take the necessary measures to bring its legislation into conformity with the Convention.

The Committee ventures to suggest once more the possibility of ratifying the Employment Injury Benefits Convention, 1964 (No. 121), which provides for, *inter alia*, the system of full coverage, in Article 8, clause (b), and the ratification of which would, ipso jure, involve the denunciation of Convention No. 42.

Norway (ratification: 1935)

Referring to its previous comments, the Committee notes with satisfaction the adoption of the Royal Decree of 23 September 1977, containing a list of occupational diseases and corresponding jobs, in conformity with the Convention.

Poland (ratification: 1948)

The Committee notes with satisfaction the adoption of Clarification No. 1 dated 15 November 1977 of the Ministry of Labour, Wages and Social Affairs which brings the national legislation into formal conformity with the Convention on certain points concerning anthrax infection.

The Committee at the same time requests the Government in its next report to provide information on the points it raises in a direct request.

Rwanda (ratification: 1962)

In its latest report for the period ending 30 June 1977, the Government states the Legislative Decree of 22 August 1974 on the organisation of social security applies the provisions of the Convention, without mentioning that section 20(5) of this Legislative Decree provides that the list of occupational diseases and list of corresponding trades, industries or processes (Article 2 of the Convention) will be established by ministerial order. So long as such ministerial order does not exist, the provisions of the Convention are not fully applied. In its previous reports, however, the Government referred to the draft of such an order, which was to include the aforementioned list of diseases, and the text of which was to be submitted to the ILO as soon as adopted. Under these conditions, the Committee can but reiterate the hope that the draft ministerial order referred to will be adopted soon and that it will contain a list of the occupational diseases and corresponding trades, in conformity with the Convention, particularly with regard to 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 (loading, unloading or transport of merchandise in general).

United Kingdom (ratification: 1936)

In reply to the Committee's earlier comments concerning the list of occupational diseases established by the Social Security (Industrial Injuries) (Prescribed Diseases) Regulations 1975 (No. 1537), which replaces Regulation No. 467 of 1959, the Government states, after recalling its desire to consider the report of the Royal Committee on Civil Liability and Compensation for Personal Injury before conducting its general review of the schedule of prescribed industrial diseases, that the report in question should be ready by the end of the year. The Committee takes due note of this information. It therefore hopes that it will be possible to carry out shortly the general examination of the list of industrial diseases and that it will be possible to complete this list in conformity with the Convention as regards halogen derivatives of hydrocarbons of the aliphatic series, disorders due to radiation and anthrax infection.

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In addition, requests regarding certain points are being addressed directly to the following States: Australia, Barbados, Brazil, Cuba, Guyana, Honduras, Norway, Papua New Guinea, Poland, Surinam, Turkey.

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

### Convention No. 43: Sheet-Glass Works, 1934

Mexico (ratification: 1968)

In its previous comments the Committee noted that:

1. the system of three shifts provided for in clause 21(5) (a) of the collective agreement between the Glass Works and the unions is in conflict with Article 2, paragraph 1, of the Convention, which provides for a system including at least four shifts; and that

2. all the teams work in fact 45 hours per week, whereas, under Article 2, paragraph 2, of the Convention, hours of work are not to exceed an average of 42 per week.

The Government states in its last report that the collective agreement, which refers expressly to the provisions of the Convention, lays down four shifts, the last being the relief shift mentioned in clause 21(5) (f) and that the breaks during the working day for rest and a meal are counted as working time for purposes of remuneration.

The Committee notes the information provided by the Government but observes that, under the terms of the above-mentioned collective agreements, the actual work of the shifts (excluding breaks for rest and a meal) is 45 hours per week. It also notes that the workers of three successive shifts are replaced during the breaks in the working day and their weekly rest day by a relief shift, whereas the Convention requires a system including at least four successive shifts so as to ensure that working hours shall not exceed an average of 42 per week.

The Committee also points out that the fact that part of the working time of the shifts is paid as overtime cannot be taken into account, since such exceptions are admissible only within the limits laid down by Article 3 of the Convention. It therefore again requests the Government to take the necessary measures to give effect to the provisions of the Convention.

### Convention No. 44: Unemployment Provision, 1934

Cyprus (ratification: 1965)

The Committee notes with satisfaction that, following its earlier comments and despite the financial difficulties affecting the Social Insurance Fund at present, Law No. 68 of 1976 to modify the Social Insurance Laws of 1972 to 1976 has re-established the unemployment benefits scheme.

Spain (ratification: 1971)

Article 10 of the Convention (temporary disqualification for the receipt of benefits). The Committee notes with satisfaction that, following its previous requests, the Legislative Decree of 10 August and the Order of 7 September 1976 have amended the Order of 5 May 1967 relating to the unemployment insurance scheme, so that refusal to accept suitable employment no longer results in immediate loss of the right to benefit, but merely the suspension of that right for an initial period of six months, it being possible to re-establish the right once the conditions established by the national legislation are again fulfilled.

The Committee also notes with interest the Government's statement that the reform of the unemployment insurance scheme, which is at present under study, provides for extension of coverage, after an appropriate qualifying period, of workers who voluntarily leave their employment without just cause. The Committee hopes that the Government will report progress achieved in this connection, since the Convention provides for disqualification for the receipt of benefit for such workers only for "an appropriate period".

Switzerland (ratification: 1939)

The Committee notes with interest the coming into force on 1 April 1977 of the transitional compulsory unemployment insurance scheme established by the Federal Order of 8 October 1976, under which the Unemployment Insurance Order of 14 March 1977 had been issued. The Committee notes the improvements introduced by this new scheme, including the extension of the scope of unemployment insurance, the raising of the wage ceiling for contributions and the increases in the amount and duration of benefits.

Referring to its earlier comments concerning the application of Article 10, paragraph 1(b) of the Convention, the Committee also notes with interest that the Order of 19 November 1975 has been rescinded and, concerning the maintenance of the right to benefit, that under section 9 of the new Ordinance of 14 March 1977 work paid at a rate lower than that of the unemployment allowance the insured person is entitled to is not deemed to be suitable.

The Committee hopes that the next report of the Government will contain information on the practical application of this new scheme, so that it may better assess the changes that have taken place.

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

**Convention No. 45: Underground Work (Women), 1935**Canada (ratification: 1966)

In its previous observation, the Committee noted the information supplied by the Government to the effect that legislation had been adopted in certain provinces removing the prohibition of underground work for women. It had also pointed out that, under these

circumstances, consideration was being given to the possibility of denouncing the Convention. The Committee notes from the latest report that the prohibition in question has so far been lifted in the Provinces of Alberta, British Columbia, Manitoba, New Brunswick, Newfoundland and Yukon Territory, and that the Province of Quebec is considering repeal of the provisions prohibiting the employment of women in underground work. The Committee also notes that the question of denunciation of the Convention is still under study.

Guinea (ratification: 1966)

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

The Committee 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 can only hope that this text will be adopted in the near future and requests the Government to indicate any decision made in this respect.

**Convention No. 48: Maintenance of Migrants' Pension Rights, 1935**

Yugoslavia (ratification: 1946)

Referring to its earlier observations concerning the maintenance of acquired rights, the Committee notes from the Government's statement that section 60 of the Federal Pensions and Invalidity Insurance Act of 29 June 1972 provides for the application of international agreements, thus including Convention No. 48, as regards the payment of benefits abroad and that consequently Yugoslav legislation in no way prevents application of Article 10 of the Convention.

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

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

Mexico (ratification: 1938)

In its earlier comments the Committee pointed out that the collective agreement concluded between the National Glassworks and the trade union of the industry provided for a system of three shifts, hours of work of up to 48 in the week and the inapplicability of the 42-hour week to certain workers, whereas under Article 2 of the Convention workers to whom the Convention applies should be employed under a system of at least four shifts, and their hours of work should not exceed an average of 42 per week.

The Committee notes with interest the information supplied by the Government to the effect that, when the collective agreement, which was

to expire on 15 November 1977, was being revised, it asked the Confederation of Chambers of Industry of the United States of Mexico (CONCAMIN) and the Confederation of Mexican Workers (CTM) to bear in mind the provisions of the Convention so as to eliminate the divergencies pointed out by the Committee.

The Committee hopes that the next report of the Government will contain information on the measures taken on the occasion of the collective bargaining in question to ensure the application of the Convention.<sup>1</sup>

### **Convention No. 50: Recruiting of Indigenous Workers, 1936**

Tanzania (ratification: 1964)

Zanzibar

See General Observation.

Uganda (ratification: 1963)

Further to its previous comments the Committee notes with satisfaction that the Employment Regulations, 1977 have brought the legislation into conformity with Articles 5, 6, 13 and 20 to 23 of the Convention, and that the Employment Decree which repealed the Uganda Employment Act came into force on 16 May 1977.

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In addition, requests regarding certain points are being addressed directly to the following States: Botswana, Ghana, Guyana, New Zealand.

Information supplied by Fiji and Western Samoa in answer to a direct request has been noted by the Committee.

### **Convention No. 52: Holidays with Pay, 1936**

Peru (ratification: 1960)

The Committee notes the information communicated by the Government concerning the application of Articles 2(3)(b) and 3(a) of the Convention.

Article 4 of the Convention. In its previous comments, the Committee pointed out that the single section of Supreme Decree No. 4 DT of 26 November 1957 and section 13 of Supreme Decree No. 17 of 24 October 1961 permitting holidays due being carried forward over a period of two consecutive years, are not in conformity with the Convention. It recalls that the persons covered by the Convention are entitled to a compulsory annual holiday of at least six working days

<sup>1</sup> The Government is asked to report in detail for the period ending 30 June 1978.



and that any agreement to relinquish this right must be considered as void. The Committee therefore requests the Government to take the necessary measures to bring this point of the national legislation into conformity with the Convention.

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In addition, requests regarding certain points are being addressed directly to the following States: Chad, Guinea, Lebanon.

### Convention No. 53: Officers' Competency Certificates, 1936

#### Mauritania (ratification: 1963)

The Committee notes with regret that the Government has not supplied any report since 1972. It must repeat its previous observation.

Article 4 of the Convention. The Committee recalls that a decree was to be issued under the Merchant Shipping Code (Part III, Chapter XIII, sections 2 and 3) to 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. According to the Government's report for the period 1968-70, the national authorities may detain vessels on account of a breach of the provisions of the Convention and, 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. The Committee once more requests the Government to indicate which provisions of the national legislation regulate these questions.

#### Peru (ratification: 1962)

Article 6, paragraph 2(a) and (b), of the Convention. Referring to its earlier comments, the Committee notes that the report of the Government refers again to section 199 of the Port Authorities and Merchant Marine Regulations, which lays down penalties in accordance with section 364 et seq. of the Penal Code for the forging of documents. The Committee recalls in this connection that, although the provisions mentioned give effect to clause (c) of paragraph 2 of Article 6 (obtaining an engagement by fraud or forged documents), they are not adequate to ensure the application of clause (a) of this paragraph (penalty for the engagement of a person not certificated as required) and do not give effect to clause (b) of the paragraph (penalty applied to the master or skipper allowing a duty to be performed by a person not holding the corresponding or a superior certificate). The Committee therefore hopes that the Government, in accordance with the intention expressed in its report for 1974, will adopt the necessary provisions to ensure the application of the Convention on these points.

#### Spain (ratification: 1971)

Further to its earlier comments, the Committee has taken note with satisfaction of circular No. 11/1977 of 10 October 1977, addressed

by the General Directorate of Navigation to the maritime authorities instructing them to give effect to Article 5, paragraph 3, of the Convention (notification to the competent consul in cases where breach of the provisions of the Convention has been found on a vessel registered in the territory of another Member which has also ratified the Convention).

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

#### Liberia (ratification: 1960)

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

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.

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

### **Convention No. 56: Sickness Insurance (Sea), 1936**

Requests regarding certain points are being addressed directly to the following States: Panama, Spain.

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

#### Algeria (ratification: 1962)

Referring to its earlier observation, the Committee takes note of Ordinance 76-80 of 23 October 1976 to issue the Maritime Code, which fixes the minimum age for seamen at 18 years and now ensures the application of the Convention.

#### Liberia (ratification: 1960)

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

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

The Government has stated since 1973 that a new Labour Code would ensure the full application of the Convention. The Committee regrets, however, that the report due this year has not been supplied and that no information is accordingly available on the progress made in eliminating the above-mentioned discrepancies. It trusts that the necessary provisions will be adopted at an early date.

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

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

Sierra Leone (ratification: 1961)

The Committee has been pointing out in its comments since 1964 that the legislation is not in conformity with the following provisions of the Convention:

Article 4 of the Convention. Obligation of the employer in an industrial undertaking to keep a register of all persons under the age of 18 years employed by him, and of the dates of their births.

Article 5. The requirement that an age higher than 15 years be prescribed for the admission of young persons and adolescents to jobs that are dangerous.

The Committee notes from the last report that these matters are still under study and again expresses the hope that the necessary measures will soon be adopted to give effect to these provisions of the Convention.

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

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

Algeria (ratification: 1962)

In its previous observation, the Committee noted that the legislation governing safety provisions in the building industry was dated prior to 3 July 1962 and was accordingly repealed by Ordinance No. 73-29 of 5 July 1973, which came into force on 5 July 1975.

In its latest report the Government refers to draft decrees relating to the building industry and to hoisting machines and indicates that they will give effect to certain provisions of the Convention which had not been applied under the previous legislation. The Committee hopes that, following the repeal of that legislation, the draft decrees in question will give effect to all the provisions of the Convention and that they will be adopted in the near future.

Central African Empire (ratification: 1964)

The Committee notes with regret that once again the Government's report has not been received. It recalls that in previous comments it has drawn attention to the need to adopt more specific provisions on safety in the building industry to ensure the application in particular of Article 7, paragraphs 1, 2, 5 to 8; Article 8, paragraphs 1(c) and 2(a) and (b); Article 9, paragraphs 2 and 3; Article 10, paragraphs 3 to 5; Article 12, paragraph 2; Article 13, paragraph 2; Article 14, paragraphs 1 to 3; Articles 16, 17 and 18 of the Convention.

The Committee recalls that in 1975 the Government stated that regulations were planned to revise the existing Orders and to bring

them into conformity with the provisions of the Convention. The Committee hopes that appropriate measures will be taken soon to give full effect to the requirements of the Convention.

Guinea (ratification: 1966)

The Committee notes with regret that the Government's report has not been received. It recalls that it has been drawing attention since 1968 to the need to ensure the application of Article 7, paragraphs 1, 2 and 5-8; Article 8, paragraph 1(a); Article 9, paragraph 3; Article 10, paragraph 5; and Articles 12-16 of the Convention. It further recalls that in 1973 the Government stated its intention to adopt provisions to give effect to these requirements of the Convention. The Committee hopes that appropriate measures will be taken in the near future.

Honduras (ratification: 1964)

The Committee notes with interest that following the direct contacts which took place in 1975 circular No. 349 was issued on 16 May 1977 requesting the Inspector-General of Labour to instruct the labour inspectors to ensure that employers comply with the provisions of this Convention.

The Committee recalls that, as noted in its earlier observations, a draft decree containing regulations concerning safety provisions in the construction industry was prepared as a result of the above-mentioned direct contacts with a view to giving effect to those provisions of the Convention which are not yet covered by national laws or regulations (Articles 3(a), 7, 10, paragraph 3, 13, paragraph 2, and 14), and notes that the draft decree was re-examined on the occasion of a further mission by a representative of the Director-General in October 1977. The Committee hopes that the decree in question will be issued shortly.

Mauritania (ratification: 1963)

The Committee regrets that for the sixth consecutive year no report has been received. It must once more repeat the following point raised in its previous observation and direct requests:

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.

Peru (ratification: 1962)

The Committee notes with regret that once again the Government's report has not been received. As it has pointed out in previous comments, the National Building Regulations, communicated with the Government's report for 1971-72, do not ensure the application of Articles 3, 10, 13(2), 15(1), 16, 17 and 18 of the Convention. The Government stated in 1975 that the Committee's comments on the matter had been transmitted to a committee at the Ministry of Housing

responsible for revising the National Building Regulations. The Committee therefore hopes that appropriate measures will be taken in the near future to give full effect to the requirements of the Convention.

In addition the Committee requests the Government to supply information on the system of labour inspection by which the enforcement of the National Building Regulations is ensured (Article 4) and statistical data on the number and classification of accidents to persons employed on types of work covered by the Convention (Article 6).

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

Requests regarding certain points are being addressed directly to the following States: Panama, Spain.

### **Convention No. 64: Contracts of Employment (Indigenous Workers), 1939**

Guyana (ratification: 1966)

In its previous comments, the Committee drew attention to the absence in the Amerindian Act of provisions giving effect to the Convention on the following points: medical examination (Article 7), minimum age (Article 8), repatriation (Article 13), transport (Article 15), and the responsibilities of various authorities (Article 19).

The Committee noted that the law governing the recruitment of workers contains certain provisions with respect to the medical examination of "recruited" workers and payment by the employer or his agent of the expenses of the journey of the workers and their families. Nevertheless, as this law applies only to certain undertakings and only with regard to recruitment, the Committee pointed out that measures should be taken to bring the legislation into conformity with the Convention.

The Committee notes the Government's reply that the limitations to the Recruiting of Workers Act (Cap. 98: 06) are being examined and hopes that it will be possible to take all necessary measures in the near future to provide the protection foreseen in the various provisions of the Convention for all the indigenous workers covered by it.

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In addition, requests regarding certain points are being addressed directly to the following States: Botswana, Fiji, Ghana, Lesotho, Mauritius, New Zealand, Panama, Uganda.

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

**Convention No. 65: Penal Sanctions (Indigenous Workers), 1939**

Uganda (ratification: 1963)

See under Convention No. 50.

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In addition, requests regarding certain points are being addressed directly to the following States: Botswana, Mauritius, Singapore, Tanzania.

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

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

Requests regarding certain points are being addressed directly to the following States: Central African Empire, Peru.

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

**Convention No. 68: Food and Catering (Ships' Crews), 1946**

Peru (ratification: 1962)

The Committee notes from the Government's report for the period 1974-1976 that regulations specifying the conditions for preserving and procuring food supplies on board ship were being prepared, whereas food and catering were already regulated.

The Committee recalls that Supreme Resolution No. 213-74-TR of 21 May 1974 (adopted as a result of the direct contacts in 1972) provides that appropriate regulations should be drawn up by an inter-ministerial committee. It hopes that the necessary measures will be taken in the near future to ensure the application of the Convention and that the Government will communicate with its next report all the texts in force in this matter.<sup>1</sup>

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

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<sup>1</sup> The Government is asked to report in detail for the period ending 30 June 1978.

**Convention No. 69: Certification of Ships' Cooks, 1946**Peru (ratification: 1962)

Further to its earlier comments, the Committee notes from the Government's latest report that no special provision has been adopted as yet in application of Article 4 of the Convention (organisation of examinations and granting of certificates of qualification). Under these conditions, the Committee requests the Government to state how effect is given to Presidential Decree No. 008/74/TR of 27 May 1974 establishing for all ships' cooks an obligation to hold a certificate of occupational skill, and what sanctions will be applicable in the event of non-observation of this rule. It hopes that the Government will in the near future take the measures provided for in Article 4 in order to ensure effective application of the Convention.

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

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

**Convention No. 74: Certification of Able Seamen, 1946**

Requests regarding certain points are being addressed directly to the following States: Panama, Spain.

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**Convention No. 77: Medical Examination of Young Persons (Industry), 1946**Philippines (ratification: 1960)

In previous observations and direct requests, the Committee noted that the legislation which gave effect to the Convention had been repealed following the adoption of the Labour Code of 1974 and its implementing regulations, but that the latter contained only very limited provisions concerning the medical examination of young persons in certain classes of establishment.

Within the framework of the direct contacts requested by the Government in 1977 relating to certain Conventions, a technical memorandum was sent to the Government in September 1977 containing, inter alia, suggestions on the measures to be taken to give effect to Convention No. 77. The Committee notes that the Government's report makes no reference to these suggestions, but refers to proposed Occupational Safety and Health Standards. The Committee notes that, while these proposed standards, as quoted in the report, provide in general terms for pre-employment and periodic medical examinations for all workers, they do not give effect to the specific requirements of the Convention. In particular, they do not prohibit the employment of children and young persons under 18 years of age unless they have been found fit for the work on which they are to be employed (Article 2, paragraph 1); they do not make provision for the issue of a medical certificate of fitness for employment (Article 2, paragraphs 2 to 4); they do not make the continued employment of children and young persons



subject to the repetition of medical examinations at intervals of not more than one year (Article 3, paragraph 2); nor do they specify the circumstances in which, and intervals at which, more frequent medical examinations are necessary on account of the conditions or risks involved in the work (Article 3, paragraph 3).

The Committee trusts that provisions to ensure the application of all the requirements of the Convention will be adopted shortly, and that the Government will supply a copy thereof.

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In addition, requests regarding certain points are being addressed directly to the following States: Bolivia, United Republic of Cameroon, Dominican Republic, Ecuador, Philippines, Spain.

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

Honduras (ratification: 1960)

Further to its previous observations the Committee notes with satisfaction that, following direct contacts between the competent authorities and a representative of the Director-General of the ILO in 1975, regulations concerning medical examination of young persons for fitness for employment in non-industrial occupations were adopted on 16 May 1977 to give effect to the Convention.

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In addition, requests regarding certain points are being addressed directly to the following States: Bolivia, United Republic of Cameroon, Ecuador, Honduras, Spain.

### **Convention No. 79: Night Work of Young Persons (Non-Industrial Occupations), 1946**

Peru (ratification: 1962)

Referring to its earlier comments, the Committee notes from the report of the Government that the draft decree intended to bring the legislation into conformity with the Convention has been submitted to the multisectoral committee for studying labour, employment and social security problems, which is to draw up a basic Act respecting labour. It points out that its comments dealt with the following matters:

Article 2 of the Convention. For children from 12 to 14 years of age who are authorised to work, a night rest period of at least 14 consecutive hours including the interval between 8 p.m. and 8 a.m. should be prescribed.

Article 3, paragraph 1. Section 39 of the Code of Minors, under which the period of night rest may in certain cases be reduced to nine hours, should be amended to provide for a rest of at least 12 consecutive hours.

Article 5, paragraph 4(a) and (c). Provisions should be adopted to ensure that children and young persons who appear at night as performers by virtue of section 43 of the Code of Minors do not continue to work after midnight and are allowed a rest period of at least 14 consecutive hours.

Article 6, paragraph 1(c). Provisions should be adopted to guarantee suitable means of identification of children and young persons engaged in employment carried out in public places.

The Committee hopes that the draft decree will be adopted shortly.<sup>1</sup>

Spain (ratification: 1970)

Further to its previous comments, the Committee notes with satisfaction the adoption of the Act of 8 April 1976 on occupational relations, sections 6 and 23 of which prohibit night work by persons under 18 years of age during a period of at least 12 hours, in conformity with the provisions of the Convention.

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In addition, requests regarding certain points are being addressed directly to the following States: Bulgaria, Guatemala, Italy, Spain.

**Convention No. 81: Labour Inspection, 1947**

Algeria (ratification: 1962)

Article 12, paragraph 1, Article 13, paragraph 2(b) and Article 15, subparagraph (c), of the Convention. Referring to its previous observations, the Committee notes with satisfaction that Ordinance No. 75-33 of 29 April 1975 with respect to the duties of the Labour and Social Affairs Inspectorate and Ordinance No. 75-31 of 29 April 1975 with respect to general working conditions in the private sector ensure application of the Convention as regards the power of labour inspectors to enter premises and carry out inspections, the possibility of taking measures with immediate executory force, and the obligation to treat as absolutely confidential the source of any complaint.

Articles 20 and 21. Referring to its previous observation, the Committee notes that the latest inspection report received in the ILO - which in any case does not contain all the information required by the Convention - is for 1972. However, it notes the Government's statement that the inspection report for 1976 is under preparation. The Committee hopes that this report will soon be published and transmitted to the ILO, that it will contain all the information stipulated in Article 21 of the Convention and that the time limits established by Article 20 of the Convention will be respected in the future.

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<sup>1</sup> The Government is asked to report in detail for the period ending 30 June 1979.

Austria (ratification: 1949)

Articles 20 and 21 of the Convention. Further to its previous comments, the Committee notes with satisfaction that the inspection reports for 1972, 1973, 1974 and 1975 have been published and transmitted to the ILO and that they contain the information provided for in Article 21 of the Convention.

Belgium (ratification: 1957)

Article 14 of the Convention. Further to its previous requests, the Committee notes with satisfaction that section 62 of the Law of 10 April 1971, as amended by section 44 of the Law of 24 December 1976 on budgetary proposals 1976-77, henceforth places an obligation on the employer or his representative, in the event of an industrial accident, to send an accident report form to the appropriate labour inspector.

Bolivia (ratification: 1973)

The Committee notes from the information supplied by the Government in its report that the organisation and functioning of the Labour Inspectorate had been complicated by some serious difficulties in connection with the following points.

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

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

Article 7, paragraph 3. The Government states that no measures have been taken to give inspectors appropriate training.

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

Article 10. The Government states that the number of labour inspectors is still inadequate.

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

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

United Republic of Cameroon (ratification: 1962)

Articles 20 and 21 of the Convention. The Committee notes from the Government's reply that studies are under way to establish the contents of the annual inspection report. It recalls that since ratification of the Convention no inspection report has been received by the ILO, whereas under Article 20 of the Convention such reports

should be published and transmitted to the ILO each year. The Committee again expresses the hope that the Government will take the necessary measures to ensure the publication and transmission to the ILO of annual inspection reports and that these reports will contain all the information stipulated in Article 21 of the Convention.

Central African Empire (ratification: 1964)

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

Article 11, paragraph 2, of the Convention. The Committee notes with interest, from the Government's reply to its previous observations, that provisions relating to expenses are contained in the draft decree laying down internal regulations for the labour administration service. It also takes note of the statement made by a Government representative to the Conference Committee in 1976 to the effect that the Government was envisaging the re-establishment of travelling expenses for labour inspectors, in the form of lump-sum service indemnities. The Committee hopes that the draft decree in question will shortly be adopted, and requests the Government to send a copy thereof as soon as it has been promulgated.

Articles 20 and 21. Further to its previous observations, the Committee has noted the statement made by a Government representative to the Conference Committee in 1976 to the effect that measures had been taken for the publication of full inspection reports and for their communication to the ILO. It recalls once again that so far only one report, for 1969, which moreover covered only certain aspects of labour inspection, has been communicated to the ILO. The Committee hopes that the annual reports required under Articles 20 and 21 of the Convention will shortly be published and sent to the ILO.

Chad (ratification: 1964)

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

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

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

Costa Rica (ratification: 1954)

Articles 20 and 21 of the Convention. The Committee notes with regret that the Government has not replied to its previous requests

with regard to the publication and communication to the ILO of annual inspection reports. It points out that the last inspection report received by the ILO was for the year 1967. Under the provisions of Article 20 of the Convention, an annual labour inspection report must be published in the 12 months following the end of the year to which it relates and transmitted to the ILO within three months of its publication. The Committee hopes that the necessary measures will be taken to ensure that these reports are published regularly and sent to the ILO and that they contain all the information required under Article 21 of the Convention.

Cuba (ratification: 1954)

Further to its previous observations, the Committee notes from the report that the Government is continuing its studies on revision and extension of the national regulations governing the labour inspection services. It hopes that these studies, to which the Government has been referring since 1973, will soon be completed and that measures will be taken to give effect to the following provisions of the Convention:

Article 7 to the effect that labour inspectors shall be recruited with sole regard to their qualifications and receive training adequate for the performance of their duties.

Article 12 concerning the powers of labour inspectors.

Article 13, paragraph 2(b) to the effect that labour inspectors shall be empowered to make or to have made orders requiring measures with immediate executory effect in the event of imminent danger to the health or safety of the workers.

Article 15, subparagraph (c) providing that inspectors shall treat as absolutely confidential the source of any complaints.

Furthermore, the Committee recalls that, since ratification of the Convention, no inspection report has been received, whereas Article 20 of the Convention provides that an inspection report shall be published annually within 12 months after the end of the year to which it relates and transmitted to the ILO three months after publication. It hopes that the Government will take the necessary measures to ensure the publication and transmission to the ILO of such reports and that these will contain all the information stipulated in Article 21 of the Convention.

Dominican Republic (ratification: 1953)

Further to its previous observations, the Committee notes that the latest report from the Government makes no reference to progress achieved towards adoption of the bill prepared in 1976 following the direct contacts between the competent national services and a representative of the Director-General of the ILO. This bill is designed to modify sections 38, 219, 398, 401 and 686 of the Labour Code in order to give effect to the following provisions of the Convention:

Article 6, to the effect that labour inspectors shall be assured stability of employment and independence from changes of government and improper external influences;

Article 13, paragraph 2(b), providing that labour 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 14, providing that the labour inspectorate shall be notified not only of industrial accidents but also of occupational diseases.

The Committee hopes that the necessary modifications will be adopted in the near future to ensure application of the above-mentioned provisions of the Convention.<sup>1</sup>

Greece (ratification: 1955)

Articles 12, paragraph 1(c)(iv), and 13 of the Convention. Further to its previous observation, the Committee notes from the Government's reply that it is contemplating introducing legislative provisions authorising labour inspectors to take or remove for purposes of analysis samples of materials and substances used (Article 12, paragraph 1(c)(iv)) and to make or have made orders requiring the measures necessary to secure strict compliance with the legal provisions relating to the health or safety of the workers, including measures with immediate executory force in the event of imminent danger to the health or safety of the workers (Article 13). It hopes that the Government will be able to indicate in its next report the progress made in this direction.

Guinea (ratification: 1959)

The Committee notes that no report has been received. Consequently, it can but renew its previous comments.

Article 13, paragraph 2(b) of the Convention. The Committee recalls that the national legislation contains no provisions empowering labour inspectors to make or to have made orders requiring measures with immediate executory force in the event of imminent danger. It hopes that appropriate provisions will be adopted soon.

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 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.

Guyana (ratification: 1966)

Article 12, paragraph 1(a), of the Convention. Referring to its earlier requests, the Committee notes with satisfaction that, following the amendments introduced by Act No. 19 of 1977 to the Labour Act, the Wages Councils Act, the Bakeries (Hours of Work) Act and the Factories Act, labour inspectors are empowered to enter at any hour of the day or night any workplace liable to inspection, in conformity with the present provision of the Convention.

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<sup>1</sup> The Government is asked to report in detail for the period ending 30 June 1978.

Articles 20 and 21. Referring to its earlier requests, the Committee notes with satisfaction the reports of the Ministry of Labour and Social Security for the years 1972 to 1974.

Haiti (ratification: 1952)

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

Article 6 of the Convention. The Committee notes that the Government again refers to the legislative provisions which provide that "labour inspectors shall be guaranteed security of tenure to protect them from any outside influence liable to prejudice their impartiality and independence" (section 366 of the Act of 18 September 1967 and section 496 of the Labour Code). It hopes, however, that the Government will provide the text of any other provisions governing the status and conditions of service of the staff of the labour inspectorate.

Articles 20 and 21. The Committee notes the information provided by the Government on the work of the labour inspection services for the years 1974-75, which has apparently not been published. It would, however, again point out that the last inspection report published and sent to the ILO relates to the years 1963-64, whereas Article 20 provides that an annual report on the work of the labour inspection services must be published within 12 months of the end of the year to which it relates and must be transmitted to the ILO within three months after publication. It therefore requests the Government to take the necessary measures to ensure that these reports are published regularly and sent to the ILO, that they contain all the information provided for under Article 21 of the Convention and that, in future, the time limits laid down under Article 20 of the Convention are observed.

Italy (ratification: 1952)

Article 11, paragraph 2, of the Convention. Further to its previous observations, the Committee notes with interest from the Government's report and the statement made by a government representative to the Conference Committee of 1977, that a bill amending Act No. 836 of 18 December 1973, which considerably increases for all state employees, and consequently also for labour inspectors, the amounts of reimbursement for travel expenses, is at present before Parliament. It also notes the Government's statement that the substantial reduction in the number of inspection visits in 1976 was due, amongst other reasons, to the unwillingness of most inspectors to use their own vehicles because of the inadequacy of the allowance payable and the non-availability of vehicles in many inspection offices. The Committee accordingly hopes that appropriate measures to overcome these difficulties and thus ensure observance of the Convention will be adopted in the near future.

Article 13, paragraph 2(b). Further to its previous observations, the Committee notes from the Government's report that no measure has as yet been taken to authorise labour inspectors to make or have made orders requiring measures with immediate executory force in the event of imminent danger to the health or safety of workers, in conformity with this provision of the Convention. The Committee recalls that it has been drawing attention to this point for some years and hopes that the necessary legislative measures will be adopted in the near future to ensure application of this important clause of the Convention.

Jamaica (ratification: 1962)

Article 13, paragraph 2(b), of the Convention. The Committee notes from the reply of the Government to its previous observation that the new legislation to give effect to this provision of the Convention is still being drafted. It hopes that this legislation will soon be adopted and that it will extend the powers of labour inspectors to have orders made requiring measures with immediate executory force in the event of imminent danger to operations in all factories (at present the Factories Act prescribes these powers only in respect of building sites and docks).

Article 14. Following its earlier observation, the Committee notes with interest from the report of the Government that the draft regulations on safety and health in mines, which are to provide for the reporting of occupational diseases in mines to the labour inspectorate, are in the final stages of drafting. It hopes that these regulations will shortly be approved.

Kuwait (ratification: 1964)

Further to its previous observation, the Committee notes with satisfaction that section 1, subsections (a) and (b), of Ministerial Order No. 30 of 1977 empowers labour inspectors to enter by day any premises which they may have reasonable cause to believe to be liable to inspection (Article 12, paragraph 1(b) of the Convention), and to interrogate, alone or in the presence of witnesses, the staff of the undertaking (Article 12, paragraph 1(c)(i)).

Article 13, paragraphs 2(b) and 3(d). The Committee notes the Government's reply to its previous observation, to the effect that it will ensure that the powers of labour inspectors to make or have made orders requiring measures with immediate executory force in the event of imminent danger to the health and safety of workers are provided for in the draft amendment of the Labour Code. It hopes that appropriate provisions will be adopted in the near future.

Mauritania (ratification: 1963)

The Committee notes with regret that for the third year in succession no report has been received. It therefore has no information on the progress made in adopting the draft regulations governing the labour inspection staff, the preparation of which was mentioned in the Government's report for 1972-74 (Article 6 of the Convention) or on the application of Articles 7, 9, 10, 16 and 19 which have been the subject of requests for a number of years. Moreover, the Government has never, since it ratified the Convention, published and sent to the ILO the annual labour inspection reports required under Articles 20 and 21 of the Convention.

The Committee hopes that the Government will shortly take the necessary steps to give effect to the above-mentioned provisions of the Convention.

Nigeria (ratification: 1960)

Articles 20 and 21 of the Convention. The Committee notes the statement by the Government representative to the Conference Committee of 1976 to the effect that the inspection reports for years up to 1973 were almost ready and would be communicated to the ILO in due course.



Since then, the ILO has received only the report of the Labour Division of the Federal Ministry for Labour for the period 1970-71. The Committee notes that this report does not contain the information stipulated in Article 21 of the Convention concerning the staff of the labour inspection service (paragraph (b)) and statistics of occupational accidents (paragraph (g)). It recalls that under Article 20 of the Convention, annual inspection reports have to be published within twelve months after the end of the year to which they relate and be communicated to the ILO within three months after their publication. It hopes that the Government will soon be able to publish and transmit to the ILO the inspection reports for the years 1972 to 1975, that these reports will contain all the information required by Article 21 and that henceforth the time limits established by Article 20 of the Convention will be respected.

Norway (ratification: 1949)

Article 12, paragraph 1(c)(iv) and Article 15(a) of the Convention. Further to its previous comments, the Committee notes with satisfaction that, in conformity with these provisions of the Convention, sections 9(2)(c) and 11(2) of the Act of 1977 relating to worker protection and the working environment, gives labour inspectors the right to take or remove for analysis samples of materials used and that section 82 of that Act generalises the prohibition on inspectors having an interest in undertakings under their supervision.

Paraguay (ratification: 1967)

Articles 20 and 21 of the Convention. The Committee notes that no inspection report has been received in the ILO since the ratification of the Convention, whereas under Article 20, such a report shall be published annually within 12 months after the end of the year to which it relates and communicated to the ILO within three months after its publication. It hopes that in conformity with the assurances given in 1975, the Government will take the necessary measures for the publication and communication to the ILO of such reports, containing all the information prescribed in Article 21.

Peru (ratification: 1960)

1. In its previous observations, the Committee called the Government's attention to the need for measures to strengthen the staff of the labour inspectorate (Article 10 of the Convention) and to ensure that labour inspectors are adequately trained (Article 7, paragraph 3). It also reminded the Government of the need to publish regularly the annual inspection reports (Article 20), the last of which, received by the ILO, was for 1969. The Committee notes from the Government's reply that on account of the measures to restrict public expenditure adopted by the Government, it has been impossible to increase the number of labour inspectors and to improve their training, and to create the infrastructure necessary for the operation of the service responsible for compiling and publishing the annual labour inspection reports. It hopes that the Government will be able to take the necessary measures as soon as possible to ensure application of the above-mentioned provisions of the Convention.

2. Article 13, paragraphs 2(b) and 3, and Article 15, clause (a). Further to its previous observations, the Committee notes from the Government's report that the draft regulations for the application of the Decree of 12 July 1971 have been submitted to the multisectoral

commission responsible for studying employment and social security problems, which has noted the draft. It hopes that the draft in question will soon be approved and that it will empower the labour inspectors to make or have made orders requiring measures with immediate executory force in the event of imminent danger and will prohibit inspectors having any direct or indirect interest in the undertakings under their supervision, in conformity with these provisions of the Convention.

Senegal (ratification: 1962)

Articles 20 and 21 of the Convention. The Committee notes from the Government's reply to its previous comments, that no inspection reports have been published for the years 1971-76, since no annual reports were drawn up by the various regional labour inspectorates due to lack of staff and the constant rotation of labour inspectors. It takes note, however, of the Government's statement that all measures have been taken to ensure that the inspection report for 1977 will be published and that a circular letter No. 355 of 22 April 1977 has been sent to all the regional labour inspectorates requesting them to submit their respective annual reports by the end of December 1977. The Committee hopes that henceforth the annual inspection reports will be published regularly and transmitted to the ILO, in conformity with Article 20 of the Convention, and that they will contain all the information required under Article 21 of the Convention.

Sierra Leone (ratification: 1961)

Further to its previous comments, the Committee notes the information supplied by the Government, particularly that relating to Articles 3, 4 and 15(c) of the Convention.

Articles 20 and 21. Further to its previous observation, the Committee notes from the Government's reply that the inspection report for 1970-1975 is under preparation. It recalls that the last annual inspection report received by the ILO was for 1969 and that the Government has announced since 1975 the preparation of annual inspection reports. Under Article 20 of the Convention, an annual general report on the work of the inspection services has to be published within 12 months following the end of the year to which it relates and transmitted to the ILO within 3 months of its publication. The Committee therefore hopes that the inspection report for the period 1970-1975 will soon be published and transmitted to the ILO and that inspection reports containing all the information required by Article 21 of the Convention will be published and communicated regularly each year within the time limits laid down in Article 20 of the Convention.

Sri Lanka (ratification: 1956)

The Committee notes with regret that the Government's report has not been received, and must therefore call attention to the following points:

Article 13, paragraphs 2 and 3, of the Convention. In its report for 1974-76, the Government stated that an amendment to the Factories Ordinance, giving inspectors the right to make or to have made orders requiring measures with immediate executory force in the event of imminent danger, had been submitted to the National Assembly. The Committee hopes that this amendment will soon be adopted.

Article 20. The Committee notes that the latest inspection report received in the ILO relates to 1970, whereas under this provision of the Convention an inspection report shall be published annually within the 12 months following the end of the year to which it relates and communicated to the ILO within three months after its publication. It hopes that the Government will take the necessary measures to ensure that these reports are published regularly and sent to the ILO and that henceforth the time limits established by Article 20 of the Convention will be respected.

Surinam (ratification: 1976)

Further to its previous observation, the Committee notes from the Government's report that the draft labour inspection ordinance has been approved by the Council of Ministers and submitted to Parliament for adoption. It hopes that this draft will be adopted in the near future and that the Government will communicate its text as soon as it has been promulgated, together with detailed information on the organisation and operation of the labour inspectorate.

Switzerland (ratification: 1949)

Further to its previous request, the Committee notes with satisfaction the publication and transmission to the ILO of annual inspection reports for 1974-76, in conformity with Articles 20 and 21 of the Convention.

Article 13, paragraphs 2(b) and 3 of the Convention. For several years, the Committee has been calling the Government's attention to the incompatibility between the legislation and the provisions of the Convention. The Labour Act establishes three successive stages for labour inspectorate action in the event of violation of the law, viz: (a) notification of the offence to the offender and invitation to take the necessary measures within a specified time limit, to comply with the violated provisions (section 51(1) of the Labour Act and section 82 of Ordinance I issued under that Act); (b) decision by the cantonal authorities if the offender does not comply with the request to respect the provisions violated (section 52(2)) and (c) appropriate action by the cantonal authorities when their decision under section 51(e) (2) has not been respected, including the possibility, after written summons, of opposing use of the premises or equipment and closing of the undertakings for a specified period (section 52(1)). This procedure of necessity implies a certain time limit in which to comply with the orders from the labour inspectorate, whereas the Convention provides that labour inspectors may make or have made orders requiring measures with immediate executory force in the event of imminent danger to the health or safety of workers.

The Committee notes the Government's reply to its previous direct request to the effect that acting on its comments would involve amendment of the Labour Act, action which the Government cannot take on its own account, since no request to this effect has been submitted by Parliament or the trade union organisations. The Committee hopes that the Government will nevertheless take appropriate action to bring the national legislation into conformity with the Convention on this point.

Tanzania (ratification: 1962)Tanganyika

Articles 20 and 21 of the Convention. The Committee notes that no annual inspection report has been published since 1963. It recalls that the Government in its report on the application of the Convention for the period 1974-75 stated that the reports on the activity of the labour inspectorate were being prepared. Since no information on this matter has since been received, the Committee again expresses the hope that the Government will soon take the necessary measures to ensure the publication and transmission to the ILO of annual inspection reports in accordance with the provisions of the Convention.

Turkey (ratification: 1951)

Articles 20 and 21 of the Convention. Further to its previous observations, the Committee notes with satisfaction the inspection report for 1966-73, which contains all the information stipulated in Article 21 of the Convention. It also notes with interest the Government's statement that annual inspection reports will henceforth be published regularly and transmitted to the ILO. The Committee therefore hopes that the inspection reports for 1974 and 1975 will be communicated soon.

United Kingdom (ratification: 1949)

Article 15(c) of the Convention. Further to its previous direct request, the Committee notes with satisfaction that the Health and Safety Executive has issued an instruction requiring labour inspectors, when investigating a complaint, to conduct their inquiry so that it does not point to the complainant or lead to his becoming known and so that it avoids revealing that a complaint has been made, unless the complainant has agreed otherwise.

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In addition, requests regarding certain points are being addressed directly to the following States: Algeria, Argentina, Bangladesh, Barbados, Belgium, Bolivia, Bulgaria, Burundi, United Republic of Cameroon, Chad, Colombia, Dominican Republic, Ecuador, Egypt, Finland, Gabon, Ghana, Greece, Guatemala, India, Iraq, Israel, Italy, Jamaica, Japan, Kenya, Kuwait, Lebanon, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Malawi, Malaysia, Mauritius, Morocco, Netherlands, Nigeria, Pakistan, Panama, Paraguay, Romania, Spain, Sudan, Surinam, Switzerland, Tanzania, Tunisia, Uganda, United Kingdom, Uruguay, Venezuela.

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

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

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

**Convention No. 86: Contracts of Employment (Indigenous Workers), 1947**

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

**Convention No. 87: Freedom of Association and Protection of the Right to Organise, 1948**Argentina (ratification: 1960)

The Committee notes the information given by the Government to the Conference Committee in 1977, the statement made by the government representative before this Committee and the last report furnished by the Government. The Committee also notes the report submitted by the Committee on Freedom of Association on Case No. 842 concerning Argentina and the complaint concerning the observance by this country of Convention No. 87 submitted by several delegates to the 63rd (1977) Session of the International Labour Conference under article 26 of the Constitution.

The Committee is bound to observe, in the light of the most recent information, that no measures have been taken to normalise the trade union situation or, in particular, to lift the control exercised by the Government over the General Confederation of Labour and other trade union organisations. Moreover, the restrictions placed on trade union activities, particularly in respect of elections, meetings and collective bargaining, remain in force, and section 18 of Act No. 20615 on trade unions, which prohibits the interference of the administration in trade union affairs, is still suspended.

In this connection the Committee notes from the statement of the Government that new trade union legislation should be adopted during the first four months of 1978.

The Committee hopes that the promulgation and application of the new legislation announced by the Government will take place in the near future and lead to the rapid establishment of a trade union situation in conformity with the standards of the Convention.<sup>1</sup>

Bolivia (ratification: 1965)

The Committee notes the statement made by a government representative to the Conference Committee in 1977. It notes with regret, however, that the report of the Government has not been received. The Committee has also taken note of the reports submitted by the Committee on Freedom of Association relating to various cases concerning Bolivia (Cases Nos. 685, 781, 806 and 814) and to the complaint relating to the application by Bolivia of Convention No. 87 submitted by several delegates to the 60th Session of the International Labour Conference in 1975 under article 26 of the Constitution.

The Committee notes with interest that a general amnesty, from which the arrested and exiled trade unionists should also have

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 64th Session.

benefited, was decreed on 17 January 1977 and that under Decree No. 15267 of 27 January 1978 trade union elections must take place within 30 to 90 days in order to re-establish a normal trade union situation.

The Committee also notes that the Government has published the draft Labour Code that was under preparation and is at present the subject of consultations with workers' and employers' organisations. The Committee has examined this draft and is addressing a direct request to the Government on certain of its provisions.

The Committee recalls, moreover, that it has previously commented on the General Labour Act now in force. Its comments related to the following matters: prohibition of the right to organise of civil servants, exclusion from the scope of the Act of home workers and casual workers, previous authorisation required for the setting up of a trade union, prohibition of setting up more than one trade union in an undertaking, supervision of the activities of the trade union committee by the labour inspectorate, possibility of dissolving trade union organisations by administrative authority, power of the executive to prohibit a strike by resorting to compulsory arbitration.

The Committee expresses the hope that a normal trade union situation will soon be restored and that the Government will adopt the necessary measures to this end, taking into consideration the comments of the Committee on the General Labour Act and the draft Labour Code.<sup>1</sup>

#### Central African Empire (ratification: 1960)

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

The comments made by the Committee over a number of years concern section 10 of the Code, which provides that officers of the union must have been in the trade or occupation for five years; section 22, which provides that collective agreements must be discussed by delegates from the unions of employers or workers belonging to the occupation or occupations; and section 6, which imposes restrictions on the trade union rights of aliens.

The Committee trusts that the aforementioned provisions will be amended in the near future in order to bring them into full conformity with the Convention. It requests the Government to communicate all information on any progress made in this connection.<sup>1</sup>

#### Chad (ratification: 1960)

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

In its previous observations, the Committee had made comments on section 36 of the Labour Code, which prohibits trade

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<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 64th Session.

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

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

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

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

In addition, in its previous direct requests, the Committee has noted the statement of the Government that trade unions may affiliate with organisations provided these have African allegiance. The Committee again requests the Government to indicate whether organisations of workers and employers have the right to affiliate with international organisations of workers and employers, in general, as provided in Article 5 of the Convention.<sup>1</sup>

#### Dominican Republic (ratification: 1956)

The Committee notes the information provided by the Government in its latest report.

The Committee noted in its previous observation that the Governing Body, at its 200th Session (May-June 1976), on the recommendation of the Committee on Freedom of Association, had requested the Government to consider the possibility of also having recourse to the direct contacts procedure in respect of complaints of infringements of freedom of association that were before the Committee. These complaints related in particular to various aspects of trade union legislation. The Committee notes that the Government has not yet communicated its consent to the institution of these direct contacts.

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<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 64th Session.

The Committee recalls that its earlier comments, which it had addressed to the Government on several occasions, related to the position of several groups of workers - such as civil servants and other workers employed by the public authorities and certain classes of agricultural workers - which are excluded from the Labour Code and so from the guarantees concerning freedom of association set out in it. The Committee also pointed out that, by permitting resort in all cases of collective labour disputes to an arbitration procedure with a compulsory award, sections 368 to 379 of the Code could place serious restrictions on the right to strike and thus infringe the right of trade unions to organise their activities (Article 3 of the Convention). The Committee also referred in this connection to Article 8, paragraph 2, of the Convention, under 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 the Convention.

The Committee also wishes to comment on the following questions.

Under Order No. 13/74 of the Secretariat of State for Labour, general assemblies that are convened to set up a trade union, to elect its managing committee, to modify its rules or to join a federation or confederation must be certified by a labour inspector. The Committee considers that workers and their organisations should have the right to meet without the presence of the public authorities.

Order No. 15-64 of the Secretariat of State for Labour require a minimum of seven trade unions to form a federation and four federations - or three trade federations - to form a confederation. The Committee considers that these provisions restrict the right of organisations to establish federations and confederations provided for in Article 5 of the Convention.

The Committee trusts that the Government will re-examine the legislation in the light of the above comments and that it will consent to the institution of the direct contacts requested.<sup>1</sup>

#### Egypt (ratification: 1957)

The Committee notes the information supplied by the Government to the Conference Committee in 1977, and in its latest reports. It notes in particular that the Government intends re-examining the trade union legislation in the near future and adopting the necessary measures to bring the national legislation into full conformity with the Convention. The Committee also notes that a tripartite committee has been set up for this purpose and that one of its main responsibilities will be to take into consideration the observation made by the Committee.

The Committee notes with satisfaction that a clause, on which it had previously made comments, imposing a fine for failure to vote in trade union elections, has been omitted from the Trade Unions Act of 1976.

1. The Committee had made comments on Act No. 35, which stipulates that only one union might exist at any level (sections 9, 10, 13, 15 and 17). The Government points out that the Trade Union Act was prepared by the Egyptian Trade Union Federation and that the Assembly which adopted it is composed of equal numbers of workers and

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 64th Session.



peasants. Consequently, this Act is in response to the workers' own demands in that it avoids factionalism and dissension within the trade union movement. ranks. The Committee appreciates the Government's desire to avoid division of the trade union movement, but must nevertheless point out that a unified trade union system has been instituted and is maintained by legislation, whereas, in order to be in conformity with the Convention, it should be left to the unions to unite voluntarily to form single organisations and the law should not impose a single trade union structure. The Convention in no way makes it compulsory to have a multiplicity of unions, but it requires that workers and employers should be free, if they so desire, to set up organisations of their choice without being prevented from so doing by the legislation.

2. Other comments related to the prohibition against joining a union imposed on certain groups of persons having higher responsibilities in public administration or private management (section 19(e)). The Committee considers that, under Article 2 of the Convention, which covers "workers and employers, without distinction whatsoever", such categories of persons should be free to form their own organisations. Persons sentenced for subversive acts endangering civic peace are also prohibited from joining trade unions (section 19(d)). The Committee requests the Government to supply further information on the acts covered by this provision and, in particular, to state whether participation in a trade union demonstration or a strike could be considered as an act of this nature. Regarding the prohibition on electing and being elected imposed on unemployed persons and pensioners (section 23) and the condition for eligibility bound up with the obligation to work in the sector covered by the union (cumulative effects of sections 9, 10, 21(a) and 36(c)), the Committee considers that it would be desirable to re-examine these provisions so as to permit all members of a union to participate in elections and to permit the eligibility of at least some of the persons previously occupied in the sector in question.

3. Regarding the model constitutions and financial regulations which are to be drawn up by the General Federation and approved by the Minister (sections 61 and 62), the Committee notes from the Government's report that model constitutions serve as a guide for the unions, which are free to follow them or not. On the other hand, the Committee considers that the legislation should not contain compulsory rules as regards the distribution of trade union funds, at present established by the Code (section 62), and the election procedure for which the powers conferred on the Minister are very wide (section 41).

4. The Government states in its report that recourse to conciliation and compulsory arbitration procedures (sections 189, 203, 205, 209 and 232 of the Labour Code) is requested by the workers themselves. The Committee nevertheless notes that the legislation also enables an employer to prevent exercise of the right to strike by having recourse at any time to the procedure established by the Code. Consequently, these provisions involve a risk of considerably restricting the means available to trade union organisations to further and defend the interests of their members (Article 10 of the Convention) and the right to organise their activities (Article 3).

5. The Committee notes the information supplied by the Government regarding the minimum number of members needed to form a trade union committee. It also notes that the legislation relating to employers' organisations is at present under examination with a view to bringing it into conformity with the Convention.

The Committee expresses the hope that the re-examination of the legislation, announced by the Government, will take place shortly and

that account will be taken on this occasion, of the Committee's comments.

Ethiopia (ratification: 1962)

The Committee notes the statement made by the Government representative to the Conference Committee in 1977. It must however note with regret that the report requested from the Government has not been received.

In its previous observations, the Committee had made comments on the following points:

1. Under the Labour Proclamation of 1975, the All Ethiopia Trade Union, which represents all workers in the country (section 51(3)), shall guide and supervise the labour movement and issue directives to the unions to ensure their functioning in line with socialist principles (section 52(3)(b)). The lower trade unions shall be subordinate to higher ones and shall be obliged to accept and implement the latter's decisions (section 50(4) and (7)). Moreover, only one trade union may be established in an undertaking (section 49(2)). In her statement, the Government representative said that workers' unity was necessary to achieve material, economic, cultural and intellectual development. She also pointed out that, although trade union unity was provided for by law, it was not, however, imposed, since workers were involved in the legislative process. The Committee fully appreciates the Government's desire to promote a trade unionism free from divisions and considers that in such cases it is desirable to endeavour to encourage the unions to combine voluntarily in order to form united organisations. The Committee must nevertheless point out that the existing trade union unity has been introduced and is maintained through legislation and is, therefore, not the will of the trade union organisations alone. Consequently, the Committee must again point out that the aforementioned provisions are not in conformity with Article 2 of the Convention which guarantees workers the right to establish organisations of their own choosing.

2. The Labour Proclamation does not extend to public service employees, management personnel or domestic servants. The Government representative stated in this connection that these workers are not deprived of the right of association, since they participate in the "Urban Dwellers' Association" and similar bodies. The Committee considers that these categories of workers should have the same trade union rights as workers generally, since the Convention establishes these rights for all workers without distinction whatsoever (Article 2).

3. The Committee had pointed out that by virtue of certain provisions in respect of illegal strikes (sections 106 and 99(3) of the Labour Proclamation), the right of workers to take part in a strike to further and defend their interests seemed to be excluded. According to the Government representative, section 106 of the Labour Proclamation does not prohibit the right to strike, but merely lays down the procedure for strikes, which has, moreover, been approved by the unions. The Committee recalls that, under the legislation, a strike is unlawful if the dispute has not been referred to the Labour Division of the High Court, and, even if it has been referred to the Court, 50 days have not elapsed before any decision is given. In addition, a strike is unlawful if it is initiated against the decision of the Labour Division of the High Court, to which it may be referred by one of the parties to the dispute, and whose decision is without appeal. Although the provisions in question do not completely ban strikes, the Committee

nevertheless considers that the conditions established may make it very difficult, if not almost impossible, to declare a strike. There is consequently an important restriction on the possibility for unions to further and defend the interests of their members (Article 10 of the Convention) and on their right to organise their activities (Article 3).

4. Only the All Ethiopia Trade Union can affiliate with an international organisation of workers, and any such affiliation is subject to verification by the Minister (sections 51(2) and 109(13) of the Labour Proclamation). According to the Government representative, these provisions are not aimed at infringing international affiliation rights of trade unions, but are designed to verify that national, economic and social policies agreed with the State are put into effect. Nevertheless, provisions of this nature do not appear to be compatible with the principle of the free and voluntary affiliation of unions with international organisations, as provided for in Article 5 of the Convention.

5. The Committee has taken note of information according to which the Federation of Employers of Ethiopia has been dissolved by the Government. The Committee recalls that organisations of employers and workers shall not be liable to be dissolved by administrative authority (Article 4). It requests the Government to provide details concerning this matter.

The Committee requests the Government to re-examine the legislation in the light of the foregoing comments and to supply information on any developments in this connection.

#### Ghana (ratification: 1965)

The Committee notes the information supplied by the Government in its latest report.

In its previous observation, the Committee commented on the following points:

- sections 11(3) and 12(1)(d) of the Trade Unions Ordinance, 1941, allow the registrar of trade unions to refuse to register a union where observations or objections have been made in relation to an application for registration;

- section 3(4) of the Industrial Relations Act, 1965, under which a union cannot be registered if another union representing the same category of employees or a part of such category already holds a certificate of registration;

- the lack of provisions concerning the right to form and join federations and confederations or the right to join international organisations of workers or employers.

Regarding the first two points, the Government states in its report that amendments to the provisions mentioned by the Committee would tend to encourage splintering of the unions. The Government also states that no objection has ever been raised in practice against any union applying for registration. Furthermore, the Government considers it undesirable to certify another union to duplicate the efforts of the first union registered.

Whilst noting these statements, the Committee would point out that the provisions with regard to the powers conferred on the

registrar to refuse registration of a union are so wide that they might be used in a manner conflicting with Article 2 of the Convention, by preventing workers from establishing organisations of their choosing without previous authorisation. As regards the impossibility of granting a registration certificate in the event of a union already being registered, the Committee recalls that it is not necessarily incompatible with Article 3 of the Convention to provide for the granting to the majority union of a given unit, a certificate of registration recognising it as sole bargaining agent for that unit. However, determination of the majority union should be based on objective and predetermined criteria. Furthermore, the legislation should provide that if another union becomes the majority one, it should have the right to receive the certificate as sole bargaining agent. The Committee hopes that the Government will take the necessary measures to bring these points of the legislation into full conformity with the Convention.

Regarding the right to join international organisations, the Committee notes that the Ghana Trades Union Congress and the national unions are free to join the international organisations of their choice.

The Committee again requests the Government to supply information on the right to establish and join federations and confederations as provided for in Article 5 of the Convention.

#### Guatemala (ratification: 1952)

The Committee has taken note of the statement made by a Government representative to the Conference Committee in 1977 as well as the information provided by the Government in its latest report.

The Committee has also been informed that on the occasion of a mission by a representative of the Director-General of the ILO in 1977, the Government stated that the Council of State, a body of tripartite composition, was to be requested to give its views on the draft legislation containing the amendments to the Labour Code which was prepared during the direct contacts in November 1975. This draft legislation was intended to bring the legislation into line with the Convention on the points raised by the Committee and was designed to amend the Labour Code on questions concerning the prohibition against re-election of trade union leaders, the control of the unions by the Government, the prohibition against establishing minority trade unions within enterprises, the dissolution of the unions which took place with respect to questions of electoral and party policy and the rights of the workers of decentralised, autonomous and semi-autonomous state enterprises in trade union matters. The Committee had also noted that the application of article 63 of the Civil Service Act which recognises the right of public servants to associate was not governed by any regulatory provisions.

The Committee trusts that the re-examination of the legislation will be concluded shortly and that this will take into account the comments made by the Committee on several occasions as well as the draft legislation drawn up during the direct contacts in 1975.<sup>1</sup>

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<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 64th Session.

Honduras (ratification: 1956)

The Committee notes the statement made by a Government representative to the Conference Committee in 1977 and the information provided by the Government in its latest report.

The information thus communicated shows that the Government is at present studying the draft bill prepared during the direct contacts of 1975 with a view to bringing the legislation into conformity with the Convention.

The Committee recalls that it has for several years been making comments on the following points:

1. Amendment of section 2 of the Labour Code so as to extend the right of association explicitly to workers in agricultural and stockbreeding undertakings not regularly employing more than 10 workers, so as to bring this section into line with Article 2 of the Convention.
2. Action to bring sections 475 and 504 of the Labour Code into line with Article 2 of the Convention, so as to abolish the condition that 90 per cent of a union's membership must be Honduras citizens.
3. Amendment of section 472 of the Labour Code, which is inconsistent with Article 2 of the Convention by providing that there shall be only one plant union in a given enterprise, institution or establishment and that, where more than one union already exists, only the union embracing the greatest number of workers shall continue.
4. Amendment of section 510(c) of the Labour Code, which is inconsistent with Article 3 of the Convention by requiring union officers, at the time of their election, to be persons regularly carrying on the occupation or craft represented by the union and who have regularly carried it on for more than six months in the preceding year.
5. Action to bring the following sections into line with Article 4 of the Convention under which workers' and employers' organisations shall not be liable to be dissolved or suspended by administrative authority, namely:
  - (a) sections 570 and 571, permitting the Minister of Labour and Social Welfare to make an order imposing penalties which may include dissolution of a union that has initiated or supported a strike declared without the required majority of votes;
  - (b) section 500(2) (b), which provides for possible administrative suspension of union officers who have been responsible for infringements of the Code;
  - (c) section 500(2) (c), permitting the Ministry of Labour and Social Welfare to withdraw for the time being an organisation's corporate status where it has been responsible for an infringement of the Code.
6. Action to bring the following two sections of the Code into line with Article 6 of the Convention, namely, section 537 under which federations or confederations are not entitled to declare a strike, and section 541 which requires union officers to have carried on the occupation or craft represented by the union for more than one year before election.
7. Amendment of section 500(5) of the Labour Code, which provides that any member of a union's managing committee who has been the cause of a penalty involving dissolution of the union may be deprived for three years of the right of association in any form in union affairs, since this provision is not compatible with Article 2 of the Convention.

The Committee trusts that the modifications to the legislation, announced by the Government, will be promulgated very soon. It requests the Government to supply information on any developments in this connection.<sup>1</sup>

Ireland (ratification: 1955)

The Committee takes note of the information provided by the Government in its latest report. This information refers to the matters raised by the Committee in its previous direct request in connection with certain provisions of the Trade Union Act, 1941, as amended in 1971, and to comments made by the Irish Congress of Trade Unions with regard to the Trade Disputes Act, 1906.

The Committee deals with the question relating to the Trade Union Act, 1941, in a direct request.

As regards the Trade Disputes Act, 1906, the Irish Congress of Trade Unions had stated that the Irish courts have interpreted the Act in such a restrictive manner as to exclude employed persons who are not employed in profit-making undertakings from the scope of the Act, thus depriving these workers of the right to strike.

The Committee notes from the report of the Government that those employees who do not benefit from the statutory protection afforded by the Trade Disputes Act, 1906 for peaceful picketing could be found liable in damages in the event of their engaging in peaceful picketing during a strike. According to the Government this does not mean, however, that these workers cannot withdraw their labour.

It would appear to the Committee from the information supplied, and in particular from the court judgements transmitted by the Government that, although no direct prohibition against strikes exists in respect of those categories of workers not covered by the 1906 Act, the fact that such workers are not "workmen" as defined in the Act and consequently any dispute arising with their employers cannot be a "trade dispute" within the meaning of the Act, could render such workers liable for damages if they engaged in strike action or in picketing.

The Committee would point out that such a situation would appear to constitute a substantial limitation on the means of action open to the organisations concerned to defend the interests of their members and therefore would not be in conformity with Articles 3, 8 and 10 of the Convention. Referring more specifically, however, to public servants and persons employed in essential services, to whom the 1906 Act does not apply, the Committee would recall, in connection with Convention No. 87, that recognition of the principle of freedom of association for such categories of workers does not necessarily imply the right to strike.

Japan (ratification: 1965)

The Committee has taken note of the information provided in statements to the Conference Committee in 1977 by the Government representative and the Japanese Workers' member. It has also taken note of comments communicated by the Japanese General Council of Trade Unions (SOHYO) and the Government's reply to these comments.

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<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 64th Session.

With regard to the information provided concerning the two Bills (one to grant legal personality to unregistered unions and the other to amend the provisions relating to the cancellation of registration and the provisions defining managerial, supervisory and confidential personnel), which had been submitted to the Diet for the first time in June 1975, the Committee notes that the Government has again submitted these Bills to the present session of the Diet (December 1977 to May 1978). The Committee can only express the hope that they will be adopted at the present session and that they will take full account of the Committee's previous comments on the matters involved.

In its comments the SOHYO points out that the Supreme Court, in a case involving the Nagoya General Post Office, laid down that the ban on strikes under the Public Corporations and National Enterprise Labour Relations Law was constitutional. In addition, continues the SOHYO, the Court imposed penalties on the workers who had taken part in a two-hour strike, which was contrary to a previous court ruling that no punishment should be imposed for a simple strike. In connection with the right to strike in the public service and the previous comments made by the ILO supervisory bodies (including the Fact-Finding and Conciliation Commission on Freedom of Association) concerning the guarantees which should exist to safeguard the interests of the workers where strikes are prohibited or subject to restriction (viz. adequate, impartial and speedy conciliation and arbitration procedures in which the parties can participate at all stages and in which the awards are binding and fully and promptly implemented), the SOHYO again points out that the commissioners representing the public interest on the Public Corporation and National Enterprise Labour Relations Commission (KOROI) are not appointed with the agreement of both labour and management.

For its part the Government states that the judgement in the Supreme Court case referred to above admits that the system of conciliation and arbitration by the KOROI, and that the compulsory arbitration procedures function effectively. The Government goes on to explain that a public commissioner must be appointed by the Prime Minister with the consent of both Houses of the Diet from among the persons entered in the list of candidates prepared by the Minister of Labour after hearing the opinion of the employer commissioners and the labour commissioners, which opinion is fully respected. In no case, adds the Government, are those who are opposed by the employers or workers concerned entered in the list of candidates prepared by the Minister of Labour.

In this connection the Committee notes the contradictory statements made by SOHYO and the Government as regards in particular the appointment of the members of the KOROI. The Committee would repeat what it has said on a number of occasions in the past concerning bodies such as the KOROI, viz. that these should be impartial and be regarded as such by the parties, since the genuine success of the procedures depends on the confidence of the parties.

As regards the right to organise of personnel in the fire service the Committee has noted the information and comments provided by SOHYO and by the Government. The Committee notes, in particular, that a National Council of Fire-Fighting Personnel has in fact been formed. In these circumstances, the Committee would request the Government to keep the question of granting the right to organise to this category of worker under review and inform the Committee of any progress in this connection.

The Committee, once again, requests the Government to report on any developments made as regards the above matters, and in particular as regards the adoption of the two Bills which have now been submitted to the Diet.

Liberia (ratification: 1962)

The Committee notes the statement by the representative of the Government to the Conference Committee in 1977 and the information supplied by the Government in its latest report.

The Committee pointed out in its previous observations that certain provisions of the Labour Practices Act were not in conformity with the Convention. These provisions relate to the following matters: the ban on unions having both industrial and agricultural workers as members and the joint membership of these workers in a national trade union central organisation, the absence of statutory provisions guaranteeing the right of workers in the public sector to organise, and the supervision of union elections by the Labour Practices Review Board.

The Committee notes with interest that the ban on the joint membership of industrial and agricultural workers' unions has been omitted from the draft of the new Labour Code. It notes that the draft of the new Code is still under examination by the national legislature and that it is hoped that decisions will be taken on this Code before the 1978 Session of the Conference.

As the new draft Code has been before the Legislative Assembly for some years, the Committee considers it desirable that section 4601-A of the Labour Practices Act, banning joint membership of industrial and agricultural workers' unions, be repealed as soon as possible. Such repeal would be in conformity with the statement made by the President in 1976 regarding the formation of a national trade union central organisation on a voluntary basis.

The Committee notes that the Government does not refer in its statement to the draft Labour Code, nor to the other matters raised by the Committee. It considers that the Government should adopt the necessary legislative measures in order to take into account the comments which the Committee has been making for many years regarding freedom of association in the public sector and the supervision of union elections. It therefore requests the Government to state what measures it intends taking to this end.<sup>1</sup>

Mauritania (ratification: 1961)

The Committee notes the statement made by a Government representative to the Conference Committee in 1977. It observes, however, with regret that the report of the Government has once more not been received.

In its earlier observations the Committee pointed out that, 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 may set up only one trade union. This provision is contrary to Article 2 of the Convention, under which workers and employers have the right to establish and to join organisations of their own choosing.

The Government representative mentioned in this connection that these provisions were intended to prevent the setting up of trade

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<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 64th Session.



unions on an ethnic and linguistic base, but that this aim had been reached and that nothing remained in the way of their repeal. This was to take place when the Labour Code was brought into conformity with the Conventions and with the policies adopted by the country.

The Committee also observed that sections 1 and 7 of Book III of the Labour Code, taken together, which require that all trade union leaders shall belong to the occupation they represent, are incompatible with Article 3 of the Convention, under which workers' organisations have the right to elect their representatives in full freedom.

Lastly, the Committee observed that 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 an arbitration procedure. The arbitration award or the judgement of the Supreme Court, hearing the appeal against it is enforceable under section 45. These provisions may result in a general prohibition of strikes and so place important restrictions on the freedom of action of trade unions, which would be incompatible with Articles 3 and 8, paragraph 2, of the Convention.

The Committee trusts that the Government will reconsider the legislation in the near future in the light of the comments made above. It requests the Government to supply information on any progress made.<sup>1</sup>

#### Pakistan (ratification: 1951)

The Committee notes the information communicated by the Government to the Conference Committee in 1977 and in its reports.

1. In its previous observations, the Committee made comments on section 7(1)(d) of the Industrial Relations Ordinance, which provides that 75 per cent of the persons forming the executive committee of a registered trade union shall be persons from among the workers actually employed in the establishment or industry concerned. The Committee notes the Government's statement that the provision in question is designed to ensure that the unions are not formed entirely by outsiders who are apt to pursue their extraneous interests through the trade union platform. Whilst fully appreciating the concern thus expressed by the Government, the Committee is of the opinion that consideration should also be given to the risk which such a provision might create in that the dismissal of a workers' organisation leader could result in him ceasing to be a union official and thus facilitate interference by the employer. The Committee requests the Government to indicate whether a trade union officer who has been dismissed or who has retired may retain his position or eligibility as a representative of the workers employed in the sector covered by the union. The Committee also requests the Government, having regard to the practical situation in the country, to examine the possibility of increasing the proportion of persons eligible from outside the establishment or industry in question, particularly those workers who were previously employed in the sector covered by the union.

2. Regarding the right of association of government employees, the Committee notes with interest the Government's statement that the vast majority of state employees is able to form associations without any restriction whatsoever. The Committee requests the Government to transmit the text of the instructions issued to this effect. No  
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<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 64th Session.

instruction has been issued regarding the recognition of associations grouping employees of 6 of the 22 grades comprising the administration. However, the Government states that associations covering these six grades in fact enjoy recognition. The Committee notes this information and requests the Government to study the measures which would be necessary to give full recognition to the right of all state employees to organise, thus bringing the legislation into conformity with practice.

3. Regarding the comments made by the Pakistan National Federation of Trade Unions, the Committee notes that the suspension of application of the Industrial Relations Ordinance to the Pakistan International Airline Corporation was only for a period of 60 days and was applied under the Maintenance of Essential Services Act of 1952. The Committee also notes that this Act applies only to services which are essential to the life of the community and only for a period of six months. The Committee requests the Government to supply information on any future application of this Act.

4. The Committee is addressing a direct request to the Government on another point raised by the Pakistan National Federation of Trade Unions concerning the model rules for trade union organisations.

#### Peru (ratification: 1960)

The Committee notes the statement made by the Government representative to the Conference Committee in 1977 and the information provided by the Government in its latest report. It notes, in particular, that the fundamental labour law has not yet been promulgated and that the Committee's comments have been brought to the attention of a multisectoral committee which is preparing this law.

Regarding the right to organise in the public sector, the Committee notes that the draft Supreme Decree on the right to organise of workers in state enterprises, prepared during earlier direct contacts, has also been submitted to the multisectoral tripartite committee. It notes also that, in practice, several categories of workers in the public sector already have the right to organise. The Committee recalls in this connection that the Convention applies to all workers without distinction whatsoever and that the only categories which may be excluded from the safeguards of the Convention are the armed forces and police. The Committee is of the opinion that the Government should bring legislation and practice into conformity and adopt, as soon as possible, provisions recognising the right to organise of state employees and workers in the public sector, as recently requested by the Committee on Freedom of Association in a case relating to Peru (see 172nd Report of the Committee, Case No. 870, paragraphs 307-330).

The Committee recalls that in addition to its comments on right to organise in the public sector, it has for several years made comments on the following matters:

- the trade union rights of workers in welfare institutions, hospitals and similar occupations;
- the right of workers to set up more than one union, if they so wish, in the same undertaking;
- the right of workers to choose as trade union representatives persons who are not workers or employees of the undertaking in question;

- the desirability of lifting the prohibition on trade unions engaging in political activities;
- the need to bring into conformity sections 5 and 9 of Decree No. 009, under which unions may be established only for an undertaking or occupation, with Article 2 of the Convention and the practice announced by the government, under which industrial unions may be established;
- the right of unions belonging to different branches of activity to form federations.

The Committee hopes that the Government will take all these comments into account in the amendments to the legislation which are being prepared at present.<sup>1</sup>

Sweden (ratification: 1949)

Further to its previous observation, the Committee has noted the information communicated by the Government to the Conference Committee in 1977 and in its latest report.

It appears from the Act of 1976 concerning co-determination at work that all workers' organisations have the general right to negotiate on conditions of work, wages, etc. (section 10). Trade unions who are parties to a collective agreement with an employer have in addition more extensive bargaining rights: the employer has to take the initiative in discussing with them when he decides on an important change in his activity (section 11) and these trade unions have a broader right of information on questions concerning collective bargaining (section 19).

The Government has also communicated in its latest report certain comments made by the Swedish Employers' Confederation (SAF) and by the Swedish Dockers' Union. It appears from these comments that the Swedish Dockers' Union - which seems to be the most representative organisation of dockers - has unsuccessfully claimed the opportunity of negotiating with the employers the terms of a specific collective agreement for dockers.

As regards the practical application of the legislation, the Committee considers, as it indicated in its last observation, that employers, including the public authorities acting in their capacity as employers, should recognise for the purposes of collective bargaining the organisations that are representative of the workers in a given branch of activity. It requests the Government to provide information on any development of the position in this respect.

Syrian Arab Republic (ratification: 1960)

The Committee notes that the Government's report does not contain any new information. It is therefore obliged to renew its observation of 1977, which was in the following terms:

In its communications to the Conference Committee, the Government indicated that the committee established to study the comments of the Committee of Experts had made proposals for the repeal or amendment of certain provisions of Legislative Decree

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<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 64th Session.

No. 84 of 1968 (on trade unions). These proposals formed the basis of a bill to be submitted to the legislative authorities at the earliest possible date.

1. The Committee notes with interest that the measures proposed concern the following provisions which were the subject of its comments: section 25 of Legislative Decree No. 84 of 1968, restricting the right of foreigners to join a trade union; section 32, requiring prior authorisation of the Federation of Trade Unions and of the Ministry in cases of gifts, donations or bequests; section 35, establishing financial control of the Ministry at all levels of trade union organisations.

2. The Committee had also made comments regarding section 44(b), clause 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. According to the information provided by the Government, the committee has proposed the repeal of section 44, paragraph 3, of the Legislative Decree, which appears to be the provision relating to the nationality of trade union officers.

3. The Committee also notes that, according to the information supplied by the Government, the committee had expressed its agreement with several points in the Committee of Experts' comments, but it would appear that specific proposals on the following points, which had been the subject of comments, have not been made: sections 2 and 8 of Legislative Decree No. 84 of 1968 requiring a minimum of 50 workers for the establishment of a trade union organisation; sections 32 and 36 of the above-mentioned Decree and sections 6 and 12 of Legislative Decree No. 250 (concerning employers of small undertakings and craftsmen) with respect to the deposit and compulsory allotment of trade union funds; section 49(c) of Legislative Decree No. 84, pursuant to which the General Federation is empowered to dissolve the executive committee of any union on various grounds.

4. The Committee notes also that the committee in question has been unable to agree on the steps to be taken with respect to the comments of the Committee concerning the system of unified structure imposed by law (sections 2 and 7 of Legislative Decree No. 84, section 2, of Decree No. 250). The Minister concerned has requested the committee to formulate precise proposals to fulfil all of the obligations resulting from the Convention.

5. The Committee hopes that the committee will also take into account the comments made in its direct requests as regards the prohibition on strikes, set out in the Agricultural Labour Code (section 160) and arising from section 19 of the Economic Criminal Code (which sanctions acts contrary to general productivity aims set by the competent authorities and resulting in a fall in production). The Committee recalls in this regard that any direct or indirect prohibition of strikes may considerably restrict trade unions' possibilities of action, contrary to Articles 3 and 8 of the Convention.

6. The Committee notes that Decree No. 253 of 1969 (relating to agricultural workers), with respect to which it made comments in its previous observations, has been repealed and replaced by Act No. 21 of 31 March 1974 concerning farmers' co-operative associations. The Committee wishes to be informed whether, as a result of this new situation, all agricultural workers, whether members of co-operatives or not, could form trade unions pursuant to general legislative provisions and whether they would be in a position to defend the rights and interests of their members.

7. Further to its previous direct requests, the

Committee requests the Government once again to state which provisions govern the right of state employees freely to constitute trade unions in accordance with the Convention.

The Committee trusts that the Government will soon take the necessary measures to amend the legislation so as to bring it into conformity with the provisions of the Convention.<sup>1</sup>

Trinidad and Tobago (ratification: 1963)

The Committee notes the information supplied to the Conference Committee by the Government in 1977 and that contained in the Government's latest report. The Committee also notes the observations made by the Employers Consultative Association.

The comments of the Committee referred to the right to organise in the civil service. The Committee noted in particular that it seemed, from the information supplied by the Government and from the legislation (section 24 of the Civil Service Act, 1965; section 72 of the Education Act, 1966; section 28 of the Fire Service Act, 1965; and section 26 of the Prison Service Act) that, where a class of civil servant was already represented by an association they could form or join other associations but that these would not be associations with the right to represent their members. The Committee also made other comments on sections 27 and 28 of the Fire Service Act.

The information provided by the Government shows that the commission appointed by the cabinet has submitted a report recognising that conformity with the Convention calls for the elimination of the restrictions concerning members of the civil service. This commission recommends the holding of consultations between the Government and the Labour Congress with a view to arriving rapidly at a position in conformity with the Convention and in keeping with national aspirations. The Government therefore arranged with the Labour Congress for discussions to take place. These discussions are taking place at present. According to the Employers' Consultative Association, no legislation has yet been issued respecting the right to organise of the civil service despite the recommendations to this effect made by the tripartite commission.

The Committee trusts that the legislation will be amended in the near future on the points raised above. It requests the Government to supply full information on any progress made.

Uruguay (ratification: 1954)

The Committee notes the information given by the Government to the Conference Committee in 1977 and that contained in its last report. The Committee also notes the reports submitted by the Committee on Freedom of Association on the case concerning Uruguay (Case No. 763) and the complaint concerning the observance by Uruguay of Conventions Nos. 87 and 98 submitted by several delegates to the 61st (1976) Session of the International Labour Conference under article 26 of the Constitution.

The Committee observes in particular that a representative of the Director-General went to Uruguay in April 1977 under the special procedure concerning freedom of association. It was clear from the

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 64th Session.

information collected by the representative of the Director-General that trade union organisations were still encountering serious difficulties.

The Committee notes that, according to the most recent information supplied by the Government, it has decided at the highest level, (in conclave), to enact legislation in the near future on the status and operation of occupational associations and that a committee has been set up for the purpose. The drafting of the new legislation will go hand-in-hand with the institutional reorganisation of the country. The Committee also notes that the Government will transmit the draft legislation to the ILO. Lastly, the Committee notes that the Governing Body, acting on the recommendation of the Committee on Freedom of Association, has invited the Minister of Labour or his representative to give orally at the May 1978 Session of the Committee details on the development of the situation and the prospects of an early return to a normal trade union life.

The Committee hopes that the drafting of the new trade union legislation that has now been started will be brought to a rapid conclusion and that it will make possible the re-establishment in the near future of a normal trade union situation conforming to the standards of the Convention.<sup>1</sup>

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In addition, requests regarding certain points are being addressed directly to the following States: Bolivia, Central African Empire, Dominican Republic, Egypt, German Democratic Republic, Honduras, Ireland, Malta, Mongolia, Pakistan, Peru, Senegal, Switzerland, Trinidad and Tobago.

### Convention No. 88: Employment Service, 1948

Algeria (ratification: 1962)

Articles 4 and 5 of the Convention. The Committee recalls that the ordinance establishing the National Manpower Office (ONAMO) (No. 71-42 of 17 June 1971) provides for the establishment of a Guidance Council whose membership includes four representatives of employing undertakings, two representatives of the General Union of Algerian Workers and one representative of the Association of Algerians in Europe, whereas the Convention requires that employers and workers be appointed to employment service advisory committees in equal numbers.

The Committee recalls further that in its report for 1975-76 the Government stated that the Guidance Council had been set up and that a draft revised statute of the ONAMO redefined the role and composition of the Council in conformity with the Convention. In its latest report, the Government states that this draft revised statute is still under examination, and that the practical application of these Articles is ensured with the full participation of the national organisations.

The Committee hopes that the Government will provide detailed information in its next report on the manner in which representatives

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<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 64th Session.

of employers and workers are currently consulted on the organisation, operation and policy of the ONAMO, with particular reference to progress in establishing an advisory committee on which employers and workers are represented in equal numbers.

Argentina (ratification: 1952)

Articles 4 and 5 of the Convention. The Committee notes, from the Government's reply to its previous direct request, that, because of the process of reorganisation through which the country is passing, the Government does not consider the time appropriate to establish committees comprising representatives of employers and workers to advise on the organisation, operation and policy of the employment service, although the plans of the National Employment Service Directorate include the initiation in the near future of arrangements to this end.

The Committee trusts that steps will be taken, in accordance with the requirements of the Convention, to appoint one or more national advisory committees, and such regional and local committees as may be necessary, on which employers' and workers' representatives are appointed in equal numbers after consultation with their representative organisations.<sup>1</sup>

Brazil (ratification: 1957)

Articles 4 and 5 of the Convention. Further to its previous observation, the Committee notes with satisfaction the creation by Decree No. 79.620 of 28 April 1977 of the National Council for Employment Policy, membership of which includes one employers' and one workers' representative nominated by their respective organisations, as an advisory body to the National Employment System of which the employment service forms part; and that the Council's functions include the proposing of measures for improving the machinery for achieving a balanced labour market.

Costa Rica (ratification: 1967)

The Committee notes the information supplied in reply to its previous direct requests.

Article 3 of the Convention. The Committee notes that, since the opening of two regional employment offices in 1969, there has been no further progress in the extension of the network of employment offices to cover the whole country. It notes moreover that the Central Office of Employment and Manpower is engaged in restructuring the regional offices which act only as receivers of applications for employment and trusts that this will lead to the establishment of fully-functioning employment offices to serve each geographical area of the country.

Articles 4 and 5. The Committee notes that the National Human Resources Council ceased its functions in 1969, and that the joint committees of employers and workers to collaborate in the placement of workers, provided for by Executive Decree No. 1508-TBS of 1971, have not been set up. It hopes that one or more advisory committees including employers' and workers' representatives in their membership

<sup>1</sup> The Government is asked to report in detail for the period ending 30 June 1979.

will be appointed to advise on the operation of the employment service as required by these Articles of the Convention.<sup>1</sup>

Dominican Republic (ratification: 1953)

The Committee notes with regret that the Government's report contains no reply to its previous observation in which it noted that the Government was considering the possibility of 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 under the World Employment Programme 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 recalled that legislative provision for the establishment of a national advisory committee was made in Decree No. 5740 of 5 May 1960, and expressed the hope that the Government would 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 expressed the hope that measures would be taken, with the help of technical co-operation if necessary, to improve the implementation of the other provisions of this Convention.

The Committee trusts that measures to give full effect to the Convention will be taken at an early date.

Guatemala (ratification: 1961)

Further to its previous comments, the Committee notes that the Government's report contains no information on the operation of the employment service.

Article 3 of the Convention. In 1974 the Committee noted the establishment of three regional employment offices at Eschintla, Puerto Barrios and Quezaltenango. It hopes that the Government's next report will contain full information on the current network of offices and on the measures taken or proposed to extend it to the whole country.

Articles 4 and 5. The Committee recalls the Government's indication in its report for the period 1973-75 that the National Employment Service had been instructed to reorganise its advisory committee in conformity with the Committee's comments and hopes that the Government will supply information on the steps which have been taken to fulfil the requirements of these Articles.

Articles 6, 7, 8, 10 and 11. The Committee trusts the Government

<sup>1</sup> The Government is asked to report in detail for the period ending 30 June 1979.



will provide detailed information on the manner in which these Articles are applied.<sup>1</sup>

India (ratification: 1959)

Articles 4 and 5 of the Convention. Further to its previous observation and the comments made in 1975 by the All-India Trade Union Congress, the Committee notes that the Central Committee on Employment met in October 1975, when it set up a Standing Subcommittee which has met four times since then and has recommended the reactivation of employment committees at the state level. The Committee further notes that committees at the state and, in most cases, also the district level are now functioning in 11 states and union territories; that there are at present no state or district committees in the remaining states and union territories but that the reconstitution of state or district committees on employment, which had been allowed to lapse, is under consideration in the States of Andhra Pradesh, Gujarat, Maharashtra, Tamil Nadu and Tripura and in the Union Territory of Goa Daman and Diu. The Committee hopes that the Government will provide detailed information in future reports on the further constitution of state committees, and on the work of the committees at various levels in advising on the operation and policy of the employment service.

Ireland (ratification: 1969)

The Committee has noted from the Government's report that it is proposing a reorganisation of the Department of Labour and its manpower and employment services, and that the Minister of Labour recently discussed with the Irish Congress of Trade Unions what additional consultative arrangements may be desirable in the administration of the employment service. The Committee has also noted the comments received from the Irish Congress of Trade Unions shortly before the Committee's session, relating to the need to appoint national, regional and local advisory committees to the National Manpower Service, in accordance with Articles 4 and 5 of the Convention. It requests the Government to provide information on the results of the above-mentioned reorganisation, so far as the employment service is concerned, including in particular the arrangements made or proposed for the consultation of employers' and workers' representatives at the various levels.<sup>2</sup>

Tanzania (ratification: 1962)

The Committee has taken note of the information supplied by the Government to the Conference Committee in 1977 in reply to its previous observation.

Article 3 of the Convention. The Committee notes with interest that the network of employment offices grew from 14 to 27 between 1969 and 1977, and that more are planned for the financial year 1977-78. It hopes that the Government will continue to provide information on the growth of the network of offices.

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<sup>1</sup> The Government is asked to report in detail for the period ending 30 June 1979.

<sup>2</sup> The Government is asked to report in detail for the period ending 30 June 1978.

Articles 6 to 11. The Committee notes that the National Employment Service Bill, to which the Government referred in its report for 1970-71, is still being considered by the Government. It observes that no information is available on the current application of these Articles, and trusts that the Government will provide details on the way in which effect is given to them, together with a copy of the regulations currently governing the employment service.

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In addition, requests regarding certain points are being addressed directly to the following States: Algeria, Argentina, Australia, Brazil, Central African Empire, Colombia, Costa Rica, Cuba, Ecuador, Egypt, Ethiopia, India, Iraq, Kenya, Libyan Arab Jamahiriya, Malaysia, Nigeria, Panama, Peru, Philippines, Portugal, Romania, Sierra Leone, Singapore, Surinam, Sweden, Syrian Arab Republic, Thailand, Tunisia, Turkey, Venezuela.

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

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

Greece (ratification: 1959)

Article 5 of the Convention. In its earlier comments the Committee pointed out that the suspension of the prohibition of night work granted for the general needs of production were not compatible with the terms of this Article of the Convention. It noted, however, that following representations made by the Greek Confederation of Labour the Ministry of Employment had addressed a circular to the services concerned prescribing that authorisations respecting the night work of women must conform to the provisions of section 42(4) of Act No. 3239 of 1955 and Article 5 of the Convention, which had resulted in a reduction of the number of authorisations granted.

The Committee regrets to note from the information supplied by the Government in its latest report that the number of authorisations granted during the period covered has increased considerably, rising from 90 (for the previous period) to 174. It expresses once more the hope that the Government will take suitable measures to ensure that suspensions of the prohibition of night work by women will be permitted only in the exceptional and particularly serious circumstances contemplated in this Article of the Convention.<sup>1</sup>

Ireland (ratification: 1952)

In its previous comments, the Committee called the Government's attention to the fact that the provisions of the Conditions of Employment Act, 1936, with respect to night work by women do not cover office work in industrial undertakings. It notes from the Government's latest report that as a result of the directives issued by the Council of the European Economic Community concerning application of the principle of equality of treatment between men and women with regard to

<sup>1</sup> The Government is asked to report in detail for the period ending 30 June 1979.

access to employment, vocational training and conditions of employment, and in application of the Employment Equality Act of 1977, the Minister of Labour has asked the Employment Equality Agency to review the relevant sections of the Conditions of Employment Act, 1936, and make a recommendation for the retention or removal of the restrictions on the employment of women on night work in industry. The Committee also notes that in February 1978 the Irish Congress of Trade Unions submitted comments to this agency expressing its opposition to the deletion of those sections of the 1936 Act which prohibit the employment of women in industry at night, indicating that it would be inappropriate to amend or delete these provisions before the ILO and the European Foundation for the Improvement of Living and Working Conditions have completed their investigations and published their conclusions and recommendations.

In view of the Government's statement that it will carefully study the recommendations of the Employment Equality Agency after consultations with the trade unions and employers' organisations concerned, the Committee requests the Government to communicate in due course its decision on this question, bearing in mind the obligations deriving from ratification of the Convention.

Italy (ratification: 1952)

The Committee has noted Act No. 903 of 9 December 1977 with respect to equal treatment for men and women with regard to employment, section 5 of which prohibits the employment of women in manufacturing industries between midnight and 6 a.m. It has also noted that this prohibition may be applied differently or removed by collective agreement, including those concluded at enterprise level, and that under section 19 all contrary provisions are repealed. The Committee notes that these provisions are not in conformity with the Convention which requires that night work by women shall be prohibited for at least 11 consecutive hours.

Kuwait (ratification: 1961)

Article 2 of the Convention. Further to its previous comments, the Committee notes with satisfaction the adoption of Order No. 28 of 1976 issued in application of the law on labour in the private sector which establishes at 11 consecutive hours the period of night-time rest, in conformity with the provisions of this Article of the Convention.

Luxembourg (ratification: 1958)

In its previous observations, the Committee called the Government's attention to the fact that the authorisation to employ women on night shifts in certain industrial undertakings because of the shortage of labour and the possibility to facilitate the setting up of new industries was not in conformity with the provisions of the Convention. It notes from the information supplied by the Government during the 63rd Session of the Conference, and in its latest report, that the number of women workers concerned is small and that pending a decision by the employers' and workers' organisations consulted, the Government is leaving in suspense its decision regarding the action to be taken on the Committee's conclusions. The Committee can but recall that Article 5 of the Convention authorises suspension of the prohibition of night work by women only "when in case of serious emergency the national interest demands it".

Philippines (ratification: 1953)

See under general observations, Philippines.

Uruguay (ratification: 1958)

The Committee notes from the Government's report that during the period covered the Government has authorised the suspension of the prohibition on night work by women in about ten undertakings, particularly where the national interest was involved or in order to increase exports. The Committee would point out that such suspension is not in conformity with the provisions of the Convention, Article 5 of which authorises suspension of the prohibition of night work solely "when in case of serious emergency the national interest demands it". Furthermore, such suspension may be authorised only "after consultation with the employers' and workers' organisations concerned". The Committee hopes that the Government will take the necessary measures to ensure respect for the Convention.

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In addition, requests regarding certain points are being addressed directly to the following States: Algeria, Brazil, Dominican Republic, Ghana, Kuwait, Lebanon, Panama, Romania.

**Convention No. 90: Night Work of Young Persons (Industry) (Revised), 1948**Greece (ratification: 1962)

In its earlier comments, the Committee pointed out that the legislation in force was not in conformity with certain provisions of the Convention (the exclusion of transport undertakings from its scope; the definition of the night period conflicting with the Convention; the possibility of reducing the night rest period in circumstances going beyond those permitted by the Convention; the absence of an adequate system of inspection and of provisions concerning the keeping of registers by employers). The Committee notes with interest from the report that a Bill has been drawn up with a view to bringing the legislation into harmony with the provisions of the Convention on the points mentioned. It hopes that this Bill will soon be adopted.<sup>1</sup>

Guinea (ratification: 1966)

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

The Committee recalls that in its previous comments it pointed out that section 146 of the Labour Code provides for a rest period of 11 consecutive hours, whereas Article 2, paragraph 1, of the Convention requires at least 12 consecutive hours. The Committee noted a draft Order communicated by the Government

<sup>1</sup> The Government is asked to report in detail for the period ending 30 June 1979.

covering night work of women and children. The adoption of this draft would bring about an extension of the Code provisions so as to ensure full application of the Convention. It repeats its hope that this draft will be adopted in the near future.

Mexico (ratification: 1956)

Article 2 of the Convention. In its earlier comments the Committee stated that section 60 of the Federal Labour Act of 1970, which fixes at 10 hours the night period during which the work of persons of under 18 years of age is prohibited, was not in conformity with the provisions of this Article of the Convention, which fixes the period at 12 hours. In its observation of 1976, the Committee noted a Bill to supplement the Federal Labour Act so as to ensure the application of the Convention on this point. It notes from the information supplied by the Government in its last report that the Senate of the Republic is to examine this Bill during the present session. The Committee hopes that the text will be approved shortly.<sup>1</sup>

Peru (ratification: 1962)

Article 2, paragraph 1, of the Convention. See under Convention No. 79, Article 3, paragraph 1.<sup>1</sup>

Philippines (ratification: 1953)

See under general observations, Philippines.

Spain (ratification: 1970)

Referring to its earlier comments, the Committee notes with satisfaction the adoption of the Act of 8 April 1976 concerning industrial relations, sections 6 and 23 of which prohibit the night work of young persons under the age of 18 years, in conformity with the provisions of the Convention.

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In addition, requests regarding certain points are being addressed directly to the following States: Bangladesh, Burundi, Lebanon.

Information supplied by the United Republic of Cameroon in answer to a direct request has been noted by the Committee.

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<sup>1</sup> The Government is asked to report in detail for the period ending 30 June 1979.

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

Brazil (ratification: 1965)

Article 3, paragraphs 2 and 3, and Article 7, of the Convention. Referring to its earlier comments, the Committee recalls that under these provisions of the Convention, a seaman having at least six months of continuous service shall on leaving such service be entitled to corresponding leave in respect of each complete month of service (Article 3, paragraph 2) and shall receive the usual remuneration for each day of vacation holiday due to him and not taken (Article 7); the same rights have to be granted to a seaman discharged through no fault of his own before he has completed six months of continuous service (Article 3, paragraph 3).

The Committee notes in this connection that section 147 of the Consolidated Labour Laws, as modified by Decree No. 1535/77, grants to a worker discharged without due cause, or whose contract terminates on the date foreseen, before having completed 12 months of service, is entitled to compensation for a proportionate fraction of annual holiday. This provision thus gives effect to Article 3, paragraph 3 of the Convention and also to Article 3, paragraph 2, to the extent that it is a question of termination of service at the end of a contract, on a specified date. However, the provision mentioned is not in conformity with Article 3, paragraph 2 and Article 7 of the Convention, in the case of seamen who have completed between 6 months' and 12 months' continuous service and who cancelled their contract on their own initiative or are discharged for due cause. Under the terms of the Convention, the seamen shall be entitled, in these cases also, to a proportionate holiday and to the related compensation.

The Committee also notes that the sole subsection of section 146 of the Consolidated Labour Laws, as amended, provides that in the event of a contract ending after 12 months of service, the worker discharged without due cause shall be entitled to compensation for that fraction of the leave corresponding to any period of service of less than 12 full months. This provision also is not in conformity with Article 3, paragraph 2, and Article 7 of the Convention under which a seaman who has completed not less than six months of continuous service and who leaves the service for any reason whatsoever shall be entitled to a proportionate holiday and to the related remuneration.

The Committee therefore hopes that the national legislation will be brought into full conformity with the aforementioned Articles of the Convention.

Article 4. The Committee notes that section 136 of the Consolidated Labour Laws, as amended, uses the same wording as the former section 139, to the effect that annual holidays shall be granted at the period most suitable to the employer whereas, under the Convention, holidays shall be given by mutual agreement as the requirements of the service allow. It notes in this connection the observations of the National Confederation of Workers in Maritime, Fluvial and Air Transport in which it expresses the hope that the new version of the Consolidated Labour Laws will soon remove this divergency. The Committee hopes that the national legislation will be brought into conformity with this Article of the Convention.

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

### **Convention No. 92: Accommodation of Crews (Revised), 1949**

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

### **Convention No. 94: Labour Clauses (Public Contracts), 1949**

#### Burundi (ratification: 1963)

The Committee notes with regret that the Government's report has not been received. It recalls that no provisions yet exist for the insertion in public contracts of labour clauses prescribing appropriate wages and conditions of work, as required by the Convention, but that, following direct contacts between the Government and a representative of the Director-General of the ILO in September 1976, the Government stated that a draft presidential decree to give effect to the Convention was to be submitted shortly to the National Labour Council and would then be promulgated.

The Committee hopes that provisions to apply the Convention will be adopted in the very near future.

#### Guinea (ratification: 1966)

The Committee notes with regret that the Government's report has not 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 once again expresses the hope 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.

#### Turkey (ratification: 1961)

In previous observations, the Committee has noted that no measures had yet been taken to provide for the insertion of labour clauses in public contracts, as required by the Convention. The Government has stated in its latest report that discussions among the various ministries concerned are still taking place, with a view to adopting a decree to ensure compliance with the Convention. The Committee recalls that the Government first stated in 1972 that the decree had been drawn up, and that discussions have continued since then. It trusts that the decree in question will be approved in the very near future and that it will ensure the full application of the Convention.<sup>1</sup>

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<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 64th Session.

Uruguay (ratification: 1954)

The Committee recalls that the Government has supplied information in its reports only on the labour clauses included in contracts for public works concluded by the Ministry of Transport and Public Works. In its latest report the Government has stated that that Ministry does not conclude public contracts of the kind covered by Article 1, paragraph 1(c) (ii) and (iii) of the Convention (contracts for the manufacture, assembly, handling or shipment of materials, supplies or equipment, and contracts for the performance or supply of services), but when it exceptionally concludes contracts for studies or plans, they ensure the application of the Convention by requiring the other party to comply with the requirements of labour laws.

The Committee wishes to point out that the Ministry of Transport and Public Works is not the only public authority within the scope of the Convention. If any other central authority concludes contracts, for example, for the procurement of office supplies, defence supplies or other equipment; or if a central authority contracts with an outside undertaking for the provision of services, these contracts also should include labour clauses of the kind specified in Article 2 of the Convention.

The Committee hopes that the Government will re-examine the position in the light of the preceding comments and will take the necessary measures to ensure the application of the Convention in respect of public contracts of the kind mentioned in Article 1, paragraph 1(c) (ii) and (iii) of the Convention, regardless of which central authority awards such contracts.

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

**Convention No. 95: Protection of Wages, 1949**Honduras (ratification: 1960)

The Committee notes with satisfaction that, following direct contacts between the Government and a representative of the Director-General of the ILO in 1975, the application of Title IV, Chapter IV of the Labour Code, relating to wages, has been extended by Decree No. 461 of 11 May 1977 to workers in agricultural undertakings employing fewer than ten persons.

Turkey (ratification: 1961)

The Committee regrets that there has been no progress in relation to the following matters which have been the subject of comments since 1964.

Article 2 of the Convention. The Committee notes from the Government's report that bills to extend wage protection to workers in agriculture and in small trade and handicraft occupations are still being drawn up. As the intention to adopt such legislation has been mentioned by the Government for many years, the Committee trusts that it will be enacted in the very near future.



Article 13. The Committee once again recalls that the Labour Act contains no provisions relating to the time and place of payment of wages as required by the Convention. It notes the Government's statement in its report that the draft Agricultural and Forestry Bill would contain provisions on these matters. The Committee trusts that measures will be adopted in the near future to ensure the application of this Article of the Convention for workers in all sectors of the economy.<sup>1</sup>

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In addition, requests regarding certain points are being addressed directly to the following States: Dominican Republic, Guyana, Romania.

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

Turkey (ratification: 1952)

The Committee refers to its previous comments concerning the regulation of the activities of employment intermediaries in the agriculture sector. It notes that the Agriculture and Forestry Labour Bill has not been enacted but is to be resubmitted to Parliament, and that in the meantime regulations on intermediaries in the agricultural sector have been drafted by the Employment Institution and submitted to the Ministry of Labour. The Committee recalls that this matter has been the subject of comments for twenty years and trusts that provisions to regulate fee-charging employment agencies in agriculture in accordance with the Convention will be adopted at the earliest possible date.<sup>2</sup>

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

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

France (ratification: 1954)

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

The Committee has taken note of the observations made by the General Confederation of Labour (CGT) on 26 January 1977 with  
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<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 64th Session.

<sup>2</sup> The Government is asked to report in detail for the period ending 30 June 1978.

regard to section 35 of Act No. 75-534 of 30 June 1975 prescribing measures for the benefit of handicapped persons, under which the allowance for handicapped adults is payable only to persons of French nationality or to nationals of a country which has concluded a reciprocity agreement with respect to the granting of allowances to handicapped adults; in particular, the CGT has supplied a copy of a letter addressed to the Minister of Labour and Social Security on 11 January 1977 in which the CGT refers inter alia to judgements pronounced by the Court of Justice of the European Communities and by the Court of Appeal at Douai which, it claims, recognise "the right of migrant workers in the EEC to claim the handicapped adults' allowance", and asks to be informed of the measures taken to ensure implementation of the judgement of the Court of Justice of the European Communities and the extension of the granting of the handicapped adults' allowance to all migrant workers from other countries as required by ILO Convention No. 97.

The CGT's observations having been communicated to the Government for comment on 9 February 1977, the Committee hopes that the Government will supply full information on the subject for examination at the Committee's next session.<sup>1</sup>

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

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

#### Chad (ratification: 1960)

The Committee notes with regret that once again the Government has not supplied a report on the application of this Convention.

In its previous observation, the Committee had noted that sections 121 and 122 of the Labour Code require prior approval for the entry into force of collective agreements. The Committee points out that such provisions may constitute obstacles to the development and promotion of free collective bargaining.

The Committee hopes that a report will be supplied for examination at its next session and that it will contain information concerning the grounds for refusals to approve collective agreements and the reasons and the frequency of these refusals.

#### Japan (ratification: 1953)

The Committee notes the statements made by the Government representative and the Japanese Workers' member to the Conference Committee in 1977. It also notes the comments transmitted by the Japanese General Council of Trade Unions (SOHYO) and the Government's reply to these comments.

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<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 64th Session.

In its comments SOHYO points out that under Article 108-5 (clause 2) of the National Public Service Law, negotiation between the employee organisation and the authority does not include the right to establish a collective agreement which will be observed and implemented. SOHYO also refers to the discrimination in collective bargaining on the basis of whether an organisation is registered or unregistered. Negotiation, continues SOHYO, means that demands made by the union are accepted at the discretion of the authority concerned and even where agreement is reached the implementation thereof is not legally binding. In the last four years, adds SOHYO, no progress had been made to establish proper bargaining arrangements or to clarify what matters should be regarded as being covered by the term "management and operation of public corporations and national enterprises". SOHYO criticises the lack of independence and impartiality of the National Personnel Authority whose members, it states, are appointed by the Government. The situation is the same as regards local public servants (Personnel Commission and Equity Commission).

In its reply to SOHYO's comments the Government states that since public employees in the non-operational sector to whom the National Public Service Law and the Local Public Service Law are applicable are excluded from the scope of the Convention there exists no violation of the Convention as regards such employees who enjoy statutory terms and conditions. Organisations of such workers existed and could negotiate although collective agreements could not be concluded.

As regards alleged discrimination between registered and unregistered organisations for negotiating purposes the Government points out that there has been no case in practice where the authority concerned has arbitrarily refused to negotiate with an organisation for the sole reason that it was not registered.

In addition, continues the Government, it is not the case that the implementation of agreed matters is left to the discretion of the authority concerned. In negotiations, the demands of the employees should be discussed with sincerity and agreed matters implemented in good faith.

Since the Advisory Council on the Public Service Personnel reported in September 1973, states the Government, each ministry or agency was directed to encourage negotiations, establish negotiation rules and improve negotiating machinery. The Government adds that conditions of work affected by decisions relating to the management and operation of public corporations and national enterprises are in fact recognised to be subjects for negotiation.

The independence of the National Personnel Authority, continues the Government, is fully guaranteed. The procedures for the appointment of its members are provided by law and, in addition, the Cabinet cannot appoint a Commissioner without the consent of the Diet. Any allegation of discriminatory treatment against an employee by reason of his membership of an employee organisation could be formally submitted to the National Personnel Authority.

In the case of Personnel Commissions and Equity Commissions in local public bodies, conditions are almost the same as in the case of the National Personnel Authority and their neutrality and impartiality are fully guaranteed.

The Committee has previously emphasised that as a result of Article 6 of the Convention, the Convention does not deal with the position of public servants engaged in the administration of the State, but that it does cover all workers employed by the State (at different levels in the public sector) who are not acting as agents of the public authority.

As regards the former category (public servants engaged in the administration of the State) no obligation rests with States to extend to it the guarantees laid down in the Convention. As regards the latter category (public servants not engaged in the administration of the State) governments are called upon to take appropriate steps to attain the principal aim of Article 4 of the Convention, viz. the development of voluntary collective bargaining.

The Committee considers that it would be desirable if the Government were to adopt regulations with a view to clarifying those matters which are covered by the term "management and operation of public corporations and national enterprises", in connection with the scope of collective bargaining, taking into account the comments made previously by the Committee and the Fact-Finding and Conciliation Commission.

Liberia (ratification: 1962)

The Committee notes the information provided by the Government in its latest report. It notes in particular that regulations are under examination in connection with the comments made by the Committee.

The Committee recalls the comments which it has been making for some years concerning the right to organise and bargain collectively of all persons employed by the Government but not performing functions in the administration of the State, or employees of public undertakings or autonomous public institutions, and the protection of all workers against all acts of anti-union discrimination.

The Committee trusts that adoption of the new Labour Code submitted to the Legislative Assembly or of special provisions on the matters raised will make it possible to bring the legislation into full conformity with the Convention in the near future.

Pakistan (ratification: 1952)

The Committee notes the information provided by the Government to the Conference Committee in 1977 and in its latest report.

1. The Committee pointed out in its previous observation that the Wages Commission established for banks and insurance companies on the basis of sections 38 A et seq of the Industrial Relations Ordinance, restricts collective bargaining in these sectors. The Government states in this connection that at the time when this provision was put into practice for banks and insurance companies, the collective bargaining procedures had been exhausted and that there was no option available except to resort to arbitration. In addition, the Government had created the Wages Commission for banks at the request of the workers themselves. The Committee considers that procedures such as that established by the aforementioned sections should not be imposed except as an exceptional measure, in case of need, and for a reasonable period. It is of the opinion that frequent or repeated use of arbitration procedures of this type - which can be introduced by the Government even without the parties concerned asking for it - would constitute a violation of the principle established by Article 4 of the Convention to the effect that collective bargaining should be promoted and encouraged.

2. Acting on comments submitted by the Pakistan National Federation of Trade Unions, to the effect that the protection of workers against acts of anti-union discrimination was inadequate, the

Committee requested the Government to re-examine the situation with a view to providing by law for the right of workers to have cases alleging anti-union discrimination examined in the last instance by a labour court or some other impartial body having an expeditious and inexpensive procedure for the final solution of these cases. In this connection, the Committee notes with interest the statement by the Government representative that, under section 22 A, subsection 9, of the Industrial Relations Ordinance, the National Industrial Relations Commission can initiate prosecution for acts of anti-union discrimination on application by one of the parties. The Committee requests the Government to provide information on the practical application of this procedure and, in particular, to specify the grounds on which the National Industrial Relations Commission could decide not to examine allegations of anti-union discrimination.

Tunisia (ratification: 1957)

Further to its previous comments, the Committee has noted the information communicated by the Government to the Conference Committee in 1977.

1. It has noted with satisfaction that under Decree No. 73-247 of 26 May 1973, collective agreements may contain provisions with respect to wages and related allowances, job classification and the individual classification of workers in each category.

2. The Committee has also noted that the collective agreements regulating relationships between employers and workers in the whole of a given branch of activity can come into force only after they have been approved by the competent Secretary of State (section 38 of the Labour Code). The Government states in its report that the agreement is intended simply to approve the conclusion of a collective agreement and possibly to decide on its extension to certain activities which are not covered, and that it is a purely formal requirement allowing the collective agreement to be published in the Official Journal. The Committee notes this information.

3. The Committee also observed that workers did not appear to be protected by any specific legislative provisions against acts of anti-union discrimination or acts of interference by employers. The Government points out in its report that the principles of freedom of association and of non-discrimination against trade unions are affirmed in all the collective agreements and by all private statutes in all sectors of the economy, including the public service. The Committee also notes this information.

Turkey (ratification: 1952)

The Committee notes the information provided by the Government in its latest report.

The Committee had noted that section 119 of the Constitution (as amended by the Constitutional Act, No. 1488 of 20 September 1971) prohibits certain categories of workers in state economic undertakings and public utility enterprises, who are covered by the Convention, from becoming members of trade unions.

In its report, the Government states that the Bill which was being drafted to replace Act No. 624 of 1965 concerning trade unions of public employees had not been prepared, but that, under Act No. 1630 on associations, employees in this sector have the right to form associations to protect their occupational interests.

The Committee recalls in this connection that, under Article 1 of the Convention, the categories of workers concerned should enjoy, in particular, adequate protection against acts of anti-union discrimination. The Committee again requests the Government to take the necessary measures to give full effect to the safeguards established by the Convention.

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In addition, requests regarding certain points are being addressed directly to the following States: Bahamas, Bolivia, German Democratic Republic, Malta, Peru.

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

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

Requests regarding certain points are being addressed directly to the following States: Costa Rica, Guinea, Malawi, Turkey.

### Convention No. 100: Equal Remuneration, 1951

Ghana (ratification: 1968)

Further to its previous comments, the Committee notes with satisfaction that the Trade Union Congress has completed the action undertaken at the request of the Government to eliminate clauses not in conformity with the Convention, which it had found in some collective agreements.

The Committee would be grateful if the Government would provide in its next report copies of the new revised agreements. At the same time, it would reiterate its previous requests for information concerning application of the principle of equal remuneration in the rates above the minimum, and any measures contemplated to encourage objective appraisal of jobs.

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In addition, requests regarding certain points are being addressed directly to the following States: Afghanistan, Australia, Barbados, Bolivia, Chad, German Democratic Republic, Guyana, Ireland, Jamaica, Jordan, Mongolia, Nigeria, Upper Volta, Zambia.

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

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

Peru (ratification: 1960)

See under Convention No. 52.

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

Greece (ratification: 1955)

The Committee notes the data supplied by the Government during the 63rd Session of the Conference as well as in its last report in reply to previous comments.

Part XIV (miscellaneous provisions), Article 76, paragraph 1, of the Convention. 1. The Committee notes with satisfaction that Act No. 321 of 1976 has established a semi-automatic system of adjustment for old age, invalidity and survivors' pensions to the general wage level (paragraph 10 of Article 65 of the Convention).

2. The Committee also notes with interest that the requirements of the Convention are satisfied as regards the number of persons protected (Articles 9, 15, 21, 27, 33, 48, 55 and 61), the amount of unemployment benefits and that of long-term benefits (Articles 22, 28, 36, 56 and 62), the duration of sickness benefits (Article 18, paragraph 1) and the percentage of the insurance contributions borne by the employees protected (Article 71, paragraph 2, of the Convention).

3. As regards the amount of sickness and maternity benefits (Articles 16 and 50 of the Convention), it was not possible on the basis of the data supplied by the Government to determine whether the rate fixed by the Convention is attained when the previous earnings of the beneficiary are lower than or equal to the wages of a skilled manual male employee, since under the national insurance scheme a maximum is established for both the benefit and the wage taken into account in calculating it. The Committee therefore requests the Government to indicate (a) the limit for the sickness and maternity benefit granted to a standard beneficiary (man with wife and two children) and the percentage which the amount of this benefit represents in relation to the wage of a skilled manual male employee, and (b) whether a minimum benefit is provided for in cases of sickness and maternity and the percentage which it represents in relation to the wage of an ordinary adult male labourer.

Part IV (Unemployment benefit), Article 24, paragraph 2 (average duration of benefit). The Committee also notes the new improvements made in the unemployment insurance scheme and notes with interest that the average period of payment of benefits has risen from 77 days in 1971 to 87.8 days in 1976.

Iceland (ratification: 1961)

The Government having failed to send a report and, accordingly, to reply to the previous direct requests on the application of this Convention, the Committee has to take up the matter once again in a new direct request. It hopes that the Government will make every effort to take the necessary measures and supply the information requested.

Mauritania (ratification: 1968)

The Committee observes that for the second year in succession the Government has supplied no report on the application of the Convention. It hopes that a report will be supplied for examination at its next session containing full information on the points mentioned in its direct request.

Yugoslavia (ratification: 1954)

The Committee notes the detailed information supplied by the Government in response to its previous comments and those relating to application of the following Parts of the Convention: Part II (medical care), Part III (sickness benefit) and Part XIV (statistics on the number of persons protected).

Part IV (unemployment benefit), Articles 21 and 22. The Committee notes with satisfaction that the application of a means test in connection with unemployment benefits has been completely eliminated in the Republic of Montenegro and the Province of Voivodin, as well as in the Republics of Croatia and Slovenia for the first three months of benefit payments. The Committee also notes with interest that modification of the legislation to bring it into conformity with the Convention in the other socialist republics (Bosnia-Herzegovina, Macedonia and Serbia) and the Province of Kosovo is under way and it hopes that this will take place soon so as to ensure full application of the Convention on this important point, in these republics also.

Part X (survivors' benefits), Article 62, in conjunction with Article 65. The Committee had requested the Government to indicate in what manner, under the Act of 29 June 1972 respecting entitlements under the pension and disability insurance schemes, the amount of the pension granted to the survivors of an insured person who would have been entitled either to a retirement pension granted after 15 years of service (in accordance with subsection 2 of section 12 of the Act) and before having completed 20 years, or to an invalidity pension where invalidity arises after the age of 60 (in accordance with subsection 2 of section 20 of the same Act) would attain - in relation to the total personal earnings of the insured person - the percentage of 40 per cent fixed by the Convention for the standard beneficiary, that is, a widow with two children. In its report, the Government states that any pension the amount of which is less than a social minimum subsistence level is increased to bring it to the level stipulated by the Convention. The Committee notes this information; it nevertheless hopes that the next report will contain more precise data on this matter (particularly with regard to the amount of this increase in pension, the conditions under which it is granted and, where appropriate, the relevant provisions of laws or regulations).

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

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



**Convention No. 103: Maternity Protection (Revised), 1952**Bolivia (ratification: 1973)

The Committee notes with satisfaction that Legislative Decree No. 13.214 of 24 December 1975 no longer excludes women agricultural workers and women domestic workers from application of the social security scheme, that it raises the amount of the maternity benefit to 75 per cent of the contributory wage and that it reduces the qualifying period for entitlement to benefits.

The Committee hopes that the extension of the social security scheme which is at present underway will be completed in the near future so as to effectively cover both the aforementioned categories of women workers and all the women workers covered by the Convention, throughout the national territory. The Committee also hopes that it will be possible to take measures to ensure full application of the Convention on certain other points indicated in a direct request.

Mongolia (ratification: 1969)

Referring to its earlier comments, the Committee notes with satisfaction that under section 156 of the new Labour Code the right to maternity leave is no longer made conditional on a qualifying period and that Article 3, paragraphs 1 and 2, of the Convention are thus complied with.

The Committee also notes with satisfaction that section 213 of the Code provides for the payment of a maternity allowance equal to 100 per cent of previous earnings without the former distinction in respect of this rate based on the length of employment of the woman concerned.

Uruguay (ratification: 1963)

Article 4, paragraphs 1, 2 and 3, of the Convention (medical benefits). The Committee notes the information communicated by the Government in reply to its previous comments and notes with interest the statements to the effect that women workers in the private sector and women workers in certain public undertakings (public transport, state railways) receive the medical benefits provided for in the Convention, under the general maternity insurance scheme which has been extended to cover the entire national territory.

As regards other women workers in the public sector, including state employees, the Committee also notes that in certain ministries and other public bodies women workers receive free medical care, but that in other establishments of this sector it has not yet been possible to introduce these benefits. The Committee hopes that efforts will be made to enable the latter category of workers to receive the pre-natal, confinement and post-natal care provided for in the Convention, either by their incorporation in the general protection scheme established by Act No. 12572 of 1958, or by the setting up of a general health service or special medical services operating in these establishments.

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

### Convention No. 104: Abolition of Penal Sanctions (Indigenous Workers), 1955

#### Liberia (ratification: 1962)

Further to its previous comments the Committee notes with interest from the information supplied by the Government in its report that under the labour laws of Liberia, 2nd Edition published in May 1974, there are no penal sanctions for breaches of contracts of employment. As regards the Revised Laws and Administrative Regulations for Governing the Hinterland, 1949, the Committee refers to its observation on Convention No. 29.

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

### Convention No. 105: Abolition of Forced Labour, 1957

#### Afghanistan (ratification: 1963)

The Committee notes the information communicated by the Government in reply to its previous observation.

1. The Committee notes with interest from the Government's report that a new Penal Code adopted on 17 September 1976 has repealed the Public Security Offices Act, the Breaches of Public Order Act and the Punishment of Prisoners Act of 1934. It hopes that the text of the new Penal Code will be communicated.

2. The Committee notes with interest that no sentences have been passed for press offences since the setting up of the Republican Government and that section 128 of the new Constitution commits the Government to enact a new press law before November 1979. It hopes that this text will be communicated once adopted, as well as any legislation relating to meetings and associations.

3. The Committee notes that section 43 of the new Constitution prohibits forced labour even for the State and authorises only collective activity required by the collective interest, within limits to be established by laws to be enacted; it hopes the text of any law adopted to this end will be communicated.

4. The Committee trusts that the texts of the laws and regulations governing the organisation and functions of labour battalions and the use of conscripts for economic development purposes, requested previously, will also be communicated.

Argentina (ratification: 1960)

Article 1(a), (c) and (d) of the Convention. The Committee notes that a state of siege was proclaimed by Decree No. 1368 of 6 November 1974 and that since then constitutional guarantees have been suspended. It also notes that the Act of 24 March 1976 on the Process of National Reorganisation, Act No. 21269 of 24 March 1976 and Decrees Nos. 6 and 9 of the same date have suspended all political activity, all political parties at the national, provincial and municipal levels, and all trade union activities. Section 1 of Act No. 21261 of 24 March 1976 has temporarily suspended the right to strike in the whole of the national territory, and this suspension was extended by section 14 of Act No. 21400 of 3 September 1976, section 1(b) of which provides that all direct action, strike, work stoppage, interruption or slowdown of the rhythm of work may be prohibited by the executive power in exceptional situations, and in particular when a state of siege has been proclaimed.

The Committee also notes that penalties of up to six or ten years of prison (which, under sections 6 and 9 of the Penal Code and section 55 of the Prison Regulations, involve compulsory labour) may be imposed for participation in a prohibited association (section 210 of the Penal Code, as amended by Act No. 20642 of 28 January 1974), for propaganda in favour of such an association (section 212 of the Penal Code, as amended by Act No. 21338 of 25 June 1976) and for public or private incitement to prohibited direct trade union action (section 6 of Act No. 21400 of 3 September 1976).

The Committee is of the opinion that the introduction in any country of a state of siege or emergency as such falls outside its terms of reference. It is accordingly not for the Committee to express any opinion on the need or the advisability of such measures. The Committee is, however, bound to examine the effect which the suspension of certain constitutional guarantees, rights and freedoms, usually accompanying a state of siege or emergency, has upon the observance of the Convention, where national legislation provides for the imposition of sentences involving compulsory prison labour.

With regard to the suspension of such rights and freedoms, the Committee refers to paragraphs 101, 102 and 125 of its general survey of forced labour of 1968 where it pointed out, inter alia, that such measures affecting the observance of the Convention can only be justified in circumstances of extreme gravity constituting a case of emergency in the strict sense of the term - that is, where the existence or well-being of the whole or part of the population is endangered. Even in such cases, all exceptional measures affecting the observance of the Convention should be limited in scope and duration to what is strictly necessary to meet the particular demands of the situation.

The Committee requests the Government to re-examine the legislation and practice in this connection and to indicate any measures which may have been taken to ensure the observance of the Convention. It is also addressing a direct request to the Government on certain points concerning the application of Article 1(a), (c) and (d) of the Convention.

Brazil (ratification: 1965)

Article 1(a), (c) and (d) of the Convention. In the direct requests which it has addressed to the Government for some years, the Committee has referred to a number of provisions of Legislative Decree

No. 898 of 29 September 1969 on national security, the Penal Code, the Electoral Code, Act No. 4330 of 1 June 1964 on strikes, and the legislation on the merchant marine, which permit the imposition of sentences of deprivation of liberty (involving compulsory labour) in connection with different expressions of opinion or political activities, as a means of labour discipline or as punishment for having participated in strikes. The Committee has requested the Government to take measures concerning these provisions to ensure in its legislation that no forced or compulsory labour, including compulsory prison labour, may be imposed in cases falling within the Convention.

In its report for 1974-75 the Government stated that it considered that its legislation was in conformity with the Convention but that, as regarded cases coming under Article 1(a) of the Convention, the matter merited re-examination and that the drafting of a new law containing general prison regulations would furnish the occasion for according to the persons concerned a special status, involving exemption from compulsory prison labour.

The Committee notes from the Government's latest report that it is no longer contemplating this possibility, and that it maintains its position that the work of persons convicted under the provisions in question does not fall within the Convention.

The Committee is therefore obliged to address once again a direct request to the Government concerning the various provisions which permit the imposition of sentences involving an obligation to work in circumstances which are covered by the Convention.<sup>1</sup>

#### Canada (ratification: 1959)

Further to its previous comments, the Committee notes with satisfaction that section 46 of the Criminal Law Amendment Act, 1977, repealed Parts III to VII of the Prisons and Reformatories Act, which had allowed under specific circumstances the hiring out of prisoners to private enterprises.

#### Central African Empire (ratification: 1964)

Article 1(a) of the Convention. In previous 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 (MESAN) 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.

A government representative informed the Conference Committee in June 1977 that this Act had been repealed in December 1976. He said that an extraordinary congress of the MESAN had adopted new statutes which had been promulgated by Decree No. 76/010 of 11 December 1976,  
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<sup>1</sup> The Government is asked to report in detail for the period ending 30 June 1978.

which no longer provided for forced labour for political offences and that a copy of these statutes would be communicated to the ILO. The Committee notes with regret that the Government's report has not been received. It hopes that a report will be supplied for examination at its next session and that it will include a copy of Decree No. 76/010.

Article 1(b). See under Convention No. 29.

Cuba (ratification: 1958)

Article 1(c) of the Convention. In its previous observation the Committee noted that under clause A of section 556 of the Social Defence Code, as amended by Act No. 1249 of 23 June 1973, a prison sentence of up to 3 years, with compulsory labour, can be imposed on persons who fail to carry out the obligations laid on them by legal provisions in virtue of their duties, employment or office in a State-run economic body involved in production, the supply of services, etc. to the detriment of the production activities or services. It also pointed out that under section 557 and clause A of section 560 of the same Code, as amended, prison sentences of up to one year (also with compulsory prison labour) can be imposed on a person who fails to take steps to prevent the loss of merchandise, products or other goods, or who, through manifest negligence or infringement of the technical standards binding on him by virtue of his duties, orders or approves the production or delivery of defective articles or furnishes defective services to the public or fails to adopt measures to prevent the loss of goods belonging to users of the service.

The Committee pointed out that these provisions seemed to be applicable to any failure to meet the obligations and technical standards in question since they were not confined to cases of dishonesty, wilful damage, or failure to observe basic safety requirements. It asked the Government to indicate the measures taken or contemplated in this connection to ensure the observance of Article 1(c) of the Convention, which prohibits the imposition of forced labour as a measure of labour discipline.

In its report the Government replies that these provisions do not result in the imposition of compulsory labour for indiscipline but are designed to provide legal protection for the property of the organs and undertakings of the national economy, which are the collective property of the people. It adds that these provisions also protect the property and interests of users and consumers and that they punish any damage to property that is prejudicial to production or services and is due to a failure on the part of a person who has not carried out the duties of his office, duties that are laid down with a view to protecting this property. It states that under Cuban penal law (since the adoption of the Social Defence Code of 1938) damage, even where it is not intentional or fraudulent, can lead to a sanction where it has been caused by imprudence or negligence or in contravention of the regulations in force. The Government ends by stating that these provisions in no way imply penal control of labour discipline as such.

The Committee takes note of these statements. It recalls the explanations in paragraphs 93 and 117 of its general study of forced labour in 1968, where it indicated that the Convention does not prohibit the imposition of penalties (even if involving compulsory labour) for certain breaches of labour discipline, such as breaches impairing the operation of essential services in the strict sense of the term, endangering the life or welfare of the population, or breaches committed in the performance of certain duties essential to security. In such cases, however, there must exist an effective

danger, not mere inconvenience. In this respect, the above-mentioned provisions appear to be too general in scope to be compatible with the Convention, so far as they provide for penalties including compulsory prison labour.

The Committee therefore again expresses the hope that the Government will re-examine these provisions of the Social Defence Code and that it will take the necessary steps to ensure observance of the Convention.

See also under Convention No. 29.

Cyprus (ratification: 1960)

Article 1(c) and (d) of the Convention. Further to its previous comments the Committee notes with satisfaction that Law No. 24 of 1976 has brought the Merchant Shipping Law, 1963 into full conformity with the Convention by repealing provisions under which deserters could be forcibly returned on board ship and limiting the scope of provisions for the imprisonment of seamen guilty of certain disciplinary offences to acts liable to endanger the safety of the ship or the life and health of persons, as well as exempting seamen convicted of such offences from compulsory prison labour.

Dominican Republic (ratification: 1958)

The Committee notes the information communicated by the Government in its report.

1. In its previous comments, the Committee referred to sections 270 and 271 of the Penal Code which provide that vagrancy - defined in such a way as to cover certain small farmers - shall be punished by administrative authorities and which consequently appear to be incompatible with Conventions Nos. 29 and 105. The Committee noted that a Bill had been prepared to repeal all the vagrancy provisions of the Penal Code so as to bring the law into conformity with the international standards on this point.

It notes that the Government states in its report that this Bill is being carefully studied by the technical services. The Committee hopes that the relevant legislation will be amended in the near future.

2. Article 1(a) of the Convention. The Committee also noted in its previous comments that sentences of imprisonment involving compulsory labour could be imposed under the following provisions:

- (a) sections 2 and 3 of Act No. 1443 of 14 June 1947 (prohibiting publications and public or private meetings of groups or associations whose purpose is to propagate theories or opinions incompatible with the civil, republican, democratic and representative character of the Government of the Republic);
- (b) Act No. 4280 of 17 September 1955 (prescribing penalties for any persons who, with the aim of spreading confusion and misleading public opinion, falsifies the historical, positive and genuine truth, as accepted or laid down by the Dominican Academy of History, or previously).

Referring to paragraphs 105 and 111 to 113 of the general survey of forced labour in its 1968 report, the Committee asked the Government

to indicate what action had been taken or was contemplated to ensure that no form of forced or compulsory labour may be imposed under these provisions in circumstances covered by Article 1(a) of the Convention.

The Government again indicates that these provisions are under study and that practice is in conformity with the Convention. The Committee hopes that the Government will communicate in its next report the measures taken to bring its legislation into conformity with the Convention.

3. Article 1(c) The Committee noted previously that under Act No. 3143 of 11 December 1951 sentences of imprisonment involving compulsory labour may be imposed on persons who have failed to carry out work by an agreed date or within the time allowed for its performance. It asked the Government to indicate what measures had been taken or were contemplated in this connection to ensure observance of Article 1(c) of the Convention. The Committee notes that the Government confirms that the question is being studied with a view to taking action. It recalls that the Government stated in its report for the period 1969-71 that it intended amending Act No. 3143 of 11 December 1951 and regulating the matter in the Labour Code. It hopes that the Government will soon be able to report on the measures adopted.

4. Article 1(d). The Committee has pointed out in its comments for a number of years that the Labour Code prohibits strikes not only in any permanent public utility service (section 370), but also political strikes and sympathetic strikes (section 373), strikes called without complying with certain very strict procedural formalities (section 374), and strikes maintained in spite of a court suspension order issued within 24 hours (or in certain cases within five days) of the commencement of a lawfully called strike (section 640). Under sections 678 (16) and 679 (3) of the Code, an illegal strike is punishable by imprisonment involving compulsory labour.

The Committee requested the Government to take the necessary measures in connection with these provisions, to ensure that forced labour cannot be imposed as a penalty for participation in a strike. It recalls that the Government stated to the Conference Committee in 1973 that the Committee on Revision of the Labour Code was considering the removal from the Code of prison sentences for participation in an illegal strike.

The Committee notes that the Government reaffirms in its latest report that the Committee's comments are under study. It hopes that measures will be taken to modify the provisions in question, so that participation in a peaceful strike cannot result in sentences involving compulsory labour, including prison labour.<sup>1</sup>

Gabon (ratification: 1961)

Article 1(c) and (d) of the Convention. In the comments which it has made for a number of years, the Committee has called attention to the fact that under section 153, subsections 1, 4, 5 and 9 (read together with section 156) and sections 169, 186 and 188 of the Merchant Marine Code (Act No. 10/63 of 12 January 1963), certain breaches of discipline by seamen are punishable with imprisonment involving - in application 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.

<sup>1</sup> The Government is asked to report in detail for the period ending 30 June 1978.

The Committee requested 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 a strike. It referred to the explanations given in paragraphs 121 and 127 of the general survey of forced labour in its 1968 report, where it indicated that, while the imposition of penalties involving compulsory labour for acts tending to endanger the security of the ship or the life or health of persons on board is not incompatible with the Convention, the application of such penalties for breaches of discipline which do not endanger safety are prohibited.

In its report for the period 1975-1976, the Government stated that an inter-ministerial committee would be meeting with a view to amending the provision in question. It also indicated that a recent measure had put an end to the various kinds of compulsory services required of prisoners under Act No. 55/59 of 15 December 1959.

The Committee notes that in its latest report the Government does not supply information on progress with the amendment of the Merchant Marine Code, but merely indicates that sections 169 and 188 of the Code have never been put into effect. It adds that Act No. 55/59 of 15 December 1959 has been repealed and that under a decree of 1974 no compulsory services of any kind is imposed on prisoners. The Committee again requests the Government to communicate this text and to supply information on any other measures that may have been taken to bring the legislation into conformity with Article 1(c) and (d) of the Convention.

#### Guatemala (ratification: 1959)

In observations which it has made for some years, the Committee has 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 or parties supporting such ideology, can be punished with imprisonment (involving the obligation to perform work). The Committee has also pointed out that the situation has been in no way modified by the promulgation of the 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 the Government states that the reply prepared by the competent authorities will be communicated as soon as ready. The Committee again expresses the hope that measures will be taken in the near future to ensure that no form of compulsory labour, including compulsory prison labour, will be imposed as a sanction on persons manifesting ideological opposition to the established political, social or economic order, so as to bring the legislation into conformity with the provisions of Article 1(a) of the Convention.<sup>1</sup>

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<sup>1</sup> The Government is asked to report in detail for the period ending 30 June 1978.



Guinea (ratification: 1961)

The Committee notes with regret that the Government's report has not been received. It is therefore obliged to refer once again to the following points:

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 report for 1971-73 on Convention No. 29, the Government again stated that Decree No. 416 of 22 October 1964 was no longer applied. A Government representative stated to the Conference Committee in 1976 that measures had been taken for the repeal of this Decree. The Committee hopes that the text repealing the Decree will be supplied.

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 no report has been received. In these circumstances, it can only refer to its previous observations, in which it pointed out that various provisions of the Legislative Decree of 19 November 1936, of the Penal Code and of the Decree of 8 December 1960 concerning the obligation of workers to respect hours of work, permit the expression of opinions, breaches of labour discipline and participation in strikes to be punished by penalties involving compulsory prison labour, contrary to Article 1(a), (c) and (d) of the Convention.

The Committee has also noted that each year since 1960 a Decree has been adopted suspending for a period of six to eight months a considerable number of constitutional guarantees representing conditions indispensable to the effective application of the Convention. It notes that, by a Decree of 21 August 1977, these constitutional guarantees have again been suspended for a period of more than seven months.

The Committee can only ask once again that the Government take the necessary measures to ensure compliance with the Convention.

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<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 64th Session.

Honduras (ratification: 1957)

Referring to its earlier observations, the Committee notes with interest that following the direct contacts which took place between the competent national authorities and a representative of the Director-General of the ILO, Decree No. 460 of 11 May 1977 has been adopted, exempting persons sentenced for political offences from all forms of forced or compulsory labour.

Ireland (ratification: 1958)

Article 1(c) and (d) of the Convention. In previous comments, the Committee referred to various provisions of the Merchant Shipping Act, 1894, as amended, and the Conspiracy and Protection of Property Act, 1875, under which seamen absent without leave may be forcibly conveyed on board ship, and seamen having committed certain disciplinary offences or having participated in strikes may be punished with imprisonment (involving an obligation to work). The Committee had asked the Government to take the necessary measures to ensure that no compulsory labour may be imposed for breaches of labour discipline or strike action except in circumstances where the safety of the ship or lives of persons have been endangered.

The Committee notes from the information supplied by the Government to the Conference Committee in 1977 and from its latest report that arrangements for the revision of the outdated statutes concerned have been in hand for some time, but that since actual practice is in conformity with the Convention, it has not been considered necessary to allow the introduction of amending legislation to take precedence over more pressing social legislation. The Committee takes due note of these explanations. It hopes that at the earliest possible opportunity the necessary measures will be taken to bring the legislation on seamen into conformity with the Convention.

Kenya (ratification: 1964)

The Committee notes from the Government's report that, notwithstanding the explanations provided in its previous comments, the Government does not consider that 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 Committee again calls the Government's attention to the explanations provided in paragraphs 81 to 88 of the general survey of forced labour in Part Three of its report of 1968, where it indicated that, 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.

The Committee recalls that in its previous comments it has 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 notes that the Government has supplied no information on these matters. It again requests the Government to adopt the necessary measures to bring national legislation into conformity with the Convention, and to indicate in the next report the measures taken or envisaged to this end.<sup>1</sup>

Liberia (ratification: 1962)

In comments made over a number of years, the Committee has drawn attention to the fact that prison sentences (involving 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 previous report the Government reported the repeal of sections 733 and 734 of the Criminal Procedure Law concerning prison labour, but also referred to Chapter 34, section 34.14, paragraph 1 of the Liberian Code of Laws revised, Volume 1, 1973, which continues to provide that all prisoners under sentence shall be required to work.

The Committee notes with regret that in its latest report, the Government has simply referred to its previous report. The Committee once more expresses the hope that measures will be taken 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 prison labour, is imposed in circumstances falling within Article 1(a) of the Convention.

Malaysia (ratification: 1958)

In earlier observations the Committee referred to a number of legislative provisions which appeared to fall within the scope of Article 1(a), (c) and (d) of the Convention. The Committee notes 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 December 1977.

1. Article 1(a) of the Convention. In its previous observation, the Committee referred to various provisions of the Internal Security Act, 1960, the States of Malaya Restrictive Residence Ordinance, the Sabah Undesirable Publications Act (Cap. 151), the States of Malaya Printing Presses Ordinance, 1948, as amended, the Sabah Printing Presses Ordinance (Cap. 107) and the Societies Act, 1966, which grant administrative authorities discretionary powers to make orders imposing restrictions or prohibitions on the exercise of rights of expression and political activities, and which provide that contraventions thereof shall be punishable with imprisonment involving (by virtue of section 52 of the Prisons Ordinance) an obligation to perform labour.

The Committee notes the views expressed by the government representatives in the course of the direct contacts that discretionary measures under the Internal Security Act were used against actual or likely threats to security; measures under the Restrictive Residence Ordinance were only used against criminals engaged in illegal activities such as gambling syndicates, prostitution, smuggling; licences

<sup>1</sup> The Government is asked to report in detail for the period ending 30 June 1978.

under the Printing Presses Ordinance were freely issued and refusals (on grounds such as obscenity, publication of sensitive issues, subversion and anti-national activity), made up less than 5 per cent of the total; the provisions of the Societies Act on registration and prohibition of associations were mainly directed against triad societies and also against the threat of political subversion.

It thus appears that measures relate to two quite distinct groups of persons: criminal elements, and persons believed to be intent upon political subversion and threatening security.

The Committee considers that the measures taken in relation to the first of these groups appear to have no bearing upon the application of the Convention.

As regards the second group of persons the Government has expressed the view that these restrictions are necessary because of the peculiar form of threat to security existing in the country, not only through terrorism or guerilla activity but by psychological warfare or the fomenting of racial tensions. In this connection, the Committee considers that the Convention does not prevent the punishment by penalties involving compulsory labour of persons who incite to violence or racial hatred, or engage in violence or 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 not for the commission of defined offences of this nature but as a means of preventing the participation of certain persons in the normal political processes, including the advocacy of political and ideological views, 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 action (either in relation to the substantive provisions themselves or in relation to the penalties applicable to them) to ensure the full observance of the Convention. Pending such measures, it would also appreciate further information on the practical application of the legislative provisions in question.

2. Emergency legislation. In the course of the direct contacts, the Government stated that, as previously requested by the Committee, information would be provided on the present position regarding the application of the following special emergency provisions and their effect upon the observance of this Convention: 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 hopes that the information requested will be supplied at an early date.

3. Article 1(c) and (d). The Committee notes with interest from information supplied by the Ministry of Communications in the course of the direct contacts that a new Merchant Shipping Bill is being prepared which will remove the provisions of the Malayan Merchant Shipping Ordinance, 1952, and the Sabah and Sarawak Merchant Shipping Ordinance of 1960 referred to in the Committee's previous comments and providing for penalties involving compulsory labour for various breaches of discipline and forcible return to the ship in case of abandonment of service. It hopes that the new legislation will be adopted in the near future.

4. Article 1(d). The Committee refers to the provisions of the Industrial Relations Act, 1967, as amended in 1975, under which the competent minister may impose compulsory arbitration in respect of any trade dispute if he is satisfied that it is expedient to do so (section 26 of the Act), thereby rendering any strike action illegal (section 44(b) and (d)) and punishable with imprisonment involving an obligation to perform labour (sections 46 and 47).

The Committee notes the statement by the Director-General of Industrial Relations in the course of the direct contacts that there had been no cases of prosecution and sentencing under section 44(b) but that it had been a deterrent to irresponsible industrial action. Strikes were not prohibited, and the Minister would not exercise his discretionary power of reference to arbitration except in case of failure of settlement through any existing conciliation machinery or arrangements for the settlement of disputes; some 10 per cent of disputes only were referred to arbitration. The Committee also notes the statement by representatives of the Malaysian Trade Union Congress that section 26 of the Act was frequently used in order to stop strikes, and that a decision by the Minister to refer the dispute to the court often led to settlement out of court; no conviction was known for infringement of section 44.

While noting the sparing use which has been made of the above-mentioned provisions of the Industrial Relations Act, 1967, the Committee observes that they enable the Minister to prevent or to put an end at any time to strike action, not only in essential services but in respect of any trade dispute, thereby exposing the workers concerned to penal sanctions involving an obligation to perform labour. The Committee hopes that the Government will be able to re-examine the position with a view to ensuring the full observance of Article 1(d) of the Convention.

5. The Committee has also taken note of information supplied in the course of the direct contacts on various other matters which it is again dealing with in a direct request.

#### Netherlands (ratification: 1959)

Article 1(c) and (d) of the Convention. In previous comments the Committee referred to sections 358bis, ter and quater of the Penal Code which punish with imprisonment neglect or refusal to work by public officials or railway employees. The Government has indicated in its reports for a number of years that draft legislation has been submitted to Parliament to repeal these provisions. The Committee notes from the Government's latest report that the reading of the relevant bill (No. 11.001) in the First Chamber has not yet been finalised. It hopes that the Government will soon be able to indicate that sections 358bis, ter and quater of the Penal Code have been repealed.

#### Nicaragua (ratification: 1967)

Article 1(a) of the Convention. In its previous comments, the Committee had noted that under a decree of 20 April 1955 amending the Constitution certain political parties were prohibited. The Committee had also noted that this position had not been changed by the adoption of the Constitution of 14 March 1974, article 74 of which again provides for the prohibition of these political parties. Section 523, paragraphs 1 and 2, of the Penal Code (Decree No. 297 of 16 January 1974) punishes with six months' to two years' imprisonment any persons organising or participating in such parties, and persons sentenced to

such imprisonment who are without financial means are obliged to work under the provisions of section 61 of the Penal Code. The Committee had requested the Government to indicate the measures taken to ensure that no form of forced or compulsory labour (including prison labour) was imposed as a penalty on persons who demonstrate their ideological opposition to the established political, social or economic order.

In this connection, the Government states that it has taken note of the Committee's comments concerning the above-mentioned provisions.

The Committee hopes that the next report will contain information on the measures taken to bring the legislation into conformity with the Convention.

#### Nigeria (ratification: 1960)

Article 1, paragraphs (c) and (d) of the Convention. Further to its previous direct requests relating to certain provisions of the Merchant Shipping Act, 1962, the Committee notes with satisfaction the adoption of the Merchant Shipping (Amendment) Decree, 1976, which, when brought into force, will delete a number of these provisions. In particular, the Committee notes the deletion of sections 112 and 113 under which absence without leave, desertion and failure to join the ship were punishable with imprisonment (involving an obligation to work), and the deletion of section 114 and portions of sections 115 and 116 which authorised the forcible return of seafarers aboard ship in certain circumstances. The Committee trusts that the Government will soon be in a position to indicate that these amendments have come into force. It is again addressing a direct request to the Government concerning certain other provisions of this Act.

The Committee recalls that in its previous observation it referred to section 81(1) (b) and (c) of the Labour Decree, No. 21 of 1974, which re-enacted provisions of the previous Labour Code allowing the imposition of forced or compulsory labour in certain circumstances as a means of labour discipline. The Committee notes the Government's statement that it has taken note of the Committee's comments. It again expresses the hope that the provision in question will be brought into conformity with the Convention and that the next report will indicate the steps taken in this regard.

#### Pakistan (ratification: 1957)

Article 1(c) and (d) of the Convention. 1. Further to its previous comments, the Committee notes with satisfaction from the Government's report that section 57 of the Industrial Relations Ordinance, under which prison sentences which might involve compulsory prison labour could be imposed for illegal strikes and lockouts, was repealed by Act No. XVI of 1975.

In its previous comments, the Committee also referred to sections 54 and 55 of the Act, under which similar sentences may be imposed for breaches of settlement or failure to implement a settlement. While noting the Government's statement in its report that these provisions are applicable to workers as well as employers, the Committee, recalling the Government's earlier indications that there had been no cases of the imposition of forced labour as a punishment for participation in strikes, again expresses the hope that the Government will be in a position to take measures also in relation to these provisions to ensure that both practice and law are in conformity with the Convention.

2. In earlier comments, the Committee had asked the Government to review sections 100 to 103 of the Merchant Shipping Act, under which various offences against discipline by seamen may be punished with imprisonment, which may involve liability to compulsory labour. The Government had indicated in its report for 1971-73 that the Committee's comments were being examined. The Committee accordingly expresses the hope that the Government will soon be able to indicate the measures taken or contemplated to bring the Merchant Shipping Act into conformity with the Convention.

Paraguay (ratification: 1967)

See under Convention No. 29.

Peru (ratification: 1960)

1. In its comments made since 1971, the Committee has noted that under section 44 of the Penal Code, in the case of crimes committed by persons of a lower level of civilisation ("salvajes"), the sentence of rigorous imprisonment or imprisonment may be replaced by a sentence to an agricultural penal colony for an indeterminate period of up to 20 years, even if the maximum penalty of deprivation of liberty applicable to other persons for the offence in question was of shorter duration. The Committee had asked the Government to re-examine this provision and to indicate the measures taken to ensure the observance of Article 1(e) of the Convention, under which no form of forced or compulsory labour may be used as a means of discrimination.

In its report the Government has again indicated that the penal sanctions for crimes committed by persons of a lower level of civilisation are lighter than for other persons.

The Committee recalls that although in the general definitions of the various sentences set out in the Penal Code the limits for sentences of rigorous imprisonment are fixed at between 1 and 20 years (section 12) and for sentences of imprisonment at between 2 days and 20 years (section 14), the same Code prescribes for various offences maximum penalties of much less than 20 years. However, in the case of a "salvaje", section 44 permits the placement of such a person in an agricultural penal colony, where he must remain until he is granted provisional liberty, having completed two-thirds of the sentence for the offence, if he has been assimilated into civilised life and his morals render him suitable; if this is not the case, he must remain in the colony until he becomes so qualified or until he completes the 20 years' imprisonment. The law thus provides for the possibility of extending deprivation of liberty (involving an obligation to work) beyond the normal duration of the sentence, only in the case of indigenous persons. Consequently, even if the scheme applying in the agricultural colonies is less severe, the Committee once again requests the Government to indicate the measures taken or contemplated to ensure observance of Article 1(e) of the Convention.

2. The Committee notes the information communicated by the Government in reply to its previous requests concerning sections 40 and 47 of the Press Law.

Philippines (ratification: 1960)

In its previous observation, the Committee noted that, following the declaration of a state of martial law in 1972, provisions still

existed for detention without trial, the prohibition of rallies, demonstrations and other forms of group action, the prohibition of strikes in a wide range of circumstances, subject to sanctions involving compulsory labour, and the trial of offenders by special military tribunals.

The Committee notes with regret that no report has been received. It again addresses a direct request to the Government, asking it to provide information on measures taken which have a bearing on the observance of Article 1(a) and (d) of the Convention.

Poland (ratification: 1958)

In its previous comments, the Committee has referred to a number of legislative provisions under which action coming under Article 1(a), (c) and (d) of the Convention could be punished by imprisonment including an obligation to work.

The Committee notes with interest the information communicated by the Government, according to which the Minister of Justice promulgated on 2 March 1978 an ordinance exempting from the obligation to work persons sentenced to imprisonment for offences falling within the provisions of Article 1 of Convention No. 105. The Committee notes the importance of this measure, which affirms the principle that persons convicted of infractions of provisions corresponding to the 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 clearly define the effects of the principle which has been enunciated, the Government will take the necessary implementing measures specifying the legal provisions whose violation, when punished with imprisonment will give rise to the exemption provided for.

Sierra Leone (ratification: 1961)

Further to its previous comments, the Committee notes with satisfaction that the Protectorate Vagrancy Act and section 24 of the Summary Conviction Offences Act (under which natives who remained without regular employment for more than 21 days were, in certain circumstances, deemed idle and disorderly persons and liable to imprisonment) have been repealed by the Law (Adaptation) Act, No. 29 of 1972. The Committee hopes that action will soon be taken also with regard to section 8(h) of the Chiefdom Councils Act (Cap. 61) under which compulsory cultivation may be imposed on natives.

Singapore (ratification: 1965)

Article 1(a), (c) and (d) of the Convention. The Committee notes that the Government's report contains no new information on the questions raised in its previous observation. It recalls that in this observation, the Committee had examined the results of the direct contacts held in 1975 between the Government and a representative of the Director-General of the ILO. It had considered that a number of provisions of the Undesirable Publications Act, the Internal Security Act, the Newspaper and Printing Presses Act, 1974 and rules issued thereunder, and the Societies Act permitted the imposition of restrictions on publications, political activities and associations which, if enforced by penalties of imprisonment involving compulsory prison labour, were in conflict with Article 1(a) of the Convention. The Committee had expressed the hope that the Government would reconsider these provisions and had also asked for information on their



practical application. With regard to Article 1(c) and (d) of the Convention, it had noted 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 involving compulsory prison labour 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. In this connection, it had expressed the hope that the Government would also review the provisions of the Trade Disputes Act (Chapter 128) under which participation in certain strikes is punishable with imprisonment, likewise involving liability to compulsory labour.

The Committee notes with interest from the Government's report on Convention No. 65 that sections 59(c) and 60 of the Post Office Act are in the process of being repealed.

The Committee refers again to the detailed comments made in its observation of 1976; it hopes that the Government will take appropriate measures to ensure the observance of the Convention, and that it will supply the information requested. In this regard, the Committee understands that the Office would be at the disposal of the Government, should further explanations or clarifications be considered useful.

Spain (ratification: 1967)

In its previous comments, the Committee referred to a number of legislative provisions under which acts covered by Article 1 of the Convention were punishable with penal servitude or imprisonment, involving, under the Prisons Regulations, the obligation to perform work.

In its latest report, the Government communicates the texts of various laws adopted recently, including Act No. 1 of 4 January 1977 concerning political reform, Legislative Decree No. 2 of the same date abolishing the Public Order Court, Legislative Decree of 8 February 1977 on political associations, Legislative Decree No. 17 of 4 March 1977 on labour relations, Act No. 19 of 1 April 1977 on freedom of association, the Legislative Decree of 1 April 1977 on freedom of expression, Decree No. 2273 of 29 July 1977 amending the service regulations of penal institutions, and Act No. 46 of 15 October 1977 on the amnesty.

The Government points out that the legal setting in which Convention No. 105 will henceforth be applied has undergone a complete democratic change, particularly as regards the recognition of freedom of association, meeting and expression, and the right to strike. It states also that the previous provisions, the interpretation of which could have been questioned, have lost all meaning since certain acts have ceased to be illegal and suitable conditions for the application of Convention No. 105 on the abolition of forced labour have been created.

The Committee notes with satisfaction that the new texts recognise the right of freedom of association and assembly and the right to strike, thus bringing these essential aspects of the legislation into conformity with the Convention. Furthermore, it notes with interest that the general principle embodied in the Order of the Ministry of Justice of 4 October 1975, to the effect that the Prison Regulations must be applied so as not to affect the application of Convention No. 105 has been embodied in the regulations on penal institution services, by virtue of Royal Decree No. 2273 of 29 July 1977.

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 15 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.

In its latest report, the Government states that the ministerial committee set up in the Ministry of Social Affairs and Labour has made proposals for the adoption of legal measures taking account of the comments made by the Committee of Experts. The Committee therefore requests the Government to supply information on these proposals and hopes that the new texts will ensure the abolition of all forms of forced or compulsory labour including compulsory penal labour, in the various cases listed in Article 1 of the Convention.<sup>1</sup>

Tanzania (ratification: 1962)Tanganika

In its previous observation, the Committee noted that direct contacts took place in 1976 between the competent national authorities and a representative of the Director-General of the ILO, and that the Government was envisaging the possibility of assigning to a competent body the task of examining in detail the observations of the Committee of Experts and of submitting proposals to the Government on measures that might be taken towards closer compliance with the Forced Labour Conventions. The Committee notes the Government's statement in its latest report that the Labour Advisory Board is still looking into all labour provisions so that they are in line with the Government's policy and international obligations, and that any development to this effect will be communicated to the International Labour Office. Pending such development, the Committee is bound to refer to various provisions of the national legislation falling within the scope of the Convention.

<sup>1</sup> The Government is asked to report in detail for the period ending 30 June 1978.

Article 1(a) of the Convention. 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, 1977, an obligation to perform labour).

Article 1(c). Under section 284A 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 (likewise involving an obligation to perform labour).

Article 1(c) and (d). 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 (again involving 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.

Article 1(d). 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 (including compulsory prison labour).

The Committee had expressed the hope that appropriate measures would be taken in regard to these provisions to ensure that, in accordance with Article 1(a), (c) and (d) of the Convention, no form of forced or compulsory labour (including compulsory prison labour) might be used as a means of political coercion or as a punishment for expressing political views or views ideologically opposed to the established political, social or economic system, as a means of labour discipline or as a punishment for having participated in strikes.

The Committee notes from the information supplied to the Conference in 1977 that the Government takes these comments very seriously and has considered whether legislative measures should be taken to change these provisions. For example, the merchant shipping legislation is no longer deemed valid for use.

The Committee recalls that the provisions referred to have been the subject of comments for a number of years. It hopes that measures will now be taken to bring the legislation into conformity with the Convention.

#### Zanzibar

See General Observations.

In its previous comments the Committee had referred in particular to the Afro-Shirazi Party Decree, 1965, by virtue of which the Afro-Shirazi Party was declared the sole political party and all other political parties, organisations or societies were declared unlawful (sections 2 and 8). Under sections 4 and 5 of the Decree, membership

or management of any prohibited party, organisation or society is punishable with imprisonment. In so far as persons serving a sentence of imprisonment are required to perform compulsory labour (section 47 of the Prisons Decree), the foregoing provisions permit the imposition of forced or compulsory labour as a means of political coercion in violation of Article 1(a) of the Convention.

The Committee had also sought information on the effect on the application of the Convention of the state of emergency which had been in force since 1961, on the measures taken to abolish compulsory labour as a punishment for breach of labour discipline under section 110 of the Penal Decree and the Zanzibar Government Shipping Decree, and on the practical application of various statutory provisions. The Committee hopes that the difficulties which have been facing the Government as regards access to information on the application of the present Convention in Zanzibar will soon be overcome.

Tunisia (ratification: 1959)

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

Referring to its earlier comments concerning provisions of the Labour Code prohibiting certain strikes subject to penal sanctions involving compulsory labour, the Committee notes that Act No. 76-84 of 11 August 1976 which amends and supplements the relevant part of the Labour Code appears not to have taken its comments into account.

The Committee had pointed out that under the Code, the Government may compel the parties to submit to arbitration where it considers that a strike or the threat of a strike may affect the national interest (sections 384 to 386 of the Labour Code). A strike is unlawful if these provisions are not complied with and also if it has not been approved by the Central Workers' Organisation (section 376bis and section 387 of the amended Code). Participation in an unlawful strike or encouragement to continue such a strike is punishable by imprisonment involving compulsory labour. Workers may also be called up for service where a strike is likely to harm a vital national interest, and refusal to comply with a call-up order is punishable with imprisonment (sections 389 and 390 of the Code). The Committee had indicated that these prohibitions, of strikes, which go beyond cases of emergency or strikes in essential services endangering the existence or welfare of the population, are incompatible with Article 1(d) of the Convention in so far as they are enforced by penalties involving compulsory labour.

In its reply the Government states that the restrictions in section 389 of the Code only apply where a vital national interest is endangered, and that any impairment of a vital national interest always has directly or indirectly more or less serious repercussions on the existence and welfare of the population.

The Committee asks the Government to send information on the practical application of section 389 of the Code, including copies of any orders requisitioning establishments or personnel of establishments issued under this section.

The Committee hopes that action will be taken in the near future to bring sections 376bis and 384 to 387 of the Code into conformity with the Convention.

Turkey (ratification: 1961)

1. Prison labour. Referring to its previous comments, the Committee notes with interest that under the terms of Ministry of Justice circular No. 26/62 of 14 May 1975 addressed to the directors of penal institutions and broadcast by the Turkish radio, persons convicted in circumstances covered by Article 1 of the Convention No. 105 are not compelled to work.

2. Compulsory patriotic service. The Committee noted that section 60 of the Constitution, as amended by Act No. 1488 of 20 September 1972, provides that compulsory patriotic service shall be performed either in the armed forces or in the public services. The Government stated in this connection that the aim of the section was to prevent persons who could not fulfil their military service for various reasons from having privileges over others but that no new Act had been promulgated in that connection and consequently it applied to military service in the armed forces. The Government reiterates these statements in its latest report.

The Committee therefore requests the Government to communicate in its future reports any text which may be adopted in application of section 60 of the Constitution.

3. In its previous comments, the Committee noted that under section 1467 of Act No. 6762 of 9 July 1965, establishing the Commercial Code, seamen may be forcibly conveyed on board ship to perform their duties, contrary to Article 1(c) of the Convention, since this provision can be applied to ensure the proper running of the ship and the maintenance of discipline.

The Committee notes with interest the Government's statement in its latest report that, in practice, this law is applied only in cases of emergency, but that an amendment to the legislation will be made in the Act on commerce to limit its scope to cases of emergency. The Committee hopes that any developments in this connection will be indicated in the next report.

4. The Committee requests the Government to communicate the text of Act No. 4358 relating to the organisation and running of the Directorate General of Prisons and Places of Detention referred to by the Government in its report.

Uganda (ratification: 1963)

In its previous observations, the Committee referred to a number of legislative provisions under which imprisonment (involving an obligation to work) may be imposed for a wide range of political activities, including the participation in any political party, for the violation of restrictions imposed by the authorities at their discretion on the right of association and the freedom of expression, and for leaving employment or participating in strikes in various services whose interruption would not necessarily endanger the existence or well-being of the population. The Committee observed that these provisions were contrary to Article 1(a), (c) and (d) of the Convention.

The Committee notes the Government's statement in its latest report that prisoners should be productive and self-reliant in providing food and must be taught skills which are useful to them in obtaining employment after completing their sentence.

The Committee wishes to point out that the Convention does not prevent work from being made available to prisoners at their own request, to be performed on a voluntary basis. However, under the above-mentioned legislation, an obligation to perform labour is laid down as an essential incident of punishment in the specific circumstances enumerated in Article 1(a), (c) and (d) of the Convention. Moreover, as the Committee pointed out in paragraph 87 of its general survey of forced labour of 1968, Article 1(a) of the Convention applies, inter alia, to any form of forced or compulsory labour as a means of political education, so that in the case of persons convicted on account of holding or expressing political views, an intention to reform or rehabilitate them through labour would in itself be covered by the express terms of the Convention.

The Committee again expresses the hope that measures will be taken to bring the legislation into conformity with the Convention, and that the Government will supply information on the progress made.

Uruguay (ratification: 1968)

Article 1(c) and (d) of the Convention. The Committee noted previously that following the adoption of immediate security measures under section 168(17) of the Constitution, the Government had on several occasions decreed the call-up of workers in certain public services under powers granted by sections 8 and 27 of Act No. 9943 of 1940 and section 34 of the Military Code. The Committee had requested the Government to supply information on any further cases in which mobilisation of workers was resorted to, including particulars of the services affected and the reasons for the measures in question.

The Committee notes that the Government's report contains no reply to this question, but notes that Decree No. 518/973 of 4 July 1973 issued with a view to avoiding anomalies in the discharge of services in the public and private sectors and the Decree No. 548/973 of 6 July 1973 extending the scope of the aforementioned Decree to decentralised social security bodies, declares strikes and stoppages of work in the public and private sectors to be illicit behaviour and provides that trade union leaders who incite workers to indulge in this illicit behaviour will be taken to court for offences against domestic public order and will be liable to the sentences foreseen in book II of section II of the Penal Code, without prejudice to the security measures provided for in section 168, subsection 17 of the Constitution.

These provisions, which permit sentences of imprisonment including compulsory penal labour to be imposed on trade union leaders who incite workers to strike or to stop work are contrary to Article 1(c) and (d) of the Convention, which prohibits the use of forced or compulsory labour as a means of labour discipline or as a punishment for having participated in strikes. The Committee hopes that the Government will be able to indicate the measures taken to ensure respect for the Convention in this respect and that it will state in particular whether these decrees are still in force.

Zambia (ratification: 1965)

The Committee notes with regret that for the third year in succession no report has been received.

In previous comments, the Committee had referred to various provisions of the Societies Act (read together with article 4 of the

Constitution), the Preservation of Public Security Regulations, the Penal Code, the Industrial Relations Act and the merchant shipping legislation, under which penalties involving compulsory labour may be imposed in circumstances falling within Article 1(a), (c) and (d) of the Convention.

The Committee again addresses a direct request to the Government on these various points. It hopes that information on the measures taken to ensure the observance of the Convention will be supplied at an early date.

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In addition, requests regarding certain points are being addressed directly to the following States: Algeria, Argentina, Australia, Bangladesh, Belgium, Benin, Brazil, Burundi, United Republic of Cameroon, Canada, Central African Empire, Chad, Democratic Yemen, Dominican Republic, Ecuador, El Salvador, Fiji, Finland, France, Gabon, Ghana, Guatemala, Guinea, Guyana, Iceland, Iran, Iraq, Italy, Jamaica, Jordan, Kenya, Libyan Arab Jamahiriya, Malaysia, Malta, Mauritius, Mexico, New Zealand, Nicaragua, Nigeria, Pakistan, Panama, Papua New Guinea, Philippines, Portugal, Senegal, Sierra Leone, Somalia, Surinam, Syrian Arab Republic, Tanzania, Thailand, Tunisia, Uruguay, Zambia.

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

Syrian Arab Republic (ratification: 1958)

Article 8, paragraph 3, of the Convention. Further to its previous comments, the Committee notes the information supplied by the Government to the effect that persons working on the weekly rest day in application of the temporary derogations provided for in section 120 of the Labour Code receive a distinctly higher wage.

In this connection, the Committee has to point out that the Convention stipulates the granting of compensatory rest in all cases of temporary derogation to the weekly rest requirement, independently of any additional remuneration. It therefore requests the Government to take the necessary measures to bring the national legislation into conformity with this requirement of the Convention.

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In addition, requests regarding certain points are being addressed directly to the following States: Bolivia, Gabon, Indonesia, Morocco, Surinam.

### Convention No. 107: Indigenous and Tribal Populations, 1957

India (ratification: 1958)

The Committee notes with satisfaction that a number of States have adopted legislation designed to ensure the better protection of

tribals as regards the alienation of tribal lands and as regards debt relief: the Moneylenders Act, 1975, and Debt Relief Ordinance in Bihar; the Act on the Alienation of Tribal Lands, 1975, in Kerala; the Restoration of Lands to Scheduled Tribes Act, 1974, in Maharashtra; and the Scheduled Castes, Scheduled Tribes and Denotified Tribes Debt Relief Ordinance, 1974, in Uttar Pradesh.

Pakistan (ratification: 1960)

The Committee refers to earlier comments on Article 9 of the Convention and notes with satisfaction that the Sardari (Abolition) Ordinance, 1976, prohibits tribal chiefs from exacting free labour or compelling any person to labour against his will and prescribes sanctions in case of contraventions.

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In addition, requests regarding certain points are being addressed directly to the following States: Bangladesh, Bolivia, Brazil, Ecuador, Egypt, India, Pakistan, Peru.

### Convention No. 108: Seafarers' Identity Documents, 1958

Brazil (ratification: 1963)

Referring to its earlier comments, the Committee notes with interest the model seafarer's identity document intended to meet the requirements of the Convention that has been supplied by the Government with its report. It notes that this model is at present awaiting the approval of the bodies concerned. The Committee hopes that it will be adopted and that it will shortly come into force.<sup>1</sup>

Honduras (ratification: 1960)

Further to its previous comments, the Committee notes with satisfaction that following the direct contacts which took place in 1975 between the competent national services and a representative of the ILO, Decree No. 462 was issued on 11 May 1977, and circulars Nos. 3 and 4 were issued on 2 and 7 May 1977, which give effect to Article 4, paragraph 2 and Article 6 of the Convention, respectively.

Italy (ratification: 1963)

The Committee notes from the information supplied by the Government to the Conference Committee in 1977 and from its last report that the Government repeats its intention of supplementing the seafarer's book by the statement provided for by Article 4, paragraph 2, indicating that it is an identity document for the purpose of the Convention. Since this statement is necessary if the document is to be recognised by other States that have ratified the Convention, the Committee hopes that the Government will be able to enclose with its next report a copy of the seafarer's book supplemented in this way.

<sup>1</sup> The Government is asked to report in detail for the period ending 30 June 1979.



The Committee notes that under section 221 of the regulations issued under the Maritime Navigation Code the seafarer's book is issued to the master of the vessel. It therefore hopes that the Government will also take steps to ensure that this document shall remain in the seafarer's possession at all times, in accordance with Article 3 of the Convention.

Lastly, the Committee hopes that the Government will supply the information requested in connection with Article 6 of the Convention (right of entry of a seafarer holding an identity document issued by another country).<sup>1</sup>

Uruguay (ratification: 1973)

Referring to its earlier comments, the Committee notes with satisfaction that both the boarding pass and the seafarer's book now contain the statement, provided for in Article 4, paragraph 2, of the Convention, that they are seafarers' identity documents conforming to the provisions of the Convention.

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In addition, requests regarding certain points are being addressed directly to the following States: Barbados, Cuba, German Democratic Republic, Guatemala, Honduras, Malta, Panama, Portugal, Spain, Tanzania, Uruguay.

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

Argentina (ratification: 1968)

The Committee notes from the information supplied by the Government that Act No. 21260 of 1976 to which its previous observation related has not been extended and that the Dismissal Act ("ley de prescindibilidad") No. 21274 of 29 March 1976 was to expire on 31 December 1977. The Government added that this Act was intended to remove from the public administration public employees recruited in surplus to requirements as the result of the infiltration of subversive elements, and was not aimed at ideological or anti-trade union persecution and that those concerned had the right of appeal to the judicial authorities which protected them against arbitrary measures. The Committee hopes that the Government will supply in this connection the additional information to which reference is made in a direct request and that it will be able to confirm that all exceptional measures of this nature have ceased to be in force.

Chad (ratification: 1966)

The Committee notes with regret that, this year again, 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

<sup>1</sup> The Government is asked to report in detail for the period ending 30 June 1979.

therefore the Government to supply full information as regards: (a) measures taken or contemplated to ensure in practice the promotion of equality in matters of training and employment opportunities of the various groups of the population distinguished by ethnic, racial or social origin, etc.; (b) the policy followed with a view to allowing women to benefit in practice from equality of opportunities in matters of vocational training and employment; (c) posts from which women are excluded under article 9 of the Civil Service Regulations.<sup>1</sup>

Chile (ratification: 1971)

In its previous observation, the Committee referred to the possible effects in the field of employment of constitutional provisions declaring certain political views to be illegal and detrimental to the constitutional order. In the detailed comments it submitted to the Conference Committee in 1977 and also in its report the Government indicates that section 11, paragraph 2, of Constitutional Act No. 3 of 1976 declares to be illegal and detrimental to the constitutional order not political views but acts intended to spread certain doctrines. It adds that these acts do not form sufficient grounds for discrimination in respect of employment since the first paragraph of section 11 provides that no constitutional or legal provision shall be adduced to detract from the rights and freedoms recognised by the Constitutional Act. It refers to Article 4 of the Convention, under which it is possible not to deem to be discrimination certain measures taken on account of activities prejudicial to the security of the State and indicates that rights of appeal to the courts are available to citizens under section 2 of the Constitutional Act. The Committee observes, however, that the doctrines whose spreading is thus declared to be illegal and detrimental to the constitutional order include not only those which recommend violence but also, in general, those "which would be detrimental to the established regime". It observes that the protection laid down by the Convention against discrimination made on the basis of political opinion implies that protection covers the expression of this opinion. Although it is true that under Article 4 of the Convention activities prejudicial to the security of the State may be excluded from this protection, the definition of these activities must be sufficiently narrow to avoid conflict with the main protection provided by the Convention in the field of political opinion. It appears that by declaring the spreading of doctrines that might be detrimental to the established regime to be illegal and detrimental to the constitutional order the above-mentioned provisions may have the effect of removing persons expressing opposing political opinions from the scope of the constitutional and legal guarantees concerning discrimination in respect of employment. The Committee therefore trusts that the Government will take all measures to guarantee the application of the Convention in this respect.

With regard to the application of Constitutional Act No. 4 respecting emergencies, the Committee notes the information supplied by the Government indicating in particular that the conditions laid down for the application of this Act have not arisen. It would be grateful if the Government in its future reports would indicate any use that may be made of the provisions of this Act having an influence on the application of the Convention.

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<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 64th Session and to report in detail for the period ending 30 June 1978.

With regard to the current situation concerning the dismissals that occurred after 11 September 1973, the Government repeats the information it supplied in 1976 (which the Committee noted in its previous observation), to which it adds figures obtained in June 1976 in a particular province (828 workers re-established on the basis of the review of their cases by their undertakings) and figures concerning the fall in the general unemployment rate at the end of 1976. It also states that Legislative Decree No. 1768 of 1977 has allowed a further period of one year for workers to recover rights to leave or insurance benefits that they may have lost by way of punishment. Lastly, it provides information on administrative reform and the reorganisation of the public services, stating that the relevant texts do not discriminate on the basis of political opinion, and it refers to various texts adopted to deal with unemployment in general. The Committee notes this information, but observes that it does not refer specifically to the extent to which reinstatement has been continued since 1976 following the review of cases of workers dismissed under the former emergency provisions, and it trusts that the Government will provide more precise information on this point.

Lastly, the Committee notes the information supplied by the Government in respect of measures to eliminate discrimination on the basis of grounds such as sex, race, national extraction or social origin. It hopes that future reports will continue to give detailed information on the application of these measures and on the results obtained.

#### Czechoslovakia (ratification: 1964)

Further to its previous observation, the Committee has noted the information communicated by a government representative to the Conference Committee in 1977 and confirmed in the report subsequently supplied by the Government. The Committee notes that this information relates essentially to the methods of practical application of the national legislation in relation to the provisions of the Convention concerning, on the one hand, the measures which may be taken in regard to persons whose activities endanger the security of the State and, on the other, the elimination of discrimination on the basis of political opinion. Since the Committee decided to suspend its examination of the problems of the practical application of the Convention following the presentation to the Governing Body in 1977 of a representation concerning these problems under article 24 of the Constitution, the Committee will revert to this matter when the Governing Body has completed its consideration of the representation.

#### Egypt (ratification: 1960)

Further to its earlier comments the Committee notes with satisfaction the information given in the Government's report, according to which Presidential Order No. 29 of 27 September 1975 has eliminated the compulsory membership of journalists in the Arab Socialist Alliance and that the Committee established by Ministerial Order No. 761 of 1976 to review and amend all the laws concerning journalists will take into consideration all the comments made by the Committee of Experts. The Committee would greatly appreciate being kept informed of further action taken and results achieved in this connection.

The Committee also notes with interest that a tripartite Committee was established by the Government to review, in the light of scientific progress and increasing participation of women in the labour

market, the list of types of work (considered as dangerous to health or morality or as physically demanding) on which women should not be employed pursuant to Order No. 64 of February 1960. The Committee hopes to be kept informed of further developments in this respect.

Federal Republic of Germany (ratification: 1961)

The Committee notes that further detailed comments have recently been received from the World Federation of Trade Unions concerning discriminatory practices on the basis of political opinion which are claimed to result from the procedure for the verification of loyalty to the Constitution of candidates for the public service, to which reference was made in previous observations. The Committee notes that, in accordance with the usual practice, these comments were immediately communicated to the Government, from which a reply was received during the present session of the Committee referring, in particular, to the statements made by the German Confederation of Trade Unions on this matter and the request addressed to it by the Committee in 1977 to supply further information in its next report, which would normally be due for examination at the next session of the Committee. Since a representation under article 24 of the ILO Constitution was presented to the Governing Body of the International Labour Office at its 205th Session (February-March 1978) on the same subject, the Committee will revert to this question when the Governing Body has completed its consideration of the representation.

Guinea (ratification: 1960)

The Committee notes with regret that the Government's report, which arrived too late to be examined in 1977, refers again to section 41 of the Constitution (concerning freedom of religion and the separation of state and church), to section 2 of the Labour Code (concerning equality amongst workers without distinction on grounds of sex or nationality), and section 6 of the Public Service Statute (concerning equality amongst state employees without distinction on grounds of sex), but contains no new information in reply to its earlier comments concerning the elimination of discrimination in employment on the basis of political opinion. In this connection, the Government had previously stated, on the one hand, that access to employment in the public service and in private undertakings is obtained through specialised services set up by decision of the Party and carried out by the Government under the supervision of the Party, and on the other hand, the principles of the Party against discrimination include equality without any distinction on the basis of race, colour, sex, religion, region or nationality. In the light of this supervision by the Party and the fact that these principles do not include political opinion, the Committee again requests the Government to indicate what steps have been taken or are contemplated to ensure also the elimination of any discrimination in employment, within the meaning of the Convention, based on political opinion.

Malta (ratification: 1968)

The Committee notes that following its observation concerning section 26 A of the Conditions of Employment (Regulation) Act 1952, as amended in 1974, which provides that where a vacancy occurs in any employment previously occupied by a man, the vacancy shall be filled only by a man, the Government representative at the Conference Committee in 1977 stated that these provisions had been adopted on account of the inequality of wages between men and women and that since

full equality of remuneration between male and female workers had become effective on 1 April 1976 these provisions had become unnecessary and would be repealed. The Committee hopes to receive with the next report information on the development of this question and the text of any legislative provision proposed or issued to this end.

Furthermore, since, following its observation inviting the Government to review as soon as possible the requirement that women resign their position in the civil service on marriage, the Government representative at the Conference Committee in 1975 indicated that the Government would keep this issue under review in the light of the various relevant aspects, including employment opportunities, the Committee trusts that the necessary measures will be taken without delay to bring law and practice into conformity with the Convention in this respect.

Mauritania (ratification: 1963)

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

According to the information given by the Government representative to the Conference in 1975, 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).

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In addition, requests regarding certain points are being addressed directly to the following States: Afghanistan, Argentina, Australia, Barbados, Benin, Chad, Ecuador, Gabon, German Democratic Republic, Ghana, Guyana, Ivory Coast, Jamaica, Jordan, Libyan Arab Jamahiriya, Madagascar, Mongolia, Nicaragua, Pakistan, Peru, Senegal, Turkey, Venezuela, Yugoslavia.

**Convention No. 112: Minimum Age (Fishermen), 1959**Guinea (ratification: 1960)

Referring to its earlier direct requests, the Committee regrets to note from the report for the period 1974-76 that the Government has not considered it indispensable to issue the draft Order to give effect to the Convention, since the Convention is widely disseminated and strictly applied in accordance with sections 150, 151 and 177 to 180 of the Labour Code.

The Committee observes that the above-mentioned provisions of the Labour Code fix a general minimum age of 14 years and provide for the possibility of prescribing a higher age for certain jobs by issuing Orders, but that no provision of this kind seems to have been adopted for employment on board fishing vessels.

In these circumstances, the Committee hopes that the Government will take the necessary measures to give effect to the provisions of the Convention, which prescribe a minimum age of 15 years for work on board fishing vessels.<sup>1</sup>

Liberia (ratification: 1960)

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

The Committee refers to its previous observations and recalls that section 326 of the Maritime Law which lays down a minimum age applies only to vessels engaged in foreign trade and that section 74 of the Labour Law, which prohibits the employment of children under 16 years of age during the hours when they are required to attend school, does not ensure that children under the age of 15 shall not be employed on work on fishing vessels, in accordance with Article 2(1) of the Convention.

The Government has stated since 1968 that a new Labour Code would ensure the full application of the Convention. The Committee regrets, however, that the report due this year has not been supplied and that no information is accordingly available on any progress made. It trusts that the necessary provisions will be adopted at an early date.

Tunisia (ratification: 1962)

Referring to its earlier comments, the Committee notes with satisfaction Act No. 75-17 of 31 March 1975 promulgating the Fishermen's Code, which extends application of the relevant provisions to all vessels covered by Article 1, paragraph 1, of the Convention.

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

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<sup>1</sup> The Government is asked to report in detail for the period ending 30 June 1978.

**Convention No. 113: Medical Examination (Fishermen), 1959**Guinea (ratification: 1960)

The Committee notes with regret that the Government's report has not been received. It hopes that the next report will include full information on the following matters raised in previous direct requests.

Article 3, paragraph 1, and Article 5 of the Convention. In its report for 1971-73, the Government stated that a draft order to regulate the conditions of engagement of fishermen would shortly come before the Labour Advisory Committee before being submitted for signature to the Minister for the Public Service and Labour. The Committee trusts that this order will be adopted in the near future so as to ensure the application of all the provisions of the Convention, including Article 3, paragraph 1, and Article 5, concerning which appropriate clauses were to be included in the draft.

Liberia (ratification: 1960)

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

The Committee refers to its previous observations, and recalls that section 336(3) (d) of the Maritime Law (as amended), which provides that a seaman shall not be entitled to sickness or injury benefits if at the time of his engagement he refused to be medically examined, does not ensure the medical examination of persons to be employed on fishing vessels, in accordance with Articles 2 to 5 of the Convention. It notes moreover that, by virtue of section 290(2) (a), even the above-mentioned provisions do not apply to ships under 75 net tons.

The Government has stated since 1973 that a new Labour Code would ensure the full application of the Convention. The Committee regrets that the report due this year has not been supplied and that no information is accordingly available on any progress made. It trusts that the necessary provisions will be adopted at an early date.

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

**Convention No. 114: Fishermen's Articles of Agreement, 1959**Guinea (ratification: 1960)

Articles 4, 10 and 11 of the Convention. See under Convention No. 113 respecting the adoption of the draft Order to regulate the conditions of engagement of fishermen.

The Committee recalls the information supplied previously by the Government to the effect that the above-mentioned draft Order would give effect to these Articles of the present Convention.

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

### Convention No. 115: Radiation Protection, 1960

Federal Republic of Germany (ratification: 1973)

Further to its previous direct request the Committee notes with satisfaction that as a result of the adoption of the Second Radiation Protection Order, 1976, and of the Act concerning the Protection of Young Workers, 1976, no young worker under the age of 16 may be engaged in work involving ionising radiations, in accordance with Article 7, paragraph 2, of the Convention.

The Committee further notes with satisfaction that the Second Radiation Protection Order ensures the application of the Convention to nuclear accelerators.

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In addition, requests regarding certain points are being addressed directly to the following States: Guinea, India, Italy.

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

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

Paraguay (ratification: 1969)

Referring to its previous direct requests concerning Article 12 of the Convention, the Committee notes with satisfaction that following the direct contacts which took place between the competent national services and a representative of the Director-General of the ILO, Resolution No. 2011 was adopted on 23 April 1977, fixing the maximum amount of advances on wages and providing that any advance made in addition to the fixed amount shall be legally irrecoverable and may not be recovered by deductions from payments due to the workers at a later date.

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In addition, requests regarding certain points are being addressed directly to the following States: Guinea, Jamaica, Panama, Paraguay, Tunisia.

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



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

Syrian Arab Republic (ratification: 1963)

Article 5 of the Convention. In reply to the earlier comments of the Committee relating to the fact that section 94 of Act No. 92 of 1959 as amended - under which invalidity, old-age, survivors' and employment injury pensions cease to be paid where the beneficiary, regardless of his nationality, leaves the country for good and may be replaced by an equivalent lump sum - is contrary to Article 5 of the Convention, the Government states that the Bill to amend the legislation, bringing it into conformity with the Convention has not yet been adopted. The Committee notes this information but can only urge again that the above-mentioned section 94 be amended shortly in accordance with the assurance that the Government has been giving since 1968, so as to ensure the full application of this provision of the Convention. In this connection, the Committee ventures to suggest that a possible amendment in conformity with the Convention would consist in repealing the said section 94 and laying down practical arrangements for paying benefits in the event of residence abroad.

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In addition, requests regarding certain points are being addressed directly to the following States: Barbados, Federal Republic of Germany, Guinea, Libyan Arab Jamahiriya.

**Convention No. 119: Guarding of Machinery, 1963**

Central African Empire (ratification: 1964)

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

Article 2 of the Convention. Section 37, paragraph 3 of General Order No. 3758 of 25 November 1954 provides that the dangerous machinery or parts of machinery, whose sale, exhibition or hire is prohibited under paragraph 1, shall be designated by order. No order has so far been adopted to determine the dangerous machinery or parts of machinery of which the sale, hire and exhibition are prohibited.

Article 10, paragraph 1. The reports indicate that workers are informed by posters of the provisions of national legislation concerning the guarding of machinery. No laws or regulations however have been adopted to this effect.

Article 11. The legislation does not contain provisions to ensure that no worker shall be required to use any machinery without the guards provided being in position, or to ensure that no guards shall be made inoperative on any machinery to be used by any worker.

The Committee hopes that the necessary measures to give full effect to the Convention will be taken in the near future.

Ecuador (ratification: 1969)

Further to its previous observations, the Committee notes with satisfaction that the Occupational Safety and Health Regulations, issued by the Ecuador Institute of Social Security on 29 September 1975, ensure the application of Articles 1 and 6 to 16 of the Convention, concerning measures to prevent the use of dangerous machinery without appropriate guards, in all undertakings affiliated to the employment injury insurance scheme.

The Committee hopes that the government will shortly be able to issue further regulations prohibiting the sale, hire, transfer in any other manner and exhibition of dangerous machinery without appropriate guards, in accordance with Articles 2-4 of the Convention.

Ghana (ratification: 1965)

Articles 1 and 17 of the Convention. The Committee notes from the Government's report that the extension of the Factories, Offices and Shops Act, 1970 to forestry, agriculture and road and rail transport is under active consideration and that a draft Bill will be submitted to the Government for this purpose as soon as the staff position of the Factory Inspectorate improves. It also notes that steps are being taken by the competent national authorities to ensure that legislation or regulations are introduced to cover shipping and mining. The Committee hopes these measures will be taken in the near future and will result in the application of the Convention in agriculture and forestry, mining, road and rail transport and shipping.<sup>1</sup>

Guinea (ratification: 1966)

Further to previous comments, the Committee notes with regret from the Government's report that no change has taken place in the national laws and regulations concerning the application of the following provisions of the Convention: Article 2, paragraph 2 (prohibition of the transfer of dangerous machinery in any manner other than sale or hire - e.g. transfer in the form of loan), Article 11 (prohibition of the use of the machinery by a worker without the guards provided being in position and of the removal or making inoperative of safety guards) and Article 17 (measures to be taken to apply the Convention in the maritime and agricultural sectors).

The Committee hopes that the Government will shortly take measures to give effect to the above-mentioned requirements of the Convention.<sup>2</sup>

Kuwait (ratification: 1964)

The Committee notes from the Government's reply to its previous observation that the Bill to amend the Labour Act which, together with implementing regulations to be issued under it, is to give effect to the Convention, and which was already mentioned in the Government's

<sup>1</sup> The Government is asked to report in detail for the period ending 30 June 1979.

<sup>2</sup> The Government is asked to report in detail for the period ending 30 June 1978.

report for 1975-76, has still not been adopted. It recalls that at present no provisions exist in the national legislation relating to the sale, hire, transfer in any other manner or exhibition of inadequately guarded machinery and that there are no specific provisions concerning the use of such machinery. The Committee trusts that appropriate provisions will be adopted at an early date to give effect to the requirements of the Convention in all branches of economic activity.<sup>1</sup>

Madagascar (ratification: 1964)

Articles 2-4 of the Convention. The Committee notes that Order No. 889 of 20 May 1960, referred to in the Government's report, prohibits employers from installing dangerous machinery, for which recognised protective devices exist, unless it is equipped with such devices. These provisions of the Convention also require a prohibition on the sale, hire, transfer in any other manner and exhibition of dangerous machinery without appropriate guards. In its previous reports, the Government had indicated that effect would be given to them by means of an order to be issued under the Labcur Code. The Committee hopes that such an order will be issued shortly and will ensure the application of these provisions of the Convention.

Article 17. The Committee again requests the Government to indicate the provisions which ensure the application of the Convention to machinery in ships and on railways.

Paraguay (ratification: 1967)

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

In its first report, the Government indicated that draft regulations to give effect to the Convention had reached the stage of final consideration. The Committee notes however, from the Government's report for 1975-76 that the regulations in question have still not been approved. It trusts that the necessary provisions will be adopted in the very near future.

Tunisia (ratification: 1970)

The Committee notes from the Government's reply to its previous observation that the Government is studying a draft order establishing the list of machines and parts thereof which must be furnished with protective devices. It recalls that, in the absence of such an order, the Convention is not applied. It hopes that the order in question will be issued in the near future and will give effect to the Convention by determining the machines and parts thereof which may not be used, put on sale, sold or hired without protective devices in accordance with the provisions of Article 2, paragraphs 3 and 4 and of Article 6, paragraph 1.<sup>2</sup>

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<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 64th Session and to report in detail for the period ending 30 June 1978.

<sup>2</sup> The Government is asked to report in detail for the period ending 30 June 1979.

Turkey (ratification: 1967)

Further to its previous observations, the Committee notes with regret from the Government's report that no provisions have so far been adopted to meet the requirements of the Convention in the following respects:

Scope of the Convention. The national legislation does not apply to sea and air transport or to agriculture, whereas the Convention applies to all branches of economic activity (Article 17, paragraph 1). As regards agriculture, the Committee notes from the Government's report that the Agricultural and Forestry Labour Bill was to be resubmitted to the Parliament in the near future. The Committee urges the Government to take all necessary measures to ensure that effect is given to the provisions of the Convention in the agricultural sector as well as in sea and air transport.

Part II of the Convention. In its report, the Government refers to the role of the labour inspectors and of the employers in ensuring that protective devices are fitted and used on dangerous machinery. However, the national legislation imposes obligations only upon employers in connection with the use of machinery, whereas Part II of the Convention requires the prohibition of the sale, hire, transfer in any other manner and exhibition of dangerous machinery without appropriate guards, and Articles 4 and 15 require that persons selling, letting out on hire, transferring or exhibiting machinery - and where appropriate their agents - shall be under an obligation, subject to appropriate penalties, to comply with the provisions of Article 2. The Committee therefore trusts that the Government will take appropriate measures to ensure the application of Part II of the Convention, including the introduction of appropriate penalties and inspection arrangements in accordance with Article 15.

Part III, Article 10, paragraph 1. As there appears to be no explicit provision in the legislation requiring the employer to bring national laws or regulations relating to the guarding of machinery to the notice of workers and to instruct them in the precautions to be observed in the use of machinery, the Committee hopes that appropriate measures will be taken to give effect to this requirement of the Convention.

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

**Convention No. 120: Hygiene (Commerce and Offices), 1964**Guinea (ratification: 1966)

In comments addressed to the Government since 1970, the Committee has drawn attention to the following discrepancies between the national legislation and the Convention:

Article 6, paragraph 2, of the Convention. The Labour Code does not lay down any penalties for the infringement of the provisions concerning safety and hygiene of workplaces contained in section 168 of the Code or in the regulations issued pursuant to section 173.

Article 14. Section 16 of Order No. 5253 of 19 July 1954 as well as section 181 of the Labour Code require seats to be supplied for women workers only, whereas this provision of the Convention covers workers irrespective of sex.

Article 18. The national legislation does not contain provisions to ensure that noise and vibrations likely to have a harmful effect on workers are reduced as far as possible.

The Government stated in its report for 1971-73 that the necessary measures to give effect to the above-mentioned requirements of the Convention<sup>1</sup> would be taken. Since then no further information has been provided. The Committee hopes that the measures previously announced will be adopted in the near future.<sup>1</sup>

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In addition, requests regarding certain points are being addressed directly to the following States: Guatemala, Madagascar, Senegal, Venezuela.

### Convention No. 121: Employment Injury Benefits, 1964

#### CYPRUS (ratification: 1966)

Article 8 of the Convention. Referring to its earlier comments, the Committee notes with satisfaction the adoption of the Social Insurance (diseases) (amending) Regulations of 1976, section 2(a) of which extends the list of jobs exposing workers to the risk of pneumoconiosis, so as to cover all work involving exposure to the risk concerned, in conformity with the Convention.

#### Japan (ratification: 1974)

Article 8 of the Convention. The Committee has noted the information supplied by the Government in its report for 1976-77, as well as the comments furnished by the General Council of Trade Unions of Japan (SOHYO) and the Government's reply to these comments.

1. In its previous comments the Committee had requested the Government to specify the general definition of occupational diseases provided by the legislation or the provisions permitting the establishment of the occupational origin of diseases not mentioned in the national list, in accordance with clause (c) of Article 8 of the Convention.

In its report the Government refers to item 38 of the list of occupational diseases, which provides that "other diseases caused apparently by work" shall be deemed to be diseases resulting from employment under the terms of article 75, paragraph 2, of the Labour Standards Law. In this connection the SOHYO states that in the case of item 38 the burden of proving the occupational origin of the disease is laid on the worker, and that it may be difficult actually to furnish such proof. The SOHYO accordingly considers that procedures should be

<sup>1</sup> The Government is asked to report in detail for the period ending 30 June 1978.

established for the examination, upon application by the person concerned, of cases of diseases other than those enumerated in the list, and that where no proof of such a case not being an occupational disease as defined by law is offered by the employer or the competent authority the worker should be found to be suffering from an occupational disease.

In its reply to the SOHYO's comments, the Government states, inter alia, that the workmen's compensation legislation provides for a system of insurance under which specified benefits are provided in case of employment injuries, i.e. where it is found that there exists a causal relation between the accident or occupational disease the worker has suffered from and his employment. In these circumstances, it is considered impracticable to establish procedures of the kind described by the SOHYO. The Government adds, however, that since it may sometimes not be easy to offer proof of a causal relation between the disease in question and employment, the administrative authority will, as necessary, make an investigation to determine whether or not there exists such a causal relation.

The Committee recalls that Article 8(c) of the Convention, to which the Government has had recourse, provides for a system of employment injury compensation based both on a list system and on a system of comprehensive coverage (general definition). Each of these two systems has its own advantages and drawbacks. For instance, with the list system, while compensation is payable only in respect of the diseases on the list, workers who contract these diseases benefit in certain circumstances from an automatic presumption that their illness is occupational in origin. On the other hand, under a general definition system, all the diseases covered by this definition must in principle entitle the worker to compensation - in so far as the occupational origin of the disease is established. In these circumstances, the Committee considers that, where a State has had recourse to Article 8(c), of the Convention, it is not incompatible with this provision to make the payment of compensation in respect of diseases other than those on the list subject to the condition that the worker proves the occupational origin of his illness. However, as both the Government and the SOHYO have pointed out, it is sometimes difficult to furnish such proof in practice, and it is accordingly particularly desirable to develop as far as possible the practice mentioned by the Government whereby the competent authority itself undertakes investigations to determine the existence, or otherwise, of a causal relation between the disease and employment.

2. The SOHYO also expresses the opinion that since the symptoms of some occupational diseases, particularly cancer, may appear after a very long delay, compensation should be paid to all those who are now suffering from an occupational disease. Under the existing laws in Japan, no compensation is payable to those who become ill with an occupational disease originating from employment before 1947.

In its reply, the Government states that in principle the Workmen's Accident Compensation Insurance Law undertakes liability for compensation for employment injuries incurred before 1947 only in the case of workers engaged at that time in construction, while compensation for employment injuries suffered by those engaged in other industries before the same year should be covered specially by the Health Insurance Law. The law has been interpreted in this sense since 1947 and it is impossible to change it now. Furthermore, the Government encourages employers to provide compensation for occupational diseases caused by work before 1947 the symptoms of which have appeared recently; where no employer exists, the Government takes special measures to pay medical expenses.

The Committee has noted the information supplied by the Government and by the SOHYO. It considers, however, that the Convention does not provide for its application to contingencies whose origin dates back to before the entry into force of the Convention for a particular country. The Convention came into force for Japan in 1975, or nearly 30 years after the enactment of the Workmen's Accident Compensation Insurance Law. In these circumstances, even though it would be socially desirable for workers suffering from occupational diseases to enjoy protection irrespective of the date when the disease was contracted, the Committee considers that the question raised by the SOHYO is not relevant to the application of the Convention.

Netherlands (ratification: 1966)

Article 22, paragraph 1, of the Convention (in conjunction with Article 9, paragraph 3). Further to its earlier comments, the Committee notes with satisfaction that Act No. 473 of 8 September 1976 has repealed section 46(b) of the 1966 Act on incapacity insurance, concerning payment of the husband's incapacity benefit simultaneously with the old-age pension for a married couple claimable by his older wife.

Sweden (ratification: 1969)

The Committee has noted with satisfaction the adoption of the Employment Injury Insurance Act of 26 May 1976, section 4 of Chapter 3 of which henceforth provides for the reimbursement of persons injured in employment accidents of any expenses incurred in connection with convalescent care, even after the expiry of the period of co-ordination, as required by Article 10, paragraph 1(d), of the Convention.

The points on which additional information is necessary are being dealt with in a request addressed directly to the Government.

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In addition, requests regarding certain points are being addressed directly to the following States: Belgium, Cyprus, Finland, Federal Republic of Germany, Guinea, Ireland, Japan, Luxembourg, Netherlands, Senegal, Sweden, Uruguay.

**Convention No. 122: Employment Policy, 1964**

Guinea (ratification: 1966)

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

As it noted in its previous observation, in the absence of detailed information in reply to the questions contained in the report form approved by the Governing Body and to the Committee's previous comments, the Committee is unable to assess the extent to which the Government has declared and is pursuing an active policy designed to promote full, productive and freely chosen employment, as required by the Convention.

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In addition, requests regarding certain points are being addressed directly to the following States: United Republic of Cameroon, Costa Rica, Ecuador, German Democratic Republic, Guinea, Libyan Arab Jamahiriya, Madagascar, Mauritania, Senegal, Surinam, Thailand, Tunisia.

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

Rwanda (ratification: 1970)

Further to its previous comments, the Committee has taken note of Ministerial Circular No. 221/2243/10/473/325 of 29 December 1970 respecting the minimum age of 18 years for admission to underground work in mines, sent to employers and labour inspectors to request that the provisions of the Convention be complied with. The Committee hopes nevertheless that the proposed order to prescribe such a minimum wage in pursuance of section 124 of the Labour Code will be adopted shortly. It hopes that this order will also prescribe appropriate penalties to ensure observance of the prescribed minimum age, in accordance with Article 4, paragraph 1, of the Convention, and require that records and lists be kept as provided for in paragraphs 4 and 5 of the same Article, and that the latter be made available to the workers' representatives.

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In addition, requests regarding certain points are being addressed directly to the following States: Gabon, Kenya, Madagascar, Nigeria, Thailand.

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

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

Requests regarding certain points are being addressed directly to the following States: Madagascar, Ukrainian SSR.

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

### Convention No. 125: Fishermen's Competency Certificates, 1966

Brazil (ratification: 1970)

Article 8 of the Convention. Following its earlier comments, the Committee notes with satisfaction that instruction No. 12.352.3-A requires candidates for the examination for a regional or coastal fishing skipper's certificate to have four years' sea service as professional fishermen.



Trinidad and Tobago (ratification: 1972)

The Committee regrets that the Government's report has not been received. It has however noted the observations communicated by the Employers' Consultative Association of Trinidad and Tobago, stating that this organisation has no knowledge of any national legislation in respect to fishermen's competency certificates.

The Committee recalls the Government's statement in an earlier report that a Bill to give effect to the provisions of the Convention was being prepared. It hopes that this legislation will be enacted soon and that the Government will supply a report containing full information on the application of the various provisions of the Convention.

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

**Convention No. 126: Accommodation of Crews (Fishermen), 1966**Panama (ratification: 1971)

Further to its earlier comments, the Committee notes the Government's statement that the preparation of regulations ensuring the application of the Convention to all fishing vessels registered in the country is still under study pending the arrival of a shipping legislation expert. The Committee refers, in this connection, to its general observation and hopes that the Government will take the necessary measures in the near future to give effect to the Convention.<sup>1</sup>

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

**Convention No. 127: Maximum Weight, 1967**Algeria (ratification: 1969)

In previous comments the Committee had noted that there was no legislation to limit the weight of loads to be carried manually by adult male workers in either the private or the public sectors. It also noted that, following the repeal by Ordinance No. 73-29 of the Order of 22 January 1954 regulating the work of children employed in industry and commerce, the only provision in force concerning women and young workers was section 260 of Ordinance No. 75-31 (applicable to the private sector) which prohibits the employment of such persons in unhealthy, dangerous or arduous jobs to be determined by ministerial order; however, no order has been made so far under this section. In -----

<sup>1</sup> The Government is asked to report in detail for the period ending 30 June 1979.

previous reports the Government had stated that legislation was being prepared to apply the Convention, but the latest report no longer mentions such legislation. The Committee trusts that appropriate provisions will be adopted shortly to ensure the application of the Convention to adult males, women and young persons in both the public and the private sectors.<sup>1</sup>

Chile (ratification: 1972)

In previous comments the Committee noted that while section 399 of the Labour Code and Decree No. 2494 of 1923 limited the maximum weight of sacks to be carried by one person, there appeared to exist no provision on the manual transport of loads in general as defined in Article 1(a) and (b) of the Convention and that consequently only partial effect was given to Articles 1, 2, 3, 4 and 6 of the Convention. The Committee further noted that there appeared to be no provisions to apply Article 5 (adequate training to be ensured for workers assigned to manual transport of loads) or Article 7 (the assignment of women and young persons to manual transport of loads to be limited and the maximum weight to be fixed in this case to be substantially less than for men).

In its previous report the Government stated that it would introduce the necessary provisions to ensure strict compliance with the Convention. In its latest report the Government states that this legislation has not yet been adopted. The Committee hopes that measures will be taken in the near future to give effect to the requirements of the Convention, and recalls that under Article 8 of the Convention such measures are to be taken in consultation with the most representative organisations of workers and employers concerned.<sup>1</sup>

Italy (ratification: 1971)

In its first report, the Government indicated that there were statutory provisions concerning the maximum weight which might be carried by persons under 18 years and by women, of whatever age, working under an employment relationship. It also stated that the manual transport of loads, as defined in Article 1 of the Convention, was carried out by porters working on their own account who were not covered by the system of labour inspection, and that in industry, agriculture and other sectors the manual transport of loads merely constituted an incidental element in the work of employed persons. The Government expressed the view that these activities did not come within the scope of the Convention.

In previous comments, the Committee pointed out, first, that the Convention applies to all branches of economic activity in respect of which a system of labour inspection is maintained, irrespective of the employment status of the persons engaged in those branches, and secondly that the term "regular manual transport of loads" means, *inter alia*, "any activity ... which normally includes, even though intermittently, the manual transport of loads".

In its latest report, the Government states that it is still examining the possibility of applying the Convention to self-employed

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<sup>1</sup> The Government is asked to report in detail for the period ending 30 June 1979.

porters. The Committee trusts that the Government will take steps to apply the Convention both to self-employed porters and to employed adult males in all branches of economic activity in respect of which it maintains a system of labour inspection.<sup>1</sup>

Madagascar (ratification: 1971)

The Committee notes from the Government's reply to its previous comments that no measure has yet been taken to limit the weight which may be carried by adult men. It further notes the Government's statement that the local conditions are such that the loads carried by adult men go up to 75 kg.

The Government has indicated that orders to be issued under the Labour Code will take the Committee's comments into account. The Committee hopes that the orders in question will soon be issued and that they will ensure the application of the Convention to adult male workers. In this connection, the Committee draws the Government's attention to paragraph 14 of the Maximum Weight Recommendation, 1967, which recommends that, where the maximum permissible weight which may be transported manually by one adult male worker is more than 55 kg, measures should be taken as speedily as possible to reduce it to that level.<sup>1</sup>

Tunisia (ratification: 1970)

In its previous requests, the Committee pointed out that the national provisions referred to by the Government as giving effect to the Convention merely established rates of remuneration on the basis of the weights of loads carried by porters in certain sectors of activity, but did not regulate the manual transport of loads, as required by the Convention.

In its latest report the Government refers in addition to the national collective agreement for ports and docks as illustrating the manner in which the application of the Convention is ensured in Tunisia. However the collective agreement in question contains only general provisions concerning occupational safety and health but does not deal specifically with the manual transport of loads.

While, as is stated by the Government in its report, the Convention does not require a maximum weight to be specified for adult male workers, it does require that measures be taken to ensure that neither workers whose activity is continuously or principally devoted to the manual transport of loads nor workers whose activity normally includes, even though intermittently, the manual transport of loads, are required or permitted to engage in the manual transport of a load which by reason of its weight, is likely to jeopardise their health or safety, account being taken of all the conditions in which the work is performed (Articles 3 and 4 of the Convention). The Convention further requires that workers assigned to manual transport of loads receive adequate training (Article 5), that suitable technical devices be used as much as possible (Article 6), that the assignment of women and young workers to the manual transport of loads other than light loads shall

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<sup>1</sup> The Government is asked to report in detail for the period ending 30 June 1979.

be limited, and that the maximum weight which they shall be permitted to transport shall be substantially less than for adult male workers (Article 7).

The Committee therefore trusts that the Government will take steps to give effect to the provisions of the Convention in all sectors of the economy in respect of which it maintains a system of labour inspection, and that in doing so it will consult the most representative organisations of employers and workers concerned in accordance with Article 8 of the Convention.<sup>1</sup>

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In addition, requests regarding certain points are being addressed directly to the following States: German Democratic Republic, Thailand, Turkey.

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

Uruguay (ratification: 1973)

The Committee has noted the Government's supplementary report for the period ending 30 June 1977. It notes with interest the information with respect to Articles 9, 16 and 22 of the Convention (concerning the scope of the pensions insurance) and pension adjustments which took place during the Social Security Bank's financial year covered by the report supplied by the Government. However, as this supplementary report does not contain a reply on certain other points raised in its previous comments, the Committee has to raise these points again in a new direct request.

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

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

Guyana (ratification: 1971)

Articles 16, paragraph 1(a), 26 and 27 of the Convention. The Committee refers to its observation concerning Convention No. 81.

Norway (ratification: 1971)

Article 20, paragraph (a), of the Convention. See under Convention No. 81, Article 15(c).

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<sup>1</sup> The Government is asked to report in detail for the period ending 30 June 1979.

In addition, requests regarding certain points are being addressed directly to the following States: Costa Rica, Finland, Federal Republic of Germany, Madagascar, Malawi, Netherlands, Norway, Romania, Spain, Syrian Arab Republic, Uruguay.

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

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

Requests regarding certain points are being addressed directly to the following States: Finland, Norway, Uruguay.

### **Convention No. 131: Minimum Wage Fixing, 1970**

Requests regarding certain points are being addressed directly to the following States: Iraq, Libyan Arab Jamahiriya.

### **Convention No. 132: Holidays with Pay (Revised), 1970**

Spain (ratification: 1972)

Referring to its earlier comments, the Committee notes with satisfaction that section 27 of the Labour Relations Act of 1976 establishes the duration of paid annual holidays at a minimum of 21 days, thus bringing the legislation into conformity with Article 3 of the Convention.

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In addition, requests regarding certain points are being addressed directly to the following States: United Republic of Cameroon, Iraq, Ireland, Madagascar, Spain.

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

### **Convention No. 134: Prevention of Accidents (Seafarers), 1970**

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

**Convention No. 135: Workers' Representatives, 1971**Federal Republic of Germany (ratification: 1973)

Further to its previous observations, the Committee notes the Government's report and the comments of the German Confederation of Trade Unions appended to it. It also notes the statements by the Government representative and the Employer and Worker members at the Conference Committee in 1977.

The Committee pointed out in its previous observation that in providing protection and facilities, by legislative means, to elected representatives, the Government had chosen one of the specific methods laid down in Article 4 of the Convention to determine these representatives. However, the Committee also pointed out that the Article in question also mentions other means, including collective agreements. In the opinion of the Committee, a government may have recourse to legislation in order to determine the type of representatives who will have a right to the protection and the facilities provided for in the Convention, but the means of doing so through collective agreements should remain open to trade unions and employers or their organisations. Consequently, the legislation of a country should not prevent, nor should it be so applied as to prevent, collective bargaining as provided for in the Convention. The Committee requested the Government to supply information on any measures that might be taken to that effect.

In its latest report, the Government again states that the legislation gives full effect to the Convention and that it has no further obligation under the Convention. The Government considers that the provisions at present in force with regard to freedom of association do not prevent collective bargaining or the conclusion of collective agreements in this field. Similarly, the legislation is not applied in such a manner as to prevent collective bargaining providing protection and facilities for trade union representatives. The Government also refers to a decision of a first instance labour tribunal of 5 August 1976, expressly confirming the legality of such collective agreements. In a letter addressed to the Ministry of Labour, the German Confederation of Trade Unions welcomes the Government's statements in this connection and refers to a favourable evolution in the situation.

The Committee notes the information supplied. In particular, it notes with interest the contents of the judgement to which the Government refers in its report. It requests the Government to supply information of any developments in the situation.<sup>1</sup>

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In addition, requests regarding certain points are being addressed directly to the following States: Gabon, Mexico, Netherlands, Surinam.

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

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<sup>1</sup> Towards the end of the present session and after it had examined reports on Convention No. 135 the Committee received observations from the Confederation of German Employers' Associations. These observations could not be examined. They are being transmitted to the Government and will be examined by the Committee at its next session.

**Convention No. 136: Benzene, 1971**

Requests regarding certain points are being addressed directly to the following States: Ecuador, Iraq, Ivory Coast, Romania, Switzerland.

**Convention No. 137: Dock Work, 1973**

Requests regarding certain points are being addressed directly to the following States: Australia, Costa Rica, Cuba, Norway, Sweden.

**Convention No. 138: Minimum Age, 1973**

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

**Convention No. 139: Occupational Cancer, 1974**

Requests regarding certain points are being addressed directly to the following States: Ecuador, Hungary, Sweden.

**Convention No. 140: Paid Educational Leave, 1974**

Requests regarding certain points are being addressed directly to the following States: Cuba, France, Hungary, Sweden, United Kingdom.

**Appendix I. Receipt of Detailed Reports on Ratified Conventions  
(States Members) as at 22 March 1978**

*(Article 22 of the Constitution)*

Reports received: 1,168      Reports not received: 361      Total: 1,529

State Member	Reports received		Reports not received		Grand total
	Total	Conventions Nos.	Total	Conventions Nos.	
Afghanistan . . . . .	4	13, 100, 105, 111	3	4, 41, 45	7
Algeria . . . . .	16	6, 13, 17, 18, 29, 32, 42, 58, 62, 68, 81, 88, 89, 91, 105, 127	0	—	16
Angola . . . . .	0	—	13	4, 6, 12, 17, 18, 29, 45, 81, 88, 89, 104, 105, 108	13
Argentina . . . . .	20	2, 4, 6, 9, 12, 17, 18, 29, 32, 41, 42, 45, 50, 79, 81, 87, 88, 90, 105, 111	0	—	20
Australia . . . . .	8	2, 12, 18, 29, 42, 45, 88, 105	1	81	9
Austria . . . . .	15	2, 4, 6, 12, 17, 18, 29, 42, 45, 81, 88, 89, 105, 124, 135	0	—	15
Bahamas . . . . .	11	5, 7, 11, 14, 26, 45, 50, 64, 86, 97, 98	6	12, 17, 29, 65, 88, 105	17
Bangladesh . . . . .	11	4, 6, 11, 18, 29, 45, 81, 89, 90, 105, 107	0	—	11
Barbados . . . . .	7	12, 17, 29, 42, 65, 81, 105	3	50, 86, 108	10
Belgium . . . . .	12	2, 6, 12, 17, 18, 29, 45, 81, 88, 89, 105, 121	0	—	12
Benin . . . . .	0	—	10	4, 5, 6, 13, 18, 29, 41, 85, 105, 111	10
Bolivia . . . . .	2	81, 90	5	17, 45, 77, 87, 89	7
Brazil . . . . .	11	6, 12, 29, 42, 45, 88, 89, 104, 105, 108, 127	0	—	11
Bulgaria . . . . .	9	6, 12, 17, 18, 29, 42, 45, 79, 81	0	—	9
Burma . . . . .	6	2, 6, 17, 18, 29, 42	0	—	6



## REPORT OF THE COMMITTEE OF EXPERTS

State Member	Reports received		Reports not received		Grand total
	Total	Conventions Nos.	Total	Conventions Nos.	
Burundi . . . . .	6	4, 12, 17, 18, 29, 42	7	50, 64, 81, 89, 90, 94, 105	13
Byelorussian SSR . . . . .	4	29, 45, 79, 90	0	—	4
United Rep. of Cameroon . . . . .	12	19, 29, 45, 50, 64, 65, 81, 89, 90, 105, 122, 132	0	—	12
Canada . . . . .	4	45, 88, 105, 108	0	—	4
Central African Empire . . . . .	0	—	17	2, 3, 4, 6, 17, 18, 29, 33, 41, 62, 67, 81, 87, 88, 104, 105, 119	17
Chad . . . . .	0	—	18	4, 5, 6, 11, 13, 14, 26, 29, 33, 41, 52, 81, 87, 95, 98, 100, 105, 111	18
Chile . . . . .	10	2, 6, 12, 17, 18, 29, 32, 45, 111, 127	0	—	10
Colombia . . . . .	1	2	11	4, 12, 17, 18, 20, 22, 29, 81, 88, 104, 105	12
Congo . . . . .	3	6, 29, 89	0	—	3
Costa Rica . . . . .	10	29, 45, 81, 88, 89, 90, 105, 127, 129, 137	4	99, 102, 122, 130	14
Cuba . . . . .	22	4, 6, 12, 17, 18, 29, 42, 45, 53, 79, 81, 88, 89, 90, 104, 105, 108, 113, 135, 137, 138, 140	0	—	22
Cyprus . . . . .	9	2, 29, 45, 81, 88, 89, 90, 105, 121	0	—	9
Czechoslovakia . . . . .	12	12, 17, 18, 29, 42, 45, 88, 89, 90, 111, 122, 130	0	—	12
Democratic Yemen . . . . .	5	29, 64, 65, 86, 105	0	—	5
Denmark . . . . .	11	2, 6, 12, 18, 29, 42, 81, 88, 105, 108, 129	0	—	11
Dominican Republic . . . . .	11	29, 45, 77, 79, 81, 87, 88, 89, 90, 95, 105	1	104	12
Ecuador . . . . .	14	2, 29, 45, 77, 78, 81, 88, 104, 105, 119, 122, 127, 136, 139	1	86	15
Egypt . . . . .	16	2, 11, 14, 19, 29, 45, 53, 81, 87, 89, 100, 101, 105, 107, 111, 115	4	17, 18, 88, 104	20

State Member	Reports received		Reports not received		Grand total
	Total	Conventions Nos.	Total	Conventions Nos.	
El Salvador . . . . .	2	12, 104	1	105	3
Ethiopia . . . . .	3	2, 87, 88	0	—	3
Fiji . . . . .	10	12, 29, 45, 50, 64, 65, 85, 86, 105, 108	0	—	10
Finland . . . . .	11	2, 12, 17, 18, 29, 45, 81, 105, 108, 121, 129	0	—	11
France . . . . .	21	2, 6, 12, 17, 18, 29, 42, 81, 88, 89, 97, 102, 105, 115, 118, 124, 126, 127, 129, 135, 140	3	45, 85, 108	24
Gabon . . . . .	16	3, 4, 5, 6, 13, 14, 26, 29, 33, 81, 99, 100, 105, 111, 123, 135	6	11, 12, 19, 41, 45, 98	22
German Democratic Republic . . . . .	12	45, 87, 95, 98, 100, 108, 111, 115, 120, 122, 127, 135	0	—	12
Fed. Rep. of Germany . . . . .	16	2, 3, 12, 17, 18, 29, 45, 81, 88, 105, 115, 118, 121, 129, 132, 135	0	—	16
Ghana . . . . .	15	26, 29, 45, 50, 64, 65, 81, 88, 89, 90, 100, 105, 108, 111, 119	0	—	15
Greece . . . . .	13	2, 6, 17, 29, 42, 45, 81, 88, 89, 90, 100, 105, 108	0	—	13
Guatemala . . . . .	12	45, 65, 79, 81, 86, 87, 88, 89, 90, 105, 108, 120	0	—	12
Guinea . . . . .	0	—	23	5, 10, 13, 16, 17, 18, 29, 33, 45, 52, 62, 81, 89, 90, 94, 99, 105, 113, 114, 117, 118, 121, 122	23
Guinea-Bissau . . . . .	0	—	13	4, 6, 12, 17, 18, 29, 45, 81, 88, 89, 104, 105, 108	13
Guyana . . . . .	15	2, 12, 29, 42, 45, 50, 64, 65, 81, 86, 100, 105, 108, 111, 129	0	—	15
Haiti . . . . .	2	45, 90	6	12, 17, 29, 42, 81, 105	8
Honduras . . . . .	12	14, 29, 32, 42, 45, 62, 87, 98, 100, 105, 106, 108	0	—	12

REPORT OF THE COMMITTEE OF EXPERTS

State Member	Reports received		Reports not received		Grand total
	Total	Conventions Nos.	Total	Conventions Nos.	
Hungary . . . . .	12	2, 6, 12, 17, 18, 29, 41, 42, 45, 135, 139, 140	0	—	12
Iceland . . . . .	0	—	5	2, 29, 102, 105, 108	5
India . . . . .	13	1, 4, 6, 18, 29, 42, 45, 81, 88, 89, 90, 115, 123	0	—	13
Indonesia . . . . .	3	29, 45, 106	0	—	3
Iran . . . . .	6	19, 29, 95, 104, 105, 108	0	—	6
Iraq . . . . .	6	17, 18, 42, 89, 105, 135	4	23, 29, 81, 88	10
Ireland . . . . .	13	2, 6, 12, 29, 45, 81, 87, 88, 89, 96, 105, 108, 121	0	—	13
Israel . . . . .	6	29, 79, 81, 88, 90, 105	0	—	6
Italy . . . . .	17	2, 4, 6, 12, 18, 29, 42, 45, 79, 81, 89, 90, 105, 108, 115, 124, 127	0	—	17
Ivory Coast . . . . .	7	6, 18, 33, 45, 85, 111, 135	7	4, 26, 29, 41, 105, 110, 136	14
Jamaica . . . . .	13	7, 8, 15, 29, 50, 58, 64, 65, 81, 86, 100, 105, 111	1	122	14
Japan . . . . .	10	2, 18, 29, 45, 50, 69, 81, 88, 115, 121	0	—	10
Jordan . . . . .	0	—	7	29, 81, 98, 100, 105, 111, 123	7
Democratic Kampuchea . .	0	—	3	4, 6, 29	3
Kenya . . . . .	14	2, 12, 17, 29, 45, 50, 64, 65, 81, 86, 88, 89, 105, 123	1	118	15
Kuwait . . . . .	5	29, 81, 89, 105, 119	2	1, 30	7
Lao Republic . . . . .	0	—	4	4, 6, 13, 29	4
Lebanon . . . . .	7	14, 26, 45, 52, 81, 89, 90	0	—	7
Liberia . . . . .	5	29, 65, 87, 104, 105	4	55, 58, 112, 113	9
Libyan Arab Jamahiriya . .	9	29, 59, 81, 88, 104, 105, 111, 122, 131	11	26, 53, 89, 96, 102, 103, 118, 121, 128, 130, 138	20
Luxembourg . . . . .	18	2, 3, 4, 6, 12, 15, 16, 17, 18, 29, 45, 79, 81, 88, 89, 90, 105, 121	0	—	18

## OBSERVATIONS CONCERNING RATIFIED CONVENTIONS

State Member	Reports received		Reports not received		Grand total
	Total	Conventions Nos.	Total	Conventions Nos.	
Madagascar . . . . .	19	4, 5, 6, 11, 12, 13, 14, 29, 33, 41, 81, 100, 111, 119, 120, 123, 127, 129, 132	1	122	20
Malawi . . . . .	0	—	13	11, 12, 45, 50, 64, 65, 81, 86, 89, 99, 104, 111, 129	13
Malaysia . . . . .	7	29, 50, 64, 65, 81, 88, 105	0	—	7
Peninsular Malaysia . . . .	3	12, 17, 45	0	—	3
Sabah . . . . .	1	86	0	—	1
Sarawak . . . . .	2	12, 86	0	—	2
Mali . . . . .	8	4, 6, 17, 18, 29, 41, 81, 105	0	—	8
Malta . . . . .	0	—	10	2, 12, 29, 42, 81, 88, 89, 105, 108, 111	10
Mauritania . . . . .	21	3, 5, 6, 11, 13, 14, 15, 17, 18, 23, 26, 33, 52, 58, 89, 90, 91, 95, 96, 101, 112	13	19, 22, 29, 53, 62, 81, 84, 87, 94, 102, 111, 114, 122	34
Mauritius . . . . .	7	2, 12, 29, 42, 50, 81, 108	5	17, 64, 65, 86, 105	12
Mexico . . . . .	16	9, 12, 13, 17, 22, 29, 32, 42, 43, 45, 49, 62, 90, 105, 108, 135	0	—	16
Morocco . . . . .	13	2, 4, 12, 17, 18, 29, 41, 42, 45, 65, 81, 104, 105	0	—	13
Nepal . . . . .	0	—	2	111, 131	2
Netherlands . . . . .	12	2, 12, 17, 29, 45, 81, 88, 90, 105, 121, 129, 135	0	—	12
New Zealand . . . . .	12	2, 12, 17, 29, 42, 45, 65, 81, 88, 89, 104, 105	2	50, 64	14
Nicaragua . . . . .	13	1, 2, 3, 4, 6, 8, 9, 12, 18, 29, 30, 105, 111	1	17	14
Niger . . . . .	10	4, 6, 18, 29, 41, 65, 85, 104, 105, 135	0	—	10
Nigeria . . . . .	9	29, 45, 50, 64, 65, 81, 88, 104, 105	0	—	9
Norway . . . . .	14	2, 12, 18, 29, 42, 50, 81, 88, 90, 105, 108, 129, 130, 132	0	—	14

# REPORT OF THE COMMITTEE OF EXPERTS

State Member	Reports received		Reports not received		Grand total
	Total	Conventions Nos.	Total	Conventions Nos.	
Pakistan . . . . .	12	4, 6, 11, 18, 29, 45, 81, 87, 89, 90, 98, 105	0	—	12
Panama . . . . .	24	12, 17, 29, 42, 45, 55, 56, 63, 64, 65, 74, 77, 81, 86, 88, 89, 94, 96, 104, 105, 108, 117, 126, 127	0	—	24
Papua New Guinea . . . . .	8	2, 12, 18, 29, 42, 45, 85, 105	0	—	8
Paraguay . . . . .	2	29, 105	5	79, 81, 89, 90, 119	7
Peru . . . . .	18	4, 11, 12, 20, 26, 27, 41, 45, 79, 81, 87, 88, 90, 98, 99, 100, 101, 111	6	29, 32, 58, 62, 67, 105	24
Philippines . . . . .	6	17, 77, 88, 89, 90, 98	1	105	7
Poland . . . . .	12	2, 6, 12, 17, 18, 29, 42, 45, 79, 90, 105, 127	0	—	12
Portugal . . . . .	13	4, 6, 12, 17, 18, 29, 45, 81, 88, 89, 104, 105, 108	1	107	14
Romania . . . . .	15	2, 6, 29, 81, 88, 89, 95, 117, 127, 129, 131, 134, 136, 137, 138	1	135	16
Rwanda . . . . .	11	4, 12, 17, 18, 26, 42, 50, 64, 89, 105, 123	0	—	11
Senegal . . . . .	8	4, 6, 12, 29, 81, 89, 105, 121	0	—	8
Sierra Leone . . . . .	11	17, 29, 45, 50, 59, 64, 65, 81, 86, 88, 105	0	—	11
Singapore . . . . .	10	12, 29, 45, 50, 64, 65, 81, 86, 88, 105	0	—	10
Somalia . . . . .	1	17	7	16, 23, 29, 45, 65, 85, 105	8
Former British Somaliland . . . . .	0	—	2	50, 64	2
Spain . . . . .	35	2, 4, 6, 12, 17, 18, 29, 42, 44, 45, 53, 55, 56, 63, 73, 74, 77, 78, 79, 81, 88, 89, 90, 92, 94, 96, 101, 105, 117, 124, 127, 129, 132, 135, 137	1	108	36
Sri Lanka . . . . .	0	—	7	18, 29, 45, 81, 89, 90, 131	7

## OBSERVATIONS CONCERNING RATIFIED CONVENTIONS

State Member	Reports received		Reports not received		Grand total
	Total	Conventions Nos.	Total	Conventions Nos.	
Sudan . . . . .	4	2, 29, 81, 105	0	—	4
Surinam . . . . .	8	17, 29, 42, 81, 88, 105, 122, 135	0	—	8
Sweden . . . . .	13	2, 12, 29, 81, 87, 88, 105, 108, 121, 129, 135, 139, 140	0	—	13
Switzerland . . . . .	11	2, 6, 18, 29, 45, 81, 87, 88, 89, 105, 136	0	—	11
Syrian Arab Republic . . .	13	2, 17, 18, 45, 87, 88, 89, 104, 105, 118, 124, 129, 135	2	29, 81	15
Tanzania . . . . .	0	—	8	12, 17, 29, 50, 64, 65, 86, 105	8
Tanganyika . . . . .	0	—	4	45, 81, 88, 108	4
Zanzibar . . . . .	0	—	1	85	1
Thailand . . . . .	6	29, 88, 104, 105, 122, 127	0	—	6
Togo . . . . .	0	—	5	4, 6, 29, 41, 85	5
Trinidad and Tobago . . .	6	29, 50, 65, 85, 87, 105	1	125	7
Tunisia . . . . .	27	8, 11, 12, 13, 14, 17, 18, 26, 45, 58, 62, 65, 81, 89, 90, 91, 104, 107, 108, 111, 112, 117, 119, 120, 122, 123, 127	4	29, 88, 99, 105	31
Turkey . . . . .	22	2, 11, 14, 15, 26, 42, 45, 58, 81, 88, 94, 95, 96, 98, 99, 100, 102, 105, 111, 118, 119, 127	0	—	22
Uganda . . . . .	10	12, 17, 29, 45, 50, 64, 65, 81, 86, 105	0	—	10
Ukrainian SSR . . . . .	5	29, 45, 79, 90, 108	0	—	5
USSR . . . . .	5	29, 45, 79, 90, 108	0	—	5
United Kingdom . . . . .	16	2, 12, 17, 29, 42, 50, 64, 65, 81, 85, 86, 88, 105, 108, 135, 140	1	45	17
Upper Volta . . . . .	0	—	25	3, 4, 5, 6, 11, 13, 14, 17, 18, 19, 26, 29, 33, 41, 81, 87, 95, 97, 98, 100, 111, 129, 131, 132, 135	25

# REPORT OF THE COMMITTEE OF EXPERTS

State Member	Reports received		Reports not received		Grand total
	Total	Conventions Nos.	Total	Conventions Nos.	
Uruguay . . . . .	19	2, 9, 12, 17, 45, 67, 79, 81, 87, 89, 90, 94, 105, 108, 113, 114, 121, 129, 130	0	—	19
Venezuela . . . . .	10	2, 6, 22, 29, 41, 45, 81, 88, 105, 120	0	—	10
Viet-Nam . . . . .	0	—	15	5, 6, 13, 14, 26, 27, 29, 45, 81, 89, 98, 111, 120, 122, 123	15
Yemen . . . . .	1	104	1	14	2
Yugoslavia . . . . .	13	2, 12, 17, 18, 22, 45, 81, 88, 89, 90, 114, 121, 122	7	29, 32, 111, 126, 129, 132, 136	20
Zaire . . . . .	10	4, 12, 17, 18, 50, 64, 81, 88, 89, 121	1	29	11
Zambia . . . . .	10	12, 17, 18, 45, 50, 64, 65, 86, 89, 135	3	29, 100, 105	13
<i>Other States</i>					
Albania <sup>1</sup> . . . . .	0	—	2	6, 29	2
Botswana <sup>2</sup> . . . . .	7	29, 45, 50, 64, 65, 86, 105	0	—	7
Lesotho <sup>1</sup> . . . . .	0	—	4	29, 45, 64, 65	4
Western Samoa . . . . .	2	50, 64	3	29, 65, 104	5
Rep. of South Africa <sup>1</sup> . . .	0	—	4	2, 42, 45, 89	4

<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).

<sup>2</sup> The reports supplied by Botswana cover the period ending 30 June 1977, during which Botswana was not a member of the ILO.

# Appendix II. Statistical Table of Reports on Ratified Conventions as at 22 March 1978

(Article 22 of the Constitution)

Period	Reports requested	Reports received at the date requested		Reports received in time for the session of the Committee		Reports received in time for the session of the Conference	
		Number	Percentage	Number	Percentage	Number	Percentage
1931-1932	447	—	—	406	90.8	423	94.6
1932-1933	522	—	—	435	83.3	453	86.7
1933-1934	601	—	—	508	84.5	544	90.5
1934-1935	630	—	—	584	92.7	620	98.4
1935-1936	662	—	—	577	87.2	604	91.2
1936-1937	702	—	—	580	82.6	634	90.3
1937-1938	748	—	—	616	82.4	635	84.9
1938-1939	766	—	—	588	76.8	—	—
1943-1944	583	—	—	251	43.1	314	53.9
1944-1945	725	—	—	351	48.4	523	72.2
1945-1946	731	—	—	370	50.6	578	79.1
1946-1947	763	—	—	581	76.1	666	87.3
1947-1948	799	—	—	521	65.2	648	81.1
1948-1949	806	134 <sup>1</sup>	16.6	666	82.6	695	86.2
1949-1950	831	253	30.4	597	71.8	666	80.1
1950-1951	907	288	31.7	705	77.7	761	83.9
1951-1952	981	268	27.3	743	75.7	826	84.2
1952-1953	1 026	212	20.6	840	81.8	917	89.3
1953-1954	1 175	268	22.8	1 077	91.7	1 119	95.2
1954-1955	1 234	283	22.9	1 063	86.1	1 170	94.8
1955-1956	1 333	332	24.9	1 234	92.5	1 283	96.2
1956-1957	1 418	210	14.7	1 295	91.3	1 349	95.1
1957-1958	1 558	340	21.8	1 484	95.2	1 509	96.8
1958-1959	995 <sup>2</sup>	200	20.4	864	86.8	902	90.6
1958-1960	1 100	256	23.2	838	76.1	963	87.4
1959-1961	1 362	243	18.1	1 090	80.0	1 142	83.8
1960-1962	1 309	200	15.5	1 059	80.9	1 121	85.6
1961-1963	1 624	280	17.2	1 314	80.9	1 430	88.0
1962-1964	1 495	213	14.2	1 268	84.8	1 356	90.7
1963-1965	1 700	282	16.6	1 444	84.9	1 527	89.8
1964-1966	1 562	245	16.3	1 330	85.1	1 395	89.3
1965-1967	1 833	323	17.4	1 551	84.5	1 643	89.6
1966-1968	1 647	281	17.1	1 409	85.5	1 470	89.1
1967-1969	1 821	249	13.4	1 498	82.4	1 601	87.9
1968-1970	1 898	360	18.9	1 463	77.0	1 549	81.6
1969-1971	1 992	237	11.8	1 504	75.5	1 707	85.6
1970-1972	2 025	297	14.6	1 572	77.6	1 753	86.5
1971-1973	2 048	300	14.6	1 521	74.3	1 691	82.5
1972-1974	2 189	370	16.5	1 854	84.6	1 958	89.4
1973-1975	2 034	301	14.8	1 663	81.7	1 764	86.7
1974-1976	2 200	292	13.2	1 831	83.0	1 914	87.0
-1977	1 529 <sup>3</sup>	215	14.0	1 168	76.4	—	—

<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 until 1976 only on certain ratified Conventions.

<sup>3</sup> As a result of a decision by the Governing Body (November 1976) detailed reports are now requested, according to certain criteria, at yearly, two-yearly or four-yearly intervals.



## **II. Observations on the Application of Conventions in Non-Metropolitan Territories (Article 22 and Article 35, Paragraphs 6 and 8, of the Constitution)**

### **A. GENERAL OBSERVATIONS**

#### France

The Committee regrets that the reports due in respect of the application of Conventions in the Overseas Territories, including 18 first reports due for two years concerning Polynesia and 45 first reports due for the same period concerning St. Pierre and Miquelon, have not been received.

The Committee also notes with regret that the first reports due for three years on the application of Convention No. 24 in Guadeloupe, French Guiana and Martinique, have not been received.

The Committee hopes that the reports in question will be available for examination by the Committee at its next session.

#### New Zealand

The Committee notes with regret that the reports due in respect of the application of Conventions in the Cook Islands and Niue Island have not been received. It hopes that the reports in question will be available for examination by the Committee at its next session.

#### United Kingdom

1. 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 in particular General Assembly Resolution 3297 (XIX) 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.

2. The Committee refers to Article 4 of Convention No. 83 which provides that, in respect of each territory for which there is in force a declaration specifying modifications of the provisions of one or more of the Conventions set forth in the schedule to that Convention, the reports on the Conventions concerned shall indicate the extent to which any progress has been made with a view to making it possible to cancel the modifications. The Committee hopes that the

Government will provide such information in future reports on the application of Conventions in territories to which they have been declared applicable with modifications under Convention No. 83.

3. The Committee notes that the Solomon Islands and Tuvalu are to become independent in the course of 1978. It has refrained therefore from addressing comments to the United Kingdom concerning the application of Conventions in these territories.

#### B. INDIVIDUAL OBSERVATIONS

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

A request regarding certain points is being addressed directly to France (French Polynesia).

##### **Convention No. 3: Maternity Protection, 1919**

A request regarding certain points is being addressed directly to France (St. Pierre and Miquelon).

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

A request regarding certain points is being addressed directly to Denmark (Faeroe Islands).

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

Requests regarding certain points are being addressed directly to the following States: Denmark (Faeroe Islands), France (St. Pierre and Miquelon).

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

Information supplied by the United Kingdom (Antigua) in answer to a direct request has been noted by the Committee.

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

A request regarding certain points is being addressed directly to the United Kingdom (Belize).

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

Article 7 of the Convention. In reply to the Committee's previous comments, the Government states that the competent authorities are studying the economic and financial consequences of amending subsection 4(2) of the Ordinance of 1966 respecting workmen's compensation. The Committee duly notes this information. It hopes, therefore, that it will be possible to take the necessary measures soon to bring the national legislation into full conformity with this Article of the Convention, which provides for additional compensation in cases where injury results in incapacity of such a nature that the injured workman must have the constant help of another person.

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In addition, requests regarding certain points are being addressed directly to the following States: France (French Polynesia, 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. Helena, St. Lucia, St. Vincent).

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

Requests regarding certain points are being addressed directly to the following States: France (New Caledonia), United Kingdom (Antigua, Dominica, Falkland Islands (Malvinas), St. Lucia, St. Vincent).

Information supplied by the United Kingdom (Belize, British Virgin Islands, Brunei, Gibraltar, Hong Kong, Montserrat, St. Helena) in answer to a direct request has been noted by the Committee.

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

Requests regarding certain points are being addressed directly to France (Overseas Departments: French Guiana, Guadeloupe, Martinique, Réunion; New Caledonia).

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

A request regarding certain points is being addressed directly to France (New Caledonia).

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

Requests regarding certain points are being addressed directly to the following States: France (French Overseas Departments: French Guiana, Guadeloupe, Martinique, Réunion), French Polynesia; United Kingdom (Dominica, St. Helena).

Information supplied by the United Kingdom (British Virgin Islands) in answer to a direct request has been noted by the Committee.

**Convention No. 35: Old-Age Insurance (Industry, etc.), 1933**

A request regarding certain points is being addressed directly to France (St. Pierre and Miquelon).

**Convention No. 36: Old-Age Insurance (Agriculture), 1933**

A request regarding certain points is being addressed directly to France (St. Pierre and Miquelon).

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

A request regarding certain points is being addressed directly to France (St. Pierre and Miquelon).

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

A request regarding certain points is being addressed directly to France (St. Pierre and Miquelon).

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

The Committee notes with satisfaction from the Government's reply to its previous comments the modification of the list of occupational diseases appended to the Workmen's Compensation Act of 1957, which to a large extent gives effect to Article 2 of the Convention.

The Committee wishes to call the Government's attention to a point which is raised in a direct request.

Gibraltar

In reply to the Committee's previous comments regarding silicosis with pulmonary tuberculosis, anthrax infection and poisoning by halogen derivatives of hydrocarbons of the aliphatic series, the Government states that as it lacks knowledge and direct experience of the question, it wishes to follow as closely as possible the relevant measures and practices adopted by the United Kingdom Government. Consequently, it will be unable to take positive measures until the United Kingdom Government has examined the report of the Royal Commission on Civil Liability and Compensation for Personal Injury and has carried out a general revision of the list of occupational diseases. The Committee notes this statement, whilst recalling once again that the United Kingdom legislation contains express provisions on compensation for silicosis with or without pulmonary tuberculosis. It hopes that although the Government states that the diseases mentioned have not been encountered in Gibraltar for many years, the necessary legislative measures will be taken to bring the list of occupational diseases into conformity with the Convention, so as to cover all contingencies that might arise later. The Committee requests the Government to indicate in its next report any progress in this connection.

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In addition, requests regarding certain points are being addressed directly to the following States: France (French Polynesia, New Caledonia), United Kingdom (Brunei).

**Convention No. 44: Unemployment Provision, 1934**

A request regarding certain points is being addressed directly to France (New Caledonia).

**Convention No. 52: Holidays with Pay, 1936**

A request regarding certain points is being addressed directly to France (New Caledonia).

**Convention No. 53: Officers' Competency Certificates, 1936**

A request regarding certain points is being addressed directly to France (New Caledonia).

**Convention No. 56: Sickness Insurance (Sea), 1936**

A request regarding certain points is being addressed directly to France (New Caledonia).

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

Referring to its previous observation, the Committee notes from the Government's report that the local population shows little interest in employment on board sea-going ships. It further notes that the draft amendment to the Decree (PB 1960, No. 201) concerning the recruitment of seamen, with a view to establishing a minimum age of 16, is at present under study. The Committee points out that no provisions exist as yet in this field. It trusts that the draft amendment, mentioned in the Government's reports since 1971, will be adopted in the near future.<sup>1</sup>

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In addition, a request regarding certain points is being addressed directly to the United Kingdom (Dominica).

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

Requests regarding certain points are being addressed directly to the United Kingdom (Dominica, St. Vincent).

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

A request regarding certain points is being addressed directly to France (New Caledonia).

**Convention No. 65: Penal Sanctions (Indigenous Workers), 1939**

A request regarding certain points is being addressed directly to the United Kingdom (Gilbert Islands).

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

A request regarding certain points is being addressed directly to France (New Caledonia).

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<sup>1</sup> The Government is asked to report in detail for the period ending 30 June 1979.

**Convention No. 71: Seafarers' Pensions, 1946**

A request regarding certain points is being addressed directly to France (New Caledonia).

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

Requests regarding certain points are being addressed directly to France (French Polynesia, New Caledonia).

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

Requests regarding certain points are being addressed directly to France (French Polynesia, New Caledonia).

**Convention No. 81: Labour Inspection, 1947**NetherlandsNetherlands Antilles

Article 10 of the Convention. Further to its previous observation, the Committee notes the Government's reply to the effect that although the staff of the labour inspectorate has been increased, experience will show whether a further increase is necessary. It requests the Government to supply information on the strength of the labour inspectorate staff, the number of workplaces liable to inspection and the number of workers employed in such workplaces, unless this information is included in the annual inspection reports (see below, under Articles 20 and 21).

Articles 20 and 21. The Committee notes from the Government's reply to its previous observation that the preparatory activities to draw up the inspection report are nearly completed. It recalls that the last annual report received by the ILO related to 1962, whereas Article 20 of the Convention provides that an inspection report shall be prepared annually within 12 months after the end of the year to which it relates and communicated to the ILO within three months after publication. The Committee points out if such a report is not available, it is not possible to assess the practical application of the Convention. It therefore hopes that the reports in question will be regularly published and transmitted to the ILO, that they will contain all the information stipulated in Article 21 and that henceforth the time limits established by Article 20 will be respected.

United KingdomIsle of Man

Article 13, paragraph 2(b), of the Convention. Further to its previous requests, the Committee notes with satisfaction that section

1, subsection 1(a), of the Occupational Safety and Health Act of 1977 has amongst other things brought the Isle of Man within the scope of Part I of the United Kingdom Occupational Safety and Health Act of 1974, section 25 of which gives effect to this provision of the Convention.

#### St. Vincent

Article 15, clause (c), of the Convention. Further to its previous requests, the Committee notes with satisfaction that an administrative circular addressed to the labour inspectors obliges them to treat as absolutely confidential the source of any complaint bringing to their notice a defect or breach of legal provisions, in conformity with this provision of the Convention.

Articles 20 and 21. Further to its earlier observations, the Committee notes the annual inspection report for 1968. It recalls that under Article 20 of the Convention, annual inspection reports have to be published within twelve months after the end of the year to which they relate and transmitted to the ILO within three months after their publication. The Committee hopes that the Government will take the necessary measures to ensure that annual inspection reports are henceforth published and communicated to the ILO within the prescribed time limits.

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In addition, requests regarding certain points are being addressed directly to the following States: France (French Polynesia, New Caledonia), United Kingdom (Antigua, Hong Kong, Isle of Man, St. Vincent).

Information supplied by the United Kingdom (Brunei) in answer to a direct request has been noted by the Committee.

### **Convention No. 85: Labour Inspectorates (Non-Metropolitan Territories), 1947**

#### United Kingdom

##### Montserrat

Further to its previous observations, the Committee notes from the Government's report that it is still contemplating adopting the draft labour code at the first opportunity. It hopes that this draft, to which the Government has been referring since 1973, will soon be adopted and that it will give effect to Article 4, paragraph 2(a) and (b), of the Convention (right of entry of inspectors), Article 5, subparagraph (b) (obligation not to reveal manufacturing or commercial secrets), and Article 5, subparagraph (c) (obligation to treat as confidential the source of complaints).



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**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 Islands), United Kingdom (Gilbert Islands).

**Convention No. 88: Employment Service, 1948**

Requests regarding certain points are being addressed directly to France (French Polynesia, New Caledonia).

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

In its earlier comments, the Committee pointed out that the suspension of the prohibitions of night work by women and young persons in the electronics industry authorised by Legislative Decrees No. 65 of 1968 and No. 78 of 1969 and Decree No. 73 of 1971 were not in conformity with the provisions of Conventions Nos. 89 and 90. It notes from the reply of the Government that, following the closing down of the enterprises in the electronics industry, night work has ended in this sector.

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

See under Convention No. 89.

**Convention No. 94: Labour Clauses (Public Contracts), 1949**

Requests regarding certain points are being addressed directly to France (French Polynesia, New Caledonia).

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

A request regarding certain points is being addressed directly to France (New Caledonia).

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

A request regarding certain points is being addressed directly to Australia (Norfolk Islands).

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

Overseas departments (French Guiana, Guadeloupe, Martinique, Réunion)

In its previous observations the Committee pointed out that, while separate minimum wage rates were fixed for workers in the overseas departments, the representatives of the employers and workers concerned were not consulted when the rates applicable to them were fixed, as required by Article 3, paragraph 3 of the Convention.

The Committee notes with interest from the Government's report that, since June 1977, the Supreme Committee on Collective Agreements has been consulted on the revision of the minimum wage for the overseas departments as well as for metropolitan France. It requests the Government to indicate the manner in which the representation of the employers and workers in agriculture of the overseas departments is ensured on this committee.

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Information supplied by France (Guadeloupe) in answer to a direct request has been noted by the Committee.

**Convention No. 105: Abolition of Forced Labour, 1957**United KingdomGilbert Islands

Further to its previous comments the Committee notes with satisfaction that the Seamen Discipline (Admiralty Transport) Ordinance Cap. 76 (under which certain disciplinary offences were punishable with imprisonment involving an obligation to perform compulsory labour), was repealed by the Law Revision Ordinance No. 9 of 1971 (section 12).

Southern Rhodesia (Zimbabwe)

See under General Observations.

St. Kitts-Nevis-Anguilla

Article 1(c) and (d) of the Convention. The Committee notes with satisfaction from the Government's response to its previous comments that the Merchant Seamen's Discipline Act (Cap. 153), under which seamen could be punished with imprisonment involving compulsory labour

for certain disciplinary offences and could also be forcibly conveyed on board ship has been repealed by the Third Schedule of the Law Revision (Miscellaneous Amendments) (No. 2) Act, No. 7 of 1976.

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In addition, requests regarding certain points are being addressed directly to the following States: Denmark (Faeroe Islands), France (Overseas Territories: French Polynesia, New Caledonia, St. Pierre and Miquelon), United Kingdom (General Direct Request, British Virgin Islands, Brunei, Dominica, Gilbert Islands, Montserrat).

### Convention No. 108: Seafarers' Identity Documents, 1958

#### United Kingdom

##### St. Kitts-Nevis-Anguilla

Further to its previous observations, the Committee notes with satisfaction that the new model of seafarers' identity document, communicated by the Government, contains the statement provided for in Article 4, paragraph 2, of the Convention that it is an identity document for the purposes of the Convention.

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In addition, requests regarding certain points are being addressed directly to the United Kingdom (Antigua, Brunei, Falkland Islands (Malvinas), St. Kitts-Nevis-Anguilla, St. Vincent).

Information supplied by the United Kingdom (Dominica) in answer to a direct request has been noted by the Committee.

### Convention No. 115: Radiation Protection, 1960

A request regarding certain points is being addressed directly to France (New Caledonia).

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

A request regarding certain points is being addressed directly to France (New Caledonia).

### Convention No. 122: Employment Policy, 1964

Requests regarding certain points are being addressed directly to the following States: Denmark (Greenland), Netherlands (Netherlands Antilles).

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

A request regarding certain points is being addressed directly to France (New Caledonia).

**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 22 March 1978**

*( Articles 22 and 35 of the Constitution )*

Reports received: 302      Reports not received: 239      Total: 541

Countries and Territories	Reports received		Reports not received		Population <sup>1</sup> (thousands)
	Total	Conventions Nos.	Total	Conventions Nos.	
<i>Australia</i> . . . . .	2		0		
Norfolk Islands . . . . .	2	29, 105	0	—	1.6
<i>Denmark</i> . . . . .	8		0		
Faeroe Islands . . . . .	5	6, 12, 18, 29, 105	0	—	40
Greenland . . . . .	3	6, 29, 105	0	—	50
<i>France</i> . . . . .	61		175		
<i>Overseas Departments :</i>					
French Guiana . . . . .	14	6, 12, 17, 18, 29, 42, 52, 81, 89, 105, 115, 124, 126, 135	9	16, 22, 23, 24, 45, 108, 113, 114, 125	60
Guadeloupe . . . . .	16	6, 12, 17, 18, 29, 42, 52, 81, 84, 89, 99, 105, 115, 124, 126, 135	9	16, 22, 23, 24, 45, 108, 113, 114, 125	350
Martinique . . . . .	16	6, 12, 17, 18, 29, 42, 52, 81, 84, 89, 99, 105, 115, 124, 126, 135	9	16, 22, 23, 24, 45, 108, 113, 114, 125	360
Reunion . . . . .	15	6, 12, 17, 18, 24, 29, 42, 52, 81, 89, 105, 115, 124, 126, 135	8	16, 22, 23, 45, 108, 113, 114, 125	500
<i>Overseas Territories :</i>					
French Polynesia . . . . .	0	—	38	2, 3, 5, 6, 9, 11, 12, 13, 14, 15, 17, 18, 26, 29, 33, 35, 36, 37, 38, 42, 43, 45, 49, 58, 81, 84, 87, 88, 89, 91, 98, 99, 100, 105, 106, 108, 122, 123	130

For footnotes, see end of table.

Countries and Territories	Reports received		Reports not received		Population <sup>1</sup> (thousands)
	Total	Conventions Nos.	Total	Conventions Nos.	
New Caledonia . . . . .	0	—	37	2, 6, 10, 12, 16, 17, 18, 19, 22, 23, 24, 29, 42, 44, 45, 52, 53, 55, 56, 63, 69, 71, 73, 77, 78, 81, 88, 89, 94, 96, 101, 105, 108, 115, 124, 125, 126	130
St. Pierre and Miquelon .	0	—	65	2, 3, 5, 6, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 22, 23, 24, 26, 29, 33, 35, 36, 37, 38, 42, 43, 44, 45, 49, 52, 53, 55, 56, 58, 63, 69, 71, 73, 77, 78, 81, 82, 84, 87, 88, 89, 91, 94, 95, 96, 98, 99, 100, 101, 105, 106, 108, 115, 120, 122, 123, 124, 125, 126	6
Netherlands . . . . .	12		0		
Netherlands Antilles . .	12	2, 12, 17, 29, 42, 45, 58, 81, 88, 89, 90, 105	0	—	240
New Zealand . . . . .	4		16		
Cook Islands . . . . .	0	—	7	29, 50, 64, 65, 99, 104, 105	30
Niue . . . . .	0	—	9	11, 14, 29, 50, 64, 65, 99, 104, 105	5
Tokelau Islands . . . . .	4	29, 65, 104, 105	0	—	1.5
United Kingdom . . . . .	215		48		
Antigua . . . . .	11	12, 17, 19, 29, 50, 64, 65, 81, 86, 105, 108	0	—	70
Belize . . . . .	14	12, 16, 17, 19, 29, 42, 50, 64, 65, 81, 86, 88, 105, 108	0	—	140
Bermuda . . . . .	10	12, 16, 17, 19, 29, 42, 65, 105, 108, 135	0	—	60
British Virgin Islands . .	11	12, 17, 19, 29, 50, 64, 65, 85, 86, 105, 108	0	—	10
Brunei . . . . .	12	12, 16, 19, 29, 42, 50, 64, 65, 81, 86, 105, 108	0	—	140

## NON-METROPOLITAN TERRITORIES

Countries and Territories	Reports received		Reports not received		Population <sup>1</sup> (thousands)
	Total	Conventions Nos.	Total	Conventions Nos.	
Dominica . . . . .	4	14, 58, 59, 97	12	12, 16, 17, 19, 29, 50, 64, 65, 85, 86, 105, 108	80
Falkland Islands (Malvinas) . . . . .	8	12, 17, 19, 29, 42, 45, 105, 108	0	—	2
Gibraltar . . . . .	13	2, 12, 16, 17, 19, 29, 42, 45, 81, 86, 88, 105, 108	0	—	30
Gilbert Islands . . . . .	10	12, 17, 29, 42, 50, 64, 65, 86, 105, 108	0	—	30
Guernsey . . . . .	15	2, 12, 17, 29, 42, 45, 50, 64, 65, 81, 86, 88, 105, 108, 135	0	—	53
Hong Kong . . . . .	16	2, 12, 16, 17, 19, 29, 42, 45, 50, 64, 65, 81, 86, 105, 108, 124	0	—	4 370
Jersey . . . . .	14	2, 12, 17, 29, 42, 45, 50, 64, 65, 81, 86, 88, 105, 108	0	—	69
Isle of Man . . . . .	14	2, 12, 17, 29, 42, 45, 50, 64, 65, 81, 86, 88, 105, 108	0	—	60
Montserrat . . . . .	13	12, 16, 17, 19, 29, 42, 50, 64, 65, 85, 86, 105, 108	0	—	10
St. Kitts-Nevis-Anguilla .	12	12, 17, 19, 29, 42, 50, 64, 65, 85, 86, 105, 108	1	140	70
St. Helena . . . . .	11	12, 16, 17, 19, 29, 64, 65, 85, 86, 105, 108	0	—	5
St. Lucia . . . . .	11	12, 16, 29, 42, 50, 64, 65, 85, 86, 105, 108	2	17, 19	110
St. Vincent . . . . .	10	12, 16, 29, 50, 64, 65, 81, 86, 105, 108	2	17, 19	100
Solomon Islands . . . . .	0	—	14	12, 16, 17, 19, 29, 42, 45, 50, 64, 65, 81, 86, 105, 108	180
Southern Rhodesia . . .	0	—	13	3, 14, 17, 19, 29, 45, 50, 59, 81, 82, 84, 86, 105	6 420
Tuvalu . . . . .	6	12, 50, 64, 65, 86, 105	4	17, 29, 42, 108	30

<sup>1</sup> Source: United Nations: *Demographic Year Book*, 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 Conventions adopted from the 53rd to the 58th Sessions of the Conference have been submitted to the competent authorities. It would be glad if the Government would indicate whether the Recommendations adopted at the same sessions have also been submitted.

The Committee hopes that the instruments adopted at the 52nd, 59th, 60th and 61st Sessions of the Conference will be submitted in the near future, and that in respect of these instruments and those adopted from the 46th to the 51st and the 53rd to the 58th Sessions, which have already been submitted, the Government will supply the information and documents called for in the Memorandum adopted by the Governing Body.

#### Benin

The Committee has noted from the information supplied by the Government to the Conference Committee in 1977 that the delay in the submission of instruments has been mainly due to the many changes in the national administration, but that measures will be taken to submit Conventions and Recommendations to the competent authorities, and that the further ratification of Conventions will only be considered after the adoption of the new Labour Code.

The Committee must stress the importance of the obligation incumbent upon the Government, by virtue of article 19 of the ILO Constitution, to submit the instruments adopted by the Conference to the competent national authorities, even where it does not intend to ratify a Convention or accept a Recommendation. The Committee accordingly hopes that the Government will be able to indicate shortly that the many instruments adopted by the Conference at various sessions from the 45th to the 61st 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.

#### Brazil

The Committee recalls that the Government indicated in 1977 that the Ministry of Labour was examining all remaining instruments with a view to their submission to Congress. It therefore trusts that the Government will be able to indicate soon that the many Conventions and Recommendations appearing in the last column of the table in the Appendix to this section of the report have been submitted to Congress and that it will communicate in this connection the information and



documents called for in the Memorandum adopted by the Governing Body (points II and III of the questionnaire). Furthermore, the Committee reiterates the hope that the Government will communicate the documents (Presidential Messages 368/74, 369/74, 370/74 and 379/74) by which Conventions Nos. 133 and 134 and Recommendations Nos. 116 and 144 were submitted to Congress.

#### Bulgaria

The Committee notes the information and documents concerning submission to the Council of State of the instruments adopted at the 61st Session of the Conference. It again expresses the hope that the Government will be able to submit the instruments adopted by the Conference not only to the Council of State but also to the National Assembly, as the legislative body.

#### Byelorussian SSR

The Committee notes from the information supplied by the Government that the instruments adopted at the 61st 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 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 refers to its 1976 and 1977 observations and hopes that the Government will soon be able to indicate the results of the re-examination of these questions by the authorities concerned.

#### Central African Empire

The Committee regrets that the Government has not replied to its previous observations. It hopes that the Government will soon be able to indicate that the instruments adopted at the 49th, 50th, 52nd, 60th and 61st Sessions of the Conference have been submitted to the competent authorities and will communicate in respect of these instruments as well as the instruments adopted at the 53rd Session, the information and documents called for in the Memorandum adopted by the Governing Body.

The Committee further requests the Government to supply a copy of the document by which the instruments adopted at the 59th Session were submitted.

#### Chad

In the absence of a reply to its previous observation, the Committee hopes that the Government will soon be able to indicate that the instruments adopted at the 55th, 56th, 58th, 59th, 60th and 61st Sessions of the Conference have been submitted to the competent authorities and that it will communicate in this connection, and with respect to the instruments adopted at the 50th to 54th Sessions, already submitted, the information and documents called for in the Memorandum adopted by the Governing Body (points II and III of the questionnaire).

Colombia

Referring to its previous observations, the Committee notes the information communicated by the Government to the Conference Committee of 1977, to the effect that most of the instruments adopted at the 40th to 60th Sessions of the Conference were submitted to Congress during its regular sessions of 1973 and 1974, submission of the remaining Conventions being foreseen at the session of Congress beginning on 20 July 1977. The Government also indicated that the information and documents called for in the Memorandum adopted by the Governing Body would be supplied soon.

As the information and documents requested have not yet been received in the ILO, the Committee hopes that the Government will supply them soon and that it will indicate whether the instruments adopted at the 61st Session of the Conference have been submitted to the competent authorities.

El Salvador

The Committee notes with regret that no information has been supplied in reply to its previous direct requests. It hopes that the Government will soon be able to communicate, in connection with the instruments adopted at the 52nd, 55th, 56th and 59th Sessions of the Conference, and already submitted to the Legislative Assembly, the information and documents requested under items II(b) and (c) and III of the questionnaire appearing at the end of the Memorandum adopted by the Governing Body. It further hopes that the Government will indicate whether the instruments adopted at the 60th and 61st Sessions have been submitted to the competent authorities, and will supply in connection with them the information and documents mentioned above.

Gabon

Further to its previous observation, the Committee has noted the statement made by a Government representative to the Conference Committee in 1977 to the effect that instruments could not be submitted directly to the National Assembly, but must be referred to the Council of Ministers, which then referred them to the National Assembly for ratification. The Committee recalls that under article 19 of the ILO Constitution both Conventions and Recommendations must be submitted to the body empowered to legislate in all cases, but that the obligation to submit all instruments to the National Assembly does not prevent the present procedure being followed, of submitting Conventions and Recommendations first to the Council of Ministers, so that the latter can make proposals to the Assembly as to the action to be taken; furthermore, this obligation does not imply the obligation to ratify a Convention or give effect to a Recommendation. The Committee accordingly hopes that the Government will soon be in a position to indicate that the instruments adopted from the 45th to the 60th Sessions of the Conference, already submitted to the Council of Ministers, and those adopted by the 61st Session have been submitted to the National Assembly, and that it will supply in this connection the information and documents called for in the Memorandum adopted by the Governing Body.

Greece

The Committee notes with interest the information and documents supplied by the Government on the submission to the Chamber of Deputies

of various instruments adopted at the 44th, 59th and 60th Sessions of the Conference. It hopes that the remaining instruments, including those adopted at the 61st Session, can be submitted in the near future.

#### Guatemala

The Committee has noted the statement made by a Government representative to the Conference Committee in 1977 to the effect that all the Conventions had been sent to the competent authorities, but their submission had been suspended pending the work of reconstructing the country. The Committee hopes that the Government will be able to indicate shortly that all the Conventions and Recommendations adopted from the 53rd to the 61st Sessions of the Conference have been submitted to Congress. The Committee further hopes that the Government will supply, with regard to the various instruments already submitted to Congress, 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

The Committee notes with interest, from the information communicated by the Government, that the instruments adopted from the 54th to 62nd Sessions of the Conference were considered in December 1977 by the Cabinet which decided to submit them to Parliament with proposals to ratify several Conventions, and that efforts are being made to present the instruments to Parliament at the earliest possible time. The Committee hopes that the Government will be able to indicate soon that submission of the above instruments to Parliament has taken place, and that it will communicate in this connection the information and documents called for in the Memorandum adopted by the Governing Body.

#### Haiti

Referring to its earlier comments, the Committee notes with interest from the information supplied by the Government that thirteen instruments adopted by the Conference at various sessions have been submitted to the Legislative Chamber and that the remaining instruments are at present under study with a view to their submission to the Legislative Chamber at the session opening in April 1978. The Committee hopes that the Government will soon be able to indicate that all the instruments adopted at various sessions ranging from the 32nd to the 61st, which are listed in the last column of the table in the Appendix to the present section of the report, have been submitted to the Legislative Chamber and that it will supply in this connection the information and documents called for in the Memorandum adopted by the Governing Body.

#### Hungary

The Committee notes the information and documents supplied by the Government concerning the submission to the Presidential Council of the instruments adopted at the 61st Session of the Conference. Referring to its previous observations, the Committee again expresses the hope that the instruments adopted by the Conference may also be submitted to the Parliament as the authority invested by the Hungarian Constitution with full legislative powers. In this connection the Committee notes the statement by the Government representative at the Conference

Committee in 1977 to the effect that the Government was continuing the new examination of the question announced in 1976 with a view to finding a solution in conformity with the requirements of both the ILO and the national Constitution.

The Committee hopes that the Government will soon be able to communicate the results of the examination in question.

#### Indonesia

The Committee regrets to note that the Government has still failed to supply information concerning its proposals and the decisions of the competent authorities on the instruments adopted from the 52nd to the 56th Sessions of the Conference, which have already been submitted to Parliament. It hopes that the Government will supply this information in the near future and also state whether the instruments adopted at the 61st Session of the Conference have been submitted to Parliament.

#### Iraq

The Committee regrets that no information has been supplied in answer to its previous observation. It recalls the Government's statement in 1976 that efforts were being made to examine all the remaining instruments with a view to their submission to the competent authorities. The Committee trusts that the Government will shortly ensure the submission of the numerous instruments listed in the last column of the table in the Appendix to this section of the report and that it will supply in this connection the information and documents called for in the Memorandum adopted by the Governing Body (points II and III of the questionnaire).

#### Ireland

Referring to its previous observation, the Committee notes the statement of the Government that the submission of instruments to the Parliament has been delayed by pressure on staff resources, but that arrangements have been made to have it effected at an early date. The Committee accordingly hopes that the Government will soon be able to state that the instruments adopted at the 58th, 59th, 60th and 61st Sessions of the Conference have been submitted to the competent authorities.

#### Jordan

With reference to its earlier observations, the Committee notes from the Government representative's statement to the Conference Committee in 1977 that the term of the last Parliament has expired and that it had not been possible to hold new elections. It wishes to recall that, in accordance with article 19 of the ILO Constitution, Conventions and Recommendations should be submitted to the authority which for the time being is empowered to legislate on the matters to which they relate, including any authority which is invested with legislative powers pending the reconstitution of a legislative assembly.

Having regard to these indications, the Committee hopes that the Government will shortly be able to state whether the numerous instruments adopted since the 39th Session of the Conference which are

listed in the last column of the table in the Appendix to this section of the report have been submitted to the competent authority, and that it will supply in this connection the information and documents requested in the Memorandum adopted by the Governing Body.

#### Democratic Kampuchea

The Committee notes that no information has been communicated regarding submission to the competent authorities of the instruments adopted at the 55th, 58th, 59th, 60th and 61st Sessions of the Conference.

#### Lao Republic

Since no information has been supplied by the Government, the Committee hopes that the Government will soon be able to state whether the instruments adopted from the 48th to the 61st Sessions of the Conference have been submitted to the competent authorities and that it will supply in this connection the information and documents called for in the Memorandum adopted by the Governing Body.

#### Lebanon

The Committee notes with interest that various Conventions adopted at the 32nd to 54th Sessions of the Conference, which had not been submitted to the competent authorities, have now been ratified. It hopes that the submission of the instruments still appearing in the last column of the table in the Appendix to this section will take place soon and that the Government will supply in this connection the information and documents requested in the Memorandum adopted by the Governing Body.

#### Liberia

With reference to its previous observations, the Committee notes the Government's statement that it hopes to supply, before the next session of the Conference, a copy of the submission document and information on the decision taken by the National Legislature in respect of instruments adopted from the 31st to the 60th Sessions of the Conference which were submitted to the President for transmission to the legislature in November 1976. The Committee hopes that the document and information in question will soon be received and that the Government will also indicate whether the instruments adopted at the 61st Session of the Conference have been submitted to the legislature.

#### Libyan Arab Jamahiriya

The Committee regrets to note that no information has been received in response to its previous requests. It hopes that the Government will supply shortly, with regard to the instruments adopted at the 56th, 58th and 59th Sessions (excepting Convention No. 138, which has been ratified), the information and documents called for in the Memorandum adopted by the Governing Body (points II and III of the questionnaire). The Committee hopes that the Government will also indicate whether the instruments adopted at the 60th and 61st Sessions of the Conference have been submitted to the competent authorities, and that it will likewise supply with respect to these instruments the information and documents mentioned above.

Madagascar

The Committee regrets to observe, despite assurances given at the Conference Committee in 1976 and 1977, that no information has yet been communicated by the Government concerning the submission to the competent authorities of the instruments adopted at the 55th, 56th, 58th, 59th and 60th Sessions of the Conference. The Committee hopes that the Government will soon be able to state that the above-mentioned instruments, and those adopted at the 61st Session of the Conference, have been submitted to the competent authorities and that it will supply in this connection the information and documents requested in the Memorandum adopted by the Governing Body.

Malawi

With reference to its previous observations, the Committee notes that in the Conference Committee in 1977 the Government representative restated the Government's view that Malawi's obligations deriving from article 19 of the Constitution of the ILO were discharged by the submission of ILO instruments to the President, but undertook to convey to the appropriate government authority the views expressed in that Committee to the effect that these instruments should be submitted to the National Assembly. The Committee notes that no further information has been received since then.

The Committee recalls that, according to article 19, paragraphs 5 and 6 of the ILO Constitution, Conventions and Recommendations adopted by the Conference must be submitted to the authority or authorities within whose competence the matter lies, 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 for the purposes of these provisions of the ILO Constitution. The Committee accordingly once more expresses the hope that the Government will submit Conventions and Recommendations to the National Assembly.

The Committee also hopes that the Government will shortly indicate whether the instruments adopted at the 55th, 58th, 60th and 61st Sessions of the Conference have been submitted to the competent authorities, and will supply in this connection the information and documents called for in the Memorandum adopted by the Governing Body.

Malaysia

Further to its previous comments, the Committee notes with interest, from the information supplied by the Government, that following an administrative reorganisation, steps were to be taken to submit in stages all outstanding Conventions and Recommendations to Parliament, starting in 1978. The Committee hopes that the Government will submit to Parliament all the instruments adopted from the 58th to 61st Sessions of the Conference and will communicate, in this connection, the information and documents called for in the Memorandum adopted by the Governing Body.

Malta

The Committee regrets to note that although a Government representative indicated to the Conference Committee in 1977 that work

was already considerably advanced towards the submission of the instruments adopted from the 55th to the 60th Sessions of the Conference, no further information has been received on the matter. It hopes that the Government will soon be able to indicate that the instruments in question, and those adopted at the 61st Session of the Conference, have been submitted to the competent authorities, and that it will supply in this connection the information and documents requested in the Memorandum adopted by the Governing Body.

#### Mauritania

The Committee notes with regret, from the information available, that no instruments have been submitted since 1971. It hopes that the Government will soon be able to state that all the instruments listed in the last column of the table in the Appendix to the present section of the report have been submitted to the National Assembly and that, in respect of Recommendation No. 115 and of all the instruments adopted from the 47th to the 52nd Sessions and from the 54th to the 61st Sessions (except Convention No. 122, which has been ratified), it will supply the information and documents requested in the Memorandum adopted by the Governing Body.

#### Mauritius

The Committee notes with interest the information and documents supplied by the Government concerning the submission to the Legislative Assembly of Convention No. 139 and Recommendation No. 147, adopted at the 59th Session of the Conference, and of the instruments adopted at the 61st Session. With reference to its previous observation, the Committee hopes that the Government will be able to indicate soon that the remaining instruments of the 59th Session, and those adopted at the 60th Session, as well as the instruments adopted from the 53rd to 58th Sessions (which had already been submitted to the Cabinet), have been submitted to the Legislative Assembly and that it will communicate in this connection the information and documents called for in the Memorandum adopted by the Governing Body.

#### Mongolia

Referring to its earlier comments, the Committee notes with interest the information supplied by the Government to the effect that the instruments adopted from the 58th to the 61st Sessions of the Conference have been submitted to the competent authorities. It would be glad if the Government would provide particulars on the authorities regarded as competent and the action taken by them and also provide copies of the documents by which the submission was effected, in accordance with paragraphs 5(c) and 6(c) of article 19 of the Constitution of the ILO and the Memorandum adopted by the Governing Body (points I and II(b) and (c) and III of the questionnaire).

#### Nepal

The Committee notes, from the information supplied in answer to its previous comments, that the instruments adopted from the 51st to 61st Sessions of the Conference have been brought to the notice of the Government. The Committee wishes to recall that, in accordance with Article 19, paragraphs 5(b) and 6(b), of the ILO Constitution, the authorities to which Conventions and Recommendations are to be submitted are those which are empowered to legislate in the fields

covered by the instruments considered, i.e. as a rule, the national Parliament. It hopes that the Government will soon indicate whether the above-mentioned instruments have been submitted to the competent legislative authorities and will supply in this connection the information and documents called for in the Memorandum adopted by the Governing Body.

#### Niger

The Committee regrets to note that the Government has not replied to its earlier observations. It trusts that the Government will soon indicate that all the instruments adopted at the 51st and from the 56th to the 61st Sessions of the Conference have been submitted to the competent authorities and that it will supply in this connection the information and documents called for in the Memorandum adopted by the Governing Body.

#### Pakistan

In its earlier comments the Committee pointed out that under the Constitution of Pakistan the National Assembly is invested with legislative powers and that the Conventions and Recommendations adopted by the Conference should therefore be submitted to it, in accordance with article 19 of the Constitution of the ILO. The Committee recalled that submission must take place in every case but did not imply the obligation to propose the ratification of a Convention or the accepting of a Recommendation, since governments remained free to make the proposals (whether positive or negative) that they judged appropriate in respect of the action to be taken on the instruments. The practice of the Committee, however, is to consider that the obligation to submit has been met when a Convention is ratified, on the understanding that any legislative measure that might still be necessary to give effect to the provisions of the Convention will be proposed to the competent authorities in the performance of the obligations resulting from ratification.

In this connection, the Committee notes with interest the statement made by a Government representative at the Conference Committee in 1977 that the question of submission to the National Assembly was under active examination by the Government. The Committee hopes that the Government, as a result of this examination, will submit to the National Assembly the Conventions and Recommendations adopted by the Conference.

#### Peru

The Committee regrets to note that no information has been received in reply to the observations it has been making since 1975. It trusts that the Government will soon state that the numerous instruments still appearing in the last column of the table in the Appendix to the present section of the report 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 (Points II and III of the questionnaire).

#### Poland

The Committee has noted the Government's statement that the remaining instruments of the 58th and 59th Sessions of the Conference



and those adopted at the 60th Session have been submitted to the competent authorities, as well as the communication to Parliament of the decisions taken on various instruments. The Committee hopes that the Government will indicate whether the instruments adopted at the 61st Session of the Conference have been submitted to the competent authorities and that, in respect of the various instruments communicated to Parliament, it will supply the information and the documents requested in Points II(c) and III of the questionnaire at the end of the Memorandum adopted by the Governing Body.

#### Somalia

Referring to its previous observation, the Committee notes with interest the information and documents communicated by the Government to the Conference Committee of 1977 concerning submission to the competent authorities of the instruments adopted at the 45th to 61st Sessions of the Conference. It also notes that proposals will be made in due course by the competent ministry after full examination of the question. The Committee hopes that the Government will be able to indicate soon the proposals made and action taken by the competent authorities regarding these instruments.

#### Sri Lanka

In the absence of any information in reply to its previous observation the Committee hopes that the Government will soon be able to indicate that the instruments adopted at the 59th, 60th and 61st Sessions of the Conference have been submitted to the competent authorities and that it will supply in this connection the information and documents called for in the Memorandum adopted by the Governing Body. The Committee hopes that the Government will also supply information on the proposals made and on any decisions taken in respect of the instruments adopted from the 55th to 58th Sessions which had previously been submitted to the legislature.

#### Tanzania

The Government had previously stated that the instruments adopted from the 54th to the 59th Sessions of the Conference were to be submitted to the National Assembly in 1977. The Committee notes with regret that no further information has been supplied. It hopes that the Government will be able to indicate that these instruments, as well as those adopted at the 60th and 61st Sessions, have been submitted to the National Assembly and that it will supply the information and documents called for in the Memorandum adopted by the Governing Body in respect of the above-mentioned instruments and also in respect of the instruments adopted from the 47th to the 53rd Sessions.

#### Ukrainian SSR

The Committee notes from the information supplied by the Government that the instruments adopted at the 61st 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 number of years on the submission of Conventions and Recommendations to the Supreme Soviet itself as the legislative body, and the communication to the ILO of the information and documents called for in the Memorandum

adopted by the Governing Body, the Committee refers to its observations of 1976 and 1977 and hopes that the Government will soon be able to indicate the results of the re-examination of these questions by the authorities concerned.

#### USSR

The Committee notes from the information supplied by the Government that the instruments adopted at the 61st Session of the Conference have been submitted to the Praesidium of the Supreme Soviet of the USSR.

The Committee recalls that for a number of years it has been expressing the hope that the Conventions and Recommendations adopted by the Conference might also be submitted to the Supreme Soviet itself, as the legislative body, and that the information and documents concerning submission might be communicated to the ILO in accordance with the Memorandum adopted by the Governing Body.

In 1975, the Government representative announced at the Conference Committee that the question would be brought to the attention of the authorities concerned for further examination. In 1977, the Government representative at the Conference Committee stated that, although he was not in a position to pronounce finally on the matter, the suggestion made in that Committee with a view to enabling deputies to the Supreme Soviet to be informed of the activities of the ILO would be brought to the attention of the authorities concerned and that a way might be found of giving more general application to a practice of this sort that was already followed to some extent, particularly in respect of ratified Conventions.

The Committee hopes that the Government will soon be able to supply information concerning the decisions taken on this matter and also on the communication of the information and documents requested in the Memorandum adopted by the Governing Body.

#### United Arab Emirates

The Committee regrets to note once again that, since the United Arab Emirates became a member State of the ILO, no information has been supplied regarding the submission to the competent authorities of the Conventions and Recommendations adopted by the Conference. It hopes that the Government will soon be in a position to indicate whether the instruments adopted from the 58th to the 61st Session of the Conference have been submitted to the competent authorities, in accordance with article 19, paragraphs 5(b) and 6(b), of the ILO Constitution, and that it will supply, in this connection, the information and documents called for in the Memorandum adopted by the Governing Body.

The Committee recalls that the authorities to which the instruments are to be submitted are those empowered to legislate in the fields covered by the instruments concerned, i.e., as a general rule, the national Parliament.

#### Uruguay

The Committee notes the information provided by the Government showing that consultations are being held at present on various Conventions adopted at the 58th, 59th and 60th Sessions of the Conference.

It hopes that the Government will soon be able to state that all the instruments still appearing in the last column of the table of the Appendix to the present section of the report 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.

Viet Nam

The Committee notes the absence of any information concerning the submission to the competent authorities of the instruments adopted by the Conference.

Yemen

The Committee regrets that no information has been received in answer to its previous observation. It hopes that the instruments adopted from the 50th to the 56th Sessions of the Conference (excepting the Conventions ratified) and those adopted at the 60th and 61st Sessions will shortly be submitted to the competent legislative authority, and that the Government will supply in respect of these instruments and those adopted at the 49th, 58th and 59th Sessions, already submitted, the information and documents called for in the Memorandum adopted by the Governing Body.

Yugoslavia

The Committee notes with regret that since 1974 no information has been provided concerning the submission of Conventions and Recommendations to the competent authorities. It hopes that the Government will be able to indicate in the near future that the instruments adopted at the 55th and 58th to 61st Sessions of the Conference (except Convention No. 139, which has been ratified) 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.

Zaire

In the absence of a reply to its previous observations, the Committee again expresses the hope that the Government will soon supply the documents by means of which the instruments adopted at the 54th, 55th, 56th and 59th Sessions of the Conference were submitted to the President of the Republic and that it will also supply, in respect of the instruments adopted from the 50th to the 53rd Sessions, the information and documents requested in the Memorandum adopted by the Governing Body. Furthermore, it requests the Government to indicate whether the instruments adopted at the 58th, 60th and 61st Sessions have been submitted.

The Committee recalls, moreover, that, although under section 30 of the national Constitution, the President of the Republic is vested with full powers and presides over the Legislative Council, section 37 of the Constitution provides that he "shall exercise the power to legislate with the assistance of the Legislative Council" and section 59 provides that "the initiative in legislation rests jointly" with the President and "with each member of the Legislative Council". Accordingly, the Committee again expresses the hope that the

instruments submitted to the President may also be laid before the Legislative Council.

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In addition, requests regarding certain points are being addressed directly to the following States: Angola, Australia, Bahamas, Bangladesh, Barbados, Belgium, Bolivia, Burma, Burundi, United Republic of Cameroon, Canada, Congo, Costa Rica, Cuba, Czechoslovakia, Democratic Yemen, Dominican Republic, Ecuador, Ethiopia, Fiji, Finland, France, German Democratic Republic, Ghana, Guinea, Iceland, Iran, Israel, Italy, Jamaica, Kenya, Malaysia, Mexico, Morocco, Mozambique, Netherlands, Nigeria, Pakistan, Philippines, Portugal, Qatar, Romania, Rwanda, Senegal, Sierra Leone, Singapore, Spain, Surinam, Swaziland, Syrian Arab Republic, Thailand, Togo, Tunisia, Turkey, Upper Volta.

**Appendix. Information Supplied by Governments with Regard to the Obligation to Submit Conventions and Recommendations to the Competent Authorities**

*(31st to 61st Sessions of the International Labour Conference, 1948-76)<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 . . . . .	31 to 51, 53 (C 129, 130), 54 (C 131, 132), 55 (C 133, 134), 56 (C 135, 136), 58 (C 137, 138)	52, 53, (R 133, 134), 54 (R 135, 136), 55 (R 137, 138, 139, 140, 141, 142), 56 (R 143, 144), 58 (R 145, 146), 59, 60 and 61
Algeria . . . . .	47 to 61	—
Angola . . . . .	—	61
Argentina . . . . .	31 to 61	—
Australia . . . . .	31 to 60	61
Austria . . . . .	31 to 61	—
Bahamas . . . . .	—	61
Bangladesh . . . . .	58 to 60	61
Barbados . . . . .	51 to 61	—
Belgium . . . . .	31 to 60	61
Benin . . . . .	49 (C 123, 124; R 124, 125) and 52	45, 46, 47, 48, 49 (R 123), 50, 51, 53, 54, 55, 56, 58, 59, 60 and 61
Bolivia . . . . .	31 to 60	61
Brazil . . . . .	31 to 45, 46 (C 117, 118; R 116), 47 (C 119), 48 (C 120, 121, 122), 49 (C 123, 124; R 124, 125), 50 (C 125; R 126), 51 (C 127; R 128, 131), 53 (R 133, 134), 55 (C 133, 134; R 139) and 56 (C 135; R 144)	46 (R 117), 47 (R 118, 119), 48 (R 120, 121, 122), 49 (R 123), 50 (C 126; R 127), 51 (C 128; R 129, 130), 52, 53 (C 129, 130), 54, 55 (R 137, 138, 140, 141, 142), 56 (C 136; R 143), 58, 59, 60 and 61
Bulgaria . . . . .	31 to 61	—
Burma . . . . .	31 to 60	61

<sup>1</sup> The Conference did not adopt any Conventions or Recommendations at its 57th Session (1972)

State	Sessions of which the adopted texts have been submitted to the authorities considered as competent by governments	Sessions of which the adopted texts have not been submitted (including cases in which no information has been supplied)
Burundi . . . . .	47 to 56, 58 (C 137, 138; R 145) and 59 (C 139, 140)	58 (R 146), 59 (R 147, 148), 60 and 61
Byelorussian SSR . . .	37 to 61	—
Cameroon . . . . .	44 to 61	—
Canada . . . . .	31 to 58	59, 60 and 61
Central African Empire .	45 to 48, 51, 53 to 59	49, 50, 52, 60 and 61
Chad . . . . .	45 to 54	55, 56, 58, 59, 60 and 61
Chile . . . . .	31 to 61	—
Colombia . . . . .	31 to 39, 40 (C 105, 106, 107; R 103), 41 (C 109; R 105, 106, 108), 42 to 44, 45 (C 116), 46 (C 118), 47 (C 119), 48 (C 120, 121, 122), 49 (C 123, 124), 50 (C 125, 126), 51 (C 127), 53 (C 129, 130), 54 (C 131, 132), 55 (C 133, 134) and 56 (C 135, 136)	40 (R 104) and 41 (C 108; R 107, 109), 45 (R 115), 46 (C 117; R 116, 117), 47 (R 118, 119), 48 (R 120, 121, 122), 49 (R 123, 124, 125), 50 (R 126, 127), 51 (C 128; R 128, 129, 130, 131), 52, 53 (R 133, 134), 54 (R 135, 136), 55 (R 137, 138, 139, 140, 141, 142), 56 (R 143, 144), 58, 59, 60 and 61
Congo . . . . .	45 to 53, 54 (C 131, 132; R 135), 55 (C 133, 134), 56, 59, 60 (C 143) and 61	54 (R 136), 55 (R 137, 138, 139, 140, 141, 142), 58 and 60 (C 141, 142; R 149, 150, 151)
Costa Rica . . . . .	31 to 53, 54 (C 131, 132), 55 (C 133, 134), 56 to 60	54 (R 135, 136), 55 (R 137, 138, 139, 140, 141, 142) and 61
Cuba . . . . .	31 to 60	61
Cyprus . . . . .	45 to 61	—
Czechoslovakia . . . .	31 to 59	60 and 61
Democratic Kampuchea	53, 54, 56	55, 58, 59, 60 and 61
Democratic Yemen . .	53 to 61	—
Denmark . . . . .	31 to 61	—
Dominican Republic . .	31 to 61	—
Ecuador . . . . .	31 to 60	61
Egypt . . . . .	31 to 61	—
El Salvador . . . . .	31 to 59	60 and 61
Ethiopia . . . . .	31 to 53, 54 (C 131, 132; R 135), 55 and 56	54 (R 136), 58, 59, 60 and 61
Fiji . . . . .	—	59, 60 and 61

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State	Sessions of which the adopted texts have been submitted to the authorities considered as competent by governments	Sessions of which the adopted texts have not been submitted (including cases in which no information has been supplied)
Finland . . . . .	31 to 60	61
France . . . . .	31 to 60	61
Gabon . . . . .	45 to 50 and 56 (C 135; R 143)	51, 52, 53, 54, 55, 56 (C 136; R 144), 58, 59, 60 and 61
German Democratic Republic . . . . .	59 to 61	—
Germany (Federal Republic) . . . . .	34 to 60	61
Ghana . . . . .	40 to 59	60 and 61
Greece . . . . .	31 to 44, 45 (C 116), 47 to 56, 58 (C 138; R 146), 59 and 60 (C 141; R 149)	45 (R 115), 46, 58 (C 137; R 145), 60 (C 142, 143; R 150, 151) and 61
Guatemala . . . . .	31 to 52 and 53 (C 129)	53 (C 130; R 133, 134), 54, 55, 56, 58, 59, 60 and 61
Guinea . . . . .	43 to 56 and 59	58, 60 and 61
Guyana . . . . .	50 to 53	54, 55, 56, 58, 59, 60 and 61
Haiti . . . . .	31, 32 (C 91, 98; R 84, 85, 86, 87), 34 (C 99, 100), 35 (C 102, 103), 38 (C 104), 40 to 44, 45 (C 116), 46 to 49 and 60	32 (C 92, 93, 94, 95, 96, 97), 33, 34 (R 89, 90, 91, 92), 35 (C 101; R 93, 94, 95), 36, 37, 38 (R 99, 100), 39, 45, (R 115), 50, 51, 52, 53, 54, 55, 56, 58, 59 and 61
Honduras . . . . .	39 to 61	—
Hungary . . . . .	31 to 61	—
Iceland . . . . .	31 to 59	60 and 61
India . . . . .	31 to 61	—
Indonesia . . . . .	33 to 60	61
Iran . . . . .	31 to 60	61
Iraq . . . . .	31, 32 (C 92, 95, 98), 34, 35 (C 102, 103), 36, 40 (C 105, 106) 42 (C 111; R 111), 43 (C 112, 113, 114), 44, 45 (C 116), 46 (C 117, 118), 48 (C 122), 49 (C 123, 124), 51 to 56 and 58 (C 137; R 145)	32 (C 91, 93, 94, 96, 97; R 84, 85, 86, 87), 33, 35 (C 101; R 93, 94, 95), 37, 38, 39, 40 (C 107; R 103, 104), 41, 42 (C 110; R 110), 43 (R 112), 45 (R 115), 46 (R 116, 117), 47, 48 (C 120, 121; R 120, 121, 122), 49 (R 123, 124, 125), 50, 58 (C 138; R 146), 59, 60 and 61
Ireland . . . . .	31 to 56	59, 58, 60 and 61
Israel . . . . .	32 to 61	—
Italy . . . . .	31 to 59	60 and 61

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)
Ivory Coast . . . . .	45 to 61	—
Jamaica . . . . .	47 to 53, 54 (C 131; R 135), 55 to 60	54 (C 132; R 136) and 61
Japan . . . . .	35 to 61	—
Jordan . . . . .	40 (C 105), 42 (C 111; R 111), 45 (C 116), 46 (C 117, 118), 47 (C 119), 48 (C 120, 122), 49 (C 123, 124), 50 (R 127), 51 (C 127; R 129, 130, 131), 53 and 56	39, 40 (C 106, 107; R 103, 104), 41, 42 (C 110; R 110), 43, 44, 45 (R 115), 46 (R 116, 117), 47 (R 118, 119), 48 (C 121; R 120, 121, 122), 49 (R 123, 124, 125), 50 (C 125, 126; R 126), 51 (C 128; R 128), 52, 54, 55, 58, 59, 60 and 61
Kenya . . . . .	48 to 54, 56, 58, 59 (C 140; R 148) and 60	55, 59 (C 139; R 147), 60 and 61
Kuwait . . . . .	45 to 61	—
Lao Republic . . . . .	—	48, 49, 50, 51, 52, 53, 54, 55, 56, 58, 59, 60 and 61
Lebanon . . . . .	31 (C 88, 89, 90; R 83), 32 (C 95, 98; R 85), 34, (C 100; R 90), 35 (C 102, 103), 40 (C 105, 106; R 103), 42 (C 111; R 111), 44 (C 115), 45 (C 116), 46 (C 117, 118), 47 (C 119), 48 (C 120, 121, 122; R 120, 122), 49 (C 123, 124), 50 (C 125, 126), 51 (C 127, 128; R 128), 53 (C 129, 130) and 54 (C 131; R 135)	31 (C 87), 32 (C 91, 92, 93, 94, 96, 97; R 84, 86, 87), 33, 34 (C 99; R 89, 91, 92), 35 (C 101; R 93, 94, 95), 36, 37, 38, 39, 40 (C 107; R 104), 41, 42 (C 110; R 110), 43, 44 (R 113, 114), 45 (R 115), 46 (R 116, 117), 47 (R 118, 119), 48 (R 121), 49 (R 123, 124, 125), 50 (R 126, 127), 51 (R 129, 130, 131), 52, 53 (R 133, 134), 54 (C 132; R 136), 55, 56, 58, 59, 60 and 61
Liberia . . . . .	31 (C 87), 32 (C 92, 98), 38 (C 104), 40 (C 105), 42, 43 (C 112, 113, 114), 48, 49, 50 and 56	31 (C 88, 89, 90; R 83), 32 (C 91, 93, 94, 95, 96, 97; R 84, 85, 86), 33, 34, 35, 36, 37, 38 (R 99, 100), 39, 40 (C 106, 107; R 103, 104), 41, 43 (R 112), 44, 45, 46, 47, 51, 52, 53, 54, 55, 58, 59, 60 and 61
Libyan Arab Jamahiriya . . . . .	35 to 59	60 and 61
Luxembourg . . . . .	31 to 61	—
Madagascar . . . . .	45 to 54	55, 56, 58, 59, 60 and 61
Malawi . . . . .	49 to 54 and 56	55, 58, 59, 60 and 61
Malaysia . . . . .	41 to 56	58, 59, 60 and 61
Mali . . . . .	44 to 61	—
Malta . . . . .	49 to 54	55, 56, 58, 59, 60 and 61



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State	Sessions of which the adopted texts have been submitted to the authorities considered as competent by governments	Sessions of which the adopted texts have not been submitted (including cases in which no information has been supplied)
Mauritania . . . . .	45, 46, 47 (C 119), 48, 49, 50 (C 125, 126), 51 (C 127, 128), 52, 53 and 55	47 (R 118, 119), 50 (R 126, 127), 51 (R 128, 129, 130, 131), 54, 56, 58, 59, 60 and 61
Mauritius . . . . .	53 to 58, 59 (C 139; R 147) and 61	59 (C 140; R 148) and 60
Mexico . . . . .	31 to 60	61
Mongolia . . . . .	53 to 61	—
Morocco . . . . .	39 to 61	—
Mozambique . . . . .	—	61
Nepal . . . . .	54 (C 131)	51, 52, 53, 54 (C 132; R 135, 136), 55, 56, 58, 59, 60 and 61
Netherlands . . . . .	31 to 60	61
New Zealand . . . . .	31 to 61	—
Nicaragua . . . . .	40 to 61	—
Niger . . . . .	45 to 51 (C 127; R 128, 129, 130) and 52 to 56 (C 135)	51 (C 128; R 131), 56 (C 136; R 143, 144), 58, 59, 60 and 61
Nigeria . . . . .	45 to 61	—
Norway . . . . .	31 to 61	—
Pakistan . . . . .	31 to 59	60 and 61
Panama . . . . .	31 to 61	—
Papua New Guinea . . . . .	61	—
Paraguay . . . . .	40 to 61	—
Peru . . . . .	31 to 43, 44 (C 115), 45 (C 116), 46 (C 117, 118), 47 (C 119), 48 (C 120, 121, 122), 49, 50 (C 125, 126; R 126), 56 and 59 (C 139)	44 (R 113, 114), 45 (R 115), 46 (R 116, 117), 47 (R 118, 119), 48 (R 120, 121, 122), 50 (R 127), 51, 52, 53, 54, 55, 58, 59 (C 140; R 147, 148), 60 and 61
Philippines . . . . .	31 to 60	61
Poland . . . . .	31 to 60	61
Portugal . . . . .	31 to 56	58, 59, 60 and 61
Qatar . . . . .	58 (C 137, 138; R 145) and 59 (R 147)	58 (R 146), 59 (C 139, 140; R 148), 60 and 61
Romania . . . . .	39 to 61	—
Rwanda . . . . .	47 to 61	—

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Saudi Arabia . . . . .	61	—
Senegal . . . . .	44 to 60	61
Sierra Leone . . . . .	45 to 61	—
Singapore . . . . .	50 to 59	60 and 61
Somalia . . . . .	45 to 61	—
Spain . . . . .	39 to 60 and 61 (R 152)	61 (C 144)
Sri Lanka . . . . .	31 to 58	59, 60 and 61
Sudan . . . . .	39 to 61	—
Surinam . . . . .	—	61
Swaziland . . . . .	—	60 and 61
Sweden . . . . .	31 to 61	—
Switzerland . . . . .	31 to 61	—
Syrian Arab Republic . . . . .	31 to 58 (C 138; R 146) and 60 (C 143; R 151)	58 (C 137; R 145), 59, 60 (C 141, 142; R 149, 150) and 61
Tanzania . . . . .	46 to 53	54, 55, 56, 58, 59, 60 and 61
Thailand . . . . .	31 to 60	61
Togo . . . . .	44 to 59	60 and 61
Trinidad and Tobago . . . . .	47 to 61	—
Tunisia . . . . .	39 to 60	61
Turkey . . . . .	31 to 59	60 and 61
Uganda . . . . .	47 to 61	—
Ukrainian SSR . . . . .	37 to 61	—
United Arab Emirates . . . . .	—	58, 59, 60 and 61
United Kingdom . . . . .	31 to 61	—
Upper Volta . . . . .	45 to 58 and 60 (C 143)	59 and 60 (C 141, 142; R 149, 150, 151) and 61
Uruguay . . . . .	31 to 53, 54 (C 131, 132), 55 (C 133, 134), 56, 58 (C 138) and 59 (C 140)	54 (R 135, 136), 55 (R 137, 138, 139, 140, 141, 142), 58 (C 137; R 145, 146), 59 (C 139; R 147, 148), 60 and 61
USSR . . . . .	37 to 61	—

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Venezuela . . . . .	31 to 61	—
Viet Nam . . . . .	33 to 52, 53 (R 133, 134), 54 (R 135, 136), 55 (R 137, 138, 139, 140, 141, 142), 56 (R 143, 144) and 58 (R 145, 146)	53 (C 129, 130), 54 (C 131, 132), 55 (C 133, 134), 56 (C 135, 136), 58 (C 137, 138), 59, 60 and 61
Yemen . . . . .	49, 54 (C 131, 132), 56 (C 135), 58 and 59	50, 51, 52, 53, 54 (R 135, 136), 55, 56 (C 136; R 143, 144), 60 and 61
Yugoslavia . . . . .	31 to 54, 56 and 59 (C 139; R 147)	55, 58, 59 (C 140; R 148), 60 and 61
Zaire . . . . .	45 to 56 and 59	58, 60 and 61
Zambia . . . . .	49 to 61	—